

**As Reported by the Senate Finance Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. H. B. No. 96**

**Representative Stewart**

**Cosponsors: Representatives Bird, John, Click, Creech, Daniels, Demetriou, Dovilla, Ghanbari, Hall, T., McClain, Miller, K., Miller, M., Plummer, Santucci, Thomas, D., Williams, Willis, Young**

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5747.10, 5747.113, 5747.13, 5747.38, 5747.39, 5747.40, 5747.43,	594

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5907.11, 5907.17, 5923.30, 6101.53, 6101.54, 6101.55, 6111.01, 598  
and 6111.04 be amended; sections 122.66 (5101.311), 122.67 599  
(5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 600  
(5101.315), 122.70 (5101.316), 122.701 (5101.317), 3517.152 601  
(3517.14), 3517.153 (3517.15), 3517.154 (3517.16), 3517.155 602  
(3517.17), 3517.157 (3517.18), 3517.992 (3517.99), 3517.993 603  
(3517.171), 3701.65 (5180.72), 3738.01 (5180.27), 3738.02 604  
(5180.271), 3738.03 (5180.272), 3738.04 (5180.273), 3738.05 605  
(5180.274), 3738.06 (5180.275), 3738.07 (5180.276), 3738.08 606  
(5180.277), 3738.09 (5180.278), 5101.13 (5180.40), 5101.131 607  
(5180.401), 5101.132 (5180.402), 5101.133 (5180.403), 5101.134 608  
(5180.404), 5101.135 (5180.405), 5101.136 (5180.406), 5101.137 609  
(5180.407), 5101.14 (5180.41), 5101.141 (5180.42), 5101.142 610  
(5180.421), 5101.144 (5180.411), 5101.145 (5180.422), 5101.146 611  
(5180.423), 5101.147 (5180.424), 5101.148 (5180.425), 5101.149 612  
(5180.426), 5101.1410 (5180.427), 5101.1411 (5180.428), 613  
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5101.76 (5180.26), 5101.77 (5180.261), 5101.78 (5180.262), 620  
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5101.85 (5180.50), 5101.851 (5180.51), 5101.853 (5180.511), 622  
5101.854 (5180.512), 5101.855 (5180.513), 5101.856 (5180.514), 623  
5101.88 (5180.53), 5101.881 (5180.531), 5101.884 (5180.532), 624  
5101.885 (5180.533), 5101.886 (5180.534), 5101.887 (5180.535), 625  
5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 (5180.56), 626

5104.50 (5180.04), and 5180.40 (5180.73) be amended for the 627  
purpose of adopting new section numbers as indicated in 628  
parentheses; and new sections 107.034, 3312.02, 3313.902, 629  
3313.905, 3314.38, 3321.191, 3333.0415, 3345.86, 3517.991, and 630  
3780.22 and sections 5.62, 9.05, 9.561, 9.64, 103.416, 111.29, 631  
118.29, 121.16, 122.636, 122.97, 122.98, 122.981, 123.14, 632  
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5163.104, 5163.11, 5163.50, 5164.093, 5167.09, 5180.705, 651  
5180.706, 5180.707, 5180.99, 5303.34, 5501.57, 5703.83, 5705.17, 652  
5705.316, 5709.89, 5726.62, 5743.511, 5743.521, 5743.621, 653  
5743.631, 5747.073, 5747.124, 5747.87, 6303.01, 6303.02, 654  
6303.03, 6303.04, and 6303.05 of the Revised Code be enacted to 655  
read as follows: 656

Sec. 5.62. (A) The month of June is designated as 657

"Responsible Fatherhood Month" to recognize the importance of 658  
fathers in their children's lives, how fathers contribute to 659  
their children's safety and stability, and the direct link 660  
between positive father involvement and child well-being. 661

(B) The department of children and youth, local 662  
governments, and other agencies are encouraged to sponsor events 663  
to promote awareness of responsible fatherhood engagement and 664  
the contributions fathers make in the lives of their children. 665

**Sec. 9.03.** (A) As used in this section: 666

(1) "Political subdivision" means any body corporate and 667  
~~politic, except a municipal corporation that has adopted a~~ 668  
~~charter under Section 7 of Article XVIII, Ohio Constitution, and~~ 669  
~~except a county that has adopted a charter under Sections 3 and~~ 670  
~~4 of Article X, Ohio Constitution,~~ to which both of the 671  
following apply: 672

(a) It is responsible for governmental activities only in 673  
a geographic area smaller than the state. 674

(b) It is subject to the sovereign immunity of the state. 675

(2) "Cigarettes" and "tobacco product" have the same 676  
meanings as in section 5743.01 of the Revised Code. 677

(3) "Transaction" has the same meaning as in section 678  
1315.51 of the Revised Code. 679

(4) "Campaign committee," "campaign fund," "candidate," 680  
"legislative campaign fund," "political action committee," 681  
"political committee," "political party," and "separate 682  
segregated fund" have the same meanings as in section 3517.01 of 683  
the Revised Code. 684

(B) Except as otherwise provided in division (C) of this 685

section, the governing body of a political subdivision may use 686  
public funds to publish and distribute newsletters, or to use 687  
any other means, to communicate information about the plans, 688  
policies, and operations of the political subdivision to members 689  
of the public within the political subdivision and to other 690  
persons who may be affected by the political subdivision. 691

(C) Except as otherwise provided in division (A) (7) of 692  
section 340.03 of the Revised Code, no governing body of a 693  
political subdivision shall use public funds to do any of the 694  
following: 695

(1) Publish, distribute, or otherwise communicate 696  
information that does any of the following: 697

(a) Contains defamatory, libelous, or obscene matter; 698

(b) Promotes alcoholic beverages, cigarettes or other 699  
tobacco products, or any illegal product, service, or activity; 700

(c) Promotes illegal discrimination on the basis of race, 701  
color, religion, national origin, disability, age, or ancestry; 702

(d) Supports or opposes any labor organization or any 703  
action by, on behalf of, or against any labor organization; 704

(e) Supports or opposes the nomination or election of a 705  
candidate for public office, the investigation, prosecution, or 706  
recall of a public official, or the passage of a levy or bond 707  
issue. 708

(2) Compensate any employee of the political subdivision 709  
for time spent on any activity to influence the outcome of an 710  
election for any of the purposes described in division (C) (1) (e) 711  
of this section. Division (C) (2) of this section does not 712  
prohibit the use of public funds to compensate an employee of a 713

political subdivision for attending a public meeting to present 714  
information about the political subdivision's finances, 715  
activities, and governmental actions in a manner that is not 716  
designed to influence the outcome of an election or the passage 717  
of a levy or bond issue, even though the election, levy, or bond 718  
issue is discussed or debated at the meeting. 719

(D) Except as otherwise provided in division (A) (7) of 720  
section 340.03 of the Revised Code or in division (E) of this 721  
section, no person shall knowingly conduct a direct or indirect 722  
transaction of public funds to the benefit of any of the 723  
following: 724

- (1) A campaign committee; 725
- (2) A political action committee; 726
- (3) A legislative campaign fund; 727
- (4) A political party; 728
- (5) A campaign fund; 729
- (6) A political committee; 730
- (7) A separate segregated fund; 731
- (8) A candidate. 732

(E) Division (D) of this section does not prohibit the 733  
utilization of any person's own time to speak in support of or 734  
in opposition to any candidate, recall, referendum, levy, or 735  
bond issue unless prohibited by any other section of the Revised 736  
Code. 737

(F) Nothing in this section prohibits or restricts any 738  
political subdivision from sponsoring, participating in, or 739  
doing any of the following: 740

(1) Charitable or public service advertising that is not commercial in nature;	741 742
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	743 744 745 746
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	747 748
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	749 750
<b><u>Sec. 9.05.</u></b> (A) As used in the Revised Code:	751
<u>(1) "Boy" means a juvenile human male.</u>	752
<u>(2) "Female" means a person belonging, at conception, to the sex that produces the large reproductive cell.</u>	753 754
<u>(3) "Gender identity" means an individual's internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.</u>	755 756 757 758 759
<u>(4) "Girl" means a juvenile human female.</u>	760
<u>(5) "Male" means an individual belonging, at conception, to the sex that produces the small reproductive cell.</u>	761 762
<u>(6) "Man" means an adult human male.</u>	763
<u>(7) "Sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's</u>	764 765 766 767

<u>psychological, chosen, or subjective experience of gender.</u>	768
<u>(8) "Woman" means an adult human female.</u>	769
<u>(B) It is the policy of the state of Ohio to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality.</u>	770 771 772
<b>Sec. 9.07.</b> (A) As used in this section:	773
(1) <u>"Deadly weapon"</u> has the same meaning as in section 2923.11 of the Revised Code.	774 775
(2) <u>"Governing authority of a local public entity"</u> means whichever of the following is applicable:	776 777
(a) For a county, the board of county commissioners of the county;	778 779
(b) For a municipal corporation, the legislative authority of the municipal corporation;	780 781
(c) For a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations, all boards of county commissioners and legislative authorities of all of the counties and municipal corporations that combined to form a local public entity for purposes of this section.	782 783 784 785 786 787
(3) <u>"Local public entity"</u> means a county, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations.	788 789 790 791
(4) <u>"Non-contracting political subdivision"</u> means any political subdivision to which all of the following apply:	792 793
(a) A correctional facility for the housing of out-of-	794

state prisoners in this state is or will be located in the 795  
political subdivision. 796

(b) The correctional facility described in division (A) (4) 797  
(a) of this section is being operated and managed, or will be 798  
operated and managed, by a local public entity or a private 799  
contractor pursuant to a contract entered into prior to March 800  
17, 1998, or a contract entered into on or after March 17, 1998, 801  
under this section. 802

(c) The political subdivision is not a party to the 803  
contract described in division (A) (4) (b) of this section for the 804  
management and operation of the correctional facility. 805

(5) "Out-of-state jurisdiction" means the United States, 806  
any state other than this state, and any political subdivision 807  
or other jurisdiction located in a state other than this state. 808

(6) "Out-of-state prisoner" means a person who is 809  
convicted of a crime in another state or under the laws of the 810  
United States or who is found under the laws of another state or 811  
of the United States to be a delinquent child or the 812  
substantially equivalent designation. 813

(7) "Private contractor" means either of the following: 814

(a) A person who, on or after March 17, 1998, enters into 815  
a contract under this section with a local public entity to 816  
operate and manage a correctional facility in this state for 817  
out-of-state prisoners. 818

(b) A person who, pursuant to a contract with a local 819  
public entity entered into prior to March 17, 1998, operates and 820  
manages on March 17, 1998, a correctional facility in this state 821  
for housing out-of-state prisoners. 822

(B) Subject to division (I) of this section, the only 823  
entities other than this state that are authorized to operate a 824  
correctional facility to house out-of-state prisoners in this 825  
state are a local public entity that operates a correctional 826  
facility pursuant to this section or a private contractor that 827  
operates a correctional facility pursuant to this section under 828  
a contract with a local public entity. 829

Subject to division (I) of this section, a private entity 830  
may operate a correctional facility in this state for the 831  
housing of out-of-state prisoners only if the private entity is 832  
a private contractor that enters into a contract that comports 833  
with division (D) of this section with a local public entity for 834  
the management and operation of the correctional facility. 835

(C) (1) Except as provided in this division, on and after 836  
March 17, 1998, a local public entity shall not enter into a 837  
contract with an out-of-state jurisdiction to house out-of-state 838  
prisoners in a correctional facility in this state. On and after 839  
March 17, 1998, a local public entity may enter into a contract 840  
with an out-of-state jurisdiction to house out-of-state 841  
prisoners in a correctional facility in this state only if the 842  
local public entity and the out-of-state jurisdiction with which 843  
the local public entity intends to contract jointly submit to 844  
the department of rehabilitation and correction a statement that 845  
certifies the correctional facility's intended use, intended 846  
prisoner population, and custody level, and the department 847  
reviews and comments upon the plans for the design or renovation 848  
of the correctional facility regarding their suitability for the 849  
intended prisoner population specified in the submitted 850  
statement. 851

(2) If a local public entity and an out-of-state 852

jurisdiction enter into a contract to house out-of-state 853  
prisoners in a correctional facility in this state as authorized 854  
under division (C) (1) of this section, in addition to any other 855  
provisions it contains, the contract shall include whichever of 856  
the following provisions is applicable: 857

(a) If a private contractor will operate the facility in 858  
question pursuant to a contract entered into in accordance with 859  
division (D) of this section, a requirement that, if the 860  
facility is closed or ceases to operate for any reason and if 861  
the conversion plan described in division (D) (16) of this 862  
section is not complied with, the out-of-state jurisdiction will 863  
be responsible for housing and transporting the prisoners who 864  
are in the facility at the time it is closed or ceases to 865  
operate and for the cost of so housing and transporting those 866  
prisoners; 867

(b) If a private contractor will not operate the facility 868  
in question pursuant to a contract entered into in accordance 869  
with division (D) of this section, a conversion plan that will 870  
be followed if, for any reason, the facility is closed or ceases 871  
to operate. The conversion plan shall include, but is not 872  
limited to, provisions that specify whether the local public 873  
entity or the out-of-state jurisdiction will be responsible for 874  
housing and transporting the prisoners who are in the facility 875  
at the time it is closed or ceases to operate and for the cost 876  
of so housing and transporting those prisoners. 877

(3) If a local public entity and an out-of-state 878  
jurisdiction intend to enter into a contract to house out-of- 879  
state prisoners in a correctional facility in this state as 880  
authorized under division (C) (1) of this section, or if a local 881  
public entity and a private contractor intend to enter into a 882

contract pursuant to division (D) of this section for the 883  
private contractor's management and operation of a correctional 884  
facility in this state to house out-of-state prisoners, prior to 885  
entering into the contract the local public entity and the out- 886  
of-state jurisdiction, or the local public entity and the 887  
private contractor, whichever is applicable, shall conduct a 888  
public hearing in accordance with this division, and, prior to 889  
entering into the contract, the governing authority of the local 890  
public entity in which the facility is or will be located shall 891  
authorize the location and operation of the facility. The 892  
hearing shall be conducted at a location within the municipal 893  
corporation or township in which the facility is or will be 894  
located. At least one week prior to conducting the hearing, the 895  
local public entity and the out-of-state jurisdiction or private 896  
contractor with the duty to conduct the hearing shall cause 897  
notice of the date, time, and place of the hearing to be made by 898  
publication in the newspaper with the largest general 899  
circulation in the county in which the municipal corporation or 900  
township is located. The notice shall be of a sufficient size 901  
that it covers at least one-quarter of a page of the newspaper 902  
in which it is published. This division applies to a private 903  
contractor that, pursuant to the requirement set forth in 904  
division (I) of this section, is required to enter into a 905  
contract under division (D) of this section. 906

(D) Subject to division (I) of this section, on and after 907  
March 17, 1998, if a local public entity enters into a contract 908  
with a private contractor for the management and operation of a 909  
correctional facility in this state to house out-of-state 910  
prisoners, the contract, at a minimum, shall include all of the 911  
following provisions: 912

(1) A requirement that the private contractor seek and 913

obtain accreditation from the American correctional association 914  
for the correctional facility within two years after accepting 915  
the first out-of-state prisoner at the correctional facility 916  
under the contract and that it maintain that accreditation for 917  
the term of the contract; 918

(2) A requirement that the private contractor comply with 919  
all applicable laws, rules, or regulations of the government of 920  
this state, political subdivisions of this state, and the United 921  
States, including, but not limited to, all sanitation, food 922  
service, safety, and health regulations; 923

(3) A requirement that the private contractor send copies 924  
of reports of inspections completed by appropriate authorities 925  
regarding compliance with laws, rules, and regulations of the 926  
type described in division (D) (2) of this section to the 927  
director of rehabilitation and correction or the director's 928  
designee and to the governing authority of the local public 929  
entity in which the correctional facility is located; 930

(4) A requirement that the private contractor report to 931  
the local law enforcement agencies with jurisdiction over the 932  
place at which the correctional facility is located, for 933  
investigation, all criminal offenses or delinquent acts that are 934  
committed in or on the grounds of, or otherwise in connection 935  
with, the correctional facility and report to the department of 936  
rehabilitation and correction all disturbances at the facility; 937

(5) A requirement that the private contractor immediately 938  
report all escapes from the facility, and the apprehension of 939  
all escapees, by telephone and in writing to the department of 940  
rehabilitation and correction, to all local law enforcement 941  
agencies with jurisdiction over the place at which the facility 942  
is located, to the state highway patrol, to the prosecuting 943

attorney of the county in which the facility is located, and to 944  
a daily newspaper having general circulation in the county in 945  
which the facility is located. The written notice may be by 946  
either facsimile transmission or mail. A failure to comply with 947  
this requirement is a violation of section 2921.22 of the 948  
Revised Code. 949

(6) A requirement that the private contractor provide a 950  
written report to the director of rehabilitation and correction 951  
or the director's designee and to the governing authority of the 952  
local public entity in which the correctional facility is 953  
located of all unusual incidents occurring at the correctional 954  
facility. The private contractor shall report the incidents in 955  
accordance with the incident reporting rules that, at the time 956  
of the incident, are applicable to state correctional facilities 957  
for similar incidents occurring at state correctional 958  
facilities. 959

(7) A requirement that the private contractor provide 960  
internal and perimeter security to protect the public, staff 961  
members of the correctional facility, and prisoners in the 962  
correctional facility; 963

(8) A requirement that the correctional facility be 964  
staffed at all times with a staffing pattern that is adequate to 965  
ensure supervision of inmates and maintenance of security within 966  
the correctional facility and to provide for appropriate 967  
programs, transportation, security, and other operational needs. 968  
In determining security needs for the correctional facility, the 969  
private contractor and the contract requirements shall fully 970  
take into account all relevant factors, including, but not 971  
limited to, the proximity of the facility to neighborhoods and 972  
schools. 973

(9) A requirement that the private contractor provide an adequate policy of insurance that satisfies the requirements set forth in division (D) of section 9.06 of the Revised Code regarding contractors who operate and manage a facility under that section, and that the private contractor indemnify and hold harmless the state, its officers, agents, and employees, and any local public entity in the state with jurisdiction over the place at which the correctional facility is located or that owns the correctional facility, reimburse the state for its costs in defending the state or any of its officers, agents, or employees, and reimburse any local government entity of that nature for its costs in defending the local government entity, in the manner described in division (D) of that section regarding contractors who operate and manage a facility under that section;

(10) A requirement that the private contractor adopt for prisoners housed in the correctional facility the security classification system and schedule adopted by the department of rehabilitation and correction under section 5145.03 of the Revised Code, classify in accordance with the system and schedule each prisoner housed in the facility, and house all prisoners in the facility in accordance with their classification under this division;

(11) A requirement that the private contractor will not accept for housing, and will not house, in the correctional facility any out-of-state prisoner in relation to whom any of the following applies:

(a) The private entity has not obtained from the out-of-state jurisdiction that imposed the sentence or sanction under which the prisoner will be confined in this state a copy of the

institutional record of the prisoner while previously confined 1004  
in that out-of-state jurisdiction or a statement that the 1005  
prisoner previously has not been confined in that out-of-state 1006  
jurisdiction and a copy of all medical records pertaining to 1007  
that prisoner that are in the possession of the out-of-state 1008  
jurisdiction. 1009

(b) The prisoner, while confined in any out-of-state 1010  
jurisdiction, has a record of institutional violence involving 1011  
the use of a deadly weapon or a pattern of committing acts of an 1012  
assaultive nature against employees of, or visitors to, the 1013  
place of confinement or has a record of escape or attempted 1014  
escape from secure custody. 1015

(c) Under the security classification system and schedule 1016  
adopted by the department of rehabilitation and correction under 1017  
section 5145.03 of the Revised Code and adopted by the private 1018  
contractor under division (B)(10) of this section, the out-of- 1019  
state prisoner would be classified as being at a security level 1020  
higher than medium security. 1021

(12) A requirement that the private contractor, prior to 1022  
housing any out-of-state prisoner in the correctional facility 1023  
under the contract, enter into a written agreement with the 1024  
department of rehabilitation and correction that sets forth a 1025  
plan and procedure that will be used to coordinate law 1026  
enforcement activities of state law enforcement agencies and of 1027  
local law enforcement agencies with jurisdiction over the place 1028  
at which the facility is located in response to any riot, 1029  
rebellion, escape, insurrection, or other emergency occurring 1030  
inside or outside the facility; 1031

(13) A requirement that the private contractor cooperate 1032  
with the correctional institution inspection committee in the 1033

committee's performance of its duties under section ~~103.73~~ 1034  
103.71 of the Revised Code and provide the committee, its 1035  
subcommittees, and its staff members, in performing those 1036  
duties, with access to the correctional facility as described in 1037  
that section; 1038

(14) A requirement that the private contractor permit any 1039  
peace officer who serves a law enforcement agency with 1040  
jurisdiction over the place at which the correctional facility 1041  
is located to enter into the facility to investigate any 1042  
criminal offense or delinquent act that allegedly has been 1043  
committed in or on the grounds of, or otherwise in connection 1044  
with, the facility; 1045

(15) A requirement that the private contractor will not 1046  
employ any person at the correctional facility until after the 1047  
private contractor has submitted to the bureau of criminal 1048  
identification and investigation, on a form prescribed by the 1049  
superintendent of the bureau, a request that the bureau conduct 1050  
a criminal records check of the person and a requirement that 1051  
the private contractor will not employ any person at the 1052  
facility if the records check or other information possessed by 1053  
the contractor indicates that the person previously has engaged 1054  
in malfeasance; 1055

(16) A requirement that the private contractor will not 1056  
accept for housing, and will not house, in the correctional 1057  
facility any out-of-state prisoner unless the private contractor 1058  
and the out-of-state jurisdiction that imposed the sentence for 1059  
which the prisoner is to be confined agree that, if the out-of- 1060  
state prisoner is confined in the facility in this state, 1061  
commits a criminal offense while confined in the facility, is 1062  
convicted of or pleads guilty to that offense, and is sentenced 1063

to a term of confinement for that offense but is not sentenced 1064  
to death for that offense, the private contractor and the out- 1065  
of-state jurisdiction will do all of the following: 1066

(a) Unless section 5120.50 of the Revised Code does not 1067  
apply in relation to the offense the prisoner committed while 1068  
confined in this state and the term of confinement imposed for 1069  
that offense, the out-of-state jurisdiction will accept the 1070  
prisoner pursuant to that section for service of that term of 1071  
confinement and for any period of time remaining under the 1072  
sentence for which the prisoner was confined in the facility in 1073  
this state, the out-of-state jurisdiction will confine the 1074  
prisoner pursuant to that section for that term and that 1075  
remaining period of time, and the private contractor will 1076  
transport the prisoner to the out-of-state jurisdiction for 1077  
service of that term and that remaining period of time. 1078

(b) If section 5120.50 of the Revised Code does not apply 1079  
in relation to the offense the prisoner committed while confined 1080  
in this state and the term of confinement imposed for that 1081  
offense, the prisoner shall be returned to the out-of-state 1082  
jurisdiction or its private contractor for completion of the 1083  
period of time remaining under the out-of-state sentence for 1084  
which the prisoner was confined in the facility in this state 1085  
before starting service of the term of confinement imposed for 1086  
the offense committed while confined in this state, the out-of- 1087  
state jurisdiction or its private contractor will confine the 1088  
prisoner for that remaining period of time and will transport 1089  
the prisoner outside of this state for service of that remaining 1090  
period of time, and, if the prisoner is confined in this state 1091  
in a facility operated by the department of rehabilitation and 1092  
correction, the private contractor will be financially 1093  
responsible for reimbursing the department at the per diem cost 1094

of confinement for the duration of that incarceration, with the 1095  
amount of the reimbursement so paid to be deposited in the 1096  
department's prisoner programs fund. 1097

(17) A requirement that the private contractor, prior to 1098  
housing any out-of-state prisoner in the correctional facility 1099  
under the contract, enter into an agreement with the local 1100  
public entity that sets forth a conversion plan that will be 1101  
followed if, for any reason, the facility is closed or ceases to 1102  
operate. The conversion plan shall include, but is not limited 1103  
to, provisions that specify whether the private contractor, the 1104  
local public entity, or the out-of-state jurisdictions that 1105  
imposed the sentences for which the out-of-state prisoners are 1106  
confined in the facility will be responsible for housing and 1107  
transporting the prisoners who are in the facility at the time 1108  
it is closed or ceases to operate and for the cost of so housing 1109  
and transporting those prisoners. 1110

(18) A schedule of fines that the local public entity 1111  
shall impose upon the private contractor if the private 1112  
contractor fails to perform its contractual duties, and a 1113  
requirement that, if the private contractor fails to perform its 1114  
contractual duties, the local public entity shall impose a fine 1115  
on the private contractor from the schedule of fines and, in 1116  
addition to the fine, may exercise any other rights it has under 1117  
the contract. Division (F)(2) of this section applies regarding 1118  
a fine described in this division. 1119

(19) A requirement that the private contractor adopt and 1120  
use in the correctional facility the drug testing and treatment 1121  
program that the department of rehabilitation and correction 1122  
uses for inmates in state correctional institutions; 1123

(20) A requirement that the private contractor provide 1124

clothing for all out-of-state prisoners housed in the 1125  
correctional facility that is conspicuous in its color, style, 1126  
or color and style, that conspicuously identifies its wearer as 1127  
a prisoner, and that is readily distinguishable from clothing of 1128  
a nature that normally is worn outside the facility by non- 1129  
prisoners, that the private contractor require all out-of-state 1130  
prisoners housed in the facility to wear the clothing so 1131  
provided, and that the private contractor not permit any out-of- 1132  
state prisoner, while inside or on the premises of the facility 1133  
or while being transported to or from the facility, to wear any 1134  
clothing of a nature that does not conspicuously identify its 1135  
wearer as a prisoner and that normally is worn outside the 1136  
facility by non-prisoners; 1137

(21) A requirement that, at the time the contract is made, 1138  
the private contractor provide to all parties to the contract 1139  
adequate proof that it has complied with the requirement 1140  
described in division (D) (9) of this section, and a requirement 1141  
that, at any time during the term of the contract, the private 1142  
contractor upon request provide to any party to the contract 1143  
adequate proof that it continues to be in compliance with the 1144  
requirement described in division (D) (9) of this section. 1145

(E) A private correctional officer or other designated 1146  
employee of a private contractor that operates a correctional 1147  
facility that houses out-of-state prisoners in this state under 1148  
a contract entered into prior to, on, or after March 17, 1998, 1149  
may carry and use firearms in the course of the officer's or 1150  
employee's employment only if the officer or employee is 1151  
certified as having satisfactorily completed an approved 1152  
training program designed to qualify persons for positions as 1153  
special police officers, security guards, or persons otherwise 1154  
privately employed in a police capacity, as described in 1155

division (A) of section 109.78 of the Revised Code. 1156

(F) (1) Upon notification by the private contractor of an 1157  
escape from, or of a disturbance at, a correctional facility 1158  
that is operated by a private contractor under a contract 1159  
entered into prior to, on, or after March 17, 1998, and that 1160  
houses out-of-state prisoners in this state, the department of 1161  
rehabilitation and correction and state and local law 1162  
enforcement agencies shall use all reasonable means to recapture 1163  
persons who escaped from the facility or quell any disturbance 1164  
at the facility, in accordance with the plan and procedure 1165  
included in the written agreement entered into under division 1166  
(D) (12) of this section in relation to contracts entered into on 1167  
or after March 17, 1998, and in accordance with their normal 1168  
procedures in relation to contracts entered into prior to March 1169  
17, 1998. Any cost incurred by this state or a political 1170  
subdivision of this state relating to the apprehension of a 1171  
person who escaped from the facility, to the quelling of a 1172  
disturbance at the facility, or to the investigation or 1173  
prosecution as described in division (G) (2) of this section of 1174  
any offense relating to the escape or disturbance shall be 1175  
chargeable to and borne by the private contractor. The 1176  
contractor also shall reimburse the state or its political 1177  
subdivisions for all reasonable costs incurred relating to the 1178  
temporary detention of a person who escaped from the facility, 1179  
following the person's recapture. 1180

(2) If a private contractor that, on or after March 17, 1181  
1998, enters into a contract under this section with a local 1182  
public entity for the operation of a correctional facility that 1183  
houses out-of-state prisoners fails to perform its contractual 1184  
duties, the local public entity shall impose upon the private 1185  
contractor a fine from the schedule of fines included in the 1186

contract and may exercise any other rights it has under the 1187  
contract. A fine imposed under this division shall be paid to 1188  
the local public entity that enters into the contract, and the 1189  
local public entity shall deposit the money so paid into its 1190  
treasury to the credit of the fund used to pay for community 1191  
policing. If a fine is imposed under this division, the local 1192  
public entity may reduce the payment owed to the private 1193  
contractor pursuant to any invoice in the amount of the fine. 1194

(3) If a private contractor, on or after March 17, 1998, 1195  
enters into a contract under this section with a local public 1196  
entity for the operation of a correctional facility that houses 1197  
out-of-state prisoners in this state, the private contractor 1198  
shall comply with the insurance, indemnification, hold harmless, 1199  
and cost reimbursement provisions described in division (D) (9) 1200  
of this section. 1201

(G) (1) Any act or omission that would be a criminal 1202  
offense or a delinquent act if committed at a state correctional 1203  
institution or at a jail, workhouse, prison, or other 1204  
correctional facility operated by this state or by any political 1205  
subdivision or group of political subdivisions of this state 1206  
shall be a criminal offense or delinquent act if committed by or 1207  
with regard to any out-of-state prisoner who is housed at any 1208  
correctional facility operated by a private contractor in this 1209  
state pursuant to a contract entered into prior to, on, or after 1210  
March 17, 1998. 1211

(2) If any political subdivision of this state experiences 1212  
any cost in the investigation or prosecution of an offense 1213  
committed by an out-of-state prisoner housed in a correctional 1214  
facility operated by a private contractor in this state pursuant 1215  
to a contract entered into prior to, on, or after March 17, 1216

1998, the private contractor shall reimburse the political 1217  
subdivision for the costs so experienced. 1218

(3) (a) Except as otherwise provided in this division, the 1219  
state, and any officer or employee, as defined in section 109.36 1220  
of the Revised Code, of the state is not liable in damages in a 1221  
civil action for any injury, death, or loss to person or 1222  
property that allegedly arises from, or is related to, the 1223  
establishment, management, or operation of a correctional 1224  
facility to house out-of-state prisoners in this state pursuant 1225  
to a contract between a local public entity and an out-of-state 1226  
jurisdiction, a local public entity and a private contractor, or 1227  
a private contractor and an out-of-state jurisdiction that was 1228  
entered into prior to March 17, 1998, or that is entered into on 1229  
or after March 17, 1998, in accordance with its provisions. The 1230  
immunity provided in this division does not apply regarding an 1231  
act or omission of an officer or employee, as defined in section 1232  
109.36 of the Revised Code, of the state that is manifestly 1233  
outside the scope of the officer's or employee's official 1234  
responsibilities or regarding an act or omission of the state, 1235  
or of an officer or employee, as so defined, of the state that 1236  
is undertaken with malicious purpose, in bad faith, or in a 1237  
wanton or reckless manner. 1238

(b) Except as otherwise provided in this division, a non- 1239  
contracting political subdivision, and any employee, as defined 1240  
in section 2744.01 of the Revised Code, of a non-contracting 1241  
political subdivision is not liable in damages in a civil action 1242  
for any injury, death, or loss to person or property that 1243  
allegedly arises from, or is related to, the establishment, 1244  
management, or operation of a correctional facility to house 1245  
out-of-state prisoners in this state pursuant to a contract 1246  
between a local public entity other than the non-contracting 1247

political subdivision and an out-of-state jurisdiction, a local 1248  
public entity other than the non-contracting political 1249  
subdivision and a private contractor, or a private contractor 1250  
and an out-of-state jurisdiction that was entered into prior to 1251  
March 17, 1998, or that is entered into on or after March 17, 1252  
1998, in accordance with its provisions. The immunity provided 1253  
in this division does not apply regarding an act or omission of 1254  
an employee, as defined in section 2744.01 of the Revised Code, 1255  
of a non-contracting political subdivision that is manifestly 1256  
outside the scope of the employee's employment or official 1257  
responsibilities or regarding an act or omission of a non- 1258  
contracting political subdivision or an employee, as so defined, 1259  
of a non-contracting political subdivision that is undertaken 1260  
with malicious purpose, in bad faith, or in a wanton or reckless 1261  
manner. 1262

(c) Divisions (G) (3) (a) and (b) of this section do not 1263  
affect any immunity or defense that the state and its officers 1264  
and employees or a non-contracting political subdivision and its 1265  
employees may be entitled to under another section of the 1266  
Revised Code or the common law of this state, including, but not 1267  
limited to, section 9.86 or Chapter 2744. of the Revised Code. 1268

(H) (1) Upon the completion of an out-of-state prisoner's 1269  
term of detention at a correctional facility operated by a 1270  
private contractor in this state pursuant to a contract entered 1271  
into prior to, on, or after March 17, 1998, the operator of the 1272  
correctional facility shall transport the prisoner to the out- 1273  
of-state jurisdiction that imposed the sentence for which the 1274  
prisoner was confined before it releases the prisoner from its 1275  
custody. 1276

(2) No private contractor that operates and manages a 1277

correctional facility housing out-of-state prisoners in this 1278  
state pursuant to a contract entered into prior to, on, or after 1279  
March 17, 1998, shall fail to comply with division (H) (1) of 1280  
this section. 1281

(3) Whoever violates division (H) (2) of this section is 1282  
guilty of a misdemeanor of the first degree. 1283

(I) Except as otherwise provided in this division, the 1284  
provisions of divisions (A) to (H) of this section apply in 1285  
relation to any correctional facility operated by a private 1286  
contractor in this state to house out-of-state prisoners, 1287  
regardless of whether the facility is operated pursuant to a 1288  
contract entered into prior to, on, or after March 17, 1998. 1289  
Division (C) (1) of this section shall not apply in relation to 1290  
any correctional facility for housing out-of-state prisoners in 1291  
this state that is operated by a private contractor under a 1292  
contract entered into with a local public entity prior to March 1293  
17, 1998. If a private contractor operates a correctional 1294  
facility in this state for the housing of out-of-state prisoners 1295  
under a contract entered into with a local public entity prior 1296  
to March 17, 1998, no later than thirty days after the effective 1297  
date of this amendment, the private contractor shall enter into 1298  
a contract with the local public entity that comports to the 1299  
requirements and criteria of division (D) of this section. 1300

**Sec. 9.239.** (A) As used in this section: 1301

(1) "Public building" means a building owned by a public 1302  
entity. 1303

(2) "Public entity" means a subdivision, the general 1304  
assembly, a court, any department, division, institution, board, 1305  
commission, authority, bureau or other agency ~~of or~~ 1306

instrumentality of the state, the five state retirement systems, 1307  
or any other governmental entity. 1308

(3) "Subdivision" has the same meaning as in section 1309  
2744.01 of the Revised Code. 1310

(B) A person that is primarily responsible for designing 1311  
energy efficient commercial building property installed in a 1312  
public building may seek allocation of any deduction allowed 1313  
under section 179D of the Internal Revenue Code in connection 1314  
with that installation by submitting a written request to the 1315  
public entity that owns the building ~~and the tax commissioner.~~ 1316  
Within fifteen days of receiving such a request, the public 1317  
entity shall respond and, if merited, formally allocate the 1318  
deduction as required under that section and any associated 1319  
rules or guidance of the internal revenue service or the United 1320  
States department of the treasury. ~~The public entity shall send~~ 1321  
~~to the commissioner a copy of the response and, if applicable,~~ 1322  
~~the document or documents formally allocating the deduction.~~ 1323

(C) If a public entity does not respond within fifteen 1324  
days of receiving a request under division (B) of this section, 1325  
the entity shall be considered to have approved the request. ~~The~~ 1326  
~~commissioner shall provide the person that submitted the request~~ 1327  
~~with any documentation necessary to formally allocate the~~ 1328  
~~deduction.~~ 1329

(D) No public entity and no employee or agent of a public 1330  
entity acting in the employee's or agent's official capacity 1331  
shall seek, solicit, charge, or accept a fee, payment, or other 1332  
consideration in exchange for allocating a deduction allowed 1333  
under section 179D of the Internal Revenue Code or providing 1334  
documentation of such an allocation as required under that 1335  
section and any associated rules or guidance of the internal 1336

revenue service or the United States department of the treasury. 1337

**Sec. 9.24.** (A) Except as may be allowed under division (F) 1338  
of this section, no state agency and no political subdivision 1339  
shall award a contract as described in division (G)(1) of this 1340  
section for goods, services, or construction, paid for in whole 1341  
or in part with state funds, to a person against whom a finding 1342  
for recovery has been issued by the auditor of state on and 1343  
after January 1, 2001, if the finding for recovery is 1344  
unresolved. 1345

A contract is considered to be awarded when it is entered 1346  
into or executed, irrespective of whether the parties to the 1347  
contract have exchanged any money. 1348

(B) For purposes of this section, a finding for recovery 1349  
is unresolved unless one of the following criteria applies: 1350

(1) The money identified in the finding for recovery is 1351  
paid in full to the state agency or political subdivision to 1352  
whom the money was owed; 1353

(2) The debtor has entered into a repayment plan that is 1354  
approved by the attorney general and the state agency or 1355  
political subdivision to whom the money identified in the 1356  
finding for recovery is owed. A repayment plan may include a 1357  
provision permitting a state agency or political subdivision to 1358  
withhold payment to a debtor for goods, services, or 1359  
construction provided to or for the state agency or political 1360  
subdivision pursuant to a contract that is entered into with the 1361  
debtor after the date the finding for recovery was issued. 1362

(3) The attorney general waives a repayment plan described 1363  
in division (B)(2) of this section for good cause; 1364

(4) The debtor and state agency or political subdivision 1365

to whom the money identified in the finding for recovery is owed 1366  
have agreed to a payment plan established through an enforceable 1367  
settlement agreement. 1368

(5) The state agency or political subdivision desiring to 1369  
enter into a contract with a debtor certifies, and the attorney 1370  
general concurs, that all of the following are true: 1371

(a) Essential services the state agency or political 1372  
subdivision is seeking to obtain from the debtor cannot be 1373  
provided by any other person besides the debtor; 1374

(b) Awarding a contract to the debtor for the essential 1375  
services described in division (B) (5) (a) of this section is in 1376  
the best interest of the state; 1377

(c) Good faith efforts have been made to collect the money 1378  
identified in the finding of recovery. 1379

(6) The debtor has commenced an action to contest the 1380  
finding for recovery and a final determination on the action has 1381  
not yet been reached; 1382

(7) The debt has been discharged in bankruptcy or is no 1383  
longer owed based on a final nonappealable court order. 1384

(C) The attorney general shall submit an initial report to 1385  
the auditor of state, not later than December 1, 2003, 1386  
indicating the status of collection for all findings for 1387  
recovery issued by the auditor of state for calendar years 2001, 1388  
2002, and 2003. Beginning on January 1, 2004, the attorney 1389  
general shall submit to the auditor of state, on the first day 1390  
of every January, April, July, and October, a list of all 1391  
findings for recovery that have been resolved in accordance with 1392  
division (B) of this section during the calendar quarter 1393  
preceding the submission of the list and a description of the 1394

means of resolution. The attorney general shall notify the 1395  
auditor of state when a judgment is issued against an entity 1396  
described in division (F) (1) of this section. 1397

(D) The auditor of state shall maintain a database, 1398  
accessible to the public, listing persons against whom an 1399  
unresolved finding for recovery has been issued, and the amount 1400  
of the money identified in the unresolved finding for recovery. 1401  
The auditor of state shall have this database operational on or 1402  
before January 1, 2004. The initial database shall contain the 1403  
information required under this division for calendar years 1404  
2001, 2002, and 2003. 1405

Beginning January 15, 2004, the auditor of state shall 1406  
update the database by the fifteenth day of every January, 1407  
April, July, and October to reflect resolved findings for 1408  
recovery that are reported to the auditor of state by the 1409  
attorney general on the first day of the same month pursuant to 1410  
division (C) of this section. 1411

(E) Before awarding a contract as described in division 1412  
(G) (1) of this section for goods, services, or construction, 1413  
paid for in whole or in part with state funds, a state agency or 1414  
political subdivision shall verify that the person to whom the 1415  
state agency or political subdivision plans to award the 1416  
contract has no unresolved finding for recovery issued against 1417  
the person. A state agency or political subdivision shall verify 1418  
that the person does not appear in the database described in 1419  
division (D) of this section or shall obtain other proof that 1420  
the person has no unresolved finding for recovery issued against 1421  
the person. 1422

(F) The prohibition of division (A) of this section and 1423  
the requirement of division (E) of this section do not apply 1424

with respect to the companies, payments, or agreements described 1425  
in divisions (F) (1) and (2) of this section, or in the 1426  
circumstance described in division (F) (3) of this section. 1427

(1) A bonding company or a company authorized to transact 1428  
the business of insurance in this state, a self-insurance pool, 1429  
joint self-insurance pool, risk management program, or joint 1430  
risk management program, unless a court has entered a final 1431  
judgment against the company and the company has not yet 1432  
satisfied the final judgment. 1433

(2) To medicaid provider agreements under the medicaid 1434  
program. 1435

(3) When federal law dictates that a specified entity 1436  
provide the goods, services, or construction for which a 1437  
contract is being awarded, regardless of whether that entity 1438  
would otherwise be prohibited from entering into the contract 1439  
pursuant to this section. 1440

(G) (1) This section applies only to contracts for goods, 1441  
services, or construction that satisfy the criteria in either 1442  
division (G) (1) (a) or (b) of this section. This section may 1443  
apply to contracts for goods, services, or construction that 1444  
satisfy the criteria in division (G) (1) (c) of this section, 1445  
provided that the contracts also satisfy the criteria in either 1446  
division (G) (1) (a) or (b) of this section. 1447

(a) The cost for the goods, services, or construction 1448  
provided under the contract is estimated to exceed twenty-five 1449  
thousand dollars. 1450

(b) The aggregate cost for the goods, services, or 1451  
construction provided under multiple contracts entered into by 1452  
the particular state agency and a single person or the 1453

particular political subdivision and a single person within the 1454  
fiscal year preceding the fiscal year within which a contract is 1455  
being entered into by that same state agency and the same single 1456  
person or the same political subdivision and the same single 1457  
person, exceeded fifty thousand dollars. 1458

(c) The contract is a renewal of a contract previously 1459  
entered into and renewed pursuant to that preceding contract. 1460

(2) This section does not apply to employment contracts. 1461

(H) As used in this section: 1462

(1) "State agency" has the same meaning as in section 9.66 1463  
of the Revised Code. 1464

(2) "Political subdivision" means a political subdivision 1465  
as defined in section 9.82 of the Revised Code that has received 1466  
more than fifty thousand dollars of state money in the current 1467  
fiscal year or the preceding fiscal year. 1468

(3) "Finding for recovery" means a determination issued by 1469  
the auditor of state, contained in a report the auditor of state 1470  
gives to the attorney general pursuant to section 117.28 of the 1471  
Revised Code, that public money has been illegally expended, 1472  
public money has been collected but not been accounted for, 1473  
public money is due but has not been collected, or public 1474  
property has been converted or misappropriated. 1475

(4) "Debtor" means a person against whom a finding for 1476  
recovery has been issued. 1477

(5) "Person" means the person named in the finding for 1478  
recovery. 1479

(6) "State money" does not include funds the state 1480  
receives from another source and passes through to a political 1481

subdivision. 1482

**Sec. 9.28.** (A) As used in this section: 1483

(1) "Competitive selection" means ~~a request~~ 1484  
~~for proposal or any other solicitation or announcement by a~~ 1485  
~~public office requiring bids or proposals for the provision of~~ 1486  
~~goods or services to that office~~ the procedures for making 1487  
purchases as defined in section 125.01 of the Revised Code. 1488

(2) "Public office" includes any state agency, public 1489  
institution, political subdivision, or other organized body, 1490  
office, agency, institution, or entity established by the laws 1491  
of this state for the exercise of any function of government. 1492  
"Public office" does not include the nonprofit corporation 1493  
formed under section 187.01 of the Revised Code. 1494

(3) "State agency" includes every department, bureau, 1495  
board, commission, office, or other organized body established 1496  
by the constitution and laws of this state for the exercise of 1497  
any function of state government, including any state-supported 1498  
institution of higher education, the general assembly, any 1499  
legislative agency, any court or judicial agency, or any 1500  
political subdivision or agency of a political subdivision. 1501  
"State agency" does not include the nonprofit corporation formed 1502  
under section 187.01 of the Revised Code. 1503

(B) Except as provided in division (C) of this section, 1504  
materials ~~submitted to a public office in response~~ relating to a 1505  
~~competitive solicitation~~ through competitive selection shall not 1506  
be considered public records ~~for purposes of~~ under section 1507  
149.43 of the Revised Code until ~~the date the public office~~ 1508  
~~announces~~ after the award of ~~a~~ the contract based on the 1509  
~~competitive solicitation or the cancellation of the competitive~~ 1510

~~solicitation~~selection. 1511

(C) If a public office rejects all bids or proposals 1512  
received in response to a ~~competitive~~solicitation through 1513  
competitive selection and, concurrently with the announcement of 1514  
the rejection gives notice of its intent to reissue the 1515  
solicitation through competitive selection, the materials 1516  
submitted in response to the original ~~competitive~~ solicitation 1517  
and the materials submitted in response to the reissued 1518  
~~competitive~~ solicitation shall not be considered public records 1519  
~~for purposes of~~ under section 149.43 of the Revised Code until 1520  
~~the date the public office announces~~ after the award of a ~~the~~ 1521  
contract based on the reissued ~~competitive~~ solicitation through 1522  
~~or the cancellation of the reissued~~ competitive 1523  
~~solicitation~~selection. 1524

**Sec. 9.312.** (A) If a state agency or political subdivision 1525  
is required by law or by an ordinance or resolution adopted 1526  
under division (C) of this section to award a contract to the 1527  
lowest responsive and responsible bidder, a bidder on the 1528  
contract shall be considered responsive if the bidder's proposal 1529  
responds to bid specifications in all material respects and 1530  
contains no irregularities or deviations from the specifications 1531  
which would affect the amount of the bid or otherwise give the 1532  
bidder a competitive advantage. The factors that the state 1533  
agency or political subdivision shall consider in determining 1534  
whether a bidder on the contract is responsible include the 1535  
experience of the bidder, the bidder's financial condition, 1536  
conduct and performance on previous contracts, facilities, 1537  
management skills, and ability to execute the contract properly. 1538

For purposes of this division, the provision of a bid 1539  
guaranty in accordance with divisions (A)(1) and (B) of section 1540

153.54 of the Revised Code issued by a surety licensed to do 1541  
business in this state is evidence of financial responsibility, 1542  
but a state agency or political subdivision may request 1543  
additional financial information for review from an apparent low 1544  
bidder after it opens all submitted bids. A state agency or 1545  
political subdivision shall keep additional financial 1546  
information it receives pursuant to a request under this 1547  
division confidential, except under proper order of a court. The 1548  
additional financial information is not a public record under 1549  
section 149.43 of the Revised Code. 1550

An apparent low bidder found not to be responsive and 1551  
responsible shall be notified by the state agency or political 1552  
subdivision of that finding and the reasons for it. Except for 1553  
contracts awarded by the department of administrative services 1554  
pursuant to section 125.11 of the Revised Code, the notification 1555  
shall be given in writing ~~and either by certified mail or, if~~ 1556  
~~the state agency or political subdivision has record of an~~ 1557  
internet identifier of record associated with the bidder, or by 1558  
~~ordinary certified mail and by that if no~~ internet identifier of 1559  
record is available. When awarding contracts pursuant to section 1560  
125.11 of the Revised Code, the department may send such notice 1561  
in writing by first class mail or by electronic means. 1562

(B) Where a state agency or a political subdivision that 1563  
has adopted an ordinance or resolution under division (C) of 1564  
this section determines to award a contract to a bidder other 1565  
than the apparent low bidder or bidders for the construction, 1566  
reconstruction, improvement, enlargement, alteration, repair, 1567  
painting, or decoration of a public improvement, it shall meet 1568  
with the apparent low bidder or bidders upon a filing of a 1569  
timely written protest. The protest must be received within five 1570  
days of the notification required in division (A) of this 1571

section. No final award shall be made until the state agency or 1572  
political subdivision either affirms or reverses its earlier 1573  
determination. Notwithstanding any other provisions of the 1574  
Revised Code, the procedure described in this division is not 1575  
subject to Chapter 119. of the Revised Code. 1576

(C) A municipal corporation, township, school district, 1577  
board of county commissioners, any other county board or 1578  
commission, or any other political subdivision required by law 1579  
to award contracts by competitive bidding may by ordinance or 1580  
resolution adopt a policy of requiring each competitively bid 1581  
contract it awards to be awarded to the lowest responsive and 1582  
responsible bidder in accordance with this section. 1583

(D) As used in this section, "internet identifier of 1584  
record" means an electronic mail address, or any other 1585  
designation used for self-identification or routing in internet 1586  
communication or posting, provided for the purpose of receiving 1587  
communication. 1588

**Sec. 9.331.** (A) Before entering into a contract to employ 1589  
a construction manager or construction manager at risk, a public 1590  
authority ~~shall~~ may advertise, ~~in a newspaper of general~~ 1591  
~~circulation news media available~~ in the county where the 1592  
contract is to be performed, and ~~may~~ shall advertise by 1593  
electronic means ~~pursuant to rules adopted by the director of~~ 1594  
~~administrative services~~, notice of its intent to employ a 1595  
construction manager or construction manager at risk. The notice 1596  
shall invite interested parties to submit proposals for 1597  
consideration and shall be published at least ~~thirty-fourteen~~ 1598  
calendar days prior to the date for accepting the proposals. The 1599  
public authority also may advertise the information contained in 1600  
the notice in appropriate trade journals and otherwise notify 1601

persons believed to be interested in employment as a 1602  
construction manager or construction manager at risk. 1603

(B) The advertisement shall include a general description 1604  
of the project, a statement of the specific management services 1605  
required, and a description of the qualifications required for 1606  
the project. 1607

**Sec. 9.334.** ~~(A)~~ (A) (1) Every public authority planning to 1608  
contract for construction management services with a 1609  
construction manager at risk shall evaluate the proposals 1610  
submitted and select not fewer than three construction managers 1611  
at risk the public authority considers to be the most qualified 1612  
to provide the required construction management services, except 1613  
that the public authority shall select and rank fewer than three 1614  
when the public authority determines in writing that fewer than 1615  
three qualified construction managers at risk are available. 1616

(2) For projects valued at less than four million dollars, 1617  
the public authority may require the construction manager at 1618  
risk to submit a proposal described in division (A) (1) of this 1619  
section along with a pricing proposal described in division (C) 1620  
of this section. The public authority shall provide each 1621  
construction manager at risk who desires to submit a proposal 1622  
under this division a pre-proposal meeting to explore the 1623  
proposals further, in which the public authority shall provide 1624  
the construction manager at risk with a description of the 1625  
project, including the scope and nature of the proposed services 1626  
and potential technical approaches. The public authority shall 1627  
proceed with selection and ranking as described in division (A) 1628  
(1) of this section, based only on the proposal submitted under 1629  
that division. Once the construction managers at risk have been 1630  
selected, the public authority shall proceed to evaluate the 1631

pricing proposals of each selected construction manager at risk 1632  
as described in division (D) of this section, continuing the 1633  
selection process from there. 1634

(B) The public authority shall provide each construction 1635  
manager at risk selected under division (A) of this section with 1636  
a description of the project, including a statement of available 1637  
design detail, a description of how the guaranteed maximum price 1638  
for the project shall be determined, including the estimated 1639  
level of design detail upon which the guaranteed maximum price 1640  
shall be based, the form of the construction management 1641  
contract, and a request for a pricing proposal. 1642

(C) The pricing proposal of each construction manager at 1643  
risk shall include at least the following regarding the 1644  
construction manager at risk: 1645

(1) A list of key personnel for the project; 1646

(2) A statement of the general conditions and contingency 1647  
requirements; 1648

(3) A fee proposal divided into a preconstruction fee, a 1649  
construction fee, and the portion of the construction fee to be 1650  
at risk in a guaranteed maximum price. 1651

(D) The public authority shall evaluate the submitted 1652  
pricing proposals and may hold discussions with individual 1653  
construction managers at risk to explore their proposals 1654  
further, including the scope and nature of the proposed services 1655  
and potential technical approaches. 1656

(E) After evaluating the pricing proposals, the public 1657  
authority shall rank the selected construction managers at risk 1658  
based on its evaluation of the value of each pricing proposal, 1659  
with such evaluation considering the proposed cost and 1660

qualifications. 1661

(F) The public authority shall enter into negotiations for 1662  
a construction management contract with the construction manager 1663  
at risk whose pricing proposal the public authority determines 1664  
to be the best value under division (E) of this section. 1665  
Contract negotiations shall be directed toward: 1666

(1) Ensuring that the construction manager at risk and the 1667  
public authority mutually understand the essential requirements 1668  
involved in providing the required construction management 1669  
services, including the provisions for the use of contingency 1670  
funds and the possible distribution of savings in the final 1671  
costs of the project; 1672

(2) Ensuring that the construction manager at risk will be 1673  
able to provide the necessary personnel, equipment, and 1674  
facilities to perform the construction management services 1675  
within the time required by the construction management 1676  
contract; 1677

(3) Agreeing upon a procedure and schedule for determining 1678  
a guaranteed maximum price using an open book pricing method 1679  
that shall represent the total maximum amount to be paid by the 1680  
public authority to the construction manager at risk for the 1681  
project and that shall include the costs of all the work, the 1682  
cost of its general conditions, the contingency, and the fee 1683  
payable to the construction manager at risk. 1684

(G) (1) If the public authority fails to negotiate a 1685  
construction management contract with the construction manager 1686  
at risk whose pricing proposal the public authority determines 1687  
to be the best value under division (E) of this section, the 1688  
public authority shall inform the construction manager at risk, 1689

in writing, of the termination of negotiations. 1690

(2) Upon terminating negotiations, the public authority 1691  
may enter into negotiations as provided in this section with the 1692  
construction manager at risk that the public authority ranked 1693  
next highest under division (E) of this section. If negotiations 1694  
fail, the public authority may enter into negotiations as 1695  
provided in this section with the construction manager at risk 1696  
the public authority ranked next highest under division (E) of 1697  
this section. 1698

(3) If a public authority fails to negotiate a 1699  
construction management contract with a construction manager at 1700  
risk whose pricing proposal the public authority determines to 1701  
be the best value under division (E) of this section, the public 1702  
authority may select additional construction managers at risk to 1703  
provide pricing proposals to the public authority pursuant to 1704  
this section or may select an alternative delivery method for 1705  
the project. 1706

(H) If the public authority and construction manager at 1707  
risk fail to agree on a guaranteed maximum price, nothing in 1708  
this section shall prohibit the public authority from allowing 1709  
the construction manager at risk to provide the management 1710  
services that a construction manager is authorized to provide. 1711

(I) Nothing in this section affects a public authority's 1712  
right to accept or reject any or all proposals in whole or in 1713  
part. 1714

**Sec. 9.35.** (A) As used in this section, "public official" 1715  
means an elected or appointed officer, employee, or agent of any 1716  
political subdivision, board, commission, bureau, or other 1717  
public body established by law who is permitted or required in 1718

the performance of ~~his~~official duties to issue checks, keep 1719  
books and records, prepare and preserve payroll and other 1720  
employee records, and make reports or perform other similar 1721  
duties. 1722

(B) Any public official may contract for and engage the 1723  
services of a financial institution, or other person engaged in 1724  
the business or capable of rendering electronic data processing 1725  
or computer services, to perform the mechanical, clerical, or 1726  
record-keeping services necessary in the performance of 1727  
~~his~~official duties. Such services may include, but are not 1728  
limited to, the preparation of payroll and other records, the 1729  
preparation, signing, and issuance of checks, the preparation of 1730  
reports and accounts, and the performance of all similar duties. 1731

(C) A contract authorized by division (B) of this section 1732  
may be entered into only: 1733

(1) If the surety bond required of such public official 1734  
includes within its coverage any loss which might occur as the 1735  
result of such contract; 1736

(2) Pursuant to a resolution duly adopted by the governing 1737  
board, commission, bureau, or other public body having 1738  
jurisdiction over such public official authorizing a contract 1739  
for the performance of such services; 1740

(3) If the contract does not conflict with the accounting 1741  
requirements prescribed by the auditor of state under section 1742  
117.43 of the Revised Code or with accounting procedures 1743  
prescribed by the director of budget and management under 1744  
section 126.21 of the Revised Code; 1745

~~(4) If assurances satisfactory to the auditor of state are 1746  
furnished by both the financial institution, or other person 1747~~

~~engaged in the business or capable of rendering electronic data- 1748  
processing or computer services, and the public official that- 1749  
the books and records of the public official in the possession- 1750  
of the person performing such . 1751~~

(D) Such services ~~shall be~~ are subject to audit by the 1752  
auditor of state to the same extent as if such services were 1753  
being performed by the public official ~~himself~~. 1754

~~(D)~~ (E) A public official, at the request of a person to 1755  
whom the political subdivision, board, commission, bureau, or 1756  
other public body is indebted and to whom payment is to be made, 1757  
may send a check to a bank representing the amount due such 1758  
person for credit to ~~his~~ the person's account in the bank subject 1759  
to the following conditions: 1760

(1) The person to whom payment is to be made provides the 1761  
public official with a written request ~~on a form approved by the~~ 1762  
~~auditor of state which~~ that designates the bank and contains the 1763  
endorsement of such bank thereon stating its willingness to act 1764  
in this respect as agent of such person; 1765

(2) In the event that there are two or more persons who 1766  
designate the same bank and payments are due to such persons on 1767  
the same regularly recurring dates, the public official may draw 1768  
a single check for the total amount due all such persons in 1769  
favor of the bank for credit to the accounts of the several 1770  
persons; 1771

(3) Payment of a check drawn in favor of and properly 1772  
endorsed by the bank designated by a person to whom payment is 1773  
to be made constitutes a full acquittance to the public official 1774  
for the amount of such payment. 1775

~~(E)~~ (F) Nothing contained in this section relieves such 1776

public official from the primary responsibility for the 1777  
maintenance of the records and performance of the duties of ~~his~~ 1778  
office. 1779

Sec. 9.561. (A) As used in this section: 1780

(1) "Government entity" means a state agency, public 1781  
institution, political subdivision, or any other organized body, 1782  
office, agency, institution, or entity established by the laws 1783  
of this state for the exercise of any function of government. 1784

(2) "Public building" means any building owned or occupied 1785  
by a government entity. 1786

(B) No government entity shall place menstrual products in 1787  
the men's restroom of a public building. 1788

Sec. 9.64. (A) As used in this section: 1789

(1) "Cybersecurity incident" means any of the following: 1790

(a) A substantial loss of confidentiality, integrity, or 1791  
availability of a covered entity's information system or 1792  
network; 1793

(b) A serious impact on the safety and resiliency of a 1794  
covered entity's operational systems and processes; 1795

(c) A disruption of a covered entity's ability to engage 1796  
in business or industrial operations, or deliver goods or 1797  
services; 1798

(d) Unauthorized access to an entity's information system 1799  
or network, or nonpublic information contained therein, that is 1800  
facilitated through or is caused by: 1801

(i) A compromise of a cloud service provider, managed 1802  
service provider, or other third-party data hosting provider; or 1803

(ii) A supply chain compromise. 1804

"Cybersecurity incident" does not include mere threats of 1805  
disruption as extortion; events perpetrated in good faith in 1806  
response to a request by the system owner or operator; or 1807  
lawfully authorized activity of a United States, state, local, 1808  
tribal, or territorial government entity. 1809

(2) "Political subdivision" means a county, township, 1810  
municipal corporation, or other body corporate and politic 1811  
responsible for governmental activities in a geographic area 1812  
smaller than that of the state. 1813

(3) "Ransomware incident" means a malicious cybersecurity 1814  
incident in which a person or entity introduces software that 1815  
gains unauthorized access to or encrypts, modifies, or otherwise 1816  
renders unavailable a political subdivision's information 1817  
technology systems or data and thereafter the person or entity 1818  
demands a ransom to prevent the publication of the data, restore 1819  
access to the data, or otherwise remediate the impact of the 1820  
software. 1821

(B) A political subdivision experiencing a ransomware 1822  
incident shall not pay or otherwise comply with a ransom demand 1823  
unless the political subdivision's legislative authority 1824  
formally approves the payment or compliance with the ransom 1825  
demand in a resolution or ordinance that specifically states why 1826  
the payment or compliance with the ransom demand is in the best 1827  
interest of the political subdivision. 1828

(C) The legislative authority of a political subdivision 1829  
shall adopt a cybersecurity program that safeguards the 1830  
political subdivision's data, information technology, and 1831  
information technology resources to ensure availability, 1832

confidentiality, and integrity. The program shall be consistent 1833  
with generally accepted best practices for cybersecurity, such 1834  
as the national institute of standards and technology 1835  
cybersecurity framework, and the center for internet security 1836  
cybersecurity best practices, and may include, but are not 1837  
limited to, the following: 1838

(1) Identify and address the critical functions and 1839  
cybersecurity risks of the political subdivision. 1840

(2) Identify the potential impacts of a cybersecurity 1841  
breach. 1842

(3) Specify mechanisms to detect potential threats and 1843  
cybersecurity events. 1844

(4) Specify procedures for the political subdivision to 1845  
establish communication channels, analyze incidents, and take 1846  
actions to contain cybersecurity incidents. 1847

(5) Establish procedures for the repair of infrastructure 1848  
impacted by a cybersecurity incident, and the maintenance of 1849  
security after the incident. 1850

(6) Establish cybersecurity training requirements for all 1851  
employees of the political subdivision; the frequency, duration, 1852  
and detail of which shall correspond to the duties of each 1853  
employee. Annual cybersecurity training provided by the state, 1854  
and training provided for local governments by the Ohio 1855  
persistent cyber initiative program of the Ohio cyber range 1856  
institute, satisfy the requirements of this division. 1857

(D) The legislative authority of a political subdivision, 1858  
following each cybersecurity incident or ransomware incident, 1859  
shall notify both of the following: 1860

(1) The executive director of the division of homeland security within the department of public safety, in a manner prescribed by the executive director, as soon as possible but not later than seven days after the political subdivision discovers the incident; 1861  
1862  
1863  
1864  
1865

(2) The auditor of state, in a manner prescribed by the auditor of state, as soon as possible but not later than thirty days after the political subdivision discovers the incident. 1866  
1867  
1868

(E) Any records, documents, or reports related to the cybersecurity program and framework in division (C) of this section, and the reports of a cybersecurity incident or ransomware incident under division (D) of this section, are not public records under section 149.43 of the Revised Code. 1869  
1870  
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(F) A record identifying cybersecurity-related software, hardware, goods, and services, that are being considered for procurement, have been procured, or are being used by a political subdivision, including the vendor name, product name, project name, or project description, is a security record under section 149.433 of the Revised Code. 1874  
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**Sec. 9.681.** (A) As used in this section, "tobacco product" and "alternative nicotine product" have the same meanings as in section 2927.02 of the Revised Code. 1880  
1881  
1882

(B) The regulation of tobacco products and alternative nicotine products is a matter of general statewide concern that requires statewide regulation. The state has adopted a comprehensive plan with respect to all aspects of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products. No political 1883  
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subdivision may enact, adopt, renew, maintain, enforce, or 1890  
continue in existence any charter provision, ordinance, 1891  
resolution, rule, or other measure that conflicts with or 1892  
preempts any policy of the state regarding the regulation of 1893  
tobacco products or alternative nicotine products, including, 1894  
without limitation, by: 1895

(1) Setting or imposing standards, requirements, taxes, 1896  
fees, assessments, or charges of any kind regarding tobacco 1897  
products or alternative nicotine products that are the same as 1898  
or similar to, that conflict with, that are different from, or 1899  
that are in addition to, any standard, requirement, tax, fee, 1900  
assessment, or other charge established or authorized by state 1901  
law; 1902

(2) Lowering or raising an age requirement provided for in 1903  
state law in connection with the giveaway, sale, purchase, 1904  
distribution, manufacture, use, possession, licensing, taxation, 1905  
inspection, and marketing of tobacco products or alternative 1906  
nicotine products; 1907

(3) Prohibiting an employee eighteen years of age or older 1908  
of a manufacturer, producer, distributor, wholesaler, or 1909  
retailer of tobacco products or alternative nicotine products 1910  
from selling tobacco products or alternative nicotine products; 1911

(4) Prohibiting an employee eighteen years of age or older 1912  
of a manufacturer, producer, distributor, wholesaler, or 1913  
retailer of tobacco products or alternative nicotine products 1914  
from handling tobacco products or alternative nicotine products 1915  
in sealed containers in connection with manufacturing, storage, 1916  
warehousing, placement, stocking, bagging, loading, or 1917  
unloading. 1918

(C) In addition to any other relief provided, the court shall award costs and reasonable ~~attorney~~attorney's fees to any person, group, or entity that prevails in a challenge to an ordinance, resolution, regulation, local law, or other action as being in conflict with this section.

(D) The general assembly finds and declares that this section is part of a statewide and comprehensive legislative enactment regulating all aspects of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products. The general assembly further finds and declares that the imposition of tobacco product and alternative nicotine product regulation by any political subdivision is a matter of statewide concern and would be inconsistent with that statewide, comprehensive enactment. Therefore, regulation of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products is a matter of general statewide concern that requires uniform statewide regulation. By the enactment of this section, it is the intent of the general assembly to preempt political subdivisions from the regulation of tobacco products and alternative nicotine products.

(E) This section does not prohibit a political subdivision from levying a tax expressly authorized by state law, including the taxes authorized under Chapters 5739. and 5741. or sections 5743.021, 5743.024, 5743.026, 5743.321, 5743.323, ~~and~~ 5743.324, 5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code.

**Sec. 9.821.** (A) The department of administrative services shall direct and manage for state agencies all risk management

and insurance programs authorized under section 9.822 of the Revised Code. 1949  
1950

(B) The office of risk management is hereby established 1951  
within the department of administrative services. The director 1952  
of administrative services, or a deputy director appointed by 1953  
the director, shall control and supervise the office. 1954

(C) The office may take any of the following actions that 1955  
it determines to be in the best interests of the state: 1956

(1) Provide all insurance coverages for the state, 1957  
including, but not limited to, vehicle liability, casualty, 1958  
property, public liability, and fidelity bonding. The cost of 1959  
insurance coverage shall be paid from appropriations made to the 1960  
state agencies that the office has designated to receive the 1961  
coverage. 1962

(2) Provide coverage of legal expenses that are necessary 1963  
and related to the legal defense of claims against the state; 1964

(3) Purchase insurance policies consistent with sections 1965  
125.01 to 125.111 of the Revised Code, develop and administer 1966  
self-insurance programs, or do both; 1967

(4) Consolidate and combine state insurance coverages; 1968

(5) Provide technical services in risk management and 1969  
insurance to state agencies; 1970

(6) Adopt and publish, in accordance with section 111.15 1971  
of the Revised Code, necessary rules and procedures governing 1972  
the administration of the state's insurance and risk management 1973  
activities. 1974

(D) No state agency, except a state agency exempted under 1975  
section 125.02 or 125.04 of the Revised Code from the 1976

department's purchasing authority, shall purchase any insurance 1977  
described in this section except as authorized by the 1978  
department, when the office of risk management determines that 1979  
the purchase is in the best interest of the state pursuant to 1980  
division (C)(1) of this section, and in accordance with terms, 1981  
conditions, and procurement methods established by the 1982  
department. 1983

(E) With respect to any civil action, demand, or claim 1984  
against the state that could be filed in the court of claims, 1985  
nothing in sections 9.82 to 9.823 of the Revised Code shall be 1986  
interpreted to permit the settlement or compromise of those 1987  
civil actions, demands, or claims, except in the manner provided 1988  
in Chapter 2743. of the Revised Code. 1989

(F) The department of administrative services and the 1990  
office of risk management, while acting pursuant to the 1991  
responsibilities prescribed in sections 9.82 to 9.83 of the 1992  
Revised Code, are performing a public duty, as defined in 1993  
section 2743.01 of the Revised Code. 1994

(G) The office of the attorney general or counsel 1995  
appointed by the office of the attorney general, including any 1996  
legal representatives thereof, shall provide and share 1997  
communications and documents that are made for the purpose of 1998  
seeking or providing legal advice or counsel in connection with 1999  
actual or potential litigation, liability claims, contract 2000  
disputes, risk management issues, and other matters involving 2001  
the programs of the office of risk management with the office. 2002  
All such communications and documents shared between the office, 2003  
a state agency, and the office of the attorney general or 2004  
counsel appointed by the office of the attorney general, 2005  
including any legal representatives thereof, are privileged and 2006

confidential.

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**Sec. 101.352.** If the joint committee on agency rule review becomes aware that an agency subject to its jurisdiction is relying upon a principle of law or policy that, under section 121.93 of the Revised Code, should have been supplanted by its restatement in a rule, the chairperson of the joint committee responsible for calling and conducting meetings under section 101.35 of the Revised Code, in that chairperson's sole discretion, may request the agency to appear before the joint committee to address why, notwithstanding section 121.93 of the Revised Code, it is so relying. The request shall specify the time and place at which a designee of the agency is to appear before the joint committee to address, and to answer the joint committee's questions concerning, the agency's reliance. The date set for the appearance shall be not earlier than thirty days after the joint committee transmits the request to the agency. The joint committee shall transmit the request to the agency electronically. The joint committee also shall publish the request on its web site, as part of the relevant meeting agenda, and shall indicate in conjunction with the published request that any person is invited to appear before the joint committee when the agency appears to offer and make comments to the joint committee concerning the agency's reliance.

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Upon receiving the request, the agency shall designate a suitable agency officer or employee to appear on behalf of the agency before the joint committee as directed in the request. The agency electronically shall notify the joint committee of the name, title, telephone number, and electronic mail address of the officer or employee who has been designated to appear before the joint committee in response to the request.

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Upon appearing before the joint committee, the agency's 2037  
designee shall address why the agency is relying upon a 2038  
principle of law or policy that, notwithstanding section 121.93 2039  
of the Revised Code, has not been supplanted by its restatement 2040  
in a rule. The members of the joint committee may question the 2041  
agency's designee concerning the agency's reliance. Any person 2042  
may offer and make comments to the joint committee concerning 2043  
the agency's reliance. 2044

After the appearance has concluded, the joint committee, 2045  
by vote of a majority of its members, in writing may recommend 2046  
to the agency that it supplant the principle of law or policy 2047  
that it is relying upon by its restatement in a rule. The joint 2048  
committee shall support its recommendation with a brief 2049  
rationale of why, under section 121.93 of the Revised Code, the 2050  
principle of law or policy should be supplanted by its 2051  
restatement in a rule. The joint committee shall transmit the 2052  
recommendation electronically to the agency. 2053

After receiving the recommendation from the joint 2054  
committee, the agency shall commence the rule-making process as 2055  
soon as it is reasonably feasible to do so, but not later than 2056  
the date that is ~~six~~three months after the recommendation was 2057  
received. The principle of law or policy as it is restated in a 2058  
rule does not need to be wholly congruent with the supplanted 2059  
principle of law or policy. The agency lawfully may improve or 2060  
develop further the supplanted principle of law or policy as it 2061  
is restated in a rule. 2062

The agency may continue to rely upon the principle of law 2063  
or policy, but only while it is complying with the preceding 2064  
paragraph. The agency may not rely upon the principle of law or 2065  
policy in advising with regard to or in determining the rights 2066

or liabilities of a person if ~~the~~ any of the following apply: 2067

(A) The agency fails to commence the rule-making process 2068  
by the deadline specified in the preceding paragraph, ~~or if,~~ 2069  
~~after.~~ 2070

(B) After commencing the rule-making process, the agency 2071  
neglects or abandons the rule-making process before it is 2072  
completed. 2073

(C) The agency fails to file a rule recommended under this 2074  
section in final form within one year of receiving a written 2075  
recommendation from the joint committee in accordance with this 2076  
section. 2077

(D) After filing a proposed rule and rule summary and 2078  
fiscal analysis with the joint committee, the agency notifies 2079  
the joint committee of the agency's intention to file a revised 2080  
proposed rule as described in division (B) of section 106.02 of 2081  
the Revised Code. 2082

**Sec. 101.53.** (A) A legislative action to amend or enact a 2083  
codified or uncodified statutory section shall be indicated in 2084  
bills and enrolled acts according to the following principles: 2085

(1) New matter that is to be inserted into an existing 2086  
codified or uncodified section shall be indicated by inserting 2087  
the new matter, underlined, into the section at the appropriate 2088  
place, in the same form as it is to appear in the resulting law. 2089

(2) Old matter that is to be omitted from an existing 2090  
codified or uncodified section shall be indicated by retaining 2091  
the matter as it appears in the section and striking it through 2092  
with a horizontal line. 2093

(3) A new codified section that is to be added to the law 2094

shall be indicated by presenting the section, underlined, in the 2095  
same form as it is to appear in the resulting law. 2096

(4) A new uncodified section that is to be added to the 2097  
law shall be indicated by presenting the section, without 2098  
underlining, in the same form as it is to appear in the 2099  
resulting law. 2100

(B) (1) A legislative proposal to amend or enact a section 2101  
of the Ohio Constitution shall be indicated in a joint 2102  
resolution the same as an amendment to or an enactment of a 2103  
codified statutory section in a bill. 2104

(2) A legislative proposal of a schedule or of an 2105  
amending, enacting, repeal, effective date, or other special 2106  
clause applying to a proposed amendment of the Ohio Constitution 2107  
shall be indicated in a joint resolution the same as an 2108  
enactment of a new uncodified statutory section in a bill. 2109

(C) Bills shall be printed in the exact language in which 2110  
they were passed, under the supervision of the clerk of the 2111  
house in which they originated. ~~The legislative service-~~ 2112  
~~commission, by rule adopted under section 111.15 of the Revised-~~ 2113  
~~Code, shall direct how new matter shall be indicated and old-~~ 2114  
~~matter omitted.~~ 2115

**Sec. 101.63.** (A) (1) Not later than the first day of March 2116  
in the odd-numbered year during which an occupational licensing 2117  
board is scheduled to be triggered to expire the following even- 2118  
numbered year under section 101.62 of the Revised Code, the 2119  
speaker of the house of representatives shall direct a standing 2120  
committee of the house of representatives to hold hearings to 2121  
receive the testimony of the public and of the chief executive 2122  
officer of the board, and otherwise to review, consider, and 2123

evaluate the usefulness, performance, and effectiveness of the board. Not later than the fifteenth day of November of that same odd-numbered year, the standing committee shall prepare and publish a report of its findings and recommendations in accordance with section 101.65 of the Revised Code. If the standing committee's report includes a bill, the house of representatives shall consider that bill for passage by the thirty-first day of December of that same odd-numbered year.

(2) Not later than the first day of March in the even-numbered year during which an occupational licensing board is scheduled to be triggered to expire under section 101.62 of the Revised Code, the president of the senate shall direct a standing committee of the senate to hold hearings to receive testimony of the public and of the chief executive officer of the board, and otherwise to review, consider, and evaluate the usefulness, performance, and effectiveness of the board and any bill considered by the house of representatives related to the expiration of that board. Not later than the fifteenth day of November of that same even-numbered year, the standing committee shall prepare and publish a report of its findings and recommendations in accordance with section 101.65 of the Revised Code. If the standing committee's report includes a bill, the senate shall consider that bill for passage by the thirty-first day of December of that same even-numbered year.

(3) The president of the senate and the speaker of the house of representatives may, in the same manner as described in divisions (A) (1) and (2) of this section, direct a standing committee to review an occupational licensing board for which the director of the legislative service commission, under section 103.27 of the Revised Code, has performed a review.

(4) The president of the senate and the speaker of the house of representatives shall direct standing committees to review approximately thirty-three per cent of the occupational licensing boards each biennium. All occupational licensing boards shall be reviewed over a six-year period including calendar years 2019 through 2024, and also during each subsequent six-year period.

(B) Each occupational licensing board that is scheduled to be reviewed by a standing committee shall submit to the standing committee a report that contains all of the following information:

(1) The board's primary purpose and its various goals and objectives;

(2) The board's past and anticipated workload, the number of staff required to complete that workload, and the board's total number of staff;

(3) The board's past and anticipated budgets and its sources of funding;

(4) The number of members of its governing board or other governing entity and their compensation, if any.

(C) Each board shall have the burden of demonstrating to the standing committee a public need for its continued existence. In determining whether a board has demonstrated that need, the standing committee shall consider, as relevant, all of the following:

(1) Whether or not continuation of the board is necessary to protect the health, safety, or welfare of the public, and if so, whether or not the board's authority is narrowly tailored to protect against present, recognizable, and significant harms to

the health, safety, or welfare of the public;	2183
(2) Whether or not the public could be protected or served	2184
in an alternate or less restrictive manner;	2185
(3) Whether or not the board serves a specific private	2186
interest;	2187
(4) Whether or not rules adopted by the board are	2188
consistent with the legislative mandate of the board as	2189
expressed in the statutes that created and empowered the board;	2190
(5) The extent to which the board's jurisdiction and	2191
programs overlap or duplicate those of other boards, the extent	2192
to which the board coordinates with those other boards, and the	2193
extent to which the board's programs could be consolidated with	2194
the programs of other state departments or boards;	2195
(6) How many other states regulate the occupation, whether	2196
a license is required to engage in the occupation in other	2197
states, whether the initial licensing and license renewal	2198
requirements for the occupation are substantially equivalent in	2199
every state, and the amount of regulation exercised by the board	2200
compared to the regulation, if any, in other states;	2201
(7) The extent to which significant changes in the board's	2202
rules could prevent an individual licensed in this state from	2203
practicing, or allow an individual licensed in this state to	2204
practice, the same occupation in another jurisdiction without	2205
obtaining an occupational license for that occupation in that	2206
other jurisdiction;	2207
(8) Whether the board recognizes national uniform	2208
licensure requirements for the occupation;	2209
(9) Whether or not private contractors could be used, in	2210

an effective and efficient manner, either to assist the board in 2211  
the performance of its duties or to perform these duties instead 2212  
of the board; 2213

(10) Whether or not the operation of the board has 2214  
inhibited economic growth, reduced efficiency, or increased the 2215  
cost of government; 2216

(11) An assessment of the authority of the board regarding 2217  
fees, inspections, enforcement, and penalties; 2218

(12) The extent to which the board has permitted qualified 2219  
applicants to serve the public; 2220

(13) The extent to which the board has permitted 2221  
individuals to practice elements of the occupation without a 2222  
license; 2223

(14) The cost-effectiveness of the board in terms of 2224  
number of employees, services rendered, and administrative costs 2225  
incurred, both past and present; 2226

(15) Whether or not the board's operation has been impeded 2227  
or enhanced by existing statutes and procedures and by 2228  
budgetary, resource, and personnel practices; 2229

(16) Whether the board has recommended statutory changes 2230  
to the general assembly that would benefit the public as opposed 2231  
to the persons regulated by the board, if any, and whether its 2232  
recommendations and other policies have been adopted and 2233  
implemented; 2234

(17) Whether the board has required any persons it 2235  
regulates to report to it the impact of board rules and 2236  
decisions on the public as they affect service costs and service 2237  
delivery; 2238

(18) Whether persons regulated by the board, if any, have been required to assess problems in their business operations that affect the public;	2239 2240 2241
(19) Whether the board has encouraged public participation in its rule-making and decision-making;	2242 2243
(20) The efficiency with which formal public complaints filed with the board have been processed to completion;	2244 2245
(21) Whether the purpose for which the board was created has been fulfilled, has changed, or no longer exists;	2246 2247
(22) Whether federal law requires that the board be renewed in some form;	2248 2249
(23) An assessment of the administrative hearing process of a board if the board has an administrative hearing process, and whether or not the hearing process is consistent with due process rights;	2250 2251 2252 2253
(24) Whether the requirement for the occupational license is consistent with the policies expressed in section 4798.02 of the Revised Code, serves a meaningful, defined public interest, and provides the least restrictive form of regulation that adequately protects the public interest;	2254 2255 2256 2257 2258
(25) The extent to which licensing ensures that practitioners have occupational skill sets or competencies that are substantially related to protecting consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare, and the impact that those criteria have on applicants for a license, particularly those with moderate or low incomes, seeking to enter the occupation or profession;	2259 2260 2261 2262 2263 2264 2265 2266

(26) The extent to which the requirement for the occupational license stimulates or restricts competition, affects consumer choice, and affects the cost of services;

(27) An assessment of whether or not changes are needed in the enabling laws of the board in order for it to comply with the criteria suggested by the considerations listed in division (C) of this section;

(28) Whether the number of board members is appropriate based on the board's workload and the number of occupational licenses issued by the board.

For division (C) of this section, a government regulatory requirement protects or serves the public interest if it provides protection from present, significant, and substantiated harms to the health, safety, or welfare of the public.

(D) The legislative service commission shall provide staff services to a standing committee performing its duties under this section and section 101.65 of the Revised Code.

**Sec. 101.65.** (A) After the completion of the review of a board under section 101.63 of the Revised Code, the standing committee that conducted the review shall prepare and publish a report of its findings and recommendations. A standing committee may include in a single report its findings and recommendations regarding more than one board. The committee shall furnish a copy of the report to the president of the senate, the speaker of the house of representatives, the governor, and each affected board. Any published report shall be made available to the public on the standing committee's internet web site, and in the offices of the house of representatives and senate clerks during reasonable hours. As part of a report, the standing committee

may present its recommendations to the general assembly in bill form.	2296 2297
(B) Recommendations made by the standing committee shall indicate how or whether their implementation will do each of the following:	2298 2299 2300
(1) Improve efficiency in the management of state government;	2301 2302
(2) Improve services rendered to citizens of the state;	2303
(3) Simplify and improve preparation of the state budget;	2304
(4) Conserve the natural resources of the state;	2305
(5) Promote the orderly growth of the state and its government;	2306 2307
(6) Promote that occupational regulations shall be construed and applied to increase economic opportunities, promote competition, and encourage innovation;	2308 2309 2310
(7) Provide for the least restrictive regulation by repealing the current regulation and replacing it with a less restrictive regulation that is consistent with the policies expressed in section 4798.02 of the Revised Code;	2311 2312 2313 2314
(8) Improve the effectiveness of the services performed by the service departments of the state;	2315 2316
(9) Avoid duplication of effort by state agencies or boards;	2317 2318
(10) Improve the organization and coordination of the state government in one or more of the ways listed in divisions (B) (1) to (9) of this section.	2319 2320 2321
<u>(C) The standing committee's recommendations shall attempt</u>	2322

to ensure that each board consists of not fewer than five 2323  
members and not more than nine members. 2324

**Sec. 101.82.** As used in sections 101.82 to 101.87 of the 2325  
Revised Code: 2326

(A) "Agency" means any board, commission, committee, or 2327  
council, or any other similar state public body required to be 2328  
established pursuant to state statutes for the exercise of any 2329  
function of state government and to which members are appointed 2330  
or elected. "Agency" does not include the following: 2331

(1) The general assembly, or any commission, committee, or 2332  
other body composed entirely of members of the general assembly; 2333

(2) Any court; 2334

(3) Any public body created by or directly pursuant to the 2335  
constitution of this state; 2336

(4) The board of trustees of any institution of higher 2337  
education financially supported in whole or in part by the 2338  
state; 2339

(5) Any public body that has the authority to issue bonds 2340  
or notes or that has issued bonds or notes that have not been 2341  
fully repaid; 2342

(6) The public utilities commission of Ohio; 2343

(7) The consumers' counsel governing board; 2344

(8) ~~The Ohio board of regents;~~ 2345

~~(9)~~ Any state board or commission that has the authority 2346  
to issue any final adjudicatory order that may be appealed to 2347  
the court of common pleas under Chapter 119. of the Revised 2348  
Code; 2349

<del>(10)</del> <u>(9)</u> Any board of elections;	2350
<del>(11)</del> <u>(10)</u> The board of directors of the Ohio insurance	2351
guaranty association and the board of governors of the Ohio fair	2352
plan underwriting association;	2353
<del>(12)</del> <del>The Ohio public employees deferred compensation</del>	2354
<del>board;</del>	2355
<del>(13)</del> <u>(11)</u> The Ohio retirement study council;	2356
<del>(14)</del> <u>(12)</u> The board of trustees of the Ohio police and fire	2357
pension fund, public employees retirement board, school	2358
employees retirement board, state highway patrol retirement	2359
board, and state teachers retirement board;	2360
<del>(15)</del> <u>(13)</u> The industrial commission;	2361
<del>(16)</del> <u>(14)</u> The parole board;	2362
<del>(17)</del> <u>(15)</u> The board of tax appeals;	2363
<del>(18)</del> <u>(16)</u> The controlling board;	2364
<del>(19)</del> <u>(17)</u> The release authority of department of youth	2365
services;	2366
<del>(20)</del> <u>(18)</u> The environmental review appeals commission;	2367
<del>(21)</del> <u>(19)</u> The Ohio ethics commission;	2368
<del>(22)</del> <u>(20)</u> The Ohio public works commission;	2369
<del>(23)</del> <u>(21)</u> The self-insuring employers evaluation board;	2370
<del>(24)</del> <u>(22)</u> The state board of deposit;	2371
<del>(25)</del> <u>(23)</u> The state employment relations board;	2372
<del>(26)</del> <u>(24)</u> An agency that is exempted from the requirements	2373
of sections 101.82 to 101.87 of the Revised Code by the agency's	2374

enabling statutes; and	2375
<del>(27)</del> (25) The following agencies, deemed to have a purpose related to federal law:	2376
	2377
(a) The <del>early childhood</del> <u>children and youth</u> advisory council, under section <del>5104.50</del> <u>5180.04</u> of the Revised Code;	2378
	2379
(b) The emergency response commission under section 3750.02 of the Revised Code;	2380
	2381
(c) The public defender commission under section 120.01 of the Revised Code;	2382
	2383
(d) The homeland security advisory council under division (E) of section 5502.011 of the Revised Code;	2384
	2385
(e) The unemployment compensation review commission under section 4141.06 of the Revised Code.	2386
	2387
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (E) of section 149.331 of the Revised Code.	2388
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(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the general assembly.	2392
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(D) "Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.	2396
	2397
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(E) "Renew" means to continue an agency, and may include amendment of the statutes creating and empowering the agency, or recommendations for changes in agency operation or personnel.	2399
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**Sec. 101.83.** (A) It is the intent of the general assembly 2402  
that an agency shall expire by operation of sunset review law, 2403  
sections 101.82 to 101.87 of the Revised Code, four years more 2404  
or less after the effective date of the act that established the 2405  
agency. Unless renewed in accordance with division (E) of this 2406  
section: 2407

(1) An agency created during an even-numbered general 2408  
assembly expires at the end of the thirty-first day of December 2409  
in the second year of the next odd-numbered general assembly; 2410

(2) An agency created during an odd-numbered general 2411  
assembly expires at the end of the thirty-first day of December 2412  
in the second year of the next even-numbered general assembly; 2413  
and 2414

(3) An agency renewed by a prior sunset review committee 2415  
expires on the expiration date specified in the act that renewed 2416  
the agency. 2417

(B) Any act renewing an agency shall contain a distinct 2418  
section providing a specific expiration date for the agency in 2419  
accordance with this section. With respect to an agency 2420  
scheduled to expire through operation of sunset review law, 2421  
sections 101.82 to 101.87 of the Revised Code, the specific 2422  
expiration date shall be the thirty-first day of December in the 2423  
second year of a general assembly. 2424

(C) If the general assembly does not renew or transfer an 2425  
agency on or before its expiration date, it expires on that 2426  
date. 2427

The director of budget and management shall not authorize 2428  
the expenditure of any moneys for any agency on or after the 2429  
date of its expiration. 2430

(D) The general assembly may provide by law for the 2431  
orderly, efficient, and expeditious conclusion of an agency's 2432  
business and operation. The rules, orders, licenses, contracts, 2433  
and other actions made, taken, granted, or performed by the 2434  
agency continue in effect according to their terms 2435  
notwithstanding the agency's abolition, unless the general 2436  
assembly provides otherwise by law. The general assembly may 2437  
provide by law for the temporary or permanent transfer of some 2438  
or all of a terminated or transferred agency's functions and 2439  
personnel to a successor agency or officer. 2440

The abolition, termination, or transfer of an agency does 2441  
not cause the termination or dismissal of any claim pending 2442  
against the agency by any person, or any claim pending against 2443  
any person by the agency. Unless the general assembly provides 2444  
otherwise by law for the substitution of parties, the attorney 2445  
general shall succeed the agency with reference to any pending 2446  
claim. 2447

(E) An agency may be renewed by passage of a bill that 2448  
continues the statutes creating and empowering the agency, that 2449  
amends or repeals those statutes, or that enacts new statutes, 2450  
to improve agency usefulness, performance, or effectiveness. 2451

(F) The chairperson of an agency listed in division ~~(A)~~ 2452  
~~(27)~~(A) (25) of section 101.82 of the Revised Code shall notify 2453  
the speaker of the house of representatives and the president of 2454  
the senate, in the manner specified in section 101.68 of the 2455  
Revised Code, and shall notify the governor, if federal law is 2456  
modified to eliminate the purpose or necessity for the agency's 2457  
existence. The notification shall be in writing and include the 2458  
following disclosure: 2459

"The agency known as the \_\_\_\_\_ was exempted from sunset 2460

review law because it had a purpose related to federal law. The 2461  
federal law specifying that purpose has been amended or repealed 2462  
eliminating the purpose or necessity for the agency. The sunset 2463  
review committee, next convened under section 101.82 to 101.87 2464  
of the Revised Code, shall schedule the agency for review and 2465  
shall make a recommendation with respect to the agency in 2466  
accordance with section 101.87 of the Revised Code." 2467

**Sec. 101.84.** (A) A sunset review committee shall be 2468  
convened during each general assembly. The committee shall be 2469  
composed of nine members. The president of the senate shall 2470  
appoint three members of the senate to the committee, not more 2471  
than two of whom shall be members of the same political party. 2472  
The speaker of the house of representatives shall appoint three 2473  
members of the house of representatives to the committee, not 2474  
more than two of whom shall be members of the same political 2475  
party. The governor, with the advice and consent of the senate, 2476  
shall appoint three members to the committee, not more than two 2477  
of whom shall be members of the same political party. Members 2478  
shall be appointed within forty-five days after the commencement 2479  
of the first regular session of each general assembly. 2480

(B) Each member of the committee who is a member of the 2481  
general assembly shall serve for the duration of the committee, 2482  
or until that committee member no longer is a member of the 2483  
senate or the house of representatives. Each member of the 2484  
committee who is appointed by the governor shall serve for the 2485  
duration of the committee, but not later than the thirty-first 2486  
day of December in the second year of the general assembly. A 2487  
vacancy on the committee shall be filled in the same manner as 2488  
the original appointment. 2489

In the first year of the general assembly, the chairperson 2490

of the committee shall be a member of the house of 2491  
representatives, and the vice-chairperson of the committee shall 2492  
be a member of the senate. In the second year of the general 2493  
assembly, the chairperson of the committee shall be a member of 2494  
the senate, and the vice-chairperson of the committee shall be a 2495  
member of the house of representatives. 2496

Members of the committee shall receive no compensation, 2497  
but shall be reimbursed for their necessary expenses incurred in 2498  
the performance of their official duties. 2499

(C) The committee shall meet not later than ~~thirty~~ninety 2500  
days after the first day of the first year of the general 2501  
assembly to choose a chairperson and to commence establishment 2502  
of the schedule for agency review provided for in section 101.85 2503  
of the Revised Code or perform other committee duties under 2504  
sections 101.82 to 101.87 of the Revised Code. Five members of 2505  
the committee constitute a quorum for the conduct of committee 2506  
business. 2507

(D) The sunset review committee, after having prepared and 2508  
published a report of its findings and recommendations, and 2509  
furnished the report, as required under section 101.87 of the 2510  
Revised Code, ceases to exist for the remainder of the biennial 2511  
general assembly. 2512

**Sec. 102.02.** (A) (1) Except as otherwise provided in 2513  
division (H) of this section, all of the following shall file 2514  
with the appropriate ethics commission the disclosure statement 2515  
described in this division on a form prescribed by the 2516  
appropriate commission: every person who is elected to or is a 2517  
candidate for a state, county, or city office and every person 2518  
who is appointed to fill a vacancy for an unexpired term in such 2519  
an elective office; all members of the state board of education; 2520

the director, assistant directors, deputy directors, division 2521  
chiefs, or persons of equivalent rank of any administrative 2522  
department of the state; the president or other chief 2523  
administrative officer of every state institution of higher 2524  
education as defined in section 3345.011 of the Revised Code; 2525  
the executive director and the members of the capitol square 2526  
review and advisory board appointed or employed pursuant to 2527  
section 105.41 of the Revised Code; all members of the Ohio 2528  
casino control commission, the executive director of the 2529  
commission, all professional employees of the commission, and 2530  
all technical employees of the commission who perform an 2531  
internal audit function; the individuals set forth in division 2532  
(B) (2) of section 187.03 of the Revised Code; the chief 2533  
executive officer and the members of the board of each state 2534  
retirement system; each employee of a state retirement board who 2535  
is a state retirement system investment officer licensed 2536  
pursuant to section 1707.163 of the Revised Code; the members of 2537  
the Ohio retirement study council appointed pursuant to division 2538  
(C) of section 171.01 of the Revised Code; employees of the Ohio 2539  
retirement study council, other than employees who perform 2540  
purely administrative or clerical functions; the administrator 2541  
of workers' compensation and each member of the bureau of 2542  
workers' compensation board of directors; the bureau of workers' 2543  
compensation director of investments; the chief investment 2544  
officer of the bureau of workers' compensation; all members of 2545  
the board of commissioners on grievances and discipline of the 2546  
supreme court and the ethics commission created under section 2547  
102.05 of the Revised Code; every business manager, treasurer, 2548  
or superintendent of a city, local, exempted village, joint 2549  
vocational, or cooperative education school district or an 2550  
educational service center; every person who is elected to or is 2551  
a candidate for the office of member of a board of education of 2552

a city, local, exempted village, joint vocational, or 2553  
cooperative education school district or of a governing board of 2554  
an educational service center that has a total student count of 2555  
twelve thousand or more as most recently determined by the 2556  
department of education and workforce pursuant to section 2557  
3317.03 of the Revised Code; every person who is appointed to 2558  
the board of education of a municipal school district pursuant 2559  
to division (B) or (F) of section 3311.71 of the Revised Code; 2560  
all members of the board of directors of a sanitary district 2561  
that is established under Chapter 6115. of the Revised Code and 2562  
organized wholly for the purpose of providing a water supply for 2563  
domestic, municipal, and public use, and that includes two 2564  
municipal corporations in two counties; every public official or 2565  
employee who is paid a salary or wage in accordance with 2566  
schedule C of section 124.15 or schedule E-2 of section 124.152 2567  
of the Revised Code; all members appointed to the Ohio livestock 2568  
care standards board under section 904.02 of the Revised Code; 2569  
~~all entrepreneurs in residence assigned by the LeanOhio office~~ 2570  
~~in the department of administrative services under section~~ 2571  
~~125.65 of the Revised Code~~ and every other public official or 2572  
employee who is designated by the appropriate ethics commission 2573  
pursuant to division (B) of this section. 2574

(2) The disclosure statement shall include all of the 2575  
following: 2576

(a) The name of the person filing the statement and each 2577  
member of the person's immediate family and all names under 2578  
which the person or members of the person's immediate family do 2579  
business; 2580

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 2581  
this section and except as otherwise provided in section 102.022 2582

of the Revised Code, identification of every source of income, 2583  
other than income from a legislative agent identified in 2584  
division (A) (2) (b) (ii) of this section, received during the 2585  
preceding calendar year, in the person's own name or by any 2586  
other person for the person's use or benefit, by the person 2587  
filing the statement, and a brief description of the nature of 2588  
the services for which the income was received. If the person 2589  
filing the statement is a member of the general assembly, the 2590  
statement shall identify the amount of every source of income 2591  
received in accordance with the following ranges of amounts: 2592  
zero or more, but less than one thousand dollars; one thousand 2593  
dollars or more, but less than ten thousand dollars; ten 2594  
thousand dollars or more, but less than twenty-five thousand 2595  
dollars; twenty-five thousand dollars or more, but less than 2596  
fifty thousand dollars; fifty thousand dollars or more, but less 2597  
than one hundred thousand dollars; and one hundred thousand 2598  
dollars or more. Division (A) (2) (b) (i) of this section shall not 2599  
be construed to require a person filing the statement who 2600  
derives income from a business or profession to disclose the 2601  
individual items of income that constitute the gross income of 2602  
that business or profession, except for those individual items 2603  
of income that are attributable to the person's or, if the 2604  
income is shared with the person, the partner's, solicitation of 2605  
services or goods or performance, arrangement, or facilitation 2606  
of services or provision of goods on behalf of the business or 2607  
profession of clients, including corporate clients, who are 2608  
legislative agents. A person who files the statement under this 2609  
section shall disclose the identity of and the amount of income 2610  
received from a person who the public official or employee knows 2611  
or has reason to know is doing or seeking to do business of any 2612  
kind with the public official's or employee's agency. 2613

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

(iii) Except as otherwise provided in division (A) (2) (b) (iii) of this section, division (A) (2) (b) (i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A) (2) (b) (i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A) (2) (b) (iii) of this section to disclose

the name, other identity, or address of a client, patient, or 2645  
other recipient of professional services if the disclosure would 2646  
threaten the client, patient, or other recipient of professional 2647  
services, would reveal details of the subject matter for which 2648  
legal, medical, or professional advice or other services were 2649  
sought, or would reveal an otherwise privileged communication 2650  
involving the client, patient, or other recipient of 2651  
professional services. Division (A) (2) (b) (i) of this section 2652  
does not require an attorney, physician, or other professional 2653  
subject to a confidentiality requirement as described in 2654  
division (A) (2) (b) (iii) of this section to disclose in the brief 2655  
description of the nature of services required by division (A) 2656  
(2) (b) (i) of this section any information pertaining to specific 2657  
professional services rendered for a client, patient, or other 2658  
recipient of professional services that would reveal details of 2659  
the subject matter for which legal, medical, or professional 2660  
advice was sought or would reveal an otherwise privileged 2661  
communication involving the client, patient, or other recipient 2662  
of professional services. 2663

(c) The name of every corporation on file with the 2664  
secretary of state that is incorporated in this state or holds a 2665  
certificate of compliance authorizing it to do business in this 2666  
state, trust, business trust, partnership, or association that 2667  
transacts business in this state in which the person filing the 2668  
statement or any other person for the person's use and benefit 2669  
had during the preceding calendar year an investment of over one 2670  
thousand dollars at fair market value as of the thirty-first day 2671  
of December of the preceding calendar year, or the date of 2672  
disposition, whichever is earlier, or in which the person holds 2673  
any office or has a fiduciary relationship, and a description of 2674  
the nature of the investment, office, or relationship. Division 2675

(A) (2) (c) of this section does not require disclosure of the 2676  
name of any bank, savings and loan association, credit union, or 2677  
building and loan association with which the person filing the 2678  
statement has a deposit or a withdrawable share account. 2679

(d) All fee simple and leasehold interests to which the 2680  
person filing the statement holds legal title to or a beneficial 2681  
interest in real property located within the state, excluding 2682  
the person's residence and property used primarily for personal 2683  
recreation; 2684

(e) The names of all persons residing or transacting 2685  
business in the state to whom the person filing the statement 2686  
owes, in the person's own name or in the name of any other 2687  
person, more than one thousand dollars. Division (A) (2) (e) of 2688  
this section shall not be construed to require the disclosure of 2689  
debts owed by the person resulting from the ordinary conduct of 2690  
a business or profession or debts on the person's residence or 2691  
real property used primarily for personal recreation, except 2692  
that the superintendent of financial institutions and any deputy 2693  
superintendent of banks shall disclose the names of all state- 2694  
chartered banks and all bank subsidiary corporations subject to 2695  
regulation under section 1109.44 of the Revised Code to whom the 2696  
superintendent or deputy superintendent owes any money. 2697

(f) The names of all persons residing or transacting 2698  
business in the state, other than a depository excluded under 2699  
division (A) (2) (c) of this section, who owe more than one 2700  
thousand dollars to the person filing the statement, either in 2701  
the person's own name or to any person for the person's use or 2702  
benefit. Division (A) (2) (f) of this section shall not be 2703  
construed to require the disclosure of clients of attorneys or 2704  
persons licensed under section 4732.12 of the Revised Code, or 2705

patients of persons licensed under section 4731.14 of the 2706  
Revised Code, nor the disclosure of debts owed to the person 2707  
resulting from the ordinary conduct of a business or profession. 2708

(g) Except as otherwise provided in section 102.022 of the 2709  
Revised Code, the source of each gift of over seventy-five 2710  
dollars, or of each gift of over twenty-five dollars received by 2711  
a member of the general assembly from a legislative agent, 2712  
received by the person in the person's own name or by any other 2713  
person for the person's use or benefit during the preceding 2714  
calendar year, except gifts received by will or by virtue of 2715  
section 2105.06 of the Revised Code, or received from spouses, 2716  
parents, grandparents, children, grandchildren, siblings, 2717  
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 2718  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 2719  
or any person to whom the person filing the statement stands in 2720  
loco parentis, or received by way of distribution from any inter 2721  
vivos or testamentary trust established by a spouse or by an 2722  
ancestor; 2723

(h) Except as otherwise provided in section 102.022 of the 2724  
Revised Code, identification of the source and amount of every 2725  
payment of expenses incurred for travel to destinations inside 2726  
or outside this state that is received by the person in the 2727  
person's own name or by any other person for the person's use or 2728  
benefit and that is incurred in connection with the person's 2729  
official duties, except for expenses for travel to meetings or 2730  
conventions of a national or state organization to which any 2731  
state agency, including, but not limited to, any legislative 2732  
agency or state institution of higher education as defined in 2733  
section 3345.011 of the Revised Code, pays membership dues, or 2734  
any political subdivision or any office or agency of a political 2735  
subdivision pays membership dues; 2736

(i) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

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

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

(4) A person who is required to file a statement under this section shall file that statement according to the

following deadlines, as applicable:	2767
(a) Except as otherwise provided in divisions (A) (4) (b),	2768
(c), and (d) of this section, the person shall file the	2769
statement not later than the fifteenth day of May of each year.	2770
(b) A person who is a candidate for elective office shall	2771
file the statement no later than the thirtieth day before the	2772
primary, special, or general election at which the candidacy is	2773
to be voted on, whichever election occurs soonest, except that a	2774
person who is a write-in candidate shall file the statement no	2775
later than the twentieth day before the earliest election at	2776
which the person's candidacy is to be voted on.	2777
(c) A person who is appointed to fill a vacancy for an	2778
unexpired term in an elective office shall file the statement	2779
within fifteen days after the person qualifies for office.	2780
(d) A person who is appointed or employed after the	2781
fifteenth day of May, other than a person described in division	2782
(A) (4) (c) of this section, shall file an annual statement within	2783
ninety days after appointment or employment.	2784
(5) No person shall be required to file with the	2785
appropriate ethics commission more than one statement or pay	2786
more than one filing fee for any one calendar year.	2787
(6) The appropriate ethics commission, for good cause, may	2788
extend for a reasonable time the deadline for filing a statement	2789
under this section.	2790
(7) A statement filed under this section is subject to	2791
public inspection at locations designated by the appropriate	2792
ethics commission except as otherwise provided in this section.	2793
(B) The Ohio ethics commission, the joint legislative	2794

ethics committee, and the board of commissioners on grievances 2795  
and discipline of the supreme court, using the rule-making 2796  
procedures of Chapter 119. of the Revised Code, may require any 2797  
class of public officials or employees under its jurisdiction 2798  
and not specifically excluded by this section whose positions 2799  
involve a substantial and material exercise of administrative 2800  
discretion in the formulation of public policy, expenditure of 2801  
public funds, enforcement of laws and rules of the state or a 2802  
county or city, or the execution of other public trusts, to file 2803  
an annual statement under division (A) of this section. The 2804  
appropriate ethics commission shall send the public officials or 2805  
employees written notice of the requirement not less than thirty 2806  
days before the applicable filing deadline unless the public 2807  
official or employee is appointed after that date, in which case 2808  
the notice shall be sent within thirty days after appointment, 2809  
and the filing shall be made not later than ninety days after 2810  
appointment. 2811

Disclosure statements filed under this division with the 2812  
Ohio ethics commission by members of boards, commissions, or 2813  
bureaus of the state for which no compensation is received other 2814  
than reasonable and necessary expenses shall be kept 2815  
confidential. Disclosure statements filed with the Ohio ethics 2816  
commission under division (A) of this section by business 2817  
managers, treasurers, and superintendents of city, local, 2818  
exempted village, joint vocational, or cooperative education 2819  
school districts or educational service centers shall be kept 2820  
confidential, except that any person conducting an audit of any 2821  
such school district or educational service center pursuant to 2822  
Chapter 117. of the Revised Code may examine the disclosure 2823  
statement of any business manager, treasurer, or superintendent 2824  
of that school district or educational service center. 2825

Disclosure statements filed with the Ohio ethics commission 2826  
under division (A) of this section by the individuals set forth 2827  
in division (B) (2) of section 187.03 of the Revised Code shall 2828  
be kept confidential. The Ohio ethics commission shall examine 2829  
each disclosure statement required to be kept confidential to 2830  
determine whether a potential conflict of interest exists for 2831  
the person who filed the disclosure statement. A potential 2832  
conflict of interest exists if the private interests of the 2833  
person, as indicated by the person's disclosure statement, might 2834  
interfere with the public interests the person is required to 2835  
serve in the exercise of the person's authority and duties in 2836  
the person's office or position of employment. If the commission 2837  
determines that a potential conflict of interest exists, it 2838  
shall notify the person who filed the disclosure statement and 2839  
shall make the portions of the disclosure statement that 2840  
indicate a potential conflict of interest subject to public 2841  
inspection in the same manner as is provided for other 2842  
disclosure statements. Any portion of the disclosure statement 2843  
that the commission determines does not indicate a potential 2844  
conflict of interest shall be kept confidential by the 2845  
commission and shall not be made subject to public inspection, 2846  
except as is necessary for the enforcement of Chapters 102. and 2847  
2921. of the Revised Code and except as otherwise provided in 2848  
this division. 2849

(C) No person shall knowingly fail to file, on or before 2850  
the applicable filing deadline established under this section, a 2851  
statement that is required by this section. 2852

(D) No person shall knowingly file a false statement that 2853  
is required to be filed under this section. 2854

(E) (1) Except as provided in divisions (E) (2) and (3) of 2855

this section, the statement required by division (A) or (B) of 2856  
this section shall be accompanied by a filing fee of sixty 2857  
dollars. 2858

(2) The statement required by division (A) of this section 2859  
shall be accompanied by the following filing fee to be paid by 2860  
the person who is elected or appointed to, or is a candidate 2861  
for, any of the following offices: 2862  
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|---|---|------|
| A | For state office, except member of the state board of education   | \$95 |
| B | For office of member of general assembly  | \$40 |
| C | For county office   | \$60 |
| D | For city office   | \$35 |
| E | For office of member of the state board of education  | \$35 |
| F | For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board  | \$30 |
| G | For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center | \$30 |

(3) No judge of a court of record or candidate for judge 2864  
of a court of record, and no referee or magistrate serving a 2865  
court of record, shall be required to pay the fee required under 2866

division (E) (1) or (2) or (F) of this section. 2867

(4) For any public official who is appointed to a 2868  
nonelective office of the state and for any employee who holds a 2869  
nonelective position in a public agency of the state, the state 2870  
agency that is the primary employer of the state official or 2871  
employee shall pay the fee required under division (E) (1) or (F) 2872  
of this section. 2873

(F) If a statement required to be filed under this section 2874  
is not filed by the date on which it is required to be filed, 2875  
the appropriate ethics commission shall assess the person 2876  
required to file the statement a late filing fee of ten dollars 2877  
for each day the statement is not filed, except that the total 2878  
amount of the late filing fee shall not exceed two hundred fifty 2879  
dollars. 2880

(G) (1) The appropriate ethics commission other than the 2881  
Ohio ethics commission and the joint legislative ethics 2882  
committee shall deposit all fees it receives under divisions (E) 2883  
and (F) of this section into the general revenue fund of the 2884  
state. 2885

(2) The Ohio ethics commission shall deposit all receipts, 2886  
including, but not limited to, fees it receives under divisions 2887  
(E) and (F) of this section, investigative or other fees, costs, 2888  
or other funds it receives as a result of court orders, and all 2889  
moneys it receives from settlements under division (G) of 2890  
section 102.06 of the Revised Code, into the Ohio ethics 2891  
commission fund, which is hereby created in the state treasury. 2892  
All moneys credited to the fund shall be used solely for 2893  
expenses related to the operation and statutory functions of the 2894  
commission. 2895

(3) The joint legislative ethics committee shall deposit 2896  
all receipts it receives from the payment of financial 2897  
disclosure statement filing fees under divisions (E) and (F) of 2898  
this section into the joint legislative ethics committee 2899  
investigative and financial disclosure fund. 2900

(H) Division (A) of this section does not apply to a 2901  
person elected or appointed to the office of precinct, ward, or 2902  
district committee member under Chapter 3517. of the Revised 2903  
Code; a presidential elector; a delegate to a national 2904  
convention; village or township officials and employees; any 2905  
physician or psychiatrist who is paid a salary or wage in 2906  
accordance with schedule C of section 124.15 or schedule E-2 of 2907  
section 124.152 of the Revised Code and whose primary duties do 2908  
not require the exercise of administrative discretion; or any 2909  
member of a board, commission, or bureau of any county or city 2910  
who receives less than one thousand dollars per year for serving 2911  
in that position. 2912

**Sec. 103.05.** (A) The director of the legislative service 2913  
commission shall be the codifier of the rules of the 2914  
administrative agencies of the state. When in accordance with 2915  
sections 149.21 to 149.27 of the Revised Code, the commission is 2916  
the official publisher of the Ohio administrative code. 2917

(B) The director, considering the objectives of uniform 2918  
codification and the principles of legal drafting, shall publish 2919  
a rule drafting manual that states standards and procedures to 2920  
be followed by an agency in drafting a rule that is to be 2921  
codified into the administrative code. The director shall 2922  
periodically revise and publish a new edition of the manual to 2923  
maintain the uniformity of the administrative code. In preparing 2924  
and updating the rule drafting manual, the director shall 2925

consider sections 1.31 and 1.41 to 1.59 of the Revised Code and 2926  
apply the principles of statutory construction to rule drafting. 2927  
The rule drafting manual shall prescribe and explain any matters 2928  
the director determines are pertinent to the uniformity of the 2929  
administrative code, including: 2930

(1) The rule numbering system an agency shall follow to 2931  
codify a rule into the administrative code; 2932

(2) The structure of a rule, including: 2933

(a) The rule number; 2934

(b) The subject matter heading, the principal text, any 2935  
appendices, and the supplemental information, including 2936  
information with respect to the history of the rule; 2937

(c) A certification that the rule has been lawfully 2938  
adopted; 2939

(d) The effective date, expiration date, and periodic 2940  
five-year review date of the rule. 2941

(3) The standard format for drafting an amendment to an 2942  
existing rule or an appendix if there is one, an enactment of a 2943  
new rule or appendix, and a rescission of an existing rule or 2944  
appendix. 2945

(C) When a rule is filed under section 111.15-~~or~~, 119.03, 2946  
or 119.04 of the Revised Code, the director ~~or the director's~~ 2947  
~~designee shall examine the rule. If the rule is not numbered or~~ 2948  
~~if the numbering of the rule is not in conformity with the~~ 2949  
~~system established by the director, the director shall give the~~ 2950  
~~rule its proper number by designating the proper number on the~~ 2951  
~~left hand margin of the rule. The number shall be the official~~ 2952  
~~administrative code number of the rule. Any number so assigned~~ 2953

~~shall be published in any publication of the administrative code. Rules of the administrative code shall be cited and referred to by such official numbers.~~ 2954  
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~~The legislative service commission shall, under section 111.15 of the Revised Code, adopt, amend, and rescind any rules that are necessary to provide a uniform administrative code; to provide standards for use by the director in determining whether to include in the administrative code the full text of, or a reference to, any rule filed with the commission; to permit the director to discharge the director's duties and exercise the director's powers as described in this section; and to permit the director to discharge the director's duties and exercise the director's powers with respect to establishing and maintaining, and enhancing and improving, the electronic rule-filing system under section 103.0511 of the Revised Code.~~ 2957  
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~~When the commission adopts rules to provide standards for use by the director in determining whether to include the full text of, or a reference to, a rule in the administrative code, it shall require the director to consider all of the following:~~ 2969  
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~~(1) Whether the rule applies uniformly to all citizens of the state;~~ 2973  
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~~(2) Whether the rule applies uniformly to all political subdivisions of the state;~~ 2975  
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~~(3) Whether the rule affects the health, welfare, and safety of the citizens of the state;~~ 2977  
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~~(4) Whether the rule applies only to the internal affairs of the agency adopting the rule;~~ 2979  
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~~(5) The number of persons affected by the rule;~~ 2981

~~(6) Whether the rule affects the statutory or constitutional rights of any person.~~ 2982  
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~~The director or the director's designee shall accept any rule that is filed under section 111.15 or 119.04 of the Revised Code. If the director or the director's designee accepts a rule that is does not in compliance comply with the rules of the commission~~ 2984  
this section or the rule drafting manual, the director 2985  
shall give notice of the noncompliance in electronic form to the 2986  
agency that filed the rule within thirty days after the date on 2987  
which the rule is filed. The notice shall indicate why the rule 2988  
does not comply with ~~the rules of the commission~~ this section or 2989  
the rule drafting manual and how the rule can be brought into 2990  
compliance. The failure of the director to give an agency notice 2991  
within the thirty-day period presumptively establishes that the 2992  
rule complies with ~~the rules of the commission~~ this section and 2993  
the rule drafting manual. 2994  
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~~(B)~~ (D) Any person may publish an acceptable administrative 2998  
code. The director shall approve as acceptable any person's 2999  
publication of the code conforming to the requirements of this 3000  
division. 3001

An Ohio administrative code approved as acceptable by the 3002  
director shall: 3003

(1) Contain a compilation of the full text of, or a 3004  
reference to, each rule filed under section 111.15 or 119.04 of 3005  
the Revised Code; 3006

(2) Presumptively establish the rules of all agencies 3007  
adopting rules under section 111.15 or Chapter 119. of the 3008  
Revised Code that are in effect on the day of its initial 3009  
publication; 3010

(3) Contain the full text of, or a reference to, each rule 3011  
adopted after its initial publication and be updated at least 3012  
quarterly; 3013

(4) Contain an index of the rules and references to rules 3014  
that are included in the code and each supplement using terms 3015  
easily understood by the general public; 3016

(5) Be published in electronic or print format following, 3017  
to the extent possible, the subject matter arrangement of the 3018  
Revised Code; 3019

(6) Be numbered according to the numbering system devised 3020  
by the director. 3021

~~(C) The director may prepare and publish the code, or 3022  
contract with any person under this division to prepare and 3023  
publish the code. Any code published under this division shall 3024  
include all of the requirements of division (B) of this section. 3025  
In addition, the director shall furnish any code or supplement 3026  
published under this division to any person who requests the 3027  
code or supplement upon payment of a charge established by the 3028  
director, not to exceed the cost of preparation and publication. 3029~~

~~Upon the request of the director of the legislative 3030  
service commission under this division, the director of 3031  
administrative services, in accordance with the competitive 3032  
selection procedure of Chapter 125. of the Revised Code, shall 3033  
let a contract for the compilation, preparation, and printing or 3034  
publication of the administrative code and supplements. 3035~~

**Sec. 103.051.** The "Register of Ohio" is an electronic 3036  
publication that functions as a gazette to which members of the 3037  
public may readily resort for notice of and information about 3038  
rule-making processes. The director of the legislative service 3039

commission shall publish the register. The register is to 3040  
include all rule-making documents that are required by statute 3041  
to be published in the register. The director shall display the 3042  
register free of charge on the internet, and shall ensure that 3043  
printed copies of all or part of a document published in the 3044  
register can be easily produced by users of the internet. 3045

The director, taking into consideration the public notice 3046  
and information functions performed by the register, shall 3047  
update the register at reasonable intervals, but not less often 3048  
than weekly. The director shall establish a reasonable deadline 3049  
before each updating. A document received by the director on or 3050  
before a deadline is to be published in the register upon the 3051  
register's next updating. The director shall purge a document 3052  
from the register when its display no longer serves the public 3053  
notice and information functions performed by the register. 3054

The director upon request of any person shall provide the 3055  
person with a printed copy of all or part of a document 3056  
published in the register. The director may charge and collect a 3057  
fee for this service. Any such fee is not to exceed the actual 3058  
cost of printing and delivering the printed copy to the person 3059  
requesting it. ~~The director shall deposit the fees into the~~ 3060  
~~state treasury to the credit of the register of Ohio fund.~~ 3061

**Sec. 103.41.** (A) As used in sections 103.41 to ~~103.415~~ 3062  
103.416 of the Revised Code: 3063

(1) "JMOC" means the joint medicaid oversight committee 3064  
created under this section. 3065

(2) "State and local government medicaid agency" means all 3066  
of the following: 3067

(a) The department of medicaid; 3068

(b) Each state agency and political subdivision with which 3069  
the department of medicaid contracts under section 5162.35 of 3070  
the Revised Code to have the state agency or political 3071  
subdivision administer one or more components of the medicaid 3072  
program, or one or more aspects of a component, under the 3073  
department's supervision; 3074

(c) Each agency of a political subdivision that is 3075  
responsible for administering one or more components of the 3076  
medicaid program, or one or more aspects of a component, under 3077  
the supervision of the department or a state agency or political 3078  
subdivision described in division (A) (2) (b) of this section. 3079

(B) There is hereby created the joint medicaid oversight 3080  
committee. JMOC shall consist of the following members: 3081

(1) Five members of the senate appointed by the president 3082  
of the senate, three of whom are members of the majority party 3083  
and two of whom are members of the minority party; 3084

(2) Five members of the house of representatives appointed 3085  
by the speaker of the house of representatives, three of whom 3086  
are members of the majority party and two of whom are members of 3087  
the minority party. 3088

(C) The term of each JMOC member shall begin on the day of 3089  
appointment to JMOC and end on the last day that the member 3090  
serves in the house (in the case of a member appointed by the 3091  
speaker) or senate (in the case of a member appointed by the 3092  
president) during the general assembly for which the member is 3093  
appointed to JMOC. The president and speaker shall make the 3094  
initial appointments not later than fifteen days after March 20, 3095  
2014. However, if this section takes effect before January 1, 3096  
2014, the president and speaker shall make the initial 3097

appointments during the period beginning January 1, 2014, and 3098  
ending January 15, 2014. The president and speaker shall make 3099  
subsequent appointments not later than fifteen days after the 3100  
commencement of the first regular session of each general 3101  
assembly. JMOC members may be reappointed. A vacancy on JMOC 3102  
shall be filled in the same manner as the original appointment. 3103

(D) In odd-numbered years, the speaker shall designate one 3104  
of the majority members from the house as the JMOC chairperson, 3105  
the president shall designate one of the majority members from 3106  
the senate as the JMOC vice-chairperson, and the president shall 3107  
designate one of the minority members from the senate as the 3108  
JMOC ranking minority member. In even-numbered years, the 3109  
president shall designate one of the majority members from the 3110  
senate as the JMOC chairperson, the speaker shall designate one 3111  
of the majority members from the house as the JMOC vice- 3112  
chairperson, and the speaker shall designate one of the minority 3113  
members from the house as the JMOC ranking minority member. 3114

(E) In appointing members from the minority, and in 3115  
designating ranking minority members, the president and speaker 3116  
shall consult with the minority leader of their respective 3117  
houses. 3118

(F) JMOC shall meet at the call of the JMOC chairperson. 3119  
The chairperson shall call JMOC to meet not less often than once 3120  
each calendar month, unless the chairperson and ranking minority 3121  
member agree that the chairperson should not call JMOC to meet 3122  
for a particular month. 3123

(G) Notwithstanding section 101.26 of the Revised Code, 3124  
the members, when engaged in their duties as members of JMOC on 3125  
days when there is not a voting session of the member's house of 3126  
the general assembly, shall be paid at the per diem rate of one 3127

hundred fifty dollars, and their necessary traveling expenses, 3128  
which shall be paid from the funds appropriated for the payment 3129  
of expenses of legislative committees. 3130

(H) The JMOC chairperson may, subject to approval by the 3131  
speaker of the house of representatives or the speaker's 3132  
designee and the president of the senate or the president's 3133  
designee, employ professional, technical, and clerical employees 3134  
as are necessary for JMOC to be able successfully and 3135  
efficiently to perform its duties. All such employees are in the 3136  
unclassified service and may be terminated by the chairperson, 3137  
subject to approval of the speaker or the speaker's designee and 3138  
president or the president's designee. JMOC may contract for the 3139  
services of persons who are qualified by education and 3140  
experience to advise, consult with, or otherwise assist JMOC in 3141  
the performance of its duties. 3142

(I) The JMOC chairperson, when authorized by JMOC and the 3143  
president and speaker, may issue subpoenas and subpoenas duces 3144  
tecum in aid of JMOC's performance of its duties. A subpoena may 3145  
require a witness in any part of the state to appear before JMOC 3146  
at a time and place designated in the subpoena to testify. A 3147  
subpoena duces tecum may require witnesses or other persons in 3148  
any part of the state to produce books, papers, records, and 3149  
other tangible evidence before JMOC at a time and place 3150  
designated in the subpoena duces tecum. A subpoena or subpoena 3151  
duces tecum shall be issued, served, and returned, and has 3152  
consequences, as specified in sections 101.41 to 101.45 of the 3153  
Revised Code. 3154

(J) The JMOC chairperson may administer oaths to witnesses 3155  
appearing before JMOC. 3156

**Sec. 103.416.** (A) Not later than October 1, 2025, and to 3157

<u>assist JMOC with fulfilling the duties described in section</u>	3158
<u>103.412 of the Revised Code, the department of medicaid, the</u>	3159
<u>department of job and family services, and county departments of</u>	3160
<u>job and family services shall provide the JMOC executive</u>	3161
<u>director and the staff of JMOC, to the extent permitted by</u>	3162
<u>federal law, with access to view all of the information and</u>	3163
<u>systems used for determining eligibility for public assistance</u>	3164
<u>benefits, as well as for billing, payments, and tracking for</u>	3165
<u>providers, including all of the following:</u>	3166
<u>(1) The Ohio integrated eligibility system;</u>	3167
<u>(2) The support enforcement tracking system;</u>	3168
<u>(3) The systematic alien verification for entitlements</u>	3169
<u>system;</u>	3170
<u>(4) The electronic document management system;</u>	3171
<u>(5) The content manager;</u>	3172
<u>(6) The compass pilot;</u>	3173
<u>(7) The income and eligibility verification system;</u>	3174
<u>(8) The medicaid information technology system;</u>	3175
<u>(9) The Ohio medicaid enterprise system;</u>	3176
<u>(10) The fiscal intermediary;</u>	3177
<u>(11) The single state pharmacy benefit manager;</u>	3178
<u>(12) The provider network management module;</u>	3179
<u>(13) The electronic data interchange;</u>	3180
<u>(14) The business intelligence reporting system;</u>	3181
<u>(15) The work number;</u>	3182

<u>(16) Columbia gas;</u>	3183
<u>(17) Self-service reports.</u>	3184
<u>(B) When accessing the information and systems described</u>	3185
<u>in division (A) of this section, the JMOC executive director and</u>	3186
<u>staff of JMOC shall adhere to the confidentiality standards that</u>	3187
<u>employees of the department of medicaid, department of job and</u>	3188
<u>family services, and county departments of job and family</u>	3189
<u>services are required to adhere to when accessing the same</u>	3190
<u>information and systems. The department of medicaid, department</u>	3191
<u>of job and family services, and county departments of job and</u>	3192
<u>family services shall provide systems training to the JMOC</u>	3193
<u>executive director and the staff of JMOC to ensure proper</u>	3194
<u>understanding and interpretation of information viewed.</u>	3195
<b>Sec. 103.71. (A) As used in this section:</b>	3196
<u>"Local public entity," "out-of-state prisoner," and</u>	3197
<u>"private contractor" have the same meanings as in section 9.07</u>	3198
<u>of the Revised Code.</u>	3199
<u>"Private correctional facility" means a correctional</u>	3200
<u>facility in this state that houses out-of-state prisoners and</u>	3201
<u>that is operated by a private contractor under a contract with a</u>	3202
<u>local public entity pursuant to section 9.07 of the Revised</u>	3203
<u>Code.</u>	3204
<u>(B) There is hereby created a correctional institution</u>	3205
<u>inspection committee as a subcommittee of the legislative</u>	3206
<u>service commission. The committee shall consist of eight</u>	3207
<u>persons, four of whom shall be members of the senate appointed</u>	3208
<u>by the president of the senate, not more than two of whom shall</u>	3209
<u>be members of the same political party, and four of whom shall</u>	3210
<u>be members of the house of representatives appointed by the</u>	3211

speaker of the house of representatives, not more than two of 3212  
whom shall be members of the same political party. Initial 3213  
appointments to the committee shall be made within fifteen days 3214  
after July 1, 1993, and in the manner prescribed in this 3215  
section. Thereafter, appointments to the committee shall be made 3216  
within forty-five days after the commencement of the first 3217  
regular session of the general assembly and in the manner 3218  
prescribed in this section. A vacancy on the committee shall be 3219  
filled for the unexpired term in the same manner as the original 3220  
appointment. Members of the committee shall serve on the 3221  
committee until the appointments are made in the first regular 3222  
session of the following general assembly, unless they cease to 3223  
be members of the general assembly. 3224

(C) Within sixty days after the commencement of the first 3225  
regular session of the general assembly, the correctional 3226  
institution inspection committee, by a vote of a majority of 3227  
members, shall select from its membership a chairperson, vice- 3228  
chairperson, and a secretary. A member of the senate shall be 3229  
the chairperson, and a member of the house of representatives 3230  
shall be the vice-chairperson, during the first regular session 3231  
of a general assembly. A member of the house of representatives 3232  
shall be the chairperson during the second regular session of 3233  
the general assembly and a member of the senate shall be the 3234  
vice-chairperson. 3235

(D) The members of the committee shall serve without 3236  
compensation but shall be reimbursed for their actual and 3237  
necessary expenses incurred in the discharge of their official 3238  
duties. 3239

(E) The correctional institution inspection committee 3240  
shall do all of the following: 3241

(1) Subject to division (G) of this section, establish and 3242  
maintain a continuing program of inspection of each state 3243  
correctional institution used for the custody, control, 3244  
training, and rehabilitation of persons convicted of crime and 3245  
of each private correctional facility. Subject to division (G) 3246  
of this section, the committee may inspect any local 3247  
correctional institution used for the same purposes. Subject to 3248  
division (G) of this section, the committee, and each member of 3249  
the committee, for the purpose of making an inspection pursuant 3250  
to this section, shall have access to any state or local 3251  
correctional institution, to any private correctional facility, 3252  
or to any part of the institution or facility and shall not be 3253  
required to give advance notice of, or to make prior 3254  
arrangements before conducting, an inspection. 3255

(2) Evaluate and assist in the development of programs to 3256  
improve the condition or operation of correctional institutions; 3257

(3) Prepare a report for submission to the succeeding 3258  
general assembly of the findings the committee makes in its 3259  
inspections and of any programs that have been proposed or 3260  
developed to improve the condition or operation of the 3261  
correctional institutions in the state. The report shall contain 3262  
a separate evaluation of the inmate grievance procedure at each 3263  
state correctional institution. The committee shall submit the 3264  
report to the succeeding general assembly within fifteen days 3265  
after commencement of that general assembly's first regular 3266  
session. 3267

(F) Subject to division (G) of this section, the committee 3268  
shall make an inspection of each state correctional institution 3269  
each biennium and of each private correctional facility each 3270  
biennium. The inspection shall include attendance at one general 3271

meal period and one rehabilitative or educational program. 3272

(G) An inspection of a state correctional institution, a 3273  
private correctional facility, or a local correctional 3274  
institution under division (E) or (F) of this section or under 3275  
section 103.74 of the Revised Code, or an inspection under 3276  
section 103.76 of the Revised Code, is subject to and shall be 3277  
conducted in accordance with all of the following: 3278

(1) The inspection shall not be conducted unless the 3279  
chairperson of the committee grants prior approval for the 3280  
inspection. 3281

(2) The inspection shall be conducted by at least one 3282  
staff member of the committee and may include one or more of the 3283  
members appointed to the committee. 3284

(3) Unless the chairperson of the committee determines 3285  
that the inspection must be conducted outside of normal business 3286  
hours for any reason, including emergency circumstances or a 3287  
justifiable cause that perpetuates the mission of the committee, 3288  
and the chairperson specifies in the grant of prior approval for 3289  
the inspection that the chairperson has so determined, the 3290  
inspection shall be conducted only during normal business hours. 3291  
If the chairperson determines that the inspection must be 3292  
conducted outside of normal business hours and the chairperson 3293  
specifies in the grant of prior approval for the inspection that 3294  
the chairperson has so determined, the inspection may be 3295  
conducted outside of normal business hours. 3296

**Sec. 103.76.** Subject to division ~~(C)~~(G) of section ~~103.73~~ 3297  
103.71 of the Revised Code, the correctional institution 3298  
inspection committee may make an inspection of any youth 3299  
services facility at such times as it determines. 3300

**Sec. 103.77.** Subject to division ~~(C)~~(G) of section ~~103.73~~ 3301  
103.71 of the Revised Code, the correctional institution 3302  
inspection committee, and each member of the committee, for the 3303  
purpose of making inspections of youth services facilities shall 3304  
have access to any youth services facility, or to any part of 3305  
that facility and shall not be required to give advance notice 3306  
of, or to make prior arrangements before conducting, an 3307  
inspection. 3308

**Sec. 103.78.** The correctional institution inspection 3309  
committee may do the following: 3310

(A) Subject to division ~~(C)~~(G) of section ~~103.73~~103.71 of 3311  
the Revised Code, establish and maintain a continuing program of 3312  
inspection of youth services facilities; 3313

(B) Evaluate and assist in the development of programs to 3314  
improve the condition or operation of youth services 3315  
facilities~~†~~. 3316

**Sec. 106.021.** If, upon reviewing a proposed rule or 3317  
revised proposed rule, the joint committee on agency rule review 3318  
makes any of the following findings with regard to the proposed 3319  
rule or revised proposed rule, the joint committee may recommend 3320  
to the senate and house of representatives the adoption of a 3321  
concurrent resolution to invalidate the proposed rule or revised 3322  
proposed rule or a part thereof: 3323

(A) The proposed rule or revised proposed rule exceeds the 3324  
scope of its statutory authority. 3325

(B) The proposed rule or revised proposed rule conflicts 3326  
with the legislative intent of the statute under which it was 3327  
proposed. 3328

(C) The proposed rule or revised proposed rule conflicts 3329

with another proposed or existing rule. 3330

(D) The proposed rule or revised proposed rule 3331  
incorporates a text or other material by reference and: 3332

(1) The accompanying citation is not such as reasonably 3333  
would enable a reasonable person to whom the proposed rule or 3334  
revised proposed rule applies readily and without charge to find 3335  
and inspect the incorporated text or other material; 3336

(2) The accompanying citation is not such as reasonably 3337  
would enable the joint committee readily and without charge to 3338  
find and inspect the incorporated text or other material, and 3339  
the agency did not file or otherwise make the incorporated text 3340  
or other material available without charge to the joint 3341  
committee; or 3342

(3) The agency has treated the proposed rule or revised 3343  
proposed rule in whole or in part as exempt from sections 121.71 3344  
to 121.74 of the Revised Code on grounds the incorporated text 3345  
or other material has one or more of the characteristics 3346  
described in division (B) of section 121.75 of the Revised Code, 3347  
but the incorporated text or other material actually does not 3348  
have any of those characteristics. 3349

(E) The agency has failed to prepare a complete and 3350  
accurate rule summary and fiscal analysis of the proposed rule 3351  
or revised proposed rule as required by section 106.024 of the 3352  
Revised Code. 3353

(F) The agency has failed to demonstrate through the 3354  
business impact analysis, recommendations from the common sense 3355  
initiative office, and the memorandum of response that the 3356  
regulatory intent of the proposed rule or revised proposed rule 3357  
justifies its adverse impact on businesses in this state. 3358

(G) If the state agency is subject to sections 121.95, 121.951, 121.952, and 121.953 of the Revised Code, the agency has failed to justify the proposed adoption, amendment, or rescission of a rule containing a regulatory restriction.

(H) The proposed rule or revised proposed rule implements a federal law or rule in a manner that is more stringent or burdensome than the federal law or rule requires.

(I) If the state agency is subject to sections 121.95, 121.951, 121.952, and 121.953 of the Revised Code, for purposes of those sections, the proposed rule or revised proposed rule removes or replaces "shall," "must," "require," "shall not," "may not," "prohibit," or similar words in a portion of a rule but does not remove a regulatory restriction as defined in section 121.95 of the Revised Code.

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

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

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

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

(C) The governor shall submit to the general assembly, not later than four weeks after its organization, a state budget containing a complete financial plan for the ensuing fiscal biennium, excluding items of revenue and expenditure described

in section 126.022 of the Revised Code. However, in years of a 3388  
new governor's inauguration, this budget shall be submitted not 3389  
later than the fifteenth day of March. 3390

(D) In years of a new governor's inauguration, only the 3391  
new governor shall submit a budget to the general assembly. In 3392  
addition to other things required by law, each of the governor's 3393  
budgets shall contain: 3394

(1) A general budget summary by function and agency 3395  
setting forth the proposed total expenses from each and all 3396  
funds and the anticipated resources for meeting such expenses; 3397  
such resources to include any available balances in the several 3398  
funds at the beginning of the biennium and a classification by 3399  
totals of all revenue receipts estimated to accrue during the 3400  
biennium under existing law and proposed legislation. 3401

(2) A detailed statement showing the amounts recommended 3402  
to be appropriated from each fund for each fiscal year of the 3403  
biennium for current expenses, including, but not limited to, 3404  
personal services, supplies and materials, equipment, subsidies 3405  
and revenue distribution, merchandise for resale, transfers, and 3406  
nonexpense disbursements, obligations, interest on debt, and 3407  
retirement of debt, and for the biennium for capital outlay, to 3408  
the respective departments, offices, institutions, as defined in 3409  
section 121.01 of the Revised Code, and all other public 3410  
purposes; and, in comparative form, the actual expenses by 3411  
source of funds during each fiscal year of the previous two 3412  
bienniums for each such purpose. No alterations shall be made in 3413  
the requests for the legislative and judicial branches of the 3414  
state filed with the director of budget and management under 3415  
section 126.02 of the Revised Code. If any amount of federal 3416  
money is recommended to be appropriated or has been expended for 3417

a purpose for which state money also is recommended to be 3418  
appropriated or has been expended, the amounts of federal money 3419  
and state money involved shall be separately identified. 3420

(3) A detailed estimate of the revenue receipts in each 3421  
fund from each source under existing laws during each year of 3422  
the biennium; and, in comparative form, actual revenue receipts 3423  
in each fund from each source for each year of the two previous 3424  
bienniums; 3425

(4) The estimated cash balance in each fund at the 3426  
beginning of the biennium covered by the budget; the estimated 3427  
liabilities outstanding against each such balance; and the 3428  
estimated net balance remaining and available for new 3429  
appropriations; 3430

(5) A detailed estimate of the additional revenue receipts 3431  
in each fund from each source under proposed legislation, if 3432  
enacted, during each year of the biennium; 3433

(6) The most recent report prepared by the department of 3434  
taxation under section 5703.48 of the Revised Code, which shall 3435  
be submitted to the general assembly as an appendix to the 3436  
governor's budget; 3437

(7) The most recent TANF spending plan prepared by the 3438  
department of job and family services under section 5101.806 of 3439  
the Revised Code, which shall be submitted to the general 3440  
assembly as an appendix to the governor's budget; 3441

(8) The medicaid caseload and expenditure forecast report 3442  
prepared by the office of budget and management, in consultation 3443  
with the department of medicaid, under section 126.021 of the 3444  
Revised Code. The report shall be submitted to the general 3445  
assembly as a supplemental budget document to provide an in- 3446

depth analysis of the governor's budget recommendations for the 3447  
medicaid budget as a whole and for each of the major medicaid 3448  
appropriation items. The report shall clearly distinguish a 3449  
proposed policy change from continuing law or administrative 3450  
policy and indicate whether the data used throughout the report 3451  
is proposed, estimated, or actual data for the current or 3452  
proposed budget biennium. At a minimum, the report shall 3453  
delineate a part-to-whole mapping of the state and federal 3454  
shares of the general revenue fund appropriation item 651525, 3455  
medicaid health care services, or any other equivalent general 3456  
revenue fund appropriation item, by eligibility group and 3457  
subgroup, service delivery system, delivery system, medicaid 3458  
provider, and program. 3459

(E) The governor shall not submit to the general assembly 3460  
a state budget that suspends the operation of section 131.44 of 3461  
the Revised Code for the fiscal year immediately prior to the 3462  
biennium covered by the budget resulting in a beginning cash 3463  
balance for the general revenue fund for the biennium covered by 3464  
the budget that is greater than the ending fund balance required 3465  
by section 131.44 of the Revised Code, excluding any encumbered 3466  
funds that are to be disbursed in the biennium covered by the 3467  
budget. 3468

**Sec. 107.032.** As used in sections 107.033 to 107.035 of 3469  
the Revised Code: 3470

(A) "Aggregate general revenue fund appropriations" means 3471  
all appropriations made by the general assembly either directly 3472  
from the general revenue fund ~~appropriations made by the general 3473  
assembly~~ or indirectly from any nongeneral revenue fund 3474  
supported by cash transfers from the general revenue fund except 3475  
for the following: 3476

(1) Appropriations of money received from the federal government;	3477 3478
(2) Appropriations made for tax relief or refunds of taxes and other overpayments;	3479 3480
(3) Appropriations of money received as gifts.	3481
(B) <del>"Rate of inflation" means the percentage increase or decrease in the consumer price index over a one-year period, based on the most recent consumer price index for all urban consumers, midwest region, all items, as determined by the bureau of labor statistics of the United States department of labor or, if that index is no longer published, a generally available comparable index.</del>	3482 3483 3484 3485 3486 3487 3488
<del>(C) "Rate of population change" means the percentage increase or decrease in the population of this state over a one-year period, based on the most recent population data available for the state published by the bureau of the census of the United States department of commerce, or its successor in responsibility, in the population estimates program, or its successive equivalent.</del>	3489 3490 3491 3492 3493 3494 3495
<del>(D) "Recast fiscal year" means fiscal years 2012, 2016, 2020, and each fourth fiscal year thereafter.</del>	3496 3497
<b>Sec. 107.033.</b> As part of the state budget the governor submits to the general assembly under section 107.03 of the Revised Code, the governor shall include the state appropriation limitations the general assembly shall not exceed when making aggregate general revenue fund appropriations for each respective fiscal year of the biennium covered by that budget. The aggregate general revenue fund appropriations the governor proposes in the state budget also shall not exceed those	3498 3499 3500 3501 3502 3503 3504 3505

limitations for each respective fiscal year of the biennium 3506  
covered by that budget. As part of this submission, the governor 3507  
shall identify all nongeneral revenue fund appropriation line 3508  
items that are subject to the state appropriation limitation for 3509  
the current fiscal year. If the governor decides to continue 3510  
funding any of those nongeneral revenue fund line items, the 3511  
governor shall, to the greatest extent possible, propose funding 3512  
for those nongeneral revenue fund line items from the general 3513  
revenue fund for each respective fiscal year of the biennium 3514  
covered by that budget. Also as part of this submission, the 3515  
governor shall include a table listing any remaining nongeneral 3516  
revenue fund appropriation line items that are subject to the 3517  
state appropriation limitation for the current fiscal year and 3518  
for each respective fiscal year of the biennium covered by that 3519  
budget. 3520

~~(A) For fiscal year 2008, the state appropriation-~~ 3521  
~~limitation is the sum of the following:~~ 3522

~~(1) The aggregate general revenue fund appropriations for~~ 3523  
~~fiscal year 2007; plus~~ 3524

~~(2) The aggregate general revenue fund appropriations for~~ 3525  
~~fiscal year 2007 multiplied by either three and one-half per-~~ 3526  
~~cent, or the sum of the rate of inflation plus the rate of~~ 3527  
~~population change, whichever is greater.~~ 3528

~~(B) For each fiscal year thereafter that is not a recast~~ 3529  
~~fiscal year, the state appropriation limitation is the sum of~~ 3530  
~~the following:~~ 3531

~~(1) The state appropriation limitation for the previous~~ 3532  
~~fiscal year; plus~~ 3533

~~(2) The state appropriation limitation for the previous~~ 3534

fiscal year multiplied by ~~either three and one-half per cent, or~~ 3535  
~~the sum of the rate of inflation plus the rate of population~~ 3536  
~~change, whichever is greater.~~ 3537

~~(C)~~(B) For each recast fiscal year, the state 3538  
appropriation limitation is the sum of the following: 3539

(1) The aggregate general revenue fund appropriations for 3540  
the previous fiscal year; plus 3541

(2) The aggregate general revenue fund appropriations for 3542  
the previous fiscal year multiplied by ~~either three and one-half~~ 3543  
~~per cent, or the sum of the rate of inflation plus the rate of~~ 3544  
~~population change, whichever is greater.~~ 3545

~~(D)~~(C) The state appropriation limitation for a fiscal 3546  
year shall be increased by the amount of a nongeneral revenue 3547  
fund appropriation made in the immediately preceding fiscal 3548  
year, if all of the following apply to the nongeneral revenue 3549  
fund appropriation: 3550

(1) It was made on or after July 1, 2013. 3551

(2) It is included in the aggregate general revenue fund 3552  
appropriations proposed for that fiscal year. 3553

(3) It is being made for the first time from the general 3554  
revenue fund. 3555

(D) The main operating appropriations act shall contain a 3556  
list of all nongeneral revenue fund appropriation line items 3557  
subject to the state appropriation limitations under this 3558  
section. 3559

Sec. 107.034. For the purpose of calculations made on and 3560  
after the effective date of this section, any tax revenue 3561  
credited to the general revenue fund under section 113.09 of the 3562

Revised Code any time during fiscal years 2026 and 2027 shall be 3563  
considered a general revenue fund tax source to fund general 3564  
revenue fund appropriations for each succeeding fiscal year with 3565  
respect to the determination of the state appropriation 3566  
limitations under section 107.033 of the Revised Code, even if 3567  
that tax revenue is subsequently credited to a nongeneral 3568  
revenue fund account. An appropriation made from that nongeneral 3569  
revenue fund account shall be considered as if it were made from 3570  
the general revenue fund. 3571

**Sec. 107.12.** (A) As used in this section, "organization" 3572  
means a faith-based or other organization that is exempt from 3573  
federal income taxation under section 501(c)(3) of the "Internal 3574  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, 3575  
and provides charitable services to needy residents of this 3576  
state. 3577

(B) There is hereby established within the office of the 3578  
governor the governor's office of faith-based and community 3579  
initiatives. The office shall: 3580

(1) Serve as a clearinghouse of information on federal, 3581  
state, and local funding for charitable services performed by 3582  
organizations; 3583

(2) Encourage organizations to seek public funding for 3584  
their charitable services; 3585

(3) Assist local, state, and federal agencies in 3586  
coordinating their activities to secure maximum use of funds and 3587  
efforts that benefit people receiving charitable services from 3588  
organizations; 3589

(4) Advise the governor, general assembly, and the 3590  
advisory board of the governor's office of faith-based and 3591

community initiatives on the barriers that exist to 3592  
collaboration between organizations and governmental entities 3593  
and on ways to remove the barriers. 3594

(C) The governor shall appoint an executive director and 3595  
such other staff as may be necessary to manage the office and 3596  
perform or oversee the performance of the duties of the office. 3597  
Within sixty days after being appointed, and every twelve months 3598  
thereafter, the executive director shall distribute to the 3599  
advisory board and review with the board a strategic plan. The 3600  
executive director shall report to the board at least quarterly 3601  
on proposed initiatives and policies. A report shall include the 3602  
condition of the budget and the finances of the office. 3603

(D) (1) There is hereby created the advisory board of the 3604  
governor's office of faith-based and community initiatives. The 3605  
board shall consist of the following members: 3606

(a) Four individuals appointed by the governor; 3607

(b) One member of the house of representatives appointed 3608  
by the speaker of the house of representatives; 3609

(c) One member of the senate appointed by the president of 3610  
the senate; 3611

(d) Two individuals to represent the faith-based and other 3612  
nonprofit community, one appointed by the speaker of the house 3613  
of representatives, and one appointed by the president of the 3614  
senate. 3615

(2) Members of the house of representatives and of the 3616  
senate who are appointed to serve on the advisory board shall 3617  
serve on the board for the duration of the general assembly 3618  
during which they were appointed. Terms of the office for all 3619  
other members of the advisory board shall be one year. Any 3620

vacancy that occurs on the board shall be filled in the same 3621  
manner as the original appointment. 3622

(3) Members of the board are not entitled to compensation, 3623  
but public members appointed by the governor, the speaker of the 3624  
house of representatives, and the president of the senate shall 3625  
be reimbursed for their actual and necessary expenses that are 3626  
incurred in relation to board meetings. 3627

(4) The board shall be presided over by a chairperson and 3628  
a vice-chairperson, who shall be the members of the board who 3629  
are also members of the house of representatives or the senate. 3630  
Annually on the first day of January, the chairpersonship and 3631  
vice-chairpersonship shall alternate between the members of the 3632  
house of representatives and the senate. The member of the 3633  
senate shall be the chairperson during the first regular session 3634  
of a general assembly and the member of the house of 3635  
representatives shall be the chairperson during the second 3636  
regular session of the general assembly. 3637

(E) The board shall have the following duties: 3638

(1) Provide direction, guidance, and oversight to the 3639  
office; 3640

(2) Assist in the dissemination of information about, and 3641  
in the stimulation of public awareness of, the service programs 3642  
supported by the office; 3643

(3) Review the budget and finances of the office, proposed 3644  
initiatives and policies, and the executive director's annual 3645  
strategic plan at board meetings; 3646

(4) Provide feedback for and proposed modifications of the 3647  
executive director's strategic plan. Within forty-five days 3648  
after submitting a strategic plan, the executive director shall 3649

contact each advisory board member to obtain feedback. With the 3650  
approval of the advisory board chairperson, the executive 3651  
director shall lead a strategic plan discussion at the first 3652  
board meeting following the distribution of the strategic plan. 3653

(5) Publish a report of its activities and accomplishments 3654  
on or before the first day of August of each year, and deliver 3655  
copies of the report to the governor, the speaker and minority 3656  
leader of the house of representatives, and the president and 3657  
minority leader of the senate. 3658

(F) No member of the board or organization that the member 3659  
is affiliated or involved with is eligible to receive any grant 3660  
that the office administers or assists in administering. 3661

**Sec. 109.02.** The attorney general is the chief law officer 3662  
for the state and all its departments and shall be provided with 3663  
adequate office space in Columbus. Except as provided in 3664  
division (E) of section 120.06 and in sections 101.55, 107.13, 3665  
and ~~3517.152 to 3517.157~~ 3517.14 to 3517.18 of the Revised Code, 3666  
no state officer or board, or head of a department or 3667  
institution of the state shall employ, or be represented by, 3668  
other counsel or attorneys at law. The attorney general shall 3669  
appear for the state in the trial and argument of all civil and 3670  
criminal causes in the supreme court in which the state is 3671  
directly or indirectly interested. When required by the governor 3672  
or the general assembly, the attorney general shall appear for 3673  
the state in any court or tribunal in a cause in which the state 3674  
is a party, or in which the state is directly interested. Upon 3675  
the written request of the governor, the attorney general shall 3676  
prosecute any person indicted for a crime. 3677

**Sec. 109.71.** There is hereby created in the office of the 3678  
attorney general the Ohio peace officer training commission. The 3679

commission shall consist of ten members appointed by the 3680  
governor with the advice and consent of the senate and selected 3681  
as follows: one member representing the public; one member who 3682  
represents a fraternal organization representing law enforcement 3683  
officers; two members who are incumbent sheriffs; two members 3684  
who are incumbent chiefs of police; one member from the bureau 3685  
of criminal identification and investigation; one member from 3686  
the state highway patrol; one member who is the special agent in 3687  
charge of a field office of the federal bureau of investigation 3688  
in this state; and one member from the department of education 3689  
and workforce, trade and industrial education services, law 3690  
enforcement training. 3691

This section does not confer any arrest authority or any 3692  
ability or authority to detain a person, write or issue any 3693  
citation, or provide any disposition alternative, as granted 3694  
under Chapter 2935. of the Revised Code. 3695

~~Pursuant to division (A) (9) of section 101.82 of the~~ 3696  
~~Revised Code, the~~The commission is exempt from the requirements 3697  
of sections 101.82 to 101.87 of the Revised Code. 3698

As used in sections 109.71 to 109.801 of the Revised Code: 3699

(A) "Peace officer" means: 3700

(1) A deputy sheriff, marshal, deputy marshal, member of 3701  
the organized police department of a township or municipal 3702  
corporation, member of a township police district or joint 3703  
police district police force, member of a police force employed 3704  
by a metropolitan housing authority under division (D) of 3705  
section 3735.31 of the Revised Code, or township constable, who 3706  
is commissioned and employed as a peace officer by a political 3707  
subdivision of this state or by a metropolitan housing 3708

authority, and whose primary duties are to preserve the peace, 3709  
to protect life and property, and to enforce the laws of this 3710  
state, ordinances of a municipal corporation, resolutions of a 3711  
township, or regulations of a board of county commissioners or 3712  
board of township trustees, or any of those laws, ordinances, 3713  
resolutions, or regulations; 3714

(2) A police officer who is employed by a railroad company 3715  
and appointed and commissioned by the secretary of state 3716  
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 3717

(3) Employees of the department of taxation engaged in the 3718  
enforcement of Chapter 5743. of the Revised Code and designated 3719  
by the tax commissioner for peace officer training for purposes 3720  
of the delegation of investigation powers under section 5743.45 3721  
of the Revised Code; 3722

(4) An undercover drug agent; 3723

(5) Enforcement agents of the department of public safety 3724  
whom the director of public safety designates under section 3725  
5502.14 of the Revised Code; 3726

(6) An employee of the department of natural resources who 3727  
is a natural resources law enforcement staff officer designated 3728  
pursuant to section 1501.013, a natural resources officer 3729  
appointed pursuant to section 1501.24, a forest-fire 3730  
investigator appointed pursuant to section 1503.09, or a 3731  
wildlife officer designated pursuant to section 1531.13 of the 3732  
Revised Code; 3733

(7) An employee of a park district who is designated 3734  
pursuant to section 511.232 or 1545.13 of the Revised Code; 3735

(8) An employee of a conservancy district who is 3736  
designated pursuant to section 6101.75 of the Revised Code; 3737

(9) A police officer who is employed by a hospital that	3738
employs and maintains its own proprietary police department or	3739
security department, and who is appointed and commissioned by	3740
the secretary of state pursuant to sections 4973.17 to 4973.22	3741
of the Revised Code;	3742
(10) Veterans' homes police officers designated under	3743
section 5907.02 of the Revised Code;	3744
(11) A police officer who is employed by a qualified	3745
nonprofit corporation police department pursuant to section	3746
1702.80 of the Revised Code;	3747
(12) A state university law enforcement officer appointed	3748
under section 3345.04 of the Revised Code or a person serving as	3749
a state university law enforcement officer on a permanent basis	3750
on June 19, 1978, who has been awarded a certificate by the	3751
executive director of the Ohio peace officer training commission	3752
attesting to the person's satisfactory completion of an approved	3753
state, county, municipal, or department of natural resources	3754
peace officer basic training program;	3755
(13) A special police officer employed by the department	3756
of mental health and addiction services pursuant to section	3757
5119.08 of the Revised Code or the department of developmental	3758
disabilities pursuant to section 5123.13 of the Revised Code;	3759
(14) A member of a campus police department appointed	3760
under section 1713.50 of the Revised Code;	3761
(15) A member of a police force employed by a regional	3762
transit authority under division (Y) of section 306.35 of the	3763
Revised Code;	3764
(16) Investigators appointed by the auditor of state	3765
pursuant to section 117.091 of the Revised Code and engaged in	3766

the enforcement of Chapter 117. of the Revised Code; 3767

(17) A special police officer designated by the 3768  
superintendent of the state highway patrol pursuant to section 3769  
5503.09 of the Revised Code or a person who was serving as a 3770  
special police officer pursuant to that section on a permanent 3771  
basis on October 21, 1997, and who has been awarded a 3772  
certificate by the executive director of the Ohio peace officer 3773  
training commission attesting to the person's satisfactory 3774  
completion of an approved state, county, municipal, or 3775  
department of natural resources peace officer basic training 3776  
program; 3777

(18) A special police officer employed by a port authority 3778  
under section 4582.04 or 4582.28 of the Revised Code or a person 3779  
serving as a special police officer employed by a port authority 3780  
on a permanent basis on May 17, 2000, who has been awarded a 3781  
certificate by the executive director of the Ohio peace officer 3782  
training commission attesting to the person's satisfactory 3783  
completion of an approved state, county, municipal, or 3784  
department of natural resources peace officer basic training 3785  
program; 3786

(19) A special police officer employed by a municipal 3787  
corporation who has been awarded a certificate by the executive 3788  
director of the Ohio peace officer training commission for 3789  
satisfactory completion of an approved peace officer basic 3790  
training program and who is employed on a permanent basis on or 3791  
after March 19, 2003, at a municipal airport, or other municipal 3792  
air navigation facility, that has scheduled operations, as 3793  
defined in section 119.3 of Title 14 of the Code of Federal 3794  
Regulations, 14 C.F.R. 119.3, as amended, and that is required 3795  
to be under a security program and is governed by aviation 3796

security rules of the transportation security administration of 3797  
the United States department of transportation as provided in 3798  
Parts 1542. and 1544. of Title 49 of the Code of Federal 3799  
Regulations, as amended; 3800

(20) A police officer who is employed by an owner or 3801  
operator of an amusement park that has an average yearly 3802  
attendance in excess of six hundred thousand guests and that 3803  
employs and maintains its own proprietary police department or 3804  
security department, and who is appointed and commissioned by a 3805  
judge of the appropriate municipal court or county court 3806  
pursuant to section 4973.17 of the Revised Code; 3807

(21) A police officer who is employed by a bank, savings 3808  
and loan association, savings bank, credit union, or association 3809  
of banks, savings and loan associations, savings banks, or 3810  
credit unions, who has been appointed and commissioned by the 3811  
secretary of state pursuant to sections 4973.17 to 4973.22 of 3812  
the Revised Code, and who has been awarded a certificate by the 3813  
executive director of the Ohio peace officer training commission 3814  
attesting to the person's satisfactory completion of a state, 3815  
county, municipal, or department of natural resources peace 3816  
officer basic training program; 3817

(22) An investigator, as defined in section 109.541 of the 3818  
Revised Code, of the bureau of criminal identification and 3819  
investigation who is commissioned by the superintendent of the 3820  
bureau as a special agent for the purpose of assisting law 3821  
enforcement officers or providing emergency assistance to peace 3822  
officers pursuant to authority granted under that section; 3823

(23) A state fire marshal law enforcement officer 3824  
appointed under section 3737.22 of the Revised Code or a person 3825  
serving as a state fire marshal law enforcement officer on a 3826

permanent basis on or after July 1, 1982, who has been awarded a 3827  
certificate by the executive director of the Ohio peace officer 3828  
training commission attesting to the person's satisfactory 3829  
completion of an approved state, county, municipal, or 3830  
department of natural resources peace officer basic training 3831  
program; 3832

(24) A gaming agent employed under section 3772.03 of the 3833  
Revised Code; 3834

(25) An employee of the state board of pharmacy designated 3835  
by the executive director of the board pursuant to section 3836  
4729.04 of the Revised Code to investigate violations of 3837  
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 3838  
Revised Code and rules adopted thereunder. 3839

(B) "Undercover drug agent" has the same meaning as in 3840  
division (B) (2) of section 109.79 of the Revised Code. 3841

(C) "Crisis intervention training" means training in the 3842  
use of interpersonal and communication skills to most 3843  
effectively and sensitively interview victims of rape. 3844

(D) "Missing children" has the same meaning as in section 3845  
2901.30 of the Revised Code. 3846

(E) "Tactical medical professional" means an EMT, EMT- 3847  
basic, AEMT, EMT-I, paramedic, nurse, or physician who is 3848  
trained and certified in a nationally recognized tactical 3849  
medical training program that is equivalent to "tactical combat 3850  
casualty care" (TCCC) and "tactical emergency medical support" 3851  
(TEMS) and who functions in the tactical or austere environment 3852  
while attached to a law enforcement agency of either this state 3853  
or a political subdivision of this state. 3854

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 3855

meanings as in section 4765.01 of the Revised Code and "EMT" and 3856  
"AEMT" have the same meanings as in section 4765.011 of the 3857  
Revised Code. 3858

(G) "Nurse" means any of the following: 3859

(1) Any person who is licensed to practice nursing as a 3860  
registered nurse by the board of nursing; 3861

(2) Any certified nurse practitioner, clinical nurse 3862  
specialist, certified registered nurse anesthetist, or certified 3863  
nurse-midwife who holds a certificate of authority issued by the 3864  
board of nursing under Chapter 4723. of the Revised Code; 3865

(3) Any person who is licensed to practice nursing as a 3866  
licensed practical nurse by the board of nursing pursuant to 3867  
Chapter 4723. of the Revised Code. 3868

(H) "Physician" means a person who is licensed pursuant to 3869  
Chapter 4731. of the Revised Code to practice medicine and 3870  
surgery or osteopathic medicine and surgery. 3871

(I) "County correctional officer" has the same meaning as 3872  
in section 341.41 of the Revised Code. 3873

(J) (1) "Fire investigator" means an employee of a fire 3874  
department charged with investigating fires and explosions who 3875  
has been authorized, in accordance with sections 737.27 and 3876  
3737.24 of the Revised Code, to perform the duties of 3877  
investigating the origin and cause of fires and explosions using 3878  
the scientific method to investigate elements of the event 3879  
including the circumstances, actions, persons, means, and 3880  
motives that resulted in the fire or explosion or the report of 3881  
a fire or explosion within this state. 3882

(2) "Fire investigator" does not include a person who is 3883

acting as a fire investigator on behalf of an insurance company 3884  
or any other privately owned or operated enterprise. 3885

(K) "Fire department" means a fire department of the state 3886  
or an instrumentality of the state or of a municipal 3887  
corporation, township, joint fire district, or other political 3888  
subdivision. 3889

(L) "At-risk youth" means an individual who is all of the 3890  
following: 3891

(1) Under twenty-one years of age; 3892

(2) One of the following: 3893

(a) At risk of becoming an abused, neglected, or dependent 3894  
child, delinquent or unruly child, or juvenile traffic offender; 3895

(b) An abused, neglected, or dependent child, delinquent 3896  
or unruly child, or juvenile traffic offender. 3897

(3) Residing in a state correctional institution, a 3898  
department of youth services institution, or a residential 3899  
facility. 3900

(M) "Residential facility" has the same meaning as in 3901  
section 2151.46 of the Revised Code. 3902

**Sec. 109.73.** (A) The Ohio peace officer training 3903  
commission shall recommend rules to the attorney general with 3904  
respect to all of the following: 3905

(1) The approval, or revocation of approval, of peace 3906  
officer training schools administered by the state, counties, 3907  
municipal corporations, public school districts, technical 3908  
college districts, and the department of natural resources; 3909

(2) Minimum courses of study, attendance requirements, and 3910

equipment and facilities to be required at approved state, 3911  
county, municipal, and department of natural resources peace 3912  
officer training schools; 3913

(3) Minimum qualifications for instructors at approved 3914  
state, county, municipal, and department of natural resources 3915  
peace officer training schools; 3916

(4) The requirements of minimum basic training that peace 3917  
officers appointed to probationary terms shall complete before 3918  
being eligible for permanent appointment, which requirements 3919  
shall include training in the handling of the offense of 3920  
domestic violence, other types of domestic violence-related 3921  
offenses and incidents, and protection orders and consent 3922  
agreements issued or approved under section 2919.26 or 3113.31 3923  
of the Revised Code; crisis intervention training; and training 3924  
in the handling of missing children and child abuse and neglect 3925  
cases; and training in handling violations of section 2905.32 of 3926  
the Revised Code; and the time within which such basic training 3927  
shall be completed following appointment to a probationary term; 3928

(5) The requirements of minimum basic training that peace 3929  
officers not appointed for probationary terms but appointed on 3930  
other than a permanent basis shall complete in order to be 3931  
eligible for continued employment or permanent appointment, 3932  
which requirements shall include training in the handling of the 3933  
offense of domestic violence, other types of domestic violence- 3934  
related offenses and incidents, and protection orders and 3935  
consent agreements issued or approved under section 2919.26 or 3936  
3113.31 of the Revised Code, crisis intervention training, and 3937  
training in the handling of missing children and child abuse and 3938  
neglect cases, and training in handling violations of section 3939  
2905.32 of the Revised Code, and the time within which such 3940

basic training shall be completed following appointment on other 3941  
than a permanent basis; 3942

(6) Categories or classifications of advanced in-service 3943  
training programs for peace officers, including programs in the 3944  
handling of the offense of domestic violence, other types of 3945  
domestic violence-related offenses and incidents, and protection 3946  
orders and consent agreements issued or approved under section 3947  
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 3948  
and in the handling of missing children and child abuse and 3949  
neglect cases, and in handling violations of section 2905.32 of 3950  
the Revised Code, and minimum courses of study and attendance 3951  
requirements with respect to such categories or classifications; 3952

(7) Permitting persons, who are employed as members of a 3953  
campus police department appointed under section 1713.50 of the 3954  
Revised Code; who are employed as police officers by a qualified 3955  
nonprofit corporation police department pursuant to section 3956  
1702.80 of the Revised Code; who are appointed and commissioned 3957  
as bank, savings and loan association, savings bank, credit 3958  
union, or association of banks, savings and loan associations, 3959  
savings banks, or credit unions police officers, as railroad 3960  
police officers, or as hospital police officers pursuant to 3961  
sections 4973.17 to 4973.22 of the Revised Code; or who are 3962  
appointed and commissioned as amusement park police officers 3963  
pursuant to section 4973.17 of the Revised Code, to attend 3964  
approved peace officer training schools, including the Ohio 3965  
peace officer training academy, and to receive certificates of 3966  
satisfactory completion of basic training programs, if the 3967  
private college or university that established the campus police 3968  
department; qualified nonprofit corporation police department; 3969  
bank, savings and loan association, savings bank, credit union, 3970  
or association of banks, savings and loan associations, savings 3971

banks, or credit unions; railroad company; hospital; or 3972  
amusement park sponsoring the police officers pays the entire 3973  
cost of the training and certification and if trainee vacancies 3974  
are available; 3975

(8) Permitting undercover drug agents to attend approved 3976  
peace officer training schools, other than the Ohio peace 3977  
officer training academy, and to receive certificates of 3978  
satisfactory completion of basic training programs, if, for each 3979  
undercover drug agent, the county, township, or municipal 3980  
corporation that employs that undercover drug agent pays the 3981  
entire cost of the training and certification; 3982

(9) (a) The requirements for basic training programs for 3983  
bailiffs and deputy bailiffs of courts of record of this state 3984  
and for criminal investigators employed by the state public 3985  
defender that those persons shall complete before they may carry 3986  
a firearm while on duty; 3987

(b) The requirements for any training received by a 3988  
bailiff or deputy bailiff of a court of record of this state or 3989  
by a criminal investigator employed by the state public defender 3990  
prior to June 6, 1986, that is to be considered equivalent to 3991  
the training described in division (A) (9) (a) of this section. 3992

(10) Establishing minimum qualifications and requirements 3993  
for certification for dogs utilized by law enforcement agencies; 3994

(11) Establishing minimum requirements for certification 3995  
of persons who are employed as correction officers in a full- 3996  
service jail, five-day facility, or eight-hour holding facility 3997  
or who provide correction services in such a jail or facility; 3998

(12) Establishing requirements for the training of humane 3999  
society agents under section 1717.061 of the Revised Code, 4000

including, without limitation, a requirement that the agents 4001  
receive instruction on traditional animal husbandry methods and 4002  
training techniques, including customary owner-performed 4003  
practices; 4004

(13) Permitting tactical medical professionals to attend 4005  
approved peace officer training schools, including the Ohio 4006  
peace officer training academy, to receive training of the type 4007  
described in division (A) (14) of this section and to receive 4008  
certificates of satisfactory completion of training programs 4009  
described in that division; 4010

(14) The requirements for training programs that tactical 4011  
medical professionals shall complete to qualify them to carry 4012  
firearms while on duty under section 109.771 of the Revised 4013  
Code, which requirements shall include at least the firearms 4014  
training specified in division (A) of section 109.748 of the 4015  
Revised Code; 4016

(15) Procedures and requirements for a portion of basic 4017  
training that peace officers complete in proper interactions 4018  
with civilians during traffic stops and other in-person 4019  
encounters as specified in division (B) (4) of section 109.803 of 4020  
the Revised Code and including the topics of instruction listed 4021  
for active duty peace officers under divisions (B) (4) (a) to (d) 4022  
of that section; 4023

(16) Permitting county correctional officers to attend 4024  
approved peace officer training schools, including the Ohio 4025  
peace officer training academy, to receive training of the type 4026  
described in division (A) (17) of this section, and to receive 4027  
certificates of satisfactory completion of basic training 4028  
programs described in that division; 4029

(17) The requirements for basic training programs that 4030  
county correctional officers shall complete to qualify them to 4031  
carry firearms while on duty under section 109.772 of the 4032  
Revised Code, which requirements shall include the firearms 4033  
training specified in section 109.773 of the Revised Code; 4034

(18) Permitting fire investigators to attend approved 4035  
peace officer training schools, including the Ohio peace officer 4036  
training academy, to receive training of the type described in 4037  
division (A)(19) of this section, and to receive certificates of 4038  
satisfactory completion of training programs described in that 4039  
division; 4040

(19) The requirements for training programs that fire 4041  
investigators shall complete to qualify them to carry firearms 4042  
while on duty under section 109.774 of the Revised Code, which 4043  
requirements shall include at least the firearms training 4044  
specified in division (A) of section 109.7481 of the Revised 4045  
Code; 4046

(20) The requirements for refresher training under 4047  
division (M) of section 109.77 of the Revised Code. 4048

(B) The commission shall appoint an executive director, 4049  
with the approval of the attorney general, who shall hold office 4050  
during the pleasure of the commission. The executive director 4051  
shall perform such duties assigned by the commission. The 4052  
executive director shall receive a salary fixed pursuant to 4053  
Chapter 124. of the Revised Code and reimbursement for expenses 4054  
within the amounts available by appropriation. The executive 4055  
director may appoint officers, employees, agents, and 4056  
consultants as the executive director considers necessary, 4057  
prescribe their duties, and provide for reimbursement of their 4058  
expenses within the amounts available for reimbursement by 4059

appropriation and with the approval of the commission. 4060

(C) The commission may do all of the following: 4061

(1) Recommend studies, surveys, and reports to be made by 4062  
the executive director regarding the carrying out of the 4063  
objectives and purposes of sections 109.71 to 109.77 of the 4064  
Revised Code; 4065

(2) Visit and inspect any peace officer training school 4066  
that has been approved by the executive director or for which 4067  
application for approval has been made; 4068

(3) Make recommendations, from time to time, to the 4069  
executive director, the attorney general, and the general 4070  
assembly regarding the carrying out of the purposes of sections 4071  
109.71 to 109.77 of the Revised Code; 4072

(4) Report to the attorney general from time to time, and 4073  
to the governor and the general assembly at least annually, 4074  
concerning the activities of the commission; 4075

(5) Establish fees for the services the commission offers 4076  
under sections 109.71 to 109.79 of the Revised Code, including, 4077  
but not limited to, fees for training, certification, and 4078  
testing; 4079

(6) Perform such other acts as are necessary or 4080  
appropriate to carry out the powers and duties of the commission 4081  
as set forth in sections 109.71 to 109.77 of the Revised Code. 4082

(D) In establishing the requirements, under division (A) 4083  
(12) of this section, the commission may consider any portions 4084  
of the curriculum for instruction on the topic of animal 4085  
husbandry practices, if any, of the Ohio state university 4086  
college of veterinary medicine. No person or entity that fails 4087

to provide instruction on traditional animal husbandry methods 4088  
and training techniques, including customary owner-performed 4089  
practices, shall qualify to train a humane society agent for 4090  
appointment under section 1717.06 of the Revised Code. 4091

(E) (1) As used in this division, "license" has the same 4092  
meaning as in section 4796.01 of the Revised Code, except that 4093  
it includes a certificate of completion of a training program 4094  
required under sections 109.71 to 109.804 of the Revised Code. 4095  
"License" does not include a certificate of completion of a 4096  
firearm basic training program under division (B) (1) of section 4097  
109.78 of the Revised Code or a certificate of completion of any 4098  
firearm requalification training program. 4099

(2) Notwithstanding any requirement for a license issued 4100  
by the commission, the commission shall issue a license in 4101  
accordance with Chapter 4796. of the Revised Code to an 4102  
individual if either of the following applies: 4103

(a) The individual holds a license in another state. 4104

(b) The individual has satisfactory work experience, a 4105  
government certification, or a private certification as 4106  
described in that chapter in the same profession, occupation, or 4107  
occupational activity as the profession, occupation, or 4108  
occupational activity for which the license is required in this 4109  
state in a state that does not require such a license. 4110

**Sec. 109.77.** (A) As used in this section: 4111

(1) "Felony" has the same meaning as in section 109.511 of 4112  
the Revised Code. 4113

(2) "Companion animal" has the same meaning as in section 4114  
959.131 of the Revised Code. 4115

(B) (1) Notwithstanding any general, special, or local law 4116  
or charter to the contrary, and except as otherwise provided in 4117  
this section, no person shall receive an original appointment on 4118  
a permanent basis as any of the following unless the person 4119  
previously has been awarded a certificate by the executive 4120  
director of the Ohio peace officer training commission attesting 4121  
to the person's satisfactory completion of an approved state, 4122  
county, municipal, or department of natural resources peace 4123  
officer basic training program: 4124

(a) A peace officer of any county, township, municipal 4125  
corporation, regional transit authority, or metropolitan housing 4126  
authority; 4127

(b) A natural resources law enforcement staff officer, 4128  
forest-fire investigator, wildlife officer, or natural resources 4129  
officer of the department of natural resources; 4130

(c) An employee of a park district under section 511.232 4131  
or 1545.13 of the Revised Code; 4132

(d) An employee of a conservancy district who is 4133  
designated pursuant to section 6101.75 of the Revised Code; 4134

(e) A state university law enforcement officer; 4135

(f) A special police officer employed by the department of 4136  
mental health and addiction services pursuant to section 5119.08 4137  
of the Revised Code or the department of developmental 4138  
disabilities pursuant to section 5123.13 of the Revised Code; 4139

(g) An enforcement agent of the department of public 4140  
safety whom the director of public safety designates under 4141  
section 5502.14 of the Revised Code; 4142

(h) A special police officer employed by a port authority 4143

under section 4582.04 or 4582.28 of the Revised Code; 4144

(i) A special police officer employed by a municipal 4145  
corporation at a municipal airport, or other municipal air 4146  
navigation facility, that has scheduled operations, as defined 4147  
in section 119.3 of Title 14 of the Code of Federal Regulations, 4148  
14 C.F.R. 119.3, as amended, and that is required to be under a 4149  
security program and is governed by aviation security rules of 4150  
the transportation security administration of the United States 4151  
department of transportation as provided in Parts 1542. and 4152  
1544. of Title 49 of the Code of Federal Regulations, as 4153  
amended; 4154

(j) A gaming agent employed under section 3772.03 of the 4155  
Revised Code. 4156

(2) Every person who is appointed on a temporary basis or 4157  
for a probationary term or on other than a permanent basis as 4158  
any of the following shall forfeit the appointed position unless 4159  
the person previously has completed satisfactorily or, within 4160  
the time prescribed by rules adopted by the attorney general 4161  
pursuant to section 109.74 of the Revised Code, satisfactorily 4162  
completes a state, county, municipal, or department of natural 4163  
resources peace officer basic training program for temporary or 4164  
probationary officers and is awarded a certificate by the 4165  
director attesting to the satisfactory completion of the 4166  
program: 4167

(a) A peace officer of any county, township, municipal 4168  
corporation, regional transit authority, or metropolitan housing 4169  
authority; 4170

(b) A natural resources law enforcement staff officer, 4171  
park officer, forest officer, preserve officer, wildlife 4172

officer, or state watercraft officer of the department of	4173
natural resources;	4174
(c) An employee of a park district under section 511.232	4175
or 1545.13 of the Revised Code;	4176
(d) An employee of a conservancy district who is	4177
designated pursuant to section 6101.75 of the Revised Code;	4178
(e) A special police officer employed by the department of	4179
mental health and addiction services pursuant to section 5119.08	4180
of the Revised Code or the department of developmental	4181
disabilities pursuant to section 5123.13 of the Revised Code;	4182
(f) An enforcement agent of the department of public	4183
safety whom the director of public safety designates under	4184
section 5502.14 of the Revised Code;	4185
(g) A special police officer employed by a port authority	4186
under section 4582.04 or 4582.28 of the Revised Code;	4187
(h) A special police officer employed by a municipal	4188
corporation at a municipal airport, or other municipal air	4189
navigation facility, that has scheduled operations, as defined	4190
in section 119.3 of Title 14 of the Code of Federal Regulations,	4191
14 C.F.R. 119.3, as amended, and that is required to be under a	4192
security program and is governed by aviation security rules of	4193
the transportation security administration of the United States	4194
department of transportation as provided in Parts 1542. and	4195
1544. of Title 49 of the Code of Federal Regulations, as	4196
amended.	4197
(3) For purposes of division (B) of this section, a state,	4198
county, municipal, or department of natural resources peace	4199
officer basic training program, regardless of whether the	4200
program is to be completed by peace officers appointed on a	4201

permanent or temporary, probationary, or other nonpermanent 4202  
basis, shall include training in the handling of the offense of 4203  
domestic violence, other types of domestic violence-related 4204  
offenses and incidents, protection orders and consent agreements 4205  
issued or approved under section 2919.26 or 3113.31 of the 4206  
Revised Code, crisis intervention training, and training on 4207  
companion animal encounters and companion animal behavior. The 4208  
requirement to complete training in the handling of the offense 4209  
of domestic violence, other types of domestic violence-related 4210  
offenses and incidents, and protection orders and consent 4211  
agreements issued or approved under section 2919.26 or 3113.31 4212  
of the Revised Code does not apply to any person serving as a 4213  
peace officer on March 27, 1979, and the requirement to complete 4214  
training in crisis intervention does not apply to any person 4215  
serving as a peace officer on April 4, 1985. Any person who is 4216  
serving as a peace officer on April 4, 1985, who terminates that 4217  
employment after that date, and who subsequently is hired as a 4218  
peace officer by the same or another law enforcement agency 4219  
shall complete training in crisis intervention as prescribed by 4220  
rules adopted by the attorney general pursuant to section 4221  
109.742 of the Revised Code. No peace officer shall have 4222  
employment as a peace officer terminated and then be reinstated 4223  
with intent to circumvent this section. 4224

(4) Division (B) of this section does not apply to any 4225  
person serving on a permanent basis on March 28, 1985, as a park 4226  
officer, forest officer, preserve officer, wildlife officer, or 4227  
state watercraft officer of the department of natural resources 4228  
or as an employee of a park district under section 511.232 or 4229  
1545.13 of the Revised Code, to any person serving on a 4230  
permanent basis on March 6, 1986, as an employee of a 4231  
conservancy district designated pursuant to section 6101.75 of 4232

the Revised Code, to any person serving on a permanent basis on 4233  
January 10, 1991, as a preserve officer of the department of 4234  
natural resources, to any person employed on a permanent basis 4235  
on July 2, 1992, as a special police officer by the department 4236  
of mental health and addiction services pursuant to section 4237  
5119.08 of the Revised Code or by the department of 4238  
developmental disabilities pursuant to section 5123.13 of the 4239  
Revised Code, to any person serving on a permanent basis on May 4240  
17, 2000, as a special police officer employed by a port 4241  
authority under section 4582.04 or 4582.28 of the Revised Code, 4242  
to any person serving on a permanent basis on March 19, 2003, as 4243  
a special police officer employed by a municipal corporation at 4244  
a municipal airport or other municipal air navigation facility 4245  
described in division (A)(19) of section 109.71 of the Revised 4246  
Code, to any person serving on a permanent basis on June 19, 4247  
1978, as a state university law enforcement officer pursuant to 4248  
section 3345.04 of the Revised Code and who, immediately prior 4249  
to June 19, 1978, was serving as a special police officer 4250  
designated under authority of that section, or to any person 4251  
serving on a permanent basis on September 20, 1984, as a liquor 4252  
control investigator, known after June 30, 1999, as an 4253  
enforcement agent of the department of public safety, engaged in 4254  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 4255

(5) Division (B) of this section does not apply to any 4256  
person who is appointed as a regional transit authority police 4257  
officer pursuant to division (Y) of section 306.35 of the 4258  
Revised Code if, on or before July 1, 1996, the person has 4259  
completed satisfactorily an approved state, county, municipal, 4260  
or department of natural resources peace officer basic training 4261  
program and has been awarded a certificate by the executive 4262  
director of the Ohio peace officer training commission attesting 4263

to the person's satisfactory completion of such an approved 4264  
program and if, on July 1, 1996, the person is performing peace 4265  
officer functions for a regional transit authority. 4266

(C) No person, after September 20, 1984, shall receive an 4267  
original appointment on a permanent basis as a veterans' home 4268  
police officer designated under section 5907.02 of the Revised 4269  
Code unless the person previously has been awarded a certificate 4270  
by the executive director of the Ohio peace officer training 4271  
commission attesting to the person's satisfactory completion of 4272  
an approved police officer basic training program. Every person 4273  
who is appointed on a temporary basis or for a probationary term 4274  
or on other than a permanent basis as a veterans' home police 4275  
officer designated under section 5907.02 of the Revised Code 4276  
shall forfeit that position unless the person previously has 4277  
completed satisfactorily or, within one year from the time of 4278  
appointment, satisfactorily completes an approved police officer 4279  
basic training program. 4280

(D) No bailiff or deputy bailiff of a court of record of 4281  
this state and no criminal investigator who is employed by the 4282  
state public defender shall carry a firearm, as defined in 4283  
section 2923.11 of the Revised Code, while on duty unless the 4284  
bailiff, deputy bailiff, or criminal investigator has done or 4285  
received one of the following: 4286

(1) Has been awarded a certificate by the executive 4287  
director of the Ohio peace officer training commission, which 4288  
certificate attests to satisfactory completion of an approved 4289  
state, county, or municipal basic training program for bailiffs 4290  
and deputy bailiffs of courts of record and for criminal 4291  
investigators employed by the state public defender that has 4292  
been recommended by the Ohio peace officer training commission; 4293

(2) Has successfully completed a firearms training program 4294  
approved by the Ohio peace officer training commission prior to 4295  
employment as a bailiff, deputy bailiff, or criminal 4296  
investigator; 4297

(3) Prior to June 6, 1986, was authorized to carry a 4298  
firearm by the court that employed the bailiff or deputy bailiff 4299  
or, in the case of a criminal investigator, by the state public 4300  
defender and has received training in the use of firearms that 4301  
the Ohio peace officer training commission determines is 4302  
equivalent to the training that otherwise is required by 4303  
division (D) of this section. 4304

(E) (1) Before a person seeking a certificate completes an 4305  
approved peace officer basic training program, the executive 4306  
director of the Ohio peace officer training commission shall 4307  
request the person to disclose, and the person shall disclose, 4308  
any previous criminal conviction of or plea of guilty of that 4309  
person to a felony. 4310

(2) Before a person seeking a certificate completes an 4311  
approved peace officer basic training program, the executive 4312  
director shall request a criminal history records check on the 4313  
person. The executive director shall submit the person's 4314  
fingerprints to the bureau of criminal identification and 4315  
investigation, which shall submit the fingerprints to the 4316  
federal bureau of investigation for a national criminal history 4317  
records check. 4318

Upon receipt of the executive director's request, the 4319  
bureau of criminal identification and investigation and the 4320  
federal bureau of investigation shall conduct a criminal history 4321  
records check on the person and, upon completion of the check, 4322  
shall provide a copy of the criminal history records check to 4323

the executive director. The executive director shall not award 4324  
any certificate prescribed in this section unless the executive 4325  
director has received a copy of the criminal history records 4326  
check on the person to whom the certificate is to be awarded. 4327

(3) The executive director of the commission shall not 4328  
award a certificate prescribed in this section to a person who 4329  
has been convicted of or has pleaded guilty to a felony or who 4330  
fails to disclose any previous criminal conviction of or plea of 4331  
guilty to a felony as required under division (E)(1) of this 4332  
section. 4333

(4) The executive director of the commission shall revoke 4334  
the certificate awarded to a person as prescribed in this 4335  
section, and that person shall forfeit all of the benefits 4336  
derived from being certified as a peace officer under this 4337  
section, if the person, before completion of an approved peace 4338  
officer basic training program, failed to disclose any previous 4339  
criminal conviction of or plea of guilty to a felony as required 4340  
under division (E)(1) of this section. 4341

(F)(1) Regardless of whether the person has been awarded 4342  
the certificate or has been classified as a peace officer prior 4343  
to, on, or after October 16, 1996, the executive director of the 4344  
Ohio peace officer training commission shall revoke any 4345  
certificate that has been awarded to a person as prescribed in 4346  
this section if the person does either of the following: 4347

(a) Pleads guilty to a felony committed on or after 4348  
January 1, 1997; 4349

(b) Pleads guilty to a misdemeanor committed on or after 4350  
January 1, 1997, pursuant to a negotiated plea agreement as 4351  
provided in division (D) of section 2929.43 of the Revised Code 4352

in which the person agrees to surrender the certificate awarded 4353  
to the person under this section. 4354

(2) The executive director of the commission shall suspend 4355  
any certificate that has been awarded to a person as prescribed 4356  
in this section if the person is convicted, after trial, of a 4357  
felony committed on or after January 1, 1997. The executive 4358  
director shall suspend the certificate pursuant to division (F) 4359  
(2) of this section pending the outcome of an appeal by the 4360  
person from that conviction to the highest court to which the 4361  
appeal is taken or until the expiration of the period in which 4362  
an appeal is required to be filed. If the person files an appeal 4363  
that results in that person's acquittal of the felony or 4364  
conviction of a misdemeanor, or in the dismissal of the felony 4365  
charge against that person, the executive director shall 4366  
reinstate the certificate awarded to the person under this 4367  
section. If the person files an appeal from that person's 4368  
conviction of the felony and the conviction is upheld by the 4369  
highest court to which the appeal is taken or if the person does 4370  
not file a timely appeal, the executive director shall revoke 4371  
the certificate awarded to the person under this section. 4372

(G) (1) If a person is awarded a certificate under this 4373  
section and the certificate is revoked pursuant to division (E) 4374  
(4) or (F) of this section, the person shall not be eligible to 4375  
receive, at any time, a certificate attesting to the person's 4376  
satisfactory completion of a peace officer basic training 4377  
program. 4378

(2) The revocation or suspension of a certificate under 4379  
division (E) (4) or (F) of this section shall be in accordance 4380  
with Chapter 119. of the Revised Code. 4381

(H) (1) A person who was employed as a peace officer of a 4382

county, township, or municipal corporation of the state on 4383  
January 1, 1966, and who has completed at least sixteen years of 4384  
full-time active service as such a peace officer, or equivalent 4385  
service as determined by the executive director of the Ohio 4386  
peace officer training commission, may receive an original 4387  
appointment on a permanent basis and serve as a peace officer of 4388  
a county, township, or municipal corporation, or as a state 4389  
university law enforcement officer, without complying with the 4390  
requirements of division (B) of this section. 4391

(2) Any person who held an appointment as a state highway 4392  
trooper on January 1, 1966, may receive an original appointment 4393  
on a permanent basis and serve as a peace officer of a county, 4394  
township, or municipal corporation, or as a state university law 4395  
enforcement officer, without complying with the requirements of 4396  
division (B) of this section. 4397

(I) No person who is appointed as a peace officer of a 4398  
county, township, or municipal corporation on or after April 9, 4399  
1985, shall serve as a peace officer of that county, township, 4400  
or municipal corporation unless the person has received training 4401  
in the handling of missing children and child abuse and neglect 4402  
cases from an approved state, county, township, or municipal 4403  
police officer basic training program or receives the training 4404  
within the time prescribed by rules adopted by the attorney 4405  
general pursuant to section 109.741 of the Revised Code. 4406

(J) No part of any approved state, county, or municipal 4407  
basic training program for bailiffs and deputy bailiffs of 4408  
courts of record and no part of any approved state, county, or 4409  
municipal basic training program for criminal investigators 4410  
employed by the state public defender shall be used as credit 4411  
toward the completion by a peace officer of any part of the 4412

approved state, county, or municipal peace officer basic 4413  
training program that the peace officer is required by this 4414  
section to complete satisfactorily. 4415

(K) This section does not apply to any member of the 4416  
police department of a municipal corporation in an adjoining 4417  
state serving in this state under a contract pursuant to section 4418  
737.04 of the Revised Code. 4419

(L) The executive director of the commission shall issue a 4420  
certificate of completion of a training program required under 4421  
this section in accordance with Chapter 4796. of the Revised 4422  
Code to an individual if either of the following applies: 4423

(1) The individual holds a certificate of completion of 4424  
such a program in another state. 4425

(2) The individual has satisfactory work experience, a 4426  
government certification, or a private certification as 4427  
described in that chapter in the same profession, occupation, or 4428  
occupational activity as the profession, occupation, or 4429  
occupational activity for which the certificate is required in 4430  
this state in a state that does not require completion of such a 4431  
training program. 4432

(M) (1) Except as provided in division (M) (2) of this 4433  
section, no certificate awarded by the executive director of the 4434  
Ohio peace officer training commission attesting to a person's 4435  
satisfactory completion of an approved state, county, municipal, 4436  
or department of natural resources peace officer basic training 4437  
program shall be deemed insufficient for an appointment to a 4438  
position listed in division (B) (1) of this section because of a 4439  
lapse in the person's service as a peace officer. 4440

(2) The Ohio peace officer training commission shall 4441

require a re-appointed peace officer to complete refresher 4442  
training of the following duration prior to performing the 4443  
functions of a peace officer, if the peace officer, having 4444  
previously been awarded a certificate by the executive director 4445  
of the commission attesting to the person's satisfactory 4446  
completion of an approved state, county, municipal, or 4447  
department of natural resources peace officer basic training 4448  
program or pursuant to Chapter 4796. of the Revised Code, for at 4449  
least one year prior to an appointment, was not employed as a 4450  
peace officer: 4451

(a) If the period of lapse was at least one year, but less 4452  
than four years, up to forty hours; 4453

(b) If the period of lapse was four years or longer, 4454  
eighty hours. 4455

**Sec. 109.803.** (A) (1) Subject to divisions (A) (2) and (B) 4456  
of this section, every appointing authority shall require each 4457  
of its appointed peace officers and troopers to complete twenty- 4458  
four hours of continuing professional training each calendar 4459  
year. Twenty-four hours is intended to be a minimum requirement, 4460  
and appointing authorities are encouraged to exceed the twenty- 4461  
four hour minimum. A minimum of twenty-four hours of continuing 4462  
professional training shall be reimbursed each calendar year and 4463  
a maximum of forty hours of continuing professional training may 4464  
be reimbursed each calendar year. No reimbursement shall be 4465  
available under this section for continuing professional 4466  
training provided for a peace officer or trooper appointed by a 4467  
state agency. 4468

(2) An appointing authority may submit a written request 4469  
to the peace officer training commission that requests for a 4470  
calendar year because of emergency circumstances an extension of 4471

the time within which one or more of its appointed peace 4472  
officers or troopers must complete the required minimum number 4473  
of hours of continuing professional training set by the 4474  
commission, as described in division (A) (1) of this section. A 4475  
request made under this division shall set forth the name of 4476  
each of the appointing authority's peace officers or troopers 4477  
for whom an extension is requested, identify the emergency 4478  
circumstances related to that peace officer or trooper, include 4479  
documentation of those emergency circumstances, and set forth 4480  
the date on which the request is submitted to the commission. A 4481  
request shall be made under this division not later than the 4482  
fifteenth day of December in the calendar year for which the 4483  
extension is requested. 4484

Upon receipt of a written request made under this 4485  
division, the executive director of the commission shall review 4486  
the request and the submitted documentation. If the executive 4487  
director of the commission is satisfied that emergency 4488  
circumstances exist for any peace officer or trooper for whom a 4489  
request was made under this division, the executive director may 4490  
approve the request for that peace officer or trooper and grant 4491  
an extension of the time within which that peace officer or 4492  
trooper must complete the required minimum number of hours of 4493  
continuing professional training set by the commission. An 4494  
extension granted under this division may be for any period of 4495  
time the executive director believes to be appropriate, and the 4496  
executive director shall specify in the notice granting the 4497  
extension the date on which the extension ends. Not later than 4498  
thirty days after the date on which a request is submitted to 4499  
the commission, for each peace officer and trooper for whom an 4500  
extension is requested, the executive director either shall 4501  
approve the request and grant an extension or deny the request 4502

and deny an extension and shall send to the appointing authority 4503  
that submitted the request written notice of the executive 4504  
director's decision. 4505

If the executive director grants an extension of the time 4506  
within which a particular appointed peace officer or trooper of 4507  
an appointing authority must complete the required minimum 4508  
number of hours of continuing professional training set by the 4509  
commission, the appointing authority shall require that peace 4510  
officer or trooper to complete the required minimum number of 4511  
hours of training not later than the date on which the extension 4512  
ends. 4513

(B) With the advice of the Ohio peace officer training 4514  
commission, the attorney general shall adopt in accordance with 4515  
Chapter 119. of the Revised Code rules setting forth minimum 4516  
standards for continuing professional training for peace 4517  
officers and troopers and governing the administration of 4518  
continuing professional training programs for peace officers and 4519  
troopers. The rules adopted by the attorney general under 4520  
division (B) of this section shall do all of the following: 4521

(1) Allow peace officers and troopers to earn credit for 4522  
up to four hours of continuing professional training for time 4523  
spent while on duty providing drug use prevention education 4524  
training that utilizes evidence-based curricula to students in 4525  
school districts, community schools established under Chapter 4526  
3314., STEM schools established under Chapter 3326., and 4527  
college-preparatory boarding schools established under Chapter 4528  
3328. of the Revised Code. 4529

(2) Allow a peace officer or trooper appointed by a law 4530  
enforcement agency to earn hours of continuing professional 4531  
training for other peace officers or troopers appointed by the 4532

law enforcement agency by providing drug use prevention 4533  
education training under division (B)(1) of this section so that 4534  
hours earned by the peace officer or trooper providing the 4535  
training in excess of four hours may be applied to offset the 4536  
number of continuing professional training hours required of 4537  
another peace officer or trooper appointed by that law 4538  
enforcement agency. 4539

(3) Prohibit the use of continuing professional training 4540  
hours earned under division (B)(1) or (2) of this section from 4541  
being used to offset any mandatory hands-on training 4542  
requirement. 4543

(4) Require a peace officer to complete training on proper 4544  
interactions with civilians during traffic stops and other in- 4545  
person encounters, which training shall have an online offering 4546  
and shall include all of the following topics: 4547

(a) A person's rights during an interaction with a peace 4548  
officer, including all of the following: 4549

(i) When a peace officer may require a person to exit a 4550  
vehicle; 4551

(ii) Constitutional protections from illegal search and 4552  
seizure; 4553

(iii) The rights of a passenger in a vehicle who has been 4554  
pulled over for a traffic stop; 4555

(iv) The right for a citizen to record an encounter with a 4556  
peace officer. 4557

(b) Proper actions for interacting with a civilian and 4558  
methods for diffusing a stressful encounter with a civilian; 4559

(c) Laws regarding questioning and detention by peace 4560

officers, including any law requiring a person to present proof 4561  
of identity to a peace officer, and the consequences for a 4562  
person's or officer's failure to comply with those laws; 4563

(d) Any other requirements and procedures necessary for 4564  
the proper implementation of this section. 4565

(C) The attorney general shall transmit a certified copy 4566  
of any rule adopted under this section to the secretary of 4567  
state. 4568

(D) As used in this section: 4569

(1) "Peace officer" has the same meaning as in section 4570  
109.71 of the Revised Code. 4571

(2) "Trooper" means an individual appointed as a state 4572  
highway patrol trooper under section 5503.01 of the Revised 4573  
Code. 4574

(3) "Appointing authority" means any agency or entity that 4575  
appoints a peace officer or trooper. 4576

**Sec. 111.15.** (A) As used in this section: 4577

(1) "Rule" includes any rule, regulation, bylaw, or 4578  
standard having a general and uniform operation adopted by an 4579  
agency under the authority of the laws governing the agency; any 4580  
appendix to a rule; and any internal management rule. "Rule" 4581  
does not include any guideline adopted pursuant to section 4582  
3301.0714 of the Revised Code, any order respecting the duties 4583  
of employees, any finding, any determination of a question of 4584  
law or fact in a matter presented to an agency, or any rule 4585  
promulgated pursuant to Chapter 119. or division (C) (1) or (2) 4586  
of section 5117.02 of the Revised Code. "Rule" includes any 4587  
amendment or rescission of a rule. 4588

(2) "Agency" means any governmental entity of the state 4589  
and includes, but is not limited to, any board, department, 4590  
division, commission, bureau, society, council, institution, 4591  
state college or university, community college district, 4592  
technical college district, or state community college. "Agency" 4593  
does not include the general assembly, the controlling board, 4594  
the adjutant general's department, or any court. 4595

(3) "Internal management rule" means any rule, regulation, 4596  
bylaw, or standard governing the day-to-day staff procedures and 4597  
operations within an agency. 4598

(B) (1) Any rule, other than a rule of an emergency nature, 4599  
adopted by any agency pursuant to this section shall be 4600  
effective on the tenth day after the day on which the rule in 4601  
final form and in compliance with division (B) (3) of this 4602  
section is filed as follows: 4603

(a) The rule shall be filed in electronic form with both 4604  
the secretary of state and the director of the legislative 4605  
service commission; 4606

(b) The rule shall be filed in electronic form with the 4607  
joint committee on agency rule review. Division (B) (1) (b) of 4608  
this section does not apply to any rule to which division (D) of 4609  
this section does not apply. 4610

An agency that adopts or amends a rule that is subject to 4611  
division (D) of this section shall assign a review date to the 4612  
rule that is not later than five years after its effective date. 4613  
If a review date assigned to a rule exceeds the five-year 4614  
maximum, the review date for the rule is five years after its 4615  
effective date. A rule with a review date is subject to review 4616  
under section 106.03 of the Revised Code. This paragraph does 4617

not apply to a rule of a state college or university, community 4618  
college district, technical college district, or state community 4619  
college. 4620

If an agency in adopting a rule designates an effective 4621  
date that is later than the effective date provided for by 4622  
division (B) (1) of this section, the rule if filed as required 4623  
by such division shall become effective on the later date 4624  
designated by the agency. 4625

Any rule that is required to be filed under division (B) 4626  
(1) of this section is also subject to division (D) of this 4627  
section if not exempted by that division. 4628

If a rule incorporates a text or other material by 4629  
reference, the agency shall comply with sections 121.71 to 4630  
121.75 of the Revised Code. 4631

(2) A rule of an emergency nature necessary for the 4632  
immediate preservation of the public peace, health, or safety 4633  
shall state the reasons for the necessity. The emergency rule, 4634  
in final form and in compliance with division (B) (3) of this 4635  
section, shall be filed in electronic form with the secretary of 4636  
state, the director of the legislative service commission, and 4637  
the joint committee on agency rule review. The emergency rule is 4638  
effective immediately upon completion of the latest filing, 4639  
except that if the agency in adopting the emergency rule 4640  
designates an effective date, or date and time of day, that is 4641  
later than the effective date and time provided for by division 4642  
(B) (2) of this section, the emergency rule if filed as required 4643  
by such division shall become effective at the later date, or 4644  
later date and time of day, designated by the agency. 4645

Except as provided in section 107.43 of the Revised Code, 4646

an emergency rule becomes invalid at the end of the one hundred 4647  
twentieth day it is in effect. Prior to that date, the agency 4648  
may file the emergency rule as a nonemergency rule in compliance 4649  
with division (B) (1) of this section. The agency may not refile 4650  
the emergency rule in compliance with division (B) (2) of this 4651  
section so that, upon the emergency rule becoming invalid under 4652  
such division, the emergency rule will continue in effect 4653  
without interruption for another one hundred twenty-day period. 4654

The adoption of an emergency rule under division (B) (2) of 4655  
this section in response to a state of emergency, as defined 4656  
under section 107.42 of the Revised Code, may be invalidated by 4657  
the general assembly, in whole or in part, by adopting a 4658  
concurrent resolution in accordance with section 107.43 of the 4659  
Revised Code. 4660

(3) An agency shall file a rule under division (B) (1) or 4661  
(2) of this section in compliance with the following standards 4662  
and procedures: 4663

(a) The rule shall be numbered in accordance with the 4664  
numbering system devised by the director for the Ohio 4665  
administrative code. 4666

(b) The rule shall be prepared and submitted in compliance 4667  
with ~~the rules~~ section 103.05 of the Revised Code and the rule  
drafting manual of the legislative service commission. 4668  
4669

(c) The rule shall clearly state the date on which it is 4670  
to be effective and the date on which it will expire, if known. 4671

(d) Each rule that amends or rescinds another rule shall 4672  
clearly refer to the rule that is amended or rescinded. Each 4673  
amendment shall fully restate the rule as amended. 4674

If the director of the legislative service commission or 4675

the director's designee gives an agency notice pursuant to 4676  
section 103.05 of the Revised Code that a rule filed by the 4677  
agency is not in compliance with ~~the rules~~ section 103.05 of the 4678  
Revised Code and the rule drafting manual of the legislative 4679  
service commission, the agency shall within thirty days after 4680  
receipt of the notice conform the rule to the rules of the 4681  
commission as directed in the notice. 4682

(C) All rules filed pursuant to divisions (B) (1) (a) and 4683  
(2) of this section shall be recorded by the secretary of state 4684  
and the director under the title of the agency adopting the rule 4685  
and shall be numbered according to the numbering system devised 4686  
by the director. The secretary of state and the director shall 4687  
preserve the rules in an accessible manner. Each such rule shall 4688  
be a public record open to public inspection and may be 4689  
transmitted to any law publishing company that wishes to 4690  
reproduce it. 4691

(D) At least sixty-five days before a board, commission, 4692  
department, division, or bureau of the government of the state 4693  
files a rule under division (B) (1) of this section, it shall 4694  
file the full text of the proposed rule in electronic form with 4695  
the joint committee on agency rule review, and the proposed rule 4696  
is subject to legislative review and invalidation under section 4697  
106.021 of the Revised Code. If a state board, commission, 4698  
department, division, or bureau makes a revision in a proposed 4699  
rule after it is filed with the joint committee, the state 4700  
board, commission, department, division, or bureau shall 4701  
promptly file the full text of the proposed rule in its revised 4702  
form in electronic form with the joint committee. A state board, 4703  
commission, department, division, or bureau shall also file the 4704  
rule summary and fiscal analysis prepared under section 106.024 4705  
of the Revised Code in electronic form along with a proposed 4706

rule, and along with a proposed rule in revised form, that is 4707  
filed under this division. If a proposed rule has an adverse 4708  
impact on businesses, the state board, commission, department, 4709  
division, or bureau also shall file the business impact 4710  
analysis, any recommendations received from the common sense 4711  
initiative office, and the associated memorandum of response, if 4712  
any, in electronic form along with the proposed rule, or the 4713  
proposed rule in revised form, that is filed under this 4714  
division. 4715

A proposed rule that is subject to legislative review 4716  
under this division may not be adopted and filed in final form 4717  
under division (B) (1) of this section unless the proposed rule 4718  
has been filed with the joint committee on agency rule review 4719  
under this division and the time for the joint committee to 4720  
review the proposed rule has expired without recommendation of a 4721  
concurrent resolution to invalidate the proposed rule. 4722

If a proposed rule that is subject to legislative review 4723  
under this division implements a federal law or rule, the agency 4724  
shall provide to the joint committee a citation to the federal 4725  
law or rule the proposed rule implements and a statement as to 4726  
whether the proposed rule implements the federal law or rule in 4727  
a manner that is more or less stringent or burdensome than the 4728  
federal law or rule requires. 4729

As used in this division, "commission" includes the public 4730  
utilities commission when adopting rules under a federal or 4731  
state statute. 4732

This division does not apply to any of the following: 4733

(1) A proposed rule of an emergency nature; 4734

(2) A rule proposed under section 1121.05, 1121.06, 4735

1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4736  
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of 4737  
the Revised Code; 4738

(3) A rule proposed by an agency other than a board, 4739  
commission, department, division, or bureau of the government of 4740  
the state; 4741

(4) A proposed internal management rule of a board, 4742  
commission, department, division, or bureau of the government of 4743  
the state; 4744

(5) Any proposed rule that must be adopted verbatim by an 4745  
agency pursuant to federal law or rule, to become effective 4746  
within sixty days of adoption, in order to continue the 4747  
operation of a federally reimbursed program in this state, so 4748  
long as the proposed rule contains both of the following: 4749

(a) A statement that it is proposed for the purpose of 4750  
complying with a federal law or rule; 4751

(b) A citation to the federal law or rule that requires 4752  
verbatim compliance. 4753

(6) An initial rule proposed by the director of health to 4754  
impose quality standards on a health care facility as defined in 4755  
section 3702.30 of the Revised Code; 4756

(7) A rule of the state lottery commission pertaining to 4757  
instant game rules. 4758

If a rule is exempt from legislative review under division 4759  
(D) (5) of this section, and if the federal law or rule pursuant 4760  
to which the rule was adopted expires, is repealed or rescinded, 4761  
or otherwise terminates, the rule is thereafter subject to 4762  
legislative review under division (D) of this section. 4763

Whenever a state board, commission, department, division, 4764  
or bureau files a proposed rule or a proposed rule in revised 4765  
form under division (D) of this section, it shall also file the 4766  
full text of the same proposed rule or proposed rule in revised 4767  
form in electronic form with the secretary of state and the 4768  
director of the legislative service commission. A state board, 4769  
commission, department, division, or bureau shall file the rule 4770  
summary and fiscal analysis prepared under section 106.024 of 4771  
the Revised Code in electronic form along with a proposed rule 4772  
or proposed rule in revised form that is filed with the 4773  
secretary of state or the director of the legislative service 4774  
commission. 4775

**Sec. 111.27.** There is hereby established in the state 4776  
treasury the board of elections ~~reimbursement and education~~ 4777  
fund. The fund shall be used by the secretary of state to\_ 4778  
provide advancements, subject to recoupment, or to reimburse 4779  
boards of elections pursuant to sections 3513.301, 3513.312, 4780  
3515.071, and 3521.03 of the Revised Code, and to provide 4781  
training and educational programs for members and employees of 4782  
boards of elections. The fund shall receive transfers of cash 4783  
pursuant to controlling board action. 4784

**Sec. 111.29.** The Ohio election integrity commission fund 4785  
is created in the state treasury. The secretary of state shall 4786  
use the money in the fund for the sole purpose of paying 4787  
expenses related to the operation of the Ohio election integrity 4788  
commission established under section 3517.14 of the Revised 4789  
Code. 4790

**Sec. 113.05.** (A) As used in sections 113.05 to 113.40 of 4791  
the Revised Code: 4792

(1) "Account," "appropriation," "disbursement," 4793

"electronic funds transfer," "fund," and "warrant" have the same 4794  
meanings as in section 131.01 of the Revised Code. 4795

(2) "Assets" has the same meaning as in section 131.01 of 4796  
the Revised Code, but does not include items held in safekeeping 4797  
by the treasurer of state including, but not limited to, 4798  
collateral pledged to a state agency. 4799

(3) "Custodial funds" do not include items held in 4800  
safekeeping by the treasurer of state including, but not limited 4801  
to, collateral pledged to a state agency. 4802

(B) The state treasury consists of the moneys, claims, 4803  
bonds, notes, other obligations, stocks, and other securities, 4804  
receipts or other evidences of ownership, and other intangible 4805  
assets of the state that are required by law to be deposited in 4806  
the state treasury or are otherwise a part of the state 4807  
treasury. All assets of the state treasury shall be kept in the 4808  
rooms assigned the treasurer of state, with the vaults, safes, 4809  
and other appliances therein; provided, that: 4810

(1) Securities required by law to be deposited or kept in 4811  
the state treasury may be deposited for safekeeping with the 4812  
federal reserve bank of Cleveland, Ohio or secured and insured 4813  
depositories in or out of this state as designated by the 4814  
treasurer of state. 4815

(2) Public moneys may be kept in constituted state 4816  
depositories. 4817

(C) The custodial funds of the treasurer of state consist 4818  
of the moneys, claims, bonds, notes, other obligations, stocks, 4819  
and other securities, receipts or other evidences of ownership, 4820  
and other intangible assets that are required by law to be kept 4821  
in the custody of the treasurer of state but are not part of the 4822

state treasury. All assets of the custodial funds of the 4823  
treasurer of state shall be kept in either or both of the 4824  
following: 4825

(1) The rooms assigned the treasurer of state, with the 4826  
vaults, safes, and other appliances therein; 4827

(2) The federal reserve bank of Cleveland, Ohio or secured 4828  
and insured depositories in or out of this state as designated 4829  
by the treasurer of state. 4830

(D) Assets of the state treasury shall not be commingled 4831  
with assets of the custodial funds of the treasurer of state. 4832

~~The repositing and deposit of payments pursuant to section 4833  
113.06 of the Revised Code is in compliance with this section. 4834~~

**Sec. 113.13.** The treasurer of state shall have available 4835  
and, as requested, transmit to the director of budget and 4836  
management and to the governor information concerning the amount 4837  
in the ~~inactive account, the amount in the active account,~~ and 4838  
the amount of cash on hand. 4839

**Sec. 113.40.** (A) As used in this section: 4840

(1) "Administrative agent of the board of deposit" means 4841  
the treasurer of state. 4842

(2) "Financial transaction device" includes a credit card, 4843  
debit card, ~~charge banking card,~~ prepaid or stored value card, 4844  
~~or automated clearinghouse network credit, debit, or e-check-~~ 4845  
~~entry that includes, but is not limited to, accounts receivable-~~ 4846  
~~and internet-initiated, point of purchase, and telephone-~~ 4847  
~~initiated applications,~~ or any other device or method for making 4848  
an electronic payment or transfer of funds denominated in United 4849  
States dollars. 4850

~~(2)~~(3) "Processor" means an entity conducting the settlement of an electronic payment or transfer of funds, which shall be denominated in United States dollars. 4851  
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(4) "State ~~expenses~~Revenue" includes fees, charges, tolls, costs, taxes, ~~expenses~~, assessments, fines, penalties, payments, judgments, restitution ordered by a court, or any other ~~expense~~ amount a person owes to a state office under the authority of a state elected official or to a state entity. 4854  
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~~(3)~~(5) "State elected official" means the governor, lieutenant governor, attorney general, secretary of state, treasurer of state, and auditor of state. 4859  
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~~(4)~~(6) "State entity" includes any state department, agency, board, ~~or~~ commission, or office under the authority of a state elected official that deposits funds into the state treasury or into an account in the custody of the treasurer of state. 4862  
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(B) Notwithstanding any other section of the Revised Code and subject to division (D) of this section, the board of deposit ~~may shall~~ adopt a resolution authorizing the ~~acceptance~~ of payments by financial transaction device to pay for state ~~expenses~~ collection, receipt, and acceptance by the state of revenue, gifts, donations, or bequests made by a financial transaction device. ~~The resolution shall include all of the following:—~~ 4867  
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~~(1) A designation of those state elected officials and state entities authorized to accept payments by financial transaction device;—~~ 4875  
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~~(2) A list of state expenses that may be paid by the use of a financial transaction device;—~~ 4878  
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~~(3) Specific identification of financial transaction devices that a state elected official or state entity may authorize as acceptable means of payment for state expenses. Division (B) (3) of this section does not require that the same financial transaction devices be accepted for the payment of different types of state expenses.~~ 4880  
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~~(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Division (B) (4) of this section does not require that the same surcharges or convenience fees be applied to the payment of different types of state expenses.~~ 4886  
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~~(5) A specific requirement, as provided in division (C) of this section, for the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.~~ 4892  
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The board of deposit's resolution also shall ~~designate the treasurer of state as the~~ direct the administrative agent of the board of deposit to solicit proposals, within guidelines established by the board of deposit in the resolution and in compliance with the procedures provided in division (C) of this section, ~~from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices; to make recommendations about those proposals to the state elected officials; and to assist state offices~~ entities and state elected officials in implementing ~~the state's any~~ financial transaction device collection, acceptance and, processing, receipt, and settlement program authorized pursuant to this section. The board of deposit's resolution applies to financial transaction device services related to any and all 4896  
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bank accounts comprising the state treasury as well as those in 4910  
the custody of the treasurer of state but not part of the state 4911  
treasury. 4912

(C) The administrative agent shall follow the procedures 4913  
provided in this division whenever it plans to contract with 4914  
~~financial institutions, issuers of financial transaction~~ 4915  
~~devices, one or more processors of financial transaction devices~~ 4916  
for the purposes of this section. The administrative agent shall 4917  
request proposals ~~from at least three financial institutions,~~ 4918  
~~issuers of financial transaction devices, or processors of~~ 4919  
~~financial transaction devices~~ for acceptance, processing, and 4920  
settlement services, as appropriate in accordance with the 4921  
resolution adopted under division (B) of this section. Prior to 4922  
~~sending any financial institution, issuer, or processor a copy~~ 4923  
~~of any such request~~ making the request for proposals available, 4924  
the administrative agent shall advertise its intent to request 4925  
proposals for two consecutive weeks by electronic publication on 4926  
~~a state agency~~ the administrative agent's web site made 4927  
available to the general public. The notice shall state that the 4928  
administrative agent intends to request proposals; specify the 4929  
purpose of the request; indicate the date, which shall be at 4930  
least ~~ten~~ fifteen calendar days after the initial publication, 4931  
on which the request for proposals will be ~~electronically mailed~~ 4932  
~~to financial institutions, issuers, or processors; and require~~ 4933  
~~that any financial institution, issuer, or processor, whichever~~ 4934  
~~is appropriate, interested in receiving the request for~~ 4935  
~~proposals submit written notice of this interest to the~~ 4936  
~~administrative agent not later than the day on which the~~ 4937  
available and shall detail the service or services subject to 4938  
the request for proposals will be electronically mailed. 4939

Upon receiving the proposals, the administrative agent 4940

shall review them and make a recommendation to the board of 4941  
deposit regarding which proposal or proposals to accept. The 4942  
board of deposit shall consider the agent's recommendation and 4943  
~~review all proposals submitted, and then~~ may choose to authorize 4944  
the administrative agent, on the board's behalf, to contract 4945  
~~with any or all of the entities~~ one or more of the processors 4946  
submitting proposals, as appropriate. The ~~board of deposit shall~~ 4947  
~~provide any financial institution, issuer, or processor~~ 4948  
administrative agent may enter into one or more contracts for 4949  
the provision of payment, collection, acceptance, processing, 4950  
receipt, and settlement services to the state entities and state 4951  
elected officials. Through its administrative agent, the board 4952  
of deposit shall provide any processor that submitted a 4953  
proposal, but with which the board of deposit's administrative 4954  
agent does not enter into a contract, notice that its proposal 4955  
is rejected. 4956

(D) ~~The board of deposit shall send a copy of the~~ 4957  
~~resolution adopted under division (B) of this section to each~~ 4958  
~~state elected official and state entity authorized to accept~~ 4959  
~~payments for state expenses by financial transaction device.~~ 4960  
~~After receiving the resolution and before accepting such~~ 4961  
~~payments by financial transaction device, such a state elected~~ 4962  
~~official or state entity shall provide written notification to~~ 4963  
~~the administrative agent of the official's or entity's intent to~~ 4964  
~~implement the resolution within the official's or entity's~~ 4965  
~~office. Each state office~~ elected official or state entity 4966  
subject to ~~the board's resolution adopted under division (B) of~~ 4967  
this section shall use only the ~~financial institutions, issuers~~ 4968  
~~of financial transaction devices, and processors of financial~~ 4969  
transaction devices with which the board of ~~deposit~~ deposit's 4970  
administrative agent contracts, and each such office state 4971

elected official or state entity is subject to the terms of 4972  
those contracts. 4973

~~If a state entity under the authority of a state elected- 4974  
official is directly responsible for collecting one or more- 4975  
state expenses and the state elected official determines not to- 4976  
accept payments by financial transaction device for one or more- 4977  
of those expenses, the office is not required to accept payments 4978  
by financial transaction device for those expenses,- 4979  
notwithstanding the adoption of a resolution by the board of- 4980  
deposit under division (B) of this section.- 4981~~

(E) ~~The board of deposit-state elected official or state 4982  
entity may establish a surcharge or convenience fee that may be 4983  
imposed upon a person making payment by a financial transaction 4984  
device. ~~The surcharge or convenience fee shall not be imposed- 4985  
unless authorized or otherwise permitted by the rules prescribed 4986  
under a contract, between the financial institution, issuer, or- 4987  
processor and the administrative agent, governing the use and- 4988  
acceptance of the financial transaction device.- 4989~~~~

~~The establishment of a Any surcharge or convenience fee 4990  
shall follow the guidelines of the financial institution, issuer 4991  
of financial transaction devices, or processor or processors of 4992  
financial transaction devices with which the board of deposit of 4993  
deposit's administrative agent contracts. 4994~~

If a surcharge or convenience fee is imposed, every state 4995  
elected official and state entity accepting payment by a 4996  
financial transaction device, ~~regardless of whether that entity- 4997  
is subject to a resolution adopted by the board of deposit,- 4998  
shall clearly post a notice in the entity's office, and shall 4999  
notify each person making a payment by such a device, about the 5000  
surcharge or fee. Notice to each person making a payment shall 5001~~

be provided regardless of the medium used to make the payment 5002  
and in a manner appropriate to that medium. Each notice shall 5003  
include ~~all~~ both of the following: 5004

(1) A statement that there is a surcharge or convenience 5005  
fee for using a financial transaction device; 5006

(2) The total amount of the charge or fee expressed in 5007  
dollars and cents for each transaction, or the rate of the 5008  
charge or fee expressed as a percentage of the total amount of 5009  
the transaction, whichever is applicable; 5010

~~(3) A clear statement that the surcharge or convenience 5011  
fee is nonrefundable. 5012~~

~~(F) If a person elects to make a payment by a financial 5013  
transaction device and a surcharge or convenience fee is 5014  
imposed, the payment of the surcharge or convenience fee is not 5015  
refundable. 5016~~

~~(G) If a person makes payment remits revenue to the state 5017  
by a financial transaction device and the payment of the revenue 5018  
is ~~returned or dishonored reversed~~ for any reason, or if the 5019  
value of the remitted payment in United States dollars at the 5020  
time of receipt by the state elected official or state entity is 5021  
less than the amount owed, the person is liable to the state 5022  
elected official or state entity for the ~~state expense total~~ 5023  
amount of the state revenue and any reimbursable costs for 5024  
collection, including banking charges, legal fees, or other 5025  
expenses incurred by the state elected official or state entity 5026  
in collecting the ~~returned or dishonored reversed~~ payment. The 5027  
remedies and procedures provided in this section are in addition 5028  
to any other available civil or criminal remedies provided by 5029  
law. 5030~~

~~(H)~~(G) No person ~~making any payment~~ remitting any revenue 5031  
by a financial transaction device to a state ~~office~~ elected 5032  
official or state entity shall be relieved from liability for 5033  
the underlying obligation, except to the extent that the state 5034  
elected official or state entity realizes ~~final payment of the~~ 5035  
~~underlying obligation~~ the revenue to the state elected official 5036  
or state entity in cash or its equivalent. If ~~final payment~~ 5037  
revenue is not ~~made~~ remitted by the financial transaction device 5038  
issuer, or by other means of payment, or by other guarantor of 5039  
payment in the transaction, the underlying obligation survives 5040  
and the state elected official or state entity shall retain all 5041  
remedies for enforcement that would have applied if the 5042  
transaction had not occurred. 5043

~~(I)~~(H) A state ~~entity~~ elected official or employee of a 5044  
state entity or state elected official who accepts a financial 5045  
transaction device payment in accordance with this section and 5046  
any applicable state or local statutes, laws, policies, or rules 5047  
is immune from personal liability for the final collection of 5048  
such payments as specified in section 9.87 of the Revised Code. 5049

~~(J)~~(I) If the board of deposit determines that it is 5050  
necessary and in the state's best interest to contract with an 5051  
additional ~~entity~~ processor subsequent to the contract award 5052  
made under division (C) of this section, the board may meet and 5053  
choose to contract with one or more additional ~~entities~~ 5054  
processors for the remainder of the period previously 5055  
established by a contract award made under division (C) of this 5056  
section. 5057

~~(K)~~(J) The administrative agent, in cooperation with the 5058  
office of budget and management, may adopt, amend, and rescind 5059  
rules in accordance with section 111.15 of the Revised Code to 5060

implement and administer this section. 5061

(K) The treasurer of state shall have the authority to 5062  
enter into such contracts necessary to fulfill its obligations 5063  
as administrative agent for the board of deposit. 5064

**Sec. 113.51.** (A) The treasurer of state shall implement 5065  
and administer a program under the terms and conditions 5066  
established under sections 113.50 to 113.56 of the Revised Code. 5067  
For that purpose, the treasurer shall do all of the following: 5068

(1) Develop and implement the program in a manner 5069  
consistent with the provisions of sections 113.50 to 113.56 of 5070  
the Revised Code; 5071

(2) Engage the services of consultants on a contract basis 5072  
for rendering professional and technical assistance and advice; 5073

(3) Seek rulings and other guidance from the secretary and 5074  
the internal revenue service relating to the program; 5075

(4) Make modifications to the program as necessary for 5076  
participants in the program to qualify for the federal income 5077  
tax benefits or treatment provided under section 529A of the 5078  
Internal Revenue Code or rules adopted thereunder; 5079

(5) Impose and collect administrative fees and service 5080  
charges in connection with any agreement or transaction relating 5081  
to the program; 5082

(6) Develop marketing plans and promotional materials to 5083  
publicize the program; 5084

(7) Establish the procedures by which funds held in 5085  
program accounts shall be disbursed; 5086

(8) Administer the issuance of interests by the Ohio ABLE 5087

savings program trust fund to designated beneficiaries;	5088
(9) Establish the procedures by which funds held in	5089
program accounts shall be allocated to pay for administrative	5090
costs;	5091
(10) Take any other action necessary to implement and	5092
administer the program;	5093
(11) Adopt rules in accordance with Chapter 119. of the	5094
Revised Code necessary to implement and administer the program;	5095
(12) Notify the secretary when a program account has been	5096
opened for a designated beneficiary and submit other reports	5097
concerning the program as required by the secretary or under	5098
section 529A of the Internal Revenue Code.	5099
(B) The treasurer of state may enter into agreements with	5100
other states or agencies of, subdivisions of, or residents of	5101
those states related to the program or a similar ABLE account	5102
program established by another state in accordance with section	5103
529A of the Internal Revenue Code.	5104
<u>(C) Any record of the treasurer of state indicating the</u>	5105
<u>identity of account beneficiaries and the balances and activity</u>	5106
<u>in ABLE accounts is not a public record under section 149.43 of</u>	5107
<u>the Revised Code.</u>	5108
<u>(D) The treasurer of state shall pay account fees</u>	5109
<u>associated with an ABLE account on behalf of an Ohio account</u>	5110
<u>owner or beneficiary.</u>	5111
<b>Sec. 113.53.</b> (A) A designated beneficiary, or a trustee or	5112
guardian of a designated beneficiary who lacks capacity to enter	5113
into an agreement, may apply, on forms prescribed by the	5114
treasurer of state, to open a program account. A beneficiary may	5115

have only one ABLE account. The treasurer of state may impose a 5116  
nonrefundable application fee. The application shall require the 5117  
applicant to provide the following information: 5118

(1) The name, address, social security number, and birth 5119  
date of the designated beneficiary; 5120

(2) The name, address, and social security number of the 5121  
designated beneficiary's trustee or guardian, if applicable; 5122

(3) Certification by the applicant that the applicant 5123  
understands the maximum account value and the consequences under 5124  
division (C) of this section for excess contributions and 5125  
understands how program account values exceeding the amount 5126  
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 5127  
of 2014," 26 U.S.C. 529A note, may affect the applicant's 5128  
resources for determining the applicant's eligibility for the 5129  
supplemental security income program; 5130

(4) Any additional information required by the treasurer 5131  
of state. 5132

(B) (1) To qualify for a program account, a designated 5133  
beneficiary must be an eligible individual at the time the 5134  
program account is opened. Before opening a program account, the 5135  
treasurer of state or program manager shall enter into an 5136  
agreement with the account owner that discloses the requirements 5137  
and restrictions on contributions and withdrawals from the 5138  
program account. 5139

(2) Any person may make contributions to a program account 5140  
after the account is opened, subject to the limitations imposed 5141  
by section 529A of the Internal Revenue Code and any rules 5142  
adopted by the secretary. 5143

(C) Contributions to a program account shall be made in 5144

cash. The treasurer of state or program manager shall reject or 5145  
promptly withdraw a contribution to a program account if that 5146  
contribution would exceed the annual limits prescribed in 5147  
subsection (b) (2) (B) of section 529A of the Internal Revenue 5148  
Code. The treasurer or program manager shall reject or promptly 5149  
withdraw a contribution if the value of the program account 5150  
equals or exceeds the maximum account value or the designated 5151  
beneficiary is not an eligible individual in the current 5152  
calendar year. 5153

(D) (1) To the extent authorized by federal law, and in 5154  
accordance with rules adopted by the treasurer of state, an 5155  
account owner may change the designated beneficiary of a program 5156  
account to another individual. 5157

(2) No account owner may use an interest in an ABLE 5158  
account as security for a loan. Any pledge of an interest in an 5159  
account shall be void and of no force and effect. 5160

(E) (1) A distribution from a program account to any 5161  
individual or for the benefit of any individual during a 5162  
calendar year shall be reported to the internal revenue service 5163  
and the designated beneficiary or the distributee to the extent 5164  
required under state or federal law. 5165

(2) Statements shall be provided to each account owner of 5166  
a program account at least four times each year within thirty 5167  
days after the end of the quarterly period to which a statement 5168  
relates. The statement shall identify the contributions made 5169  
during the preceding quarter, the total contributions made to 5170  
the account through the last day of that quarter, the value of 5171  
the account on the last day of that quarter, distributions made 5172  
during that quarter, and any other information that the 5173  
treasurer of state requires to be reported to the account owner. 5174

(3) Statements and information relating to program 5175  
accounts shall be prepared and filed to the extent required 5176  
under sections 113.50 to 113.56 of the Revised Code and any 5177  
other state or federal law. 5178

(F) The program shall provide separate accounting for each 5179  
designated beneficiary. An annual fee may be imposed upon the 5180  
account owner for the maintenance of a program account. 5181

~~(G)~~ (G) (1) Money in an ABLE account shall be exempt from 5182  
attachment, execution, or garnishment as provided in section 5183  
2329.66 of the Revised Code, ~~and is~~. 5184

(2) Unless required by federal law, money in an ABLE 5185  
account is not subject to claims made under the medicaid estate 5186  
recovery program instituted pursuant to section 5162.21 of the 5187  
Revised Code, ~~in accordance with subsection (f) of section 529A~~ 5188  
~~of the Internal Revenue Code and subject to any limitations~~ 5189  
~~imposed by the secretary.~~ 5190

(H) (1) Notwithstanding any other provision of state law, 5191  
all of the following shall be disregarded for the purposes of 5192  
determining an individual's eligibility for a means-tested 5193  
public assistance program funded only with state, local, or 5194  
state and local funds and the amount of assistance or benefits 5195  
the individual is eligible to receive under the program: 5196

(a) Any amount in an ABLE account, including earnings on 5197  
the account; 5198

(b) Any contributions to an ABLE account; 5199

(c) Any distribution from an ABLE account for qualified 5200  
disability expenses. 5201

(2) Division (H) (1) of this section applies only to an 5202

individual who is either of the following: 5203

(a) The designated beneficiary of the ABLE account; 5204

(b) An individual whose eligibility for the means-tested 5205  
program is conditioned on the ABLE account's designated 5206  
beneficiary disclosing the designated beneficiary's income, 5207  
resources, or both to the entity administering the means-tested 5208  
public assistance program. 5209

**Sec. 113.78.** The medical quality assurance fund is 5210  
created, which shall be in the custody of the treasurer of state 5211  
but shall not be part of the state treasury. The fund shall 5212  
consist of all money transferred to it as a result of the repeal 5213  
of section 3701.89 of the Revised Code on January 1, 2026, by 5214  
H.B. 238 of the 135th ~~General Assembly~~ general assembly and its 5215  
requirements related to the repeal of that section. All 5216  
investment earnings of the fund shall be credited to the fund. 5217

All money in the fund shall be used as directed by the 5218  
general assembly, ~~which may include funding any of the following~~ 5219  
~~programs that the former Ohio medical quality foundation was~~ 5220  
~~authorized to fund in a similar manner under division (F) of~~ 5221  
~~section 3701.89 of the Revised Code before the repeal of that~~ 5222  
~~section by this act:~~ 5223

~~(A) Programs approved under criteria established under~~ 5224  
~~section 4731.251 of the Revised Code;~~ 5225

~~(B) Programs designed to improve the quality of graduate~~ 5226  
~~medical education;~~ 5227

~~(C) Programs designed to improve risk management and~~ 5228  
~~quality assurance in hospitals, as defined in section 3722.01 of~~ 5229  
~~the Revised Code, and in outpatient settings, including~~ 5230  
~~physician offices;~~ 5231

~~(D) Other programs, meetings, and educational seminars~~ 5232  
~~that are designed to improve the quality of medical care in this~~ 5233  
~~state.~~ 5234

**Sec. 117.11.** (A) Except as otherwise provided in this 5235  
division and in ~~sections~~ section 117.112 and ~~117.113~~ of the 5236  
Revised Code, the auditor of state shall audit each public 5237  
office at least once every two fiscal years. The auditor of 5238  
state shall audit a public office each fiscal year if that 5239  
public office is required to be audited on an annual basis 5240  
pursuant to "The Single Audit Act of 1984," 98 Stat. 2327, 31 5241  
U.S.C.A. 7501 et seq., as amended. In the annual or biennial 5242  
audit, inquiry shall be made into the methods, accuracy, and 5243  
legality of the accounts, financial reports, records, files, and 5244  
reports of the office, whether the laws, rules, ordinances, and 5245  
orders pertaining to the office have been observed, and whether 5246  
the requirements and rules of the auditor of state have been 5247  
complied with. Except as otherwise provided in this division or 5248  
where auditing standards or procedures dictate otherwise, each 5249  
audit shall cover at least one fiscal year. If a public office 5250  
is audited only once every two fiscal years, the audit shall 5251  
cover both fiscal years. 5252

(B) In addition to the annual or biennial audit provided 5253  
for in division (A) of this section, the auditor of state may 5254  
conduct an audit of a public office at any time when so 5255  
requested by the public office or upon the auditor of state's 5256  
own initiative if the auditor of state has reasonable cause to 5257  
believe that an additional audit is in the public interest. 5258

(C) (1) The auditor of state shall identify any public 5259  
office in which the auditor of state will be unable to conduct 5260  
an audit at least once every two fiscal years as required by 5261

division (A) of this section and shall provide immediate written 5262  
notice to the clerk of the legislative authority or governing 5263  
board of the public office so identified. Within six months of 5264  
the receipt of such notice, the legislative authority or 5265  
governing board may engage an independent certified public 5266  
accountant to conduct an audit pursuant to section 117.12 of the 5267  
Revised Code. 5268

(2) When the chief fiscal officer of a public office 5269  
notifies the auditor of state that an audit is required at a 5270  
time prior to the next regularly scheduled audit by the auditor 5271  
of state, the auditor of state shall either cause an earlier 5272  
audit to be made by the auditor of state or authorize the 5273  
legislative authority or governing board of the public office to 5274  
engage an independent certified public accountant to conduct the 5275  
required audit. The scope of the audit shall be as authorized by 5276  
the auditor of state. 5277

(3) The auditor of state shall approve the scope of an 5278  
audit under division (C) (1) or (2) of this section as set forth 5279  
in the contract for the proposed audit before the contract is 5280  
executed on behalf of the public office that is to be audited. 5281  
The independent accountant conducting an audit under division 5282  
(C) (1) or (2) of this section shall be paid by the public 5283  
office. 5284

(4) The contract for attest services with an independent 5285  
accountant employed pursuant to this section or section 117.115 5286  
of the Revised Code may include binding arbitration provisions, 5287  
provisions of Chapter 2711. of the Revised Code, or any other 5288  
alternative dispute resolution procedures to be followed in the 5289  
event a dispute remains between the state or public office and 5290  
the independent accountant concerning the terms of or services 5291

under the contract, or a breach of the contract, after the 5292  
administrative provisions of the contract have been exhausted. 5293

(D) If a uniform accounting network is established under 5294  
section 117.101 of the Revised Code, the auditor of state or a 5295  
certified public accountant employed pursuant to this section or 5296  
section 117.112 or 117.115 of the Revised Code shall, to the 5297  
extent practicable, utilize services offered by the network in 5298  
order to conduct efficient and economical audits of public 5299  
offices. 5300

(E) The auditor of state, in accordance with division (A) 5301  
(3) of section 9.65 of the Revised Code and this section, may 5302  
audit an annuity program for volunteer fire fighters established 5303  
by a political subdivision under section 9.65 of the Revised 5304  
Code. As used in this section, "volunteer fire fighters" and 5305  
"political subdivision" have the same meanings as in division 5306  
(C) of section 9.65 of the Revised Code. 5307

(F) The auditor of state may establish by rule an agreed- 5308  
upon procedure by which political subdivisions may be audited. 5309  
The rules shall set forth the standards, procedures, guidelines, 5310  
and reporting requirements for an agreed-upon procedure audit. 5311

**Sec. 117.38.** (A) Each public office, other than a state 5312  
agency, shall file a financial report for each fiscal year. The 5313  
auditor of state may prescribe forms by rule or may issue 5314  
guidelines, or both, for such reports. If the auditor of state 5315  
has not prescribed a rule regarding the form for the report, the 5316  
public office shall submit its report on the form utilized by 5317  
the public office. 5318

(B) The report shall be certified by the proper officer or 5319  
board and filed with the auditor of state within sixty days 5320

after the close of the fiscal year, except that public offices 5321  
reporting pursuant to generally accepted accounting principles 5322  
shall file their reports within one hundred fifty days after the 5323  
close of the fiscal year. The auditor of state may extend the 5324  
deadline for filing a financial report and establish terms and 5325  
conditions for any such extension. At the time the report is 5326  
filed with the auditor of state, the chief fiscal officer, 5327  
except as otherwise provided in section 319.11 of the Revised 5328  
Code, shall publish notice in a newspaper published in the 5329  
political subdivision or taxing district, and if there is no 5330  
such newspaper, then in a newspaper of general circulation in 5331  
the political subdivision or taxing district. The notice shall 5332  
state that the financial report has been completed by the public 5333  
office and is available for public inspection at the office of 5334  
the chief fiscal officer. 5335

(C) The report shall contain the following: 5336

(1) Amount of collections and receipts, and accounts due 5337  
from each source; 5338

(2) Amount of expenditures for each purpose; 5339

(3) Income of each public service industry owned or 5340  
operated by a municipal corporation, and the cost of such 5341  
ownership or operation; 5342

(4) Amount of public debt of each taxing district, the 5343  
purpose for which each item of such debt was created, and the 5344  
provision made for the payment thereof; 5345

(5) Budgetary comparison information as required by the 5346  
applicable reporting framework or as prescribed by the auditor 5347  
of state. 5348

(D) Any public office, other than a state agency, that 5349

does not file its financial report at the time required by this 5350  
section shall pay to the auditor of state twenty-five dollars 5351  
for each day the report remains unfiled after the filing date; 5352  
provided, that the penalty payments shall not exceed the sum of 5353  
seven hundred fifty dollars. The auditor of state may waive all 5354  
or any part of the penalty assessed under this section upon the 5355  
filing of the past due financial report. All sums collected from 5356  
such penalties shall be placed in the public audit expense 5357  
fund--local government. If the auditor of state fails to receive 5358  
payment for penalties not paid within one year from the required 5359  
filing date, the auditor may recover the penalties through the 5360  
process in division (D) of section 117.13 of the Revised Code. 5361

(E) Every county agency, board, or commission shall 5362  
provide to the county auditor, not later than the first day of 5363  
March each year unless a later date is authorized by the county 5364  
auditor, all information determined by the county auditor to be 5365  
necessary for the preparation of the report required by this 5366  
section. 5367

(F) The auditor of state shall publish the substance of 5368  
the report submitted under this section in an electronic format 5369  
that is available to the public. 5370

**Sec. 117.44.** To enhance local officials' background and 5371  
working knowledge of government accounting, budgeting and 5372  
financing, financial report preparation, and the rules adopted 5373  
by the auditor of state, the auditor of state shall hold 5374  
training programs for persons elected for the first time as 5375  
township fiscal officers, city auditors, and village clerks, 5376  
between the first day of December and the first day of April 5377  
immediately following a general election for any of these 5378  
offices. Similar training may also be provided to any township 5379

fiscal officer, city auditor, or village clerk who is appointed 5380  
to fill a vacancy or who is elected in a special election. 5381

The auditor of state also shall develop and provide an 5382  
annual training program of continuing education for village 5383  
clerks. 5384

The auditor of state shall determine the manner, content, 5385  
and length of the training programs after consultation with 5386  
appropriate statewide organizations of local governmental 5387  
officials. The auditor of state shall charge the political 5388  
subdivisions that the trainees represent a registration fee that 5389  
will meet actual and necessary expenses of the training, 5390  
including instructor fees, site acquisition costs, and the cost 5391  
of course materials. The necessary personal expenses incurred by 5392  
the officials as a result of attending the training program 5393  
shall be borne by the political subdivisions they represent. 5394

The auditor of state shall allow any other interested 5395  
person to attend any of the training programs that the auditor 5396  
of state holds pursuant to this section; provided, that before 5397  
attending any such training program, the interested person shall 5398  
pay to the auditor of state the full registration fee that the 5399  
auditor of state has set for the training program. 5400

The auditor of state may provide any other appropriate 5401  
training or educational programs that may be developed and 5402  
offered by the auditor of state or in collaboration with one or 5403  
more other state agencies, political subdivisions, or other 5404  
public or private entities. 5405

There is hereby established in the state treasury the 5406  
auditor of state training program fund, to be used by the 5407  
auditor of state for the actual and necessary expenses of any 5408

training programs held pursuant to this section, ~~section~~ 5409  
~~117.441~~, or section 321.46 of the Revised Code. All registration 5410  
fees collected under this section shall be paid into the fund. 5411

**Sec. 118.29.** (A) The financial supervisor, or the 5412  
legislative authority of a municipal corporation, board of 5413  
county commissioners, or board of township trustees of a 5414  
municipal corporation, county, or township in fiscal emergency, 5415  
may make a referral to the attorney general for the creation of 5416  
a receivership over the municipal corporation, county, or 5417  
township in fiscal emergency if both the following conditions 5418  
are met: 5419

(1) The municipal corporation, county, or township 5420  
satisfies either of the following: 5421

(a) It has been in a state of fiscal emergency for a 5422  
continuous period of ten years. 5423

(b) It has been in a state of fiscal emergency at least 5424  
twice in a period of ten years, and the combined period of 5425  
fiscal emergency is at least five years. 5426

(2) The municipal corporation, county, or township has 5427  
demonstrated one or more of the following, as determined by the 5428  
financial supervisor: 5429

(a) Failure to comply with the applicable budgetary and 5430  
spending processes in Chapter 5705. of the Revised Code; 5431

(b) Failure to ensure that appropriations comply with the 5432  
financial plan in accordance with section 118.13 of the Revised 5433  
Code; 5434

(c) Assuming debt without the approval of the financial 5435  
planning and supervision commission in violation of section 5436

<u>118.15 of the Revised Code;</u>	5437
<u>(d) Undertaking administrative or legislative action that</u>	5438
<u>is not in accordance with the terms of the financial plan or,</u>	5439
<u>when applicable, without permission of the commission.</u>	5440
<u>(B) Upon receipt of a referral, the attorney general shall</u>	5441
<u>promptly file a petition for a receivership with the court of</u>	5442
<u>claims. The judge that has served the longest on the court as of</u>	5443
<u>the date the petition is filed promptly shall appoint a</u>	5444
<u>receiver. The appointed receiver shall satisfy the requirements</u>	5445
<u>of section 2735.02 of the Revised Code and shall comply with</u>	5446
<u>section 2735.03 of the Revised Code. With the approval of the</u>	5447
<u>court, the receiver may request reasonable fees for work</u>	5448
<u>performed including, but not limited to, costs associated with</u>	5449
<u>retaining legal counsel, accountants, or other similar advisors</u>	5450
<u>that the receiver considers necessary in the performance of the</u>	5451
<u>receiver's duties. The fees shall be paid from funds</u>	5452
<u>appropriated to the office of budget and management during the</u>	5453
<u>period of fiscal emergency.</u>	5454
<u>(C) A receiver appointed under this section has all of the</u>	5455
<u>following powers and duties in addition to the powers stated in</u>	5456
<u>section 2735.04 of the Revised Code:</u>	5457
<u>(1) Consult with the legislative authority of the</u>	5458
<u>municipal corporation, board of county commissioners, or board</u>	5459
<u>of township trustees to make recommendations or, if necessary,</u>	5460
<u>to assume responsibility for implementing cost reductions and</u>	5461
<u>revenue increases to achieve a balanced budget and carry out the</u>	5462
<u>financial plan, and to make reductions in force or spending to</u>	5463
<u>resolve the fiscal emergency conditions;</u>	5464
<u>(2) Ensure the municipal corporation, county, or township</u>	5465

in fiscal emergency complies with all aspects of the financial 5466  
plan approved by the commission in accordance with section 5467  
118.06 of the Revised Code, or as amended in accordance with 5468  
this chapter. If no financial plan has been approved by the 5469  
commission in accordance with section 118.06 of the Revised 5470  
Code, the receiver, after consulting with the legislative 5471  
authority of the municipal corporation, board of county 5472  
commissioners, or board of township trustees, shall make 5473  
recommendations, or assume, if necessary, the responsibility for 5474  
crafting and submitting the financial plan to the financial 5475  
planning and supervision commission. 5476

(3) Ensure the municipal corporation, county, or township 5477  
in fiscal emergency complies with any other relevant aspects of 5478  
this chapter; 5479

(4) Provide monthly, written reports about the progress 5480  
toward resolving the conditions of fiscal emergency to the 5481  
financial planning and supervision commission, to the 5482  
legislative authority of the municipal corporation, board of 5483  
county commissioners, or board of township trustees, and to the 5484  
mayor or city manager in the case of a municipal corporation; 5485

(5) Appear at least quarterly to present information about 5486  
progress toward resolving the conditions of fiscal emergency at 5487  
an open meeting and, if allowable under section 121.22 of the 5488  
Revised Code, in executive session, of the legislative authority 5489  
of municipal corporation, board of county commissioners, or 5490  
board of township trustees; 5491

(6) Appear at least quarterly to present information about 5492  
progress toward resolving the conditions of fiscal emergency at 5493  
an open meeting and, if allowable under section 121.22 of the 5494  
Revised Code, in executive session, of the financial planning 5495

and supervision commission of the municipal corporation, county, 5496  
or township in fiscal emergency; 5497

(7) At the receiver's initiative or upon invitation, 5498  
attend executive sessions of the legislative authority of the 5499  
municipal corporation, board of county commissioners, or board 5500  
of township trustees; 5501

(8) Exercise any other powers granted to the receiver by 5502  
the court necessary to perform the duties stated in this 5503  
section. 5504

(D) (1) If, in the judgment of the receiver, the criteria 5505  
required to file for bankruptcy under the "Federal Bankruptcy 5506  
Act," 11 U.S.C. 101, et seq., are satisfied and no reasonable 5507  
alternative exists to eliminate the fiscal emergency condition 5508  
within three years, the receiver may present findings and submit 5509  
a written recommendation on filing for bankruptcy to the 5510  
financial planning and supervision commission and the 5511  
legislative authority of the municipal corporation, board of 5512  
county commissioners, or board of township trustees. Beginning 5513  
sixty days after submitting the recommendation, the receiver may 5514  
initiate bankruptcy proceedings unless both of the following 5515  
occur: 5516

(a) The legislative authority or board adopts an ordinance 5517  
or resolution, effective within sixty days of receipt of the 5518  
recommendation, opposing the recommendation. The ordinance or 5519  
resolution shall specify the legislative authority's or board's 5520  
plan to satisfy and discharge the debts and liabilities included 5521  
in the receiver's recommendation for bankruptcy within seven 5522  
years of the adoption of the ordinance or resolution and 5523  
promptly alleviate the fiscal emergency conditions using 5524  
expenditure reductions or available and future tax revenue, 5525

including necessary tax rate increases, of the municipal 5526  
corporation, county, or township. 5527

(b) After reviewing the ordinance or resolution under 5528  
division (D) (1) (a) of this section, the financial planning and 5529  
supervision commission determines the plan is sufficient to 5530  
satisfy and discharge the debts and liabilities included in the 5531  
receiver's recommendation for bankruptcy within seven years of 5532  
the adoption of the resolution and promptly alleviate the fiscal 5533  
emergency conditions. 5534

If the financial planning and supervision commission 5535  
determines that the plan is not sufficient, the receiver may 5536  
initiate bankruptcy proceedings notwithstanding the ordinance or 5537  
resolution opposing the recommendation. 5538

(2) If the financial planning and supervision commission 5539  
determines under division (D) (1) of this section that the plan 5540  
is sufficient and the plan requires voted taxes authorized under 5541  
another Revised Code section, the legislative authority of the 5542  
municipal corporation, board of county commissioners, or board 5543  
of trustees shall direct the board of elections to submit the 5544  
tax question to the electors at the next general election or at 5545  
a special election conducted on the day of the next primary 5546  
election in the municipal corporation, township, or county 5547  
occurring not less than ninety days after the resolution is 5548  
certified to the board, as applicable under the provision 5549  
authorizing the tax question. If the taxes are not approved by 5550  
the electors, the receiver may initiate bankruptcy proceedings, 5551  
notwithstanding the resolution or ordinance opposing bankruptcy. 5552  
If the taxes are approved by the electors, the legislative 5553  
authority of the municipal corporation, board of county 5554  
commissioners, or board of trustees shall implement the plan to 5555

satisfy and discharge the debts and liabilities included in the 5556  
receiver's recommendation for bankruptcy within seven years of 5557  
the adoption of the ordinance or resolution and promptly 5558  
alleviate the fiscal emergency conditions. 5559

(E) The court shall terminate the receivership when the 5560  
municipal corporation, county, or township has corrected and 5561  
eliminated all of the fiscal emergency conditions determined 5562  
pursuant to section 118.04 of the Revised Code, and no new 5563  
fiscal emergency conditions have occurred. 5564

(F) Conditions in division (A) of this section may be 5565  
applied retroactively in a remedial nature. 5566

**Sec. 119.04.** (A) (1) Any rule adopted by any agency shall 5567  
be effective on the tenth day after the day on which the rule in 5568  
final form and in compliance with division (A) (2) of this 5569  
section is filed as follows: 5570

(a) The rule shall be filed in electronic form with both 5571  
the secretary of state and the director of the legislative 5572  
service commission; 5573

(b) The rule shall be filed in electronic form with the 5574  
joint committee on agency rule review. Division (A) (1) (b) of 5575  
this section does not apply to any rule to which division (C) of 5576  
section 119.03 of the Revised Code does not apply. 5577

If an agency in adopting a rule designates an effective 5578  
date that is later than the effective date provided for by this 5579  
division, the rule if filed as required by this division shall 5580  
become effective on the later date designated by the agency. 5581

An agency that adopts or amends a rule that is subject to 5582  
section 106.03 of the Revised Code shall assign a review date to 5583  
the rule that is not later than five years after its effective 5584

date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code.

(2) The agency shall file the rule in compliance with the following standards and procedures:

(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code.

(b) The rule shall be prepared and submitted in compliance with ~~the rules~~ section 103.05 of the Revised Code and the rule drafting manual of the legislative service commission.

(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.

(d) Each rule that amends or rescinds another rule shall clearly refer to the rule that is amended or rescinded. Each amendment shall fully restate the rule as amended.

If the director of the legislative service commission or the director's designee gives an agency notice pursuant to section 103.05 of the Revised Code that a rule filed by the agency is not in compliance with ~~the rules~~ section 103.05 of the Revised Code and the rule drafting manual of the commission, the agency shall within thirty days after receipt of the notice conform the rule ~~to the rules of the commission~~ as directed in the notice.

(3) As used in this section, "rule" includes an amendment or rescission of a rule.

(B) The secretary of state and the director shall preserve

the rules filed under division (A) (1) (a) of this section in an 5613  
accessible manner. Each such rule shall be a public record open 5614  
to public inspection and may be transmitted to any law 5615  
publishing company that wishes to reproduce it. 5616

**Sec. 120.06.** (A) (1) The state public defender, when 5617  
designated by the court or requested by a county public defender 5618  
or joint county public defender, may provide legal 5619  
representation in all courts throughout the state to indigent 5620  
adults and juveniles who are charged with the commission of an 5621  
offense or act for which the penalty or any possible 5622  
adjudication includes the potential loss of liberty. 5623

(2) The state public defender may provide legal 5624  
representation to any indigent person who, while incarcerated in 5625  
any state correctional institution, is charged with a felony 5626  
offense, for which the penalty or any possible adjudication that 5627  
may be imposed by a court upon conviction includes the potential 5628  
loss of liberty. 5629

(3) The state public defender may provide legal 5630  
representation to any person incarcerated in any correctional 5631  
institution of the state, in any matter in which the person 5632  
asserts the person is unlawfully imprisoned or detained. 5633

(4) The state public defender, in any case in which the 5634  
state public defender has provided legal representation or is 5635  
requested to do so by a county public defender or joint county 5636  
public defender, may provide legal representation on appeal. 5637

~~(5) The~~ (5) (a) Except as provided in division (A) (5) (b) of 5638  
this section, the state public defender, when designated by the 5639  
court or requested by a county public defender, joint county 5640  
public defender, or the director of rehabilitation and 5641

correction, shall provide legal representation in parole and 5642  
probation revocation matters or matters relating to the 5643  
revocation of community control or post-release control under a 5644  
community control sanction or post-release control sanction, 5645  
unless the state public defender finds that the alleged parole 5646  
or probation violator or alleged violator of a community control 5647  
sanction or post-release control sanction has the financial 5648  
capacity to retain the alleged violator's own counsel. 5649

(b) If the state public defender determines that the state 5650  
public defender does not have the capacity to provide the legal 5651  
representation described in division (A) (5) (a) of this section, 5652  
the state public defender may contract with private legal 5653  
counsel to provide the legal representation described in that 5654  
division. 5655

(6) If the state public defender contracts with a county 5656  
public defender commission, a joint county public defender 5657  
commission, or a board of county commissioners for the provision 5658  
of services, under authority of division (C) (7) of section 5659  
120.04 of the Revised Code, the state public defender shall 5660  
provide legal representation in accordance with the contract. 5661

(B) The state public defender shall not be required to 5662  
prosecute any appeal, postconviction remedy, or other proceeding 5663  
pursuant to division (A) (3), (4), or (5) of this section, unless 5664  
the state public defender first is satisfied that there is 5665  
arguable merit to the proceeding. 5666

(C) A court may appoint counsel or allow an indigent 5667  
person to select the indigent's own personal counsel to assist 5668  
the state public defender as co-counsel when the interests of 5669  
justice so require. When co-counsel is appointed to assist the 5670  
state public defender, the co-counsel shall receive any 5671

compensation that the court may approve, not to exceed the 5672  
amounts provided for in section 2941.51 of the Revised Code. 5673

(D) (1) When the state public defender is designated by the 5674  
court or requested by a county public defender or joint county 5675  
public defender to provide legal representation for an indigent 5676  
person in any case, other than pursuant to a contract entered 5677  
into under authority of division (C) (7) of section 120.04 of the 5678  
Revised Code, the state public defender shall send to the county 5679  
in which the case is filed a bill detailing the actual cost of 5680  
the representation that separately itemizes legal fees and 5681  
expenses. The county, upon receipt of an itemized bill from the 5682  
state public defender pursuant to this division, shall pay the 5683  
state public defender one hundred per cent of the amount 5684  
identified as legal fees and expenses in the itemized bill. 5685

(2) Upon payment of the itemized bill under division (D) 5686  
(1) of this section, the county may submit the cost of the legal 5687  
fees and expenses to the state public defender for reimbursement 5688  
pursuant to section 120.33 of the Revised Code. 5689

(3) When the state public defender provides investigation 5690  
or mitigation services to private appointed counsel or to a 5691  
county or joint county public defender as approved by the 5692  
appointing court, other than pursuant to a contract entered into 5693  
under authority of division (C) (7) of section 120.04 of the 5694  
Revised Code, the state public defender shall send to the county 5695  
in which the case is filed a bill itemizing the actual cost of 5696  
the services provided. The county, upon receipt of an itemized 5697  
bill from the state public defender pursuant to this division, 5698  
shall pay one hundred per cent of the amount as set forth in the 5699  
itemized bill. Upon payment of the itemized bill received 5700  
pursuant to this division, the county may submit the cost of the 5701

investigation and mitigation services to the state public 5702  
defender for reimbursement pursuant to section 120.33 of the 5703  
Revised Code. 5704

(4) There is hereby created in the state treasury the 5705  
county representation fund for the deposit of moneys received 5706  
from counties under this division. All moneys credited to the 5707  
fund shall be used by the state public defender to provide legal 5708  
representation for indigent persons when designated by the court 5709  
or requested by a county or joint county public defender or to 5710  
provide investigation or mitigation services, including 5711  
investigation or mitigation services to private appointed 5712  
counsel or a county or joint county public defender, as approved 5713  
by the court. 5714

(5) If the state public defender determines that the state 5715  
public defender does not have the capacity to provide the legal 5716  
representation described in division (A) (5) (a) of this section 5717  
and the state public defender contracts with private legal 5718  
counsel to provide the legal representation, the state public 5719  
defender shall directly pay private legal counsel's fees and 5720  
expenses from the indigent defense support fund pursuant to 5721  
section 120.08 of the Revised Code. 5722

(E) (1) Notwithstanding any contrary provision of sections 5723  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 5724  
Code that pertains to representation by the attorney general, an 5725  
assistant attorney general, or special counsel of an officer or 5726  
employee, as defined in section 109.36 of the Revised Code, or 5727  
of an entity of state government, the state public defender may 5728  
elect to contract with, and to have the state pay pursuant to 5729  
division (E) (2) of this section for the services of, private 5730  
legal counsel to represent the Ohio public defender commission, 5731

the state public defender, assistant state public defenders, 5732  
other employees of the commission or the state public defender, 5733  
and attorneys described in division (C) of section 120.41 of the 5734  
Revised Code in a malpractice or other civil action or 5735  
proceeding that arises from alleged actions or omissions related 5736  
to responsibilities derived pursuant to this chapter, or in a 5737  
civil action that is based upon alleged violations of the 5738  
constitution or statutes of the United States, including section 5739  
1983 of Title 42 of the United States Code, 93 Stat. 1284 5740  
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 5741  
alleged actions or omissions related to responsibilities derived 5742  
pursuant to this chapter, if the state public defender 5743  
determines, in good faith, that the defendant in the civil 5744  
action or proceeding did not act manifestly outside the scope of 5745  
the defendant's employment or official responsibilities, with 5746  
malicious purpose, in bad faith, or in a wanton or reckless 5747  
manner. If the state public defender elects not to contract 5748  
pursuant to this division for private legal counsel in a civil 5749  
action or proceeding, then, in accordance with sections 109.02, 5750  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 5751  
attorney general shall represent or provide for the 5752  
representation of the Ohio public defender commission, the state 5753  
public defender, assistant state public defenders, other 5754  
employees of the commission or the state public defender, or 5755  
attorneys described in division (C) of section 120.41 of the 5756  
Revised Code in the civil action or proceeding. 5757

(2) (a) Subject to division (E) (2) (b) of this section, 5758  
payment from the state treasury for the services of private 5759  
legal counsel with whom the state public defender has contracted 5760  
pursuant to division (E) (1) of this section shall be 5761  
accomplished only through the following procedure: 5762

(i) The private legal counsel shall file with the attorney 5763  
general a copy of the contract; a request for an award of legal 5764  
fees, court costs, and expenses earned or incurred in connection 5765  
with the defense of the Ohio public defender commission, the 5766  
state public defender, an assistant state public defender, an 5767  
employee, or an attorney in a specified civil action or 5768  
proceeding; a written itemization of those fees, costs, and 5769  
expenses, including the signature of the state public defender 5770  
and the state public defender's attestation that the fees, 5771  
costs, and expenses were earned or incurred pursuant to division 5772  
(E) (1) of this section to the best of the state public 5773  
defender's knowledge and information; a written statement 5774  
whether the fees, costs, and expenses are for all legal services 5775  
to be rendered in connection with that defense, are only for 5776  
legal services rendered to the date of the request and 5777  
additional legal services likely will have to be provided in 5778  
connection with that defense, or are for the final legal 5779  
services rendered in connection with that defense; a written 5780  
statement indicating whether the private legal counsel 5781  
previously submitted a request for an award under division (E) 5782  
(2) of this section in connection with that defense and, if so, 5783  
the date and the amount of each award granted; and, if the fees, 5784  
costs, and expenses are for all legal services to be rendered in 5785  
connection with that defense or are for the final legal services 5786  
rendered in connection with that defense, a certified copy of 5787  
any judgment entry in the civil action or proceeding or a signed 5788  
copy of any settlement agreement entered into between the 5789  
parties to the civil action or proceeding. 5790

(ii) Upon receipt of a request for an award of legal fees, 5791  
court costs, and expenses and the requisite supportive 5792  
documentation described in division (E) (2) (a) (i) of this 5793

section, the attorney general shall review the request and 5794  
documentation; determine whether any of the limitations 5795  
specified in division (E) (2) (b) of this section apply to the 5796  
request; and, if an award of legal fees, court costs, or 5797  
expenses is permissible after applying the limitations, prepare 5798  
a document awarding legal fees, court costs, or expenses to the 5799  
private legal counsel. The document shall name the private legal 5800  
counsel as the recipient of the award; specify the total amount 5801  
of the award as determined by the attorney general; itemize the 5802  
portions of the award that represent legal fees, court costs, 5803  
and expenses; specify any limitation applied pursuant to 5804  
division (E) (2) (b) of this section to reduce the amount of the 5805  
award sought by the private legal counsel; state that the award 5806  
is payable from the state treasury pursuant to division (E) (2) 5807  
(a) (iii) of this section; and be approved by the inclusion of 5808  
the signatures of the attorney general, the state public 5809  
defender, and the private legal counsel. 5810

(iii) The attorney general shall forward a copy of the 5811  
document prepared pursuant to division (E) (2) (a) (ii) of this 5812  
section to the director of budget and management. The award of 5813  
legal fees, court costs, or expenses shall be paid out of the 5814  
state public defender's appropriations, to the extent there is a 5815  
sufficient available balance in those appropriations. If the 5816  
state public defender does not have a sufficient available 5817  
balance in the state public defender's appropriations to pay the 5818  
entire award of legal fees, court costs, or expenses, the 5819  
director shall make application for a transfer of appropriations 5820  
out of the emergency purposes account or any other appropriation 5821  
for emergencies or contingencies in an amount equal to the 5822  
portion of the award that exceeds the sufficient available 5823  
balance in the state public defender's appropriations. A 5824

transfer of appropriations out of the emergency purposes account 5825  
or any other appropriation for emergencies or contingencies 5826  
shall be authorized if there are sufficient moneys greater than 5827  
the sum total of then pending emergency purposes account 5828  
requests, or requests for releases from the other appropriation. 5829  
If a transfer of appropriations out of the emergency purposes 5830  
account or other appropriation for emergencies or contingencies 5831  
is made to pay an amount equal to the portion of the award that 5832  
exceeds the sufficient available balance in the state public 5833  
defender's appropriations, the director shall cause the payment 5834  
to be made to the private legal counsel. If sufficient moneys do 5835  
not exist in the emergency purposes account or other 5836  
appropriation for emergencies or contingencies to pay an amount 5837  
equal to the portion of the award that exceeds the sufficient 5838  
available balance in the state public defender's appropriations, 5839  
the private legal counsel shall request the general assembly to 5840  
make an appropriation sufficient to pay an amount equal to the 5841  
portion of the award that exceeds the sufficient available 5842  
balance in the state public defender's appropriations, and no 5843  
payment in that amount shall be made until the appropriation has 5844  
been made. The private legal counsel shall make the request 5845  
during the current biennium and during each succeeding biennium 5846  
until a sufficient appropriation is made. 5847

(b) An award of legal fees, court costs, and expenses 5848  
pursuant to division (E) of this section is subject to the 5849  
following limitations: 5850

(i) The maximum award or maximum aggregate of a series of 5851  
awards of legal fees, court costs, and expenses to the private 5852  
legal counsel in connection with the defense of the Ohio public 5853  
defender commission, the state public defender, an assistant 5854  
state public defender, an employee, or an attorney in a 5855

specified civil action or proceeding shall not exceed fifty 5856  
thousand dollars. 5857

(ii) The private legal counsel shall not be awarded legal 5858  
fees, court costs, or expenses to the extent the fees, costs, or 5859  
expenses are covered by a policy of malpractice or other 5860  
insurance. 5861

(iii) The private legal counsel shall be awarded legal 5862  
fees and expenses only to the extent that the fees and expenses 5863  
are reasonable in light of the legal services rendered by the 5864  
private legal counsel in connection with the defense of the Ohio 5865  
public defender commission, the state public defender, an 5866  
assistant state public defender, an employee, or an attorney in 5867  
a specified civil action or proceeding. 5868

(c) If, pursuant to division (E) (2) (a) of this section, 5869  
the attorney general denies a request for an award of legal 5870  
fees, court costs, or expenses to private legal counsel because 5871  
of the application of a limitation specified in division (E) (2) 5872  
(b) of this section, the attorney general shall notify the 5873  
private legal counsel in writing of the denial and of the 5874  
limitation applied. 5875

(d) If, pursuant to division (E) (2) (c) of this section, a 5876  
private legal counsel receives a denial of an award notification 5877  
or if a private legal counsel refuses to approve a document 5878  
under division (E) (2) (a) (ii) of this section because of the 5879  
proposed application of a limitation specified in division (E) 5880  
(2) (b) of this section, the private legal counsel may commence a 5881  
civil action against the attorney general in the court of claims 5882  
to prove the private legal counsel's entitlement to the award 5883  
sought, to prove that division (E) (2) (b) of this section does 5884  
not prohibit or otherwise limit the award sought, and to recover 5885

a judgment for the amount of the award sought. A civil action 5886  
under division (E) (2) (d) of this section shall be commenced no 5887  
later than two years after receipt of a denial of award 5888  
notification or, if the private legal counsel refused to approve 5889  
a document under division (E) (2) (a) (ii) of this section because 5890  
of the proposed application of a limitation specified in 5891  
division (E) (2) (b) of this section, no later than two years 5892  
after the refusal. Any judgment of the court of claims in favor 5893  
of the private legal counsel shall be paid from the state 5894  
treasury in accordance with division (E) (2) (a) of this section. 5895

(F) If a court appoints the office of the state public 5896  
defender to represent a petitioner in a postconviction relief 5897  
proceeding under section 2953.21 of the Revised Code, the 5898  
petitioner has received a sentence of death, and the proceeding 5899  
relates to that sentence, all of the attorneys who represent the 5900  
petitioner in the proceeding pursuant to the appointment, 5901  
whether an assistant state public defender, the state public 5902  
defender, or another attorney, shall be certified under Rule 20 5903  
of the Rules of Superintendence for the Courts of Ohio to 5904  
represent indigent defendants charged with or convicted of an 5905  
offense for which the death penalty can be or has been imposed. 5906

(G) (1) The state public defender may conduct a legal 5907  
assistance referral service for children committed to the 5908  
department of youth services relative to conditions of 5909  
confinement claims. If the legal assistance referral service 5910  
receives a request for assistance from a child confined in a 5911  
facility operated, or contracted for, by the department of youth 5912  
services and the state public defender determines that the child 5913  
has a conditions of confinement claim that has merit, the state 5914  
public defender may refer the child to a private attorney. If no 5915  
private attorney who the child has been referred to by the state 5916

public defender accepts the case within a reasonable time, the 5917  
state public defender may prepare, as appropriate, pro se 5918  
pleadings in the form of a complaint regarding the conditions of 5919  
confinement at the facility where the child is confined with a 5920  
motion for appointment of counsel and other applicable pleadings 5921  
necessary for sufficient pro se representation. 5922

(2) Division (G) (1) of this section does not authorize the 5923  
state public defender to represent a child committed to the 5924  
department of youth services in general civil matters arising 5925  
solely out of state law. 5926

(3) The state public defender shall not undertake the 5927  
representation of a child in court based on a conditions of 5928  
confinement claim arising under this division. 5929

(H) A child's right to representation or services under 5930  
this section is not affected by the child, or another person on 5931  
behalf of the child, previously having paid for similar 5932  
representation or services or having waived legal 5933  
representation. 5934

(I) The state public defender shall have reasonable access 5935  
to any child committed to the department of youth services, 5936  
department of youth services institution, and department of 5937  
youth services record as needed to implement this section. 5938

(J) As used in this section: 5939

(1) "Community control sanction" has the same meaning as 5940  
in section 2929.01 of the Revised Code. 5941

(2) "Conditions of confinement" means any issue involving 5942  
a constitutional right or other civil right related to a child's 5943  
incarceration, including, but not limited to, actions cognizable 5944  
under 42 U.S.C. 1983. 5945

(3) "Post-release control sanction" has the same meaning 5946  
as in section 2967.01 of the Revised Code. 5947

**Sec. 120.08.** There is hereby created in the state treasury 5948  
the indigent defense support fund, consisting of money paid into 5949  
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 5950  
4511.19 of the Revised Code and pursuant to sections 2937.22, 5951  
2949.091, and 2949.094 of the Revised Code out of the additional 5952  
court costs imposed under those sections. The state public 5953  
defender shall use at least eighty-three per cent of the money 5954  
in the fund for the purposes of reimbursing county governments 5955  
for expenses incurred pursuant to sections 120.18, 120.28, and 5956  
120.33 of the Revised Code ~~and,~~ operating its system pursuant 5957  
to division (C) (7) of section 120.04 of the Revised Code and 5958  
division (B) of section 120.33 of the Revised Code, and directly 5959  
paying private legal counsel's fees and expenses incurred 5960  
pursuant to division (D) (5) of section 120.06 of the Revised 5961  
Code. Disbursements from the fund to county governments shall be 5962  
made at least once per year and shall be allocated 5963  
proportionately so that each county receives an equal percentage 5964  
of its cost for operating its county public defender system, its 5965  
joint county public defender system, its county appointed 5966  
counsel system, or its system operated under division (C) (7) of 5967  
section 120.04 of the Revised Code and division (B) of section 5968  
120.33 of the Revised Code. The state public defender may use 5969  
not more than seventeen per cent of the money in the fund for 5970  
the purposes of appointing assistant state public defenders, 5971  
providing other personnel, equipment, and facilities necessary 5972  
for the operation of the state public defender office, and 5973  
providing training, developing and implementing electronic 5974  
forms, or establishing and maintaining an information technology 5975  
system used for the uniform operation of this chapter. 5976

<b>Sec. 121.02.</b> The following administrative departments and	5977
their respective directors are hereby created:	5978
(A) The office of budget and management, which shall be	5979
administered by the director of budget and management;	5980
(B) The department of commerce, which shall be	5981
administered by the director of commerce;	5982
(C) The department of administrative services, which shall	5983
be administered by the director of administrative services;	5984
(D) The department of transportation, which shall be	5985
administered by the director of transportation;	5986
(E) The department of agriculture, which shall be	5987
administered by the director of agriculture;	5988
(F) The department of natural resources, which shall be	5989
administered by the director of natural resources;	5990
(G) The department of health, which shall be administered	5991
by the director of health;	5992
(H) The department of job and family services, which shall	5993
be administered by the director of job and family services;	5994
(I) The department of children and youth, which shall be	5995
administered by the director of children and youth;	5996
(J) The department of public safety, which shall be	5997
administered by the director of public safety;	5998
(K) The department of <del>mental behavioral health and</del>	5999
<del>addiction services</del> , which shall be administered by the director	6000
of <del>mental behavioral health and addiction services</del> ;	6001
(L) The department of developmental disabilities, which	6002
shall be administered by the director of developmental	6003

disabilities; 6004

(M) The department of insurance, which shall be 6005  
administered by the superintendent of insurance as director 6006  
thereof; 6007

(N) The department of development, which shall be 6008  
administered by the director of development; 6009

(O) The department of youth services, which shall be 6010  
administered by the director of youth services; 6011

(P) The department of rehabilitation and correction, which 6012  
shall be administered by the director of rehabilitation and 6013  
correction; 6014

(Q) The environmental protection agency, which shall be 6015  
administered by the director of environmental protection; 6016

(R) The department of aging, which shall be administered 6017  
by the director of aging; 6018

(S) The department of veterans services, which shall be 6019  
administered by the director of veterans services; 6020

(T) The department of medicaid, which shall be 6021  
administered by the medicaid director; 6022

(U) The department of education and workforce, which shall 6023  
be administered by the director of education and workforce. 6024

The director of each department shall exercise the powers 6025  
and perform the duties vested by law in such department. 6026

**Sec. 121.03.** The following administrative department heads 6027  
shall be appointed by the governor, with the advice and consent 6028  
of the senate, and shall hold their offices during the term of 6029  
the appointing governor, and are subject to removal at the 6030

pleasure of the governor.	6031
(A) The director of budget and management;	6032
(B) The director of commerce;	6033
(C) The director of transportation;	6034
(D) The director of agriculture;	6035
(E) The director of job and family services;	6036
(F) The director of children and youth;	6037
(G) The director of public safety;	6038
(H) The superintendent of insurance;	6039
(I) The director of development;	6040
(J) The tax commissioner;	6041
(K) The director of administrative services;	6042
(L) The director of natural resources;	6043
(M) The director of <del>mental behavioral health and addiction</del> services;	6044 6045
(N) The director of developmental disabilities;	6046
(O) The director of health;	6047
(P) The director of youth services;	6048
(Q) The director of rehabilitation and correction;	6049
(R) The director of environmental protection;	6050
(S) The director of aging;	6051
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section	6052 6053

4121.121 of the Revised Code; 6054

(U) The director of veterans services who meets the 6055  
qualifications required under section 5902.01 of the Revised 6056  
Code; 6057

(V) The chancellor of higher education; 6058

(W) The medicaid director; 6059

(X) The director of education and workforce. 6060

**Sec. 121.085.** The financial literacy education fund is 6061  
hereby created in the state treasury. The fund shall consist of 6062  
funds transferred to it from the consumer finance fund pursuant 6063  
to section 1321.21 of the Revised Code. The fund shall be used 6064  
to support various ~~adult~~ financial literacy education programs 6065  
developed or implemented by the director of commerce. The fund 6066  
shall be administered by the director of commerce who shall 6067  
adopt rules for the distribution of fund moneys. ~~The director of~~ 6068  
~~commerce shall adopt a rule to require that at least one-half of~~ 6069  
~~the financial literacy education programs developed or~~ 6070  
~~implemented pursuant to this section, and offered to the public,~~ 6071  
~~be presented by or available at public community colleges or~~ 6072  
~~state institutions throughout the state.~~ The director of 6073  
commerce shall deliver to the president of the senate, the 6074  
speaker of the house of representatives, the minority leader of 6075  
the senate, the minority leader of the house of representatives, 6076  
and the governor an annual report that includes an outline of 6077  
each adult financial literacy education program developed or 6078  
implemented, the number of individuals who were educated by each 6079  
program, and an accounting for all funds distributed. 6080

**Sec. 121.16.** Not later than ten days after receiving 6081  
notice from the federal government about a reduction or other 6082

modification to federal funding a state agency receives, the 6083  
state agency that received the notice shall submit a copy to the 6084  
president of the senate, or the president's designee, and to the 6085  
speaker of the house of representatives, or the speaker's 6086  
designee. 6087

Not later than ten days after receiving notice from the 6088  
federal government that a state program is or may be out of 6089  
compliance with federal requirements, the state agency that 6090  
received the notice shall submit a copy to the president of the 6091  
senate, or the president's designee, and to the speaker of the 6092  
house of representatives, or the speaker's designee. 6093

**Sec. 121.22.** (A) This section shall be liberally construed 6094  
to require public officials to take official action and to 6095  
conduct all deliberations upon official business only in open 6096  
meetings unless the subject matter is specifically excepted by 6097  
law. 6098

(B) As used in this section: 6099

(1) "Public body" means any of the following: 6100

(a) Any board, commission, committee, council, or similar 6101  
decision-making body of a state agency, institution, or 6102  
authority, and any legislative authority or board, commission, 6103  
committee, council, agency, authority, or similar decision- 6104  
making body of any county, township, municipal corporation, 6105  
school district, or other political subdivision or local public 6106  
institution; 6107

(b) Any committee or subcommittee of a body described in 6108  
division (B) (1) (a) of this section; 6109

(c) A court of jurisdiction of a sanitary district 6110  
organized wholly for the purpose of providing a water supply for 6111

domestic, municipal, and public use when meeting for the purpose 6112  
of the appointment, removal, or reappointment of a member of the 6113  
board of directors of such a district pursuant to section 6114  
6115.10 of the Revised Code, if applicable, or for any other 6115  
matter related to such a district other than litigation 6116  
involving the district. As used in division (B)(1)(c) of this 6117  
section, "court of jurisdiction" has the same meaning as "court" 6118  
in section 6115.01 of the Revised Code. 6119

(2) "Meeting" means any prearranged discussion of the 6120  
public business of the public body by a majority of its members. 6121

(3) "Regulated individual" means either of the following: 6122

(a) A student in a state or local public educational 6123  
institution; 6124

(b) A person who is, voluntarily or involuntarily, an 6125  
inmate, patient, or resident of a state or local institution 6126  
because of criminal behavior, mental illness, an intellectual 6127  
disability, disease, disability, age, or other condition 6128  
requiring custodial care. 6129

(4) "Public office" has the same meaning as in section 6130  
149.011 of the Revised Code. 6131

(C) All meetings of any public body are declared to be 6132  
public meetings open to the public at all times. A member of a 6133  
public body shall be present in person at a meeting open to the 6134  
public to be considered present or to vote at the meeting and 6135  
for purposes of determining whether a quorum is present at the 6136  
meeting. 6137

The minutes of a regular or special meeting of any public 6138  
body shall be promptly prepared, filed, and maintained and shall 6139  
be open to public inspection. The minutes need only reflect the 6140

general subject matter of discussions in executive sessions	6141
authorized under division (G) or (J) of this section.	6142
(D) This section does not apply to any of the following:	6143
(1) A grand jury;	6144
(2) An audit conference conducted by the auditor of state	6145
or independent certified public accountants with officials of	6146
the public office that is the subject of the audit;	6147
(3) The adult parole authority when its hearings are	6148
conducted at a correctional institution for the sole purpose of	6149
interviewing inmates to determine parole or pardon and the	6150
department of rehabilitation and correction when its hearings	6151
are conducted at a correctional institution for the sole purpose	6152
of making determinations under section 2967.271 of the Revised	6153
Code regarding the release or maintained incarceration of an	6154
offender to whom that section applies;	6155
(4) The organized crime investigations commission	6156
established under section 177.01 of the Revised Code;	6157
(5) Meetings of a child fatality review board established	6158
under section 307.621 of the Revised Code, meetings related to a	6159
review conducted pursuant to guidelines established by the	6160
director of health under section 3701.70 of the Revised Code,	6161
and meetings conducted pursuant to sections 5153.171 to 5153.173	6162
of the Revised Code;	6163
(6) The state medical board when determining whether to	6164
suspend a license or certificate without a prior hearing	6165
pursuant to division (G) of either section 4730.25 or 4731.22 of	6166
the Revised Code;	6167
(7) The board of nursing when determining whether to	6168

suspend a license or certificate without a prior hearing 6169  
pursuant to division (B) of section 4723.281 of the Revised 6170  
Code; 6171

(8) The state board of pharmacy when determining whether 6172  
to do either of the following: 6173

(a) Suspend a license, certification, or registration 6174  
without a prior hearing, including during meetings conducted by 6175  
telephone conference, pursuant to Chapters 3719., 3796., 4729., 6176  
and 4752. of the Revised Code and rules adopted thereunder; or 6177

(b) Restrict a person from obtaining further information 6178  
from the drug database established in section 4729.75 of the 6179  
Revised Code without a prior hearing pursuant to division (C) of 6180  
section 4729.86 of the Revised Code. 6181

(9) The state chiropractic board when determining whether 6182  
to suspend a license without a hearing pursuant to section 6183  
4734.37 of the Revised Code; 6184

(10) The executive committee of the emergency response 6185  
commission when determining whether to issue an enforcement 6186  
order or request that a civil action, civil penalty action, or 6187  
criminal action be brought to enforce Chapter 3750. of the 6188  
Revised Code; 6189

(11) The board of directors of the nonprofit corporation 6190  
formed under section 187.01 of the Revised Code or any committee 6191  
thereof, and the board of directors of any subsidiary of that 6192  
corporation or a committee thereof; 6193

(12) An audit conference conducted by the audit staff of 6194  
the department of job and family services with officials of the 6195  
public office that is the subject of that audit under section 6196  
5101.37 of the Revised Code; 6197

(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.11 of the Revised Code;	6198 6199 6200 6201
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (F) of section 4755.47 of the Revised Code;	6202 6203 6204 6205
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.64 of the Revised Code;	6206 6207 6208 6209
(16) Meetings of the pregnancy-associated mortality review board established under section <del>3738.01</del> <u>5180.27</u> of the Revised Code;	6210 6211 6212
(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;	6213 6214
(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;	6215 6216
(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code;	6217 6218
(20) Meetings of the officers, members, or directors of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, at which the public business of the corporation pertaining to a purpose for which the district is created is not discussed;	6219 6220 6221 6222 6223
(21) Meetings of a domestic violence fatality review board established under section 307.651 of the Revised Code;	6224 6225

(22) Any nonprofit agency that has received an endorsement 6226  
under section ~~122.69~~5101.315 of the Revised Code. 6227

(E) The controlling board, the tax credit authority, or 6228  
the minority development financing advisory board, when meeting 6229  
to consider granting assistance pursuant to Chapter 122. or 166. 6230  
of the Revised Code, in order to protect the interest of the 6231  
applicant or the possible investment of public funds, by 6232  
unanimous vote of all board or authority members present, may 6233  
close the meeting during consideration of the following 6234  
information confidentially received by the authority or board 6235  
from the applicant: 6236

(1) Marketing plans; 6237

(2) Specific business strategy; 6238

(3) Production techniques and trade secrets; 6239

(4) Financial projections; 6240

(5) Personal financial statements of the applicant or 6241  
members of the applicant's immediate family, including, but not 6242  
limited to, tax records or other similar information not open to 6243  
public inspection. 6244

The vote by the authority or board to accept or reject the 6245  
application, as well as all proceedings of the authority or 6246  
board not subject to this division, shall be open to the public 6247  
and governed by this section. 6248

(F) Every public body, by rule, shall establish a 6249  
reasonable method\_—whereby any person may determine the time and 6250  
place of all regularly scheduled meetings and the time, place, 6251  
and purpose of all special meetings. A public body shall not 6252  
hold a special meeting unless it gives at least twenty-four 6253

hours' advance notice to the news media that have requested 6254  
notification, except in the event of an emergency requiring 6255  
immediate official action. In the event of an emergency, the 6256  
member or members calling the meeting shall notify the news 6257  
media that have requested notification immediately of the time, 6258  
place, and purpose of the meeting. 6259

The rule shall provide that any person, upon request and 6260  
payment of a reasonable fee, may obtain reasonable advance 6261  
notification of all meetings at which any specific type of 6262  
public business is to be discussed. Provisions for advance 6263  
notification may include, but are not limited to, mailing the 6264  
agenda of meetings to all subscribers on a mailing list or 6265  
mailing notices in self-addressed, stamped envelopes provided by 6266  
the person. 6267

(G) Except as provided in divisions (G) (8) and (J) of this 6268  
section, the members of a public body may hold an executive 6269  
session only after a majority of a quorum of the public body 6270  
determines, by a roll call vote, to hold an executive session 6271  
and only at a regular or special meeting for the sole purpose of 6272  
the consideration of any of the following matters: 6273

(1) To consider the appointment, employment, dismissal, 6274  
discipline, promotion, demotion, or compensation of a public 6275  
employee or official, or the investigation of charges or 6276  
complaints against a public employee, official, licensee, or 6277  
regulated individual, unless the public employee, official, 6278  
licensee, or regulated individual requests a public hearing. 6279  
Except as otherwise provided by law, no public body shall hold 6280  
an executive session for the discipline of an elected official 6281  
for conduct related to the performance of the elected official's 6282  
official duties or for the elected official's removal from 6283

office. If a public body holds an executive session pursuant to 6284  
division (G) (1) of this section, the motion and vote to hold 6285  
that executive session shall state which one or more of the 6286  
approved purposes listed in division (G) (1) of this section are 6287  
the purposes for which the executive session is to be held, but 6288  
need not include the name of any person to be considered at the 6289  
meeting. 6290

(2) To consider the purchase of property for public 6291  
purposes, the sale of property at competitive bidding, or the 6292  
sale or other disposition of unneeded, obsolete, or unfit-for- 6293  
use property in accordance with section 505.10 of the Revised 6294  
Code, if premature disclosure of information would give an 6295  
unfair competitive or bargaining advantage to a person whose 6296  
personal, private interest is adverse to the general public 6297  
interest. No member of a public body shall use division (G) (2) 6298  
of this section as a subterfuge for providing covert information 6299  
to prospective buyers or sellers. A purchase or sale of public 6300  
property is void if the seller or buyer of the public property 6301  
has received covert information from a member of a public body 6302  
that has not been disclosed to the general public in sufficient 6303  
time for other prospective buyers and sellers to prepare and 6304  
submit offers. 6305

If the minutes of the public body show that all meetings 6306  
and deliberations of the public body have been conducted in 6307  
compliance with this section, any instrument executed by the 6308  
public body purporting to convey, lease, or otherwise dispose of 6309  
any right, title, or interest in any public property shall be 6310  
conclusively presumed to have been executed in compliance with 6311  
this section insofar as title or other interest of any bona fide 6312  
purchasers, lessees, or transferees of the property is 6313  
concerned. 6314

(3) Conferences with an attorney for the public body	6315
concerning disputes involving the public body that are the	6316
subject of pending or imminent court action;	6317
(4) Preparing for, conducting, or reviewing negotiations	6318
or bargaining sessions with public employees concerning their	6319
compensation or other terms and conditions of their employment;	6320
(5) Matters required to be kept confidential by federal	6321
law or regulations or state statutes;	6322
(6) Details relative to the security arrangements and	6323
emergency response protocols for a public body or a public	6324
office, if disclosure of the matters discussed could reasonably	6325
be expected to jeopardize the security of the public body or	6326
public office;	6327
(7) In the case of a county hospital operated pursuant to	6328
Chapter 339. of the Revised Code, a joint township hospital	6329
operated pursuant to Chapter 513. of the Revised Code, or a	6330
municipal hospital operated pursuant to Chapter 749. of the	6331
Revised Code, to consider trade secrets, as defined in section	6332
1333.61 of the Revised Code;	6333
(8) To consider confidential information related to the	6334
marketing plans, specific business strategy, production	6335
techniques, trade secrets, or personal financial statements of	6336
an applicant for economic development assistance, or to	6337
negotiations with other political subdivisions respecting	6338
requests for economic development assistance, provided that both	6339
of the following conditions apply:	6340
(a) The information is directly related to a request for	6341
economic development assistance that is to be provided or	6342
administered under any provision of Chapter 715., 725., 1724.,	6343

or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 6344  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 6345  
5709.81 of the Revised Code, or that involves public 6346  
infrastructure improvements or the extension of utility services 6347  
that are directly related to an economic development project. 6348

(b) A unanimous quorum of the public body determines, by a 6349  
roll call vote, that the executive session is necessary to 6350  
protect the interests of the applicant or the possible 6351  
investment or expenditure of public funds to be made in 6352  
connection with the economic development project. 6353

If a public body holds an executive session to consider 6354  
any of the matters listed in divisions (G) (2) to (8) of this 6355  
section, the motion and vote to hold that executive session 6356  
shall state which one or more of the approved matters listed in 6357  
those divisions are to be considered at the executive session. 6358

A public body specified in division (B) (1) (c) of this 6359  
section shall not hold an executive session when meeting for the 6360  
purposes specified in that division. 6361

(H) A resolution, rule, or formal action of any kind is 6362  
invalid unless adopted in an open meeting of the public body. A 6363  
resolution, rule, or formal action adopted in an open meeting 6364  
that results from deliberations in a meeting not open to the 6365  
public is invalid unless the deliberations were for a purpose 6366  
specifically authorized in division (G) or (J) of this section 6367  
and conducted at an executive session held in compliance with 6368  
this section. A resolution, rule, or formal action adopted in an 6369  
open meeting is invalid if the public body that adopted the 6370  
resolution, rule, or formal action violated division (F) of this 6371  
section. 6372

(I) (1) Any person may bring an action to enforce this 6373  
section. An action under division (I) (1) of this section shall 6374  
be brought within two years after the date of the alleged 6375  
violation or threatened violation. Upon proof of a violation or 6376  
threatened violation of this section in an action brought by any 6377  
person, the court of common pleas shall issue an injunction to 6378  
compel the members of the public body to comply with its 6379  
provisions. 6380

(2) (a) If the court of common pleas issues an injunction 6381  
pursuant to division (I) (1) of this section, the court shall 6382  
order the public body that it enjoins to pay a civil forfeiture 6383  
of five hundred dollars to the party that sought the injunction 6384  
and shall award to that party all court costs and, subject to 6385  
reduction as described in division (I) (2) of this section, 6386  
reasonable attorney's fees. The court, in its discretion, may 6387  
reduce an award of attorney's fees to the party that sought the 6388  
injunction or not award attorney's fees to that party if the 6389  
court determines both of the following: 6390

(i) That, based on the ordinary application of statutory 6391  
law and case law as it existed at the time of violation or 6392  
threatened violation that was the basis of the injunction, a 6393  
well-informed public body reasonably would believe that the 6394  
public body was not violating or threatening to violate this 6395  
section; 6396

(ii) That a well-informed public body reasonably would 6397  
believe that the conduct or threatened conduct that was the 6398  
basis of the injunction would serve the public policy that 6399  
underlies the authority that is asserted as permitting that 6400  
conduct or threatened conduct. 6401

(b) If the court of common pleas does not issue an 6402

injunction pursuant to division (I)(1) of this section and the 6403  
court determines at that time that the bringing of the action 6404  
was frivolous conduct, as defined in division (A) of section 6405  
2323.51 of the Revised Code, the court shall award to the public 6406  
body all court costs and reasonable attorney's fees, as 6407  
determined by the court. 6408

(3) Irreparable harm and prejudice to the party that 6409  
sought the injunction shall be conclusively and irrebuttably 6410  
presumed upon proof of a violation or threatened violation of 6411  
this section. 6412

(4) A member of a public body who knowingly violates an 6413  
injunction issued pursuant to division (I)(1) of this section 6414  
may be removed from office by an action brought in the court of 6415  
common pleas for that purpose by the prosecuting attorney or the 6416  
attorney general. 6417

(J)(1) Pursuant to division (C) of section 5901.09 of the 6418  
Revised Code, a veterans service commission shall hold an 6419  
executive session for one or more of the following purposes 6420  
unless an applicant requests a public hearing: 6421

(a) Interviewing an applicant for financial assistance 6422  
under sections 5901.01 to 5901.15 of the Revised Code; 6423

(b) Discussing applications, statements, and other 6424  
documents described in division (B) of section 5901.09 of the 6425  
Revised Code; 6426

(c) Reviewing matters relating to an applicant's request 6427  
for financial assistance under sections 5901.01 to 5901.15 of 6428  
the Revised Code. 6429

(2) A veterans service commission shall not exclude an 6430  
applicant for, recipient of, or former recipient of financial 6431

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

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

**Sec. 121.35.** (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:

- (1) The department of aging;
- (2) The department of development;
- (3) The department of developmental disabilities;
- (4) The department of education and workforce;
- (5) The department of health;
- (6) The department of job and family services;
- (7) The department of medicaid;
- (8) The department of ~~mental~~ behavioral health ~~and~~

~~addiction services;~~ 6459

(9) The opportunities for Ohioans with disabilities 6460  
agency; 6461

(10) The department of children and youth. 6462

(B) In revising eligibility standards and eligibility 6463  
determination procedures, a state agency shall not make any 6464  
program's eligibility standards or eligibility determination 6465  
procedures inconsistent with state or federal law. To the extent 6466  
authorized by state and federal law, the revisions may provide 6467  
for the state agencies to share administrative operations. 6468

**Sec. 121.36.** (A) As used in this section, "home care 6469  
dependent adult" means an individual who resides in a private 6470  
home or other noninstitutional and unlicensed living 6471  
arrangement, without the presence of a parent or guardian, but 6472  
has health and safety needs that require the provision of 6473  
regularly scheduled home care services to remain in the home or 6474  
other living arrangement because one of the following is the 6475  
case: 6476

(1) The individual is at least twenty-one years of age but 6477  
less than sixty years of age and has a physical disability or 6478  
mental impairment. 6479

(2) The individual is sixty years of age or older, 6480  
regardless of whether the individual has a physical disability 6481  
or mental impairment. 6482

(B) Except as provided in division (D) of this section, 6483  
the departments of developmental disabilities, aging, job and 6484  
family services, and health shall each implement this section 6485  
with respect to all contracts entered into by the department for 6486  
the provision of home care services to home care dependent 6487

adults that are paid for in whole or in part with federal, 6488  
state, or local funds. Except as provided in division (D) of 6489  
this section, each department shall also require all public and 6490  
private entities that receive money from or through the 6491  
department to comply with this section when entering into 6492  
contracts for the provision of home care services to home care 6493  
dependent adults that are paid for in whole or in part with 6494  
federal, state, or local funds. Such entities may include county 6495  
boards of developmental disabilities, area agencies on aging, 6496  
county departments of job and family services, and boards of 6497  
health of city and general health districts. 6498

(C) ~~Beginning one year after September 26, 2003, each~~ Each 6499  
contract subject to this section shall include terms requiring 6500  
that the provider of home care services to home care dependent 6501  
adults have a system in place that effectively monitors the 6502  
delivery of the services by its employees. To be considered an 6503  
effective monitoring system for purposes of the contract, the 6504  
system established by a provider must include at least the 6505  
following components: 6506

(1) When providing home care services to home care 6507  
dependent adults who have a mental impairment or life- 6508  
threatening health condition, a mechanism to verify whether the 6509  
provider's employees are present at the location where the 6510  
services are to be provided and at the time the services are to 6511  
be provided; 6512

(2) When providing home care services to all other home 6513  
care dependent adults, a system to verify at the end of each 6514  
working day whether the provider's employees have provided the 6515  
services at the proper location and time; 6516

(3) A protocol to be followed in scheduling a substitute 6517

employee when the monitoring system identifies that an employee 6518  
has failed to provide home care services at the proper location 6519  
and time, including standards for determining the length of time 6520  
that may elapse without jeopardizing the health and safety of 6521  
the home care dependent adult; 6522

(4) Procedures for maintaining records of the information 6523  
obtained through the monitoring system; 6524

(5) Procedures for compiling annual reports of the 6525  
information obtained through the monitoring system, including 6526  
statistics on the rate at which home care services were provided 6527  
at the proper location and time; 6528

(6) Procedures for conducting random checks of the 6529  
accuracy of the monitoring system. For purposes of conducting 6530  
these checks, a random check is considered to be a check of not 6531  
more than five per cent of the home care visits the provider's 6532  
employees make to different home care dependent adults within a 6533  
particular work shift. 6534

(D) In implementing this section, the departments shall 6535  
exempt ~~providers~~ the following from the section's requirements: 6536

(1) Providers of home care services who are self-employed 6537  
providers with no other employees or are otherwise considered by 6538  
the departments not to be agency providers. ~~The departments~~ 6539  
~~shall conduct a study on how the exempted providers may be made~~ 6540  
~~subject to the requirement of effectively monitoring whether~~ 6541  
~~home care services are being provided and have been provided at~~ 6542  
~~the proper location and time. Not later than two years after~~ 6543  
~~September 26, 2003, the departments shall prepare a report of~~ 6544  
~~their findings and recommendations. The report shall be~~ 6545  
~~submitted to the president of the senate and the speaker of the~~ 6546

~~house of representatives;~~ 6547

(2) Providers who utilize an electronic visit verification 6548  
system as described in section 12006 of the "21st Century Cures 6549  
Act of 2016," 42 U.S.C. 1903(1). 6550

(E) The departments of developmental disabilities, aging, 6551  
job and family services, and health shall each adopt rules as 6552  
necessary to implement this section. The rules shall be adopted 6553  
in accordance with Chapter 119. of the Revised Code. 6554

**Sec. 121.37.** (A) (1) There is hereby created the Ohio 6555  
family and children first cabinet council. The council shall be 6556  
composed of the director of education and workforce, the 6557  
executive director of the opportunities for Ohioans with 6558  
disabilities agency, the medicaid director, and the directors of 6559  
youth services, job and family services, mental behavioral 6560  
~~health and addiction services~~, health, developmental 6561  
disabilities, aging, rehabilitation and correction, children and 6562  
youth, and budget and management. The chairperson of the council 6563  
shall be the governor or the governor's designee and shall 6564  
establish procedures for the council's internal control and 6565  
management. 6566

The purpose of the cabinet council is to help families 6567  
seeking government services. This section shall not be 6568  
interpreted or applied to usurp the role of parents, but solely 6569  
to streamline and coordinate existing government services for 6570  
families seeking assistance for their children. 6571

(2) In seeking to fulfill its purpose, the council may do 6572  
any of the following: 6573

(a) Advise and make recommendations to the governor and 6574  
general assembly regarding the provision of services to 6575

children;	6576
(b) Advise and assess local governments on the	6577
coordination of service delivery to children;	6578
(c) Hold meetings at such times and places as may be	6579
prescribed by the council's procedures and maintain records of	6580
the meetings, except that records identifying individual	6581
children are confidential and shall be disclosed only as	6582
provided by law;	6583
(d) Develop programs and projects, including pilot	6584
projects, to encourage coordinated efforts at the state and	6585
local level to improve the state's social service delivery	6586
system;	6587
(e) Enter into contracts with and administer grants to	6588
county family and children first councils, as well as other	6589
county or multicounty organizations to plan and coordinate	6590
service delivery between state agencies and local service	6591
providers for families and children;	6592
(f) Enter into contracts with and apply for grants from	6593
federal agencies or private organizations;	6594
(g) Enter into interagency agreements to encourage	6595
coordinated efforts at the state and local level to improve the	6596
state's social service delivery system. The agreements may	6597
include provisions regarding the receipt, transfer, and	6598
expenditure of funds;	6599
(h) Identify public and private funding sources for	6600
services provided to alleged or adjudicated unruly children and	6601
children who are at risk of being alleged or adjudicated unruly	6602
children, including regulations governing access to and use of	6603
the services;	6604

(i) Collect information provided by local communities 6605  
regarding successful programs for prevention, intervention, and 6606  
treatment of unruly behavior, including evaluations of the 6607  
programs; 6608

(j) Identify and disseminate publications regarding 6609  
alleged or adjudicated unruly children and children who are at 6610  
risk of being alleged or adjudicated unruly children and 6611  
regarding programs serving those types of children; 6612

(k) Maintain an inventory of strategic planning 6613  
facilitators for use by government or nonprofit entities that 6614  
serve alleged or adjudicated unruly children or children who are 6615  
at risk of being alleged or adjudicated unruly children. 6616

(3) The cabinet council shall provide for the following: 6617

(a) Reviews of service and treatment plans for children 6618  
for which such reviews are requested; 6619

(b) Assistance as the council determines to be necessary 6620  
to meet the needs of children referred by county family and 6621  
children first councils; 6622

(c) Monitoring and supervision of a statewide, 6623  
comprehensive, coordinated, multi-disciplinary, interagency 6624  
system for infants and toddlers with developmental disabilities 6625  
or delays and their families, as established pursuant to federal 6626  
grants received and administered by the department of children 6627  
and youth for early intervention services under the "Individuals 6628  
with Disabilities Education Act of 2004," 118 Stat. 2744, 20 6629  
U.S.C.A. 1400, as amended; 6630

(d) Establishing and maintaining the Ohio automated 6631  
service coordination system pursuant to section 121.376 of the 6632  
Revised Code. 6633

(4) The cabinet council shall develop and implement the following: 6634  
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(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. 6636  
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(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county; 6640  
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(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state; 6643  
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(d) A state appeals process to resolve disputes among the members of a county council, established under division (B) of this section, concerning whether reasonable responsibilities are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners. 6646  
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(5) On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request. 6654  
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(6) The cabinet council state office may adopt rules governing the responsibilities of county family and children first councils established in division (B)(3) \_of this section. 6658  
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(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite 6661  
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any local public or private agency or group that funds, 6663  
advocates, or provides services to children and families to have 6664  
a representative become a permanent or temporary member of its 6665  
county council. Each county council must include the following 6666  
individuals: 6667

(a) At least three individuals ~~who are not employed by an~~ 6668  
~~agency represented on the council and whose families are~~ 6669  
receiving or have received services from an agency represented 6670  
on the council or another county's council. If such an 6671  
individual is employed by an agency represented on the council, 6672  
the individual shall complete a conflict of interest disclosure 6673  
form and abstain from any vote that involves the agency that 6674  
employs the individual. Where possible, the number of members 6675  
representing families ~~shall~~ may be equal to twenty per cent of 6676  
the council's membership. 6677

(b) The director of the board of alcohol, drug addiction, 6678  
and mental health services that serves the county, or, in the 6679  
case of a county that has a board of alcohol and drug addiction 6680  
services and a community mental health board, the directors of 6681  
both boards. If a board of alcohol, drug addiction, and mental 6682  
health services covers more than one county, the director may 6683  
designate a person to participate on the county's council. 6684

(c) The health commissioner, or the commissioner's 6685  
designee, of the board of health of each city and general health 6686  
district in the county. If the county has two or more health 6687  
districts, the health commissioner membership may be limited to 6688  
the commissioners of the two districts with the largest 6689  
populations. 6690

(d) The director of the county department of job and 6691  
family services; 6692

- (e) The executive director of the public children services agency; 6693  
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- (f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee; 6695  
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- (g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, or a district-level administrative designee with decision-making authority, as determined by the department of education and workforce, which shall notify each board of county commissioners of its determination at least biennially; 6699  
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- (h) A school superintendent representing all other school districts with territory in the county, or a district-level administrative designee with decision-making authority, as designated at a biennial meeting of the superintendents of those districts; 6705  
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- (i) A representative of the municipal corporation with the largest population in the county; 6710  
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- (j) The president of the board of county commissioners or an individual designated by the board; 6712  
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- (k) A representative of the department of youth services or an individual designated by the department; 6714  
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- (l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 6716  
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- (m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with 6718  
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Disabilities Education Act of 2004"; 6721

(n) A representative of a local nonprofit entity that 6722  
funds, advocates, or provides services to children and families. 6723

Notwithstanding any other provision of law, the public 6724  
members of a county council are not prohibited from serving on 6725  
the council and making decisions regarding the duties of the 6726  
council, including those involving the funding of joint projects 6727  
and those outlined in the county's service coordination 6728  
mechanism implemented pursuant to division (C) of this section. 6729

The county's juvenile court judge senior in service or 6730  
another judge of the juvenile court designated by the 6731  
administrative judge or, where there is no administrative judge, 6732  
by the judge senior in service shall serve as the judicial 6733  
advisor to the county family and children first council. The 6734  
judge may advise the county council on the court's utilization 6735  
of resources, services, or programs provided by the entities 6736  
represented by the members of the county council and how those 6737  
resources, services, or programs assist the court in its 6738  
administration of justice. Service of a judge as a judicial 6739  
advisor pursuant to this section is a judicial function. 6740

(2) The purpose of the county council is to streamline and 6741  
coordinate existing government services for families seeking 6742  
services for their children. In seeking to fulfill its purpose, 6743  
a county council shall provide for the following: 6744

(a) Referrals to the cabinet council of those children for 6745  
whom the county council cannot provide adequate services; 6746

(b) Development and implementation of a process that 6747  
annually evaluates and prioritizes services, fills service gaps 6748  
where possible, and invents new approaches to achieve better 6749

results for families and children; 6750

(c) Participation in the development of a countywide, 6751  
comprehensive, coordinated, multi-disciplinary, interagency 6752  
system for infants and toddlers with developmental disabilities 6753  
or delays and their families, as established pursuant to federal 6754  
grants received and administered by the department of children 6755  
and youth for early intervention services under the "Individuals 6756  
with Disabilities Education Act of 2004"; 6757

(d) Maintenance of an accountability system to monitor the 6758  
county council's progress in achieving results for families and 6759  
children; 6760

(e) Establishment of a mechanism to ensure ongoing input 6761  
from a broad representation of families who are receiving 6762  
services within the county system. 6763

(3) A county council shall develop and implement the 6764  
following: 6765

(a) An interagency process to establish local indicators 6766  
and monitor the county's progress toward increasing child well- 6767  
being in the county; 6768

(b) An interagency process to identify local priorities to 6769  
increase child well-being. 6770

(c) An annual plan that identifies the county's 6771  
interagency efforts to increase child well-being in the county. 6772

On an annual basis, the county council shall submit a 6773  
report on the status of efforts by the county to increase child 6774  
well-being in the county to the county's board of county 6775  
commissioners and the cabinet council. This report shall be made 6776  
available to any other person on request. 6777

(4) (a) Except as provided in division (B) (4) (b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements.

(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a reasonable period during which the program or approach is being evaluated for effectiveness.

(5) (a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's

boards of education or governing boards of educational service 6809  
centers; or the county's juvenile court. Any of the foregoing 6810  
public entities, other than the board of county commissioners, 6811  
may decline to serve as the council's administrative agent. 6812

A county council's administrative agent shall serve as the 6813  
council's appointing authority for any employees of the council. 6814  
The council shall file an annual budget with its administrative 6815  
agent, with copies filed with the county auditor and with the 6816  
board of county commissioners, unless the board is serving as 6817  
the council's administrative agent. The council's administrative 6818  
agent shall ensure that all expenditures are handled in 6819  
accordance with policies, procedures, and activities prescribed 6820  
by state departments in rules, grant agreements, or interagency 6821  
agreements that are applicable to the council's functions. 6822

The administrative agent of a county council ~~shall~~ may 6823  
send notice of a member's absence if a member listed in division 6824  
(B) (1) of this section has been absent from either three 6825  
consecutive meetings of the county council or a county council 6826  
subcommittee, or from one-quarter of such meetings in a calendar 6827  
year, whichever is less. The notice shall be sent to the board 6828  
of county commissioners that establishes the county council and, 6829  
for the members listed in divisions (B) (1) (b), (c), (e), and (l) 6830  
of this section, to the governing board overseeing the 6831  
respective entity; for the member listed in division (B) (1) (f) 6832  
of this section, to the county board of developmental 6833  
disabilities that employs the superintendent; for a member 6834  
listed in division (B) (1) (g) or (h) of this section, to the 6835  
school board that employs the superintendent; for the member 6836  
listed in division (B) (1) (i) of this section, to the mayor of 6837  
the municipal corporation; for the member listed in division (B) 6838  
(1) (k) of this section, to the director of youth services; and 6839

for the member listed in division (B) (1) (n) of this section, to 6840  
that member's board of trustees. 6841

The administrative agent for a county council may do any 6842  
of the following on behalf of the council: 6843

(i) Enter into agreements or administer contracts with 6844  
public or private entities to fulfill specific council business. 6845  
Such agreements and contracts are exempt from the competitive 6846  
bidding requirements of section 307.86 of the Revised Code if 6847  
they have been approved by the county council and they are for 6848  
the purchase of services for families and children. The approval 6849  
of the county council is not required to exempt agreements or 6850  
contracts entered into under section 5139.34, 5139.41, or 6851  
5139.43 of the Revised Code from the competitive bidding 6852  
requirements of section 307.86 of the Revised Code. 6853

(ii) As determined by the council, provide financial 6854  
stipends, reimbursements, or both, to family representatives for 6855  
expenses related to council activity; 6856

(iii) Receive by gift, grant, devise, or bequest any 6857  
moneys, lands, or other property for the purposes for which the 6858  
council is established. The agent shall hold, apply, and dispose 6859  
of the moneys, lands, or other property according to the terms 6860  
of the gift, grant, devise, or bequest. Any interest or earnings 6861  
shall be treated in the same manner and are subject to the same 6862  
terms as the gift, grant, devise, or bequest from which it 6863  
accrues. 6864

(b) (i) If the county council designates the board of 6865  
county commissioners as its administrative agent, the board may, 6866  
by resolution, delegate any of its powers and duties as 6867  
administrative agent to an executive committee the board 6868

establishes from the membership of the county council. The board 6869  
shall name to the executive committee at least the individuals 6870  
described in divisions (B) (1) (b) to (h) of this section and may 6871  
appoint the president of the board or another individual as the 6872  
chair of the executive committee. The executive committee must 6873  
include at least one family county council representative who 6874  
does not have a family member employed by an agency represented 6875  
on the council. 6876

(ii) The executive committee may, with the approval of the 6877  
board, hire an executive director to assist the county council 6878  
in administering its powers and duties. The executive director 6879  
shall serve in the unclassified civil service at the pleasure of 6880  
the executive committee. The executive director may, with the 6881  
approval of the executive committee, hire other employees as 6882  
necessary to properly conduct the county council's business. 6883

(iii) The board may require the executive committee to 6884  
submit an annual budget to the board for approval and may amend 6885  
or repeal the resolution that delegated to the executive 6886  
committee its authority as the county council's administrative 6887  
agent. 6888

(6) Two or more county councils may enter into an 6889  
agreement to administer their county councils jointly by 6890  
creating a regional family and children first council. A 6891  
regional council possesses the same duties and authority 6892  
possessed by a county council, except that the duties and 6893  
authority apply regionally rather than to individual counties. 6894  
Prior to entering into an agreement to create a regional 6895  
council, the members of each county council to be part of the 6896  
regional council shall meet to determine whether all or part of 6897  
the members of each county council will serve as members of the 6898

regional council. 6899

(7) A board of county commissioners may approve a 6900  
resolution by a majority vote of the board's members that 6901  
requires the county council to submit a statement to the board 6902  
each time the council proposes to enter into an agreement, adopt 6903  
a plan, or make a decision, other than a decision pursuant to 6904  
section 121.38 of the Revised Code, that requires the 6905  
expenditure of funds for two or more families. The statement 6906  
shall describe the proposed agreement, plan, or decision. 6907

Not later than fifteen days after the board receives the 6908  
statement, it shall, by resolution approved by a majority of its 6909  
members, approve or disapprove the agreement, plan, or decision. 6910  
Failure of the board to pass a resolution during that time 6911  
period shall be considered approval of the agreement, plan, or 6912  
decision. 6913

An agreement, plan, or decision for which a statement is 6914  
required to be submitted to the board shall be implemented only 6915  
if it is approved by the board. 6916

(C) Each county shall develop a county service 6917  
coordination mechanism. The county service coordination 6918  
mechanism shall serve as the guiding document for coordination 6919  
of services in the county. For children who also receive 6920  
services under the early intervention program, the main provider 6921  
of service coordination shall be an early intervention service 6922  
coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of 6923  
the Revised Code. All family service coordination plans shall be 6924  
developed in accordance with the county service coordination 6925  
mechanism. The mechanism shall be developed and approved with 6926  
the participation of the county entities representing child 6927  
welfare; developmental disabilities; alcohol, drug addiction, 6928

and mental health services; health; juvenile judges; education; 6929  
the county family and children first council; and the county 6930  
early intervention collaborative established pursuant to the 6931  
federal early intervention program operated under the 6932  
"Individuals with Disabilities Education Act of 2004." The 6933  
county shall establish an implementation schedule for the 6934  
mechanism. The cabinet council may monitor the implementation 6935  
and administration of each county's service coordination 6936  
mechanism. 6937

Each mechanism shall include all of the following: 6938

(1) A procedure for an agency, including a juvenile court, 6939  
or a family voluntarily seeking service coordination, to refer 6940  
the child and family to the county council for service 6941  
coordination in accordance with the mechanism; 6942

(2) A procedure ensuring that a family and all appropriate 6943  
staff from involved agencies, including a representative from 6944  
the appropriate school district, are notified of and invited to 6945  
participate in all family service coordination plan meetings; 6946

(3) A procedure that permits a family to initiate a 6947  
meeting to develop or review the family's service coordination 6948  
plan and allows the family to invite a family advocate, mentor, 6949  
or support person of the family's choice to participate in any 6950  
such meeting; 6951

(4) A procedure for ensuring that a family service 6952  
coordination plan meeting is conducted for each child who 6953  
receives service coordination under the mechanism and for whom 6954  
an emergency out-of-home placement has been made or for whom a 6955  
nonemergency out-of-home placement is being considered. The 6956  
meeting shall be conducted within ten days of an emergency out- 6957

of-home placement. The meeting shall be conducted before a 6958  
nonemergency out-of-home placement. The family service 6959  
coordination plan shall outline how the county council members 6960  
will jointly pay for services, where applicable, and provide 6961  
services in the least restrictive environment. 6962

(5) A procedure for monitoring the progress and tracking 6963  
the outcomes of each service coordination plan requested in the 6964  
county including monitoring and tracking children in out-of-home 6965  
placements to assure continued progress, appropriateness of 6966  
placement, and continuity of care after discharge from placement 6967  
with appropriate arrangements for housing, treatment, and 6968  
education; 6969

(6) A procedure for protecting the confidentiality of all 6970  
personal family information disclosed during service 6971  
coordination meetings or contained in the comprehensive family 6972  
service coordination plan; 6973

(7) A procedure for assessing the needs and strengths of 6974  
any child or family that has been referred to the council for 6975  
service coordination, including a child whose parent or 6976  
custodian is voluntarily seeking services, and for ensuring that 6977  
parents and custodians are afforded the opportunity to 6978  
participate; 6979

(8) A procedure for development of a family service 6980  
coordination plan described in division (D) of this section; 6981

(9) A local dispute resolution process to serve as the 6982  
process that must be used first to resolve disputes among the 6983  
agencies represented on the county council concerning the 6984  
provision of services to children, including children who are 6985  
abused, neglected, dependent, unruly, alleged unruly, or 6986

delinquent children and under the jurisdiction of the juvenile 6987  
court and children whose parents or custodians are voluntarily 6988  
seeking services. The local dispute resolution process shall 6989  
comply with sections 121.38, 121.381, and 121.382 of the Revised 6990  
Code. The local dispute resolution process shall be used to 6991  
resolve disputes between a child's parents or custodians and the 6992  
county council regarding service coordination. The county 6993  
council shall inform the parents or custodians of their right to 6994  
use the dispute resolution process. Parents or custodians shall 6995  
use existing local agency grievance procedures to address 6996  
disputes not involving service coordination. The dispute 6997  
resolution process is in addition to and does not replace other 6998  
rights or procedures that parents or custodians may have under 6999  
other sections of the Revised Code. 7000

The cabinet council shall adopt rules in accordance with 7001  
Chapter 119. of the Revised Code establishing an administrative 7002  
review process to address problems that arise concerning the 7003  
operation of a local dispute resolution process. 7004

Nothing in division (C) (4) of this section shall be 7005  
interpreted as overriding or affecting decisions of a juvenile 7006  
court or public children services agency regarding an out-of- 7007  
home placement, long-term placement, or emergency out-of-home 7008  
placement. 7009

(D) Each county shall develop a family service 7010  
coordination plan that does all of the following: 7011

(1) Designates service responsibilities among the various 7012  
state and local agencies that provide services to children and 7013  
their families, including children who are abused, neglected, 7014  
dependent, unruly, or delinquent children and under the 7015  
jurisdiction of the juvenile court and children whose parents or 7016

custodians are voluntarily seeking services; 7017

(2) Designates an individual, approved by the family, to 7018  
track the progress of the family service coordination plan, 7019  
schedule reviews as necessary, and facilitate the family service 7020  
coordination plan meeting process; 7021

(3) Ensures that assistance and services to be provided 7022  
are responsive to the strengths and needs of the family, as well 7023  
as the family's culture, race, and ethnic group, by allowing the 7024  
family to offer information and suggestions and participate in 7025  
decisions. Identified assistance and services shall be provided 7026  
in the least restrictive environment possible. 7027

(4) Includes a process for dealing with a child who is 7028  
alleged to be an unruly child. The process shall include methods 7029  
to divert the child from the juvenile court system; 7030

(5) Includes timelines for completion of goals specified 7031  
in the plan with regular reviews scheduled to monitor progress 7032  
toward those goals; 7033

(6) Includes a plan for dealing with short-term crisis 7034  
situations and safety concerns. 7035

(E) (1) The process provided for under division (D) (4) of 7036  
this section may include, but is not limited to, the following: 7037

(a) Designation of the person or agency to conduct the 7038  
assessment of the child and the child's family as described in 7039  
division (C) (7) of this section and designation of the 7040  
instrument or instruments to be used to conduct the assessment; 7041

(b) An emphasis on the personal responsibilities of the 7042  
child and the parental responsibilities of the parents, 7043  
guardian, or custodian of the child; 7044

(c) Involvement of local law enforcement agencies and officials. 7045  
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(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following: 7047  
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(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system; 7050  
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(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system; 7056  
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(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian; 7060  
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(d) A program to provide a mentor to the child or the parents, guardian, or custodian; 7064  
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(e) A program to provide parenting education to the parents, guardian, or custodian; 7066  
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(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school; 7068  
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(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile 7071  
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court system that are identified by the Ohio family and children 7073  
first cabinet council. 7074

(F) Each county may review and revise the service 7075  
coordination process described in division (D) of this section 7076  
based on the availability of funds under Title IV-A of the 7077  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 7078  
as amended, or to the extent resources are available from any 7079  
other federal, state, or local funds. 7080

(G) As used in this section, "early intervention service 7081  
coordinator" means a person who holds an early intervention 7082  
service coordinator credential or an early intervention service 7083  
coordination supervisor credential issued by the department of 7084  
~~developmental disabilities—children and youth~~ and who assists 7085  
and enables an infant or toddler with a developmental delay or 7086  
disability and the child's family to receive the services and 7087  
rights, including procedural safeguards, required under part C 7088  
of the "Individuals with Disabilities Education Act of 2004," 20 7089  
U.S.C. 1400, as amended. 7090

**Sec. 121.93.** (A) Except as provided in division (E) of 7091  
this section, an agency shall review its operations to identify 7092  
principles of law or policy that have not been stated in a rule 7093  
and that the agency is relying upon in conducting adjudications 7094  
or other determinations of rights and liabilities or in issuing 7095  
writings and other materials, such as instructions, directives, 7096  
policy statements, guidelines, handbooks, manuals, advisories, 7097  
notices, circulars, advertisements, forms, letters, and 7098  
opinions. An agency is not required to identify principles of 7099  
law or policy relied upon in issuing internal management rules 7100  
as defined in section 111.15 of the Revised Code. The agency 7101  
shall complete at least one of the reviews during a governor's 7102

term. 7103

Within six months after the expiration of a governor's 7104  
term, the agency electronically shall transmit a report to the 7105  
joint committee on agency rule review containing the following: 7106

(1) A statement that the agency has completed one or more 7107  
of the reviews, specifying the exact number of reviews completed 7108  
during the governor's expired term; 7109

(2) The principles of law or policies identified under 7110  
this division; 7111

(3) The agency's considerations regarding the identified 7112  
principles of law or policies under division (B) of this 7113  
section; 7114

(4) Any principles of law or policies for which the agency 7115  
determines rulemaking is indicated or for which the agency has 7116  
commenced the rule-making process under division (C) of this 7117  
section. 7118

The joint committee on agency rule review shall make the 7119  
reports available on its web site. 7120

(B) The agency shall determine whether a principle of law 7121  
or policy thus identified has a general and uniform operation 7122  
and establishes a legal regulation or standard that would not 7123  
exist in its absence. If the principle of law or policy has 7124  
these characteristics, the agency shall determine whether the 7125  
principle of law or policy should be supplanted by its 7126  
restatement in a rule to achieve one or more of the following as 7127  
they are relevant to the principle of law or policy: 7128

(1) Assert the general and uniform operation of the 7129  
principle of law or policy; 7130

- (2) Make the principle of law or policy more readily available to the public; 7131  
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- (3) Make the principle of law or policy more readily available to persons who specifically are affected by the principle of law or policy; 7133  
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- (4) Enable the principle of law or policy to be better known in advance of its application; 7136  
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- (5) Enable greater public participation in improvement and further development of the principle of law or policy; 7138  
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- (6) Enable greater participation by persons specifically affected by the principle of law or policy in the improvement and further development of the principle of law or policy; 7140  
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- (7) Make the principle of law or policy more easily understandable; or 7143  
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- (8) Make the principle of law or policy more readily available to those legally charged with monitoring or reviewing the agency's operations. 7145  
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- If a principle of law or policy aids in the interpretation of an existing rule or statute, the agency shall consider whether the aiding effect clarifies or otherwise resolves an uncertainty in the existing rule or statute. If the principle of law or policy can be so characterized, the agency shall consider whether the principle of law or policy should be supplanted by its restatement in an interpretive rule. The agency may not presume that a principle of law or policy that aids in the interpretation of an existing rule or statute is simply a reiteration of the existing rule or statute. 7148  
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- (C) If the agency determines, in light of the foregoing 7158

standards, that rulemaking is indicated, the agency shall 7159  
commence the rule-making process as soon as it is reasonably 7160  
feasible to do so, but not later than the date that is ~~six~~three 7161  
months after the determination was made. The principle of law or 7162  
policy as it is restated in a rule does not need to be wholly 7163  
congruent with the supplanted principle of law or policy. The 7164  
agency lawfully may improve or develop further the supplanted 7165  
principle of law or policy as it is restated in a rule. 7166

The agency may continue to rely upon the principle of law 7167  
or policy, but only while it is complying with the preceding 7168  
paragraph. The agency may not rely upon the principle of law or 7169  
policy in advising with regard to or in determining the rights 7170  
or liabilities of a person if ~~the~~any of the following apply: 7171

(1) The agency fails to commence the rule-making process 7172  
by the deadline specified in the preceding paragraph, ~~or if,~~ 7173  
~~after~~. 7174

(2) After commencing the rule-making process, the agency 7175  
neglects or abandons the rule-making process before it is 7176  
completed. 7177

(3) The agency fails to file a rule for which rulemaking 7178  
is indicated under this section in final form within one year of 7179  
the agency making a determination under this section. 7180

(4) After filing a proposed rule and rule summary and 7181  
fiscal analysis with the joint committee, the agency notifies 7182  
the joint committee of the agency's intention to file a revised 7183  
proposed rule as described in division (B) of section 106.02 of 7184  
the Revised Code. 7185

(D) A principle of law or policy that is relied upon 7186  
directly or by clear implication from a statute applying to the 7187

agency does not need to be supplanted by rule. 7188

(E) This section does not apply to an agency, commission, 7189  
or committee created in the legislative branch of government or 7190  
to serve the general assembly including, but not limited to, all 7191  
of the following: 7192

(1) The joint legislative ethics committee; 7193

(2) The joint medicaid oversight committee; 7194

(3) The correctional institution inspection committee; 7195

(4) The legislative service commission; 7196

(5) The legislative information services; 7197

(6) The capitol square review and advisory board. 7198

**Sec. 121.931.** (A) A person may petition an agency in 7199  
writing to restate a principle of law or policy in a rule if (1) 7200  
the person was a party to an adjudication or other determination 7201  
before an agency that has resulted in an order or other 7202  
disposition or was a party to a civil action in which judgment 7203  
has been entered, and (2) the adjudication or other 7204  
determination, or the civil action, involved a principle of law 7205  
or policy relied upon by the agency that, under section 121.93 7206  
of the Revised Code, should have been supplanted by its 7207  
restatement in a rule but has not been so supplanted. The 7208  
petition shall briefly explain why the principle of law or 7209  
policy should, under section 121.93 of the Revised Code, be 7210  
supplanted by its restatement in a rule. The person shall send 7211  
the petition to the agency not later than the ninetieth day 7212  
after the order or other disposition was issued or the judgment 7213  
was entered. The person also shall send a copy of the petition 7214  
to the joint committee on agency rule review. 7215

(B) The agency, not later than the thirtieth day after receiving a timely petition, shall consider the petition in light of section 121.93 of the Revised Code, and shall notify the petitioner in writing, by certified mail, return receipt requested, whether it grants or intends to deny the petition.

(1) If the agency grants the petition, it shall commence the rule-making process as soon as it is reasonably feasible to do so, but not later than the date that is ~~six~~three months after the petition was granted. The principle of law or policy as it is restated in a rule does not need to be wholly congruent with the supplanted principle of law or policy. The agency lawfully may improve or develop further the supplanted principle of law or policy.

The agency may continue to rely upon the principle of law or policy, but only while it is complying with the preceding paragraph. The agency may not rely upon the principle of law or policy in advising with regard to or in determining the rights or liabilities of a person if ~~the~~any of the following apply:

(a) The agency fails to commence the rule-making process by the deadline specified in the preceding paragraph, ~~or if,~~ after.

(b) After commencing the rule-making process, the agency neglects or abandons the rule-making process before it is completed.

(c) The agency fails to file a rule for which rulemaking is required under this section in final form within one year of the agency granting a petition under this division.

(d) After filing a proposed rule and rule summary and fiscal analysis with the joint committee, the agency notifies

the joint committee of the agency's intention to file a revised 7245  
proposed rule as described in division (B) of section 106.02 of 7246  
the Revised Code. 7247

(2) If the agency intends to deny the petition, it shall 7248  
send the petitioner a notice affording the petitioner an 7249  
opportunity for a hearing on the petition and briefly explaining 7250  
why the agency intends to deny the petition. If the petitioner 7251  
does not in writing request a hearing within fifteen days after 7252  
receiving the notice, the agency shall deny the petition and 7253  
notify the petitioner in writing. If the petitioner responds in 7254  
writing within the fifteen-day period requesting a hearing, the 7255  
agency, by certified mail, return receipt requested, promptly 7256  
shall notify the petitioner of the time and place for the 7257  
hearing, which shall be not earlier than the thirtieth day after 7258  
the notice was sent to the petitioner. 7259

(C) At the hearing, the agency shall explain why, 7260  
notwithstanding section 121.93 of the Revised Code, it intends 7261  
to deny the petition, and the petitioner shall explain why under 7262  
that section the petitioner believes the agency's intention to 7263  
be erroneous. The hearing shall be informal. The petitioner may 7264  
be assisted by counsel at the hearing. 7265

(D) Not later than the thirtieth day after the hearing 7266  
concludes, the agency shall grant or deny the petition. 7267

(1) If the agency grants the petition, it shall commence 7268  
the rule-making process as soon as it is reasonably feasible to 7269  
do so, but not later than the date that is ~~six~~three months 7270  
after the determination was made. The principle of law or policy 7271  
as it is restated in a rule does not need to be wholly congruent 7272  
with the supplanted principle of law or policy. The agency 7273  
lawfully may improve or develop further the supplanted principle 7274

of law or policy as it is restated in a rule. 7275

The agency may continue to rely upon the principle of law 7276  
or policy, but only while it is complying with the preceding 7277  
paragraph. The agency may not rely upon the principle of law or 7278  
policy in advising with regard to or in determining the rights 7279  
or liabilities of a person if ~~the~~ any of the following apply: 7280

(a) The agency fails to commence the rule-making process 7281  
by the deadline specified in the preceding paragraph, ~~or if,~~ 7282  
~~after~~ . 7283

(b) After commencing the rule-making process, the agency 7284  
neglects or abandons the rule-making process before it is 7285  
completed. 7286

(c) The agency fails to file a rule for which rulemaking 7287  
is required under this section in final form within one year of 7288  
the agency granting a petition under this division. 7289

(d) After filing a proposed rule and rule summary and 7290  
fiscal analysis with the joint committee, the agency notifies 7291  
the joint committee of the agency's intention to file a revised 7292  
proposed rule as described in division (B) of section 106.02 of 7293  
the Revised Code. 7294

(2) If the petitioner failed to appear at the hearing, or 7295  
if the petitioner failed to persuade the agency that its 7296  
intention to deny the petition is erroneous, the agency shall 7297  
deny the petition. 7298

The agency shall send notice in writing to the petitioner 7299  
of the outcome. If the outcome is denial of the petition, the 7300  
notice shall explain briefly why the agency is denying the 7301  
petition. The petitioner is not entitled to appeal the outcome. 7302

**Sec. 121.95.** (A) As used in sections 121.95, 121.951, 7303  
121.952, 121.953, and 121.954 of the Revised Code, ~~"state":~~ 7304

(1) "State agency" means an administrative department 7305  
created under section 121.02 of the Revised Code, an 7306  
administrative department head appointed under section 121.03 of 7307  
the Revised Code, and a state agency organized under an 7308  
administrative department or administrative department head. 7309  
"State agency" also includes the department of education and 7310  
workforce, the state lottery commission, the Ohio casino control 7311  
commission, the state racing commission, and the public 7312  
utilities commission of Ohio. Rules adopted by an otherwise 7313  
independent official or entity organized under a state agency 7314  
shall be attributed to the agency under which the official or 7315  
entity is organized for the purposes of sections 121.95, 7316  
121.951, 121.952, 121.953, and 121.954 of the Revised Code. 7317

(2) "Regulatory restriction" means any part of a rule that 7318  
requires or prohibits an action. 7319

(B) Not later than December 31, 2019, a state agency shall 7320  
review its existing rules to identify rules having one or more 7321  
regulatory restrictions ~~that require or prohibit an action and~~ 7322  
prepare a base inventory of the regulatory restrictions in its 7323  
existing rules. ~~Rules that include the words "shall," "must,"~~ 7324  
~~"require," "shall not," "may not," and "prohibit" shall be~~ 7325  
~~considered to contain regulatory restrictions.~~ 7326

(C) In the base inventory, the state agency shall indicate 7327  
all of the following concerning each regulatory restriction: 7328

(1) A description of the regulatory restriction; 7329

(2) The rule number of the rule in which the regulatory 7330  
restriction appears; 7331

(3) The statute under which the regulatory restriction was adopted; 7332  
7333

(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority; 7334  
7335  
7336  
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(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law; 7338  
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7340  
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(6) Any other information the joint committee on agency rule review considers necessary. 7343  
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(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate. 7345  
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(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions: 7352  
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(1) An internal management rule; 7355

(2) An emergency rule; 7356

(3) A rule that state or federal law requires the state agency to adopt verbatim; 7357  
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(4) A regulatory restriction contained in materials or 7359

documents incorporated by reference into a rule pursuant to	7360
sections 121.71 to 121.75 of the Revised Code;	7361
(5) A rule adopted pursuant to section 1347.15 of the	7362
Revised Code;	7363
(6) A rule concerning instant lottery games;	7364
(7) A rule adopted by the Ohio casino control commission	7365
or the state lottery commission concerning sports gaming;	7366
(8) Any other rule that is not subject to review under	7367
Chapter 106. of the Revised Code;	7368
(9) Any rule that is adopted as a requirement for the	7369
state agency to obtain or maintain accreditation or	7370
certification from a multistate organization consisting of at	7371
least forty-five participating states.	7372
(F) Beginning on October 17, 2019, and ending on June 30,	7373
2025, a state agency may not adopt a new regulatory restriction	7374
unless it simultaneously removes two or more other existing	7375
regulatory restrictions. The state agency may not satisfy this	7376
section by merging two or more existing regulatory restrictions	7377
into a single surviving regulatory restriction.	7378
<b>Sec. 121.951.</b> (A) (1) Using the criteria listed in division	7379
(A) of section 106.03 of the Revised Code, a state agency shall	7380
amend or rescind rules identified in its base inventory of	7381
regulatory restrictions prepared under section 121.95 of the	7382
Revised Code as necessary to reduce the total number of	7383
regulatory restrictions by thirty per cent, according to the	7384
following schedule:	7385
(a) A ten per cent reduction not later than June 30, 2023;	7386
(b) A twenty per cent reduction not later than June 30,	7387

2024; and 7388

(c) The thirty per cent reduction not later than June 30,  
2025. 7389  
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When a state agency has achieved a reduction of any 7391  
percentage in regulatory restrictions, whether or not as 7392  
specified in this section, the state agency may not adopt or 7393  
maintain regulatory restrictions that would negate the 7394  
reduction. 7395

(2) Beginning July 1, 2025, a state agency that has not 7396  
achieved the specified thirty per cent reduction may not adopt a 7397  
new regulatory restriction unless it simultaneously removes two 7398  
or more other existing regulatory restrictions, until the 7399  
specified thirty per cent reduction has been achieved. The state 7400  
agency may not fulfill this requirement by merging two or more 7401  
existing regulatory restrictions into a single surviving 7402  
regulatory restriction. Removing or replacing "shall," "must," 7403  
"require," "shall not," "may not," "prohibit," or similar words 7404  
in a portion of a rule does not remove a regulatory restriction 7405  
from a rule unless the removal eliminates a requirement or 7406  
prohibition from the rule. 7407

(3) A state agency that has achieved the specified thirty 7408  
per cent reduction may not adopt a new regulatory restriction 7409  
unless it simultaneously removes one or more other existing 7410  
regulatory restrictions. The state agency may not fulfill this 7411  
requirement by merging two or more existing regulatory 7412  
restrictions into a single surviving regulatory restriction. 7413

(4) A state agency is encouraged to continue to reduce 7414  
regulatory restrictions after it has achieved the specified 7415  
thirty per cent reduction. 7416

(B) (1) Not later than September 15, 2022, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the period of time beginning when the agency prepared its base inventory under section 121.95 of the Revised Code and ending on June 30, 2022. Annually thereafter, a state agency shall prepare an historical report of its progress in reducing regulatory restrictions over the preceding fiscal year. The state agency shall explain in the report how it applied the criteria described in division (A) of section 106.03 of the Revised Code to its determinations as to which regulatory restrictions to amend or rescind. The state agency shall include a revised inventory of regulatory restrictions with the report.

(2) In the revised inventory, in addition to the information required by section 121.95 of the Revised Code, the state agency shall compute the percentage net reduction in regulatory restrictions by subtracting the current number of regulatory restrictions from the number of regulatory restrictions identified in the base inventory and then dividing the resulting number by the number of regulatory restrictions in the base inventory.

(3) The state agency shall transmit the report electronically to the joint committee on agency rule review. The joint committee shall review the report and shall transmit it electronically to the speaker of the house of representatives and the president of the senate. The state agency shall continue preparing and transmitting annual reports until it has reported that it has achieved the required reduction in regulatory restrictions.

**Sec. 121.953.** (A) ~~Effective~~ Except as provided in division

(C) of this section, effective July 1, 2025, the number of 7447  
regulatory restrictions in this state shall not exceed a number 7448  
of regulatory restrictions determined by the joint committee on 7449  
agency rule review in accordance with this section. The joint 7450  
committee shall determine that number by calculating, for each 7451  
agency, the number of regulatory restrictions identified by the 7452  
agency in the base inventory prepared under section 121.95 of 7453  
the Revised Code, minus the number of regulatory restrictions 7454  
that represents the percentage reduction the state agency is 7455  
required to achieve, and then totaling the resulting numbers for 7456  
all state agencies. The joint committee shall consider any 7457  
lessened required reductions under section 121.952 of the 7458  
Revised Code. 7459

(B) A state agency shall contact the joint committee 7460  
before submitting a proposed rule containing a regulatory 7461  
restriction, and the joint committee shall determine whether 7462  
adopting the regulatory restriction would cause the state to 7463  
exceed the number of regulatory restrictions permitted under 7464  
this section. A—Except as provided in division (C) of this 7465  
section, a state agency may not adopt a rule if by adopting the 7466  
rule the state agency would cause the number of regulatory 7467  
restrictions to exceed the state limit as determined by the 7468  
joint committee. 7469

(C) Beginning on the effective date of this amendment, a 7470  
state agency may appear before the joint committee to show cause 7471  
why the agency should be permitted to adopt a rule that would 7472  
cause the number of regulatory restrictions to exceed the state 7473  
limit as determined by the joint committee. If the joint 7474  
committee determines that the state agency has shown cause, the 7475  
joint committee may, by a vote of a majority of its members, 7476  
permit the state agency to adopt the rule notwithstanding the 7477

state limit on regulatory restrictions determined by the joint 7478  
committee. The joint committee shall prepare a report 7479  
summarizing all the rules it has authorized a state agency to 7480  
adopt notwithstanding the state limit on regulatory 7481  
restrictions. The joint committee shall transmit the report 7482  
electronically to the speaker of the house of representatives 7483  
and the president of the senate not later than the thirty-first 7484  
day of December of each year. 7485

**Sec. 122.09.** (A) As used in this section: 7486

(1) "Development costs" means all expenditures paid or 7487  
incurred by the property owner in completing a certified 7488  
transformational mixed use development project including 7489  
acquisition costs and all costs incurred before the project is 7490  
certified by the director of development. 7491

(2) "Eligible expenditures" means certain expenditures 7492  
paid or incurred by the property owner in completing a certified 7493  
transformational mixed use development project after the project 7494  
is certified by the director of development, including 7495  
architectural or engineering fees, due diligence costs, hard and 7496  
soft construction costs, paid or incurred in connection with the 7497  
project and ~~expenses incurred and architectural and engineering~~ 7498  
fees and due diligence costs incurred before the date the 7499  
project is certified by the ~~tax credit authority~~ director of 7500  
development under division (C) of this section. ~~In the case of a~~ 7501  
~~certified transformational mixed use development project that is~~ 7502  
~~part of a larger contiguous project that is planned to be~~ 7503  
~~completed in phases, "development costs" include only~~ 7504  
~~expenditures associated with the portion of the project that is~~ 7505  
~~certified by the tax credit authority and do not include~~ 7506  
~~expenditures incurred for other phases of the project.~~ 7507

~~(2)~~(3) "~~Owner~~""Property owner" means a person or persons 7508  
holding a fee simple or leasehold interest in real property, 7509  
including interests in real property acquired through a capital 7510  
lease arrangement, and a person or persons in contract to 7511  
acquire real property with the only remaining contractual 7512  
contingency being receipt of an award under this section. 7513  
"Owner" does not include the state or a state agency, or any 7514  
political subdivision as defined in section 9.23 of the Revised 7515  
Code. For the purpose of this division, "fee simple interest," 7516  
"leasehold interest," and "capital lease" shall be construed in 7517  
accordance with generally accepted accounting principles. 7518

~~(3)~~(4) "Transformational mixed use development" means a 7519  
project that consists of eligible expenditures for new 7520  
construction or the redevelopment, rehabilitation, expansion, or 7521  
other improvement of vacant buildings or structures, or a 7522  
combination of the foregoing, and that, inclusively: 7523

(a) Will have a transformational economic impact on the 7524  
~~development project site and the surrounding area;~~ 7525

(b) ~~Integrates some combination of retail, office,~~ 7526  
~~residential, recreation, structured parking, and other similar~~ 7527  
~~uses into one mixed use development; and at least two of the~~ 7528  
following uses into one mixed use development: 7529

(i) Office; 7530

(ii) Residential; 7531

(iii) Retail, which may include restaurant space; 7532

(iv) Hotel and hospitality; 7533

(v) Recreation. 7534

(c) Satisfies one of the following criteria: 7535

(i) If the ~~development-project~~ site is located within ten 7536  
miles of a major city, the project includes at least one new or 7537  
previously vacant building that is fifteen or more stories in 7538  
height or has a floor area of at least three hundred fifty 7539  
thousand square feet, or after completion will be the site of 7540  
employment accounting for at least ~~four~~-five million dollars in 7541  
annual payroll, or includes two or more buildings that are 7542  
connected to each other, are located on the same parcel or on 7543  
contiguous parcels, and that collectively have a floor area of 7544  
at least three hundred fifty thousand square feet; 7545

(ii) If the ~~development-project~~ site is not located within 7546  
ten miles of a major city, the project includes at least one new 7547  
or previously vacant building that is two or more stories in 7548  
height or has a floor area of at least seventy-five thousand 7549  
square feet or two or more new buildings that are located on the 7550  
same parcel or on contiguous parcels and that collectively have 7551  
a floor area of at least seventy-five thousand square feet. 7552

A "transformational mixed use development" does not 7553  
include a project located wholly or partially in a municipal 7554  
corporation that has within its incorporated area, or has within 7555  
two thousand feet of its incorporated area, both a research 7556  
facility maintained by the national aeronautics and space 7557  
administration and an airport with at least two runways 7558  
measuring nine thousand feet or more, and that has a population 7559  
of more than fifteen thousand and less than twenty thousand. 7560

~~"Transformational mixed use development" may include a~~ 7561  
~~portion of a larger contiguous project that is planned to be~~ 7562  
~~completed in phases as long as the phases collectively meet the~~ 7563  
~~criteria described in division (A) (3) of this section.~~ 7564

~~(4)~~(5) "Increase in tax collections" means the difference, 7565

if positive, of the amount of state and local taxes estimated to 7566  
be derived from economic activity occurring within the 7567  
~~development project site and the surrounding area,~~ but excluding 7568  
any other phases of the development project for developments 7569  
completed in phases, during ~~a~~ the completion period of time 7570  
minus the amount of such taxes that are estimated to be derived 7571  
from such economic activity in that ~~site and surrounding area~~ 7572  
during the same period if the transformational mixed use 7573  
development project were not certified by the director of 7574  
development and completed. 7575

~~(5)~~ (6) "Completion period" means the time period beginning 7576  
on the day after a transformational mixed use development 7577  
project is certified by the tax credit authority director of 7578  
development and ending on the fifth anniversary of the day the 7579  
project is completed. 7580

~~(6) "Insurance company" means a person subject to the tax~~ 7581  
~~imposed under section 5725.18 or 5729.03 of the Revised Code.~~ 7582

(7) "Contribute capital" means to invest, loan, or donate 7583  
cash in exchange for an equity interest in an asset, or a debt 7584  
instrument, ~~or no consideration.~~ 7585

(8) "Major city" means a municipal corporation that has a 7586  
population greater than one hundred thousand. 7587

~~(9) "Tax credit authority" means the tax credit authority~~ 7588  
~~created under section 122.17 of the Revised Code.~~ 7589

~~(10) "Adjusted development costs" means the development~~ 7590  
~~costs attributed to a complete transformational mixed use~~ 7591  
~~development project minus the sum of the capital contributions~~ 7592  
~~of any insurance companies that are preliminarily approved for a~~ 7593  
~~tax credit in connection with the same project.~~ 7594

~~(11) A "property owner's share" of the increase in tax collections equals the product obtained by multiplying the total increase in tax collections since the date the transformational mixed use development project was certified by a fraction, the numerator of which is the adjusted development costs and the denominator of which is the actual development costs attributed to the project.~~ 7595  
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~~(12) An "insurance company's share" of the increase in tax collections equals the product obtained by multiplying the total increase in tax collections since the date the transformational mixed use development project was certified by a fraction, the numerator of which is the insurance company's capital contribution to the project and the denominator of which is the actual development costs attributed to the project~~ 7602  
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"Project site" means the land, and improvements thereon, upon which a transformational mixed use development will be constructed, which consists of a single parcel or multiple parcels that are contiguous with one another, including parcels separated only by a publicly dedicated road.

(B) The property owner of one or more parcels of land in this state within which a transformational mixed use development project is planned ~~or an insurance company that contributes capital to be used in the planning or construction of such a development~~ may apply to the ~~tax credit authority~~ director of development for certification of the development project and preliminary approval of a tax credit in an amount up to ten per cent of the estimated eligible expenditures. Each application shall be filed in the form and manner prescribed by the director ~~of development~~ and shall, at minimum, include a development plan comprised of all of the following information: 7614  
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(1) The location of the ~~development~~project site and an 7625  
indication of whether it is located within ten miles of a major 7626  
city; 7627

(2) A detailed description of the proposed 7628  
transformational mixed use developmentproject including site 7629  
plans, elevations, construction drawings, architectural 7630  
renderings, or other means sufficient to convey the appearance, 7631  
size, purposes, capacity, and scope of the project ~~and, if~~ 7632  
~~applicable, previously completed and future phases of the~~ 7633  
~~project;~~ 7634

(3) A viable ~~financial plan~~project budget supported by 7635  
construction hard cost estimates, organized by line item, that 7636  
estimates the ~~development costs~~ development costs and eligible 7637  
expenditures that have been or will be incurred in the 7638  
completion of the project ~~and that designates a source of~~ 7639  
~~financing or a strategy for obtaining financing;~~ 7640

(4) A viable financial plan showing both (a) at least 7641  
fifty-one per cent of the needed funding secured, as evidenced 7642  
by commitment letters, letters of intent, or terms sheets and 7643  
third party equity verification, and (b) a strategy for 7644  
obtaining any needed but not yet secured funding; 7645

(5) An estimated schedule for the progression and 7646  
completion of the project ~~including, if applicable, previously~~ 7647  
~~completed and future phases of the project;~~ 7648

~~(5)~~(6) An assessment of the projected newly created 7649  
economic impact of and from the project ~~on~~ based upon the 7650  
projected increase in tax collections during the completion 7651  
period at the ~~development project site and the surrounding area,~~ 7652  
excluding economic activity existing at the time of or before 7653

certification of the development project and preliminary 7654  
approval of a tax credit, prepared by an economic impact 7655  
consultant with experience performing economic impact studies in 7656  
Ohio and reviewed by an independent third party reviewer 7657  
retained by the director of development to ensure accuracy, 7658  
uniformity, consistency, and fairness; 7659

~~(6)~~(7) Evidence that the increase in tax collections 7660  
during the completion period will exceed ten per cent of the 7661  
estimated ~~development costs~~ eligible expenditures reported under 7662  
division (B) (3) of this section; 7663

~~(7)~~ ~~If the~~ (8) The portion of any tax credit issued that 7664  
the applicant is ~~would like issued to the property owner or to~~ 7665  
~~an insurance company that is not the property owner, the amount~~ 7666  
~~of the insurance company's~~, financial institution, or other 7667  
person based upon capital contribution ~~contributions that have~~ 7668  
been made or will be made to the development and the date on 7669  
which it was or will be made ~~project;~~ 7670

~~(8)~~(9) Evidence that ~~the project will not be completed~~ 7671  
~~unless the applicant receives the credit, but for the~~ 7672  
applicant's receipt of the credit, the project will not be 7673  
completed. If any portion of the project the applicant seeks 7674  
certification and preliminary approval for has commenced 7675  
construction, excluding brownfield remediation and demolition, 7676  
or the project has closed on construction financing, this 7677  
division's standard is not met and the project is not eligible 7678  
for certification and preliminary approval. 7679

(C) (1) In determining whether to certify a project that is 7680  
the subject of an application submitted under division (B) of 7681  
this section, the ~~tax credit authority~~ director of development 7682  
shall consider the potential impact of the transformational 7683

mixed use development on the ~~development project site and the~~ 7684  
~~surrounding area~~ in terms of architecture, accessibility to 7685  
pedestrians, retail entertainment and dining sales, job 7686  
creation, ~~property values, connectivity,~~ and revenue from sales, 7687  
income, lodging, and property taxes. The ~~tax credit authority~~ 7688  
director shall not certify a project unless it satisfies the 7689  
following conditions: 7690

(a) The project qualifies as a transformational mixed use 7691  
development project and satisfies all other criteria prescribed 7692  
by this section or by rule of the ~~director of development~~; 7693

(b) The estimated increase in tax collections from the 7694  
project site during the completion period exceeds ten per cent 7695  
of the estimated ~~development costs~~ eligible expenditures for the 7696  
project reported under division (B) (3) of this section; 7697

(c) The applicant will not be able to (i) close on 7698  
construction financing, (ii) commence construction, excluding 7699  
any brownfield remediation or demolition that may have already 7700  
been performed, and (iii) complete the project will not be 7701  
~~completed~~ unless the applicant receives the credit; 7702

(d) If the ~~development project~~ site is located within ten 7703  
miles of a major city, the estimated ~~development costs~~ eligible 7704  
expenditures to complete the project ~~plus, if applicable, the~~ 7705  
~~estimated expenditures that have been or will be incurred to~~ 7706  
~~complete all other contiguous phases of the project,~~ exceed 7707  
fifty million dollars. 7708

In making ~~its~~ a determination of whether or not to approve 7709  
an application, the ~~tax credit authority~~ director may conduct an 7710  
interview of the applicant. 7711

(2) If the ~~tax credit authority~~ director of development 7712

approves an application, the ~~authority~~director shall issue a 7713  
statement certifying the associated transformational mixed use 7714  
development project and preliminarily approving a tax credit. 7715  
The statement shall stipulate that ~~receipt~~issuance of a tax 7716  
credit certificate is contingent upon completion of the 7717  
transformational mixed use development project as described in 7718  
the development plan for the project. The statement shall 7719  
specify the estimated amount of the tax credit preliminarily 7720  
approved and the amount of credit preliminarily approved for 7721  
each person identified in the application pursuant to division 7722  
(B) (8) of this section, but state that the amount of the credit 7723  
is dependent upon determination of the actual ~~development~~  
~~costs~~eligible expenditures attributed to the project ~~and, unless~~ 7724  
~~the tax credit authority grants a request by the property owner~~ 7725  
~~under division (F) of this section, of the increase in tax~~ 7726  
~~collections during the completion period.~~ 7727  
7728

The amount of the credit shall not exceed the amount 7729  
applied for in the application approved by the director. 7730

(3) ~~Except as otherwise provided in this division, if the~~ 7731  
~~applicant is an insurance company that is not the property~~ 7732  
~~owner, the estimated amount of the tax credit shall equal ten~~ 7733  
~~per cent of the insurance company's capital contribution to the~~ 7734  
~~project as reported in the development plan pursuant to division~~ 7735  
~~(B) (7) of this section. Except as otherwise provided in this~~ 7736  
~~division, if the applicant is the property owner, the~~ The total 7737  
estimated amount of the tax credit shall equal up to ten per 7738  
cent of the estimated ~~development costs~~ eligible expenditures 7739  
for the project as reported in the project development plan 7740  
pursuant to division ~~(B) (3)~~ (B) of this section ~~minus any~~ 7741  
~~estimated credit amounts that have been preliminarily approved~~ 7742  
~~for insurance companies contributing capital to the project. The~~ 7743

estimated credit amounts may be reduced by the ~~tax credit~~ 7744  
~~authority~~ director of development as a condition of certifying 7745  
the project if such a reduction is necessary to comply with the 7746  
limitations on the amount of credits that may be preliminarily 7747  
approved as prescribed by division (C) (5) of this section. The 7748  
estimated credit amounts shall not be adjusted after the 7749  
statement described in division (C) (2) of this section has been 7750  
issued, except as provided by division (G) of this section. 7751

(4) If the ~~tax credit authority~~ director of development 7752  
denies an application, the ~~authority~~ director shall notify the 7753  
applicant of the reason or reasons for such determination. The 7754  
~~authority's~~ director's determination is final, but an applicant 7755  
may revise and resubmit a previously denied application in a 7756  
future year. 7757

(5) (a) ~~The tax credit authority shall not certify any~~ 7758  
~~transformational mixed use development projects after June 30,~~ 7759  
~~2025.~~ 7760

~~(b)~~ ~~The tax credit authority~~ director of development may 7761  
not preliminarily approve more than one hundred fifty million 7762  
dollars of new estimated tax credits in each of fiscal years 7763  
~~2022, 2023, 2024, and 2025~~ 2026 and 2027. The director shall not 7764  
preliminarily approve any dollar amount of new estimated tax 7765  
credits under this section in any fiscal year after fiscal year 7766  
2027 unless specifically authorized by an act of the general 7767  
assembly. 7768

Tax credits preliminarily approved under this section in 7769  
preceding fiscal years and for which preliminary approval was 7770  
rescinded in the fiscal year immediately preceding the current 7771  
fiscal year shall be available for preliminary approval under 7772  
this section in the current fiscal year. Credit amounts 7773

available due to such rescission do not apply towards the one 7774  
hundred fifty million dollar limit prescribed in this division. 7775

~~(e) Not~~ (b) Except as provided in division (C) (6) of this 7776  
section, not more than eighty one hundred million dollars of 7777  
estimated new tax credits in each such, plus an amount equal to 7778  
two-thirds of any credits for which preliminary approval was 7779  
rescinded in the preceding fiscal year, may be preliminarily 7780  
approved in connection with projects that are located within ten 7781  
miles of a major city in the current fiscal year. 7782

~~(d) (c)~~ Not more than forty twenty million dollars of 7783  
estimated tax credits may be preliminarily approved in 7784  
connection with the same transformational mixed use development 7785  
project. 7786

(6) If, for the current fiscal year, the dollar amount of 7787  
tax credits applied for under division (B) of this section in 7788  
connection with projects that are not located within ten miles 7789  
of a major city exceeds eighty fifty million dollars for a 7790  
fiscal year, plus an amount equal to one-third of any credits 7791  
for which preliminary approval was rescinded in the preceding 7792  
fiscal year, the tax credit authority director of development 7793  
shall rank those applications and certify and preliminarily 7794  
approve tax credits for the associated projects in order, 7795  
starting with the project that presents the best combination of 7796  
economic value and transformational impact pursuant to division 7797  
(C) (7) of this section. If the dollar amount of tax credits 7798  
applied for under division (B) of this section in connection 7799  
with such projects is less than that amount, the difference 7800  
shall be available for projects within ten miles of a major 7801  
city. 7802

If, for the current fiscal year, the dollar amount of tax 7803

credits applied for in connection with projects ~~not~~ located 7804  
within ten miles of a major city exceeds ~~twenty million dollars~~ 7805  
~~for a fiscal year~~ one hundred million dollars, plus an amount 7806  
equal to two-thirds of any credits for which preliminary 7807  
approval was rescinded in the previous fiscal year and the 7808  
amount of funds initially reserved for projects more than ten 7809  
miles from a major city but unawarded to such projects, the tax- 7810  
credit authority director shall rank those applications and 7811  
certify the associated projects in order, ~~starting with the~~ 7812  
~~project that presents the best combination of economic value and~~ 7813  
~~transformational impact~~ pursuant to division (C) (7) of this 7814  
section. In either case, the authority shall consider the 7815  
following factors in ranking the applications:- 7816

~~(a) The projected increase in tax collections during the~~ 7817  
~~completion period as a percentage of the total amount of~~ 7818  
~~estimated tax credits that would be preliminarily approved in~~ 7819  
~~connection with the project;-~~ 7820

~~(b) The economic impact of the project on the development~~ 7821  
~~site and the surrounding area and the impact of the project in~~ 7822  
~~terms of architecture, accessibility to pedestrians, retail~~ 7823  
~~entertainment and dining sales, job creation, property values,~~ 7824  
~~and connectivity;-~~ 7825

~~(c) The expeditiousness of the schedule for completing the~~ 7826  
~~project, realizing the increase in tax collections, and~~ 7827  
~~attaining the economic and other impacts on the development site~~ 7828  
~~and the surrounding area.~~ 7829

(7) When ranking is required under division (C) (6) of this 7830  
section, the director of development shall compare applicant 7831  
projects that are within ten miles of a major city to other 7832  
applicant projects that are within ten miles of a major city, 7833

and the director shall compare applicant projects that are more 7834  
than ten miles outside of a major city with other applicant 7835  
projects that are more than ten miles outside of a major city. 7836  
The director shall apply a point value to applications according 7837  
to the following criteria: 7838

(a) Up to ten points based on comparative measurement of 7839  
physical scope of the projects as measured by gross square 7840  
footage of vertical improvements including new construction and 7841  
renovated space. The largest project in terms of physical scope 7842  
shall receive ten points and the remaining projects shall 7843  
receive points based on a percentage basis in proportion to each 7844  
project's relative size as compared to the largest project in 7845  
that location category, by gross square footage; 7846

(b) Up to five points based on a comparative measurement 7847  
of the density of the new project as measured by a building to 7848  
land ratio using the gross square footage of new construction 7849  
and renovated space and the gross land square footage of the 7850  
project parcels excluding submerged land. The highest ratio in 7851  
terms of building to land ratio shall receive five points and 7852  
the remaining projects shall receive points based on a 7853  
percentage basis in proportion to each project's relative ratio 7854  
as compared to the highest project ratio; 7855

(c) Up to ten points based on an evaluation of the 7856  
distribution of project end uses, with preference given to 7857  
projects with greater variety and distribution of uses; 7858

(d) Up to fourteen points based on the project's receipt 7859  
of necessary government approvals and local support, available 7860  
as follows: 7861

(i) Two points for zoning approval or evidence, in the 7862

form of a letter from the governmental body with jurisdiction 7863  
over the zoning of the project site, that the project site 7864  
already has the necessary zoning for the project; 7865

(ii) Two points for planning commission approval or 7866  
evidence that planning commission approval is not required; 7867

(iii) Two points available for existing utility 7868  
connections or commitments to establish utility connections 7869  
including water, sewer, sanitary storm, and electric documented 7870  
by utility service letters; 7871

(iv) Two points for an approved and executed development 7872  
agreement with each municipal corporation or township in which 7873  
the development project is proposed; 7874

(v) Two points for approved construction drawings and 7875  
issuance of construction permits for the entirety of the scope 7876  
of work set forth in the application; 7877

(vi) Up to two points available for letters in support of 7878  
the project and the application. One point is available for a 7879  
letter in support of the project and the application from the 7880  
mayor, city manager, or other chief executive of each municipal 7881  
corporation or township, and one point is available for a letter 7882  
in support of the project and the application from the chief 7883  
executive of each county, where the development project is to be 7884  
located; 7885

(vii) Two points available for documented financial 7886  
support for the project from each municipal corporation or 7887  
township in which the project is located, which may include tax 7888  
increment financing or creation of a community reinvestment area 7889  
under section 3735.66 of the Revised Code. 7890

(e) Up to ten points based on the committed funding 7891

sources as a percentage of total development costs. A project 7892  
that has funding commitments for all projected development costs 7893  
shall receive ten points, and projects with funding commitments 7894  
for less than all projected development costs shall receive a 7895  
number of points based on the relative amount of committed 7896  
funding compared to total development costs of the given 7897  
project. 7898

The funding commitments may take into account the 7899  
monetized value of the certificate applied for under this 7900  
section so long as the applicant provides a letter of intent or 7901  
commitment to purchase that certificate if issued. Letters of 7902  
intent or loan commitments are required to earn points for any 7903  
financing that is a funding source in this category and any such 7904  
letter of intent or loan commitment may be subject to the 7905  
receipt of an award under this section. 7906

(f) Up to five points based on purchase or lease 7907  
commitments from end users for the space created by the project. 7908  
Projects that have received commitments for all space shall 7909  
receive five points, and projects with less than all end users 7910  
committed shall be allocated points based on the relative square 7911  
footage of committed space compared to total project square 7912  
footage. 7913

(g) Up to ten points for projects in areas of higher 7914  
relative walkability as measured by the United States 7915  
environmental protection agency's walkability index for the 7916  
project's census tract with projects in areas designated as the 7917  
highest level of walkability receiving ten points and projects 7918  
in areas with lower levels of walkability receiving proportional 7919  
points; 7920

(h) Up to five points based on a comparative measurement 7921

of total retail, entertainment, and dining sales to be generated 7922  
by the project. Projects generating the largest return on 7923  
investment shall receive five points, and the remaining projects 7924  
shall be allocated points based on relative return on investment 7925  
in comparison to the highest scoring project in this category. 7926

(i) Up to five points based on a comparative measurement 7927  
of the total new payroll to be generated by the project. 7928  
Projects generating the largest return on investment shall 7929  
receive five points, and remaining projects shall be allocated 7930  
points based on relative return on investment in comparison to 7931  
the highest scoring project in this category. 7932

(j) Up to twenty points based on a comparative measurement 7933  
of the total sales, income, lodging, and property taxes to be 7934  
generated by the project. Projects generating the largest return 7935  
on investment shall receive twenty points, and remaining 7936  
projects shall be allocated points based on relative return on 7937  
investment in comparison to the highest scoring project in this 7938  
category. 7939

(k) Up to six points for community impacts, available as 7940  
follows: 7941

(i) Two points for evidence that the project supports the 7942  
vision and goals stated in the local master plan or other 7943  
economic development strategy adopted by the local jurisdiction. 7944

(ii) Two points for the projects that provide community 7945  
gathering, event, park, or other similar space open to the 7946  
public. Projects that incorporate public space that accounts for 7947  
ten per cent or more public space relative to the total square 7948  
footage of all project end uses will receive two points. 7949  
Projects that incorporate public space that accounts for less 7950

than ten per cent but greater than zero per cent public space 7951  
relative to the total square footage of all project end uses 7952  
will receive one point. 7953

(iii) Two points for projects that include remediation of 7954  
a brownfield or the rehabilitation of a building or structure 7955  
that is one hundred per cent vacant for the twelve months 7956  
immediately preceding the date of application. As used in this 7957  
division "brownfield" has the same meaning as in section 7958  
122.6511 of the Revised Code. 7959

(8) When calculating the economic impact of a project 7960  
previously completed and future phases of a phased development 7961  
are not permitted to be included in the economic impact analysis 7962  
or scoring. 7963

(D) Within twelve months of the date a project is 7964  
certified, the property owner shall provide the ~~tax credit~~ 7965  
~~authority director of development~~ with an updated schedule for 7966  
the progression and completion of the project and documentation 7967  
sufficient to demonstrate that construction of the project has 7968  
begun. If the property owner does not provide the schedule and 7969  
documentation or if construction of the project has not begun 7970  
within the time prescribed by this division, the ~~tax credit~~ 7971  
~~authority director~~ shall rescind certification of the project 7972  
and send notice of the rescission to the property owner ~~and each~~ 7973  
~~insurance company that is preliminarily approved for a tax~~ 7974  
~~credit in connection with the project.~~ A property owner that 7975  
receives notice of rescission may submit a new application 7976  
concerning the same project under division (B) of this section. 7977

(E) An applicant that ~~is the property owner and is~~ 7978  
preliminarily approved for a tax credit under this section may 7979  
sell or transfer the rights to all or a portion of that credit 7980

to one or more persons ~~for the purpose of raising capital for~~ 7981  
~~the certified project. The applicant shall notify the tax credit~~ 7982  
~~authority upon selling or transferring the rights to the credit.~~ 7983  
~~The notice shall identify the person or persons to which the~~ 7984  
~~credit was sold or transferred and the credit amount sold or~~ 7985  
~~transferred to each such person. Only an applicant that owns the~~ 7986  
~~property may sell or transfer a credit under this division. A~~ 7987  
~~credit may be divided among multiple purchasers through more~~ 7988  
~~than one transaction but once a particular credit amount is~~ 7989  
~~acquired by a person other than the applicant it may not be sold~~ 7990  
~~or transferred again~~ and any person to whom the right to claim 7991  
all or a portion of a credit was transferred may transfer that 7992  
right, in whole or in part, to another person. 7993

~~(F) After a transformational mixed use development project~~ 7994  
~~is certified and before it is completed, the property owner may~~ 7995  
~~request that the value of the tax credit certificates awarded in~~ 7996  
~~connection with the project be computed using the alternative~~ 7997  
~~method described in division (I) of this section. The tax credit~~ 7998  
~~authority shall grant the request if the authority determines,~~ 7999  
~~and a third party engaged by the authority at the expense of the~~ 8000  
~~property owner affirms, that it is reasonably certain that the~~ 8001  
~~increase in tax collections will exceed ten per cent of the~~ 8002  
~~estimated development costs within one year after the project is~~ 8003  
~~completed. Otherwise, the authority shall deny the request and~~ 8004  
~~the amount of each credit awarded in connection with the project~~ 8005  
~~shall be computed under division (H) of this section. The~~ 8006  
~~authority's determination under this division shall be delivered~~ 8007  
~~in writing and is final and not appealable.~~ 8008

~~(G) (1) (F) (1)~~ The property owner shall notify the tax 8009  
credit authority director of development upon completion of a 8010  
certified transformational mixed use development project. The 8011

notification shall include a report prepared by a third-party 8012  
certified public accountant that contains a detailed accounting 8013  
of the actual development costs and eligible expenditures 8014  
attributed to the project. 8015

(2) Upon receiving such a notice, ~~unless the tax credit-~~ 8016  
~~authority has previously granted a request by the property owner~~ 8017  
~~under division (F) of this section, the authority shall-~~ 8018  
~~determine the increase in tax collections since the date the-~~ 8019  
~~project was certified by consulting with the tax commissioner-~~ 8020  
~~and with the tax administrator of any municipal corporation that~~ 8021  
~~levies an income tax within the project site and the surrounding~~ 8022  
~~area. The tax commissioner and the tax administrators that are-~~ 8023  
~~consulted pursuant to this division shall provide the tax credit~~ 8024  
~~authority with any information that is necessary to determine-~~ 8025  
~~the increase in tax collections.~~ 8026

~~(3) After determining the increase in tax collections-~~ 8027  
~~under division (C) (2) of this section, if required, and-~~ 8028  
~~computing the value of the tax credit under division (H) or (I)-~~ 8029  
~~of this section, as applicable, the tax credit authority-~~ 8030  
director of development shall issue a tax credit certificate to 8031  
each applicant, or other person identified in the application 8032  
pursuant to division (B) (8) of this section, that is 8033  
preliminarily approved for a credit associated with the project- 8034  
or to the person or persons to which such an applicant sold or 8035  
transferred the rights to the credit under division (E) of this 8036  
section. If the amount of the tax credit awarded to the property 8037  
owner is less than the credit amount estimated under division 8038  
~~(C) of this section and the property owner sold or transferred-~~ 8039  
~~the rights to the credit, the tax credit authority shall reduce-~~ 8040  
~~the amount of each tax credit certificate issued to each-~~ 8041  
~~purchaser or recipient on a pro rata basis unless the property-~~ 8042

~~owner requests an alternative allocation of the credit.~~ 8043

~~(H) (1) Unless the tax credit authority granted a request by the property owner under division (F) of this section, the aggregate value of the tax credit certificates issued under division (C) of this section to the property owner and to any persons to whom the property owner sold or transferred the rights to the credit shall equal the lesser of the following:~~ 8044  
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8046  
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~~(a) Ten per cent of the adjusted development costs;~~ 8050

~~(b) Five per cent of the adjusted development costs plus any amount by which the property owner's share of the increase in tax collections since the date the project was certified exceeds five per cent of the adjusted development costs;~~ 8051  
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~~(c) The estimated credit amount specified in the tax credit authority's statement certifying the project and preliminarily approving the tax credit under division (C) of this section.~~ 8055  
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~~(2) The value of a tax credit certificate issued under division (C) of this section to an insurance company that contributed capital to the project shall equal the lesser of the following:~~ 8059  
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8061  
8062

~~(a) Ten per cent of the insurance company's actual capital contribution;~~ 8063  
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~~(b) Five per cent of such capital contribution plus any amount by which the insurance company's share of the increase in tax collections since the date the project was certified exceeds five per cent of the insurance company's capital contribution;~~ 8065  
8066  
8067  
8068

~~(c) The estimated credit amount specified in the tax credit authority's statement certifying the project and~~ 8069  
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~~preliminarily approving the tax credit under division (C) of  
this section.~~ 8071  
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~~(I) If the tax credit authority granted a request by the  
property owner under division (F) of this section, the (G) The  
value of the tax credit certificates issued in connection with  
the transformational mixed use development project shall be  
computed as follows:—~~ 8073  
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~~(1) For the property owner or any person to which the  
property owner sold or transferred the rights to the credit, the  
lesser of the amount preliminarily approved for the tax credit  
or ten per cent of the actual development costs eligible  
expenditures attributed to the project. If the amount of the  
credit is less than the credit amount estimated under division  
(C) of this section and the property owner sold or transferred  
the rights to the credit to more than one person, the authority  
shall reduce the amount of each tax credit certificate on a pro  
rata basis unless the property owner requests an alternative  
allocation of the credit.—~~ 8078  
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~~(2) For an insurance company that contributed capital to  
the project, ten per cent of the insurance company's actual  
capital contribution.—~~ 8089  
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~~(J) If the value of a tax credit certificate was computed  
under division (H) of this section for a project, the property  
owner, on or before the thirtieth day following the first,  
second, third, fourth, and fifth anniversaries of the date the  
certified transformational mixed use development project is  
completed, may request in writing that the tax credit authority  
update the increase in tax collections during the completion  
period. Upon receiving such a request, the tax credit authority  
shall update the increase in tax collections in the same manner—~~ 8092  
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~~described by division (G) of this section. If the tax credit authority determines that the value of the tax credit certificates computed under division (H) of this section would be greater if computed based on the updated increase in tax collections, the authority shall issue an additional tax credit certificate to each person that previously received a certificate for the project under those divisions. The value of each additional tax credit certificate shall equal the amount by which the tax credit certificate computed under division (H) of this section upon completion of the project would have been greater had the value of such certificate been computed based on the updated increase in tax collections, less the value of any additional tax credit certificates previously issued under this division to the same person respecting the same project.~~ 8101-8114

~~(K)(H)~~ (H) The aggregate value of all tax credit certificates issued under this section for the same transformational mixed use development project shall not exceed (1) ten per cent of the actual ~~development costs~~ eligible expenditures of that project or (2) the ~~sum of all estimated credit amounts~~ amount preliminarily approved by the ~~tax credit authority~~ director of development in connection with the project. 8115-8121

~~(L)(I)~~ (I) Issuance of a tax credit certificate under this section does not represent a verification or certification by the ~~tax credit authority~~ director of development of the actual ~~development costs~~ eligible expenditures of the project ~~or the capital contributions to the project by an insurance company.~~ Such amounts are subject to inspection and examination by ~~the superintendent of insurance~~ other state agencies. 8122-8128

~~(M)(J)~~ (J) Upon the issuance of a tax credit certificate under ~~division (G) or (J) of this section, the tax credit authority~~ 8129-8130

director of development shall certify to the superintendent of 8131  
insurance and the tax commissioner (1) the name of each person 8132  
that was issued a tax credit certificate, (2) ~~whether the person~~ 8133  
~~is the property owner, an insurance company that contributed~~ 8134  
~~capital to the development, or a person that acquired the rights~~ 8135  
~~to the tax credit certificate from the property owner,~~ (3) the 8136  
credit amount shown on each tax credit certificate, and ~~(4)~~(3) 8137  
any other information required by the rules adopted under this 8138  
section. A person that holds the rights to a tax credit 8139  
certificate issued under this section ~~and that is an insurance~~ 8140  
~~company~~ may claim a tax credit under section 5725.35 ~~or,~~ 8141  
5726.62, 5729.18, or 5747.87 of the Revised Code, subject to any 8142  
limitations in those sections. 8143

~~(N)~~(K) The ~~tax credit authority~~ director of development 8144  
shall publish information about each transformational mixed use 8145  
development on the web site of the department of development not 8146  
later than the first day of August following certification of 8147  
the project. The ~~tax credit authority~~ director shall update the 8148  
published information annually until the project is complete and 8149  
the credit or credits are fully claimed. The published 8150  
information shall include all of the following: 8151

(1) The location of the transformational mixed use 8152  
development and the name by which it is known; 8153

(2) The estimated schedule for progression and completion 8154  
of the project included in the development plan pursuant to 8155  
division (B) (4) of this section; 8156

(3) The assessment of the projected economic impact of the 8157  
project included in the development plan pursuant to division 8158  
(B) (5) of this section; 8159

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

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

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

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

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

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

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

(4) The form of the tax credit certificate;

(5) Reporting requirements and monitoring procedures;	8189
(6) Procedures for computing the increase in tax	8190
collections within the project site <del>and the surrounding area;</del>	8191
(7) <del>Forms and procedures by which property owners may</del>	8192
<del>request the alternative method of computing the value of tax</del>	8193
<del>credit certificates under division (I) of this section that are</del>	8194
<del>awarded in connection with a project and criteria for evaluating</del>	8195
<del>and making a determination on such requests;</del>	8196
<del>(8) Any other rules necessary to implement and administer</del>	8197
<del>this section.</del>	8198
<b>Sec. 122.14.</b> (A) <u>As used in this section, "professional</u>	8199
<u>sports facility" has the same meaning as in section 5516.01 of</u>	8200
<u>the Revised Code.</u>	8201
(B) There is hereby created in the state treasury the	8202
roadwork development fund. The fund shall consist of the	8203
investment earnings of the security deposit fund created by	8204
section 4509.27 of the Revised Code and revenue transferred to	8205
it by the director of budget and management from the highway	8206
operating fund created in section 5735.051 of the Revised Code.	8207
The fund shall be used by the <u>department of development services</u>	8208
<del>agency</del> in accordance with Section 5a of Article XII, Ohio	8209
Constitution, to make road improvements associated with	8210
retaining or attracting business for this state, including both	8211
of the following:	8212
(1) Construction, reconstruction, maintenance, or repair	8213
of public roads that provide access to a public airport or are	8214
located within a public airport;	8215
(2) Construction, reconstruction, maintenance, or repair	8216
of public roads <u>and the associated improvements</u> that provide or	8217

improve access to tourism attractions or professional sports 8218  
facilities. 8219

~~(B)~~(C) Tourism attractions or professional sports 8220  
facilities may use funds received from the department of 8221  
development, in accordance with this section, to make 8222  
improvements associated with the retail and residential 8223  
components of the total development of which they are a part. 8224

(D) All investment earnings of the fund shall be credited 8225  
to the fund. 8226

**Sec. 122.175.** (A) As used in this section: 8227

(1) "Capital investment project" means a plan of 8228  
investment at a project site for the acquisition, construction, 8229  
renovation, expansion, replacement, or repair of a computer data 8230  
center or of computer data center equipment, but does not 8231  
include any of the following: 8232

(a) Project costs paid before a date determined by the tax 8233  
credit authority for each capital investment project; 8234

(b) Payments made to a related member as defined in 8235  
section 5733.042 of the Revised Code or to a consolidated 8236  
elected taxpayer or a combined taxpayer as defined in section 8237  
5751.01 of the Revised Code. 8238

(2) "Computer data center" means a facility used or to be 8239  
used primarily to house computer data center equipment used or 8240  
to be used in conducting one or more computer data center 8241  
businesses, as determined by the tax credit authority. 8242

(3) "Computer data center business" means, as may be 8243  
further determined by the tax credit authority, a business that 8244  
provides electronic information services as defined in division 8245

(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 8246  
a facility to one or more such businesses. "Computer data center 8247  
business" does not include providing electronic publishing as 8248  
defined in that section. 8249

(4) "Computer data center equipment" means tangible 8250  
personal property used or to be used for any of the following: 8251

(a) To conduct a computer data center business, including 8252  
equipment cooling systems to manage the performance of computer 8253  
data center equipment; 8254

(b) To generate, transform, transmit, distribute, or 8255  
manage electricity necessary to operate the tangible personal 8256  
property used or to be used in conducting a computer data center 8257  
business; 8258

(c) As building and construction materials sold to 8259  
construction contractors for incorporation into a computer data 8260  
center. 8261

(5) "Eligible computer data center" means a computer data 8262  
center that satisfies all of the following requirements: 8263

(a) One or more taxpayers operating a computer data center 8264  
business at the project site will, in the aggregate, make 8265  
payments for a capital investment project of at least one 8266  
hundred million dollars at the project site during one of the 8267  
following cumulative periods: 8268

(i) For projects beginning in 2013, six consecutive 8269  
calendar years; 8270

(ii) For projects beginning in 2014, four consecutive 8271  
calendar years; 8272

(iii) For projects beginning in or after 2015, three 8273

consecutive calendar years. 8274

(b) One or more taxpayers operating a computer data center 8275  
business at the project site will, in the aggregate, pay annual 8276  
compensation that is subject to the withholding obligation 8277  
imposed under section 5747.06 of the Revised Code of at least 8278  
one million five hundred thousand dollars to employees employed 8279  
at the project site for each year of the agreement beginning on 8280  
or after the first day of the twenty-fifth month after the 8281  
agreement was entered into under this section. 8282

(6) "Person" has the same meaning as in section 5701.01 of 8283  
the Revised Code. 8284

(7) "Project site," "related member," and "tax credit 8285  
authority" have the same meanings as in sections 122.17 and 8286  
122.171 of the Revised Code. 8287

(8) "Taxpayer" means any person subject to the taxes 8288  
imposed under Chapters 5739. and 5741. of the Revised Code. 8289

(B) The tax credit authority may completely or partially 8290  
exempt from the taxes levied under Chapters 5739. and 5741. of 8291  
the Revised Code the sale, storage, use, or other consumption of 8292  
computer data center equipment used or to be used at an eligible 8293  
computer data center. Any such exemption shall extend to charges 8294  
for the delivery, installation, or repair of the computer data 8295  
center equipment subject to the exemption under this section. 8296

(C) A taxpayer that proposes a capital improvement project 8297  
for an eligible computer data center in this state may apply to 8298  
the tax credit authority to enter into an agreement under this 8299  
section authorizing a complete or partial exemption from the 8300  
taxes imposed under Chapters 5739. and 5741. of the Revised Code 8301  
on computer data center equipment purchased by the applicant or 8302

any other taxpayer that operates a computer data center business 8303  
at the project site and used or to be used at the eligible 8304  
computer data center. The director of development ~~services~~ shall 8305  
prescribe the form of the application. After receipt of an 8306  
application, the authority shall forward copies of the 8307  
application to ~~the director of budget and management and the tax~~ 8308  
~~commissioner, each of whom~~ who shall review the application to 8309  
determine the economic impact that the proposed eligible 8310  
computer data center would have on the state and any affected 8311  
political subdivisions and submit to the authority a summary of 8312  
their determinations. The authority shall also forward a copy of 8313  
the application to the director of development ~~services~~ who 8314  
shall review the application to determine the economic impact 8315  
that the proposed eligible computer data center would have on 8316  
the state and the affected political subdivisions and shall 8317  
submit a summary of their determinations and recommendations to 8318  
the authority. 8319

(D) Upon review and consideration of such determinations 8320  
and recommendations, the tax credit authority , before October 8321  
1, 2025, may enter into an agreement with the applicant and any 8322  
other taxpayer that operates a computer data center business at 8323  
the project site for a complete or partial exemption from the 8324  
taxes imposed under Chapters 5739. and 5741. of the Revised Code 8325  
on computer data center equipment used or to be used at an 8326  
eligible computer data center if the authority determines all of 8327  
the following: 8328

(1) The capital investment project for the eligible 8329  
computer data center will increase payroll and the amount of 8330  
income taxes to be withheld from employee compensation pursuant 8331  
to section 5747.06 of the Revised Code. 8332

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

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

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

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

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

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

(3) A requirement that the computer data center remain an eligible computer data center during the term of the agreement and that the applicant maintain operations at the eligible computer data center during that term. An applicant does not

violate the requirement described in division (E) (3) of this 8362  
section if the applicant ceases operations at the eligible 8363  
computer data center during the term of the agreement but 8364  
resumes those operations within eighteen months after the date 8365  
of cessation. The agreement shall provide that, in such a case, 8366  
the applicant and any other taxpayer that operates a computer 8367  
data center business at the project site shall not claim the tax 8368  
exemption authorized in the agreement for any purchase of 8369  
computer data center equipment made during the period in which 8370  
the applicant did not maintain operations at the eligible 8371  
computer data center. 8372

(4) A requirement that, for each year of the term of the 8373  
agreement beginning on or after the first day of the twenty- 8374  
fifth month after the date the agreement was entered into, one 8375  
or more taxpayers operating a computer data center business at 8376  
the project site will, in the aggregate, pay annual compensation 8377  
that is subject to the withholding obligation imposed under 8378  
section 5747.06 of the Revised Code of at least one million five 8379  
hundred thousand dollars to employees at the eligible computer 8380  
data center. 8381

(5) A requirement that each taxpayer subject to the 8382  
agreement annually report to the director of development 8383  
~~services~~ employment, tax withholding, capital investment, and 8384  
other information required by the director to perform the 8385  
director's duties under this section. 8386

(6) A requirement that the director of development 8387  
~~services~~ annually review the annual reports of each taxpayer 8388  
subject to the agreement to verify the information reported 8389  
under division (E) (5) of this section and compliance with the 8390  
agreement. Upon verification, the director shall issue a 8391

certificate to each such taxpayer stating that the information 8392  
has been verified and that the taxpayer remains eligible for the 8393  
exemption specified in the agreement. 8394

(7) A provision providing that the taxpayers subject to 8395  
the agreement may not relocate a substantial number of 8396  
employment positions from elsewhere in this state to the project 8397  
site unless the director of development ~~services~~ determines that 8398  
the appropriate taxpayer notified the legislative authority of 8399  
the county, township, or municipal corporation from which the 8400  
employment positions would be relocated. For purposes of this 8401  
paragraph, the movement of an employment position from one 8402  
political subdivision to another political subdivision shall be 8403  
considered a relocation of an employment position unless the 8404  
movement is confined to the project site. The transfer of an 8405  
employment position from one political subdivision to another 8406  
political subdivision shall not be considered a relocation of an 8407  
employment position if the employment position in the first 8408  
political subdivision is replaced by another employment 8409  
position. 8410

(8) A waiver by each taxpayer subject to the agreement of 8411  
any limitations periods relating to assessments or adjustments 8412  
resulting from the taxpayer's failure to comply with the 8413  
agreement. 8414

(F) The term of an agreement under this section shall be 8415  
determined by the tax credit authority, and the amount of the 8416  
exemption shall not exceed one hundred per cent of such taxes 8417  
that would otherwise be owed in respect to the exempted computer 8418  
data center equipment. 8419

(G) If any taxpayer subject to an agreement under this 8420  
section fails to meet or comply with any condition or 8421

requirement set forth in the agreement, the tax credit authority 8422  
may amend the agreement to reduce the percentage of the 8423  
exemption or term during which the exemption applies to the 8424  
computer data center equipment used or to be used by the 8425  
noncompliant taxpayer at an eligible computer data center. The 8426  
reduction of the percentage or term may take effect in the 8427  
current calendar year. 8428

(H) Financial statements and other information submitted 8429  
to the department of development ~~services~~ or the tax credit 8430  
authority by an applicant for or recipient of an exemption under 8431  
this section, and any information taken for any purpose from 8432  
such statements or information, are not public records subject 8433  
to section 149.43 of the Revised Code. However, the chairperson 8434  
of the authority may make use of the statements and other 8435  
information for purposes of issuing public reports or in 8436  
connection with court proceedings concerning tax exemption 8437  
agreements under this section. Upon the request of the tax 8438  
commissioner, the chairperson of the authority shall provide to 8439  
the tax commissioner any statement or other information 8440  
submitted by an applicant for or recipient of an exemption under 8441  
this section. The tax commissioner shall preserve the 8442  
confidentiality of the statement or other information. 8443

(I) The tax commissioner shall issue a direct payment 8444  
permit under section 5739.031 of the Revised Code to each 8445  
taxpayer subject to an agreement under this section. Such direct 8446  
payment permit shall authorize the taxpayer to pay any sales and 8447  
use taxes due on purchases of computer data center equipment 8448  
used or to be used in an eligible computer data center and to 8449  
pay any sales and use taxes due on purchases of tangible 8450  
personal property or taxable services other than computer data 8451  
center equipment used or to be used in an eligible computer data 8452

center directly to the tax commissioner. Each such taxpayer 8453  
shall pay pursuant to such direct payment permit all sales tax 8454  
levied on such purchases under sections 5739.02, 5739.021, 8455  
5739.023, and 5739.026 of the Revised Code and all use tax 8456  
levied on such purchases under sections 5741.02, 5741.021, 8457  
5741.022, and 5741.023 of the Revised Code, consistent with the 8458  
terms of the agreement entered into under this section. 8459

During the term of an agreement under this section each 8460  
taxpayer subject to the agreement shall submit to the tax 8461  
commissioner a return that shows the amount of computer data 8462  
center equipment purchased for use at the eligible computer data 8463  
center, the amount of tangible personal property and taxable 8464  
services other than computer data center equipment purchased for 8465  
use at the eligible computer data center, the amount of tax 8466  
under Chapter 5739. or 5741. of the Revised Code that would be 8467  
due in the absence of the agreement under this section, the 8468  
exemption percentage for computer data center equipment 8469  
specified in the agreement, and the amount of tax due under 8470  
Chapter 5739. or 5741. of the Revised Code as a result of the 8471  
agreement under this section. Each such taxpayer shall pay the 8472  
tax shown on the return to be due in the manner and at the times 8473  
as may be further prescribed by the tax commissioner. Each such 8474  
taxpayer shall include a copy of the director of ~~development-~~ 8475  
~~services'~~ development's certificate of verification issued under 8476  
division (E)(6) of this section. Failure to submit a copy of the 8477  
certificate with the return does not invalidate the claim for 8478  
exemption if the taxpayer submits a copy of the certificate to 8479  
the tax commissioner within the time prescribed by section 8480  
5703.0510 of the Revised Code. 8481

(J) If the director of development ~~services-~~ determines 8482  
that one or more taxpayers received an exemption from taxes due 8483

on the purchase of computer data center equipment purchased for 8484  
use at a computer data center that no longer complies with the 8485  
requirement under division (E) (3) of this section, the director 8486  
shall notify the tax credit authority and, if applicable, the 8487  
taxpayer that applied to enter the agreement for the exemption 8488  
under division (C) of this section of the noncompliance. After 8489  
receiving such a notice, and after giving each taxpayer subject 8490  
to the agreement an opportunity to explain the noncompliance, 8491  
the authority may terminate the agreement and require each such 8492  
taxpayer to pay to the state all or a portion of the taxes that 8493  
would have been owed in regards to the exempt equipment in 8494  
previous years, all as determined under rules adopted pursuant 8495  
to division (K) of this section. In determining the portion of 8496  
the taxes that would have been owed on the previously exempted 8497  
equipment to be paid to this state by a taxpayer, the authority 8498  
shall consider the effect of market conditions on the eligible 8499  
computer data center, whether the taxpayer continues to maintain 8500  
other operations in this state, and, with respect to agreements 8501  
involving multiple taxpayers, the taxpayer's level of 8502  
responsibility for the noncompliance. After making the 8503  
determination, the authority shall certify to the tax 8504  
commissioner the amount to be paid by each taxpayer subject to 8505  
the agreement. The tax commissioner shall make an assessment for 8506  
that amount against each such taxpayer under Chapter 5739. or 8507  
5741. of the Revised Code. The time limitations on assessments 8508  
under those chapters do not apply to an assessment under this 8509  
division, but the tax commissioner shall make the assessment 8510  
within one year after the date the authority certifies to the 8511  
tax commissioner the amount to be paid by the taxpayer. 8512

(K) The director of development ~~services~~, after 8513  
consultation with the tax commissioner and in accordance with 8514

Chapter 119. of the Revised Code, shall adopt rules necessary to 8515  
implement this section. The rules may provide for recipients of 8516  
tax exemptions under this section to be charged fees to cover 8517  
administrative costs incurred in the administration of this 8518  
section. The fees collected shall be credited to the tax 8519  
incentives operating fund created in section 122.174 of the 8520  
Revised Code. At the time the director gives public notice under 8521  
division (A) of section 119.03 of the Revised Code of the 8522  
adoption of the rules, the director shall submit copies of the 8523  
proposed rules to the chairpersons of the standing committees on 8524  
economic development in the senate and the house of 8525  
representatives. 8526

(L) On or before the first day of August of each year, the 8527  
director of development ~~services~~ shall submit a report to the 8528  
governor, the president of the senate, and the speaker of the 8529  
house of representatives on the tax exemption authorized under 8530  
this section. The report shall include information on the number 8531  
of agreements that were entered into under this section during 8532  
the preceding calendar year, a description of the eligible 8533  
computer data center that is the subject of each such agreement, 8534  
and an update on the status of eligible computer data centers 8535  
under agreements entered into before the preceding calendar 8536  
year. 8537

(M) A taxpayer may be made a party to an existing 8538  
agreement entered into under this section by the tax credit 8539  
authority and another taxpayer or group of taxpayers. In such a 8540  
case, the taxpayer shall be entitled to all benefits and bound 8541  
by all obligations contained in the agreement and all 8542  
requirements described in this section. When an agreement 8543  
includes multiple taxpayers, each taxpayer shall be entitled to 8544  
a direct payment permit as authorized in division (I) of this 8545

section. 8546

**Sec. 122.1710.** (A) As used in this section: 8547

(1) "Low-income individual" has the same meaning as "low- 8548  
income person" in section ~~122.66~~ 5101.311 of the Revised Code. 8549

(2) "Microcredential" has the same meaning as in section 8550  
122.178 of the Revised Code. 8551

(3) "OhioMeansJobs web site" has the same meaning as in 8552  
section 6301.01 of the Revised Code. 8553

(4) "Partially unemployed" and "totally unemployed" have 8554  
the same meanings as in section 4141.01 of the Revised Code. 8555

(5) "Training provider" means all of the following: 8556

(a) A state institution of higher education as defined in 8557  
section 3345.011 of the Revised Code; 8558

(b) An Ohio technical center as defined in section 3333.94 8559  
of the Revised Code; 8560

(c) A private business or institution that offers training 8561  
to allow an individual to earn one or more microcredentials. 8562

(B) There is hereby created the individual microcredential 8563  
assistance program to reimburse training providers for training 8564  
costs for individuals to earn a microcredential. The department 8565  
of development, in consultation with the governor's office of 8566  
workforce transformation, shall administer the program. 8567

(C) A training provider seeking to participate in the 8568  
program shall submit an application to the director of 8569  
development. The training provider shall include in the 8570  
application all of the following information: 8571

(1) The number of microcredentials the training provider 8572

will seek a reimbursement for and the names of the	8573
microcredentials;	8574
(2) The cost of the training for each microcredential;	8575
(3) The total amount of the reimbursement the training	8576
provider will seek;	8577
(4) The training provider's plan to provide opportunities	8578
for individuals who are low income, partially unemployed, or	8579
totally unemployed to participate in a training program and	8580
receive a microcredential;	8581
(5) Any other information the director requires.	8582
(D) (1) The director shall consider the following factors	8583
in determining whether to approve an application submitted under	8584
division (C) of this section:	8585
(a) The duration of the training program;	8586
(b) The cost of the training;	8587
(c) Whether approving an application will promote regional	8588
diversity in apportioning reimbursements uniformly across the	8589
state;	8590
(d) The training provider's commitment to providing	8591
opportunities for individuals who are low income, partially	8592
unemployed, or totally unemployed to participate in a training	8593
program and receive a microcredential.	8594
(2) In determining regional diversity under division (D)	8595
(1) (c) of this section, the director shall use the regions	8596
established under division (G) of section 122.178 of the Revised	8597
Code.	8598
(3) The director shall not approve an application	8599

submitted under this section if either of the following apply: 8600

(a) The microcredentials identified in the application are 8601  
not included in the list the chancellor of higher education 8602  
establishes under section 122.178 of the Revised Code. 8603

(b) The training provider has violated Chapter 4111. of 8604  
the Revised Code within the four fiscal years immediately 8605  
preceding the date of application. 8606

(4) The director shall notify a training provider in 8607  
writing of the director's decision to approve or deny the 8608  
training provider's application to participate in the program. 8609

(E) A participating training provider shall not charge an 8610  
individual participating in a training program to earn a 8611  
microcredential for which the training provider is seeking a 8612  
reimbursement for either of the following: 8613

(1) Any costs associated with the individual's 8614  
participation in the training program; 8615

(2) Any costs to the training provider resulting from an 8616  
individual not completing the training program. 8617

(F) (1) Each participating training provider seeking 8618  
reimbursement for training costs for one or more 8619  
microcredentials earned by one or more individuals in a training 8620  
program shall submit an application to the director after the 8621  
individual or individuals have earned a microcredential. The 8622  
training provider shall include in the reimbursement application 8623  
all of the following information: 8624

(a) The actual cost for the training provider to provide 8625  
each individual with the training; 8626

(b) Evidence that each individual earned a 8627

microcredential; 8628

(c) Any demographic information of each individual that 8629  
the individual provides to the training provider, including race 8630  
and gender. 8631

(2) The amount of the reimbursement shall be not more than 8632  
three thousand dollars for each microcredential an individual 8633  
receives. A participating training provider may not receive a 8634  
reimbursement for any additional individual who earns a 8635  
microcredential beyond the number of microcredentials included 8636  
in the application under division (C) of this section. A 8637  
participating training provider may receive a total 8638  
reimbursement of five hundred thousand dollars in a fiscal year. 8639

(3) A training provider may request that an individual 8640  
participating in the training provider's program provide 8641  
demographic information to the training provider, including race 8642  
and gender. An individual is not required to provide that 8643  
information. 8644

(G) The director shall do both of the following regarding 8645  
the operation of the program: 8646

(1) Create an application to participate in the program 8647  
and an application for reimbursement; 8648

(2) Create and distribute a survey to each individual who 8649  
successfully earned a microcredential because of a reimbursement 8650  
to a training provider under this section inquiring as to the 8651  
individual's occupation and wages at the time of completing the 8652  
survey. 8653

(H) The director shall include on the internet web site 8654  
maintained by the department, and the governor's office of 8655  
workforce transformation shall include on the office's internet 8656

web site and the OhioMeansJobs web site, all of the content 8657  
created under division (G) of this section. 8658

(I) The director may adopt rules in accordance with 8659  
Chapter 119. of the Revised Code as the director considers 8660  
necessary to implement this section, including establishing 8661  
priority guidelines for approving applications under division 8662  
(D) of this section. 8663

(J) Any personal information of an individual the director 8664  
receives in connection with the individual microcredential 8665  
assistance program created under this section is not a public 8666  
record for purposes of section 149.43 of the Revised Code. 8667  
However, the director may use the information as necessary to 8668  
complete the reports required under section 122.1711 of the 8669  
Revised Code. 8670

**Sec. 122.41.** The director of development ~~services is~~ 8671  
invested with the powers and duties provided in Chapter 122. of 8672  
the Revised Code, in order to promote the welfare of the people 8673  
of the state, to stabilize the economy, to provide employment, 8674  
to assist in the development within the state of industrial, 8675  
commercial, distribution, and research activities required for 8676  
the people of the state, and for their gainful employment, or 8677  
otherwise to create or preserve jobs and employment 8678  
opportunities, or improve the economic welfare of the people of 8679  
the state, ~~and also to assist in the financing of air, water, or~~ 8680  
~~thermal pollution control facilities and solid waste disposal~~ 8681  
~~facilities by mortgage insurance as provided in section 122.451-~~ 8682  
~~of the Revised Code.~~ It is hereby determined that the 8683  
accomplishment of such purposes is essential so that the people 8684  
of the state may maintain their present high standards in 8685  
comparison with the people of other states and so that 8686

opportunities for employment and for favorable markets for the 8687  
products of the state's natural resources, agriculture, and 8688  
manufacturing shall be improved and that it is necessary for the 8689  
state to establish the programs authorized pursuant to Chapter 8690  
122. of the Revised Code and invest the director of development 8691  
~~services~~ with the powers and duties provided in Chapter 122. of 8692  
the Revised Code. The powers granted to the director by Chapter 8693  
165. of the Revised Code are independent of and in addition and 8694  
alternate to, and are not limited or restricted by, Chapter 122. 8695  
of the Revised Code. 8696

**Sec. 122.42.** (A) The director of development shall do all 8697  
of the following: 8698

(1) Receive applications for assistance under sections 8699  
122.39 and 122.41 to 122.62 of the Revised Code; 8700

(2) Make a final determination whether to approve the 8701  
application for assistance; 8702

(3) Transmit determinations to approve assistance to the 8703  
controlling board together with any information the controlling 8704  
board requires for the board's review and decision as to whether 8705  
to approve the assistance; 8706

(4) Issue revenue bonds of the state through the treasurer 8707  
of state, as necessary, payable solely from revenues and other 8708  
sources as provided in sections 122.39 and 122.41 to 122.62 of 8709  
the Revised Code. 8710

(B) The director may do all of the following: 8711

(1) Fix the rate of interest and charges to be made upon 8712  
or with respect to moneys loaned by the director and the terms 8713  
upon which mortgages and lease rentals may be guaranteed and the 8714  
rates of charges to be made for the loans and guarantees and to 8715

make provisions for the operation of the funds established by 8716  
the director in accordance with this section and ~~sections~~ 8717  
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 8718

(2) Loan moneys from the fund established in accordance 8719  
with section 122.54 of the Revised Code pursuant to and in 8720  
compliance with sections 122.39 and 122.41 to 122.62 of the 8721  
Revised Code; 8722

(3) Acquire in the name of the director any property of 8723  
any kind or character in accordance with sections 122.39 and 8724  
122.41 to 122.62 of the Revised Code, by purchase, purchase at 8725  
foreclosure, or exchange on such terms and in such manner as the 8726  
director considers proper; 8727

(4) Make and enter into all contracts and agreements 8728  
necessary or incidental to the performance of the director's 8729  
duties and the exercise of the director's powers under sections 8730  
122.39 and 122.41 to 122.62 of the Revised Code; 8731

(5) Maintain, protect, repair, improve, and insure any 8732  
property which the director has acquired and dispose of the same 8733  
by sale, exchange, or lease for the consideration and on the 8734  
terms and in the manner as the director considers proper, but is 8735  
not authorized to operate any such property as a business except 8736  
as the lessor of the property; 8737

(6) (a) When the cost of any contract for the maintenance, 8738  
protection, repair, or improvement of any property held by the 8739  
director other than compensation for personal services involves 8740  
an expenditure of more than one thousand dollars, the director 8741  
shall make a written contract with the lowest responsive and 8742  
responsible bidder in accordance with section 9.312 of the 8743  
Revised Code after advertisement for not less than two 8744

consecutive weeks in a newspaper of general circulation in the 8745  
county where such contract, or some substantial part of it, is 8746  
to be performed, and in such other publications as the director 8747  
determines, which notice shall state the general character of 8748  
the work and the general character of the materials to be 8749  
furnished, the place where plans and specifications may be 8750  
examined, and the time and place of receiving bids. 8751

(b) Each bid for a contract for the construction, 8752  
demolition, alteration, repair, or reconstruction of an 8753  
improvement shall contain the full name of every person 8754  
interested in it and meet the requirements of section 153.54 of 8755  
the Revised Code. 8756

(c) Each bid for a contract, except as provided in 8757  
division (B) (6) (b) of this section, shall contain the full name 8758  
of every person interested in it and shall be accompanied by 8759  
bond or certified check on a solvent bank, in such amount as the 8760  
director considers sufficient, that if the bid is accepted a 8761  
contract will be entered into and the performance of the 8762  
proposal secured. 8763

(d) The director may reject any and all bids. 8764

(e) A bond with good and sufficient surety, approved by 8765  
the director, shall be required of every contractor awarded a 8766  
contract except as provided in division (B) (6) (b) of this 8767  
section, in an amount equal to at least fifty per cent of the 8768  
contract price, conditioned upon faithful performance of the 8769  
contract. 8770

(7) Employ financial consultants, appraisers, consulting 8771  
engineers, superintendents, managers, construction and 8772  
accounting experts, attorneys, and other employees and agents as 8773

are necessary in the director's judgment and fix their 8774  
compensation; 8775

(8) Assist qualified persons in the coordination and 8776  
formation of a small business development company, having a 8777  
statewide area of operation, conditional upon the company's 8778  
agreeing to seek to obtain certification from the federal small 8779  
business administration as a certified statewide development 8780  
company and participation in the guaranteed loan program 8781  
administered by the small business administration pursuant to 8782  
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 8783  
the initial period of formation of the statewide small business 8784  
development company, the director shall provide technical and 8785  
financial expertise, legal and managerial assistance, and other 8786  
services as are necessary and proper to enable the company to 8787  
obtain and maintain federal certification and participation in 8788  
the federal guaranteed loan program. The director may charge a 8789  
fee, in such amount and on such terms and conditions as the 8790  
director determines necessary and proper, for assistance and 8791  
services provided pursuant to division (B)(8) of this section. 8792

Persons chosen by the director to receive assistance in 8793  
the formation of a statewide small business development company 8794  
pursuant to division (B)(8) of this section shall make a special 8795  
effort to use their participation in the federal guaranteed loan 8796  
program to assist small businesses which are minority business 8797  
enterprises as defined in division (E) of section 122.71 of the 8798  
Revised Code. The director, with the assistance of the minority 8799  
business development division of the department of development, 8800  
shall provide technical and financial expertise, legal and 8801  
managerial assistance, and other services in such a manner to 8802  
enable the development company to provide assistance to small 8803  
businesses which are minority business enterprises, and shall 8804

make available to the development company information pertaining 8805  
to assistance available to minority business enterprises under 8806  
programs established pursuant to sections 122.71 to 122.83, 8807  
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the 8808  
Revised Code. 8809

(9) Receive and accept grants, gifts, and contributions of 8810  
money, property, labor, and other things of value to be held, 8811  
used, and applied only for the purpose for which such grants, 8812  
gifts, and contributions are made, from individuals, private and 8813  
public corporations, from the United States or any agency of the 8814  
United States, from the state or any agency of the state, and 8815  
from any political subdivision of the state, and may agree to 8816  
repay any contribution of money or to return any property 8817  
contributed or the value of the property at such times, in such 8818  
amounts, and on such terms and conditions, excluding the payment 8819  
of interest, as the director determines at the time such 8820  
contribution is made, and may evidence such obligations by 8821  
notes, bonds, or other written instruments; 8822

(10) Establish with the treasurer of state the ~~funds~~ fund 8823  
provided in ~~sections~~ section 122.54, ~~122.55, 122.56, and 122.57~~ 8824  
of the Revised Code, in addition to such funds as the director 8825  
determines are necessary or proper; 8826

(11) Do all acts and things necessary or proper to carry 8827  
out the powers expressly granted and the duties imposed in 8828  
sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 8829  
Revised Code. 8830

(C) All expenses and obligations incurred by the director 8831  
in carrying out the director's powers and in exercising the 8832  
director's duties under sections 122.39 and 122.41 to 122.62 of 8833  
the Revised Code, shall be payable solely from the proceeds of 8834

revenue bonds issued pursuant to those sections, from revenues 8835  
or other receipts or income of the director, from grants, gifts, 8836  
and contributions, or funds established in accordance with those 8837  
sections. Those sections do not authorize the director to incur 8838  
indebtedness or to impose liability on the state or any 8839  
political subdivision of the state. 8840

(D) Financial statements and financial data submitted to 8841  
the director by any corporation, partnership, or person in 8842  
connection with a loan application, or any information taken 8843  
from such statements or data for any purpose, shall not be open 8844  
to public inspection. 8845

**Sec. 122.47.** At the request of the director of 8846  
development, the treasurer of state shall issue revenue bonds of 8847  
the state for the purpose of acquiring moneys for the purposes 8848  
of this chapter, which moneys shall be credited by the treasurer 8849  
of state as the director of development shall determine to and 8850  
among the funds established in accordance with or pursuant to 8851  
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 8852  
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 8853  
~~such~~ Such revenue bonds ~~shall be payable solely from the sinking~~ 8854  
~~funds established in accordance with section 122.57 of the~~ 8855  
~~Revised Code at the times and in the order and manner provided~~ 8856  
~~in the bond issuing proceedings or in any trust agreements~~ 8857  
~~securing such bonds, and shall be secured by the revenue bond~~ 8858  
guaranty fund established in accordance with section 122.571 of 8859  
the Revised Code and shall also be secured by moneys in the 8860  
other funds established by the director to the extent and on the 8861  
terms ~~he~~ the director specifies and by covenants of the director 8862  
~~that he will~~ to so manage the loans and leases and fix interest 8863  
rates, charges, and rentals so as to assure receipt of net 8864  
income and revenue sufficient to provide for the payment of the 8865

principal of and the interest on the revenue bonds. 8866

**Sec. 122.49.** The proceeds of each issue of revenue bonds 8867  
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 8868  
Revised Code shall be used for the making of loans authorized in 8869  
sections 122.43 and 122.45 of the Revised Code, for the purchase 8870  
and improvement of property authorized in section 122.46 of the 8871  
Revised Code, ~~for insuring mortgage payments authorized in~~ 8872  
~~section 122.451 of the Revised Code,~~ and for the crediting into 8873  
and among the funds established in accordance with sections 8874  
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 8875  
Revised Code, but subject to such conditions, limitations, and 8876  
covenants with the purchasers and holders of the bonds as shall 8877  
be provided for in the bond authorization proceedings and in the 8878  
trust agreement securing the same. 8879

Provision shall be made by the director of development 8880  
~~services~~ for the payment of the expenses of the director in 8881  
operating the assistance programs authorized under this chapter 8882  
in such manner and to such extent as shall be determined by the 8883  
director. 8884

**Sec. 122.53.** In the discretion of the treasurer of state, 8885  
any bonds issued under sections 122.39 and 122.41 to 122.62 of 8886  
the Revised Code, may be secured by a trust agreement between 8887  
the treasurer of state and a corporate trustee, which trustee 8888  
may be any trust company or bank having the powers of a trust 8889  
company within or without the state. 8890

Any such trust agreement may pledge or assign payments of 8891  
principal of and interest on loans, charges, fees, and other 8892  
revenue to be received by the director of development ~~services,~~ 8893  
all rentals received under leases made by the director, and all 8894  
proceeds of the sale or other disposition of property held by 8895

the director, ~~and may provide for the holding in trust by the~~ 8896  
~~trustee to the extent provided for in the proceedings~~ 8897  
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 8898  
~~payable into the mortgage guarantee fund created by section~~ 8899  
~~122.56 of the Revised Code, and all moneys otherwise payable~~ 8900  
~~into the mortgage insurance fund created by section 122.561 of~~ 8901  
~~the Revised Code, and of moneys payable into the sinking fund or~~ 8902  
~~funds referred to in section 122.57 of the Revised Code, but~~ 8903  
shall not convey or mortgage any of the real or personal 8904  
property held by the director or any part thereof. Any such 8905  
trust agreement, or any proceedings providing for the issuance 8906  
of such bonds, may contain such provisions for protecting and 8907  
enforcing the rights and remedies of the bondholders as are 8908  
reasonable and proper and not in violation of law, including 8909  
covenants setting forth the duties of the director in relation 8910  
to the acquisition of property, and the construction, 8911  
improvement, maintenance, repair, operation, and insurance of 8912  
facilities, the making of loans and leases and the terms and 8913  
provisions thereof, and the custody, safeguarding, investment, 8914  
and application of all moneys, and provisions for the employment 8915  
of consulting engineers or other consultants in connection with 8916  
the making of loans and leases and the construction or operation 8917  
of any facility. Any bank or trust company incorporated under 8918  
the laws of this state which may act as trustee or as depository 8919  
of the proceeds of bonds or of revenue may furnish such 8920  
indemnifying bonds or may pledge such securities as are required 8921  
by the treasurer of state. Any such trust agreement may set 8922  
forth the rights and remedies of the bondholders and of the 8923  
trustee, and may restrict the individual right of action by 8924  
bondholders as is customary in trust agreements or trust 8925  
indentures securing bonds or debentures of corporations. Such 8926  
trust agreement may contain such other provisions as the 8927

treasurer of state deems reasonable and proper for the security 8928  
of the bondholders. All expenses incurred by the treasurer of 8929  
state in carrying out the provisions of any such trust agreement 8930  
shall be treated as a part of the cost of the operation of the 8931  
assistance programs authorized pursuant to Chapter 122. of the 8932  
Revised Code. Any such trust agreement may provide the method 8933  
whereby general administrative overhead expense of the director 8934  
with respect to those assistance programs shall be allocated 8935  
among the funds established pursuant to Chapter 122. of the 8936  
Revised Code with respect to the operating expenses of the 8937  
director payable out of the income of the assistance programs. 8938

~~Sec. 122.571. In addition to the separate sinking funds~~ 8939  
~~created under section 122.57 of the Revised Code, there~~ There is 8940  
hereby created the revenue bond guaranty fund to consist of all 8941  
money allocated by the director of development to guarantee 8942  
payment of interest on, principal of and redemption premium on, 8943  
the revenue bonds issued by the director under Chapter 122. of 8944  
the Revised Code, all grants, gifts, and contributions made to 8945  
the director for such purpose, and all money and property 8946  
provided by law for such purpose. 8947

**Sec. 122.59.** In the event of a default with respect to any 8948  
loan or lease, the director of development shall take such 8949  
action as ~~he~~ the director deems proper in the circumstances to 8950  
enforce and protect the rights of the director, and such action 8951  
as may be required by the provisions of any proceedings 8952  
authorizing the revenue bonds or of any trust agreement securing 8953  
such bonds, which may include any appropriate action at law or 8954  
in equity, enforcement or waiver of any provision of any 8955  
mortgage or security agreement or lease, or reinstatement of any 8956  
forfeited or cancelled right, title, or privilege. 8957  
~~Notwithstanding any such action, the director shall transfer~~ 8958

~~from the mortgage guarantee fund created by section 122.56 of the Revised Code to the sinking fund or funds referred to in section 122.57 of the Revised Code amounts not greater than the amounts which would have been paid upon such loan or under such lease but for such default, at the time or times when such amounts would have been paid but for such defaults, to the extent provided in the proceedings authorizing and the trust agreements securing such bonds, to be held and applied as other moneys in the sinking fund, and shall make such other transfers and take such other action as shall be required of the director by any such bond issuance proceedings or trust agreement.~~

**Sec. 122.631.** (A) As used in sections 122.631 to 122.633 of the Revised Code:

(1) "Qualified nonprofit developer" means a nonprofit corporation, as defined in section 1702.01 of the Revised Code, that is all of the following:

(a) Incorporated in this state;

(b) Engaged in community development activities primarily within an identified geographic area of operation in this state;

(c) Has as its primary purpose the improvement of the physical, economic, or social environment by addressing critical problems in that geographic area of operation including housing.

(2) "Electing subdivision," "county land reutilization corporation," and "land reutilization program" have the same meanings as in section 5722.01 of the Revised Code.

~~(2)~~ (3) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code, and "mobile home" has the same meaning as in section 4501.01 of the Revised Code.

~~(3)~~(4) "Qualifying residential property" means ~~single-~~ 8987  
~~family residential property, including a~~ a single unit of 8988  
single-family residential property that has at least eight 8989  
hundred square feet of habitable space and is either a stand- 8990  
alone unit or in a multi-unit property containing not more than 8991  
ten single-family residential units. "Qualifying residential 8992  
property" excludes mobile homes but includes both of the 8993  
following: 8994

(a) A manufactured home; 8995

(b) A single unit in a multi-unit property ~~containing not-~~ 8996  
~~more than ten units but excluding manufactured homes, that has-~~ 8997  
~~at least one thousand square feet of habitable space per~~ 8998  
~~unit~~ that has other nonresidential units or uses. Such 8999  
nonresidential units or uses are not qualifying residential 9000  
property. 9001

~~(4)~~(5) "Qualifying median income" means ~~eighty one hundred~~ 9002  
twenty per cent of median income for the county where qualifying 9003  
residential property is located, as determined by the director 9004  
of development pursuant to section 174.04 of the Revised Code. 9005

(6) "Qualifying financial literacy counseling" means a 9006  
homeownership course with a curriculum that includes basic home 9007  
maintenance training and financial literacy. 9008

(7) "Qualifying counseling provider" means an individual, 9009  
business, nonprofit organization, or political subdivision, 9010  
including an agency or instrumentality thereof, that is 9011  
licensed, certified, or authorized to provide homeownership 9012  
counseling and financial literacy as one of its primary 9013  
functions, including housing counselors certified by the United 9014  
States department of housing and urban development or the Ohio 9015

housing financing agency.

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(B) There is created in the department of development the  
welcome home Ohio (WHO) program to administer the grants  
authorized by this section and section ~~163.632~~122.632 of the  
Revised Code and the tax credits authorized by section 122.633  
of the Revised Code. The department shall create and maintain a  
list of qualifying residential property to which the deed  
restriction described in division (D) (4) of this section, or  
division (B) (4) of section 122.632, ~~or division (C) (4) of~~  
~~section 122.633~~ of the Revised Code applies or a restrictive  
covenant described in division (C) (5) of section 122.633 of the  
Revised Code is recorded. That list is not a public record for  
purposes of section 149.43 of the Revised Code.

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(C) An electing subdivision ~~or,~~ a county land  
reutilization corporation, or a qualified nonprofit developer  
may apply to the director of development for a grant from the  
welcome home Ohio fund, which is created in the state treasury,  
to pay or defer the cost of purchasing qualifying residential  
property for incorporation into the electing subdivision's or  
county land reutilization corporation's land reutilization  
program or the qualified nonprofit developer's housing program.  
Up to two thousand dollars of each grant may be used to fund the  
qualifying financial literacy counseling required under division  
(D) (6) of this section. To the extent that funding is available  
in that fund, the director may award grants to electing  
subdivisions ~~and,~~ county land reutilization corporations, and  
qualified nonprofit developers that make such an application and  
agree to comply with division (D) of this section, with a  
maximum grant of one hundred thousand dollars per qualifying  
residential property.

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(D) The director of development shall require all 9046  
applicants for a grant authorized by division (C) of this 9047  
section to agree, as part of the application, to all of the 9048  
following: 9049

(1) That grant funds shall only be used to pay the cost of 9050  
purchasing qualifying residential property; 9051

(2) That qualifying residential property on which grant 9052  
funds are spent shall be held until sold to an individual or 9053  
individuals who, inclusively: 9054

(a) Have annual income that is not more than the 9055  
qualifying median income; 9056

(b) Demonstrate the financial means to purchase the 9057  
qualifying residential property; 9058

(c) Agree to maintain ownership of the qualifying 9059  
residential property, occupy it as a primary residence, and not 9060  
to rent any portion of the property to another individual for 9061  
use as a dwelling, for at least ~~five~~three years following the 9062  
date of purchase; 9063

(d) Agree not to sell the qualifying residential property, 9064  
within ~~twenty~~fifteen years after the date of the sale, to any 9065  
purchaser ~~except~~other than the electing subdivision, county 9066  
land reutilization corporation, or qualified nonprofit developer 9067  
or an individual or individuals who have annual income that is 9068  
not more than the qualifying median income; 9069

(e) Agree to pay a penalty to the director of development 9070  
for violation of the agreement required by division (D) (2) (c) of 9071  
this section that, ~~subject to divisions (F) (2) and (3) of this~~ 9072  
~~section,~~ equals ~~ninety thousand dollars~~the amount of the grant 9073  
attributable to the property, less ~~eighteen thousand dollars~~ 9074

one-third of that amount multiplied by the number of full years 9075  
the individual or individuals owned the property; 9076

(f) Agree that the director of development is a third- 9077  
party beneficiary of the purchase agreement; 9078

(g) Agree to participate in the applicant's qualifying 9079  
financial literacy program; 9080

(h) Agree to annually certify to the director of 9081  
~~development or the director's designee~~, during the period 9082  
described by division (D) (2) (c) of this section, that the 9083  
individual or individuals own and occupy the qualifying 9084  
residential property, and that no part of the property is being 9085  
rented to another individual for use as a dwelling. 9086

(3) That qualifying residential property on which grant 9087  
funds are spent shall be sold for not more than ~~one~~ two hundred 9088  
~~eighty~~ twenty thousand dollars per property. 9089

(4) That qualifying residential property on which grant 9090  
funds are spent shall not be sold without a deed restriction 9091  
prohibiting the sale of the property to a person that is not the 9092  
electing subdivision, county land reutilization corporation, or 9093  
qualified nonprofit developer or an individual or individuals 9094  
who have annual income that is not more than the qualifying 9095  
median income for ~~twenty~~ fifteen years after the date of the 9096  
property's first transfer from the applicant following the use 9097  
of grant funds. The deed restriction is a covenant running with 9098  
the land and is fully binding on subsequent purchasers of the 9099  
property until it expires on the fifteenth anniversary of the 9100  
property's first transfer from the applicant following the use 9101  
of grant funds. The electing subdivision, county land 9102  
reutilization corporation, or qualified nonprofit developer may 9103

include in the deed restriction a right of first refusal to 9104  
repurchase the property for the purpose of ensuring that the 9105  
property is ultimately sold to an individual or individuals who 9106  
have annual income that is not more than the qualifying median 9107  
income. 9108

(5) That the applicant shall repay all grant funds not 9109  
expended to purchase qualifying residential property or to fund 9110  
the qualifying financial literacy counseling required by 9111  
division (D) (6) of this section and all grant funds expended to 9112  
purchase qualifying residential property that is not sold to an 9113  
individual or individuals who meet the requirements described in 9114  
division (D) (2) of this section or that is sold without the deed 9115  
restriction described in division (D) (4) of this section. 9116

(6) That the applicant shall provide qualifying financial 9117  
literacy counseling, over a minimum of ~~one year~~ six months, 9118  
delivered by a qualifying counseling provider, to each purchaser 9119  
of qualifying residential property on which grant funds are 9120  
spent. An applicant may provide information regarding its 9121  
qualifying financial literacy program to the director of 9122  
development for review as part of the application or prior to 9123  
application. ~~Financial~~ Qualifying financial literacy counseling 9124  
provided by the applicant to the same purchaser, in accordance 9125  
with division (B) (6) of section 122.632 of the Revised Code or 9126  
division ~~(C) (5)~~ (C) (6) of section 122.633 of the Revised Code, 9127  
satisfies the requirements of division (D) (6) of this section. 9128

(7) That the applicant shall report to the department of 9129  
development the date when the qualifying residential property 9130  
that is the subject of the application is sold by the applicant. 9131

(E) The director of development has authority and standing 9132  
to sue for the enforcement of a deed restriction described in 9133

division (D) (4) of this section. 9134

~~(F) (1) (F)~~ An electing subdivision ~~or, a county land~~ 9135  
~~reutilization corporation, or a qualified nonprofit developer~~ 9136  
may apply for, and the director of development may award both a 9137  
grant under this section for the purchase of qualifying 9138  
residential property, and either a grant under section 122.632 9139  
of the Revised Code, or a tax credit under section 122.633 of 9140  
the Revised Code, to rehabilitate or construct the same 9141  
qualifying residential property. 9142

~~(2) If an electing subdivision or county land~~ 9143  
~~reutilization is awarded a grant under this section and a grant~~ 9144  
~~under section 122.632 of the Revised Code for the same~~ 9145  
~~qualifying residential property, and the individual or~~ 9146  
~~individuals who purchase the property violate both of the~~ 9147  
~~agreements required by division (D) (2) (c) of this section and~~ 9148  
~~division (B) (2) (c) of section 122.632 of the Revised Code, only~~ 9149  
~~the penalty described by division (B) (2) (c) of section 122.632~~ 9150  
~~of the Revised Code applies.~~ 9151

~~(3) If an electing subdivision or county land~~ 9152  
~~reutilization is awarded a grant under this section and a tax~~ 9153  
~~credit under section 122.633 of the Revised Code for the same~~ 9154  
~~qualifying residential property, and the individual or~~ 9155  
~~individuals who purchase the property violate both of the~~ 9156  
~~agreements required by division (D) (2) (c) of this section and~~ 9157  
~~division (C) (2) (a) of section 122.633 of the Revised Code, only~~ 9158  
~~the greater of the penalties described in divisions (D) (2) (c) of~~ 9159  
~~this section and division (C) (2) (c) of section 122.633 of the~~ 9160  
~~Revised Code applies.~~ 9161

(G) (1) The director may adopt rules in accordance with 9162  
Chapter 119. Of the Revised Code as necessary to administer the 9163

grant program. Such rules may include the following: 9164

(a) Application forms, deadlines, and procedures; 9165

(b) Criteria for evaluating and prioritizing applications; 9166

(c) Guidelines for promoting an even geographic 9167  
distribution of grants throughout the state; 9168

(d) Guidelines to determine the value of qualifying 9169  
residential property located in a building with other uses and 9170  
the total value of that building. 9171

(2) Any grants repaid under this section shall be credited 9172  
to the welcome home Ohio fund. 9173

(3) An electing subdivision, a county land reutilization 9174  
corporation, or a qualified nonprofit developer shall use all 9175  
profits derived from the sale of qualifying residential property 9176  
on which grant funds are spent, including profits derived from 9177  
the resale of such property to a subsequent purchaser, for the 9178  
electing subdivision's or county land reutilization 9179  
corporation's land reutilization program or the qualified 9180  
nonprofit developer's housing program. 9181

**Sec. 122.632.** (A) An electing subdivision~~or~~, a county 9182  
land reutilization corporation, or a qualified nonprofit 9183  
developer may apply to the director of development for a grant 9184  
from the welcome home Ohio fund created in section 122.631 of 9185  
the Revised Code to pay or defer the cost to rehabilitate or 9186  
construct qualifying residential property held by the electing 9187  
subdivision's or county land reutilization corporation's land 9188  
reutilization program or the qualified nonprofit developer's 9189  
housing program. To the extent that funding is available, in 9190  
that fund the director may award grants to electing subdivisions 9191  
and, county land reutilization corporations, and qualified 9192

nonprofit developers that make such an application and agree to 9193  
comply with division (B) of this section, with a maximum grant 9194  
of ~~thirty~~ one hundred thousand dollars per qualifying 9195  
residential property. 9196

(B) The director of development shall require all 9197  
applicants for a grant authorized by division (A) of this 9198  
section to agree, as part of the application, to all of the 9199  
following: 9200

(1) That grant funds shall ~~only~~ be used to pay the cost of 9201  
rehabilitation or construction of qualifying residential 9202  
property and all work will be completed according to all 9203  
applicable construction and design standards; ~~—~~. Up to two 9204  
thousand dollars of each grant may be used to fund the 9205  
qualifying financial literacy counseling required under division 9206  
(B) (6) of this section. If grant funds are spent to construct or 9207  
rehabilitate a qualifying residential property described in 9208  
division (A) (4) (b) of section 122.631 of the Revised Code, then 9209  
no portion of the funds shall be spent to construct or 9210  
rehabilitate portions of the building that are for 9211  
nonresidential uses, except for common areas used by the 9212  
occupants of the residential units and improvements that serve 9213  
both the residential units and the other portions of the 9214  
building. 9215

(2) That qualifying residential property on which grant 9216  
funds are spent shall be held until sold to an individual or 9217  
individuals who, inclusively: 9218

(a) Have annual income that is not more than the 9219  
qualifying median income; 9220

(b) Demonstrate the financial means to purchase the 9221

qualifying residential property; 9222

(c) Agree to maintain ownership of the qualifying residential property, occupy it as a primary residence, and not to rent any portion of the property to another individual for use as a dwelling, for at least ~~five~~three years following the date of purchase; 9223  
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(d) Agree not to sell the qualifying residential property, within ~~twenty~~fifteen years after the date of the sale, to any purchaser ~~except~~other than the electing subdivision, county land reutilization corporation, or qualified nonprofit developer or an individual or individuals who have annual income that is not more than the qualifying median income; 9228  
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(e) Agree to pay a penalty to the director of development for violation of the agreement required by division (B) (2) (c) of this section that, ~~subject to division (F) (2) of section 122.631 of the Revised Code,~~ equals ninety thousand dollarsthe amount of the grant attributable to the property, less ~~eighteen thousand dollars~~one-third of that amount multiplied by the number of full years the individual or individuals owned the property. 9234  
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(f) Agree that the director of development is a third-party beneficiary of the purchase agreement; 9241  
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(g) Agree to participate in the applicant's qualifying financial literacy program; 9243  
9244

(h) Agree to annually certify to the director of development ~~or the director's designee,~~ during the period described by division (B) (2) (c) of this section, that the individual or individuals own and occupy the qualifying residential property, and that no part of the property is being rented to another individual for use as a dwelling. 9245  
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(3) That qualifying residential property on which grant 9251  
funds are spent shall be sold for not more than ~~one~~ two hundred 9252  
~~eighty~~ twenty thousand dollars per property. 9253

(4) That qualifying residential property on which grant 9254  
funds are spent shall not be sold without a deed restriction 9255  
prohibiting the sale of the property to a person that is not the 9256  
electing subdivision, county land reutilization corporation, or 9257  
qualified nonprofit developer or an individual or individuals 9258  
who have annual income that is not more than the median income 9259  
for ~~twenty~~ fifteen years after the date of the property's first 9260  
transfer from the applicant following the use of grant funds~~;~~. 9261  
The deed restriction is a covenant running with the land and is 9262  
fully binding on subsequent purchasers of the property until it 9263  
expires on the fifteenth anniversary of the property's first 9264  
transfer from the applicant following the use of grant funds. 9265  
The electing subdivision, county land reutilization corporation, 9266  
or qualified nonprofit developer may include in the deed 9267  
restriction a right of first refusal to repurchase the property 9268  
for the purpose of ensuring that the property is ultimately sold 9269  
to an individual or individuals who have annual income that is 9270  
not more than the qualifying median income. 9271

(5) That the applicant shall repay all grant funds 9272  
expended on any expenses other than the construction or 9273  
rehabilitation of qualifying residential property or financial 9274  
literacy counseling required under division (B) (6) of this 9275  
section, or on qualifying residential property that is not sold 9276  
to an individual or individuals who meet the requirements 9277  
described in division (B) (2) of this section or that is sold 9278  
without the deed restriction described in division (B) (4) of 9279  
this section; 9280

(6) That the applicant shall provide financial qualifying 9281  
literacy counseling, over a minimum of ~~one year~~six months, 9282  
delivered by the qualifying counseling provider, to each 9283  
purchaser of qualifying residential property on which grant 9284  
funds are spent. An applicant may provide information regarding 9285  
its qualifying financial literacy program to the director of 9286  
development for review as part of the application or prior to 9287  
application; 9288

(7) That the applicant shall report to the department of 9289  
development the date when the qualifying residential property 9290  
that is the subject of the application is sold by the applicant. 9291

(8) That, if grant funds are received, the qualifying 9292  
residential property that is the subject of the application 9293  
shall not be the subject of an application for a tax credit 9294  
under section 122.633 of the Revised Code. 9295

(C) The director of development is granted authority and 9296  
standing to sue for the enforcement of a deed restriction 9297  
described in division (B) (4) of this section. 9298

(D) (1) The director may adopt rules in accordance with 9299  
Chapter 119. of the Revised Code as necessary to administer the 9300  
grant program. Such rules may include the following: 9301

(a) Application forms, deadlines, and procedures; 9302

(b) Criteria for evaluating and prioritizing applications; 9303

(c) Guidelines for promoting an even geographic 9304  
distribution of grants throughout the state; 9305

(d) Guidelines to determine the value of qualifying 9306  
residential property located in a building with other uses and 9307  
the total value of that building. 9308

(2) Any grants repaid under this section shall be credited 9309  
to the welcome home Ohio fund. 9310

(3) An electing subdivision, a county land reutilization 9311  
corporation, or a qualified nonprofit developer shall use all 9312  
profits derived from the sale of qualifying residential property 9313  
on which grant funds are spent, including profits derived from 9314  
the resale of such property to a subsequent purchaser, for the 9315  
electing subdivision's or county land reutilization 9316  
corporation's land reutilization program or the qualified 9317  
nonprofit developer's housing program. 9318

**Sec. 122.633.** (A) As used in this section, "eligible 9319  
developer" means any of the following: 9320

(1) A nonprofit corporation, as defined in section 1702.01 9321  
of the Revised Code, based in this state with a primary activity 9322  
of the development and preservation of affordable housing; 9323

(2) A limited partnership or domestic limited partnership, 9324  
as defined in section 1782.01 of the Revised Code, in which a 9325  
general partner is a nonprofit corporation based in this state, 9326  
a primary activity of which is the development and preservation 9327  
of affordable housing; 9328

(3) A limited liability company, as defined in section 9329  
1706.01 of the Revised Code, in which the manager is a nonprofit 9330  
corporation based in this state, a primary activity of which is 9331  
the development and preservation of affordable housing; 9332

(4) A community improvement corporation, as defined in 9333  
section 1724.01 of the Revised Code, or a community urban 9334  
redevelopment corporation, as defined in section 1728.01 of the 9335  
Revised Code. 9336

(B) An electing subdivision or eligible developer that 9337

rehabilitates or constructs a unit of qualifying residential 9338  
property and sells the property to an individual or individuals 9339  
for the individual's or individuals' occupancy may apply to the 9340  
director of development for a nonrefundable credit against the 9341  
tax levied under section 5726.02 or 5747.02 of the Revised Code, 9342  
provided the rehabilitation or construction and the sale comply 9343  
with division (C) of this section. The credit application shall 9344  
be made on forms prescribed by the director. The credit shall 9345  
equal ninety thousand dollars or ~~one-third~~ ninety per cent of 9346  
the cost to rehabilitate or construct the property, whichever is 9347  
less. 9348

(C) An ~~application~~ applicant for a credit authorized by 9349  
division ~~(C)~~ (B) of this section shall certify all of the 9350  
following: 9351

(1) That the rehabilitation or construction of qualifying 9352  
residential property that is the subject of the application was 9353  
completed according to all applicable construction and design 9354  
standards; 9355

(2) That each qualifying residential property that is the 9356  
subject of the application was sold to an individual or 9357  
individuals who have annual income that is not more than the 9358  
qualifying median income, and demonstrated the financial means 9359  
to purchase the qualifying residential property, ~~and agreed to~~ 9360  
~~all of the following in the purchase agreement: ;~~ 9361

~~(a) To maintain~~ (3) That the applicant will pay a penalty 9362  
to the director of development if the individual or individuals 9363  
who purchased the qualifying residential property that is the 9364  
subject of the application, or subsequent purchasers of that 9365  
property, do any of the following: 9366

(a) Fail to maintain ownership of the qualifying residential property, or occupy it as a primary residence, and not to rent for at least three years following the date of purchase; 9367  
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(b) Rent any portion of the property to another individual for use as a dwelling, for at least five within three years following the date of purchase; 9371  
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~~(b) Not to sell~~ (c) Sell the qualifying residential property to a purchaser other than the applicant or an individual or individuals who have annual income that is no more than the qualifying median income for at least within twenty years after the date of purchase;. 9374  
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~~(e) To pay a~~ The penalty to the director of development for violation of the agreement required by division (C) (2) (a) of this section that, subject to division (F) (3) of section 122.631 of the Revised Code, equals shall equal the total amount of the tax credit authorized by this section and attributable to the qualifying residential property purchased by the individual, reduced by twenty per cent one-twentieth of that amount for each full year the individual or individuals owned the property; the purchasers met the requirements of this section following the date the applicant initially sold the property. 9379  
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The director of development may waive a penalty otherwise required by division (C) (3) of this section if the purchaser or purchasers failed to maintain ownership or occupancy as a primary residence due to hardship. Such hardship may be caused by divorce, disability, illness, loss of income, or other occurrence, and must be supported by documentation suitable to the director. 9389  
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~~(d) That the director of development is a third party~~ 9396  
~~beneficiary of the purchase agreement;~~ 9397

~~(e) To participate in the applicant's financial literacy~~ 9398  
~~program;~~ 9399

~~(f) Agree to annually~~ (3) That the applicant will certify 9400  
to the director of development ~~or the director's designee, upon~~ 9401  
the request of the director anytime during the period described 9402  
by ~~division (C) (2) (a)~~ divisions (C) (3) (a) and (b) of this 9403  
section, that the individual or individuals who purchased the 9404  
qualifying residential property that is the subject of the 9405  
application still own and occupy the qualifying residential 9406  
property, and that no part of the property is being rented to 9407  
another individual for use as a dwelling. 9408

~~(3)~~ (4) That the qualifying residential property that is 9409  
the subject of the application was sold for not more than ~~one~~ 9410  
two hundred eighty-two thousand dollars; 9411

~~(4)~~ (5) That the applicant has in its possession an 9412  
executed restrictive covenant for the qualifying residential 9413  
property that is the subject of the application ~~was transferred~~ 9414  
~~with a deed restriction prohibiting,~~ conditional and to be 9415  
recorded upon the award of a tax credit authorized by division 9416  
(B) of this section, that does both of the following: 9417

(a) Prohibits the sale of the property to a person other 9418  
than the applicant or an individual or individuals who have 9419  
annual income that is not more than the qualifying median income 9420  
for at least twenty years after the date of transfer; 9421

(b) Names the director of development as a third party 9422  
beneficiary of the covenant. 9423

~~(5)~~ (6) That the applicant provides a minimum of ~~one year~~ 9424

six months of qualifying financial literacy counseling, 9425  
delivered by a qualifying counseling provider, to and each 9426  
purchaser of qualifying residential property that is the subject 9427  
of the application has completed the counseling. An applicant 9428  
may provide information regarding its qualifying financial 9429  
literacy program to the director of development for review as 9430  
part of the application or prior to application~~+~~. 9431

~~(6)(7)~~ That the applicant ~~shall report to the department~~ 9432  
~~of development the date when provided a no-interest loan,~~ 9433  
secured by a mortgage, to the purchaser of the qualifying 9434  
residential property that is the subject of the application ~~is~~ 9435  
~~sold by the applicant and the applicant will hold the note and~~ 9436  
mortgage until maturity. 9437

~~(7)(8)~~ That the qualifying residential property that is 9438  
the subject of the application was not rehabilitated or 9439  
constructed using grant funds received under section 122.632 of 9440  
the Revised Code. 9441

~~(D) The director of development is granted authority and~~ 9442  
~~standing to sue for the enforcement of a deed restriction~~ 9443  
~~described in division (C) (4) of this section.~~ 9444

~~(E)(1)~~ (D) (1) Subject to division ~~(E)(2)~~ (D) (2) of this 9445  
section, if the director determines that the applicant qualifies 9446  
for a credit under this section, the director shall issue a tax 9447  
credit certificate to the applicant identified with a unique 9448  
number and listing the amount of the credit that is eligible to 9449  
be transferred or claimed pursuant to division ~~(E)(3)~~ (D) (3) or 9450  
~~(F)~~ (G) of this section. 9451

(2) The total amount of tax credits issued by the director 9452  
under this section after the effective date of this amendment 9453

shall not exceed ~~twenty-five~~ twenty million dollars ~~in any~~ 9454  
~~fiscal year~~, and no tax credits shall be issued after June 30, 9455  
~~2025~~2027. 9456

(3) A person granted a certificate pursuant to division 9457  
~~(E) (1)~~ (D) (1) of this section may claim the credit against the 9458  
tax levied under section 5726.02 of the Revised Code or against 9459  
the person's aggregate tax liability under section 5747.02 of 9460  
the Revised Code for the taxable year in which the certificate 9461  
is issued. The taxpayer shall claim the credit in the order 9462  
prescribed by section 5726.98 or 5747.98 of the Revised Code, as 9463  
applicable. Any unused amount may be carried forward for the 9464  
following five taxable years. If the person is a pass-through 9465  
entity, any taxpayer that is a direct or indirect investor in 9466  
the pass-through entity on the last day of the entity's taxable 9467  
year may claim the taxpayer's proportionate or distributive 9468  
share of the credit against the taxpayer's aggregate amount of 9469  
tax levied under section 5747.02 of the Revised Code. 9470

A taxpayer claiming a credit under this section shall 9471  
submit a copy of the certificate with the taxpayer's return or 9472  
report. 9473

~~(F)~~ (E) An applicant awarded a tax credit under this 9474  
section may reacquire the qualifying residential property on 9475  
which the credit was based without paying the penalty described 9476  
in division (C) (3) of this section if all of the following 9477  
conditions are met: 9478

(1) The individual or individuals who purchased the 9479  
qualifying residential property do or intend to do any of the 9480  
following: 9481

(a) Default on the note and mortgage held by the 9482

<u>applicant;</u>	9483
<u>(b) Cease to own or occupy the property as a primary residence within three years following the date of purchase;</u>	9484
	9485
<u>(c) Rent any portion of the property to another individual for use as a dwelling within three years following the date of purchase;</u>	9486
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	9488
<u>(d) Sell the qualifying residential property to a person other than an individual or individuals with an annual income that is not more than the qualifying median income.</u>	9489
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	9491
<u>(2) The applicant retakes ownership of the qualified residential property through a purchase, deed in lieu of foreclosure, foreclosure, or other means that directly transfer the property to the applicant.</u>	9492
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<u>(3) The applicant does not use funds from the claim or sale of a tax credit under this section or awarded pursuant to section 122.632 of the Revised Code to prepare the property for resale.</u>	9496
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	9499
<u>(4) The applicant sells the qualified residential property to an individual or individuals who meet the requirements of division (C)(2) of this section within twelve months of the date the applicant retakes ownership of the property.</u>	9500
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<u>(5) The applicant continues to perform all acts the applicant certified pursuant to division (C) of this section as if the applicant had not retaken ownership of the qualified residential property until the date that is twenty years from the applicant's initial sale of that property.</u>	9504
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	9508
<u>(F) An eligible developer may apply for a tax credit authorized by this section for qualified residential property</u>	9509
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that was sold under any terms, whether contained in a purchase 9511  
agreement, mortgage documents, or deed, that do not conflict 9512  
with the requirements of this section. 9513

(G) A person granted a certificate pursuant to division 9514  
~~(E) (1)~~ (D) (1) of this section may transfer the right to claim 9515  
all or part of the credit reflected on the certificate to 9516  
another person. 9517

To effectuate the transfer, the transferor shall notify 9518  
the tax commissioner, in writing, that the transferor is 9519  
transferring the right to claim all or part of the remaining 9520  
credit stated on the certificate. The transferor shall identify 9521  
in that notification the certificate's number, the name and the 9522  
tax identification number of the transferee, the amount of the 9523  
remaining credit transferred to the transferee, and, if 9524  
applicable, the amount of remaining credit retained by the 9525  
transferor. 9526

The transferee may claim the amount of the credit received 9527  
under this division against the tax levied under section 5726.02 9528  
of the Revised Code or against the person's aggregate tax 9529  
liability under section 5747.02 of the Revised Code for the 9530  
taxable year in the same manner and for the same taxable years 9531  
as it may be claimed by a person under division ~~(E) (3)~~ (D) (3) of 9532  
this section. 9533

Any person to which a credit has been transferred under 9534  
this division may transfer the right to claim all or part of the 9535  
transferred credit amount to any other person, in the same 9536  
manner prescribed by this division for the initial transfer, 9537  
including that any such transfer be reported by the transferor 9538  
to the tax commissioner as described in this division. 9539

Transferring a credit under this division does not extend 9540  
the taxable years for which the credit may be claimed or number 9541  
of years for which the unclaimed credit amount may be carried 9542  
forward. 9543

~~(G)~~ (H) The director may adopt rules in accordance with 9544  
Chapter 119. of the Revised Code as necessary to administer the 9545  
tax credits authorized by this section. Such rules may include 9546  
the following: 9547

- (1) Application forms, deadlines, and procedures; 9548
- (2) Criteria for evaluating and prioritizing applications; 9549
- (3) Guidelines for promoting an even geographic 9550  
distribution of credits throughout the state. 9551

**Sec. 122.636.** (A) As used in this section: 9552

(1) "Major economic development project" means a project 9553  
in this state that is reasonably expected to create, retain, and 9554  
attract jobs or otherwise improve the economic well-being of the 9555  
area surrounding the project site and that meets either of the 9556  
following: 9557

(a) The project is reasonably expected to create at least 9558  
seven hundred new permanent jobs. 9559

(b) At least seven hundred million dollars in private 9560  
investments are committed to establish, expand, renovate, or 9561  
occupy a facility as part of a single project at a designated 9562  
project site, including investment in new buildings, additions 9563  
or improvements to existing buildings, machinery, equipment, 9564  
furniture, fixtures, and inventory. 9565

(2) "Major workforce housing project" means a project that 9566  
reserves at least one hundred units, designed for residential 9567

<u>occupancy by at least one hundred individuals or families living</u>	9568
<u>independently from each other.</u>	9569
<u>(3) "Pro-housing development policy" may include any of</u>	9570
<u>the following:</u>	9571
<u>(a) Having a process in place to increase the rate at</u>	9572
<u>which permits for housing developments are reviewed;</u>	9573
<u>(b) Having a pre-approval process in place for an</u>	9574
<u>expedited review of permits for a diverse range of housing</u>	9575
<u>developers;</u>	9576
<u>(c) Subsidizing or decreasing costs related to water or</u>	9577
<u>sewer connections and extensions for major workforce housing</u>	9578
<u>projects;</u>	9579
<u>(d) Acquiring and readying sites that are ready to be</u>	9580
<u>financed and built upon by developers;</u>	9581
<u>(e) Reducing or eliminating impact, inspection, and plan</u>	9582
<u>review fees for housing developers;</u>	9583
<u>(f) Adopting a zoning plan that includes promoting higher</u>	9584
<u>density, small lot size, and minimum setback requirements;</u>	9585
<u>(g) Developing a comprehensive plan that promotes diverse</u>	9586
<u>residential development options;</u>	9587
<u>(h) Having no or minimal parking requirements for</u>	9588
<u>developments that include residential units;</u>	9589
<u>(i) Conducting a traffic study, improving water or sewer</u>	9590
<u>infrastructure, improving roads, or permitting both rigid and</u>	9591
<u>flexible pavement types;</u>	9592
<u>(j) Developing partnerships to expand the provision of</u>	9593
<u>sewer and water services to new areas;</u>	9594

(k) Promoting the use of non-traditional building structures such as modular or manufactured homes. 9595  
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(4) "Residential economic development district" means all parcels of land within a twenty-mile radius of a major economic development project. 9597  
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(B) A county, township, or municipal corporation that is fully or partially located within a residential economic development district may apply for a grant under this section in the form and manner prescribed by the department of development. The county, township, or municipal corporation may submit the application independently or in collaboration with a housing developer, port authority, council of government, regional planning commission, or one or more other counties, townships, or municipal corporations. The application shall, at minimum, include documentation or other evidence that proves, to the satisfaction of the department, that the applicant has done or has imminent plans to do both of the following within the district: 9600  
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(1) Adopt and implement pro-housing development policies; 9613

(2) Approve a major workforce housing project. 9614

(C) (1) The department shall review applications and award grants under this section on a rolling basis, to the extent that funds are available. 9615  
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(2) The department shall evaluate applications and determine the amount of each grant awarded in accordance with scoring metrics that include all of the following: 9618  
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(a) Density, with more points awarded to projects that have more units per acre, starting at two units per acre; 9621  
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(b) Lot size, with more points awarded to projects that 9623  
have smaller lot sizes, starting with an average of seven 9624  
thousand five hundred square feet; 9625

(c) Side yard setbacks, with more points awarded to 9626  
projects that have smaller setback requirements, starting with 9627  
six feet; 9628

(d) Open space requirements, with more points awarded to 9629  
projects that have lesser open space requirements, starting with 9630  
twenty-five per cent of gross acreage; 9631

(e) Inspection, plan, impact, or water and sewer tap fee 9632  
reductions, with more points awarded for lower or no fees; 9633

(f) Use of water pipe type, with more points awarded for 9634  
allowing polyvinyl chloride as opposed to ductile iron; 9635

(g) Use of rigid and flexible pavement types, with more 9636  
points awarded for allowing both; 9637

(h) Traffic studies and thoroughfare plans, with more 9638  
points awarded for applicants that seek to use funds for those 9639  
purposes and have demonstrated success in completing such 9640  
studies or plans for a major workforce housing project; 9641

(i) Sanitary sewer or water extensions, with more points 9642  
awarded for applicants that seek to use funds for those purposes 9643  
as related to the major workforce housing project. 9644

(3) The department shall give preference to applicants 9645  
that adopt more pro-housing development policies in terms of 9646  
both quantity and impact. 9647

(D) If a county, township, or municipal corporation is 9648  
approved for a grant under this section based on imminent plans 9649  
to adopt and implement pro-housing development policies and 9650

approve a major workforce housing project, the department shall 9651  
confirm that the county, township, or municipal corporation 9652  
follows through with those plans, as described in the grant 9653  
application, before disbursing grant funds. A grant recipient 9654  
shall use the funds only for the following purposes: 9655

(1) Providing capital for housing development through 9656  
grants or loans; 9657

(2) Acquiring and readying sites for development; 9658

(3) Providing financial assistance for housing-related 9659  
infrastructure projects including road improvements and water or 9660  
sewer connections; 9661

(4) Addressing additional service or public safety needs 9662  
due to increases in population; 9663

(5) Any other purpose deemed appropriate by the director 9664  
of development. 9665

(E) The director of development shall adopt rules in 9666  
accordance with Chapter 119. of the Revised Code to implement 9667  
and administer this section. The rules shall address application 9668  
procedures, scoring metrics, grant distribution, and state model 9669  
zoning plans that include density, lot size, and setback 9670  
preferences. The director shall finalize and publish the initial 9671  
application procedures and scoring metrics to the department's 9672  
web site no later than December 31, 2025. 9673

(F) The general assembly, in enacting this section, hereby 9674  
declares its intent to encourage major workforce housing 9675  
projects in areas of the state that otherwise would not attract 9676  
such developments and to increase home ownership among Ohioans. 9677

**Sec. 122.6510.** (A) As used in this section, "federal act" 9678

means the "Small Business Liability Relief and Brownfields Revitalization Act," 115 Stat. 2356 (2002), 42 U.S.C. 9601 and 9604.

(B) There is hereby created in the state treasury the Brownfields Revolving Loan Fund. The Fund shall consist of all moneys received by the state from repayments of loans made under the terms of the federal act, and any other money transferred to the Fund. The Fund may be used to make grants and loans by the Director of Development ~~Services. All investment earnings of the Fund shall be credited to the Fund.~~

(C) The Director shall administer moneys received into the Fund and comply with all requirements imposed by the federal act in administering the funds.

(D) The Director may establish a schedule of fees and charges payable by loan recipients to the Director for the administration of this section.

**Sec. 122.6511.** (A) As used in this section and section 122.6512 of the Revised Code:

(1) "Brownfield" means an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum.

(2) "Lead entity" means a county, township, municipal corporation, port authority, conservancy district, park district or other similar park authority, county land reutilization corporation, or organization for profit.

(3) "Remediation" means any action to contain, remove, or dispose of hazardous substances or petroleum at a brownfield. "Remediation" includes the acquisition of a brownfield,

demolition performed at a brownfield, and the installation or 9708  
upgrade of the minimum amount of infrastructure that is 9709  
necessary to make a brownfield operational for economic 9710  
development activity. "Remediation" also includes demolition and 9711  
infrastructure development costs associated with a planned 9712  
economic development project when a lead entity is an 9713  
organization for profit, the organization for profit did not 9714  
cause the environmental contamination at the brownfield, and the 9715  
planned economic development project at the brownfield exists at 9716  
the time of submission of the application for a grant under this 9717  
section. 9718

(4) "County land reutilization corporation" has the same 9719  
meaning as in section 1724.01 of the Revised Code. 9720

(5) "Demolition and infrastructure development costs" 9721  
means demolition costs and costs associated with constructing, 9722  
upgrading, or extending infrastructure necessary to make a 9723  
brownfield operational for a planned economic development 9724  
project, including any other investment in the brownfield. 9725

(6) "Planned economic development project" means a 9726  
project, which may include a priority investment area eligible 9727  
project, to be developed at a brownfield where an organization 9728  
for profit demonstrates all of the following: 9729

(a) Site control; 9730

(b) A plan for the development of the brownfield; 9731

(c) Documented support for the planned economic 9732  
development project of the municipal corporation or township in 9733  
which the brownfield is located. 9734

(7) "Site control" means holding fee simple title or a 9735  
leasehold interest in a brownfield or being in contract to 9736

<u>acquire a brownfield.</u>	9737
<del>(5)</del> (8) "Priority investment area eligible project" means	9738
some or all of the following activities necessary or conducive	9739
for generating, transporting, storing, or transmitting	9740
electricity at the site of a brownfield or former coal mine	9741
located in a priority investment area designated under section	9742
122.161 of the Revised Code:	9743
(a) Environmental or cultural resource site assessments;	9744
(b) The monitoring, remediation, cleanup, or containment	9745
of land to remove any condition or substance regulated by state	9746
or federal environmental laws or regulations, including	9747
hazardous substances, hazardous wastes, solid wastes, or	9748
petroleum;	9749
(c) The demolition and removal of existing structures,	9750
grading, or other site work necessary to make a site or certain	9751
real property that includes a brownfield or former coal mine	9752
usable for economic development;	9753
(d) The development of a remediation and reuse plan;	9754
(e) The development or operation of a site for energy	9755
generation or battery storage.	9756
(B) (1) There is hereby created the brownfield remediation	9757
program to award grants for priority investment area eligible	9758
projects and the remediation of brownfield sites throughout	9759
Ohio. The program shall be administered by the director of	9760
development pursuant to this section and rules adopted pursuant	9761
to division (B) (2) of this section.	9762
(2) The director shall adopt rules, under Chapter 119. of	9763
the Revised Code, for the administration of the program. The	9764

rules shall include provisions for determining project and 9765  
project sponsor eligibility, program administration, and any 9766  
other provisions the director finds necessary. 9767

(3) The director shall not award a grant exceeding ten 9768  
million dollars to a priority investment area eligible project. 9769  
Grants for such projects may not be used for the construction or 9770  
operation of electric generating infrastructure. 9771

(C) (1) There is hereby created in the state treasury the 9772  
brownfield remediation fund. The fund shall consist of moneys 9773  
appropriated to it by the general assembly, ~~and investment~~ 9774  
~~earnings on moneys in the fund shall be credited to the fund.~~ 9775

The director shall reserve funds from each appropriation 9776  
to the fund to each county in the state. The amount reserved 9777  
shall be one million dollars per county, or, if an appropriation 9778  
is less than eighty-eight million dollars, a proportionate 9779  
amount to each county. Amounts reserved pursuant to this section 9780  
are reserved for one calendar year from the date of the 9781  
appropriation. After one calendar year, the funds shall be 9782  
available pursuant to division (D) of this section. 9783

~~(2) A (2) (a) Except as provided in division (C) (2) (b) of~~ 9784  
~~this section, a lead entity may submit an initial a grant~~ 9785  
application for the use of funds reserved under division (C) (1) 9786  
of this section for a planned economic development project to 9787  
the director. ~~The lead entity may later submit an amended~~ 9788  
~~application to the director, and the director may accept and~~ 9789  
~~approve that application for use of funds up to the amount~~ 9790  
~~reserved for that county.~~ 9791

(b) For fiscal year 2026, a lead entity may submit a grant 9792  
application for the use of funds reserved under division (C) (1) 9793

of this section for any remediation project. 9794

(D) Funds from an appropriation not reserved under 9795  
division (C) (1) of this section shall be available for grants to 9796  
projects located anywhere in the state, and grants from those 9797  
funds shall be awarded ~~to qualifying projects on a first-come,~~ 9798  
~~first-served basis~~ on a case by case basis. In making the award 9799  
determination, the director shall evaluate the economic merit of 9800  
the project to the county, surrounding counties, and state. The 9801  
director also shall ensure that projects awarded are in 9802  
different regions of the state. 9803

(E) ~~The~~ Except as provided in division (C) (2) (b) of this 9804  
section, the amendments to this section by H.B. 315 of the 135th 9805  
~~general assembly~~ this act apply to new planned economic 9806  
development projects that are applied for and awarded funding by 9807  
the director of development on and after July 1, 2025 ~~the~~ 9808  
effective date of this amendment. Projects that are applied for 9809  
or were applied for under this section prior to July 1, 2025, 9810  
shall be governed by this section as it existed prior to July 1, 9811  
2025. 9812

**Sec. 122.6512.** (A) (1) There is hereby created the building 9813  
demolition and site revitalization program to award grants for 9814  
the demolition of commercial and residential buildings and 9815  
revitalization of surrounding properties on sites that are not 9816  
brownfields. The program shall be administered by the director 9817  
of development pursuant to this section and rules adopted 9818  
pursuant to division (A) (2) of this section. 9819

(2) The director shall adopt rules, under Chapter 119. of 9820  
the Revised Code, for the administration of the program. The 9821  
rules shall include provisions for determining project and 9822  
project sponsor eligibility, program administration, and any 9823

other provisions the director finds necessary. 9824

(3) The director shall ensure that the program is 9825  
operational and accepting proposals for grants not later than 9826  
ninety days after September 30, 2021. 9827

(4) To streamline funding through the program, each county 9828  
shall have one lead entity designated in accordance with the 9829  
following: 9830

(a) If the county has a population of less than one 9831  
hundred thousand according to the most recent federal decennial 9832  
census, the director shall select the lead entity from a list of 9833  
recommendations made by the board of county commissioners of the 9834  
county. The board shall submit a lead entity letter of intent 9835  
and any other documentation required by the director in order 9836  
for the director to select a lead entity for that county. 9837

(b) If the county has a population of one hundred thousand 9838  
or more according to the most recent federal decennial census 9839  
and the county does not have a county land reutilization 9840  
corporation, the director shall select the lead entity from a 9841  
list of recommendations made by the board of county 9842  
commissioners of the county. The board shall submit a lead 9843  
entity letter of intent and any other documentation required by 9844  
the director in order for the director to select a lead entity 9845  
for that county. 9846

(c) If the county has a population of one hundred thousand 9847  
or more according to the most recent federal decennial census 9848  
and the county has a county land reutilization corporation, the 9849  
county land reutilization corporation is the lead entity for 9850  
that county. 9851

(5) The lead entity of each county shall submit all grant 9852

applications for that county. The lead entity shall submit with 9853  
a grant application any agreements executed between the lead 9854  
entity with other recipients that will receive grant money 9855  
through the lead entity, if applicable. Such recipients may 9856  
include local governments, nonprofit organizations, community 9857  
development corporations, regional planning commissions, county 9858  
land reutilization corporations, and community action agencies. 9859

(B) (1) There is hereby created in the state treasury the 9860  
building demolition and site revitalization fund. The fund shall 9861  
consist of moneys appropriated to it by the general assembly, 9862  
~~and investment earnings on moneys in the fund shall be credited~~ 9863  
~~to the fund.~~ 9864

(2) The director shall reserve funds from each 9865  
appropriation to the fund to each county in the state. The 9866  
amount reserved shall be five hundred thousand dollars per 9867  
county, or, if an appropriation is less than forty-four million 9868  
dollars, a proportionate amount to each county. Amounts reserved 9869  
pursuant to this section are reserved for one calendar year from 9870  
the date of the appropriation. After one calendar year, the 9871  
funds shall be available pursuant to division (B) (3) of this 9872  
section. 9873

(3) Funds from an appropriation not reserved under 9874  
division (B) (2) of this section shall be available for grants to 9875  
projects located anywhere in the state, and grants from those 9876  
funds shall be awarded to qualifying projects on a first-come, 9877  
first-served basis. Grants awarded pursuant to this division 9878  
shall be limited to seventy-five per cent of a project's total 9879  
cost. 9880

**Sec. 122.84.** (A) As used in this section: 9881

(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds one hundred per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during all of the qualified opportunity fund's holding period for such stock or interest, all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone. In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during all of the fund's holding period for such property, all of the use of the property was in an Ohio opportunity zone.

All terms used in division (A) of this section have the same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be substituted for "substantially all" wherever "substantially all" appears in the definition of those terms or in the definition of terms used in those terms.

(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1 before, on, or after, October 17, 2019, the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly.

(3) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(4) "Investment period" means the six-month period from 9911  
the first day of January to the thirtieth day of June, or from 9912  
the first day of July to the thirty-first day of December. 9913

(5) "Investment" means money from any source other than 9914  
grant funds that is invested to improve property located in an 9915  
Ohio opportunity zone with the expectation of receiving a 9916  
profit. 9917

(B) A person that invests in one or more Ohio qualified 9918  
opportunity funds may apply to the director of development for a 9919  
nonrefundable credit against the tax levied under section 9920  
5725.18, 5726.02, 5729.03, or 5747.02 of the Revised Code. The 9921  
application shall be made on forms prescribed by the director. 9922  
The director shall accept and review applications submitted 9923  
under this section during two annual periods, the first of which 9924  
begins on the tenth day of January and ends ~~after the first day~~ 9925  
~~of February~~ on the seventeenth day of January, and the second of 9926  
which begins on the tenth day of July and ends ~~after the first~~ 9927  
~~day of August~~ on the seventeenth day of July. If any of those 9928  
dates fall on a day that is not a business day, then the 9929  
application period begins on or ends after the next business 9930  
day, as applicable. The credit shall equal ten per cent of the 9931  
amount of the person's investment in the fund that the fund 9932  
invested during the immediately preceding investment period in 9933  
projects located in Ohio opportunity zones. 9934

The person shall include the following information with 9935  
the person's application: 9936

(1) The amount of the person's investment in Ohio 9937  
qualified opportunity funds, arranged according to the amount 9938  
invested in each such fund if the person invested in more than 9939  
one such fund; 9940

(2) A statement from an employee or officer of each Ohio 9941  
qualified opportunity fund identified by the person under 9942  
division (B) (1) of this section certifying the amount of the 9943  
person's investment in the fund and the amount of that 9944  
investment the fund invested in projects located in Ohio 9945  
opportunity zones during the immediately preceding investment 9946  
period. The statement shall describe each project funded by the 9947  
investment and state each project's location and the portion of 9948  
the person's investment invested in each such project. Unless 9949  
the fund demonstrates otherwise to the director's satisfaction, 9950  
the amount of a person's investment that the fund invested in a 9951  
project located in an Ohio opportunity zone equals the same 9952  
proportion of the amount of the fund's investment in the project 9953  
as the person's investment in the fund bears to the total 9954  
investment by all investors in that fund on the date the fund 9955  
makes the investment in the project. 9956

The director shall review and process applications in the 9957  
order in which applications are received. 9958

(C) (1) Subject to division (C) (2) of this section, if the 9959  
director determines that the applicant qualifies for a credit 9960  
under this section, the director shall issue, within sixty days 9961  
after the last day on which an application may be submitted for 9962  
that application period, a tax credit certificate to the person 9963  
identified with a unique number and listing the amount of credit 9964  
the director determines is eligible to be claimed or 9965  
transferred.— 9966

(2) The total amount of tax credits issued by the director 9967  
shall not exceed: 9968

~~(a) Seventy-five million dollars for the fiscal biennium 9969  
beginning July 1, 2021, and ending June 30, 2023; 9970~~

~~(b) Fifty fifty million dollars for each of fiscal year~~ 9971  
~~2024;~~ 9972

~~(c) Twenty-five million dollars for each fiscal year~~ 9973  
~~thereafter~~ years 2026 and 2027. The director shall not issue any 9974  
dollar amount of new tax credits under this section in any 9975  
fiscal year after fiscal year 2027 unless specifically 9976  
authorized by an act of the general assembly. 9977

If the tax credits issued in the first year of the fiscal 9978  
biennium are less than the maximum allowed, the excess shall be 9979  
carried forward to the second year of the fiscal biennium. 9980

The director shall not issue certificates to a single 9981  
applicant in any fiscal biennium in an amount that exceeds two 9982  
million dollars. 9983

The director shall not issue certificates that exceed five 9984  
million dollars on the basis of the same project located in an 9985  
Ohio opportunity zone. 9986

The director may not issue a certificate under this 9987  
section on the basis of any investment for which a small 9988  
business investment certificate has been issued under section 9989  
122.86 of the Revised Code. 9990

(3) The credit may be claimed by a person under section 9991  
5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as 9992  
applicable. A person that is not subject to taxation under 9993  
section 5725.18, 5726.02, 5729.03, or 5747.02 of the Revised 9994  
Code shall not claim the credit but if the person is the 9995  
applicant to which the certificate was initially issued, the 9996  
person may transfer the right to claim the credit under division 9997  
(D) of this section. 9998

(D) A taxpayer claiming a credit under this section shall 9999

submit a copy of the certificate with the taxpayer's return or report. 10000  
10001

(E) A person that holds a wholly or partially unclaimed certificate issued under this section may transfer the right to claim all or part of the remaining credit to any other person. To effectuate the transfer, the transferor must notify the tax commissioner, in writing, that the transferor is transferring the right to claim all or part of the remaining credit stated on the certificate. The transferor shall identify in that notification the certificate's number, the name and the tax identification number of the transferee, the amount of remaining credit transferred to the transferee, and, if applicable, the amount of remaining credit retained by the transferor. The transferee may claim the amount of credit received under this division pursuant to and in the manner required under divisions (C) (3) and (D) of this section. Transferring a credit under this division does not extend the taxable year or calendar year for which the credit may be claimed or number of years for which the unclaimed credit amount may be carried forward under section 5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as applicable. 10002  
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Any person to which a credit has been transferred under this division may transfer the right to claim all or part of the transferred credit amount to any other person, in the same manner prescribed by this division for the initial transfer, including that any such transfer be reported by the transferor to the tax commissioner as described in this division. 10021  
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(F) On or before the first day of August each year, the director of development shall submit a report to the governor, the president and minority leader of the senate, and the speaker 10027  
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10029

and minority leader of the house of representatives on the tax 10030  
credit program authorized under this section. The report shall 10031  
include the following information: 10032

(1) The number of projects funded by investments for which 10033  
a tax credit application was submitted under this section during 10034  
the preceding year, the Ohio opportunity zone in which each such 10035  
project is located, the number of projects funded by investments 10036  
for which certificates were allocated during the preceding year, 10037  
a description of each such project, and the composition of an 10038  
Ohio qualified opportunity fund's investments in each project 10039  
funded by investments for which a tax credit application was 10040  
submitted under this section; 10041

(2) The number of persons that invested in an Ohio 10042  
qualified opportunity fund and applied for a tax credit based on 10043  
the fund's investment in a project during the preceding year, 10044  
the name of the fund in which each such investment was made, the 10045  
number of persons allocated a credit for such investments under 10046  
this section, and the dollar amount of those credits; 10047

(3) A map that shows the location of each Ohio opportunity 10048  
zone and that indicates which zones include existing or pending 10049  
projects that are, or will be, funded by tax credit-eligible 10050  
investments. 10051

**Sec. 122.85.** (A) As used in this section and in sections 10052  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 10053

(1) "Tax credit-eligible production" means a motion 10054  
picture or Broadway theatrical production certified by the 10055  
director of development under division (B) of this section as 10056  
qualifying ~~the production a~~ company for a tax credit under 10057  
section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised 10058

Code.	10059
(2) "Certificate owner" means a <u>production-qualifying</u>	10060
company to which a tax credit certificate is issued.	10061
(3) " <del>Production-Qualifying</del> company" means an individual,	10062
corporation, partnership, limited liability company, or other	10063
form of business association that is registered with the	10064
secretary of state and that is producing a motion picture or	10065
<u>producing or presenting</u> Broadway theatrical production.	10066
(4) "Eligible expenditures" means expenditures made after	10067
June 30, 2009, for goods or services purchased and consumed in	10068
this state by a <u>production-qualifying</u> company directly for the	10069
<u>production or presentation</u> of a tax credit-eligible production,	10070
for postproduction activities, or for advertising and promotion	10071
of the production.	10072
<del>"Eligible expenditures" do not include qualified-</del>	10073
<del>expenditures for which a production company receives a tax-</del>	10074
<del>credit under section 122.852 of the Revised Code.</del>	10075
"Eligible expenditures" include expenditures for cast and	10076
crew wages, accommodations, costs of set construction and	10077
operations, editing and related services, photography, sound	10078
synchronization, lighting, wardrobe, makeup and accessories,	10079
film processing, transfer, sound mixing, special and visual	10080
effects, music, location fees, and the purchase or rental of	10081
facilities and equipment.	10082
(5) "Motion picture" means entertainment content created	10083
in whole or in part within this state for distribution or	10084
exhibition to the general public, including, but not limited to,	10085
feature-length films; documentaries; long-form, specials,	10086
miniseries, series, and interstitial television programming;	10087

interactive web sites; sound recordings; videos; music videos; 10088  
interactive television; interactive games; video games; 10089  
commercials; any format of digital media; and any trailer, 10090  
pilot, video teaser, or demo created primarily to stimulate the 10091  
sale, marketing, promotion, or exploitation of future investment 10092  
in either a product or a motion picture by any means and media 10093  
in any digital media format, film, or videotape, provided the 10094  
motion picture qualifies as a motion picture. "Motion picture" 10095  
does not include any television program created primarily as 10096  
news, weather, or financial market reports, a production 10097  
featuring current events or sporting events, an awards show or 10098  
other gala event, a production whose sole purpose is 10099  
fundraising, a long-form production that primarily markets a 10100  
product or service or in-house corporate advertising or other 10101  
similar productions, a production for purposes of political 10102  
advocacy, or any production for which records are required to be 10103  
maintained under 18 U.S.C. 2257 with respect to sexually 10104  
explicit content. 10105

(6) "Broadway theatrical production" means a prebroadway 10106  
production, long run production, or tour launch that is 10107  
directed, managed, and performed by a professional cast and crew 10108  
and that is directly associated with New York city's Broadway 10109  
theater district. 10110

(7) "Prebroadway production" means a live stage production 10111  
that is scheduled for presentation in New York city's Broadway 10112  
theater district after the original or adaptive version is 10113  
performed in a qualified production facility. 10114

(8) "Long run production" means a live stage production 10115  
that is scheduled to be performed at a qualified production 10116  
facility for more than five weeks, with an average of at least 10117

six performances per week. 10118

(9) "Tour launch" means a live stage production for which 10119  
the activities comprising the technical period are conducted at 10120  
a qualified production facility before a tour of the original or 10121  
adaptive version of the production begins. 10122

(10) "Qualified production facility" means a facility 10123  
located in this state that is used in the development or 10124  
presentation to the public of theater productions. 10125

(11) "Investment intent letter" means a letter that 10126  
satisfies all of the following: 10127

(a) Is executed on official letterhead of the production 10128  
company, investor, or investment entity; 10129

(b) Clearly states the amount of investment being 10130  
committed; 10131

(c) Specifies the date on which the investment is to be 10132  
made available; 10133

(d) Identifies the motion picture or Broadway theatrical 10134  
production to which the funds are allocated. 10135

(B) For the purpose of encouraging and developing strong 10136  
film and theater industries in this state, the director of 10137  
development may certify a motion picture or Broadway theatrical 10138  
production produced by a ~~production-qualifying~~ company as a tax 10139  
credit-eligible production. In the case of a television series, 10140  
the director may certify the production of each episode of the 10141  
series as a separate tax credit-eligible production. A 10142  
~~production-qualifying~~ company shall apply for certification of a 10143  
motion picture or Broadway theatrical production as a tax 10144  
credit-eligible production on a form and in the manner 10145

prescribed by the director. Each application shall include the	10146
following information:	10147
(1) The name and telephone number of the <del>production</del>	10148
<u>qualifying company</u> ;	10149
(2) The name and telephone number of the company's contact	10150
person;	10151
(3) A list of the first preproduction date through the	10152
last production and postproduction dates in Ohio and, in the	10153
case of a Broadway theatrical production, a list of each	10154
scheduled performance in a qualified production facility;	10155
(4) The Ohio production office or qualified production	10156
facility address and telephone number;	10157
(5) The total production budget;	10158
(6) The total budgeted eligible expenditures and the	10159
percentage that amount is of the total production budget of the	10160
motion picture or Broadway theatrical production;	10161
(7) In the case of a motion picture, the total percentage	10162
of the production being shot in Ohio;	10163
(8) The level of employment of cast and crew who reside in	10164
Ohio;	10165
(9) A synopsis of the script;	10166
(10) In the case of a motion picture, the shooting script;	10167
(11) A creative elements list that includes the names of	10168
the principal cast and crew and the producer and director;	10169
(12) Documentation of financial ability to undertake and	10170
complete the motion picture or Broadway theatrical production,	10171
including documentation that shows that the company has secured	10172

funding equal to at least fifty per cent of the total production budget, which may be in the form of an investment intent letter; 10173  
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(13) Estimated value of the tax credit based upon total budgeted eligible expenditures; 10175  
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(14) Estimated amount of state and local taxes to be generated in this state from the production; 10177  
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(15) Estimated economic impact of the production in this state; 10179  
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(16) Any other information considered necessary by the director. 10181  
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Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the ~~production-qualifying~~ company shall present to the director sufficient evidence of reviewable progress. If the ~~production~~ company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or Broadway theatrical production does not begin within ninety days after the date it is certified as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the ~~production-~~ company shows good cause for the delay, meaning that the production was delayed due to unforeseeable circumstances beyond the ~~production~~ company's control or due to action or inaction by a government agency. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification. 10183  
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(C) (1) A ~~production-qualifying~~ company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production may apply to the director of development on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

The credit is determined as follows:

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

(b) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit equals thirty per cent of the least of such budgeted or actual eligible expenditure amounts.

(2) Except as provided in division (C) (4) of this section, if the director of development approves a ~~production-qualifying~~ company's application for a credit, the director shall issue a tax credit certificate to the company. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and

shall record the certificate in a register devised and 10232  
maintained by the director for that purpose. The certificate 10233  
shall state the amount of the eligible expenditures on which the 10234  
credit is based and the amount of the credit. Upon the issuance 10235  
of a certificate, the director shall certify to the tax 10236  
commissioner the name of the ~~production~~-qualifying company to 10237  
which the certificate was issued, the amount of eligible 10238  
expenditures shown on the certificate, the amount of the credit, 10239  
and any other information required by the rules adopted to 10240  
administer this section. 10241

(3) The amount of eligible expenditures for which a tax 10242  
credit may be claimed is subject to inspection and examination 10243  
by the tax commissioner or employees of the commissioner under 10244  
section 5703.19 of the Revised Code and any other applicable 10245  
law. Once the eligible expenditures are finally determined under 10246  
section 5703.19 of the Revised Code and division (D) of this 10247  
section, the credit amount is not subject to adjustment unless 10248  
the director determines an error was committed in the 10249  
computation of the credit amount. 10250

(4) No tax credit certificate may be issued before the 10251  
completion of the tax credit-eligible production. The amount of 10252  
tax credit allowed per fiscal year, through fiscal year 2027, 10253  
shall not exceed the sum of ~~(a) fifty million dollars, (b) the~~ 10254  
~~difference between the maximum credit amount for that fiscal~~ 10255  
~~year under section 122.852 of the Revised Code and the amount~~ 10256  
~~the director of development elects to allow under this section~~ 10257  
~~pursuant to division (D)(1) of section 122.852 of the Revised~~ 10258  
~~Code, and (c) the difference between the maximum amount of~~ 10259  
credits that could have been awarded in the previous fiscal year 10260  
under this section and the amount actually awarded. Out of that 10261  
sum, five million dollars shall be reserved for Broadway 10262

theatrical productions, and the balance may be allowed for any 10263  
tax credit-eligible production. For any fiscal year in which 10264  
less than five million dollars of tax credits are allowed for 10265  
broadway theatrical productions, the amount of the five million 10266  
dollars not allowed and added to the maximum annual amount for 10267  
the following fiscal year shall be reserved for Broadway 10268  
theatrical productions in the following fiscal year. No amount 10269  
of tax credit shall be allowed under this section after fiscal 10270  
year 2027 unless specifically authorized by an act of the 10271  
general assembly. 10272

(5) The director shall review and approve applications for 10273  
tax credits ~~in two rounds each fiscal year. The first round of~~ 10274  
~~credits shall be awarded not later than the last day of July of~~ 10275  
~~the fiscal year, and the second round of credits shall be~~ 10276  
~~awarded not later than the last day of the ensuing January. The~~ 10277  
~~amount of credits awarded in the first round of applications~~ 10278  
~~each fiscal year shall not exceed one-half of the maximum~~ 10279  
~~allowance for the fiscal year calculated under division (C) (4)~~ 10280  
~~of this section, two million five hundred thousand dollars of~~ 10281  
~~which shall be reserved for Broadway theatrical productions. For~~ 10282  
~~each round, the director shall rank applications on the basis of~~ 10283  
~~the extent of positive economic impact each tax credit-eligible~~ 10284  
~~production is likely to have in this state and the effect on~~ 10285  
~~developing a permanent workforce in motion picture or theatrical~~ 10286  
~~production industries in the state. For the purpose of such~~ 10287  
~~ranking, the~~ on a rolling basis. The director shall give 10288  
priority to tax-credit eligible productions that are television 10289  
series or miniseries due to the long-term commitment typically 10290  
associated with such productions. ~~The economic impact ranking~~ 10291  
~~shall be based on the production company's total expenditures in~~ 10292  
~~this state directly associated with the tax credit-eligible~~ 10293

~~production. The effect on developing a permanent workforce in the motion picture or theatrical production industries shall be evaluated first by the number of new jobs created and second by amount of payroll added with respect to employees in this state.~~ 10294  
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~~The director shall approve productions in the order of their ranking, from those with the greatest positive economic impact and workforce development effect to those with the least positive economic impact and workforce development effect.~~ 10298  
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(D) A ~~production~~ qualifying company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. If the director disallows an expenditure, the director shall issue a written notice to the ~~production~~ company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures for the purpose of computing the amount of the credit. 10302  
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(E) No credit shall be allowed under section 5726.55, 10323

5733.59, 5747.66, or 5751.54 of the Revised Code unless the 10324  
director has reviewed the report and made the determination 10325  
prescribed by division (D) of this section. 10326

(F) This state reserves the right to refuse the use of 10327  
this state's name in the credits of any tax credit-eligible 10328  
motion picture production or program of any Broadway theatrical 10329  
production. 10330

(G) (1) The director of development in consultation with 10331  
the tax commissioner shall adopt rules for the administration of 10332  
this section, including rules setting forth and governing the 10333  
criteria for determining whether a motion picture or Broadway 10334  
theatrical production is a tax credit-eligible production; 10335  
activities that constitute the production or postproduction of a 10336  
motion picture or Broadway theatrical production; reporting 10337  
sufficient evidence of reviewable progress; expenditures that 10338  
qualify as eligible expenditures; a schedule and deadlines for 10339  
applications to be submitted and reviewed; a competitive process 10340  
for approving credits based on likely economic impact in this 10341  
state and development of a permanent workforce in motion picture 10342  
or theatrical production industries in this state; consideration 10343  
of geographic distribution of credits; and implementation of the 10344  
program described in division (H) of this section. The rules 10345  
shall be adopted under Chapter 119. of the Revised Code. 10346

(2) To cover the administrative costs of the program, the 10347  
director shall require each applicant to pay an application fee 10348  
equal to the lesser of ten thousand dollars or one per cent of 10349  
the estimated value of the tax credit as stated in the 10350  
application. The fees collected shall be credited to the tax 10351  
incentives operating fund created in section 122.174 of the 10352  
Revised Code. All grants, gifts, fees, and contributions made to 10353

the director for marketing and promotion of the motion picture industry within this state shall also be credited to the fund. 10354  
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(H) The director of development shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall: 10356  
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(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director. 10360  
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(2) Accept applications from ~~production-qualifying~~ companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production; 10366  
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(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each ~~production-qualifying~~ company whose application was approved under division (H) (2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production. 10370  
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**Sec. 122.86.** (A) As used in this section and section 5747.81 of the Revised Code: 10377  
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(1) "Small business enterprise" means a corporation, pass-through entity, or other person satisfying all of the following: 10379  
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(a) At the time of a qualifying investment, the enterprise meets all of the following requirements: 10381  
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(i) Has no outstanding tax or other liabilities owed to the state;	10383 10384
(ii) Is in good standing with the secretary of state, if the enterprise is required to be registered with the secretary;	10385 10386
(iii) Is current with any court-ordered payments;	10387
(iv) Is not engaged in any illegal activity.	10388
(b) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars. When making this determination, the assets and annual sales of all of the enterprise's related or affiliated entities shall be included in the calculation.	10389 10390 10391 10392 10393 10394 10395
(c) At the time of a qualifying investment and for the two-year period immediately preceding the qualifying investment, the enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.	10396 10397 10398 10399 10400 10401 10402 10403 10404
(d) The enterprise, within six months after an eligible investor's qualifying investment is made, incurs cost for one or more of the following:	10405 10406 10407
(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's	10408 10409 10410 10411

holding period, including the installation of such tangible 10412  
personal property; 10413

(ii) Motor vehicles operated on public roads and highways 10414  
if, from the time of acquisition by the enterprise until the end 10415  
of the investor's holding period, the motor vehicles are 10416  
purchased in this state, registered in this state under Chapter 10417  
4503. of the Revised Code, are used primarily for business 10418  
purposes, and are necessary for the operation of the 10419  
enterprise's business; 10420

(iii) Real property located in this state that is used in 10421  
the business from the time of its acquisition by the enterprise 10422  
until the end of the holding period; 10423

(iv) Leasehold improvements and construction costs for 10424  
property located in this state that is used in the business from 10425  
the time its improvement or construction was completed until the 10426  
end of the holding period; 10427

(v) Compensation for new employees of the enterprise hired 10428  
after the date the qualifying investment is made for whom the 10429  
enterprise is required to withhold income tax under section 10430  
5747.06 of the Revised Code. 10431

(2) "Qualifying investment" means an investment of money 10432  
made ~~on or after July 1, 2019,~~ to acquire capital stock or other 10433  
equity interest in a small business enterprise. "Qualifying 10434  
investment" does not include either of the following: 10435

(a) Any investment of money an eligible investor derives, 10436  
directly or indirectly, from a grant or loan from the federal 10437  
government or the state or a political subdivision, including 10438  
the third frontier program under Chapter 184. of the Revised 10439  
Code; 10440

(b) Any investment of money which is the basis of a tax credit granted under any other section of the Revised Code. 10441  
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(3) "Eligible investor" means an individual, estate, or trust subject to the tax imposed by section 5747.02 of the Revised Code, or a pass-through entity in which such an individual, estate, or trust holds a direct or indirect ownership or other equity interest. To qualify as an eligible investor, the individual, estate, trust, or pass-through entity shall not owe any outstanding tax or other liability to the state at the time of a qualifying investment. 10443  
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(4) "Holding period" means the two-year period beginning on the day a qualifying investment is made. 10451  
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(5) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 10453  
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(B) An eligible investor that makes a qualifying investment in a small business enterprise on or after July 1, 2019, but on or before November 3, 2025, may apply to the director of development ~~services~~ to obtain an allocation for a small business investment certificate from the director. Alternatively, a small business enterprise may apply on behalf of eligible investors to obtain the allocation for those investors. The application must be submitted to the director within sixty days after the date of the qualifying investment, but within the same biennium as the qualifying investment. The director, in consultation with the tax commissioner, shall prescribe the form or manner in which an applicant shall apply for the certificate, devise the form of the certificate, and prescribe any records or other information an applicant shall furnish with the application to evidence the qualifying investment. The applicant shall pay an application fee equal to 10455  
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the greater of one-tenth of one per cent of the amount of the 10471  
intended investment or one hundred dollars. 10472

The director ~~of development services~~ may reserve small 10473  
business investment allocations to qualifying applicants in the 10474  
order in which the director receives applications. An 10475  
application is completed when the director has validated that an 10476  
eligible investor has made a qualified investment and receives 10477  
all required documentation needed to demonstrate the small 10478  
business enterprise satisfies the requirements of division (A) 10479  
(1) of this section. To qualify for an allocation, an eligible 10480  
investor must satisfy both of the following, subject to the 10481  
limitation on the amount of qualifying investments for which 10482  
allocations may be issued under division (C) of this section: 10483

(1) The eligible investor makes a qualifying investment on 10484  
or after July 1, 2019, but on or before November 3, 2025. 10485

(2) The eligible investor pledges not to sell or otherwise 10486  
dispose of the qualifying investment before the conclusion of 10487  
the applicable holding period. 10488

(C) (1) The amount of any eligible investor's qualifying 10489  
investments for which small business investment allocations may 10490  
be issued for a fiscal biennium shall not exceed ten million 10491  
dollars. 10492

(2) The director ~~of development services~~ shall not issue a 10493  
small business investment allocation to an eligible investor 10494  
representing an amount of qualifying investment in excess of the 10495  
amount of the investment indicated on the investor's 10496  
application. 10497

(3) For any fiscal biennium beginning before July 1, 2019, 10498  
the director ~~of development services~~ shall not issue small 10499

business investment allocations in a total amount that would 10500  
cause the tax credits claimed in that biennium to exceed one 10501  
hundred million dollars. For any fiscal biennium beginning on or 10502  
after July 1, 2019, the director shall not issue small business 10503  
investment allocations in a total amount that would cause the 10504  
tax credits claimed in that biennium to exceed fifty million 10505  
dollars. 10506

(4) The director ~~of development services~~ may issue a small 10507  
business investment allocation only if both of the following 10508  
apply at the time of issuance: 10509

(a) The small business enterprise meets all the 10510  
requirements listed in divisions (A) (1) (a) (i) to (iv) of this 10511  
section; 10512

(b) The eligible investor does not owe any outstanding tax 10513  
or other liability to the state. 10514

(5) The director shall not issue a small business 10515  
investment allocation on the basis of any investment for which 10516  
an Ohio opportunity zone investment certificate has been issued 10517  
under section 122.84 of the Revised Code. 10518

(D) Before the end of the applicable holding period of a 10519  
qualifying investment, each enterprise in which a qualifying 10520  
investment was made for which a small business investment 10521  
allocation has been issued, upon the request of the director ~~of~~ 10522  
~~development services~~, shall provide to the director records or 10523  
other evidence satisfactory to the director that the enterprise 10524  
is a small business enterprise for the purposes of this section. 10525  
Each enterprise shall also provide annually to the director 10526  
records or evidence regarding the number of jobs created or 10527  
retained in the state. The director shall compile and maintain a 10528

register of small business enterprises qualifying under this 10529  
section and shall certify the register to the tax commissioner. 10530  
The director shall also compile and maintain a record of the 10531  
number of jobs created or retained as a result of qualifying 10532  
investments made pursuant to this section. 10533

(E) After the conclusion of the applicable holding period 10534  
for a qualifying investment, a person to whom a small business 10535  
investment allocation has been issued under this section shall 10536  
receive a small business investment certification, which 10537  
entitles the person to claim a credit as provided under section 10538  
5747.81 of the Revised Code. However, no certificate may be 10539  
issued if the director finds that any requirement under this 10540  
section is not met. 10541

(F) ~~The director of development services,~~ in consultation 10542  
with the tax commissioner, may adopt rules for the 10543  
administration of this section, including rules governing the 10544  
following: 10545

(1) Documents, records, or other information eligible 10546  
investors shall provide to the director; 10547

(2) Any information a small business enterprise shall 10548  
provide for the purposes of this section and section 5747.81 of 10549  
the Revised Code; 10550

(3) Determination of the number of full-time equivalent 10551  
employees of a small business enterprise; 10552

(4) Verification of a small business enterprise's 10553  
investment; 10554

(5) Circumstances under which small business enterprises 10555  
or eligible investors may be subverting the purposes of this 10556  
section and section 5747.81 of the Revised Code. 10557

(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.

Sec. 122.97. The director of development may allocate the state ceiling on the aggregate amount of private activity bonds issued in this state as provided in 26 U.S.C. 146.

Sec. 122.98. (A) The general assembly finds that access to affordable housing in rural areas is an important part of fostering a robust and lasting population. Accordingly, it is declared to be the public policy of the state to increase the availability of single-family homes in the rural areas through the residential development revolving loan program, administered by the department of development.

(B) An eligible borrower for a residential development loan is a county, or a township or municipal corporation that is fully or partially located in a county, that meets both of the following:

(1) Has a population of not more than seventy-five thousand;

(2) The number of privately-owned housing units authorized by building permit in the preceding calendar year, according to the most recent data provided by the United States census bureau, is less than the average number of private housing units authorized by building permit for counties in this state over the same period.

(C) An eligible borrower shall use the proceeds of a residential development loan exclusively to develop, repair, or upgrade water, sewer, transportation, electric, or gas infrastructure needed for the construction of single-family,

residential dwellings that are part of a residential development project. An eligible borrower shall not use any portion of the proceeds for routine infrastructure maintenance or for developments, repairs, or upgrades that exceed the projected requirements of the residential development project. 10587  
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(D) The department shall not approve an application for a residential development loan unless the eligible borrower demonstrates, to the satisfaction of the department, that the residential development project served by the infrastructure developments, repairs, or upgrades meets all of the following: 10592  
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(1) Is fully located in a county that meets the criteria prescribed by divisions (B) (1) and (2) of this section; 10597  
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(2) Has a net density of at least four single-family, residential dwellings per acre; 10599  
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(3) Is zoned exclusively for single-family, residential use; 10601  
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(4) Does not currently, and will not upon its completion, include a qualified low-income building that receives a tax credit under 26 U.S.C. 42. 10603  
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(E) An eligible borrower shall, at minimum, include all of the following in the loan application: 10606  
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(1) A description of the infrastructure developments, repairs, or upgrades to be funded by the loan and an estimate of the total cost to complete those developments, repairs, or upgrades; 10608  
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(2) The loan amount requested by the eligible borrower, which shall not exceed either of the following amounts: 10612  
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(a) Fifty per cent of the total cost of the infrastructure 10614

<u>developments, repairs, or upgrades;</u>	10615
<u>(b) Thirty thousand dollars per single-family, residential dwelling included in the residential development project served by the developments, repairs or upgrades.</u>	10616
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<u>(3) Documentation sufficient to prove, to the satisfaction of the department, all of the following:</u>	10619
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<u>(a) That the applicant is an eligible borrower under division (B) of this section;</u>	10621
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<u>(b) That the infrastructure developments, repairs, or upgrades meet the requirements under division (C) of this section;</u>	10623
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<u>(c) That the residential development project served by those developments, repairs, or upgrades meets the requirements under division (D) of this section.</u>	10626
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<u>(4) The proposed or recorded plot of the subdivision that is the basis of the development project.</u>	10629
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<u>(5) Certification that the eligible borrower agrees to comply with all provisions of this section.</u>	10631
	10632
<u>(F) The department shall accept applications and make low-interest loans under this section on a rolling basis whenever funding is available. The department shall begin accepting applications for the first round of loans not later than January 1, 2026.</u>	10633
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<u>(G) The department shall not establish or levy any fees on loan applicants or recipients.</u>	10638
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<u>(H) An eligible borrower that receives a loan under this section shall do all of the following:</u>	10640
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<u>(1) Exempt the residential development project served by</u>	10642
<u>the infrastructure developments, repairs, or upgrades, from both</u>	10643
<u>of the following:</u>	10644
<u>(a) Any building or road standards of the eligible</u>	10645
<u>borrower that are more stringent than those prescribed by state</u>	10646
<u>law;</u>	10647
<u>(b) Ordinances, resolutions, rules, or restrictions of the</u>	10648
<u>eligible borrower concerning any of the following:</u>	10649
<u>(i) Minimum square footage for residential dwellings;</u>	10650
<u>(ii) Off-street parking;</u>	10651
<u>(iii) The existence, size, or placement of a garage.</u>	10652
<u>(2) Complete any required traffic reviews or studies for</u>	10653
<u>the residential development project within forty-five days after</u>	10654
<u>receiving the loan;</u>	10655
<u>(3) Provide a quarterly report to the director on the</u>	10656
<u>status of the work funded by the loan;</u>	10657
<u>(4) Repay the principal and interest of the loan in</u>	10658
<u>accordance with terms specified by the department.</u>	10659
<u>(I) The director shall develop and utilize scoring metrics</u>	10660
<u>in prioritizing applications, determining whether to approve</u>	10661
<u>low-interest loans, and determining the amount of such loans.</u>	10662
<u>The metrics must meet all of the following requirements:</u>	10663
<u>(1) Give higher priority to projects in locations with</u>	10664
<u>greater housing need and lack of private housing investment;</u>	10665
<u>(2) Consider the potential economic impact of the project</u>	10666
<u>and the regional distributive balance of the loans;</u>	10667
<u>(3) Not consider whether the project is located in an</u>	10668

economically distressed area, including by weighting preference 10669  
based on the poverty rate in the jurisdiction or census tract in 10670  
which the project is located. 10671

(J) The interest rate for loans made under the program 10672  
shall be the effective federal funds rate in effect at the time 10673  
of the loan agreement. The department shall credit all 10674  
principal, interest, and fees paid under this section by an 10675  
eligible borrower to the residential development revolving loan 10676  
fund created under section 122.981 of the Revised Code. 10677

**Sec. 122.981.** There is hereby created in the state 10678  
treasury the residential development revolving loan fund. The 10679  
fund shall consist of appropriations by the general assembly, 10680  
money received as repayment for loans under section 122.98 of 10681  
the Revised Code, fees collected in accordance with that 10682  
section, and any other money transferred to the fund. All 10683  
investment earnings of the fund shall be credited to the fund. 10684  
The department of development shall use money in the fund 10685  
exclusively to make low-interest loans under section 122.98 of 10686  
the Revised Code and to offset the expenditures incurred by the 10687  
department in administering that section. The aggregate amount 10688  
of money used to offset the department's expenditures in any 10689  
fiscal year shall not exceed five hundred thousand dollars. 10690

**Sec. 123.10.** (A) As used in this section and section 10691  
123.11 of the Revised Code, "public exigency" means an injury or 10692  
obstruction that occurs in any public works of the state and 10693  
that materially impairs its immediate use or places in jeopardy 10694  
property adjacent to it; an immediate danger of such an injury 10695  
or obstruction; or an injury or obstruction, or an immediate 10696  
danger of an injury or obstruction, that occurs in any public 10697  
works of the state and that materially impairs its immediate use 10698

or places in jeopardy property adjacent to it. 10699

(B) When a declaration of public exigency is issued 10700  
pursuant to division (C) of this section, the Ohio facilities 10701  
construction commission, or the requesting director of the state 10702  
agency, state institution of higher education as defined in 10703  
division (A) (1) of section 3345.12 of the Revised Code, or other 10704  
state instrumentality, as determined by the executive director 10705  
of the commission, shall enter into contracts with proper 10706  
persons for the performance of labor, the furnishing of 10707  
materials, or the construction of any structures and buildings 10708  
necessary to the maintenance, control, and management of the 10709  
public works of the state or any part of those public works. Any 10710  
contracts awarded for the work performed pursuant to the 10711  
declaration of a public exigency may be awarded without 10712  
competitive bidding or selection as set forth in Chapter 153. of 10713  
the Revised Code. 10714

(C) The executive director of the Ohio facilities 10715  
construction commission may issue a declaration of a public 10716  
exigency on the executive director's own initiative or upon the 10717  
request of the director of any state agency, a state institution 10718  
of higher education as defined in division (A) (1) of section 10719  
3345.12 of the Revised Code, or any other state instrumentality. 10720  
The executive director's declaration shall identify the specific 10721  
injury, obstruction, or danger that is the subject of the 10722  
declaration and shall set forth a dollar limitation for the 10723  
repair, removal, or prevention of that exigency under the 10724  
declaration. 10725

Before any project to repair, remove, or prevent a public 10726  
exigency under the executive director's declaration may begin, 10727  
the executive director shall send notice of the project, in 10728

writing, to the director of budget and management and to the members of the controlling board. That notice shall detail the project to be undertaken to address the public exigency and shall include a copy of the executive director's declaration that establishes the monetary limitations on that project.

Sec. 123.14. (A) Every two years, the department of administrative services shall conduct a comprehensive study and issue a report on all real property owned or leased by the state or a state agency. The director of administrative services shall deliver the report to the speaker of the house of representatives, the president of the senate, and the governor not later than the thirty-first day of January of every odd-numbered year. The study shall include all of the following:

(1) A complete list of all the real property owned by the state or a state agency. The list shall be organized by who owns the real property, which shall include information regarding the nature of the real property, such as whether the real property includes structures, whether any structure is office space, the value of the real property, the cost of maintaining the real property, and what percentage of the real property is used or unused by the state or state agency.

(2) A complete list of all the real property that the state or a state agency rents or leases, but does not own, and the cost of renting or leasing;

(3) Which state agencies use the real property, whether owned or leased, and the square footage that is used, versus not used, organized by state agency;

(4) How much of the real property identified in division (A) (3) of this section would be used if all employees of that

agency worked in person, rather than remote. 10758

(B) As used in this section, "state agency" means every 10759  
organized body, office, or agency established by the laws of the 10760  
state for the exercise of any function of state government, 10761  
including the nonprofit corporation formed under section 187.01 10762  
of the Revised Code, but not including the courts or any 10763  
judicial agency, any state-assisted institution of higher 10764  
education, or any local agency. 10765

**Sec. 123.28.** As used in this section and in section 123.281 of the Revised Code: 10766

(A) "Culture" means any of the following: 10768

(1) Visual, musical, dramatic, graphic, design, and other 10769  
arts, including, but not limited to, architecture, dance, 10770  
literature, motion pictures, music, painting, photography, 10771  
sculpture, and theater, and the provision of training or 10772  
education in these arts; 10773

(2) The presentation or making available, in museums or 10774  
other indoor or outdoor facilities, of principles of science and 10775  
their development, use, or application in business, industry, or 10776  
commerce or of the history, heritage, development, presentation, 10777  
and uses of the arts described in division (A)(1) of this 10778  
section and of transportation; 10779

(3) The preservation, presentation, or making available of 10780  
features of archaeological, architectural, environmental, or 10781  
historical interest or significance in a state historical 10782  
facility or a local historical facility. 10783

(B) "Cultural organization" means either of the following: 10784

(1) A governmental agency or Ohio nonprofit corporation, 10785

including the Ohio history connection, that provides programs or 10786  
activities in areas directly concerned with culture; 10787

(2) A regional arts and cultural district as defined in 10788  
section 3381.01 of the Revised Code. 10789

(C) "Cultural project" means all or any portion of an Ohio 10790  
cultural facility for which the general assembly has made an 10791  
appropriation or has specifically authorized the spending of 10792  
money or the making of rental payments relating to the financing 10793  
of construction. 10794

(D) "Cooperative use agreement" means a contract between 10795  
the Ohio facilities construction commission and a cultural 10796  
organization providing the terms and conditions of the 10797  
cooperative use of an Ohio cultural facility. 10798

(E) "Costs of operation" means amounts required to manage 10799  
an Ohio cultural facility that are incurred following the 10800  
completion of construction of its cultural project, provided 10801  
that both of the following apply: 10802

(1) Those amounts either: 10803

(a) Have been committed to a fund dedicated to that 10804  
purpose; 10805

(b) Equal the principal of any endowment fund, the income 10806  
from which is dedicated to that purpose. 10807

(2) The commission and the cultural organization have 10808  
executed an agreement with respect to either of those funds. 10809

(F) "Governmental agency" means a state agency, a state 10810  
institution of higher education as defined in section 3345.12 of 10811  
the Revised Code, a municipal corporation, county, township, or 10812  
school district, a port authority created under Chapter 4582. of 10813

the Revised Code, any other political subdivision or special 10814  
district in this state established by or pursuant to law, or any 10815  
combination of these entities; except where otherwise indicated, 10816  
the United States or any department, division, or agency of the 10817  
United States, or any agency, commission, or authority 10818  
established pursuant to an interstate compact or agreement. 10819

(G) "Local contributions" means the value of an asset 10820  
provided by or on behalf of a cultural organization from sources 10821  
other than the state, the value and nature of which shall be 10822  
approved by the Ohio facilities construction commission, in its 10823  
sole discretion. "Local contributions" may include the value of 10824  
the site where a cultural project is to be constructed. All 10825  
"local contributions," except a contribution attributable to 10826  
such a site, shall be for the costs of construction of a 10827  
cultural project or the creation or expansion of an endowment 10828  
for the costs of operation of a cultural facility. 10829

(H) "Local historical facility" means a site or facility, 10830  
other than a state historical facility, of archaeological, 10831  
architectural, environmental, or historical interest or 10832  
significance, or a facility, including a storage facility, 10833  
appurtenant to the operations of such a site or facility, that 10834  
is owned by a cultural organization and is used for or in 10835  
connection with cultural activities, including the presentation 10836  
or making available of culture to the public. 10837

(I) "Manage," "operate," or "management" means the 10838  
provision of, or the exercise of control over the provision of, 10839  
activities: 10840

(1) Relating to culture for an Ohio cultural facility, 10841  
including as applicable, but not limited to, providing for 10842  
displays, exhibitions, specimens, and models; booking of 10843

artists, performances, or presentations; scheduling; and hiring 10844  
or contracting for directors, curators, technical and scientific 10845  
staff, ushers, stage managers, and others directly related to 10846  
the cultural activities in the facility; but not including 10847  
general building services; 10848

(2) Relating to sports and athletic events for an Ohio 10849  
sports facility, including as applicable, but not limited to, 10850  
providing for booking of athletes, teams, and events; 10851  
scheduling; and hiring or contracting for staff, ushers, 10852  
managers, and others directly related to the sports and athletic 10853  
events in the facility; but not including general building 10854  
services. 10855

(J) "Ohio cultural facility" means any of the following: 10856

(1) The theaters located in the state office tower at 77 10857  
South High street in Columbus; 10858

(2) Any cultural facility in this state that is managed 10859  
directly by, or is subject to a cooperative use or management 10860  
agreement with, the Ohio facilities construction commission. 10861

(3) A state historical facility or a local historical 10862  
facility. 10863

(K) "Construction" includes acquisition, including 10864  
acquisition by lease-purchase, demolition, reconstruction, 10865  
alteration, renovation, remodeling, enlargement, improvement, 10866  
site improvements, and related equipping and furnishing. 10867

(L) "State historical facility" means a site or facility 10868  
that has all of the following characteristics: 10869

(1) It is created, supervised, operated, protected, 10870  
maintained, and promoted by the Ohio history connection pursuant 10871

to the Ohio history connection's performance of public functions 10872  
under sections 149.30 and 149.302 of the Revised Code. 10873

(2) Its title must reside wholly or in part with the 10874  
state, the Ohio history connection, or both the state and the 10875  
Ohio history connection. 10876

(3) It is managed directly by or is subject to a 10877  
cooperative use or management agreement with the Ohio facilities 10878  
construction commission and is used for or in connection with 10879  
cultural activities, including the presentation or making 10880  
available of culture to the public. 10881

(M) "Ohio sports facility" means all or a portion of a 10882  
stadium, arena, tennis facility, motorsports complex, or other 10883  
capital facility in this state. A primary purpose of the 10884  
facility shall be to provide a site or venue for the 10885  
presentation to the public of motorsports events, professional 10886  
tennis tournaments, or events of one or more major or minor 10887  
league professional athletic or sports teams that are associated 10888  
with the state or with a city or region of the state. The 10889  
facility shall be, in the case of a motorsports complex, owned 10890  
by the state or governmental agency, or in all other instances, 10891  
owned by or located on real property owned by the state or a 10892  
governmental agency, and includes all parking facilities, 10893  
walkways, and other auxiliary facilities, equipment, 10894  
furnishings, and real and personal property and interests and 10895  
rights therein, that may be appropriate for or used for or in 10896  
connection with the facility or its operation, for capital costs 10897  
of which state funds are spent pursuant to this section and 10898  
section 123.281 of the Revised Code. A facility constructed as 10899  
an Ohio sports facility may be both an Ohio cultural facility 10900  
and an Ohio sports facility. 10901

(N) "Motorsports" means sporting events in which motor vehicles are driven on a clearly demarcated tracked surface. 10902  
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(O) "Professional sports franchise" means a member of the following professional sports leagues: the national football league, women's national football conference, women's football alliance, women's football league association, national hockey league, professional women's hockey league, major league baseball, women's professional baseball league, major league soccer, national women's soccer league, national basketball association, or the women's national basketball association, or a successor of such an entity. 10904  
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(P) "Major sports facility" means a stadium, arena, complex, or other facility that a governmental agency owns, will own, or has or will have a sufficient ownership interest in, the primary purpose of which is to provide a site or venue for the presentation of home games of a professional sports franchise for a period of at least thirty years after completion of the construction of the stadium, arena, complex, or other facility. 10913  
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(Q) "Transformational major sports facility mixed-use project" means the following, as applicable: 10920  
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(1) A mixed-use project that meets all of the following criteria: 10922  
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(a) Includes the construction of a major sports facility; 10924

(b) Integrates some combination of retail, office, hotel, residential, recreation, structured parking, or other similar uses into one or more mixed-use developments; 10925  
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(c) Is expected to generate incremental state tax revenues pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code; 10928  
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(d) Has an initial total estimated construction cost, 10931  
excluding any site acquisition cost, that is greater than one 10932  
billion dollars. 10933

(2) In addition to the criteria under division (Q) (1) of 10934  
this section, a transformational major sports facility mixed-use 10935  
project may include any of the following: 10936

(a) Other projects supporting or relating to the major 10937  
sports facility or the professional sports franchise 10938  
constructing or using the major sports facility; 10939

(b) Any mixed-use project adjacent or otherwise relating 10940  
to practice facilities for the professional sports franchise; 10941

(c) Conference centers, concert, or other entertainment 10942  
venues and facilities; 10943

(d) Retail, food, restaurant, and beverage facilities, 10944  
whether fixed or mobile; 10945

(e) Parks and other public open spaces or facilities; 10946

(f) Related on-site infrastructure necessary or desirable 10947  
for all such elements for the transformational major sports 10948  
facility mixed-use project. 10949

(R) "Transformational major sports facility mixed-use 10950  
project district" means the geographic area encompassing, and 10951  
including all of the area within the territorial boundaries of, 10952  
the land upon which the transformational major sports facility 10953  
mixed-use project is located, as determined by the office of 10954  
budget and management, in consultation with the department of 10955  
taxation, the Ohio facilities construction commission, and any 10956  
applicable county or municipal offices in accordance with 10957  
division (H) (5) (e) of section 123.281 of the Revised Code. 10958

(S) "Base professional sports franchise state tax revenues" means an amount or calculation either established by the general assembly or equal to all state tax revenues generated pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code that are attributable to the professional sports franchise and its operations at the professional sports franchise's existing facility, and collected by the department of taxation in the calendar year occurring immediately before the calendar year in which the professional sports franchise plays its initial regular season home game in the major sports facility, which shall be increased by three and one-half per cent per year each calendar year for up to sixteen years thereafter. 10959  
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(T) "Total major sports facility mixed-use project district state tax revenues" means the total aggregate state tax revenue generated in the territory of a transformational major sports facility mixed-use project district pursuant to state taxes levied under Chapters 5739., 5741., 5747., and 5751. of the Revised Code beginning in the calendar year in which a performance grant is eligible for disbursement under an appropriation and for sixteen years thereafter, including those state tax revenues attributable to the construction of, and the purchasing of or leasing of materials and items used in the construction of, a transformational major sports facility mixed-use project district received in the calendar year in which the performance grant is eligible for disbursement under an appropriation. 10972  
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(U) "Incremental major sports facility mixed-use project district state tax revenues" means the amount of state tax revenues received by the state determined by subtracting base professional sports franchise state tax revenues, as calculated 10986  
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for a given calendar year including any required three and one- 10990  
half per cent annual increase, from total major sports facility 10991  
mixed-use project district state tax revenues for such year. 10992

(V) "Total incremental major sports facility mixed-use 10993  
project district state tax revenues" means the aggregate amount 10994  
of incremental major sports facility mixed-use district state 10995  
tax revenues beginning in the calendar year in which a 10996  
performance grant is eligible for disbursement under an 10997  
appropriation and for sixteen years thereafter. 10998

(W) "Affiliate" means a person that directly, or 10999  
indirectly through one or more intermediaries, controls, is 11000  
controlled by, is under common control with, or acts in concert 11001  
with, or is a participant in a joint venture, partnership, 11002  
consortium, or similar business arrangement with, a professional 11003  
sports franchise or owner. 11004

(X) "Owner" means a person that has a controlling 11005  
ownership interest in a professional sports franchise. 11006

(Y) "Person" means one or more individuals, receivers, 11007  
assignees, trustees in bankruptcy, estates, firms, limited 11008  
liability companies, partnerships, associations, joint-stock 11009  
companies, joint ventures, clubs, societies, corporations, and 11010  
combinations of individuals in any form. 11011

**Sec. 123.281.** (A) The Ohio facilities construction 11012  
commission shall provide for the construction of a cultural 11013  
project in conformity with Chapter 153. of the Revised Code, 11014  
except for construction services provided on behalf of the state 11015  
by a governmental agency or a cultural organization in 11016  
accordance with divisions (B) and (C) of this section. 11017

(B) In order for a governmental agency or a cultural 11018

organization to provide construction services on behalf of the 11019  
state for a cultural project, other than a state historical 11020  
facility, for which the general assembly has made an 11021  
appropriation or specifically authorized the spending of money 11022  
or the making of rental payments relating to the financing of 11023  
the construction, the governmental agency or cultural 11024  
organization shall submit to the Ohio facilities construction 11025  
commission a cooperative use agreement that includes, but is not 11026  
limited to, provisions that: 11027

(1) Specify how the proposed project will support culture; 11028

(2) Specify that the governmental agency or cultural 11029  
organization has local contributions amounting to not less than 11030  
fifty per cent of the total state funding for the cultural 11031  
project; 11032

(3) Specify that the funds shall be used only for 11033  
construction; 11034

(4) Identify the facility to be constructed, renovated, 11035  
remodeled, or improved; 11036

(5) Specify that the project scope meets the intent and 11037  
purpose of the project appropriation and that the project can be 11038  
completed and ready to support culture without exceeding 11039  
appropriated funds; 11040

(6) Specify that the governmental agency or cultural 11041  
organization shall hold the Ohio facilities construction 11042  
commission harmless from all liability for the operation and 11043  
maintenance costs of the facility; 11044

(7) Specify that the agreement or any actions taken under 11045  
it are not subject to Chapter 123. or 153. of the Revised Code, 11046  
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 11047

and 153.011 of the Revised Code, and are subject to Chapter 11048  
4115. of the Revised Code; and 11049

(8) Provide that amendments to the agreement shall require 11050  
the approval of the Ohio facilities construction commission. 11051

(C) In order for a cultural organization to provide 11052  
construction services on behalf of the state for a state 11053  
historical facility for which the general assembly has made an 11054  
appropriation or specifically authorized the spending of money 11055  
or the making of rental payments relating to the financing of 11056  
the construction, the cultural organization shall submit to the 11057  
Ohio facilities construction commission a cooperative use 11058  
agreement that includes, but is not limited to, provisions that: 11059

(1) Specify how the proposed project will support culture; 11060

(2) Specify that the funds shall be used only for 11061  
construction; 11062

(3) Specify that not more than three per cent of the funds 11063  
may be used by the cultural organization to administer the 11064  
project; 11065

(4) Identify the facility to be constructed, renovated, 11066  
remodeled, or improved; 11067

(5) Specify that the project scope meets the intent and 11068  
purpose of the project appropriation and that the project can be 11069  
completed and ready to support culture without exceeding 11070  
appropriated funds; 11071

(6) Specify that the cultural organization shall hold the 11072  
Ohio facilities construction commission harmless from all 11073  
liability for the operation and maintenance costs of the 11074  
facility; 11075

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

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

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

(E) ~~State~~ Except as provided in division (H) of this section, state funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio facilities construction commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise,

satisfactory to the commission, for a contribution amounting to 11106  
not less than eighty-five per cent of the total estimated 11107  
construction cost of the facility, excluding any site 11108  
acquisition cost, from sources other than the state. 11109

(2) The general assembly has specifically authorized the 11110  
spending of money on, or made an appropriation for, the 11111  
construction of the facility, or for rental payments relating to 11112  
state financing of all or a portion of the costs of constructing 11113  
the facility. Authorization to spend money, or an appropriation, 11114  
for planning or determining the feasibility of or need for the 11115  
facility does not constitute authorization to spend money on, or 11116  
an appropriation for, costs of constructing the facility. 11117

(3) If state bond proceeds are being used for the Ohio 11118  
sports facility, the state or a governmental agency owns or has 11119  
sufficient property interests in the facility or in the site of 11120  
the facility or in the portion or portions of the facility 11121  
financed from proceeds of state bonds, which may include, but is 11122  
not limited to, the right to use or to require the use of the 11123  
facility for the presentation of sport and athletic events to 11124  
the public at the facility. 11125

(F) In addition to the requirements of division (E) of 11126  
this section, no state funds, including any state bond proceeds, 11127  
shall be spent on any Ohio sports facility that is a motorsports 11128  
complex, unless, with respect to that facility, both of the 11129  
following apply: 11130

(1) Motorsports events shall be presented at the facility 11131  
pursuant to a lease entered into with the owner of the facility. 11132  
The term of the lease shall be for a period of not less than the 11133  
greater of the useful life of the portion of the facility 11134  
financed from proceeds of state bonds as determined using the 11135

guidelines for maximum maturities as provided under divisions 11136  
(B) and (C) of section 133.20 of the Revised Code, or the period 11137  
of time remaining to the date of payment or provision for 11138  
payment of outstanding state bonds allocable to costs of the 11139  
facility, all as determined by the director of budget and 11140  
management and certified by the executive director of the Ohio 11141  
facilities construction commission and to the treasurer of 11142  
state. 11143

(2) Any motorsports organization that commits to using the 11144  
facility for an established period of time shall give the 11145  
political subdivision in which the facility is located not less 11146  
than six months' advance notice if the organization intends to 11147  
cease utilizing the facility prior to the expiration of that 11148  
established period. Such a motorsports organization shall be 11149  
liable to the state for any state funds used on the construction 11150  
costs of the facility. 11151

(G) In addition to the requirements of division (E) of 11152  
this section, no state bond proceeds shall be spent on any Ohio 11153  
sports facility that is a tennis facility, unless the owner or 11154  
manager of the facility provides contractual commitments from a 11155  
national or international professional tennis organization in a 11156  
form acceptable to the Ohio facilities construction commission 11157  
that assures that one or more sanctioned professional tennis 11158  
events will be presented at the facility during each year that 11159  
the bonds remain outstanding. 11160

(H) State funds may be used as a performance grant to pay 11161  
or reimburse up to twenty-five per cent of the initial estimated 11162  
construction cost for a major sports facility if all of the 11163  
following criteria are met: 11164

(1) The major sports facility upon completion will be a 11165

part of a transformational major sports facility mixed-use 11166  
project. 11167

(2) The office of budget and management in consultation 11168  
with the Ohio facilities construction commission has received a 11169  
financial and development plan that satisfies the requirements 11170  
of this section, and includes a contribution amounting to not 11171  
less than seventy-five per cent of the total initial estimated 11172  
construction cost of the major sports facility, excluding any 11173  
site acquisition cost, from sources other than the state's 11174  
performance grant, including a contribution from the 11175  
professional sports franchise that plans to use the facility, or 11176  
the owner or an authorized affiliate, of at least fifty per cent 11177  
of the total estimated construction cost of the major sports 11178  
facility. 11179

(3) The general assembly has specifically authorized, or 11180  
made an appropriation for, the performance grant to aid in the 11181  
construction of the major sports facility, provided that the 11182  
grant's authorization or appropriation does not include planning 11183  
or determining the feasibility of or need for the major sports 11184  
facility as a cost of constructing the major sports facility. 11185  
The performance grant is not subject to the review or 11186  
authorization of the controlling board, and upon the office of 11187  
budget and management's receipt of the escrow amount and of a 11188  
certification of funds or other requisite proof the supplemental 11189  
reserve amount has been established in accordance with division 11190  
(H) (4) of this section, is eligible for disbursement in full or 11191  
in part, for the payment or reimbursement of construction costs 11192  
for the major sports facility, without regard to the other 11193  
sources of contribution for the costs of construction of the 11194  
major sports facility as described in division (H) (2) of this 11195  
section and not on a pro rata basis. The state shall not incur 11196

debt to fund or assist a major sports facility receiving a 11197  
performance grant under this section. 11198

(4) (a) The professional sports franchise planning to use 11199  
the facility, or the owner or an authorized affiliate, has 11200  
executed and filed with the office of budget and management an 11201  
escrow amount equal to eight and one-third per cent of the total 11202  
amount of the performance grant appropriated for the project, 11203  
which shall be deposited in an interest-bearing account 11204  
maintained within the state treasury, nonrefundable 11205  
disbursements from which shall be as described in division (H) 11206  
(5) of this section. Whatever remains of the amount in escrow 11207  
after the sixteen-year period, including any interest earnings 11208  
thereon, shall be returned to the professional sports franchise, 11209  
owner, or affiliate upon certification by the office of budget 11210  
and management, in consultation with the department of taxation, 11211  
that the total incremental major sports facility mixed-use 11212  
project district state tax revenues have achieved all required 11213  
target amounts as described in division (H) (5) of this section. 11214

(b) The professional sports franchise planning to use the 11215  
facility, or the owner or an authorized affiliate, shall 11216  
establish a supplemental reserve, which may take the form of a 11217  
line of credit or other commercially reasonable type of 11218  
certifiable and available liquidity, in an amount equal to the 11219  
initial escrow account deposit required by division (H) (4) (a) of 11220  
this section. The supplemental reserve shall be available to be 11221  
drawn upon in accordance with division (H) (5) (c) of this 11222  
section. The supplemental reserve shall not be required to be 11223  
replenished if drawn upon in accordance with division (H) (5) of 11224  
this section. 11225

(5) The professional sports franchise planning to use the 11226

facility, or the owner or an authorized affiliate, has entered 11227  
into an agreement with the office of budget and management that 11228  
complies with this section and specifies all of the following: 11229

(a) The incremental major sports facility mixed-use 11230  
project district state tax revenues meet target amounts, as 11231  
determined by the office of budget and management, in 11232  
consultation with the Ohio facilities construction commission 11233  
and the department of taxation, the total amount of which 11234  
collected over a sixteen-year period equals or exceeds the 11235  
amount of the performance grant appropriated to the project. The 11236  
target amounts shall be as follows: 11237

(i) For the first four full calendar years beginning in 11238  
the year in which the performance grant is eligible for 11239  
disbursement under an appropriation, eleven and two-thirds per 11240  
cent of the total appropriated amount; 11241

(ii) For the second four-year period, twenty-six and two- 11242  
thirds per cent of the total appropriated amount; 11243

(iii) For the third four-year period, thirty and fifteen- 11244  
eighteenths per cent of the total appropriated amount; 11245

(iv) For the fourth four-year period, thirty and fifteen- 11246  
eighteenths per cent of the total appropriated amount. 11247

(b) Incremental major sports facility mixed-use project 11248  
district state tax revenues in excess of the target amount shall 11249  
be credited towards target amounts in future periods. 11250

(c) If the incremental major sports facility mixed-use 11251  
project district state tax revenues do not achieve target 11252  
amounts at the end of each four-year period as determined by the 11253  
office of budget and management, in consultation with the 11254  
department of taxation, the deficit shall be offset by any 11255

excess tax revenue credit from previous years under division (H) 11256  
(5) (b) of this section. If a deficit remains, the office of 11257  
budget and management shall take a nonrefundable amount of money 11258  
equal to the remaining deficit amount from the escrow account 11259  
described under division (H) (4) of this section and deposit it 11260  
into the general revenue fund. If a deficit still remains, the 11261  
office of budget and management shall take a nonrefundable 11262  
amount of money equal to the remaining deficit amount for that 11263  
period from the supplemental reserve established pursuant to 11264  
division (H) (4) (b) of this section, to the extent available, and 11265  
deposit the money into the general revenue fund. Beginning in 11266  
the ninth calendar year after the performance grant is eligible 11267  
for disbursement, and once annually thereafter until completion 11268  
of the sixteenth year, the professional sports franchise, or the 11269  
owner or an authorized affiliate, may request a determination by 11270  
the office of budget and management, in consultation with the 11271  
department of taxation, that the total incremental major sports 11272  
facility mixed-use project district state tax revenues equals or 11273  
exceeds the amount of the performance grant appropriated to the 11274  
project. Once the total incremental major sports facility mixed- 11275  
use project district state tax revenues equals or exceeds the 11276  
amount of the performance grant appropriated to the project, 11277  
whether at the conclusion of a designated four-year period under 11278  
division (H) (5) (a) of this section or upon an annual request 11279  
under this division, the professional sports franchise, or the 11280  
owner or authorized affiliate, shall receive the remainder of 11281  
the amount in escrow, principal and interest, as provided for 11282  
under division (H) (4) (a) of this section. 11283

(d) If, prior to the expiration of the fourth four-year 11284  
period described in division (H) (5) (a) of this section, the 11285  
owner's share of the ownership interest in the professional 11286

sports franchise becomes less than a controlling ownership 11287  
interest, all rights, privileges, responsibilities, and 11288  
obligations of the owner provided under this section and the 11289  
agreement with the office of budget and management shall be 11290  
assigned to, and assumed by, any new owner with a controlling 11291  
ownership interest. 11292

(e) Establishes the metes and bounds of, including all 11293  
areas within, the proposed transformational major sports 11294  
facility mixed-use project district, which shall meet all of the 11295  
following requirements: 11296

(i) All territory in the district is contiguous. 11297

(ii) The office of budget and management receives a 11298  
petition, accompanied by a description of the proposed 11299  
transformational major sports facility mixed-use project 11300  
district, signed by every record owner of a parcel of real 11301  
property located in the district and the owner of every business 11302  
that operates in the district. 11303

(iii) A transformational major sports facility mixed-use 11304  
project will be located on territory of the proposed 11305  
transformational major sports facility mixed-use project 11306  
district. 11307

(iv) Not more than one major sports facility mixed-use 11308  
project may be located within a transformational major sports 11309  
facility mixed-use project district. 11310

(v) For purposes of determining total incremental major 11311  
sports facility mixed-use project district state tax revenues, 11312  
the district's territorial boundary may not be enlarged after it 11313  
is established with the office of budget and management, which 11314  
may consult with the department of taxation, the Ohio facilities 11315

construction commission, and any applicable county or municipal 11316  
offices to ensure each requirement in this division is met. 11317

(f) Every record owner of a parcel of real property 11318  
located in the proposed transformational major sports facility 11319  
mixed-use project district shall be required to comply with, and 11320  
will cause every person that enters into a lease, license, use, 11321  
or operating agreement for all or a portion of the building or 11322  
facilities located in, a transformational major sports facility 11323  
mixed-use project district to be subject to, reporting 11324  
requirements as may be required by the department of taxation, 11325  
in consultation with the office of budget and management and the 11326  
Ohio facilities construction commission as described in division 11327  
(J) of this section. Such requirement may be evidenced by an 11328  
instrument that has been duly recorded in the land records of 11329  
the county. 11330

(6) (a) The professional sports franchise planning to use 11331  
the major sports facility shall not cease playing most of its 11332  
home games at the major sports facility and begin playing most 11333  
of its home games at a different facility located anywhere 11334  
outside of the transformational major sports facility mixed-use 11335  
project district until the earlier of one of the following 11336  
dates: 11337

(i) The total incremental major sports facility mixed-use 11338  
project district state tax revenues equals or exceeds the amount 11339  
of the performance grant appropriated to the transformational 11340  
major sports facility mixed-use project, inclusive of any 11341  
amounts drawn from the escrow account or supplemental reserve 11342  
under division (H) (4) of this section; 11343

(ii) Thirty years after the professional sports franchise 11344  
plays its initial regular season home game at the major sports 11345

facility. 11346

(b) This division is in addition to, independent of, and 11347  
operates concurrently with section 9.67 of the Revised Code. 11348

(I) Every person who owns real property located in, enters 11349  
into a lease, license, use, or operating agreement for all or a 11350  
portion of the building and facilities located in, or purchases 11351  
or leases materials and items used in construction in the 11352  
territory of a transformational major sports facility mixed-use 11353  
project district is subject to reporting requirements as may be 11354  
required by the department of taxation, in consultation with the 11355  
office of budget and management and the Ohio facilities 11356  
construction commission. Compliance with these requirements may 11357  
be evidenced by an instrument that is duly recorded with the 11358  
county recorder. 11359

(J) Every person doing business in a transformational 11360  
major sports facility mixed-use project district shall file tax 11361  
returns and make tax payments pursuant to Chapters 5739., 5741., 11362  
5747., and 5751. of the Revised Code using an electronic medium 11363  
in a format prescribed by the department of taxation. Persons 11364  
that pay salaries and wages to employees in the territory of a 11365  
transformational major sports facility mixed-use project 11366  
district shall register for a separate withholding account and 11367  
shall remit the wages and salaries withheld from employees for 11368  
activities performed in the territory of a transformational 11369  
major sports facility mixed-use project district separately from 11370  
all income taxes withheld by such employer. In addition, every 11371  
person doing business in the territory of a transformational 11372  
major sports facility mixed-use project district shall provide 11373  
all of the following information to the department of taxation: 11374

(1) For persons that collect transformational major sports 11375

facility mixed-use project district tax revenues pursuant to 11376  
Chapter 5739. of the Revised Code, tax collections generated 11377  
from construction or transactions in the territory of a 11378  
transformational major sports facility mixed-use project 11379  
district on the returns filed pursuant to Chapter 5739. of the 11380  
Revised Code as prescribed by the department of taxation; 11381

(2) For persons that generate transformational major 11382  
sports facility mixed-use project district tax revenues under 11383  
Chapters 5741., 5747., and 5751. of the Revised Code, estimated 11384  
payments for corporate income taxes generated from the 11385  
transformational major sports facility mixed-use project 11386  
district and information regarding gross revenues generated from 11387  
activities in the transformational major sports facility mixed- 11388  
use project district and gross revenues from all activities in 11389  
this state; 11390

(3) For persons that make payments to an independent 11391  
contractor attributable to construction or transactions in the 11392  
territory of a transformational major sports facility mixed-use 11393  
project district, information regarding such payments by the 11394  
thirty-first day of January of each year in a format prescribed 11395  
by the department of taxation. 11396

(4) The department of taxation may disclose taxpayer 11397  
information regarding transactions, real or personal property, 11398  
income, or business of any person to the governmental agency 11399  
that owns, or holds a sufficient ownership interest in, a major 11400  
sports facility as may be necessary for the administration of 11401  
the provisions authorized by this section. 11402

(K) The department of taxation shall develop forms 11403  
necessary to implement and administer this section. 11404

Sec. 123.282. The Ohio cultural and sports facility performance grant fund is created in the state treasury. The fund shall consist of all money remitted by the director of commerce under division (I) of section 169.08 of the Revised Code and amounts appropriated by the general assembly. The money in the fund shall be used as performance grants for Ohio cultural facility, Ohio sports facility, and major sports facility projects in accordance with section 123.281 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

Sec. 123.30. (A) Except as provided in division (B) of this section, no state agency or any entity that manages the grounds or buildings under the control of a state agency shall display on the grounds or building any flag except for the official state flag, as described in section 5.01 of the Revised Code, the United States flag, or the POW/MIA flag as described in section 9.50 of the Revised Code.

(B) Division (A) of this section does not apply to the Ohio statehouse or the grounds of the Ohio statehouse.

Sec. 124.02. The director of administrative services and the state personnel board of review shall exercise all functions, powers, and duties that ~~formerly~~, on or before January 1, 1959, were by law actually devolved upon, vested in, and imposed upon the state civil service commission and the offices of commissioners and members and upon their employees, agents, and representatives.

~~Whenever in any law or rule of this state or any political subdivision, "state civil service commission," "commission," "commissioner" or "member," meaning the state civil service commission or the offices of commissioners or members of said~~

~~commission, is used, such terms shall be construed as referring to the department of administrative services, the director of administrative services, the state personnel board of review, or the members of the state personnel board of review, as this chapter may require.~~ 11435  
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**Sec. 124.07.** (A) The director of administrative services shall appoint examiners, inspectors, clerks, and other assistants as necessary to carry out sections 124.01 to 124.64 of the Revised Code. ~~The director may designate persons in or out of the service of the state to serve as examiners or assistants under the director's direction. An examiner or assistant shall receive the compensation for each day actually and necessarily spent in the discharge of duties as an examiner or assistant that the director determines; provided that, if the examiner or assistant is in the service of the state or any political subdivision of the state, it shall be a part of the examiner's or assistant's official duties to render those services in connection with an examination without extra compensation.~~ 11440  
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(B) Each state agency shall pay the cost of the services and facilities furnished to it by the department of administrative services that are necessary to provide and maintain payroll services as prescribed in section 125.21 of the Revised Code and state merit standards as prescribed in sections 124.01 to 124.64 of the Revised Code for the agency. ~~If a state-supported college or university or a municipal corporation chooses to use the services and facilities furnished by the department that are necessary to provide and maintain the services and standards so prescribed, the state-supported college or university or municipal corporation shall pay the cost of the services and facilities that the department~~ 11454  
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~~furnishes to it. The charges against a state agency, a state- 11466  
supported college or university, or a municipal corporation- 11467  
shall be computed on a reasonable cost basis in accordance with 11468  
procedures prescribed by the director of budget and management. 11469  
Any moneys the department receives from a state agency, a state- 11470  
supported college or university, or a municipal corporation- 11471  
under this division that are in excess of the amount necessary 11472  
to pay the cost of furnishing the department's services and 11473  
facilities during any fiscal year shall be either refunded to or 11474  
credited for the ensuing fiscal year to the state agency, the- 11475  
state-supported college or university, or the municipal- 11476  
corporation. 11477~~

~~(C) The director of administrative services may enter into 11478  
an agreement with any county, municipal corporation, or other- 11479  
political subdivision to furnish services and facilities of the- 11480  
department in the administration of a merit program or other- 11481  
functions related to human resources that include, but are not- 11482  
limited to, providing competitive examinations for positions in- 11483  
the classified service. The agreement shall provide that the- 11484  
department shall be reimbursed for the reasonable costs of those 11485  
services and facilities as determined by the director. 11486~~

~~(D) All moneys received by the department as reimbursement 11487  
for a merit program or other human resources services performed 11488  
and facilities furnished under this section, such as competitive 11489  
examinations administered, shall be paid into the state treasury 11490  
to the credit of the human resources services fund, which is 11491  
hereby created. 11492~~

~~(E) In counties of the state in which are located cities- 11493  
having municipal civil service commissions, the director of- 11494  
administrative services may designate the municipal civil- 11495~~

~~service commission of the largest city within the county as the 11496  
director's agent for the purpose of carrying out the provisions 11497  
of sections 124.01 to 124.64 of the Revised Code, within the 11498  
county, that the director designates. Each municipal civil 11499  
service commission designated as an agent of the director shall 11500  
render to the director, at the end of each month, an itemized 11501  
statement of the cost incurred by the commission for work done 11502  
as the agent of the director, and the director, after approving 11503  
that statement, shall pay the total amount of it to the 11504  
treasurer of the municipal corporation in the same manner as 11505  
other expenses of the department of administrative services. 11506~~

~~(F) The director of administrative services and the 11507  
examiners, inspectors, clerks, and assistants referred to in 11508  
this section shall receive, in addition to their salaries, 11509  
reimbursement for necessary traveling and other expenses 11510  
incurred in the actual discharge of their official duties. The 11511  
director may also incur the necessary expenses for stationery, 11512  
printing, and other supplies incident to the business of the 11513  
department. 11514~~

**Sec. 124.135.** (A) State employees are entitled to paid 11515  
leave when summoned for jury duty by a court of competent 11516  
jurisdiction. 11517

(B) State employees are entitled to paid leave when 11518  
subpoenaed to appear before any court, commission, board, or 11519  
other legally constituted body authorized by law to compel the 11520  
attendance of witnesses. This division does not apply if the 11521  
state employee is a party to the action or proceeding involved 11522  
or is subpoenaed as a result of secondary employment outside the 11523  
service of the state. 11524

(C) A state employee shall not be required, as a condition 11525

of receiving paid leave under divisions (A) or (B) of this 11526  
section, to remit to the employee's appointing authority or 11527  
another officer, commission, board, or body any portion of the 11528  
compensation or reimbursement paid to the employee for serving 11529  
on a jury or for appearing in court pursuant to a subpoena. 11530

(D) Each full-time permanent state employee paid in 11531  
accordance with section 124.152 of the Revised Code and those 11532  
employees described in divisions (B) (2) and (4) of section 11533  
124.14 of the Revised Code also may be entitled, in their 11534  
appointing authority's discretion, to paid leave when appointed 11535  
to serve on advisory boards or commissions or when soliciting 11536  
for charities for which payroll deductions are made. 11537

**Sec. 124.1310.** (A) As used in this section: 11538

(1) "Emergency medical service," "EMT-basic," "EMT-I," 11539  
"first responder," and "paramedic" have the same meanings as in 11540  
section 4765.01 of the Revised Code. 11541

(2) "Volunteer firefighter" has the same meaning as in 11542  
section 146.01 of the Revised Code. 11543

(B) A state employee who is an EMT-basic, EMT-I, first 11544  
responder, paramedic, or volunteer firefighter shall receive 11545  
~~forty one~~ forty one hundred twenty hours of leave with pay each calendar 11546  
year to use during those hours when the employee is absent from 11547  
work in order to ~~provide~~ do either of the following: 11548

(1) Provide emergency medical service or fire-fighting 11549  
service; 11550

(2) Attend a training or continuing education program that 11551  
relates to providing emergency medical service or fire-fighting 11552  
service. 11553

(C) An appointing authority shall compensate an employee 11554  
who uses leave granted under this section at the employee's 11555  
regular rate of pay for those regular work hours during which 11556  
the employee is absent from work. 11557

**Sec. 124.1312.** (A) As used in this section: 11558

(1) "Foster caregiver" has the same meaning as in section 11559  
5103.02 of the Revised Code. 11560

(2) "Kinship caregiver" has the same meaning as in section 11561  
~~5101.85~~ 5180.50 of the Revised Code. 11562

(B) Each permanent full-time and permanent part-time 11563  
employee paid in accordance with section 124.152 of the Revised 11564  
Code and each employee listed in division (B) (2), (3), or (4) of 11565  
section 124.14 of the Revised Code who works thirty or more 11566  
hours per week, and who is a foster caregiver or kinship 11567  
caregiver is eligible, on placement of a child in the employee's 11568  
home, to a maximum of five days of caregiver leave with full pay 11569  
in a calendar year. Caregiver leave eligibility begins on the 11570  
day on which the child is placed with the prospective foster 11571  
caregiver or kinship caregiver. 11572

(C) The average number of regular hours worked, which 11573  
shall include all hours of holiday pay and other types of paid 11574  
leave, during the three-month period immediately preceding the 11575  
day caregiver leave begins shall be used to determine 11576  
eligibility for leave under this section for part-time 11577  
employees. If an employee has not worked for a three-month 11578  
period, the number of hours for which the employee has been 11579  
scheduled to work per week during the employee's period of 11580  
employment shall be used to determine eligibility for leave 11581  
under this section. 11582

(D) Use of caregiver leave does not affect an employee's 11583  
eligibility for other forms of paid leave granted under this 11584  
chapter and does not prohibit an employee from taking leave 11585  
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 11586  
2601, except that caregiver leave shall be included in any leave 11587  
time provided under that act. 11588

(E) The director of administrative services may adopt 11589  
rules in accordance with Chapter 119. of the Revised Code 11590  
governing caregiver leave established under this section. 11591

**Sec. 124.152.** (A) (1) Except as provided in division (A) (2) 11592  
of this section, each exempt employee shall be paid a salary or 11593  
wage in accordance with schedule E-1 or schedule E-2 of division 11594  
(B) of this section. 11595

(2) Each exempt employee who holds a position in the 11596  
unclassified civil service pursuant to division (A) (26) or (30) 11597  
of section 124.11 of the Revised Code may be paid a salary or 11598  
wage in accordance with schedule E-1 or schedule E-2 of division 11599  
(B) of this section, as applicable. 11600

(B) (1) Each exempt employee who must be paid in accordance 11601  
with schedule E-1 or schedule E-2 of this section shall be paid 11602  
a salary or wage in accordance with the following schedule of 11603  
rates as of the pay period that includes July 1, ~~2021~~2024: 11604

Schedule E-1 11605  
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A Pay Ranges and Step Values

B

C Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8

D Range

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	1	2	3	4	5	6	7	8	9	10
A	1	Hourly	<del>12.14</del>	<del>12.69</del>	<del>13.21</del>	<del>13.80</del>				
			<u>13.52</u>	<u>14.13</u>	<u>14.72</u>	<u>15.37</u>				
B		Annually	<del>25251</del>	<del>26395</del>	<del>27476</del>	<del>28704</del>				
			<u>28122</u>	<u>29390</u>	<u>30618</u>	<u>31970</u>				
C	2	Hourly	<del>14.73</del>	<del>15.36</del>	<del>16.01</del>	<del>16.72</del>				
			<u>16.41</u>	<u>17.10</u>	<u>17.83</u>	<u>18.63</u>				
D		Annually	<del>30638</del>	<del>31948</del>	<del>33300</del>	<del>34777</del>				
			<u>34133</u>	<u>35568</u>	<u>37086</u>	<u>38750</u>				
E	3	Hourly	<del>15.44</del>	<del>16.13</del>	<del>16.84</del>	<del>17.56</del>				
			<u>17.20</u>	<u>17.97</u>	<u>18.76</u>	<u>19.56</u>				
F		Annually	<del>32115</del>	<del>33550</del>	<del>35027</del>	<del>36524</del>				
			<u>35776</u>	<u>37378</u>	<u>39021</u>	<u>40685</u>				
G	4	Hourly	<del>16.20</del>	<del>16.93</del>	<del>17.75</del>	<del>18.51</del>				
			<u>18.05</u>	<u>18.86</u>	<u>19.77</u>	<u>20.62</u>				
H		Annually	<del>33696</del>	<del>35214</del>	<del>36920</del>	<del>38500</del>				
			<u>37544</u>	<u>39229</u>	<u>41122</u>	<u>42890</u>				

I	5	Hourly	<del>17.00</del>	<del>17.78</del>	<del>18.51</del>	<del>19.33</del>		
			<u>18.94</u>	<u>19.80</u>	<u>20.62</u>	<u>21.54</u>		
J		Annually	<del>35360</del>	<del>36982</del>	<del>38500</del>	<del>40206</del>		
			<u>39395</u>	<u>41184</u>	<u>42890</u>	<u>44803</u>		
K	6	Hourly	<del>17.91</del>	<del>18.66</del>	<del>19.47</del>	<del>20.27</del>		
			<u>19.95</u>	<u>20.79</u>	<u>21.68</u>	<u>22.59</u>		
L		Annually	<del>37252</del>	<del>38812</del>	<del>40497</del>	<del>42161</del>		
			<u>41496</u>	<u>43243</u>	<u>45094</u>	<u>46987</u>		
M	7	Hourly	<del>19.01</del>	<del>19.72</del>	<del>20.54</del>	<del>21.25</del>	<del>22.07</del>	
			<u>21.18</u>	<u>21.97</u>	<u>22.88</u>	<u>23.68</u>	<u>24.58</u>	
N		Annually	<del>39540</del>	<del>41017</del>	<del>42723</del>	<del>44200</del>	<del>45905</del>	
			<u>44054</u>	<u>45698</u>	<u>47590</u>	<u>49254</u>	<u>51126</u>	
O	8	Hourly	<del>20.11</del>	<del>21.00</del>	<del>21.90</del>	<del>22.89</del>	<del>23.97</del>	
			<u>22.40</u>	<u>23.39</u>	<u>24.40</u>	<u>25.50</u>	<u>26.70</u>	
P		Annually	<del>41828</del>	<del>43680</del>	<del>45552</del>	<del>47611</del>	<del>49857</del>	
			<u>46592</u>	<u>48651</u>	<u>50752</u>	<u>53040</u>	<u>55536</u>	
Q	9	Hourly	<del>21.45</del>	<del>22.56</del>	<del>23.67</del>	<del>24.85</del>	<del>26.11</del>	
			<u>23.89</u>	<u>25.14</u>	<u>26.37</u>	<u>27.69</u>	<u>29.09</u>	
R		Annually	<del>44616</del>	<del>46924</del>	<del>49233</del>	<del>51688</del>	<del>54308</del>	
			<u>49691</u>	<u>52291</u>	<u>54850</u>	<u>57595</u>	<u>60507</u>	



AC	15	Hourly	<del>37.02</del>	<del>39.10</del>	<del>41.30</del>	<del>43.57</del>	<del>45.99</del>	<del>48.51</del>	<del>50.50</del>	<del>52.88</del>
			<u>41.23</u>	<u>43.55</u>	<u>46.01</u>	<u>48.54</u>	<u>51.23</u>	<u>54.04</u>	<u>56.26</u>	<u>58.91</u>
AD		Annually	<del>77001</del>	<del>81328</del>	<del>85904</del>	<del>90625</del>	<del>95659</del>	<del>100900</del>	<del>105040</del>	<del>109990</del>
			<u>85758</u>	<u>90584</u>	<u>95701</u>	<u>100963</u>	<u>106558</u>	<u>112403</u>	<u>117021</u>	<u>122533</u>
AE	16	Hourly	<del>40.81</del>	<del>43.08</del>	<del>45.45</del>	<del>48.00</del>	<del>50.63</del>	<del>53.53</del>	<del>55.73</del>	<del>58.34</del>
			<u>45.45</u>	<u>47.99</u>	<u>50.62</u>	<u>53.47</u>	<u>56.40</u>	<u>59.63</u>	<u>62.08</u>	<u>64.98</u>
AF		Annually	<del>84884</del>	<del>89606</del>	<del>94536</del>	<del>99840</del>	<del>105310</del>	<del>111342</del>	<del>115918</del>	<del>121347</del>
			<u>94536</u>	<u>99819</u>	<u>105290</u>	<u>111218</u>	<u>117312</u>	<u>124030</u>	<u>129126</u>	<u>135158</u>
AG	17	Hourly	<del>44.96</del>	<del>47.44</del>	<del>50.10</del>	<del>52.86</del>	<del>55.83</del>	<del>58.94</del>	<u>69.27</u>	
			<u>50.09</u>	<u>52.85</u>	<u>55.81</u>	<u>58.88</u>	<u>62.19</u>	<u>65.66</u>		
AH		Annually	<del>93516</del>	<del>98675</del>	<del>104208</del>	<del>109948</del>	<del>116126</del>	<del>122595</del>	<u>144082</u>	
			<u>104187</u>	<u>109928</u>	<u>116085</u>	<u>122470</u>	<u>129355</u>	<u>136573</u>		
AI	18	Hourly	<del>49.55</del>	<del>52.29</del>	<del>55.24</del>	<del>58.28</del>	<del>61.50</del>	<del>64.94</del>		
			<u>55.20</u>	<u>58.25</u>	<u>61.54</u>	<u>64.92</u>	<u>68.51</u>	<u>72.35</u>		
AJ		Annually	<del>103064</del>	<del>108763</del>	<del>114899</del>	<del>121222</del>	<del>127920</del>	<del>135075</del>		
			<u>114816</u>	<u>121160</u>	<u>128003</u>	<u>135034</u>	<u>142501</u>	<u>150488</u>		
AK	<u>19</u>	<u>Hourly</u>	<u>60.72</u>	<u>64.37</u>	<u>67.69</u>	<u>71.41</u>	<u>75.37</u>	<u>79.58</u>		
AL		<u>Annually</u>	<u>126298</u>	<u>133890</u>	<u>140795</u>	<u>148533</u>	<u>156770</u>	<u>165526</u>		

Schedule E-2

11608

11609

A	Range		Minimum	Maximum
B	41	Hourly	16.23	<del>48.99</del> <u>54.57</u>
C		Annually	33758	<del>101899</del> <u>113506</u>
D	42	Hourly	17.89	<del>54.09</del> <u>60.25</u>
E		Annually	37211	<del>112507</del> <u>125320</u>
F	43	Hourly	19.70	<del>59.56</del> <u>66.35</u>
G		Annually	40976	<del>123884</del> <u>138008</u>
H	44	Hourly	21.73	<del>65.08</del> <u>72.49</u>
I		Annually	45198	<del>135366</del> <u>150779</u>
J	45	Hourly	24.01	<del>71.05</del> <u>79.15</u>
K		Annually	49941	<del>147784</del> <u>164632</u>
L	46	Hourly	26.43	<del>77.65</del> <u>86.50</u>
M		Annually	54974	<del>161512</del> <u>179920</u>
N	47	Hourly	29.14	<del>84.75</del> <u>94.41</u>
O		Annually	60611	<del>176280</del> <u>196373</u>
P	48	Hourly	32.14	<del>92.45</del> <u>102.98</u>
Q		Annually	66851	<del>192296</del> <u>214198</u>
R	49	Hourly	35.44	<del>99.83</del> <u>111.20</u>



		<u>17.97</u>	<u>18.78</u>	<u>19.60</u>	<u>20.44</u>	
F	Annually	<del>33072</del>	<del>34548</del>	<del>36088</del>	<del>37627</del>	
		<u>37378</u>	<u>39062</u>	<u>40768</u>	<u>42515</u>	
G	4 Hourly	<del>16.69</del>	<del>17.44</del>	<del>18.28</del>	<del>19.07</del>	
		<u>18.86</u>	<u>19.71</u>	<u>20.66</u>	<u>21.55</u>	
H	Annually	<del>34715</del>	<del>36275</del>	<del>38022</del>	<del>39665</del>	
		<u>39229</u>	<u>40997</u>	<u>42973</u>	<u>44824</u>	
I	5 Hourly	<del>17.51</del>	<del>18.31</del>	<del>19.07</del>	<del>19.91</del>	
		<u>19.79</u>	<u>20.69</u>	<u>21.55</u>	<u>22.51</u>	
J	Annually	<del>36420</del>	<del>38084</del>	<del>39665</del>	<del>41412</del>	
		<u>41163</u>	<u>43035</u>	<u>44824</u>	<u>46821</u>	
K	6 Hourly	<del>18.45</del>	<del>19.22</del>	<del>20.05</del>	<del>20.88</del>	
		<u>20.85</u>	<u>21.73</u>	<u>22.66</u>	<u>23.61</u>	
L	Annually	<del>38376</del>	<del>39977</del>	<del>41704</del>	<del>43430</del>	
		<u>43368</u>	<u>45198</u>	<u>47133</u>	<u>49109</u>	
M	7 Hourly	<del>19.58</del>	<del>20.31</del>	<del>21.16</del>	<del>21.89</del>	<del>22.73</del>
		<u>22.13</u>	<u>22.96</u>	<u>23.91</u>	<u>24.75</u>	<u>25.69</u>
N	Annually	<del>40726</del>	<del>42244</del>	<del>44012</del>	<del>45531</del>	<del>47278</del>
		<u>46030</u>	<u>47757</u>	<u>49733</u>	<u>51480</u>	<u>53435</u>
O	8 Hourly	<del>20.71</del>	<del>21.63</del>	<del>22.56</del>	<del>23.58</del>	<del>24.69</del>

		<u>23.41</u>	<u>24.44</u>	<u>25.50</u>	<u>26.65</u>	<u>27.90</u>			
P	Annually	43076	44990	46924	49046	51355			
		<u>48693</u>	<u>50835</u>	<u>53040</u>	<u>55432</u>	<u>58032</u>			
Q	9 Hourly	<del>22.09</del>	<del>23.24</del>	<del>24.38</del>	<del>25.60</del>	<del>26.89</del>			
		<u>24.97</u>	<u>26.27</u>	<u>27.56</u>	<u>28.94</u>	<u>30.40</u>			
R	Annually	45947	48339	50710	53248	55931			
		<u>51938</u>	<u>54642</u>	<u>57325</u>	<u>60195</u>	<u>63232</u>			
S	10 Hourly	23.82	25.14	26.49	28.02	29.50			
		<u>26.92</u>	<u>28.40</u>	<u>29.93</u>	<u>31.66</u>	<u>33.35</u>			
T	Annually	49545	52291	55099	58281	61360			
		<u>55994</u>	<u>59072</u>	<u>62254</u>	<u>65853</u>	<u>69368</u>			
U	11 Hourly	25.96	27.46	29.05	30.69	32.43			
		<u>29.34</u>	<u>31.03</u>	<u>32.83</u>	<u>34.68</u>	<u>36.65</u>			
V	Annually	53996	57116	60424	63835	67454			
		<u>61027</u>	<u>64542</u>	<u>68286</u>	<u>72134</u>	<u>76232</u>			
W	12 Hourly	<del>28.63</del>	<del>30.24</del>	<del>31.86</del>	<del>33.62</del>	<del>35.49</del>	<del>37.43</del>	<del>38.95</del>	<del>40.79</del>
		<u>32.35</u>	<u>34.18</u>	<u>36.01</u>	<u>38.00</u>	<u>40.11</u>	<u>42.30</u>	<u>44.03</u>	<u>46.09</u>
X	Annually	59550	62889	66268	69929	73819	77854	81016	84843
		<u>67288</u>	<u>71094</u>	<u>74901</u>	<u>79040</u>	<u>83429</u>	<u>87984</u>	<u>91582</u>	<u>95867</u>
Y	13 Hourly	31.56	33.29	35.11	37.00	39.09	41.19	42.88	44.90

		<u>35.68</u>	<u>37.62</u>	<u>39.68</u>	<u>41.82</u>	<u>44.17</u>	<u>46.55</u>	<u>48.47</u>	<u>50.75</u>
Z	Annually	<del>65644</del>	<del>69243</del>	<del>73028</del>	<del>76960</del>	<del>81307</del>	<del>85675</del>	<del>89190</del>	<del>93392</del>
		<u>74214</u>	<u>78250</u>	<u>82534</u>	<u>86986</u>	<u>91874</u>	<u>96824</u>	<u>100818</u>	<u>105560</u>
AA	14 Hourly	<del>34.70</del>	<del>36.68</del>	<del>38.65</del>	<del>40.75</del>	<del>43.05</del>	<del>45.45</del>	<del>47.33</del>	<del>49.54</del>
		<u>39.22</u>	<u>41.46</u>	<u>43.68</u>	<u>46.05</u>	<u>48.66</u>	<u>51.36</u>	<u>53.49</u>	<u>55.99</u>
AB	Annually	<del>72176</del>	<del>76294</del>	<del>80392</del>	<del>84760</del>	<del>89544</del>	<del>94536</del>	<del>98446</del>	<del>103043</del>
		<u>81578</u>	<u>86237</u>	<u>90854</u>	<u>95784</u>	<u>101213</u>	<u>106829</u>	<u>111259</u>	<u>116459</u>
AC	15 Hourly	<del>38.13</del>	<del>40.27</del>	<del>42.54</del>	<del>44.88</del>	<del>47.37</del>	<del>49.97</del>	<del>52.02</del>	<del>54.47</del>
		<u>43.09</u>	<u>45.51</u>	<u>48.08</u>	<u>50.72</u>	<u>53.54</u>	<u>56.47</u>	<u>58.79</u>	<u>61.56</u>
AD	Annually	<del>79310</del>	<del>83761</del>	<del>88483</del>	<del>93350</del>	<del>98529</del>	<del>103937</del>	<del>108201</del>	<del>113297</del>
		<u>89627</u>	<u>94661</u>	<u>100006</u>	<u>105498</u>	<u>111363</u>	<u>117458</u>	<u>122283</u>	<u>128045</u>
AE	16 Hourly	<del>42.03</del>	<del>44.37</del>	<del>46.81</del>	<del>49.44</del>	<del>52.15</del>	<del>55.14</del>	<del>57.40</del>	<del>60.09</del>
		<u>47.50</u>	<u>50.15</u>	<u>52.90</u>	<u>55.88</u>	<u>58.94</u>	<u>62.31</u>	<u>64.87</u>	<u>67.90</u>
AF	Annually	<del>87422</del>	<del>92289</del>	<del>97364</del>	<del>102835</del>	<del>108472</del>	<del>114691</del>	<del>119392</del>	<del>124987</del>
		<u>98800</u>	<u>104312</u>	<u>110032</u>	<u>116230</u>	<u>122595</u>	<u>129605</u>	<u>134930</u>	<u>141232</u>
AG	17 Hourly	<del>46.31</del>	<del>48.86</del>	<del>51.60</del>	<del>54.45</del>	<del>57.50</del>	<del>60.71</del>	<u>72.39</u>	
		<u>52.34</u>	<u>55.23</u>	<u>58.32</u>	<u>61.53</u>	<u>64.99</u>	<u>68.61</u>		
AH	Annually	<del>96324</del>	<del>101628</del>	<del>107328</del>	<del>113256</del>	<del>119600</del>	<del>126276</del>	<u>150571</u>	
		<u>108867</u>	<u>114878</u>	<u>121306</u>	<u>127982</u>	<u>135179</u>	<u>142709</u>		
AI	18 Hourly	<del>51.04</del>	<del>53.86</del>	<del>56.90</del>	<del>60.03</del>	<del>63.35</del>	<del>66.89</del>		

		<u>57.68</u>	<u>60.87</u>	<u>64.31</u>	<u>67.84</u>	<u>71.59</u>	<u>75.61</u>
AJ	Annually	<del>106163</del>	<del>112028</del>	<del>118352</del>	<del>124862</del>	<del>131768</del>	<del>139131</del>
		<u>119974</u>	<u>126610</u>	<u>133765</u>	<u>141107</u>	<u>148907</u>	<u>157269</u>
AK	<u>19 Hourly</u>	<u>63.45</u>	<u>67.27</u>	<u>70.74</u>	<u>74.62</u>	<u>78.76</u>	<u>83.16</u>
AL	<u>Annually</u>	<u>131976</u>	<u>139922</u>	<u>147139</u>	<u>155210</u>	<u>163821</u>	<u>172973</u>

Schedule E-2

11617

11618

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	<del>50.46</del> <u>57.03</u>
C		Annually	33758	<del>104956</del> <u>118622</u>
D	42	Hourly	17.89	<del>55.71</del> <u>62.96</u>
E		Annually	37211	<del>115876</del> <u>130957</u>
F	43	Hourly	19.70	<del>61.35</del> <u>69.34</u>
G		Annually	40976	<del>127608</del> <u>144227</u>
H	44	Hourly	21.73	<del>67.03</del> <u>75.75</u>
I		Annually	45198	<del>139422</del> <u>157560</u>
J	45	Hourly	24.01	<del>73.18</del> <u>82.71</u>
K		Annually	49941	<del>152214</del> <u>172037</u>



			<u>30264</u>	<u>31637</u>	<u>32947</u>	<u>34403</u>
F	2	Hourly	<del>15.63</del>	<del>16.29</del>	<del>16.98</del>	<del>17.74</del>
			<u>17.66</u>	<u>18.41</u>	<u>19.19</u>	<u>20.05</u>
G		Annually	<del>32510</del>	<del>33883</del>	<del>35318</del>	<del>36899</del>
			<u>36733</u>	<u>38293</u>	<u>39915</u>	<u>41704</u>
H	3	Hourly	<del>16.38</del>	<del>17.11</del>	<del>17.87</del>	<del>18.63</del>
			<u>18.51</u>	<u>19.34</u>	<u>20.19</u>	<u>21.05</u>
I		Annually	<del>34070</del>	<del>35588</del>	<del>37169</del>	<del>38750</del>
			<u>38501</u>	<u>40227</u>	<u>41995</u>	<u>43784</u>
J	4	Hourly	<del>17.19</del>	<del>17.96</del>	<del>18.83</del>	<del>19.64</del>
			<u>19.43</u>	<u>20.30</u>	<u>21.28</u>	<u>22.20</u>
K		Annually	<del>35755</del>	<del>37356</del>	<del>39166</del>	<del>40851</del>
			<u>40414</u>	<u>42224</u>	<u>44262</u>	<u>46176</u>
L	5	Hourly	<del>18.04</del>	<del>18.86</del>	<del>19.64</del>	<del>20.51</del>
			<u>20.38</u>	<u>21.31</u>	<u>22.20</u>	<u>23.19</u>
M		Annually	<del>37523</del>	<del>39228</del>	<del>40851</del>	<del>42660</del>
			<u>42390</u>	<u>44325</u>	<u>46176</u>	<u>48235</u>
N	6	Hourly	<del>19.00</del>	<del>19.80</del>	<del>20.65</del>	<del>21.51</del>
			<u>21.48</u>	<u>22.38</u>	<u>23.34</u>	<u>24.32</u>
O		Annually	<del>39520</del>	<del>41184</del>	<del>42952</del>	<del>44740</del>

			<u>44678</u>	<u>46550</u>	<u>48547</u>	<u>50586</u>	
P	7	Hourly	<del>20.17</del>	<del>20.92</del>	<del>21.79</del>	<del>22.55</del>	<del>23.41</del>
			<u>22.79</u>	<u>23.65</u>	<u>24.63</u>	<u>25.49</u>	<u>26.46</u>
Q		Annually	<del>41953</del>	<del>43513</del>	<del>45323</del>	<del>46904</del>	<del>48692</del>
			<u>47403</u>	<u>49192</u>	<u>51230</u>	<u>53019</u>	<u>55037</u>
R	8	Hourly	<del>21.33</del>	<del>22.28</del>	<del>23.24</del>	<del>24.29</del>	<del>25.43</del>
			<u>24.11</u>	<u>25.17</u>	<u>26.27</u>	<u>27.45</u>	<u>28.74</u>
S		Annually	<del>44366</del>	<del>46342</del>	<del>48339</del>	<del>50523</del>	<del>52894</del>
			<u>50149</u>	<u>52354</u>	<u>54642</u>	<u>57096</u>	<u>59779</u>
T	9	Hourly	<del>22.75</del>	<del>23.94</del>	<del>25.11</del>	<del>26.37</del>	<del>27.70</del>
			<u>25.72</u>	<u>27.06</u>	<u>28.39</u>	<u>29.81</u>	<u>31.31</u>
U		Annually	<del>47320</del>	<del>49795</del>	<del>52228</del>	<del>54849</del>	<del>57616</del>
			<u>53498</u>	<u>56285</u>	<u>59051</u>	<u>62005</u>	<u>65125</u>
V	10	Hourly	<del>24.53</del>	<del>25.89</del>	<del>27.28</del>	<del>28.86</del>	<del>30.39</del>
			<u>27.73</u>	<u>29.25</u>	<u>30.83</u>	<u>32.61</u>	<u>34.35</u>
W		Annually	<del>51022</del>	<del>53851</del>	<del>56742</del>	<del>60028</del>	<del>63211</del>
			<u>57678</u>	<u>60840</u>	<u>64126</u>	<u>67829</u>	<u>71448</u>
X	11	Hourly	<del>26.74</del>	<del>28.28</del>	<del>29.92</del>	<del>31.61</del>	<del>33.40</del>
			<u>30.22</u>	<u>31.96</u>	<u>33.81</u>	<u>35.72</u>	<u>37.75</u>
Y		Annually	<del>55619</del>	<del>58822</del>	<del>62233</del>	<del>65748</del>	<del>69472</del>

			<u>62858</u>	<u>66477</u>	<u>70325</u>	<u>74298</u>	<u>78520</u>			
Z	12	Hourly	<del>29.49</del>	<del>31.15</del>	<del>32.82</del>	<del>34.63</del>	<del>36.55</del>	<del>38.55</del>	<del>40.12</del>	<del>42.01</del>
			<u>33.32</u>	<u>35.21</u>	<u>37.09</u>	<u>39.14</u>	<u>41.31</u>	<u>43.57</u>	<u>45.35</u>	<u>47.47</u>
AA		Annually	<del>61339</del>	<del>64792</del>	<del>68265</del>	<del>72030</del>	<del>76024</del>	<del>80184</del>	<del>83449</del>	<del>87380</del>
			<u>69306</u>	<u>73237</u>	<u>77147</u>	<u>81411</u>	<u>85925</u>	<u>90626</u>	<u>94328</u>	<u>98738</u>
AB	13	Hourly	<del>32.51</del>	<del>34.29</del>	<del>36.16</del>	<del>38.11</del>	<del>40.26</del>	<del>42.43</del>	<del>44.17</del>	<del>46.25</del>
			<u>36.75</u>	<u>38.75</u>	<u>40.87</u>	<u>43.07</u>	<u>45.50</u>	<u>47.95</u>	<u>49.92</u>	<u>52.27</u>
AC		Annually	<del>67620</del>	<del>71323</del>	<del>75212</del>	<del>79268</del>	<del>83740</del>	<del>88254</del>	<del>91873</del>	<del>96200</del>
			<u>76440</u>	<u>80600</u>	<u>85010</u>	<u>89586</u>	<u>94640</u>	<u>99736</u>	<u>103834</u>	<u>108722</u>
AD	14	Hourly	<del>35.74</del>	<del>37.78</del>	<del>39.81</del>	<del>41.97</del>	<del>44.34</del>	<del>46.81</del>	<del>48.75</del>	<del>51.03</del>
			<u>40.40</u>	<u>42.70</u>	<u>44.99</u>	<u>47.43</u>	<u>50.12</u>	<u>52.90</u>	<u>55.09</u>	<u>57.67</u>
AE		Annually	<del>74339</del>	<del>78582</del>	<del>82804</del>	<del>87297</del>	<del>92227</del>	<del>97364</del>	<del>101400</del>	<del>106142</del>
			<u>84032</u>	<u>88816</u>	<u>93579</u>	<u>98654</u>	<u>104250</u>	<u>110032</u>	<u>114587</u>	<u>119954</u>
AF	15	Hourly	<del>39.27</del>	<del>41.48</del>	<del>43.82</del>	<del>46.23</del>	<del>48.79</del>	<del>51.47</del>	<del>53.58</del>	<del>56.10</del>
			<u>44.38</u>	<u>46.88</u>	<u>49.52</u>	<u>52.24</u>	<u>55.15</u>	<u>58.16</u>	<u>60.55</u>	<u>63.41</u>
AG		Annually	<del>81681</del>	<del>86278</del>	<del>91145</del>	<del>96158</del>	<del>101483</del>	<del>107057</del>	<del>111446</del>	<del>116688</del>
			<u>92310</u>	<u>97510</u>	<u>103002</u>	<u>108659</u>	<u>114712</u>	<u>120973</u>	<u>125944</u>	<u>131893</u>
AH	16	Hourly	<del>43.29</del>	<del>45.70</del>	<del>48.21</del>	<del>50.92</del>	<del>53.71</del>	<del>56.79</del>	<del>59.12</del>	<del>61.89</del>
			<u>48.93</u>	<u>51.65</u>	<u>54.49</u>	<u>57.56</u>	<u>60.71</u>	<u>64.18</u>	<u>66.82</u>	<u>69.94</u>
AI		Annually	<del>90043</del>	<del>95056</del>	<del>100276</del>	<del>105913</del>	<del>111716</del>	<del>118123</del>	<del>122969</del>	<del>128731</del>

			<u>101774</u>	<u>107432</u>	<u>113339</u>	<u>119725</u>	<u>126277</u>	<u>133494</u>	<u>138986</u>	<u>145475</u>
AJ	17	Hourly	<del>47.70</del>	<del>50.33</del>	<del>53.15</del>	<del>56.08</del>	<del>59.23</del>	<del>62.53</del>	<del>65.97</del>	
			<u>53.91</u>	<u>56.89</u>	<u>60.07</u>	<u>63.38</u>	<u>66.94</u>	<u>70.67</u>	<u>74.56</u>	
AK		Annually	<del>99216</del>	<del>104686</del>	<del>110552</del>	<del>116646</del>	<del>123198</del>	<del>130062</del>	<del>137217</del>	
			<u>112133</u>	<u>118331</u>	<u>124946</u>	<u>131830</u>	<u>139235</u>	<u>146994</u>	<u>155085</u>	
AL	18	Hourly	<del>52.57</del>	<del>55.48</del>	<del>58.61</del>	<del>61.83</del>	<del>65.25</del>	<del>68.90</del>		
			<u>59.41</u>	<u>62.70</u>	<u>66.24</u>	<u>69.88</u>	<u>73.74</u>	<u>77.88</u>		
AM		Annually	<del>109345</del>	<del>115398</del>	<del>121908</del>	<del>128606</del>	<del>135720</del>	<del>143312</del>		
			<u>123573</u>	<u>130416</u>	<u>137779</u>	<u>145350</u>	<u>153379</u>	<u>161990</u>		
AN	19	Hourly	<del>57.83</del>	<del>61.03</del>	<del>64.47</del>	<del>68.01</del>	<del>71.78</del>	<del>75.79</del>		
			<u>65.35</u>	<u>69.29</u>	<u>72.86</u>	<u>76.86</u>	<u>81.12</u>	<u>85.65</u>		
AO		Annually	<del>120286</del>	<del>126942</del>	<del>134097</del>	<del>141460</del>	<del>149302</del>	<del>157643</del>		
			<u>135928</u>	<u>144123</u>	<u>151549</u>	<u>159869</u>	<u>168730</u>	<u>178152</u>		

Schedule E-2

11625

11626

		1		2		3		4
A	Range					Minimum		Maximum
B	41		Hourly			16.23		<del>51.97</del> <u>58.74</u>
C			Annually			33758		<del>108097</del> <u>122179</u>
D	42		Hourly			17.89		<del>57.38</del> <u>64.85</u>

E		Annually	37211	<del>119350</del> <u>134888</u>
F	43	Hourly	19.70	<del>63.19</del> <u>71.42</u>
G		Annually	40976	<del>131435</del> <u>148554</u>
H	44	Hourly	21.73	<del>69.04</del> <u>78.02</u>
I		Annually	45198	<del>143603</del> <u>162282</u>
J	45	Hourly	24.01	<del>75.38</del> <u>85.19</u>
K		Annually	49941	<del>156790</del> <u>177195</u>
L	46	Hourly	26.43	<del>82.38</del> <u>93.10</u>
M		Annually	54974	<del>171350</del> <u>193648</u>
N	47	Hourly	29.14	<del>89.91</del> <u>101.62</u>
O		Annually	60611	<del>187012</del> <u>211370</u>
P	48	Hourly	32.14	<del>98.08</del> <u>110.84</u>
Q		Annually	66851	<del>204006</del> <u>230547</u>
R	49	Hourly	35.44	<del>105.90</del> <u>119.69</u>
S		Annually	73715	<del>220272</del> <u>248955</u>

(C) As used in this section: 11627

(1) "Exempt employee" means a permanent full-time or 11628  
 permanent part-time employee paid directly by warrant of the 11629  
 director of budget and management whose position is included in 11630  
 the job classification plan established under division (A) of 11631

section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. "Exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

(2) "Base rate of pay" means the rate of pay established under schedule E-1 of this section, plus the supplement provided under division (E) of section 124.181 of the Revised Code, plus any supplements enacted into law that are added to schedule E-1 of this section.

~~(D) Notwithstanding any division of this section to the contrary, or division (E) or (C) of section 124.15 of the Revised Code with respect to requirements for step placement and advancement, no exempt employee other than a captain or equivalent officer in the state highway patrol shall be placed in step value 7 in range 17 of schedule E-1 of division (B)(3) of this section.~~

**Sec. 124.184.** (A) As used in this section:

(1) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government. "State agency" does not include any of the following:

(a) The public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system;

(b) A state institution of higher education as defined in

section 3345.011 of the Revised Code; 11661

(c) The nonprofit corporation formed under section 187.01 11662  
of the Revised Code. 11663

(2) Notwithstanding the definition of "employee" in 11664  
section 124.01 of the Revised Code, "state employee" means an 11665  
individual holding a position subject to appointment, removal, 11666  
promotion, or reduction by a state agency. 11667

(B) (1) Not later than October 15, 2025, each state agency 11668  
shall develop a plan for the agency's state employees to report 11669  
to the agency's worksite or another location designated by the 11670  
agency during the time the employees are performing their duties 11671  
for the agency. 11672

(2) Beginning January 1, 2026, a state agency shall 11673  
require the agency's state employees to report to the agency's 11674  
worksite or another location in accordance with the plan 11675  
developed by the agency under division (B) (1) of this section. 11676  
Except as provided in divisions (C) and (D) of this section, no 11677  
state employee shall work from the employee's place of 11678  
residence. 11679

(C) Nothing in this section precludes a state agency from 11680  
permitting a state employee employed by the agency to work from 11681  
the employee's place of residence as a reasonable accommodation 11682  
under Title I of the "Americans with Disabilities Act of 1990," 11683  
42 U.S.C. 12111, et seq. or Chapter 4112. of the Revised Code. 11684

(D) A state agency may adopt a policy allowing an 11685  
appointing authority or the appointing authority's designee to 11686  
approve a state employee to work from the employee's place of 11687  
residence or other off-site location under any of the following 11688  
circumstances: 11689

- (1) During an occasional or emergent situation as required 11690  
to complete a necessary or time-sensitive business function of 11691  
the agency; 11692
- (2) Rare occasions where a health order or weather 11693  
emergency requires an individual to remain at the individual's 11694  
place of residence or to shelter in place; 11695
- (3) Occasions where the agency's worksite is or may be 11696  
closed on a temporary or ongoing basis, including remodeling an 11697  
existing building, natural disaster, utility outage, security 11698  
threat, or other occurrence that has or will result in such a 11699  
closure; 11700
- (4) Except as provided in division (D) (5) of this section, 11701  
the appointing authority or the appointing authority's designee 11702  
determines that an employee, due to the employee's job 11703  
classification or position, primarily performs the employee's 11704  
duties for the agency in the field or another location 11705  
designated by the agency that is not the employee's place of 11706  
residence; 11707
- (5) Where the appointing authority or the appointing 11708  
authority's designee determines that an employee is in a 11709  
computer-related occupation as provided in sections 13(a) (1) and 11710  
(17) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 213, 11711  
as defined in 29 C.F.R. 541.400; 11712
- (6) Where the appointing authority or the appointing 11713  
authority's designee grants an employee an accommodation for a 11714  
temporary medical condition not covered under division (C) of 11715  
this section; 11716
- (7) Where the appointing authority or the appointing 11717  
authority's designee determines that an employee's place of 11718

<u>residence is forty or more miles from the agency's worksite;</u>	11719
<u>(8) Where the appointing authority or the appointing authority's designee determines that the agency does not have adequate space or equipment for an employee at the agency's worksite.</u>	11720 11721 11722 11723
<u>(E) Nothing in this section shall interfere with an administrative policy regarding employee work location adopted by the supreme court, which is a separate branch of government established and vested with judicial power under Ohio Constitution, Article IV.</u>	11724 11725 11726 11727 11728
<b>Sec. 125.01.</b> As used in this chapter:	11729
(A) "Order" means a copy of a contract or a statement of the nature of a contemplated expenditure, a description of the property or supplies to be purchased or service to be performed, other than a service performed by officers and regular employees of the state, and per diem of the national guard, and the total sum of the expenditure to be made therefor, if the sum is fixed and ascertained, otherwise the estimated sum thereof, and an authorization to pay for the contemplated expenditure, signed by the person instructed and authorized to pay upon receipt of a proper invoice.	11730 11731 11732 11733 11734 11735 11736 11737 11738 11739
(B) "Invoice" means an itemized listing showing delivery of the supplies or performance of the service described in the order including all of the following:	11740 11741 11742
(1) The date of the purchase or rendering of the service;	11743
(2) An itemization of the things done, material supplied, or labor furnished;	11744 11745
(3) The sum due pursuant to the contract or obligation.	11746

(C) "Products" means materials, supplies, merchandise, 11747  
goods, wares, and foodstuffs. 11748

(D) "Produced" means the manufacturing, processing, 11749  
mining, developing, and making of a thing into a new article 11750  
with a distinct character in use through the application of 11751  
input, within the state or a state bordering Ohio, of Buy Ohio 11752  
products, labor, skill, or other services. "Produced" does not 11753  
include the mere assembling or putting together of products or 11754  
materials from outside of Ohio or a state bordering Ohio. 11755

(E) "Buy Ohio products" means products that are mined, 11756  
excavated, produced, manufactured, raised, or grown in the state 11757  
or a state bordering Ohio where the input of Buy Ohio products, 11758  
labor, skill, or other services constitutes no less than twenty- 11759  
five per cent of the manufactured cost. With respect to mined 11760  
products, such products shall be mined or excavated in this 11761  
state or a state bordering Ohio. "Buy Ohio products" includes 11762  
any product that includes semiconductors produced by a company 11763  
with a significant Ohio economic presence. 11764

(F) "Purchase" means to buy, rent, lease, lease purchase, 11765  
or otherwise acquire supplies or services. "Purchase" also 11766  
includes all functions that pertain to the obtaining of supplies 11767  
or services, including description of requirements, selection 11768  
and solicitation of sources, preparation and award of contracts, 11769  
all phases of contract administration, and receipt and 11770  
acceptance of the supplies and services and payment for them. 11771

(G) "Services" means the furnishing of labor, time, or 11772  
effort by a person, not involving the delivery of a specific end 11773  
product other than a report which, if provided, is merely 11774  
incidental to the required performance. "Services" does not 11775  
include services furnished pursuant to employment agreements or 11776

collective bargaining agreements. 11777

(H) "Supplies" means all property, including, but not 11778  
limited to, equipment, materials, and other tangible assets, but 11779  
excluding real property or an interest in real property. 11780

(I) "Competitive selection" means any of the following 11781  
procedures for making purchases: 11782

(1) Competitive sealed bidding under section 125.07 of the 11783  
Revised Code; 11784

(2) Competitive sealed proposals under section 125.071 of 11785  
the Revised Code; 11786

(3) Reverse auctions under section 125.072 of the Revised 11787  
Code; 11788

(4) Electronic procurement under section 125.073 of the 11789  
Revised Code. 11790

(J) "Direct purchasing authority" means the authority of a 11791  
state agency to make a purchase without competitive selection 11792  
pursuant to sections 125.05 and 127.16 of the Revised Code. 11793

**Sec. 125.041.** (A) Nothing in sections 125.02, 125.04 to 11794  
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~125.71, or 11795  
125.831 of the Revised Code shall be construed as limiting the 11796  
attorney general, auditor of state, secretary of state, or 11797  
treasurer of state in any of the following: 11798

(1) Purchases for less than the dollar amounts for the 11799  
purchase of supplies or services determined under section 125.05 11800  
of the Revised Code; 11801

(2) Purchases that equal or exceed the dollar amounts for 11802  
the purchase of supplies or services determined under section 11803

125.05 of the Revised Code with the approval of the controlling board, if that approval is required by section 127.16 of the Revised Code;

(3) The final determination of the nature or quantity of any purchase of supplies or services under division (B) of section 125.02 or under division (G) of section 125.035 of the Revised Code;

(4) The final determination and disposal of excess and surplus supplies;

(5) The inventory of state property;

(6) The purchase of printing;

(7) Activities related to information technology development and use;

(8) The fleet management program.

(B) Nothing in this section shall be construed as preventing the attorney general, auditor of state, secretary of state, or treasurer of state from complying with or participating in any aspect of Chapter 125. of the Revised Code through the department of administrative services.

**Sec. 125.071.** (A) In accordance with rules the director of administrative services shall adopt, the director may make purchases by competitive sealed proposal whenever the director determines that the use of competitive sealed bidding is not possible or not advantageous to the state.

(B) Proposals shall be solicited through a request for proposals. The request for proposals shall state the relative importance of price and other evaluation factors. Notice of the request for proposals shall be given in accordance with rules

the director shall adopt. 11832

(C) Proposals shall be opened so as to avoid disclosure of 11833  
contents to competing offerors. 11834

~~In order to ensure fair and impartial evaluation, 11835  
proposals and related documents submitted in response to a 11836  
request for proposals are not available for public inspection 11837  
and copying under section 149.43 of the Revised Code until after 11838  
the award of the contract. 11839~~

(D) As provided in the request for proposals, and under 11840  
rules the director shall adopt, discussions may be conducted 11841  
with responsible offerors who submit proposals determined to be 11842  
reasonably susceptible of being selected for award for the 11843  
purpose of ensuring full understanding of, and responsiveness 11844  
to, solicitation requirements. Offerors shall be accorded fair 11845  
and equal treatment with respect to any opportunity for 11846  
discussion regarding any clarification, correction, or revision 11847  
of proposals. No disclosure of any information derived from 11848  
proposals submitted by competing offerors shall occur when 11849  
discussions are conducted. 11850

(E) Award may be made to the offerors whose proposals are 11851  
determined to be the most advantageous to this state, taking 11852  
into consideration factors such as price and the evaluation 11853  
criteria set forth in the request for proposals. The contract 11854  
file shall contain the basis on which the award is made. 11855

**Sec. 125.11.** (A) Subject to division (B) of this section, 11856  
contracts awarded pursuant to a reverse auction under section 11857  
125.072 of the Revised Code or pursuant to competitive sealed 11858  
bidding, including contracts awarded under section 125.081 of 11859  
the Revised Code, shall be awarded to the lowest responsive and 11860

responsible bidder in accordance with section 9.312 of the Revised Code, and contracts awarded pursuant to a competitive sealed proposal shall be awarded to the offeror determined to be the most advantageous to this state.

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products or services shall evaluate the bids and offers received according to the criteria and procedures established pursuant to division (B) of section 125.09 of the Revised Code for determining if a product is mined, excavated, produced, manufactured, raised, or grown in the United States, in this state, or in a state bordering Ohio, whether the bid or offer was received from a Buy Ohio supplier, and whether the bid or offer was received from a certified veteran-friendly business enterprise. These requirements shall be applied where sufficient competition can be generated to ensure that compliance with these requirements will be in the best interest of the state unless otherwise prohibited.

(C) In order to ensure fair and impartial evaluation, materials relating to a solicitation through competitive selection shall not be considered public records under section 149.43 of the Revised Code until after the award of the contract based on the competitive selection. If all bids or proposals received in response to a solicitation through competitive selection are rejected, and notice is provided of an intent to reissue the solicitation through competitive selection, the materials relating to the original solicitation and the materials relating to the reissued solicitation shall not be considered public records under section 149.43 of the Revised Code until after the award of the contract based on the reissued

solicitation through competitive selection. 11892

(D) Division (B) of this section applies to contracts for 11893  
which competitive selection is waived by the controlling board. 11894

~~(D)~~(E) Division (B) of this section does not apply to the 11895  
purchase by the division of liquor control of spirituous liquor. 11896

**Sec. 125.111.** ~~(A)~~ Every contract for or on behalf of the 11897  
state or any of its political subdivisions for any purchase 11898  
shall contain provisions similar to those required by section 11899  
153.59 of the Revised Code in the case of construction contracts 11900  
by which the contractor agrees to both of the following: 11901

~~(1)~~(A) That, in the hiring of employees for the 11902  
performance of work under the contract or any subcontract, no 11903  
contractor or subcontractor, by reason of race, color, religion, 11904  
sex, age, disability or military status as defined in section 11905  
4112.01 of the Revised Code, national origin, or ancestry, shall 11906  
discriminate against any citizen of this state in the employment 11907  
of a person qualified and available to perform the work to which 11908  
the contract relates; 11909

~~(2)~~(B) That no contractor, subcontractor, or person acting 11910  
on behalf of any contractor or subcontractor, in any manner, 11911  
shall discriminate against, intimidate, or retaliate against any 11912  
employee hired for the performance of work under the contract on 11913  
account of race, color, religion, sex, age, disability or 11914  
military status as defined in section 4112.01 of the Revised 11915  
Code, national origin, or ancestry. 11916

~~(B) All contractors from whom the state or any of its~~ 11917  
~~political subdivisions make purchases shall have a written~~ 11918  
~~affirmative action program for the employment and effective~~ 11919  
~~utilization of economically disadvantaged persons, as referred~~ 11920

~~to in division (E) (1) of section 122.71 of the Revised Code. 11921~~  
~~Annually, each such contractor shall file a description of the 11922~~  
~~affirmative action program and a progress report on its 11923~~  
~~implementation with the department of development. 11924~~

**Sec. 125.183.** (A) As used in this section: 11925

(1) "Covered application" means ~~all of the following:~~ 11926

~~(a) The TikTok application and service or any successor 11927~~  
~~application or service developed or provided by ByteDance 11928~~  
~~limited or an entity owned by ByteDance limited; 11929~~

~~(b) The WeChat application and service or any successor 11930~~  
~~application or service developed or provided by Tencent holdings 11931~~  
~~limited or an entity owned by Tencent holdings limited; 11932~~

~~(c) Any application or service owned by an entity located 11933~~  
~~in China, including QQ International (QQi), Qzone, Weibo, Xiao 11934~~  
~~HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian 11935~~  
~~Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little 11936~~  
~~Red Book, and Zhihuany application owned or controlled, directly 11937~~  
~~or indirectly, by an entity identified as a foreign adversary as 11938~~  
~~defined in 15 C.F.R. 791.2. 11939~~

(2) "State agency" means every organized body, office, or 11940  
agency established by the laws of this state for the exercise of 11941  
any function of state government, other than any state-supported 11942  
institution of higher education, the courts, or any judicial 11943  
agency. "State agency" includes the general assembly, any 11944  
legislative agency, and the capitol square review and advisory 11945  
board. 11946

(B) Subject to division (C) of this section, the state 11947  
chief information officer shall do all of the following: 11948

- (1) Require state agencies immediately to remove any covered application from all equipment they own or lease; 11949  
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- (2) Prohibit all of the following on equipment owned or leased by a state agency: 11951  
11952
- (a) The downloading, installation, or use of a covered application; 11953  
11954
- (b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency; 11955  
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- (c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency. 11958  
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- (3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B) (2) of this section. 11961  
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- (C) Division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so. 11964  
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- Sec. 125.31.** (A) The department of administrative services shall have supervision of all public printing except as follows: 11969  
11970
- (1) Printing for the general assembly shall be the sole responsibility of the clerk of the senate and the clerk of the house of representatives unless the clerk of the senate or the clerk of the house of representatives chooses either of the options specified in section 101.523 or 101.524 of the Revised Code. 11971  
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(2) Printing for the Ohio arts council shall be under the supervision of the council. 11977  
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(3) Printing for the capitol square review and advisory board shall be under the supervision of the board. 11979  
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(4) Printing for state-supported institutions of higher education shall be under the supervision of the department of purchasing of each such institution or the department or officer within each institution that performs the functions of a department of purchasing. 11981  
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(B) The department of administrative services shall determine, except as otherwise specifically provided by law, the number of copies to be printed of each publication or document, the source of reproduction, the manner of binding, quality of paper, the general kind, size, and spacing of type to be used in all reports, publications, bulletins, documents, or pamphlets printed at public expense. 11986  
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The department shall not use its authority to curtail the release of public information by any elected state official. 11993  
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~~(C) For the purposes of sections 125.31 to 125.76 of the Revised Code, all functions, powers, and duties assigned to the department of administrative services are considered to be assigned to the division of state printing within the department of administrative services~~ Division (B) of this section does not apply to printing contracts requiring special security paper, of a unique nature, if compliance will result in acquiring a disproportionately inferior product or a price that exceeds by more than five per cent the lowest price submitted on a non-Ohio bid. 11995  
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**Sec. 125.42.** (A) No agency, officer, board, or commission, 12005

except the clerk of the senate and the clerk of the house of 12006  
representatives, shall print or cause to be printed at the 12007  
public expense, any report, bulletin, document, or pamphlet, 12008  
unless such report, bulletin, document, or pamphlet is first 12009  
submitted to, and the printing thereof approved by, the 12010  
department of administrative services. If the department 12011  
approves the printing, it shall determine the form of such 12012  
printing and the number of copies. 12013

If such approval is given, the department shall cause the 12014  
same to be printed and bound ~~as provided by sections 125.49,~~ 12015  
~~125.51, and 125.56 of the Revised Code, except as otherwise~~ 12016  
~~provided by section 125.45 of the Revised Code;~~ and when 12017  
printed, such publications or forms shall be delivered to the 12018  
ordering officer, board, commission, or department, or sold at a 12019  
price not to exceed the total cost. 12020

(B) The department of administrative services annually 12021  
shall set a maximum cost per page and a maximum total cost for 12022  
the printing by any board, commission, council, or other public 12023  
body of the state of any annual report or any other report that 12024  
it is required by law to produce. No board, commission, council, 12025  
or other public body of the state shall expend or incur the 12026  
expenditure of any amount in excess of these maximum amounts 12027  
without the prior approval of the department. This division does 12028  
not apply to the general assembly or any court. 12029

**Sec. 125.58.** ~~The department of administrative services~~ 12030  
~~shall promptly notify each successful offeror of the acceptance~~ 12031  
~~of the offeror's bid or proposal for state printing. If such~~ 12032  
~~offeror fails to execute the contract because of death or other~~ 12033  
~~cause, or if the offeror fails to execute the work required by~~ 12034  
~~the contract in a proper manner and with reasonable promptness,~~ 12035

~~or the contract is abandoned, or its execution is temporarily~~ 12036  
~~suspended, the department may enter into a contract with another~~ 12037  
~~person for the prompt execution of the work for the lowest price~~ 12038  
~~which may be obtained. Before any work is relet in consequence~~ 12039  
~~of the misconduct or default of the contractor, the department~~ 12040  
~~shall give the contractor written notice thereof. The department~~ 12041  
of administrative services may set a daily penalty charge for 12042  
late orders, provided the penalty schedule and amount are stated 12043  
in the invitation to bid or request for proposals for ~~the~~ 12044  
printing. 12045

Sec. 126.024. Beginning with the state budget that is 12046  
introduced following the effective date of this section, and 12047  
subsequent state budgets thereafter, the director of budget and 12048  
management, in consultation with the medicaid director, shall 12049  
request and propose multiple medicaid health care services 12050  
general revenue fund appropriation items. At a minimum, the 12051  
directors shall propose a separate general revenue fund 12052  
appropriation item for the different health care services 12053  
included in the medicaid program, including all of the 12054  
following: 12055

- (A) Services provided under the care management system; 12056
- (B) Nursing facility services; 12057
- (C) Hospital services; 12058
- (D) Behavioral health services; 12059
- (E) Services provided under medicaid waiver components 12060  
administered by the department of aging; 12061
- (F) Prescription drug services; 12062
- (G) Physician services; 12063

<u>(H) Services provided under the Ohio home care waiver program;</u>	12064 12065
<u>(I) Services provided under medicaid waiver components administered by the department of developmental disabilities;</u>	12066 12067
<u>(J) Services provided under the medicaid waiver component known as the Ohio resilience through integrated systems and excellence (OhioRISE) waiver;</u>	12068 12069 12070
<u>(K) Any other medicaid health care services that the directors determine should have a separate general revenue fund appropriation item.</u>	12071 12072 12073
<b><u>Sec. 126.10.</u></b> (A) For the purposes of this section:	12074
<u>(1) "Agency" has the same meaning as in section 111.15 of the Revised Code.</u>	12075 12076
<u>(2) "State program" means any program, initiative, or service administered or overseen by an agency.</u>	12077 12078
<u>(B) Notwithstanding any provision of law to the contrary or any rules adopted under it, if the federal government reduces, discontinues, pauses, or otherwise suspends any federal program that provides federal funds for any corresponding state program, such program may be reduced, discontinued, paused, or suspended. This shall include any contract, agreement, memorandum of understanding, or any other covenant entered into by the state that is dependent on federal funding.</u>	12079 12080 12081 12082 12083 12084 12085 12086
<b>Sec. 126.14.</b> The release of any money appropriated for the purchase of real estate shall be approved by the controlling board. The release of money appropriated for all other capital projects is also subject to the approval of the controlling board, except that the director of budget and management may	12087 12088 12089 12090 12091

~~approve the release of money appropriated for specific projects~~ 12092  
~~in accordance with the requirements of this section and except~~ 12093  
~~that the director of budget and management may approve the~~ 12094  
release of unencumbered capital balances, for a project to 12095  
repair, remove, or prevent a public exigency declared to exist 12096  
by the executive director of the Ohio facilities construction 12097  
commission under section 123.10 of the Revised Code in the 12098  
amount designated in that declaration. 12099

~~Within sixty days after the effective date of any act~~ 12100  
~~appropriating money for capital projects, the director shall~~ 12101  
~~determine which appropriations are for general projects and~~ 12102  
~~which are for specific projects. Specific projects may include~~ 12103  
~~specific higher education projects that are to be funded from~~ 12104  
~~general purpose appropriations from the higher education~~ 12105  
~~improvement fund or the higher education improvement taxable~~ 12106  
~~fund created in section 154.21 of the Revised Code. Upon~~ 12107  
~~determining which projects are general and which are specific,~~ 12108  
~~the director shall submit to the controlling board a list that~~ 12109  
~~includes a brief description of and the estimated expenditures~~ 12110  
~~for each specific project. The release of money for any specific~~ 12111  
~~higher education projects that are to be funded from general~~ 12112  
~~purpose appropriations from the higher education improvement~~ 12113  
~~fund or the higher education improvement taxable fund but that~~ 12114  
~~are not included on the list, and the release of money for any~~ 12115  
~~specific higher education projects included on the list that~~ 12116  
~~will exceed the estimated expenditures by more than ten per~~ 12117  
~~cent, are subject to the approval of the controlling board.~~ 12118

~~The director may create new appropriation items and make~~ 12119  
~~transfers of appropriations to them for specific higher~~ 12120  
~~education projects included on the list that are to be funded~~ 12121  
~~from general purpose appropriations for basic renovations that~~ 12122

~~are made from the higher education improvement fund or the~~ 12123  
~~higher education improvement taxable fund.~~ 12124

**Sec. 126.17.** (A) As used in this section: 12125

"Direct cost" means a cost that can be identified 12126  
specifically with a particular final cost objective or that can 12127  
be directly assigned to such activities relatively easily with a 12128  
high degree of accuracy. 12129

"Indirect cost" means a cost that is not readily 12130  
identified with a particular project, function or activity, but 12131  
is necessary for the general operation of the organization, and 12132  
a cost not directly identified with a single, final cost 12133  
objective, but identified with two or more final cost objectives 12134  
or an intermediate cost objective. 12135

"State grant" means funding provided by a state agency to 12136  
a state grant recipient for which the agency does not require 12137  
repayment. 12138

"State grant recipient" means an entity that receives a 12139  
state grant, whether for profit or nonprofit, a corporation, 12140  
association, partnership, limited liability company, sole 12141  
proprietorship, or other business entity. "State grant 12142  
recipient" does not include an individual who receives state 12143  
assistance that is not related to the individual's business. 12144

(B) The director of budget and management shall establish 12145  
and administer a centralized reporting system to receive 12146  
financial status reports submitted by state grant recipients. 12147  
The system shall be operational not later than one year after 12148  
the effective date of this section. The director shall adopt 12149  
rules, under Chapter 119. of the Revised Code, to set forth the 12150  
information to be included in the financial status reports, the 12151

frequency at which reports shall be submitted, and guidelines 12152  
for determining direct and indirect costs. The information 12153  
required shall be intended to assist the state in oversight of 12154  
public funds, and in evaluation of the effectiveness of grant 12155  
programs. It shall include all of the following: 12156

(1) An accounting of the expenditure of grant funds by a 12157  
state grant recipient, which shall separately identify any 12158  
amount expended by vendor and items purchased to directly 12159  
benefit the public, and the amount of indirect costs; 12160

(2) A project progress report; 12161

(3) Confirmation that the state grant recipient is in 12162  
compliance with any applicable laws or regulations. 12163

The centralized reporting system shall enable a state 12164  
agency to report, to the director, information regarding a state 12165  
grant. 12166

(C) A state agency shall inform a state grant recipient of 12167  
the requirements of this section, and shall provide the name and 12168  
contact information of each recipient, the amount of the grant, 12169  
and other project-identifying information to the director of 12170  
budget and management. 12171

(D) A state grant recipient shall comply with the 12172  
reporting requirements established under this section, with 12173  
respect to each state grant that is awarded on or after the date 12174  
that is one year after the effective date of this section. 12175

**Sec. 126.24.** The OAKS support organization fund is hereby 12176  
created in the state treasury for the purpose of paying the 12177  
operating, development, and upgrade expenses of the state's 12178  
enterprise resource planning system. The fund shall consist of 12179  
transfers received pursuant to division (A) (2) of section 126.12 12180

of the Revised Code and agency payroll charge revenues that are 12181  
designated to support the operating, development, and upgrade 12182  
costs of the Ohio administrative knowledge system. ~~All~~ 12183  
~~investment earnings of the fund shall be credited to the fund.~~ 12184

**Sec. 126.42.** (A) Notwithstanding any provision of law to 12185  
the contrary, the office of budget and management shall perform 12186  
routine support for the following boards and commissions: 12187

(1) Architects board; 12188

(2) State chiropractic board; 12189

(3) State cosmetology and barber board; 12190

(4) Accountancy board; 12191

(5) State dental board; 12192

(6) Ohio occupational therapy, physical therapy, and 12193  
athletic trainers board; 12194

(7) State board of registration for professional engineers 12195  
and surveyors; 12196

(8) Board of embalmers and funeral directors; 12197

(9) State board of psychology; 12198

(10) Counselor, social worker, and marriage and family 12199  
therapist board; 12200

(11) State veterinary medical licensing board; 12201

(12) Commission on Hispanic-Latino affairs; 12202

(13) Commission on African-Americans; 12203

(14) Chemical dependency professionals board; 12204

(15) State vision professionals board; 12205

(16) State speech and hearing professionals board;	12206
<u>(17) New African immigrants commission.</u>	12207
(B) (1) For purposes of this section, the office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the office of budget and management:	12208 12209 12210 12211 12212 12213
(a) Preparing and processing payroll and other personnel documents;	12214 12215
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	12216 12217
(c) Maintaining ledgers of accounts and balances;	12218
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	12219 12220
(e) Routine human resources and personnel services;	12221
(f) Other routine support services that the director of budget and management considers appropriate to achieve efficiency.	12222 12223 12224
(2) In addition to the routine support services listed in division (B) (1) of this section, the office of budget and management may perform other services which a board or commission named in division (A) of this section delegates to the office and the office accepts.	12225 12226 12227 12228 12229
(3) The office of budget and management may perform routine support services for any <del>professional or occupational licensing</del> board or commission not named in division (A) of this	12230 12231 12232

section at the request of the board or commission. 12233

(C) The office of budget and management shall determine 12234  
the fees to be charged to the boards and commissions, which 12235  
shall be in proportion to the services performed for each board 12236  
or commission. 12237

**Sec. 126.60.** (A) As used in this section: 12238

(1) "Agricultural water project" means a project that will 12239  
improve water quality by reducing or aiding in the reduction of 12240  
levels of phosphorus, nitrogen, or sediment, that result from 12241  
agricultural practices, in the waters of the state. 12242  
"Agricultural water project" includes a project involving 12243  
research, technology, design, construction, best management 12244  
practices, conservation, testing, or education. 12245

(2) "Community water project" means a project involving a 12246  
public water system operated by a political subdivision that 12247  
will improve water quality by reducing or aiding in the 12248  
reduction of levels of phosphorus, nitrogen, or sediment in the 12249  
waters of the state. "Community water project" includes a 12250  
project involving research, technology, design, construction, 12251  
best management practices, conservation, testing, or 12252  
maintenance. 12253

(3) "Nature water project" means a project involving a 12254  
natural water system that will improve water quality by reducing 12255  
or aiding in the reduction of levels of phosphorus, nitrogen, or 12256  
sediment in the waters of the state. "Nature water project" 12257  
includes a project involving research, technology, design, 12258  
construction, best management practices, conservation, or 12259  
maintenance. "Nature water project" also includes the creation, 12260  
maintenance, or restoration of wetlands, flood plains, flood 12261

control systems, and buffers throughout the state, including the western basin of Lake Erie. 12262  
12263

(B) (1) There is hereby created in the state treasury the H2Ohio fund consisting of money credited to it and any donations, gifts, bequests, and other money received for deposit in the fund. ~~All investment earnings of the fund shall be credited to the fund.~~ All money credited or deposited in the fund shall be used for any of the following purposes: 12264  
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~~(1)~~ (a) Agriculture water projects; 12270

~~(2)~~ (b) Community water projects; 12271

~~(3)~~ (c) Nature water projects; 12272

~~(4)~~ (d) Awarding or allocating grants or money, issuing loans, or making purchases for the development and implementation of projects and programs, including remediation projects, that are designed to address water quality priorities; 12273  
12274  
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~~(5)~~ (e) Funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities; 12277  
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12279

~~(6)~~ (f) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, institutions of higher education, and water conservation districts; 12280  
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~~(7)~~ (g) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the purposes, policies, programs, and priorities align with a statewide strategic vision 12285  
12286  
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and comprehensive periodic water protection and restoration 12290  
strategy. 12291

(2) With respect to money credited or deposited in the 12292  
fund, the department of natural resources shall not use more 12293  
than two million five hundred thousand dollars in any fiscal 12294  
year to purchase land or conservation easements or to issue 12295  
grants for such purposes. 12296

(C) Not later than August 31, 2020, and annually 12297  
thereafter, the Ohio Lake Erie commission, in coordination with 12298  
state agencies or boards responsible for water protection and 12299  
water management, shall do both of the following: 12300

(1) Prepare a report of the activities that were 12301  
undertaken with respect to the fund during the immediately 12302  
preceding fiscal year, including the revenues and expenses of 12303  
the fund for the preceding fiscal year; 12304

(2) Submit the report to the general assembly and to the 12305  
governor. 12306

(D) Within forty-five days after the report is submitted 12307  
under division (C) of this section, the directors of the state 12308  
agencies that contributed to the report and the executive 12309  
director of the Lake Erie commission shall appear before both 12310  
the house of representatives and senate committees that oversee 12311  
state finance to testify on the report. 12312

**Sec. 126.62.** (A) The all Ohio future fund is hereby 12313  
created in the state treasury. The fund shall consist of money 12314  
credited to it and any donations, gifts, bequests, or other 12315  
money received for deposit in the fund. ~~All investment earnings~~ 12316  
~~of the fund shall be credited to the fund.~~ Money in the fund 12317  
shall be used to promote economic development throughout the 12318

state, including infrastructure projects and other 12319  
infrastructure improvements. 12320

(B) The director shall adopt rules in accordance with 12321  
Chapter 119. of the Revised Code that establish requirements and 12322  
procedures to provide financial assistance from the all Ohio 12323  
future fund. The director shall consult with JobsOhio in 12324  
adopting the rules. 12325

(C) No money shall be expended from the all Ohio future 12326  
fund, pursuant to appropriation, until it has been released by 12327  
the controlling board. 12328

Sec. 126.67. The targeted addiction assistance fund is 12329  
created in the state treasury. The fund shall consist of money 12330  
awarded to the state by court order that is intended to address 12331  
the effects of the opioid crisis. 12332

Beginning January 15, 2027, any money received under the 12333  
settlement agreement in State of Ohio v. McKesson Corp., Case 12334  
No. CVH20180055 (C.P. Madison Co., settlement agreement of 12335  
October 7, 2021) shall be certified by the attorney general and 12336  
remitted to the office of budget and management for deposit in 12337  
the fund. The director of budget and management shall notify the 12338  
speaker of the house of representatives, the president of the 12339  
senate, and the chairpersons of the finance committees of the 12340  
house of representatives and senate when money is deposited into 12341  
the fund. 12342

**Sec. 127.12.** There is hereby created a controlling board 12343  
consisting of all of the following: 12344

(A) The director of budget and management or an employee 12345  
of the office of budget and management designated by the 12346  
director; 12347

(B) The chairperson or vice-chairperson of the finance-  
appropriations committee of the house of representatives, as  
designated by the speaker;

(C) The chairperson or vice-chairperson of the finance  
committee of the senate, as designated by the president;

(D) Two members of the house of representatives appointed  
by the speaker, one from the majority party and one from the  
minority party;

(E) Two members of the senate appointed by the president,  
one from the majority party and one from the minority party.

Notwithstanding section 101.26 of the Revised Code, the  
legislative members, when engaged in their duties as members of  
the controlling board, shall be paid at the per diem rate of one  
hundred fifty dollars, and their necessary traveling expenses,  
which shall be paid from the funds appropriated for the payment  
of expenses of legislative committees.

(F) In the event of the absence, illness, disability,  
death, or resignation of a legislative member, the following  
persons may serve in the member's absence: for the chairperson  
or vice-chairperson of the finance-appropriations committee of  
the house of representatives, the speaker or a member of the  
house of representatives designated by the speaker; for the  
chairperson or vice-chairperson of the senate finance committee,  
the president or a member of the senate designated by the  
president; for a member of the board appointed by the speaker of  
the house of representatives, or the president of the senate,  
the speaker or the president, as the case may be, or a member of  
the house of representatives or of the senate of the same party  
as such controlling board member, designated by such speaker or

president. 12377

As used in any statute, "controlling board," unless the 12378  
context otherwise requires, means the controlling board created 12379  
by this section. 12380

**Sec. 127.13.** The director of budget and management or ~~his~~ 12381  
the director's designee shall be president of the controlling 12382  
board. The president shall prepare the proposed agenda for the 12383  
meetings of the board and shall provide, at least ~~seven~~ten days 12384  
prior to the meeting, copies of the proposed agenda and 12385  
supporting documentation to the members of the board and to ~~the~~ 12386  
~~legislative budget office of the~~ legislative service commission. 12387

The director shall designate an employee of the office of 12388  
budget and management to serve as secretary of the controlling 12389  
board. The secretary shall assist the president of the board and 12390  
shall make and keep a record of each request received by the 12391  
board and of its action thereon. The secretary shall certify a 12392  
copy of the record of each action to each member of the board 12393  
and to the director. 12394

The controlling board may adopt procedural rules for the 12395  
conduct of the business of the board, may approve, disapprove, 12396  
modify as to specific dollar amounts, or defer requests, and may 12397  
require that a request from the senate, the house of 12398  
representatives, the supreme court, or an elected member of the 12399  
executive department as defined in Section 1 of Article III, 12400  
Ohio Constitution, not currently before the controlling board be 12401  
added to the agenda for a specified future meeting of the board, 12402  
provided that such request has been previously submitted to the 12403  
president for inclusion in the agenda for a board meeting. The 12404  
controlling board also may adopt rules authorizing the president 12405  
to act on its behalf in exigent circumstances affecting the 12406

public health, safety, or welfare. 12407

The affirmative vote of no fewer than four members of the 12408  
controlling board shall be required for any action of the board. 12409  
The board shall meet at least once a month. 12410

**Sec. 127.16.** (A) Upon the request of either a state agency 12411  
or the director of budget and management and after the 12412  
controlling board determines that an emergency or a sufficient 12413  
economic reason exists, the controlling board may approve the 12414  
making of a purchase without competitive selection as provided 12415  
in division (B) of this section. 12416

(B) Except as otherwise provided in this section, no state 12417  
agency, using money that has been appropriated to it directly, 12418  
shall: 12419

(1) Make any purchase from a particular supplier, that 12420  
would amount to fifty thousand dollars or more when combined 12421  
with both the amount of all disbursements to the supplier during 12422  
the fiscal year for purchases made by the agency and the amount 12423  
of all outstanding encumbrances for purchases made by the agency 12424  
from the supplier, unless the purchase is made by competitive 12425  
selection or with the approval of the controlling board; 12426

(2) Lease real estate from a particular supplier, if the 12427  
lease would amount to seventy-five thousand dollars or more when 12428  
combined with both the amount of all disbursements to the 12429  
supplier during the fiscal year for real estate leases made by 12430  
the agency and the amount of all outstanding encumbrances for 12431  
real estate leases made by the agency from the supplier, unless 12432  
the lease is made by competitive selection or with the approval 12433  
of the controlling board. 12434

(C) Any person who authorizes a purchase in violation of 12435

division (B) of this section shall be liable to the state for 12436  
any state funds spent on the purchase, and the attorney general 12437  
shall collect the amount from the person. 12438

(D) Nothing in division (B) of this section shall be 12439  
construed as: 12440

(1) A limitation upon the authority of the director of 12441  
transportation as granted in sections 5501.17, 5517.02, and 12442  
5525.14 of the Revised Code; 12443

(2) Applying to medicaid provider agreements under the 12444  
medicaid program; 12445

(3) Applying to the purchase of examinations from a sole 12446  
supplier by a state licensing board under Title XLVII of the 12447  
Revised Code; 12448

(4) Applying to entertainment contracts for the Ohio state 12449  
fair entered into by the Ohio expositions commission, provided 12450  
that the controlling board has given its approval to the 12451  
commission to enter into such contracts and has approved a total 12452  
budget amount for such contracts as agreed upon by commission 12453  
action, and that the commission causes to be kept itemized 12454  
records of the amounts of money spent under each contract and 12455  
annually files those records with the clerk of the house of 12456  
representatives and the clerk of the senate following the close 12457  
of the fair; 12458

(5) Limiting the authority of the chief of the division of 12459  
mineral resources management to contract for reclamation work 12460  
with an operator mining adjacent land as provided in section 12461  
1513.27 of the Revised Code; 12462

(6) Applying to investment transactions and procedures of 12463  
any state agency, except that the agency shall file with the 12464

board the name of any person with whom the agency contracts to 12465  
make, broker, service, or otherwise manage its investments, as 12466  
well as the commission, rate, or schedule of charges of such 12467  
person with respect to any investment transactions to be 12468  
undertaken on behalf of the agency. The filing shall be in a 12469  
form and at such times as the board considers appropriate. 12470

~~(7) Applying to purchases made with money for the per cent 12471  
for arts program established by section 3379.10 of the Revised 12472  
Code;— 12473~~

~~(8) Applying to purchases made by the opportunities for 12474  
Ohioans with disabilities agency of services, or supplies, that 12475  
are provided to persons with disabilities, or to purchases made 12476  
by the agency in connection with the eligibility determinations 12477  
it makes for applicants of programs administered by the social 12478  
security administration; 12479~~

~~(9)(8) Applying to payments by the department of medicaid 12480  
under section 5164.85 of the Revised Code for group health plan 12481  
premiums, deductibles, coinsurance, and other cost-sharing 12482  
expenses; 12483~~

~~(10)(9) Applying to any agency of the legislative branch 12484  
of the state government; 12485~~

~~(11)(10) Applying to agreements or contracts entered into 12486  
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 12487  
of the Revised Code; 12488~~

~~(12)(11) Applying to purchases of services by the adult 12489  
parole authority under section 2967.14 of the Revised Code or by 12490  
the department of youth services under section 5139.08 of the 12491  
Revised Code; 12492~~

~~(13)(12) Applying to dues or fees paid for membership in 12493~~

an organization or association;	12494
<del>(14)</del> <u>(13)</u> Applying to purchases of utility services	12495
pursuant to section 9.30 of the Revised Code;	12496
<del>(15)</del> <u>(14)</u> Applying to purchases made in accordance with	12497
rules adopted by the department of administrative services of	12498
motor vehicle, aviation, or watercraft fuel, or emergency	12499
repairs of such vehicles;	12500
<del>(16)</del> <u>(15)</u> Applying to purchases of tickets for passenger	12501
air transportation;	12502
<del>(17)</del> <u>(16)</u> Applying to purchases necessary to provide public	12503
notifications required by law or to provide notifications of job	12504
openings;	12505
<del>(18)</del> <u>(17)</u> Applying to the judicial branch of state	12506
government;	12507
<del>(19)</del> <u>(18)</u> Applying to purchases of liquor for resale by the	12508
division of liquor control;	12509
<del>(20)</del> <u>(19)</u> Applying to purchases of motor courier and	12510
freight services made in accordance with department of	12511
administrative services rules;	12512
<del>(21)</del> <u>(20)</u> Applying to purchases from the United States	12513
postal service and purchases of stamps and postal meter	12514
replenishment from vendors at rates established by the United	12515
States postal service;	12516
<del>(22)</del> <u>(21)</u> Applying to purchases of books, periodicals,	12517
pamphlets, newspapers, maintenance subscriptions, and other	12518
published materials;	12519
<del>(23)</del> <u>(22)</u> Applying to purchases from other state agencies,	12520

including state-assisted institutions of higher education or the	12521
Ohio history connection;	12522
<del>(24)</del> <u>(23)</u> Applying to purchases from a qualified nonprofit	12523
agency pursuant to sections 125.60 to 125.6012 <del>or 4115.31 to</del>	12524
<del>4115.35</del> of the Revised Code;	12525
<del>(25)</del> <u>(24)</u> Applying to payments by the department of job and	12526
family services to the United States department of health and	12527
human services for printing and mailing notices pertaining to	12528
the tax refund offset program of the internal revenue service of	12529
the United States department of the treasury;	12530
<del>(26)</del> <u>(25)</u> Applying to contracts entered into by the	12531
department of developmental disabilities under section 5123.18	12532
of the Revised Code;	12533
<del>(27)</del> <u>(26)</u> Applying to payments made by the department of	12534
mental health and addiction services under a physician	12535
recruitment program authorized by section 5119.185 of the	12536
Revised Code;	12537
<del>(28)</del> <u>(27)</u> Applying to contracts entered into with persons	12538
by the director of commerce for unclaimed funds collection and	12539
remittance efforts as provided in division (G) of section 169.03	12540
of the Revised Code. The director shall keep an itemized	12541
accounting of unclaimed funds collected by those persons and	12542
amounts paid to them for their services.	12543
<del>(29)</del> <u>(28)</u> Applying to purchases made by a state institution	12544
of higher education in accordance with the terms of a contract	12545
between the vendor and an inter-university purchasing group	12546
comprised of purchasing officers of state institutions of higher	12547
education;	12548
<del>(30)</del> <u>(29)</u> Applying to the department of medicaid's	12549

purchases of health assistance services under the children's health insurance program;	12550 12551
<del>(31)</del> (30) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	12552 12553 12554 12555 12556
<del>(32)</del> (31) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	12557 12558 12559
<del>(33)</del> (32) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	12560 12561 12562 12563
<del>(34)</del> (33) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	12564 12565 12566 12567
<del>(35)</del> (34) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;	12568 12569 12570
<del>(36)</del> (35) Applying to contracts entered into under section 5160.12 of the Revised Code;	12571 12572
<del>(37)</del> (36) Applying to payments to the Ohio history connection from other state agencies.	12573 12574
(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B) (1) and (2) of this section, the following purchases by such	12575 12576 12577

agency shall not be considered:	12578
(1) Purchases made through competitive selection or with controlling board approval;	12579 12580
(2) Purchases listed in division (D) of this section;	12581
(3) For the purposes of the threshold of division (B) (1) of this section only, leases of real estate.	12582 12583
(F) A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.	12584 12585 12586 12587
(G) As used in this section, "competitive selection," "direct purchasing authority," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	12588 12589 12590 12591
<b>Sec. 128.021.</b> (A) Not later than January 1, 2014, and in accordance with Chapter 119. of the Revised Code, the steering committee shall adopt rules that establish technical and operational standards for public safety answering points eligible to receive disbursements under section 128.55 of the Revised Code. The rules shall incorporate industry standards and best practices for 9-1-1 services. Public safety answering points shall comply with the standards not later than two years after the effective date of the rules adopting the standards. A public safety answering point may be deemed compliant with rules for minimum staffing standards, if it can demonstrate compliance with all other rules for operational standards.	12592 12593 12594 12595 12596 12597 12598 12599 12600 12601 12602 12603
(B) Not later than one year after September 29, 2015, and in accordance with Chapter 119. of the Revised Code, the steering committee shall conduct an assessment of the	12604 12605 12606

operational standards for public safety answering points 12607  
developed under division (A) of this section and revise the 12608  
standards as necessary to ensure that the operational standards 12609  
contain the following: 12610

(1) Policies to ensure that public safety answering point 12611  
personnel prioritize life-saving questions in responding to each 12612  
call to a 9-1-1 system established under this chapter; 12613

(2) A requirement that all public safety answering point 12614  
personnel complete proper training or provide proof of prior 12615  
training to give instructions regarding emergency situations. 12616

(C) Upon the effective date of the amendments to this 12617  
section by ~~this act~~ H.B. 33 of the 135th general assembly, 12618  
October 3, 2023, all public safety answering points that answer 12619  
9-1-1 calls for service ~~from wireless services~~ shall be subject 12620  
to the public safety answering point operations rules. Public 12621  
safety answering points not originally required to be compliant 12622  
shall comply with the standards not later than two years after 12623  
the effective date of the amendments to this section by ~~this act~~ 12624  
H.B. 33 of the 135th general assembly, October 3, 2023. 12625

**Sec. 128.41.** (A) As used in this section, "communications 12626  
service" means any wireless service, multiline telephone system, 12627  
and voice over internet protocol system to which both of the 12628  
following apply: 12629

(1) The service or system is registered to the 12630  
subscriber's address within this state or the subscriber's 12631  
primary place of using the service or system is in this state. 12632

(2) The service or system is capable of initiating a 12633  
direct connection to 9-1-1. 12634

(B) After the expiration of the charge described in 12635

division (A) (1) of section 128.40 of the Revised Code and except 12636  
as provided in sections 128.413 and 128.42 of the Revised Code, 12637  
there is imposed a next generation 9-1-1 access fee of ~~forty~~ 12638  
sixty cents per month on each communications service, which 12639  
shall be imposed as follows: 12640

(1) In the case of wireless telephone service, a 12641  
subscriber shall pay a separate next generation 9-1-1 access fee 12642  
for each wireless telephone number assigned to the subscriber. 12643

(2) In the case of a voice over internet protocol system, 12644  
a subscriber shall pay a separate fee for each voice channel 12645  
provided to the subscriber through the system. The number of 12646  
voice channels shall be equal to the number of outbound calls 12647  
the subscriber can maintain at the same time using the system, 12648  
but excludes a direct inward dialing number that merely routes 12649  
an inbound call. The maximum number of separate fees imposed on 12650  
a subscriber's system shall not exceed one hundred voice 12651  
channels per network. 12652

(3) In the case of a multiline telephone system, the 12653  
subscriber shall pay a separate fee for each line. The maximum 12654  
number of separate fees imposed on a single subscriber with a 12655  
multiline telephone system shall not exceed one hundred per 12656  
building with a unique street address or physically identifiable 12657  
location. 12658

(C) If more than one communications service shares the 12659  
same telephone number, then the next generation 9-1-1 access fee 12660  
imposed shall not exceed ~~forty~~ sixty cents per month. 12661

**Sec. 128.46.** (A) (1) An entity required to collect a 12662  
wireless 9-1-1 charge under section 128.40 of the Revised Code 12663  
or the next generation 9-1-1 access fee under section 128.414 or 12664

128.421 of the Revised Code shall, on or before the twenty-third 12665  
day of each month, except as provided in divisions (A) (2) and 12666  
(3) of this section, do both of the following: 12667

(a) Make and file a return for the preceding month, in the 12668  
form prescribed by the tax commissioner, showing the amount of 12669  
the charges or fees due for that month; 12670

(b) Remit the full amount due, as shown on the return, 12671  
with the exception of charges or fees equivalent to the amount 12672  
authorized as a collection fee under division (B) of this 12673  
section. 12674

(2) The commissioner may grant one or more thirty-day 12675  
extensions for making and filing returns and remitting amounts 12676  
due. 12677

(3) If a seller is required to collect prepaid wireless 9- 12678  
1-1 charges under section 128.40 of the Revised Code or next 12679  
generation 9-1-1 access fees under section 128.421 of the 12680  
Revised Code in amounts that do not merit monthly returns, the 12681  
commissioner may authorize the seller to make and file returns 12682  
less frequently. The commissioner shall ascertain whether this 12683  
authorization is warranted upon the basis of administrative 12684  
costs to the state. 12685

(B) A wireless service provider, reseller, and seller may 12686  
each retain as a collection fee three per cent of the total 12687  
wireless 9-1-1 charges required to be collected under sections 12688  
128.40, 128.41, and 128.42 of the Revised Code, and shall 12689  
account to the tax commissioner for the amount retained. 12690

(C) The return required under division (A) (1) (a) of this 12691  
section shall be filed electronically using the Ohio business 12692  
gateway, as defined in section 718.01 of the Revised Code, or 12693

any other electronic means prescribed by the tax commissioner. 12694  
Remittance of the amount due shall be made electronically in a 12695  
manner approved by the commissioner. An entity required to file 12696  
the return may apply to the commissioner on a form prescribed by 12697  
the commissioner to be excused from either electronic 12698  
requirement of this division. For good cause shown, the 12699  
commissioner may excuse the entity from either or both of the 12700  
requirements and may permit the entity to file returns or make 12701  
remittances by nonelectronic means. 12702

(D) (1) Each subscriber or consumer on which a wireless 9- 12703  
1-1 charge is imposed under section 128.40 of the Revised Code 12704  
or on which a next generation 9-1-1 access fee is imposed under 12705  
section 128.41 or 128.42 of the Revised Code is liable to the 12706  
state for the amount of the charge. 12707

(2) An entity required to collect the wireless 9-1-1 12708  
charge under section 128.40 of the Revised Code or the next 12709  
generation 9-1-1 access fee under section 128.414 or 128.421 of 12710  
the Revised Code is liable to the state for any amount that was 12711  
required to be collected but that was not remitted, regardless 12712  
of whether the amount was collected. 12713

(3) No provider of a prepaid wireless calling service 12714  
shall be liable to the state for any wireless 9-1-1 charge 12715  
imposed under section 128.40 of the Revised Code or any next 12716  
generation 9-1-1 access fee imposed under section 128.42 of the 12717  
Revised Code that was not collected or remitted. 12718

(E) (1) If the tax commissioner has reason to believe that 12719  
an entity required to collect a wireless 9-1-1 charge under 12720  
section 128.40 of the Revised Code or the next generation 9-1-1 12721  
access fee under section 128.414 or 128.421 of the Revised Code 12722  
has failed to bill, collect, or remit the charge or fee as 12723

required by this section and sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B) of this section, and after written notice to the entity, the tax commissioner may audit the entity for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the entity's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the entity in selecting that sample.

(2) Upon written notice to the entity, the tax commissioner, after completion of the audit, may make an assessment against the entity if, pursuant to the audit, the tax commissioner determines that the entity has failed to bill, collect, or remit the charge or fee as required by sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division (B) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the tax commissioner to the entity or, as applicable, in the amount of the excess amount under division (B) of this section retained by the entity as of that date.

(3) The portion of any assessment consisting of charges or fees due and not paid within sixty days after the date that the assessment was made under division (E) (2) of this section shall bear interest from that date until paid at the rate per annum prescribed by section 5703.47 of the Revised Code. That interest may be collected by making an assessment under division (E) (2) of this section.

(4) Unless the entity assessed files with the tax

commissioner within sixty days after service of the notice of 12754  
assessment, ~~either personally or by certified mail,~~ a written 12755  
petition for reassessment, signed by the entity assessed or that 12756  
entity's authorized agent having knowledge of the facts, the 12757  
assessment shall become final and the amount of the assessment 12758  
shall be due and payable from the entity assessed to the 12759  
treasurer of state, for deposit to the next generation 9-1-1 12760  
fund, which is created under section 128.54 of the Revised Code. 12761  
The petition shall indicate the objections of the entity 12762  
assessed, but additional objections may be raised in writing if 12763  
received by the commissioner prior to the date shown on the 12764  
final determination. If the petition has been properly filed, 12765  
the commissioner shall proceed under section 5703.60 of the 12766  
Revised Code. 12767

(5) After an assessment becomes final, if any portion of 12768  
the assessment remains unpaid, including accrued interest, a 12769  
certified copy of the final assessment may be filed in the 12770  
office of the clerk of the court of common pleas in the county 12771  
in which the business of the assessed entity is conducted. If 12772  
the entity assessed maintains no place of business in this 12773  
state, the certified copy of the final assessment may be filed 12774  
in the office of the clerk of the court of common pleas of 12775  
Franklin county. Immediately upon the filing, the clerk shall 12776  
enter a judgment for the state against the assessed entity in 12777  
the amount shown on the final assessment. The judgment may be 12778  
filed by the clerk in a loose-leaf book entitled "special 12779  
judgments for 9-1-1 charges and fees" and shall have the same 12780  
effect as other judgments. The judgment shall be executed upon 12781  
the request of the tax commissioner. 12782

(6) If the commissioner determines that the commissioner 12783  
erroneously has refunded a 9-1-1 charge or fee to any person, 12784

the commissioner may make an assessment against that person for 12785  
recovery of the erroneously refunded charge. 12786

(7) An assessment under division (E) of this section does 12787  
not discharge a subscriber's or consumer's liability to 12788  
reimburse the entity for a 9-1-1 charge or fee. If, after the 12789  
date of service of the audit notice under division (E)(1) of 12790  
this section, a subscriber or consumer pays a 9-1-1 charge or 12791  
fee for the period covered by the assessment, the payment shall 12792  
be credited against the assessment. 12793

**Sec. 128.54.** (A) (1) For the purpose of receiving, 12794  
distributing, and accounting for amounts received from the 12795  
wireless 9-1-1 charges imposed under section 128.40 of the 12796  
Revised Code and the next generation 9-1-1 access fees imposed 12797  
under sections 128.41 and 128.42 of the Revised Code, the 12798  
following funds are created in the state treasury: 12799

- (a) The 9-1-1 government assistance fund; 12800
- (b) The 9-1-1 administrative fund; 12801
- (c) The 9-1-1 program fund; 12802
- (d) The next generation 9-1-1 fund. 12803

(2) Amounts remitted under section 128.46 of the Revised 12804  
Code shall be paid to the treasurer of state for deposit as 12805  
follows: 12806

(a) ~~Seventy-two~~ Eighty-one and one-third per cent to the 12807  
9-1-1 government assistance fund. All interest earned on the 9- 12808  
1-1 government assistance fund shall be credited to the fund. 12809

(b) ~~One~~ Two-thirds of one per cent to the 9-1-1 12810  
administrative fund; 12811

(c) <del>Two</del> <u>One and one-third</u> per cent to the 9-1-1 program	12812
fund;	12813
(d) <del>Twenty-five</del> <u>Sixteen and two-thirds</u> per cent to the	12814
next generation 9-1-1 fund.	12815
(3) The tax commissioner shall use the 9-1-1	12816
administrative fund to defray the costs incurred in carrying out	12817
this chapter.	12818
(4) The steering committee shall use the 9-1-1 program	12819
fund to defray the costs incurred by the steering committee in	12820
carrying out this chapter.	12821
(5) Annually, the tax commissioner, after paying	12822
administrative costs under division (A) (3) of this section,	12823
shall transfer any excess remaining in the 9-1-1 administrative	12824
fund to the next generation 9-1-1 fund, created under this	12825
section.	12826
(B) At the direction of the steering committee, the tax	12827
commissioner shall transfer the funds remaining in the 9-1-1	12828
government assistance fund to the credit of the next generation	12829
9-1-1 fund. All interest earned on the next generation 9-1-1	12830
fund shall be credited to the fund.	12831
(C) From the funds created in division (A) (1) of this	12832
section, the director of budget and management shall, as funds	12833
are available, transfer to the tax refund fund, created under	12834
section 5703.052 of the Revised Code, amounts equal to the	12835
refunds certified by the tax commissioner under division (D) of	12836
section 128.47 of the Revised Code, in the same percentage as	12837
the certified refund amounts were deposited in those funds as	12838
specified in division (A) (2) of this section.	12839
(D) The department of administrative services may move	12840

funds between the next generation 9-1-1 fund and the 9-1-1 12841  
government assistance fund to ensure funding remains sustainable 12842  
for both funds. 12843

**Sec. 131.01.** As used in Chapters 113., 117., 123., 124., 12844  
125., 126., 127., and 131. of the Revised Code, and any statute 12845  
that uses the terms in connection with state accounting or 12846  
budgeting: 12847

(A) "Account" means any record, element, or summary in 12848  
which financial transactions are identified and recorded as 12849  
debit or credit transactions in order to summarize items of a 12850  
similar nature or classification. 12851

(B) "Accounting procedure" means the arrangement of all 12852  
processes which discover, record, and summarize financial 12853  
information to produce financial statements and reports and to 12854  
provide internal control. 12855

(C) "Accounting system" means the total structure of 12856  
records and procedures which discover, record, classify, and 12857  
report information on the financial position and operations of a 12858  
governmental unit or any of its funds and organizational 12859  
components. 12860

(D) "Allocation" means a portion of an appropriation which 12861  
is designated for expenditure by specific organizational units 12862  
or for special purposes, activities, or objects that do not 12863  
relate to a period of time. 12864

(E) "Allotment" means all or part of an appropriation 12865  
which may be encumbered or expended within a specific period of 12866  
time. 12867

(F) "Appropriation" means an authorization granted by the 12868  
general assembly to make expenditures and to incur obligations 12869

for specific purposes. 12870

(G) "Assets" means resources owned, controlled, or 12871  
otherwise used or held by the state which have monetary value. 12872

(H) "Budget" means the plan of financial operation 12873  
embodying an estimate of proposed expenditures and obligations 12874  
for a given period and the proposed means of financing them. 12875

(I) "Check" means a negotiable financial instrument, 12876  
payable upon demand, directing a financial institution to 12877  
transfer money from the payer's account to the payee. 12878

(J) "Direct deposit" is a form of electronic funds 12879  
transfer in which money is electronically deposited into the 12880  
account of a person or entity at a financial institution. 12881

~~(J)~~ (K) "Disbursement" means a payment made for any 12882  
purpose. 12883

~~(K)~~ (L) "Electronic benefit transfer" means the electronic 12884  
delivery of benefits through automated teller machines, point of 12885  
sale terminals, or other electronic media pursuant to section 12886  
5101.33 of the Revised Code. 12887

~~(L)~~ (M) "Electronic funds transfer" means the electronic 12888  
movement of funds via automated clearing house or wire transfer. 12889

~~(M)~~ (N) "Encumbrancing document" means a document reserving 12890  
all or part of an appropriation. 12891

~~(N)~~ (O) "Expenditure" means a reduction of the balance of 12892  
an appropriation after legal requirements have been met. 12893

~~(O)~~ (P) "Fund" means an independent fiscal and accounting 12894  
entity with a self-balancing set of accounts recording cash or 12895  
other resources, together with all related liabilities, 12896

obligations, reserves, and fund balances which are segregated 12897  
for the purpose of carrying on specific activities or attaining 12898  
certain objectives in accordance with special rules, 12899  
restrictions, or limitations. 12900

~~(P)~~(Q) "Lapse" means the automatic termination of an 12901  
appropriation at the end of the fiscal period for which it was 12902  
appropriated. 12903

~~(Q)~~(R) "Reappropriation" means an appropriation of a 12904  
previous appropriation that is continued in force in a 12905  
succeeding appropriation period. "Reappropriation" shall be 12906  
equated with and incorporated in the term "appropriation." 12907

~~(R)~~(S) "Stored value card" means a payment card that may 12908  
have money loaded and stored on the card and accessed through 12909  
automated teller machines, point of sale terminals, or other 12910  
electronic media. "Stored value card" does not include any 12911  
payment card linked to, and that can access money in, an 12912  
external account maintained by a financial institution. 12913

~~(S)~~(T) "Voucher" means the document used to transmit a 12914  
claim for payment and evidentiary matter related to the claim. 12915

~~(T)~~(U) "Warrant" means an order drawn upon the treasurer 12916  
of state by the director of budget and management, or an 12917  
authorized person at a state entity that has a custodial account 12918  
in the custody of the treasurer of state, directing the 12919  
treasurer of state to pay a specified amount to one or more 12920  
specified payees. A variety of payment instruments may be used, 12921  
including but not limited to paper warrants or checks, stored 12922  
value cards, direct deposit to the payee's bank account, or the 12923  
drawdown of funds by electronic benefit transfer, and the 12924  
resulting electronic transfer to or by the ultimate payees. 12925

The terms defined in this section shall be used, on all 12926  
accounting forms, reports, formal rules, and budget requests 12927  
produced by a state agency, only as defined in this section. 12928

**Sec. 131.02.** (A) Except as otherwise provided in section 12929  
4123.37, section 5703.061, and division (K) of section 4123.511 12930  
of the Revised Code, whenever any amount is payable to the 12931  
state, the officer, employee, or agent responsible for 12932  
administering the law under which the amount is payable shall 12933  
immediately proceed to collect the amount or cause the amount to 12934  
be collected and shall pay the amount into the state treasury or 12935  
into the appropriate custodial fund in the manner set forth 12936  
pursuant to section 113.08 of the Revised Code. 12937

Except as otherwise provided in this division, if the 12938  
amount is not paid within forty-five days after payment is due, 12939  
the officer, employee, or agent shall certify the amount due to 12940  
the attorney general, in accordance with section 131.026 of the 12941  
Revised Code and in the form and manner prescribed by the 12942  
attorney general. In the case of an amount payable by a student 12943  
enrolled in a state institution of higher education, the amount 12944  
shall be certified, in accordance with section 131.026 of the 12945  
Revised Code, within the later of forty-five days after the 12946  
amount is due or the tenth day after the beginning of the next 12947  
academic semester, quarter, or other session following the 12948  
session for which the payment is payable. The attorney general 12949  
may assess the collection cost to the amount certified in such 12950  
manner and amount as prescribed by the attorney general. If an 12951  
amount payable to a political subdivision is past due, the 12952  
political subdivision may, with the approval of the attorney 12953  
general, certify the amount to the attorney general pursuant to 12954  
this section in accordance with section 131.026 of the Revised 12955  
Code. 12956

For the purposes of this section, the attorney general and 12957  
the officer, employee, or agent responsible for administering 12958  
the law under which the amount is payable shall agree on the 12959  
time a payment is due, and that agreed upon time shall be one of 12960  
the following times: 12961

(1) If a law, including an administrative rule, of this 12962  
state prescribes the time a payment is required to be made or 12963  
reported, when the payment is required by that law to be paid or 12964  
reported. 12965

(2) If the payment is for services rendered, when the 12966  
rendering of the services is completed. 12967

(3) If the payment is reimbursement for a loss, when the 12968  
loss is incurred. 12969

(4) In the case of a fine or penalty for which a law or 12970  
administrative rule does not prescribe a time for payment, when 12971  
the fine or penalty is first assessed. 12972

(5) If the payment arises from a legal finding, judgment, 12973  
or adjudication order, when the finding, judgment, or order is 12974  
rendered or issued. 12975

(6) If the payment arises from an overpayment of money by 12976  
the state to another person, when the overpayment is discovered. 12977

(7) The date on which the amount for which an individual 12978  
is personally liable under section 5735.35, section 5739.33, or 12979  
division (G) of section 5747.07 of the Revised Code is 12980  
determined. 12981

(8) Upon proof of claim being filed in a bankruptcy case. 12982

(9) Any other appropriate time determined by the attorney 12983  
general and the officer, employee, or agent responsible for 12984

administering the law under which the amount is payable on the 12985  
basis of statutory requirements or ordinary business processes 12986  
of the agency, institution, or political subdivision to which 12987  
the payment is owed. 12988

(B) (1) The Upon certification of an amount due in 12989  
accordance with division (A) of this section and section 131.026 12990  
of the Revised Code, the attorney general shall give immediate 12991  
notice by mail or otherwise in the manner described in section 12992  
131.026 of the Revised Code to the party indebted of the nature 12993  
and amount of the indebtedness. 12994

(2) If the amount payable to this state arises from a tax 12995  
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 12996  
Revised Code, the notice also shall specify all of the 12997  
following: 12998

(a) The assessment or case number; 12999

(b) The tax pursuant to which the assessment is made; 13000

(c) The reason for the liability, including, if 13001  
applicable, that a penalty or interest is due; 13002

(d) An explanation of how and when interest will be added 13003  
to the amount assessed; 13004

(e) That the attorney general and tax commissioner, acting 13005  
together, have the authority, but are not required, to 13006  
compromise the claim and accept payment over a reasonable time, 13007  
if such actions are in the best interest of the state. 13008

(C) The attorney general shall collect the claim or secure 13009  
a judgment and issue an execution for its collection. 13010

(D) Each claim shall bear interest, from the day on which 13011  
the claim became due, at the rate per annum required by section 13012

5703.47 of the Revised Code.	13013
(E) The attorney general and the chief officer of the	13014
agency reporting a claim, acting together, may do any of the	13015
following if such action is in the best interests of the state:	13016
(1) Compromise the claim;	13017
(2) Extend for a reasonable period the time for payment of	13018
the claim by agreeing to accept monthly or other periodic	13019
payments. The agreement may require security for payment of the	13020
claim.	13021
(3) Add fees to recover the cost of processing checks or	13022
other draft instruments returned for insufficient funds and the	13023
cost of providing electronic payment options.	13024
(F) (1) Except as provided in division (F) (2) of this	13025
section, if the attorney general finds, after investigation,	13026
that any claim due and owing to the state is uncollectible, the	13027
attorney general, with the consent of the chief officer of the	13028
agency reporting the claim, may do the following:	13029
(a) Sell, convey, or otherwise transfer the claim to one	13030
or more private entities for collection;	13031
(b) Cancel the claim or cause it to be canceled.	13032
(2) The attorney general shall cancel or cause to be	13033
canceled an unsatisfied claim on the date that is forty years	13034
after the date the claim is certified, unless the attorney	13035
general has adopted a rule under division (F) (5) of this section	13036
shortening this time frame with respect to a subset of claims.	13037
(3) No initial action shall be commenced to collect any	13038
tax payable to the state that is administered by the tax	13039
commissioner, whether or not such tax is subject to division (B)	13040

of this section, or any penalty, interest, or additional charge 13041  
on such tax, after the expiration of the period ending on the 13042  
later of the dates specified in divisions (F) (3) (a) and (b) of 13043  
this section, provided that such period shall be extended by the 13044  
period of any stay to such collection or by any other period to 13045  
which the parties mutually agree. If the initial action in aid 13046  
of execution is commenced before the later of the dates 13047  
specified in divisions (F) (3) (a) and (b) of this section, any 13048  
and all subsequent actions may be pursued in aid of execution of 13049  
judgment for as long as the debt exists. 13050

(a) Seven years after the assessment of the tax, penalty, 13051  
interest, or additional charge is issued. 13052

(b) Four years after the assessment of the tax, penalty, 13053  
interest, or additional charge becomes final. For the purposes 13054  
of division (F) (3) (b) of this section, the assessment becomes 13055  
final at the latest of the following: upon expiration of the 13056  
period to petition for reassessment, or if applicable, to appeal 13057  
a final determination of the commissioner or decision of the 13058  
board of tax appeals or a court, or, if applicable, upon 13059  
decision of the United States supreme court. 13060

For the purposes of division (F) (3) of this section, an 13061  
initial action to collect a tax debt is commenced at the time 13062  
when a certified copy of the tax commissioner's entry making an 13063  
assessment final has been filed in the office of the clerk of 13064  
court of common pleas in the county in which the taxpayer 13065  
resides or has its principal place of business in this state, or 13066  
in the office of the clerk of court of common pleas of Franklin 13067  
county, as provided in section 5739.13, 5741.14, 5747.13, or 13068  
5751.09 of the Revised Code or in any other applicable law 13069  
requiring such a filing. If an assessment has not been issued 13070

and there is no time limitation on the issuance of an assessment 13071  
under applicable law, an action to collect a tax debt commences 13072  
when the action is filed in the courts of this state to collect 13073  
the liability. 13074

(4) If information contained in a claim that is sold, 13075  
conveyed, or transferred to a private entity pursuant to this 13076  
section is confidential pursuant to federal law or a section of 13077  
the Revised Code that implements a federal law governing 13078  
confidentiality, such information remains subject to that law 13079  
during and following the sale, conveyance, or transfer. 13080

(5) The attorney general may adopt rules to aid in the 13081  
implementation of this section. 13082

**Sec. 131.026.** (A) For purposes of this section: 13083

(1) "Last known address" means the mailing address or the 13084  
electronic mail address appearing in the official records of the 13085  
officer, employee, or agent responsible for administering the 13086  
law under which an amount is payable or of the attorney general. 13087

(2) "Traceable delivery service" means a delivery service 13088  
provided by the United States postal service or a domestic 13089  
commercial delivery service allowing the sender to track a sent 13090  
item's progress and providing notice of a completed delivery to 13091  
the sender. 13092

(B) Before an officer, employee, or agent responsible for 13093  
administering the law under which an amount is due certifies the 13094  
amount due to the attorney general under section 131.02 of the 13095  
Revised Code, the officer, employee, or agent shall serve a 13096  
notice to the debtor or the debtor's statutory agent in the 13097  
manner described in this section. The officer, employee, or 13098  
agent shall serve a notice not sooner than forty-five days, nor 13099

<u>later than sixty days, after payment is due.</u>	13100
<u>(C) The notice shall include all of the following</u>	13101
<u>information:</u>	13102
<u>(1) The name of the debtor or statutory agent;</u>	13103
<u>(2) The nature and amount of the indebtedness;</u>	13104
<u>(3) The information required under division (B) (2) of</u>	13105
<u>section 131.02 of the Revised Code if the debt arises from a tax</u>	13106
<u>levied.</u>	13107
<u>(D) (1) An officer, employee, or agent responsible for</u>	13108
<u>administering the law under which an amount is payable or the</u>	13109
<u>attorney general may serve a notice required by this section or</u>	13110
<u>section 131.02 of the Revised Code through any of the following</u>	13111
<u>methods:</u>	13112
<u>(a) Electronic mail at the debtor's or debtor's statutory</u>	13113
<u>agent's last known address;</u>	13114
<u>(b) Facsimile transmission at the debtor's or debtor's</u>	13115
<u>statutory agent's facsimile number appearing in the official</u>	13116
<u>records of the officer, employee, or agent responsible for</u>	13117
<u>administering the law under which an amount is payable or of the</u>	13118
<u>attorney general;</u>	13119
<u>(c) Traceable delivery service at the debtor's or debtor's</u>	13120
<u>statutory agent's last known address;</u>	13121
<u>(d) Personal service at the debtor's or debtor's statutory</u>	13122
<u>agent's last known address.</u>	13123
<u>(2) Service of a notice required under this section or</u>	13124
<u>section 131.02 of the Revised Code is complete on the following</u>	13125
<u>dates:</u>	13126

(a) For electronic mail, the date the receipt of the 13127  
document is relayed electronically by a direct reply from the 13128  
debtor or debtor's statutory agent to the officer, employee, or 13129  
agent responsible for administering the law under which an 13130  
amount is payable or to the attorney general or through 13131  
electronic tracking software demonstrating that the recipient 13132  
accessed the document. 13133

(b) For facsimile transmission, the date indicated on the 13134  
facsimile transmission confirmation page. 13135

(c) For traceable delivery service, the date of delivery 13136  
indicated on the notice of completed delivery provided by the 13137  
United States postal service or domestic commercial delivery 13138  
service. 13139

(d) For personal service, the date indicated on a document 13140  
confirming physical delivery signed by the debtor, the debtor's 13141  
statutory agent, an adult located at the debtor's or debtor's 13142  
statutory agent's last known address, or the delivery person. 13143

(E) (1) Upon receipt of the notice, the debtor or statutory 13144  
agent may satisfy the debt within thirty days of receiving the 13145  
notice. If the debt is satisfied within those thirty days, the 13146  
officer, employee, or agent shall not certify an amount due to 13147  
the attorney general. 13148

(2) If the debtor or statutory agent does not satisfy the 13149  
debt within thirty days after receiving the notice, the officer, 13150  
employee, or agent shall certify the amount due to the attorney 13151  
general. The attorney general shall collect the amount due in 13152  
accordance with section 131.02 of the Revised Code. If the 13153  
attorney general files a lien to collect the amount due, the 13154  
attorney general shall not file the lien unless both of the 13155

<u>following are included with the lien when filing:</u>	13156
<u>(1) A copy of the notice required under division (B) of this section;</u>	13157 13158
<u>(2) Proof of service of the notice as described under division (D) of this section.</u>	13159 13160
<u>(F) (1) Nothing in this section prevents or limits the attorney general or the appropriate authority from taking any action set forth under divisions (E) or (F) of section 131.02 of the Revised Code.</u>	13161 13162 13163 13164
<u>(2) No amount that is payable under section 131.02 of the Revised Code is deemed uncollectible, discharged, relieved, or otherwise satisfied or non-payable because of any failure to comply with a specific time requirement provided for under this section.</u>	13165 13166 13167 13168 13169
<b>Sec. 131.35.</b> (A) With respect to federal revenue received into any fund of the state, except for those funds listed in division (D) of section 127.14 of the Revised Code:	13170 13171 13172
(1) No state agency may make expenditures of any federal revenue, whether the revenue is advanced prior to expenditure or as reimbursement, unless such expenditures are made pursuant to specific appropriations of the general assembly, are authorized by the controlling board pursuant to division (A) (5) of this section, or are authorized by an executive order issued in accordance with section 107.17 of the Revised Code, and until an allotment has been approved by the director of budget and management. All federal revenue received by a state agency shall be reported to the director within fifteen days of the receipt of the revenue or the notification of award, whichever occurs first. The director shall prescribe the forms and procedures to	13173 13174 13175 13176 13177 13178 13179 13180 13181 13182 13183 13184

be used when reporting the receipt of federal revenue. 13185

(2) If the federal revenue received is greater than the 13186  
amount of the revenue appropriated by the general assembly for a 13187  
specific purpose, the total appropriation of federal and state 13188  
funds for such purpose shall remain at the amount designated by 13189  
the general assembly, except that the expenditure of federal 13190  
revenue received in excess of such specific appropriation may be 13191  
authorized by the controlling board, subject to division (D) of 13192  
this section. 13193

(3) To the extent that the expenditure of excess federal 13194  
revenue is authorized, the controlling board may transfer a like 13195  
amount of general revenue fund appropriation authority from the 13196  
affected agency to the emergency purposes appropriation of the 13197  
controlling board, if such action is permitted under federal 13198  
regulations. 13199

(4) Additional funds may be created by the controlling 13200  
board to receive revenues not anticipated in an appropriations 13201  
act for the biennium in which such new revenues are received. 13202  
Subject to division (D) of this section, expenditures from such 13203  
additional funds may be authorized by the controlling board, but 13204  
such authorization shall not extend beyond the end of the 13205  
biennium in which such funds are created. 13206

(5) Controlling board authorization for a state agency to 13207  
make an expenditure of federal revenue constitutes authority for 13208  
the agency to participate in the federal program providing the 13209  
revenue, and the agency is not required to obtain an executive 13210  
order under section 107.17 of the Revised Code to participate in 13211  
the federal program. 13212

(B) With respect to nonfederal revenue received into any 13213

fund of the state, except for any other fund listed in division 13214  
(D) of section 127.14 of the Revised Code: 13215

(1) No state agency may make expenditures of any of the 13216  
revenue unless the expenditures are made pursuant to specific 13217  
appropriations of the general assembly. 13218

(2) If the revenue received into any fund is greater than 13219  
the amount appropriated, the appropriation for that fund shall 13220  
remain at the amount designated by the general assembly or, 13221  
subject to division ~~(D)~~(E) of this section, as increased and 13222  
approved by the controlling board. 13223

(3) Additional funds may be created by the controlling 13224  
board to receive revenues not anticipated in an appropriations 13225  
act for the biennium in which such new revenues are received. 13226  
Subject to division (D) of this section, expenditures from such 13227  
additional funds may be authorized by the controlling board, but 13228  
such authorization shall not extend beyond the end of the 13229  
biennium in which such funds are created. 13230

(C) The controlling board shall not authorize more than 13231  
ten per cent of additional spending from the occupational 13232  
licensing and regulatory fund, created in section 4743.05 of the 13233  
Revised Code, in excess of any appropriation made by the general 13234  
assembly to a licensing agency except an appropriation for costs 13235  
related to the examination or reexamination of applicants for a 13236  
license. As used in this division, "licensing agency" and 13237  
"license" have the same meanings as in section 4745.01 of the 13238  
Revised Code. 13239

(D) If federal revenue is received in the waterways safety 13240  
fund or wildlife fund, the controlling board, at the request of 13241  
the director of natural resources, may approve the expenditure 13242

of the federal revenue for purposes for which the federal 13243  
revenue was granted. 13244

(E) The amount of any expenditure authorized under 13245  
division (A) (2) or (4) or (B) (2) or (3) of this section for a 13246  
specific or related purpose or item in any fiscal year shall not 13247  
exceed an amount greater than ~~one-half of one per cent of the~~ 13248  
~~general revenue fund appropriations~~ one hundred million dollars 13249  
for that fiscal year. 13250

**Sec. 131.43.** There is hereby created in the state treasury 13251  
the budget stabilization fund. ~~All investment earnings of the~~ 13252  
~~fund shall be credited to the fund.~~ It is the intent of the 13253  
general assembly to maintain an amount of money in the budget 13254  
stabilization fund that amounts to approximately ten per cent of 13255  
the general revenue fund revenues for the preceding fiscal year. 13256  
The governor shall include in the state budget the governor 13257  
submits to the general assembly under section 107.03 of the 13258  
Revised Code proposals for transfers between the general revenue 13259  
fund and the budget stabilization fund for the ensuing fiscal 13260  
biennium. The balance in the fund may be combined with the 13261  
balance in the general revenue fund for purposes of cash 13262  
management. 13263

**Sec. 131.51.** (A) On or before the seventh day of each 13264  
month, the director of budget and management shall credit to the 13265  
local government fund one and ~~seven-tenths~~ seventy-five one- 13266  
hundredths per cent of the total tax revenue credited to the 13267  
general revenue fund during the preceding month. In determining 13268  
the total tax revenue credited to the general revenue fund 13269  
during the preceding month, the director shall include amounts 13270  
transferred from the fund during the preceding month under this 13271  
~~division and division (B) of this section.~~ Money shall be 13272

distributed from the local government fund as required under 13273  
sections 5747.50 and 5747.503 of the Revised Code during the 13274  
same month in which it is credited to the fund. 13275

(B) On or before the seventh day of each month, the 13276  
director of budget and management shall credit to the public 13277  
library fund ~~one and seven-tenths per cent of the total tax-~~ 13278  
~~revenue credited to the general revenue fund during the~~ 13279  
~~preceding month. In determining the total tax revenue credited~~ 13280  
~~to the general revenue fund during the preceding month, the~~ 13281  
~~director shall include amounts transferred from the fund during~~ 13282  
~~the preceding month under this division and division (A) of this~~ 13283  
~~section, from the general revenue fund, one-twelfth of the~~ 13284  
amount appropriated by the general assembly for the public 13285  
library fund for the fiscal year. Money shall be distributed 13286  
from the public library fund as required under section 5747.47 13287  
of the Revised Code during the same month in which it is 13288  
credited to the fund. 13289

(C) The director of budget and management shall develop a 13290  
schedule identifying the specific tax revenue sources to be used 13291  
to make the monthly transfers required under ~~divisions~~division 13292  
(A) ~~and (B)~~ of this section. The director may, from time to 13293  
time, revise the schedule as the director considers necessary. 13294

**Sec. 133.18.** (A) The taxing authority of a subdivision may 13295  
by legislation submit to the electors of the subdivision the 13296  
question of issuing any general obligation bonds, for one 13297  
purpose, that the subdivision has power or authority to issue. 13298

(B) When the taxing authority of a subdivision desires or 13299  
is required by law to submit the question of a bond issue to the 13300  
electors, and subject to division (J) of this section, it shall 13301  
pass legislation that does all of the following: 13302

(1) Declares the necessity and purpose of the bond issue;	13303
(2) States the date of the authorized election at which the question shall be submitted to the electors;	13304 13305
(3) States the amount, approximate date, estimated net average rate of interest, and maximum number of years over which the principal of the bonds may be paid;	13306 13307 13308
(4) Declares the necessity of levying a tax outside the tax limitation to pay the debt charges on the bonds and any anticipatory securities.	13309 13310 13311
The estimated net average interest rate shall be determined by the taxing authority based on, among other factors, then existing market conditions, and may reflect adjustments for any anticipated direct payments expected to be received by the taxing authority from the government of the United States relating to the bonds and the effect of any federal tax credits anticipated to be available to owners of all or a portion of the bonds. The estimated net average rate of interest, and any statutory or charter limit on interest rates that may then be in effect and that is subsequently amended, shall not be a limitation on the actual interest rate or rates on the securities when issued.	13312 13313 13314 13315 13316 13317 13318 13319 13320 13321 13322 13323
(C) The taxing authority shall certify a copy of the legislation passed under division (B) of this section to the county auditor. The county auditor shall promptly calculate and advise and, not later than ninety days before the election, confirm that advice by certification to the taxing authority the estimated average annual property tax levy, expressed in dollars for each one hundred thousand dollars of <del>the county auditor's</del> <del>appraised market</del> value and in mills for each one dollar of	13324 13325 13326 13327 13328 13329 13330 13331

taxable value, that the county auditor estimates to be required 13332  
throughout the stated maturity of the bonds to pay the debt 13333  
charges on the bonds. In calculating the estimated average 13334  
annual property tax levy for this purpose, the county auditor 13335  
shall assume that the bonds are issued in one series bearing 13336  
interest and maturing in substantially equal principal amounts 13337  
in each year over the maximum number of years over which the 13338  
principal of the bonds may be paid as stated in that 13339  
legislation, and that the amount of the tax valuation of the 13340  
subdivision most recently certified by the county auditor under 13341  
division (A) of section 319.28 of the Revised Code remains the 13342  
same throughout the maturity of the bonds. If the subdivision is 13343  
located in more than one county, the county auditor shall obtain 13344  
the assistance of the county auditors of the other counties, and 13345  
those county auditors shall provide assistance, in establishing 13346  
the tax valuation of the subdivision for purposes of certifying 13347  
the estimated average annual property tax levy. 13348

(D) After receiving the county auditor's advice under 13349  
division (C) of this section, the taxing authority by 13350  
legislation may determine to proceed with submitting the 13351  
question of the issue of securities, and shall, not later than 13352  
the ninetieth day before the day of the election, file the 13353  
following with the board of elections: 13354

(1) Copies of the legislation provided for in divisions 13355  
(B) and (D) of this section; 13356

(2) The amount of the estimated average annual property 13357  
tax levy, expressed in dollars for each one hundred thousand 13358  
dollars of ~~the county auditor's appraised market value~~ and in 13359  
mills for each one dollar of taxable value, as estimated and 13360  
certified to the taxing authority by the county auditor. 13361

(E) (1) The board of elections shall prepare the ballots 13362  
and make other necessary arrangements for the submission of the 13363  
question to the electors of the subdivision. If the subdivision 13364  
is located in more than one county, the board shall inform the 13365  
boards of elections of the other counties of the filings with 13366  
it, and those other boards shall if appropriate make the other 13367  
necessary arrangements for the election in their counties. The 13368  
election shall be conducted, canvassed, and certified in the 13369  
manner provided in Title XXXV of the Revised Code. 13370

(2) The election shall be held at the regular places for 13371  
voting in the subdivision. If the electors of only a part of a 13372  
precinct are qualified to vote at the election the board of 13373  
elections may assign the electors in that part to an adjoining 13374  
precinct, including an adjoining precinct in another county if 13375  
the board of elections of the other county consents to and 13376  
approves the assignment. Each elector so assigned shall be 13377  
notified of that fact prior to the election by notice mailed by 13378  
the board of elections, in such manner as it determines, prior 13379  
to the election. 13380

(3) The board of elections shall publish a notice of the 13381  
election once in a newspaper of general circulation in the 13382  
subdivision, no later than ten days prior to the election. The 13383  
notice shall state all of the following: 13384

(a) The principal amount of the proposed bond issue; 13385

(b) The stated purpose for which the bonds are to be 13386  
issued; 13387

(c) The maximum number of years over which the principal 13388  
of the bonds may be paid; 13389

(d) The estimated additional average annual property tax 13390

levy, expressed in dollars for each one hundred thousand dollars 13391  
of ~~the county auditor's appraised market~~ value and in mills for 13392  
each one dollar of taxable value, to be levied outside the tax 13393  
limitation, as estimated and certified to the taxing authority 13394  
by the county auditor; 13395

(e) The first calendar year in which the tax is expected 13396  
to be due. 13397

(F) The form of the ballot to be used at the election 13398  
shall be substantially either of the following, as applicable: 13399

(1) "Shall bonds be issued by the \_\_\_\_\_ (name of 13400  
subdivision) for the purpose of \_\_\_\_\_ (purpose of the bond 13401  
issue) in the principal amount of \$\_\_\_\_\_ (principal amount 13402  
of the bond issue), to be repaid annually over a maximum period 13403  
of \_\_\_\_\_ (the maximum number of years over which the 13404  
principal of the bonds may be paid) years, and an annual levy of 13405  
property taxes be made outside the \_\_\_\_\_ (as applicable, 13406  
"ten-mill" or "\_\_\_charter tax") limitation, estimated by the 13407  
county auditor to average over the repayment period of the bond 13408  
issue \_\_\_\_\_ mills for each \$1 of taxable value, which 13409  
amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's~~ 13410  
~~appraised market~~ value, commencing in \_\_\_\_\_ (first year the 13411  
tax will be levied), first due in calendar year \_\_\_\_\_ 13412  
(first calendar year in which the tax shall be due), to pay the 13413  
annual debt charges on the bonds, and to pay debt charges on any 13414  
notes issued in anticipation of those bonds? 13415

13416

	For the bond issue
	Against the bond issue

"

(2) In the case of an election held pursuant to 13417  
legislation adopted under section 3375.43 or 3375.431 of the 13418  
Revised Code: 13419

"Shall bonds be issued for \_\_\_\_\_ (name of library) 13420  
for the purpose of \_\_\_\_\_ (purpose of the bond issue), in 13421  
the principal amount of \$\_\_\_\_\_ (amount of the bond issue) 13422  
by \_\_\_\_\_ (the name of the subdivision that is to issue the 13423  
bonds and levy the tax) as the issuer of the bonds, to be repaid 13424  
annually over a maximum period of \_\_\_\_\_ (the maximum number 13425  
of years over which the principal of the bonds may be paid) 13426  
years, and an annual levy of property taxes be made outside the 13427  
ten-mill limitation, estimated by the county auditor to average 13428  
over the repayment period of the bond issue \_\_\_\_\_ mills for 13429  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 13430  
\$100,000 of ~~the county auditor's appraised market value,~~ 13431  
commencing in \_\_\_\_\_ (first year the tax will be levied), 13432  
first due in calendar year \_\_\_\_\_ (first calendar year in 13433  
which the tax shall be due), to pay the annual debt charges on 13434  
the bonds, and to pay debt charges on any notes issued in 13435  
anticipation of those bonds? 13436  
13437

	For the bond issue
	Against the bond issue

"

(G) The board of elections shall promptly certify the 13438  
results of the election to the tax commissioner, the county 13439  
auditor of each county in which any part of the subdivision is 13440  
located, and the fiscal officer of the subdivision. The 13441  
election, including the proceedings for and result of the 13442  
election, is incontestable other than in a contest filed under 13443

section 3515.09 of the Revised Code in which the plaintiff 13444  
prevails. 13445

(H) If a majority of the electors voting upon the question 13446  
vote for it, the taxing authority of the subdivision may proceed 13447  
under sections 133.21 to 133.33 of the Revised Code with the 13448  
issuance of the securities and with the levy and collection of a 13449  
property tax outside the tax limitation during the period the 13450  
securities are outstanding sufficient in amount to pay the debt 13451  
charges on the securities, including debt charges on any 13452  
anticipatory securities required to be paid from that tax. If 13453  
legislation passed under section 133.22 or 133.23 of the Revised 13454  
Code authorizing those securities is filed with the county 13455  
auditor on or before the last day of November, the amount of the 13456  
voted property tax levy required to pay debt charges or 13457  
estimated debt charges on the securities payable in the 13458  
following year shall if requested by the taxing authority be 13459  
included in the taxes levied for collection in the following 13460  
year under section 319.30 of the Revised Code. 13461

(I) (1) If, before any securities authorized at an election 13462  
under this section are issued, the net indebtedness of the 13463  
subdivision exceeds that applicable to that subdivision or those 13464  
securities, then and so long as that is the case none of the 13465  
securities may be issued. 13466

(2) No securities authorized at an election under this 13467  
section may be initially issued after the first day of the sixth 13468  
January following the election, but this period of limitation 13469  
shall not run for any time during which any part of the 13470  
permanent improvement for which the securities have been 13471  
authorized, or the issuing or validity of any part of the 13472  
securities issued or to be issued, or the related proceedings, 13473

is involved or questioned before a court or a commission or 13474  
other tribunal, administrative agency, or board. 13475

(3) Securities representing a portion of the amount 13476  
authorized at an election that are issued within the applicable 13477  
limitation on net indebtedness are valid and in no manner 13478  
affected by the fact that the balance of the securities 13479  
authorized cannot be issued by reason of the net indebtedness 13480  
limitation or lapse of time. 13481

(4) Nothing in this division (I) shall be interpreted or 13482  
applied to prevent the issuance of securities in an amount to 13483  
fund or refund anticipatory securities lawfully issued. 13484

(5) The limitations of divisions (I) (1) and (2) of this 13485  
section do not apply to any securities authorized at an election 13486  
under this section if at least ten per cent of the principal 13487  
amount of the securities, including anticipatory securities, 13488  
authorized has theretofore been issued, or if the securities are 13489  
to be issued for the purpose of participating in any federally 13490  
or state-assisted program. 13491

(6) The certificate of the fiscal officer of the 13492  
subdivision is conclusive proof of the facts referred to in this 13493  
division. 13494

(J) If the subdivision is a school district, the board of 13495  
education of that district shall adopt the legislation described 13496  
in division (B) of this section by a vote of at least two-thirds 13497  
of all its members. 13498

(K) As used in this section, "the county auditor's 13499  
appraised market value" has the same meaning as in section 13500  
5705.01 of the Revised Code. 13501

**Sec. 135.03.** (A) As used in this section, "banking office" 13502

has the same meaning as in section 1101.01 of the Revised Code. 13503

(B) Any national bank, any bank doing business under 13504  
authority granted by the superintendent of financial 13505  
institutions, or any bank doing business under authority granted 13506  
by the regulatory authority of another state of the United 13507  
States, and which has a banking office located in this state, is 13508  
eligible to become a public depository, subject to sections 13509  
135.01 to 135.21 of the Revised Code. No bank shall receive or 13510  
have on deposit at any one time public moneys, including public 13511  
moneys as defined in section 135.31 of the Revised Code, in an 13512  
aggregate amount in excess of thirty per cent of its total 13513  
assets, as shown in its latest report to the comptroller of the 13514  
currency, the superintendent of financial institutions, the 13515  
federal deposit insurance corporation, or the board of governors 13516  
of the federal reserve system. 13517

(C) Any federal savings association or any savings and 13518  
loan association or savings bank doing business under authority 13519  
granted by the regulatory authority of another state of the 13520  
United States, and which has a banking office located in this 13521  
state, and authorized to accept deposits is eligible to become a 13522  
public depository, subject to sections 135.01 to 135.21 of the 13523  
Revised Code. No savings association, savings and loan 13524  
association, or savings bank shall receive or have on deposit at 13525  
any one time public moneys, including public moneys as defined 13526  
in section 135.31 of the Revised Code, in an aggregate amount in 13527  
excess of thirty per cent of its total assets, as shown in its 13528  
latest report to the former office of thrift supervision, the 13529  
comptroller of the currency, the superintendent of financial 13530  
institutions, the federal deposit insurance corporation, or the 13531  
board of governors of the federal reserve system. 13532

**Sec. 135.143.** (A) The treasurer of state may invest or 13533  
execute transactions for any part or all of the interim funds of 13534  
the state in the following classifications of obligations: 13535

(1) United States treasury bills, notes, bonds, or any 13536  
other obligations or securities issued by the United States 13537  
treasury or any other obligation guaranteed as to principal and 13538  
interest by the United States; 13539

(2) Bonds, notes, debentures, or any other obligations or 13540  
securities issued by any federal government agency or 13541  
instrumentality; 13542

(3) (a) Bonds, notes, and other obligations of the state of 13543  
Ohio, including, but not limited to, any obligations issued by 13544  
the treasurer of state, the Ohio public facilities commission, 13545  
the Ohio housing finance agency, the Ohio water development 13546  
authority, the Ohio turnpike infrastructure commission, the Ohio 13547  
higher educational facility commission, and state institutions 13548  
of higher education as defined in section 3345.011 of the 13549  
Revised Code; 13550

(b) Bonds, notes, and other obligations of any state or 13551  
political subdivision thereof rated in the three highest 13552  
categories by at least one nationally recognized statistical 13553  
rating organization and purchased through a registered 13554  
securities broker or dealer, provided the treasurer of state is 13555  
not the sole purchaser of the bonds, notes, or other obligations 13556  
at original issuance. 13557

(4) (a) Written repurchase agreements with any eligible 13558  
Ohio financial institution that is a member of the federal 13559  
reserve system or federal home loan bank, any registered United 13560  
States government securities dealer, or any counterparty rated 13561

in one of the three highest categories by at least one 13562  
nationally recognized statistical rating organization or 13563  
otherwise determined by the treasurer of state to have adequate 13564  
capital and liquidity, under the terms of which agreement the 13565  
treasurer of state purchases and the eligible financial 13566  
institution, dealer, or counterparty agrees unconditionally to 13567  
repurchase any of the securities that are listed in division (A) 13568  
(1), (2), (3), (6), or (11) of this section. The market value of 13569  
securities subject to these transactions must exceed the 13570  
principal value of the repurchase agreement by an amount 13571  
specified by the treasurer of state, and the securities must be 13572  
delivered into the custody of the treasurer of state or the 13573  
qualified trustee or agent designated by the treasurer of state. 13574  
The agreement shall contain the requirement that for each 13575  
transaction pursuant to the agreement, the participating 13576  
institution, dealer, or counterparty shall provide all of the 13577  
following information: 13578

- (i) The par value of the securities; 13579
- (ii) The type, rate, and maturity date of the securities; 13580
- (iii) A numerical identifier generally accepted in the 13581  
securities industry that designates the securities. 13582

(b) The treasurer of state also may sell any securities, 13583  
listed in division (A) (1), (2), (6), or (11) of this section, 13584  
regardless of maturity or time of redemption of the securities, 13585  
under the same terms and conditions for repurchase, provided 13586  
that the securities have been fully paid for and are owned by 13587  
the treasurer of state at the time of the sale. 13588

(c) For purposes of division (A) (4) of this section, the 13589  
treasurer of state shall only buy or sell securities listed in 13590

division (A) (11) of this section issued by entities that are 13591  
organized under the laws of this state, any other state, or the 13592  
United States. 13593

(5) Securities lending agreements with any eligible 13594  
financial institution that is a member of the federal reserve 13595  
system or federal home loan bank or any recognized United States 13596  
government securities dealer, under the terms of which 13597  
agreements the treasurer of state lends securities and the 13598  
eligible financial institution or dealer agrees to 13599  
simultaneously exchange similar securities or cash, equal value 13600  
for equal value. 13601

Securities and cash received as collateral for a 13602  
securities lending agreement are not interim funds of the state. 13603  
The investment of cash collateral received pursuant to a 13604  
securities lending agreement may be invested only in such 13605  
instruments specified by the treasurer of state in accordance 13606  
with a written investment policy. 13607

(6) Various forms of commercial paper issued by any entity 13608  
that is organized under the laws of the United States or a 13609  
state, which notes are rated in the two highest categories by 13610  
two nationally recognized statistical rating organizations, 13611  
provided that the total amount invested under this section in 13612  
any commercial paper at any time shall not exceed forty per cent 13613  
of the state's total average portfolio, as determined and 13614  
calculated by the treasurer of state; 13615

(7) Bankers acceptances, maturing in two hundred seventy 13616  
days or less, provided that the total amount invested in bankers 13617  
acceptances at any time shall not exceed ten per cent of the 13618  
state's total average portfolio, as determined and calculated by 13619  
the treasurer of state; 13620

(8) Certificates of deposit, savings accounts, or deposit 13621  
accounts in eligible institutions applying for interim moneys as 13622  
provided in section 135.08 of the Revised Code, including linked 13623  
deposits as authorized under section 135.61 of the Revised Code, 13624  
. For interim funds invested in accordance with division (A) (8) 13625  
of this section, the pledging requirements described in section 13626  
135.18, 135.181, or 135.182 of the Revised Code may be reduced 13627  
by up to ten per cent in accordance with rules adopted by the 13628  
treasurer of state. 13629

(9) Negotiable certificates of deposit denominated in 13630  
United States dollars issued by a nationally or state-chartered 13631  
bank, a savings association or a federal savings association, a 13632  
state or federal credit union, or a federally licensed or state- 13633  
licensed branch of a foreign bank, which are rated in the two 13634  
highest categories by two nationally recognized statistical 13635  
rating organizations, provided that the total amount invested 13636  
under this section in negotiable certificates of deposit at any 13637  
time shall not exceed twenty-five per cent of the state's total 13638  
average portfolio, as determined and calculated by the treasurer 13639  
of state. Interim funds invested in accordance with division (A) 13640  
(9) of this section are not limited to institutions applying for 13641  
interim moneys under section 135.08 of the Revised Code, nor are 13642  
they subject to any pledging requirements described in sections 13643  
135.18, 135.181, or 135.182 of the Revised Code. 13644

(10) The state treasurer's investment pool authorized 13645  
under section 135.45 of the Revised Code; 13646

(11) Debt interests, other than commercial paper described 13647  
in division (A) (6) of this section, rated in the ~~three~~-four 13648  
highest categories by two nationally recognized statistical 13649  
rating organizations and issued by entities that are organized 13650

under the laws of the United States or a state, or issued by 13651  
foreign nations diplomatically recognized by the United States 13652  
government, or any instrument based on, derived from, or related 13653  
to such interests, provided that: 13654

(a) The investments in debt interests other than 13655  
commercial paper, when added to the investment in written 13656  
repurchase agreements for securities listed in division (A) (3) 13657  
or (11) of this section, shall not exceed in the aggregate 13658  
twenty-five per cent of the state's portfolio. 13659

(b) The investments in debt interests rated in the fourth 13660  
highest category shall not exceed in the aggregate ten per cent 13661  
of the state's portfolio. 13662

(c) The investments in debt interests issued by foreign 13663  
nations shall not exceed in the aggregate two per cent of the 13664  
state's portfolio. 13665

The treasurer of state shall invest under division (A) (11) 13666  
of this section in a debt interest issued by a foreign nation 13667  
only if the debt interest is backed by the full faith and credit 13668  
of that foreign nation, and provided that all interest and 13669  
principal shall be denominated and payable in United States 13670  
funds. 13671

~~(e)~~ (d) When added to the investment in commercial paper 13672  
and negotiable certificates of deposit, the investments in the 13673  
debt interests of a single issuer shall not exceed in the 13674  
aggregate five per cent of the state's portfolio. 13675

~~(d)~~ (e) For purposes of division (A) (11) of this section, a 13676  
debt interest is rated in the ~~three~~ four highest categories by 13677  
two nationally recognized statistical rating organizations if 13678  
either the debt interest itself or the issuer of the debt 13679

interest is rated, or is implicitly rated, in the ~~three~~four highest categories by two nationally recognized statistical rating organizations.

~~(e)~~(f) For purposes of division (A)(11) of this section, the "state's portfolio" means the state's total average portfolio, as determined and calculated by the treasurer of state.

(12) No-load money market mutual funds rated in the highest category by one nationally recognized statistical rating organization or consisting exclusively of obligations described in division (A)(1), (2), or (6) of this section and repurchase agreements secured by such obligations;

(13) Obligations issued by, or on behalf of, an Ohio political subdivision under Chapter 133. of the Revised Code or Section 12 of Article XVIII, Ohio Constitution, and identified in an agreement described in division (G) of this section;

(14) Obligations issued by the state of Ohio, any political subdivision thereof, or by or on behalf of any nonprofit corporation or association doing business in this state rated in the four highest categories by at least one nationally recognized statistical rating organization and identified in an agreement described in division (K) of this section.

~~(B)~~(B) (1) On or before the tenth day of each month, the treasurer of state shall notify the state board of deposit that the following reports pertaining to the immediately preceding month have been posted to the web site maintained by the treasurer of state:

~~(1)~~(a) The daily ledger report of state funds prepared in

accordance with section 113.13 of the Revised Code; 13709

~~(2)~~(b) The monthly portfolio report detailing the current 13710  
inventory of all investments and deposits held within the 13711  
classification of interim moneys; 13712

~~(3)~~(c) The monthly activity report within the 13713  
classification of interim moneys summarized by type of 13714  
investment or deposit. 13715

(2) In the event the state board of deposit does not 13716  
concur in such classification or in the investments or deposits 13717  
made under this section, subject to division (B) (3) of this 13718  
section, the board may order the treasurer of state to sell or 13719  
liquidate any of the investments or deposits, and any such order 13720  
shall specifically describe the investments or deposits and fix 13721  
the date upon which they are to be sold or liquidated. 13722  
Investments or deposits so ordered to be sold or liquidated 13723  
shall be sold or liquidated for cash by the treasurer of state 13724  
on the date fixed in such order at the then current market 13725  
price. Neither the treasurer of state nor the members of the 13726  
state board of deposit shall be held accountable for any loss 13727  
occasioned by sales or liquidations of investments or deposits 13728  
at prices lower than their cost. Any loss or expense incurred in 13729  
making these sales or liquidations is payable as other expenses 13730  
of the treasurer's office. 13731

(3) Unless expressly authorized by the laws of this state, 13732  
the state board of deposit shall not order the treasurer of 13733  
state to sell or liquidate investments or deposits with the 13734  
primary purpose of influencing any environmental, social, 13735  
personal, or ideological policy. 13736

(C) If any securities or obligations invested in by the 13737

treasurer of state pursuant to this section are registrable 13738  
either as to principal or interest, or both, such securities or 13739  
obligations shall be registered in the name of the treasurer of 13740  
state. 13741

(D) The treasurer of state is responsible for the 13742  
safekeeping of all securities or obligations under this section. 13743  
Any such securities or obligations may be deposited for 13744  
safekeeping as provided in section 113.05 of the Revised Code. 13745

(E) Interest earned on any investments or deposits 13746  
authorized by this section shall be collected by the treasurer 13747  
of state and credited by the treasurer of state to the proper 13748  
fund of the state. 13749

(F) Whenever investments or deposits acquired under this 13750  
section mature and become due and payable, the treasurer of 13751  
state shall present them for payment according to their tenor, 13752  
and shall collect the moneys payable thereon. The moneys so 13753  
collected shall be treated as public moneys subject to sections 13754  
135.01 to 135.21 of the Revised Code. 13755

(G) The treasurer of state and any entity issuing 13756  
obligations referred to in division (A) (13) of this section, 13757  
which obligations mature within one year from the original date 13758  
of issuance, may enter into an agreement providing for: 13759

(1) The purchase of those obligations by the treasurer of 13760  
state on terms and subject to conditions set forth in the 13761  
agreement; 13762

(2) The payment to the treasurer of state of a reasonable 13763  
fee as consideration for the agreement of the treasurer of state 13764  
to purchase those obligations; provided, however, that the 13765  
treasurer of state shall not be authorized to enter into any 13766

such agreement with a board of education of a school district 13767  
that has an outstanding obligation with respect to a loan 13768  
received under authority of section 3313.483 of the Revised 13769  
Code. 13770

(H) For purposes of division (G) of this section, a fee 13771  
shall not be considered reasonable unless it is set to recover 13772  
only the direct costs, a reasonable estimate of the indirect 13773  
costs associated with the purchasing of obligations under 13774  
division (G) of this section and any reselling of the 13775  
obligations or any interest in the obligations, including 13776  
interests in a fund comprised of the obligations, and the 13777  
administration thereof. No money from the general revenue fund 13778  
shall be used to subsidize the purchase or resale of these 13779  
obligations. 13780

(I) All money collected by the treasurer of state from the 13781  
fee imposed by division (G) of this section shall be deposited 13782  
to the credit of the state political subdivision obligations 13783  
fund, which is hereby created in the state treasury. Money 13784  
credited to the fund shall be used solely to pay the treasurer 13785  
of state's direct and indirect costs associated with purchasing 13786  
and reselling obligations under division (G) of this section. 13787

(J) As used in this section, "political subdivision" means 13788  
a county, township, municipal corporation, school district, or 13789  
other body corporate and politic responsible for governmental 13790  
activities in a geographic area smaller than that of the state. 13791

(K) (1) The treasurer of state and any entity issuing 13792  
obligations referred to in division (A) (14) of this section, 13793  
which obligations require a conditional liquidity requirement, 13794  
may enter into an agreement providing for the following: 13795

(a) The purchase of the obligations by the treasurer of state on terms and subject to conditions set forth in the agreement; 13796  
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(b) Payment to the treasurer of state of a fee as consideration for the agreement of the treasurer of state to purchase the obligations. 13799  
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(2) The treasurer of state shall not enter into agreements under division (K) (1) of this section for obligations that, in the aggregate, exceed ten per cent of the state's total average portfolio, as determined and calculated by the treasurer of state. 13802  
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(3) For purposes of division (A) (14) of this section, an obligation is rated in the four highest categories by at least one nationally recognized statistical rating organization if either the debt interest itself or the obligor of the debt interest is rated in the four highest categories by at least one nationally recognized statistical rating organization. 13807  
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(4) All money collected by the treasurer of state from the fee imposed by division (K) of this section shall be deposited to the credit of the state securities tender program fund, which is hereby created in the state treasury. The amount of income from the state securities tender program credited to the state securities tender program fund shall not exceed one per cent of the average par value of obligations subject to agreements under division (K) (1) of this section. All other such income shall be credited to the general revenue fund. The treasurer of state may use the state securities tender program fund solely for operations of the office of the treasurer of state. 13813  
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(L) (1) The treasurer of state and a state university or 13824

college issuing obligations under section 3345.12 of the Revised Code may enter into an agreement providing for the following:

(a) The purchase of those obligations by the treasurer of state pursuant to division (A) (3) (a) of this section on terms and subject to conditions set forth in the agreement;

(b) The department of higher education to withhold, in the event the state university or college does not pay bond service charges on the obligations when due, appropriated funds allocated to the state university or college in an amount sufficient to pay bond service charges on the obligations, less any amounts deposited for that purpose under the bond proceedings. Upon the request of the treasurer of state, the department of higher education shall promptly pay to the treasurer of state the amounts withheld.

(2) For purposes of division (L) (1) of this section, "obligations," "state university or college," "bond service charges," and "bond proceedings" have the same meanings as in section 3345.12 of the Revised Code.

(M) Unless expressly authorized by the laws of this state, the treasurer of state shall not do either of the following:

(1) Make an investment decision with the primary purpose of influencing any environmental, social, personal, or ideological policy;

(2) Permit any person or entity to which the treasurer of state delegates the management of the investment of state money to make investment decisions with state money with the primary purpose of influencing any environmental, social, personal, or ideological policy.

**Sec. 135.1411.** Unless expressly authorized by the laws of

this state, the treasurer or the governing board of a municipal corporation shall not do either of the following: 13854  
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(A) Make an investment decision with the primary purpose of influencing any environmental, social, personal, or ideological policy; 13856  
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(B) Permit any person or entity to which the treasurer or governing board delegates the management of the investment of public money to make investment decisions with public money with the primary purpose of influencing any environmental, social, personal, or ideological policy. 13859  
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**Sec. 135.18.** (A) Each institution designated as a public depository and awarded public deposits under sections 135.01 to 135.21 of the Revised Code, except as provided in section ~~135.144~~ or 135.145 of the Revised Code, shall provide security for the repayment of all public deposits by selecting one of the following methods: 13864  
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(1) Securing all uninsured public deposits of each public depositor separately as set forth in divisions (B) to (J) of this section; 13870  
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(2) Securing all uninsured public deposits of every public depositor pursuant to section 135.181 or 135.182 of the Revised Code, as applicable, by establishing and pledging to the treasurer of state a single pool of collateral for the benefit of every public depositor at the public depository. 13873  
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(B) If a public depository elects to provide security pursuant to division (A) (1) of this section, the public depository shall pledge to the public depositor, as security for the repayment of all public moneys deposited in the public depository during the period of designation pursuant to an award 13878  
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made under sections 135.01 to 135.21 of the Revised Code, 13883  
eligible securities of aggregate market value at all times equal 13884  
to at least one hundred five per cent of the total amount of the 13885  
public depositor's uninsured public deposits. 13886

(C) In order for a public depository to receive public 13887  
moneys under this section, the public depository and the public 13888  
depositor shall first execute an agreement that sets forth the 13889  
entire arrangement among the parties and that meets the 13890  
requirements described in 12 U.S.C. 1823(e). In addition, the 13891  
agreement shall authorize the public depositor to obtain control 13892  
of the collateral pursuant to division (D) of section 1308.24 of 13893  
the Revised Code. 13894

(D) The following securities or other obligations shall be 13895  
eligible for the purposes of this section: 13896

(1) Bonds, notes, or other obligations of the United 13897  
States; or bonds, notes, or other obligations guaranteed as to 13898  
principal and interest by the United States or those for which 13899  
the faith of the United States is pledged for the payment of 13900  
principal and interest thereon, by language appearing in the 13901  
instrument specifically providing such guarantee or pledge and 13902  
not merely by interpretation or otherwise; 13903

(2) Bonds, notes, debentures, letters of credit, or other 13904  
obligations or securities issued by any federal government 13905  
agency or instrumentality, or the export-import bank of 13906  
Washington; bonds, notes, or other obligations guaranteed as to 13907  
principal and interest by the United States or those for which 13908  
the faith of the United States is pledged for the payment of 13909  
principal and interest thereon, by interpretation or otherwise 13910  
and not by language appearing in the instrument specifically 13911  
providing such guarantee or pledge; 13912

(3) Obligations of or fully insured or fully guaranteed by the United States or any federal government agency or instrumentality;	13913 13914 13915
(4) Obligations partially insured or partially guaranteed by any federal agency or instrumentality;	13916 13917
(5) Obligations of or fully guaranteed by the federal national mortgage association, federal home loan mortgage corporation, federal farm credit bank, or student loan marketing association;	13918 13919 13920 13921
(6) Bonds and other obligations of this state;	13922
(7) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;	13923 13924 13925 13926 13927 13928
(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;	13929 13930 13931 13932
(9) Shares of no-load money market mutual funds consisting exclusively of obligations described in division (D) (1) or (2) of this section and repurchase agreements secured by such obligations;	13933 13934 13935 13936
(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304;	13937 13938 13939 13940 13941

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized statistical rating organization.

(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the public depositor's security interest in the securities. The trustee shall report to the public depositor information relating to the securities pledged to secure the public deposits in the manner and frequency required by the public depositor.

(F) The qualified trustee shall enter into a custodial agreement with the public depositor and public depository in which the trustee agrees to comply with entitlement orders originated by the public depositor without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made by the public depositor therein as provided by law, the public depositor shall give written notice of this failure to the qualified trustee holding the securities pledged against its public deposits and, at the same time, shall send a copy of this

notice to the public depository. Upon receipt of this notice, 13973  
the trustee shall transfer to the public depositor for sale, the 13974  
securities that are necessary to produce an amount equal to the 13975  
public deposits made by the public depositor and not paid over, 13976  
less the portion of the deposits covered by any federal deposit 13977  
insurance, plus any accrued interest due on the deposits. The 13978  
public depositor shall sell any of the bonds or other securities 13979  
so transferred. When a sale of bonds or other securities has 13980  
been so made and upon payment to the public depositor of the 13981  
purchase money, the public depositor shall transfer such bonds 13982  
or securities whereupon the absolute ownership of such bonds or 13983  
securities shall pass to the purchasers. Any surplus after 13984  
deducting the amount due the public depositor and expenses of 13985  
sale shall be paid to the public depository. 13986

(G) When the public depository has placed eligible 13987  
securities described in division (D) (1) of this section with a 13988  
trustee for safekeeping, the public depository may at any time 13989  
substitute or exchange eligible securities described in division 13990  
(D) (1) of this section having a current market value equal to or 13991  
greater than the current market value of the securities then on 13992  
deposit and for which they are to be substituted or exchanged, 13993  
without specific authorization from any public depositor's 13994  
governing board, boards, or treasurer of any such substitution 13995  
or exchange. 13996

(H) When the public depository has placed eligible 13997  
securities described in divisions (D) (2) to (9) of this section 13998  
with a trustee for safekeeping, the public depository may at any 13999  
time substitute or exchange eligible securities having a current 14000  
market value equal to or greater than the current market value 14001  
of the securities then on deposit and for which they are to be 14002  
substituted or exchanged without specific authorization of any 14003

public depositor's governing board, boards, or treasurer of any 14004  
such substitution or exchange only if one of the following 14005  
applies: 14006

(1) The public depositor has authorized the public 14007  
depository to make such substitution or exchange on a continuing 14008  
basis during a specified period without prior approval of each 14009  
substitution or exchange. The authorization may be effected by 14010  
the public depositor sending to the trustee a written notice 14011  
stating that substitution may be effected on a continuing basis 14012  
during a specified period which shall not extend beyond the end 14013  
of the period of designation during which the notice is given. 14014  
The trustee may rely upon this notice and upon the period of 14015  
authorization stated therein and upon the period of designation 14016  
stated therein. 14017

(2) The public depository notifies the public depositor 14018  
and the trustee of an intended substitution or exchange, and the 14019  
public depositor does not object to the trustee as to the 14020  
eligibility or market value of the securities being substituted 14021  
within three business days after the date appearing on the 14022  
notice of proposed substitution. The notice to the public 14023  
depositor and to the trustee shall be given in writing and 14024  
delivered electronically. The trustee may assume in any case 14025  
that the notice has been delivered to the public depositor. In 14026  
order for objections of the public depositor to be effective, 14027  
receipt of the objections must be acknowledged in writing by the 14028  
trustee. 14029

(3) The public depositor gives written authorization for a 14030  
substitution or exchange of specific securities. 14031

(I) The public depository shall notify any public 14032  
depositor of any substitution or exchange under division (H) (1) 14033

or (2) of this section. 14034

(J) Any federal reserve bank or branch thereof located in 14035  
this state or federal home loan bank, without compliance with 14036  
Chapter 1111. of the Revised Code and without becoming subject 14037  
to any other law of this state relative to the exercise by 14038  
corporations of trust powers generally, is qualified to act as 14039  
trustee for the safekeeping of securities, under this section. 14040  
Any institution mentioned in section 135.03 or 135.32 of the 14041  
Revised Code that holds a certificate of qualification issued by 14042  
the superintendent of financial institutions or any institution 14043  
complying with sections 1111.04, 1111.05, and 1111.06 of the 14044  
Revised Code, is qualified to act as trustee for the safekeeping 14045  
of securities under this section, other than those belonging to 14046  
itself or to an affiliate as defined in section 1101.01 of the 14047  
Revised Code. 14048

Notwithstanding the fact that a public depository is 14049  
required to pledge eligible securities in certain amounts to 14050  
secure deposits of public moneys, a trustee has no duty or 14051  
obligation to determine the eligibility, market value, or face 14052  
value of any securities deposited with the trustee by a public 14053  
depository. This applies in all situations including, without 14054  
limitation, a substitution or exchange of securities. 14055

Any charges or compensation of a designated trustee for 14056  
acting as such under this section shall be paid by the public 14057  
depository and in no event shall be chargeable to the state or 14058  
the subdivision or to any officer of the state or subdivision. 14059  
The charges or compensation shall not be a lien or charge upon 14060  
the securities deposited for safekeeping prior or superior to 14061  
the rights to and interests in the securities of the public 14062  
depositor. The treasurer and the treasurer's bonders or surety 14063

shall be relieved from any liability to the public depositor or 14064  
to the public depository for the loss or destruction of any 14065  
securities deposited with a qualified trustee pursuant to this 14066  
section. 14067

**Sec. 135.35.** (A) The investing authority shall deposit or 14068  
invest any part or all of the county's inactive moneys and shall 14069  
invest all of the money in the county public library fund when 14070  
required by section 135.352 of the Revised Code. The following 14071  
classifications of securities and obligations are eligible for 14072  
such deposit or investment: 14073

(1) United States treasury bills, notes, bonds, or any 14074  
other obligation or security issued by the United States 14075  
treasury, any other obligation guaranteed as to principal or 14076  
interest by the United States, or any book entry, zero-coupon 14077  
United States treasury security that is a direct obligation of 14078  
the United States. 14079

Nothing in the classification of eligible securities and 14080  
obligations set forth in divisions (A) (2) to (10) of this 14081  
section shall be construed to authorize any investment in 14082  
stripped principal or interest obligations of such eligible 14083  
securities and obligations. 14084

(2) Bonds, notes, debentures, or any other obligations or 14085  
securities issued by any federal government agency or 14086  
instrumentality, including, but not limited to, the federal 14087  
national mortgage association, federal home loan bank, federal 14088  
farm credit bank, federal home loan mortgage corporation, and 14089  
government national mortgage association. All federal agency 14090  
securities shall be direct issuances of federal government 14091  
agencies or instrumentalities. 14092

(3) Time certificates of deposit or savings or deposit	14093
accounts, including, but not limited to, passbook accounts, in	14094
any eligible institution mentioned in section 135.32 of the	14095
Revised Code;	14096
(4) Bonds and other obligations of this state or the	14097
political subdivisions of this state, provided the bonds or	14098
other obligations of political subdivisions mature within ten	14099
years from the date of settlement;	14100
(5) No-load money market mutual funds rated in the highest	14101
category at the time of purchase by at least one nationally	14102
recognized statistical rating organization or consisting	14103
exclusively of obligations described in division (A) (1), (2), or	14104
(6) of section 135.143 of the Revised Code and repurchase	14105
agreements secured by such obligations, provided that	14106
investments in securities described in this division are made	14107
only through eligible institutions mentioned in section 135.32	14108
of the Revised Code;	14109
(6) The Ohio subdivision's fund as provided in section	14110
135.45 of the Revised Code;	14111
(7) Securities lending agreements with any eligible	14112
institution mentioned in section 135.32 of the Revised Code that	14113
is a member of the federal reserve system or federal home loan	14114
bank or with any recognized United States government securities	14115
dealer meeting the description in division (J) (1) of this	14116
section, under the terms of which agreements the investing	14117
authority lends securities and the eligible institution or	14118
dealer agrees to simultaneously exchange similar securities or	14119
cash, equal value for equal value.	14120
Securities and cash received as collateral for a	14121

securities lending agreement are not inactive moneys of the 14122  
county or moneys of a county public library fund. The investment 14123  
of cash collateral received pursuant to a securities lending 14124  
agreement may be invested only in instruments specified by the 14125  
investing authority in the written investment policy described 14126  
in division (K) of this section. 14127

(8) Up to forty per cent of the county's total average 14128  
portfolio in either of the following investments: 14129

(a) Commercial paper notes issued by an entity that is 14130  
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 14131  
of section 1706.01 of the Revised Code and that has assets 14132  
exceeding five hundred million dollars, to which notes all of 14133  
the following apply: 14134

(i) The notes are rated at the time of purchase in the 14135  
highest classification established by at least two nationally 14136  
recognized statistical rating organizations. 14137

(ii) The aggregate value of the notes does not exceed ten 14138  
per cent of the aggregate value of the outstanding commercial 14139  
paper of the issuing corporation. 14140

(iii) The notes mature not later than two hundred seventy 14141  
days after purchase. 14142

(iv) The investment in commercial paper notes of a single 14143  
issuer shall not exceed in the aggregate five per cent of 14144  
interim moneys available for investment at the time of purchase. 14145

(b) Bankers acceptances of banks that are insured by the 14146  
federal deposit insurance corporation and that mature not later 14147  
than one hundred eighty days after purchase. 14148

No investment shall be made pursuant to division (A) (8) of 14149

this section unless the investing authority has completed 14150  
additional training for making the investments authorized by 14151  
division (A) (8) of this section. The type and amount of 14152  
additional training shall be approved by the treasurer of state 14153  
and may be conducted by or provided under the supervision of the 14154  
treasurer of state. 14155

(9) Up to fifteen per cent of the county's total average 14156  
portfolio in notes issued by corporations that are incorporated 14157  
under the laws of the United States and that are operating 14158  
within the United States, or by depository institutions that are 14159  
doing business under authority granted by the United States or 14160  
any state and that are operating within the United States, 14161  
provided both of the following apply: 14162

(a) The notes are rated in the three highest categories by 14163  
at least two nationally recognized statistical rating 14164  
organizations at the time of purchase. 14165

(b) The notes mature not later than three years after 14166  
purchase. 14167

(10) Debt interests rated at the time of purchase in the 14168  
three highest categories by two nationally recognized 14169  
statistical rating organizations and issued by foreign nations 14170  
diplomatically recognized by the United States government. All 14171  
interest and principal shall be denominated and payable in 14172  
United States funds. The investments made under division (A) (10) 14173  
of this section shall not exceed in the aggregate two per cent 14174  
of a county's total average portfolio. 14175

The investing authority shall invest under division (A) 14176  
(10) of this section in a debt interest issued by a foreign 14177  
nation only if the debt interest is backed by the full faith and 14178

credit of that foreign nation, there is no prior history of 14179  
default, and the debt interest matures not later than five years 14180  
after purchase. For purposes of division (A) (10) of this 14181  
section, a debt interest is rated in the three highest 14182  
categories by two nationally recognized statistical rating 14183  
organizations if either the debt interest itself or the issuer 14184  
of the debt interest is rated, or is implicitly rated, at the 14185  
time of purchase in the three highest categories by two 14186  
nationally recognized statistical rating organizations. 14187

(11) A current unpaid or delinquent tax line of credit 14188  
authorized under division (G) of section 135.341 of the Revised 14189  
Code, provided that all of the conditions for entering into such 14190  
a line of credit under that division are satisfied, or bonds and 14191  
other obligations of a county land reutilization corporation 14192  
organized under Chapter 1724. of the Revised Code, if the county 14193  
land reutilization corporation is located wholly or partly 14194  
within the same county as the investing authority. 14195

(B) Nothing in the classifications of eligible obligations 14196  
and securities set forth in divisions (A) (1) to (10) of this 14197  
section shall be construed to authorize investment in a 14198  
derivative, and no investing authority shall invest any county 14199  
inactive moneys or any moneys in a county public library fund in 14200  
a derivative. For purposes of this division, "derivative" means 14201  
a financial instrument or contract or obligation whose value or 14202  
return is based upon or linked to another asset or index, or 14203  
both, separate from the financial instrument, contract, or 14204  
obligation itself. Any security, obligation, trust account, or 14205  
other instrument that is created from an issue of the United 14206  
States treasury or is created from an obligation of a federal 14207  
agency or instrumentality or is created from both is considered 14208  
a derivative instrument. An eligible investment described in 14209

this section with a variable interest rate payment, based upon a 14210  
single interest payment or single index comprised of other 14211  
eligible investments provided for in division (A)(1) or (2) of 14212  
this section, is not a derivative, provided that such variable 14213  
rate investment has a maximum maturity of two years. A treasury 14214  
inflation-protected security shall not be considered a 14215  
derivative, provided the security matures not later than five 14216  
years after purchase. 14217

(C) Except as provided in division (A)(4) or (D) of this 14218  
section, any investment made pursuant to this section must 14219  
mature within five years from the date of settlement, unless the 14220  
investment is matched to a specific obligation or debt of the 14221  
county or to a specific obligation or debt of a political 14222  
subdivision of this state, and the investment is specifically 14223  
approved by the investment advisory committee. 14224

(D) The investing authority may also enter into a written 14225  
repurchase agreement with any eligible institution mentioned in 14226  
section 135.32 of the Revised Code or any eligible securities 14227  
dealer pursuant to division (J) of this section, under the terms 14228  
of which agreement the investing authority purchases and the 14229  
eligible institution or dealer agrees unconditionally to 14230  
repurchase any of the securities listed in divisions (D)(1) to 14231  
(5), except letters of credit described in division (D)(2), of 14232  
section 135.18 of the Revised Code. The market value of 14233  
securities subject to an overnight written repurchase agreement 14234  
must exceed the principal value of the overnight written 14235  
repurchase agreement by at least two per cent. A written 14236  
repurchase agreement must exceed the principal value of the 14237  
overnight written repurchase agreement, by at least two per 14238  
cent. A written repurchase agreement shall not exceed thirty 14239  
days, and the market value of securities subject to a written 14240

repurchase agreement must exceed the principal value of the 14241  
written repurchase agreement by at least two per cent and be 14242  
marked to market daily. All securities purchased pursuant to 14243  
this division shall be delivered into the custody of the 14244  
investing authority or the qualified custodian of the investing 14245  
authority or an agent designated by the investing authority. A 14246  
written repurchase agreement with an eligible securities dealer 14247  
shall be transacted on a delivery versus payment basis. The 14248  
agreement shall contain the requirement that for each 14249  
transaction pursuant to the agreement the participating 14250  
institution shall provide all of the following information: 14251

(1) The par value of the securities; 14252

(2) The type, rate, and maturity date of the securities; 14253

(3) A numerical identifier generally accepted in the 14254  
securities industry that designates the securities. 14255

No investing authority shall enter into a written 14256  
repurchase agreement under the terms of which the investing 14257  
authority agrees to sell securities owned by the county to a 14258  
purchaser and agrees with that purchaser to unconditionally 14259  
repurchase those securities. 14260

(E) No investing authority shall make an investment under 14261  
this section, unless the investing authority, at the time of 14262  
making the investment, reasonably expects that the investment 14263  
can be held until its maturity. The investing authority's 14264  
written investment policy shall specify the conditions under 14265  
which an investment may be redeemed or sold prior to maturity. 14266

(F) No investing authority shall pay a county's inactive 14267  
moneys or moneys of a county public library fund into a fund 14268  
established by another subdivision, treasurer, governing board, 14269

or investing authority, if that fund was established by the 14270  
subdivision, treasurer, governing board, or investing authority 14271  
for the purpose of investing or depositing the public moneys of 14272  
other subdivisions. This division does not apply to the payment 14273  
of public moneys into either of the following: 14274

(1) The Ohio subdivision's fund pursuant to division (A) 14275  
(6) of this section; 14276

(2) A fund created solely for the purpose of acquiring, 14277  
constructing, owning, leasing, or operating municipal utilities 14278  
pursuant to the authority provided under section 715.02 of the 14279  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 14280

For purposes of division (F) of this section, 14281  
"subdivision" includes a county. 14282

(G) The use of leverage, in which the county uses its 14283  
current investment assets as collateral for the purpose of 14284  
purchasing other assets, is prohibited. The issuance of taxable 14285  
notes for the purpose of arbitrage is prohibited. Contracting to 14286  
sell securities not owned by the county, for the purpose of 14287  
purchasing such securities on the speculation that bond prices 14288  
will decline, is prohibited. 14289

(H) Any securities, certificates of deposit, deposit 14290  
accounts, or any other documents evidencing deposits or 14291  
investments made under authority of this section shall be issued 14292  
in the name of the county with the county treasurer or investing 14293  
authority as the designated payee. If any such deposits or 14294  
investments are registrable either as to principal or interest, 14295  
or both, they shall be registered in the name of the treasurer. 14296

(I) The investing authority shall be responsible for the 14297  
safekeeping of all documents evidencing a deposit or investment 14298

acquired under this section, including, but not limited to, 14299  
safekeeping receipts evidencing securities deposited with a 14300  
qualified trustee, as provided in section 135.37 of the Revised 14301  
Code, and documents confirming the purchase of securities under 14302  
any repurchase agreement under this section shall be deposited 14303  
with a qualified trustee, provided, however, that the qualified 14304  
trustee shall be required to report to the investing authority, 14305  
auditor of state, or an authorized outside auditor at any time 14306  
upon request as to the identity, market value, and location of 14307  
the document evidencing each security, and that if the 14308  
participating institution is a designated depository of the 14309  
county for the current period of designation, the securities 14310  
that are the subject of the repurchase agreement may be 14311  
delivered to the treasurer or held in trust by the participating 14312  
institution on behalf of the investing authority. 14313

Upon the expiration of the term of office of an investing 14314  
authority or in the event of a vacancy in the office for any 14315  
reason, the officer or the officer's legal representative shall 14316  
transfer and deliver to the officer's successor all documents 14317  
mentioned in this division for which the officer has been 14318  
responsible for safekeeping. For all such documents transferred 14319  
and delivered, the officer shall be credited with, and the 14320  
officer's successor shall be charged with, the amount of moneys 14321  
evidenced by such documents. 14322

(J) (1) All investments, except for investments in 14323  
securities described in divisions (A) (5), (6), and (11) of this 14324  
section, shall be made only through a member of the financial 14325  
industry regulatory authority (FINRA), through a bank, savings 14326  
bank, or savings and loan association regulated by the 14327  
superintendent of financial institutions, or through an 14328  
institution regulated by the comptroller of the currency, 14329

federal deposit insurance corporation, or board of governors of 14330  
the federal reserve system. 14331

(2) Payment for investments shall be made only upon the 14332  
delivery of securities representing such investments to the 14333  
treasurer, investing authority, or qualified trustee. If the 14334  
securities transferred are not represented by a certificate, 14335  
payment shall be made only upon receipt of confirmation of 14336  
transfer from the custodian by the treasurer, governing board, 14337  
or qualified trustee. 14338

(K) (1) Except as otherwise provided in division (K) (2) of 14339  
this section, no investing authority shall make an investment or 14340  
deposit under this section, unless there is on file with the 14341  
auditor of state a written investment policy approved by the 14342  
investing authority. The policy shall require that all entities 14343  
conducting investment business with the investing authority 14344  
shall sign the investment policy of that investing authority. 14345  
All brokers, dealers, and financial institutions, described in 14346  
division (J) (1) of this section, initiating transactions with 14347  
the investing authority by giving advice or making investment 14348  
recommendations shall sign the investing authority's investment 14349  
policy thereby acknowledging their agreement to abide by the 14350  
policy's contents. All brokers, dealers, and financial 14351  
institutions, described in division (J) (1) of this section, 14352  
executing transactions initiated by the investing authority, 14353  
having read the policy's contents, shall sign the investment 14354  
policy thereby acknowledging their comprehension and receipt. 14355

(2) If a written investment policy described in division 14356  
(K) (1) of this section is not filed on behalf of the county with 14357  
the auditor of state, the investing authority of that county 14358  
shall invest the county's inactive moneys and moneys of the 14359

county public library fund only in time certificates of deposits 14360  
or savings or deposit accounts pursuant to division (A) (3) of 14361  
this section, no-load money market mutual funds pursuant to 14362  
division (A) (5) of this section, or the Ohio subdivision's fund 14363  
pursuant to division (A) (6) of this section. 14364

(L) (1) The investing authority shall establish and 14365  
maintain an inventory of all obligations and securities acquired 14366  
by the investing authority pursuant to this section. The 14367  
inventory shall include a description of each obligation or 14368  
security, including type, cost, par value, maturity date, 14369  
settlement date, and any coupon rate. 14370

(2) The investing authority shall also keep a complete 14371  
record of all purchases and sales of the obligations and 14372  
securities made pursuant to this section. 14373

(3) The investing authority shall maintain a monthly 14374  
portfolio report and issue a copy of the monthly portfolio 14375  
report describing such investments to the county investment 14376  
advisory committee, detailing the current inventory of all 14377  
obligations and securities, all transactions during the month 14378  
that affected the inventory, any income received from the 14379  
obligations and securities, and any investment expenses paid, 14380  
and stating the names of any persons effecting transactions on 14381  
behalf of the investing authority. 14382

(4) The monthly portfolio report shall be a public record 14383  
and available for inspection under section 149.43 of the Revised 14384  
Code. 14385

(5) The inventory and the monthly portfolio report shall 14386  
be filed with the board of county commissioners. The monthly 14387  
portfolio report also shall be filed with the treasurer of 14388

state. 14389

(M) An investing authority may enter into a written 14390  
investment or deposit agreement that includes a provision under 14391  
which the parties agree to submit to nonbinding arbitration to 14392  
settle any controversy that may arise out of the agreement, 14393  
including any controversy pertaining to losses of public moneys 14394  
resulting from investment or deposit. The arbitration provision 14395  
shall be set forth entirely in the agreement, and the agreement 14396  
shall include a conspicuous notice to the parties that any party 14397  
to the arbitration may apply to the court of common pleas of the 14398  
county in which the arbitration was held for an order to vacate, 14399  
modify, or correct the award. Any such party may also apply to 14400  
the court for an order to change venue to a court of common 14401  
pleas located more than one hundred miles from the county in 14402  
which the investing authority is located. 14403

For purposes of this division, "investment or deposit 14404  
agreement" means any agreement between an investing authority 14405  
and a person, under which agreement the person agrees to invest, 14406  
deposit, or otherwise manage, on behalf of the investing 14407  
authority, a county's inactive moneys or moneys in a county 14408  
public library fund, or agrees to provide investment advice to 14409  
the investing authority. 14410

(N) (1) An investment held in the county portfolio on 14411  
September 27, 1996, that was a legal investment under the law as 14412  
it existed before September 27, 1996, may be held until 14413  
maturity. 14414

(2) An investment held in the county portfolio on 14415  
September 10, 2012, that was a legal investment under the law as 14416  
it existed before September 10, 2012, may be held until 14417  
maturity. 14418

<u>(O) Unless expressly authorized by the laws of this state,</u>	14419
<u>an investing authority shall not do either of the following:</u>	14420
<u>(1) Make an investment decision with the primary purpose</u>	14421
<u>of influencing any environmental, social, personal, or</u>	14422
<u>ideological policy;</u>	14423
<u>(2) Permit any person or entity to which the investing</u>	14424
<u>authority delegates the management of the investment of public</u>	14425
<u>money to make investment decisions with public money with the</u>	14426
<u>primary purpose of influencing any environmental, social,</u>	14427
<u>personal, or ideological policy.</u>	14428
<b>Sec. 135.70.</b> As used in sections 135.70 to 135.71 of the	14429
Revised Code:	14430
(A) "Closing costs" means a disbursement listed on a	14431
closing disclosure for the purchase of a home by an eligible	14432
participant.	14433
(B) "Closing disclosure" means the statement of receipts	14434
and disbursements for a transaction related to real estate,	14435
including a statement prescribed under the Real Estate	14436
Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as	14437
amended, and the regulations thereunder.	14438
(C) "Discount interest rate" means an interest rate below	14439
the prevailing interest rate that the treasurer of state	14440
determines eligible savings institutions are willing to pay to	14441
hold linked deposits.	14442
(D) "Eligible credit union" has the same meaning as in	14443
section 135.62 of the Revised Code.	14444
(E) "Eligible expenses" has the same meaning as in section	14445
5747.85 of the Revised Code.	14446

(F) "Eligible home costs" means the down payment, eligible expenses, and closing costs for the purchase of a home by an eligible participant, ~~or~~ the transfer of funds from one homeownership savings account to another homeownership savings account belonging to the eligible participant at a different eligible savings institution, or the withdrawal of funds from a homeownership savings account that are redeposited into the same or another homeownership savings account belonging to the eligible participant within ninety days of the initial withdrawal.

(G) "Eligible participant" means an individual who has met all of the requirements necessary to participate in the specific linked deposit program for which they have applied.

(H) "Eligible program costs" means costs corresponding to the purpose of the eligible linked deposit program.

(I) "Eligible savings institution" means a financial institution that:

(1) Offers accounts to residents of this state to save for the purposes related to the applicable linked deposit program;

(2) Agrees to participate in the applicable linked deposit program;

(3) Is a public depository of state funds, or an eligible credit union designated under division (A) of section 135.12 of the Revised Code.

(J) "Home" means "primary residence" as defined by section 5747.85 of the Revised Code.

(K) "Homeownership savings account" means a linked deposit savings account opened exclusively for the purpose of paying

eligible home costs and in compliance with the requirements of 14475  
section 135.71 of the Revised Code. 14476

(L) "Linked deposit" means a certificate of deposit, share 14477  
certificate, other financial institution instrument, or portion 14478  
of an existing deposit of interim funds made in accordance with 14479  
section 135.09 of the Revised Code that is placed, purchased, or 14480  
designated by the treasurer of state with an eligible savings 14481  
institution; provided the institution agrees to pay the premium 14482  
savings rate to approved eligible participants, in accordance 14483  
with the deposit agreement required by section 135.703 of the 14484  
Revised Code. 14485

(M) "Linked deposit program" means a program authorized 14486  
under section 135.61 and sections 135.70 to 135.71 of the 14487  
Revised Code and established by the treasurer of state pursuant 14488  
to those sections. 14489

(N) "Linked deposit savings account" means an interest- 14490  
bearing account that is opened by an eligible participant at an 14491  
eligible savings institution exclusively for the purpose of the 14492  
applicable linked deposit program. 14493

(O) "Other financial institution instrument" means a 14494  
product that otherwise would pay the prevailing interest rate 14495  
approved by the treasurer of state, for the purpose of providing 14496  
eligible participants with the benefits of the applicable linked 14497  
deposit program, and in accordance with the deposit agreement 14498  
under section 135.703 of the Revised Code. 14499

(P) "Premium savings rate" means a rate, established under 14500  
section 135.704 of the Revised Code, that reflects the 14501  
percentage rate increase above the present savings rate, as 14502  
determined by the eligible savings institution, applicable to 14503

each eligible participant. 14504

(Q) "Prevailing interest rate" means a current market 14505  
interest rate selected by the treasurer of state that eligible 14506  
savings institutions are willing to pay to hold deposits of the 14507  
treasurer of state. 14508

(R) "Program period" means five years from the date the 14509  
eligible participant opens a linked deposit savings account with 14510  
the eligible savings institution. 14511

(S) "Treasurer of state's assessment rate" has the same 14512  
meaning as in section 135.62 of the Revised Code. 14513

**Sec. 135.71.** (A) The general assembly finds that making 14514  
homeownership more attainable is an important part of fostering 14515  
a robust and lasting population across the state. However, 14516  
individuals often struggle to accumulate the financial resources 14517  
needed to purchase a home. Accordingly, it is declared to be the 14518  
public policy of the state through the homeownership savings 14519  
linked deposit program to make available premium rate savings 14520  
accounts for the down payment and closing costs associated with 14521  
the purchase of a home. 14522

(B) An eligible participant for the homeownership savings 14523  
linked deposit program is an individual who is a resident of 14524  
this state, or a member of the uniformed services, on active 14525  
duty assignment, who is a resident of this state via a residency 14526  
or domicile election in accordance with 50 U.S.C. 4001, and has 14527  
applied for a homeownership savings account at an eligible 14528  
savings institution. A member of the uniformed services, who is 14529  
an eligible participant, may apply for a homeownership savings 14530  
account at an eligible savings institution on or after the date 14531  
affixed to the permanent change of station orders. As used in 14532

this division, "active duty" and "uniformed services" have the 14533  
meanings defined in 10 U.S.C. 101. 14534

(C) An eligible participant shall certify on the 14535  
application that the funds in the homeownership savings account 14536  
shall be used exclusively for eligible home costs. 14537

(D) A homeownership savings account shall be owned by not 14538  
more than one eligible participant and an eligible participant 14539  
shall hold not more than one homeownership savings account per 14540  
program period at any eligible savings institution. 14541

(E) The treasurer of state shall report to the tax 14542  
commissioner any information in the treasurer of state's 14543  
possession deemed necessary by the tax commissioner to properly 14544  
administer section 5747.85 of the Revised Code. 14545

(F) Not later than January 31, 2027, the treasurer of 14546  
state and the tax commissioner shall issue a report regarding 14547  
the efficacy of the homeownership savings linked deposit 14548  
program. The report shall include all of the following: 14549

(1) The number of homeownership savings accounts created; 14550

(2) The number of participating eligible savings 14551  
institutions; 14552

(3) The total amount contributed into the accounts; 14553

(4) The average ~~yield~~ premium savings rate paid on the 14554  
accounts; 14555

(5) Any other information the treasurer of state or tax 14556  
commissioner deems relevant. 14557

The report shall be delivered to the governor, the speaker 14558  
of the house of representatives, and the president of the 14559

senate. 14560

**Sec. 141.04.** (A) The annual salaries of the chief justice 14561  
of the supreme court and of the justices and judges named in 14562  
this section payable from the state treasury are as follows: 14563

(1) For the chief justice of the supreme court, the 14564  
following amounts effective in the following years: 14565

(a) Beginning January 1, 2018, one hundred seventy-four 14566  
thousand seven hundred dollars; 14567

(b) Beginning January 1, 2019, one hundred eighty-three 14568  
thousand four hundred fifty dollars; 14569

(c) Beginning January 1, 2020, and in each calendar year 14570  
thereafter through calendar year ~~2028~~2025 beginning on the 14571  
first day of January, the annual compensation amount shall be 14572  
increased by one and three-quarters per cent; 14573

(d) Beginning January 1, 2026, and in each calendar year 14574  
thereafter through calendar year 2029 beginning on the first day 14575  
of January, the annual compensation amount shall be increased by 14576  
five per cent. 14577

(2) For the justices of the supreme court, the following 14578  
amounts effective in the following years: 14579

(a) Beginning January 1, 2018, one hundred sixty-four 14580  
thousand dollars; 14581

(b) Beginning January 1, 2019, one hundred seventy-two 14582  
thousand two hundred dollars; 14583

(c) Beginning January 1, 2020, and in each calendar year 14584  
thereafter through calendar year ~~2028~~2025 beginning on the 14585  
first day of January, the annual compensation amount shall be 14586

increased by one and three-quarters per cent; 14587

(d) Beginning January 1, 2026, and in each calendar year 14588  
thereafter through calendar year 2029 beginning on the first day 14589  
of January, the annual compensation amount shall be increased by 14590  
five per cent. 14591

(3) For the judges of the courts of appeals, the following 14592  
amounts effective in the following years: 14593

(a) Beginning January 1, 2018, one hundred fifty-two 14594  
thousand eight hundred fifty dollars; 14595

(b) Beginning January 1, 2019, one hundred sixty thousand 14596  
five hundred dollars; 14597

(c) Beginning January 1, 2020, and in each calendar year 14598  
thereafter through calendar year ~~2028~~2025 beginning on the 14599  
first day of January, the annual compensation amount shall be 14600  
increased by one and three-quarters per cent; 14601

(d) Beginning January 1, 2026, and in each calendar year 14602  
thereafter through calendar year 2029 beginning on the first day 14603  
of January, the annual compensation amount shall be increased by 14604  
five per cent. 14605

(4) For the judges of the courts of common pleas, the 14606  
following amounts effective in the following years, reduced by 14607  
an amount equal to the annual compensation paid to that judge 14608  
from the county treasury pursuant to section 141.05 of the 14609  
Revised Code: 14610

(a) Beginning January 1, 2018, one hundred forty thousand 14611  
five hundred fifty dollars; 14612

(b) Beginning January 1, 2019, one hundred forty-seven 14613  
thousand six hundred dollars; 14614

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year ~~2028~~2025 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent;

(d) Beginning January 1, 2026, and in each calendar year thereafter through calendar year 2029 beginning on the first day of January, the annual compensation amount shall be increased by five per cent.

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge pursuant to division (B) (1) (a) of section 1901.11 of the Revised Code from municipal corporations and counties:

(a) Beginning January 1, 2018, one hundred thirty-two thousand one hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred thirty-eight thousand eight hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year ~~2028~~2025 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent;

(d) Beginning January 1, 2026, and in each calendar year thereafter through calendar year 2029 beginning on the first day of January, the annual compensation amount shall be increased by five per cent.

(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than

part-time judges to whom division (A) (5) of this section 14644  
applies, and for judges of a county court, the following amounts 14645  
effective in the following years, reduced by an amount equal to 14646  
the annual compensation paid to that judge pursuant to division 14647  
(A) of section 1901.11 of the Revised Code from municipal 14648  
corporations and counties or pursuant to division (A) of section 14649  
1907.16 of the Revised Code from counties: 14650

(a) Beginning January 1, 2018, seventy-six thousand fifty 14651  
dollars; 14652

(b) Beginning January 1, 2019, seventy-nine thousand nine 14653  
hundred dollars; 14654

(c) Beginning January 1, 2020, and in each calendar year 14655  
thereafter through calendar year ~~2028~~2025 beginning on the 14656  
first day of January, the annual compensation amount shall be 14657  
increased by one and three-quarters per cent; 14658

(d) Beginning January 1, 2026, and in each calendar year 14659  
thereafter through calendar year 2029 beginning on the first day 14660  
of January, the annual compensation amount shall be increased by 14661  
five per cent. 14662

(B) Except as provided in sections 1901.122 and 1901.123 14663  
of the Revised Code, except as otherwise provided in this 14664  
division, and except for the compensation to which the judges 14665  
described in division (A) (5) of this section are entitled 14666  
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 14667  
the Revised Code, the annual salary of the chief justice of the 14668  
supreme court and of each justice or judge listed in division 14669  
(A) of this section shall be paid in equal monthly installments 14670  
from the state treasury. If the chief justice of the supreme 14671  
court or any justice or judge listed in division (A) (2), (3), or 14672

(4) of this section delivers a written request to be paid 14673  
biweekly to the administrative director of the supreme court 14674  
prior to the first day of January of any year, the annual salary 14675  
of the chief justice or the justice or judge that is listed in 14676  
division (A) (2), (3), or (4) of this section shall be paid, 14677  
during the year immediately following the year in which the 14678  
request is delivered to the administrative director of the 14679  
supreme court, biweekly from the state treasury. 14680

(C) Upon the death of the chief justice or a justice of 14681  
the supreme court during that person's term of office, an amount 14682  
shall be paid in accordance with section 2113.04 of the Revised 14683  
Code, or to that person's estate. The amount shall equal the 14684  
amount of the salary that the chief justice or justice would 14685  
have received during the remainder of the unexpired term or an 14686  
amount equal to the salary of office for two years, whichever is 14687  
less. 14688

(D) Neither the chief justice of the supreme court nor any 14689  
justice or judge of the supreme court, the court of appeals, the 14690  
court of common pleas, or the probate court shall hold any other 14691  
office of trust or profit under the authority of this state or 14692  
the United States. 14693

(E) In addition to the salaries payable pursuant to this 14694  
section, the chief justice of the supreme court and the justices 14695  
of the supreme court shall be entitled to a vehicle allowance of 14696  
five hundred dollars per month, payable from the state treasury. 14697  
The allowance shall be increased on the first day of January of 14698  
each odd-numbered year by an amount equal to the percentage 14699  
increase, if any, in the consumer price index for the 14700  
immediately preceding twenty-four month period for which 14701  
information is available. 14702

(F) As used in this section:	14703
(1) " <del>Consumer price index</del> " <del>has the same meaning as in</del>	14704
<del>section 101.27 of the Revised Code</del> means the consumer price index	14705
<u>prepared by the United States bureau of labor statistics (U.S.</u>	14706
<u>city average for urban wage earners and clerical workers: all</u>	14707
<u>items, 1982-1984=100), or, if that index is no longer published,</u>	14708
<u>a generally available comparable index.</u>	14709
(2) "Salary" does not include any portion of the cost,	14710
premium, or charge for health, medical, hospital, dental, or	14711
surgical benefits, or any combination of those benefits,	14712
covering the chief justice of the supreme court or a justice or	14713
judge named in this section and paid on the chief justice's or	14714
the justice's or judge's behalf by a governmental entity.	14715
<b>Sec. 145.012.</b> (A) "Public employee," as defined in	14716
division (A) of section 145.01 of the Revised Code, does not	14717
include any person:	14718
(1) Who is employed by a private, temporary-help service	14719
and performs services under the direction of a public employer	14720
or is employed on a contractual basis as an independent	14721
contractor under a personal service contract with a public	14722
employer;	14723
(2) Who is an emergency employee serving on a temporary	14724
basis in case of fire, snow, earthquake, flood, or other similar	14725
emergency;	14726
(3) Who is employed in a program established pursuant to	14727
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29	14728
U.S.C.A. 1501;	14729
(4) Who is an appointed member of either the motor vehicle	14730
salvage dealers board or the motor vehicle dealer's board whose	14731

rate and method of payment are determined pursuant to division 14732  
(J) of section 124.15 of the Revised Code; 14733

(5) Who is ~~employed~~ appointed to serve as an a precinct 14734  
election worker official under section 3501.22 of the Revised 14735  
Code and paid less than six hundred dollars per calendar year 14736  
received compensation for that service, except for a under 14737  
section 3501.28 of the Revised Code during a calendar year in 14738  
which more than one primary election and one general election 14739  
are held, the person is paid six hundred dollars plus an amount 14740  
not to exceed four hundred dollars for that service; 14741

(6) Who is employed as a firefighter in a position 14742  
requiring satisfactory completion of a firefighter training 14743  
course approved under former section 3303.07 or section 4765.55 14744  
of the Revised Code or conducted under section 3737.33 of the 14745  
Revised Code except for the following: 14746

(a) Any firefighter who has elected under section 145.013 14747  
of the Revised Code to remain a contributing member of the 14748  
public employees retirement system; 14749

(b) Any firefighter who was eligible to transfer from the 14750  
public employees retirement system to the Ohio police and fire 14751  
pension fund under section 742.51 or 742.515 of the Revised Code 14752  
and did not elect to transfer; 14753

(c) Any firefighter who has elected under section 742.516 14754  
of the Revised Code to transfer from the Ohio police and fire 14755  
pension fund to the public employees retirement system. 14756

(7) Who is a member of the board of health of a city or 14757  
general health district, which pursuant to sections 3709.051 and 14758  
3709.07 of the Revised Code includes a combined health district, 14759  
and whose compensation for attendance at meetings of the board 14760

is set forth in division (B) of section 3709.02 or division (B) 14761  
of section 3709.05 of the Revised Code, as appropriate; 14762

(8) Who participates in an alternative retirement plan 14763  
established under Chapter 3305. of the Revised Code; 14764

(9) Who is a member of the board of directors of a 14765  
sanitary district established under Chapter 6115. of the Revised 14766  
Code; 14767

(10) Who is an employee, officer, or governor-appointed 14768  
member of the board of directors of the nonprofit corporation 14769  
formed under section 187.01 of the Revised Code; 14770

(11) Who is employed by the nonprofit entity established 14771  
to provide advocacy services and a client assistance program for 14772  
people with disabilities under Section 319.20 of Am. Sub. H.B. 14773  
153 of the 129th general assembly and whose employment begins on 14774  
or after October 1, 2012. 14775

(B) No inmate of a correctional institution operated by 14776  
the department of rehabilitation and correction, no patient in a 14777  
hospital for persons with mental illnesses operated by the 14778  
department of mental health and addiction services, no resident 14779  
in an institution for persons with intellectual disabilities 14780  
operated by the department of developmental disabilities, no 14781  
resident admitted as a patient of a veterans' home operated 14782  
under Chapter 5907. of the Revised Code, and no resident of a 14783  
county home shall be considered as a public employee for the 14784  
purpose of establishing membership or calculating service credit 14785  
or benefits under this chapter. Nothing in this division shall 14786  
be construed to affect any service credit attained by any person 14787  
who was a public employee before becoming an inmate, patient, or 14788  
resident at any institution listed in this division, or the 14789

payment of any benefit for which such a person or such a 14790  
person's beneficiaries otherwise would be eligible. 14791

**Sec. 145.054.** (A) No person shall knowingly fail to file a 14792  
complete and accurate campaign finance statement or independent 14793  
expenditure statement in accordance with section 145.053 of the 14794  
Revised Code. 14795

(B) No person, during the course of a person seeking 14796  
nomination for, or during any campaign for, election to the 14797  
public employees retirement board, shall knowingly and with 14798  
intent to affect the nomination or the outcome of the campaign 14799  
do any of the following by means of campaign materials, an 14800  
advertisement on radio or television or in a newspaper or 14801  
periodical, a public speech, press release, or otherwise: 14802

(1) With regard to a candidate, identify the candidate in 14803  
a manner that implies that the candidate is a member of the 14804  
board or use the term "re-elect" when the candidate is not 14805  
currently a member of the board; 14806

(2) Make a false statement concerning the formal schooling 14807  
or training completed or attempted by a candidate; a degree, 14808  
diploma, certificate, scholarship, grant, award, prize, or honor 14809  
received, earned, or held by a candidate; or the period of time 14810  
during which a candidate attended any school, college, community 14811  
technical school, or institution; 14812

(3) Make a false statement concerning the professional, 14813  
occupational, or vocational licenses held by a candidate, or 14814  
concerning any position the candidate held for which the 14815  
candidate received a salary or wages; 14816

(4) Make a false statement that a candidate or board 14817  
member has been indicted or convicted of a theft offense, 14818

extortion, or other crime involving financial corruption or	14819
moral turpitude;	14820
(5) Make a statement that a candidate has been indicted	14821
for any crime or has been the subject of a finding by the Ohio	14822
elections commission, <u>the secretary of state, or the Ohio</u>	14823
<u>election integrity commission</u> without disclosing the outcome of	14824
any legal proceedings resulting from the indictment or finding;	14825
(6) Make a false statement that a candidate or board	14826
member has a record of treatment or confinement for mental	14827
disorder;	14828
(7) Make a false statement that a candidate or board	14829
member has been subjected to military discipline for criminal	14830
misconduct or dishonorably discharged from the armed services;	14831
(8) Falsely identify the source of a statement, issue	14832
statements under the name of another person without	14833
authorization, or falsely state the endorsement of or opposition	14834
to a candidate by a person or publication;	14835
(9) Make a false statement concerning the voting record of	14836
a candidate or board member;	14837
(10) Post, publish, circulate, distribute, or otherwise	14838
disseminate a false statement concerning a candidate, either	14839
knowing the same to be false or with reckless disregard of	14840
whether it was false or not, if the statement is designed to	14841
promote the election, nomination, or defeat of the candidate.	14842
<b>Sec. 145.055.</b> <del>The secretary of state, or any person acting</del>	14843
<del>on personal knowledge and subject to the penalties of perjury,</del>	14844
<del>may file a <u>A</u> complaint with the Ohio elections commission</del>	14845
alleging a violation of section 145.054 of the Revised Code <u>may</u>	14846
<u>be filed in accordance with section 3517.16 of the Revised Code.</u>	14847

~~The complaint shall be made on a form prescribed and provided by the commission.~~ 14848  
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~~On receipt of a complaint under this section, the commission shall hold a hearing open to the public to determine whether the violation alleged in the complaint has occurred. The commission may administer oaths and issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and reports. On the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold contempt proceedings in accordance with Chapter 2705. of the Revised Code.~~ 14850  
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~~The commission shall provide the person accused of the violation at least seven days prior notice of the time, date, and place of the hearing. The accused may be represented by an attorney and shall have an opportunity to present evidence, call witnesses, and cross-examine witnesses.~~ 14861  
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~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 145.054 of the Revised Code has occurred, the commission shall either impose a fine under section 145.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that a violation of division (B) of section 145.054 of the Revised Code has occurred, the commission shall impose the fine described in section 145.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown not to impose a fine or refer the matter to a~~ 14866  
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~~prosecutor.~~ 14878

**Sec. 145.09.** The public employees retirement board shall 14879  
elect from its membership a chairperson. The board shall appoint 14880  
an executive director who shall serve as secretary to the board, 14881  
an actuary, and other employees as necessary for the transaction 14882  
of the business of the public employees retirement system. The 14883  
compensation of all persons so appointed shall be fixed by the 14884  
board. Such persons appointed by the board are not employees of 14885  
the state and are not subject to Chapter 124. of the Revised 14886  
Code. 14887

~~If the board provides health care coverage to employees of 14888  
the retirement system, it may permit employees of the Ohio 14889  
public employees deferred compensation board to participate.~~ 14890

Effective ninety days after September 15, 2004, the board 14891  
may not employ a state retirement system investment officer, as 14892  
defined in section 1707.01 of the Revised Code, who does not 14893  
hold a valid state retirement system investment officer license 14894  
issued by the division of securities in the department of 14895  
commerce. 14896

Every expense voucher of an employee, officer, or board 14897  
member of the public employees retirement system shall itemize 14898  
all purchases and expenditures. 14899

The board shall perform other functions as required for 14900  
the proper execution of this chapter, and may adopt rules in 14901  
accordance with section 111.15 of the Revised Code for the 14902  
proper administration and management of this chapter. 14903

The board may take all appropriate action to avoid payment 14904  
by the system or its members of federal or state income taxes on 14905  
contributions to the system or amounts earned on such 14906

contributions. 14907

Notice of proposed rules shall be given to interested 14908  
parties and rules adopted by the board shall be published and 14909  
otherwise made available. When it files a rule with the joint 14910  
committee on agency rule review pursuant to section 111.15 of 14911  
the Revised Code, the board shall submit to the Ohio retirement 14912  
study council a copy of the full text of the rule, and if 14913  
applicable, a copy of the rule summary and fiscal analysis 14914  
required by division (B) of section 106.024 of the Revised Code. 14915

The board may sue and be sued, plead and be impleaded, 14916  
contract and be contracted with. All of its business shall be 14917  
transacted, all of its funds invested, all warrants for money 14918  
drawn and payments made, and all of its cash and securities and 14919  
other property shall be held in the name of the board, or in the 14920  
name of its nominee, provided that nominees are authorized by 14921  
retirement board resolution for the purpose of facilitating the 14922  
ownership and transfer of investments. 14923

If the Ohio retirement study council establishes a uniform 14924  
format for any report the board is required to submit to the 14925  
council, the board shall submit the report in that format. 14926

**Sec. 145.091.** The public employees retirement system shall 14927  
administer the PERS defined benefit plan~~and~~, the PERS defined 14928  
contribution plans, and the Ohio public employees deferred 14929  
compensation program established under Chapter 148. of the 14930  
Revised Code. 14931

**Sec. 145.99.** (A) Whoever violates division (A) of section 14932  
145.054 of the Revised Code shall be fined not more than one 14933  
hundred dollars for each day of the violation. 14934

(B) Whoever violates division (B) of section 145.054 of 14935

the Revised Code shall be imprisoned for not more than six 14936  
months or fined not more than five thousand dollars, or both. 14937

~~(C) Fines imposed by the Ohio elections commission under 14938  
this section shall be paid into the Ohio elections commission 14939  
fund created under section 3513.10 of the Revised Code. 14940~~

**Sec. 148.01.** (A) As used in this chapter: 14941

(1) "Eligible employee" means any public employee, as 14942  
defined in division (A) of section 145.01 of the Revised Code; 14943  
any person eligible to become a member of the public employees 14944  
retirement system under section 145.20 of the Revised Code; any 14945  
employee, as defined in division (C) of section 742.01, division 14946  
(B) of section 3309.01, or division (A) of section 5505.01 of 14947  
the Revised Code; any electing employee, as defined in section 14948  
3305.01 of the Revised Code; and any member of the state 14949  
teachers retirement system. 14950

(2) "Participant account" means any of the following 14951  
accounts: 14952

(a) An account that is maintained by the ~~Ohio~~ public 14953  
employees ~~deferred compensation retirement~~ board and that 14954  
evidences moneys that have been deferred by, or on behalf of, a 14955  
continuing member or participating employee and transmitted to 14956  
the board by the retirement system of the continuing member or 14957  
participating employee; 14958

(b) An account that is maintained by the governing board, 14959  
administrator, depository, or trustee of a deferred compensation 14960  
program of a municipal corporation and that evidences moneys 14961  
that have been deferred by an officer or employee of that 14962  
municipal corporation and transmitted to the governing board, 14963  
administrator, depository, or trustee by the retirement system 14964

of the officer or employee or in another manner; 14965

(c) An account that is maintained by a governing board, as 14966  
defined in section 148.06 of the Revised Code, and that 14967  
evidences moneys that have been deferred by an officer or 14968  
employee of a government unit, as defined in that section, and 14969  
transmitted to the governing board by the retirement system of 14970  
the officer or employee or in another manner. 14971

(3) "Participating employee" means any eligible employee 14972  
who is having compensation deferred pursuant to either of the 14973  
following: 14974

(a) An agreement that is entered into before the 14975  
compensation is earned and that is with the eligible employee's 14976  
employer and the ~~Ohio public employees deferred compensation~~ 14977  
retirement board; 14978

(b) Automatic enrollment in the Ohio public employees 14979  
deferred compensation program under section 148.042 of the 14980  
Revised Code. 14981

(4) "Continuing member" means any former participating 14982  
employee who is not currently having compensation deferred, or 14983  
the former participating employee's beneficiary, to whom payment 14984  
has not been made of all deferred compensation distributions. 14985

(B) Notwithstanding section 145.01 of the Revised Code, 14986  
the definitions of that section are applicable to this chapter 14987  
only to any extent necessary to fully understand the provisions 14988  
of this chapter. Reference may also be had to Chapters 742., 14989  
3305., 3307., 3309., and 5505. of the Revised Code for that 14990  
purpose. 14991

**Sec. 148.02.** The Ohio public employees deferred 14992  
compensation ~~board shall be comprised of a member of the house~~ 14993

~~of representatives and a member of the senate, who shall not be~~ 14994  
~~of the same political party, each to be appointed to serve at~~ 14995  
~~the pleasure of the member's respective leadership, and the~~ 14996  
~~members of the public employees retirement board as constituted~~ 14997  
~~by section 145.04 of the Revised Code, who are~~ program is hereby 14998  
~~created as a separate legal entity for the purpose of~~ 14999  
~~administering a deferred compensation system for all eligible~~ 15000  
employees. The public employees retirement board created in 15001  
section 145.04 of the Revised Code shall administer the program. 15002  
The board may utilize its employees and property in the 15003  
administration of the ~~system on behalf of the Ohio public~~ 15004  
~~employees deferred compensation board,~~ program in consideration 15005  
of a reasonable service charge to be applied in a 15006  
nondiscriminatory manner to all amounts of compensation deferred 15007  
under ~~this system~~the program. 15008

The ~~Ohio public employees deferred compensation board~~ may 15009  
exercise the same powers granted by section 145.09 of the 15010  
Revised Code necessary to perform its functions under this 15011  
chapter. The attorney general shall be the legal adviser of the 15012  
board. The Ohio public employees deferred compensation receiving 15013  
account, which is hereby created, shall be in the custody of the 15014  
treasurer of state, but shall not be part of the state treasury. 15015  
The Ohio public employees deferred compensation receiving 15016  
account is a legal entity that is separate from the various 15017  
funds created under Chapter 145. of the Revised Code. 15018

**Sec. 148.021.** Whenever the Ohio public employees deferred 15019  
compensation board or the executive director of that board or a 15020  
variation thereof is used, referred to, or designated in any 15021  
statute, rule, contract, grant, or other document, the use, 15022  
reference, or designation shall be deemed to refer to the public 15023  
employees retirement board or the executive director of the 15024

public employees retirement system, as the case may be. 15025

**Sec. 148.04.** (A) The ~~Ohio~~ public employees ~~deferred~~ 15026  
~~compensation~~ retirement board shall initiate, plan, expedite, 15027  
and, subject to an appropriate assurance of the approval of the 15028  
internal revenue service, promulgate and offer to all eligible 15029  
employees, and thereafter administer on behalf of all 15030  
participating employees and continuing members, and alter as 15031  
required, a program for deferral of compensation, including a 15032  
reasonable number of options to the employee for the investment 15033  
of deferred funds, always in such form as will assure the 15034  
desired tax treatment of such funds. The members of the board 15035  
are the trustees of any deferred funds and shall discharge their 15036  
duties with respect to the funds solely in the interest of and 15037  
for the exclusive benefit of participating employees, continuing 15038  
members, and their beneficiaries. With respect to such deferred 15039  
funds, section 148.09 of the Revised Code shall apply to claims 15040  
against participating employees or continuing members and their 15041  
employers. 15042

(B) Every employer of an eligible employee shall enroll 15043  
the employee in a deferred compensation program offered by the 15044  
board on the employee's application to participate, on the 15045  
employee's election under section 148.041 of the Revised Code, 15046  
or by automatic enrollment under section 148.042 of the Revised 15047  
Code. 15048

(C) The board shall take all actions necessary to ensure 15049  
that the program qualifies as an eligible deferred compensation 15050  
plan under section 457(b) of the Internal Revenue Code of 1986, 15051  
26 U.S.C. 457. The board shall, subject to any applicable 15052  
provisions of the Ohio public employees deferred compensation 15053  
program plan, undertake to obtain as favorable conditions of tax 15054

treatment as possible, both in the initial programs and any 15055  
permitted alterations of them or additions to them, as to such 15056  
matters as terms of distribution, designation of beneficiaries, 15057  
withdrawal upon disability, financial hardship, or termination 15058  
of public employment, and other optional provisions. 15059

The board may establish a designated Roth account feature 15060  
or any other feature in which an employee may make tax-deferred 15061  
or nontax-deferred contributions to an eligible government plan 15062  
in accordance with 26 U.S.C. 457, as amended. 15063

(D) In no event shall the total of the amount of deferred 15064  
compensation to be set aside under a deferred compensation 15065  
program and the employee's nondeferred income for any year 15066  
exceed the total annual salary or compensation under the 15067  
existing salary schedule or classification plan applicable to 15068  
the employee in that year. 15069

Such a deferred compensation program shall be in addition 15070  
to any retirement or any other benefit program provided by law 15071  
for employees of this state. The board shall adopt rules 15072  
pursuant to Chapter 119. of the Revised Code to provide any 15073  
necessary standards or conditions for the administration of its 15074  
programs, including any limits on the portion of a participating 15075  
employee's compensation that may be deferred in order to avoid 15076  
adverse treatment of the program by the internal revenue service 15077  
or the occurrence of deferral, withholding, or other deductions 15078  
in excess of the compensation available for any pay period. 15079

Both of the following apply to a deferred compensation 15080  
program established under this section: 15081

(1) Any income deferred under the program shall continue 15082  
to be included as regular compensation for the purpose of 15083

computing the contributions to and benefits from the retirement system of an employee; 15084  
15085

(2) Any sums deferred shall not be included in the computation of any federal and state income taxes withheld on behalf of an employee. Sums contributed to a Roth account feature or other feature to which nontax-deferred contributions are made shall be included in the computation of any federal and state income taxes withheld on behalf of an employee. 15086  
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(E) This section does not limit the authority of any municipal corporation, county, township, park district, conservancy district, sanitary district, health district, public library, county law library, public institution of higher education, or school district to provide separate authorized plans or programs for deferring compensation of their officers and employees in addition to the program for the deferral of compensation offered by the board. Any municipal corporation, township, public institution of higher education, or school district that offers such plans or programs shall include a reasonable number of options to its officers or employees for the investment of the deferred funds, including annuities, variable annuities, regulated investment trusts, or other forms of investment approved by the municipal corporation, township, public institution of higher education, or school district, that will assure the desired tax treatment of the funds. 15092  
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**Sec. 148.041.** (A) Unless the employee will be automatically enrolled in the Ohio public employees deferred compensation program under section 148.042 of the Revised Code, whenever an eligible employee becomes employed in a position paid by warrant of the director of budget and management, the employee's employer shall do both of the following at the time 15108  
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the employee completes the employee's initial employment 15114  
paperwork: 15115

(1) Provide to the employee materials provided by the Ohio 15116  
public employees ~~deferred compensation~~ retirement board under 15117  
division (D) of this section regarding the benefits of long-term 15118  
savings through deferred compensation; 15119

(2) Except as otherwise provided in division (E) of this 15120  
section, secure, in writing or by electronic means, the 15121  
employee's election to participate or not participate in a 15122  
deferred compensation program offered by the board. 15123

(B) An election regarding participation under this section 15124  
shall be made in the manner prescribed by the board. 15125

(C) The employer shall forward each election completed 15126  
under this section to the program not later than forty-five days 15127  
after the date the employee's employment begins. 15128

(D) The board shall provide informational materials and 15129  
participation forms to employers required to comply with this 15130  
section. 15131

(E) If an eligible employee transfers employment from one 15132  
position paid by warrant of the director of budget and 15133  
management to another position paid by warrant of the director 15134  
of budget and management and, at the time of transfer, is a 15135  
participating employee, the employee's new employer shall not be 15136  
required to secure the employee's election to participate or not 15137  
participate under division (A) (2) of this section. 15138

**Sec. 148.042.** (A) As used in this section, "employing 15139  
authority" means both of the following: 15140

(1) The supreme court, house of representatives, senate, 15141

legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general with respect to employees of those entities;

(2) The director of administrative services, with respect to eligible employees employed in a position paid by warrant of the director of budget and management who are not employed by a person or entity listed in division (A)(1) of this section.

(B)(1) An employing authority may elect to automatically enroll employees described in division (C)(1) of this section in the Ohio public employees deferred compensation program. An employing authority that elects automatic enrollment shall notify the ~~Ohio public employees deferred compensation~~ retirement board of that election. Automatic enrollment shall commence as soon as administratively practical for the board and the employing authority.

(2) An employing authority that elects automatic enrollment may cease automatic enrollment by notifying the board. The employing authority shall specify in the notice the date on which automatic enrollment will cease, and that date must be at least ninety days after the date the employing authority sends the notice. An employee who commences employment after automatic enrollment ceases may elect to participate in the program in accordance with section 148.04 or 148.041 of the Revised Code. Cessation of automatic enrollment does not affect the enrollment of employees enrolled during an automatic enrollment period.

An employing authority that ceases automatic enrollment may subsequently elect automatic enrollment by complying with division (B)(1) of this section.

(C) (1) An eligible employee employed by an employing authority that has elected automatic enrollment shall be automatically enrolled in the program if one of the following applies to the employee:

(a) The employee initially commences employment with the employing authority on or after the date automatic enrollment begins under division (B) of this section.

(b) The employee separates from employment with an employing authority, becomes a continuing member, and, on or after the date automatic enrollment begins, commences employment with that employing authority or a different employing authority.

(c) The employee is employed in a position paid by warrant of the director of budget and management and the employee transfers employment from an employing authority that has not elected to automatically enroll employees under this section to another position paid by warrant of the director of budget and management under an employing authority that has elected to automatically enroll employees, if the transfer occurs on or after the date automatic enrollment begins.

(2) An employee who, at the time of transferring from one employing authority to another as described in division (C) (1) (c) of this section, is a participating employee shall not be automatically enrolled in the program by the employing authority to which the employee transfers.

(D) The board shall establish the automatic deferral amounts and specify the investment options into which those deferred amounts will be invested for participating employees who are enrolled under this section. Deferral amounts shall not

exceed the lesser of either ten per cent of an eligible 15200  
employee's compensation or the maximum contribution that the 15201  
employee is eligible to contribute under federal law. 15202

(E) An employing authority that elects to automatically 15203  
enroll employees under this section shall provide those 15204  
employees with notice of the employee's rights and obligations 15205  
in the manner prescribed by the board. 15206

(F) An employing authority shall not elect to 15207  
automatically enroll an eligible employee under this section, or 15208  
elect to cease automatic enrollment, if that election conflicts 15209  
with any collective bargaining agreement entered into between 15210  
the employing authority and an exclusive representative as 15211  
defined in section 4117.01 of the Revised Code. 15212

**Sec. 148.05.** (A) (1) As used in this division, "personal 15213  
history record" means information maintained by the ~~Ohio~~ public 15214  
employees ~~deferred compensation retirement~~ board on an 15215  
individual who is a participating employee or continuing member 15216  
that includes the address, telephone number, social security 15217  
number, record of contributions, records of benefits, 15218  
correspondence with the Ohio public employees deferred 15219  
compensation program, or other information the board determines 15220  
to be confidential. 15221

(2) The records of the board shall be open to public 15222  
inspection, except that the following shall be excluded, except 15223  
with the written authorization of the individual concerned: 15224

(a) Information pertaining to an individual's participant 15225  
account; 15226

(b) The individual's personal history record. 15227

(B) (1) All medical reports, records, and recommendations 15228

of a participating employee or a continuing member that are in 15229  
the possession of the board are privileged. 15230

(2) All tax information of a participating employee, 15231  
continuing member, or former participant or member that is in 15232  
the possession of the board shall be confidential to the extent 15233  
the information is confidential under Title LVII or any other 15234  
provision of the Revised Code. 15235

(C) Notwithstanding the exceptions to public inspection in 15236  
division (A)(2) of this section, the board may furnish the 15237  
following information: 15238

(1) If a participating employee, continuing member, or 15239  
former participant or member is subject to an order issued under 15240  
section 2907.15 of the Revised Code or is convicted of or pleads 15241  
guilty to a violation of section 2921.41 of the Revised Code, on 15242  
written request of a prosecutor as defined in section 2935.01 of 15243  
the Revised Code, the board shall furnish to the prosecutor the 15244  
information requested from the individual's personal history 15245  
record or participant account. 15246

(2) Pursuant to a court or administrative order issued 15247  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 15248  
Code, the board shall furnish to a court or child support 15249  
enforcement agency the information required under that section. 15250

(3) Pursuant to an administrative subpoena issued by a 15251  
state agency, the board shall furnish the information required 15252  
by the subpoena. 15253

(4) The board shall comply with orders issued under 15254  
section 3105.87 of the Revised Code. 15255

(D) A statement that contains information obtained from 15256  
the program's records that is signed by the executive director 15257

or the director's designee and to which the board's official 15258  
seal is affixed, or copies of the program's records to which the 15259  
signature and seal are attached, shall be received as true 15260  
copies of the board's records in any court or before any officer 15261  
of this state. 15262

**Sec. 148.10.** (A) Notwithstanding any other provision of 15263  
this chapter, any payment, other than a survivorship benefit, 15264  
that is to be made to a person by a deferred compensation 15265  
program pursuant to those sections or a deferred compensation 15266  
program offered by a government unit, as defined in section 15267  
148.06 of the Revised Code, or by a municipal corporation is 15268  
subject to any withholding order issued pursuant to section 15269  
2907.15 or division (C) (2) (b) of section 2921.41 of the Revised 15270  
Code. ~~The Ohio public employees deferred compensation retirement~~ 15271  
board, the governing board, as defined in section 148.06 of the 15272  
Revised Code, that is associated with a government unit, and the 15273  
governing board, administrator, depository, or trustee of a 15274  
deferred compensation program of a municipal corporation shall 15275  
comply with that withholding order in making payment. 15276

(B) Notwithstanding any other provision of this chapter, 15277  
if a deferred compensation program receives a notice pursuant to 15278  
section 2907.15 or division (D) of section 2921.41 of the 15279  
Revised Code that a person who has a participant account has 15280  
been charged with a violation of section 2907.02, 2907.03, 15281  
2907.04, 2907.05, or 2921.41 of the Revised Code, no payment 15282  
from that account shall be made prior to whichever of the 15283  
following is applicable: 15284

(1) If the person is convicted of or pleads guilty to the 15285  
violation and a motion for a withholding order for purposes of 15286  
restitution has not been filed under section 2907.15 or division 15287

(C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days 15288  
after the day on which the person is sentenced for the 15289  
violation; 15290

(2) If the person is convicted of or pleads guilty to the 15291  
violation and a motion for a withholding order for purposes of 15292  
restitution has been filed under section 2907.15 or division (C) 15293  
(2) (b) (i) of section 2921.41 of the Revised Code, the day on 15294  
which the court decides the motion; 15295

(3) If the charge is dismissed or the person is found not 15296  
guilty or not guilty by reason of insanity of the violation, the 15297  
day on which the dismissal of the charge or the verdict is 15298  
entered in the journal of the court. 15299

**Sec. 149.011.** As used in this chapter, except as otherwise 15300  
provided: 15301

(A) "Public office" includes any state agency, public 15302  
institution, political subdivision, or other organized body, 15303  
office, agency, institution, or entity established by the laws 15304  
of this state for the exercise of any function of government. 15305  
"Public office" does not include the nonprofit corporation 15306  
formed under section 187.01 of the Revised Code. 15307

(B) "State agency" includes every department, bureau, 15308  
board, commission, office, or other organized body established 15309  
by the constitution and laws of this state for the exercise of 15310  
any function of state government, including any state-supported 15311  
institution of higher education, the general assembly, any 15312  
legislative agency, any court or judicial agency, or any 15313  
political subdivision or agency of a political subdivision. 15314  
"State agency" does not include the nonprofit corporation formed 15315  
under section 187.01 of the Revised Code. 15316

(C) "Public money" includes all money received or 15317  
collected by or due a public official, whether in accordance 15318  
with or under authority of any law, ordinance, resolution, or 15319  
order, under color of office, or otherwise. It also includes any 15320  
money collected by any individual on behalf of a public office 15321  
or as a purported representative or agent of the public office. 15322

(D) "Public official" includes all officers, employees, or 15323  
duly authorized representatives or agents of a public office. 15324

(E) "Color of office" includes any act purported or 15325  
alleged to be done under any law, ordinance, resolution, order, 15326  
or other pretension to official right, power, or authority. 15327

(F) "Archive" includes any public record that is 15328  
transferred to the state archives or other designated archival 15329  
institutions because of the historical information contained on 15330  
it. 15331

(G) "Records" includes any document, device, or item, 15332  
regardless of physical form or characteristic, including an 15333  
electronic record as defined in section 1306.01 of the Revised 15334  
Code, created or received by or coming under the jurisdiction of 15335  
any public office of the state or its political subdivisions, 15336  
which serves to document the organization, functions, policies, 15337  
decisions, procedures, operations, or other activities of the 15338  
office. "Records" does not include personal notes or any 15339  
document, device, or item, regardless of physical form or 15340  
whether an assistive device or application was used, of a public 15341  
official, or of the official's attorney, employee, or agent, 15342  
that is used, maintained, and accessed solely by the individual 15343  
who creates it or causes its creation. 15344

**Sec. 149.10.** All boards, commissions, agencies, 15345

institutions, and departments in the executive branch of state 15346  
government shall submit to the auditor of state a copy of each 15347  
formal internally or independently produced audit report, as 15348  
well as any management study or report ~~which~~ that recommends 15349  
changes ~~which~~ that would affect the auditing system. Pursuant to 15350  
section 117.43 of the Revised Code, no such report shall be 15351  
produced without the approval of the auditor of state. 15352

**Sec. 149.30.** The Ohio history connection, chartered by 15353  
this state as a corporation not for profit to promote a 15354  
knowledge of history and archaeology, especially of Ohio, and 15355  
operated continuously in the public interest since 1885, may 15356  
perform public functions as prescribed by law. 15357

The general assembly may appropriate money to the Ohio 15358  
history connection each biennium to carry out the public 15359  
functions of the Ohio history connection as enumerated in this 15360  
section. An appropriation by the general assembly to the Ohio 15361  
history connection constitutes an offer to contract with the 15362  
Ohio history connection to carry out those public functions for 15363  
which appropriations are made. An acceptance by the Ohio history 15364  
connection of the appropriated funds constitutes an acceptance 15365  
by the Ohio history connection of the offer and is considered an 15366  
agreement by the Ohio history connection to perform those 15367  
functions in accordance with the terms of the appropriation and 15368  
the law and to expend the funds only for the purposes for which 15369  
appropriated. The governor may request on behalf of the Ohio 15370  
history connection, and the controlling board may release, 15371  
additional funds to the Ohio history connection for survey, 15372  
salvage, repair, or rehabilitation of an emergency nature for 15373  
which funds have not been appropriated, and acceptance by the 15374  
Ohio history connection of those funds constitutes an agreement 15375  
on the part of the Ohio history connection to expend those funds 15376

only for the purpose for which released by the controlling board. 15377  
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The Ohio history connection shall faithfully expend and apply all moneys received from the state to the uses and purposes directed by law and for necessary administrative expenses. If the general assembly appropriates money to the Ohio history connection for grants or subsidies to other entities for their site-related programs, the Ohio history connection, except for good cause, shall distribute the money within ninety days of accepting a grant or subsidy application for the money. 15379  
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The Ohio history connection shall perform the public function of sending notice by ordinary or certified mail to the owner of any property at the time it is listed on the national register of historic places. The Ohio history connection shall accurately record all expenditures of such funds in conformity with generally accepted accounting principles. 15387  
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The auditor of state shall audit all funds and fiscal records of the Ohio history connection. 15393  
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The public functions to be performed by the Ohio history connection shall include all of the following: 15395  
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(A) Creating, supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials, titles to which may reside wholly or in part with this state or wholly or in part with the Ohio history connection as provided in and in conformity to appropriate acts and resolves of the general assembly, and leasing for renewable periods of two years or less, with the advice and consent of the attorney general and the director of administrative services, lands and buildings owned by the state which are in the care, 15397  
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custody, and control of the Ohio history connection, all of 15406  
which shall be maintained and kept for public use at reasonable 15407  
hours; 15408

(B) Making alterations and improvements, marking, and 15409  
constructing, reconstructing, protecting, or restoring 15410  
structures, earthworks, and monuments in its care, and equipping 15411  
such facilities with appropriate educational maintenance 15412  
facilities; 15413

(C) Serving as the archives administration for the state 15414  
and its political subdivisions as provided in sections 149.31 to 15415  
149.42 of the Revised Code; 15416

(D) Administering a state historical museum, to be the 15417  
headquarters of the society and its principal museum and 15418  
library, which shall be maintained and kept for public use at 15419  
reasonable hours; 15420

(E) Establishing a marking system to identify all 15421  
designated historic and archaeological sites within the state 15422  
and marking or causing to be marked historic sites and 15423  
communities considered by the society to be historically or 15424  
archaeologically significant; 15425

(F) Publishing books, pamphlets, periodicals, and other 15426  
publications about history, archaeology, and natural science and 15427  
offering one copy of each regular periodical issue to all public 15428  
libraries in this state at a reasonable price, which shall not 15429  
exceed one hundred ten per cent more than the total cost of 15430  
publication; 15431

(G) Engaging in research in history, archaeology, and 15432  
natural science and providing historical information upon 15433  
request to all state agencies; 15434

(H) Collecting, preserving, and making available by all	15435
appropriate means and under approved safeguards all manuscript,	15436
print, or near-print library collections and all historical	15437
objects, specimens, and artifacts which pertain to the history	15438
of Ohio and its people, including the following original	15439
documents: Ohio Constitution of 1802; Ohio Constitution of 1851;	15440
proposed Ohio Constitution of 1875; design and the letters of	15441
patent and assignment of patent for the state flag; S.J.R. 13	15442
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883);	15443
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17	15444
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903);	15445
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34	15446
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5	15447
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929);	15448
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936);	15449
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R.	15450
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24	15451
(1947); and H.J.R. 48 (1947);	15452
(I) Encouraging and promoting the organization and	15453
development of county and local historical societies;	15454
(J) Providing to Ohio schools such materials as the Ohio	15455
history connection may prepare to facilitate the instruction of	15456
Ohio history at a reasonable price, which shall not exceed one	15457
hundred ten per cent more than the total cost of preparation and	15458
delivery;	15459
(K) Providing advisory and technical assistance to local	15460
societies for the preservation and restoration of historic and	15461
archaeological sites;	15462
(L) Devising uniform criteria for the designation of	15463
historic and archaeological sites throughout the state and	15464

advising local historical societies of the criteria and their 15465  
application; 15466

(M) Taking inventory, in cooperation with the Ohio arts 15467  
council, the Ohio archaeological council, and the archaeological 15468  
society of Ohio, of significant designated and undesignated 15469  
state and local sites and keeping an active registry of all 15470  
designated sites within the state; 15471

(N) Contracting with the owners or persons having an 15472  
interest in designated historic or archaeological sites or 15473  
property adjacent or contiguous to those sites, or acquiring, by 15474  
purchase, gift, or devise, easements in those sites or in 15475  
property adjacent or contiguous to those sites, in order to 15476  
control or restrict the use of those historic or archaeological 15477  
sites or adjacent or contiguous property for the purpose of 15478  
restoring or preserving the historical or archaeological 15479  
significance or educational value of those sites; 15480

(O) Constructing a monument honoring Governor James A. 15481  
Rhodes, which shall stand on the northeast quadrant of the 15482  
grounds surrounding the capitol building. The monument shall be 15483  
constructed with private funds donated to the Ohio history 15484  
connection and designated for this purpose. No public funds 15485  
shall be expended to construct this monument. The department of 15486  
administrative services shall cooperate with the Ohio history 15487  
connection in carrying out this function and shall maintain the 15488  
monument in a manner compatible with the grounds of the capitol 15489  
building. 15490

(P) Commissioning a portrait of each departing governor, 15491  
which shall be displayed in the capitol building. The Ohio 15492  
history connection may accept private contributions designated 15493  
for this purpose and, at the discretion of its board of 15494

trustees, also may apply for the same purpose funds appropriated 15495  
by the general assembly to the Ohio history connection pursuant 15496  
to this section. 15497

(Q) Being the custodian of the field notes, maps, records, 15498  
documents, papers, and implements relating to or used in the 15499  
survey of the public lands within the state, which were 15500  
delivered to the executive of this state by the surveyor of the 15501  
United States at Detroit, by order of the government of the 15502  
United States, the records of field notes and other records of 15503  
papers that have been added thereto, the records of deeds and 15504  
other records or papers relating to the public lands originally 15505  
deposited with the governor or secretary of state, and the 15506  
records, maps, plats, papers, documents, and implements relating 15507  
to the public lands in the Virginia military district in this 15508  
state, from the United States land office at Chillicothe. These 15509  
records and files shall be subject to inspection, and the Ohio 15510  
history connection, on demand and tender of the proper fees, 15511  
shall furnish certified copies of any of them. 15512

(R) Furnishing to the board of education of each school 15513  
district copies of deeds, leases, field notes, records, and 15514  
other papers and documents that are in the Ohio history 15515  
connection's possession, relating to the lands appropriated by 15516  
congress for the support of schools and ministerial purposes 15517  
that have been allocated for the benefit of that district, and 15518  
such copies, when certified by the Ohio history connection, 15519  
shall be received as competent evidence and shall have the same 15520  
force and effect as the originals. The Ohio history connection 15521  
shall charge fees sufficient to defray the cost of preparing 15522  
copies. 15523

(S) Submitting an annual report of its activities, 15524

programs, and operations to the governor within two months after 15525  
the close of each fiscal year of the state. 15526

The Ohio history connection, with the help of local 15527  
historical societies, may compile and maintain a registry of war 15528  
relics, as defined in section 155.28 of the Revised Code, that 15529  
are located on public property or on the property of a cemetery 15530  
association. 15531

The Ohio history connection shall not sell, mortgage, 15532  
transfer, or dispose of historical or archaeological sites to 15533  
which it has title and in which the state has monetary interest 15534  
except by action of the general assembly. 15535

Money or fines paid to the Ohio history connection under 15536  
section 155.99 of the Revised Code shall be expended by the Ohio 15537  
history connection only for the preservation of war relics. 15538

In consideration of the public functions performed by the 15539  
Ohio history connection for the state, employees of the Ohio 15540  
history connection shall be considered public employees within 15541  
the meaning of section 145.01 of the Revised Code. 15542

**Sec. 149.311.** (A) As used in this section: 15543

(1) "Historic building" means a building, including its 15544  
structural components, that is located in this state and that is 15545  
either individually listed on the national register of historic 15546  
places under 16 U.S.C. 470a, located in a registered historic 15547  
district, and certified by the state historic preservation 15548  
officer as being of historic significance to the district, or is 15549  
individually listed as an historic landmark designated by a 15550  
local government certified under 16 U.S.C. 470a(c). 15551

(2) "Qualified rehabilitation expenditures" means 15552  
expenditures paid or incurred during the rehabilitation period, 15553

and before and after that period as determined under 26 U.S.C. 15554  
47, by an owner or qualified lessee of an historic building to 15555  
rehabilitate the building. "Qualified rehabilitation 15556  
expenditures" includes architectural or engineering fees paid or 15557  
incurred in connection with the rehabilitation, and expenses 15558  
incurred in the preparation of nomination forms for listing on 15559  
the national register of historic places. "Qualified 15560  
rehabilitation expenditures" does not include any of the 15561  
following: 15562

(a) The cost of acquiring, expanding, or enlarging an 15563  
historic building; 15564

(b) Expenditures attributable to work done to facilities 15565  
related to the building, such as parking lots, sidewalks, and 15566  
landscaping; 15567

(c) New building construction costs. 15568

(3) "Owner" of an historic building means a person holding 15569  
the fee simple interest in the building. "Owner" does not 15570  
include the state or a state agency, or any political 15571  
subdivision as defined in section 9.23 of the Revised Code. 15572

(4) "Qualified lessee" means a person subject to a lease 15573  
agreement for an historic building and eligible for the federal 15574  
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 15575  
does not include the state or a state agency or political 15576  
subdivision as defined in section 9.23 of the Revised Code. 15577

(5) "Certificate owner" means the owner or qualified 15578  
lessee of an historic building to which a rehabilitation tax 15579  
credit certificate was issued under this section. 15580

(6) "Registered historic district" means an historic 15581  
district listed in the national register of historic places 15582

under 16 U.S.C. 470a, an historic district designated by a local 15583  
government certified under 16 U.S.C. 470a(c), or a local 15584  
historic district certified under 36 C.F.R. 67.8 and 67.9. 15585

(7) "Rehabilitation" means the process of repairing or 15586  
altering an historic building or buildings, making possible an 15587  
efficient use while preserving those portions and features of 15588  
the building and its site and environment that are significant 15589  
to its historic, architectural, and cultural values. 15590

(8) "Rehabilitation period" means one of the following: 15591

(a) If the rehabilitation initially was not planned to be 15592  
completed in stages, a period chosen by the owner or qualified 15593  
lessee not to exceed twenty-four months during which 15594  
rehabilitation occurs; 15595

(b) If the rehabilitation initially was planned to be 15596  
completed in stages, a period chosen by the owner or qualified 15597  
lessee not to exceed sixty months during which rehabilitation 15598  
occurs. Each stage shall be reviewed as a phase of a 15599  
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 15600  
successor to that section. 15601

(9) "State historic preservation officer" or "officer" 15602  
means the state historic preservation officer appointed by the 15603  
governor under 16 U.S.C. 470a. 15604

(10) "Catalytic project" means the rehabilitation of an 15605  
historic building, the rehabilitation of which will foster 15606  
economic development within two thousand five hundred feet of 15607  
the historic building. 15608

(B) The owner or qualified lessee of an historic building 15609  
may apply to the director of development for a rehabilitation 15610  
tax credit certificate for qualified rehabilitation expenditures 15611

paid or incurred by such owner or qualified lessee after April 15612  
4, 2007, for rehabilitation of an historic building. If the 15613  
owner of an historic building enters a pass-through agreement 15614  
with a qualified lessee for the purposes of the federal 15615  
rehabilitation tax credit under 26 U.S.C. 47, the qualified 15616  
rehabilitation expenditures paid or incurred by the owner after 15617  
April 4, 2007, may be attributed to the qualified lessee. 15618

The form and manner of filing such applications shall be 15619  
prescribed by rule of the director. Each application shall state 15620  
the amount of qualified rehabilitation expenditures the 15621  
applicant estimates will be paid or incurred and shall indicate 15622  
whether the historic building was used as a theater before, and 15623  
is intended to be used as a theater after, the rehabilitation. 15624  
The director may require applicants to furnish documentation of 15625  
such estimates. 15626

The director, after consultation with the tax commissioner 15627  
and in accordance with Chapter 119. of the Revised Code, shall 15628  
adopt rules that establish all of the following: 15629

(1) Forms and procedures by which applicants may apply for 15630  
rehabilitation tax credit certificates; 15631

(2) Criteria for reviewing, evaluating, and approving 15632  
applications for certificates within the limitations under 15633  
division (D) of this section, criteria for assuring that the 15634  
certificates issued encompass a mixture of high and low 15635  
qualified rehabilitation expenditures, and criteria for issuing 15636  
certificates under division (C) (3) (b) of this section; 15637

(3) Eligibility requirements for obtaining a certificate 15638  
under this section; 15639

(4) The form of rehabilitation tax credit certificates; 15640

(5) Reporting requirements and monitoring procedures;	15641
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	15642 15643 15644 15645 15646 15647
(7) Any other rules necessary to implement and administer this section.	15648 15649
(C) The director shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	15650 15651 15652
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	15653 15654 15655
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	15656 15657 15658 15659
(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:	15660 15661
(a) The applicant's decision to rehabilitate the historic building; or	15662 15663
(b) To increase the level of investment in such rehabilitation.	15664 15665
(4) The historic building that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low-income	15666 15667 15668

housing project allocated a tax credit pursuant to section 42 of 15669  
the Internal Revenue Code. 15670

An applicant shall demonstrate to the satisfaction of the 15671  
state historic preservation officer and director that the 15672  
rehabilitation will satisfy the standards described in division 15673  
(C) (2) of this section before the applicant begins the physical 15674  
rehabilitation of the historic building. 15675

(D) (1) If the director determines that an application 15676  
meets the criteria in division (C) of this section, the director 15677  
shall conduct a cost-benefit analysis for the historic building 15678  
that is the subject of the application to determine whether 15679  
rehabilitation of the historic building will result in a net 15680  
revenue gain in state and local taxes once the building is used. 15681  
The director shall consider the results of the cost-benefit 15682  
analysis in determining whether to approve the application. The 15683  
director shall also consider the potential economic impact and 15684  
the regional distributive balance of the credits throughout the 15685  
state. The director shall not consider whether the historic 15686  
building is located in or will benefit an economically 15687  
distressed area, including by weighting preference based on the 15688  
poverty rate in the jurisdiction or census tract in which the 15689  
building is located, nor shall the director consider or give 15690  
weighted preference based on vacancy or underutilization of the 15691  
building. The director may approve an application only after 15692  
completion of the cost-benefit analysis. 15693

(2) A rehabilitation tax credit certificate shall not be 15694  
issued for an amount greater than the estimated amount furnished 15695  
by the applicant on the application for such certificate and 15696  
approved by the director. The director shall not approve more 15697  
than a total of ~~one hundred twenty~~ sixty million dollars of 15698

rehabilitation tax credits for each of fiscal years ~~2023 and~~ 15699  
~~2024, and sixty million dollars of rehabilitation tax credits~~ 15700  
~~for each fiscal year thereafter~~ 2026 and 2027, but the director 15701  
may reallocate unused tax credits from a prior fiscal year for 15702  
new applicants and such reallocated credits shall not apply 15703  
toward the dollar limit of this division. The director shall not 15704  
approve any amount of rehabilitation tax credits after fiscal 15705  
year 2027 unless specifically approved by an act of the general 15706  
assembly. 15707

(3) For rehabilitations with a rehabilitation period not 15708  
exceeding twenty-four months as provided in division (A) (8) (a) 15709  
of this section, a rehabilitation tax credit certificate shall 15710  
not be issued before the rehabilitation of the historic building 15711  
is completed. 15712

(4) For rehabilitations with a rehabilitation period not 15713  
exceeding sixty months as provided in division (A) (8) (b) of this 15714  
section, a rehabilitation tax credit certificate shall not be 15715  
issued before a stage of rehabilitation is completed. After all 15716  
stages of rehabilitation are completed, if the director cannot 15717  
determine that the criteria in division (C) of this section are 15718  
satisfied for all stages of rehabilitations, the director shall 15719  
certify this finding to the tax commissioner, and any 15720  
rehabilitation tax credits received by the applicant shall be 15721  
repaid by the applicant and may be collected by assessment as 15722  
unpaid tax by the commissioner. 15723

(5) The director shall require the applicant to provide a 15724  
third-party cost certification by a certified public accountant 15725  
of the actual costs attributed to the rehabilitation of the 15726  
historic building when qualified rehabilitation expenditures 15727  
exceed two hundred thousand dollars. 15728

If an applicant whose application is approved for receipt 15729  
of a rehabilitation tax credit certificate fails to provide to 15730  
the director sufficient evidence of reviewable progress, 15731  
including a viable financial plan, copies of final construction 15732  
drawings, and evidence that the applicant has obtained all 15733  
historic approvals within twelve months after the date the 15734  
applicant received notification of approval, and if the 15735  
applicant fails to provide evidence to the director that the 15736  
applicant has secured and closed on financing for the 15737  
rehabilitation within eighteen months after receiving 15738  
notification of approval, the director may rescind the approval 15739  
of the application. The director shall notify the applicant if 15740  
the approval has been rescinded. Credits that would have been 15741  
available to an applicant whose approval was rescinded shall be 15742  
available for other qualified applicants. Nothing in this 15743  
division prohibits an applicant whose approval has been 15744  
rescinded from submitting a new application for a rehabilitation 15745  
tax credit certificate. 15746

(6) The director may approve the application of, and issue 15747  
a rehabilitation tax credit certificate to, the owner of a 15748  
catalytic project, provided the application otherwise meets the 15749  
criteria described in divisions (C) and (D) of this section. The 15750  
director may not approve more than one application for a 15751  
rehabilitation tax credit certificate under division (D)(6) of 15752  
this section during each state fiscal biennium. The director 15753  
shall not approve an application for a rehabilitation tax credit 15754  
certificate under division (D)(6) of this section during the 15755  
state fiscal biennium beginning July 1, 2017, or during any 15756  
state fiscal biennium thereafter. The director shall consider 15757  
the following criteria in determining whether to approve an 15758  
application for a certificate under division (D)(6) of this 15759

section: 15760

(a) Whether the historic building is a catalytic project; 15761

(b) The effect issuance of the certificate would have on 15762  
the availability of credits for other applicants that qualify 15763  
for a credit certificate within the credit dollar limit 15764  
described in division (D) (2) of this section; 15765

(c) The number of jobs, if any, the catalytic project will 15766  
create. 15767

(7) (a) The owner or qualified lessee of a historic 15768  
building may apply for a rehabilitation tax credit certificate 15769  
under both divisions (B) and (D) (6) of this section. In such a 15770  
case, the director shall consider each application at the time 15771  
the application is submitted. 15772

(b) The director shall not issue more than one certificate 15773  
under this section with respect to the same qualified 15774  
rehabilitation expenditures. 15775

(8) The director shall give consideration for tax credits 15776  
awarded under this section to rehabilitations of historic 15777  
buildings used as a theater before, and intended to be used as a 15778  
theater after, the rehabilitation. In determining whether to 15779  
approve an application for such a rehabilitation, the director 15780  
shall consider the extent to which the rehabilitation will 15781  
increase attendance at the theater and increase the theater's 15782  
gross revenue. 15783

(9) The director shall rescind the approval of any 15784  
application if the building that is the subject of the 15785  
application is part of a qualified low-income housing project 15786  
allocated a tax credit pursuant to section 42 of the Internal 15787  
Revenue Code at any time before the building's rehabilitation is 15788

complete. 15789

(E) Issuance of a certificate represents a finding by the 15790  
director of the matters described in divisions (C) (1), (2), and 15791  
(3) of this section only; issuance of a certificate does not 15792  
represent a verification or certification by the director of the 15793  
amount of qualified rehabilitation expenditures for which a tax 15794  
credit may be claimed under section 5725.151, 5725.34, 5726.52, 15795  
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 15796  
qualified rehabilitation expenditures for which a tax credit may 15797  
be claimed is subject to inspection and examination by the tax 15798  
commissioner or employees of the commissioner under section 15799  
5703.19 of the Revised Code and any other applicable law. Upon 15800  
the issuance of a certificate, the director shall certify to the 15801  
tax commissioner, in the form and manner requested by the tax 15802  
commissioner, the name of the applicant, the amount of qualified 15803  
rehabilitation expenditures shown on the certificate, and any 15804  
other information required by the rules adopted under this 15805  
section. 15806

(F) (1) On or before the first day of August each year, the 15807  
director and tax commissioner jointly shall submit to the 15808  
president of the senate and the speaker of the house of 15809  
representatives a report on the tax credit program established 15810  
under this section and sections 5725.151, 5725.34, 5726.52, 15811  
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 15812  
shall present an overview of the program and shall include 15813  
information on the number of rehabilitation tax credit 15814  
certificates issued under this section during the preceding 15815  
fiscal year, an update on the status of each historic building 15816  
for which an application was approved under this section, the 15817  
dollar amount of the tax credits granted under sections 15818  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 15819

Revised Code, and any other information the director and 15820  
commissioner consider relevant to the topics addressed in the 15821  
report. 15822

(2) On or before December 1, 2015, the director and tax 15823  
commissioner jointly shall submit to the president of the senate 15824  
and the speaker of the house of representatives a comprehensive 15825  
report that includes the information required by division (F) (1) 15826  
of this section and a detailed analysis of the effectiveness of 15827  
issuing tax credits for rehabilitating historic buildings. The 15828  
report shall be prepared with the assistance of an economic 15829  
research organization jointly chosen by the director and 15830  
commissioner. 15831

(G) There is hereby created in the state treasury the 15832  
historic rehabilitation tax credit operating fund. The director 15833  
is authorized to charge reasonable application and other fees in 15834  
connection with the administration of tax credits authorized by 15835  
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 15836  
5733.47, and 5747.76 of the Revised Code. Any such fees 15837  
collected shall be credited to the fund and used to pay 15838  
reasonable costs incurred by the department of development in 15839  
administering this section and sections 5725.151, 5725.34, 15840  
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 15841

The Ohio historic preservation office is authorized to 15842  
charge reasonable fees in connection with its review and 15843  
approval of applications under this section. Any such fees 15844  
collected shall be credited to the fund and used to pay 15845  
administrative costs incurred by the Ohio historic preservation 15846  
office pursuant to this section. 15847

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15848  
5729.17, 5733.47, and 5747.76 of the Revised Code, the 15849

certificate owner of a tax credit certificate issued under 15850  
division (D) (6) of this section may claim a tax credit equal to 15851  
twenty-five per cent of the dollar amount indicated on the 15852  
certificate for a total credit of not more than twenty-five 15853  
million dollars. The credit claimed by such a certificate owner 15854  
for any calendar year, tax year, or taxable year under section 15855  
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 15856  
Revised Code shall not exceed five million dollars. If the 15857  
certificate owner is eligible for more than five million dollars 15858  
in total credits, the certificate owner may carry forward the 15859  
balance of the credit in excess of the amount claimed for that 15860  
year for not more than five ensuing calendar years, tax years, 15861  
or taxable years. If the credit claimed in any calendar year, 15862  
tax year, or taxable year exceeds the tax otherwise due, the 15863  
excess shall be refunded to the taxpayer. 15864

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15865  
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 15866  
apply to a tax credit approved under this section after 15867  
September 13, 2022, and before July 1, 2024: 15868

(1) The certificate holder may claim a tax credit equal to 15869  
thirty-five per cent of the dollar amount indicated on the tax 15870  
credit certificate if any county, township, or municipal 15871  
corporation within which the project is located has a population 15872  
of less than three hundred thousand according to the 2020 15873  
decennial census. The tax credit equals twenty-five per cent of 15874  
the dollar amount indicated on the certificate if the project is 15875  
not located within such a county, township, or municipal 15876  
corporation. 15877

(2) The total tax credit claimed under section 5725.151, 15878  
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 15879

Code for any one project shall not exceed ten million dollars 15880  
for any calendar year, tax year, or taxable year. 15881

(3) If the credit claimed in any calendar year, tax year, 15882  
or taxable year exceeds the tax otherwise due, the excess shall 15883  
be refunded to the taxpayer, subject to division (I)(2) of this 15884  
section. 15885

(J) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15886  
5729.17, 5733.47, and 5747.76 of the Revised Code, the 15887  
certificate owner of a tax credit certificate may claim a tax 15888  
credit equal to thirty-five per cent of the dollar amount of 15889  
qualified rehabilitation expenditures indicated on the 15890  
certificate if the project for which the certificate was issued 15891  
is located in a municipal corporation with a population of less 15892  
than three hundred thousand or in the unincorporated area of a 15893  
township. 15894

(K) The director of development, in consultation with the 15895  
director of budget and management, shall develop and adopt a 15896  
system of tracking any information necessary to anticipate the 15897  
impact of credits issued under this section on tax revenues for 15898  
current and future fiscal years. Such information may include 15899  
the number of applications approved, the estimated 15900  
rehabilitation expenditures and rehabilitation period associated 15901  
with such applications, the number and amount of tax credit 15902  
certificates issued, and any other information the director of 15903  
budget and management requires for the purposes of this 15904  
division. 15905

~~(K)~~ (L) For purposes of this section and Chapter 122:19-1 15906  
of the Ohio Administrative Code, a tax credit certificate issued 15907  
under this section is effective on the date that all historic 15908  
buildings rehabilitated by the project are "placed in service," 15909

as that term is used in section 47 of the Internal Revenue Code. 15910

**Sec. 149.38.** (A) Except as otherwise provided in section 15911  
307.847 of the Revised Code, there is hereby created in each 15912  
county a county records commission, composed of a member of the 15913  
board of county commissioners as chairperson, the prosecuting 15914  
attorney, the auditor, the recorder, and the clerk of the court 15915  
of common pleas. The commission shall appoint a secretary, who 15916  
may or may not be a member of the commission and who shall serve 15917  
at the pleasure of the commission. The commission may employ an 15918  
archivist or records manager to serve under its direction. The 15919  
commission shall meet upon the call of the chairperson. 15920

(B) (1) The functions of the county records commission 15921  
shall be to provide rules for retention and disposal of records 15922  
of the county, and to review applications for one-time disposal 15923  
of obsolete records and schedules of records retention and 15924  
disposition submitted by county offices. The commission may 15925  
dispose of records pursuant to the procedure outlined in this 15926  
section. The commission, at any time, may review any schedule it 15927  
has previously approved and, for good cause shown, may revise 15928  
that schedule, subject to division (D) of this section. 15929

(2) (a) As used in division (B) (2) of this section, "paper 15930  
case records" means written reports of child abuse or neglect, 15931  
written records of investigations, or other written records 15932  
required to be prepared under section 2151.421, ~~5101.13,~~ 15933  
5153.166, ~~or~~ 5153.17, or 5180.40 of the Revised Code. 15934

(b) A county public children services agency may submit to 15935  
the county records commission applications for one-time 15936  
disposal, or schedules of records retention and disposition, of 15937  
paper case records that have been entered into permanently 15938  
maintained and retrievable fields in the state automated child 15939

welfare information system established under section ~~5101.13~~ 15940  
5180.40 of the Revised Code or entered into other permanently 15941  
maintained and retrievable electronic files. The county records 15942  
commission may dispose of the paper case records pursuant to the 15943  
procedure outlined in this section. 15944

(C) (1) When the county records commission has approved any 15945  
county application for one-time disposal of obsolete records or 15946  
any schedule of records retention and disposition, the 15947  
commission shall send that application or schedule to the Ohio 15948  
history connection for its review. The Ohio history connection 15949  
shall review the application or schedule within a period of not 15950  
more than sixty days after its receipt of it. During the sixty- 15951  
day review period, the Ohio history connection may select for 15952  
its custody from the application for one-time disposal of 15953  
obsolete records any records it considers to be of continuing 15954  
historical value, and shall denote upon any schedule of records 15955  
retention and disposition any records for which the Ohio history 15956  
connection will require a certificate of records disposal prior 15957  
to their disposal. 15958

(2) Upon completion of its review, the Ohio history 15959  
connection shall forward the application for one-time disposal 15960  
of obsolete records or the schedule of records retention and 15961  
disposition to the auditor of state for the auditor's approval 15962  
or disapproval. The auditor of state shall approve or disapprove 15963  
the application or schedule within a period of not more than 15964  
sixty days after receipt of it. 15965

(3) Before public records are to be disposed of pursuant 15966  
to an approved schedule of records retention and disposition, 15967  
the county records commission shall inform the Ohio history 15968  
connection of the disposal through the submission of a 15969

certificate of records disposal for only the records required by 15970  
the schedule to be disposed of and shall give the Ohio history 15971  
connection the opportunity for a period of fifteen business days 15972  
to select for its custody those records, from the certificate 15973  
submitted, that it considers to be of continuing historical 15974  
value. Upon the expiration of the fifteen-business-day period, 15975  
the county records commission also shall notify the public 15976  
libraries, county historical society, state universities, and 15977  
other public or quasi-public institutions, agencies, or 15978  
corporations in the county that have provided the commission 15979  
with their name and address for these notification purposes, 15980  
that the commission has informed the Ohio history connection of 15981  
the records disposal and that the notified entities, upon 15982  
written agreement with the Ohio history connection pursuant to 15983  
section 149.31 of the Revised Code, may select records of 15984  
continuing historical value, including records that may be 15985  
distributed to any of the notified entities under section 149.31 15986  
of the Revised Code. Any notified entity that notifies the 15987  
county records commission of its intent to review and select 15988  
records of continuing historical value from certificates of 15989  
records disposal is responsible for the cost of any notice given 15990  
and for the transportation of those records. 15991

(D) The rules of the county records commission shall 15992  
include a rule that requires any receipts, checks, vouchers, or 15993  
other similar records pertaining to expenditures from the 15994  
delinquent tax and assessment collection fund created in section 15995  
321.261 of the Revised Code, from the real estate assessment 15996  
fund created in section 325.31 of the Revised Code, or from 15997  
amounts allocated for the furtherance of justice to the county 15998  
sheriff under section 325.071 of the Revised Code or to the 15999  
prosecuting attorney under section 325.12 of the Revised Code to 16000

be retained for at least four years. 16001

(E) No person shall knowingly violate the rule adopted 16002  
under division (D) of this section. Whoever violates that rule 16003  
is guilty of a misdemeanor of the first degree. 16004

**Sec. 149.43.** (A) As used in this section: 16005

(1) "Public record" means records kept by any public 16006  
office, including, but not limited to, state, county, city, 16007  
village, township, and school district units, and records 16008  
pertaining to the delivery of educational services by an 16009  
alternative school in this state kept by the nonprofit or for- 16010  
profit entity operating the alternative school pursuant to 16011  
section 3313.533 of the Revised Code. "Public record" does not 16012  
mean any of the following: 16013

(a) Medical records; 16014

(b) Records pertaining to probation and parole 16015  
proceedings, to proceedings related to the imposition of 16016  
community control sanctions and post-release control sanctions, 16017  
or to proceedings related to determinations under section 16018  
2967.271 of the Revised Code regarding the release or maintained 16019  
incarceration of an offender to whom that section applies; 16020

(c) Records pertaining to actions under section 2151.85 16021  
and division (C) of section 2919.121 of the Revised Code and to 16022  
appeals of actions arising under those sections; 16023

(d) Records pertaining to adoption proceedings, including 16024  
the contents of an adoption file maintained by the department of 16025  
health under sections 3705.12 to 3705.124 of the Revised Code; 16026

(e) Information in a record contained in the putative 16027  
father registry established by section 3107.062 of the Revised 16028

Code, regardless of whether the information is held by the 16029  
department of ~~job and family services~~ children and youth or, 16030  
pursuant to section 3111.69 of the Revised Code, the office of 16031  
child support in the department of job and family services or a 16032  
child support enforcement agency; 16033

(f) Records specified in division (A) of section 3107.52 16034  
of the Revised Code; 16035

(g) Trial preparation records, prior to the conclusion of 16036  
all direct appeals or, if no appeal is filed, prior to the 16037  
expiration of the time during which an appeal may be filed, or, 16038  
if no trial has occurred, until the civil or criminal action or 16039  
proceeding has ended without the possibility of direct appeal or 16040  
each agency, office, or official responsible for the matter has 16041  
made a decision not to proceed with the matter; 16042

(h) Confidential law enforcement investigatory records; 16043

(i) Records containing information that is confidential 16044  
under section 2710.03 or 4112.05 of the Revised Code; 16045

(j) DNA records stored in the DNA database pursuant to 16046  
section 109.573 of the Revised Code; 16047

(k) Inmate records released by the department of 16048  
rehabilitation and correction to the department of youth 16049  
services or a court of record pursuant to division (E) of 16050  
section 5120.21 of the Revised Code; 16051

(l) Records maintained by the department of youth services 16052  
pertaining to children in its custody released by the department 16053  
of youth services to the department of rehabilitation and 16054  
correction pursuant to section 5139.05 of the Revised Code; 16055

(m) Intellectual property records; 16056

(n) Donor profile records;	16057
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	16058 16059
(p) Designated public service worker residential and familial information;	16060 16061
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	16062 16063 16064 16065 16066
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	16067 16068
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	16069 16070 16071 16072 16073 16074 16075 16076 16077 16078 16079 16080
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	16081 16082 16083 16084 16085

(u) Test materials, examinations, or evaluation tools used	16086
in an examination for licensure as a nursing home administrator	16087
that the board of executives of long-term services and supports	16088
administers under section 4751.15 of the Revised Code or	16089
contracts under that section with a private or government entity	16090
to administer;	16091
(v) Records the release of which is prohibited by state or	16092
federal law;	16093
(w) Proprietary information of or relating to any person	16094
that is submitted to or compiled by the Ohio venture capital	16095
authority created under section 150.01 of the Revised Code;	16096
(x) Financial statements and data any person submits for	16097
any purpose to the Ohio housing finance agency or the	16098
controlling board in connection with applying for, receiving, or	16099
accounting for financial assistance from the agency, and	16100
information that identifies any individual who benefits directly	16101
or indirectly from financial assistance from the agency;	16102
(y) Records listed in section 5101.29 of the Revised Code;	16103
(z) Discharges recorded with a county recorder under	16104
section 317.24 of the Revised Code, as specified in division (B)	16105
(2) of that section;	16106
(aa) Usage information including names and addresses of	16107
specific residential and commercial customers of a municipally	16108
owned or operated public utility;	16109
(bb) Records described in division (C) of section 187.04	16110
of the Revised Code that are not designated to be made available	16111
to the public as provided in that division;	16112
(cc) Information and records that are made confidential,	16113

privileged, and not subject to disclosure under divisions (B) 16114  
and (C) of section 2949.221 of the Revised Code; 16115

(dd) Personal information, as defined in section 149.45 of 16116  
the Revised Code; 16117

(ee) The confidential name, address, and other personally 16118  
identifiable information of a program participant in the address 16119  
confidentiality program established under sections 111.41 to 16120  
111.47 of the Revised Code, including the contents of any 16121  
application for absent voter's ballots, absent voter's ballot 16122  
identification envelope statement of voter, or provisional 16123  
ballot affirmation completed by a program participant who has a 16124  
confidential voter registration record; records or portions of 16125  
records pertaining to that program that identify the number of 16126  
program participants that reside within a precinct, ward, 16127  
township, municipal corporation, county, or any other geographic 16128  
area smaller than the state; and any real property 16129  
confidentiality notice filed under section 111.431 of the 16130  
Revised Code and the information described in division (C) of 16131  
that section. As used in this division, "confidential address" 16132  
and "program participant" have the meaning defined in section 16133  
111.41 of the Revised Code. 16134

(ff) Orders for active military service of an individual 16135  
serving or with previous service in the armed forces of the 16136  
United States, including a reserve component, or the Ohio 16137  
organized militia, except that, such order becomes a public 16138  
record on the day that is fifteen years after the published date 16139  
or effective date of the call to order; 16140

(gg) The name, address, contact information, or other 16141  
personal information of an individual who is less than eighteen 16142  
years of age that is included in any record related to a traffic 16143

accident involving a school vehicle in which the individual was 16144  
an occupant at the time of the accident; 16145

(hh) Protected health information, as defined in 45 C.F.R. 16146  
160.103, that is in a claim for payment for a health care 16147  
product, service, or procedure, as well as any other health 16148  
claims data in another document that reveals the identity of an 16149  
individual who is the subject of the data or could be used to 16150  
reveal that individual's identity; 16151

(ii) Any depiction by photograph, film, videotape, or 16152  
printed or digital image under either of the following 16153  
circumstances: 16154

(i) The depiction is that of a victim of an offense the 16155  
release of which would be, to a reasonable person of ordinary 16156  
sensibilities, an offensive and objectionable intrusion into the 16157  
victim's expectation of bodily privacy and integrity. 16158

(ii) The depiction captures or depicts the victim of a 16159  
sexually oriented offense, as defined in section 2950.01 of the 16160  
Revised Code, at the actual occurrence of that offense. 16161

(jj) Restricted portions of a body-worn camera or 16162  
dashboard camera recording; 16163

(kk) In the case of a fetal-infant mortality review board 16164  
acting under sections 3707.70 to 3707.77 of the Revised Code, 16165  
records, documents, reports, or other information presented to 16166  
the board or a person abstracting such materials on the board's 16167  
behalf, statements made by review board members during board 16168  
meetings, all work products of the board, and data submitted by 16169  
the board to the department of health or a national infant death 16170  
review database, other than the report prepared pursuant to 16171  
section 3707.77 of the Revised Code. 16172

(ll) Records, documents, reports, or other information 16173  
presented to the pregnancy-associated mortality review board 16174  
established under section ~~3738.01~~5180.27 of the Revised Code, 16175  
statements made by board members during board meetings, all work 16176  
products of the board, and data submitted by the board to the 16177  
department of health, other than the biennial reports prepared 16178  
under section ~~3738.08~~5180.277 of the Revised Code; 16179

(mm) Except as otherwise provided in division (A) (1) (oo) 16180  
of this section, telephone numbers for a victim, as defined in 16181  
section 2930.01 of the Revised Code or a witness to a crime that 16182  
are listed on any law enforcement record or report. 16183

(nn) A preneed funeral contract, as defined in section 16184  
4717.01 of the Revised Code, and contract terms and personally 16185  
identifying information of a preneed funeral contract, that is 16186  
contained in a report submitted by or for a funeral home to the 16187  
board of embalmers and funeral directors under division (C) of 16188  
section 4717.13, division (J) of section 4717.31, or section 16189  
4717.41 of the Revised Code. 16190

(oo) Telephone numbers for a party to a motor vehicle 16191  
accident subject to the requirements of section 5502.11 of the 16192  
Revised Code that are listed on any law enforcement record or 16193  
report, except that the telephone numbers described in this 16194  
division are not excluded from the definition of "public record" 16195  
under this division on and after the thirtieth day after the 16196  
occurrence of the motor vehicle accident. 16197

(pp) Records pertaining to individuals who complete 16198  
training under section 5502.703 of the Revised Code to be 16199  
permitted by a school district board of education or governing 16200  
body of a community school established under Chapter 3314. of 16201  
the Revised Code, a STEM school established under Chapter 3326. 16202

of the Revised Code, or a chartered nonpublic school to convey 16203  
deadly weapons or dangerous ordnance into a school safety zone; 16204

(qq) Records, documents, reports, or other information 16205  
presented to a domestic violence fatality review board 16206  
established under section 307.651 of the Revised Code, 16207  
statements made by board members during board meetings, all work 16208  
products of the board, and data submitted by the board to the 16209  
department of health, other than a report prepared pursuant to 16210  
section 307.656 of the Revised Code; 16211

(rr) Records, documents, and information the release of 16212  
which is prohibited under sections 2930.04 and 2930.07 of the 16213  
Revised Code; 16214

(ss) Records of an existing qualified nonprofit 16215  
corporation that creates a special improvement district under 16216  
Chapter 1710. of the Revised Code that do not pertain to a 16217  
purpose for which the district is created; 16218

(tt) Educational support services data, as defined in 16219  
section 3319.325 of the Revised Code; 16220

(uu) Records of the past, current, and future work 16221  
schedule of a designated public service worker. As used in 16222  
division (A) (1) (uu) of this section, "work schedule" does not 16223  
include the docket of cases of a court, judge, or magistrate; 16224

(vv) A request form or confirmation letter submitted to a 16225  
public office under section 149.45 of the Revised Code; 16226

(ww) An affidavit or confirmation letter submitted under 16227  
section 319.28 of the Revised Code; 16228

(xx) License or certificate application or renewal 16229  
responses and supporting documentation submitted to the state 16230

medical board regarding an applicant's, or a license or 16231  
certificate holder's, inability to practice according to 16232  
acceptable and prevailing standards of care by reason of a 16233  
medical condition; 16234

(yy) Images and data captured by an automated license 16235  
plate recognition system that are maintained in a law 16236  
enforcement database; 16237

(zz) Attorney work product record; 16238

(aaa) Any entry on the public calendar of an elected 16239  
official that is for any date that is after the date the record 16240  
is requested. 16241

A record that is not a public record under division (A) (1) 16242  
of this section and that, under law, is permanently retained 16243  
becomes a public record on the day that is seventy-five years 16244  
after the day on which the record was created, or in the case of 16245  
a record that is not a public record under division (A) (1) (uu) 16246  
of this section that is retained, three years after the day on 16247  
which the record was created, except for any record protected by 16248  
the attorney-client privilege, a trial preparation record as 16249  
defined in this section, a statement prohibiting the release of 16250  
identifying information signed under section 3107.083 of the 16251  
Revised Code, a denial of release form filed pursuant to section 16252  
3107.46 of the Revised Code, or any record that is exempt from 16253  
release or disclosure under section 149.433 of the Revised Code. 16254  
If the record is a birth certificate and a biological parent's 16255  
name redaction request form has been accepted under section 16256  
3107.391 of the Revised Code, the name of that parent shall be 16257  
redacted from the birth certificate before it is released under 16258  
this paragraph. If any other section of the Revised Code 16259  
establishes a time period for disclosure of a record that 16260

conflicts with the time period specified in this section, the 16261  
time period in the other section prevails. 16262

~~(2)~~(2) (a) "Confidential law enforcement investigatory 16263  
record" means any record that pertains to a law enforcement 16264  
matter of a criminal, quasi-criminal, civil, or administrative 16265  
nature, but only to the extent that the release of the record 16266  
would create a high probability of disclosure of any of the 16267  
following: 16268

~~(a)~~(i) The identity of a suspect who has not been charged 16269  
with the offense to which the record pertains, or of an 16270  
information source or witness to whom confidentiality has been 16271  
reasonably promised; 16272

~~(b)~~(ii) Information provided by an information source or 16273  
witness to whom confidentiality has been reasonably promised, 16274  
which information would reasonably tend to disclose the source's 16275  
or witness's identity; 16276

~~(c)~~(iii) Specific confidential investigatory techniques or 16277  
procedures or specific investigatory work product; 16278

~~(d)~~(iv) Information that would endanger the life or 16279  
physical safety of law enforcement personnel, a crime victim, a 16280  
witness, or a confidential information source. 16281

(b) As used in divisions (A) (2) and (18) of this section, 16282  
"specific investigatory work product" means information 16283  
assembled by law enforcement officials in connection with a 16284  
probable or pending criminal or civil proceeding, with the 16285  
exception of routine incident reports. "Specific investigatory 16286  
work product" is not a public record prior to the conclusion of 16287  
all direct appeals, or, if no appeal is filed, prior to the 16288  
expiration of the time during which an appeal may be filed, or, 16289

if no trial has occurred, until the criminal or civil proceeding 16290  
has ended without possibility of direct appeal or each agency, 16291  
office, or official responsible for the matter has made a 16292  
decision not to proceed with the matter. 16293

(3) "Medical record" means any document or combination of 16294  
documents, except births, deaths, and the fact of admission to 16295  
or discharge from a hospital, that pertains to the medical 16296  
history, diagnosis, prognosis, or medical condition of a patient 16297  
and that is generated and maintained in the process of medical 16298  
treatment. 16299

(4) "Trial preparation record" means any record created by 16300  
or for another party or by or for that party's representative, 16301  
in reasonable anticipation of, or in defense of, a civil or 16302  
criminal action or proceeding, that is not a confidential law 16303  
enforcement investigatory record or attorney work product record 16304  
and that contains factual information that is specifically 16305  
compiled in reasonable anticipation of, or in defense of, a for 16306  
that civil or criminal action or proceeding, ~~including the~~ 16307  
~~independent thought processes and personal trial preparation of~~ 16308  
~~an attorney.~~ 16309

(5) "Intellectual property record" means a record, other 16310  
than a financial or administrative record, that is produced or 16311  
collected by or for faculty or staff of a state institution of 16312  
higher learning in the conduct of or as a result of study or 16313  
research on an educational, commercial, scientific, artistic, 16314  
technical, or scholarly issue, regardless of whether the study 16315  
or research was sponsored by the institution alone or in 16316  
conjunction with a governmental body or private concern, and 16317  
that has not been publicly released, published, or patented. 16318

(6) "Donor profile record" means all records about donors 16319

or potential donors to a public institution of higher education 16320  
except the names and reported addresses of the actual donors and 16321  
the date, amount, and conditions of the actual donation. 16322

(7) "Designated public service worker" means a peace 16323  
officer, parole officer, probation officer, bailiff, prosecuting 16324  
attorney, assistant prosecuting attorney, correctional employee, 16325  
county or multicounty corrections officer, community-based 16326  
correctional facility employee, designated Ohio national guard 16327  
member, protective services worker, youth services employee, 16328  
firefighter, EMT, medical director or member of a cooperating 16329  
physician advisory board of an emergency medical service 16330  
organization, state board of pharmacy employee, investigator of 16331  
the bureau of criminal identification and investigation, 16332  
emergency service telecommunicator, forensic mental health 16333  
provider, mental health evaluation provider, regional 16334  
psychiatric hospital employee, judge, magistrate, or federal law 16335  
enforcement officer. 16336

(8) "Designated public service worker residential and 16337  
familial information" means any information that discloses any 16338  
of the following about a designated public service worker: 16339

(a) The address of the actual personal residence of a 16340  
designated public service worker, except for the following 16341  
information: 16342

(i) The address of the actual personal residence of a 16343  
prosecuting attorney or judge; and 16344

(ii) The state or political subdivision in which a 16345  
designated public service worker resides. 16346

(b) Information compiled from referral to or participation 16347  
in an employee assistance program; 16348

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker; 16349  
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer; 16354  
16355  
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(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law; 16358  
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(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; 16363  
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(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority. 16369  
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(9) As used in divisions (A) (7) and (15) to (17) of this section: 16373  
16374

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the 16375  
16376  
16377

sheriff of a county or a supervisory employee who, in the 16378  
absence of the sheriff, is authorized to stand in for, exercise 16379  
the authority of, and perform the duties of the sheriff. 16380

"Correctional employee" means any employee of the 16381  
department of rehabilitation and correction who in the course of 16382  
performing the employee's job duties has or has had contact with 16383  
inmates and persons under supervision. 16384

"County or multicounty corrections officer" means any 16385  
corrections officer employed by any county or multicounty 16386  
correctional facility. 16387

"Designated Ohio national guard member" means a member of 16388  
the Ohio national guard who is participating in duties related 16389  
to remotely piloted aircraft, including, but not limited to, 16390  
pilots, sensor operators, and mission intelligence personnel, 16391  
duties related to special forces operations, or duties related 16392  
to cybersecurity, and is designated by the adjutant general as a 16393  
designated public service worker for those purposes. 16394

"Protective services worker" means any employee of a 16395  
county agency who is responsible for child protective services, 16396  
child support services, or adult protective services. 16397

"Youth services employee" means any employee of the 16398  
department of youth services who in the course of performing the 16399  
employee's job duties has or has had contact with children 16400  
committed to the custody of the department of youth services. 16401

"Firefighter" means any regular, paid or volunteer, member 16402  
of a lawfully constituted fire department of a municipal 16403  
corporation, township, fire district, or village. 16404

"EMT" means EMTs-basic, EMTs-I, and paramedics that 16405  
provide emergency medical services for a public emergency 16406

medical service organization. "Emergency medical service 16407  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 16408  
meanings defined in section 4765.01 of the Revised Code. 16409

"Investigator of the bureau of criminal identification and 16410  
investigation" has the meaning defined in section 2903.11 of the 16411  
Revised Code. 16412

"Emergency service telecommunicator" means an individual 16413  
employed by an emergency service provider as defined under 16414  
section 128.01 of the Revised Code, whose primary responsibility 16415  
is to be an operator for the receipt or processing of calls for 16416  
emergency services made by telephone, radio, or other electronic 16417  
means. 16418

"Forensic mental health provider" means any employee of a 16419  
community mental health service provider or local alcohol, drug 16420  
addiction, and mental health services board who, in the course 16421  
of the employee's duties, has contact with persons committed to 16422  
a local alcohol, drug addiction, and mental health services 16423  
board by a court order pursuant to section 2945.38, 2945.39, 16424  
2945.40, or 2945.402 of the Revised Code. 16425

"Mental health evaluation provider" means an individual 16426  
who, under Chapter 5122. of the Revised Code, examines a 16427  
respondent who is alleged to be a mentally ill person subject to 16428  
court order, as defined in section 5122.01 of the Revised Code, 16429  
and reports to the probate court the respondent's mental 16430  
condition. 16431

"Regional psychiatric hospital employee" means any 16432  
employee of the department of mental health and addiction 16433  
services who, in the course of performing the employee's duties, 16434  
has contact with patients committed to the department of mental 16435

health and addiction services by a court order pursuant to 16436  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 16437  
Code. 16438

"Federal law enforcement officer" has the meaning defined 16439  
in section 9.88 of the Revised Code. 16440

(10) "Information pertaining to the recreational 16441  
activities of a person under the age of eighteen" means 16442  
information that is kept in the ordinary course of business by a 16443  
public office, that pertains to the recreational activities of a 16444  
person under the age of eighteen years, and that discloses any 16445  
of the following: 16446

(a) The address or telephone number of a person under the 16447  
age of eighteen or the address or telephone number of that 16448  
person's parent, guardian, custodian, or emergency contact 16449  
person; 16450

(b) The social security number, birth date, or 16451  
photographic image of a person under the age of eighteen; 16452

(c) Any medical record, history, or information pertaining 16453  
to a person under the age of eighteen; 16454

(d) Any additional information sought or required about a 16455  
person under the age of eighteen for the purpose of allowing 16456  
that person to participate in any recreational activity 16457  
conducted or sponsored by a public office or to use or obtain 16458  
admission privileges to any recreational facility owned or 16459  
operated by a public office. 16460

(11) "Community control sanction" has the meaning defined 16461  
in section 2929.01 of the Revised Code. 16462

(12) "Post-release control sanction" has the meaning 16463

defined in section 2967.01 of the Revised Code. 16464

(13) "Redaction" means obscuring or deleting any 16465  
information that is exempt from the duty to permit public 16466  
inspection or copying from an item that otherwise meets the 16467  
definition of a "record" in section 149.011 of the Revised Code. 16468

(14) "Designee," "elected official," and "future official" 16469  
have the meanings defined in section 109.43 of the Revised Code. 16470

(15) "Body-worn camera" means a visual and audio recording 16471  
device worn on the person of a correctional employee, youth 16472  
services employee, or peace officer while the correctional 16473  
employee, youth services employee, or peace officer is engaged 16474  
in the performance of official duties. 16475

(16) "Dashboard camera" means a visual and audio recording 16476  
device mounted on a peace officer's vehicle or vessel that is 16477  
used while the peace officer is engaged in the performance of 16478  
the peace officer's duties. 16479

(17) "Restricted portions of a body-worn camera or 16480  
dashboard camera recording" means any visual or audio portion of 16481  
a body-worn camera or dashboard camera recording that shows, 16482  
communicates, or discloses any of the following: 16483

(a) The image or identity of a child or information that 16484  
could lead to the identification of a child who is a primary 16485  
subject of the recording when the department of rehabilitation 16486  
and correction, department of youth services, or the law 16487  
enforcement agency knows or has reason to know the person is a 16488  
child based on the department's or law enforcement agency's 16489  
records or the content of the recording; 16490

(b) The death of a person or a deceased person's body, 16491  
unless the death was caused by a correctional employee, youth 16492

services employee, or peace officer or, subject to division (H) 16493  
(1) of this section, the consent of the decedent's executor or 16494  
administrator has been obtained; 16495

(c) The death of a correctional employee, youth services 16496  
employee, peace officer, firefighter, paramedic, or other first 16497  
responder, occurring while the decedent was engaged in the 16498  
performance of official duties, unless, subject to division (H) 16499  
(1) of this section, the consent of the decedent's executor or 16500  
administrator has been obtained; 16501

(d) Grievous bodily harm, unless the injury was effected 16502  
by a correctional employee, youth services employee, or peace 16503  
officer or, subject to division (H) (1) of this section, the 16504  
consent of the injured person or the injured person's guardian 16505  
has been obtained; 16506

(e) An act of severe violence against a person that 16507  
results in serious physical harm to the person, unless the act 16508  
and injury was effected by a correctional employee, youth 16509  
services employee, or peace officer or, subject to division (H) 16510  
(1) of this section, the consent of the injured person or the 16511  
injured person's guardian has been obtained; 16512

(f) Grievous bodily harm to a correctional employee, youth 16513  
services employee, peace officer, firefighter, paramedic, or 16514  
other first responder, occurring while the injured person was 16515  
engaged in the performance of official duties, unless, subject 16516  
to division (H) (1) of this section, the consent of the injured 16517  
person or the injured person's guardian has been obtained; 16518

(g) An act of severe violence resulting in serious 16519  
physical harm against a correctional employee, youth services 16520  
employee, peace officer, firefighter, paramedic, or other first 16521

responder, occurring while the injured person was engaged in the 16522  
performance of official duties, unless, subject to division (H) 16523  
(1) of this section, the consent of the injured person or the 16524  
injured person's guardian has been obtained; 16525

(h) A person's nude body, unless, subject to division (H) 16526  
(1) of this section, the person's consent has been obtained; 16527

(i) Protected health information, the identity of a person 16528  
in a health care facility who is not the subject of a 16529  
correctional, youth services, or law enforcement encounter, or 16530  
any other information in a health care facility that could 16531  
identify a person who is not the subject of a correctional, 16532  
youth services, or law enforcement encounter; 16533

(j) Information that could identify the alleged victim of 16534  
a sex offense, menacing by stalking, or domestic violence; 16535

(k) Information, that does not constitute a confidential 16536  
law enforcement investigatory record, that could identify a 16537  
person who provides sensitive or confidential information to the 16538  
department of rehabilitation and correction, the department of 16539  
youth services, or a law enforcement agency when the disclosure 16540  
of the person's identity or the information provided could 16541  
reasonably be expected to threaten or endanger the safety or 16542  
property of the person or another person; 16543

(l) Personal information of a person who is not arrested, 16544  
cited, charged, or issued a written warning by a peace officer; 16545

(m) Proprietary correctional, youth services, or police 16546  
contingency plans or tactics that are intended to prevent crime 16547  
and maintain public order and safety; 16548

(n) A personal conversation unrelated to work between 16549  
correctional employees, youth services employees, or peace 16550

officers or between a correctional employee, youth services  
employee, or peace officer and an employee of a law enforcement  
agency;

(o) A conversation between a correctional employee, youth  
services employee, or peace officer and a member of the public  
that does not concern correctional, youth services, or law  
enforcement activities;

(p) The interior of a residence, unless the interior of a  
residence is the location of an adversarial encounter with, or a  
use of force by, a correctional employee, youth services  
employee, or peace officer;

(q) Any portion of the interior of a private business that  
is not open to the public, unless an adversarial encounter with,  
or a use of force by, a correctional employee, youth services  
employee, or peace officer occurs in that location.

As used in division (A) (17) of this section:

"Grievous bodily harm" has the same meaning as in section  
5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section  
1337.11 of the Revised Code.

"Protected health information" has the same meaning as in  
45 C.F.R. 160.103.

"Law enforcement agency" means a government entity that  
employs peace officers to perform law enforcement duties.

"Personal information" means any government-issued  
identification number, date of birth, address, financial  
information, or criminal justice information from the law  
enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 16579  
of the Revised Code. 16580

"Firefighter," "paramedic," and "first responder" have the 16581  
same meanings as in section 4765.01 of the Revised Code. 16582

(18) "Attorney work product record" means a record that is 16583  
not specific investigatory work product or a trial preparation 16584  
record and that is created by an attorney, or by the agent of an 16585  
attorney, in reasonable anticipation of or for litigation, 16586  
trial, or administrative proceedings, when acting in an official 16587  
capacity on behalf of the state, a political subdivision of the 16588  
state, a state agency, a public official, or a public employee, 16589  
that documents the independent thought processes, mental 16590  
impressions, legal theories, strategies, analysis, or reasoning 16591  
of an attorney or the agent of an attorney. 16592

(19) "Elected official" means a person who is elected or 16593  
appointed to an elective office of the state or a political 16594  
subdivision. 16595

(20) "Public calendar" means a calendar or appointment 16596  
book maintained by an elected official to schedule the elected 16597  
official's activities in relation to the elected official's 16598  
position as an elected official. "Public calendar" does not 16599  
include a personal calendar or appointment book maintained 16600  
solely for an elected official's personal convenience that does 16601  
not serve to document the elected official's official activities 16602  
or functions or the official activities or functions of the 16603  
elected official's public office. 16604

(B) (1) Upon request by any person and subject to division 16605  
(B) (8) of this section, all public records responsive to the 16606  
request shall be promptly prepared and made available for 16607

inspection to the requester at all reasonable times during 16608  
regular business hours. Subject to division (B) (8) of this 16609  
section, upon request by any person, a public office or person 16610  
responsible for public records shall make copies of the 16611  
requested public record available to the requester at cost and 16612  
within a reasonable period of time. 16613

When considering whether a state or local law enforcement 16614  
agency or a prosecuting attorney's office promptly prepared a 16615  
video record for inspection or ~~provided~~ produced a copy of a 16616  
video record ~~for production~~ within a reasonable period of time, 16617  
in addition to any other factors, a court shall consider the 16618  
time required for a state or local law enforcement agency or a 16619  
prosecuting attorney's office to retrieve, download, review, 16620  
redact, seek legal advice regarding, and produce the video 16621  
record. ~~Notwithstanding~~ Except as specified in division (B) (11) 16622  
of this section, notwithstanding any other requirement set forth 16623  
in Chapter 149. of the Revised Code, a state or local law 16624  
enforcement agency or a prosecuting attorney's office may charge 16625  
a requester the actual cost associated with preparing a video 16626  
record for inspection or production, not to exceed seventy-five 16627  
dollars per hour of video produced, nor seven hundred fifty 16628  
dollars total. As used in this division, "actual cost," with 16629  
respect to video records only, means all costs incurred by the 16630  
state or local law enforcement agency or a prosecuting 16631  
attorney's office in reviewing, blurring or otherwise obscuring, 16632  
redacting, uploading, or producing the video records, including 16633  
but not limited to the storage medium on which the record is 16634  
produced, staff time, and any other relevant overhead necessary 16635  
to comply with the request. A state or local law enforcement 16636  
agency or a prosecuting attorney's office may include in its 16637  
public records policy the requirement that a requester pay the 16638

estimated actual cost before beginning the process of preparing 16639  
a video record for inspection or production. Where a state or 16640  
local law enforcement agency or a prosecuting attorney's office 16641  
imposes such a requirement, its obligation to produce a video or 16642  
make it available for inspection begins once the estimated 16643  
actual cost is paid in full by the requester. A state or local 16644  
law enforcement agency or a prosecuting attorney's office shall 16645  
provide the requester with the estimated actual cost within five 16646  
business days of receipt of the public records request. If the 16647  
actual cost exceeds the estimated actual cost, a state or local 16648  
law enforcement agency or a prosecuting attorney's office may 16649  
charge a requester for the difference upon fulfilling a request 16650  
for video records if the requester is notified in advance that 16651  
the actual cost may be up to twenty per cent higher than the 16652  
estimated actual cost. A state or local law enforcement agency 16653  
or a prosecuting attorney's office shall not charge a requester 16654  
a difference that exceeds twenty per cent of the estimated 16655  
actual cost. 16656

If a public record contains information that is exempt 16657  
from the duty to permit public inspection or to copy the public 16658  
record, the public office or the person responsible for the 16659  
public record shall make available all of the information within 16660  
the public record that is not exempt. When making that public 16661  
record available for public inspection or copying that public 16662  
record, the public office or the person responsible for the 16663  
public record shall notify the requester of any redaction or 16664  
make the redaction plainly visible. A redaction shall be deemed 16665  
a denial of a request to inspect or copy the redacted 16666  
information, except if federal or state law authorizes or 16667  
requires a public office to make the redaction. When the auditor 16668  
of state receives a request to inspect or to make a copy of a 16669

record that was provided to the auditor of state for purposes of 16670  
an audit, but the original public office has asserted to the 16671  
auditor of state that the record is not a public record, the 16672  
auditor of state may handle the requests by directing the 16673  
requestor to the original public office that provided the record 16674  
to the auditor of state. 16675

(2) To facilitate broader access to public records, a 16676  
public office or the person responsible for public records shall 16677  
organize and maintain public records in a manner that they can 16678  
be made available for inspection or copying in accordance with 16679  
division (B) of this section. A public office also shall have 16680  
available a copy of its current records retention schedule at a 16681  
location readily available to the public. If a requester makes 16682  
an ambiguous or overly broad request or has difficulty in making 16683  
a request for copies or inspection of public records under this 16684  
section such that the public office or the person responsible 16685  
for the requested public record cannot reasonably identify what 16686  
public records are being requested, the public office or the 16687  
person responsible for the requested public record may deny the 16688  
request but shall provide the requester with an opportunity to 16689  
revise the request by informing the requester of the manner in 16690  
which records are maintained by the public office and accessed 16691  
in the ordinary course of the public office's or person's 16692  
duties. 16693

(3) If a request is ultimately denied, in part or in 16694  
whole, the public office or the person responsible for the 16695  
requested public record shall provide the requester with an 16696  
explanation, including legal authority, setting forth why the 16697  
request was denied. If the initial request was provided in 16698  
writing, the explanation also shall be provided to the requester 16699  
in writing. The explanation shall not preclude the public office 16700

or the person responsible for the requested public record from 16701  
relying upon additional reasons or legal authority in defending 16702  
an action commenced under division (C) of this section. 16703

(4) Unless specifically required or authorized by state or 16704  
federal law or in accordance with division (B) of this section, 16705  
no public office or person responsible for public records may 16706  
limit or condition the availability of public records by 16707  
requiring disclosure of the requester's identity or the intended 16708  
use of the requested public record. Any requirement that the 16709  
requester disclose the requester's identity or the intended use 16710  
of the requested public record constitutes a denial of the 16711  
request. 16712

(5) A public office or person responsible for public 16713  
records may ask a requester to make the request in writing, may 16714  
ask for the requester's identity, and may inquire about the 16715  
intended use of the information requested, but may do so only 16716  
after disclosing to the requester that a written request is not 16717  
mandatory, that the requester may decline to reveal the 16718  
requester's identity or the intended use, and when a written 16719  
request or disclosure of the identity or intended use would 16720  
benefit the requester by enhancing the ability of the public 16721  
office or person responsible for public records to identify, 16722  
locate, or deliver the public records sought by the requester. 16723

(6) If any person requests a copy of a public record in 16724  
accordance with division (B) of this section, the public office 16725  
or person responsible for the public record may require the 16726  
requester to pay in advance the cost involved in providing the 16727  
copy of the public record in accordance with the choice made by 16728  
the requester under this division. The public office or the 16729  
person responsible for the public record shall permit the 16730

requester to choose to have the public record duplicated upon 16731  
paper, upon the same medium upon which the public office or 16732  
person responsible for the public record keeps it, or upon any 16733  
other medium upon which the public office or person responsible 16734  
for the public record determines that it reasonably can be 16735  
duplicated as an integral part of the normal operations of the 16736  
public office or person responsible for the public record. When 16737  
the requester makes a choice under this division, the public 16738  
office or person responsible for the public record shall provide 16739  
a copy of it in accordance with the choice made by the 16740  
requester. Nothing in this section requires a public office or 16741  
person responsible for the public record to allow the requester 16742  
of a copy of the public record to make the copies of the public 16743  
record. 16744

(7) (a) Upon a request made in accordance with division (B) 16745  
of this section and subject to division (B) (6) of this section, 16746  
a public office or person responsible for public records shall 16747  
transmit a copy of a public record to any person by United 16748  
States mail or by any other means of delivery or transmission 16749  
within a reasonable period of time after receiving the request 16750  
for the copy. The public office or person responsible for the 16751  
public record may require the person making the request to pay 16752  
in advance the cost of postage if the copy is transmitted by 16753  
United States mail or the cost of delivery if the copy is 16754  
transmitted other than by United States mail, and to pay in 16755  
advance the costs incurred for other supplies used in the 16756  
mailing, delivery, or transmission. 16757

(b) Any public office may adopt a policy and procedures 16758  
that it will follow in transmitting, within a reasonable period 16759  
of time after receiving a request, copies of public records by 16760  
United States mail or by any other means of delivery or 16761

transmission pursuant to division (B)(7) of this section. A 16762  
public office that adopts a policy and procedures under division 16763  
(B)(7) of this section shall comply with them in performing its 16764  
duties under that division. 16765

(c) In any policy and procedures adopted under division 16766  
(B)(7) of this section: 16767

(i) A public office may limit the number of records 16768  
requested by a person that the office will physically deliver by 16769  
United States mail or by another delivery service to ten per 16770  
month, unless the person certifies to the office in writing that 16771  
the person does not intend to use or forward the requested 16772  
records, or the information contained in them, for commercial 16773  
purposes; 16774

(ii) A public office that chooses to provide some or all 16775  
of its public records on a web site that is fully accessible to 16776  
and searchable by members of the public at all times, other than 16777  
during acts of God outside the public office's control or 16778  
maintenance, and that charges no fee to search, access, 16779  
download, or otherwise receive records provided on the web site, 16780  
may limit to ten per month the number of records requested by a 16781  
person that the office will deliver in a digital format, unless 16782  
the requested records are not provided on the web site and 16783  
unless the person certifies to the office in writing that the 16784  
person does not intend to use or forward the requested records, 16785  
or the information contained in them, for commercial purposes. 16786

(iii) For purposes of division (B)(7) of this section, 16787  
"commercial" shall be narrowly construed and does not include 16788  
reporting or gathering news, reporting or gathering information 16789  
to assist citizen oversight or understanding of the operation or 16790  
activities of government, or nonprofit educational research. 16791

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person. As used in this division, "public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation were an adult" includes, but is not limited to, personnel files and payroll and attendance records of designated public service workers.

(9) (a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child, and any past, current, and future work schedules of the designated public service worker. The request shall include the

journalist's name and title and the name and address of the 16823  
journalist's employer and shall state that disclosure of the 16824  
information sought would be in the public interest. 16825

(b) Division (B) (9) (a) of this section also applies to 16826  
journalist requests for: 16827

(i) Customer information maintained by a municipally owned 16828  
or operated public utility, other than social security numbers 16829  
and any private financial information such as credit reports, 16830  
payment methods, credit card numbers, and bank account 16831  
information; 16832

(ii) Information about minors involved in a school vehicle 16833  
accident as provided in division (A) (1) (gg) of this section, 16834  
other than personal information as defined in section 149.45 of 16835  
the Revised Code; 16836

(iii) A request form submitted to a public office under 16837  
section 149.45 of the Revised Code; 16838

(iv) An affidavit submitted under section 319.28 of the 16839  
Revised Code. 16840

(c) As used in division (B) (9) of this section, 16841  
"journalist" means a person engaged in, connected with, or 16842  
employed by any news medium, including a newspaper, magazine, 16843  
press association, news agency, or wire service, a radio or 16844  
television station, or a similar medium, for the purpose of 16845  
gathering, processing, transmitting, compiling, editing, or 16846  
disseminating information for the general public. 16847

(10) Upon a request made by a victim, victim's attorney, 16848  
or victim's representative, as that term is used in section 16849  
2930.02 of the Revised Code, a public office or person 16850  
responsible for public records shall transmit a copy of a 16851

depiction of the victim as described in division (A) (1) (ii) of 16852  
this section to the victim, victim's attorney, or victim's 16853  
representative. 16854

(11) A state or local law enforcement agency or a 16855  
prosecuting attorney's office shall not charge a fee for 16856  
preparing a video record for inspection, or producing a copy of 16857  
a video record, when the requester of the video record is a 16858  
victim, as defined in Ohio Constitution, Article I, Section 10a, 16859  
or who is a victim who suffered loss and could seek remedy 16860  
through a tort action as defined by section 2307.011 of the 16861  
Revised Code, who reasonably asserts that the video recording 16862  
relates to the act or omission that caused the victim's harm or 16863  
loss, or who is the legal counsel or insurer of the victim. A 16864  
fee under this section may only be waived upon the receipt of an 16865  
affidavit by the victim or the victim's legal counsel 16866  
identifying that the use of the video is to investigate harm or 16867  
damages that may have been captured on the video. 16868

As used in this division, "legal counsel of the victim" 16869  
means an attorney who, at the time of making the request, 16870  
produces to the state or local law enforcement agency or a 16871  
prosecuting attorney's office a signed retention agreement or 16872  
letter of representation that establishes that the attorney is 16873  
representing the victim. 16874

(C) (1) If a person allegedly is aggrieved by the failure 16875  
of a public office or the person responsible for public records 16876  
to promptly prepare a public record and to make it available to 16877  
the person for inspection in accordance with division (B) of 16878  
this section or by any other failure of a public office or the 16879  
person responsible for public records to comply with an 16880  
obligation in accordance with division (B) of this section, the 16881

person allegedly aggrieved may serve pursuant to Rule 4 of the 16882  
Ohio Rules of Civil Procedure a complaint, on a form prescribed 16883  
by the clerk of the court of claims, to the public office or 16884  
person responsible for public records allegedly responsible for 16885  
the alleged failure. Upon receipt of the complaint of the person 16886  
allegedly aggrieved, the public office or person responsible for 16887  
public records has three business days to cure or otherwise 16888  
address the failure alleged in the complaint. The person 16889  
allegedly aggrieved shall not file a complaint with a court or 16890  
commence a mandamus action under this section within the three- 16891  
day period. Upon the expiration of the three-day period, the 16892  
person allegedly aggrieved may, subject to the requirements of 16893  
division (C) (2) of this section, do only one of the following, 16894  
and not both: 16895

(a) File a complaint with the clerk of the court of claims 16896  
or the clerk of the court of common pleas under section 2743.75 16897  
of the Revised Code; 16898

(b) Commence a mandamus action to obtain a judgment that 16899  
orders the public office or the person responsible for the 16900  
public record to comply with division (B) of this section, that 16901  
awards court costs and reasonable attorney's fees to the person 16902  
that instituted the mandamus action, and, if applicable, that 16903  
includes an order fixing statutory damages under division (C) (3) 16904  
of this section. The mandamus action may be commenced in the 16905  
court of common pleas of the county in which division (B) of 16906  
this section allegedly was not complied with, in the supreme 16907  
court pursuant to its original jurisdiction under Section 2 of 16908  
Article IV, Ohio Constitution, or in the court of appeals for 16909  
the appellate district in which division (B) of this section 16910  
allegedly was not complied with pursuant to its original 16911  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 16912

(2) Upon filing a complaint or mandamus action with a court under divisions (C) (1) (a) or (b) of this section, a person allegedly aggrieved shall file with the court, in conjunction with the person's complaint or petition, a written affirmation stating that the person properly transmitted a complaint to the public office or person responsible for public records, the failure alleged in the complaint has not been cured or otherwise resolved to the person's satisfaction, and that the complaint was transmitted to the public office or person responsible for public records at least three business days before the filing of the suit. If the person fails to file an affirmation pursuant to this division, the suit shall be dismissed.

(3) If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section. Statutory damages are not available pursuant to this section to a person committed to the custody of the department of rehabilitation and correction or the United States bureau of prisons, or a child committed to the department of youth services as permitted in Chapter 2152. of the Revised Code.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records

failed to comply with an obligation in accordance with division 16944  
(B) of this section, beginning with the day on which the 16945  
requester files a mandamus action to recover statutory damages, 16946  
up to a maximum of one thousand dollars. The award of statutory 16947  
damages shall not be construed as a penalty, but as compensation 16948  
for injury arising from lost use of the requested information. 16949  
The existence of this injury shall be conclusively presumed. The 16950  
award of statutory damages shall be in addition to all other 16951  
remedies authorized by this section. 16952

The court may reduce an award of statutory damages or not 16953  
award statutory damages if the court determines both of the 16954  
following: 16955

(a) That, based on the ordinary application of statutory 16956  
law and case law as it existed at the time of the conduct or 16957  
threatened conduct of the public office or person responsible 16958  
for the requested public records that allegedly constitutes a 16959  
failure to comply with an obligation in accordance with division 16960  
(B) of this section and that was the basis of the mandamus 16961  
action, a well-informed public office or person responsible for 16962  
the requested public records reasonably would believe that the 16963  
conduct or threatened conduct of the public office or person 16964  
responsible for the requested public records did not constitute 16965  
a failure to comply with an obligation in accordance with 16966  
division (B) of this section; 16967

(b) That a well-informed public office or person 16968  
responsible for the requested public records reasonably would 16969  
believe that the conduct or threatened conduct of the public 16970  
office or person responsible for the requested public records 16971  
would serve the public policy that underlies the authority that 16972  
is asserted as permitting that conduct or threatened conduct. 16973

(4) In a mandamus action filed under division (C) (1) of this section, the following apply: 16974  
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(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. 16976  
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(ii) If the court makes a determination described in division (C) (4) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive. 16981  
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(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (5) of this section: 16985  
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(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section. 16990  
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(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time. 16994  
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(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, 16999  
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but before the court issued any order concluding whether or not 17003  
the public office or person was required to comply with division 17004  
(B) of this section. No discovery may be conducted on the issue 17005  
of the alleged bad faith of the public office or person 17006  
responsible for the public records. This division shall not be 17007  
construed as creating a presumption that the public office or 17008  
the person responsible for the public records acted in bad faith 17009  
when the office or person voluntarily made the public records 17010  
available to the relator for the first time after the relator 17011  
commenced the mandamus action, but before the court issued any 17012  
order described in this division. 17013

(c) The court shall not award attorney's fees to the 17014  
relator if the court determines both of the following: 17015

(i) That, based on the ordinary application of statutory 17016  
law and case law as it existed at the time of the conduct or 17017  
threatened conduct of the public office or person responsible 17018  
for the requested public records that allegedly constitutes a 17019  
failure to comply with an obligation in accordance with division 17020  
(B) of this section and that was the basis of the mandamus 17021  
action, a well-informed public office or person responsible for 17022  
the requested public records reasonably would believe that the 17023  
conduct or threatened conduct of the public office or person 17024  
responsible for the requested public records did not constitute 17025  
a failure to comply with an obligation in accordance with 17026  
division (B) of this section; 17027

(ii) That a well-informed public office or person 17028  
responsible for the requested public records reasonably would 17029  
believe that the conduct or threatened conduct of the public 17030  
office or person responsible for the requested public records 17031  
would serve the public policy that underlies the authority that 17032

is asserted as permitting that conduct or threatened conduct. 17033

(5) All of the following apply to any award of reasonable 17034  
attorney's fees awarded under division (C) (4) (b) of this 17035  
section: 17036

(a) The fees shall be construed as remedial and not 17037  
punitive. 17038

(b) The fees awarded shall not exceed the total of the 17039  
reasonable attorney's fees incurred before the public record was 17040  
made available to the relator and the fees described in division 17041  
(C) (5) (c) of this section. 17042

(c) Reasonable attorney's fees shall include reasonable 17043  
fees incurred to produce proof of the reasonableness and amount 17044  
of the fees and to otherwise litigate entitlement to the fees. 17045

(d) The court may reduce the amount of fees awarded if the 17046  
court determines that, given the factual circumstances involved 17047  
with the specific public records request, an alternative means 17048  
should have been pursued to more effectively and efficiently 17049  
resolve the dispute that was subject to the mandamus action 17050  
filed under division (C) (1) of this section. 17051

(6) If the court does not issue a writ of mandamus under 17052  
division (C) of this section and the court determines at that 17053  
time that the bringing of the mandamus action was frivolous 17054  
conduct as defined in division (A) of section 2323.51 of the 17055  
Revised Code, the court may award to the public office all court 17056  
costs, expenses, and reasonable attorney's fees, as determined 17057  
by the court. 17058

(D) Chapter 1347. of the Revised Code does not limit the 17059  
provisions of this section. 17060

(E) (1) To ensure that all employees of public offices are 17061  
appropriately educated about a public office's obligations under 17062  
division (B) of this section, all elected officials or their 17063  
appropriate designees shall attend training approved by the 17064  
attorney general as provided in section 109.43 of the Revised 17065  
Code. A future official may satisfy the requirements of this 17066  
division by attending the training before taking office, 17067  
provided that the future official may not send a designee in the 17068  
future official's place. 17069

(2) All public offices shall adopt a public records policy 17070  
in compliance with this section for responding to public records 17071  
requests. In adopting a public records policy under this 17072  
division, a public office may obtain guidance from the model 17073  
public records policy developed and provided to the public 17074  
office by the attorney general under section 109.43 of the 17075  
Revised Code. Except as otherwise provided in this section, the 17076  
policy may not limit the number of public records that the 17077  
public office will make available to a single person, may not 17078  
limit the number of public records that it will make available 17079  
during a fixed period of time, and may not establish a fixed 17080  
period of time before it will respond to a request for 17081  
inspection or copying of public records, unless that period is 17082  
less than eight hours. 17083

The public office shall distribute the public records 17084  
policy adopted by the public office under this division to the 17085  
employee of the public office who is the records custodian or 17086  
records manager or otherwise has custody of the records of that 17087  
office. The public office shall require that employee to 17088  
acknowledge receipt of the copy of the public records policy. 17089  
The public office shall create a poster that describes its 17090  
public records policy and shall post the poster in a conspicuous 17091

place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F) (1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special

extraction request" does not include a request by a person who 17122  
gives assurance to the bureau that the person making the request 17123  
does not intend to use or forward the requested copies for 17124  
surveys, marketing, solicitation, or resale for commercial 17125  
purposes. 17126

(c) "Commercial" means profit-seeking production, buying, 17127  
or selling of any good, service, or other product. 17128

(d) "Special extraction costs" means the cost of the time 17129  
spent by the lowest paid employee competent to perform the task, 17130  
the actual amount paid to outside private contractors employed 17131  
by the bureau, or the actual cost incurred to create computer 17132  
programs to make the special extraction. "Special extraction 17133  
costs" include any charges paid to a public agency for computer 17134  
or records services. 17135

(3) For purposes of divisions (F) (1) and (2) of this 17136  
section, "surveys, marketing, solicitation, or resale for 17137  
commercial purposes" shall be narrowly construed and does not 17138  
include reporting or gathering news, reporting or gathering 17139  
information to assist citizen oversight or understanding of the 17140  
operation or activities of government, or nonprofit educational 17141  
research. 17142

(G) A request by a defendant, counsel of a defendant, or 17143  
any agent of a defendant in a criminal action that public 17144  
records related to that action be made available under this 17145  
section shall be considered a demand for discovery pursuant to 17146  
the Criminal Rules, except to the extent that the Criminal Rules 17147  
plainly indicate a contrary intent. The defendant, counsel of 17148  
the defendant, or agent of the defendant making a request under 17149  
this division shall serve a copy of the request on the 17150  
prosecuting attorney, director of law, or other chief legal 17151

officer responsible for prosecuting the action. 17152

(H) (1) Any portion of a body-worn camera or dashboard 17153  
camera recording described in divisions (A) (17) (b) to (h) of 17154  
this section may be released by consent of the subject of the 17155  
recording or a representative of that person, as specified in 17156  
those divisions, only if either of the following applies: 17157

(a) The recording will not be used in connection with any 17158  
probable or pending criminal proceedings; 17159

(b) The recording has been used in connection with a 17160  
criminal proceeding that was dismissed or for which a judgment 17161  
has been entered pursuant to Rule 32 of the Rules of Criminal 17162  
Procedure, and will not be used again in connection with any 17163  
probable or pending criminal proceedings. 17164

(2) If a public office denies a request to release a 17165  
restricted portion of a body-worn camera or dashboard camera 17166  
recording, as defined in division (A) (17) of this section, any 17167  
person may file a mandamus action pursuant to this section or a 17168  
complaint with the clerk of the court of claims pursuant to 17169  
section 2743.75 of the Revised Code, requesting the court to 17170  
order the release of all or portions of the recording. If the 17171  
court considering the request determines that the filing 17172  
articulates by clear and convincing evidence that the public 17173  
interest in the recording substantially outweighs privacy 17174  
interests and other interests asserted to deny release, the 17175  
court shall order the public office to release the recording. 17176

**Sec. 153.01.** (A) Whenever any building or structure for 17177  
the use of the state or any institution supported in whole or in 17178  
part by the state or in or upon the public works of the state 17179  
that is administered by the Ohio facilities construction 17180

commission or by any other state officer or state agency 17181  
authorized by law to administer a project, including an 17182  
educational institution listed in section 3345.50 of the Revised 17183  
Code, is to be erected or constructed, whenever additions, 17184  
alterations, or structural or other improvements are to be made, 17185  
or whenever heating, cooling, or ventilating plants or other 17186  
equipment is to be installed or material supplied therefor, the 17187  
estimated cost of which amounts to two hundred thousand dollars 17188  
or more, or the amount determined pursuant to section 153.53 of 17189  
the Revised Code or more, each officer, board, or other 17190  
authority upon which devolves the duty of constructing, 17191  
erecting, altering, or installing the same, referred to in 17192  
sections 153.01 to 153.60 of the Revised Code as the public 17193  
authority, shall cause to be made, by an architect or engineer 17194  
whose contract of employment shall be prepared and approved by 17195  
the attorney general, the following: 17196

(1) Full and accurate plans, suitable for the use of 17197  
mechanics and other builders in the construction, improvement, 17198  
addition, alteration, or installation; 17199

(2) Details to scale and full-sized, so drawn and 17200  
represented as to be easily understood; 17201

(3) Definite and complete specifications of the work to be 17202  
performed, together with directions that will enable a competent 17203  
mechanic or other builder to carry them out and afford bidders 17204  
all needful information; 17205

(4) A full and accurate estimate of each item of expense 17206  
and the aggregate cost of those items of expense; 17207

(5) A life-cycle cost analysis; 17208

(6) Further data as may be required by the Ohio facilities 17209

construction commission. 17210

In preparing these plans, details, specifications, 17211  
estimates, analyses, or other data, the public authority may 17212  
require the architect or engineer to use a building information 17213  
model system, as long as the system is based on a nationally 17214  
recognized standard for building information models. As used in 17215  
this division, "building information model" means a digital 17216  
representation of physical and functional characteristics of a 17217  
facility, and electronic files used to design and coordinate the 17218  
project, whether it is a single model or multiple models used in 17219  
the aggregate. 17220

(B) (1) Division (A) of this section shall not be required 17221  
with respect to a construction management contract entered into 17222  
with a construction manager at risk as described in section 17223  
9.334 of the Revised Code or a design-build contract entered 17224  
into with a design-build firm as described in section 153.693 of 17225  
the Revised Code. 17226

(2) Nothing in this chapter shall interfere with the power 17227  
of the director of transportation to prepare plans for, acquire 17228  
rights-of-way for, construct, or maintain roads, highways, or 17229  
bridges, or to let contracts for those purposes. 17230

**Sec. 153.07.** The notice provided for in section 153.06 of 17231  
the Revised Code shall be published by electronic means~~once each~~ 17232  
~~week for three consecutive weeks in a newspaper of general~~ 17233  
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 17234  
and may be published in other news media in the county where the 17235  
activity for which bids are submitted is to occur ~~and in such~~ 17236  
~~other newspapers as ordered by the Ohio facilities construction~~ 17237  
~~commission, the last publication to~~. The notice shall invite 17238  
interested parties to submit proposals for consideration and 17239

shall be published at least ~~eight~~fourteen days preceding the 17240  
day for opening the bids, ~~and in such form and with such~~ 17241  
~~phraseology~~ a manner as prescribed by the commission orders. 17242  
Copies of the plans, details, estimates of cost, and 17243  
specifications shall be available electronically and open to 17244  
public inspection at all business hours between the day of the 17245  
first publication and the day for opening the bids, at the 17246  
office of the commission where the bids are received, and such 17247  
other place as may be designated in such notice. 17248

**Sec. 153.08.** On the day and at the place named in the 17249  
notice provided for in section 153.06 of the Revised Code, the 17250  
owner referred to in section 153.01 of the Revised Code shall 17251  
open the bids and shall publicly, with the assistance of the 17252  
architect or engineer, immediately proceed to tabulate the bids. 17253  
For a bid filed electronically, the public bid opening may be 17254  
broadcast by electronic means pursuant to rules established by 17255  
the Ohio facilities construction commission. A bid shall be 17256  
invalid and not considered unless a bid guaranty meeting the 17257  
requirements of section 153.54 of the Revised Code and in the 17258  
form approved by the commission is filed with such bid. For a 17259  
bid that is not filed electronically, the bid and bid guaranty 17260  
shall be filed in one sealed envelope. If the bid and bid 17261  
guaranty are filed electronically, they must be received 17262  
electronically before the deadline published pursuant to section 17263  
153.06 of the Revised Code. For all bids filed electronically, 17264  
the original, unaltered bid guaranty shall be made available to 17265  
the public authority after the public bid opening, which may be 17266  
achieved by means of an electronic verification and security 17267  
system established under rules adopted by the Ohio facilities 17268  
construction commission under Chapter 119. of the Revised Code. 17269  
After investigation, which shall be completed within thirty 17270

days, the contract shall be awarded by such owner to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code.

No contract shall be entered into until the industrial commission has certified that the person so awarded the contract has complied with sections 4123.01 to 4123.94 of the Revised Code, until, if the bidder so awarded the contract is a foreign corporation, the secretary of state has certified that such corporation is authorized to do business in this state, until, if the bidder so awarded the contract is a person nonresident of this state, such person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under section 153.05 of the Revised Code or under sections 4123.01 to 4123.94 of the Revised Code, and until the contract and bond, if any, are submitted to the attorney general and the attorney general's approval certified thereon.

~~No contract shall be entered into unless the bidder possesses a valid certificate of compliance with affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than one hundred eighty days prior to the date fixed for the opening of bids for a particular project.~~

**Sec. 153.09.** If in the opinion of the owner referred to in section 153.01 of the Revised Code, the award of a contract to the lowest responsive and responsible bidder is not in the best interests of the state, the owner may accept another bid so opened or reject all bids, and advertise for other bids. Such advertisement shall be for such time, in such form, and ~~in by~~ such ~~newspaper~~ electronic media as the Ohio facilities construction commission directs. All contracts shall provide

that such owner may make any change in work or materials on the 17301  
conditions and in the manner provided in sections 153.10 and 17302  
153.11 of the Revised Code. 17303

**Sec. 153.12.** (A) With respect to award of any contract for 17304  
the construction, reconstruction, improvement, enlargement, 17305  
alteration, repair, painting, or decoration of a public 17306  
improvement made by the state, or any county, township, 17307  
municipal corporation, school district, or other political 17308  
subdivision, or any public board, commission, authority, 17309  
instrumentality, or special purpose district of or in the state 17310  
or a political subdivision or that is authorized by state law, 17311  
the award, and execution of the contract, shall be made within 17312  
sixty days after the date on which the bids are opened. The 17313  
failure to award and execute the contract within sixty days 17314  
invalidates the entire bid proceedings and all bids submitted, 17315  
unless the time for awarding and executing the contract is 17316  
extended by mutual consent of the owner or its representatives 17317  
and the bidder whose bid the owner accepts and with respect to 17318  
whom the owner subsequently awards and executes a contract. The 17319  
public owners referred to in this section shall include, in the 17320  
plans and specifications for the project for which bids are 17321  
solicited, the estimate of cost. The bid for which the award is 17322  
to be made shall be opened at the time and place named in the 17323  
advertisement for bids, unless extended by the owner or its 17324  
representative or unless, within seventy-two hours prior to the 17325  
published time for the opening of bids, excluding Saturdays, 17326  
Sundays, and legal holidays, any modification of the plans or 17327  
specifications and estimates of cost for the project for which 17328  
bids are solicited is issued and mailed or otherwise furnished 17329  
to persons who have obtained plans or specifications for the 17330  
project, for which the time for opening of bids shall be 17331

extended one week, with no further advertising of bids required. 17332  
The contractor, upon request, is entitled to a notice to proceed 17333  
with the work by the owner or its representative upon execution 17334  
of the contract. No contract to which this section applies shall 17335  
be entered into if the price of the contract, or, if the project 17336  
involves multiple contracts where the total price of all 17337  
contracts for the project, is in excess of ten per cent, in the 17338  
case of a contract made by the state or a public board, 17339  
commission, authority, or instrumentality of the state, or 17340  
twenty per cent, in the case of a contract made by a county, 17341  
township, municipal corporation, school district, special 17342  
purpose district, or other political subdivision or a public 17343  
board, commission, authority, or instrumentality of the 17344  
political subdivision, above the entire estimate thereof, nor 17345  
shall the entire cost of the construction, reconstruction, 17346  
repair, painting, decorating, improvement, alteration, addition, 17347  
or installation, including changes and estimates of expenses for 17348  
architects or engineers, exceed in the aggregate the amount 17349  
authorized by law. 17350

The unit or lump sum price stated in the contract shall be 17351  
used in determining the amount to be paid and shall constitute 17352  
full and final compensation for all the work. 17353

Partial payment to the contractor for work performed under 17354  
the lump sum price shall be based on a schedule prepared by the 17355  
contractor and approved by the architect or engineer who shall 17356  
apportion the lump sum price to the major components entering 17357  
into or forming a part of the work under the lump sum price. 17358

Partial payments to the contractor for labor performed 17359  
under either a unit or lump sum price contract shall be made at 17360  
~~the a~~ rate of ~~ninety-two~~ not less than ninety-six per cent of 17361

the estimates prepared by the contractor and approved by the 17362  
architect or engineer. ~~All labor performed after the job is~~ 17363  
~~fifty per cent completed shall be paid for at the rate of one~~ 17364  
~~hundred per cent of the estimates submitted by the contractor~~ 17365  
~~and approved by the architect or engineer. No subcontract shall~~ 17366  
~~be paid at a rate lower than the rate being paid to the~~ 17367  
~~contractor by the public authority.~~ 17368

The amounts and time of payments of any public 17369  
improvements contract made by the state or any county, township, 17370  
municipal corporation, school district, or other political 17371  
subdivision, or any public board, commission, authority, 17372  
instrumentality, or special purpose district of or in the state 17373  
or a political subdivision or that is authorized by state law, 17374  
except as provided in section 5525.19 of the Revised Code, shall 17375  
be governed by this section and sections 153.13 and 153.14 of 17376  
the Revised Code. If the time for awarding the contract is 17377  
extended by mutual consent, or if the owner or its 17378  
representative fails to issue a timely notice to proceed as 17379  
required by this section, the owner or its representative shall 17380  
issue a change order authorizing delay costs to the contractor, 17381  
which does not invalidate the contract. The amount of such a 17382  
change order to the owner shall be determined in accordance with 17383  
the provisions of the contract for change orders or force 17384  
accounts or, if no such provision is set forth in the contract, 17385  
the cost to the owner shall be the contractor's actual costs 17386  
including wages, labor costs other than wages, wage taxes, 17387  
materials, equipment costs and rentals, insurance, and 17388  
subcontracts attributable to the delay, plus a reasonable sum 17389  
for overhead. In the event of a dispute between the owner and 17390  
the contractor concerning such change order, procedures shall be 17391  
commenced under the applicable terms of the contract, or, if the 17392

contract contains no provision for resolving the dispute, it 17393  
shall be resolved pursuant to the procedures for arbitration in 17394  
Chapter 2711. of the Revised Code, except as provided in 17395  
division (B) of this section. Nothing in this division shall be 17396  
construed as a limitation upon the authority of the director of 17397  
transportation granted in Chapter 5525. of the Revised Code. 17398

(B) If a dispute arises between the state and a contractor 17399  
concerning the terms of a public improvement contract let by the 17400  
state or concerning a breach of the contract, and after 17401  
administrative remedies provided for in such contract and any 17402  
alternative dispute resolution procedures provided in accordance 17403  
with guidelines established by the executive director of the 17404  
Ohio facilities construction commission are exhausted, the 17405  
contractor may bring an action to the court of claims in 17406  
accordance with Chapter 2743. of the Revised Code. The state or 17407  
the contractor may request the chief justice of the supreme 17408  
court to appoint a referee or panel of referees in accordance 17409  
with division (C) (3) of section 2743.03 of the Revised Code. As 17410  
used in this division, "dispute" means a disagreement between 17411  
the state and the contractor concerning a public improvement 17412  
contract let by the state. 17413

**Sec. 153.13.** At the time named in the contract for payment 17414  
to the person with whom it is made, the owner referred to in 17415  
section 153.01 or 153.12 of the Revised Code shall approve a 17416  
full, accurate, and detailed estimate of the various kinds of 17417  
labor performed and material furnished under the contract, with 17418  
the amount due for each kind of labor and material and the 17419  
materials and amount due in the aggregate, which estimate shall 17420  
be based upon actual measurement of such labor and materials, 17421  
and shall give the amounts of the preceding estimate, and the 17422  
amount of labor performed and materials furnished since the last 17423

~~estimate. From the date the contract is fifty per cent complete,~~ 17424  
~~as evidenced by payments in the amount of at least fifty per~~ 17425  
~~cent of the contract to the person with whom the owner has~~ 17426  
~~contracted, except in the case of contracts the total cost of~~ 17427  
~~which is less than fifteen thousand dollars, all funds retained~~ 17428  
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 17429  
~~the faithful performance of work shall be deposited in the~~ 17430  
~~escrow account designated in section 153.63 of the Revised Code.~~ 17431  
~~After the contract is fifty per cent complete, no further funds~~ 17432  
~~shall be retained.~~ When the major portion of the project is 17433  
substantially completed and occupied, or in use, or otherwise 17434  
accepted, and there exists no other reason to withhold 17435  
retainage, the retained percentages held in connection with such 17436  
portion and interest thereon accrued shall, within thirty days 17437  
of substantial completion of, occupation of, use of, or 17438  
acceptance of the project, be released from escrow and paid to 17439  
the primary contractor, withholding only that amount reasonably 17440  
necessary to assure final completion of the project. ~~Funds in~~ 17441  
~~the escrow account not heretofore paid, with accumulated~~ 17442  
~~interest, shall be paid to the person with whom the owner has~~ 17443  
~~contracted thirty days from the date of completion or either~~ 17444  
~~acceptance or occupancy by the owner. Such payments shall be in~~ 17445  
~~accordance with division (A) (2) of section 153.63 of the Revised~~ 17446  
~~Code.~~ Any retained funds withheld after substantial completion 17447  
of, occupation of, use of, or acceptance of the project, and 17448  
pending final completion of the project, and interest thereon 17449  
accrued shall be paid to the primary contractor not later than 17450  
thirty days after the date of final completion of the project. 17451  
Nothing in this section shall be construed as a limitation upon 17452  
the authority of the director of transportation granted in 17453  
Chapter 5525. of the Revised Code. 17454

**Sec. 153.14.** For the construction of those projects, 17455  
improvements, and public buildings over which the Ohio 17456  
facilities construction commission has general supervision 17457  
pursuant to section 123.21 of the Revised Code, the estimates 17458  
referred to in section 153.13 of the Revised Code shall be filed 17459  
with the executive director by the owner referred to in section 17460  
153.01 or 153.12 of the Revised Code. Upon completion of a 17461  
project referred to in section 153.13 of the Revised Code or any 17462  
divisible part thereof, the maintenance and repair of such 17463  
project or divisible part shall be assumed by the owner referred 17464  
to in section 153.01 or 153.12 of the Revised Code. 17465

In addition to all other payments on account of work 17466  
performed, there shall be allowed by the owner referred to in 17467  
section 153.01 or 153.12 of the Revised Code and paid to the 17468  
contractor a sum at the rate of ninety-two per cent of the 17469  
invoice costs, not to exceed the bid price in a unit price 17470  
contract, of material delivered on the site of the work, or a 17471  
railroad station, siding, or other point in the vicinity of the 17472  
work, or other approved storage site, provided such materials 17473  
have been inspected and found to meet the specifications. The 17474  
balance of such invoiced value shall be paid when such material 17475  
is incorporated into and becomes a part of such building, 17476  
construction, addition, improvement, alteration, or 17477  
installation. When an estimate is allowed on account of material 17478  
delivered on the site of the work or in the vicinity thereof or 17479  
under the possession and control of the contractor but not yet 17480  
incorporated therein, such material shall become the property of 17481  
the owner under the contract, but if such material is stolen, 17482  
destroyed, or damaged by casualty before being used, the 17483  
contractor shall be required to replace it at the contractor's 17484  
own expense. 17485

When the rate of work and amounts involved are so large 17486  
that it is considered advisable by the owner or contractor, 17487  
estimates and payments shall be made twice each month. 17488

Payment on approved estimates filed with the owner or its 17489  
representative shall be made within thirty days. Upon the 17490  
failure of the owner or its representative to make such payments 17491  
within thirty days, or upon an unauthorized withholding of 17492  
retainage, there shall be allowed to the contractor, in addition 17493  
to any other remedies allowed by law, interest on such moneys 17494  
not paid within thirty days. Interest on the unauthorized 17495  
withholding of retainage shall be in addition to any interest 17496  
earned ~~in the escrow account set forth as described~~ in section 17497  
153.13 of the Revised Code. The rate of such interest shall be 17498  
the average of the prime rate established at the commercial 17499  
banks in the city of over one hundred thousand population that 17500  
is nearest the construction project. Nothing in this section 17501  
shall be construed as a limitation upon the authority of the 17502  
director of transportation granted in Chapter 5525. of the 17503  
Revised Code. 17504

**Sec. 153.501.** (A) A public authority may accept a 17505  
subcontract awarded by a construction manager at risk, a design- 17506  
build firm, or a general contracting firm, or may reject any 17507  
such subcontract if the public authority determines that the 17508  
bidder is not responsible. 17509

(B) A public authority may authorize a construction 17510  
manager at risk or design-build firm to utilize a design-assist 17511  
firm on any public improvement project without transferring any 17512  
design liability to the design-assist firm. 17513

(C) If the construction manager at risk or design-build 17514  
firm intends and is permitted by the public authority to self- 17515

perform a portion of the work to be performed, the construction 17516  
manager at risk or design-build firm shall submit a sealed bid 17517  
to the public authority for the portion of the work prior to 17518  
accepting and opening any bids for the same work, except when 17519  
the public authority requests a guaranteed maximum price 17520  
proposal due at the time of selection. 17521

**Sec. 153.502.** (A) Each construction manager at risk and 17522  
design-build firm shall establish criteria by which it will 17523  
prequalify prospective bidders on subcontracts awarded for work 17524  
to be performed under the construction management or design- 17525  
build contract. The criteria established by a construction 17526  
manager at risk or design-build firm shall be subject to the 17527  
approval of the public authority involved in the project and 17528  
shall be consistent with the rules adopted by the Ohio 17529  
facilities construction commission pursuant to section 153.503 17530  
of the Revised Code. 17531

(B) For each subcontract to be awarded, the construction 17532  
manager at risk or design-build firm shall identify at least 17533  
three prospective bidders that are prequalified to bid on that 17534  
subcontract, except that the construction manager at risk or 17535  
design-build firm shall identify fewer than three if the 17536  
construction manager at risk or design-build firm establishes to 17537  
the satisfaction of the public authority that fewer than three 17538  
prequalified bidders are available. The public authority shall 17539  
verify that each prospective bidder meets the prequalification 17540  
criteria and, subject to division (E) of this section, may 17541  
eliminate any bidder it determines is not qualified. 17542

(C) Once the prospective bidders are prequalified and 17543  
found acceptable by the public authority, the construction 17544  
manager at risk or design-build firm shall solicit proposals 17545

from each of those bidders. The solicitation and selection of a 17546  
subcontractor shall be conducted under an open book pricing 17547  
method. As used in this division, "open book pricing method" has 17548  
the same meaning as in section 9.33 of the Revised Code, in the 17549  
case of a construction manager at risk, and the same meaning as 17550  
in section 153.65 of the Revised Code, in the case of a design- 17551  
build firm. 17552

(D) A construction manager at risk or design-build firm 17553  
shall not be required to award a subcontract to a low bidder. 17554

(E) Except as provided in section 307.921 of the Revised 17555  
Code, no public authority shall eliminate a bidder as 17556  
unqualified on the basis that the bidder has not complied with 17557  
an affirmative action program or a diversity, equity, and 17558  
inclusion program. This division shall not be construed to 17559  
affect any set-aside programs for minority business enterprises 17560  
or EDGE business enterprises, as defined in sections 122.921 and 17561  
122.922 of the Revised Code, respectively. 17562

**Sec. 153.54.** (A) Except with respect to a contract 17563  
described in section 9.334 or 153.693 of the Revised Code, each 17564  
person bidding for a contract with the state or any political 17565  
subdivision, district, institution, or other agency thereof, 17566  
excluding therefrom the department of transportation, for any 17567  
public improvement shall file with the bid, a bid guaranty in 17568  
the form of either any of the following: 17569

(1) A bond in accordance with division (B) of this section 17570  
for the full amount of the bid; 17571

(2) A certified check, cashier's check, or letter of 17572  
credit pursuant to Chapter 1305. of the Revised Code, in 17573  
accordance with division (C) of this section. Any such letter of 17574

credit is revocable only at the option of the beneficiary state, 17575  
political subdivision, district, institution, or agency. The 17576  
amount of the certified check, cashier's check, or letter of 17577  
credit shall be equal to ten per cent of the bid; 17578

(3) An electronic verification through an electronic 17579  
verification and security system described in section 153.08 of 17580  
the Revised Code, if the state or any political subdivision, 17581  
district, institution, or other agency thereof accepts bids 17582  
electronically pursuant to section 153.08 of the Revised Code. 17583

(B) A bid guaranty filed pursuant to division (A) (1) of 17584  
this section shall be conditioned to: 17585

(1) Provide that, if the bid is accepted, the bidder, 17586  
after the awarding or the recommendation for the award of the 17587  
contract, whichever the contracting authority designates, will 17588  
enter into a proper contract in accordance with the bid, plans, 17589  
details, and specifications. If for any reason, other than as 17590  
authorized by section 9.31 of the Revised Code or division (G) 17591  
of this section, the bidder fails to enter into the contract, 17592  
and the contracting authority awards the contract to the next 17593  
lowest bidder, the bidder and the surety on the bidder's bond 17594  
are liable to the state, political subdivision, district, 17595  
institution, or agency for the difference between the bid and 17596  
that of the next lowest bidder, or for a penal sum not to exceed 17597  
ten per cent of the amount of the bond, whichever is less. If 17598  
the state, political subdivision, district, institution, or 17599  
agency does not award the contract to the next lowest bidder but 17600  
resubmits the project for bidding, the bidder failing to enter 17601  
into the contract and the surety on the bidder's bond, except as 17602  
provided in division (G) of this section, are liable to the 17603  
state, political subdivision, district, institution, or agency 17604

for a penal sum not to exceed ten per cent of the amount of the 17605  
bid or the costs in connection with the resubmission of printing 17606  
new contract documents, required advertising, and printing and 17607  
mailing notices to prospective bidders, whichever is less. 17608

(2) Indemnify the state, political subdivision, district, 17609  
institution, or agency against all damage suffered by failure to 17610  
perform the contract according to its provisions and in 17611  
accordance with the plans, details, and specifications therefor 17612  
and to pay all lawful claims of subcontractors, material 17613  
suppliers, and laborers for labor performed or material 17614  
furnished in carrying forward, performing, or completing the 17615  
contract; and agree and assent that this undertaking is for the 17616  
benefit of any subcontractor, material supplier, or laborer 17617  
having a just claim, as well as for the state, political 17618  
subdivision, district, institution, or agency. 17619

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 17620  
this section shall be conditioned to provide that if the bid is 17621  
accepted, the bidder, after the awarding or the recommendation 17622  
for the award of the contract, whichever the contracting 17623  
authority designates, will enter into a proper contract in 17624  
accordance with the bid, plans, details, specifications, and 17625  
bills of material. If for any reason, other than as authorized 17626  
by section 9.31 of the Revised Code or division (G) of this 17627  
section, the bidder fails to enter into the contract, and the 17628  
contracting authority awards the contract to the next lowest 17629  
bidder, the bidder is liable to the state, political 17630  
subdivision, district, institution, or agency for the difference 17631  
between the bidder's bid and that of the next lowest bidder, or 17632  
for a penal sum not to exceed ten per cent of the amount of the 17633  
bid, whichever is less. If the state, political subdivision, 17634  
district, institution, or agency does not award the contract to 17635

the next lowest bidder but resubmits the project for bidding, 17636  
the bidder failing to enter into the contract, except as 17637  
provided in division (G) of this section, is liable to the 17638  
state, political subdivision, district, institution, or agency 17639  
for a penal sum not to exceed ten per cent of the amount of the 17640  
bid or the costs in connection with the resubmission, of 17641  
printing new contract documents, required advertising, and 17642  
printing and mailing notices to prospective bidders, whichever 17643  
is less. 17644

If the bidder enters into the contract, the bidder, at the 17645  
time the contract is entered to, shall file a bond for the 17646  
amount of the contract to indemnify the state, political 17647  
subdivision, district, institution, or agency against all damage 17648  
suffered by failure to perform the contract according to its 17649  
provisions and in accordance with the plans, details, and 17650  
specifications and to pay all lawful claims of subcontractors, 17651  
material suppliers, and laborers for labor performed or material 17652  
furnished in carrying forward, performing, or completing the 17653  
contract; and agree and assent that this undertaking is for the 17654  
benefit of any subcontractor, material supplier, or laborer 17655  
having a just claim, as well as for the state, political 17656  
subdivision, district, institution, or agency. 17657

(2) A construction manager who enters into a contract 17658  
pursuant to sections 9.33 to 9.333 of the Revised Code, if 17659  
required by the public authority at the time the construction 17660  
manager enters into the contract, shall file a letter of credit 17661  
pursuant to Chapter 1305. of the Revised Code, bond, certified 17662  
check, or cashier's check, for the value of the construction 17663  
management contract to indemnify the state, political 17664  
subdivision, district, institution, or agency against all damage 17665  
suffered by the construction manager's failure to perform the 17666

contract according to its provisions, and shall agree and assent 17667  
that this undertaking is for the benefit of the state, political 17668  
subdivision, district, institution, or agency. A letter of 17669  
credit provided by the construction manager is revocable only at 17670  
the option of the beneficiary state, political subdivision, 17671  
district, institution, or agency. 17672

(D) Where the state, political subdivision, district, 17673  
institution, or agency accepts a bid but the bidder fails or 17674  
refuses to enter into a proper contract in accordance with the 17675  
bid, plans, details, and specifications within ten days after 17676  
the awarding of the contract, the bidder and the surety on any 17677  
bond, except as provided in division (G) of this section, are 17678  
liable for the amount of the difference between the bidder's bid 17679  
and that of the next lowest bidder, but not in excess of the 17680  
liability specified in division (B)(1) or (C) of this section. 17681  
Where the state, political subdivision, district, institution, 17682  
or agency then awards the bid to such next lowest bidder and 17683  
such next lowest bidder also fails or refuses to enter into a 17684  
proper contract in accordance with the bid, plans, details, and 17685  
specifications within ten days after the awarding of the 17686  
contract, the liability of such next lowest bidder, except as 17687  
provided in division (G) of this section, is the amount of the 17688  
difference between the bids of such next lowest bidder and the 17689  
third lowest bidder, but not in excess of the liability 17690  
specified in division (B)(1) or (C) of this section. Liability 17691  
on account of an award to any lowest bidder beyond the third 17692  
lowest bidder shall be determined in like manner. 17693

(E) Notwithstanding division (C) of this section, where 17694  
the state, political subdivision, district, institution, or 17695  
agency resubmits the project for bidding, each bidder whose bid 17696  
was accepted but who failed or refused to enter into a proper 17697

contract, except as provided in division (G) of this section, is 17698  
liable for an equal share of a penal sum in connection with the 17699  
resubmission, of printing new contract documents, required 17700  
advertising, and printing and mailing notices to prospective 17701  
bidders, but no bidder's liability shall exceed the amount of 17702  
the bidder's bid guaranty. 17703

(F) All bid guaranties filed pursuant to this section 17704  
shall be payable to the state, political subdivision, district, 17705  
institution, or agency, be for the benefit of the state, 17706  
political subdivision, district, institution, or agency or any 17707  
person having a right of action thereon, and be deposited with, 17708  
and held by, the board, officer, or agent contracting on behalf 17709  
of the state, political subdivision, district, institution, or 17710  
agency. All bonds filed pursuant to this section shall be issued 17711  
by a surety company authorized to do business in this state as 17712  
surety approved by the board, officer, or agent awarding the 17713  
contract on behalf of the state, political subdivision, 17714  
district, institution, or agency. 17715

(G) A bidder for a contract with the state or any 17716  
political subdivision, district, institution, or other agency 17717  
thereof, excluding therefrom the Ohio department of 17718  
transportation, for a public improvement costing less than one- 17719  
half million dollars may withdraw the bid from consideration if 17720  
the bidder's bid for some other contract with the state or any 17721  
political subdivision, district, institution, or other agency 17722  
thereof, excluding therefrom the department of transportation, 17723  
for the public improvement costing less than one-half million 17724  
dollars has already been accepted, if the bidder certifies in 17725  
good faith that the total amount of all the bidder's current 17726  
contracts is less than one-half million dollars, and if the 17727  
surety certifies in good faith that the bidder is unable to 17728

perform the subsequent contract because to do so would exceed 17729  
the bidder's bonding capacity. If a bid is withdrawn under 17730  
authority of this division, the contracting authority may award 17731  
the contract to the next lowest bidder or reject all bids and 17732  
resubmit the project for bidding, and neither the bidder nor the 17733  
surety on the bidder's bond are liable for the difference 17734  
between the bidder's bid and that of the next lowest bidder, for 17735  
a penal sum, or for the costs of printing new contract 17736  
documents, required advertising, and printing and mailing 17737  
notices to prospective bidders. 17738

(H) Bid guaranties filed pursuant to division (A) of this 17739  
section shall be returned to all unsuccessful bidders 17740  
immediately after the contract is executed. The bid guaranty 17741  
filed pursuant to division (A) (2) of this section shall be 17742  
returned to the successful bidder upon filing of the bond 17743  
required in division (C) of this section. 17744

(I) For the purposes of this section and sections 153.56, 17745  
153.57, and 153.571 of the Revised Code, "public improvement," 17746  
"subcontractor," "material supplier," "laborer," and "materials" 17747  
have the same meanings as in section 1311.25 of the Revised 17748  
Code. 17749

**Sec. 153.59.** Every contract for or on behalf of the state, 17750  
or any township, county, or municipal corporation of the state, 17751  
for the construction, alteration, or repair of any public 17752  
building or public work in the state shall contain provisions by 17753  
which the contractor agrees to both of the following: 17754

(A) That, in the hiring of employees for the performance 17755  
of work under the contract or any subcontract, no contractor, 17756  
subcontractor, or any person acting on a contractor's or 17757  
subcontractor's behalf, by reason of race, creed, sex, 17758

disability or military status as defined in section 4112.01 of 17759  
the Revised Code, or color, shall discriminate against any 17760  
citizen of the state in the employment of labor or workers who 17761  
is qualified and available to perform the work to which the 17762  
employment relates; 17763

(B) That no contractor, subcontractor, or any person on a 17764  
contractor's or subcontractor's behalf, in any manner, shall 17765  
discriminate against or intimidate any employee hired for the 17766  
performance of work under the contract on account of race, 17767  
creed, sex, disability or military status as defined in section 17768  
4112.01 of the Revised Code, or color. 17769

~~The department of development shall ensure that no capital 17770  
moneys appropriated by the general assembly for any purpose 17771  
shall be expended unless the project for which those moneys are 17772  
appropriated provides for an affirmative action program for the 17773  
employment and effective utilization of disadvantaged persons 17774  
whose disadvantage may arise from cultural, racial, or ethnic 17775  
background, or other similar cause, including, but not limited 17776  
to, race, religion, sex, disability or military status as 17777  
defined in section 4112.01 of the Revised Code, national origin, 17778  
or ancestry. 17779~~

In awarding contracts for capital improvement projects, 17780  
the department of development shall ensure that equal 17781  
consideration be given to contractors, subcontractors, or joint 17782  
venturers who qualify as a minority business enterprise. As used 17783  
in this section, "minority business enterprise" means a business 17784  
enterprise that is owned or controlled by one or more socially 17785  
or economically disadvantaged persons who are residents of this 17786  
state. "Socially or economically disadvantaged persons" means 17787  
persons, regardless of marital status, who are members of groups 17788

whose disadvantage may arise from discrimination on the basis of 17789  
race, religion, sex, disability or military status as defined in 17790  
section 4112.01 of the Revised Code, national origin, ancestry, 17791  
or other similar cause. 17792

**Sec. 153.63.** (A) Any money which is due from the public 17793  
owner referred to in section ~~153.12~~1311.28 of the Revised Code 17794  
under a contract entered into under this chapter or entered into 17795  
under other applicable sections of the Revised Code for the 17796  
construction, reconstruction, improvement, enlargement, 17797  
alteration, repair, painting, or decoration of a public 17798  
improvement shall, on the day it is due, be paid to the 17799  
contractor or deposited in an escrow account, whichever is 17800  
applicable, with one or more banks or building and loan 17801  
associations in the state selected by mutual agreement between 17802  
the contractor and the public owner. The agreement shall contain 17803  
the following provisions: 17804

(1) The money shall be deposited in a savings account or 17805  
the escrow agent shall promptly invest all of the escrowed 17806  
principal in obligations selected by the escrow agent, as 17807  
stipulated in the agreement. 17808

(2) The escrow agent shall hold the escrowed principal and 17809  
income until receipt of notice from the public owner and the 17810  
contractor, or until receipt of an arbitration order or an order 17811  
of the court of claims specifying the amount of the escrowed 17812  
principal to be released and the person to whom it is to be 17813  
released. Upon receipt of the notice or order, the agent shall 17814  
promptly pay such amount of principal and a proportionate amount 17815  
of the escrowed income to the person indicated. 17816

(3) The escrow agent shall be compensated for its services 17817  
as agreed to by the public owner and the contractor from the 17818

income from the escrow account. 17819

The agreement may include other provisions not 17820  
inconsistent with this section, including, but not limited to 17821  
granting authority for the escrow agent to commingle the 17822  
escrowed funds with funds held pursuant to other escrow 17823  
agreements and limiting the liability of the escrow agent. 17824

(B) When the public owner, as defined in division (B) of 17825  
section 2743.01 of the Revised Code, and the contractor disagree 17826  
as to the conditions under which money is to be paid under this 17827  
section, the parties shall apply for a decision by arbitration 17828  
under the procedures of Chapter 2711. of the Revised Code. When 17829  
an application is made, neither party shall initiate, and no 17830  
court shall permit the maintenance of, an action in court for 17831  
decision of the same issues sought to be determined in the 17832  
arbitration application. The award made by the arbitrator may 17833  
include the costs of arbitration. The arbitration shall be 17834  
binding on all parties. 17835

(C) When the public owner, as defined in division (A) of 17836  
section 2743.01 of the Revised Code, and the contractor disagree 17837  
as to the conditions under which money is to be paid under this 17838  
section the contractor shall file an action in the court of 17839  
claims. 17840

(D) If the money required to be paid or deposited under 17841  
division (A) of this section is not paid or deposited, the 17842  
governmental entity shall pay to the contractor an amount equal 17843  
to eight per cent annual interest compounded daily. 17844

**Sec. 153.693.** ~~(A)~~(A) (1) For every design-build contract, 17845  
the public authority planning to contract for design-build 17846  
services, in consultation with the criteria architect or 17847

engineer, shall evaluate the statements of qualifications 17848  
submitted by design-build firms specifically regarding the 17849  
project, including the design-build firm's proposed architect or 17850  
engineer of record. 17851

(2) For projects valued at less than four million dollars, 17852  
the public authority may require the design-build firm to submit 17853  
a statement along with a pricing proposal described in division 17854  
(B) (2) (h) of this section. The public authority shall provide 17855  
each design-build firm who desires to submit both a statement 17856  
and a proposal a pre-proposal meeting to explore the proposals 17857  
further, in which the public authority shall provide the design- 17858  
build firm with a description of the project, including the 17859  
scope and nature of the proposed services and potential 17860  
technical approaches. After and only after the public authority 17861  
ranks and selects firms under division (B) (1) of this section, 17862  
the public authority shall review the pricing proposals 17863  
submitted by selected firms under this division, and proceed 17864  
under division (B) (3) of this section, continuing the selection 17865  
process from there. 17866

(B) Following this evaluation, the public authority shall: 17867

(1) Select and rank not fewer than three firms which it 17868  
considers to be the most qualified to provide the required 17869  
design-build services, except that the public authority shall 17870  
select and rank fewer than three firms when the public authority 17871  
determines in writing that fewer than three qualified firms are 17872  
available; 17873

(2) Provide each selected design-build firm with all of 17874  
the following: 17875

(a) A description of the project and project delivery; 17876

(b) The design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;	17877 17878
(c) A preliminary project schedule;	17879
(d) A description of any preconstruction services;	17880
(e) A description of the proposed design services;	17881
(f) A description of a guaranteed maximum price, including the estimated level of design on which such guaranteed maximum price is based;	17882 17883 17884
(g) The form of the design-build services contract;	17885
(h) <u>A-Except for projects under division (A) (2) of this section, a request for a pricing proposal that shall be divided into a design services fee and a preconstruction and design-build services fee. The pricing proposal of each design-build firm shall include at least all of the following:</u>	17886 17887 17888 17889 17890
(i) A list of key personnel and consultants for the project;	17891 17892
(ii) Design concepts adhering to the design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;	17893 17894 17895
(iii) The design-build firm's statement of general conditions and estimated contingency requirements;	17896 17897
(iv) A preliminary project schedule.	17898
(3) Evaluate the pricing proposal submitted by each selected firm and, at its discretion, hold discussions with each firm to further investigate its pricing proposal, including the scope and nature of the firm's proposed services and potential technical approaches;	17899 17900 17901 17902 17903

(4) Rank the selected firms based on the public authority's evaluation of the value of each firm's pricing proposal, with such evaluation considering each firm's proposed costs and qualifications;

(5) Enter into contract negotiations for design-build services with the design-build firm whose pricing proposal the public authority determines to be the best value under this section.

~~(B)~~(C) In complying with division ~~(A)~~(5)~~(B)~~(5) of this section, contract negotiations shall be directed toward:

(1) Ensuring that the design-build firm and the public authority mutually understand the essential requirements involved in providing the required design-build services, the provisions for the use of contingency funds, and the terms of the contract, including terms related to the possible distribution of savings in the final costs of the project;

(2) Ensuring that the design-build firm shall be able to provide the necessary personnel, equipment, and facilities to perform the design-build services within the time required by the design-build construction contract;

(3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the public authority to the design-build firm for the project and that shall include the costs of all work, the cost of its general conditions, the contingency, and the fee payable to the design-build firm.

~~(C)~~(D) If the public authority fails to negotiate a contract with the design-build firm whose pricing proposal the

public authority determines to be the best value as determined 17933  
under this section, the public authority shall inform the 17934  
design-build firm in writing of the termination of negotiations. 17935  
The public authority may then do the following: 17936

(1) Negotiate a contract with a design-build firm ranked 17937  
next highest under this section following the negotiation 17938  
procedure described in this section; 17939

(2) If negotiations fail with the design-build firm under 17940  
division ~~(C)~~ ~~(1)~~ (D) (1) of this section, negotiate a contract with 17941  
the design-build firm ranked next highest under this section 17942  
following the negotiation procedure described in this section 17943  
and continue negotiating with the design-build firms selected 17944  
under this section in the order of their ranking until a 17945  
contract is negotiated. 17946

~~(D)~~ (E) If the public authority fails to negotiate a 17947  
contract with a design-build firm whose pricing proposal the 17948  
public authority determines to be the best value as determined 17949  
under this section, it may select additional design-build firms 17950  
to provide pricing proposals to the public authority pursuant to 17951  
this section or may select an alternative delivery method for 17952  
the project. 17953

~~(E)~~ (F) The public authority may provide a stipend for 17954  
pricing proposals received from design-build firms. 17955

~~(F)~~ (G) Nothing in this section affects a public 17956  
authority's right to accept or reject any or all proposals in 17957  
whole or in part. 17958

**Sec. 155.33.** (A) (1) Beginning on ~~the effective date of~~ 17959  
~~this amendment~~ April 7, 2023, and ending on the effective date 17960  
of the rules adopted under section 155.34 of the Revised Code, a 17961

state agency shall lease, in good faith, a formation within a 17962  
parcel of land that is owned or controlled by the state agency 17963  
for the exploration for and development and production of oil or 17964  
natural gas. The lease shall be on terms that are just and 17965  
reasonable, as determined by custom and practice in the oil and 17966  
gas industry, and shall include at least the terms required 17967  
under ~~divisions (A) (1) (a) to (d)~~ division (A) of section 155.34 17968  
of the Revised Code as that division existed prior to the 17969  
effective date of this amendment. The person seeking to lease 17970  
the formation shall submit to the state agency the proof 17971  
described in divisions (D) (5) (a) and (b) of this section before 17972  
entering into the lease. On and after the effective date of the 17973  
rules adopted under section 155.34 of the Revised Code, a 17974  
formation within a parcel of land that is owned or controlled by 17975  
a state agency may be leased for the exploration for and 17976  
development and production of oil or natural gas only in 17977  
accordance with divisions (A) (2) to (H) of this section and 17978  
those rules. 17979

(2) On and after the effective date of rules adopted under 17980  
section 155.34 of the Revised Code, any person or state agency 17981  
that is interested in leasing a formation within a parcel of 17982  
land that is owned or controlled by a state agency for the 17983  
exploration for and the development and production of oil or 17984  
natural gas may submit to the oil and gas land management 17985  
commission a nomination that shall include all of the following: 17986

(a) The name of the person making the nomination and the 17987  
person's address, telephone number, and email address; 17988

(b) An identification of the formation and parcel of land 17989  
proposed to be leased that specifies all of the following: 17990

(i) The percentage of the interest owned or controlled by 17991

the state agency, and whether that interest is divided, 17992  
undivided, or partial; 17993

(ii) The source deed by book and page numbers, including 17994  
the description and acreage of the parcel and an identification 17995  
of the county, section, township, and range in which the parcel 17996  
is located; 17997

(iii) A plat map depicting the area in which the parcel is 17998  
located. 17999

(c) If the person making the nomination is not a state 18000  
agency, a nomination fee of one hundred fifty dollars; 18001

(d) The proposed lease bonus that applies to the 18002  
nomination and any additional proposed gross landowner royalty 18003  
that applies to the nomination that is in addition to the amount 18004  
required under division (A) (1) (b) of section 155.34 of the 18005  
Revised Code; 18006

(e) If the person making the nomination is not a state 18007  
agency, proof of both of the following: 18008

(i) That the person has obtained the insurance and 18009  
financial assurance required under section 1509.07 of the 18010  
Revised Code; 18011

(ii) That the person has registered with and obtained an 18012  
identification number from the division of oil and gas resources 18013  
management under section 1509.31 of the Revised Code. 18014

(3) In order to encourage the submission of nominations 18015  
and the responsible and reasonable development of the state's 18016  
natural resources, only the information submitted under division 18017  
(A) (2) (b) of this section may be disclosed to the public until a 18018  
person is selected under division (F) of this section. Until a 18019

person is selected under division (F) of this section, all other 18020  
information submitted under division (A) (2) of this section is 18021  
confidential, shall not be disclosed by the commission, and is 18022  
not a public record subject to inspection or copying under 18023  
section 149.43 of the Revised Code. 18024

(4) When a nomination is not submitted by a state agency, 18025  
the nomination is the opening bid for purposes of division (D) 18026  
of this section. However, the person submitting the nomination 18027  
may supplement or amend that bid by providing additional 18028  
information in accordance with that division. 18029

(B) (1) Not less than thirty days, but not more than one 18030  
hundred twenty days following the receipt of a nomination, the 18031  
commission shall conduct a meeting for the purpose of 18032  
determining whether to approve or disapprove the nomination for 18033  
the purpose of leasing a formation within the parcel of land 18034  
that is identified in the nomination. 18035

In making its decision to approve or disapprove the 18036  
nomination, the commission shall consider all of the following: 18037

(a) The economic benefits, including the potential income 18038  
from an oil or natural gas operation, that would result if the 18039  
lease of a formation that is the subject of the nomination were 18040  
approved; 18041

(b) Whether the proposed oil or gas operation is 18042  
compatible with the current uses of the parcel of land that is 18043  
the subject of the nomination; 18044

(c) The environmental impact that would result if the 18045  
lease of a formation that is the subject of the nomination were 18046  
approved; 18047

(d) Any potential adverse geological impact that would 18048

result if the lease of a formation that is the subject of the 18049  
nomination were approved; 18050

(e) Any potential impact to visitors or users of a parcel 18051  
of land that is the subject of the nomination; 18052

(f) Any potential impact to the operations or equipment of 18053  
a state agency that is a state university or college if the 18054  
lease of a formation within a parcel of land owned or controlled 18055  
by the university or college that is the subject of the 18056  
nomination were executed; 18057

(g) Any comments or objections to the nomination submitted 18058  
to the commission by the state agency that owns or controls the 18059  
parcel of land on which the proposed oil or natural gas 18060  
operation would take place; 18061

(h) Any comments or objections to the nomination submitted 18062  
to the commission by residents of this state or other users of 18063  
the parcel of land that is the subject of the nomination; 18064

(i) Any special terms and conditions the state agency 18065  
included in its comments or objections that the state agency 18066  
believes are appropriate for the lease of the parcel of land 18067  
because of specific conditions related to that parcel of land. 18068

(2) The commission shall approve or disapprove a 18069  
nomination not later than two calendar quarters following the 18070  
receipt of the nomination. The commission shall post notice of 18071  
the commission's decision on the commission's web site and send 18072  
notice of the decision by email and by certified mail to the 18073  
person that submitted the nomination and to the state agency 18074  
that owns or controls the formation within the parcel of land 18075  
that is the subject of the nomination. 18076

(C) Each calendar quarter, the commission shall proceed to 18077

advertise for bids for a lease for a formation within a parcel 18078  
of land that was the subject of a nomination approved during the 18079  
previous calendar quarter. The commission shall publish the 18080  
advertisement on its web site for a period of time established 18081  
by the commission. The advertisement shall include all of the 18082  
following: 18083

(1) An identification of each formation and parcel of land 18084  
proposed to be leased that includes all of the information 18085  
specified in division (A) (2) (b) of this section; 18086

(2) The deadline for the submission of bids; 18087

(3) A statement that each bid must contain all of the 18088  
items required under division (D) of this section; 18089

(4) A statement that a standard lease form that is 18090  
consistent with the practices of the oil and natural gas 18091  
industries and adopted by rule by the commission will be used 18092  
for the lease of a formation within the parcel of land; 18093

(5) Any special terms and conditions that may apply to the 18094  
lease because of specific conditions related to the parcel of 18095  
land; 18096

(6) The amount of the bid fee that is required to be 18097  
submitted with a bid; 18098

(7) Any other information that the commission considers 18099  
pertinent to the advertisement for bids. 18100

(D) A person interested in leasing a formation within a 18101  
parcel of land owned or controlled by a state agency for the 18102  
exploration for and development and production of oil or natural 18103  
gas may submit a bid to the commission on a parcel by parcel 18104  
basis that contains all of the following: 18105

(1) A bid fee of twenty-five dollars;	18106
(2) The name of the person making the bid and the person's address, telephone number, and email address;	18107 18108
(3) An identification of the formation and parcel of land for which the bid is being submitted, including all of the information specified in division (A) (2) (b) of this section;	18109 18110 18111
(4) The proposed lease bonus that applies to the bid <u>and any additional proposed gross landowner royalty that applies to the bid that is in addition to the amount required under division (A) (1) (b) of section 155.34 of the Revised Code;</u>	18112 18113 18114 18115
(5) Proof of both of the following:	18116
(a) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;	18117 18118 18119
(b) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.	18120 18121 18122
(6) Any other information that the person believes is relevant to the bid.	18123 18124
(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section.	18125 18126 18127 18128 18129 18130 18131 18132
The commission shall select the person who submits the	18133

highest and best bid, taking into account the financial 18134  
responsibility of the prospective lessee and the ability of the 18135  
prospective lessee to perform its obligations under the lease. 18136  
After the commission selects a person, the commission shall 18137  
notify the applicable state agency and send the person's bid to 18138  
the agency. The state agency shall enter into a lease with the 18139  
person selected by the commission. The state agency shall fully 18140  
execute the lease not later than thirty days after the 18141  
commission selects the person with the highest and best bid. 18142

(G) (1) Except as otherwise provided in section 155.37 of 18143  
the Revised Code, all money received by a state agency from 18144  
signing fees, rentals, and royalty payments for leases entered 18145  
into under this section shall be paid by the state agency into 18146  
the state treasury to the credit of the state land royalty fund 18147  
created in section 131.50 of the Revised Code. 18148

(2) All money received from nomination fees and bid fees 18149  
shall be paid into the state treasury to the credit of the oil 18150  
and gas land management commission administration fund created 18151  
in section 155.35 of the Revised Code. 18152

(H) Notwithstanding any other provision of this section to 18153  
the contrary, a nature preserve as defined in section 1517.01 of 18154  
the Revised Code that is owned or controlled by a state agency 18155  
shall not be nominated or leased under this section for the 18156  
purpose of exploring for and developing and producing oil and 18157  
natural gas resources. 18158

(I) Except as otherwise provided in this chapter, the 18159  
commission and any state agency shall not require as part of a 18160  
bid or lease either of the following: 18161

(1) Any royalty payment in excess of the amount specified 18162

in division (A) (1) (b) of section 155.34 of the Revised Code; 18163

(2) Any additional payment that the commission or agency 18164  
is not specifically authorized or required to charge under this 18165  
section. 18166

**Sec. 155.34.** (A) ~~Not later than one hundred twenty days~~ 18167  
~~after September 30, 2021, the~~ The oil and gas land management 18168  
commission shall adopt rules in accordance with Chapter 119. of 18169  
the Revised Code establishing both of the following: 18170

(1) A standard lease form that shall be used by a state 18171  
agency for leases entered into under this chapter, is consistent 18172  
with the practices of the oil and natural gas industries, and 18173  
contains all of the following: 18174

(a) A prohibition against the use of the surface of the 18175  
parcel of land for oil and gas development unless the state 18176  
agency, in its sole discretion, chooses to negotiate and execute 18177  
a written surface use agreement established under this section; 18178

(b) A one-eighth gross landowner royalty; 18179

(c) A shut-in royalty provision; 18180

(d) A primary term of five years; 18181

~~(d)~~ (e) An option for the lessee to extend the primary term 18182  
of the lease for an additional ~~three~~ five years by tendering to 18183  
the state agency the same bonus paid when first entering into 18184  
the lease.—; 18185

(f) A provision that states: "Notwithstanding any other 18186  
provision of this Lease to the contrary, Lessee is entitled to 18187  
pay any advanced delay rentals/bonus amounts owed under this 18188  
Lease within sixty (60) calendar days after Lessee receives a 18189  
copy of this Lease executed by Lessor." 18190

(g) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that a parcel subject to this Lease was acquired or improved through, or is otherwise encumbered by, a federal grant program, the Primary Term of the Lease shall be tolled until the requirements of the program, and any related grant documents, have been fully satisfied by Lessor and Lessor notifies Lessee in writing of same." 18191  
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(h) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that a parcel subject to this Lease was acquired or improved through, or is otherwise encumbered by, a federal grant program, Lessee may defer payment of all sums otherwise due and owing under this Lease until the requirements of the program, and any related grant documents, have been fully satisfied by Lessor and Lessor notifies Lessee in writing of same." 18199  
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(i) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that litigation of any kind or character is filed by a third party that may adversely impact Lessee's ability to conduct operations under the Lease, including an appeal before a court or the oil and gas commission, the Primary Term of the Lease shall be tolled until such time as there is a final, nonappealable order entered in such litigation." 18207  
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(j) A provision that states: "Notwithstanding any other provision of this Lease to the contrary, in the event that litigation of any kind or character is filed by a third party that may adversely impact Lessee's ability to conduct operations under the Lease, including an appeal before a court or the oil and gas commission, Lessee may defer payment of all sums 18215  
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otherwise due and owing under this Lease until a final, 18221  
nonappealable order is entered in such litigation." 18222

(2) Any other procedures necessary to implement sections 18223  
155.30 to 155.36 of the Revised Code, subject to division (I) of 18224  
section 155.33 of the Revised Code. 18225

(B) ~~Not later than one hundred twenty days after September~~ 18226  
~~30, 2021, the~~ The commission shall establish a standard surface 18227  
use agreement that a state agency shall use to authorize the use 18228  
of the surface of a leased parcel of land. 18229

(C) Section 121.95 of the Revised Code does not apply to 18230  
rules adopted under this section and the commission is not 18231  
subject to any requirements of that section. 18232

**Sec. 163.01.** As used in sections 163.01 to 163.22 of the 18233  
Revised Code: 18234

(A) "Public agency" means any governmental corporation, 18235  
unit, organization, instrumentality, or officer authorized by 18236  
law to appropriate property in the courts of this state. 18237

(B) "Private agency" means any corporation, firm, 18238  
partnership, voluntary association, joint-stock association, or 18239  
company that is not a public agency and that is authorized by 18240  
law to appropriate property in the courts of this state. 18241

(C) "Agency" means any public agency or private agency. 18242

(D) "Court" means the court of common pleas or the probate 18243  
court of any county in which the property sought to be 18244  
appropriated is located in whole or in part. 18245

(E) "Owner" means any individual, partnership, 18246  
association, or corporation having any estate, title, or 18247  
interest in any real property sought to be appropriated. 18248

(F) "Real property," "land," or "property" includes any estate, title, or interest in any real property that is authorized to be appropriated by the agency in question, unless the context otherwise requires.

(G) "Public utility" has the same meaning as in section 4905.02 of the Revised Code and also includes a public utility owned or operated by one or more municipal corporations, an electric cooperative, and an agency holding a certificate of public convenience and necessity granted by the federal energy regulatory commission.

(H) (1) "Public use" does not include any taking that is for conveyance to a private commercial enterprise, economic development, or solely for the purpose of increasing public revenue, unless the property is conveyed or leased to one of the following:

(a) A public utility, municipal power agency, or common carrier;

(b) A private entity that occupies a port authority transportation facility or an incidental area within a publicly owned and occupied project;

(c) A private entity when the agency that takes the property establishes by a preponderance of the evidence that the property is a blighted parcel or is included in a blighted area.

(2) "Public use" does not include any taking by a public or private agency that is for, or includes, the purpose of a parkway; or for, or includes, the purpose of constructing a trail, path, way, or lane for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel if both of the following apply:

(a) The property sought has already been the subject of a taking action brought under this chapter by the same agency or a different agency, and that original action was dismissed by a court of competent jurisdiction, on or after January 1, 2024, because the agency in the original action lacked authority or jurisdiction or necessity in law for the proposed taking.

(b) The agency in the original action has no remaining right of appeal in that action.

(3) All of the following are presumed to be public uses:  
utility facilities, roads, sewers, water lines, public schools,  
public institutions of higher education, private institutions of  
higher education that are authorized to appropriate property  
under section 3333.08 of the Revised Code, public parks,  
government buildings, port authority transportation facilities,  
projects by an agency that is a public utility, and similar  
facilities and uses of land.

(I) "Electric cooperative" has the same meaning as in  
section 4928.01 of the Revised Code.

(J) "Good faith offer" means the written offer that an  
agency that is appropriating property must make to the owner of  
the property pursuant to division (B) of section 163.04 of the  
Revised Code before commencing an appropriation proceeding.

(K) "Goodwill" means the calculable benefits that accrue  
to a business as a result of its location, reputation for  
dependability, skill or quality, and any other circumstances  
that result in probable retention of old, or acquisition of new,  
patronage.

(L) "Municipal power agency" has the same meaning as in  
section 3734.058 of the Revised Code.

(M) "Port authority transportation facility" means any 18307  
facility developed, controlled, or operated by a port authority 18308  
for the purpose of providing passenger, cargo, or freight 18309  
transportation services, such as airports, maritime ports, rail 18310  
facilities, transit facilities, and support facilities directly 18311  
related to any airport, maritime port, rail facility, or transit 18312  
facility. 18313

**Sec. 164.01.** As used in this chapter: 18314

(A) "Capital improvement" or "capital improvement project" 18315  
or "project" means the acquisition, construction, 18316  
reconstruction, improvement, planning, and equipping of roads 18317  
and bridges, appurtenances to roads and bridges to enhance the 18318  
safety of animal-drawn vehicles, pedestrians, and bicycles, 18319  
waste water treatment systems, water supply systems, solid waste 18320  
disposal facilities, and storm water and sanitary collection, 18321  
storage, and treatment facilities, including real property, 18322  
interests in real property, facilities, and equipment related or 18323  
incidental to those facilities. 18324

(B) "Local subdivision" means any county, municipal 18325  
corporation, township, sanitary district, or regional water and 18326  
sewer district. 18327

(C) "Bond proceedings" means the resolutions, orders, 18328  
trust agreements, indentures, and other agreements, credit 18329  
facilities and credit enhancement facilities, and amendments and 18330  
supplements to the foregoing, or any one or more or combination 18331  
thereof, authorizing, awarding, or providing for the terms and 18332  
conditions applicable to or providing for the security or 18333  
liquidity of obligations, and the provisions contained in those 18334  
obligations. 18335

(D) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, and any redemption premium payable on obligations. If not prohibited by the applicable bond proceedings, bond service charges include costs of credit enhancement facilities that are related to, and represent or are intended to provide a source of payment of or limitation on, other bond service charges.

(E) "Bond service fund" means the fund, and any accounts in that fund, created by section 164.10 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited to that fund and accounts as provided in the bond proceedings.

(F) "Cost of capital improvement projects" means the costs of acquiring, constructing, reconstructing, expanding, improving, and engineering capital improvement projects, and related financing costs.

(G) "Credit enhancement facilities" means letters of credit, lines of credit, stand-by, contingent, or firm securities purchase agreements, interest rate hedges including, without limitation, interest rate swaps, insurance or surety arrangements, reserve or guarantee funds, and guarantees, and other arrangements that provide for contingent or direct payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of obligations, or for making or providing funds for making payment of bond service charges to, and at the option and on demand of, holders of obligations or at the option of the issuer under put or similar arrangements, or for otherwise supporting the credit or liquidity of obligations, and includes credit, reimbursement,

marketing, remarketing, indexing, carrying, purchase, and 18366  
subrogation agreements, and other agreements and arrangements 18367  
for reimbursement of the person providing the credit enhancement 18368  
facility and the security for that reimbursement. As used in 18369  
this division, obligations include debt obligations of local 18370  
subdivisions. 18371

(H) "Financing costs" means all costs and expenses 18372  
relating to the authorization, issuance, sale, delivery, 18373  
authentication, deposit, custody, clearing, registration, 18374  
transfer, exchange, fractionalization, replacement, and 18375  
servicing of obligations, including, without limitation, costs 18376  
and expenses for or relating to, or payment obligations under, 18377  
publication and printing, postage and express delivery, official 18378  
statements, offering circulars, and informational statements, 18379  
travel and transportation, paying agents, bond registrars, 18380  
authenticating agents, remarketing agents, custodians, clearing 18381  
agencies or corporations, securities depositories, financial 18382  
advisory services, certifications, audits, federal or state 18383  
regulatory agencies, accounting services, legal services and 18384  
obtaining approving legal opinions and other legal opinions, 18385  
credit ratings, original issue discount, credit facilities, and 18386  
credit enhancement facilities. Financing costs may be paid from 18387  
any moneys lawfully available for the purpose, including, unless 18388  
otherwise provided in the bond proceedings, from the proceeds of 18389  
the obligations to which they relate and from the same sources 18390  
from which bond service charges on the obligations are paid and 18391  
as though bond service charges. 18392

(I) "Issuer" means the treasurer of state, or the officer 18393  
who by law performs the functions of that officer. 18394

(J) "Obligations" means bonds, notes, or other evidences 18395

of obligation of the state, including any interest coupons 18396  
pertaining thereto, issued pursuant to sections 164.09 to 164.12 18397  
of the Revised Code. 18398

(K) "Special funds" or "funds" means, except where the 18399  
context does not permit, the bond service fund, and any other 18400  
funds, including reserve funds, created under the bond 18401  
proceedings and stated to be special funds in those proceedings, 18402  
including all moneys and investments, and earnings from 18403  
investments, credited and to be credited to the ~~particular~~ fund. 18404  
Special funds do not include the state capital improvements fund 18405  
created by section 164.08 of the Revised Code or, if so provided 18406  
in the bond proceedings, a rebate fund or account established 18407  
for purposes of federal tax laws. 18408

(L) "Net proceeds" means amounts received from the sale of 18409  
obligations pursuant to this chapter, excluding amounts used to 18410  
refund or retire outstanding obligations, and does not include 18411  
amounts required to be deposited in special funds pursuant to 18412  
the applicable bond proceedings, or financing costs paid from 18413  
such amounts received. 18414

(M) "Local debt support" means ~~a full or partial pledge of~~ 18415  
~~support for any local bond issue, the payment of all or a part~~ 18416  
~~of the premium for bond insurance obtained from a private~~ 18417  
~~insurer,~~ the subsidization of the interest rate on a loan 18418  
obtained by the a subdivision, ~~or a source of revenue pledged in~~ 18419  
~~support of revenue bonds issued by a subdivision.~~ 18420

(N) "Principal amount" refers to the aggregate of the 18421  
amount as stated or provided for in the bond proceedings 18422  
authorizing the obligations as the amount on which interest or 18423  
interest equivalent is initially calculated. 18424

<b>Sec. 164.05.</b> (A) The director of the Ohio public works	18425
commission shall do all of the following:	18426
(1) Approve requests for financial assistance from	18427
district public works integrating committees and enter into	18428
agreements with one or more local subdivisions to provide loans,	18429
grants, and local debt support for a capital improvement project	18430
if the director determines that:	18431
(a) The project is an eligible project pursuant to this	18432
chapter;	18433
(b) The financial assistance for the project has been	18434
properly approved and requested by the district committee of the	18435
district which includes the recipient of the loan or grant;	18436
(c) The amount of the financial assistance, when added to	18437
all other financial assistance provided during the fiscal year	18438
for projects within the district, does not exceed that	18439
district's allocation of money from the state capital	18440
improvements fund for that fiscal year;	18441
(d) The district committee has provided such documentation	18442
and other evidence as the director may require that the district	18443
committee has satisfied the requirements of section 164.06 or	18444
164.14 of the Revised Code;	18445
(e) The portion of a district's annual allocation which	18446
the director approves in the form of loans and local debt	18447
support for eligible projects is consistent with divisions (E)	18448
and (F) of this section.	18449
(2) Authorize payments to local subdivisions or their	18450
contractors for costs incurred for capital improvement projects	18451
which have been approved pursuant to this chapter. All requests	18452
for payments shall be submitted to the director on forms and in	18453

accordance with procedures specified in rules adopted by the 18454  
director pursuant to division (A) (4) of this section. 18455

(3) Retain the services of or employ financial 18456  
consultants, engineers, accountants, attorneys, and such other 18457  
employees as the director determines are necessary to carry out 18458  
the director's duties under this chapter and fix the 18459  
compensation for their services. From among these employees, the 18460  
director shall appoint a deputy with the necessary 18461  
qualifications to act as the director when the director is 18462  
absent or temporarily unable to carry out the duties of office. 18463

(4) Adopt rules establishing the procedures for making 18464  
applications, reviewing, approving, and rejecting projects for 18465  
which assistance is authorized under this chapter, and any other 18466  
rules needed to implement the provisions of this chapter. Such 18467  
rules shall be adopted under Chapter 119. of the Revised Code. 18468

(5) Provide information and other assistance to local 18469  
subdivisions and district public works integrating committees in 18470  
developing their requests for financial assistance for capital 18471  
improvements under this chapter and encourage cooperation and 18472  
coordination of requests and the development of multisubdivision 18473  
projects in order to maximize the benefits that may be derived 18474  
by districts from each year's allocation; 18475

(6) Require local subdivisions, to the extent practicable, 18476  
to use Ohio products, materials, services, and labor in 18477  
connection with any capital improvement project financed in 18478  
whole or in part under this chapter; 18479

(7) Notify the director of budget and management of all 18480  
approved projects, and supply all information necessary to track 18481  
approved projects through the state accounting system; 18482

(8) Appoint the administrator of the Ohio small government capital improvements commission;	18483
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(9) Do all other acts, enter into contracts, and execute all instruments necessary or appropriate to carry out this chapter;	18485
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	18487
(10) Develop a standardized methodology for evaluating local subdivision capital improvement needs that a district public works integrating committee shall consider when addressing a subdivision's project application;	18488
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	18491
(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own.	18492
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(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations.	18497
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(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for financial assistance provided pursuant to the provisions of this chapter shall be such as the director determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this chapter are not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised	18503
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Code, may, at the direction of the director of the Ohio public works commission, be reduced by the amount payable. The county treasurer shall, at the direction of the director, pay the amount of such reductions to the state capital improvements revolving loan fund. The director may renegotiate a loan repayment schedule with a local subdivision whose payments from the county undivided local government fund could be reduced pursuant to this division, but such a renegotiation may occur only one time with respect to any particular loan agreement.

(D) Grants approved for the repair and replacement of existing infrastructure pursuant to this chapter shall not exceed ninety per cent of the estimated total cost of the capital improvement project. Grants approved for new or expanded infrastructure shall not exceed fifty per cent of the estimated cost of the new or expansion elements of the capital improvement project. A local subdivision share of the estimated cost of a capital improvement may consist of any of the following:

(1) The reasonable value, as determined by the director or the administrator, of labor, materials, and equipment that will be contributed by the local subdivision in performing the capital improvement project;

(2) Moneys received by the local subdivision in any form from an authority, commission, or agency of the United States for use in performing the capital improvement project;

(3) Loans made to the local subdivision under this chapter;

(4) Engineering costs incurred by the local subdivision in performing engineering activities related to the project.

A local subdivision share of the cost of a capital

improvement shall not include any amounts awarded to it from the 18541  
local transportation improvement program fund created in section 18542  
164.14 of the Revised Code. 18543

~~(E) Not more than ten per cent of a~~ A district public 18544  
works integrating ~~committee's~~ committee may determine how much 18545  
of its annual allocation share pursuant to section 164.08 of the 18546  
Revised Code ~~may be~~ is awarded to subdivisions ~~only~~ in the form 18547  
of interest-free, low-interest, market rate of interest, or 18548  
blended-rate loans and in the form of local debt support. 18549

~~(F) Not more than ten per cent of a district public works~~ 18550  
~~integrating committee's annual allocation pursuant to section~~ 18551  
~~164.08 of the Revised Code may be awarded to subdivisions in the~~ 18552  
~~form of local debt support.~~ 18553

~~(G)~~ For the period commencing July 1, 1993, and ending 18554  
June 30, 1999, and for each five-year period thereafter, the 18555  
total amount of financial assistance awarded under sections 18556  
164.01 to 164.08 of the Revised Code for capital improvement 18557  
projects located wholly or partially within a county shall be 18558  
equal to at least thirty per cent of the amount of what the 18559  
county would have been allocated from the obligations authorized 18560  
to be sold under this chapter during each period, if such 18561  
amounts had been allocable to each county on a per capita basis. 18562

~~(H)~~ (G) The amount of the annual allocations made pursuant 18563  
to divisions (B) (1) and (4) of section 164.08 of the Revised 18564  
Code which can be used for new or expanded infrastructure is 18565  
limited to twenty per cent. 18566

~~(I)~~ (H) No project shall be approved under this section 18567  
unless the project is designed to have a useful life of at least 18568  
seven years. In addition, the average useful life of all 18569

projects for which grants or loans are awarded in each district 18570  
during a program year shall not be less than twenty years. 18571

**Sec. 164.06.** (A) Each district public works integrating 18572  
committee shall evaluate materials submitted to it by the local 18573  
subdivisions located in the district concerning capital 18574  
improvements for which assistance is sought from the state 18575  
capital improvements fund and shall, pursuant to division (B) of 18576  
this section, select the requests for financial assistance that 18577  
will be formally submitted by the district to the director of 18578  
the Ohio public works commission. In order to provide for the 18579  
efficient use of the district's state capital improvements fund 18580  
allocation each year, a district committee shall assist its 18581  
subdivisions in the preparation and coordination of project 18582  
plans. 18583

(B) In selecting the requests for assistance for capital 18584  
improvement projects which will be submitted to the director, 18585  
and in determining the nature, amount, and terms of the 18586  
assistance that will be requested, a district public works 18587  
integrating committee shall give priority to capital improvement 18588  
projects for the repair or replacement of existing 18589  
infrastructure and which would be unlikely to be undertaken 18590  
without assistance under this chapter, and shall specifically 18591  
consider all of the following factors: 18592

(1) The infrastructure repair and replacement needs of the 18593  
district; 18594

(2) The age and condition of the system to be repaired or 18595  
replaced; 18596

(3) Whether the project would generate revenue in the form 18597  
of user fees or assessments; 18598

(4) The importance of the project to the health and safety of the citizens of the district;	18599 18600
(5) The cost of the project and whether it is consistent with division <del>(G)</del> (F) of section 164.05 of the Revised Code and the district's allocation for grants, loans, and local debt support for that year;	18601 18602 18603 18604
(6) The effort and ability of the benefited local subdivisions to assist in financing the project;	18605 18606
(7) The availability of federal or other funds for the project;	18607 18608
(8) The overall economic health of the particular local subdivision;	18609 18610
(9) The adequacy of the planning for the project and the readiness of the applicant to proceed should the project be approved;	18611 18612 18613
(10) Any other factors relevant to a particular project.	18614
(C) When applying the methodology under division (A) (10) of section 164.05 of the Revised Code, a district public works integrating committee may require a subdivision to submit information on its capital infrastructure as part of an application for assistance in financing a capital improvement project under this section.	18615 18616 18617 18618 18619 18620
(D) In addition to reviewing and selecting the projects for which approval will be sought from the director of the Ohio public works commission for financial assistance from the state capital improvements fund, each district public works integrating committee shall appoint a subcommittee of its members that will represent the interests of villages and	18621 18622 18623 18624 18625 18626

townships and that will review and select the capital 18627  
improvement projects which will be submitted by the subcommittee 18628  
to the administrator of the Ohio small government capital 18629  
improvements commission for consideration of assistance from the 18630  
portion of the net proceeds of obligations issued and sold by 18631  
the treasurer of state which is allocated pursuant to division 18632  
(B) (1) of section 164.08 of the Revised Code. In reviewing and 18633  
approving the projects selected by its subcommittee, the 18634  
administrator, and the Ohio small government capital 18635  
improvements commission shall be guided by the provisions of 18636  
division (B) of this section, and shall also take into account 18637  
the fact that villages and townships may have different public 18638  
infrastructure needs than larger subdivisions. 18639

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 18640  
151.08 or section 164.09 of the Revised Code, the net proceeds 18641  
of obligations issued and sold by the treasurer of state 18642  
pursuant to section 164.09 of the Revised Code before September 18643  
30, 2000, or pursuant to sections 151.01 and 151.08 of the 18644  
Revised Code, for the purpose of financing or assisting in the 18645  
financing of the cost of public infrastructure capital 18646  
improvement projects of local subdivisions, as provided for in 18647  
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 18648  
and this chapter, shall be paid into the state capital 18649  
improvements fund, which is hereby created in the state 18650  
treasury. Investment earnings on moneys in the fund shall be 18651  
credited to the fund. 18652

(B) Beginning July 1, 2016, each program year the amount 18653  
of obligations authorized by the general assembly in accordance 18654  
with sections 151.01 and 151.08 or section 164.09 of the Revised 18655  
Code, excluding the proceeds of refunding or renewal 18656  
obligations, shall be allocated by the director of the Ohio 18657

public works commission as follows: 18658

(1) First, ~~ten~~ twelve per cent of the amount of 18659  
obligations authorized shall be allocated to provide financial 18660  
assistance to villages and to townships with populations in the 18661  
unincorporated areas of the township of less than five thousand 18662  
persons, for capital improvements in accordance with section 18663  
164.051 and division (D) of section 164.06 of the Revised Code. 18664  
As used in division (B) (1) of this section, "capital 18665  
improvements" includes resurfacing and improving roads. 18666

(2) Following the allocation required by division (B) (1) 18667  
of this section, the director may allocate two per cent of the 18668  
authorized obligations to provide financial assistance to local 18669  
subdivisions for capital improvement projects which in the 18670  
judgment of the director of the Ohio public works commission are 18671  
necessary for the immediate preservation of the health, safety, 18672  
and welfare of the citizens of the local subdivision requesting 18673  
assistance. Starting July 1, 2021, the director may allocate up 18674  
to six per cent of authorized obligations as provided in this 18675  
division. 18676

(3) The director shall determine the amount of the 18677  
remaining obligations authorized to be issued and sold that each 18678  
county would receive if such amounts were allocated on a per 18679  
capita basis each year. If a county's per capita share for the 18680  
year would be less than three hundred thousand dollars, the 18681  
director shall allocate to the district in which that county is 18682  
located an amount equal to the difference between three hundred 18683  
thousand dollars and the county's per capita share. 18684

(4) After making the allocation required by division (B) 18685  
(3) of this section, the director shall allocate the remaining 18686  
amount to each district on a per capita basis. 18687

(C) (1) There is hereby created in the state treasury the 18688  
state capital improvements revolving loan fund, into which shall 18689  
be deposited all repayments of loans made to local subdivisions 18690  
for capital improvements pursuant to this chapter. Investment 18691  
earnings on moneys in the fund shall be credited to the fund. 18692

(2) There may also be deposited in the state capital 18693  
improvements revolving loan fund moneys obtained from federal or 18694  
private grants, or from other sources, which are to be used for 18695  
any of the purposes authorized by this chapter. Such moneys 18696  
shall be allocated each year in accordance with division (B) (4) 18697  
of this section. 18698

(3) Moneys deposited into the state capital improvements 18699  
revolving loan fund shall be used to make loans for the purpose 18700  
of financing or assisting in the financing of the cost of 18701  
capital improvement projects of local subdivisions. 18702

(4) Investment earnings credited to the state capital 18703  
improvements revolving loan fund that exceed the amounts 18704  
required to meet estimated federal arbitrage rebate requirements 18705  
shall be used to pay costs incurred by the public works 18706  
commission in administering this section. Investment earnings 18707  
credited to the state capital improvements revolving loan fund 18708  
that exceed the amounts required to pay for the administrative 18709  
costs and estimated rebate requirements shall be allocated to 18710  
each district on a per capita basis. 18711

(5) Each program year, loan repayments received and on 18712  
deposit in the state capital improvements revolving loan fund 18713  
shall be allocated as follows: 18714

(a) Each district public works integrating committee shall 18715  
be allocated an amount equal to the sum of all loan repayments 18716

made to the state capital improvements revolving loan fund by 18717  
local subdivisions that are part of the district. Moneys not 18718  
used in a program year may be used in the next program year in 18719  
the same manner and for the same purpose as originally 18720  
allocated. 18721

(b) Loan repayments made pursuant to projects approved 18722  
under division (B) (1) of this section shall be used to make 18723  
loans in accordance with section 164.051 and division (D) of 18724  
section 164.06 of the Revised Code. Allocations for this purpose 18725  
made pursuant to division (C) (5) of this section shall be in 18726  
addition to the allocation provided in division (B) (1) of this 18727  
section. 18728

(c) Loan repayments made pursuant to projects approved 18729  
under division (B) (2) of this section shall be used to make 18730  
loans in accordance with division (B) (2) of this section. 18731  
Allocations for this purpose made pursuant to division (C) (5) of 18732  
this section shall be in addition to the allocation provided in 18733  
division (B) (2) of this section. 18734

(d) Loans made from the state capital improvements 18735  
revolving loan fund shall not be limited in their usage by 18736  
divisions (E), (F), and (G), ~~and (H)~~ of section 164.05 of the 18737  
Revised Code. 18738

(D) Investment earnings credited to the state capital 18739  
improvements fund that exceed the amounts required to meet 18740  
estimated federal arbitrage rebate requirements shall be used to 18741  
pay costs incurred by the public works commission in 18742  
administering sections 164.01 to 164.12 of the Revised Code. 18743

(E) The director of the Ohio public works commission shall 18744  
notify the director of budget and management of the amounts 18745

allocated pursuant to this section and such information shall be 18746  
entered into the state accounting system. The director of budget 18747  
and management shall establish appropriation line items as 18748  
needed to track these allocations. 18749

(F) If the amount of a district's allocation in a program 18750  
year exceeds the amount of financial assistance approved for the 18751  
district by the commission for that year, the remaining portion 18752  
of the district's allocation shall be added to the district's 18753  
allocation pursuant to division (B) of this section for the next 18754  
succeeding year for use in the same manner and for the same 18755  
purposes as it was originally allocated, except that any portion 18756  
of a district's allocation which was available for use on new or 18757  
expanded infrastructure pursuant to division ~~(H)~~ (G) of section 18758  
164.05 of the Revised Code shall be available in succeeding 18759  
years only for the repair and replacement of existing 18760  
infrastructure. 18761

(G) When an allocation based on population is made by the 18762  
director pursuant to division (B) of this section, the director 18763  
shall use the most recent decennial census statistics, and shall 18764  
not make any reallocations based upon a change in a district's 18765  
population. 18766

**Sec. 164.14.** (A) The local transportation improvement 18767  
program fund is hereby created in the state treasury. The fund 18768  
shall consist of moneys credited to it pursuant to sections 18769  
117.16 and 5735.051 of the Revised Code, and, subject to the 18770  
limitations of section 5735.05 of the Revised Code, shall be 18771  
used to make grants to local subdivisions for projects that have 18772  
been approved by district public works integrating committees 18773  
and the Ohio public works commission in accordance with this 18774  
section. The fund shall be administered by the Ohio public works 18775

commission, and shall be allocated each fiscal year on a per 18776  
capita basis to district public works integrating committees in 18777  
accordance with the most recent decennial census statistics. 18778  
Money in the fund may be used to pay reasonable costs incurred 18779  
by the commission in administering this section. Investment 18780  
earnings on moneys credited to the fund shall be retained by the 18781  
fund. 18782

(B) Grants awarded under this section may provide up to 18783  
one hundred per cent of the estimated total cost of the project. 18784

(C) No grant shall be awarded for a project under this 18785  
section unless the project is designed to have a useful life of 18786  
at least seven years, except that the average useful life of all 18787  
such projects for which grants are awarded in each district 18788  
during a fiscal year shall be not less than twenty years. 18789

(D) For the period beginning on July 1, 1989, and ending 18790  
on June 30, 1994, and for each succeeding five-year period, at 18791  
least one-third of the total amount of money allocated to each 18792  
district from the local transportation improvement program fund 18793  
shall be awarded as follows: 18794

(1) Forty-two and eight-tenths per cent for projects of 18795  
municipal corporations; 18796

(2) Thirty-seven and two-tenths per cent for projects of 18797  
counties; 18798

(3) Twenty per cent for projects of townships, except that 18799  
the requirement of division (D) (3) of this section shall not 18800  
apply in districts where the combined population of the 18801  
townships in the district is less than five per cent of the 18802  
population of the district. 18803

(E) Each district public works integrating committee shall 18804

review, and approve or disapprove requests submitted to it by 18805  
local subdivisions for assistance from the local transportation 18806  
improvement program fund. In reviewing projects submitted to it, 18807  
a district public works integrating committee shall consider the 18808  
following factors: 18809

(1) Whether the project is of critical importance to the 18810  
safety of the residents of the local subdivision; 18811

(2) Whether the project would alleviate serious traffic 18812  
problems or hazards or would respond to needs caused by rapid 18813  
growth and development; 18814

(3) Whether the project would assist the local subdivision 18815  
in attaining the transportation infrastructure needed to pursue 18816  
significant and specific economic development opportunities; 18817

(4) The availability of other sources of funding for the 18818  
project; 18819

(5) The adequacy of the planning for the project and the 18820  
readiness of the local subdivision to proceed should the project 18821  
be approved; 18822

(6) The local subdivision's ability to pay for and history 18823  
of investing in bridge and highway improvements; 18824

(7) The impact of the project on the multijurisdictional 18825  
highway and bridge needs of the district; 18826

(8) The requirements of divisions (A), (B), (C), and (D) 18827  
of this section; 18828

(9) The condition of the infrastructure system proposed 18829  
for improvement; 18830

(10) Any other factors related to the safety, orderly 18831

growth, or economic development of the district or local 18832  
subdivision that the district public works integrating committee 18833  
considers relevant. 18834

A district public works integrating committee or its 18835  
executive committee may appoint a subcommittee to assist it in 18836  
carrying out its responsibilities under this section. 18837

(F) Every project approved by a district public works 18838  
integrating committee shall be submitted to the Ohio public 18839  
works commission for its review and approval or disapproval. The 18840  
commission shall not approve any project that fails to meet the 18841  
requirements of this section. 18842

(G) Grants awarded from the local transportation 18843  
improvement program fund shall not be limited in their usage by 18844  
divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of 18845  
the Revised Code. 18846

(H) As used in this section, "local subdivision" means a 18847  
county, municipal corporation, or township. 18848

(I) The director of the Ohio public works commission shall 18849  
notify the director of budget and management of the amounts 18850  
allocated pursuant to this section, and the allocation 18851  
information shall be entered into the state accounting system. 18852  
The director of budget and management shall establish 18853  
appropriation line items as needed to track these allocations. 18854

**Sec. 165.04.** The bond proceedings may contain provisions 18855  
which shall be part of the contract with the bondholders as to: 18856

(A) Pledging the rentals, revenues, and other income, 18857  
charges, and moneys therein designated for the payment of the 18858  
principal of and interest on the bonds and all other payments 18859  
required to be made by the bond proceedings; 18860

(B) Acquisition by gift or purchase, construction,	18861
reconstruction, enlargement, improvement, furnishing, equipment,	18862
operation, alteration, maintenance, insurance, and repair of the	18863
pledged facilities and the duties of the issuing authority with	18864
respect thereto;	18865
(C) Provisions regarding the purposes to which the	18866
proceeds of the bonds may be applied;	18867
(D) Terms of the bonds;	18868
(E) Maintenance, collection, use and disposition of	18869
rentals, revenues, and other income, charges, and moneys	18870
received from the lease, sale, or other disposition of the	18871
pledged facilities;	18872
(F) Terms and conditions under which additional bonds may	18873
be issued secured by a pledge of rentals, revenues, and other	18874
income, charges, and moneys received from or a mortgage on the	18875
same pledged facilities;	18876
(G) Terms of any trust agreement or indenture of mortgage	18877
securing the bonds including authorization to enter into such	18878
agreement or indenture;	18879
(H) The deposit, application, safeguarding, and investment	18880
of funds of the issuer received or held under the bond	18881
proceedings, to which Chapters 131. and 135. and sections	18882
<del>122.57,</del> 122.571, 122.58, and 321.44 of the Revised Code are not	18883
applicable.	18884
(I) Any other appropriate agreements with the bondholders	18885
with respect to the pledged facilities and the rentals,	18886
revenues, and other income, charges, and moneys received	18887
therefrom.	18888

<b>Sec. 166.01.</b> As used in this chapter:	18889
(A) "Allowable costs" means all or part of the costs of	18890
project facilities, eligible projects, eligible innovation	18891
projects, eligible research and development projects, eligible	18892
advanced energy projects, or eligible logistics and distribution	18893
projects, including costs of acquiring, constructing,	18894
reconstructing, rehabilitating, renovating, enlarging,	18895
improving, equipping, or furnishing project facilities, eligible	18896
projects, eligible innovation projects, eligible research and	18897
development projects, eligible advanced energy projects, or	18898
eligible logistics and distribution projects, site clearance and	18899
preparation, supplementing and relocating public capital	18900
improvements or utility facilities, designs, plans,	18901
specifications, surveys, studies, and estimates of costs,	18902
expenses necessary or incident to determining the feasibility or	18903
practicability of assisting an eligible project, an eligible	18904
innovation project, an eligible research and development	18905
project, an eligible advanced energy project, or an eligible	18906
logistics and distribution project, or providing project	18907
facilities or facilities related to an eligible project, an	18908
eligible innovation project, an eligible research and	18909
development project, an eligible advanced energy project, or an	18910
eligible logistics and distribution project, architectural,	18911
engineering, and legal services fees and expenses, the costs of	18912
conducting any other activities as part of a voluntary action,	18913
and such other expenses as may be necessary or incidental to the	18914
establishment or development of an eligible project, an eligible	18915
innovation project, an eligible research and development	18916
project, an eligible advanced energy project, or an eligible	18917
logistics and distribution project, and reimbursement of moneys	18918
advanced or applied by any governmental agency or other person	18919

for allowable costs. 18920

(B) "Allowable innovation costs" includes allowable costs 18921  
of eligible innovation projects and, in addition, includes the 18922  
costs of research and development of eligible innovation 18923  
projects; obtaining or creating any requisite software or 18924  
computer hardware related to an eligible innovation project or 18925  
the products or services associated therewith; testing 18926  
(including, without limitation, quality control activities 18927  
necessary for initial production), perfecting, and marketing of 18928  
such products and services; creating and protecting intellectual 18929  
property related to an eligible innovation project or any 18930  
products or services related thereto, including costs of 18931  
securing appropriate patent, trademark, trade secret, trade 18932  
dress, copyright, or other form of intellectual property 18933  
protection for an eligible innovation project or related 18934  
products and services; all to the extent that such expenditures 18935  
could be capitalized under then-applicable generally accepted 18936  
accounting principles; and the reimbursement of moneys advanced 18937  
or applied by any governmental agency or other person for 18938  
allowable innovation costs. 18939

(C) "Eligible innovation project" includes an eligible 18940  
project, including any project facilities associated with an 18941  
eligible innovation project and, in addition, includes all 18942  
tangible and intangible property related to a new product or 18943  
process based on new technology or the creative application of 18944  
existing technology, including research and development, product 18945  
or process testing, quality control, market research, and 18946  
related activities, that is to be acquired, established, 18947  
expanded, remodeled, rehabilitated, or modernized for industry, 18948  
commerce, distribution, development of tourism attractions or 18949  
professional sports facilities, or research, or any combination 18950

thereof, the operation of which, alone or in conjunction with 18951  
other eligible projects, eligible innovation projects, or 18952  
innovation property, will create new jobs or preserve existing 18953  
jobs and employment opportunities and improve the economic 18954  
welfare of the people of the state. 18955

(D) "Eligible project" means project facilities to be 18956  
acquired, established, expanded, remodeled, rehabilitated, or 18957  
modernized for industry, commerce, distribution, development of 18958  
tourism attractions or professional sports facilities, or 18959  
research, or any combination thereof, the operation of which, 18960  
alone or in conjunction with other facilities, will create new 18961  
jobs or preserve existing jobs and employment opportunities and 18962  
improve the economic welfare of the people of the state. 18963

"Eligible project" includes, without limitation, a voluntary 18964  
action. For purposes of this division, "new jobs" does not 18965  
include existing jobs transferred from another facility within 18966  
the state, and "existing jobs" includes only those existing jobs 18967  
with work places within the municipal corporation or 18968  
unincorporated area of the county in which the eligible project 18969  
is located. 18970

"Eligible project" does not include project facilities to 18971  
be acquired, established, expanded, remodeled, rehabilitated, or 18972  
modernized for industry, commerce, distribution, development of 18973  
tourism attractions or professional sports facilities, or 18974  
research, or any combination of industry, commerce, 18975  
distribution, development of tourism attractions or professional 18976  
sports facilities, or research, if the project facilities 18977  
consist solely of point-of-final-purchase retail facilities. If 18978  
the project facilities consist of both point-of-final-purchase 18979  
retail facilities and nonretail facilities, only the portion of 18980  
the project facilities consisting of nonretail facilities is an 18981

eligible project. If a warehouse facility is part of a point-of- 18982  
final-purchase retail facility and supplies only that facility, 18983  
the warehouse facility is not an eligible project. Catalog 18984  
distribution facilities are not considered point-of-final- 18985  
purchase retail facilities for purposes of this paragraph, and 18986  
are eligible projects. 18987

(E) "Eligible research and development project" means an 18988  
eligible project, including project facilities, comprising, 18989  
within, or related to, a facility or portion of a facility at 18990  
which research is undertaken for the purpose of discovering 18991  
information that is technological in nature and the application 18992  
of which is intended to be useful in the development of a new or 18993  
improved product, process, technique, formula, or invention, a 18994  
new product or process based on new technology, or the creative 18995  
application of existing technology. 18996

(F) "Financial assistance" means inducements under 18997  
division (B) of section 166.02 of the Revised Code, loan 18998  
guarantees under section 166.06 of the Revised Code, and direct 18999  
loans under section 166.07 of the Revised Code. 19000

(G) "Governmental action" means any action by a 19001  
governmental agency relating to the establishment, development, 19002  
or operation of an eligible project, eligible innovation 19003  
project, eligible research and development project, eligible 19004  
advanced energy project, or eligible logistics and distribution 19005  
project, and project facilities that the governmental agency 19006  
acting has authority to take or provide for the purpose under 19007  
law, including, but not limited to, actions relating to 19008  
contracts and agreements, zoning, building, permits, acquisition 19009  
and disposition of property, public capital improvements, 19010  
utility and transportation service, taxation, employee 19011

recruitment and training, and liaison and coordination with and 19012  
among governmental agencies. 19013

(H) "Governmental agency" means the state and any state 19014  
department, division, commission, institution or authority; a 19015  
municipal corporation, county, or township, and any agency 19016  
thereof, and any other political subdivision or public 19017  
corporation or the United States or any agency thereof; any 19018  
agency, commission, or authority established pursuant to an 19019  
interstate compact or agreement; and any combination of the 19020  
above. 19021

(I) "Innovation financial assistance" means inducements 19022  
under division (B) of section 166.12 of the Revised Code, 19023  
innovation Ohio loan guarantees under section 166.15 of the 19024  
Revised Code, and innovation Ohio loans under section 166.16 of 19025  
the Revised Code. 19026

(J) "Innovation Ohio loan guarantee reserve requirement" 19027  
means, at any time, with respect to innovation loan guarantees 19028  
made under section 166.15 of the Revised Code, a balance in the 19029  
innovation Ohio loan guarantee fund equal to the greater of 19030  
twenty per cent of the then-outstanding principal amount of all 19031  
outstanding innovation loan guarantees made pursuant to section 19032  
166.15 of the Revised Code or fifty per cent of the principal 19033  
amount of the largest outstanding guarantee made pursuant to 19034  
section 166.15 of the Revised Code. 19035

(K) "Innovation property" includes property and also 19036  
includes software, inventory, licenses, contract rights, 19037  
goodwill, intellectual property, including without limitation, 19038  
patents, patent applications, trademarks and service marks, and 19039  
trade secrets, and other tangible and intangible property, and 19040  
any rights and interests in or connected to the foregoing. 19041

(L) "Loan guarantee reserve requirement" means, at any 19042  
time, with respect to loan guarantees made under section 166.06 19043  
of the Revised Code, a balance in the loan guarantee fund equal 19044  
to the greater of twenty per cent of the then-outstanding 19045  
principal amount of all outstanding guarantees made pursuant to 19046  
section 166.06 of the Revised Code or fifty per cent of the 19047  
principal amount of the largest outstanding guarantee made 19048  
pursuant to section 166.06 of the Revised Code. 19049

(M) "Person" means any individual, firm, partnership, 19050  
association, corporation, or governmental agency, and any 19051  
combination thereof. 19052

(N) "Project facilities" means buildings, structures, and 19053  
other improvements, and equipment and other property, excluding 19054  
small tools, supplies, and inventory, and any one, part of, or 19055  
combination of the above, comprising all or part of, or serving 19056  
or being incidental to, an eligible project, an eligible 19057  
innovation project, an eligible research and development 19058  
project, an eligible advanced energy project, or an eligible 19059  
logistics and distribution project, including, but not limited 19060  
to, public capital improvements. 19061

(O) "Property" means real and personal property and 19062  
interests therein. 19063

(P) "Public capital improvements" means capital 19064  
improvements or facilities that any governmental agency has 19065  
authority to acquire, pay the costs of, own, maintain, or 19066  
operate, or to contract with other persons to have the same 19067  
done, including, but not limited to, highways, roads, streets, 19068  
water and sewer facilities, railroad and other transportation 19069  
facilities, and air and water pollution control and solid waste 19070  
disposal facilities. For purposes of this division, "air 19071

pollution control facilities" includes, without limitation, 19072  
solar, geothermal, biofuel, biomass, wind, hydro, wave, and 19073  
other advanced energy projects as defined in section 3706.25 of 19074  
the Revised Code. 19075

(Q) "Research and development financial assistance" means 19076  
inducements under section 166.17 of the Revised Code, research 19077  
and development loans under section 166.21 of the Revised Code, 19078  
and research and development tax credits under sections 5733.352 19079  
and 5747.331 of the Revised Code. 19080

(R) "Targeted innovation industry sectors" means industry 19081  
sectors involving the production or use of advanced materials, 19082  
instruments, controls and electronics, power and propulsion, 19083  
biosciences, and information technology, or such other sectors 19084  
as may be designated by the director of development. 19085

(S) "Voluntary action" means a voluntary action, as 19086  
defined in section 3746.01 of the Revised Code, that is 19087  
conducted under the voluntary action program established in 19088  
Chapter 3746. of the Revised Code. 19089

(T) "Project financing obligations" means obligations 19090  
issued pursuant to section 166.08 of the Revised Code other than 19091  
obligations for which the bond proceedings provide that bond 19092  
service charges shall be paid from receipts of the state 19093  
representing gross profit on the sale of spirituous liquor as 19094  
referred to in division (B) (4) of section ~~4310.10~~4301.10 of the 19095  
Revised Code. 19096

(U) "Regional economic development entity" means an entity 19097  
that is under contract with the director to administer a loan 19098  
program under this chapter in a particular area of this state. 19099

(V) "Eligible advanced energy project" means an eligible 19100

project that is an "advanced energy project" as defined in 19101  
section 3706.25 of the Revised Code. 19102

(W) "Eligible logistics and distribution project" means an 19103  
eligible project, including project facilities, to be acquired, 19104  
established, expanded, remodeled, rehabilitated, or modernized 19105  
for transportation logistics and distribution infrastructure 19106  
purposes. As used in this division, "transportation logistics 19107  
and distribution infrastructure purposes" means promoting, 19108  
providing for, and enabling improvements to the ground, air, and 19109  
water transportation infrastructure comprising the 19110  
transportation system in this state, including, without 19111  
limitation, highways, streets, roads, bridges, railroads 19112  
carrying freight, and air and water ports and port facilities, 19113  
and all related supporting facilities. 19114

(X) "Professional sports facility" has the same meaning as 19115  
in section 5516.01 of the Revised Code. 19116

**Sec. 166.02.** (A) The general assembly finds that many 19117  
local areas throughout the state are experiencing economic 19118  
stagnation or decline, and that the economic development 19119  
programs provided for in this chapter will constitute deserved, 19120  
necessary reinvestment by the state in those areas, materially 19121  
contribute to their economic revitalization, and result in 19122  
improving the economic welfare of all the people of the state. 19123  
Accordingly, it is declared to be the public policy of the 19124  
state, through the operations of this chapter and other 19125  
applicable laws adopted pursuant to Section 2p or 13 of Article 19126  
VIII, Ohio Constitution, and other authority vested in the 19127  
general assembly, to assist in and facilitate the establishment 19128  
or development of eligible projects or assist and cooperate with 19129  
any governmental agency in achieving such purpose. 19130

(B) In furtherance of such public policy and to implement 19131  
such purpose, the director of development may: 19132

(1) After consultation with appropriate governmental 19133  
agencies, enter into agreements with persons engaged in 19134  
industry, commerce, distribution, development of tourism 19135  
attractions or professional sports facilities, or research and 19136  
with governmental agencies to induce such persons to acquire, 19137  
construct, reconstruct, rehabilitate, renovate, enlarge, 19138  
improve, equip, or furnish, or otherwise develop, eligible 19139  
projects and make provision therein for project facilities and 19140  
governmental actions, as authorized by this chapter and other 19141  
applicable laws, subject to any required actions by the general 19142  
assembly or the controlling board and subject to applicable 19143  
local government laws and regulations; 19144

(2) Provide for the guarantees and loans as provided for 19145  
in sections 166.06 and 166.07 of the Revised Code; 19146

(3) Subject to release of such moneys by the controlling 19147  
board, contract for labor and materials needed for, or contract 19148  
with others, including governmental agencies, to provide, 19149  
project facilities the allowable costs of which are to be paid 19150  
for or reimbursed from moneys in the facilities establishment 19151  
fund, and contract for the operation of such project facilities; 19152

(4) Subject to release thereof by the controlling board, 19153  
from moneys in the facilities establishment fund acquire or 19154  
contract to acquire by gift, exchange, or purchase, including 19155  
the obtaining and exercise of purchase options, property, and 19156  
convey or otherwise dispose of, or provide for the conveyance or 19157  
disposition of, property so acquired or contracted to be 19158  
acquired by sale, exchange, lease, lease purchase, conditional 19159  
or installment sale, transfer, or other disposition, including 19160

the grant of an option to purchase, to any governmental agency 19161  
or to any other person without necessity for competitive bidding 19162  
and upon such terms and conditions and manner of consideration 19163  
pursuant to and as the director determines to be appropriate to 19164  
satisfy the objectives of sections 166.01 to 166.11 of the 19165  
Revised Code; 19166

(5) Retain the services of or employ financial 19167  
consultants, appraisers, consulting engineers, superintendents, 19168  
managers, construction and accounting experts, attorneys, and 19169  
employees, agents, and independent contractors as are necessary 19170  
in the director's judgment and fix the compensation for their 19171  
services; 19172

(6) Receive and accept from any person grants, gifts, and 19173  
contributions of money, property, labor, and other things of 19174  
value, to be held, used and applied only for the purpose for 19175  
which such grants, gifts, and contributions are made; 19176

(7) Enter into appropriate arrangements and agreements 19177  
with any governmental agency for the taking or provision by that 19178  
governmental agency of any governmental action; 19179

(8) Do all other acts and enter into contracts and execute 19180  
all instruments necessary or appropriate to carry out the 19181  
provisions of this chapter; 19182

(9) Adopt rules to implement any of the provisions of this 19183  
chapter applicable to the director. 19184

(C) The determinations by the director that facilities 19185  
constitute eligible projects, that facilities are project 19186  
facilities, that costs of such facilities are allowable costs, 19187  
and all other determinations relevant thereto or to an action 19188  
taken or agreement entered into shall be conclusive for purposes 19189

of the validity and enforceability of rights of parties arising 19190  
from actions taken and agreements entered into under this 19191  
chapter. 19192

(D) Except as otherwise prescribed in this chapter, all 19193  
expenses and obligations incurred by the director in carrying 19194  
out the director's powers and in exercising the director's 19195  
duties under this chapter, shall be payable solely from, as 19196  
appropriate, moneys in the facilities establishment fund, the 19197  
loan guarantee fund, the innovation Ohio loan guarantee fund, 19198  
the innovation Ohio loan fund, the research and development loan 19199  
fund, the logistics and distribution infrastructure fund, or 19200  
moneys appropriated for such purpose by the general assembly. 19201  
This chapter does not authorize the director or the issuing 19202  
authority under section 166.08 of the Revised Code to incur 19203  
bonded indebtedness of the state or any political subdivision 19204  
thereof, or to obligate or pledge moneys raised by taxation for 19205  
the payment of any bonds or notes issued or guarantees made 19206  
pursuant to this chapter. 19207

(E) Any governmental agency may enter into an agreement 19208  
with the director, any other governmental agency, or a person to 19209  
be assisted under this chapter, to take or provide for the 19210  
purposes of this chapter any governmental action it is 19211  
authorized to take or provide, and to undertake on behalf and at 19212  
the request of the director any action which the director is 19213  
authorized to undertake pursuant to divisions (B) (3), (4), and 19214  
(5) of this section or divisions (B) (3), (4), and (5) of section 19215  
166.12 of the Revised Code. Governmental agencies of the state 19216  
shall cooperate with and provide assistance to the director of 19217  
development and the controlling board in the exercise of their 19218  
respective functions under this chapter. 19219

Sec. 166.03. (A) There is hereby created the facilities 19220  
establishment fund within the state treasury, consisting of 19221  
proceeds from the issuance of obligations as specified under 19222  
section 166.08 of the Revised Code; the moneys received by the 19223  
state from the sources specified in section 166.09 of the 19224  
Revised Code; service charges imposed under sections 166.06 and 19225  
166.07 of the Revised Code; any grants, gifts, or contributions 19226  
of moneys received by the director of development to be used for 19227  
loans made under section 166.07 of the Revised Code or for the 19228  
payment of the allowable costs of project facilities; and all 19229  
other moneys appropriated or transferred to the fund. Moneys in 19230  
the loan guarantee fund in excess of the loan guarantee reserve 19231  
requirement, but subject to the provisions and requirements of 19232  
any guarantee contracts, may be transferred to the facilities 19233  
establishment fund by the treasurer of state upon the order of 19234  
the director of development. Moneys received by the state under 19235  
Chapter 122. of the Revised Code, to the extent allocable to the 19236  
utilization of moneys derived from proceeds of the sale of 19237  
obligations pursuant to section 166.08 of the Revised Code, 19238  
shall be credited to the facilities establishment fund. ~~All~~ 19239  
~~investment earnings on the cash balance in the fund shall be~~ 19240  
~~credited to the fund.~~ 19241

(B) All moneys appropriated or transferred to the 19242  
facilities establishment fund may be released at the request of 19243  
the director of development for payment of allowable costs or 19244  
the making of loans under section 166.07 of the Revised Code, 19245  
for transfer to the loan guarantee fund established in section 19246  
166.06 of the Revised Code, or for use for the purpose of or 19247  
transfer to the funds established by sections 122.35, 122.42, 19248  
122.54, ~~122.55, 122.56, 122.561, 122.57, 122.601,~~ and 122.80 of 19249  
the Revised Code and, until July 1, 2003, the fund established 19250

by section 166.031 of the Revised Code, and, until July 1, 2007, 19251  
the fund established by section 122.26 of the Revised Code, but 19252  
only for such of those purposes as are within the authorization 19253  
of Section 13 of Article VIII, Ohio Constitution, in all cases 19254  
subject to the approval of the controlling board. 19255

(C) The department of development, in the administration 19256  
of the facilities establishment fund, is encouraged to utilize 19257  
and promote the utilization of, to the maximum practicable 19258  
extent, the other existing programs, business incentives, and 19259  
tax incentives that department is required or authorized to 19260  
administer or supervise. 19261

**Sec. 166.08.** (A) As used in this chapter: 19262

(1) "Bond proceedings" means the resolution, order, trust 19263  
agreement, indenture, lease, and other agreements, amendments 19264  
and supplements to the foregoing, or any one or more or 19265  
combination thereof, authorizing or providing for the terms and 19266  
conditions applicable to, or providing for the security or 19267  
liquidity of, obligations issued pursuant to this section, and 19268  
the provisions contained in such obligations. 19269

(2) "Bond service charges" means principal, including 19270  
mandatory sinking fund requirements for retirement of 19271  
obligations, and interest, and redemption premium, if any, 19272  
required to be paid by the state on obligations. 19273

(3) "Bond service fund" means the applicable fund and 19274  
accounts therein created for and pledged to the payment of bond 19275  
service charges, which may be, or may be part of, the economic 19276  
development bond service fund created by division (S) of this 19277  
section including all moneys and investments, and earnings from 19278  
investments, credited and to be credited thereto. 19279

(4) "Issuing authority" means the treasurer of state, or  
the officer who by law performs the functions of such officer. 19280  
19281

(5) "Obligations" means bonds, notes, or other evidence of  
obligation including interest coupons pertaining thereto, issued 19282  
pursuant to this section. 19283  
19284

(6) "Pledged receipts" means all receipts of the state 19285  
representing the gross profit on the sale of spirituous liquor, 19286  
as referred to in division (B) (4) of section 4301.10 of the 19287  
Revised Code, after paying all costs and expenses of the 19288  
division of liquor control and providing an adequate working 19289  
capital reserve for the division of liquor control as provided 19290  
in that division, but excluding the sum required by the second 19291  
paragraph of section 4301.12 of the Revised Code, as in effect 19292  
on May 2, 1980, to be paid into the state treasury; moneys 19293  
accruing to the state from the lease, sale, or other 19294  
disposition, or use, of project facilities, and from the 19295  
repayment, including interest, of loans made from proceeds 19296  
received from the sale of obligations; accrued interest received 19297  
from the sale of obligations; income from the investment of the 19298  
special funds; and any gifts, grants, donations, and pledges, 19299  
and receipts therefrom, available for the payment of bond 19300  
service charges. 19301

(7) "Special funds" or "funds" means, except where the 19302  
context does not permit, the bond service fund, and any other 19303  
funds, including reserve funds, created under the bond 19304  
proceedings, and the economic development bond service fund 19305  
created by division (S) of this section to the extent provided 19306  
in the bond proceedings, including all moneys and investments, 19307  
and earnings from investment, credited and to be credited 19308  
thereto. 19309

(B) Subject to the limitations provided in section 166.11 19310  
of the Revised Code, the issuing authority, upon the 19311  
certification by the director of development or, prior to ~~the~~ 19312  
~~effective date of this amendment~~ September 29, 2017, upon 19313  
certification by the Ohio air quality development authority 19314  
regarding eligible advanced energy projects, to the issuing 19315  
authority of the amount of moneys or additional moneys needed in 19316  
the facilities establishment fund, the loan guarantee fund, the 19317  
innovation Ohio loan fund, the innovation Ohio loan guarantee 19318  
fund, the research and development loan fund, the logistics and 19319  
distribution infrastructure fund, the advanced energy research 19320  
and development fund, or the advanced energy research and 19321  
development taxable fund, as applicable, for the purpose of 19322  
paying, or making loans for, allowable costs from the facilities 19323  
establishment fund, allowable innovation costs from the 19324  
innovation Ohio loan fund, allowable costs from the research and 19325  
development loan fund, allowable costs from the logistics and 19326  
distribution infrastructure fund, allowable costs from the 19327  
advanced energy research and development fund, or allowable 19328  
costs from the advanced energy research and development taxable 19329  
fund, as applicable, or needed for capitalized interest, for 19330  
funding reserves, and for paying costs and expenses incurred in 19331  
connection with the issuance, carrying, securing, paying, 19332  
redeeming, or retirement of the obligations or any obligations 19333  
refunded thereby, including payment of costs and expenses 19334  
relating to letters of credit, lines of credit, insurance, put 19335  
agreements, standby purchase agreements, indexing, marketing, 19336  
remarketing and administrative arrangements, interest swap or 19337  
hedging agreements, and any other credit enhancement, liquidity, 19338  
remarketing, renewal, or refunding arrangements, all of which 19339  
are authorized by this section, or providing moneys for the loan 19340  
guarantee fund or the innovation Ohio loan guarantee fund, as 19341

provided in this chapter or needed for the purposes of funds 19342  
established in accordance with or pursuant to sections 122.35, 19343  
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 19344  
the Revised Code which are within the authorization of Section 19345  
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 19346  
~~effective date of this amendment~~ September 29, 2017, with 19347  
respect to certain eligible advanced energy projects, Section 2p 19348  
of Article VIII, Ohio Constitution, shall issue obligations of 19349  
the state under this section in the required amount; provided 19350  
that such obligations may be issued to satisfy the covenants in 19351  
contracts of guarantee made under section 166.06 or 166.15 of 19352  
the Revised Code, notwithstanding limitations otherwise 19353  
applicable to the issuance of obligations under this section. 19354  
The proceeds of such obligations, except for the portion to be 19355  
deposited in special funds, including reserve funds, as may be 19356  
provided in the bond proceedings, shall as provided in the bond 19357  
proceedings be deposited by the director of development to the 19358  
facilities establishment fund, the loan guarantee fund, the 19359  
innovation Ohio loan guarantee fund, the innovation Ohio loan 19360  
fund, the research and development loan fund, or the logistics 19361  
and distribution infrastructure fund, or be deposited by the 19362  
Ohio air quality development authority prior to ~~the effective~~ 19363  
~~date of this amendment~~ September 29, 2017, to the advanced 19364  
energy research and development fund or the advanced energy 19365  
research and development taxable fund. Bond proceedings for 19366  
project financing obligations may provide that the proceeds 19367  
derived from the issuance of such obligations shall be deposited 19368  
into such fund or funds provided for in the bond proceedings 19369  
and, to the extent provided for in the bond proceedings, such 19370  
proceeds shall be deemed to have been deposited into the 19371  
facilities establishment fund and transferred to such fund or 19372  
funds. The issuing authority may appoint trustees, paying 19373

agents, and transfer agents and may retain the services of 19374  
financial advisors, accounting experts, and attorneys, and 19375  
retain or contract for the services of marketing, remarketing, 19376  
indexing, and administrative agents, other consultants, and 19377  
independent contractors, including printing services, as are 19378  
necessary in the issuing authority's judgment to carry out this 19379  
section. The costs of such services are allowable costs payable 19380  
from the facilities establishment fund or the research and 19381  
development loan fund, allowable innovation costs payable from 19382  
the innovation Ohio loan fund, allowable costs payable from the 19383  
logistics and distribution infrastructure fund, or allowable 19384  
costs payable prior to ~~the effective date of this amendment~~ 19385  
September 29, 2017, from the advanced energy research and 19386  
development fund or the advanced energy research and development 19387  
taxable fund, as applicable. 19388

(C) The holders or owners of such obligations shall have 19389  
no right to have moneys raised by taxation obligated or pledged, 19390  
and moneys raised by taxation shall not be obligated or pledged, 19391  
for the payment of bond service charges. Such holders or owners 19392  
shall have no rights to payment of bond service charges from any 19393  
moneys accruing to the state from the lease, sale, or other 19394  
disposition, or use, of project facilities, or from payment of 19395  
the principal of or interest on loans made, or fees charged for 19396  
guarantees made, or from any money or property received by the 19397  
director, treasurer of state, or the state under Chapter 122. of 19398  
the Revised Code, or from any other use of the proceeds of the 19399  
sale of the obligations, and no such moneys may be used for the 19400  
payment of bond service charges, except for accrued interest, 19401  
capitalized interest, and reserves funded from proceeds received 19402  
upon the sale of the obligations and except as otherwise 19403  
expressly provided in the applicable bond proceedings pursuant 19404

to written directions by the director. The right of such holders 19405  
and owners to payment of bond service charges is limited to all 19406  
or that portion of the pledged receipts and those special funds 19407  
pledged thereto pursuant to the bond proceedings in accordance 19408  
with this section, and each such obligation shall bear on its 19409  
face a statement to that effect. 19410

(D) Obligations shall be authorized by resolution or order 19411  
of the issuing authority and the bond proceedings shall provide 19412  
for the purpose thereof and the principal amount or amounts, and 19413  
shall provide for or authorize the manner or agency for 19414  
determining the principal maturity or maturities, not exceeding 19415  
twenty-five years from the date of issuance, the interest rate 19416  
or rates or the maximum interest rate, the date of the 19417  
obligations and the dates of payment of interest thereon, their 19418  
denomination, and the establishment within or without the state 19419  
of a place or places of payment of bond service charges. 19420  
Sections 9.98 to 9.983 of the Revised Code are applicable to 19421  
obligations issued under this section, subject to any applicable 19422  
limitation under section 166.11 of the Revised Code. The purpose 19423  
of such obligations may be stated in the bond proceedings in 19424  
terms describing the general purpose or purposes to be served. 19425  
The bond proceedings also shall provide, subject to the 19426  
provisions of any other applicable bond proceedings, for the 19427  
pledge of all, or such part as the issuing authority may 19428  
determine, of the pledged receipts and the applicable special 19429  
fund or funds to the payment of bond service charges, which 19430  
pledges may be made either prior or subordinate to other 19431  
expenses, claims, or payments, and may be made to secure the 19432  
obligations on a parity with obligations theretofore or 19433  
thereafter issued, if and to the extent provided in the bond 19434  
proceedings. The pledged receipts and special funds so pledged 19435

and thereafter received by the state are immediately subject to 19436  
the lien of such pledge without any physical delivery thereof or 19437  
further act, and the lien of any such pledges is valid and 19438  
binding against all parties having claims of any kind against 19439  
the state or any governmental agency of the state, irrespective 19440  
of whether such parties have notice thereof, and shall create a 19441  
perfected security interest for all purposes of Chapter 1309. of 19442  
the Revised Code, without the necessity for separation or 19443  
delivery of funds or for the filing or recording of the bond 19444  
proceedings by which such pledge is created or any certificate, 19445  
statement or other document with respect thereto; and the pledge 19446  
of such pledged receipts and special funds is effective and the 19447  
money therefrom and thereof may be applied to the purposes for 19448  
which pledged without necessity for any act of appropriation. 19449  
Every pledge, and every covenant and agreement made with respect 19450  
thereto, made in the bond proceedings may therein be extended to 19451  
the benefit of the owners and holders of obligations authorized 19452  
by this section, and to any trustee therefor, for the further 19453  
security of the payment of the bond service charges. 19454

(E) The bond proceedings may contain additional provisions 19455  
as to: 19456

(1) The redemption of obligations prior to maturity at the 19457  
option of the issuing authority at such price or prices and 19458  
under such terms and conditions as are provided in the bond 19459  
proceedings; 19460

(2) Other terms of the obligations; 19461

(3) Limitations on the issuance of additional obligations; 19462

(4) The terms of any trust agreement or indenture securing 19463  
the obligations or under which the same may be issued; 19464

(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;

(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may fromtime to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision that may be made in a trust agreement or indenture;

(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under section 122.43, 166.07, or 166.16 of the Revised Code.

(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. If the issuing authority whose signature or a

facsimile of whose signature appears on any such obligation or 19495  
coupon ceases to be the issuing authority before delivery 19496  
thereof, such signature or facsimile is nevertheless valid and 19497  
sufficient for all purposes as if the former issuing authority 19498  
had remained the issuing authority until such delivery; and if 19499  
the seal to be affixed to obligations has been changed after a 19500  
facsimile of the seal has been imprinted on such obligations, 19501  
such facsimile seal shall continue to be sufficient as to such 19502  
obligations and obligations issued in substitution or exchange 19503  
therefor. 19504

(G) All obligations are negotiable instruments and 19505  
securities under Chapter 1308. of the Revised Code, subject to 19506  
the provisions of the bond proceedings as to registration. The 19507  
obligations may be issued in coupon or in registered form, or 19508  
both, as the issuing authority determines. Provision may be made 19509  
for the registration of any obligations with coupons attached 19510  
thereto as to principal alone or as to both principal and 19511  
interest, their exchange for obligations so registered, and for 19512  
the conversion or reconversion into obligations with coupons 19513  
attached thereto of any obligations registered as to both 19514  
principal and interest, and for reasonable charges for such 19515  
registration, exchange, conversion, and reconversion. 19516

(H) Obligations may be sold at public sale or at private 19517  
sale, as determined in the bond proceedings. 19518

Obligations issued to provide moneys for the loan 19519  
guarantee fund or the innovation Ohio loan guarantee fund may, 19520  
as determined by the issuing authority, be sold at private sale, 19521  
and without publication of a notice of sale. 19522

(I) Pending preparation of definitive obligations, the 19523  
issuing authority may issue interim receipts or certificates 19524

which shall be exchanged for such definitive obligations. 19525

(J) In the discretion of the issuing authority, 19526  
obligations may be secured additionally by a trust agreement or 19527  
indenture between the issuing authority and a corporate trustee 19528  
which may be any trust company or bank having a place of 19529  
business within the state. Any such agreement or indenture may 19530  
contain the resolution or order authorizing the issuance of the 19531  
obligations, any provisions that may be contained in any bond 19532  
proceedings, and other provisions which are customary or 19533  
appropriate in an agreement or indenture of such type, 19534  
including, but not limited to: 19535

(1) Maintenance of each pledge, trust agreement, 19536  
indenture, or other instrument comprising part of the bond 19537  
proceedings until the state has fully paid the bond service 19538  
charges on the obligations secured thereby, or provision 19539  
therefor has been made; 19540

(2) In the event of default in any payments required to be 19541  
made by the bond proceedings, or any other agreement of the 19542  
issuing authority made as a part of the contract under which the 19543  
obligations were issued, enforcement of such payments or 19544  
agreement by mandamus, the appointment of a receiver, suit in 19545  
equity, action at law, or any combination of the foregoing; 19546

(3) The rights and remedies of the holders of obligations 19547  
and of the trustee, and provisions for protecting and enforcing 19548  
them, including limitations on rights of individual holders of 19549  
obligations; 19550

(4) The replacement of any obligations that become 19551  
mutilated or are destroyed, lost, or stolen; 19552

(5) Such other provisions as the trustee and the issuing 19553

authority agree upon, including limitations, conditions, or 19554  
qualifications relating to any of the foregoing. 19555

(K) Any holders of obligations or trustees under the bond 19556  
proceedings, except to the extent that their rights are 19557  
restricted by the bond proceedings, may by any suitable form of 19558  
legal proceedings, protect and enforce any rights under the laws 19559  
of this state or granted by such bond proceedings. Such rights 19560  
include the right to compel the performance of all duties of the 19561  
issuing authority, the director of development, the Ohio air 19562  
quality development authority, or the division of liquor control 19563  
required by this chapter or the bond proceedings; to enjoin 19564  
unlawful activities; and in the event of default with respect to 19565  
the payment of any bond service charges on any obligations or in 19566  
the performance of any covenant or agreement on the part of the 19567  
issuing authority, the director of development, the Ohio air 19568  
quality development authority, or the division of liquor control 19569  
in the bond proceedings, to apply to a court having jurisdiction 19570  
of the cause to appoint a receiver to receive and administer the 19571  
pledged receipts and special funds, other than those in the 19572  
custody of the treasurer of state, which are pledged to the 19573  
payment of the bond service charges on such obligations or which 19574  
are the subject of the covenant or agreement, with full power to 19575  
pay, and to provide for payment of bond service charges on, such 19576  
obligations, and with such powers, subject to the direction of 19577  
the court, as are accorded receivers in general equity cases, 19578  
excluding any power to pledge additional revenues or receipts or 19579  
other income or moneys of the issuing authority or the state or 19580  
governmental agencies of the state to the payment of such 19581  
principal and interest and excluding the power to take 19582  
possession of, mortgage, or cause the sale or otherwise dispose 19583  
of any project facilities. 19584

Each duty of the issuing authority and the issuing 19585  
authority's officers and employees, and of each governmental 19586  
agency and its officers, members, or employees, undertaken 19587  
pursuant to the bond proceedings or any agreement or lease, 19588  
lease-purchase agreement, or loan made under authority of this 19589  
chapter, and in every agreement by or with the issuing 19590  
authority, is hereby established as a duty of the issuing 19591  
authority, and of each such officer, member, or employee having 19592  
authority to perform such duty, specifically enjoined by the law 19593  
resulting from an office, trust, or station within the meaning 19594  
of section 2731.01 of the Revised Code. 19595

The person who is at the time the issuing authority, or 19596  
the issuing authority's officers or employees, are not liable in 19597  
their personal capacities on any obligations issued by the 19598  
issuing authority or any agreements of or with the issuing 19599  
authority. 19600

(L) The issuing authority may authorize and issue 19601  
obligations for the refunding, including funding and retirement, 19602  
and advance refunding with or without payment or redemption 19603  
prior to maturity, of any obligations previously issued by the 19604  
issuing authority. Such obligations may be issued in amounts 19605  
sufficient for payment of the principal amount of the prior 19606  
obligations, any redemption premiums thereon, principal 19607  
maturities of any such obligations maturing prior to the 19608  
redemption of the remaining obligations on a parity therewith, 19609  
interest accrued or to accrue to the maturity dates or dates of 19610  
redemption of such obligations, and any allowable costs 19611  
including expenses incurred or to be incurred in connection with 19612  
such issuance and such refunding, funding, and retirement. 19613  
Subject to the bond proceedings therefor, the portion of 19614  
proceeds of the sale of obligations issued under this division 19615

to be applied to bond service charges on the prior obligations 19616  
shall be credited to an appropriate account held by the trustee 19617  
for such prior or new obligations or to the appropriate account 19618  
in the bond service fund for such obligations. Obligations 19619  
authorized under this division shall be deemed to be issued for 19620  
those purposes for which such prior obligations were issued and 19621  
are subject to the provisions of this section pertaining to 19622  
other obligations, except as otherwise provided in this section; 19623  
provided that, unless otherwise authorized by the general 19624  
assembly, any limitations imposed by the general assembly 19625  
pursuant to this section with respect to bond service charges 19626  
applicable to the prior obligations shall be applicable to the 19627  
obligations issued under this division to refund, fund, advance 19628  
refund or retire such prior obligations. 19629

(M) The authority to issue obligations under this section 19630  
includes authority to issue obligations in the form of bond 19631  
anticipation notes and to renew the same from time to time by 19632  
the issuance of new notes. The holders of such notes or interest 19633  
coupons pertaining thereto shall have a right to be paid solely 19634  
from the pledged receipts and special funds that may be pledged 19635  
to the payment of the bonds anticipated, or from the proceeds of 19636  
such bonds or renewal notes, or both, as the issuing authority 19637  
provides in the resolution or order authorizing such notes. Such 19638  
notes may be additionally secured by covenants of the issuing 19639  
authority to the effect that the issuing authority and the state 19640  
will do such or all things necessary for the issuance of such 19641  
bonds or renewal notes in appropriate amount, and apply the 19642  
proceeds thereof to the extent necessary, to make full payment 19643  
of the principal of and interest on such notes at the time or 19644  
times contemplated, as provided in such resolution or order. For 19645  
such purpose, the issuing authority may issue bonds or renewal 19646

notes in such principal amount and upon such terms as may be 19647  
necessary to provide funds to pay when required the principal of 19648  
and interest on such notes, notwithstanding any limitations 19649  
prescribed by or for purposes of this section. Subject to this 19650  
division, all provisions for and references to obligations in 19651  
this section are applicable to notes authorized under this 19652  
division. 19653

The issuing authority in the bond proceedings authorizing 19654  
the issuance of bond anticipation notes shall set forth for such 19655  
bonds an estimated interest rate and a schedule of principal 19656  
payments for such bonds and the annual maturity dates thereof, 19657  
and for purposes of any limitation on bond service charges 19658  
prescribed under division (A) of section 166.11 of the Revised 19659  
Code, the amount of bond service charges on such bond 19660  
anticipation notes is deemed to be the bond service charges for 19661  
the bonds anticipated thereby as set forth in the bond 19662  
proceedings applicable to such notes, but this provision does 19663  
not modify any authority in this section to pledge receipts and 19664  
special funds to, and covenant to issue bonds to fund, the 19665  
payment of principal of and interest and any premium on such 19666  
notes. 19667

(N) Obligations issued under this section are lawful 19668  
investments for banks, societies for savings, savings and loan 19669  
associations, deposit guarantee associations, trust companies, 19670  
trustees, fiduciaries, insurance companies, including domestic 19671  
for life and domestic not for life, trustees or other officers 19672  
having charge of sinking and bond retirement or other special 19673  
funds of political subdivisions and taxing districts of this 19674  
state, the commissioners of the sinking fund of the state, the 19675  
administrator of workers' compensation, the state teachers 19676  
retirement system, the public employees retirement system, the 19677

school employees retirement system, and the Ohio police and fire 19678  
pension fund, notwithstanding any other provisions of the 19679  
Revised Code or rules adopted pursuant thereto by any 19680  
governmental agency of the state with respect to investments by 19681  
them, and are also acceptable as security for the deposit of 19682  
public moneys. 19683

(O) Unless otherwise provided in any applicable bond 19684  
proceedings, moneys to the credit of or in the special funds 19685  
established by or pursuant to this section may be invested by or 19686  
on behalf of the issuing authority only in notes, bonds, or 19687  
other obligations of the United States, or of any agency or 19688  
instrumentality of the United States, obligations guaranteed as 19689  
to principal and interest by the United States, obligations of 19690  
this state or any political subdivision of this state, and 19691  
certificates of deposit of any national bank located in this 19692  
state and any bank, as defined in section 1101.01 of the Revised 19693  
Code, subject to inspection by the superintendent of banks. If 19694  
the law or the instrument creating a trust pursuant to division 19695  
(J) of this section expressly permits investment in direct 19696  
obligations of the United States or an agency of the United 19697  
States, unless expressly prohibited by the instrument, such 19698  
moneys also may be invested in no-front-end-load money market 19699  
mutual funds consisting exclusively of obligations of the United 19700  
States or an agency of the United States and in repurchase 19701  
agreements, including those issued by the fiduciary itself, 19702  
secured by obligations of the United States or an agency of the 19703  
United States; and in common trust funds established in 19704  
accordance with section 1111.20 of the Revised Code and 19705  
consisting exclusively of any such securities, notwithstanding 19706  
division (A) (4) of that section. The income from such 19707  
investments shall be credited to such funds as the issuing 19708

authority determines, and such investments may be sold at such 19709  
times as the issuing authority determines or authorizes. 19710

(P) Provision may be made in the applicable bond 19711  
proceedings for the establishment of separate accounts in the 19712  
bond service fund and for the application of such accounts only 19713  
to the specified bond service charges on obligations pertinent 19714  
to such accounts and bond service fund and for other accounts 19715  
therein within the general purposes of such fund. Unless 19716  
otherwise provided in any applicable bond proceedings, moneys to 19717  
the credit of or in the several special funds established 19718  
pursuant to this section shall be disbursed on the order of the 19719  
treasurer of state, provided that no such order is required for 19720  
the payment from the bond service fund when due of bond service 19721  
charges on obligations. 19722

(Q) The issuing authority may pledge all, or such portion 19723  
as the issuing authority determines, of the pledged receipts to 19724  
the payment of bond service charges on obligations issued under 19725  
this section, and for the establishment and maintenance of any 19726  
reserves, as provided in the bond proceedings, and make other 19727  
provisions therein with respect to pledged receipts as 19728  
authorized by this chapter, which provisions are controlling 19729  
notwithstanding any other provisions of law pertaining thereto. 19730

(R) The issuing authority may covenant in the bond 19731  
proceedings, and any such covenants are controlling 19732  
notwithstanding any other provision of law, that the state and 19733  
applicable officers and governmental agencies of the state, 19734  
including the general assembly, so long as any obligations are 19735  
outstanding, shall: 19736

(1) Maintain statutory authority for and cause to be 19737  
charged and collected wholesale and retail prices for spirituous 19738

liquor sold by the state or its agents so that the pledged 19739  
receipts are sufficient in amount to meet bond service charges, 19740  
and the establishment and maintenance of any reserves and other 19741  
requirements provided for in the bond proceedings, and, as 19742  
necessary, to meet covenants contained in contracts of guarantee 19743  
made under section 166.06 of the Revised Code; 19744

(2) Take or permit no action, by statute or otherwise, 19745  
that would impair the exemption from federal income taxation of 19746  
the interest on the obligations. 19747

(S) There is hereby created the economic development bond 19748  
service fund, which shall be in the custody of the treasurer of 19749  
state but shall be separate and apart from and not a part of the 19750  
state treasury. All moneys received by or on account of the 19751  
issuing authority or state agencies and required by the 19752  
applicable bond proceedings, consistent with this section, to be 19753  
deposited, transferred, or credited to a bond service fund or 19754  
the economic development bond service fund, and all other moneys 19755  
transferred or allocated to or received for the purposes of the 19756  
fund, shall be deposited and credited to such fund and to any 19757  
separate accounts therein, subject to applicable provisions of 19758  
the bond proceedings, but without necessity for any act of 19759  
appropriation. During the period beginning with the date of the 19760  
first issuance of obligations and continuing during such time as 19761  
any such obligations are outstanding, and so long as moneys in 19762  
the pertinent bond service funds are insufficient to pay all 19763  
bond services charges on such obligations becoming due in each 19764  
year, a sufficient amount of the gross profit on the sale of 19765  
spirituous liquor included in pledged receipts are committed and 19766  
shall be paid to the bond service fund or economic development 19767  
bond service fund in each year for the purpose of paying the 19768  
bond service charges becoming due in that year without necessity 19769

for further act of appropriation for such purpose and 19770  
notwithstanding anything to the contrary in Chapter 4301. of the 19771  
Revised Code. The economic development bond service fund is a 19772  
trust fund and is hereby pledged to the payment of bond service 19773  
charges to the extent provided in the applicable bond 19774  
proceedings, and payment thereof from such fund shall be made or 19775  
provided for by the treasurer of state in accordance with such 19776  
bond proceedings without necessity for any act of appropriation. 19777

(T) The obligations, the transfer thereof, and the income 19778  
therefrom, including any profit made on the sale thereof, shall 19779  
at all times be free from taxation within the state. 19780

**Sec. 166.12.** (A) The general assembly finds that in order 19781  
to maintain and enhance the competitiveness of the Ohio economy 19782  
and to improve the economic welfare of all of the people of the 19783  
state, it is necessary to ensure that high-value jobs based on 19784  
research, technology, and innovation will be available to the 19785  
people of this state. Further, the general assembly finds that 19786  
the attraction of such jobs and their presence in this state 19787  
will materially contribute to the economic welfare of all of the 19788  
people of the state. Accordingly, it is declared to be the 19789  
public policy of this state, through the operations under 19790  
sections 166.01 and 166.12 to 166.16 of the Revised Code, and 19791  
the loan and loan guarantee provisions contained in those 19792  
sections, applicable laws adopted pursuant to Section 13 of 19793  
Article VIII, Ohio Constitution, and other authority vested in 19794  
the general assembly, to assist in and facilitate the 19795  
establishment or development of eligible innovation projects or 19796  
assist and cooperate with any governmental agency in achieving 19797  
that purpose. 19798

(B) In furtherance of that public policy and to implement 19799

that purpose, the director of development may: 19800

(1) After consultation with appropriate governmental 19801  
agencies, enter into agreements with persons engaged in 19802  
industry, commerce, distribution, development of tourism 19803  
attractions or professional sports facilities, or research and 19804  
with governmental agencies to induce such persons to acquire, 19805  
construct, reconstruct, rehabilitate, renovate, enlarge, 19806  
improve, equip, or furnish, or otherwise develop, eligible 19807  
innovation projects and make provision therein for project 19808  
facilities and governmental actions, as authorized by sections 19809  
166.01 and 166.12 to 166.16 of the Revised Code and other 19810  
applicable laws; 19811

(2) Provide for innovation Ohio loan guarantees and loans 19812  
under sections 166.15 and 166.16 of the Revised Code; 19813

(3) Subject to the release of such moneys by the 19814  
controlling board, contract for labor and materials needed for, 19815  
or contract with others, including governmental agencies, to 19816  
provide, eligible innovation projects the allowable innovation 19817  
costs of which are to be paid for or reimbursed from moneys in 19818  
the innovation Ohio loan fund, and contract for the operation of 19819  
such eligible innovation projects; 19820

(4) Subject to release thereof by the controlling board, 19821  
from moneys in the innovation Ohio loan fund, acquire or 19822  
contract to acquire by gift, exchange, or purchase, including 19823  
the obtaining and exercise of purchase options, innovation 19824  
property, and convey or otherwise dispose of, or provide for the 19825  
conveyance or disposition of, innovation property so acquired or 19826  
contracted to be acquired by sale, exchange, lease, lease 19827  
purchase, conditional or installment sale, transfer, or other 19828  
disposition, including the grant of an option to purchase, to 19829

any governmental agency or to any other person without necessity 19830  
for competitive bidding and upon such terms and conditions and 19831  
manner of consideration pursuant to, and as the director 19832  
determines to be appropriate to satisfy the objectives of, 19833  
Chapter 166. of the Revised Code; 19834

(5) Retain the services of or employ financial 19835  
consultants, appraisers, consulting engineers, superintendents, 19836  
managers, construction and accounting experts, attorneys, and 19837  
employees, agents, and independent contractors as are necessary 19838  
in the director's judgment and fix the compensation for their 19839  
services; 19840

(6) Receive and accept from any person grants, gifts, and 19841  
contributions of money, property, labor, and other things of 19842  
value, to be held, used, and applied only for the purpose for 19843  
which such grants, gifts, and contributions are made; 19844

(7) Enter into appropriate arrangements and agreements 19845  
with any governmental agency for the taking or provision by that 19846  
governmental agency of any governmental action with respect to 19847  
innovation projects; 19848

(8) Do all other acts and enter into contracts and execute 19849  
all instruments necessary or appropriate to carry out the 19850  
provisions of sections 166.01 and 166.12 to 166.16 of the 19851  
Revised Code; 19852

(9) With respect to property, including but not limited to 19853  
innovation property, take such interests, including but not 19854  
limited to mortgages, security interests, assignments, and 19855  
exclusive or non-exclusive licenses, as may be necessary or 19856  
appropriate under the circumstances, to ensure that innovation 19857  
property is used within this state and that products or services 19858

associated with that innovation property are produced or, in the 19859  
case of services, delivered, by persons employed within this 19860  
state; 19861

(10) Adopt rules necessary to implement any of the 19862  
provisions of sections 166.01 and 166.12 to 166.16 of the 19863  
Revised Code applicable to the director. 19864

(C) The determinations by the director that facilities or 19865  
property constitute eligible innovation projects and that costs 19866  
of such facilities or property are allowable innovation costs, 19867  
and all other determinations relevant thereto or to an action 19868  
taken or agreement entered into, shall be conclusive for 19869  
purposes of the validity and enforceability of rights of parties 19870  
arising from actions taken and agreements entered into under 19871  
sections 166.01 and 166.12 to 166.16 of the Revised Code. 19872

**Sec. 166.17.** (A) The general assembly finds that in order 19873  
to enhance the economic opportunities available to and improve 19874  
the economic welfare of all the people of the state, and to 19875  
maintain and enhance the competitiveness of the Ohio economy, it 19876  
is necessary to ensure that the people of the state will 19877  
continue to have access to high-value jobs in technology, and 19878  
that, to facilitate such continued access, it is necessary to 19879  
provide incentives to retain and attract businesses that will 19880  
develop new or improved technologies, processes, and products, 19881  
or apply existing technologies in new ways. Further, the general 19882  
assembly finds that the attraction of such jobs and their 19883  
presence in this state will materially contribute to the 19884  
economic welfare of all the people of the state. Accordingly, it 19885  
is declared to be the public policy of this state, through 19886  
operations under sections 166.17 to 166.21, 5733.352, and 19887  
5747.331 of the Revised Code and the provisions for financial 19888

assistance contained in those sections, other applicable laws 19889  
adopted pursuant to Section 13 of Article VIII, Ohio 19890  
Constitution, and other authority vested in the general 19891  
assembly, to assist in and facilitate the establishment or 19892  
development of eligible research and development projects or 19893  
assist and cooperate with any governmental agency in achieving 19894  
that purpose. 19895

(B) In furtherance of that public policy and to implement 19896  
that purpose, the director of development may do any of the 19897  
following: 19898

(1) After consultation with appropriate governmental 19899  
agencies, enter into agreements with persons engaged in 19900  
industry, commerce, distribution, development of tourism 19901  
attractions or professional sports facilities, or research and 19902  
with governmental agencies, to induce such persons to acquire, 19903  
construct, reconstruct, rehabilitate, renovate, enlarge, 19904  
improve, equip, furnish, or develop eligible research and 19905  
development projects, or to enable governmental agencies to 19906  
acquire, construct, reconstruct, rehabilitate, renovate, 19907  
enlarge, improve, equip, furnish, or develop eligible research 19908  
and development projects for lease to persons engaged in 19909  
industry, commerce, distribution, development of tourism 19910  
attractions or professional sports facilities, or research; 19911

(2) Provide for loans under section 166.21 of the Revised 19912  
Code to finance eligible research and development projects; 19913

(3) Subject to the release of moneys in the research and 19914  
development loan fund by the controlling board, contract for 19915  
labor and materials needed for, or contract with others, 19916  
including governmental agencies, to provide, eligible research 19917  
and development projects, the allowable costs of which are to be 19918

paid for or reimbursed from such moneys, and contract for the 19919  
operation of those projects; 19920

(4) From moneys in the research and development loan fund, 19921  
subject to release thereof by the controlling board, acquire or 19922  
contract to acquire property by gift, exchange, or purchase, 19923  
including by obtaining and exercising purchase options, and 19924  
convey or otherwise dispose of, or provide for the conveyance or 19925  
disposition of, that property by sale, exchange, lease, lease 19926  
purchase, conditional or installment sale, transfer, or other 19927  
disposition, including the grant of an option to purchase, to 19928  
any governmental agency or to any other person without necessity 19929  
for competitive bidding and upon such terms and conditions and 19930  
manner of consideration pursuant to, and as the director 19931  
determines to be appropriate to satisfy the objectives of, 19932  
Chapter 166. of the Revised Code; 19933

(5) Retain the services of or employ financial 19934  
consultants, appraisers, consulting engineers, superintendents, 19935  
managers, construction and accounting experts, attorneys, 19936  
employees, agents, and independent contractors as are necessary 19937  
in the director's judgment, and fix the compensation for their 19938  
services; 19939

(6) Receive and accept from any person, grants, gifts, and 19940  
contributions of money, property, labor, and other things of 19941  
value, to be held, used, and applied only for the purpose for 19942  
which such grants, gifts, and contributions are made; 19943

(7) Enter into arrangements and agreements with any 19944  
governmental agency for the agency to take or provide any 19945  
governmental action with respect to eligible research and 19946  
development projects; 19947

(8) Do all other acts, enter into contracts, execute all instruments, and make all certifications necessary or appropriate to carry out sections 166.01, 166.17 to 166.21, 5733.352, and 5747.331 of the Revised Code;

(9) With respect to property that is the subject of or related to research and development financial assistance, take such interests, including, but not limited to, mortgages, security interests, leasehold interests, assignments, and exclusive or nonexclusive licenses, as may be necessary or appropriate under the circumstances, to ensure that the property is used within this state and that products or services associated with that property are produced or, in the case of services, delivered, by persons employed within this state;

(10) Adopt rules necessary to implement any of the provisions of sections 166.17 to 166.21, 5733.352, and 5747.331 of the Revised Code that are applicable to the director.

(C) The determination by the director that facilities or property constitute an eligible research and development project and that the costs of such facilities or property are allowable costs related to the project, and all other determinations relevant thereto, or to an action taken or agreement entered into, shall be conclusive for purposes of the validity and enforceability of rights of parties arising from actions taken and agreements entered into under sections 166.17 to 166.21, 5733.352, and 5747.331 of the Revised Code.

**Sec. 169.01.** As used in this chapter, unless the context otherwise requires:

(A) "Financial organization" means any bank, trust company, savings bank, safe deposit company, mutual savings bank

without mutual stock, savings and loan association, credit union, or investment company.	19977 19978
(B) (1) "Unclaimed funds" means any moneys, rights to moneys, or intangible property, described in section 169.02 of the Revised Code, when, as shown by the records of the holder, the owner has not, within the times provided in section 169.02 of the Revised Code, done any of the following:	19979 19980 19981 19982 19983
(a) Increased, decreased, or adjusted the amount of such funds;	19984 19985
(b) Assigned, paid premiums, or encumbered such funds;	19986
(c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;	19987 19988 19989
(d) Corresponded with the holder concerning such funds;	19990
(e) Otherwise indicated an interest in or knowledge of such funds;	19991 19992
(f) Transacted business with the holder.	19993
(2) "Unclaimed funds" does not include any of the following:	19994 19995
(a) Money received or collected under section 9.39 of the Revised Code;	19996 19997
(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	19998 19999 20000 20001 20002 20003

(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;

(d) Either of the following:

(i) Any credit or obligation due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for goods or services, including gift cards issued by financial organizations or business associations;

(ii) Any electronic payment device that is issued by a financial organization or a business association that has no expiration date and meets all of the following conditions:

(I) It is purchased or loaded on a prepaid basis for the future purchase or delivery of goods or services.

(II) It is redeemable upon presentation to a single merchant or service provider or an affiliated group of merchants or service providers.

(III) It is not redeemable for cash in whole or in part.

(e) Any open-loop prepaid card that is issued by a financial organization or a business association for which the underlying funds do not expire. For purposes of division (B) (2) (e) of this section, "open-loop prepaid card" means an electronic payment device that meets all of the following conditions:

(i) It is purchased or loaded on a prepaid basis for the

future purchase or delivery of any goods or services. 20032

(ii) It can be used to purchase goods and services at 20033  
multiple unaffiliated merchants or service providers. 20034

(iii) It is not redeemable for cash in whole or in part. 20035

(f) Any rewards card. For purposes of division (B) (2) (f) 20036  
of this section, "rewards card" includes any loyalty, incentive, 20037  
or promotional type program that is issued by a financial 20038  
organization or a business association whether represented by a 20039  
card or electronic record, which program is established for the 20040  
purposes of providing cardholder awards, rewards, rebates, or 20041  
other amounts to reward the cardholder for the cardholder's 20042  
relationship with the entity sponsoring the rewards card, 20043  
provided that no direct money was paid by the cardholder for the 20044  
rewards card. "Rewards card" includes both of the following: 20045

(i) Cards or electronic records consisting of points, 20046  
cash, or other tokens of value given to a cardholder as a reward 20047  
or incentive for engaging in a transaction or a series of 20048  
transactions; 20049

(ii) The unpaid portion of a rewards card when the rewards 20050  
card is partially loaded by the cardholder with the remaining 20051  
portion funded as a reward or incentive. 20052

A minimal annual fee charged to the cardholder for joining 20053  
any such loyalty, incentive, or promotional type program shall 20054  
not be considered direct money paid by the cardholder for the 20055  
rewards card. For purposes of division (B) (2) (f) of this 20056  
section, "cardholder" means the holder of a rewards card, 20057  
regardless of whether the rewards card is represented by a card 20058  
or by an electronic record. 20059

For purposes of division (B) (2) of this section, "business 20060

association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals, whether or not the entity is for profit.

(C) "Owner" means any person, or the person's legal representative, entitled to receive or having a legal or equitable interest in or claim against moneys, rights to moneys, or other intangible property, subject to this chapter.

(D) (1) "Holder" means any person that has possession, custody, or control of moneys, rights to moneys, or other intangible property, or that is indebted to another, if any of the following applies:

(a) Such person resides in this state;

(b) Such person is formed under the laws of this state;

(c) Such person is formed under the laws of the United States and has an office or principal place of business in this state;

(d) The records of such person indicate that the last known address of the owner of such moneys, rights to moneys, or other intangible property is in this state;

(e) The records of such person do not indicate the last known address of the owner of the moneys, rights to moneys, or other intangible property and the entity originating or issuing the moneys, rights to moneys, or other intangible property in this state or any political subdivision of this state, or is incorporated, organized, created, or otherwise located in this state. Division (D) (1) (e) of this section applies to all moneys, rights to moneys, or other intangible property that is in the possession, custody, or control of such person on or after July

22, 1994, whether the moneys, rights to moneys, or other  
intangible property becomes unclaimed funds prior to or on or  
after that date.

(2) "Holder" does not mean any hospital granted tax-exempt  
status under section 501(c)(3) of the Internal Revenue Code or  
any hospital owned or operated by the state or by any political  
subdivision. Any entity in order to be exempt from the  
definition of "holder" pursuant to this division shall make a  
reasonable, good-faith effort to contact the owner of the  
unclaimed funds.

(E) "Person" includes a natural person; corporation,  
whether for profit or not for profit; copartnership;  
unincorporated nonprofit association; public authority; estate;  
trust; two or more persons having a joint or common interest;  
eleemosynary organization; fraternal or cooperative association;  
other legal or community entity; the United States government,  
including any district, territory, possession, officer, agency,  
department, authority, instrumentality, board, bureau, or court;  
or any state or political subdivision thereof, including any  
officer, agency, board, bureau, commission, division,  
department, authority, court, or instrumentality.

(F) "Mortgage funds" means ~~the mortgage insurance fund~~  
~~created by section 122.561 of the Revised Code, and the housing~~  
guarantee fund created by division (D) of section 128.11 of the  
Revised Code.

(G) "Lawful claims" means any vested right a holder of  
unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by  
division (A) of section 745.01 or by section 4905.02 of the

Revised Code.	20119
(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an income-bearing account by purchase or otherwise.	20120 20121 20122
(J) "Income-bearing account" means a time or savings account, whether or not evidenced by a certificate of deposit, or an investment account through which investments are made solely in obligations of the United States or its agencies or instrumentalities or guaranteed as to principal and interest by the United States or its agencies or instrumentalities, debt securities rated as investment grade by at least two nationally recognized rating services, debt securities which the director of commerce has determined to have been issued for the safety and welfare of the residents of this state, and equity interests in mutual funds that invest solely in some or all of the above-listed securities and involve no general liability, without regard to whether income earned on such accounts, securities, or interests is paid periodically or at the end of a term.	20123 20124 20125 20126 20127 20128 20129 20130 20131 20132 20133 20134 20135 20136
(K) "Director of commerce" may be read as the "division of unclaimed funds" or the "superintendent of unclaimed funds."	20137 20138
(L) "Attorney unclaimed funds" means any unclaimed funds, as defined in division (B)(1) of this section, that are any of the following:	20139 20140 20141
(1) Funds held in interest on lawyer trust accounts pursuant to section 4705.09 of the Revised Code;	20142 20143
(2) Funds held in an interest on trust accounts pursuant to section 3953.231 of the Revised Code;	20144 20145
(3) Residual settlement funds whether for named or unnamed plaintiffs, received by the division of unclaimed funds, and	20146 20147

held, paid out, or allocated by the division pursuant to or 20148  
consistent with the terms and conditions of the court order 20149  
authorizing the settlement fund. 20150

**Sec. 169.05.** (A) Every holder required to file a report 20151  
under section 169.03 of the Revised Code shall, at the time of 20152  
filing, pay to the director of commerce ten per cent of the 20153  
aggregate amount of unclaimed funds as shown on the report, 20154  
except for aggregate amounts of fifty dollars or less in which 20155  
case one hundred per cent shall be paid. The funds may be 20156  
deposited by the director in the state treasury to the credit of 20157  
the unclaimed funds trust fund, which is hereby created, or 20158  
placed with a financial organization. Any interest earned on 20159  
money in the trust fund shall be credited to the trust fund. The 20160  
remainder of the aggregate amount of unclaimed funds as shown on 20161  
the report, plus earnings accrued to date of payment to the 20162  
director, shall, at the option of the director, be retained by 20163  
the holder or paid to the director for deposit as agent for the 20164  
mortgage funds with a financial organization as defined in 20165  
section 169.01 of the Revised Code, with the funds to be in 20166  
income-bearing accounts to the credit of the mortgage funds, or 20167  
the holder may enter into an agreement with the director 20168  
specifying the obligations of the United States in which funds 20169  
are to be invested, and agree to pay the interest on the 20170  
obligations to the state. Holders retaining any funds not in 20171  
obligations of the United States shall enter into an agreement 20172  
with the director specifying the classification of income- 20173  
bearing account in which the funds will be held and pay the 20174  
state interest on the funds at a rate equal to the prevailing 20175  
market rate for similar funds. Moneys that the holder is 20176  
required to pay to the director rather than to retain may be 20177  
deposited with the treasurer of state, or placed with a 20178

financial organization. 20179

Securities and other intangible property transferred to 20180  
the director shall, within a reasonable time, be converted to 20181  
cash and the proceeds deposited as provided for other funds. 20182

~~One-half of the~~ The funds evidenced by agreements, in 20183  
income-bearing accounts, or on deposit with the treasurer of 20184  
state shall be allocated on the records of the director ~~to the~~ 20185  
~~mortgage insurance fund created by section 122.561 of the~~ 20186  
~~Revised Code. Out of the remaining half, after allocation of~~ 20187  
sufficient moneys to the minority business bonding fund to meet 20188  
the provisions of division (B) of this section, ~~the remainder~~ 20189  
~~shall be allocated on the records of the director to the housing~~ 20190  
development fund created by division (A) of section 175.11 of 20191  
the Revised Code. 20192

(B) The director shall serve as agent for the director of 20193  
development and as agent for the Ohio housing finance agency in 20194  
making deposits and withdrawals and maintaining records 20195  
pertaining to the minority business bonding fund created by 20196  
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 20197  
and the housing development fund created by section 175.11 of 20198  
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 20199  
~~available to the director of development when those funds are to~~ 20200  
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 20201  
~~default of a mortgage insured pursuant to section 122.451 of the~~ 20202  
~~Revised Code.~~ Funds from the housing development fund are 20203  
available upon request to the Ohio housing finance agency, in an 20204  
amount not to exceed the funds allocated on the records of the 20205  
director, for the purposes of section 175.05 of the Revised 20206  
Code. Funds from the minority business bonding fund are 20207  
available to the director of development upon request to pay 20208

obligations on bonds the director writes pursuant to section 20209  
122.88 of the Revised Code; except that, unless the general 20210  
assembly authorizes additional amounts, the total maximum amount 20211  
of moneys that may be allocated to the minority business bonding 20212  
fund under this division is ten million dollars. 20213

When funds are to be disbursed, the appropriate agency 20214  
shall call upon the director to transfer the necessary funds to 20215  
it. The director shall first withdraw the funds paid by the 20216  
holders and deposited with the treasurer of state or in a 20217  
financial institution as agent for the funds. Whenever these 20218  
funds are inadequate to meet the request, the director shall 20219  
provide for a withdrawal of funds, within a reasonable time and 20220  
in the amount necessary to meet the request, from financial 20221  
institutions in which the funds were retained or placed by a 20222  
holder and from other holders who have retained funds, in an 20223  
equitable manner as the director prescribes. In the event that 20224  
the amount to be withdrawn from any one holder is less than five 20225  
hundred dollars, the amount to be withdrawn is at the director's 20226  
discretion. The director shall then transfer to the agency the 20227  
amount of funds requested. 20228

Funds deposited in the unclaimed funds trust fund are 20229  
subject to call by the director when necessary to pay claims the 20230  
director allows under section 169.08 of the Revised Code, in 20231  
accordance with the director's rules, to defray the necessary 20232  
costs of making publications this chapter requires and to pay 20233  
other operating and administrative expenses the department of 20234  
commerce incurs in the administration and enforcement of this 20235  
chapter. 20236

The unclaimed funds trust fund shall be assessed a 20237  
proportionate share of the administrative costs of the 20238

department of commerce in accordance with procedures the 20239  
director of commerce prescribes. The assessment shall be paid 20240  
from the unclaimed funds trust fund to the division of 20241  
administration fund. 20242

(C) Earnings on the accounts in financial organizations to 20243  
the credit of the mortgage funds shall, at the option of the 20244  
financial organization, be credited to the accounts at times and 20245  
at rates as earnings are paid on other accounts of the same 20246  
classification held in the financial organization or paid to the 20247  
director. The director shall be notified annually, and at other 20248  
times as the director may request, of the amount of the earnings 20249  
credited to the accounts. Interest on unclaimed funds a holder 20250  
retains shall be paid to the director or credited as specified 20251  
in the agreement under which the organization retains the funds. 20252  
Interest payable to the director under an agreement to invest 20253  
unclaimed funds in income-bearing accounts or obligations of the 20254  
United States shall be paid annually by the holder to the 20255  
director. Any earnings or interest the director receives under 20256  
this division shall be deposited in and credited to the mortgage 20257  
funds. 20258

**Sec. 169.08.** (A) The Except as otherwise provided in 20259  
division (I) of this section, the director of commerce shall pay 20260  
to the owner or other person who has established the right to 20261  
payment under this section, funds from the unclaimed funds trust 20262  
fund in an amount equal to the amount of property delivered or 20263  
reported to the director, or equal to the net proceeds if the 20264  
securities or other property have been sold, together with 20265  
interest earned by the state if required to be paid under 20266  
division (D) of this section. Any person claiming a property 20267  
interest in unclaimed funds delivered or reported to the state 20268  
under Chapter 169. of the Revised Code, including the office of 20269

child support in the department of job and family services, 20270  
pursuant to section 3123.88 of the Revised Code, may file a 20271  
claim thereto on the form prescribed by the director ~~of~~ 20272  
~~commerce~~. 20273

(B) The director shall consider matters relevant to any 20274  
claim filed under division (A) of this section and shall hold a 20275  
formal hearing if requested or considered necessary and receive 20276  
evidence concerning such claim. A finding and decision in 20277  
writing on each claim filed shall be prepared, stating the 20278  
substance of any evidence received or heard and the reasons for 20279  
allowance or disallowance of the claim. The evidence and 20280  
decision shall be a public record. ~~No~~ Except as otherwise 20281  
provided in division (I) of this section, no statute of 20282  
limitations shall bar the allowance of a claim. 20283

(C) For the purpose of conducting any hearing, the 20284  
director may require the attendance of such witnesses and the 20285  
production of such books, records, and papers as the director 20286  
desires, and the director may take the depositions of witnesses 20287  
residing within or without this state in the same manner as is 20288  
prescribed by law for the taking of depositions in civil actions 20289  
in the court of common pleas, and for that purpose the director 20290  
may issue a subpoena for any witness or a subpoena duces tecum 20291  
to compel the production of any books, records, or papers, 20292  
directed to the sheriff of the county where such witness resides 20293  
or is found, which shall be served and returned. The fees of the 20294  
sheriff shall be the same as that allowed in the court of common 20295  
pleas in criminal cases. Witnesses shall be paid the fees and 20296  
mileage provided for under section 119.094 of the Revised Code. 20297  
Fees and mileage shall be paid from the unclaimed funds trust 20298  
fund. 20299

(D) ~~Interest~~ Except as otherwise provided in division (I) 20300  
of this section, interest earned by the state shall be payable 20301  
to claimants of unclaimed funds held by the state in accordance 20302  
with final court orders derived from the *Sogg v. Zurz*, 121 Ohio 20303  
St.3d 449 (2009), line of cases and final settlement agreement 20304  
determining payment of interest on unclaimed funds. For 20305  
properties received by the state on or before July 26, 1991, 20306  
interest shall be paid at a rate of six per cent per annum from 20307  
the date the state received the property up to and including 20308  
July 26, 1991. No interest shall be payable on any properties 20309  
for the period from July 27, 1991, up to and including August 2, 20310  
2000. For properties held by the state on August 3, 2000, or 20311  
after, interest shall be paid at the applicable required rate 20312  
per annum for the period held from August 3, 2000, or the date 20313  
of receipt, whichever is later, up to and including the date the 20314  
claim is paid. 20315

(E) Claims shall be paid from the trust fund. If the 20316  
amount available in the trust fund is not sufficient to pay 20317  
pending claims, or other amounts disburseable from the trust 20318  
fund, the treasurer of state shall certify such fact to the 20319  
director, who shall then withdraw such amount of funds from the 20320  
mortgage accounts as the director determines necessary to 20321  
reestablish the trust fund to a level required to pay 20322  
anticipated claims but not more than ten per cent of the net 20323  
unclaimed funds reported to date. 20324

The director may withdraw the funds paid to the director 20325  
by the holders and deposited by the director with the treasurer 20326  
of state or in a financial institution as agent for such funds. 20327  
Whenever these funds are inadequate to meet the requirements for 20328  
the trust fund, the director shall provide for a withdrawal of 20329  
funds, within a reasonable time, in such amount as is necessary 20330

to meet the requirements, from financial institutions in which 20331  
such funds were retained or placed by a holder and from other 20332  
holders who have retained funds, in an equitable manner as 20333  
prescribed by the director. In the event that the amount to be 20334  
withdrawn from any one such holder is less than five hundred 20335  
dollars, the amount to be withdrawn shall be at the discretion 20336  
of the director. Such funds may be reimbursed in the amounts 20337  
withdrawn when the trust fund has a surplus over the amount 20338  
required to pay anticipated claims. Whenever the trust fund has 20339  
a surplus over the amount required to pay anticipated claims, 20340  
the director may transfer such surplus to the mortgage accounts. 20341

(F) (1) If a claim which is allowed under this section 20342  
relates to funds which have been retained by the reporting 20343  
holder, and if the funds, on deposit with the treasurer of state 20344  
pursuant to this chapter, are insufficient to pay claims, the 20345  
director may notify such holder in writing of the payment of the 20346  
claim and such holder shall immediately reimburse the state in 20347  
the amount of such claim. The reimbursement shall be credited to 20348  
the unclaimed funds trust fund. 20349

(2) If a claim that is allowed under this section relates 20350  
to attorney unclaimed funds that have been recovered by the Ohio 20351  
access to justice foundation, pursuant to division (A) of 20352  
section 169.052 of the Revised Code and division (A) of this 20353  
section, the director shall notify the Ohio access to justice 20354  
foundation in writing of the payment of the claim and the Ohio 20355  
access to justice foundation shall immediately reimburse the 20356  
unclaimed funds trust fund in the amount of such claim inclusive 20357  
of interest as required by division (D) of this section. The 20358  
reimbursement shall be credited to the unclaimed funds trust 20359  
fund. 20360

(G) Any person, including the office of child support, 20361  
adversely affected by a decision of the director may appeal such 20362  
decision in the manner provided in Chapter 119. of the Revised 20363  
Code. 20364

In the event the claimant prevails, the claimant shall be 20365  
reimbursed for reasonable attorney's fees and costs. 20366

(H) Notwithstanding anything to the contrary in this 20367  
chapter, any holder who has paid moneys to or entered into an 20368  
agreement with the director pursuant to section 169.05 of the 20369  
Revised Code on certified checks, cashiers' checks, bills of 20370  
exchange, letters of credit, drafts, money orders, or travelers' 20371  
checks, may make payment to any person entitled thereto, 20372  
including the office of child support, and upon surrender of the 20373  
document, except in the case of travelers' checks, and proof of 20374  
such payment, the director shall reimburse the holder for such 20375  
payment without interest. 20376

(I) (1) Unclaimed funds and interest earned thereon that 20377  
are first reported to the director under section 169.03 of the 20378  
Revised Code on or before January 1, 2016, are deemed abandoned 20379  
and escheat to the state on January 1, 2026, if no valid claim 20380  
is filed by the owner or another person claiming a right to 20381  
payment on or before that date. 20382

(2) Unclaimed funds and interest first reported to the 20383  
director after January 1, 2016, are deemed abandoned and escheat 20384  
to the state on the tenth anniversary of that reporting date if 20385  
no valid claim is filed by the owner or another person claiming 20386  
a right to payment on or before the tenth anniversary of that 20387  
reporting date. 20388

(3) (a) All property rights, legal title to, and ownership 20389

of unclaimed funds and interest vest solely in the state on the 20390  
date the unclaimed funds and interest are deemed abandoned and 20391  
escheat to the state. 20392

(b) Notwithstanding division (I) (3) (a) of this section, 20393  
the former owner or other person claiming a property interest in 20394  
unclaimed funds that are deemed abandoned and escheat to the 20395  
state may file a claim for payment of an equivalent amount, 20396  
together with interest earned by the state if required under 20397  
division (D) of this section, at any time on or before January 20398  
1, 2036. Upon providing sufficient proof of the validity of the 20399  
owner's or other person's claim, the director shall pay the 20400  
claim less any expenses and costs incurred by the state in 20401  
securing full title and ownership of the unclaimed funds. 20402

(c) If payment is made on a claim under division (I) (3) (b) 20403  
of this section, no action thereafter shall be maintained by any 20404  
other claimant against the state for or on account of the 20405  
payment of the claim. 20406

(d) The director shall pay claims under division (I) (3) (b) 20407  
of this section from the unclaimed funds trust fund and shall 20408  
not seek reimbursement for such claims from the Ohio cultural 20409  
and sports facility performance grant fund created under section 20410  
123.282 of the Revised Code or deduct the amount of such claims 20411  
from future remissions to that fund required by division (I) (4) 20412  
of this section. 20413

(e) Any claim filed after the date the unclaimed funds and 20414  
interest are deemed abandoned and escheat to the state and after 20415  
January 1, 2036, is void. 20416

(4) On the first days of January and July each year, 20417  
beginning in 2026, the director shall remit or cause to be 20418

remitted all unclaimed funds and interest that are deemed 20419  
abandoned and escheat to the state to the state treasury to the 20420  
credit of the Ohio cultural and sports facility performance 20421  
grant fund created under section 123.282 of the Revised Code. 20422  
The director shall notify the director of budget and management 20423  
of all funds and interest remitted under this division. 20424

(5) If unclaimed funds and interest that are deemed 20425  
abandoned and escheat to the state are retained or invested by a 20426  
holder pursuant to an agreement under division (A) of section 20427  
169.05 of the Revised Code, the director shall notify the holder 20428  
and the holder shall pay the funds and interest to the director 20429  
in a form and manner determined by the director. 20430

(6) The director of commerce shall develop guidelines and 20431  
procedures to implement division (I) of this section including 20432  
procedures addressing both of the following: 20433

(a) Repayment of unclaimed funds and interest that are 20434  
invested in non-liquid assets; 20435

(b) Ensuring that the balance of the unclaimed funds trust 20436  
fund is sufficient to meet the state's financial obligations 20437  
under this chapter. 20438

**Sec. 169.13.** (A) (1) All agreements to pay a fee, 20439  
compensation, commission, or other remuneration to locate, 20440  
deliver, recover, or assist in the recovery of unclaimed funds 20441  
reported under section 169.03 of the Revised Code, entered into 20442  
within two years immediately after the date a report is filed 20443  
under division (D) of section 169.03 of the Revised Code, are 20444  
invalid. 20445

(2) A person interested in entering into an agreement to 20446  
locate, deliver, recover, or assist in the recovery of unclaimed 20447

funds for remuneration shall not initiate any contact with an 20448  
owner during the two-year period immediately after the date a 20449  
report is filed under division (D) of section 169.03 of the 20450  
Revised Code. Failure to comply with this requirement is grounds 20451  
for the invalidation of any such agreement between the person 20452  
and the owner. 20453

(B) An agreement entered into any time after such two-year 20454  
period is valid only if all of the following conditions are met: 20455

(1) The aggregate fee, compensation, commission, or other 20456  
remuneration agreed upon is not in excess of ten per cent of the 20457  
amount recovered and paid to the owner by the director of budget 20458  
and management; 20459

(2) The agreement is in writing, signed by the owner, and 20460  
notarized and discloses all of the following items: 20461

(a) The name, address, and telephone number of the owner, 20462  
as shown by the records of the person or entity in possession of 20463  
the unclaimed funds or contents of a safe deposit box; 20464

(b) The name, address, and telephone number of the owner 20465  
if the owner's name, address, or telephone number are different 20466  
from the name, address, or telephone number of the owner as 20467  
shown by the records of the person or entity in possession of 20468  
the unclaimed funds or contents of a safe deposit box; 20469

(c) The nature and value of the unclaimed funds or 20470  
contents of a safe deposit box; 20471

(d) The amount the owner will receive after the fee or 20472  
compensation has been subtracted; 20473

(e) The name and address of the person or entity in 20474  
possession of the unclaimed funds or contents of a safe deposit 20475

box; 20476

(f) That the director of budget and management will pay 20477  
the unclaimed funds directly to the owner or the director of 20478  
commerce shall deliver the contents of a safe deposit box 20479  
directly to the owner; 20480

(g) That the person agreeing to locate, deliver, recover, 20481  
or assist in the recovery of the unclaimed funds or contents of 20482  
a safe deposit box is not an employee or agent of the director 20483  
of commerce; 20484

(h) That the director of commerce is not a party to the 20485  
agreement; 20486

(i) That the person agreeing to locate, deliver, recover, 20487  
or assist in the recovery of the unclaimed funds or contents of 20488  
a safe deposit box holds a valid certificate of registration 20489  
issued by the director under section 169.16 of the Revised Code; 20490

(j) The number designated on that certificate of 20491  
registration and the date the certificate of registration 20492  
expires. 20493

(3) No agreement described in division (B)(2) of this 20494  
section shall include a power of attorney for the payment of the 20495  
unclaimed funds or delivery of the contents of a safe deposit 20496  
box to any person other than the owner of the unclaimed funds or 20497  
contents of a safe deposit box. 20498

(4) If the agreement involves recovery of the contents of 20499  
a safe deposit box, the agreement stipulates that the person 20500  
receiving any fee, compensation, commission, or other 20501  
remuneration for engaging in any activity for the purpose of 20502  
locating, delivering, recovering, or assisting in the recovery 20503  
of unclaimed funds or other items stored in a safe deposit box 20504

on behalf of any other person shall do all of the following: 20505

(a) Make arrangements to have an appraiser and the 20506  
director of commerce view the contents of the safe deposit box 20507  
together, at a time mutually agreeable to the appraiser and 20508  
director; 20509

(b) State that the value of the property in the safe 20510  
deposit box is the amount established by the appraiser who 20511  
viewed the safe deposit box contents; 20512

(c) Base the fee, compensation, commission, or other 20513  
remuneration for locating, delivering, recovering, or assisting 20514  
in the recovery of unclaimed funds or other items stored in a 20515  
safe deposit box on the appraised value established by the 20516  
appraiser who viewed the safe deposit box contents. 20517

(C) No person shall receive a fee, compensation, 20518  
commission, or other remuneration, or engage in any activity for 20519  
the purpose of locating, delivering, recovering, or assisting in 20520  
the recovery of unclaimed funds or contents of a safe deposit 20521  
box, under an agreement that is invalid under this section. 20522

(D) A person who receives any fee, compensation, 20523  
commission, or other remuneration for engaging in any activity 20524  
for the purpose of locating, delivering, recovering, or 20525  
assisting in the recovery of unclaimed funds or other items 20526  
stored in a safe deposit box on behalf of any other person 20527  
cannot function as an appraiser of the contents of the safe 20528  
deposit box for purposes of division (B) (4) of this section. 20529

(E) The director shall not recognize or make any delivery 20530  
and the ~~auditor of state~~ office of budget and management shall 20531  
not make any payment pursuant to any power of attorney between 20532  
an owner of the unclaimed funds or contents of a safe deposit 20533

box and the person with whom the owner entered into an agreement 20534  
pursuant to division (B) (2) of this section to locate, deliver, 20535  
recover, or assist in the recovery of the unclaimed funds or 20536  
contents of a safe deposit box if that power of attorney is 20537  
entered into on or after March 23, 2007, and that power of 20538  
attorney specifically provides for the payment of unclaimed 20539  
funds or delivery of the contents of a safe deposit box to any 20540  
person other than the owner of the unclaimed funds or contents 20541  
of a safe deposit box. Nothing in this section shall be 20542  
construed as prohibiting the payment of unclaimed funds or 20543  
delivery of the contents of a safe deposit box to the legal 20544  
representative of the owner of the unclaimed funds or contents 20545  
of the safe deposit box. Notwithstanding the definition of 20546  
"owner" specified in division (C) of section 169.01 of the 20547  
Revised Code, for purposes of the payment of unclaimed funds or 20548  
delivery of the contents of the safe deposit box, a person with 20549  
whom an owner entered into an agreement under division (B) (2) of 20550  
this section is not a legal representative. 20551

**Sec. 173.38.** (A) As used in this section: 20552

(1) "Applicant" means a person who is under final 20553  
consideration for employment with a responsible party in a full- 20554  
time, part-time, or temporary direct-care position or is 20555  
referred to a responsible party by an employment service for 20556  
such a position. "Applicant" does not include a person being 20557  
considered for a direct-care position as a volunteer. 20558

(2) "Area agency on aging" has the same meaning as in 20559  
section 173.14 of the Revised Code. 20560

(3) ~~"Chief administrator of a responsible party" includes~~ 20561  
~~a consumer when the consumer is a responsible party.~~ 20562

~~(4)~~—"Community-based long-term care services" means 20563  
community-based long-term care services, as defined in section 20564  
173.14 of the Revised Code, that are provided under a program 20565  
the department of aging administers. 20566

~~(5)~~(4) "Consumer" means an individual who receives 20567  
community-based long-term care services. 20568

~~(6)~~(5) "Criminal records check" has the same meaning as in 20569  
section 109.572 of the Revised Code. 20570

~~(7)~~(a) ~~(6)~~ (a) "Direct-care position" means an employment 20571  
position in which an employee has either or both of the 20572  
following: 20573

(i) In-person contact with one or more consumers; 20574

(ii) Access to one or more consumers' personal property or 20575  
records. 20576

(b) "Direct-care position" does not include a any of the 20577  
following: 20578

(i) A person whose sole duties are transporting 20579  
individuals under Chapter 306. of the Revised Code; 20580

(ii) An attorney licensed to practice law in this state; 20581

(iii) A person who is not licensed to practice law in this 20582  
state, but, at the direction of an attorney licensed to practice 20583  
law in this state, assists the attorney in the attorney's 20584  
provision of legal services. 20585

~~(8)~~(7) "Disqualifying offense" means any of the offenses 20586  
listed or described in divisions (A) (3) (a) to (e) of section 20587  
109.572 of the Revised Code. 20588

~~(9)~~(8) "Employee" means a person employed by a responsible 20589

party in a full-time, part-time, or temporary direct-care 20590  
position and a person who works in such a position due to being 20591  
referred to a responsible party by an employment service. 20592  
"Employee" does not include a person who works in a direct-care 20593  
position as a volunteer. 20594

~~(10)~~(9) "PASSPORT administrative agency" has the same 20595  
meaning as in section 173.42 of the Revised Code. 20596

~~(11)~~(10) "Provider" has the same meaning as in section 20597  
173.39 of the Revised Code. 20598

~~(12)~~(11) "Responsible party" means the following: 20599

(a) An area agency on aging in the case of either of the 20600  
following: 20601

(i) A person who is an applicant because the person is 20602  
under final consideration for employment with the agency in a 20603  
full-time, part-time, or temporary direct-care position or is 20604  
referred to the agency by an employment service for such a 20605  
position; 20606

(ii) A person who is an employee because the person is 20607  
employed by the agency in a full-time, part-time, or temporary 20608  
direct-care position or works in such a position due to being 20609  
referred to the agency by an employment service. 20610

(b) A PASSPORT administrative agency in the case of either 20611  
of the following: 20612

(i) A person who is an applicant because the person is 20613  
under final consideration for employment with the agency in a 20614  
full-time, part-time, or temporary direct-care position or is 20615  
referred to the agency by an employment service for such a 20616  
position; 20617

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

~~(e) A consumer in the case of either of the following:~~

~~(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a~~

~~full-time, part-time, or temporary direct-care position for~~ 20646  
~~which the consumer, as the employer of record, is to direct the~~ 20647  
~~person in the provision of community-based long-term care~~ 20648  
~~services the person is to provide the consumer or is referred to~~ 20649  
~~the consumer by an employment service for such a position;~~ 20650

~~(ii) A person who is an employee because the person is~~ 20651  
~~employed by the consumer in a full-time, part-time, or temporary~~ 20652  
~~direct-care position for which the consumer, as the employer of~~ 20653  
~~record, directs the person in the provision of community-based~~ 20654  
~~long-term care services the person provides to the consumer or~~ 20655  
~~who works in such a position due to being referred to the~~ 20656  
~~consumer by an employment service.~~ 20657

~~(13)~~(12) "Subcontractor" has the meaning specified in 20658  
rules adopted under this section. 20659

~~(14)~~(13) "Volunteer" means a person who serves in a 20660  
direct-care position without receiving or expecting to receive 20661  
any form of remuneration other than reimbursement for actual 20662  
expenses. 20663

~~(15)~~(14) "Waiver agency" has the same meaning as in 20664  
section 5164.342 of the Revised Code. 20665

(B) This section does not apply to any individual of the 20666  
following: 20667

(1) A person who is subject to a database review or 20668  
criminal records check under section 173.381 or 3740.11 of the 20669  
Revised Code ~~or to any individual;~~ 20670

(2) A person who is subject to a criminal records check 20671  
under section 3721.121 of the Revised Code; 20672

(3) A participant-directed provider, but only if the 20673

director of aging has conducted a database review of the 20674  
provider in the same manner that other database reviews are 20675  
conducted under this section; 20676

(4) An ambulette driver employed by an organization 20677  
licensed under Chapter 4766. of the Revised Code. 20678

(C) No responsible party shall employ an applicant or 20679  
continue to employ an employee in a direct-care position if any 20680  
of the following apply: 20681

(1) A review of the databases listed in division (E) of 20682  
this section reveals any of the following: 20683

(a) That the applicant or employee is included in one or 20684  
more of the databases listed in divisions (E) (1) to (5) of this 20685  
section; 20686

(b) That there is in the state nurse aide registry 20687  
established under section 3721.32 of the Revised Code a 20688  
statement detailing findings by the director of health that the 20689  
applicant or employee abused, neglected, or exploited a long- 20690  
term care facility or residential care facility resident or 20691  
misappropriated property of such a resident; 20692

(c) That the applicant or employee is included in one or 20693  
more of the databases, if any, specified in rules adopted under 20694  
this section and the rules prohibit the responsible party from 20695  
employing an applicant or continuing to employ an employee 20696  
included in such a database in a direct-care position. 20697

(2) After the applicant or employee is provided, pursuant 20698  
to division (F) (2) (a) of this section, a copy of the form 20699  
prescribed pursuant to division (C) (1) of section 109.572 of the 20700  
Revised Code and the standard impression sheet prescribed 20701  
pursuant to division (C) (2) of that section, the applicant or 20702

employee fails to complete the form or provide the applicant's 20703  
or employee's fingerprint impressions on the standard impression 20704  
sheet. 20705

(3) Unless the applicant or employee meets standards 20706  
specified in rules adopted under this section, the applicant or 20707  
employee is found by a criminal records check required by this 20708  
section to have been convicted of, pleaded guilty to, or been 20709  
found eligible for intervention in lieu of conviction for a 20710  
disqualifying offense. 20711

(D) Except as provided by division (G) of this section, 20712  
the chief administrator of a responsible party shall inform each 20713  
applicant of both of the following at the time of the 20714  
applicant's initial application for employment or referral to 20715  
the responsible party by an employment service for a direct-care 20716  
position: 20717

(1) That a review of the databases listed in division (E) 20718  
of this section will be conducted to determine whether the 20719  
responsible party is prohibited by division (C)(1) of this 20720  
section from employing the applicant in the direct-care 20721  
position; 20722

(2) That, unless the database review reveals that the 20723  
applicant may not be employed in the direct-care position, a 20724  
criminal records check of the applicant will be conducted and 20725  
the applicant is required to provide a set of the applicant's 20726  
fingerprint impressions as part of the criminal records check. 20727

(E) As a condition of employing any applicant in a direct- 20728  
care position, the chief administrator of a responsible party 20729  
shall conduct a database review of the applicant in accordance 20730  
with rules adopted under this section. If rules adopted under 20731

this section so require, the chief administrator of a 20732  
responsible party shall conduct a database review of an employee 20733  
in accordance with the rules as a condition of continuing to 20734  
employ the employee in a direct-care position. However, a chief 20735  
administrator is not required to conduct a database review of an 20736  
applicant or employee if division (G) of this section applies. A 20737  
database review shall determine whether the applicant or 20738  
employee is included in any of the following: 20739

(1) The excluded parties list system that is maintained by 20740  
the United States general services administration pursuant to 20741  
subpart 9.4 of the federal acquisition regulation and available 20742  
at the federal web site known as the system for award 20743  
management; 20744

(2) The list of excluded individuals and entities 20745  
maintained by the office of inspector general in the United 20746  
States department of health and human services pursuant to the 20747  
"Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 20748  
and 1320c-5; 20749

(3) The registry of developmental disabilities employees 20750  
established under section 5123.52 of the Revised Code; 20751

(4) The internet-based sex offender and child-victim 20752  
offender database established under division (A)(11) of section 20753  
2950.13 of the Revised Code; 20754

(5) The internet-based database of inmates established 20755  
under section 5120.66 of the Revised Code; 20756

(6) The state nurse aide registry established under 20757  
section 3721.32 of the Revised Code; 20758

(7) Any other database, if any, specified in rules adopted 20759  
under this section. 20760

(F) (1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C) (1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section; 20792  
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(b) Obtain the completed form and standard impression sheet from the applicant or employee; 20797  
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(c) Forward the completed form and standard impression sheet to the superintendent. 20799  
20800

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply: 20801  
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(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment. 20809  
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20811  
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(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section. 20813  
20814

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply: 20815  
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20817  
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(1) The chief administrator of the responsible party 20820

receives from the employment service confirmation that a review 20821  
of the databases listed in division (E) of this section was 20822  
conducted of the applicant or employee. 20823

(2) The chief administrator of the responsible party 20824  
receives from the employment service, applicant, or employee a 20825  
report of the results of a criminal records check of the 20826  
applicant or employee that has been conducted by the 20827  
superintendent within the one-year period immediately preceding 20828  
the following: 20829

(a) In the case of an applicant, the date of the 20830  
applicant's referral by the employment service to the 20831  
responsible party; 20832

(b) In the case of an employee, the date by which the 20833  
responsible party would otherwise have to request a criminal 20834  
records check of the employee under division (F) of this 20835  
section. 20836

(H) (1) A responsible party may employ conditionally an 20837  
applicant for whom a criminal records check request is required 20838  
by this section prior to obtaining the results of the criminal 20839  
records check if the responsible party is not prohibited by 20840  
division (C) (1) of this section from employing the applicant in 20841  
a direct-care position and either of the following applies: 20842

(a) The chief administrator of the responsible party 20843  
requests the criminal records check in accordance with division 20844  
(F) of this section before conditionally employing the 20845  
applicant. 20846

(b) The applicant is referred to the responsible party by 20847  
an employment service, the employment service or the applicant 20848  
provides the chief administrator of the responsible party a 20849

letter that is on the letterhead of the employment service, the 20850  
letter is dated and signed by a supervisor or another designated 20851  
official of the employment service, and the letter states all of 20852  
the following: 20853

(i) That the employment service has requested the 20854  
superintendent to conduct a criminal records check regarding the 20855  
applicant; 20856

(ii) That the requested criminal records check is to 20857  
include a determination of whether the applicant has been 20858  
convicted of, pleaded guilty to, or been found eligible for 20859  
intervention in lieu of conviction for a disqualifying offense; 20860

(iii) That the employment service has not received the 20861  
results of the criminal records check as of the date set forth 20862  
on the letter; 20863

(iv) That the employment service promptly will send a copy 20864  
of the results of the criminal records check to the chief 20865  
administrator of the responsible party when the employment 20866  
service receives the results. 20867

(2) If a responsible party employs an applicant 20868  
conditionally pursuant to division (H)(1)(b) of this section, 20869  
the employment service, on its receipt of the results of the 20870  
criminal records check, promptly shall send a copy of the 20871  
results to the chief administrator of the responsible party. 20872

(3) A responsible party that employs an applicant 20873  
conditionally pursuant to division (H)(1)(a) or (b) of this 20874  
section shall terminate the applicant's employment if the 20875  
results of the criminal records check, other than the results of 20876  
any request for information from the federal bureau of 20877  
investigation, are not obtained within the period ending sixty 20878

days after the date the request for the criminal records check 20879  
is made. Regardless of when the results of the criminal records 20880  
check are obtained, if the results indicate that the applicant 20881  
has been convicted of, pleaded guilty to, or been found eligible 20882  
for intervention in lieu of conviction for a disqualifying 20883  
offense, the responsible party shall terminate the applicant's 20884  
employment unless the applicant meets standards specified in 20885  
rules adopted under this section that permit the responsible 20886  
party to employ the applicant and the responsible party chooses 20887  
to employ the applicant. Termination of employment under this 20888  
division shall be considered just cause for discharge for 20889  
purposes of division (D) (2) of section 4141.29 of the Revised 20890  
Code if the applicant makes any attempt to deceive the 20891  
responsible party about the applicant's criminal record. 20892

(I) The report of any criminal records check conducted 20893  
pursuant to a request made under this section is not a public 20894  
record for the purposes of section 149.43 of the Revised Code 20895  
and shall not be made available to any person other than the 20896  
following: 20897

(1) The applicant or employee who is the subject of the 20898  
criminal records check or the applicant's or employee's 20899  
representative; 20900

(2) The chief administrator of the responsible party 20901  
requesting the criminal records check or the administrator's 20902  
representative; 20903

(3) The administrator of any other facility, agency, or 20904  
program that provides community-based long-term care services 20905  
that is owned or operated by the same entity that owns or 20906  
operates the responsible party that requested the criminal 20907  
records check; 20908

- (4) The employment service that requested the criminal records check; 20909  
20910
- (5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section; 20911  
20912  
20913
- (6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply: 20914  
20915  
20916
- (a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency; 20917  
20918  
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- (b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency; 20920  
20921  
20922  
20923
- ~~(c) The criminal records check is requested by a consumer who is acting as a responsible party.~~ 20924  
20925
- (7) A court or hearing officer involved in a case dealing with any of the following: 20926  
20927
- (a) A denial of employment of the applicant or employee; 20928
- (b) Employment or unemployment benefits of the applicant or employee; 20929  
20930
- (c) A civil or criminal action regarding the medicaid program or a program the department of aging administers. 20931  
20932
- (8) Pursuant to a lawful subpoena or valid court order, any necessary individual not identified in division (I) (7) of this section who is involved in a case dealing with any issue, 20933  
20934  
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matter, or action described in division (I) (7) (a), (b), or (c) 20936  
of this section. 20937

(J) In a tort or other civil action for damages that is 20938  
brought as the result of an injury, death, or loss to person or 20939  
property caused by an applicant or employee who a responsible 20940  
party employs in a direct-care position, all of the following 20941  
shall apply: 20942

(1) If the responsible party employed the applicant or 20943  
employee in good faith and reasonable reliance on the report of 20944  
a criminal records check requested under this section, the 20945  
responsible party shall not be found negligent solely because of 20946  
its reliance on the report, even if the information in the 20947  
report is determined later to have been incomplete or 20948  
inaccurate. 20949

(2) If the responsible party employed the applicant in 20950  
good faith on a conditional basis pursuant to division (H) of 20951  
this section, the responsible party shall not be found negligent 20952  
solely because it employed the applicant prior to receiving the 20953  
report of a criminal records check requested under this section. 20954

(3) If the responsible party in good faith employed the 20955  
applicant or employee because the applicant or employee meets 20956  
standards specified in rules adopted under this section, the 20957  
responsible party shall not be found negligent solely because 20958  
the applicant or employee has been convicted of, pleaded guilty 20959  
to, or been found eligible for intervention in lieu of 20960  
conviction for a disqualifying offense. 20961

(K) The director of aging shall adopt rules in accordance 20962  
with Chapter 119. of the Revised Code to implement this section. 20963

(1) The rules may do the following: 20964

- (a) Require employees to undergo database reviews and criminal records checks under this section; 20965  
20966
- (b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 20967  
20968  
20969
- (c) For the purpose of division (E) (7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 20970  
20971  
20972
- (2) The rules shall specify all of the following: 20973
- (a) The meaning of the term "subcontractor"; 20974
- (b) The procedures for conducting database reviews under this section; 20975  
20976
- (c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 20977  
20978  
20979  
20980
- (d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases; 20981  
20982  
20983  
20984  
20985
- (e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 20986  
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<b>Sec. 173.381.</b> (A) As used in this section:	20993
(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.	20994 20995 20996 20997
(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.	20998 20999 21000
(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code.	21001 21002 21003
(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	21004 21005
(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code.	21006 21007 21008
(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.	21009 21010
(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.	21011 21012
(B) This section does not apply to any <del>individual who is subject to a database review or criminal records check under of</del> <u>the following:</u>	21013 21014 21015
(1) <u>An applicant as defined in section 3740.11 of the Revised Code or an employee as defined in section 3740.01 of the Revised Code;</u>	21016 21017 21018
(2) <u>An ambulette driver employed by an organization</u>	21019

<u>licensed under Chapter 4766. of the Revised Code;</u>	21020
<u>(3) An attorney licensed to practice law in this state;</u>	21021
<u>(4) A person who is not licensed to practice law in this</u>	21022
<u>state, but who, at the direction of an attorney licensed to</u>	21023
<u>practice law in this state, assists the attorney in the</u>	21024
<u>attorney's provision of legal services.</u>	21025
(C) (1) The department of aging or its designee shall take	21026
the following actions when the circumstances specified in	21027
division (C) (2) of this section apply:	21028
(a) Refuse to issue a community-based long-term care	21029
services certificate to a self-employed provider;	21030
(b) Revoke a self-employed provider's community-based	21031
long-term care services certificate;	21032
(c) Refuse to award a community-based long-term care	21033
services contract or grant to a self-employed provider;	21034
(d) Terminate a self-employed provider's community-based	21035
long-term care services contract or grant awarded on or after	21036
September 15, 2014.	21037
(2) The following are the circumstances that require the	21038
department of aging or its designee to take action under	21039
division (C) (1) of this section:	21040
(a) A review of the databases listed in division (E) of	21041
this section reveals any of the following:	21042
(i) That the self-employed provider is included in one or	21043
more of the databases listed in divisions (E) (1) to (5) of this	21044
section;	21045
(ii) That there is in the state nurse aide registry	21046

established under section 3721.32 of the Revised Code a 21047  
statement detailing findings by the director of health that the 21048  
self-employed provider abused, neglected, or exploited a long- 21049  
term care facility or residential care facility resident or 21050  
misappropriated property of such a resident; 21051

(iii) That the self-employed provider is included in one 21052  
or more of the databases, if any, specified in rules adopted 21053  
under this section and the rules require the department or its 21054  
designee to take action under division (C)(1) of this section if 21055  
a self-employed provider is included in such a database. 21056

(b) After the self-employed provider is provided, pursuant 21057  
to division (F)(2)(a) of this section, a copy of the form 21058  
prescribed pursuant to division (C)(1) of section 109.572 of the 21059  
Revised Code and the standard impression sheet prescribed 21060  
pursuant to division (C)(2) of that section, the self-employed 21061  
provider fails to complete the form or provide the self-employed 21062  
provider's fingerprint impressions on the standard impression 21063  
sheet. 21064

(c) Unless the self-employed provider meets standards 21065  
specified in rules adopted under this section, the self-employed 21066  
provider is found by a criminal records check required by this 21067  
section to have been convicted of, pleaded guilty to, or been 21068  
found eligible for intervention in lieu of conviction for a 21069  
disqualifying offense. 21070

(D) The department of aging or its designee shall inform 21071  
each self-employed provider of both of the following at the time 21072  
of the self-employed provider's initial application for a 21073  
community-based long-term care services certificate or initial 21074  
bid for a community-based long-term care services contract or 21075  
grant: 21076

(1) That a review of the databases listed in division (E) 21077  
of this section will be conducted to determine whether the 21078  
department or its designee is required by division (C) of this 21079  
section to refuse to issue or award a community-based long-term 21080  
care services certificate or community-based long-term care 21081  
services contract or grant to the self-employed provider; 21082

(2) That, unless the database review reveals that the 21083  
department or its designee is required to refuse to issue or 21084  
award a community-based long-term care services certificate or 21085  
community-based long-term care services contract or grant to the 21086  
self-employed provider, a criminal records check of the self- 21087  
employed provider will be conducted and the self-employed 21088  
provider is required to provide a set of the self-employed 21089  
provider's fingerprint impressions as part of the criminal 21090  
records check. 21091

(E) As a condition of issuing or awarding a community- 21092  
based long-term care services certificate or community-based 21093  
long-term care services contract or grant to a self-employed 21094  
provider, the department of aging or its designee shall conduct 21095  
a database review of the self-employed provider in accordance 21096  
with rules adopted under this section. If rules adopted under 21097  
this section so require, the department or its designee shall 21098  
conduct a database review of a self-employed provider in 21099  
accordance with the rules as a condition of not revoking or 21100  
terminating the self-employed provider's community-based long- 21101  
term care services certificate or community-based long-term care 21102  
services contract or grant. A database review shall determine 21103  
whether the self-employed provider is included in any of the 21104  
following: 21105

(1) The excluded parties list system that is maintained by 21106

the United States general services administration pursuant to	21107
subpart 9.4 of the federal acquisition regulation and available	21108
at the federal web site known as the system for award	21109
management;	21110
(2) The list of excluded individuals and entities	21111
maintained by the office of inspector general in the United	21112
States department of health and human services pursuant to the	21113
"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;	21114
(3) The registry of developmental disabilities employees	21115
established under section 5123.52 of the Revised Code;	21116
(4) The internet-based sex offender and child-victim	21117
offender database established under division (A)(11) of section	21118
2950.13 of the Revised Code;	21119
(5) The internet-based database of inmates established	21120
under section 5120.66 of the Revised Code;	21121
(6) The state nurse aide registry established under	21122
section 3721.32 of the Revised Code;	21123
(7) Any other database, if any, specified in rules adopted	21124
under this section.	21125
(F)(1) As a condition of issuing or awarding a community-	21126
based long-term care services certificate or community-based	21127
long-term care services contract or grant to a self-employed	21128
provider, the department of aging or its designee shall request	21129
that the superintendent of the bureau of criminal identification	21130
and investigation conduct a criminal records check of the self-	21131
employed provider. If rules adopted under this section so	21132
require, the department or its designee shall request that the	21133
superintendent conduct a criminal records check of a self-	21134
employed provider at times specified in the rules as a condition	21135

of not revoking or terminating the self-employed provider's 21136  
community-based long-term care services certificate or 21137  
community-based long-term care services contract or grant. 21138  
However, the department or its designee is not required to 21139  
request the criminal records check of the self-employed provider 21140  
if the department or its designee, because of circumstances 21141  
specified in division (C)(2)(a) of this section, is required to 21142  
refuse to issue or award a community-based long-term care 21143  
services certificate or community-based long-term care services 21144  
contract or grant to the self-employed provider or to revoke or 21145  
terminate the self-employed provider's certificate or contract 21146  
or grant. 21147

If a self-employed provider for whom a criminal records 21148  
check request is required by this section does not present proof 21149  
of having been a resident of this state for the five-year period 21150  
immediately prior to the date the criminal records check is 21151  
requested or provide evidence that within that five-year period 21152  
the superintendent has requested information about the self- 21153  
employed provider from the federal bureau of investigation in a 21154  
criminal records check, the department or its designee shall 21155  
request that the superintendent obtain information from the 21156  
federal bureau of investigation as part of the criminal records 21157  
check. Even if a self-employed provider for whom a criminal 21158  
records check request is required by this section presents proof 21159  
of having been a resident of this state for the five-year 21160  
period, the department or its designee may request that the 21161  
superintendent include information from the federal bureau of 21162  
investigation in the criminal records check. 21163

(2) The department or its designee shall do all of the 21164  
following: 21165

(a) Provide to each self-employed provider for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section; 21166  
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(b) Obtain the completed form and standard impression sheet from the self-employed provider; 21171  
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(c) Forward the completed form and standard impression sheet to the superintendent. 21173  
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(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau. 21175  
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(G) The report of any criminal records check of a self-employed provider conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 21183  
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21185  
21186  
21187

(1) The self-employed provider or the self-employed provider's representative; 21188  
21189

(2) The department of aging, the department's designee, or a representative of the department or its designee; 21190  
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(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or 21192  
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provides, community-based long-term care services under a 21195  
component of the medicaid program that the department of aging 21196  
administers; 21197

(4) A court or hearing officer involved in a case dealing 21198  
with any of the following: 21199

(a) A refusal to issue or award a community-based long- 21200  
term services certificate or community-based long-term care 21201  
services contract or grant to the self-employed provider; 21202

(b) A revocation or termination of the self-employed 21203  
provider's community-based long-term care services certificate 21204  
or community-based long-term care services contract or grant; 21205

(c) A civil or criminal action regarding a program the 21206  
department of aging administers. 21207

(5) Pursuant to a lawful subpoena or valid court order, 21208  
any necessary individual not identified in division (G) (4) of 21209  
this section who is involved in a case dealing with any issue, 21210  
matter, or action described in division (G) (4) (a), (b), or (c) 21211  
of this section. 21212

(H) In a tort or other civil action for damages that is 21213  
brought as the result of an injury, death, or loss to person or 21214  
property caused by a self-employed provider, both of the 21215  
following shall apply: 21216

(1) If the department of aging or its designee, in good 21217  
faith and reasonable reliance on the report of a criminal 21218  
records check requested under this section, issued or awarded a 21219  
community-based long-term care services certificate or 21220  
community-based long-term care services contract or grant to the 21221  
self-employed provider or did not revoke or terminate the self- 21222  
employed provider's certificate or contract or grant, the 21223

department and its designee shall not be found negligent solely 21224  
because of its reliance on the report, even if the information 21225  
in the report is determined later to have been incomplete or 21226  
inaccurate. 21227

(2) If the department or its designee in good faith issued 21228  
or awarded a community-based long-term care services certificate 21229  
or community-based long-term care services contract or grant to 21230  
the self-employed provider or did not revoke or terminate the 21231  
self-employed provider's certificate or contract or grant 21232  
because the self-employed provider meets standards specified in 21233  
rules adopted under this section, the department and its 21234  
designee shall not be found negligent solely because the self- 21235  
employed provider has been convicted of, pleaded guilty to, or 21236  
been found eligible for intervention in lieu of conviction for a 21237  
disqualifying offense. 21238

(I) The director of aging shall adopt rules in accordance 21239  
with Chapter 119. of the Revised Code to implement this section. 21240

(1) The rules may do the following: 21241

(a) Require self-employed providers who have been issued 21242  
or awarded community-based long-term care services certificates 21243  
or community-based long-term care services contracts or grants 21244  
to undergo database reviews and criminal records checks under 21245  
this section; 21246

(b) If the rules require self-employed providers who have 21247  
been issued or awarded community-based long-term care services 21248  
certificates or community-based long-term care services 21249  
contracts or grants to undergo database reviews and criminal 21250  
records checks under this section, exempt one or more classes of 21251  
such self-employed providers from the requirements; 21252

(c) For the purpose of division (E) (7) of this section, 21253  
specify other databases that are to be checked as part of a 21254  
database review conducted under this section. 21255

(2) The rules shall specify all of the following: 21256

(a) The procedures for conducting database reviews under 21257  
this section; 21258

(b) If the rules require self-employed providers who have 21259  
been issued or awarded community-based long-term care services 21260  
certificates or community-based long-term care services 21261  
contracts or grants to undergo database reviews and criminal 21262  
records checks under this section, the times at which the 21263  
database reviews and criminal records checks are to be 21264  
conducted; 21265

(c) If the rules specify other databases to be checked as 21266  
part of the database reviews, the circumstances under which the 21267  
department of aging or its designee is required to refuse to 21268  
issue or award a community-based long-term care services 21269  
certificate or community-based long-term care services contract 21270  
or grant to a self-employed provider or to revoke or terminate a 21271  
self-employed provider's certificate or contract or grant when 21272  
the self-employed provider is found by a database review to be 21273  
included in one or more of those databases; 21274

(d) Standards that a self-employed provider must meet for 21275  
the department or its designee to be permitted to issue or award 21276  
a community-based long-term care services certificate or 21277  
community-based long-term care services contract or grant to the 21278  
self-employed provider or not to revoke or terminate the self- 21279  
employed provider's certificate or contract or grant if the 21280  
self-employed provider is found by a criminal records check 21281

required by this section to have been convicted of, pleaded 21282  
guilty to, or been found eligible for intervention in lieu of 21283  
conviction for a disqualifying offense. 21284

**Sec. 173.391.** (A) Subject to section 173.381 of the 21285  
Revised Code and except as provided in division (I) of this 21286  
section, the department of aging or its designee shall do all of 21287  
the following in accordance with Chapter 119. of the Revised 21288  
Code: 21289

(1) Certify a provider to provide services, including 21290  
community-based long-term care services, under a program the 21291  
department administers if the provider satisfies the 21292  
requirements for certification established by rules adopted 21293  
under division (B) of this section and pays the fee, if any, 21294  
established by rules adopted under division (G) of this section; 21295

(2) When required to do so by rules adopted under division 21296  
(B) of this section, take one or more of the following 21297  
disciplinary actions against a provider certified under division 21298  
(A) (1) of this section: 21299

(a) Issue a written warning; 21300

(b) Require the submission of both of the following: a 21301  
plan of correction ~~or~~ and evidence of compliance with 21302  
requirements identified by the department; 21303

(c) Suspend referrals; 21304

(d) Remove clients; 21305

(e) Impose a fiscal sanction such as a civil monetary 21306  
penalty or an order that unearned funds be repaid; 21307

(f) Suspend the certification; 21308

(g) Revoke the certification;	21309
(h) Impose another sanction.	21310
(3) Except as provided in division (E) of this section,	21311
hold hearings when there is a dispute between the department or	21312
its designee and a provider concerning actions the department or	21313
its designee takes regarding a decision not to certify the	21314
provider under division (A) (1) of this section or a disciplinary	21315
action under divisions (A) (2) (e) to (h) of this section.	21316
(B) The director of aging shall adopt rules in accordance	21317
with Chapter 119. of the Revised Code establishing certification	21318
requirements and standards for determining which type of	21319
disciplinary action to take under division (A) (2) of this	21320
section in individual situations. The rules shall establish	21321
procedures for all of the following:	21322
(1) Ensuring that providers comply with sections 173.38	21323
and 173.381 of the Revised Code;	21324
(2) Evaluating the services provided by the providers to	21325
ensure that the services are provided in a quality manner	21326
advantageous to the individual receiving the services;	21327
(3) In a manner consistent with section 173.381 of the	21328
Revised Code, determining when to take disciplinary action under	21329
division (A) (2) of this section and which disciplinary action to	21330
take;	21331
(4) Determining what constitutes another sanction for	21332
purposes of division (A) (2) (h) of this section.	21333
(C) The procedures established in rules adopted under	21334
division (B) (2) of this section shall require that all of the	21335
following be considered as part of an evaluation described in	21336

division (B) (2) of this section:	21337
(1) The provider's experience and financial responsibility;	21338 21339
(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers;	21340 21341 21342 21343
(3) The provider's ability to meet the needs of the individuals served;	21344 21345
(4) Any other factor the director considers relevant.	21346
(D) The rules adopted under division (B) (3) of this section shall specify that the reasons disciplinary action may be taken under division (A) (2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.	21347 21348 21349 21350 21351 21352 21353
(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A) (3) of this section if any of the following conditions apply:	21354 21355 21356
(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:	21357 21358 21359 21360 21361 21362
(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been	21363 21364

obtained or maintained. 21365

(b) The provider agreement, license, certificate, permit, 21366  
or certification has been denied, revoked, not renewed, or 21367  
suspended or has been otherwise restricted. 21368

(2) The provider's certification under this section has 21369  
been denied, suspended, or revoked for any of the following 21370  
reasons: 21371

(a) A government entity of this state, other than the 21372  
department of aging, has terminated or refused to renew any of 21373  
the following held by, or has denied any of the following sought 21374  
by, a provider: a provider agreement, license, certificate, 21375  
permit, or certification. Division (E) (2) (a) of this section 21376  
applies regardless of whether the provider has entered into a 21377  
provider agreement in, or holds a license, certificate, permit, 21378  
or certification issued by, another state. 21379

(b) The provider or a principal owner or manager of the 21380  
provider who provides direct care has entered a guilty plea for, 21381  
or has been convicted of, an offense materially related to the 21382  
medicaid program. 21383

(c) ~~A~~ The provider or a principal owner or manager of the 21384  
provider who provides direct care has entered a guilty plea for, 21385  
been convicted of, or been found eligible for intervention in 21386  
lieu of conviction for an offense listed or described in 21387  
divisions (A) (3) (a) to (e) of section 109.572 of the Revised 21388  
Code, but only if the provider, principal owner, or manager does 21389  
not meet standards specified by the director in rules adopted 21390  
under section 173.38 of the Revised Code. 21391

(d) The department or its designee is required by section 21392  
173.381 of the Revised Code to deny or revoke the provider's 21393

certification. 21394

(e) The United States department of health and human 21395  
services has taken adverse action against the provider and that 21396  
action impacts the provider's participation in the medicaid 21397  
program. 21398

(f) The provider has failed to enter into or renew a 21399  
provider agreement with either of the following: the department 21400  
or the PASSPORT administrative agency, as that term is defined 21401  
in section 173.42 of the Revised Code, that administers programs 21402  
on behalf of the department of aging in the region of the state 21403  
in which the provider is certified to provide services. 21404

(g) The provider has not billed or otherwise submitted a 21405  
claim to the department for payment under the medicaid program 21406  
in at least two years. 21407

(h) The provider denied or failed to provide the 21408  
department or its designee access to the provider's facilities 21409  
during the provider's normal business hours for purposes of 21410  
conducting an audit or structural compliance review. 21411

(i) The provider has ceased doing business. 21412

(j) The provider has voluntarily relinquished its 21413  
certification for any reason. 21414

(3) The provider's provider agreement with the department 21415  
of medicaid has been suspended under section 5164.36 of the 21416  
Revised Code. 21417

(4) The provider's provider agreement with the department 21418  
of medicaid is denied or revoked because the provider or its 21419  
owner, officer, authorized agent, associate, manager, or 21420  
employee has been convicted of an offense that caused the 21421

provider agreement to be suspended under section 5164.36 of the Revised Code. 21422  
21423

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular or electronic mail. 21424  
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under division (A) of this section. 21432  
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(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide. 21436  
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(I) The director shall certify a provider in accordance with Chapter 4796. of the Revised Code if either of the following applies: 21445  
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(1) The provider is licensed or certified in another state. 21448  
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(2) The provider has satisfactory work experience, a 21450

government certification, or a private certification as 21451  
described in that chapter as a provider of community-based long- 21452  
term care services under a state program in a state that does 21453  
not issue that license or certificate. 21454

**Sec. 173.525.** (A) (1) In addition to any other eligibility 21455  
requirement of this chapter, to be eligible to serve as a 21456  
personal care aide under the PASSPORT program, an individual 21457  
must successfully complete thirty hours of pre-service training 21458  
acceptable to the department of aging. 21459

To maintain eligibility, each personal care aide must 21460  
successfully complete six hours of in-service training 21461  
acceptable to the department. Such training must be completed 21462  
every twelve months. 21463

(2) In administering the PASSPORT program, the department 21464  
shall not require a personal care aide to do ~~either~~ any of the 21465  
following: 21466

(a) Complete more than thirty hours of pre-service 21467  
training; 21468

(b) Complete more than six hours of in-service training in 21469  
a twelve-month period. 21470

~~(B) The department shall not require an individual serving 21471  
as a home health aide under the PASSPORT program to complete;~~ 21472

(c) Complete more hours of pre-service training or annual 21473  
in-service training than required by federal law. 21474

~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ 21475  
~~or~~ personal care aide under the PASSPORT program: 21476

(1) A registered nurse; 21477

(2) A licensed practical nurse under the direction of a 21478  
chiropractor, dentist, optometrist, physician, physician 21479  
assistant, podiatrist, or registered nurse. 21480

**Sec. 175.16.** (A) As used in this section: 21481

(1) "Federal credit" means the tax credit authorized under 21482  
section 42 of the Internal Revenue Code. 21483

(2) "Credit period," "qualified low-income building," and 21484  
"qualified basis" have the same meanings as in section 42 of the 21485  
Internal Revenue Code. 21486

(3) "Qualified project" means a qualified low-income 21487  
building that is located in Ohio, is placed in service on or 21488  
after July 1, 2023, and for which the director reserves a tax 21489  
credit under division (B) of this section before July 1, 2027. 21490

(4) "Pass-through entity" has the same meaning as in 21491  
section 5733.04 of the Revised Code. 21492

(5) "Project owner" means a person holding a fee simple 21493  
interest or a leasehold interest pursuant to a ground lease in 21494  
the land on which a qualified project sits. 21495

(6) "Reserved credit amount" means the amount determined 21496  
by the director and stipulated in the notice sent to each owner 21497  
of a qualified project under division (B) of this section. 21498

(7) "Annual credit amount" means the amount computed by 21499  
the director under division (D) of this section prior to issuing 21500  
an eligibility certificate. 21501

(8) "Equity owner" means a direct or indirect owner of a 21502  
project owner, provided the project owner is a pass-through 21503  
entity, as determined under applicable state law governing such 21504  
an entity. 21505

(9) "Person" has the same meaning as in section 5701.01 of the Revised Code.	21506 21507
(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.	21508 21509 21510 21511
(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code.	21512 21513 21514 21515 21516
(12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	21517 21518
(13) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to division (I)(1) of this section.	21519 21520 21521
(14) "Director" means the executive director of the Ohio housing finance agency.	21522 21523
(B) Except as otherwise provided by this division, the director, upon allocating a federal credit and issuing a binding reservation or letter of eligibility, pursuant to the Ohio housing finance agency's qualified allocation plan, for a qualified low-income building that is located in this state and placed in service on or after July 1, 2023, may reserve a tax credit under this section for the project owners so long as doing so will not result in exceeding the annual credit cap prescribed by division (C) of this section. The director shall not reserve a tax credit under this section after June 30, 2027.	21524 21525 21526 21527 21528 21529 21530 21531 21532 21533
The director shall send written notice of the reservation	21534

to each project owner. The notice shall state the aggregate 21535  
credit amount reserved for all years of the qualified project's 21536  
credit period and stipulate that receipt of the credit is 21537  
contingent upon issuance of an eligibility certificate and 21538  
filing the information described in division (I) of this 21539  
section. Upon receipt of that notice, the owner shall provide 21540  
the identity of the owner's designated reporter to the director. 21541

The director shall determine the credit amount reserved 21542  
for each qualified project. The reserved credit amount shall not 21543  
exceed the amount necessary, when combined with the federal 21544  
credit, to ensure the financial feasibility of the qualified 21545  
project. 21546

The director shall reserve credits in a manner that 21547  
ensures that a qualified project is creating additional housing 21548  
units that would not have otherwise been created with other 21549  
state, federal, or private financing. The director may assess 21550  
application, processing, and reporting fees to cover the cost of 21551  
administering the tax credit authorized under this section. 21552

(C) The aggregate amount of credits reserved by the 21553  
director under division (B) of this section in a fiscal year 21554  
shall not exceed the sum of (1) one hundred million dollars, (2) 21555  
the amount, if any, by which the credit cap prescribed by this 21556  
division for the preceding fiscal year exceeds the credits 21557  
reserved by the director in that year, and (3) the amount of tax 21558  
credits recaptured or otherwise disallowed under division (G) of 21559  
this section in the preceding fiscal year. 21560

For the purpose of computing and determining compliance 21561  
with the credit cap prescribed by this division, the credit 21562  
amount reserved for the project owners of a qualified project is 21563  
the full amount for all years of the qualified project's credit 21564

period. 21565

(D) Immediately after approving the final cost 21566  
certification for a qualified project for which a tax credit 21567  
under this section is reserved, or upon otherwise determining 21568  
the qualified basis of the qualified project and the date it was 21569  
placed into service as required by section 42(m) of the Internal 21570  
Revenue Code, the director shall compute the annual credit 21571  
amount and issue an eligibility certificate to each project 21572  
owner. The director shall send copies of all eligibility 21573  
certificates issued each calendar year to the tax commissioner 21574  
and the superintendent of insurance. 21575

The annual credit amount shall equal the lesser of the 21576  
following: 21577

(1) The amount of the federal credit that would be awarded 21578  
to the project owners for the first year of the credit period if 21579  
not for the adjustment required under section 42(f)(2) of the 21580  
Internal Revenue Code; 21581

(2) One-tenth of the reserved credit amount stated in the 21582  
notice issued under division (B) of this section. 21583

(E) Each eligibility certificate shall state the annual 21584  
credit amount, the years that comprise the credit period, the 21585  
name, address, and taxpayer identification number of each 21586  
project owner, each owner's designated reporter, the date the 21587  
certificate is issued, a unique identifying number, and any 21588  
additional information prescribed by a rule adopted under 21589  
division (H) of this section. A project owner, if the project 21590  
owner is a pass-through entity, shall provide a copy of the 21591  
eligibility certificate and any information described in 21592  
division (I) of this section to each equity owner that has been 21593

allocated a credit under division (F) (2) of this section, if 21594  
requested. 21595

(F) (1) For each year of a qualified project's credit 21596  
period, the project owner or an equity owner may claim a 21597  
nonrefundable credit against the tax imposed by section 5725.18, 21598  
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal 21599  
to all or a portion of the annual credit amount stated on the 21600  
eligibility certificate. The credit shall be claimed in the 21601  
manner prescribed by section 5725.36, 5726.58, 5729.19, or 21602  
5747.83 of the Revised Code, as applicable. 21603

(2) If a project owner is a pass-through entity, the 21604  
annual credit amount for any year of a qualified project's 21605  
credit period may be allocated by the project owner among one or 21606  
more equity owners and may be applied by those equity owners 21607  
against more than one tax, but the total credits claimed in 21608  
connection with that year of the qualified project's credit 21609  
period by all project owners and equity owners against all taxes 21610  
shall not exceed the annual credit amount stated on the 21611  
eligibility certificate. 21612

(3) A project owner or equity owner may claim the credit 21613  
authorized by this section after the date the qualified project 21614  
is placed into service but not before the director issues the 21615  
project owner an eligibility certificate under division (D) of 21616  
this section and the applicable report required by division (I) 21617  
of this section is filed by the designated reporter. 21618

(4) A project owner or equity owner that claims a tax 21619  
credit under division (F) (1) of this section shall submit a copy 21620  
of the eligibility certificate with the project owner's or 21621  
equity owner's tax return or report. Upon request of the tax 21622  
commissioner or the superintendent of insurance, any project 21623

owner or equity owner claiming a tax credit under this section 21624  
shall provide the commissioner or superintendent other 21625  
documentation that may be necessary to verify that the project 21626  
owner or equity owner is entitled to claim the credit. 21627

(5) A project owner that is a pass-through entity may 21628  
allocate the credit authorized by this section to its equity 21629  
owners under division (F) (2) of this section in any manner 21630  
agreed to by such persons regardless of whether such equity 21631  
owners are eligible for an allocation of the federal credit, 21632  
whether the allocation of the credit under the terms of the 21633  
agreement has substantial economic effect within the meaning of 21634  
section 704(b) of the Internal Revenue Code, and whether any 21635  
such person is deemed a partner of the project owner or equity 21636  
owner for federal income tax purposes as long as the equity 21637  
owner acquired its ownership interest prior to claiming the 21638  
credit. The allocation shall be allowed without regard to any 21639  
provision of the Internal Revenue Code, or regulation 21640  
promulgated pursuant to it, that may be interpreted as contrary 21641  
to the allocation, including, without limitation, the treatment 21642  
of the allocation as a disguised sale. 21643

An equity owner may assign all or any part of its interest 21644  
in a qualified project, including its interest in the tax 21645  
credits authorized by this section, to one or more other equity 21646  
owners, and each assignee shall be able to claim the credit so 21647  
long as its interest is acquired prior to the filing of its tax 21648  
return or report or amended tax return or report claiming the 21649  
credit and the assignee's ownership interest is identified in 21650  
the report required by division (I) of this section. 21651

(6) Nothing in this section or section 5725.36, 5726.58, 21652  
5729.19, or 5747.83 of the Revised Code allows the assignment or 21653

transfer of any carryforward of the credit authorized under this 21654  
section once the annual credit amount is claimed. 21655

(G) If any portion of the federal credit allocated to a 21656  
qualified project is recaptured under section 42(j) of the 21657  
Internal Revenue Code or is otherwise disallowed, the director 21658  
shall recapture a proportionate amount of the tax credit claimed 21659  
pursuant to this section in connection with the same qualified 21660  
project. 21661

If the director determines to recapture such a tax credit, 21662  
the director shall certify the name of each project owner and 21663  
the amount to be recaptured to the tax commissioner and to the 21664  
superintendent of insurance. The commissioner or superintendent 21665  
shall determine the taxpayer or taxpayers that claimed the 21666  
credit, the tax against which the credit was claimed, and the 21667  
amount to be recaptured and make an assessment against the 21668  
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 21669  
5747. of the Revised Code, as applicable, for the amount of the 21670  
tax credit to be recaptured. The time limitations on assessments 21671  
under those chapters do not bar an assessment made under this 21672  
division. 21673

(H) The director, in consultation with the tax 21674  
commissioner and superintendent of insurance, shall adopt any 21675  
rules necessary to implement this section in accordance with 21676  
Chapter 119. of the Revised Code. 21677

(I) (1) For each calendar year, a designated reporter shall 21678  
provide the tax commissioner ~~and the superintendent of~~ 21679  
~~insurance~~, in the form prescribed by the tax commissioner in 21680  
consultation with the superintendent of insurance, all of the 21681  
following: 21682

(a) The name, address, and taxpayer identification number 21683  
of each project owner and equity owner that has been allocated a 21684  
portion of the annual credit awarded on the eligibility 21685  
certificate for that year; 21686

(b) The amount of the annual credit allocated to each such 21687  
project owner and equity owner for such year and the tax against 21688  
which the credit will be claimed; 21689

(c) The total of the amounts listed for each project owner 21690  
and equity owner under division (I) (1) (b) of this section, 21691  
demonstrating that the total does not exceed the amount listed 21692  
on the eligibility certificate for that year. 21693

(2) A designated reporter shall notify the tax 21694  
commissioner ~~and the superintendent of insurance~~ of any changes 21695  
to the information reported in division (I) (1) of this section 21696  
in the time and manner prescribed by the commissioner ~~and~~ 21697  
~~superintendent.~~ 21698

(3) No credit allocated under this section may be claimed 21699  
by a project owner or equity owner for a year unless that owner 21700  
and the amount of the credit allocated to that owner appear on 21701  
the report required by division (I) (1) of this section for that 21702  
year. 21703

The tax commissioner shall provide a copy of the report, 21704  
and any subsequent changes to the report, submitted by the 21705  
designated reporter under division (I) of this section to the 21706  
superintendent of insurance in the time and manner agreed to by 21707  
the commissioner and superintendent. 21708

**Sec. 175.17.** (A) As used in this section: 21709

(1) "Qualified project" means a project to develop single- 21710  
family dwellings in this state that satisfies any qualifications 21711

established by the director under division (I) of this section. 21712

(2) "Pass-through entity" has the same meaning as in 21713  
section 5733.04 of the Revised Code. 21714

(3) "Reserved credit amount" means the amount determined 21715  
by the director and stipulated in the notice sent under division 21716  
(B) of this section. 21717

(4) "Annual credit amount" means the amount computed by 21718  
the director under division (D) of this section before issuing 21719  
an eligibility certificate. 21720

(5) "Equity owner" means any person who directly or 21721  
indirectly, through one or more pass-through entities, is a 21722  
member, partner, or shareholder of a pass-through entity. 21723

(6) "Person" has the same meaning as in section 5701.01 of 21724  
the Revised Code. 21725

(7) "Eligibility certificate" means a certificate issued 21726  
by the director to a project development owner under division 21727  
(D) of this section. 21728

(8) "Project development owner" means a unit of government 21729  
that owns a qualified project. 21730

(9) "Affordability period" means the period that commences 21731  
on the date of sale of a single-family dwelling constructed as 21732  
part of a qualified project to the initial qualified buyer and 21733  
continues through subsequent qualified buyers for ten years. 21734

(10) "Designated reporter" means the project development 21735  
owner or one of the owner's direct or indirect partners, 21736  
members, or shareholders, as selected by the owner under 21737  
division (B) of this section. 21738

(11) "Project development investor" means any person that contributes capital to a qualified project in exchange for an allocation of a tax credit under this section.

(12) "Credit period" means the ten-year period that begins in the year the eligibility certificate is issued.

(13) "Director" means the executive director of the Ohio housing finance agency.

(14) "Unit of government" means a county, township, municipal corporation, regional planning commission, community improvement corporation, economic development corporation, or county land reutilization corporation organized under Chapter 1724. of the Revised Code, or port authority.

(15) "Project development team" means the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner.

(B) (1) A project development owner may submit an application to the director for a credit reservation under this section on a form and in a manner that the director shall prescribe. On the application, the project development owner shall provide all of the following:

(a) The name and address of the project development owner's designated reporter;

(b) The names and addresses of all members of the project development team;

(c) An estimate of the qualified project's development costs;

(d) Any other information as the director may require

pursuant to division (I) of this section. 21767

The director shall competitively evaluate and approve 21768  
applications and award tax credit reservations under this 21769  
section for a qualified project in accordance with the plan 21770  
adopted under division (I)(1) of this section. The director 21771  
shall determine the credit amount reserved for each qualified 21772  
project, which shall not exceed the difference between the total 21773  
estimated development costs included with the application and 21774  
the appraised market value of all homes in the finished project, 21775  
as estimated by the director. The director shall not reserve a 21776  
credit under this section if doing so would exceed the annual 21777  
limit prescribed by division (B)(3) of this section. 21778

(2) The director shall send written notice of the tax 21779  
credit reservation to the project development owner of an 21780  
approved qualified project. The notice shall state the aggregate 21781  
credit amount reserved for all years of the qualified project's 21782  
credit period and stipulate that receipt of the credit is 21783  
contingent upon issuance of an eligibility certificate and 21784  
filing the information required by division (H) of this section. 21785

(3) The amount of credits reserved by the director under 21786  
division (B) of this section in a fiscal year shall not exceed 21787  
the sum of (a) fifty million dollars, (b) the amount, if any, by 21788  
which the credit allocation prescribed by this division for the 21789  
preceding fiscal year exceeds the credits reserved by the 21790  
director in that year, and (c) the amount of tax credits 21791  
recaptured, assessed, and collected by the tax commissioner or 21792  
superintendent of insurance, and disallowed or subject to 21793  
reduction under this section in the preceding fiscal year. For 21794  
the purpose of computing and determining compliance with the 21795  
credit allocation prescribed by division (B)(3) of this section, 21796

the credit amount reserved for the project development owner is 21797  
the full amount for all years of the qualified project's credit 21798  
period. 21799

(4) The director shall not reserve a tax credit under this 21800  
section after June 30, 2027. 21801

(C) The project development owner shall maintain ownership 21802  
of a qualified project and associated single-family dwellings 21803  
until the dwellings are sold to qualified buyers. The project 21804  
development team shall service the associated properties of a 21805  
qualified project for the duration of the applicable 21806  
affordability period. 21807

The qualified buyer of a single-family home constructed as 21808  
part of a qualified project for which a tax credit was reserved 21809  
under this section shall occupy the home as the buyer's primary 21810  
residence during the affordability period. 21811

(D) Upon completion of a qualified project for which a tax 21812  
credit was reserved under this section, the project development 21813  
owner shall notify the director and provide a final development 21814  
cost certification for approval. After receipt of this notice, 21815  
the director shall appraise the project's dwellings. Immediately 21816  
after approving the final cost certification, the director shall 21817  
compute the amount of the tax credit that may be claimed in each 21818  
year and issue an eligibility certificate to the project 21819  
development owner. That annual amount, which shall be stated on 21820  
the certificate, shall equal one-tenth of the reserved credit 21821  
amount stated in the notice issued under division (B) of this 21822  
section, subject to any reduction or increase as the result of 21823  
the approval of the final cost certification and the appraisal 21824  
conducted under this division. 21825

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and the taxpayer identification number of the project development owner, the project development owner's designated reporter, and all members of the project development team along with the date the certificate is issued, a unique identifying number, and any additional information the director may require by rule. The director shall certify a copy of each eligibility certificate to the tax commissioner and the superintendent of insurance.

(F) (1) For each year of a qualified project's credit period, a project development owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount listed on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of the Revised Code.

(2) A project development owner may or, if the owner is not subject to any tax against which the credit authorized under this section may be claimed, shall allocate all or a portion of the annual credit amount for any year of a qualified project's credit period among one or more project development investors. Such allocated credits may be applied by those project development investors or the equity owners of such an investor that is a pass-through entity against more than one tax, as applicable, but the total credits claimed for that year of the qualified project's credit period by all project development investors and equity owners shall not exceed the annual credit amount stated on the eligibility certificate.

(3) A project development investor or the equity owner of such an investor that is a pass-through entity may claim the credit authorized by this section after the date the director issues an eligibility certificate under division (D) of this section and the applicable annual report required by division (H) of this section is filed by the designated reporter.

(4) A project development investor or equity owner that claims a tax credit under division (F) (2) of this section shall submit a copy of the eligibility certificate with the investor's or equity owner's tax return. Upon request of the tax commissioner or the superintendent of insurance, any project development investor or equity owner claiming a tax credit under that division shall provide the tax commissioner or superintendent other documentation that may be necessary to verify that the project development investor or equity owner is entitled to claim the credit.

(G) The director may disallow or recapture any portion of a credit if the project development owner or the project development owner's qualified project does not or ceases to qualify for the credit. If the director determines to recapture such a tax credit, the director shall certify the name of the project development owner, and the amount to be recaptured to the tax commissioner and to the superintendent of insurance. The tax commissioner or superintendent shall determine the taxpayer or taxpayers that claimed the credit, the tax against which the credit was claimed, and the amount to be recaptured and make an assessment against the taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as applicable, for the amount to be recaptured. The time limitations on assessments under those chapters do not bar an assessment made under this division.

(H) For each calendar year, a designated reporter shall 21887  
provide the following information to the ~~director tax~~ 21888  
commissioner on a form prescribed by the ~~director commissioner~~ 21889  
in consultation with ~~the tax commissioner and~~ the superintendent 21890  
of insurance: 21891

(1) A list of each project development investor or equity 21892  
owner that has been allocated a portion of the annual credit 21893  
awarded in an eligibility certificate for that year, including 21894  
the investor or owner's name, address, taxpayer identification 21895  
number, and the tax against which the credit will be claimed by 21896  
each. 21897

(2) For each project development investor or equity owner, 21898  
the amount of annual credit that has been allocated for that 21899  
year. 21900

(3) An aggregate list of the credit amount allocated for a 21901  
qualified project demonstrating that the aggregate annual amount 21902  
of the credits allocated does not exceed the aggregate annual 21903  
credit awarded in the eligibility certificate. 21904

A designated reporter shall notify the ~~director tax~~ 21905  
commissioner of any changes to the information reported under 21906  
division (H) of this section in the time and manner prescribed 21907  
by the ~~director commissioner~~. The ~~director commissioner~~ shall 21908  
provide a copy of the report, and any subsequent changes to the 21909  
report, submitted by the designated reporter under division (H) 21910  
of this section to ~~the tax commissioner and~~ the superintendent 21911  
of insurance in the time and manner ~~prescribed~~ agreed to by the 21912  
commissioner and superintendent. 21913

No credits allocated under this section may be claimed 21914  
unless the credits are listed on the report required by division 21915

(H) of this section. 21916

(I) (1) The director shall adopt a plan for competitively 21917  
awarding tax credits under this section. The plan shall 21918  
establish the criteria and metrics under which projects will be 21919  
assessed for qualification and may allocate tax credits in a 21920  
pooled manner. 21921

(2) The director may assess application, processing, and 21922  
reporting fees to cover the cost of administering this section. 21923

(3) The director, in consultation with the tax 21924  
commissioner and the superintendent of insurance, shall adopt 21925  
any rules necessary to implement this section in accordance with 21926  
Chapter 119. of the Revised Code. Such rules may include all of 21927  
the following: 21928

(a) Supplementary definitions as may be necessary to 21929  
administer this section. 21930

(b) Underwriting criteria to assess the risk associated 21931  
with any application and determine appropriate criteria to deny 21932  
an application based upon risk. 21933

(c) Criteria by which a project development owner shall be 21934  
responsible for any or all risk associated with a qualified 21935  
project such as homeowner abandonment, default, foreclosure, or 21936  
other such risks. 21937

(d) Criteria to maintain the affordability of each of a 21938  
qualified project's single-family dwellings during the 21939  
affordability period, which may include a deed restriction held 21940  
by the project development owner for some or all of the amount 21941  
of the tax credit or any appreciated value of the property. 21942

(e) Requirements that the project development owner 21943

provide certain capital assets or other investments that 21944  
contribute to the affordability of the project. 21945

(f) Criteria to be used in determining whether an 21946  
individual is a qualified buyer. 21947

(g) Criteria regarding the purchase, ownership, and sale 21948  
of completed qualified project single-family dwellings. 21949

(h) The manner of determining the project's development 21950  
costs and the appraised market value of qualified project 21951  
single-family dwellings. 21952

(i) Any other qualifications a project must meet to 21953  
qualify as a qualified project. 21954

**Sec. 176.05.** (A) (1) Notwithstanding any provision of law 21955  
to the contrary, the rate of wages payable for the various 21956  
occupations covered by sections 4115.03 to 4115.16 of the 21957  
Revised Code to persons employed on a project who are not any of 21958  
the following shall be determined according to this section: 21959

(a) Qualified volunteers; 21960

(b) Persons required to participate in a work activity, 21961  
developmental activity, or alternative work activity under 21962  
sections 5107.40 to 5107.69 of the Revised Code except those 21963  
engaged in paid employment or subsidized employment pursuant to 21964  
the activity; 21965

(c) Supplemental nutrition assistance program benefit 21966  
recipients required to participate in employment and training 21967  
activities established by rules adopted under section 5101.54 of 21968  
the Revised Code. 21969

An association representing the general contractors or 21970  
subcontractors that engage in the business of residential 21971

construction in a certain locality shall negotiate with the 21972  
applicable building and construction trades council in that 21973  
locality an agreement or understanding that sets forth the 21974  
residential prevailing rate of wages, payable on projects in 21975  
that locality, for each of the occupations employed on those 21976  
projects. 21977

(2) Notwithstanding any residential prevailing rate of 21978  
wages established prior to July 1, 1995, if, by October 1, 1995, 21979  
the parties are unable to agree under division (A) (1) of this 21980  
section as to the rate of wages payable for each occupation 21981  
covered by sections 4115.03 to 4115.16 of the Revised Code, the 21982  
director of commerce shall establish the rate of wages payable 21983  
for each occupation. 21984

(3) The residential prevailing rate of wages established 21985  
under division (A) (1) or (2) of this section shall not be equal 21986  
to or greater than the prevailing rate of wages determined by 21987  
the director pursuant to sections 4115.03 to 4115.16 of the 21988  
Revised Code for any of the occupations covered by those 21989  
sections. 21990

(B) Except for the prevailing rate of wages determined by 21991  
the director pursuant to sections 4115.03 to 4115.16 of the 21992  
Revised Code, those sections and section 4115.99 of the Revised 21993  
Code apply to projects. 21994

(C) The residential prevailing rate of wages established 21995  
under division (A) of this section is not payable to any 21996  
individual or member of that individual's family who provides 21997  
labor in exchange for acquisition of the property for 21998  
homeownership or who provides labor in place of or as a 21999  
supplement to any rental payments for the property. 22000

(D) For the purposes of this section:	22001
(1) "Project" means any construction, rehabilitation, remodeling, or improvement of residential housing, whether on a single or multiple site for which a person, as defined in section 1.59 of the Revised Code, or municipal corporation, county, or township receives financing, that is financed in whole or in part from state moneys or pursuant to this chapter, section 133.51 or 307.698 of the Revised Code, or Chapter 174. or 175. of the Revised Code, except for any of the following:	22002 22003 22004 22005 22006 22007 22008 22009
(a) The single-family mortgage revenue bonds homeownership program under Chapter 175. of the Revised Code, including owner-occupied dwellings of one to four units;	22010 22011 22012
(b) Projects consisting of fewer than six units developed by any entity that is not a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;	22013 22014 22015 22016
(c) Projects of fewer than twenty-five units developed by any nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;	22017 22018 22019
(d) Programs undertaken by any municipal corporation, county, or township, including lease-purchase programs, using mortgage revenue bond financing;	22020 22021 22022
(e) <u>Projects to develop, repair, or upgrade water, sewer, transportation, electric, or gas infrastructure needed for the construction of single-family, residential dwellings that are part of a residential development project using funds provided under the residential development revolving loan program established under section 122.98 of the Revised Code;</u>	22023 22024 22025 22026 22027 22028
(f) <u>Any individual project, that is sponsored or developed</u>	22029

by a nonprofit organization that is exempt from federal income 22030  
tax under section 501(c)(3) of the Internal Revenue Code, for 22031  
which the federal government or any of its agencies furnishes by 22032  
loan, grant, low-income housing tax credit, or insurance more 22033  
than twelve per cent of the costs of the project. For purposes 22034  
of division ~~(D)(2)(e)~~(D)(1)(f) of this section, the value of the 22035  
low-income housing tax credits shall be calculated as the 22036  
proceeds from the sale of the tax credits, less the costs of the 22037  
sale. 22038

As used in division ~~(D)(1)(e)~~(D)(1)(f) of this section, 22039  
"sponsored" means that a general partner of a limited 22040  
partnership owning the project or a managing member of a limited 22041  
liability company owning the project is either a nonprofit 22042  
organization that is exempt from federal income tax under 22043  
section 501(c)(3) of the Internal Revenue Code or a person, as 22044  
defined in section 1.59 of the Revised Code, or a limited 22045  
liability company in which such a nonprofit organization 22046  
maintains controlling interest. For purposes of this division, a 22047  
general partner of a limited partnership that is a nonprofit 22048  
organization described under this division is not required to be 22049  
the sole general partner in the limited partnership, and a 22050  
managing member of a limited liability company that is a 22051  
nonprofit organization described under this division is not 22052  
required to be the sole managing member in the limited liability 22053  
company. 22054

Nothing in division ~~(D)(1)(e)~~(D)(1)(f) of this section 22055  
shall be construed as permitting unrelated projects to be 22056  
combined for the sole purpose of determining the total 22057  
percentage of project costs furnished by the federal government 22058  
or any of its agencies. 22059

(2) A "project" is a "public improvement" and the state or a political subdivision that undertakes or participates in the financing of a project is a "public authority," as both of the last two terms are defined in section 4115.03 of the Revised Code.

(3) "Qualified volunteers" are volunteers who are working without compensation for a nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and that is providing housing or housing assistance only to families and individuals in a county whose incomes are not greater than one hundred forty per cent of the median income of that county as determined under section 174.04 of the Revised Code.

**Sec. 303.12.** (A) (1) Amendments to the zoning resolution may be initiated by motion of the county rural zoning commission, by the passage of a resolution by the board of county commissioners, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the county rural zoning commission. The board of county commissioners may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of county commissioners requires such a fee, it shall be required generally, for each application. The board of county commissioners, upon the passage of such a resolution, shall certify it to the county rural zoning commission.

(2) Upon the adoption of a motion by the county rural zoning commission, the certification of a resolution by the

board of county commissioners to the commission, or the filing 22090  
of an application by property owners or lessees as described in 22091  
division (A)(1) of this section with the commission, the 22092  
commission shall set a date for a public hearing, which date 22093  
shall not be less than twenty nor more than forty days from the 22094  
date of adoption of such a motion, the date of the certification 22095  
of such a resolution, or the date of the filing of such an 22096  
application. Notice of the hearing shall be given by the 22097  
commission by one publication at least ten days before the date 22098  
of the hearing, using at least one of the following methods: 22099

(a) In the print or digital edition of one or more 22100  
newspapers of general circulation in each township affected by 22101  
the proposed amendment; 22102

(b) On the official public notice web site established 22103  
under section 125.182 of the Revised Code; 22104

(c) On the web site and social media account of the 22105  
county. 22106

(B) If the proposed amendment intends to rezone or 22107  
redistrict ten or fewer parcels of land, as listed on the county 22108  
auditor's current tax list, written notice of the hearing shall 22109  
be mailed by the county rural zoning commission, by first class 22110  
mail, at least ten days before the date of the public hearing to 22111  
all owners of property within and contiguous to and directly 22112  
across the street from the area proposed to be rezoned or 22113  
redistricted to the addresses of those owners appearing on the 22114  
county auditor's current tax list. The failure of delivery of 22115  
that notice shall not invalidate any such amendment. 22116

(C) If the proposed amendment intends to rezone or 22117  
redistrict ten or fewer parcels of land as listed on the county 22118

auditor's current tax list, the published and mailed notices 22119  
shall set forth the time, date, and place of the public hearing 22120  
and include all of the following: 22121

(1) The name of the county rural zoning commission that 22122  
will be conducting the hearing; 22123

(2) A statement indicating that the motion, resolution, or 22124  
application is an amendment to the zoning resolution; 22125

(3) A list of the addresses of all properties to be 22126  
rezoned or redistricted by the proposed amendment and of the 22127  
names of owners of these properties, as they appear on the 22128  
county auditor's current tax list; 22129

(4) The present zoning classification of property named in 22130  
the proposed amendment and the proposed zoning classification of 22131  
that property; 22132

(5) The time and place where the motion, resolution, or 22133  
application proposing to amend the zoning resolution will be 22134  
available for examination for a period of at least ten days 22135  
prior to the hearing; 22136

(6) The name of the person responsible for giving notice 22137  
of the public hearing by publication, by mail, or by both 22138  
publication and mail; 22139

(7) A statement that, after the conclusion of the hearing, 22140  
the matter will be submitted to the board of county 22141  
commissioners for its action; 22142

(8) Any other information requested by the commission. 22143

(D) If the proposed amendment alters the text of the 22144  
zoning resolution, or rezones or redistricts more than ten 22145  
parcels of land as listed on the county auditor's current tax 22146

list, the published notice shall set forth the time, date, and 22147  
place of the public hearing and include all of the following: 22148

(1) The name of the county rural zoning commission that 22149  
will be conducting the hearing on the proposed amendment; 22150

(2) A statement indicating that the motion, application, 22151  
or resolution is an amendment to the zoning resolution; 22152

(3) The time and place where the text and maps of the 22153  
proposed amendment will be available for examination for a 22154  
period of at least ten days prior to the hearing; 22155

(4) The name of the person responsible for giving notice 22156  
of the hearing by publication; 22157

(5) A statement that, after the conclusion of the hearing, 22158  
the matter will be submitted to the board of county 22159  
commissioners for its action; 22160

(6) Any other information requested by the commission. 22161

Hearings shall be held in the county court house or in a 22162  
public place designated by the commission. 22163

(E) Within five days after the adoption of the motion 22164  
described in division (A) of this section, the certification of 22165  
the resolution described in division (A) of this section, or the 22166  
filing of the application described in division (A) of this 22167  
section, the county rural zoning commission shall transmit a 22168  
copy of it together with text and map pertaining to it to the 22169  
county or regional planning commission, if there is such a 22170  
commission. 22171

The county or regional planning commission shall recommend 22172  
the approval or denial of the proposed amendment or the approval 22173  
of some modification of it and shall submit its recommendation 22174

to the county rural zoning commission. The recommendation shall 22175  
be considered at the public hearing held by the county rural 22176  
zoning commission on the proposed amendment. 22177

The county rural zoning commission, within thirty days 22178  
after the hearing, shall recommend the approval or denial of the 22179  
proposed amendment, or the approval of some modification of it, 22180  
and shall submit that recommendation together with the motion, 22181  
application, or resolution involved, the text and map pertaining 22182  
to the proposed amendment, and the recommendation of the county 22183  
or regional planning commission on it to the board of county 22184  
commissioners. 22185

The board of county commissioners, upon receipt of that 22186  
recommendation, shall set a time for a public hearing on the 22187  
proposed amendment, which date shall be not more than thirty 22188  
days from the date of the receipt of that recommendation. Notice 22189  
of the hearing shall be given by the board by one publication at 22190  
least ten days before the date of the hearing, using at least 22191  
one of the following methods: 22192

(1) In the print or digital edition of one or more 22193  
newspapers of general circulation in the county; 22194

(2) On the official public notice web site established 22195  
under section 125.182 of the Revised Code; 22196

(3) On the web site and social media account of the 22197  
county. 22198

(F) If the proposed amendment intends to rezone or 22199  
redistrict ten or fewer parcels of land as listed on the county 22200  
auditor's current tax list, the published notice shall set forth 22201  
the time, date, and place of the public hearing and include all 22202  
of the following: 22203

(1) The name of the board of county commissioners that will be conducting the hearing;	22204 22205
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	22206 22207
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	22208 22209 22210 22211
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	22212 22213 22214
(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	22215 22216 22217 22218
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	22219 22220 22221
(7) Any other information requested by the board.	22222
(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	22223 22224 22225 22226 22227
(1) The name of the board of county commissioners that will be conducting the hearing on the proposed amendment;	22228 22229
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	22230 22231

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of county commissioners shall either adopt or deny the recommendation of the county rural zoning commission or adopt some modification of it. If the board denies or modifies the commission's recommendation, a majority vote of the board shall be required.

~~The~~ Except as provided in division (I) of this section, the proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of county commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election occurring at least ninety days after the petition is submitted. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In

addition to meeting the requirements of this section, each 22262  
petition shall be governed by the rules specified in section 22263  
3501.38 of the Revised Code. 22264

The form of a petition calling for a zoning referendum and 22265  
the statement of the circulator shall be substantially as 22266  
follows: 22267

"PETITION FOR ZONING REFERENDUM 22268

(if the proposal is identified by a particular name or number, 22269  
or both, these should be inserted here) \_\_\_\_\_ 22270

A proposal to amend the zoning map of the unincorporated 22271  
area of \_\_\_\_\_ Township, \_\_\_\_\_ County, 22272  
Ohio, adopted \_\_\_\_\_ (date) \_\_\_\_\_ (followed by brief 22273  
summary of the proposal). 22274

To the Board of County Commissioners of \_\_\_\_\_ 22275  
County, Ohio: 22276

We, the undersigned, being electors residing in the 22277  
unincorporated area of \_\_\_\_\_ Township, included within 22278  
the \_\_\_\_\_ County Zoning Plan, equal to not less than 22279  
eight per cent of the total vote cast for all candidates for 22280  
governor in the area at the preceding general election at which 22281  
a governor was elected, request the Board of County 22282  
Commissioners to submit this amendment of the zoning resolution 22283  
to the electors of \_\_\_\_\_ Township residing within the 22284  
unincorporated area of the township included in the 22285  
\_\_\_\_\_ County Zoning Resolution, for approval or 22286  
rejection at a special election to be held on the day of the 22287  
next primary or general election to be held on 22288  
\_\_\_\_\_ (date) \_\_\_\_\_, pursuant to section 303.12 of the Revised 22289  
Code. 22290

Street Address	Date of	22291
Signature or R.F.D.	Township Precinct County Signing	22292
<hr/>		22293
<hr/>		22294

STATEMENT OF CIRCULATOR 22295

I, \_\_\_\_\_ (name of circulator) \_\_\_\_\_, 22296  
declare under penalty of election falsification that I am an 22297  
elector of the state of Ohio and reside at the address appearing 22298  
below my signature; that I am the circulator of the foregoing 22299  
part petition containing \_\_\_\_\_ (number) \_\_\_\_\_ signatures; that I 22300  
have witnessed the affixing of every signature; that all signers 22301  
were to the best of my knowledge and belief qualified to sign; 22302  
and that every signature is to the best of my knowledge and 22303  
belief the signature of the person whose signature it purports 22304  
to be or of an attorney in fact acting pursuant to section 22305  
3501.382 of the Revised Code. 22306

\_\_\_\_\_ 22307

(Signature of circulator) 22308

\_\_\_\_\_ 22309

(Address of circulator's 22310

permanent residence in this 22311

state) 22312

\_\_\_\_\_ 22313

(City, village, or township, 22314

and zip code) 22315

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 22316

FELONY OF THE FIFTH DEGREE." 22317

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

Within five working days after an amendment's effective date, the board of county commissioners shall file the text and maps of the amendment in the office of the county recorder and with the regional or county planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

(I) If a proposed amendment establishes or modifies planned-unit development regulations, the following apply in lieu of the contrary provisions of division (H) of this section:

(1) The petition shall be signed by a number of registered electors residing in the territory where the planned-unit development regulations apply or will apply equal to not less than thirty-five per cent of the total vote cast for all candidates for governor in that territory at the most recent general election at which a governor was elected.

(2) The board of elections shall determine the sufficiency and validity of the petition not later than thirty days after the petition is certified to the board of elections by the board of county commissioners.

(3) If the board of elections determines there is an

insufficient number of valid signatures, the board immediately 22347  
shall notify the person who presented the petition. The person 22348  
may submit additional signatures not later than ten days after 22349  
the notification. 22350

**Sec. 305.021.** (A) When there is a vacancy in the county 22351  
engineer's office as a result of death or resignation and the 22352  
vacancy cannot be filled by election or appointment as provided 22353  
in section 305.02 of the Revised Code, or if no one runs for the 22354  
office of county engineer and, for that reason, the office is 22355  
vacant, the board of county commissioners may contract with 22356  
another county's county engineer to exercise the powers and 22357  
perform the acts, duties, or functions of the county engineer. 22358  
Notwithstanding any contrary provision of the Revised Code or 22359  
the common law, the same person may serve as the county engineer 22360  
of more than one county, including adjacent counties, under this 22361  
section. 22362

(B) A county engineer with whom the board contracts shall 22363  
receive supplemental compensation for services rendered under 22364  
the contract in an amount equal to that is not less than eighty 22365  
per cent nor more than one hundred per cent of the compensation 22366  
specified in sections 325.14 and 325.18 of the Revised Code for 22367  
the population range of the county in which the engineer is 22368  
contracted to perform services, prorated for the duration of the 22369  
contract. The supplemental compensation shall have no effect on 22370  
the compensation a county engineer receives for serving as 22371  
county engineer in the county in which the engineer holds 22372  
office. The duration of the contract shall not extend beyond the 22373  
last day of the term for which there was a vacancy. 22374

**Sec. 305.03.** ~~(A) (1) (A) Whenever any county officer, except~~ 22375  
~~the county auditor or county treasurer, fails to perform the~~ 22376

duties of office for ~~ninety~~thirty consecutive days, except in 22377  
case of sickness or injury as provided in divisions (B) and (C) 22378  
of this section, the office shall be deemed vacant. Performing 22379  
the duties of office includes a county officer appearing in 22380  
person at the officer's principal office location on at least 22381  
one out of thirty consecutive days. 22382

~~(2) Whenever any county auditor or county treasurer fails-~~ 22383  
~~to perform the duties of office for thirty consecutive days,~~ 22384  
~~except in case of sickness or injury as provided in divisions-~~ 22385  
~~(B) and (C) of this section, the office shall be deemed vacant.~~ 22386

(B) Whenever any county officer is absent because of 22387  
sickness or injury, the officer shall cause to be filed with the 22388  
board of county commissioners a certificate from a physician, 22389  
certified nurse-midwife, clinical nurse specialist, or certified 22390  
nurse practitioner of the officer's sickness or injury. If the 22391  
certificate is not filed with the board within ten days after 22392  
the expiration of thirty consecutive days, ~~in the case of a~~ 22393  
~~county auditor or county treasurer, or within ten days after the~~ 22394  
~~expiration of ninety consecutive days of absence, in the case of~~ 22395  
~~all other county officers,~~ the office shall be deemed vacant. 22396

(C) Whenever a county officer files a certificate under 22397  
division (B) of this section, but continues to be absent for an 22398  
additional thirty days commencing immediately after the last day 22399  
on which this certificate may be filed under division (B) of 22400  
this section, the office shall be deemed vacant. 22401

(D) If at any time two county commissioners in a county 22402  
are absent and have filed a certificate under division (B) of 22403  
this section, the county coroner, in addition to performing the 22404  
duties of coroner, shall serve as county commissioner until at 22405  
least one of the absent commissioners returns to office or until 22406

the office of at least one of the absent commissioners is deemed 22407  
vacant under this section and the vacancy is filled. If the 22408  
coroner so requests, the coroner shall be paid a per diem rate 22409  
for the coroner's service as a commissioner. That per diem rate 22410  
shall be the annual salary specified by law for a county 22411  
commissioner of that county whose term of office began in the 22412  
same year as the coroner's term of office began, divided by the 22413  
number of days in the year. 22414

While the coroner is serving as a county commissioner, the 22415  
coroner shall be considered an acting county commissioner and 22416  
shall perform the duties of the office of county commissioner 22417  
until at least one of the absent commissioners returns to office 22418  
or until the office of at least one of the absent commissioners 22419  
is deemed vacant. Before assuming the office of acting county 22420  
commissioner, the coroner shall take an oath of office as 22421  
provided in sections 3.22 and 3.23 of the Revised Code. The 22422  
coroner's service as an acting county commissioner does not 22423  
constitute the holding of an incompatible public office or 22424  
employment in violation of any statutory or common law 22425  
prohibition against the simultaneous holding of more than one 22426  
public office or employment. 22427

The coroner shall give a new bond in the same amount and 22428  
signed and approved as provided in section 305.04 of the Revised 22429  
Code. The bond shall be conditioned for the faithful discharge 22430  
of the coroner's duties as acting county commissioner and for 22431  
the payment of any loss or damage that the county may sustain by 22432  
reason of the coroner's failure in those duties. The bond, along 22433  
with the oath of office and approval of the probate judge 22434  
indorsed on it, shall be deposited and paid for as provided for 22435  
the bonds in section 305.04 of the Revised Code. 22436

(E) Any vacancy declared under this section shall be 22437  
filled in the manner provided by section 305.02 of the Revised 22438  
Code. 22439

(F) This section shall not apply to a county officer while 22440  
in the active military service of the United States. 22441

**Sec. 306.32.** Any county, or any two or more counties, 22442  
municipal corporations, or townships, or any combination of 22443  
these, may create a regional transit authority by the adoption 22444  
of a resolution or ordinance by the board of county 22445  
commissioners of each county, the legislative authority of each 22446  
municipal corporation, and the board of township trustees of 22447  
each township which is to create or to join in the creation of 22448  
the regional transit authority. The resolution or ordinance 22449  
shall state: 22450

(A) The necessity for the creation of a regional transit 22451  
authority; 22452

(B) The counties, municipal corporations, or townships 22453  
which are to create or to join in the creation of the regional 22454  
transit authority; 22455

(C) The official name by which the regional transit 22456  
authority shall be known; 22457

(D) The place in which the principal office of the 22458  
regional transit authority will be located or the manner in 22459  
which it may be selected; 22460

(E) The number, term, and compensation, or method for 22461  
establishing compensation, of the members of the board of 22462  
trustees of the regional transit authority. Compensation shall 22463  
not exceed fifty dollars for each board and committee meeting 22464  
attended by a member, except that if compensation is provided 22465

annually it shall not exceed six thousand dollars for the 22466  
president of the board or four thousand eight hundred dollars 22467  
for each other board member. 22468

(F) The manner in which vacancies on the board of trustees 22469  
of the regional transit authority shall be filled; 22470

(G) The manner and to what extent the expenses of the 22471  
regional transit authority shall be apportioned among the 22472  
counties, municipal corporations, and townships creating it; 22473

(H) The purposes, including the kinds of transit 22474  
facilities, for which the regional transit authority is 22475  
organized. 22476

The regional transit authority provided for in the 22477  
resolution or ordinance shall be deemed to be created upon the 22478  
adoption of the resolution or ordinance by the board of county 22479  
commissioners of each county, the legislative authority of each 22480  
municipal corporation, and the board of township trustees of 22481  
each township enumerated in the resolution or ordinance. 22482

The resolution or ordinance creating a regional transit 22483  
authority may be amended to include additional counties, 22484  
municipal corporations, or townships or for any other purpose, 22485  
by the adoption of the amendment by the board of county 22486  
commissioners of each county, the legislative authority of each 22487  
municipal corporation, and the board of township trustees of 22488  
each township which has created or joined or proposes to join 22489  
the regional transit authority. 22490

After each county, municipal corporation, and township 22491  
which has created or joined or proposes to join the regional 22492  
transit authority has adopted its resolution or ordinance 22493  
approving inclusion of additional counties, municipal 22494

corporations, or townships in the regional transit authority, a 22495  
copy of each resolution or ordinance shall be filed with the 22496  
clerk of the board of the county commissioners of each county, 22497  
the clerk of the legislative authority of each municipal 22498  
corporation, and the fiscal officer of the board of trustees of 22499  
each township proposed to be included in the regional transit 22500  
authority. The inclusion is effective when all such filing has 22501  
been completed, unless the regional transit authority to which 22502  
territory is to be added has authority to levy an ad valorem tax 22503  
on property, or a sales tax, within its territorial boundaries, 22504  
in which event the inclusion shall become effective on the 22505  
sixtieth day after the last such filing is accomplished, unless, 22506  
prior to the expiration of the sixty-day period, qualified 22507  
electors residing in the area proposed to be added to the 22508  
regional transit authority, equal in number to at least ten per 22509  
cent of the qualified electors from the area who voted for 22510  
governor at the last gubernatorial election, file a petition of 22511  
referendum against the inclusion. Any petition of referendum 22512  
filed under this section shall be filed at the office of the 22513  
secretary of the board of trustees of the regional transit 22514  
authority. The person presenting the petition shall be given a 22515  
receipt containing on it the time of the day, the date, and the 22516  
purpose of the petition. The secretary of the board of trustees 22517  
of the regional transit authority shall cause the appropriate 22518  
board or boards of elections to check the sufficiency of 22519  
signatures on any petition of referendum filed under this 22520  
section and, if found to be sufficient, shall present the 22521  
petition to the board of trustees at a meeting of said board 22522  
which occurs not later than thirty days following the filing of 22523  
said petition. Upon presentation to the board of trustees of a 22524  
petition of referendum against the proposed inclusion, the board 22525  
of trustees shall promptly certify the proposal to the board or 22526

boards of elections for the purpose of having the proposal 22527  
placed on the ballot at the next general or primary election 22528  
which occurs not less than ninety days after the date of the 22529  
meeting of said board, or at a special election, the date of 22530  
which shall be specified in the certification, which date shall 22531  
be not less than ninety days after the date of such meeting of 22532  
the board. Signatures on a petition of referendum may be 22533  
withdrawn up to and including the meeting of the board of 22534  
trustees certifying the proposal to the appropriate board or 22535  
boards of elections. If territory of more than one county, 22536  
municipal corporation, or township is to be added to the 22537  
regional transit authority, the electors of the territories of 22538  
the counties, municipal corporations, or townships which are to 22539  
be added shall vote as a district, and the majority affirmative 22540  
vote shall be determined by the vote cast in the district as a 22541  
whole. 22542

If the proposal would extend the levy of an existing 22543  
property tax to the territory to be added to the regional 22544  
transit authority, the board of trustees of the regional transit 22545  
authority and the county auditor shall proceed in the same 22546  
manner as required for a tax levy under section 5705.03 of the 22547  
Revised Code, except that the levy's annual collections shall be 22548  
estimated assuming that the additional territory has been added 22549  
to the regional transit authority. 22550

Upon certification of a proposal to the appropriate board 22551  
or boards of elections pursuant to this section, the board or 22552  
boards of election shall make the necessary arrangements for the 22553  
submission of the question to the electors of the territory to 22554  
be added to the regional transit authority qualified to vote on 22555  
the question, and the election shall be held, canvassed, and 22556  
certified in the manner provided for the submission of tax 22557

levies under section 5705.191 of the Revised Code, except that 22558  
the question appearing on the ballot shall read: 22559

"Shall the territory within the \_\_\_\_\_ 22560  
(Name or names of political subdivisions to be joined) be added 22561  
to \_\_\_\_\_ (Name) regional transit 22562  
authority?" and shall a(n) \_\_\_\_\_ (here insert type of tax 22563  
or taxes) at a rate not to exceed \_\_\_\_\_ (here insert maximum tax 22564  
rate or rates) be levied for all transit purposes?" 22565

If the tax is a tax on property, the ballot shall express 22566  
the levy's estimated annual collections, and the rate shall be 22567  
expressed numerically in mills for each one dollar of taxable 22568  
value and the effective rate shall be expressed numerically in 22569  
dollars for each one hundred thousand dollars of ~~the county~~ 22570  
~~auditor's appraised market value.~~ 22571

If the question is approved by at least a majority of the 22572  
electors voting on the question, the joinder is immediately 22573  
effective, and the regional transit authority may extend the 22574  
levy of the tax against all the taxable property within the 22575  
territory which has been added. If the question is approved at a 22576  
general election or at a special election occurring prior to the 22577  
general election but after the fifteenth day of July, the 22578  
regional transit authority may amend its budget and resolution 22579  
adopted pursuant to section 5705.34 of the Revised Code, and the 22580  
levy shall be placed on the current tax list and duplicate and 22581  
collected as other taxes are collected from all taxable property 22582  
within the territorial boundaries of the regional transit 22583  
authority, including the territory within each political 22584  
subdivision added as a result of the election. 22585

The territorial boundaries of a regional transit authority 22586  
shall be coextensive with the territorial boundaries of the 22587

counties, municipal corporations, and townships included within 22588  
the regional transit authority, provided that the same area may 22589  
be included in more than one regional transit authority so long 22590  
as the regional transit authorities are not organized for 22591  
purposes as provided for in the resolutions or ordinances 22592  
creating the same, and any amendments to them, relating to the 22593  
same kinds of transit facilities; and provided further, that if 22594  
a regional transit authority includes only a portion of an 22595  
entire county, a regional transit authority for the same 22596  
purposes may be created in the remaining portion of the same 22597  
county by resolution of the board of county commissioners acting 22598  
alone or in conjunction with municipal corporations and 22599  
townships as provided in this section. 22600

No regional transit authority shall be organized after 22601  
January 1, 1975, to include any area already included in a 22602  
regional transit authority, except that any regional transit 22603  
authority organized after June 29, 1974, and having territorial 22604  
boundaries entirely within a single county shall, upon adoption 22605  
by the board of county commissioners of the county of a 22606  
resolution creating a regional transit authority including 22607  
within its territorial jurisdiction the existing regional 22608  
transit authority and for purposes including the purposes for 22609  
which the existing regional transit authority was created, be 22610  
dissolved and its territory included in such new regional 22611  
transit authority. Any resolution creating such a new regional 22612  
transit authority shall make adequate provision for satisfaction 22613  
of the obligations of the dissolved regional transit authority. 22614

As used in this section, "~~the county auditor's appraised-~~ 22615  
market value" and "effective rate" have the same meanings as in 22616  
section 5705.01 of the Revised Code. 22617

<b>Sec. 306.322.</b> (A) As used in this section:	22618
(1) "Political subdivision" means a county, a municipal corporation, or a township.	22619 22620
(2) "Governing body" means a board of county commissioners of a county, a legislative authority of a municipal corporation, or a board of trustees of a township.	22621 22622 22623
(B) For any regional transit authority that levies a property tax and that includes in its membership political subdivisions that are located in a county having a population of at least four hundred thousand according to the most recent federal census, the procedures of this section apply until December 31, 2022, and are in addition to and an alternative to those established in sections 306.32, 306.321, and 306.54 of the Revised Code for joining to the regional transit authority additional political subdivisions.	22624 22625 22626 22627 22628 22629 22630 22631 22632
(C) Any political subdivision may adopt a resolution or ordinance proposing to join a regional transit authority described in division (B) of this section. In its resolution or ordinance, the political subdivision may propose joining the regional transit authority for a limited period of three years or without a time limit.	22633 22634 22635 22636 22637 22638
(D) The political subdivision proposing to join the regional transit authority shall submit a copy of its resolution or ordinance to the governing body of each political subdivision comprising the regional transit authority. Within thirty days of receiving the resolution or ordinance for inclusion in the regional transit authority, the governing body of each political subdivision shall consider the question of whether to include the additional political subdivision in the regional transit	22639 22640 22641 22642 22643 22644 22645 22646

authority, shall adopt a resolution or ordinance approving or 22647  
rejecting the inclusion of the additional political subdivision, 22648  
and shall present its resolution or ordinance to the board of 22649  
trustees of the regional transit authority. 22650

If the board of trustees of the regional transit authority 22651  
proposes to extend the levy of an existing property tax to the 22652  
territory to be added to the regional transit authority, the 22653  
board and the county auditor shall proceed in the same manner as 22654  
required for a tax levy under section 5705.03 of the Revised 22655  
Code, except that the levy's annual collections shall be 22656  
estimated assuming that the additional territory has been added 22657  
to the regional transit authority. 22658

(E) If a majority of the political subdivisions comprising 22659  
the regional transit authority approve the inclusion of the 22660  
additional political subdivision under division (D) of this 22661  
section, the board of trustees of the regional transit authority 22662  
may proceed as provided in division (K) of this section or as 22663  
provided in divisions (F) to (J) of this section, as applicable. 22664

(F) Not later than the tenth day following the day on 22665  
which the last ordinance or resolution is presented under 22666  
division (D) of this section, the board of trustees of the 22667  
regional transit authority shall notify the political 22668  
subdivision proposing to join the regional transit authority 22669  
that it may certify the proposal to the board of elections for 22670  
the purpose of having the proposal placed on the ballot at the 22671  
next general election or at a special election conducted on the 22672  
day of the next primary election that occurs not less than 22673  
ninety days after the resolution or ordinance is certified to 22674  
the board of elections. 22675

(G) Upon certification of a proposal to the board of 22676

elections pursuant to division (F) of this section, the board of 22677  
elections shall make the necessary arrangements for the 22678  
submission of the question to the electors of the territory to 22679  
be included in the regional transit authority qualified to vote 22680  
on the question, and the election shall be held, canvassed, and 22681  
certified in the same manner as regular elections for the 22682  
election of officers of the political subdivision proposing to 22683  
join the regional transit authority, except that, if the 22684  
resolution proposed the inclusion without a time limitation the 22685  
question appearing on the ballot shall read: 22686

"Shall the territory within the \_\_\_\_\_ 22687  
(Name or names of political subdivisions to be joined) be added 22688  
to \_\_\_\_\_ (Name) regional transit 22689  
authority and shall a(n) \_\_\_\_\_ (here insert type of tax or 22690  
taxes) at a rate of taxation not to exceed \_\_\_\_ (here insert 22691  
maximum tax rate or rates) be levied for all transit purposes?" 22692

If the resolution proposed the inclusion with a three-year 22693  
time limitation, the question appearing on the ballot shall 22694  
read: 22695

"Shall the territory within the \_\_\_\_\_ 22696  
(Name or names of political subdivisions to be joined) be added 22697  
to \_\_\_\_\_ (Name) regional transit 22698  
authority for three years and shall a(n) \_\_\_\_\_ (here insert 22699  
type of tax or taxes) at a rate of taxation not to exceed \_\_\_\_\_ 22700  
(here insert maximum tax rate or rates) be levied for all 22701  
transit purposes for three years?" 22702

In either case, if the tax is a tax on property, the 22703  
ballot shall express the levy's estimated annual collections, 22704  
and the rate shall be expressed numerically in mills for each 22705  
one dollar of taxable value and the effective rate shall be 22706

expressed numerically in dollars for each one hundred thousand 22707  
dollars of ~~the county auditor's appraised~~ market value. 22708

(H) If the question is approved by at least a majority of 22709  
the electors voting on the question, the addition of the new 22710  
territory is effective six months from the date of the 22711  
certification of its passage, and the regional transit authority 22712  
may extend the levy of the tax against all the taxable property 22713  
within the territory that was added. If the question is approved 22714  
at a general election or at a special election occurring prior 22715  
to the general election but after the fifteenth day of July, the 22716  
regional transit authority may amend its budget and resolution 22717  
adopted pursuant to section 5705.34 of the Revised Code, and the 22718  
levy shall be placed on the current tax list and duplicate and 22719  
collected as other taxes are collected from all taxable property 22720  
within the territorial boundaries of the regional transit 22721  
authority, including the territory within the political 22722  
subdivision added as a result of the election. If the budget of 22723  
the regional transit authority is amended pursuant to this 22724  
paragraph, the county auditor shall prepare and deliver an 22725  
amended certificate of estimated resources to reflect the change 22726  
in anticipated revenues of the regional transit authority. 22727

(I) If the question is approved by at least a majority of 22728  
the electors voting on the question, the board of trustees of 22729  
the regional transit authority immediately shall amend the 22730  
resolution or ordinance creating the regional transit authority 22731  
to include the additional political subdivision. 22732

(J) If the question approved by a majority of the electors 22733  
voting on the question added the political subdivision for three 22734  
years, the territory of the additional political subdivision in 22735  
the regional transit authority shall be removed from the 22736

territory of the regional transit authority three years after 22737  
the date the territory was added, as determined in the effective 22738  
date of the election, and shall no longer be a part of that 22739  
authority without any further action by either the political 22740  
subdivisions that were included in the authority prior to 22741  
submitting the question to the electors or of the political 22742  
subdivision added to the authority as a result of the election. 22743  
The regional transit authority reduced to its territory as it 22744  
existed prior to the inclusion of the additional political 22745  
subdivision shall be entitled to levy and collect any property 22746  
taxes that it was authorized to levy and collect prior to the 22747  
enlargement of its territory and for which authorization has not 22748  
expired, as if the enlargement had not occurred. 22749

(K) (1) If a majority of the political subdivisions 22750  
comprising the regional transit authority approve the inclusion 22751  
of the additional political subdivision without a time limit 22752  
under division (D) of this section, the board of trustees of the 22753  
regional transit authority may adopt a resolution to submit to 22754  
the electors of the regional transit authority, as it would be 22755  
enlarged by the inclusion, the question of including the 22756  
political subdivision in the regional transit authority, of 22757  
levying a tax under sections 5739.023 and 5741.022 of the 22758  
Revised Code throughout the territorial boundaries of the 22759  
regional transit authority as so enlarged, and of repealing the 22760  
property tax levied by the regional transit authority under 22761  
section 306.49 of the Revised Code. 22762

The resolution shall state all of the following: 22763

(a) The date on which the political subdivision is to be 22764  
included in the regional transit authority; 22765

(b) The rate of the tax to be levied under sections 22766

5739.023 and 5741.022 of the Revised Code, the number of years 22767  
it is to be levied or that it is to be levied for a continuing 22768  
period of time, and the date on which it shall first be levied, 22769  
all as provided under section 5739.023 of the Revised Code; 22770

(c) The last tax year that the property tax is to be 22771  
levied under section 306.49 of the Revised Code. 22772

(2) Except as otherwise provided in division (K)(5) of 22773  
this section, the political subdivision shall not be joined to 22774  
the regional transit authority before the first day sales and 22775  
use tax is levied by the regional transit authority under 22776  
sections 5739.023 and 5741.022 of the Revised Code. Sales and 22777  
use tax shall not be levied under those sections on or before 22778  
the last day of the last tax year the regional transit authority 22779  
levies property tax under section 306.49 of the Revised Code. 22780

(3) The board of trustees of the regional transit 22781  
authority shall certify the resolution to the board of elections 22782  
for the purpose of having the proposal placed on the ballot at 22783  
the next general election or at a special election conducted on 22784  
the day of the next primary election that occurs not less than 22785  
ninety days after the resolution is certified to the board of 22786  
elections. The election shall be held, canvassed, and certified, 22787  
as provided in section 306.70 of the Revised Code, except that 22788  
the question appearing on the ballot shall read: 22789

"Shall the territory within the \_\_\_\_\_ (Name or 22790  
names of political subdivisions to be joined) be added to 22791  
\_\_\_\_\_ (Name) regional transit authority, shall sales 22792  
and use tax at a rate not exceeding \_\_\_\_\_ (Insert tax rate) 22793  
be levied for all transit purposes throughout the territory of 22794  
the regional transit authority, and shall the existing property 22795  
tax levied for transit purposes be repealed?" 22796

(4) If the question is approved, the sales and use tax may 22797  
be levied and collected as is otherwise provided under sections 22798  
5739.023 and 5741.022 of the Revised Code on and after the date 22799  
stated in the resolution. 22800

(5) The board of trustees shall appropriate from the first 22801  
moneys received from the sales and use tax in each year the full 22802  
amount required in order to pay the principal of and interest on 22803  
any notes of the regional transit authority issued pursuant to 22804  
section 306.49 of the Revised Code in anticipation of the 22805  
collection of the property tax. The board of trustees shall not 22806  
thereafter levy and collect the property tax unless and to the 22807  
extent that the levy and collection is necessary to pay the 22808  
principal of and interest on notes issued in anticipation of the 22809  
property tax in order to avoid impairing the obligation of the 22810  
contract between the regional transit authority and the note 22811  
holders. Such property tax shall be levied only in the territory 22812  
of the authority as it existed before the political subdivision 22813  
was joined to the authority. 22814

(6) If the question is approved after the fifteenth day of 22815  
July in any calendar year, the regional transit authority may 22816  
amend its budget for the current and next fiscal year, and any 22817  
resolution adopted pursuant to section 5705.34 of the Revised 22818  
Code, to reflect the imposition of the sales and use tax, and 22819  
shall amend its budget for the next fiscal year, and any 22820  
resolution adopted pursuant to section 5705.34 of the Revised 22821  
Code, to comply with division (K) (5) of this section. If the 22822  
budget of the regional transit authority is amended pursuant to 22823  
this division, the county auditor shall prepare and deliver an 22824  
amended certificate of estimated resources to reflect the change 22825  
in anticipated revenues of the regional transit authority. 22826

(7) If the question is approved, the board of trustees of the regional transit authority immediately shall amend the resolution or ordinance creating the regional transit authority to include the additional political subdivision.

(L) As used in this section, "~~the county auditor's appraised market value~~" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

**Sec. 306.43.** (A) The board of trustees of a regional transit authority or any officer or employee designated by such board may make any contract for the purchase of goods or services, the cost of which does not exceed one hundred thousand dollars. When an expenditure, other than for the acquisition of real estate, the discharge of claims, or the acquisition of goods or services under the circumstances described in division (H) of this section, is expected to exceed one hundred thousand dollars, such expenditure shall be made through full and open competition by the use of competitive procedures. The regional transit authority shall use the competitive procedure, as set forth in divisions (B), (C), (D), and (E) of this section, that is most appropriate under the circumstances of the procurement.

(B) Competitive sealed bidding is the preferred method of procurement and a regional transit authority shall use that method if all of the following conditions exist:

(1) A clear, complete, and adequate description of the goods, services, or work is available;

(2) Time permits the solicitation, submission, and evaluation of sealed bids;

(3) The award will be made on the basis of price and other price-related factors;

(4) It is not necessary to conduct discussions with 22856  
responding offerors about their bids; 22857

(5) There is a reasonable expectation of receiving more 22858  
than one sealed bid. 22859

A regional transit authority shall publish a notice 22860  
calling for bids once a week for no less than two consecutive 22861  
weeks in a newspaper of general circulation within the 22862  
territorial boundaries of the regional transit authority, or as 22863  
provided in section 7.16 of the Revised Code. A regional transit 22864  
authority may require that a bidder for any contract other than 22865  
a construction contract provide a bid guaranty in the form, 22866  
quality, and amount considered appropriate by the regional 22867  
transit authority. The board may let the contract to the lowest 22868  
responsive and responsible bidder. Where fewer than two 22869  
responsive bids are received, a regional transit authority may 22870  
negotiate price with the sole responsive bidder or may rescind 22871  
the solicitation and procure under division (H) (2) of this 22872  
section. 22873

(C) A regional transit authority may use two-step 22874  
competitive bidding, consisting of a technical proposal and a 22875  
separate, subsequent sealed price bid from those submitting 22876  
acceptable technical proposals, if both of the following 22877  
conditions exist: 22878

(1) A clear, complete, and adequate description of the 22879  
goods, services, or work is not available, but definite criteria 22880  
exist for the evaluation of technical proposals; 22881

(2) It is necessary to conduct discussions with responding 22882  
offerors. 22883

A regional transit authority shall publish a notice 22884

calling for technical proposals once a week for no less than two 22885  
consecutive weeks in a newspaper of general circulation within 22886  
the territorial boundaries of the regional transit authority, or 22887  
as provided in section 7.16 of the Revised Code. A regional 22888  
transit authority may require a bid guaranty in the form, 22889  
quality, and amount the regional transit authority considers 22890  
appropriate. The board may let the contract to the lowest 22891  
responsive and responsible bidder. Where fewer than two 22892  
responsive and responsible bids are received, a regional transit 22893  
authority may negotiate price with the sole responsive and 22894  
responsible bidder or may rescind the solicitation and procure 22895  
under division (H) (2) of this section. 22896

(D) A regional transit authority shall make a procurement 22897  
by competitive proposals if competitive sealed bidding or two- 22898  
step competitive bidding is not appropriate. 22899

A regional transit authority shall publish a notice 22900  
calling for proposals once a week for no less than two 22901  
consecutive weeks in a newspaper of general circulation within 22902  
the territorial boundaries of the regional transit authority, or 22903  
as provided in section 7.16 of the Revised Code. A regional 22904  
transit authority may require a proposal guaranty in the form, 22905  
quality, and amount considered appropriate by the regional 22906  
transit authority. The board may let the contract to the 22907  
proposer making the offer considered most advantageous to the 22908  
authority. Where fewer than two competent proposals are 22909  
received, a regional transit authority may negotiate price and 22910  
terms with the sole proposer or may rescind the solicitation and 22911  
procure under division (H) (2) of this section. 22912

(E) (1) A regional transit authority shall procure the 22913  
services of an architect or engineer in the manner prescribed by 22914

the "Federal Mass Transportation Act of 1987," Public Law No. 22915  
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 22916  
1608 and the services of a construction manager in the manner 22917  
prescribed by sections 9.33 to 9.332 of the Revised Code. 22918

(2) A regional transit authority may procure revenue 22919  
rolling stock in the manner prescribed by division (B), (C), or 22920  
(D) of this section. 22921

(3) All contracts for construction in excess of one 22922  
hundred thousand dollars shall be made only after the regional 22923  
transit authority has published a notice calling for bids once a 22924  
week for two consecutive weeks in a newspaper of general 22925  
circulation within the territorial boundaries of the regional 22926  
transit authority, or as provided in section 7.16 of the Revised 22927  
Code. The board may award a contract to the lowest responsive 22928  
and responsible bidder. Where only one responsive and 22929  
responsible bid is received, the regional transit authority may 22930  
negotiate price with the sole responsive bidder or may rescind 22931  
the solicitation. The regional transit authority shall award 22932  
construction contracts in accordance with sections 153.12 to 22933  
153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of 22934  
this section shall not apply to the award of contracts for 22935  
construction. 22936

(F) (1) As used in division (F) (2) of this section, 22937  
"simplified acquisition threshold" means the amount set forth in 22938  
41 U.S.C. 134. 22939

(2) The board may adopt a policy on whether board approval 22940  
is required to enter into a contract involving expenditures 22941  
below the simplified acquisition threshold. The board shall 22942  
approve all contracts involving expenditures at or above the 22943  
simplified acquisition threshold. 22944

(3) All contracts involving expenditures in excess of the amount for which board approval is required shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. The plans and specifications shall at all times be made and considered part of the contract. For all contracts other than construction contracts, a regional transit authority may require performance, payment, or maintenance guaranties or any combination of such guaranties in the form, quality, and amount it considers appropriate. The contract shall be approved by the board and signed on behalf of the regional transit authority and by the contractor.

(G) In making a contract, a regional transit authority may give preference to goods produced in the United States in accordance with the Buy America requirements in the "Surface Transportation Assistance Act of 1982," Public Law No. 97-424, section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and the rules adopted thereunder. The regional transit authority also may give preference to providers of goods produced in and services provided in labor surplus areas as defined by the United States department of labor in 41 U.S.C.A. 401 note, Executive Order No. 12073, August 16, 1978, 43 Fed. Reg. 36873, as amended.

(H) Competitive procedures under this section are not required in any of the following circumstances:

(1) The board of trustees of a regional transit authority, by a two-thirds affirmative vote of its members, determines that a real and present emergency exists under any of the following conditions, and the board enters its determination and the reasons for it in its proceedings:

(a) Affecting safety, welfare, or the ability to deliver transportation services;	22975 22976
(b) Arising out of an interruption of contracts essential to the provision of daily transit services;	22977 22978
(c) Involving actual physical damage to structures, supplies, equipment, or property.	22979 22980
(2) The purchase consists of goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or employee the board designates finds that only one source of supply is reasonably available.	22981 22982 22983 22984
(3) The expenditure is for a renewal or renegotiation of a lease or license for telecommunications or electronic data processing equipment, services, or systems, or for the upgrade of such equipment, services, or systems, or for the maintenance thereof as supplied by the original source or its successors or assigns.	22985 22986 22987 22988 22989 22990
(4) The purchase of goods or services is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a third-party beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under division (B) of section 125.04 of the Revised Code.	22991 22992 22993 22994 22995 22996 22997
(5) The sale and leaseback or lease and leaseback of transit facilities is made as provided in division (AA) of section 306.35 of the Revised Code.	22998 22999 23000
(6) The purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including but not limited to the services of an attorney,	23001 23002 23003

physician, surveyor, appraiser, investigator, court reporter, 23004  
adjuster, advertising consultant, or licensed broker, or 23005  
involves the special skills or proprietary knowledge required 23006  
for the servicing of specialized equipment owned by the regional 23007  
transit authority. 23008

(7) Services or supplies are available from a qualified 23009  
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 23010  
125.601 of the Revised Code. 23011

(8) The purchase consists of the product or services of a 23012  
public utility. 23013

(9) The purchase is for the services of individuals with 23014  
disabilities to work in the authority's commissaries or 23015  
cafeterias, and those individuals are supplied by a nonprofit 23016  
corporation or association whose purpose is to assist 23017  
individuals with disabilities, whether or not that corporation 23018  
or association is funded entirely or in part by the federal 23019  
government, or the purchase is for services provided by a 23020  
nonprofit corporation or association whose purpose is to assist 23021  
individuals with disabilities, whether or not that corporation 23022  
or association is funded entirely or in part by the federal 23023  
government. For purposes of division (H) (9) of this section, 23024  
"disability" has the same meaning as in section 4112.01 of the 23025  
Revised Code. 23026

(I) A regional transit authority may enter into blanket 23027  
purchase agreements for purchases of maintenance, operating, or 23028  
repair goods or services where the item cost does not exceed 23029  
five hundred dollars and the annual expenditure does not exceed 23030  
one hundred thousand dollars. 23031

(J) Nothing contained in this section prohibits a regional 23032

transit authority from participating in intergovernmental	23033
cooperative purchasing arrangements.	23034
(K) Except as otherwise provided in this chapter, a	23035
regional transit authority shall make a sale or other	23036
disposition of property through full and open competition.	23037
Except as provided in division (L) of this section, all	23038
dispositions of personal property and all grants of real	23039
property for terms exceeding five years shall be made by public	23040
auction or competitive procedure.	23041
(L) The competitive procedures required by division (K) of	23042
this section are not required in any of the following	23043
circumstances:	23044
(1) The grant is a component of a joint development	23045
between public and private entities and is intended to enhance	23046
or benefit public transit.	23047
(2) The grant of a limited use or of a license affecting	23048
land is made to an owner of abutting real property.	23049
(3) The grant of a limited use is made to a public	23050
utility.	23051
(4) The grant or disposition is to a department of the	23052
federal or state government, to a political subdivision of the	23053
state, or to any other governmental entity.	23054
(5) Used equipment is traded on the purchase of equipment	23055
and the value of the used equipment is a price-related factor in	23056
the basis for award for the purchase.	23057
(6) The value of the personal property is such that	23058
competitive procedures are not appropriate and the property	23059
either is sold at its fair market value or is disposed of by	23060

gift to a nonprofit entity having the general welfare or 23061  
education of the public as one of its principal objects. 23062

(M) The board of trustees of a regional transit authority, 23063  
when making a contract funded exclusively by state or local 23064  
moneys or any combination thereof, shall make a good faith 23065  
effort to use disadvantaged business enterprise participation to 23066  
the same extent required under Section 105(f) of the "Surface 23067  
Transportation Assistance Act of 1982," Public Law No. 97-424, 23068  
96 Stat. 2100, and Section 106(c) of the "Surface Transportation 23069  
and Uniform Relocation Assistance Act of 1987," Public Law No. 23070  
100-17, 101 Stat. 145, and the rules adopted thereunder. 23071

(N) As used in this section: 23072

(1) "Goods" means all things, including specially 23073  
manufactured goods, that are movable at the time of 23074  
identification to the contract for sale other than the money in 23075  
which the price is to be paid, investment securities, and things 23076  
in action. "Goods" also includes other identified things 23077  
attached to realty as described in section 1302.03 of the 23078  
Revised Code. 23079

(2) "Services" means the furnishing of labor, time, or 23080  
effort by a contractor, not involving the delivery of goods or 23081  
reports other than goods or reports that are merely incidental 23082  
to the required performance, including but not limited to 23083  
insurance, bonding, or routine operation, routine repair, or 23084  
routine maintenance of existing structures, buildings, real 23085  
property, or equipment, but does not include employment 23086  
agreements, collective bargaining agreements, or personal 23087  
services. 23088

(3) "Construction" means the process of building, 23089

altering, repairing, improving, painting, decorating, or 23090  
demolishing any structure or building, or other improvements of 23091  
any kind to any real property owned or leased by a regional 23092  
transit authority. 23093

(4) "Full and open competition" has the same meaning as in 23094  
the "Office of Federal Procurement Policy Act," Public Law No. 23095  
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 23096

(5) A bidder is "responsive" if, applying the criteria of 23097  
division (A) of section 9.312 of the Revised Code, the bidder is 23098  
"responsive" as described in that section. 23099

(6) A bidder is "responsible" if, applying the criteria of 23100  
division (B) of section 9.312 of the Revised Code and of the 23101  
"Office of Federal Procurement Policy Act," Public Law No. 98- 23102  
369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the 23103  
bidder is "responsible" as described in those sections. 23104

**Sec. 307.05.** As used in this section, "emergency medical 23105  
service organization" has the same meaning as in section 4765.01 23106  
of the Revised Code. 23107

A board of county commissioners may operate an ambulance 23108  
service organization or emergency medical service organization, 23109  
or, in counties with a population of ~~forty~~sixty thousand or 23110  
less, may operate a nonemergency patient transport service 23111  
organization, or may enter into a contract with one or more 23112  
counties, townships, municipal corporations, nonprofit 23113  
corporations, joint emergency medical services districts, fire 23114  
and ambulance districts, or private ambulance owners, regardless 23115  
of whether such counties, townships, municipal corporations, 23116  
nonprofit corporations, joint emergency medical services 23117  
districts, fire and ambulance districts, or private ambulance 23118

owners are located within or without the state, in order to 23119  
furnish or obtain the services of ambulance service 23120  
organizations, to furnish or obtain additional services from 23121  
ambulance service organizations in times of emergency, to 23122  
furnish or obtain the services of emergency medical service 23123  
organizations, or, in counties with a population of ~~forty-sixty~~ 23124  
thousand or less, to furnish or obtain services of nonemergency 23125  
patient transport service organizations, or may enter into a 23126  
contract with any such entity to furnish or obtain the 23127  
interchange of services from ambulance or emergency medical 23128  
service organizations, or, within counties with a population of 23129  
~~forty-sixty~~ thousand or less, to furnish or obtain the 23130  
interchange of services from nonemergency patient transport 23131  
service organizations, within the territories of the contracting 23132  
subdivisions. Except in the case of a contract with a joint 23133  
emergency medical services district to obtain the services of 23134  
emergency medical service organizations, such contracts shall 23135  
not be entered into with a public agency or nonprofit 23136  
corporation that receives more than half of its operating funds 23137  
from governmental entities with the intention of directly 23138  
competing with the operation of other ambulance service 23139  
organizations, nonemergency patient transport service 23140  
organizations, or emergency medical service organizations in the 23141  
county unless the public agency or nonprofit corporation is 23142  
awarded the contract after submitting the lowest and best bid to 23143  
the board of county commissioners. Any county wishing to 23144  
commence operation of a nonemergency patient transport service 23145  
organization or wishing to enter into a contract for the first 23146  
time to furnish or obtain services from a nonemergency patient 23147  
transport service organization on or after March 1, 1993, 23148  
including a county in which a private provider has been 23149  
providing the service, shall demonstrate the need for public 23150

funding for the service to, and obtain approval from, the state 23151  
board of emergency medical, fire, and transportation services or 23152  
its immediate successor board prior to operating or funding the 23153  
organization. 23154

When such an organization is operated by the board, the 23155  
organization may be administered by the board, by the county 23156  
sheriff, or by another county officer or employee designated by 23157  
the board. All rules, including the determining of reasonable 23158  
rates, necessary for the establishment, operation, and 23159  
maintenance of such an organization shall be adopted by the 23160  
board. 23161

A contract for services of an ambulance service, 23162  
nonemergency patient transport service, or emergency medical 23163  
service organization shall include the terms, conditions, and 23164  
stipulations as agreed to by the parties to the contract. It may 23165  
provide for a fixed annual charge to be paid at the times agreed 23166  
upon and stipulated in the contract, or for compensation based 23167  
upon a stipulated price for each run, call, or emergency or the 23168  
number of persons or pieces of apparatus employed, or the 23169  
elapsed time of service required in such run, call, or 23170  
emergency, or any combination thereof. 23171

**Sec. 307.673.** This section applies only in a county in 23172  
which a tax is levied under section 307.697, 4301.421, 5743.024, 23173  
or 5743.323 of the Revised Code on July 19, 1995. 23174

(A) As used in this section: 23175

(1) "County taxes" means taxes levied by a board of county 23176  
commissioners under ~~division~~ divisions (D) and (E) of section 23177  
307.697, ~~division~~ divisions (B) and (C) of section 4301.421, 23178  
~~division~~ divisions (C) and (D) of section 5743.024, and ~~section~~ 23179

sections 5743.323, 5743.511, 5743.521, 5743.621, and 5743.631 of 23180  
the Revised Code. 23181

(2) "Corporation" means a nonprofit corporation organized 23182  
under the laws of this state and that includes among the 23183  
purposes for which it is incorporated the authority to acquire, 23184  
construct, renovate, repair, equip, lease, manage, or operate a 23185  
sports facility. 23186

(3) "Cooperative agreement" means an agreement entered 23187  
into pursuant to this section. 23188

(4) "Cost of a sports facility" means the cost of 23189  
acquiring, constructing, renovating, repairing, equipping, or 23190  
improving one or more sports facilities, including 23191  
reconstructing, rehabilitating, remodeling, and enlarging; the 23192  
cost of equipping and furnishing such a facility; and all 23193  
financing costs pertaining thereto, including the cost of 23194  
engineering, architectural, and other professional services, 23195  
designs, plans, specifications and surveys, and estimates of 23196  
costs; the costs of refinancing obligations issued by, or 23197  
reimbursement of money advanced by, the parties to the 23198  
cooperative agreement or other persons, the proceeds of which 23199  
obligations were used to pay the costs of the sports facility; 23200  
the cost of tests and inspections; the cost of any indemnity or 23201  
surety bonds and premiums on insurance, all related direct and 23202  
administrative costs pertaining thereto, fees and expenses of 23203  
trustees, depositories, and paying agents for the obligations, 23204  
capitalized interest on the obligations, amounts necessary to 23205  
establish reserves as required by the obligation proceedings, 23206  
the reimbursement of money advanced or applied by the parties to 23207  
the cooperative agreement or other persons for the payment of 23208  
any item of costs of the sports facility, and all other expenses 23209

necessary or incident to planning or determining the feasibility 23210  
or practicability with respect to the sports facility; and any 23211  
other such expenses as may be necessary or incident to the 23212  
acquisition, construction, reconstruction, rehabilitation, 23213  
remodeling, renovation, repair, enlargement, improvement, 23214  
equipping, and furnishing of the sports facility, the financing 23215  
of the sports facility, placing the sports facility in use and 23216  
operation, including any one, part of, or combination of such 23217  
classes of costs and expenses. 23218

(5) "Financing costs" has the same meaning as in section 23219  
133.01 of the Revised Code. 23220

(6) "Obligations" means obligations issued or incurred to 23221  
pay the cost of a sports facility, including bonds, notes, 23222  
certificates of indebtedness, commercial paper, and other 23223  
instruments in writing, anticipatory securities as defined in 23224  
section 133.01 of the Revised Code, issued or incurred by an 23225  
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 23226  
this section, or otherwise, to evidence the issuer's obligation 23227  
to repay borrowed money, or to pay interest, by, or to pay at 23228  
any future time other money obligations of, the issuer of the 23229  
obligations, including obligations of an issuer or lessee to 23230  
make payments under an installment sale, lease, lease-purchase, 23231  
or similar agreement. 23232

(7) "Owner" means any person that owns or operates a 23233  
professional athletic or sports team, that is party to a 23234  
cooperative agreement, or that has a lease or other agreement 23235  
with a party to a cooperative agreement, and that commits to use 23236  
the sports facility that is the subject of the cooperative 23237  
agreement for all of the team's home games for the period 23238  
specified in that agreement. 23239

(8) "Payments," when used with reference to obligations, 23240  
means payments of the principal, including any mandatory sinking 23241  
fund deposits and mandatory redemption payments, interest and 23242  
any redemption premium, and lease rentals, lease-purchase 23243  
payments and other amounts payable under obligations in the form 23244  
of installment sale, lease, lease-purchase, or similar 23245  
agreements. 23246

(9) "Person" has the same meaning as defined in section 23247  
133.01 of the Revised Code. 23248

(10) "Port authority" means a port authority created under 23249  
Chapter 4582. of the Revised Code. 23250

(11) "Sports facility" means a facility, including a 23251  
stadium, that is intended to house or provide a site for one or 23252  
more major league professional athletic or sports teams or 23253  
activities, together with all spectator facilities, parking 23254  
facilities, walkways, and auxiliary facilities, real and 23255  
personal property, property rights, easements, leasehold 23256  
estates, and interests that may be appropriate for, or used in 23257  
connection with, the operation of the sports facility. 23258

(B) The board of county commissioners of a county, the 23259  
legislative authority of a municipal corporation, a port 23260  
authority, a corporation, and an owner, or any combination 23261  
thereof, may enter into one or more cooperative agreements under 23262  
which the parties enter into one or more of the agreements 23263  
described in divisions (B) (1) to (5) of this section. 23264

(1) The board of county commissioners agrees to do one or 23265  
more of the following: 23266

(a) Levy a tax under division (D) or (E) of section 23267  
307.697, division (B) or (C) of section 4301.421, division (C) 23268

<u>or (D) of section 5743.024, and <del>or</del> section 5743.323, 5743.511,</u>	23269
<u>5743.521, 5743.621, and 5743.631 of the Revised Code and make</u>	23270
available all or a portion of the revenue from those taxes for	23271
the payment of the cost of the sports facility or to make	23272
payments on obligations;	23273
(b) Issue or incur obligations of the county pursuant to	23274
Chapter 133. of the Revised Code or this section;	23275
(c) Make available all or a portion of the revenue from	23276
those taxes or of the proceeds from the issuance of those	23277
obligations to the municipal corporation, port authority,	23278
corporation, or otherwise for the payment of the cost of a	23279
sports facility or the payment of obligations;	23280
(d) Acquire, construct, renovate, repair, equip, lease to	23281
or from another person, and operate, directly or by a lease or	23282
management contract with another person, one or more sports	23283
facilities;	23284
(e) To the extent provided in the cooperative agreement or	23285
a lease with respect to a sports facility, authorize the	23286
municipal corporation, port authority, corporation, or owner to	23287
administer contracts for designing, planning, acquiring,	23288
constructing, renovating, repairing, or equipping a sports	23289
facility.	23290
(2) The port authority agrees to do one or more of the	23291
following:	23292
(a) Issue or incur obligations of the port authority	23293
pursuant to Chapter 133. or 4582. of the Revised Code or this	23294
section;	23295
(b) Make available all or a portion of the proceeds from	23296
the issuance of those obligations to the municipal corporation,	23297

county, or corporation for the payment of the cost of a sports facility or the payment of obligations;	23298 23299
(c) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	23300 23301 23302 23303
(d) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the municipal corporation, county, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility.	23304 23305 23306 23307 23308 23309
(3) The legislative authority of the municipal corporation agrees to do one or more of the following:	23310 23311
(a) Make available the revenue from taxes levied by the legislative authority for the payment of the cost of a sports facility or to make payments on obligations;	23312 23313 23314
(b) Issue or incur obligations of the municipal corporation pursuant to Chapter 133. of the Revised Code or otherwise;	23315 23316 23317
(c) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;	23318 23319 23320 23321
(d) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;	23322 23323 23324 23325

(e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the county, port authority, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility. 23326  
23327  
23328  
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(4) The corporation agrees to do one or more of the following: 23331  
23332

(a) Issue or incur obligations; 23333

(b) Make available all or a portion of the proceeds from the issuance of those obligations to the county, port authority, municipal corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations; 23334  
23335  
23336  
23337

(c) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities; 23338  
23339  
23340  
23341

(d) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, agree that the corporation will administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility. 23342  
23343  
23344  
23345  
23346

(5) The owner agrees to do one or more of the following: 23347

(a) Use the sports facility that is the subject of the cooperative agreement for all of the home games of the owner's professional athletic or sports team for a specified period; 23348  
23349  
23350

(b) Administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility. 23351  
23352  
23353

(C) Any obligations may be secured by a trust agreement 23354  
between the issuer of obligations and a corporate trustee that 23355  
is a trust company or bank having the powers of a trust company 23356  
in or outside this state and authorized to exercise corporate 23357  
trust powers in this state. Proceeds from the issuance of any 23358  
obligations or the taxes levied and collected by any party to 23359  
the cooperative agreement may be deposited with and administered 23360  
by a trustee pursuant to the trust agreement. 23361

(D) Any contract for the acquisition, construction, 23362  
renovation, repair, or equipping of a sports facility entered 23363  
into, assigned, or assumed under this section shall provide that 23364  
all laborers and mechanics employed in the acquisition, 23365  
construction, renovation, repair, or equipping of the sports 23366  
facility shall be paid at the prevailing rates of wages of 23367  
laborers and mechanics for the class of work called for, as 23368  
those wages are determined in accordance with Chapter 4115. of 23369  
the Revised Code. 23370

**Sec. 307.696.** (A) As used in this section: 23371

(1) "County taxes" means taxes levied by the county 23372  
pursuant to sections 307.697, 4301.421, 5743.024, ~~and 5743.323,~~ 23373  
5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code. 23374

(2) "Corporation" means a nonprofit corporation that is 23375  
organized under the laws of this state for the purposes of 23376  
operating or constructing and operating a sports facility in the 23377  
county and that may also be organized under the laws of this 23378  
state for the additional purposes of conducting redevelopment 23379  
and economic development activities within the host municipal 23380  
corporation. 23381

(3) "Sports facility" means a sports facility that is 23382

intended to house major league professional athletic teams, 23383  
including a stadium, together with all parking facilities, 23384  
walkways, and other auxiliary facilities, real and personal 23385  
property, property rights, easements, and interests that may be 23386  
appropriate for, or used in connection with, the operation of 23387  
the facility. 23388

(4) "Construction" includes, but is not limited to, 23389  
providing fixtures, furnishings, and equipment and providing for 23390  
capital repairs and improvements. 23391

(5) "Debt service charges" means the interest, principal, 23392  
premium, if any, carrying and redemption charges, and expenses 23393  
on bonds issued by either the county or the corporation to: 23394

(a) Construct a sports facility or provide for related 23395  
redevelopment or economic development as provided in this 23396  
section; 23397

(b) Acquire real and personal property, property rights, 23398  
easements, or interests that may be appropriate for, or used in 23399  
connection with, the operation of the facility; and 23400

(c) Make site improvements to real property, including, 23401  
but not limited to, demolition, excavation, and installation of 23402  
footers, pilings, and foundations. 23403

(6) "Host municipal corporation" means the municipal 23404  
corporation within the boundaries of which the sports facility 23405  
is located, ~~and with which a national football league, major-~~ 23406  
~~league baseball, or national basketball association sports-~~ 23407  
~~franchise is associated on March 20, 1990.~~ 23408

(B) A board of county commissioners of a county that 23409  
levies a tax under section 307.697, 4301.421, or 5743.024 of the 23410  
Revised Code may enter into an agreement with a corporation 23411

operating in the county, and, if there is a host municipal 23412  
corporation all or a part of which is located in the county, 23413  
shall enter into an agreement with a corporation operating in 23414  
the county and the host municipal corporation, under which: 23415

(1) (a) The corporation agrees to construct and operate a 23416  
sports facility in the county and to pledge and contribute all 23417  
or any part of the revenues derived from its operation, as 23418  
specified in the agreement, for the purposes described in 23419  
division (C) (1) of this section; and 23420

(b) The board agrees to levy county taxes and pledge and 23421  
contribute any part or all of the revenues therefrom, as 23422  
specified in the agreement, for the purposes described in 23423  
division (C) (1) of this section; or 23424

(2) (a) The corporation agrees to operate a sports facility 23425  
constructed by the county and to pledge and contribute all or 23426  
any part of the revenues derived from its operation, as 23427  
specified in the agreement, for the purposes described in 23428  
division (C) (2) of this section; and 23429

(b) The board agrees to issue revenue bonds of the county, 23430  
use the proceeds from the sale of the bonds to construct a 23431  
sports facility in the county, and to levy county taxes and 23432  
pledge and contribute all or any part of the revenues therefrom, 23433  
as specified in the agreement, for the purposes described in 23434  
division (C) (2) of this section; and, if applicable 23435

(3) The host municipal corporation agrees to expend the 23436  
unused pledges and contributions and surplus revenues as 23437  
described in divisions (C) (1) and (2) of this section for 23438  
redevelopment and economic development purposes related to the 23439  
sports facility. 23440

(C) (1) The primary purpose of the pledges and 23441  
contributions described in division (B) (1) of this section is 23442  
payment of debt service charges. To the extent the pledges and 23443  
contributions are not used by the county or corporation for 23444  
payment of debt service charges, the county or corporation, 23445  
pursuant to the agreement provided for in division (B) of this 23446  
section, shall provide the unused pledges and contributions, 23447  
together with surplus revenues of the sports facility not needed 23448  
for debt service charges or the operation and maintenance of the 23449  
sports facility, to the host municipal corporation, or a 23450  
nonprofit corporation, which may be the corporation acting on 23451  
behalf of the host municipal corporation, for redevelopment and 23452  
economic development purposes related to the sports facility. If 23453  
the county taxes are also levied for the purpose of making 23454  
permanent improvements, the agreement shall include a schedule 23455  
of annual pledges and contributions by the county for the 23456  
payment of debt service charges. The county's pledge and 23457  
contribution provided for in the agreement shall be for the 23458  
period stated in the agreement but not to exceed twenty years. 23459  
The agreement shall provide that any such bonds and notes shall 23460  
be secured by a trust agreement between the corporation or other 23461  
bond issuer and a corporate trustee that is a trust company or 23462  
bank having the powers of a trust company within or without the 23463  
state, and the trust agreement shall pledge or assign to the 23464  
retirement of the bonds or notes, all moneys paid by the county 23465  
for that purpose under this section. A county tax, all or any 23466  
part of the revenues from which are pledged under an agreement 23467  
entered into by a board of county commissioners under this 23468  
section shall not be subject to diminution by initiative or 23469  
referendum, or diminution by statute, unless provision is made 23470  
therein for an adequate substitute therefor reasonably 23471  
satisfactory to the trustee under the trust agreement that 23472

secures the bonds and notes. 23473

(2) The primary purpose of the pledges and contributions 23474  
described in division (B) (2) of this section is payment of debt 23475  
service charges. To the extent the pledges and contributions are 23476  
not used by the county for payment of debt service charges, the 23477  
county or corporation, pursuant to the agreement provided for in 23478  
division (B) of this section, shall provide the unused pledges 23479  
and contributions, together with surplus revenues of the sports 23480  
facility not needed for debt service charges or the operation 23481  
and maintenance of the sports facility, to the host municipal 23482  
corporation, or a nonprofit corporation, which may be the 23483  
corporation, acting on behalf of the host municipal corporation, 23484  
for redevelopment and economic development purposes related to 23485  
the sports facility. The corporation's pledge and contribution 23486  
provided for in the agreement shall be until all of the bonds 23487  
issued for the construction of the facility have been retired. 23488

(D) A pledge of money by a county under this section shall 23489  
not be indebtedness of the county for purposes of Chapter 133. 23490  
of the Revised Code. 23491

(E) If the terms of the agreement so provide, the board of 23492  
county commissioners may acquire, make site improvements to, 23493  
including, but not limited to, demolition, excavation, and 23494  
installation of footers, pilings, and foundations, and lease 23495  
real property for the sports facility to a corporation that 23496  
constructs a sports facility under division (B) (1) of this 23497  
section. The agreement shall specify the term, which shall not 23498  
exceed thirty years and shall be on such terms as are set forth 23499  
in the agreement. The purchase, improvement, and lease may be 23500  
the subject of an agreement between the county and a municipal 23501  
corporation located within the county pursuant to section 153.61 23502

or 307.15 of the Revised Code, and are not subject to the 23503  
limitations of sections 307.02 and 307.09 of the Revised Code. 23504

(F) The corporation shall not enter into any construction 23505  
contract or contract for the purchase of services for use in 23506  
connection with the construction of a sports facility prior to 23507  
the corporation's adoption and implementation of a policy on the 23508  
set aside of contracts for bidding by or award to minority 23509  
business enterprises, as defined in division (E) (1) of section 23510  
122.71 of the Revised Code. Sections 4115.03 to 4115.16 of the 23511  
Revised Code apply to a sports facility constructed under this 23512  
section. 23513

(G) Not more than one-half of the total costs, including 23514  
debt service charges and cost of operation, of a project 23515  
undertaken pursuant to an agreement entered into under division 23516  
(B) of this section shall be paid from county taxes. Nothing in 23517  
this section authorizes the use of revenues from county taxes or 23518  
proceeds from the sale of bonds issued by the board of county 23519  
commissioners for payment of costs of operation of a sports 23520  
facility. 23521

(H) Division (G) of this section and the twenty-year 23522  
limitation prescribed in division (C) (1) of this section do not 23523  
apply in the case of taxes levied pursuant to division (E) of 23524  
section 307.697 of the Revised Code, division (C) of section 23525  
4301.421 of the Revised Code, division (D) of section 5743.024 23526  
of the Revised Code, division (C) of section 5743.323 of the 23527  
Revised Code, and sections 5743.511, 5743.521, 5743.621, and 23528  
5743.631 of the Revised Code. Notwithstanding anything to the 23529  
contrary in this section or any other section of the Revised 23530  
Code, revenue from the taxes levied pursuant to those provisions 23531  
shall be equally divided by the county among the sports 23532

facilities that exist within the boundaries of the county during 23533  
the period that the taxes are levied. Unless documented by an 23534  
agreement with the applicable owner of a sports facility, such 23535  
division of revenue shall be made directly by the county 23536  
treasurer by payment to the respective owners of the sports 23537  
facilities. 23538

**Sec. 307.697.** (A) For the purpose of section 307.696 of 23539  
the Revised Code and to pay any or all of the charge the board 23540  
of elections makes against the county to hold the election on 23541  
the question of levying the tax, or for those purposes and to 23542  
provide revenues to the county for permanent improvements, the 23543  
board of county commissioners of a county may levy a tax not to 23544  
exceed three dollars on each gallon of spirituous liquor sold to 23545  
or purchased by liquor permit holders for resale, and sold at 23546  
retail by the state or pursuant to a transfer agreement entered 23547  
into under Chapter 4313. of the Revised Code, in the county. The 23548  
tax shall be levied on the number of gallons so sold. The tax 23549  
may be levied for any number of years not exceeding twenty. 23550

The tax shall be levied pursuant to a resolution of the 23551  
board of county commissioners approved by a majority of the 23552  
electors in the county voting on the question of levying the 23553  
tax, which resolution shall specify the rate of the tax, the 23554  
number of years the tax will be levied, and the purposes for 23555  
which the tax is levied. The election may be held on the date of 23556  
a general or special election held not sooner than ninety days 23557  
after the date the board certifies its resolution to the board 23558  
of elections. If approved by the electors, the tax takes effect 23559  
on the first day of the month specified in the resolution but 23560  
not sooner than the first day of the month that is at least 23561  
sixty days after the certification of the election results by 23562  
the board of elections. A copy of the resolution levying the tax 23563

shall be certified to the division of liquor control at least 23564  
 sixty days prior to the date on which the tax is to become 23565  
 effective. 23566

(B) A resolution under this section may be joined on the 23567  
 ballot as a single question with a resolution adopted under 23568  
 section 4301.421 or 5743.024 of the Revised Code to levy a tax 23569  
 for the same purposes, and for the purpose of paying the 23570  
 expenses of administering that tax. 23571

(C) The form of the ballot in an election held pursuant to 23572  
 this section or section 4301.421 or 5743.024 of the Revised Code 23573  
 shall be as follows or in any other form acceptable to the 23574  
 secretary of state: 23575

"For the purpose of paying not more than one-half of the 23576  
 costs of providing a public sports facility together with 23577  
 related redevelopment and economic development projects, shall 23578  
 (an) excise tax(es) be levied by \_\_\_\_\_ county at the rate 23579  
 of \_\_\_\_\_ (dollars on each gallon of spirituous liquor sold in 23580  
 the county, cents per gallon on the sale of beer at wholesale in 23581  
 the county, cents per gallon on the sale of wine and mixed 23582  
 beverages at wholesale in the county, cents per gallon on the 23583  
 sale of cider at wholesale in the county, or mills per cigarette 23584  
 on the sale of cigarettes at wholesale in the county), for 23585  
 \_\_\_\_\_ years? 23586

	Yes	
	No	"

For an election in which questions under this section or 23588  
 section 4301.421 or 5743.024 of the Revised Code are joined as a 23589

single question, the form of the ballot shall be as above, 23590  
except each of the proposed taxes shall be listed. 23591

(D) The board of county commissioners of a county in which 23592  
a tax is imposed under this section on September 29, 2013, the 23593  
effective date of the amendment of this section by H.B. 59 of 23594  
the 130th general assembly, may levy a tax for the purpose of 23595  
section 307.673 of the Revised Code regardless of whether or not 23596  
the cooperative agreement authorized under that section has been 23597  
entered into prior to the day the resolution adopted under 23598  
division (D) (1) or (2) of this section is adopted, for the 23599  
purpose of reimbursing a county for costs incurred in the 23600  
construction of a sports facility pursuant to an agreement 23601  
entered into by the county under section 307.696 of the Revised 23602  
Code, or for the purpose of paying the costs of capital repairs 23603  
of and improvements to a sports facility, or both. The tax shall 23604  
be levied and approved in one of the manners prescribed by 23605  
division (D) (1) or (2) of this section. 23606

(1) The tax may be levied pursuant to a resolution adopted 23607  
by a majority of the members of the board of county 23608  
commissioners not later than forty-five days after July 19, 23609  
1995. A board of county commissioners approving a tax under 23610  
division (D) (1) of this section may approve a tax under division 23611  
(B) (1) of section 4301.421 or division (C) (1) of section 23612  
5743.024 of the Revised Code at the same time. Subject to the 23613  
resolution being submitted to a referendum under sections 305.31 23614  
to 305.41 of the Revised Code, the resolution shall take effect 23615  
immediately, but the tax levied pursuant to the resolution shall 23616  
not be levied prior to the day following the last day that any 23617  
tax previously levied pursuant to this division may be levied. 23618

(2) The tax may be levied pursuant to a resolution adopted 23619

by a majority of the members of the board of county 23620  
commissioners not later than September 1, 2015, and approved by 23621  
a majority of the electors of the county voting on the question 23622  
of levying the tax. The board of county commissioners shall 23623  
certify a copy of the resolution to the board of elections 23624  
immediately upon adopting a resolution under division (D) (2) of 23625  
this section. The election may be held on the date of a general 23626  
or special election held not sooner than ninety days after the 23627  
date the board certifies its resolution to the board of 23628  
elections. The form of the ballot shall be as prescribed by 23629  
division (C) of this section, except that the phrase "paying not 23630  
more than one-half of the costs of providing a sports facility 23631  
together with related redevelopment and economic development 23632  
projects" shall be replaced by the phrase "paying the costs of 23633  
constructing, renovating, improving, or repairing a sports 23634  
facility and reimbursing a county for costs incurred by the 23635  
county in the construction of a sports facility," and the phrase 23636  
", beginning \_\_\_\_\_ (here insert the earliest date the tax 23637  
would take effect)" shall be appended after "years." A board of 23638  
county commissioners submitting the question of a tax under 23639  
division (D) (2) of this section may submit the question of a tax 23640  
under division (B) (2) of section 4301.421 or division (C) (2) of 23641  
section 5743.024 of the Revised Code as a single question, and 23642  
the form of the ballot shall include each of the proposed taxes. 23643

If approved by a majority of electors voting on the 23644  
question, the tax shall take effect on the day specified on the 23645  
ballot, which shall not be earlier than the day following the 23646  
last day that any tax previously levied pursuant to this 23647  
division may be levied. 23648

The rate of a tax levied pursuant to division (D) (1) or 23649  
(2) of this section shall not exceed the rate specified in 23650

division (A) of this section. A tax levied pursuant to division 23651  
(D) (1) or (2) of this section may be levied for any number of 23652  
years not exceeding twenty. 23653

A board of county commissioners adopting a resolution 23654  
under division (D) (1) or (2) of this section shall certify a 23655  
copy of the resolution to the division of liquor control 23656  
immediately upon adoption of the resolution. 23657

(E) The board of county commissioners of a county whose 23658  
population is greater than one million one hundred thousand but 23659  
less than one million three hundred thousand may levy a tax 23660  
under this division for the purpose of section 307.673 of the 23661  
Revised Code regardless of whether or not the cooperative 23662  
agreement authorized under that section has been entered into 23663  
prior to the day the resolution adopted under division (E) of 23664  
this section is adopted, for the purpose of reimbursing a county 23665  
for costs incurred in the construction of a sports facility 23666  
pursuant to an agreement entered into by the county under 23667  
section 307.696 of the Revised Code, or for the purpose of 23668  
paying the costs of constructing, equipping, furnishing, 23669  
maintaining, renovating, improving, or repairing a sports 23670  
facility. The tax may be levied for any number of years or for a 23671  
continuing period of time. 23672

The tax may be levied pursuant to a resolution adopted by 23673  
the board of county commissioners and approved by a majority of 23674  
the electors of the county voting on the question of levying the 23675  
tax. The board of county commissioners shall certify a copy of 23676  
the resolution to the board of elections immediately after its 23677  
adoption. The election may be held on the date of a general or 23678  
special election held not sooner than ninety days after the date 23679  
the board certifies its resolution to the board of elections. 23680

The form of the ballot shall be as follows: 23681

"For the purpose of \_\_\_\_\_ (state the purpose or 23682  
purposes), shall an excise tax be levied by \_\_\_\_\_ county at 23683  
the rate of \_\_\_\_\_ dollars on each gallon of spirituous liquor 23684  
sold in the county for \_\_\_\_\_ (number of years or a continuing 23685  
period of time), the tax beginning on \_\_\_\_\_ (the earliest 23686  
date the tax would take effect)? 23687

	<u>Yes</u>
	<u>No</u>

23688

A board of county commissioners submitting the question of 23689  
a tax under division (E) of this section, may submit the 23690  
question of a tax under section 5743.511, division (C) of 23691  
section 4301.421, or division (D) of section 5743.024 of the 23692  
Revised Code, or all, as a single question, provided that each 23693  
tax is for the same purpose and period of time and the form of 23694  
the ballot states the rate of each of the proposed taxes. 23695

If approved by a majority of electors voting on the 23696  
question, the tax shall take effect on the date specified in the 23697  
resolution but not sooner than the first day of the month that 23698  
is at least sixty days after the certification of the election 23699  
results by the board of elections. The tax levied under division 23700  
(E) of this section may be approved and take effect before the 23701  
expiration of the tax levied under division (D) of this section. 23702  
The tax levied under division (E) of this section shall 23703  
supersede and replace any tax levied under division (D) of this 23704  
section, and the tax levied under division (D) of this section 23705  
shall no longer be levied once the tax levied under division (E) 23706  
of this section takes effect. 23707

The rate of a tax levied pursuant to division (E) of this 23708  
section shall not exceed six dollars on each gallon of 23709  
spirituous liquor sold to or purchased by liquor permit holders 23710  
for resale, and sold at retail by the state or pursuant to a 23711  
transfer agreement entered into under Chapter 4313. of the 23712  
Revised Code, in the county. The tax shall be levied on the 23713  
number of gallons so sold. 23714

A board of county commissioners adopting a resolution 23715  
under division (E) of this section shall certify a copy of the 23716  
resolution to the division of liquor control and to the tax 23717  
commissioner immediately upon adoption of the resolution. 23718

(F) No tax shall be levied under division (A) of this 23719  
section on or after September 23, 2008. This division does not 23720  
apply to a tax levied under division (D) or (E) of this section, 23721  
and does not prevent the collection of any tax levied under this 23722  
section before September 23, 2008, so long as that tax remains 23723  
effective. 23724

**Sec. 307.86.** Anything to be purchased, leased, leased with 23725  
an option or agreement to purchase, or constructed, including, 23726  
but not limited to, any product, structure, construction, 23727  
reconstruction, improvement, maintenance, repair, or service, 23728  
except the services of an accountant, architect, attorney at 23729  
law, physician, professional engineer, construction project 23730  
manager, consultant, surveyor, or appraiser, by or on behalf of 23731  
the county or contracting authority, as defined in section 23732  
307.92 of the Revised Code, at a cost in excess of the amount 23733  
specified in section 9.17 of the Revised Code, except as 23734  
otherwise provided in division (D) of section 713.23 and in 23735  
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 23736  
307.861, 339.05, 340.036, ~~4115.31 to 4115.35~~, 5119.44, 5513.01, 23737

5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 23738  
obtained through competitive bidding. No purchase, lease, 23739  
project, or other transaction subject to this section shall be 23740  
divided into component parts, separate projects, or separate 23741  
items of work in order to avoid the requirements of this 23742  
section. However, competitive bidding is not required when any 23743  
of the following applies: 23744

(A) The board of county commissioners, by a unanimous vote 23745  
of its members, makes a determination that a real and present 23746  
emergency exists, and that determination and the reasons for it 23747  
are entered in the minutes of the proceedings of the board, when 23748  
any of the following applies: 23749

(1) The estimated cost is less than one hundred twenty- 23750  
five thousand dollars. 23751

(2) There is actual physical disaster to structures, radio 23752  
communications equipment, or computers. 23753

(3) The product to be purchased is personal protective 23754  
equipment and the purchase is completed during the period of the 23755  
emergency declared by Executive Order 2020-01D, issued on March 23756  
9, 2020. 23757

For purposes of this division: 23758

"Personal protective equipment" means equipment worn to 23759  
minimize exposure to hazards that cause workplace injuries and 23760  
illnesses. 23761

"Unanimous vote" means all three members of a board of 23762  
county commissioners when all three members are present, or two 23763  
members of the board if only two members, constituting a quorum, 23764  
are present. 23765

Whenever a contract of purchase, lease, or construction is 23766  
exempted from competitive bidding under division (A) (1) of this 23767  
section because the estimated cost is less than one hundred 23768  
twenty-five thousand dollars, but the estimated cost is the 23769  
amount specified in section 9.17 of the Revised Code or more, 23770  
the county or contracting authority shall solicit informal 23771  
estimates from no fewer than three persons who could perform the 23772  
contract, before awarding the contract. With regard to each such 23773  
contract, the county or contracting authority shall maintain a 23774  
record of such estimates, including the name of each person from 23775  
whom an estimate is solicited. The county or contracting 23776  
authority shall maintain the record for the longer of at least 23777  
one year after the contract is awarded or the amount of time the 23778  
federal government requires. 23779

(B) (1) The purchase consists of supplies or a replacement 23780  
or supplemental part or parts for a product or equipment owned 23781  
or leased by the county, and the only source of supply for the 23782  
supplies, part, or parts is limited to a single supplier. 23783

(2) The purchase consists of services related to 23784  
information technology, such as programming services, that are 23785  
proprietary or limited to a single source. 23786

(C) The purchase is from the federal government, the 23787  
state, another county or contracting authority of another 23788  
county, or a board of education, educational service center, 23789  
township, or municipal corporation. 23790

(D) The purchase is made by a county department of job and 23791  
family services under section 329.04 of the Revised Code and 23792  
consists of family services duties or workforce development 23793  
activities or is made by a county board of developmental 23794  
disabilities under section 5126.05 of the Revised Code and 23795

consists of program services, such as direct and ancillary 23796  
client services, child care, case management services, 23797  
residential services, and family resource services. 23798

(E) The purchase consists of criminal justice services, 23799  
social services programs, family services, or workforce 23800  
development activities by the board of county commissioners from 23801  
nonprofit corporations or associations under programs funded by 23802  
the federal government or by state grants. 23803

(F) The purchase consists of any form of an insurance 23804  
policy or contract authorized to be issued under Title XXXIX of 23805  
the Revised Code or any form of health care plan authorized to 23806  
be issued under Chapter 1751. of the Revised Code, or any 23807  
combination of such policies, contracts, plans, or services that 23808  
the contracting authority is authorized to purchase, and the 23809  
contracting authority does all of the following: 23810

(1) Determines that compliance with the requirements of 23811  
this section would increase, rather than decrease, the cost of 23812  
the purchase; 23813

(2) Requests issuers of the policies, contracts, plans, or 23814  
services to submit proposals to the contracting authority, in a 23815  
form prescribed by the contracting authority, setting forth the 23816  
coverage and cost of the policies, contracts, plans, or services 23817  
as the contracting authority desires to purchase; 23818

(3) Negotiates with the issuers for the purpose of 23819  
purchasing the policies, contracts, plans, or services at the 23820  
best and lowest price reasonably possible. 23821

(G) The purchase consists of computer hardware, software, 23822  
or consulting services that are necessary to implement a 23823  
computerized case management automation project administered by 23824

the Ohio prosecuting attorneys association and funded by a grant 23825  
from the federal government. 23826

(H) Child care services are purchased for provision to 23827  
county employees. 23828

(I) (1) Property, including land, buildings, and other real 23829  
property, is leased for offices, storage, parking, or other 23830  
purposes, and all of the following apply: 23831

(a) The contracting authority is authorized by the Revised 23832  
Code to lease the property. 23833

(b) The contracting authority develops requests for 23834  
proposals for leasing the property, specifying the criteria that 23835  
will be considered prior to leasing the property, including the 23836  
desired size and geographic location of the property. 23837

(c) The contracting authority receives responses from 23838  
prospective lessors with property meeting the criteria specified 23839  
in the requests for proposals by giving notice in a manner 23840  
substantially similar to the procedures established for giving 23841  
notice under section 307.87 of the Revised Code. 23842

(d) The contracting authority negotiates with the 23843  
prospective lessors to obtain a lease at the best and lowest 23844  
price reasonably possible considering the fair market value of 23845  
the property and any relocation and operational costs that may 23846  
be incurred during the period the lease is in effect. 23847

(2) The contracting authority may use the services of a 23848  
real estate appraiser to obtain advice, consultations, or other 23849  
recommendations regarding the lease of property under this 23850  
division. 23851

(J) The purchase is made pursuant to section 5139.34 or 23852

sections 5139.41 to 5139.46 of the Revised Code and is of 23853  
programs or services that provide case management, treatment, or 23854  
prevention services to any felony or misdemeanor delinquent, 23855  
unruly youth, or status offender under the supervision of the 23856  
juvenile court, including, but not limited to, community 23857  
residential care, day treatment, services to children in their 23858  
home, or electronic monitoring. 23859

(K) The purchase is made by a public children services 23860  
agency pursuant to section 307.92 or 5153.16 of the Revised Code 23861  
and consists of family services, programs, or ancillary services 23862  
that provide case management, prevention, or treatment services 23863  
for children at risk of being or alleged to be abused, 23864  
neglected, or dependent children. 23865

(L) The purchase is to obtain the services of emergency 23866  
medical service organizations under a contract made by the board 23867  
of county commissioners pursuant to section 307.05 of the 23868  
Revised Code with a joint emergency medical services district. 23869

(M) The county contracting authority determines that the 23870  
use of competitive sealed proposals would be advantageous to the 23871  
county and the contracting authority complies with section 23872  
307.862 of the Revised Code. 23873

(N) The purchase consists of used supplies and is made at 23874  
a public auction. 23875

Any issuer of policies, contracts, plans, or services 23876  
listed in division (F) of this section and any prospective 23877  
lessor under division (I) of this section may have the issuer's 23878  
or prospective lessor's name and address, or the name and 23879  
address of an agent, placed on a special notification list to be 23880  
kept by the contracting authority, by sending the contracting 23881

authority that name and address. The contracting authority shall 23882  
send notice to all persons listed on the special notification 23883  
list. Notices shall state the deadline and place for submitting 23884  
proposals. The contracting authority shall mail the notices at 23885  
least six weeks prior to the deadline set by the contracting 23886  
authority for submitting proposals. Every five years the 23887  
contracting authority may review this list and remove any person 23888  
from the list after mailing the person notification of that 23889  
action. 23890

Any contracting authority that negotiates a contract under 23891  
division (F) of this section shall request proposals and 23892  
negotiate with issuers in accordance with that division at least 23893  
every three years from the date of the signing of such a 23894  
contract, unless the parties agree upon terms for extensions or 23895  
renewals of the contract. Such extension or renewal periods 23896  
shall not exceed six years from the date the initial contract is 23897  
signed. 23898

Any real estate appraiser employed pursuant to division 23899  
(I) of this section shall disclose any fees or compensation 23900  
received from any source in connection with that employment. 23901

As used in division (N) of this section, "supplies" means 23902  
any personal property including equipment, materials, and other 23903  
tangible assets. 23904

**Sec. 307.985.** Each board of county commissioners shall 23905  
develop a written transportation work plan that establishes 23906  
policies regarding the transportation needs of low income 23907  
residents of the county seeking or striving to retain 23908  
employment. In developing the transportation work plan, the 23909  
board shall consult with all of the following: 23910

(A) The county department of job and family services;	23911
(B) If a regional transit authority created under section 306.32 of the Revised Code serves the county, the regional transit authority;	23912 23913 23914
(C) If a community action agency, as defined in section <del>122.66</del> <u>5101.311</u> of the Revised Code, serves the county, the community action agency;	23915 23916 23917
(D) As designated by the board of county commissioners, representatives of private <del>non-profit</del> <u>nonprofit</u> and government entities that work with issues related to economic development, employment, and persons with physical disabilities;	23918 23919 23920 23921
(E) Other individuals designated by the board of county commissioners.	23922 23923
<b>Sec. 308.13.</b> (A) The board of trustees of a regional airport authority or any officer or employee designated by such board may make without competitive bidding any contract for any purchase, lease, lease with option or agreement to purchase any property, or any construction contract for any work, the cost of which shall not exceed the amount specified in section 9.17 of the Revised Code. Any purchase, lease, lease with option or agreement to purchase, or construction contract in excess of the amount specified in section 9.17 of the Revised Code shall require that a notice calling for bids be published once a week for not less than two consecutive weeks preceding the day of the opening of the bids in a newspaper of general circulation within the territorial boundaries of the regional airport authority. The regional airport authority also may cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the	23924 23925 23926 23927 23928 23929 23930 23931 23932 23933 23934 23935 23936 23937 23938 23939

notice on the internet site on the world wide web of the 23940  
regional airport authority. If the contracting authority posts 23941  
the notice on that internet web site, the requirement that a 23942  
second notice be published in a newspaper of general circulation 23943  
within the territorial boundaries of the regional airport 23944  
authority does not apply provided the first notice published in 23945  
that newspaper meets all of the following requirements: 23946

(1) It is published at least two weeks prior to the day of 23947  
the opening of the bids. 23948

(2) It includes a statement that the notice is posted on 23949  
the internet site on the world wide web of the regional airport 23950  
authority. 23951

(3) It includes the internet address of the internet site 23952  
on the world wide web of the regional airport authority. 23953

(4) It includes instructions describing how the notice may 23954  
be accessed on the internet site on the world wide web of the 23955  
regional airport authority. 23956

No purchase, lease, project, or other transaction subject 23957  
to this section shall be divided into component parts, separate 23958  
projects, or separate items of work in order to avoid the 23959  
requirements of this section. 23960

If the bid is for a contract for the construction, 23961  
demolition, alteration, repair, or reconstruction of an 23962  
improvement, it shall meet the requirements of section 153.54 of 23963  
the Revised Code. If the bid is for any other contract 23964  
authorized by this section, it shall be accompanied by a good 23965  
and approved bond with ample security conditioned on the 23966  
carrying out of the contract as determined by the board. The 23967  
board may let the contract to the lowest and best bidder. Such 23968

contract shall be in writing and shall be accompanied by or 23969  
shall refer to plans and specifications for the work to be done, 23970  
as approved by the board. The plans and specifications at all 23971  
times shall be made and considered part of the contract. The 23972  
contract shall be approved by the board and signed by its chief 23973  
executive officer and by the contractor, and shall be executed 23974  
in duplicate. 23975

(B) The competitive bidding procedures described in 23976  
division (A) of this section do not apply in any of the 23977  
following circumstances: 23978

(1) The board of trustees of a regional airport authority, 23979  
by a majority vote of its members present at any meeting, 23980  
determines that a real and present emergency exists under any of 23981  
the following conditions, and the board enters its determination 23982  
and the reasons for it in its proceedings: 23983

(a) Affecting safety, welfare, or the ability to deliver 23984  
services; 23985

(b) Arising out of an interruption of contracts essential 23986  
to the provision of daily air services and other services 23987  
related to the airport; 23988

(c) Involving actual physical damage to structures, 23989  
supplies, equipment, or property requiring immediate repair or 23990  
replacement. 23991

(2) The purchase consists of goods or services, or any 23992  
combination thereof, and after reasonable inquiry the board or 23993  
any officer or designee of the board finds that only one source 23994  
of supply is reasonably available. 23995

(3) The expenditure is for a renewal or renegotiation of a 23996  
lease or license for telecommunications or informational 23997

technology equipment, services, or systems, or for the upgrade 23998  
of such equipment, services, or systems, or for the maintenance 23999  
thereof as supplied by the original source or its successors or 24000  
assigns. 24001

(4) The purchase of goods or services is made from another 24002  
political subdivision, public agency, public transit system, 24003  
regional transit authority, the state, or the federal 24004  
government, or as a third-party beneficiary under a state or 24005  
federal procurement contract, or as a participant in a 24006  
department of administrative services contract under division 24007  
(B) of section 125.04 of the Revised Code or under an approved 24008  
purchasing plan of this state. 24009

(5) The purchase substantially involves services of a 24010  
personal, professional, highly technical, or scientific nature, 24011  
including the services of an attorney, physician, engineer, 24012  
architect, surveyor, appraiser, investigator, adjuster, 24013  
advertising consultant, or licensed broker, or involves the 24014  
special skills or proprietary knowledge required for the 24015  
operation of the airport owned by the regional transit 24016  
authority. 24017

(6) Services or supplies are available from a qualified 24018  
nonprofit agency pursuant to sections ~~4115.31-125.60~~ to ~~4115.35-~~ 24019  
125.6012 of the Revised Code. 24020

(7) The purchase consists of the product or services of a 24021  
public utility. 24022

**Sec. 311.14.** Upon retiring from office, the sheriff shall 24023  
pay over to ~~his~~ the sheriff's successor in office all moneys 24024  
received by such sheriff and remaining in ~~his~~ the sheriff's 24025  
hands. ~~He~~ The sheriff shall deliver to ~~his~~ the sheriff's 24026

successor all evidences of indebtedness and all books, blanks, 24027  
and stationery belonging to ~~his~~ the sheriff's office. Each 24028  
sheriff shall demand and receive such books and papers from ~~his~~ 24029  
the sheriff's predecessor. Before leaving office, the sheriff 24030  
shall prepare a certificate of transition for the successor 24031  
sheriff in the form and substance prescribed by the auditor of 24032  
state. The certificate shall contain an inventory of items 24033  
delivered in accordance with this section, sections 311.13 and 24034  
311.15 of the Revised Code, and other information prescribed by 24035  
the auditor of state. Before prescribing the inventory of items, 24036  
accounts, and other information to be contained in the 24037  
certificate of transition, the auditor of state shall solicit 24038  
input from county sheriffs. 24039

**Sec. 317.20.** (A) When, in the opinion of the board of 24040  
county commissioners, sectional indexes are needed and it so 24041  
directs, in addition to the indexes provided for in section 24042  
317.18 of the Revised Code, the board may provide for making, in 24043  
books prepared for that purpose, sectional indexes to the 24044  
records of all real estate in the county beginning with some 24045  
designated year and continuing through the period of years that 24046  
the board specifies. The sectional indexes shall place under the 24047  
heads of the original surveyed sections or surveys, parts of a 24048  
section or survey, squares, subdivisions, permanent parcel 24049  
numbers provided for under section 319.28 of the Revised Code, 24050  
or lots, on the left-hand page or on the upper portion of that 24051  
page of the index book, the name of the grantor, then the name 24052  
of the grantee, then the number and page of the record in which 24053  
the instrument is found recorded, then the character of the 24054  
instrument, and then a pertinent description of the interest in 24055  
property conveyed by the deed, lease, or assignment of lease, 24056  
and shall place under similar headings on the right-hand page or 24057

on the lower portion of that page of the index book, beginning 24058  
at the bottom, all the mortgages, liens, notices provided for in 24059  
sections 5301.51, 5301.52, and 5301.56 of the Revised Code, or 24060  
other encumbrances affecting the real estate. 24061

(B) The compensation for the services rendered under this 24062  
section shall be paid from the general revenue fund of the 24063  
county, and no additional levy shall be made in consequence of 24064  
the services. 24065

(C) If the board of county commissioners decides to have 24066  
sectional indexes made, it shall advertise for three consecutive 24067  
weeks for sealed proposals to do the work provided for in this 24068  
section, using at least one of the following methods: 24069

(1) In the print or digital edition of a newspaper of 24070  
general circulation within the county; 24071

(2) On the official public notice web site established 24072  
under section 125.182 of the Revised Code; 24073

(3) On the web site and social media account of the 24074  
county. 24075

The board shall contract with the lowest and best bidder, 24076  
and shall require the successful bidder to give a bond for the 24077  
faithful performance of the contract in the sum that the board 24078  
fixes. ~~The work shall be done to the acceptance of the auditor~~ 24079  
~~of state upon allowance by the board.~~ The board may reject any 24080  
and all bids for the work, provided that no more than five cents 24081  
shall be paid for each entry of each tract or lot of land. 24082

(D) When the sectional indexes are brought up and 24083  
completed, the county recorder shall maintain the indexes and 24084  
comply with division (E) of this section in connection with 24085  
registered land. 24086

(E) (1) As used in division (E) of this section, "housing accommodations" and "restrictive covenant" have the same meanings as in section 4112.01 of the Revised Code.

(2) In connection with any transfer of registered land that occurs on and after March 30, 1999, in accordance with Chapters 5309. and 5310. of the Revised Code, the county recorder shall delete from the sectional indexes maintained under this section all references to any restrictive covenant that appears to apply to the transferred registered land, if any inclusion of the restrictive covenant in a transfer, rental, or lease of housing accommodations, any honoring or exercising of the restrictive covenant, or any attempt to honor or exercise the restrictive covenant constitutes an unlawful discriminatory practice under division (H) (9) of section 4112.02 of the Revised Code.

**Sec. 319.04.** (A) Each county auditor who is elected to a full term of office shall attend and successfully complete at least sixteen hours of continuing education courses during the first year of the auditor's term of office, and complete at least another eight hours of such courses by the end of that term. Each such county auditor shall include at least two hours of ethics and substance-abuse training in the total twenty-four hours of required courses. To be counted toward the twenty-four hours required by this section, a course must be approved by the county auditors association of Ohio. Any county auditor who teaches an approved course shall be entitled to credit for the course in the same manner as if the county auditor had attended the course.

That association shall record and, upon request, verify the completion of required course work for each county auditor,

and issue a statement to each county auditor of the number of 24117  
hours of continuing education the county auditor has 24118  
successfully completed. Each year the association shall send a 24119  
list of the continuing education courses, and the number of 24120  
hours each county auditor has successfully completed, to the 24121  
auditor of state and the tax commissioner, and shall provide a 24122  
copy of this list to any other individual who requests it. 24123

~~The auditor of state shall issue a certificate of 24124  
completion to each county auditor who completes the continuing- 24125  
education courses required by this section. The auditor of state 24126  
association shall issue a "notice of "failure to complete" to 24127  
any county auditor required to complete continuing education 24128  
courses under this section who fails to successfully complete at 24129  
least sixteen hours of continuing education courses during the 24130  
first year of the county auditor's term of office or to complete 24131  
a total of at least twenty-four hours of such courses by the end 24132  
of that term. This notice is for informational purposes only and 24133  
does not affect any individual's ability to hold the office of 24134  
county auditor. 24135~~

The county auditor shall retain the documentation of any 24136  
initial or continuing education courses completed. The auditor 24137  
of state shall audit for compliance with this section. 24138

(B) Each board of county commissioners shall approve, from 24139  
money appropriated to the county auditor, a reasonable amount 24140  
requested by the county auditor of its county to cover the costs 24141  
the county auditor must incur to meet the requirements of 24142  
division (A) of this section, including registration fees, 24143  
lodging and meal expenses, and travel expenses. 24144

**Sec. 319.202.** Before the county auditor indorses any real 24145  
property conveyance or manufactured or mobile home conveyance 24146

presented to the auditor pursuant to section 319.20 of the Revised Code or registers any manufactured or mobile home conveyance pursuant to section 4503.061 of the Revised Code, the grantee or the grantee's representative shall submit, either electronically or three written copies of, a statement, in the form prescribed by the tax commissioner, and other information as the county auditor may require, declaring the value of real property or manufactured or mobile home conveyed, except that when the transfer is exempt under division (G) (3) of section 319.54 of the Revised Code only a statement of the reason for the exemption shall be required. Each statement submitted under this section shall contain the information required under divisions (A) ~~and~~, (B), and (C) of this section.

(A) Each statement submitted under this section shall include or otherwise be accompanied by a statement advising the grantee of the eligibility requirements for the reduction in taxes authorized under division (B) of section 323.152 of the Revised Code and of the duty imposed by division (C) (1) of section 323.153 of the Revised Code on the grantee to notify the county auditor if the grantee no longer qualifies for the reduction.

(B) Each statement submitted under this section shall either:

(1) Contain an affirmation by the grantee that the grantor has been asked by the grantee or the grantee's representative whether to the best of the grantor's knowledge either the preceding or the current year's taxes on the real property or the current or following year's taxes on the manufactured or mobile home conveyed will be reduced under division (A) of section 323.152 or under section 4503.065 of the Revised Code

and that the grantor indicated that to the best of the grantor's 24177  
knowledge the taxes will not be so reduced; or 24178

(2) Be accompanied by a sworn or affirmed instrument 24179  
stating: 24180

(a) To the best of the grantor's knowledge the real 24181  
property or the manufactured or mobile home that is the subject 24182  
of the conveyance is eligible for and will receive a reduction 24183  
in taxes for or payable in the current year under division (A) 24184  
of section 323.152 or under section 4503.065 of the Revised Code 24185  
and that the reduction or reductions will be reflected in the 24186  
grantee's taxes; 24187

(b) The estimated amount of such reductions that will be 24188  
reflected in the grantee's taxes; 24189

(c) That the grantor and the grantee have considered and 24190  
accounted for the total estimated amount of such reductions to 24191  
the satisfaction of both the grantee and the grantor. The 24192  
auditor shall indorse the instrument, return it to the grantee 24193  
or the grantee's representative, and provide a copy of the 24194  
indorsed instrument to the grantor or the grantor's 24195  
representative. 24196

~~(B)~~ (C) Each statement submitted under this section shall 24197  
either: 24198

(1) Contain an affirmation by the grantee that the grantor 24199  
has been asked by the grantee or the grantee's representative 24200  
whether to the best of the grantor's knowledge the real property 24201  
conveyed qualified for the current agricultural use valuation 24202  
under section 5713.30 of the Revised Code either for the 24203  
preceding or the current year and that the grantor indicated 24204  
that to the best of the grantor's knowledge the property 24205

conveyed was not so qualified; or	24206
(2) Be accompanied by a sworn or affirmed instrument	24207
stating:	24208
(a) To the best of the grantor's knowledge the real	24209
property conveyed was qualified for the current agricultural use	24210
valuation under section 5713.30 of the Revised Code either for	24211
the preceding or the current year;	24212
(b) To the extent that the property will not continue to	24213
qualify for the current agricultural use valuation either for	24214
the current or the succeeding year, that the property will be	24215
subject to a recoupment charge equal to the tax savings in	24216
accordance with section 5713.34 of the Revised Code;	24217
(c) That the grantor and the grantee have considered and	24218
accounted for the total estimated amount of such recoupment, if	24219
any, to the satisfaction of both the grantee and the grantor.	24220
The auditor shall indorse the instrument, forward it to the	24221
grantee or the grantee's representative, and provide a copy of	24222
the indorsed instrument to the grantor or the grantor's	24223
representative.	24224
<del>(C)</del> <u>(D)</u> The grantor shall pay the fee required by division	24225
(G) (3) of section 319.54 of the Revised Code; and, in the event	24226
the board of county commissioners of the county has levied a	24227
real property or a manufactured home transfer tax pursuant to	24228
Chapter 322. of the Revised Code, the amount required by the	24229
real property or manufactured home transfer tax so levied. If	24230
the conveyance is exempt from the fee provided for in division	24231
(G) (3) of section 319.54 of the Revised Code and the tax, if	24232
any, levied pursuant to Chapter 322. of the Revised Code, the	24233
reason for such exemption shall be shown on the statement.	24234

"Value" means, in the case of any deed or certificate of title 24235  
not a gift in whole or part, the amount of the full 24236  
consideration therefor, paid or to be paid for the real estate 24237  
or manufactured or mobile home described in the deed or title, 24238  
including the amount of any mortgage or vendor's lien thereon. 24239  
If property sold under a land installment contract is conveyed 24240  
by the seller under such contract to a third party and the 24241  
contract has been of record at least twelve months prior to the 24242  
date of conveyance, "value" means the unpaid balance owed to the 24243  
seller under the contract at the time of the conveyance, but the 24244  
statement shall set forth the amount paid under such contract 24245  
prior to the date of conveyance. In the case of a gift in whole 24246  
or part, "value" means the estimated price the real estate or 24247  
manufactured or mobile home described in the deed or certificate 24248  
of title would bring in the open market and under the then 24249  
existing and prevailing market conditions in a sale between a 24250  
willing seller and a willing buyer, both conversant with the 24251  
property and with prevailing general price levels. No person 24252  
shall willfully falsify the value of property conveyed. 24253

~~(D)~~ (E) The auditor shall indorse each conveyance on its 24254  
face to indicate the amount of the conveyance fee and compliance 24255  
with this section and if the property is residential rental 24256  
property include a statement that the grantee shall file with 24257  
the county auditor the information required under division (A) 24258  
or (C) of section 5323.02 of the Revised Code. The auditor shall 24259  
retain the original copy of the statement of value, forward to 24260  
the tax commissioner one copy on which shall be noted the most 24261  
recent assessed value of the property, and furnish one copy to 24262  
the grantee or the grantee's representative. 24263

~~(E)~~ (F) In order to achieve uniform administration and 24264  
collection of the transfer fee required by division (G) (3) of 24265

section 319.54 of the Revised Code, the tax commissioner shall 24266  
adopt and promulgate rules for the administration and 24267  
enforcement of the levy and collection of such fee. 24268

~~(F)~~(G) As used in this section, "residential rental 24269  
property" has the same meaning as in section 5323.01 of the 24270  
Revised Code. 24271

**Sec. 319.301.** (A) The reductions required by division (D) 24272  
of this section do not apply to any of the following: 24273

(1) Taxes levied at whatever rate is required to produce a 24274  
specified amount of tax money, including a tax levied under 24275  
section 5705.199 or 5748.09 of the Revised Code, or an amount to 24276  
pay debt charges; 24277

(2) Taxes levied within the one per cent limitation 24278  
imposed by Section 2 of Article XII, Ohio Constitution; 24279

(3) Taxes provided for by the charter of a municipal 24280  
corporation. 24281

(B) As used in this section: 24282

(1) "Real property" includes real property owned by a 24283  
railroad. 24284

(2) "Carryover property" means all real property on the 24285  
current year's tax list except: 24286

(a) Land and improvements that were not taxed by the 24287  
district in both the preceding year and the current year; 24288

(b) Land and improvements that were not in the same class 24289  
in both the preceding year and the current year. 24290

(3) "Effective tax rate" means with respect to each class 24291  
of property: 24292

(a) The sum of the total taxes that would have been	24293
charged and payable for current expenses against real property	24294
in that class if each of the district's taxes were reduced for	24295
the current year under division (D) (1) of this section without	24296
regard to the application of division (E) (3) of this section	24297
divided by	24298
(b) The taxable value of all real property in that class.	24299
(4) "Taxes charged and payable" means the taxes charged	24300
and payable prior to any reduction required by section 319.302	24301
of the Revised Code.	24302
(C) The tax commissioner shall make the determinations	24303
required by this section each year, without regard to whether a	24304
taxing district has territory in a county to which section	24305
5715.24 of the Revised Code applies for that year. Separate	24306
determinations shall be made for each of the two classes	24307
established pursuant to section 5713.041 of the Revised Code.	24308
(D) With respect to each tax authorized to be levied by	24309
each taxing district, the tax commissioner, annually, shall do	24310
both of the following:	24311
(1) Determine by what percentage, if any, the sums levied	24312
by such tax against the carryover property in each class would	24313
have to be reduced for the tax to levy the same number of	24314
dollars against such property in that class in the current year	24315
as were charged against such property by such tax in the	24316
preceding year subsequent to the reduction made under this	24317
section but before the reduction made under section 319.302 of	24318
the Revised Code. In the case of a tax levied for the first time	24319
that is not a renewal of an existing tax, the commissioner shall	24320
determine by what percentage the sums that would otherwise be	24321

levied by such tax against carryover property in each class 24322  
would have to be reduced to equal the amount that would have 24323  
been levied if the full rate thereof had been imposed against 24324  
the total taxable value of such property in the preceding tax 24325  
year. ~~A tax or portion of a tax that is designated a replacement 24326~~  
~~levy under section 5705.192 of the Revised Code is not a renewal 24327~~  
~~of an existing tax for purposes of this division. 24328~~

(2) Certify each percentage determined in division (D) (1) 24329  
of this section, as adjusted under division (E) of this section, 24330  
and the class of property to which that percentage applies to 24331  
the auditor of each county in which the district has territory. 24332  
The auditor, after complying with section 319.30 of the Revised 24333  
Code, shall reduce the sum to be levied by such tax against each 24334  
parcel of real property in the district by the percentage so 24335  
certified for its class. Certification shall be made by the 24336  
first day of September except in the case of a tax levied for 24337  
the first time, in which case certification shall be made within 24338  
fifteen days of the date the county auditor submits the 24339  
information necessary to make the required determination. 24340

(E) (1) As used in division (E) (2) of this section, "pre- 24341  
1982 joint vocational taxes" means, with respect to a class of 24342  
property, the difference between the following amounts: 24343

(a) The taxes charged and payable in tax year 1981 against 24344  
the property in that class for the current expenses of the joint 24345  
vocational school district of which the school district is a 24346  
part after making all reductions under this section; 24347

(b) Two-tenths of one per cent of the taxable value of all 24348  
real property in that class. 24349

If the amount in division (E) (1) (b) of this section 24350

exceeds the amount in division (E) (1) (a) of this section, the 24351  
pre-1982 joint vocational taxes shall be zero. 24352

As used in divisions (E) (2) and (3) of this section, 24353  
"taxes charged and payable" has the same meaning as in division 24354  
(B) (4) of this section and excludes any tax charged and payable 24355  
in 1985 or thereafter under ~~sections 5705.194 to 5705.197 or~~ 24356  
section ~~5705.199,~~ 5705.213, 5705.219, or 5748.09 of the Revised 24357  
Code. 24358

(2) If in the case of a school district other than a joint 24359  
vocational or cooperative education school district any 24360  
percentage required to be used in division (D) (2) of this 24361  
section for either class of property could cause the total taxes 24362  
charged and payable for current expenses to be less than two per 24363  
cent of the taxable value of all real property in that class 24364  
that is subject to taxation by the district, the commissioner 24365  
shall determine what percentages would cause the district's 24366  
total taxes charged and payable for current expenses against 24367  
that class, after all reductions that would otherwise be made 24368  
under this section, to equal, when combined with the pre-1982 24369  
joint vocational taxes against that class, the lesser of the 24370  
following: 24371

(a) The sum of the rates at which those taxes are 24372  
authorized to be levied; 24373

(b) Two per cent of the taxable value of the property in 24374  
that class. The auditor shall use such percentages in making the 24375  
reduction required by this section for that class. 24376

(3) If in the case of a joint vocational school district 24377  
any percentage required to be used in division (D) (2) of this 24378  
section for either class of property could cause the total taxes 24379

charged and payable for current expenses for that class to be 24380  
less than two-tenths of one per cent of the taxable value of 24381  
that class, the commissioner shall determine what percentages 24382  
would cause the district's total taxes charged and payable for 24383  
current expenses for that class, after all reductions that would 24384  
otherwise be made under this section, to equal that amount. The 24385  
auditor shall use such percentages in making the reductions 24386  
required by this section for that class. 24387

(F) No reduction shall be made under this section in the 24388  
rate at which any tax is levied. 24389

(G) The commissioner may order a county auditor to furnish 24390  
any information the commissioner needs to make the 24391  
determinations required under division (D) or (E) of this 24392  
section, and the auditor shall supply the information in the 24393  
form and by the date specified in the order. If the auditor 24394  
fails to comply with an order issued under this division, except 24395  
for good cause as determined by the commissioner, the 24396  
commissioner shall withhold from such county or taxing district 24397  
therein fifty per cent of state revenues to local governments 24398  
pursuant to section 5747.50 of the Revised Code or shall direct 24399  
the department of education and workforce to withhold therefrom 24400  
fifty per cent of state revenues to school districts pursuant to 24401  
Chapter 3317. of the Revised Code. The commissioner shall 24402  
withhold the distribution of such revenues until the county 24403  
auditor has complied with this division, and the department 24404  
shall withhold the distribution of such revenues until the 24405  
commissioner has notified the department that the county auditor 24406  
has complied with this division. 24407

(H) If the commissioner is unable to certify a tax 24408  
reduction factor for either class of property in a taxing 24409

district located in more than one county by the last day of 24410  
November because information required under division (G) of this 24411  
section is unavailable, the commissioner may compute and certify 24412  
an estimated tax reduction factor for that district for that 24413  
class. The estimated factor shall be based upon an estimate of 24414  
the unavailable information. Upon receipt of the actual 24415  
information for a taxing district that received an estimated tax 24416  
reduction factor, the commissioner shall compute the actual tax 24417  
reduction factor and use that factor to compute the taxes that 24418  
should have been charged and payable against each parcel of 24419  
property for the year for which the estimated reduction factor 24420  
was used. The amount by which the estimated factor resulted in 24421  
an overpayment or underpayment in taxes on any parcel shall be 24422  
added to or subtracted from the amount due on that parcel in the 24423  
ensuing tax year. 24424

A percentage or a tax reduction factor determined or 24425  
computed by the commissioner under this section shall be used 24426  
solely for the purpose of reducing the sums to be levied by the 24427  
tax to which it applies for the year for which it was determined 24428  
or computed. It shall not be used in making any tax computations 24429  
for any ensuing tax year. 24430

(I) In making the determinations under division (D) (1) of 24431  
this section, the tax commissioner shall take account of changes 24432  
in the taxable value of carryover property resulting from 24433  
complaints filed under section 5715.19 of the Revised Code for 24434  
determinations made for the tax year in which such changes are 24435  
reported to the commissioner. Such changes shall be reported to 24436  
the commissioner on the first abstract of real property filed 24437  
with the commissioner under section 5715.23 of the Revised Code 24438  
following the date on which the complaint is finally determined 24439  
by the board of revision or by a court or other authority with 24440

jurisdiction on appeal. The tax commissioner shall account for 24441  
such changes in making the determinations only for the tax year 24442  
in which the change in valuation is reported. Such a valuation 24443  
change shall not be used to recompute the percentages determined 24444  
under division (D) (1) of this section for any prior tax year. 24445

**Sec. 319.302.** (A) (1) Real property that is not intended 24446  
primarily for use in a business activity shall qualify for a 24447  
partial exemption from real property taxation. For purposes of 24448  
this partial exemption, "business activity" includes all uses of 24449  
real property, except farming; leasing property for farming; 24450  
occupying or holding property improved with single-family, two- 24451  
family, or three-family dwellings; leasing property improved 24452  
with single-family, two-family, or three-family dwellings; or 24453  
holding vacant land that the county auditor determines will be 24454  
used for farming or to develop single-family, two-family, or 24455  
three-family dwellings. For purposes of this partial exemption, 24456  
"farming" does not include land used for the commercial 24457  
production of timber that is receiving the tax benefit under 24458  
section 5713.23 or 5713.31 of the Revised Code and all 24459  
improvements connected with such commercial production of 24460  
timber. 24461

(2) Each year, the county auditor shall review each parcel 24462  
of real property to determine whether it qualifies for the 24463  
partial exemption provided for by this section as of the first 24464  
day of January of the current tax year. 24465

(B) After complying with section 319.301 of the Revised 24466  
Code, the county auditor shall reduce the remaining sums to be 24467  
levied by qualifying levies against each parcel of real property 24468  
that is listed on the general tax list and duplicate of real and 24469  
public utility property for the current tax year and that 24470

qualifies for partial exemption under division (A) of this 24471  
section, and against each manufactured and mobile home that is 24472  
taxed pursuant to division (D)(2) of section 4503.06 of the 24473  
Revised Code and that is on the manufactured home tax list for 24474  
the current tax year, by ten per cent, to provide a partial 24475  
exemption for that parcel or home. For the purposes of this 24476  
division: 24477

(1) "Qualifying levy" means a levy approved at an election 24478  
held before September 29, 2013; a levy within the ten-mill 24479  
limitation; a levy provided for by the charter of a municipal 24480  
corporation that was levied on the tax list for tax year 2013; a 24481  
subsequent renewal of any such levy; or a subsequent substitute 24482  
for such a levy under section 5705.199 of the Revised Code. 24483

(2) "Qualifying levy" does not include any replacement 24484  
imposed under section 5705.192 of the Revised Code, as it 24485  
existed before the effective date of this amendment, of any levy 24486  
described in division (B)(1) of this section. 24487

(C) Except as otherwise provided in sections 323.152, 24488  
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 24489  
amount of the taxes remaining after any such reduction shall be 24490  
the real and public utility property taxes charged and payable 24491  
on each parcel of real property, including property that does 24492  
not qualify for partial exemption under division (A) of this 24493  
section, and the manufactured home tax charged and payable on 24494  
each manufactured or mobile home, and shall be the amounts 24495  
certified to the county treasurer for collection. Upon receipt 24496  
of the real and public utility property tax duplicate, the 24497  
treasurer shall certify to the tax commissioner the total amount 24498  
by which the real property taxes were reduced under this 24499  
section, as shown on the duplicate. Such reduction shall not 24500

directly or indirectly affect the determination of the principal 24501  
amount of notes that may be issued in anticipation of any tax 24502  
levies or the amount of bonds or notes for any planned 24503  
improvements. If after application of sections 5705.31 and 24504  
5705.32 of the Revised Code and other applicable provisions of 24505  
law, including divisions (F) and (I) of section 321.24 of the 24506  
Revised Code, there would be insufficient funds for payment of 24507  
debt charges on bonds or notes payable from taxes reduced by 24508  
this section, the reduction of taxes provided for in this 24509  
section shall be adjusted to the extent necessary to provide 24510  
funds from such taxes. 24511

(D) The tax commissioner may adopt rules governing the 24512  
administration of the partial exemption provided for by this 24513  
section. 24514

(E) The determination of whether property qualifies for 24515  
partial exemption under division (A) of this section is solely 24516  
for the purpose of allowing the partial exemption under division 24517  
(B) of this section. 24518

**Sec. 321.03.** (A) At the request of the county treasurer, a 24519  
board of county commissioners may enter into a contract with any 24520  
financial institution under which the financial institution, in 24521  
accordance with the terms of the contract, receives at a post 24522  
office box any type of payment or fee owed or payable to the 24523  
county, opens the mail delivered to that box, processes the 24524  
checks and other payments received in such mail and deposits 24525  
them into the treasurer's account, and provides the county 24526  
treasurer daily receipt information with respect to such 24527  
payments. The contract may provide for the financial institution 24528  
to receive at the post office box those payments and fees 24529  
specifically named in the contract or all payments and fees 24530

payable to the county, including, but not limited to, utility, 24531  
sewer, water, refuse collection, waste disposal, and airport 24532  
fees, but in any case excluding taxes. The contract shall not be 24533  
entered into unless: 24534

~~(A) There is attached to the contract a certification by 24535  
the auditor of state that the financial institution and the 24536  
treasurer have given assurances satisfactory to the auditor of 24537  
state that the records of the financial institution, to the 24538  
extent that they relate to payments covered by the contract, 24539  
shall be subject to examination by the auditor of state to the 24540  
same extent as if the services that the financial institution 24541  
has agreed to perform were being performed by the treasurer. 24542~~

~~(B)(1) The contract is awarded in accordance with sections 24543  
307.86 to 307.92 of the Revised Code. 24544~~

~~(C)(2) The treasurer's surety bond includes within its 24545  
coverage any loss that might occur as the result of the 24546  
contract. 24547~~

~~(D)(3) The provisions of the contract do not conflict with 24548  
accounting and reporting requirements prescribed by the auditor 24549  
of state. 24550~~

(B) The records of the financial institution are subject 24551  
to examination by the auditor of state to the same extent as if 24552  
the services that the financial institution has agreed to 24553  
perform were being performed by the treasurer. 24554

**Sec. 323.131.** (A) Each tax bill prepared and mailed or 24555  
delivered under section 323.13 of the Revised Code shall be in 24556  
the form and contain the information required by the tax 24557  
commissioner. The commissioner may prescribe different forms for 24558  
each county and may authorize the county auditor to make up tax 24559

bills and tax receipts to be used by the county treasurer. For 24560  
any county in which the board of county commissioners has 24561  
granted a partial property tax exemption on homesteads under 24562  
section 323.158 of the Revised Code, the commissioner shall 24563  
require that the tax bills for those homesteads include a notice 24564  
of the amount of the tax reduction that results from the partial 24565  
exemption. In addition to the information required by the 24566  
commissioner, each tax bill shall contain the following 24567  
information: 24568

(1) The taxes levied and the taxes charged and payable 24569  
against the property; 24570

(2) The effective tax rate. The words "effective tax rate" 24571  
shall appear in boldface type. 24572

(3) The following notices: 24573

(a) "Notice: If the taxes are not paid within sixty days 24574  
from the date they are certified delinquent, the property is 24575  
subject to foreclosure for tax delinquency." Failure to provide 24576  
such notice has no effect upon the validity of any tax 24577  
foreclosure to which a property is subjected. 24578

(b) "Notice: If the taxes charged against this parcel have 24579  
been reduced by the 2-1/2 per cent tax reduction for residences 24580  
occupied by the owner but the property is not a residence 24581  
occupied by the owner, the owner must notify the county 24582  
auditor's office not later than March 31 of the year following 24583  
the year for which the taxes are due. Failure to do so may 24584  
result in the owner being convicted of a fourth degree 24585  
misdemeanor, which is punishable by imprisonment up to 30 days, 24586  
a fine up to \$250, or both, and in the owner having to repay the 24587  
amount by which the taxes were erroneously or illegally reduced, 24588

plus any interest that may apply. 24589

If the taxes charged against this parcel have not been 24590  
reduced by the 2-1/2 per cent tax reduction and the parcel 24591  
includes a residence occupied by the owner, the parcel may 24592  
qualify for the tax reduction. To obtain an application for the 24593  
tax reduction or further information, the owner may contact the 24594  
county auditor's office at \_\_\_\_\_ (insert the address and 24595  
telephone number of the county auditor's office). 24596

(4) For a tract or lot on the real property tax suspension 24597  
list under section 319.48 of the Revised Code, the following 24598  
notice: "Notice: The taxes shown due on this bill are for the 24599  
current year only. Delinquent taxes, penalties, and interest 24600  
also are due on this property. Contact the county treasurer to 24601  
learn the total amount due." 24602

(5) For a property, the tax liability of which has been 24603  
reduced under section 5705.316 of the Revised Code for the 24604  
current tax year, the following notice: "Notice: The school 24605  
district taxes shown due on this bill are reduced only for the 24606  
current year due to the school district's excess carry-over 24607  
balance." 24608

The tax bill shall not contain or be mailed or delivered 24609  
with any information or material that is not required by this 24610  
section or that is not authorized by section 321.45 of the 24611  
Revised Code or by the tax commissioner. 24612

(B) If the property is residential rental property, the 24613  
tax bill shall contain a statement that the owner of the 24614  
residential rental property shall file with the county auditor 24615  
the information required under division (A) or (C) of section 24616  
5323.02 of the Revised Code. 24617

(C) Each county auditor and treasurer shall post on their respective web sites, or on the county's web site, the percentage of property taxes charged by each taxing unit and, in the case of the county as a taxing unit, the percentage of taxes charged by the county for each of the county purposes for which taxes are charged.

(D) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code.

**Sec. 323.152.** In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A) (1) (a) Division (A) (1) of this section applies to any of the following persons:

(i) A person who is permanently and totally disabled;

(ii) A person who is sixty-five years of age or older;

(iii) A person who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in taxes under this division in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(b) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a person to whom division (A) (1) of this section applies shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal one of the following amounts, as applicable to the person:

(i) If the person received a reduction under division (A)	24646
(1) of this section for tax year 2006, the greater of the	24647
reduction for that tax year or the amount computed under	24648
division (A) (1) (c) of this section;	24649
(ii) If the person received, for any homestead, a	24650
reduction under division (A) (1) of this section for tax year	24651
2013 or under division (A) of section 4503.065 of the Revised	24652
Code for tax year 2014 or the person is the surviving spouse of	24653
such a person and the surviving spouse is at least fifty-nine	24654
years of age on the date the deceased spouse dies, the amount	24655
computed under division (A) (1) (c) of this section.	24656
(iii) If the person is not described in division (A) (1) (b)	24657
(i) or (ii) of this section and the person's total income does	24658
not exceed <del>thirty-four</del> <u>thirty-two</u> thousand <u>five hundred</u> dollars, as	24659
adjusted under division (A) (1) (d) of this section, the amount	24660
computed under division (A) (1) (c) of this section.	24661
(c) The amount of the reduction under division (A) (1) (c)	24662
of this section equals the product of the following:	24663
(i) <del>Twenty-five</del> <u>Thirty-two</u> thousand dollars of the true	24664
value of the property in money, as adjusted under division (A)	24665
(1) (d) of this section;	24666
(ii) The assessment percentage established by the tax	24667
commissioner under division (B) of section 5715.01 of the	24668
Revised Code, not to exceed thirty-five per cent;	24669
(iii) The effective tax rate used to calculate the taxes	24670
charged against the property for the current year, where	24671
"effective tax rate" is defined as in section 323.08 of the	24672
Revised Code;	24673
(iv) The quantity equal to one minus the sum of the	24674

percentage reductions in taxes received by the property for the 24675  
current tax year under section 319.302 of the Revised Code and 24676  
division (B) of section 323.152 of the Revised Code. 24677

(d) The tax commissioner shall adjust the total income 24678  
threshold described in division (A)(1)(b)(iii) and the reduction 24679  
amounts described in divisions (A)(1)(c)(i), (A)(2), and (A)(3) 24680  
of this section by completing the following calculations in 24681  
September of each year: 24682

(i) Determine the percentage increase in the gross 24683  
domestic product deflator determined by the bureau of economic 24684  
analysis of the United States department of commerce from the 24685  
first day of January of the preceding calendar year to the last 24686  
day of December of the preceding calendar year; 24687

(ii) Multiply that percentage increase by the total income 24688  
threshold or reduction amount for the current tax year, as 24689  
applicable; 24690

(iii) Add the resulting product to the total income 24691  
threshold or the reduction amount, as applicable, for the 24692  
current tax year; 24693

(iv) Round the resulting sum to the nearest multiple of 24694  
one hundred dollars. 24695

The commissioner shall certify the amount resulting from 24696  
each adjustment to each county auditor not later than the first 24697  
day of December each year. The certified total income threshold 24698  
amount applies to the following tax year for persons described 24699  
in division (A)(1)(b)(iii) of this section. The certified 24700  
reduction amount applies to the following tax year. The 24701  
commissioner shall not make the applicable adjustment in any 24702  
calendar year in which the amount resulting from the adjustment 24703

would be less than the total income threshold or the reduction amount for the current tax year. 24704  
24705

(2) (a) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a disabled veteran shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal the product obtained by multiplying ~~fifty~~fifty-nine thousand dollars of the true value of the property in money, as adjusted under division (A) (1) (d) of this section, by the amounts described in divisions (A) (1) (c) (ii) to (iv) of this section. The reduction is in lieu of any reduction under section 323.158 of the Revised Code or division (A) (1), (2) (b), or (3) of this section. The reduction applies to only one homestead owned and occupied by a disabled veteran. 24706  
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(b) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by the surviving spouse of a disabled veteran shall be reduced for each year an application for exemption is approved. The reduction shall equal to the amount of the reduction authorized under division (A) (2) (a) of this section. 24718  
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The reduction is in lieu of any reduction under section 323.158 of the Revised Code or division (A) (1), (2) (a), or (3) of this section. The reduction applies to only one homestead owned and occupied by the surviving spouse of a disabled veteran. A homestead qualifies for a reduction in taxes under division (A) (2) (b) of this section beginning in one of the following tax years: 24724  
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(i) For a surviving spouse described in division (L) (1) of section 323.151 of the Revised Code, the year the disabled veteran dies; 24731  
24732  
24733

(ii) For a surviving spouse described in division (L) (2) 24734  
of section 323.151 of the Revised Code, the first year on the 24735  
first day of January of which the total disability rating 24736  
described in division (F) of that section has been received for 24737  
the deceased spouse. 24738

In either case, the reduction shall continue through the 24739  
tax year in which the surviving spouse dies or remarries. 24740

(3) Real property taxes on a homestead owned and occupied, 24741  
or a homestead in a housing cooperative occupied, by the 24742  
surviving spouse of a public service officer killed in the line 24743  
of duty shall be reduced for each year for which an application 24744  
for the reduction has been approved. The reduction shall equal 24745  
the product obtained by multiplying ~~fifty~~fifty-nine thousand 24746  
dollars of the true value of the property in money, as adjusted 24747  
under division (A) (1) (d) of this section, by the amounts 24748  
described in divisions (A) (1) (c) (ii) to (iv) of this section. 24749  
The reduction is in lieu of any reduction under section 323.158 24750  
of the Revised Code or division (A) (1) or (2) of this section. 24751  
The reduction applies to only one homestead owned and occupied 24752  
by such a surviving spouse. A homestead qualifies for a 24753  
reduction in taxes under division (A) (3) of this section for the 24754  
tax year in which the public service officer dies through the 24755  
tax year in which the surviving spouse dies or remarries. 24756

(B) To provide a partial exemption, real property taxes on 24757  
any homestead, and manufactured home taxes on any manufactured 24758  
or mobile home on which a manufactured home tax is assessed 24759  
pursuant to division (D) (2) of section 4503.06 of the Revised 24760  
Code, shall be reduced for each year for which an application 24761  
for the reduction has been approved. The amount of the reduction 24762  
shall equal two and one-half per cent of the amount of taxes to 24763

be levied by qualifying levies on the homestead or the 24764  
manufactured or mobile home after applying section 319.301 of 24765  
the Revised Code. For the purposes of this division, "qualifying 24766  
levy" has the same meaning as in section 319.302 of the Revised 24767  
Code. 24768

(C) The reductions granted by this section do not apply to 24769  
special assessments or respread of assessments levied against 24770  
the homestead, and if there is a transfer of ownership 24771  
subsequent to the filing of an application for a reduction in 24772  
taxes, such reductions are not forfeited for such year by virtue 24773  
of such transfer. 24774

(D) The reductions in taxable value referred to in this 24775  
section shall be applied solely as a factor for the purpose of 24776  
computing the reduction of taxes under this section and shall 24777  
not affect the total value of property in any subdivision or 24778  
taxing district as listed and assessed for taxation on the tax 24779  
lists and duplicates, or any direct or indirect limitations on 24780  
indebtedness of a subdivision or taxing district. If after 24781  
application of sections 5705.31 and 5705.32 of the Revised Code, 24782  
including the allocation of all levies within the ten-mill 24783  
limitation to debt charges to the extent therein provided, there 24784  
would be insufficient funds for payment of debt charges not 24785  
provided for by levies in excess of the ten-mill limitation, the 24786  
reduction of taxes provided for in sections 323.151 to 323.159 24787  
of the Revised Code shall be proportionately adjusted to the 24788  
extent necessary to provide such funds from levies within the 24789  
ten-mill limitation. 24790

(E) No reduction shall be made on the taxes due on the 24791  
homestead of any person convicted of violating division (D) or 24792  
(E) of section 323.153 of the Revised Code for a period of three 24793

years following the conviction. 24794

**Sec. 323.611.** (A) At the request of the county treasurer, 24795  
a board of county commissioners may enter into a contract with 24796  
any financial institution under which the financial institution, 24797  
in accordance with the terms of the contract, receives real 24798  
property and manufactured home tax payments at a post office 24799  
box, opens the mail delivered to that box, processes the checks 24800  
and other payments received in such mail and deposits them into 24801  
the treasurer's account, and provides the county treasurer daily 24802  
receipt information with respect to such payments. The contract 24803  
shall not be entered into unless: 24804

~~(A) There is attached to the contract a certification by~~ 24805  
~~the auditor of state that the financial institution and the~~ 24806  
~~treasurer have given assurances satisfactory to the auditor of~~ 24807  
~~state that the records of the financial institution, to the~~ 24808  
~~extent that they relate to tax payments covered by the contract,~~ 24809  
~~shall be subject to audit by the auditor of state to the same~~ 24810  
~~extent as if the services for which the financial institution~~ 24811  
~~has agreed to perform were being performed by the treasurer;~~ 24812

~~(B)~~ (1) The contract is awarded in accordance with sections 24813  
307.86 to 307.92 of the Revised Code; 24814

~~(C)~~ (2) The treasurer's surety bond includes within its 24815  
coverage any loss that might occur as the result of the 24816  
contract; 24817

~~(D)~~ (3) The provisions of the contract do not conflict with 24818  
accounting and reporting requirements prescribed by the auditor 24819  
of state. 24820

(B) The records of the financial institution are subject 24821  
to examination by the auditor of state to the same extent as if 24822

the services that the financial institution has agreed to 24823  
perform were being performed by the treasurer of state. 24824

**Sec. 325.18.** (A) The salary amounts under sections 325.06 24825  
and 325.11 of the Revised Code shall be increased as follows: 24826

(1) Beginning in calendar year 2020 and in each calendar 24827  
year thereafter through calendar year 2028~~2025~~, the salary 24828  
amounts under sections 325.06 and 325.11 of the Revised Code 24829  
shall be increased by one and three-quarters per cent; 24830

(2) Beginning in calendar year 2026 and in each calendar 24831  
year thereafter through calendar year 2029, by five per cent. 24832

(B) The salary amounts under sections 325.03, 325.04, 24833  
325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code 24834  
shall be increased as follows: 24835

(1) Beginning in calendar year 2021 and in each calendar 24836  
year thereafter through calendar year 2028~~2025~~, the salary 24837  
amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 24838  
325.14, and 325.15 of the Revised Code shall be increased by one 24839  
and three-quarters per cent; 24840

(2) Beginning in calendar year 2026 and in each calendar 24841  
year thereafter through calendar year 2029, by five per cent. 24842

(C) Notwithstanding this section and sections 325.06, 24843  
325.11, 325.14, and 325.15 of the Revised Code, when computing a 24844  
salary for any elected county officer under any of those 24845  
sections, if the population range for the class under which the 24846  
officer is to be compensated is not the same as the population 24847  
range for that class for any other such elected county office, 24848  
the class at which the officer's salary is determined shall be 24849  
the highest class at which any officer from that same county is 24850  
compensated under the population range applicable to that 24851

officer. 24852

**Sec. 325.25.** ~~Upon~~ (A) Subject to division (B) of this 24853  
section, upon notifying the board of county commissioners, any 24854  
appointing authority of a county office, department, commission, 24855  
board, or body, or of a common pleas court, county court, or 24856  
county-operated municipal court as defined in section 1901.03 of 24857  
the Revised Code, may establish a program to recognize 24858  
outstanding employee performance. The program may include, but 24859  
is not limited to, cash awards, additional paid leave, or other 24860  
additional benefits as the appointing authority considers 24861  
appropriate, ~~so long as the~~. 24862

(B) (1) The costs of the program ~~do~~ shall not exceed the 24863  
total amount of compensation fixed by the board of county 24864  
commissioners for the office, department, commission, board, or 24865  
body or for the common pleas court, county court, or county- 24866  
operated municipal court. 24867

(2) Unless authorized in writing by the board of county 24868  
commissioners, the total amount of cash awards shall not exceed, 24869  
per employee in any calendar year, ten per cent of the 24870  
compensation the employee receives that calendar year. 24871

**Sec. 340.01.** (A) As used in this chapter: 24872

(1) "Addiction," "addiction services," "alcohol and drug 24873  
addiction services," "alcohol use disorder," "certifiable 24874  
services and supports," "community addiction services provider," 24875  
"community mental health services provider," "drug addiction," 24876  
"gambling addiction services," "included opioid and co-occurring 24877  
drug addiction services and recovery supports," "mental health 24878  
services," "mental illness," "recovery housing residence," and 24879  
"recovery supports" have the same meanings as in section 5119.01 24880

of the Revised Code. 24881

(2) "Medication-assisted treatment" means alcohol and drug 24882  
addiction services that are accompanied by medication approved 24883  
by the United States food and drug administration for the 24884  
treatment of alcohol use disorder or drug addiction, prevention 24885  
of relapse, or both. 24886

(B) An alcohol, drug addiction, and mental health service 24887  
district shall be established in any county or combination of 24888  
counties having a population of at least fifty thousand. With 24889  
the approval of the director of ~~mental-behavioral health-and-~~ 24890  
~~addiction services~~, any county or combination of counties having 24891  
a population of less than fifty thousand may establish such a 24892  
district. Districts comprising more than one county shall be 24893  
known as joint-county districts. 24894

The board of county commissioners of any county 24895  
participating in a joint-county district may submit a resolution 24896  
requesting withdrawal from the district together with a 24897  
comprehensive plan or plans that are in compliance with rules 24898  
adopted by the director of ~~mental-behavioral health and-~~ 24899  
~~addiction services~~ under section 5119.22 of the Revised Code to 24900  
the board of alcohol, drug addiction, and mental health 24901  
services, to the boards of county commissioners of each county 24902  
in the district, and to the director. The plan or plans shall 24903  
include all of the following: proposed bylaws for the operation 24904  
of the newly established district; a list of potential board 24905  
members; a list of the behavioral health services available in 24906  
the newly established district, including inpatient, outpatient, 24907  
prevention, and housing services; equitable adjustment and 24908  
division of all services, assets, property, debts, and 24909  
obligations of the former joint-county district; a plan ensuring 24910

no disruption in behavioral health services in the newly 24911  
established district; and provision for the employment of an 24912  
executive director of the newly established district. 24913

The director shall approve the plan not later than one 24914  
year after the date the resolution was adopted by the board of 24915  
county commissioners. No county participating in a joint-county 24916  
district may withdraw from the district without the consent of 24917  
the director of ~~mental-behavioral health and addiction services~~ 24918  
nor earlier than one year after the submission of such 24919  
resolution unless all of the participating counties agree to an 24920  
earlier withdrawal. 24921

Any county withdrawing from a joint-county district shall 24922  
continue to have levied against its tax list and duplicate any 24923  
tax levied by the district during the period in which the county 24924  
was a member of the district until such time as the levy expires 24925  
or is renewed or replaced. 24926

(C) For any tax levied under section 5705.19 of the 24927  
Revised Code by a board of a joint-county district formed on or 24928  
after April 3, 2023, revenue from the tax shall only be expended 24929  
for the benefit of the residents of the county from which the 24930  
revenue is derived. For the purpose of this division, a joint- 24931  
county district is not formed by virtue of a county joining or 24932  
withdrawing from a district or if a joint-county service 24933  
district merges with another joint-county district. 24934

**Sec. 340.011.** (A) This chapter shall be interpreted to 24935  
accomplish all of the following: 24936

(1) Establish a unified system of treatment for persons 24937  
with mental illnesses and persons with addictions; 24938

(2) Establish a community support system available for 24939

every alcohol, drug addiction, and mental health service 24940  
district; 24941

(3) Protect the personal liberty of persons with mental 24942  
illnesses so that they may be treated in the least restrictive 24943  
environment; 24944

(4) Encourage the development of high quality, cost 24945  
effective, and comprehensive services, including culturally 24946  
sensitive services; 24947

(5) Foster the development of comprehensive community 24948  
mental health services, based on recognized local needs, 24949  
especially for persons with severe mental disabilities; 24950

(6) Ensure that services provided meet minimum standards 24951  
established by the director of ~~mental-behavioral health-and-~~ 24952  
~~addiction services;~~ 24953

(7) Promote the delivery of high quality and cost- 24954  
effective addiction and mental health services; 24955

(8) Promote the participation of persons receiving mental 24956  
health services and addiction services in the planning, 24957  
delivery, and evaluation of these services. 24958

(B) Nothing in Chapter 340., 5119., or 5122. of the 24959  
Revised Code shall be construed as requiring a board of county 24960  
commissioners to provide resources beyond the total amount set 24961  
forth in a budget and list of addiction services, mental health 24962  
services, and recovery supports required by section 340.08 of 24963  
the Revised Code and approved by the department of ~~mental-~~ 24964  
behavioral health and addiction services under section 5119.22 24965  
of the Revised Code. 24966

**Sec. 340.02.** (A) For each alcohol, drug addiction, and 24967

mental health service district, there shall be appointed a board 24968  
of alcohol, drug addiction, and mental health services. As 24969  
provided in this section, the board shall consist of eighteen 24970  
members, fifteen members, fourteen members, twelve members, or 24971  
nine members. 24972

In a single-county district, the size of the board shall 24973  
be determined by the board of county commissioners representing 24974  
the county that constitutes the district. In a joint-county 24975  
district, the size of the board shall be determined jointly by 24976  
all of the boards of county commissioners representing the 24977  
counties that constitute the district. 24978

The determination of board size shall be made by selecting 24979  
one of the options described in division (B) of this section. 24980  
After an option is selected and implemented, a subsequent 24981  
determination of board size may be made, except that subsequent 24982  
determinations shall not occur more frequently than once every 24983  
four calendar years. 24984

If a selected option would result in a change in board 24985  
size, before the option may be implemented the board of county 24986  
commissioners or boards of county commissioners, as the case may 24987  
be, shall send a representative to a meeting of the board of 24988  
alcohol, drug addiction, and mental health services to solicit 24989  
feedback about the matter. After considering any feedback 24990  
received, the board or boards of county commissioners may 24991  
proceed with implementing the change in board size. If the 24992  
change results in a reduction of board members, the reduction 24993  
shall be implemented by not filling vacancies as they occur. 24994

To implement a selected option that would result in the 24995  
establishment of a new board of alcohol, drug addiction, and 24996  
mental health services or in a change in size of an existing 24997

board, the board or boards of county commissioners, as the case 24998  
may be, shall adopt a resolution specifying the board size that 24999  
has been selected. The board or boards of county commissioners 25000  
also shall notify the department of ~~mental~~ behavioral health and 25001  
~~addiction services~~ of the board size that has been selected. 25002

(B) (1) In the case of a board of alcohol, drug addiction, 25003  
and mental health services that is established on or after ~~the~~ 25004  
~~effective date of this amendment~~ October 3, 2023, any of the 25005  
following options may be selected for purposes of division (A) 25006  
of this section: 25007

(a) To establish the board as an eighteen-member board; 25008

(b) To establish the board as a fifteen-member board; 25009

(c) To establish the board as a fourteen-member board; 25010

(d) To establish the board as a twelve-member board; 25011

(e) To establish the board as a nine-member board; 25012

(f) To change the board's size after it has been 25013  
established by selecting a number of members that is eighteen, 25014  
fifteen, fourteen, twelve, or nine, as the case may be. 25015

(2) In the case of a board of alcohol, drug addiction, and 25016  
mental health services that existed immediately prior to ~~the~~ 25017  
~~effective date of this amendment~~ October 3, 2023, either of the 25018  
following options may be selected for purposes of division (A) 25019  
of this section: 25020

(a) To continue the board's operation as an eighteen- 25021  
member or fourteen-member board, as a board of that size was 25022  
authorized prior to ~~the effective date of this amendment~~ October 25023  
3, 2023, in which case no further action is required; 25024

(b) To change the board's size by selecting a number of 25025  
members that is eighteen, fifteen, fourteen, twelve, or nine as 25026  
the case may be. 25027

(C) All members shall be residents of the service 25028  
district. The membership shall, as nearly as possible, reflect 25029  
the composition of the population of the service district as to 25030  
race and sex. 25031

The director of ~~mental-behavioral health and addiction-~~ 25032  
~~services~~ shall appoint one-third of the members of the board and 25033  
the board of county commissioners shall appoint two-thirds of 25034  
the members. In a joint-county district, the board of county 25035  
commissioners of each participating county shall appoint members 25036  
in as nearly as possible the same proportion as that county's 25037  
population bears to the total population of the district, except 25038  
that at least one member shall be appointed from each 25039  
participating county. 25040

The director of ~~mental-behavioral health and addiction-~~ 25041  
~~services~~ shall ensure that at least one member of the board is a 25042  
clinician with experience in the delivery of mental health 25043  
services, at least one member of the board is a person who has 25044  
received or is receiving mental health services, at least one 25045  
member of the board is a parent or other relative of such a 25046  
person, at least one member of the board is a clinician with 25047  
experience in the delivery of addiction services, at least one 25048  
member of the board is a person who has received or is receiving 25049  
addiction services, and at least one member of the board is a 25050  
parent or other relative of such a person. A single member who 25051  
meets both qualifications may fulfill the requirement for a 25052  
clinician with experience in the delivery of mental health 25053  
services and a clinician with experience in the delivery of 25054

addiction services. 25055

No member or employee of a board of alcohol, drug 25056  
addiction, and mental health services shall serve as a member of 25057  
the board of any provider with which the board of alcohol, drug 25058  
addiction, and mental health services has entered into a 25059  
contract for the provision of services or facilities. No member 25060  
of a board of alcohol, drug addiction, and mental health 25061  
services shall be an employee of any provider with which the 25062  
board has entered into a contract for the provision of services 25063  
or facilities. No person shall be an employee of a board and 25064  
such a provider unless the board and provider both agree in 25065  
writing. 25066

No person shall serve as a member of the board of alcohol, 25067  
drug addiction, and mental health services whose spouse, child, 25068  
parent, brother, sister, grandchild, stepparent, stepchild, 25069  
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 25070  
law, daughter-in-law, brother-in-law, or sister-in-law serves as 25071  
a member of the board of any provider with which the board of 25072  
alcohol, drug addiction, and mental health services has entered 25073  
into a contract for the provision of services or facilities. No 25074  
person shall serve as a member or employee of the board whose 25075  
spouse, child, parent, brother, sister, stepparent, stepchild, 25076  
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 25077  
law, daughter-in-law, brother-in-law, or sister-in-law serves as 25078  
a county commissioner of a county or counties in the alcohol, 25079  
drug addiction, and mental health service district. 25080

Each year each board member shall attend at least one 25081  
inservice training session provided or approved by the 25082  
department of ~~mental behavioral health and addiction services~~. 25083

Each member shall be appointed for a term of four years, 25084

commencing the first day of July, except that when a board is 25085  
established on or after ~~the effective date of this amendment~~ 25086  
October 3, 2023, the initial appointments shall be staggered 25087  
among the members as equally as possible with terms of two 25088  
years, three years, and four years. 25089

No member shall serve more than two consecutive four-year 25090  
terms under the same appointing authority. A member may serve 25091  
for three consecutive terms under the same appointing authority 25092  
only if one of the terms is for less than two years. A member 25093  
who has served two consecutive four-year terms or three 25094  
consecutive terms totaling less than ten years is eligible for 25095  
reappointment by the same appointing authority one year 25096  
following the end of the second or third term, respectively. 25097

When a vacancy occurs, appointment for the expired or 25098  
unexpired term shall be made in the same manner as an original 25099  
appointment. The board shall notify the appointing authority 25100  
either by certified mail or, if the board has record of an 25101  
internet identifier of record associated with the authority, by 25102  
ordinary mail and by that internet identifier of record of any 25103  
vacancy and shall fill the vacancy within sixty days following 25104  
that notice. As used in this paragraph, "internet identifier of 25105  
record" has the same meaning as in section 9.312 of the Revised 25106  
Code. 25107

Any member of the board may be removed from office by the 25108  
appointing authority at will. Before a member may be removed at 25109  
will, the member shall be informed in writing of the proposed 25110  
removal and afforded an opportunity for a public hearing. Upon 25111  
the absence of a member within one year from either four board 25112  
meetings or from two board meetings without prior notice, the 25113  
board shall notify the appointing authority, which may vacate 25114

the appointment and appoint another person to complete the 25115  
member's term. 25116

Members of the board shall serve without compensation, but 25117  
shall be reimbursed for actual and necessary expenses incurred 25118  
in the performance of their official duties, as defined by rules 25119  
of the department of ~~mental-behavioral health-and-addiction-~~ 25120  
~~services.~~ 25121

**Sec. 340.021.** (A) In an alcohol, drug addiction, and 25122  
mental health service district where the board of county 25123  
commissioners has established an alcohol and drug addiction 25124  
services board, the community mental health board established 25125  
under former section 340.02 of the Revised Code shall serve as 25126  
the entity responsible for providing mental health services in 25127  
the county. A community mental health board has all the powers, 25128  
duties, and obligations of a board of alcohol, drug addiction, 25129  
and mental health services with regard to mental health 25130  
services. An alcohol and drug addiction services board has all 25131  
the powers, duties, and obligations of a board of alcohol, drug 25132  
addiction, and mental health services with regard to addiction 25133  
services. Any provision of the Revised Code that refers to a 25134  
board of alcohol, drug addiction, and mental health services 25135  
with regard to mental health services also refers to a community 25136  
mental health board and any provision that refers to a board of 25137  
alcohol, drug addiction, and mental health services with regard 25138  
to alcohol and drug addiction services also refers to an alcohol 25139  
and drug addiction services board. 25140

An alcohol and drug addiction services board shall consist 25141  
of eighteen members or fourteen members, at the election of the 25142  
board. Not later than January 1, 2014, each alcohol and drug 25143  
addiction services board shall notify the department of ~~mental-~~ 25144

behavioral health and addiction services of its election to 25145  
operate as an eighteen-member board or to operate as a fourteen- 25146  
member board. The election shall be final. Failure to provide 25147  
notice of its election to the department on or before January 1, 25148  
2014, shall constitute an election to continue to operate as an 25149  
eighteen-member board. If an existing board provides timely 25150  
notice of its election to operate as a fourteen-member board, 25151  
the number of board members may decline from eighteen to 25152  
fourteen by attrition as current members' terms expire. However, 25153  
the composition of the board must reflect the requirements set 25154  
forth in this section and in applicable provisions of section 25155  
340.02 of the Revised Code for fourteen-member boards. For 25156  
boards operating as eighteen-member boards, six members shall be 25157  
appointed by the director of ~~mental~~behavioral health and 25158  
~~addiction services~~ and twelve members shall be appointed by the 25159  
board of county commissioners. The director of ~~mental~~behavioral 25160  
~~health and addiction services~~ shall ensure that at least one 25161  
member of the board is a person who has received or is receiving 25162  
services for alcohol, drug, or gambling addiction, at least one 25163  
member is a parent or relative of such a person, and at least 25164  
one member is a clinician with experience in the delivery of 25165  
addiction services. The membership of the board shall, as nearly 25166  
as possible, reflect the composition of the population of the 25167  
service district as to race and sex. Members shall be residents 25168  
of the service district and shall be interested in alcohol, 25169  
drug, or gambling addiction services. Requirements for 25170  
membership, including prohibitions against certain family and 25171  
business relationships, and terms of office shall be the same as 25172  
those for members of boards of alcohol, drug addiction, and 25173  
mental health services. 25174

A community mental health board shall consist of eighteen 25175

members or fourteen members, at the election of the board. Not 25176  
later than January 1, 2014, each community mental health board 25177  
shall notify the department of ~~mental~~behavioral health and 25178  
~~addiction services~~ of its election to operate as an eighteen- 25179  
member board or to operate as a fourteen-member board. The 25180  
election shall be final. Failure to provide notice of its 25181  
election to the department on or before January 1, 2014, shall 25182  
constitute an election to continue to operate as an eighteen- 25183  
member board. If an existing board provides timely notice of its 25184  
election to operate as a fourteen-member board, the number of 25185  
board members may decline from eighteen to fourteen by attrition 25186  
as current members' terms expire. However, the composition of 25187  
the board must reflect the requirements set forth in this 25188  
section and in applicable provisions of section 340.02 of the 25189  
Revised Code for fourteen-member boards. For boards operating as 25190  
eighteen-member boards, six members shall be appointed by the 25191  
director of ~~mental~~behavioral health and ~~addiction services~~ and 25192  
twelve members shall be appointed by the board of county 25193  
commissioners. The director of ~~mental~~behavioral health and 25194  
~~addiction services~~ shall ensure that at least one member of the 25195  
board is a person who has received or is receiving mental health 25196  
services, at least one member is a parent or relative of such a 25197  
person, and at least one member is a clinician with experience 25198  
in the delivery of mental health services. The membership of the 25199  
board as nearly as possible shall reflect the composition of the 25200  
population of the service district as to race and sex. Members 25201  
shall be residents of the service district and shall be 25202  
interested in mental health services. Requirements for 25203  
membership, including prohibitions against certain family and 25204  
business relationships, and terms of office shall be the same as 25205  
those for members of boards of alcohol, drug addiction, and 25206  
mental health services. 25207

(B) (1) If a board of county commissioners subject to 25208  
division (A) of this section did not adopt a final resolution 25209  
providing for a board of alcohol, drug addiction, and mental 25210  
health services on or before July 1, 2007, the board of county 25211  
commissioners may establish a board of alcohol, drug addiction, 25212  
and mental health services on or after September 23, 2008. To 25213  
establish the board, the board of county commissioners shall 25214  
adopt a resolution providing for the board's establishment. The 25215  
composition of the board, the procedures for appointing members, 25216  
and all other matters related to the board and its members are 25217  
subject to section 340.02 of the Revised Code, with the 25218  
following exceptions: 25219

(a) For initial appointments to the board, the county's 25220  
community mental health board and alcohol and drug addiction 25221  
services board shall jointly recommend members of those boards 25222  
for reappointment and shall submit the recommendations to the 25223  
board of county commissioners and the director of ~~mental~~ 25224  
behavioral health and addiction services. 25225

(b) The appointing authorities shall appoint the initial 25226  
members from among the members jointly recommended under 25227  
division (B) (1) (a) of this section unless the appointment is 25228  
otherwise prohibited by law. 25229

(2) If a board of alcohol, drug addiction, and mental 25230  
health services is established pursuant to division (B) (1) of 25231  
this section, the board has the same rights, privileges, 25232  
immunities, powers, and duties that were possessed by the 25233  
county's community mental health board and alcohol and drug 25234  
addiction services board. When the board is established, all 25235  
property and obligations of the community mental health board 25236  
and alcohol and drug addiction services board shall be 25237

transferred to the board of alcohol, drug addiction, and mental health services. 25238  
25239

**Sec. 340.022.** Notwithstanding the procedures established 25240  
by section 340.02 of the Revised Code for determining the size 25241  
of a board of alcohol, drug addiction, and mental health 25242  
services, the size of a board shall be determined in accordance 25243  
with this section in both of the following circumstances: 25244

(A) (1) If the director of ~~mental behavioral health and~~ 25245  
~~addiction services~~ during the period beginning January 1, 2021, 25246  
and ending December 31, 2022, grants approval to a board of 25247  
county commissioners of a county with a population of at least 25248  
seventy thousand but not more than eighty thousand, according to 25249  
data from the 2010 federal census, to withdraw from a joint- 25250  
county alcohol, drug addiction, and mental health service 25251  
district pursuant to section 340.01 of the Revised Code, the 25252  
size of the board shall be determined by the board of county 25253  
commissioners representing the county that constitutes the 25254  
single-county alcohol, drug addiction, and mental health service 25255  
district created as a result of the withdrawal. The 25256  
determination shall be made from among the options that may be 25257  
selected under division (A) (2) of this section. Once an option 25258  
is selected, the board of county commissioners shall adopt a 25259  
resolution specifying the selection that has been made and shall 25260  
notify the department of ~~mental behavioral health and addiction~~ 25261  
~~services~~. After the resolution is adopted and the department is 25262  
notified, the determination of size is final. 25263

(2) In the case of a board of alcohol, drug addiction, and 25264  
mental health services that is established on or after the date 25265  
the director grants the approval to withdraw described in 25266  
division (A) (1) of this section, either of the following options 25267

may be selected by the board of county commissioners when making 25268  
the determination required under that division: 25269

(a) To establish the board as an eighteen-member board; 25270

(b) To establish the board as a fourteen-member board. 25271

(3) When a board is established on or after September 30, 25272  
2021, the initial appointments shall be staggered among the 25273  
members as equally as possible with terms of two years, three 25274  
years, and four years. 25275

(B) (1) If a county with a population of at least thirty- 25276  
five thousand but not more than forty-five thousand, according 25277  
to data from the 2010 federal census, joins an existing alcohol, 25278  
drug addiction, and mental health service district during the 25279  
period beginning on June 30, 2021, and ending June 30, 2023, the 25280  
existing board of alcohol, drug addiction, and mental health 25281  
services serving that district may elect to expand its 25282  
membership to eighteen members if the existing board has 25283  
fourteen members. 25284

(2) The option to expand the board, as provided in 25285  
division (B) (1) of this section, is available only during the 25286  
twelve-month period beginning on the date the county with a 25287  
population of at least thirty-five thousand but not more than 25288  
forty-five thousand joins the alcohol, drug addiction, and 25289  
mental health service district served by the board. The 25290  
additional members shall be appointed in the manner specified in 25291  
section 340.02 of the Revised Code. 25292

**Sec. 340.03.** (A) Subject to rules issued by the director 25293  
of ~~mental behavioral health and addiction services~~ after 25294  
consultation with relevant constituencies as required by 25295  
division (A) (10) of section 5119.21 of the Revised Code, each 25296

board of alcohol, drug addiction, and mental health services	25297
shall:	25298
(1) Serve as the community addiction and mental health	25299
planning agency for the county or counties under its	25300
jurisdiction, and in so doing it shall:	25301
(a) Evaluate the need for facility services, addiction	25302
services, mental health services, and recovery supports;	25303
(b) In cooperation with other local and regional planning	25304
and funding bodies and with relevant ethnic organizations,	25305
evaluate strengths and challenges and set priorities for	25306
addiction services, mental health services, and recovery	25307
supports. A board shall include treatment and prevention	25308
services when setting priorities for addiction services and	25309
mental health services. When a board sets priorities for	25310
addiction services, the board shall consult with the county	25311
commissioners of the counties in the board's service district	25312
regarding the services described in section 340.15 of the	25313
Revised Code and shall give priority to those services, except	25314
that those services shall not have a priority over services	25315
provided to pregnant women under programs developed in relation	25316
to the mandate established in section 5119.17 of the Revised	25317
Code.	25318
(c) In accordance with guidelines issued by the director	25319
of <del>mental behavioral health and addiction services</del> under	25320
division (F) of section 5119.22 of the Revised Code, annually	25321
develop and submit to the department of <del>mental behavioral health</del>	25322
and <del>addiction services</del> a community addiction and mental health	25323
plan that addresses both of the following:	25324
(i) The needs of all residents of the service district	25325

currently receiving inpatient services in state-operated 25326  
hospitals, the needs of other populations as required by state 25327  
or federal law or programs, and the needs of all children 25328  
subject to a determination made pursuant to section 121.38 of 25329  
the Revised Code; 25330

(ii) The department's priorities for facility services, 25331  
addiction services, mental health services, and recovery 25332  
supports during the period for which the plan will be in effect. 25333  
The department shall inform all of the boards of the 25334  
department's priorities in a timely manner that enables the 25335  
boards to know the department's priorities before the boards 25336  
develop and submit the plans. 25337

In alcohol, drug addiction, and mental health service 25338  
districts that have separate alcohol and drug addiction services 25339  
and community mental health boards, the alcohol and drug 25340  
addiction services board shall submit a community addiction plan 25341  
and the community mental health board shall submit a community 25342  
mental health plan. Each board shall consult with its 25343  
counterpart in developing its plan and address the interaction 25344  
between the local addiction and mental health systems and 25345  
populations with regard to needs and priorities in developing 25346  
its plan. 25347

The department shall approve or disapprove the plan, in 25348  
whole or in part, in accordance with division (G) of section 25349  
5119.22 of the Revised Code. Eligibility for state and federal 25350  
funding shall be contingent upon an approved plan or relevant 25351  
part of a plan. 25352

If a board determines that it is necessary to amend an 25353  
approved plan, the board shall submit a proposed amendment to 25354  
the director. The director shall approve or disapprove all or 25355

part of the amendment in accordance with division (H) of section 25356  
5119.22 of the Revised Code. 25357

The board shall operate in accordance with the plan 25358  
approved by the department. 25359

(d) Promote, arrange, and implement working agreements 25360  
with social service agencies, both public and private, and with 25361  
judicial agencies. 25362

(2) Investigate, or request another agency to investigate, 25363  
any complaint alleging abuse or neglect of any person receiving 25364  
addiction services, mental health services, or recovery supports 25365  
from a community addiction services provider or community mental 25366  
health services provider or alleging abuse or neglect of a 25367  
resident receiving addiction services or with mental illness or 25368  
severe mental disability residing in a residential facility 25369  
licensed under section 5119.34 of the Revised Code. If the 25370  
investigation substantiates the charge of abuse or neglect, the 25371  
board shall take whatever action it determines is necessary to 25372  
correct the situation, including notification of the appropriate 25373  
authorities. Upon request, the board shall provide information 25374  
about such investigations to the department. 25375

(3) For the purpose of section 5119.36 of the Revised 25376  
Code, cooperate with the director of ~~mental~~behavioral health 25377  
~~and addiction services~~ in visiting and evaluating whether the 25378  
certifiable services and supports of a community addiction 25379  
services provider or community mental health services provider 25380  
satisfy the certification standards established by rules adopted 25381  
under that section. In addition, a board may provide input and 25382  
recommendations to the department when an application for 25383  
certification or the renewal of a certification has been 25384  
submitted by a provider or when a provider is being investigated 25385

by the department, if the board, in either of those 25386  
circumstances, is aware of information that would be beneficial 25387  
to the department's consideration of the matter. 25388

(4) In accordance with criteria established under division 25389  
(D) of section 5119.22 of the Revised Code, conduct program 25390  
audits that review and evaluate the quality, effectiveness, and 25391  
efficiency of addiction services, mental health services, and 25392  
recovery supports provided by community addiction services 25393  
providers and community mental health services providers under 25394  
contract with the board and submit the board's findings and 25395  
recommendations to the department of ~~mental-behavioral health-~~ 25396  
~~and addiction services;~~ 25397

(5) In accordance with section 5119.34 of the Revised 25398  
Code, review an application for a residential facility license 25399  
and provide to the department of ~~mental-behavioral health and-~~ 25400  
~~addiction services~~ any information about the applicant or 25401  
facility that the board would like the department to consider in 25402  
reviewing the application; 25403

(6) Audit, in accordance with rules adopted by the auditor 25404  
of state pursuant to section 117.20 of the Revised Code, at 25405  
least annually all programs, addiction services, mental health 25406  
services, and recovery supports provided under contract with the 25407  
board. In so doing, the board may contract for or employ the 25408  
services of private auditors. A copy of the fiscal audit report 25409  
shall be provided to the director of ~~mental-behavioral health-~~ 25410  
~~and addiction services~~, the auditor of state, and the county 25411  
auditor of each county in the board's district. 25412

(7) Recruit and promote local financial support for 25413  
addiction services, mental health services, and recovery 25414  
supports from private and public sources; 25415

(8) In accordance with guidelines issued by the department 25416  
as necessary to comply with state and federal laws pertaining to 25417  
financial assistance, approve fee schedules and related charges 25418  
or adopt a unit cost schedule or other methods of payment for 25419  
addiction services, mental health services, and recovery 25420  
supports provided by community addiction services providers and 25421  
community mental health services providers that have contracted 25422  
with the board under section 340.036 of the Revised Code; 25423

(9) Submit to the director and the county commissioners of 25424  
the county or counties served by the board, and make available 25425  
to the public, an annual report of the addiction services, 25426  
mental health services, and recovery supports under the 25427  
jurisdiction of the board, including a fiscal accounting; 25428

(10) Establish a method for evaluating referrals for 25429  
court-ordered treatment and affidavits filed pursuant to section 25430  
5122.11 of the Revised Code in order to assist the probate 25431  
division of the court of common pleas in determining whether 25432  
there is probable cause that a respondent is subject to court- 25433  
ordered treatment and whether alternatives to hospitalization 25434  
are available and appropriate; 25435

(11) Designate the treatment services, provider, facility, 25436  
or other placement for each person involuntarily committed to 25437  
the board pursuant to Chapter 5122. of the Revised Code. The 25438  
board shall provide the least restrictive and most appropriate 25439  
alternative that is available for any person involuntarily 25440  
committed to it and shall assure that the list of addiction 25441  
services, mental health services, and recovery supports 25442  
submitted and approved in accordance with division (B) of 25443  
section 340.08 of the Revised Code are available to persons with 25444  
severe mental disabilities residing within its service district. 25445

The board shall establish the procedure for authorizing payment 25446  
for the services and supports, which may include prior 25447  
authorization in appropriate circumstances. In accordance with 25448  
section 340.037 of the Revised Code, the board may provide 25449  
addiction services and mental health services directly to a 25450  
person with a severe mental disability when life or safety is 25451  
endangered and when no community addiction services provider or 25452  
community mental health services provider is available to 25453  
provide the service. 25454

(12) Ensure that housing built, subsidized, renovated, 25455  
rented, owned, or leased by the board or a community addiction 25456  
services provider or community mental health services provider 25457  
has been approved as meeting minimum fire safety standards and 25458  
that persons residing in the housing have access to appropriate 25459  
and necessary services, including culturally relevant services, 25460  
from a community addiction services provider or community mental 25461  
health services provider. This division does not apply to 25462  
residential facilities licensed pursuant to section 5119.34 of 25463  
the Revised Code. 25464

(13) Establish a mechanism for obtaining advice and 25465  
involvement of persons receiving addiction services, mental 25466  
health services, or recovery supports on matters pertaining to 25467  
services and supports in the alcohol, drug addiction, and mental 25468  
health service district; 25469

(14) Perform the duties required by rules adopted under 25470  
section 5119.22 of the Revised Code regarding referrals by the 25471  
board or community mental health services providers under 25472  
contract with the board of individuals with mental illness or 25473  
severe mental disability to class two residential facilities 25474  
licensed under section 5119.34 of the Revised Code and effective 25475

arrangements for ongoing mental health services for the 25476  
individuals. The board is accountable in the manner specified in 25477  
the rules for ensuring that the ongoing mental health services 25478  
are effectively arranged for the individuals. 25479

(B) Each board of alcohol, drug addiction, and mental 25480  
health services shall establish such rules, operating 25481  
procedures, standards, and bylaws, and perform such other duties 25482  
as may be necessary or proper to carry out the purposes of this 25483  
chapter. 25484

(C) A board of alcohol, drug addiction, and mental health 25485  
services may receive by gift, grant, devise, or bequest any 25486  
moneys, lands, or property for the benefit of the purposes for 25487  
which the board is established, and may hold and apply it 25488  
according to the terms of the gift, grant, or bequest. All money 25489  
received, including accrued interest, by gift, grant, or bequest 25490  
shall be deposited in the treasury of the county, the treasurer 25491  
of which is custodian of the alcohol, drug addiction, and mental 25492  
health services funds to the credit of the board and shall be 25493  
available for use by the board for purposes stated by the donor 25494  
or grantor. 25495

(D) No member or employee of a board of alcohol, drug 25496  
addiction, and mental health services shall be liable for injury 25497  
or damages caused by any action or inaction taken within the 25498  
scope of the member's official duties or the employee's 25499  
employment, whether or not such action or inaction is expressly 25500  
authorized by this section or any other section of the Revised 25501  
Code, unless such action or inaction constitutes willful or 25502  
wanton misconduct. Chapter 2744. of the Revised Code applies to 25503  
any action or inaction by a member or employee of a board taken 25504  
within the scope of the member's official duties or employee's 25505

employment. For the purposes of this division, the conduct of a 25506  
member or employee shall not be considered willful or wanton 25507  
misconduct if the member or employee acted in good faith and in 25508  
a manner that the member or employee reasonably believed was in 25509  
or was not opposed to the best interests of the board and, with 25510  
respect to any criminal action or proceeding, had no reasonable 25511  
cause to believe the conduct was unlawful. 25512

(E) The meetings held by any committee established by a 25513  
board of alcohol, drug addiction, and mental health services 25514  
shall be considered to be meetings of a public body subject to 25515  
section 121.22 of the Revised Code. 25516

(F) (1) A board of alcohol, drug addiction, and mental 25517  
health services may establish a rule, operating procedure, 25518  
standard, or bylaw to allow the executive director of the board 25519  
to execute both of the following types of contracts valued at 25520  
twenty-five thousand dollars or less, as determined by the 25521  
board, on behalf of the board without the board's prior 25522  
approval: 25523

(a) Emergency contracts for clinical services or recovery 25524  
support services; 25525

(b) Standard service contracts pertaining to the board's 25526  
operations. 25527

(2) If a board establishes a rule, operating procedure, 25528  
standard, or bylaw under division (F) (1) of this section, both 25529  
of the following shall be the case: 25530

(a) The board shall define the scope of contracts 25531  
described in divisions (F) (1) (a) and (b) of this section in that 25532  
rule, operating procedure, standard, or bylaw. 25533

(b) The board shall disclose the existence of a contract 25534

executed pursuant to the rule, operating procedure, standard, or 25535  
bylaw at the first board meeting that occurs after the contract 25536  
was executed and ensure that a record of that disclosure is 25537  
included in the written minutes of that meeting. 25538

**Sec. 340.032.** Subject to rules adopted by the director of 25539  
~~mental-behavioral health and addiction services~~ after 25540  
consultation with relevant constituencies as required by 25541  
division (A) (10) of section 5119.21 of the Revised Code, each 25542  
board of alcohol, drug addiction, and mental health services 25543  
shall do all of the following: 25544

(A) Establish, to the extent resources are available, a 25545  
community-based continuum of care that includes all of the 25546  
following as essential elements: 25547

(1) Prevention and wellness management services; 25548

(2) At least both of the following outreach and engagement 25549  
activities: 25550

(a) Locating persons in need of addiction services and 25551  
persons in need of mental health services to inform them of 25552  
available addiction services, mental health services, and 25553  
recovery supports; 25554

(b) Helping persons who receive addiction services and 25555  
persons who receive mental health services obtain services 25556  
necessary to meet basic human needs for food, clothing, shelter, 25557  
medical care, personal safety, and income. 25558

(3) Assessment services; 25559

(4) Care coordination; 25560

(5) Residential services; 25561

(6) At least the following outpatient services:	25562
(a) Nonintensive;	25563
(b) Intensive, such as partial hospitalization and assertive community treatment;	25564 25565
(c) Withdrawal management;	25566
(d) Emergency and crisis.	25567
(7) Where appropriate, at least the following inpatient services:	25568 25569
(a) Psychiatric care;	25570
(b) Medically managed alcohol or drug treatment.	25571
(8) At least all of the following recovery supports:	25572
(a) Peer support;	25573
(b) A wide range of housing and support services, including recovery housing residences;	25574 25575
(c) Employment, vocational, and educational opportunities;	25576
(d) Assistance with social, personal, and living skills;	25577
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	25578 25579
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	25580 25581 25582
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	25583 25584 25585
(10) Any additional elements the department of <del>mental</del>	25586

behavioral health and addiction services, pursuant to section 25587  
5119.21 of the Revised Code, determines are necessary to 25588  
establish the community-based continuum of care. 25589

(B) Ensure that the rights of persons receiving any 25590  
elements of the community-based continuum of care are protected; 25591

(C) Ensure that persons receiving any elements of the 25592  
community-based continuum of care are able to utilize grievance 25593  
procedures applicable to the elements. 25594

**Sec. 340.034.** All of the following apply to recovery 25595  
housing residences required by section 340.033 of the Revised 25596  
Code to be part of included opioid and co-occurring drug 25597  
addiction services and recovery supports: 25598

(A) A recovery housing residence shall comply with the 25599  
requirements of being monitored by the department of ~~mental-~~ 25600  
behavioral health and addiction services under sections 5119.39 25601  
to 5119.396 of the Revised Code and any rules adopted under 25602  
section 5119.397 of the Revised Code, but the residence is not 25603  
subject to residential facility licensure by the department 25604  
under section 5119.34 of the Revised Code. 25605

(B) A recovery housing residence shall not be operated by 25606  
a board of alcohol, drug addiction, and mental health services 25607  
unless any of the following applies: 25608

(1) The board operated the recovery housing residence on 25609  
July 1, 2017. 25610

(2) The board utilizes local funds in the development or 25611  
operation of the recovery housing residence. 25612

(3) The board determines that there is a need for the 25613  
board to assume operation of the recovery housing residence, 25614

such as when an existing operator of the residence goes out of 25615  
business and the board considers the assumption of operation of 25616  
the residence to be in the best interest of the community. 25617

(C) A recovery housing residence shall have protocols for 25618  
all of the following: 25619

(1) Administrative oversight; 25620

(2) Quality standards; 25621

(3) Policies and procedures, including house rules, for 25622  
its residents to which the residents must agree to adhere. 25623

(D) Family members of a resident of a recovery housing 25624  
residence may reside in the residence to the extent permitted by 25625  
protocols of the residence. 25626

(E) A recovery housing residence shall not limit a 25627  
resident's duration of stay to an arbitrary or fixed amount of 25628  
time. Instead, each resident's duration of stay shall be 25629  
determined by the resident's needs, progress, and willingness to 25630  
abide by the residence's protocols, in collaboration with the 25631  
residence's operator, and, if appropriate, in consultation and 25632  
integration with a community addiction services provider. 25633

(F) A recovery housing residence may permit its residents 25634  
to receive medication-assisted treatment. 25635

(G) A resident of a recovery housing residence may receive 25636  
addiction services that are certified by the department under 25637  
section 5119.36 of the Revised Code. 25638

**Sec. 340.036.** (A) Subject to division (B) of this section 25639  
and rules adopted by the director of ~~mental~~behavioral health 25640  
~~and addiction services~~ after consultation with relevant 25641  
constituencies as required by division (A)(10) of section 25642

5119.21 of the Revised Code, each board of alcohol, drug	25643
addiction, and mental health services shall enter into contracts	25644
with all of the following:	25645
(1) Public and private facilities for the operation of	25646
facility services;	25647
(2) Community addiction services providers for addiction	25648
services and recovery supports;	25649
(3) Community mental health services providers for mental	25650
health services and recovery supports.	25651
(B) No board shall do any of the following:	25652
(1) Contract with a residential facility required to be	25653
licensed under section 5119.34 of the Revised Code unless the	25654
facility is so licensed;	25655
(2) Contract with a community addiction services provider	25656
or community mental health services provider for certifiable	25657
services and supports unless the certifiable services and	25658
supports are certified under section 5119.36 of the Revised	25659
Code;	25660
(3) Contract with a community addiction services provider	25661
or community mental health services provider for recovery	25662
supports that are required by the director to meet quality	25663
criteria or core competencies unless the recovery supports meet	25664
the criteria or competencies.	25665
(C) When a board contracts with a community addiction	25666
services provider or community mental health services provider	25667
for addiction services, mental health services, or recovery	25668
supports, all of the following apply:	25669
(1) The board shall consider both of the following:	25670

(a) The cost effectiveness and quality of the provider's services and supports; 25671  
25672

(b) Continuity of care. 25673

(2) The board may review cost elements, including salary costs, of the services and supports. 25674  
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(3) The board may establish, in a way that is most effective and efficient in meeting local needs, a utilization review process as part of the contract. 25676  
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(4) The board may contract with a government entity, for-profit entity, or nonprofit entity. Any such entity may be faith-based. 25679  
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(D) If a party to a contract entered into under this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one-hundred-twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services and supports to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the director of the unresolved dispute. The director may require both parties to submit the dispute to another entity with the cost to be shared by the parties. Not later than twenty days before the expiration date of the contract or a later date to which both parties agree, the other entity shall issue to the parties and director recommendations on how the dispute may be resolved. The director shall adopt rules establishing the procedures of this dispute resolution 25682  
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process. 25700

(E) Section 307.86 of the Revised Code does not apply to 25701  
contracts entered into under this section. 25702

**Sec. 340.037.** (A) Subject to division (B) of this section 25703  
and rules adopted by the director of ~~mental~~-behavioral health 25704  
~~and addiction services~~ after consultation with relevant 25705  
constituencies as required by division (A)(10) of section 25706  
5119.21 of the Revised Code, a board of alcohol, drug addiction, 25707  
and mental health services may operate a facility or provide an 25708  
addiction service or mental health service if both of the 25709  
following apply: 25710

(1) The director gives the board prior approval; 25711

(2) There is no other qualified private or public 25712  
facility, community addiction services provider, or community 25713  
mental health services provider that is immediately available 25714  
and willing to operate such a facility or provide the service. 25715

(B)(1) In an emergency situation, a board may operate a 25716  
facility or provide an addiction service or mental health 25717  
service in order to provide essential services for the duration 25718  
of the emergency. 25719

(2) In a service district with a population of at least 25720  
one hundred thousand but less than five hundred thousand, a 25721  
board may operate a facility or provide an addiction service or 25722  
mental health service for not longer than one year. 25723

(3) In a service district with a population of less than 25724  
one hundred thousand, a board may operate a facility or provide 25725  
an addiction service or mental health service for not longer 25726  
than one year, except that the board may operate a facility or 25727  
provide an addiction service or mental health service for more 25728

than one year with the prior approval of both of the following:	25729
(a) The director;	25730
(b) The board of county commissioners with jurisdiction over the service district or, if the service district is a joint-county district, a majority of the boards of county commissioners with jurisdiction over the district.	25731 25732 25733 25734
(C) The director shall not do any of the following:	25735
(1) Except in an emergency situation, give a board approval to operate a facility or provide an addiction service or mental health service unless the director determines that it is not feasible to have the department operate the facility or provide the service;	25736 25737 25738 25739 25740
(2) Give a board that serves a service district with a population of less than one hundred thousand approval to operate a facility or provide an addiction service or mental health service unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility, community addiction services provider, or community mental health services provider;	25741 25742 25743 25744 25745 25746 25747 25748
(3) Give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility;	25749 25750 25751 25752 25753 25754
(4) Give a board approval to provide an addiction service or mental health service previously provided by a community addiction services provider or community mental health services	25755 25756 25757

provider unless the board has established to the director's 25758  
satisfaction that the provider cannot effectively provide the 25759  
service or that the provider has requested the board to take 25760  
over providing the service. 25761

(D) The director shall review and evaluate a board's 25762  
operation of a facility and provision of addiction services or 25763  
mental health services under this section. 25764

(E) Nothing in this section authorizes a board to 25765  
administer or direct the daily operation of any facility, 25766  
community addiction services provider, or community mental 25767  
health services provider. However, a facility or provider may 25768  
contract with a board to receive administrative services or 25769  
staff direction from the board under the direction of the 25770  
governing body of the facility or provider. 25771

**Sec. 340.04.** Each board of alcohol, drug addiction, and 25772  
mental health services shall employ a qualified mental health or 25773  
addiction services professional with experience in 25774  
administration or a professional administrator with experience 25775  
in mental health services or addiction services to serve as 25776  
executive director of the board and shall prescribe the 25777  
director's duties. 25778

The board shall fix the compensation of the executive 25779  
director. In addition to such compensation, the director shall 25780  
be reimbursed for actual and necessary expenses incurred in the 25781  
performance of the director's official duties. The board, by 25782  
majority vote of the full membership, may remove the director 25783  
for cause at any time, contingent upon any written contract 25784  
between the board and the executive director, upon written 25785  
charges, after an opportunity has been afforded the director for 25786  
a hearing before the board on request. 25787

The board may delegate to its executive director the authority to act in its behalf in the performance of its administrative duties.

As used in this section, "mental health professional" and "addiction services professional" mean an individual who is qualified to work with persons with mental illnesses or persons receiving addiction services, pursuant to standards established by the director of ~~mental behavioral health and addiction services~~ under Chapter 5119. of the Revised Code.

**Sec. 340.041.** In addition to such other duties as may be lawfully imposed, the executive director of a board of alcohol, drug addiction, and mental health services shall:

(A) Serve as executive officer of the board and, subject to the prior approval of the board for each contract, except contracts, if any, to which division (F) of section 340.03 of the Revised Code applies, execute contracts on its behalf;

(B) Supervise addiction services, mental health services, recovery supports, and facilities provided, operated, contracted, or supported by the board to the extent of determining that services, supports, and facilities are being administered in conformity with this chapter and rules of the director of ~~mental behavioral health and addiction services~~;

(C) Provide consultation to community addiction services providers and community mental health services providers;

(D) Recommend to the board the changes necessary to increase the effectiveness of addiction services, mental health services, and recovery supports and other matters necessary or desirable to carry out this chapter;

(E) Employ and remove from office such employees and

consultants in the classified civil service and, subject to the 25817  
approval of the board, employ and remove from office such other 25818  
employees and consultants as may be necessary for the work of 25819  
the board, and fix their compensation and reimbursement within 25820  
the limits set by the salary schedule and the budget approved by 25821  
the board; 25822

(F) Encourage the development and expansion of preventive, 25823  
treatment, and consultative services, as well as recovery 25824  
supports, in the fields of addiction services and mental health 25825  
services with emphasis on continuity of care; 25826

(G) Prepare for board approval an annual report of the 25827  
addiction services, mental health services, recovery supports, 25828  
and facilities under the jurisdiction of the board, including a 25829  
fiscal accounting of all services and supports; 25830

(H) Conduct such studies as may be necessary and 25831  
practicable for the promotion of mental health, promotion of 25832  
addiction services, and the prevention of mental illness, 25833  
emotional disorders, and addiction; 25834

(I) Authorize the county auditor, or in a joint-county 25835  
district the county auditor designated as the auditor for the 25836  
district, to issue warrants for the payment of board obligations 25837  
approved by the board, provided that all payments from funds 25838  
distributed to the board by the department of ~~mental-behavioral~~ 25839  
health ~~and addiction services~~ are in accordance with the budget 25840  
submitted pursuant to section 340.08 of the Revised Code, as 25841  
approved by the department of ~~mental-behavioral health-and-~~ 25842  
~~addiction services~~. 25843

**Sec. 340.05.** If a community addiction services provider or 25844  
community mental health services provider receives a complaint 25845

alleging abuse or neglect of an individual with mental illness 25846  
or severe mental disability, or an individual receiving 25847  
addiction services, who resides in a residential facility 25848  
licensed under section 5119.34 of the Revised Code, the provider 25849  
shall report the complaint to the board of alcohol, drug 25850  
addiction, and mental health services serving the alcohol, drug 25851  
addiction, and mental health service district in which the 25852  
residential facility is located. A board of alcohol, drug 25853  
addiction, and mental health services that receives such a 25854  
report from a community addiction services provider or community 25855  
mental health services provider of such a complaint shall report 25856  
the complaint to the director of ~~mental-behavioral health and~~ 25857  
~~addiction services~~ for the purpose of the director conducting an 25858  
investigation under section 5119.34 of the Revised Code. The 25859  
board may enter the facility with or without the director and, 25860  
if the health and safety of a resident is in immediate danger, 25861  
take any necessary action to protect the resident. The board's 25862  
action shall not violate any resident's rights specified in 25863  
rules adopted by the department of ~~mental-behavioral health and~~ 25864  
~~addiction services~~ under section 5119.34 of the Revised Code. 25865  
The board shall immediately report to the director regarding the 25866  
board's actions under this section. 25867

**Sec. 340.07.** The board of county commissioners of any 25868  
county participating in an alcohol, drug addiction, and mental 25869  
health service district or joint-county district, upon receipt 25870  
from the board of alcohol, drug addiction, and mental health 25871  
services of a resolution so requesting, may appropriate money to 25872  
such board for the operation, lease, acquisition, construction, 25873  
renovation, and maintenance of community addiction services 25874  
providers, community mental health services providers, and 25875  
facilities in accordance with the budget required by section 25876

340.08 of the Revised Code and approved by the department of 25877  
~~mental behavioral health and addiction services~~ pursuant to 25878  
section 5119.22 of the Revised Code. 25879

**Sec. 340.08.** In accordance with rules or guidelines issued 25880  
by the director of ~~mental behavioral health and addiction~~ 25881  
~~services~~, each board of alcohol, drug addiction, and mental 25882  
health services shall do all of the following: 25883

(A) Submit to the department of ~~mental behavioral health~~ 25884  
~~and addiction services~~ a proposed budget of receipts and 25885  
expenditures for all federal, state, and local moneys the board 25886  
expects to receive. 25887

(1) The proposed budget shall identify funds the board has 25888  
available for included opioid and co-occurring drug addiction 25889  
services and recovery supports. 25890

(2) The proposed budget shall identify funds the board and 25891  
public children services agencies in the board's service 25892  
district have available to fund jointly the services described 25893  
in section 340.15 of the Revised Code. 25894

(3) The board's proposed budget for expenditures of state 25895  
and federal funds distributed to the board by the department 25896  
shall be deemed an application for funds, and the department 25897  
shall approve or disapprove the budget for these expenditures in 25898  
whole or in part in accordance with division (G) of section 25899  
5119.22 of the Revised Code. 25900

If a board determines that it is necessary to amend an 25901  
approved budget, the board shall submit a proposed amendment to 25902  
the director. The director shall approve or disapprove all or 25903  
part of the amendment in accordance with division (H) of section 25904  
5119.22 of the Revised Code. 25905

(B) Submit to the department a proposed list of addiction services, mental health services, and recovery supports the board intends to make available. The board shall include the services and supports required by section 340.032 of the Revised Code to be included in the community-based continuum of care and the services required by section 340.15 of the Revised Code. The board shall explain the manner in which the board intends to make such services and supports available. The list shall be compatible with the budget submitted pursuant to division (A) of this section. The department shall approve or disapprove the list in whole or in part in accordance with division (G) of section 5119.22 of the Revised Code.

If a board determines that it is necessary to amend an approved list, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(C) Enter into a continuity of care agreement with the state institution operated by the department of ~~mental~~ behavioral health and addiction services and designated as the institution serving the district encompassing the board's service district. The continuity of care agreement shall outline the department's and the board's responsibilities to plan for and coordinate with each other to address the needs of board residents who are patients in the institution, with an emphasis on managing appropriate hospital bed day use and discharge planning. The continuity of care agreement shall not require the board to provide addiction services, mental health services, or recovery supports other than those on the list of services and supports submitted by the board pursuant to division (B) of this section and approved by the department in accordance with

division (G) of section 5119.22 of the Revised Code.	25937
(D) In conjunction with the department, operate a	25938
coordinated system for tracking and monitoring persons found not	25939
guilty by reason of insanity and committed pursuant to section	25940
2945.40 of the Revised Code who have been granted a conditional	25941
release and persons found incompetent to stand trial and	25942
committed pursuant to section 2945.39 of the Revised Code who	25943
have been granted a conditional release. The system shall do all	25944
of the following:	25945
(1) Centralize responsibility for the tracking of those	25946
persons;	25947
(2) Provide for uniformity in monitoring those persons;	25948
(3) Provide a mechanism to allow prompt rehospitalization,	25949
reinstitutionalization, or detention when a violation of the	25950
conditional release or decompensation occurs.	25951
(E) Submit to the department a report summarizing all of	25952
the following:	25953
(1) Complaints and grievances received by the board	25954
concerning the rights of persons seeking or receiving addiction	25955
services, mental health services, or recovery supports;	25956
(2) Investigations of the complaints and grievances;	25957
(3) Outcomes of the investigations.	25958
(F) Provide to the department information to be submitted	25959
to the community behavioral health information system or systems	25960
established by the department under Chapter 5119. of the Revised	25961
Code.	25962
(G) Annually, and upon any change in membership, submit to	25963

the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.

(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.

(I) Annually update and publish on the board's web site a list of all opioid treatment programs licensed under section 5119.37 of the Revised Code that are operating within the board's district, based on information obtained from any of the following:

(1) The federal substance abuse and mental health services administration's opioid treatment program directory;

(2) A resource directory created by the department of ~~mental behavioral health and addiction services~~;

(3) The list maintained by the department of ~~mental behavioral health and addiction services~~ pursuant to division (P) of section 5119.37 of the Revised Code.

**Sec. 340.09.** (A) Using funds the general assembly appropriates for these purposes, the department of ~~mental behavioral health and addiction services~~ shall provide any county assistance for one or more of the following:

(1) The operation of the board of alcohol, drug addiction, and mental health services serving the county;

(2) The provision of addiction services, mental health

services, and recovery supports included in the board's list of	25992
services and supports required by section 340.08 of the Revised	25993
Code and approved by the department under section 5119.22 of the	25994
Revised Code;	25995
(3) The provision of approved support functions;	25996
(4) The partnership in, or support for, approved	25997
community-based continuum of care-related activities.	25998
(B) Support functions may include the following:	25999
(1) Consultation;	26000
(2) Research;	26001
(3) Administrative;	26002
(4) Referral and information;	26003
(5) Training;	26004
(6) Service and program evaluation.	26005
<b>Sec. 340.12.</b> As used in this section, "disability" has the	26006
same meaning as in section 4112.01 of the Revised Code.	26007
No board of alcohol, drug addiction, and mental health	26008
services or any community addiction services provider or	26009
community mental health services provider under contract with	26010
such a board shall discriminate in the provision of addiction	26011
services, mental health services, or recovery supports under its	26012
authority, in employment, or under a contract on the basis of	26013
race, color, religion, ancestry, military status, sex, age,	26014
national origin, or disability.	26015
Each board, community addiction services provider, and	26016
community mental health services provider shall have a written	26017
affirmative action program. The affirmative action program shall	26018

include goals for the employment and effective utilization of, 26019  
including contracts with, members of economically disadvantaged 26020  
groups as defined in division (E) (1) of section 122.71 of the 26021  
Revised Code in percentages reflecting as nearly as possible the 26022  
composition of the alcohol, drug addiction, and mental health 26023  
service district served by the board. Each board and provider 26024  
shall file a description of the affirmative action program and a 26025  
progress report on its implementation with the department of 26026  
~~mental behavioral health and addiction services.~~ 26027

**Sec. 340.13.** (A) As used in this section: 26028

(1) "Minority business enterprise" has the same meaning as 26029  
in section 122.71 of the Revised Code. 26030

(2) "EDGE business enterprise" has the same meaning as in 26031  
section 122.922 of the Revised Code. 26032

(B) Any minority business enterprise that desires to bid 26033  
on a contract under division (C) of this section shall first 26034  
apply to the department of development for certification as a 26035  
minority business enterprise. Any EDGE business enterprise that 26036  
desires to bid on a contract under division (D) of this section 26037  
shall first apply to the department of development for 26038  
certification as an EDGE business enterprise. The director of 26039  
development shall approve the application of any minority 26040  
business enterprise or EDGE business enterprise that complies 26041  
with the rules adopted under section 122.71 or 122.922 of the 26042  
Revised Code, respectively. The director shall prepare and 26043  
maintain a list of minority business enterprises and EDGE 26044  
business enterprises certified under those sections. 26045

(C) From the contracts to be awarded for the purchases of 26046  
equipment, materials, supplies, or services, other than 26047

contracts entered into under section 340.036 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall select a number of contracts with an aggregate value of approximately fifteen per cent of the total estimated value of contracts to be awarded in the current fiscal year. The board shall set aside the contracts so selected for bidding by minority business enterprises only. The bidding procedures for such contracts shall be the same as for all other contracts awarded under section 307.86 of the Revised Code, except that only minority business enterprises certified and listed pursuant to division (B) of this section shall be qualified to submit bids.

(D) To the extent that a board is authorized to enter into contracts for construction, the board shall strive to attain a yearly contract dollar procurement goal the aggregate value of which equals approximately five per cent of the aggregate value of construction contracts for the current fiscal year for EDGE business enterprises only.

(E) (1) In the case of contracts set aside under division (C) of this section, if no bid is submitted by a minority business enterprise, the contract shall be awarded according to normal bidding procedures. The board shall from time to time set aside such additional contracts as are necessary to replace those contracts previously set aside on which no minority business enterprise bid.

(2) If a board, after having made a good faith effort, is unable to comply with the goal of procurement for contracting with EDGE business enterprises pursuant to division (D) of this section, the board may apply in writing, on a form prescribed by the department of administrative services, to the director of

~~mental-behavioral health and addiction services~~ for a waiver or 26078  
modification of the goal. 26079

(F) This section does not preclude any minority business 26080  
enterprise or EDGE business enterprise from bidding on any other 26081  
contract not specifically set aside for minority business 26082  
enterprises or subject to procurement goals for EDGE business 26083  
enterprises. 26084

(G) Within ninety days after the beginning of each fiscal 26085  
year, each board shall file a report with the department of 26086  
~~mental-behavioral health and addiction services~~ that shows for 26087  
that fiscal year the name of each minority business enterprise 26088  
and EDGE business enterprise with which the board entered into a 26089  
contract, the value and type of each such contract, the total 26090  
value of contracts awarded under divisions (C) and (D) of this 26091  
section, the total value of contracts awarded for the purchases 26092  
of equipment, materials, supplies, or services, other than 26093  
contracts entered into under section 340.036 of the Revised 26094  
Code, and the total value of contracts entered into for 26095  
construction. 26096

(H) Any person who intentionally misrepresents self as 26097  
owning, controlling, operating, or participating in a minority 26098  
business enterprise or an EDGE business enterprise for the 26099  
purpose of obtaining contracts or any other benefits under this 26100  
section shall be guilty of theft by deception as provided for in 26101  
section 2913.02 of the Revised Code. 26102

**Sec. 340.16.** The department of ~~mental-behavioral health~~ 26103  
~~and addiction services~~ and the department of medicaid shall 26104  
adopt rules that establish requirements and procedures for prior 26105  
notification and service coordination between public children 26106  
services agencies and boards of alcohol, drug addiction, and 26107

mental health services when a public children services agency 26108  
refers a child in its custody to a board for services funded by 26109  
the board. The rules shall be adopted in accordance with Chapter 26110  
119. of the Revised Code. 26111

**Sec. 345.01.** (A) As used in this chapter, "~~the county-~~ 26112  
~~auditor's appraised market~~ value" has the same meaning as in 26113  
section 5705.01 of the Revised Code. 26114

(B) The taxing authority of any municipal corporation, 26115  
township, or county, at any time not less than one hundred days 26116  
prior to a general election in any year, by a vote of two-thirds 26117  
of all members of the taxing authority, may, and upon 26118  
presentation to the clerk or fiscal officer, as the case may be, 26119  
of the taxing authority of a petition signed by not less than 26120  
two per cent of the electors of the political subdivision, as 26121  
shown at the preceding general election held in the subdivision, 26122  
shall, declare by resolution that the amount of taxes which may 26123  
be raised within the ten-mill limitation will be insufficient to 26124  
provide an adequate amount for the necessary requirements of the 26125  
subdivision, and that it is necessary to levy taxes in excess of 26126  
the limitation for either or both of the following purposes: 26127

(1) For purchasing a site, and for erecting, equipping, 26128  
and furnishing, or for establishing a memorial to commemorate 26129  
the services of all members and veterans of the armed forces of 26130  
the United States; 26131

(2) For the operation and maintenance of a memorial, and 26132  
for the functions related to it. 26133

The resolution shall be confined to the purposes set forth 26134  
in this section, and shall specify the amount of increase in 26135  
rate which it is necessary to levy, expressed both in mills for 26136

each one dollar of taxable value and in dollars for each one 26137  
hundred thousand dollars of ~~the county auditor's appraised~~ 26138  
market value, the purpose of the rate increase, and the number 26139  
of years during which the increase shall be in effect. The 26140  
increase may include a levy upon the tax duplicate of the 26141  
current year. The number of years shall be any number not 26142  
exceeding ten. The question of an increase in tax rate under 26143  
divisions (B) (1) and (2) of this section may be submitted to the 26144  
electors on one ballot. 26145

The total tax for the purposes included in this section 26146  
shall not, in any year, exceed one mill of each dollar of 26147  
taxable value. 26148

The resolution shall go into immediate effect upon its 26149  
passage, and no publication of the resolution, other than that 26150  
provided for in the notice of election, shall be necessary. 26151

**Sec. 345.03.** A copy of any resolution adopted under 26152  
section 345.01 of the Revised Code shall be certified within 26153  
five days by the taxing authority and not later than four p.m. 26154  
of the ninetieth day before the day of the election, to the 26155  
county board of elections, and such board shall submit the 26156  
proposal to the electors of the subdivision at the succeeding 26157  
general election. The board shall make the necessary 26158  
arrangements for the submission of such question to the electors 26159  
of the subdivision, and the election shall be conducted, 26160  
canvassed, and certified in like manner as regular elections in 26161  
such subdivision. 26162

Notice of the election shall be published once not less 26163  
than two weeks prior to such election using at least one of the 26164  
following methods: 26165

(A) In the print or digital edition of a newspaper of general circulation within the county; 26166  
 26167

(B) On the official public notice web site established under section 125.182 of the Revised Code; 26168  
 26169

(C) On the web site and social media account of the county. 26170  
 26171

The notice shall set out the purpose of the proposed increase in rate, the levy's estimated annual collections, the amount of the increase expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value as well as in mills for each one dollar of taxable value, the number of years during which such increase will be in effect, and the time and place of holding such election. 26172  
 26173  
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 26178

**Sec. 345.04.** The form of the ballot cast at a general election, as provided by sections 345.01 to 345.03 of the Revised Code, shall be: "An additional tax for the benefit of (name of subdivision) for the purpose of (state purpose stated in the resolution), that the county auditor estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ market value, for (the number of years the levy is to run). 26179  
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 26188

	For the Tax Levy
	Against the Tax Levy

"

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase 26189  
 26190  
 26191

", commencing in \_\_\_\_\_ (first year the tax is to be levied), first due in calendar year \_\_\_\_\_ (first calendar year in which the tax shall be due)."

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

**Sec. 349.01.** As used in this chapter:

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.

(C) "New community district" means the area of land described by the developer in the petition as set forth in

division (A) of section 349.03 of the Revised Code for 26221  
development as a new community and any lands added to the 26222  
district by amendment of the resolution establishing the 26223  
community authority. 26224

(D) "New community authority" means a body corporate and 26225  
politic in this state, established pursuant to section 349.03 of 26226  
the Revised Code and governed by a board of trustees as provided 26227  
in section 349.04 of the Revised Code. 26228

(E) "Developer" means any person, organized for carrying 26229  
out a new community development program who owns or controls, 26230  
through leases of at least seventy-five years' duration, 26231  
options, or contracts to purchase, the land within a new 26232  
community district, or any municipal corporation, township, 26233  
county, or port authority that owns the land within a new 26234  
community district, or has the ability to acquire such land, 26235  
either by voluntary acquisition or condemnation in order to 26236  
eliminate slum, blighted, and deteriorated or deteriorating 26237  
areas and to prevent the recurrence thereof. "Developer" may 26238  
also mean a person, municipal corporation, township, county, or 26239  
port authority that controls land within a new community 26240  
district through leases of at least seventy-five years' 26241  
duration. "Developer" includes a lessor that continues to own 26242  
and control land for purposes of this chapter pursuant to leases 26243  
with a ninety-nine-year renewable term, so long as ~~all~~both of 26244  
the following apply: 26245

(1) The developer's new community district consists of at 26246  
least five leases described in this section. 26247

(2) The leases are subject to forfeiture for all of the 26248  
following: 26249

(a) Failing to pay taxes and assessments;	26250
(b) Failing to pay an annual fee of up to one per cent of rent for sanitary purposes and improvements made to streets;	26251 26252
(c) Failing to keep the premises as required by sanitary and police regulations of the developer.	26253 26254
<del>(3) The new community authority is established on or before December 31, 2024.</del>	26255 26256
(F) "Organizational board of commissioners" means any of the following:	26257 26258
(1) For a new community district that is located in only one county, the board of county commissioners of that county;	26259 26260
(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners;	26261 26262 26263 26264 26265 26266
(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation;	26267 26268 26269 26270 26271 26272
(4) For a new community district that is comprised entirely of unincorporated territory within the boundaries of a township with a population of at least five thousand, and <u>which is</u> located in a county with a population of at least two hundred thousand and not more than four hundred thousand, <u>or located</u>	26273 26274 26275 26276 26277

within the boundaries of a limited home rule township that 26278  
adopted a resolution under section 5709.73 of the Revised Code 26279  
before January 1, 1995, and which is located in a county with a 26280  
population of more than four hundred thousand, the board of 26281  
township trustees of the township; 26282

(5) In the event that more than one body meets the 26283  
definitions set forth in divisions (F)(1) to (4) of this 26284  
section, "organizational board of commissioners" means the 26285  
organizational board of commissioners with which the original 26286  
petition was filed or another body meeting the definitions set 26287  
forth in divisions (F)(1) to (4) of this section appointed in a 26288  
resolution adopted by the organizational board of commissioners 26289  
with which the original petition was filed. 26290

(G) "Land acquisition" means the acquisition of real 26291  
property and interests in real property as part of a new 26292  
community development program. 26293

(H) "Land development" means the process of clearing and 26294  
grading land, making, installing, or constructing water 26295  
distribution systems, sewers, sewage collection systems, steam, 26296  
gas, and electric lines, roads, streets, curbs, gutters, 26297  
sidewalks, storm drainage facilities, and other installations or 26298  
work, whether within or without the new community district, and 26299  
the construction of community facilities. 26300

(I) "Community facilities" means all real property, 26301  
buildings, structures, or other facilities, including related 26302  
fixtures, equipment, and furnishings, to be owned, operated, 26303  
financed, constructed, and maintained under this chapter or in 26304  
furtherance of community activities, whether within or without 26305  
the new community district, including public, community, 26306  
village, neighborhood, or town buildings, centers and plazas, 26307

auditoriums, child care centers, recreation halls, educational 26308  
facilities, health care facilities including hospital facilities 26309  
as defined in section 140.01 of the Revised Code, 26310  
telecommunications facilities, including all facilities 26311  
necessary to provide telecommunications service as defined in 26312  
section 4927.01 of the Revised Code, recreational facilities, 26313  
natural resource facilities, including parks and other open 26314  
space land, lakes and streams, cultural facilities, community 26315  
streets and off-street parking facilities, pathway and bikeway 26316  
systems, pedestrian underpasses and overpasses, lighting 26317  
facilities, design amenities, or other community facilities, and 26318  
buildings needed in connection with water supply or sewage 26319  
disposal installations, or energy facilities including those for 26320  
renewable or sustainable energy sources, and steam, gas, or 26321  
electric lines or installation. 26322

(J) "Cost" as applied to a new community development 26323  
program means all costs related to land acquisition and land 26324  
development, the acquisition, construction, maintenance, and 26325  
operation of community facilities and offices of the community 26326  
authority, and of providing furnishings and equipment therefor, 26327  
financing charges including interest prior to and during 26328  
construction and for the duration of the new community 26329  
development program, planning expenses, engineering expenses, 26330  
administrative expenses including working capital, and all other 26331  
expenses necessary and incident to the carrying forward of the 26332  
new community development program. 26333

(K) "Income source" means any and all sources of income to 26334  
the community authority, including community development charges 26335  
of which the new community authority is the beneficiary as 26336  
provided in section 349.07 of the Revised Code, rentals, user 26337  
fees and other charges received by the new community authority, 26338

any gift or grant received, any moneys received from any funds 26339  
invested by or on behalf of the new community authority, and 26340  
proceeds from the sale or lease of land and community 26341  
facilities. 26342

(L) "Community development charge" means: 26343

(1) A dollar amount which shall be determined on the basis 26344  
of the assessed valuation of real property or interests in real 26345  
property in a new community district, the income of the 26346  
residents of such property subject to such charge under section 26347  
349.07 of the Revised Code, if such property is devoted to 26348  
residential uses or to the profits, gross receipts, or other 26349  
revenues of any business including, but not limited to, rentals 26350  
received from leases of real property located in the district, a 26351  
uniform or other fee on each parcel of such real property in a 26352  
new community district, or any combination of the foregoing 26353  
bases. 26354

(2) If a new community authority imposes a community 26355  
development charge determined on the basis of rentals received 26356  
from leases of real property, improvements of any real property 26357  
located in the new community district and subject to that charge 26358  
may not be exempted from taxation under section 5709.40, 26359  
5709.41, 5709.45, 5709.48, 5709.73, or 5709.78 of the Revised 26360  
Code. 26361

(M) "Proximate community" means the following: 26362

(1) For a new community district other than a new 26363  
community district described in division (M) (2), (3), or (4) of 26364  
this section, any city that, as of the date of filing of the 26365  
petition under section 349.03 of the Revised Code, is the city 26366  
with the greatest population located in the county in which the 26367

proposed new community district is located, is the city with the  
greatest population located in an adjoining county if any  
portion of such city is within five miles of any part of the  
boundaries of such district, or exercises extraterritorial  
subdivision authority under section 711.09 of the Revised Code  
with respect to any part of such district.

(2) A municipal corporation in which, at the time of  
filing the petition under section 349.03 of the Revised Code,  
any portion of the proposed new community district is located.

(3) For a new community district other than a new  
community district described in division (M) (2) or (4) of this  
section, if at the time of filing the petition under section  
349.03 of the Revised Code, more than one-half of the proposed  
district is contained within a joint economic development  
district created under sections 715.70 to 715.83 of the Revised  
Code, the township containing the greatest portion of the  
territory of the joint economic development district.

(4) For a new community district other than a new  
community district described in division (M) (2) or (3) of this  
section, if at the time of filing the petition under section  
~~343.03~~ 349.03 of the Revised Code the proposed new community  
district is comprised entirely of unincorporated territory  
within the boundaries of a township with a population of at  
least five thousand, and which is located in a county with a  
population of at least two hundred thousand and not more than  
four hundred thousand, or located within the boundaries of a  
limited home rule township that adopted a resolution under  
section 5709.73 of the Revised Code before January 1, 1995, and  
which is located in a county with a population of more than four  
hundred thousand, the township in which the proposed new

community district is located. 26398

(N) "Community activities" means cultural, educational, 26399  
governmental, recreational, residential, industrial, commercial, 26400  
distribution and research activities, or any combination 26401  
thereof. 26402

**Sec. 501.09.** The lessee of land appropriated for 26403  
ministerial purposes which land is leased for ninety-nine years, 26404  
renewable forever, or the lessee of such land the lease of which 26405  
has been renewed for a like term may purchase the fee simple 26406  
title to the land for an amount equal to the rent for one year. 26407  
The receipt of all rents due and an amount equal to the rent for 26408  
one year from a lessee is deemed an offer to purchase the land, 26409  
which offer the board of education of the school district for 26410  
whose benefit the land has been allocated shall accept. The 26411  
school board shall cancel the lease and prepare a deed in fee 26412  
simple to the land, which the governor shall execute and the 26413  
secretary of state shall countersign. 26414

The lessee of land appropriated for school purposes which 26415  
land is leased for ninety-nine years, renewable forever, or the 26416  
lessee of land the lease of which has been renewed for a like 26417  
term may purchase the fee simple title to the land for an amount 26418  
equal to the quotient of the annual rent divided by five one- 26419  
hundredths. Upon receipt of that amount, if all unpaid rent due 26420  
from the lessee for past years has been paid, the school board 26421  
shall cancel the lease, and the ~~auditor of state~~ department of 26422  
administrative services shall prepare a deed in fee simple to 26423  
the land, which the governor shall execute and the secretary of 26424  
state shall countersign. 26425

Moneys received from the sale of any land shall be paid to 26426  
the school district for whose benefit the land has been 26427

allocated. 26428

**Sec. 501.11.** When the successful bidder at the sale 26429  
provided in this chapter makes payment to the school district 26430  
selling the land, the school district shall certify receipt of 26431  
such payment to the ~~auditor of state~~department of administrative 26432  
services. Following the payment to the school district, the 26433  
~~auditor of state~~department of administrative services shall 26434  
prepare a deed, conveying such lands in fee simple to the 26435  
successful bidder, and deliver it to the governor, together with 26436  
~~his certificate, under the seal of the auditor of state,~~a 26437  
certification signed by the director of administrative services 26438  
that all papers required by law have been properly filed, that 26439  
the proceedings are according to law, and that the purchase 26440  
money is fully paid. When signed by the governor, countersigned 26441  
by the secretary of state, and sealed with the great seal of the 26442  
state, such deed shall be returned to the ~~auditor of state who~~ 26443  
department of administrative services, which shall deliver it to 26444  
the grantee. 26445

**Sec. 504.14.** In a township that adopts a limited home rule 26446  
government, resolutions may be proposed by initiative petition 26447  
by the electors in the unincorporated area of the township and 26448  
adopted by election by these electors, and resolutions adopted 26449  
by the board of township trustees may be submitted to these 26450  
electors for their approval or rejection by referendum, under 26451  
the same circumstances and in the same manner as provided by 26452  
sections 731.28 to 731.40 of the Revised Code for municipal 26453  
corporations, except that both of the following apply: 26454

(A) Initiative and referendum petitions shall be filed 26455  
with the township fiscal officer, who shall perform the duties 26456  
imposed under those sections upon the city auditor or village 26457

clerk. 26458

(B) Initiative and referendum petitions shall contain the 26459  
signatures of not less than ~~ten~~thirty-five per cent of the 26460  
total number of electors in the unincorporated area of the 26461  
township who voted for the office of governor at the most recent 26462  
general election for that office in that area of the township. 26463

**Sec. 505.24.** (A) In calendar year 2018, each township 26464  
trustee is entitled to compensation in an amount for each day of 26465  
service in the business of the township, to be paid from the 26466  
township treasury as follows: 26467

(1) In townships having a budget of two hundred fifty 26468  
thousand dollars or less, forty dollars and forty-one cents per 26469  
day for not more than two hundred days; 26470

(2) In townships having a budget of more than two hundred 26471  
fifty thousand but not more than five hundred thousand dollars, 26472  
forty-six dollars and eighty cents per day for not more than two 26473  
hundred days; 26474

(3) In townships having a budget of more than five hundred 26475  
thousand but not more than seven hundred fifty thousand dollars, 26476  
forty-nine dollars and sixty-three cents per day for not more 26477  
than two hundred days; 26478

(4) In townships having a budget of more than seven 26479  
hundred fifty thousand but not more than one million five 26480  
hundred thousand dollars, fifty-six dollars and seventy-one 26481  
cents per day for not more than two hundred days; 26482

(5) In townships having a budget of more than one million 26483  
five hundred thousand but not more than three million five 26484  
hundred thousand dollars, sixty-two dollars and thirty-nine 26485  
cents per day for not more than two hundred days; 26486

(6) In townships having a budget of more than three million five hundred thousand but not more than six million dollars, sixty-eight dollars and six cents per day for not more than two hundred days;

(7) In townships having a budget of more than six million but not more than ten million dollars, eighty-eight dollars and nineteen cents per day for not more than two hundred days;

(8) In townships having a budget of more than ten million dollars, one hundred thirteen dollars and thirty-eight cents per day for not more than two hundred days.

(B) The amounts paid as specified in division (A) of this section shall be increased as follows:

(1) In calendar year 2019 and in each calendar year thereafter through calendar year 2028~~2025~~, the amounts paid as specified in division (A) of this section shall be increased by one and three-quarters per cent;

(2) In calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent.

(C) Whenever members of a board of township trustees are compensated per diem and not by annual salary, the board shall establish, by resolution, a method by which each member of the board shall periodically notify the township fiscal officer of the number of days spent in the service of the township and the kinds of services rendered on those days. The per diem compensation shall be paid from the township general fund or from other township funds in such proportions as the kinds of services performed may require. The notice shall be filed with the township fiscal officer and preserved for inspection by any persons interested.

By unanimous vote, a board of township trustees may adopt 26516  
a method of compensation consisting of an annual salary to be 26517  
paid in equal monthly payments. If the office of trustee is held 26518  
by more than one person during any calendar year, each person 26519  
holding the office shall receive payments for only those months, 26520  
and any fractions of those months, during which the person holds 26521  
the office. The amount of the annual salary approved by the 26522  
board shall be no more than the maximum amount that could be 26523  
received annually by a trustee if the trustee were paid on a per 26524  
diem basis as specified in this division, and shall be paid from 26525  
the township general fund or from other township funds in such 26526  
proportions as the board may specify by resolution. Each trustee 26527  
shall certify the percentage of time spent working on matters to 26528  
be paid from the township general fund and from other township 26529  
funds in such proportions as the kinds of services performed. A 26530  
board of township trustees that has adopted a salary method of 26531  
compensation may return to a method of compensation on a per 26532  
diem basis as specified in this division by a majority vote. Any 26533  
change in the method of compensation shall be effective on the 26534  
first day of January of the year following the year during which 26535  
the board has voted to change the method of compensation. 26536

**Sec. 505.37.** (A) The board of township trustees may 26537  
establish all necessary rules to guard against the occurrence of 26538  
fires and to protect the property and lives of the citizens 26539  
against damage and accidents, and may purchase, lease, lease 26540  
with an option to purchase, or otherwise provide any fire 26541  
apparatus, mechanical resuscitators, underwater rescue and 26542  
recovery equipment, or other fire equipment, appliances, 26543  
materials, fire hydrants, and water supply for fire-fighting and 26544  
fire and rescue purposes that seems advisable to the board. The 26545  
board shall provide for the care and maintenance of such fire 26546

equipment, and, for these purposes, may purchase, lease, lease 26547  
with an option to purchase, or construct and maintain necessary 26548  
buildings, and it may establish and maintain lines of fire-alarm 26549  
communications within the limits of the township. The board may 26550  
employ one or more persons to maintain and operate such fire 26551  
equipment, or it may enter into an agreement with a volunteer 26552  
fire company for the use and operation of the equipment. The 26553  
board may compensate the members of a volunteer fire company on 26554  
any basis and in any amount that it considers equitable. 26555

When the estimated cost to purchase fire apparatus, 26556  
mechanical resuscitators, underwater rescue and recovery 26557  
equipment, or other fire equipment, appliances, materials, fire 26558  
hydrants, buildings, or fire-alarm communications equipment or 26559  
services exceeds the amount specified in section 9.17 of the 26560  
Revised Code, the contract shall be let by competitive bidding. 26561  
No purchase or other transaction subject to this section shall 26562  
be divided into component parts in order to avoid the 26563  
requirements of this section. When competitive bidding is 26564  
required, the board shall advertise once a week for not less 26565  
than two consecutive weeks using at least one of the following 26566  
methods: 26567

(1) In the print or digital edition of a newspaper of 26568  
general circulation within the township; 26569

(2) On the official public notice web site established 26570  
under section 125.182 of the Revised Code; 26571

(3) On the web site and social media account of the 26572  
township. 26573

The board may also cause notice to be inserted in trade 26574  
papers or other publications designated by it or to be 26575

distributed by electronic means, including posting the notice on 26576  
the board's internet web site. 26577

The advertisement shall include the time, date, and place 26578  
where the clerk of the township, or the clerk's designee, will 26579  
read bids publicly. The time, date, and place of bid openings 26580  
may be extended to a later date by the board of township 26581  
trustees, provided that written or oral notice of the change 26582  
shall be given to all persons who have received or requested 26583  
specifications not later than ninety-six hours prior to the 26584  
original time and date fixed for the opening. The board may 26585  
reject all the bids or accept the lowest and best bid, provided 26586  
that the successful bidder meets the requirements of section 26587  
153.54 of the Revised Code when the contract is for the 26588  
construction, demolition, alteration, repair, or reconstruction 26589  
of an improvement. 26590

(B) The boards of township trustees of any two or more 26591  
townships, or the legislative authorities of any two or more 26592  
political subdivisions, or any combination of these, may, 26593  
through joint action, unite in the joint purchase, lease, lease 26594  
with an option to purchase, maintenance, use, and operation of 26595  
fire equipment described in division (A) of this section, or for 26596  
any other purpose designated in sections 505.37 to 505.42 of the 26597  
Revised Code, and may prorate the expense of the joint action on 26598  
any terms that are mutually agreed upon. 26599

(C) The board of township trustees of any township may, by 26600  
resolution, whenever it is expedient and necessary to guard 26601  
against the occurrence of fires or to protect the property and 26602  
lives of the citizens against damages resulting from their 26603  
occurrence, create a fire district of any portions of the 26604  
township that it considers necessary. The board may purchase, 26605

lease, lease with an option to purchase, or otherwise provide 26606  
any fire apparatus, mechanical resuscitators, underwater rescue 26607  
and recovery equipment, or other fire equipment, appliances, 26608  
materials, fire hydrants, and water supply for fire-fighting and 26609  
fire and rescue purposes, or may contract for the fire 26610  
protection for the fire district as provided in section 9.60 of 26611  
the Revised Code. The fire district so created shall be given a 26612  
separate name by which it shall be known. 26613

Additional unincorporated territory of the township may be 26614  
added to a fire district upon the board's adoption of a 26615  
resolution authorizing the addition. A municipal corporation, or 26616  
a portion of a municipal corporation, that is within or 26617  
adjoining the township may be added to a fire district upon the 26618  
board's adoption of a resolution authorizing the addition and 26619  
the municipal legislative authority's adoption of a resolution 26620  
or ordinance requesting the addition of the municipal 26621  
corporation or a portion of the municipal corporation to the 26622  
fire district. 26623

If the township fire district imposes a tax, additional 26624  
unincorporated territory of the township or a municipal 26625  
corporation or a portion of a municipal corporation that is 26626  
within or adjoining the township shall become part of the fire 26627  
district only after all of the following have occurred: 26628

(1) Adoption by the board of township trustees of a 26629  
resolution approving the expansion of the territorial limits of 26630  
the district and, if the resolution proposes to add a municipal 26631  
corporation or a portion of a municipal corporation, adoption by 26632  
the municipal legislative authority of a resolution or ordinance 26633  
requesting the addition of the municipal corporation or a 26634  
portion of the municipal corporation to the district; 26635

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

(3) The board requests and obtains from the county auditor the information required for a tax levy under section 5705.03 of the Revised Code, in the manner prescribed in that section, except that the levy's annual collections shall be estimated assuming that the additional territory has been added to the fire district.

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

Each resolution of the board adopted under division (C) (2) of this section shall state the name of the fire district, a description of the territory to be added, the rate, expressed in mills for each one dollar of taxable value, the effective rate, expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised market~~ value, and termination date of the tax, which shall be the rate, effective rate, and termination date of the tax currently in effect in the fire district.

The board of trustees shall certify each resolution adopted under division (C) (2) of this section and the county auditor's certification under division (C) (3) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (C) (4) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within \_\_\_\_\_ 26665  
(description of the proposed territory to be added) be added to 26666  
\_\_\_\_\_ (name) fire district, and a property 26667  
tax, that the county auditor estimates will collect \$ \_\_\_\_\_ 26668  
annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 of 26669  
taxable value, which amounts to \$ \_\_\_\_\_ (here insert 26670  
effective rate) for each \$100,000 of ~~the county auditor's~~ 26671  
~~appraised market~~ value, be in effect for \_\_\_\_\_ (here insert 26672  
the number of years the tax is to be in effect or "a continuing 26673  
period of time," as applicable)?" 26674

If the question is approved by at least a majority of the 26675  
electors voting on it, the joinder shall be effective as of the 26676  
first day of July of the year following approval, and on that 26677  
date, the township fire district tax shall be extended to the 26678  
taxable property within the territory that has been added. If 26679  
the territory that has been added is a municipal corporation or 26680  
portion thereof and if it had adopted a tax levy for fire 26681  
purposes, the levy is terminated on the effective date of the 26682  
joinder in the area of the municipal corporation added to the 26683  
district. 26684

Any municipal corporation may withdraw from a township 26685  
fire district created under division (C) of this section by the 26686  
adoption by the municipal legislative authority of a resolution 26687  
or ordinance ordering withdrawal. On the first day of July of 26688  
the year following the adoption of the resolution or ordinance 26689  
of withdrawal, the withdrawing municipal corporation or the 26690  
portion thereof ceases to be a part of the district, and the 26691  
power of the fire district to levy a tax upon taxable property 26692  
in the withdrawing municipal corporation or the portion thereof 26693  
terminates, except that the fire district shall continue to levy 26694  
and collect taxes for the payment of indebtedness within the 26695

territory of the fire district as it was composed at the time 26696  
the indebtedness was incurred. 26697

Upon the withdrawal of any municipal corporation from a 26698  
township fire district created under division (C) of this 26699  
section, the county auditor shall ascertain, apportion, and 26700  
order a division of the funds on hand, moneys and taxes in the 26701  
process of collection except for taxes levied for the payment of 26702  
indebtedness, credits, and real and personal property, either in 26703  
money or in kind, on the basis of the valuation of the 26704  
respective tax duplicates of the withdrawing municipal 26705  
corporation and the remaining territory of the fire district. 26706

A board of township trustees may remove unincorporated 26707  
territory of the township from the fire district upon the 26708  
adoption of a resolution authorizing the removal. On the first 26709  
day of July of the year following the adoption of the 26710  
resolution, the unincorporated township territory described in 26711  
the resolution ceases to be a part of the district, and the 26712  
power of the fire district to levy a tax upon taxable property 26713  
in that territory terminates, except that the fire district 26714  
shall continue to levy and collect taxes for the payment of 26715  
indebtedness within the territory of the fire district as it was 26716  
composed at the time the indebtedness was incurred. 26717

As used in this section, "~~the county auditor's appraised~~ 26718  
market value" and "effective rate" have the same meanings as in 26719  
section 5705.01 of the Revised Code. 26720

(D) The board of township trustees of any township, the 26721  
board of fire district trustees of a fire district created under 26722  
section 505.371 of the Revised Code, or the legislative 26723  
authority of any municipal corporation may purchase, lease, or 26724  
lease with an option to purchase the necessary fire equipment 26725

described in division (A) of this section, buildings, and sites 26726  
for the township, fire district, or municipal corporation and 26727  
issue securities for that purpose with maximum maturities as 26728  
provided in section 133.20 of the Revised Code. The board of 26729  
township trustees, board of fire district trustees, or 26730  
legislative authority may also construct any buildings necessary 26731  
to house fire equipment and issue securities for that purpose 26732  
with maximum maturities as provided in section 133.20 of the 26733  
Revised Code. 26734

The board of township trustees, board of fire district 26735  
trustees, or legislative authority may issue the securities of 26736  
the township, fire district, or municipal corporation, signed by 26737  
the board or designated officer of the municipal corporation and 26738  
attested by the signature of the township fiscal officer, fire 26739  
district clerk, or municipal clerk, covering any deferred 26740  
payments and payable at the times provided, which securities 26741  
shall bear interest not to exceed the rate determined as 26742  
provided in section 9.95 of the Revised Code, and shall not be 26743  
subject to Chapter 133. of the Revised Code. The legislation 26744  
authorizing the issuance of the securities shall provide for 26745  
levying and collecting annually by taxation, amounts sufficient 26746  
to pay the interest on and principal of the securities. The 26747  
securities shall be offered for sale on the open market or given 26748  
to the vendor or contractor if no sale is made. 26749

Section 505.40 of the Revised Code does not apply to any 26750  
securities issued, or any lease with an option to purchase 26751  
entered into, in accordance with this division. 26752

(E) A board of township trustees of any township or a 26753  
board of fire district trustees of a fire district created under 26754  
section 505.371 of the Revised Code may purchase a policy or 26755

policies of liability insurance for the officers, employees, and 26756  
appointees of the fire department, fire district, or joint fire 26757  
district governed by the board that includes personal injury 26758  
liability coverage as to the civil liability of those officers, 26759  
employees, and appointees for false arrest, detention, or 26760  
imprisonment, malicious prosecution, libel, slander, defamation 26761  
or other violation of the right of privacy, wrongful entry or 26762  
eviction, or other invasion of the right of private occupancy, 26763  
arising out of the performance of their duties. 26764

When a board of township trustees cannot, by deed of gift 26765  
or by purchase and upon terms it considers reasonable, procure 26766  
land for a township fire station that is needed in order to 26767  
respond in reasonable time to a fire or medical emergency, the 26768  
board may appropriate land for that purpose under sections 26769  
163.01 to 163.22 of the Revised Code. If it is necessary to 26770  
acquire additional adjacent land for enlarging or improving the 26771  
fire station, the board may purchase, appropriate, or accept a 26772  
deed of gift for the land for these purposes. 26773

(F) As used in this division, "emergency medical service 26774  
organization" has the same meaning as in section 4766.01 of the 26775  
Revised Code. 26776

A board of township trustees, by adoption of an 26777  
appropriate resolution, may choose to have the state board of 26778  
emergency medical, fire, and transportation services license any 26779  
emergency medical service organization it operates. If the board 26780  
adopts such a resolution, Chapter 4766. of the Revised Code, 26781  
except for sections 4766.06 and 4766.99 of the Revised Code, 26782  
applies to the organization. All rules adopted under the 26783  
applicable sections of that chapter also apply to the 26784  
organization. A board of township trustees, by adoption of an 26785

appropriate resolution, may remove its emergency medical service 26786  
organization from the jurisdiction of the state board of 26787  
emergency medical, fire, and transportation services. 26788

**Sec. 505.48.** (A) The board of township trustees of any 26789  
township may, by resolution adopted by two-thirds of the members 26790  
of the board, create a township police district comprised of all 26791  
or a portion of the unincorporated territory of the township as 26792  
the resolution may specify. If the township police district does 26793  
not include all of the unincorporated territory of the township, 26794  
the resolution creating the district shall contain a complete 26795  
and accurate description of the territory of the district and a 26796  
separate and distinct name for the district. 26797

At any time not less than one hundred twenty days after a 26798  
township police district is created and operative, the 26799  
territorial limits of the district may be altered in the manner 26800  
provided in division (B) of this section or, if applicable, as 26801  
provided in section 505.482 of the Revised Code. 26802

(B) Except as otherwise provided in section 505.481 of the 26803  
Revised Code, the territorial limits of a township police 26804  
district may be altered by a resolution adopted by a two-thirds 26805  
vote of the board of township trustees. If the township police 26806  
district imposes a tax, any territory proposed for addition to 26807  
the district shall become part of the district only after all of 26808  
the following have occurred: 26809

(1) Adoption by two-thirds vote of the board of township 26810  
trustees of a resolution approving the expansion of the 26811  
territorial limits of the district; 26812

(2) Adoption by a two-thirds vote of the board of township 26813  
trustees of a resolution recommending the extension of the tax 26814

to the additional territory; 26815

(3) The board requests and obtains from the county auditor 26816  
the information required for a tax levy under section 5705.03 of 26817  
the Revised Code, in the same manner required under that 26818  
section, except that the levy's annual collections shall be 26819  
estimated assuming that the additional territory has been added 26820  
to the township police district. 26821

(4) Approval of the tax by the electors of the territory 26822  
proposed for addition to the district. 26823

Each resolution of the board adopted under division (B) (2) 26824  
of this section shall state the name of the township police 26825  
district, a description of the territory to be added, the rate, 26826  
expressed in mills for each one dollar of taxable value, the 26827  
effective rate, expressed in dollars for each one hundred 26828  
thousand dollars of ~~the county auditor's appraised~~ market value, 26829  
and termination date of the tax, which shall be the rate, 26830  
effective rate, and termination date of the tax currently in 26831  
effect in the district. 26832

The board of trustees shall certify each resolution 26833  
adopted under division (B) (2) of this section and the county 26834  
auditor's certification under division (B) (3) of this section to 26835  
the board of elections in accordance with section 5705.19 of the 26836  
Revised Code. The election required under division (B) (4) of 26837  
this section shall be held, canvassed, and certified in the 26838  
manner provided for the submission of tax levies under section 26839  
5705.25 of the Revised Code, except that the question appearing 26840  
on the ballot shall read: 26841

"Shall the territory within \_\_\_\_\_ 26842  
(description of the proposed territory to be added) be added to 26843

\_\_\_\_\_ (name) township police district, and a property 26844  
tax, that the county auditor estimates will collect \$\_\_\_\_\_ 26845  
annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 26846  
of taxable value, which amounts to \$\_\_\_\_\_ (here insert 26847  
effective rate) for each \$100,000 of ~~the county auditor's~~ 26848  
~~appraised market~~ value, be in effect for \_\_\_\_\_ (here insert 26849  
the number of years the tax is to be in effect or "a continuing 26850  
period of time," as applicable)?" 26851

If the question is approved by at least a majority of the 26852  
electors voting on it, the joinder shall be effective as of the 26853  
first day of January of the year following approval, and, on 26854  
that date, the township police district tax shall be extended to 26855  
the taxable property within the territory that has been added. 26856

As used in this section, "~~the county auditor's appraised~~ 26857  
~~market value~~" and "effective rate" have the same meanings as in 26858  
section 5705.01 of the Revised Code. 26859

**Sec. 505.481.** (A) If a township police district does not 26860  
include all the unincorporated territory of the township, the 26861  
remaining unincorporated territory of the township may be added 26862  
to the district by a resolution adopted by a unanimous vote of 26863  
the board of township trustees to place the issue of expansion 26864  
of the district on the ballot for the electors of the entire 26865  
unincorporated territory of the township. The resolution shall 26866  
state whether the proposed township police district initially 26867  
will hire personnel as provided in section 505.49 of the Revised 26868  
Code or contract for the provision of police protection services 26869  
or additional police protection services as provided in section 26870  
505.43 or 505.50 of the Revised Code. If the board proposes to 26871  
levy a tax throughout all of the unincorporated territory of the 26872  
township, the board shall request and obtain from the county 26873

auditor the information required for a tax levy under section 26874  
5705.03 of the Revised Code, except that the levy's annual 26875  
collections shall be estimated assuming that the unincorporated 26876  
territory has been added to the township police district. 26877

The ballot measure shall provide for the addition into a 26878  
new district of all the unincorporated territory of the township 26879  
not already included in the township police district and for the 26880  
levy of any tax then imposed by the district throughout the 26881  
unincorporated territory of the township. If the measure 26882  
includes a tax, the measure shall state the rate of the tax, 26883  
which need not be the same rate of any tax imposed by the 26884  
existing district, to be imposed in the district resulting from 26885  
approval of the measure, expressed in mills for each one dollar 26886  
of taxable value, the effective rate, expressed in dollars for 26887  
each one hundred thousand dollars of ~~the county auditor's~~ 26888  
~~appraised~~ market value, the last year in which the tax will be 26889  
levied or that it will be levied for a continuous period of 26890  
time, and the county auditor's estimate of the levy's annual 26891  
collections. 26892

(B) The election on the measure shall be held, canvassed, 26893  
and certified in the manner provided for the submission of tax 26894  
levies under section 5705.25 of the Revised Code, except that 26895  
the question appearing on the ballot shall read substantially as 26896  
follows: 26897

"Shall the unincorporated territory within \_\_\_\_\_ 26898  
(name of the township) not already included within the 26899  
\_\_\_\_\_ (name of township police district) be added to the 26900  
township police district to create the \_\_\_\_\_ (name of new 26901  
township police district) township police district?" 26902

The name of the proposed township police district shall be 26903

separate and distinct from the name of the existing township  
police district. 26904  
26905

If a tax is imposed in the existing township police 26906  
district, the question shall be modified by adding, at the end 26907  
of the question, the following: ", and shall a property tax be 26908  
levied in the new township police district, replacing the tax in 26909  
the existing township police district, that the county auditor 26910  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 26911  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 26912  
\$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county~~ 26913  
~~auditor's appraised market~~ value, for \_\_\_\_\_ (number of years 26914  
the tax will be levied, or "a continuing period of time")." 26915

If the measure is not approved by a majority of the 26916  
electors voting on it, the township police district shall 26917  
continue to occupy its existing territory until altered as 26918  
provided in this section or section 505.48 of the Revised Code, 26919  
and any existing tax imposed under section 505.51 of the Revised 26920  
Code shall remain in effect in the existing district at the 26921  
existing rate and for as long as provided in the resolution 26922  
under the authority of which the tax is levied. 26923

As used in this section, "~~the county auditor's appraised~~ 26924  
market value" and "effective rate" have the same meanings as in 26925  
section 5705.01 of the Revised Code. 26926

**Sec. 507.09.** (A) In calendar year 2018, the township 26927  
fiscal officer shall be entitled to compensation as follows: 26928

(1) In townships having a budget of two hundred fifty 26929  
thousand dollars or less, ten thousand nine hundred eighteen 26930  
dollars; 26931

(2) In townships having a budget of more than two hundred 26932

fifty thousand but not more than five hundred thousand dollars,	26933
fourteen thousand thirty-nine dollars;	26934
(3) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars,	26935
fifteen thousand five hundred ninety-seven dollars;	26936
(4) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, eighteen thousand seven hundred seventeen dollars;	26937
(5) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, twenty-one thousand eight hundred thirty-six dollars;	26938
(6) In townships having a budget of more than three million five hundred thousand but not more than six million dollars, twenty-three thousand three hundred ninety-six dollars;	26939
(7) In townships having a budget of more than six million but not more than ten million dollars, twenty-six thousand eight hundred fifty-two dollars;	26940
(8) In townships having a budget of more than ten million dollars, thirty-one thousand sixty-four dollars.	26941
(B) <u>The compensation determined under division (A) of this section shall be increased as follows:</u>	26942
(1) <u>In calendar year 2019 and in each calendar year thereafter through calendar year 2028</u> <del>2025, the compensation determined under division (A) of this section shall be increased</del>	26943
<u>by one and three-quarters per cent;</u>	26944
(2) <u>In calendar year 2026 and in each calendar year</u>	26945

thereafter through calendar year 2029, by five per cent. 26961

(C) Any township fiscal officer may elect to receive less 26962  
than the compensation the fiscal officer is entitled to under 26963  
this section. Any township fiscal officer electing to do this 26964  
shall so notify the board of township trustees in writing, and 26965  
the board shall include this notice in the minutes of its next 26966  
board meeting. 26967

(D) The compensation of the township fiscal officer shall 26968  
be paid in equal monthly payments. If the office of township 26969  
fiscal officer is held by more than one person during any 26970  
calendar year, each person holding the office shall receive 26971  
payments for only those months, and any fractions of those 26972  
months, during which the person holds the office. 26973

A township fiscal officer may be compensated from the 26974  
township general fund or from other township funds based on the 26975  
proportion of time the township fiscal officer spends providing 26976  
services related to each fund. A township fiscal officer must 26977  
document the amount of time the township fiscal officer spends 26978  
providing services related to each fund by certification 26979  
specifying the percentage of time spent working on matters to be 26980  
paid from the township general fund or from other township funds 26981  
in such proportions as the kinds of services performed. 26982

**Sec. 507.12.** (A) To enhance the background and working 26983  
knowledge of township fiscal officers in government accounting, 26984  
budgeting and financing, financial report preparation, 26985  
cybersecurity, ~~and~~ the rules adopted by the auditor of state, 26986  
bulletins or other information published by the auditor of 26987  
state, and any other subject deemed appropriate by the auditor 26988  
of state, the auditor of state shall conduct education programs 26989  
and continuing education courses for individuals elected or 26990

appointed for the first time to the office of township fiscal officer, and shall conduct continuing education courses for individuals who continue to hold the office in a subsequent term. The Ohio township association also may conduct such initial education programs and continuing education courses if approved by the auditor of state. The auditor of state, in conjunction with the Ohio township association, shall determine the manner and content of the initial education programs and continuing education courses.

(B) A newly elected or appointed township fiscal officer shall complete at least six hours of initial education programs before commencing, or during the first year of, office. A township fiscal officer who participates in a training program held under section 117.44 of the Revised Code may apply those hours taken before commencing office to the six hours of initial education programs required under this division.

(C) (1) In addition to the six hours of initial education required under division (B) of this section, a newly elected township fiscal officer shall complete at least a total of eighteen continuing education hours during the township fiscal officer's first term of office.

(2) A township fiscal officer who is elected to a subsequent term of office shall complete twelve hours of continuing education courses in each subsequent term of office.

(3) The auditor of state shall adopt rules specifying the initial education programs and continuing education courses that are required for a township fiscal officer who has been appointed to fill a vacancy. The requirements shall be proportionally equivalent, based on the time remaining in the vacated office, to the requirements for a newly elected township

fiscal officer. 27021

(4) At least two hours of ethics instruction shall be 27022  
included in the continuing education hours required by divisions 27023  
(C) (1) and (2) of this section. 27024

(5) A township fiscal officer who participates in a 27025  
training program or seminar established under section 109.43 of 27026  
the Revised Code may apply the three hours of training to the 27027  
continuing education hours required by divisions (C) (1) and (2) 27028  
of this section. 27029

(D) (1) A certified public accountant who serves as a 27030  
township fiscal officer may apply to the continuing education 27031  
hours required by division (C) of this section any hours of 27032  
continuing education completed under section 4701.11 of the 27033  
Revised Code after being elected or appointed as a township 27034  
fiscal officer. 27035

(2) A township fiscal officer may apply to the continuing 27036  
education hours required by division (C) of this section any 27037  
hours of continuing education completed under section 135.22 of 27038  
the Revised Code after being elected or appointed as a township 27039  
fiscal officer. 27040

(3) A township fiscal officer who teaches an approved 27041  
continuing education course under division (C) of this section 27042  
is entitled to credit for the course in the same manner as if 27043  
the township fiscal officer had attended the course. 27044

~~(E) The auditor of state shall adopt rules for verifying 27045  
the completion of initial education programs and continuing 27046  
education courses required under this section. The auditor of 27047  
state shall issue a certificate of completion to each township 27048  
fiscal officer who completes the initial education programs and 27049~~

~~continuing education courses. The auditor of state shall issue a 27050  
"failure to complete" notice to any township fiscal officer who 27051  
is required to complete initial education programs and 27052  
continuing education courses under this section, but who fails 27053  
to do so. The notice is for informational purposes only and does 27054  
not affect any individual's ability to hold the office of 27055  
township fiscal officer. 27056~~

The township fiscal officer shall retain the documentation 27057  
of any initial or continuing education courses completed. The 27058  
auditor of state shall audit for compliance with this section. 27059

(F) Each board of township trustees shall approve a 27060  
reasonable amount requested by the township fiscal officer to 27061  
cover the costs the township fiscal officer is required to incur 27062  
to meet the requirements of this section, including registration 27063  
fees, lodging and meal expenses, and travel expenses. 27064

**Sec. 511.28.** A copy of any resolution for a tax levy 27065  
adopted by the township board of park commissioners as provided 27066  
in section 511.27 of the Revised Code shall be certified by the 27067  
clerk of the board of park commissioners to the board of 27068  
elections of the proper county, together with a certified copy 27069  
of the resolution approving the levy, passed by the board of 27070  
township trustees if such a resolution is required by division 27071  
(C) of section 511.27 of the Revised Code, and the county 27072  
auditor's certification, not less than ninety days before a 27073  
general or primary election in any year. The board of elections 27074  
shall submit the proposal to the electors as provided in section 27075  
511.27 of the Revised Code at the succeeding general or primary 27076  
election. A resolution to renew an existing levy may not be 27077  
placed on the ballot unless the question is submitted at the 27078  
general election held during the last year the tax to be renewed 27079

may be extended on the real and public utility property tax list 27080  
and duplicate, or at any election held in the ensuing year. The 27081  
board of park commissioners shall cause notice that the vote 27082  
will be taken to be published once a week for two consecutive 27083  
weeks prior to the election in a newspaper of general 27084  
circulation, or as provided in section 7.16 of the Revised Code, 27085  
in the county within which the park district is located. 27086  
Additionally, if the board of elections operates and maintains a 27087  
web site, the board of elections shall post that notice on its 27088  
web site for thirty days prior to the election. The notice shall 27089  
state the purpose of the proposed levy, the levy's estimated 27090  
annual collections, the levy's annual rate or, if applicable, 27091  
the levy's effective rate, expressed in dollars for each one 27092  
hundred thousand dollars of ~~the county auditor's appraised~~ 27093  
market value as well as the annual rate expressed in mills for 27094  
each one dollar of taxable value, the number of consecutive 27095  
years during which the levy shall be in effect, and the time and 27096  
place of the election. 27097

The form of the ballots cast at the election shall be: "An 27098  
additional tax for the benefit of (name of township park 27099  
district) \_\_\_\_\_ for the purpose of (purpose stated in the 27100  
order of the board) \_\_\_\_\_, that the county auditor 27101  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 27102  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 27103  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 27104  
market value, for (number of years the levy is to run) 27105  
\_\_\_\_\_ 27106

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

27107

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in this section shall be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in the case of a proposal to renew an existing levy in the same amount; the words "A renewal of \_\_\_\_\_ mills and an increase of \_\_\_\_\_ mills for each \$1 of taxable value to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of \_\_\_\_\_ mills for each \$1 of taxable value, to constitute a" in the case of a decrease in the rate of the existing levy. Additionally, the effective rate, in lieu of the rate, shall be expressed for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value.

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

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

As used in this section, "~~the county auditor's appraised~~ market value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

**Sec. 511.34.** In townships composed of islands, and on one of which islands lands have been conveyed in trust for the

benefit of the inhabitants of the island for use as a park, and 27138  
a board of park trustees has been provided for the control of 27139  
the park, the board of township trustees may create a tax 27140  
district of the island to raise funds by taxation as provided 27141  
under divisions (A) and (B) of this section. 27142

(A) For the care and maintenance of parks on the island, 27143  
the board of township trustees annually may levy a tax, not to 27144  
exceed one mill for each one dollar of taxable value, upon all 27145  
the taxable property in the district. The tax shall be in 27146  
addition to all other levies authorized by law, and subject to 27147  
no limitation on tax rates except as provided in this division. 27148

The proceeds of the tax levy shall be expended by the 27149  
board of township trustees for the purpose of the care and 27150  
maintenance of the parks, and shall be paid out of the township 27151  
treasury upon the orders of the board of park trustees. 27152

(B) For the purpose of acquiring additional land for use 27153  
as a park, the board of township trustees may levy a tax in 27154  
excess of the ten-mill limitation on all taxable property in the 27155  
district. The tax shall be proposed by resolution adopted by 27156  
two-thirds of the members of the board of township trustees. The 27157  
resolution shall specify the purpose and rate of the tax and the 27158  
number of years the tax will be levied, which shall not exceed 27159  
five years, and which may include a levy on the current tax list 27160  
and duplicate. The resolution shall go into immediate effect 27161  
upon its passage, and no publication of the resolution is 27162  
necessary other than that provided for in the notice of 27163  
election. The board of township trustees shall certify a copy of 27164  
the resolution to the proper board of elections not later than 27165  
ninety days before the primary or general election in the 27166  
township, and the board of elections shall submit the question 27167

of the tax to the voters of the district at the succeeding 27168  
primary or general election. The board of elections shall make 27169  
the necessary arrangements for the submission of the question to 27170  
the electors of the district, and the election shall be 27171  
conducted, canvassed, and certified in the same manner as 27172  
regular elections in the township for the election of officers. 27173  
Notice of the election shall be published in a newspaper of 27174  
general circulation in the township once a week for two 27175  
consecutive weeks, or as provided in section 7.16 of the Revised 27176  
Code prior to the election. If the board of elections operates 27177  
and maintains a web site, notice of the election also shall be 27178  
posted on that web site for thirty days prior to the election. 27179  
The notice shall state the purpose of the tax, the levy's 27180  
estimated annual collections, the proposed rate of the tax 27181  
expressed in dollars for each one hundred thousand dollars of 27182  
~~the county auditor's appraised market value~~ and mills for each 27183  
one dollar of taxable value, the number of years the tax will be 27184  
in effect, the first year the tax will be levied, and the time 27185  
and place of the election. 27186

The form of the ballots cast at an election held under 27187  
this division shall be as follows: 27188

"An additional tax for the benefit of \_\_\_\_\_ (name of 27189  
the township) for the purpose of acquiring additional park land, 27190  
that the county auditor estimates will collect \$\_\_\_\_ annually, 27191  
at a rate of \_\_\_\_\_ mills for each \$1 of taxable value, which 27192  
amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's~~ 27193  
~~appraised market value~~, for \_\_\_\_\_ (number of years the levy 27194  
is to run) beginning in \_\_\_\_\_ (first year the tax will be 27195  
levied). 27196  
27197

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

The question shall be submitted as a separate proposition 27198  
but may be printed on the same ballot with any other proposition 27199  
submitted at the same election other than the election of 27200  
officers. More than one such question may be submitted at the 27201  
same election. 27202

If the levy is approved by a majority of electors voting 27203  
on the question, the board of elections shall certify the result 27204  
of the election to the tax commissioner. In the first year of 27205  
the levy, the tax shall be extended on the tax lists after the 27206  
February settlement following the election. If the tax is to be 27207  
placed on the tax lists of the current year as specified in the 27208  
resolution, the board of elections shall certify the result of 27209  
the election immediately after the canvass to the board of 27210  
township trustees, which shall forthwith make the necessary levy 27211  
and certify the levy to the county auditor, who shall extend the 27212  
levy on the tax lists for collection. After the first year of 27213  
the levy, the levy shall be included in the annual tax budget 27214  
that is certified to the county budget commission. 27215

As used in this section, "~~the county auditor's appraised-~~ 27216  
market value" has the same meaning as in section 5705.01 of the 27217  
Revised Code. 27218

**Sec. 513.18.** In the event any township, contiguous to a 27219  
joint township hospital district, desires to become a part of 27220  
such district in existence under sections 513.07 to 513.18 of 27221  
the Revised Code, its board of township trustees, by a two- 27222  
thirds favorable vote of the members of such board, after the 27223

existing joint township hospital board has, by a majority 27224  
favorable vote of the members thereof, approved the terms under 27225  
which such township proposes to join the district, shall become 27226  
a part of the joint township district hospital board under such 27227  
terms and with all the rights, privileges, and responsibilities 27228  
enjoyed by and extended to the existing members of the hospital 27229  
board under such sections, including representation on the board 27230  
of hospital governors by the appointment of an elector of such 27231  
township as a member thereof. 27232

If the terms under which such township proposes to join 27233  
the hospital district involve a tax levy for the purpose of 27234  
sharing the existing obligations, including bonded indebtedness, 27235  
of the district or the necessary operating expenses of such 27236  
hospital, such township shall not become a part of the district 27237  
until its electors have approved such levy as provided in this 27238  
section. In such a case, the board of township trustees and the 27239  
county auditor shall proceed in the same manner as required for 27240  
a tax levy under section 5705.03 of the Revised Code, except 27241  
that the levy's annual collections shall be estimated assuming 27242  
that the township has been added to the hospital district. 27243

Upon request of the board of township trustees of the 27244  
township proposing to join such district, by resolution approved 27245  
by a two-thirds vote of its members, the board of elections of 27246  
the county in which the township lies shall place upon the 27247  
ballot for submission to the electorate of such township at the 27248  
next primary or general election occurring not less than ninety 27249  
nor more than one hundred thirty-five days after such request is 27250  
received from the board of township trustees the question of 27251  
levying a tax, not to exceed one mill outside the ten-mill 27252  
limitation, for a period of not to exceed five years, to provide 27253  
funds for the payment of the township's share of the necessary 27254

expenses incurred in the operation of such hospital, or the 27255  
question of levying a tax to pay the township's share of the 27256  
existing obligations, including bonded indebtedness, of the 27257  
district, or both questions may be submitted at the same primary 27258  
or general election. The question appearing on the ballot shall 27259  
read: 27260

"Shall \_\_\_\_\_ (name of township) be added to the \_\_\_\_\_ 27261  
(name of joint township hospital district), and property tax be 27262  
levied for the purpose of \_\_\_\_\_ (purpose of tax), that the 27263  
county auditor estimates will collect \$\_\_\_\_\_ annually, at a 27264  
rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, 27265  
which amounts to \$\_\_\_\_\_ (rate or effective rate, as applicable) 27266  
for each \$100,000 of ~~the county auditor's appraised market~~ 27267  
value, to be in effect for \_\_\_\_\_ (number of years the tax is to 27268  
be in effect)?" 27269

If a majority of the electors voting on the propositions 27270  
vote in favor thereof, the county auditor shall place such 27271  
levies on the tax duplicate against the property in the 27272  
township, which township shall thereby become a part of said 27273  
joint township hospital district. 27274

As used in this section, "~~the county auditor's appraised-~~ 27275  
market value" and "effective rate" have the same meanings as in 27276  
section 5705.01 of the Revised Code. 27277

**Sec. 519.12.** (A) (1) Amendments to the zoning resolution 27278  
may be initiated by motion of the township zoning commission, by 27279  
the passage of a resolution by the board of township trustees, 27280  
or by the filing of an application by one or more of the owners 27281  
or lessees of property within the area proposed to be changed or 27282  
affected by the proposed amendment with the township zoning 27283  
commission. The board of township trustees may require that the 27284

owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

(2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A) (1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:

(a) In the print or digital edition of one or more newspapers of general circulation in the township;

(b) On the official public notice web site established under section 125.182 of the Revised Code;

(c) On the web site and social media account of the township.

(B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class

mail, at least ten days before the date of the public hearing to 27314  
all owners of property within and contiguous to and directly 27315  
across the street from the area proposed to be rezoned or 27316  
redistricted to the addresses of those owners appearing on the 27317  
county auditor's current tax list. The failure of delivery of 27318  
that notice shall not invalidate any such amendment. 27319

(C) If the proposed amendment intends to rezone or 27320  
redistrict ten or fewer parcels of land as listed on the county 27321  
auditor's current tax list, the published and mailed notices 27322  
shall set forth the time, date, and place of the public hearing 27323  
and include all of the following: 27324

(1) The name of the township zoning commission that will 27325  
be conducting the hearing; 27326

(2) A statement indicating that the motion, resolution, or 27327  
application is an amendment to the zoning resolution; 27328

(3) A list of the addresses of all properties to be 27329  
rezoned or redistricted by the proposed amendment and of the 27330  
names of owners of those properties, as they appear on the 27331  
county auditor's current tax list; 27332

(4) The present zoning classification of property named in 27333  
the proposed amendment and the proposed zoning classification of 27334  
that property; 27335

(5) The time and place where the motion, resolution, or 27336  
application proposing to amend the zoning resolution will be 27337  
available for examination for a period of at least ten days 27338  
prior to the hearing; 27339

(6) The name of the person responsible for giving notice 27340  
of the hearing by publication, by mail, or by both publication 27341  
and mail; 27342

(7) A statement that, after the conclusion of the hearing, 27343  
the matter will be submitted to the board of township trustees 27344  
for its action; 27345

(8) Any other information requested by the commission. 27346

(D) If the proposed amendment alters the text of the 27347  
zoning resolution, or rezones or redistricts more than ten 27348  
parcels of land as listed on the county auditor's current tax 27349  
list, the published notice shall set forth the time, date, and 27350  
place of the public hearing and include all of the following: 27351

(1) The name of the township zoning commission that will 27352  
be conducting the hearing on the proposed amendment; 27353

(2) A statement indicating that the motion, application, 27354  
or resolution is an amendment to the zoning resolution; 27355

(3) The time and place where the text and maps of the 27356  
proposed amendment will be available for examination for a 27357  
period of at least ten days prior to the hearing; 27358

(4) The name of the person responsible for giving notice 27359  
of the hearing by publication; 27360

(5) A statement that, after the conclusion of the hearing, 27361  
the matter will be submitted to the board of township trustees 27362  
for its action; 27363

(6) Any other information requested by the commission. 27364

(E) (1) (a) Except as provided in division (E) (1) (b) of this 27365  
section, within five days after the adoption of the motion 27366  
described in division (A) of this section, the certification of 27367  
the resolution described in division (A) of this section, or the 27368  
filing of the application described in division (A) of this 27369  
section, the township zoning commission shall transmit a copy of 27370

it together with text and map pertaining to it to the county or 27371  
regional planning commission, if there is such a commission, for 27372  
approval, disapproval, or suggestions. 27373

The county or regional planning commission shall recommend 27374  
the approval or denial of the proposed amendment or the approval 27375  
of some modification of it and shall submit its recommendation 27376  
to the township zoning commission. The recommendation shall be 27377  
considered at the public hearing held by the township zoning 27378  
commission on the proposed amendment. 27379

(b) The township zoning commission of a township that has 27380  
adopted a limited home rule government under Chapter 504. of the 27381  
Revised Code is not subject to division (E) (1) (a) of this 27382  
section but may choose to comply with division (E) (1) (a) of this 27383  
section. 27384

(2) The township zoning commission, within thirty days 27385  
after the hearing, shall recommend the approval or denial of the 27386  
proposed amendment, or the approval of some modification of it, 27387  
and submit that recommendation together with the motion, 27388  
application, or resolution involved, the text and map pertaining 27389  
to the proposed amendment, and the recommendation of the county 27390  
or regional planning commission on it to the board of township 27391  
trustees. 27392

(3) The board of township trustees, upon receipt of that 27393  
recommendation, shall set a time for a public hearing on the 27394  
proposed amendment, which date shall not be more than thirty 27395  
days from the date of the receipt of that recommendation. Notice 27396  
of the hearing shall be given by the board by one publication at 27397  
least ten days before the date of the hearing using at least one 27398  
of the following methods: 27399

(a) In the print or digital edition of one or more newspapers of general circulation in the township;	27400 27401
(b) On the official public notice web site established under section 125.182 of the Revised Code;	27402 27403
(c) On the web site and social media account of the township.	27404 27405
(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	27406 27407 27408 27409 27410
(1) The name of the board of township trustees that will be conducting the hearing;	27411 27412
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	27413 27414
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	27415 27416 27417 27418
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	27419 27420 27421
(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	27422 27423 27424 27425
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication	27426 27427

and mail; 27428

(7) Any other information requested by the board. 27429

(G) If the proposed amendment alters the text of the 27430  
zoning resolution, or rezones or redistricts more than ten 27431  
parcels of land as listed on the county auditor's current tax 27432  
list, the published notice shall set forth the time, date, and 27433  
place of the public hearing and include all of the following: 27434

(1) The name of the board of township trustees that will 27435  
be conducting the hearing on the proposed amendment; 27436

(2) A statement indicating that the motion, application, 27437  
or resolution is an amendment to the zoning resolution; 27438

(3) The time and place where the text and maps of the 27439  
proposed amendment will be available for examination for a 27440  
period of at least ten days prior to the hearing; 27441

(4) The name of the person responsible for giving notice 27442  
of the hearing by publication; 27443

(5) Any other information requested by the board. 27444

(H) Within twenty days after its public hearing, the board 27445  
of township trustees shall either adopt or deny the 27446  
recommendations of the township zoning commission or adopt some 27447  
modification of them. If the board denies or modifies the 27448  
commission's recommendations, a majority vote of the board shall 27449  
be required. 27450

~~The~~ Except as provided in division (J) of this section, 27451  
the proposed amendment, if adopted by the board, shall become 27452  
effective in thirty days after the date of its adoption, unless, 27453  
within thirty days after the adoption, there is presented to the 27454  
board of township trustees a petition, signed by a number of 27455

registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than ~~fifteen~~thirty-five per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or number, or both, these should be inserted here)

\_\_\_\_\_

A proposal to amend the zoning map of the unincorporated area of \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio, adopted \_\_\_\_ (date) \_\_\_\_ (followed by brief summary of the proposal).

To the Board of Township Trustees of \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio:

We, the undersigned, being electors residing in the  
unincorporated area of \_\_\_\_\_ Township,  
included within the \_\_\_\_\_ Township Zoning Plan, equal to  
not less than fifteen per cent of the total vote cast for all  
candidates for governor in the area at the preceding general  
election at which a governor was elected, request the Board of  
Township Trustees to submit this amendment of the zoning  
resolution to the electors of \_\_\_\_\_ Township  
residing within the unincorporated area of the township included  
in the \_\_\_\_\_ Township Zoning Resolution, for  
approval or rejection at a special election to be held on the  
day of the primary or general election to be held on  
\_\_\_\_ (date) \_\_\_\_\_, pursuant to section 519.12 of the Revised  
Code.

Street Address	Date of	
Signature or R.F.D.	Township Precinct County	Signing
_____		
_____		

STATEMENT OF CIRCULATOR

I, \_\_\_\_\_ (name of circulator) \_\_\_\_\_, declare  
under penalty of election falsification that I am an elector of  
the state of Ohio and reside at the address appearing below my  
signature; that I am the circulator of the foregoing part  
petition containing \_\_\_\_\_ (number) \_\_\_\_\_ signatures; that I  
have witnessed the affixing of every signature; that all signers  
were to the best of my knowledge and belief qualified to sign;  
and that every signature is to the best of my knowledge and  
belief the signature of the person whose signature it purports  
to be or of an attorney in fact acting pursuant to section  
3501.382 of the Revised Code.

_____	27515
(Signature of circulator)	27516
_____	27517
(Address of circulator's permanent	27518
residence in this state)	27519
_____	27520
(City, village, or township,	27521
and zip code)	27522
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A	27523
FELONY OF THE FIFTH DEGREE."	27524
The petition shall be filed with the board of township	27525
trustees and shall be accompanied by an appropriate map of the	27526
area affected by the zoning proposal. Within two weeks after	27527
receiving a petition filed under this section, the board of	27528
township trustees shall certify the petition to the board of	27529
elections. A petition filed under this section shall be	27530
certified to the board of elections not less than ninety days	27531
prior to the election at which the question is to be voted upon.	27532
The board of elections shall determine the sufficiency and	27533
validity of each petition certified to it by a board of township	27534
trustees under this section. If the board of elections	27535
determines that a petition is sufficient and valid, the question	27536
shall be voted upon at a special election to be held on the day	27537
of the next primary or general election that occurs at least	27538
ninety days after the date the petition is filed with the board	27539
of township trustees, regardless of whether any election will be	27540
held to nominate or elect candidates on that day.	27541

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

(I) Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

(J) If a proposed amendment establishes or modifies planned-unit development regulations, the following apply in lieu of the contrary provisions of division (H) of this section:

(1) The board of elections shall determine the sufficiency and validity of the petition not later than thirty days after the petition is certified to the board of elections by the board of township trustees.

(2) If the board of elections determines there is an insufficient number of valid signatures, the board immediately shall notify the person who presented the petition. The person may submit additional signatures not later than ten days after the notification.

**Sec. 523.06.** If a merger agreement is entered into as

required by section 523.04 of the Revised Code, this section 27571  
does not apply. If a merger agreement is not entered into under 27572  
section 523.04 of the Revised Code, the merger agreement shall 27573  
contain all of the terms and conditions specified in this 27574  
section. If a partial merger agreement is entered into under 27575  
section 523.04 of the Revised Code, this section applies only to 27576  
the extent any term or condition that is required by section 27577  
523.04 of the Revised Code to be addressed in the merger 27578  
agreement is not addressed therein. 27579

The terms and conditions of a merger agreement to which 27580  
this section applies shall be as follows: 27581

(A) All members of each board of township trustees shall 27582  
serve as board members of the new township. At the first general 27583  
election for township officers occurring not less than ninety 27584  
days after a merger is approved, the electors of the new 27585  
township shall elect three township trustees with staggered 27586  
terms of office. The first terms of office following the 27587  
election shall be modified to an even number of years not to 27588  
exceed four to allow subsequent elections for the office to be 27589  
held in the same year as other township officers. 27590

(B) The township fiscal officer of the largest township, 27591  
by population, shall be the township fiscal officer for the new 27592  
township. At the first general election for township officers 27593  
occurring not less than ninety days after the merger, the 27594  
electors shall elect a township fiscal officer, whose first term 27595  
of office shall be modified to an even number of years not to 27596  
exceed four to allow subsequent elections for that office to be 27597  
held in the same year as other township fiscal officers. 27598

(C) Voted property tax levies shall remain in effect for 27599  
the parcels of real property to which they applied prior to the 27600

merger, and the merger shall not affect the proceeds of a tax 27601  
levy pledged for the retirement of any debt obligation. Upon 27602  
expiration of a property tax levy, the levy may only be ~~replaced~~ 27603  
~~or~~ renewed by vote of the electors in the manner provided by 27604  
law, to apply to real property within the boundaries of the new 27605  
township. If the millage levied inside the ten-mill limitation 27606  
of each township merged is different, the board of township 27607  
trustees of the new township shall immediately equalize the 27608  
millage for the entire new township. 27609

(D) For purposes of the retirement of all debt obligations 27610  
of each township merged, the township fiscal officer shall 27611  
continue to track parcels of real property and the tax revenue 27612  
generated on those parcels by the tax districts that were in 27613  
place prior to the merger, and shall provide that information on 27614  
an annual basis to the board of township trustees of the new 27615  
township. Debt obligations that existed at the time of the 27616  
merger shall be retired from the revenue generated from the 27617  
parcels of real property that made up the township that incurred 27618  
the debt before the merger. 27619

(E) (1) With respect to any agreement entered into under 27620  
Chapter 4117. of the Revised Code that covers any of the 27621  
employees of the townships merged under this chapter, the state 27622  
employment relations board, within one hundred twenty days after 27623  
the date the merger is approved, shall designate the appropriate 27624  
bargaining units for the employees of the new township in 27625  
accordance with section 4117.06 of the Revised Code. 27626  
Notwithstanding the recognition procedures prescribed in section 27627  
4117.05 and division (A) of section 4117.07 of the Revised Code, 27628  
the board shall conduct a representation election with respect 27629  
to each bargaining unit designated under this division in 27630  
accordance with divisions (B) and (C) of section 4117.07 of the 27631

Revised Code. If an exclusive representative is selected through 27632  
this election, the exclusive representative shall negotiate and 27633  
enter into an agreement with the new township in accordance with 27634  
Chapter 4117. of the Revised Code. Until the parties reach an 27635  
agreement, any agreement in effect on the date of the merger 27636  
shall apply to the employees that were in the bargaining unit 27637  
that is covered by the agreement. An agreement in existence on 27638  
the date of the merger is terminated on the effective date of an 27639  
agreement negotiated under this division. 27640

(2) If an exclusive representative is not selected, any 27641  
agreement in effect on the date of the merger shall apply to the 27642  
employees that were in the bargaining unit that is covered by 27643  
the agreement and shall expire on its terms. 27644

(3) Each agreement entered into under Chapter 4117. of the 27645  
Revised Code on or after ~~the effective date of this section~~ 27646  
September 29, 2011, involving a new township shall contain a 27647  
provision regarding the designation of an exclusive 27648  
representative and bargaining units for the new township as 27649  
described in division (E) of this section. 27650

(4) In addition to the laws listed in division (A) of 27651  
section 4117.10 of the Revised Code that prevail over 27652  
conflicting agreements between employee organizations and public 27653  
employers, division (E) of this section prevails over any 27654  
conflicting provisions of agreements between employee 27655  
organizations and public employers that are entered into on or 27656  
after ~~the effective date of this section~~ September 29, 2011, 27657  
pursuant to Chapter 4117. of the Revised Code. 27658

(5) As used in division (E) of this section, "employee 27659  
organization" and "exclusive representative" have the same 27660  
meanings as in section 4117.01 of the Revised Code. 27661

(F) (1) If the boundaries of the new township are not 27662  
coextensive with a special purpose district, the new township 27663  
shall remain in the existing special purpose district as a 27664  
successor to the original township, unless the special purpose 27665  
district is dissolved. The board of township trustees of the new 27666  
township may place a question on the ballot at the next general 27667  
election held after the merger to conform the boundaries, 27668  
dissolve the special purpose district, or absorb the special 27669  
purpose district into the new township on the terms specified in 27670  
the resolution that places the question on the ballot for 27671  
approval of the electors of the new township. 27672

(2) As used in division (F) of this section, "special 27673  
purpose district" means any geographic or political jurisdiction 27674  
that is created under law by a township merged. 27675

(G) Zoning codes that existed at the time of the merger 27676  
shall remain in effect after the merger, and the townships that 27677  
existed before the merger shall be treated as administrative 27678  
districts within the new township for the purposes of zoning. 27679

**Sec. 703.331.** (A) Not later than the last day of the year 27680  
that is immediately after the year the results of a federal 27681  
decennial census are released, the county auditor, county 27682  
treasurer, and one member of the board of county commissioners 27683  
selected by the board of county commissioners, jointly shall 27684  
evaluate each village located within the county to determine if, 27685  
over the approximate ten year period beginning the day the 27686  
results of the preceding federal decennial census were released 27687  
and ending the day the most recent federal decennial census 27688  
results were released, both of the following are true: 27689

(1) The village itself provided, the village contracted 27690  
with a private nongovernmental entity to provide, or the village 27691

contracted with a regional council of governments as defined in	27692
section 167.01 of the Revised Code that includes three or more	27693
political subdivisions at least two of which are municipal	27694
corporations to provide, at least five of the following	27695
services:	27696
(a) Police protection;	27697
(b) Fire-fighting services;	27698
(c) Garbage collection;	27699
(d) Water service;	27700
(e) Sewer service;	27701
(f) Emergency medical services;	27702
(g) Road maintenance;	27703
(h) Park services or other recreation services;	27704
(i) Human services;	27705
(j) A public library established and operated solely by	27706
the village;	27707
(k) <u>Electric service.</u>	27708
(2) At each election at which an elected village position	27709
was voted upon, at least one candidate appeared on the ballot	27710
for each elected village position.	27711
If a village is located in more than one county, the	27712
village shall be evaluated only by the county officials of the	27713
county wherein the largest portion of the population of the	27714
village resides.	27715
(B) Before beginning the evaluation, the county officials	27716
shall request, in writing, information from each village to	27717

assist the officials in making their determination. The request 27718  
shall indicate the applicable evaluation period. Each village 27719  
shall submit the information, in the manner requested by the 27720  
county officials, not later than thirty days after receiving the 27721  
request. The village shall include information about the 27722  
services provided over the evaluation period, the manner by 27723  
which such services were provided, a copy of the final 27724  
appropriation budget or budgets applicable to the evaluation 27725  
period, information on candidates on the ballot for village 27726  
elected offices during the evaluation period, any documentation 27727  
regarding the matters in division (A) of this section during the 27728  
evaluation period, and any other information specifically 27729  
requested by the county officials. After receiving the 27730  
information, if necessary, the county officials may request 27731  
additional information, which the village shall provide not 27732  
later than ten days after receiving the request. The county 27733  
officials shall base their finding on the information provided 27734  
from the village. 27735

(C) The county officials shall notify the legislative 27736  
authority of the village of the county officials' finding not 27737  
later than the last day of the year that is immediately after 27738  
the year the results of a federal decennial census are released. 27739

(D) If the county officials find a village failed to 27740  
provide services or field candidates as specified in division 27741  
(A) of this section, the county officials shall file the finding 27742  
with the board of elections of the county in which the largest 27743  
portion of the population of the village resides. The board of 27744  
elections shall submit the question "Shall the village of 27745  
\_\_\_\_\_ surrender its corporate powers?" for the approval or 27746  
rejection of the electors of the village at the next general 27747  
election, in any year, occurring after the period ending ninety 27748

days after the filing of the finding with the board. If the  
result of the election is in favor of the surrender, the board  
of elections shall certify the results to the secretary of  
state, the auditor of state, and the county recorder, who shall  
record it in their respective offices.

(E) The procedure in this section is in addition to the  
procedure under section 703.33 of the Revised Code for the  
dissolution of a village.

**Sec. 703.34.** (A) As used in this section, "condition for  
the dissolution of a village" means any of the following:

(1) The village has been declared to be in a fiscal  
emergency under Chapter 118. of the Revised Code and has been in  
fiscal emergency for at least three consecutive years with  
little or no improvement on the conditions that caused the  
fiscal emergency declaration.

(2) The village has failed to properly follow applicable  
election laws for at least two consecutive election cycles for  
any one elected office in the village.

(3) The village has been declared during an audit  
conducted under section 117.11 of the Revised Code to be  
unauditable under section 117.41 of the Revised Code in at least  
two consecutive audits.

(4) The village does not provide at least two services  
typically provided by municipal government, such as police or  
fire protection, garbage collection, water or sewer service,  
emergency medical services, road maintenance, or similar  
services. "Services" does not include any administrative service  
or legislative action.

(5) The village has failed for any fiscal year to adopt

the tax budget required by section 5705.28 of the Revised Code. 27778

(6) A village elected official has been convicted of theft 27779  
in office, either under section 2921.41 of the Revised Code or 27780  
an equivalent criminal statute at the federal level, at least 27781  
two times in a period of ten years. The convicted official with 27782  
respect to those convictions may be the same person or different 27783  
persons. 27784

(B) If the auditor of state finds, in an audit report 27785  
issued under division (A) or (B) of section 117.11 of the 27786  
Revised Code of a village that has a population of ~~one~~five 27787  
~~hundred fifty~~ persons or less ~~and consists of less than two~~ 27788  
~~square miles~~, that the village meets at least two conditions for 27789  
the dissolution of a village, the auditor of state shall send a 27790  
certified copy of the report together with a letter to the 27791  
attorney general requesting the attorney general to institute 27792  
legal action to dissolve the village in accordance with division 27793  
(C) of this section. The report and letter shall be sent to the 27794  
attorney general within ten business days after the auditor of 27795  
state's transmittal of the report to the village. The audit 27796  
report transmitted to the village shall be accompanied by a 27797  
notice to the village of the auditor's intent to refer the 27798  
report to the attorney general for legal action in accordance 27799  
with this section. 27800

(C) Within twenty days of receipt of the auditor of 27801  
state's report and letter, the attorney general may file a legal 27802  
action in the court of common pleas on behalf of the state to 27803  
request the dissolution of the village that is the subject of 27804  
the audit report. If a legal action is filed, the court shall 27805  
hold a hearing within ninety days after the date the attorney 27806  
general files the legal action with the court. Notice of the 27807

hearing shall be filed with the attorney general, the clerk of 27808  
the village that is the subject of the action, and each fiscal 27809  
officer of a township located wholly or partly within the 27810  
village. 27811

At the hearing on dissolution, the court shall determine 27812  
if the village has a population of ~~one~~five hundred ~~fifty~~ 27813  
persons or less, ~~consists of less than two square miles,~~ and 27814  
meets at least two conditions for the dissolution of a village. 27815  
If the court so finds, the court shall order the dissolution of 27816  
the village, which shall proceed in accordance with sections 27817  
703.31 to 703.39 of the Revised Code. The attorney general shall 27818  
file a certified copy of the court's order of dissolution with 27819  
the secretary of state and the county recorder of the county in 27820  
which the village is situated, who shall record it in their 27821  
respective offices. 27822

(D) For purposes of this section, the population of a 27823  
village shall be the population determined either at the last 27824  
preceding federal decennial census or according to population 27825  
estimates certified by the department of development between 27826  
decennial censuses. 27827

(E) The procedure in this section is in addition to the 27828  
procedure of section 703.33 of the Revised Code for the 27829  
dissolution of a village. 27830

**Sec. 717.051.** Any multi-level off-street parking structure 27831  
that is not tax exempt under section 717.05 of the Revised Code 27832  
and is acquired in fee or by lease or constructed by a municipal 27833  
corporation ~~that qualifies as an impacted city, as defined in~~ 27834  
~~division (C) of section 1728.01 of the Revised Code, at the time~~ 27835  
~~of the initial application for exemption provided for in this~~ 27836  
~~section or so acquired or constructed by,~~ a county within the 27837

~~corporate boundaries of such an impacted city, a new community~~ 27838  
~~authority, or a port authority, and the land on which the~~ 27839  
~~parking structure is situated,~~ is hereby declared to be a public 27840  
purpose and may, at the option of the ~~impacted city or municipal~~ 27841  
~~corporation,~~ the county, ~~the new community authority, or the~~ 27842  
~~port authority,~~ be made the subject of an application for 27843  
exemption and shall be exempt from taxation for such period as 27844  
the parking structure is owned or leased by such municipal 27845  
corporation ~~or, county and is available to members of the~~ 27846  
~~general public on a daily or monthly or other subscription~~ 27847  
~~basis, provided such period of exemption shall not exceed twenty~~ 27848  
~~years from September 30, 1974, or the date acquisition or~~ 27849  
~~construction of such structure is completed, whichever shall~~ 27850  
~~occur later,~~ new community authority, or port authority. 27851  
Any such exemption shall be claimed and allowed in the same or 27852  
similar manner as in the case of other real property exemptions. 27853  
In the event that an exemption status changes during a tax year, 27854  
the procedure for the apportionment of the taxes for said year 27855  
shall be the same as in the case of other changes in the 27856  
exemption status during the tax year. 27857

**Sec. 718.01.** Any term used in this chapter that is not 27858  
otherwise defined in this chapter has the same meaning as when 27859  
used in a comparable context in laws of the United States 27860  
relating to federal income taxation or in Title LVII of the 27861  
Revised Code, unless a different meaning is clearly required. 27862  
Except as provided in section 718.81 of the Revised Code, if a 27863  
term used in this chapter that is not otherwise defined in this 27864  
chapter is used in a comparable context in both the laws of the 27865  
United States relating to federal income tax and in Title LVII 27866  
of the Revised Code and the use is not consistent, then the use 27867  
of the term in the laws of the United States relating to federal 27868

income tax shall control over the use of the term in Title LVII 27869  
of the Revised Code. 27870

Except as otherwise provided in section 718.81 of the 27871  
Revised Code, as used in this chapter: 27872

(A) (1) "Municipal taxable income" means the following: 27873

(a) For a person other than an individual, income 27874  
apportioned or sitused to the municipal corporation under 27875  
section 718.02 of the Revised Code, as applicable, reduced by 27876  
any pre-2017 net operating loss carryforward available to the 27877  
person for the municipal corporation. 27878

(b) (i) For an individual who is a resident of a municipal 27879  
corporation other than a qualified municipal corporation, income 27880  
reduced by exempt income to the extent otherwise included in 27881  
income, then reduced as provided in division (A) (2) of this 27882  
section, and further reduced by any pre-2017 net operating loss 27883  
carryforward available to the individual for the municipal 27884  
corporation. 27885

(ii) For an individual who is a resident of a qualified 27886  
municipal corporation, Ohio adjusted gross income reduced by 27887  
income exempted, and increased by deductions excluded, by the 27888  
qualified municipal corporation from the qualified municipal 27889  
corporation's tax. If a qualified municipal corporation, on or 27890  
before December 31, 2013, exempts income earned by individuals 27891  
who are not residents of the qualified municipal corporation and 27892  
net profit of persons that are not wholly located within the 27893  
qualified municipal corporation, such individual or person shall 27894  
have no municipal taxable income for the purposes of the tax 27895  
levied by the qualified municipal corporation and may be 27896  
exempted by the qualified municipal corporation from the 27897

requirements of section 718.03 of the Revised Code. 27898

(c) For an individual who is a nonresident of a municipal 27899  
corporation, income reduced by exempt income to the extent 27900  
otherwise included in income and then, as applicable, 27901  
apportioned or situated to the municipal corporation under 27902  
section 718.02 of the Revised Code, then reduced as provided in 27903  
division (A)(2) of this section, and further reduced by any pre- 27904  
2017 net operating loss carryforward available to the individual 27905  
for the municipal corporation. 27906

(2) In computing the municipal taxable income of a 27907  
taxpayer who is an individual, the taxpayer may subtract, as 27908  
provided in division (A)(1)(b)(i) or (c) of this section, the 27909  
amount of the individual's employee business expenses reported 27910  
on the individual's form 2106 that the individual deducted for 27911  
federal income tax purposes for the taxable year, subject to the 27912  
limitation imposed by section 67 of the Internal Revenue Code. 27913  
For the municipal corporation in which the taxpayer is a 27914  
resident, the taxpayer may deduct all such expenses allowed for 27915  
federal income tax purposes. For a municipal corporation in 27916  
which the taxpayer is not a resident, the taxpayer may deduct 27917  
such expenses only to the extent the expenses are related to the 27918  
taxpayer's performance of personal services in that nonresident 27919  
municipal corporation. 27920

(B) "Income" means the following: 27921

(1)(a) For residents, all income, salaries, qualifying 27922  
wages, commissions, and other compensation from whatever source 27923  
earned or received by the resident, including the resident's 27924  
distributive share of the net profit of pass-through entities 27925  
owned directly or indirectly by the resident and any net profit 27926  
of the resident, except as provided in division (D)(5) of this 27927

section. 27928

(b) For the purposes of division (B) (1) (a) of this section: 27929  
27930

(i) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (B) (1) (d) of this section; 27931  
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(ii) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year. 27941  
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(c) Division (B) (1) (b) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C) (14) (b) or (c) of this section. 27947  
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(d) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the 27953  
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27955  
27956

cumulative deductions for all taxable years with respect to a 27957  
taxpayer's net operating loss exceed the original amount of that 27958  
net operating loss available to that taxpayer. 27959

(2) In the case of nonresidents, all income, salaries, 27960  
qualifying wages, commissions, and other compensation from 27961  
whatever source earned or received by the nonresident for work 27962  
done, services performed or rendered, or activities conducted in 27963  
the municipal corporation, including any net profit of the 27964  
nonresident, but excluding the nonresident's distributive share 27965  
of the net profit or loss of only pass-through entities owned 27966  
directly or indirectly by the nonresident. 27967

(3) For taxpayers that are not individuals, net profit of 27968  
the taxpayer; 27969

(4) Lottery, sweepstakes, gambling and sports winnings, 27970  
winnings from games of chance, and prizes and awards. If the 27971  
taxpayer is a professional gambler for federal income tax 27972  
purposes, the taxpayer may deduct related wagering losses and 27973  
expenses to the extent authorized under the Internal Revenue 27974  
Code and claimed against such winnings. 27975

(C) "Exempt income" means all of the following: 27976

(1) The military pay or allowances of members of the armed 27977  
forces of the United States or members of their reserve 27978  
components, including the national guard of any state~~r~~. As used 27979  
in division (C) (1) of this section, "armed forces" has the same 27980  
meaning as in 10 U.S.C. 101. 27981

(2) (a) Except as provided in division (C) (2) (b) of this 27982  
section, intangible income; 27983

(b) A municipal corporation that taxed any type of 27984  
intangible income on March 29, 1988, pursuant to Section 3 of 27985

S.B. 238 of the 116th general assembly, may continue to tax that 27986  
type of income if a majority of the electors of the municipal 27987  
corporation voting on the question of whether to permit the 27988  
taxation of that type of intangible income after 1988 voted in 27989  
favor thereof at an election held on November 8, 1988. 27990

(3) Social security benefits, railroad retirement 27991  
benefits, unemployment compensation, pensions, retirement 27992  
benefit payments, payments from annuities, and similar payments 27993  
made to an employee or to the beneficiary of an employee under a 27994  
retirement program or plan, disability payments received from 27995  
private industry or local, state, or federal governments or from 27996  
charitable, religious or educational organizations, and the 27997  
proceeds of sickness, accident, or liability insurance policies. 27998  
As used in division (C) (3) of this section, "unemployment 27999  
compensation" does not include supplemental unemployment 28000  
compensation described in section 3402(o) (2) of the Internal 28001  
Revenue Code. 28002

(4) The income of religious, fraternal, charitable, 28003  
scientific, literary, or educational institutions to the extent 28004  
such income is derived from tax-exempt real estate, tax-exempt 28005  
tangible or intangible property, or tax-exempt activities. 28006

(5) Compensation paid under section 3501.28 or 3501.36 of 28007  
the Revised Code to a person serving as a precinct election 28008  
official to the extent that such compensation does not exceed 28009  
one thousand dollars for the taxable year. Such compensation in 28010  
excess of one thousand dollars for the taxable year may be 28011  
subject to taxation by a municipal corporation. A municipal 28012  
corporation shall not require the payer of such compensation to 28013  
withhold any tax from that compensation. 28014

(6) Dues, contributions, and similar payments received by 28015

charitable, religious, educational, or literary organizations or	28016
labor unions, lodges, and similar organizations;	28017
(7) Alimony and child support received;	28018
(8) Compensation for personal injuries or for damages to	28019
property from insurance proceeds or otherwise, excluding	28020
compensation paid for lost salaries or wages or compensation	28021
from punitive damages;	28022
(9) Income of a public utility when that public utility is	28023
subject to the tax levied under section 5727.24 or 5727.30 of	28024
the Revised Code. Division (C) (9) of this section does not apply	28025
for purposes of Chapter 5745. of the Revised Code.	28026
(10) Gains from involuntary conversions, interest on	28027
federal obligations, items of income subject to a tax levied by	28028
the state and that a municipal corporation is specifically	28029
prohibited by law from taxing, and income of a decedent's estate	28030
during the period of administration except such income from the	28031
operation of a trade or business;	28032
(11) Compensation or allowances excluded from federal	28033
gross income under section 107 of the Internal Revenue Code;	28034
(12) Employee compensation that is not qualifying wages as	28035
defined in division (R) of this section;	28036
(13) Compensation paid to a person employed within the	28037
boundaries of a United States air force base under the	28038
jurisdiction of the United States air force that is used for the	28039
housing of members of the United States air force and is a	28040
center for air force operations, unless the person is subject to	28041
taxation because of residence or domicile. If the compensation	28042
is subject to taxation because of residence or domicile, tax on	28043
such income shall be payable only to the municipal corporation	28044

of residence or domicile. 28045

(14) (a) Except as provided in division (C) (14) (b) or (c) 28046  
of this section, an S corporation shareholder's distributive 28047  
share of net profits of the S corporation, other than any part 28048  
of the distributive share of net profits that represents wages 28049  
as defined in section 3121(a) of the Internal Revenue Code or 28050  
net earnings from self-employment as defined in section 1402(a) 28051  
of the Internal Revenue Code. 28052

(b) If, pursuant to division (H) of former section 718.01 28053  
of the Revised Code as it existed before March 11, 2004, a 28054  
majority of the electors of a municipal corporation voted in 28055  
favor of the question at an election held on November 4, 2003, 28056  
the municipal corporation may continue after 2002 to tax an S 28057  
corporation shareholder's distributive share of net profits of 28058  
an S corporation. 28059

(c) If, on December 6, 2002, a municipal corporation was 28060  
imposing, assessing, and collecting a tax on an S corporation 28061  
shareholder's distributive share of net profits of the S 28062  
corporation to the extent the distributive share would be 28063  
allocated or apportioned to this state under divisions (B) (1) 28064  
and (2) of section 5733.05 of the Revised Code if the S 28065  
corporation were a corporation subject to taxes imposed under 28066  
Chapter 5733. of the Revised Code, the municipal corporation may 28067  
continue to impose the tax on such distributive shares to the 28068  
extent such shares would be so allocated or apportioned to this 28069  
state only until December 31, 2004, unless a majority of the 28070  
electors of the municipal corporation voting on the question of 28071  
continuing to tax such shares after that date voted in favor of 28072  
that question at an election held November 2, 2004. If a 28073  
majority of those electors voted in favor of the question, the 28074

municipal corporation may continue after December 31, 2004, to 28075  
impose the tax on such distributive shares only to the extent 28076  
such shares would be so allocated or apportioned to this state. 28077

(d) A municipal corporation shall be deemed to have 28078  
elected to tax S corporation shareholders' distributive shares 28079  
of net profits of the S corporation in the hands of the 28080  
shareholders if a majority of the electors of a municipal 28081  
corporation voted in favor of a question at an election held 28082  
under division (C) (14) (b) or (c) of this section. The municipal 28083  
corporation shall specify by resolution or ordinance that the 28084  
tax applies to the distributive share of a shareholder of an S 28085  
corporation in the hands of the shareholder of the S 28086  
corporation. 28087

(15) The income of individuals under eighteen years of 28088  
age. 28089

(16) (a) Except as provided in divisions (C) (16) (b), (c), 28090  
and (d) of this section, qualifying wages described in division 28091  
(B) (1) or (E) of section 718.011 of the Revised Code to the 28092  
extent the qualifying wages are not subject to withholding for 28093  
the municipal corporation under either of those divisions. 28094

(b) The exemption provided in division (C) (16) (a) of this 28095  
section does not apply with respect to the municipal corporation 28096  
in which the employee resided at the time the employee earned 28097  
the qualifying wages. 28098

(c) The exemption provided in division (C) (16) (a) of this 28099  
section does not apply to qualifying wages that an employer 28100  
elects to withhold under division (D) (2) of section 718.011 of 28101  
the Revised Code. 28102

(d) The exemption provided in division (C) (16) (a) of this 28103

section does not apply to qualifying wages if both of the 28104  
following conditions apply: 28105

(i) For qualifying wages described in division (B) (1) of 28106  
section 718.011 of the Revised Code, the employee's employer 28107  
withholds and remits tax on the qualifying wages to the 28108  
municipal corporation in which the employee's principal place of 28109  
work is situated, or, for qualifying wages described in division 28110  
(E) of section 718.011 of the Revised Code, the employee's 28111  
employer withholds and remits tax on the qualifying wages to the 28112  
municipal corporation in which the employer's fixed location is 28113  
located; 28114

(ii) The employee receives a refund of the tax described 28115  
in division (C) (16) (d) (i) of this section on the basis of the 28116  
employee not performing services in that municipal corporation. 28117

(17) (a) Except as provided in division (C) (17) (b) or (c) 28118  
of this section, compensation that is not qualifying wages paid 28119  
to a nonresident individual for personal services performed in 28120  
the municipal corporation on not more than twenty days in a 28121  
taxable year. 28122

(b) The exemption provided in division (C) (17) (a) of this 28123  
section does not apply under either of the following 28124  
circumstances: 28125

(i) The individual's base of operation is located in the 28126  
municipal corporation. 28127

(ii) The individual is a professional athlete, 28128  
professional entertainer, or public figure, and the compensation 28129  
is paid for the performance of services in the individual's 28130  
capacity as a professional athlete, professional entertainer, or 28131  
public figure. For purposes of division (C) (17) (b) (ii) of this 28132

section, "professional athlete," "professional entertainer," and 28133  
"public figure" have the same meanings as in section 718.011 of 28134  
the Revised Code. 28135

(c) Compensation to which division (C)(17) of this section 28136  
applies shall be treated as earned or received at the 28137  
individual's base of operation. If the individual does not have 28138  
a base of operation, the compensation shall be treated as earned 28139  
or received where the individual is domiciled. 28140

(d) For purposes of division (C)(17) of this section, 28141  
"base of operation" means the location where an individual owns 28142  
or rents an office, storefront, or similar facility to which the 28143  
individual regularly reports and at which the individual 28144  
regularly performs personal services for compensation. 28145

(18) Compensation paid to a person for personal services 28146  
performed for a political subdivision on property owned by the 28147  
political subdivision, regardless of whether the compensation is 28148  
received by an employee of the subdivision or another person 28149  
performing services for the subdivision under a contract with 28150  
the subdivision, if the property on which services are performed 28151  
is annexed to a municipal corporation pursuant to section 28152  
709.023 of the Revised Code on or after March 27, 2013, unless 28153  
the person is subject to such taxation because of residence. If 28154  
the compensation is subject to taxation because of residence, 28155  
municipal income tax shall be payable only to the municipal 28156  
corporation of residence. 28157

(19) In the case of a tax administered, collected, and 28158  
enforced by a municipal corporation pursuant to an agreement 28159  
with the board of directors of a joint economic development 28160  
district under section 715.72 of the Revised Code, the net 28161  
profits of a business, and the income of the employees of that 28162

business, exempted from the tax under division (Q) of that	28163
section.	28164
(20) All of the following:	28165
(a) Income derived from disaster work conducted in this	28166
state by an out-of-state disaster business during a disaster	28167
response period pursuant to a qualifying solicitation received	28168
by the business;	28169
(b) Income of a qualifying employee described in division	28170
(A) (14) (a) of section 5703.94 of the Revised Code, to the extent	28171
such income is derived from disaster work conducted in this	28172
state by the employee during a disaster response period pursuant	28173
to a qualifying solicitation received by the employee's	28174
employer;	28175
(c) Income of a qualifying employee described in division	28176
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent	28177
such income is derived from disaster work conducted in this	28178
state by the employee during a disaster response period on	28179
critical infrastructure owned or used by the employee's	28180
employer.	28181
(21) Income the taxation of which is prohibited by the	28182
constitution or laws of the United States.	28183
Any item of income that is exempt income of a pass-through	28184
entity under division (C) of this section is exempt income of	28185
each owner of the pass-through entity to the extent of that	28186
owner's distributive or proportionate share of that item of the	28187
entity's income.	28188
(D) (1) "Net profit" for a person who is an individual	28189
means the individual's net profit required to be reported on	28190
schedule C, schedule E, or schedule F reduced by any net	28191

operating loss carried forward. For the purposes of division (D) 28192  
(1) of this section, the net operating loss carried forward 28193  
shall be calculated and deducted in the same manner as provided 28194  
in division (D) (3) of this section. 28195

(2) "Net profit" for a person other than an individual 28196  
means adjusted federal taxable income reduced by any net 28197  
operating loss incurred by the person in a taxable year 28198  
beginning on or after January 1, 2017, subject to the 28199  
limitations of division (D) (3) of this section. 28200

(3) (a) The amount of such net operating loss shall be 28201  
deducted from net profit to the extent necessary to reduce 28202  
municipal taxable income to zero, with any remaining unused 28203  
portion of the net operating loss carried forward to not more 28204  
than five consecutive taxable years following the taxable year 28205  
in which the loss was incurred, but in no case for more years 28206  
than necessary for the deduction to be fully utilized. 28207

(b) No person shall use the deduction allowed by division 28208  
(D) (3) of this section to offset qualifying wages. 28209

(c) (i) For taxable years beginning in 2018, 2019, 2020, 28210  
2021, or 2022, a person may not deduct, for purposes of an 28211  
income tax levied by a municipal corporation that levies an 28212  
income tax before January 1, 2016, more than fifty per cent of 28213  
the amount of the deduction otherwise allowed by division (D) (3) 28214  
of this section. 28215

(ii) For taxable years beginning in 2023 or thereafter, a 28216  
person may deduct, for purposes of an income tax levied by a 28217  
municipal corporation that levies an income tax before January 28218  
1, 2016, the full amount allowed by division (D) (3) of this 28219  
section without regard to the limitation of division (D) (3) (c) 28220

(i) of this section.	28221
(d) Any pre-2017 net operating loss carryforward deduction	28222
that is available may be utilized before a taxpayer may deduct	28223
any amount pursuant to division (D) (3) of this section.	28224
(e) Nothing in division (D) (3) (c) (i) of this section	28225
precludes a person from carrying forward, for use with respect	28226
to any return filed for a taxable year beginning after 2018, any	28227
amount of net operating loss that was not fully utilized by	28228
operation of division (D) (3) (c) (i) of this section. To the	28229
extent that an amount of net operating loss that was not fully	28230
utilized in one or more taxable years by operation of division	28231
(D) (3) (c) (i) of this section is carried forward for use with	28232
respect to a return filed for a taxable year beginning in 2019,	28233
2020, 2021, or 2022, the limitation described in division (D) (3)	28234
(c) (i) of this section shall apply to the amount carried	28235
forward.	28236
(4) For the purposes of this chapter, and notwithstanding	28237
division (D) (2) of this section, net profit of a disregarded	28238
entity shall not be taxable as against that disregarded entity,	28239
but shall instead be included in the net profit of the owner of	28240
the disregarded entity.	28241
(5) For the purposes of this chapter, and notwithstanding	28242
any other provision of this chapter, the net profit of a	28243
publicly traded partnership that makes the election described in	28244
division (D) (5) of this section shall be taxed as if the	28245
partnership were a C corporation, and shall not be treated as	28246
the net profit or income of any owner of the partnership.	28247
A publicly traded partnership that is treated as a	28248
partnership for federal income tax purposes and that is subject	28249

to tax on its net profits in one or more municipal corporations 28250  
in this state may elect to be treated as a C corporation for 28251  
municipal income tax purposes. The publicly traded partnership 28252  
shall make the election in every municipal corporation in which 28253  
the partnership is subject to taxation on its net profits. The 28254  
election shall be made on the annual tax return filed in each 28255  
such municipal corporation. The publicly traded partnership 28256  
shall not be required to file the election with any municipal 28257  
corporation in which the partnership is not subject to taxation 28258  
on its net profits, but division (D) (5) of this section applies 28259  
to all municipal corporations in which an individual owner of 28260  
the partnership resides. 28261

(E) "Adjusted federal taxable income," for a person 28262  
required to file as a C corporation, or for a person that has 28263  
elected to be taxed as a C corporation under division (D) (5) of 28264  
this section, means a C corporation's federal taxable income 28265  
before net operating losses and special deductions as determined 28266  
under the Internal Revenue Code, adjusted as follows: 28267

(1) Deduct intangible income to the extent included in 28268  
federal taxable income. The deduction shall be allowed 28269  
regardless of whether the intangible income relates to assets 28270  
used in a trade or business or assets held for the production of 28271  
income. 28272

(2) Add an amount equal to five per cent of intangible 28273  
income deducted under division (E) (1) of this section, but 28274  
excluding that portion of intangible income directly related to 28275  
the sale, exchange, or other disposition of property described 28276  
in section 1221 of the Internal Revenue Code; 28277

(3) Add any losses allowed as a deduction in the 28278  
computation of federal taxable income if the losses directly 28279

relate to the sale, exchange, or other disposition of an asset	28280
described in section 1221 or 1231 of the Internal Revenue Code;	28281
(4) (a) Except as provided in division (E) (4) (b) of this	28282
section, deduct income and gain included in federal taxable	28283
income to the extent the income and gain directly relate to the	28284
sale, exchange, or other disposition of an asset described in	28285
section 1221 or 1231 of the Internal Revenue Code;	28286
(b) Division (E) (4) (a) of this section does not apply to	28287
the extent the income or gain is income or gain described in	28288
section 1245 or 1250 of the Internal Revenue Code.	28289
(5) Add taxes on or measured by net income allowed as a	28290
deduction in the computation of federal taxable income;	28291
(6) In the case of a real estate investment trust or	28292
regulated investment company, add all amounts with respect to	28293
dividends to, distributions to, or amounts set aside for or	28294
credited to the benefit of investors and allowed as a deduction	28295
in the computation of federal taxable income;	28296
(7) Deduct, to the extent not otherwise deducted or	28297
excluded in computing federal taxable income, any income derived	28298
from a transfer agreement or from the enterprise transferred	28299
under that agreement under section 4313.02 of the Revised Code;	28300
(8) Deduct exempt income to the extent not otherwise	28301
deducted or excluded in computing adjusted federal taxable	28302
income.	28303
(9) Deduct any net profit of a pass-through entity owned	28304
directly or indirectly by the taxpayer and included in the	28305
taxpayer's federal taxable income unless an affiliated group of	28306
corporations includes that net profit in the group's federal	28307
taxable income in accordance with division (E) (3) (b) of section	28308

718.06 of the Revised Code. 28309

(10) Add any loss incurred by a pass-through entity owned 28310  
directly or indirectly by the taxpayer and included in the 28311  
taxpayer's federal taxable income unless an affiliated group of 28312  
corporations includes that loss in the group's federal taxable 28313  
income in accordance with division (E) (3) (b) of section 718.06 28314  
of the Revised Code. 28315

If the taxpayer is not a C corporation, is not a 28316  
disregarded entity that has made the election described in 28317  
division (L) (2) of this section, is not a publicly traded 28318  
partnership that has made the election described in division (D) 28319  
(5) of this section, and is not an individual, the taxpayer 28320  
shall compute adjusted federal taxable income under this section 28321  
as if the taxpayer were a C corporation, except guaranteed 28322  
payments and other similar amounts paid or accrued to a partner, 28323  
former partner, shareholder, former shareholder, member, or 28324  
former member shall not be allowed as a deductible expense 28325  
unless such payments are a pension or retirement benefit payment 28326  
paid to a retired partner, retired shareholder, or retired 28327  
member or are in consideration for the use of capital and 28328  
treated as payment of interest under section 469 of the Internal 28329  
Revenue Code or United States treasury regulations. Amounts paid 28330  
or accrued to a qualified self-employed retirement plan with 28331  
respect to a partner, former partner, shareholder, former 28332  
shareholder, member, or former member of the taxpayer, amounts 28333  
paid or accrued to or for health insurance for a partner, former 28334  
partner, shareholder, former shareholder, member, or former 28335  
member, and amounts paid or accrued to or for life insurance for 28336  
a partner, former partner, shareholder, former shareholder, 28337  
member, or former member shall not be allowed as a deduction. 28338

Nothing in division (E) of this section shall be construed 28339  
as allowing the taxpayer to add or deduct any amount more than 28340  
once or shall be construed as allowing any taxpayer to deduct 28341  
any amount paid to or accrued for purposes of federal self- 28342  
employment tax. 28343

(F) "Schedule C" means internal revenue service schedule C 28344  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 28345  
Code. 28346

(G) "Schedule E" means internal revenue service schedule E 28347  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 28348  
Code. 28349

(H) "Schedule F" means internal revenue service schedule F 28350  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 28351  
Code. 28352

(I) "Internal Revenue Code" has the same meaning as in 28353  
section 5747.01 of the Revised Code. 28354

(J) "Resident" means an individual who is domiciled in the 28355  
municipal corporation as determined under section 718.012 of the 28356  
Revised Code. 28357

(K) "Nonresident" means an individual that is not a 28358  
resident. 28359

(L) (1) "Taxpayer" means a person subject to a tax levied 28360  
on income by a municipal corporation in accordance with this 28361  
chapter. "Taxpayer" does not include a grantor trust or, except 28362  
as provided in division (L) (2) (a) of this section, a disregarded 28363  
entity. 28364

(2) (a) A single member limited liability company that is a 28365  
disregarded entity for federal tax purposes may be a separate 28366

taxpayer from its single member in all Ohio municipal 28367  
corporations in which it either filed as a separate taxpayer or 28368  
did not file for its taxable year ending in 2003, if all of the 28369  
following conditions are met: 28370

(i) The limited liability company's single member is also 28371  
a limited liability company. 28372

(ii) The limited liability company and its single member 28373  
were formed and doing business in one or more Ohio municipal 28374  
corporations for at least five years before January 1, 2004. 28375

(iii) Not later than December 31, 2004, the limited 28376  
liability company and its single member each made an election to 28377  
be treated as a separate taxpayer under division (L) of this 28378  
section as this section existed on December 31, 2004. 28379

(iv) The limited liability company was not formed for the 28380  
purpose of evading or reducing Ohio municipal corporation income 28381  
tax liability of the limited liability company or its single 28382  
member. 28383

(v) The Ohio municipal corporation that was the primary 28384  
place of business of the sole member of the limited liability 28385  
company consented to the election. 28386

(b) For purposes of division (L) (2) (a) (v) of this section, 28387  
a municipal corporation was the primary place of business of a 28388  
limited liability company if, for the limited liability 28389  
company's taxable year ending in 2003, its income tax liability 28390  
was greater in that municipal corporation than in any other 28391  
municipal corporation in Ohio, and that tax liability to that 28392  
municipal corporation for its taxable year ending in 2003 was at 28393  
least four hundred thousand dollars. 28394

(M) "Person" includes individuals, firms, companies, joint 28395

stock companies, business trusts, estates, trusts, partnerships, 28396  
limited liability partnerships, limited liability companies, 28397  
associations, C corporations, S corporations, governmental 28398  
entities, and any other entity. 28399

(N) "Pass-through entity" means a partnership not treated 28400  
as an association taxable as a C corporation for federal income 28401  
tax purposes, a limited liability company not treated as an 28402  
association taxable as a C corporation for federal income tax 28403  
purposes, an S corporation, or any other class of entity from 28404  
which the income or profits of the entity are given pass-through 28405  
treatment for federal income tax purposes. "Pass-through entity" 28406  
does not include a trust, estate, grantor of a grantor trust, or 28407  
disregarded entity. 28408

(O) "S corporation" means a person that has made an 28409  
election under subchapter S of Chapter 1 of Subtitle A of the 28410  
Internal Revenue Code for its taxable year. 28411

(P) "Single member limited liability company" means a 28412  
limited liability company that has one direct member. 28413

(Q) "Limited liability company" means a limited liability 28414  
company formed under former Chapter 1705. of the Revised Code as 28415  
that chapter existed prior to February 11, 2022, Chapter 1706. 28416  
of the Revised Code, or the laws of another state. 28417

(R) "Qualifying wages" means wages, as defined in section 28418  
3121(a) of the Internal Revenue Code, without regard to any wage 28419  
limitations, adjusted as follows: 28420

(1) Deduct the following amounts: 28421

(a) Any amount included in wages if the amount constitutes 28422  
compensation attributable to a plan or program described in 28423  
section 125 of the Internal Revenue Code. 28424

(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(e) Any amount included in wages that is exempt income.

(2) Add the following amounts:

(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.

(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R) (2) (c) of this section applies only to employee contributions and employee deferrals.	28454 28455 28456 28457
(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o) (2) of the Internal Revenue Code and not included in wages.	28458 28459 28460
(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a) (8) of the Internal Revenue Code.	28461 28462 28463
(f) Any amount not included in wages if all of the following apply:	28464 28465
(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;	28466 28467 28468 28469 28470 28471 28472
(ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;	28473 28474 28475
(iii) For no succeeding taxable year will the amount constitute wages; and	28476 28477
(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R) (2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.	28478 28479 28480 28481 28482

(S) "Intangible income" means income of any of the 28483  
following types: income yield, interest, capital gains, 28484  
dividends, or other income arising from the ownership, sale, 28485  
exchange, or other disposition of intangible property including, 28486  
but not limited to, investments, deposits, money, or credits as 28487  
those terms are defined in Chapter 5701. of the Revised Code, 28488  
and patents, copyrights, trademarks, tradenames, investments in 28489  
real estate investment trusts, investments in regulated 28490  
investment companies, and appreciation on deferred compensation. 28491  
"Intangible income" does not include prizes, awards, or other 28492  
income associated with any lottery winnings, gambling winnings, 28493  
or other similar games of chance. 28494

(T) "Taxable year" means the corresponding tax reporting 28495  
period as prescribed for the taxpayer under the Internal Revenue 28496  
Code. 28497

(U) (1) "Tax administrator" means, subject to division (U) 28498  
(2) of this section, the individual charged with direct 28499  
responsibility for administration of an income tax levied by a 28500  
municipal corporation in accordance with this chapter, and also 28501  
includes the following: 28502

(a) A municipal corporation acting as the agent of another 28503  
municipal corporation; 28504

(b) A person retained by a municipal corporation to 28505  
administer a tax levied by the municipal corporation, but only 28506  
if the municipal corporation does not compensate the person in 28507  
whole or in part on a contingency basis; 28508

(c) The central collection agency or the regional income 28509  
tax agency or their successors in interest, or another entity 28510  
organized to perform functions similar to those performed by the 28511

central collection agency and the regional income tax agency. 28512

(2) "Tax administrator" does not include the tax 28513  
commissioner. 28514

(3) A private individual or entity serving in any position 28515  
described in division (U) (1) (b) or (c) of this section shall 28516  
have no access to criminal history record information. 28517

(V) "Employer" means a person that is an employer for 28518  
federal income tax purposes. 28519

(W) "Employee" means an individual who is an employee for 28520  
federal income tax purposes. 28521

(X) "Other payer" means any person, other than an 28522  
individual's employer or the employer's agent, that pays an 28523  
individual any amount included in the federal gross income of 28524  
the individual. "Other payer" includes casino operators and 28525  
video lottery terminal sales agents. 28526

(Y) "Calendar quarter" means the three-month period ending 28527  
on the last day of March, June, September, or December. 28528

(Z) "Form 2106" means internal revenue service form 2106 28529  
filed by a taxpayer pursuant to the Internal Revenue Code. 28530

(AA) "Municipal corporation" includes a joint economic 28531  
development district or joint economic development zone that 28532  
levies an income tax under section 715.691, 715.70, 715.71, or 28533  
715.72 of the Revised Code. 28534

(BB) "Disregarded entity" means a single member limited 28535  
liability company, a qualifying subchapter S subsidiary, or 28536  
another entity if the company, subsidiary, or entity is a 28537  
disregarded entity for federal income tax purposes. 28538

(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	28539 28540 28541 28542 28543 28544
(DD) "Tax return preparer" means any individual described in section 7701(a) (36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	28545 28546 28547
(EE) "Ohio business gateway" means the online computer network system created under section 125.30 of the Revised Code or any successor electronic filing and payment system.	28548 28549 28550
(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.	28551 28552 28553
(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.	28554 28555 28556 28557 28558
(HH) "Casino operator" and "casino facility" have the same meanings as in section 3772.01 of the Revised Code.	28559 28560
(II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.	28561 28562
(JJ) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Revised Code.	28563 28564 28565 28566

(KK) "Postal service" means the United States postal service. 28567  
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(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code. 28569  
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(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B) (3) of section 5703.056 of the Revised Code. 28573  
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(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code. 28577  
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(OO) "Related entity" means any of the following: 28587

(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock; 28588  
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(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's 28594  
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partnerships, estates, trusts, or corporations own directly, 28596  
indirectly, beneficially, or constructively, in the aggregate, 28597  
at least fifty per cent of the value of the taxpayer's 28598  
outstanding stock; 28599

(3) A corporation, or a party related to the corporation 28600  
in a manner that would require an attribution of stock from the 28601  
corporation to the party or from the party to the corporation 28602  
under division (00) (4) of this section, provided the taxpayer 28603  
owns directly, indirectly, beneficially, or constructively, at 28604  
least fifty per cent of the value of the corporation's 28605  
outstanding stock; 28606

(4) The attribution rules described in section 318 of the 28607  
Internal Revenue Code apply for the purpose of determining 28608  
whether the ownership requirements in divisions (00) (1) to (3) 28609  
of this section have been met. 28610

(PP) (1) "Assessment" means a written finding by the tax 28611  
administrator that a person has underpaid municipal income tax, 28612  
or owes penalty and interest, or any combination of tax, 28613  
penalty, or interest, to the municipal corporation that 28614  
commences the person's time limitation for making an appeal to 28615  
the local board of tax review pursuant to section 718.11 of the 28616  
Revised Code, and has "ASSESSMENT" written in all capital 28617  
letters at the top of such finding. 28618

(2) "Assessment" does not include an informal notice 28619  
denying a request for refund issued under division (B) (3) of 28620  
section 718.19 of the Revised Code, a billing statement 28621  
notifying a taxpayer of current or past-due balances owed to the 28622  
municipal corporation, a tax administrator's request for 28623  
additional information, a notification to the taxpayer of 28624  
mathematical errors, or a tax administrator's other written 28625

correspondence to a person or taxpayer that does not meet the 28626  
criteria prescribed by division (PP) (1) of this section. 28627

(QQ) "Taxpayers' rights and responsibilities" means the 28628  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 28629  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 28630  
Revised Code and the responsibilities of taxpayers to file, 28631  
report, withhold, remit, and pay municipal income tax and 28632  
otherwise comply with Chapter 718. of the Revised Code and 28633  
resolutions, ordinances, and rules adopted by a municipal 28634  
corporation for the imposition and administration of a municipal 28635  
income tax. 28636

(RR) "Qualified municipal corporation" means a municipal 28637  
corporation that, by resolution or ordinance adopted on or 28638  
before December 31, 2011, adopted Ohio adjusted gross income, as 28639  
defined by section 5747.01 of the Revised Code, as the income 28640  
subject to tax for the purposes of imposing a municipal income 28641  
tax. 28642

(SS) (1) "Pre-2017 net operating loss carryforward" means 28643  
any net operating loss incurred in a taxable year beginning 28644  
before January 1, 2017, to the extent such loss was permitted, 28645  
by a resolution or ordinance of the municipal corporation that 28646  
was adopted by the municipal corporation before January 1, 2016, 28647  
to be carried forward and utilized to offset income or net 28648  
profit generated in such municipal corporation in future taxable 28649  
years. 28650

(2) For the purpose of calculating municipal taxable 28651  
income, any pre-2017 net operating loss carryforward may be 28652  
carried forward to any taxable year, including taxable years 28653  
beginning in 2017 or thereafter, for the number of taxable years 28654  
provided in the resolution or ordinance or until fully utilized, 28655

whichever is earlier. 28656

(TT) "Small employer" means any employer that had total 28657  
revenue of less than five hundred thousand dollars during the 28658  
preceding taxable year. For purposes of this division, "total 28659  
revenue" means receipts of any type or kind, including, but not 28660  
limited to, sales receipts; payments; rents; profits; gains, 28661  
dividends, and other investment income; compensation; 28662  
commissions; premiums; money; property; grants; contributions; 28663  
donations; gifts; program service revenue; patient service 28664  
revenue; premiums; fees, including premium fees and service 28665  
fees; tuition payments; unrelated business revenue; 28666  
reimbursements; any type of payment from a governmental unit, 28667  
including grants and other allocations; and any other similar 28668  
receipts reported for federal income tax purposes or under 28669  
generally accepted accounting principles. "Small employer" does 28670  
not include the federal government; any state government, 28671  
including any state agency or instrumentality; any political 28672  
subdivision; or any entity treated as a government for financial 28673  
accounting and reporting purposes. 28674

(UU) "Audit" means the examination of a person or the 28675  
inspection of the books, records, memoranda, or accounts of a 28676  
person for the purpose of determining liability for a municipal 28677  
income tax. 28678

(VV) "Publicly traded partnership" means any partnership, 28679  
an interest in which is regularly traded on an established 28680  
securities market. A "publicly traded partnership" may have any 28681  
number of partners. 28682

(WW) "Tax commissioner" means the tax commissioner 28683  
appointed under section 121.03 of the Revised Code. 28684

(XX) "Out-of-state disaster business," "qualifying solicitation," "qualifying employee," "disaster work," "critical infrastructure," and "disaster response period" have the same meanings as in section 5703.94 of the Revised Code.

(YY) "Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

(ZZ) "Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

**Sec. 718.031.** As used in this section, "sports gaming facility" and "type B sports gaming proprietor" have the same meanings as in section 3775.01 of the Revised Code and ~~"lottery sports gaming"~~ has "video lottery terminal" and "video lottery sales agent" have the same ~~meaning~~ meanings as in section ~~3770.23-3770.10~~ of the Revised Code.

(A) A municipal corporation shall require the following persons to withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in this section:

(1) A casino facility or a casino operator, as defined in 28714  
Section 6(C)(9) of Article XV, Ohio Constitution, and section 28715  
3772.01 of the Revised Code, respectively; 28716

(2) A video lottery sales agent conducting video lottery 28717  
terminals on behalf of the state; 28718

(3) A type B sports gaming proprietor offering sports 28719  
gaming at a sports gaming facility. 28720

(B) If a person's winnings at a casino facility or sports 28721  
gaming facility are an amount for which reporting to the 28722  
internal revenue service of the amount is required by section 28723  
6041 of the Internal Revenue Code, as amended, a casino operator 28724  
or sports gaming proprietor shall deduct and withhold municipal 28725  
income tax from the person's winnings at the rate of the tax 28726  
imposed by the municipal corporation in which the casino 28727  
facility or sports gaming facility is located. 28728

(C) Amounts deducted and withheld by a casino operator or 28729  
sports gaming proprietor are held in trust for the benefit of 28730  
the municipal corporation to which the tax is owed. 28731

(1) On or before the tenth day of each month, the casino 28732  
operator or sports gaming proprietor shall file a return 28733  
electronically with the tax administrator of the municipal 28734  
corporation, providing the name, address, and social security 28735  
number of the person from whose winnings amounts were deducted 28736  
and withheld, the amount of each such deduction and withholding 28737  
during the preceding calendar month, the amount of the winnings 28738  
from which each such amount was withheld, the type of casino 28739  
gaming or sports gaming that resulted in such winnings, and any 28740  
other information required by the tax administrator. With this 28741  
return, the casino operator or sports gaming proprietor shall 28742

remit electronically to the municipal corporation all amounts 28743  
deducted and withheld during the preceding month. 28744

(2) Annually, on or before the thirty-first day of 28745  
January, a casino operator or sports gaming proprietor shall 28746  
file an annual return electronically with the tax administrator 28747  
of the municipal corporation in which the casino facility or 28748  
sports gaming facility is located, indicating the total amount 28749  
deducted and withheld during the preceding calendar year. The 28750  
casino operator or sports gaming proprietor shall remit 28751  
electronically with the annual return any amount that was 28752  
deducted and withheld and that was not previously remitted. If 28753  
the name, address, or social security number of a person or the 28754  
amount deducted and withheld with respect to that person was 28755  
omitted on a monthly return for that reporting period, that 28756  
information shall be indicated on the annual return. 28757

(3) Annually, on or before the thirty-first day of 28758  
January, a casino operator or sports gaming proprietor shall 28759  
issue an information return to each person with respect to whom 28760  
an amount has been deducted and withheld during the preceding 28761  
calendar year. The information return shall show the total 28762  
amount of municipal income tax deducted from the person's 28763  
winnings during the preceding year. The casino operator or 28764  
sports gaming proprietor shall provide to the tax administrator 28765  
a copy of each information return issued under this division. 28766  
The administrator may require that such copies be transmitted 28767  
electronically. 28768

(4) A casino operator or sports gaming proprietor that 28769  
fails to file a return and remit the amounts deducted and 28770  
withheld shall be personally liable for the amount withheld and 28771  
not remitted. Such personal liability extends to any penalty and 28772

interest imposed for the late filing of a return or the late payment of tax deducted and withheld. 28773  
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(5) If a casino operator or sports gaming proprietor sells the casino facility or sports gaming facility, or otherwise quits the casino or sports gaming business, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld along with any penalties and interest thereon until the predecessor casino operator or sports gaming proprietor produces either of the following: 28775  
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(a) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid; 28784  
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(b) A certificate from the tax administrator indicating that no amounts are due. 28787  
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If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon. 28789  
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(6) The failure of a casino operator or sports gaming proprietor to deduct and withhold the required amount from a person's winnings does not relieve that person from liability for the municipal income tax with respect to those winnings. 28792  
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(D) If a person's prize award from a video lottery terminal ~~or from lottery sports gaming offered in a video lottery terminal facility~~ is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's 28796  
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prize award at the rate of the tax imposed by the municipal 28802  
corporation in which the video lottery terminal facility is 28803  
located. 28804

(E) Amounts deducted and withheld by a video lottery sales 28805  
agent are held in trust for the benefit of the municipal 28806  
corporation to which the tax is owed. 28807

(1) The video lottery sales agent shall issue to a person 28808  
from whose prize award an amount has been deducted and withheld 28809  
a receipt for the amount deducted and withheld, and shall obtain 28810  
from the person receiving a prize award the person's name, 28811  
address, and social security number in order to facilitate the 28812  
preparation of returns required by this section. 28813

(2) On or before the tenth day of each month, the video 28814  
lottery sales agent shall file a return electronically with the 28815  
tax administrator of the municipal corporation providing the 28816  
names, addresses, and social security numbers of the persons 28817  
from whose prize awards amounts were deducted and withheld, the 28818  
amount of each such deduction and withholding during the 28819  
preceding calendar month, the amount of the prize award from 28820  
which each such amount was withheld, and any other information 28821  
required by the tax administrator. With the return, the video 28822  
lottery sales agent shall remit electronically to the tax 28823  
administrator all amounts deducted and withheld during the 28824  
preceding month. 28825

(3) A video lottery sales agent shall maintain a record of 28826  
all receipts issued under division (E) of this section and shall 28827  
make those records available to the tax administrator upon 28828  
request. Such records shall be maintained in accordance with 28829  
section 5747.17 of the Revised Code and any rules adopted 28830  
pursuant thereto. 28831

(4) Annually, on or before the thirty-first day of 28832  
January, each video lottery ~~terminal~~-sales agent shall file an 28833  
annual return electronically with the tax administrator of the 28834  
municipal corporation in which the facility is located 28835  
indicating the total amount deducted and withheld during the 28836  
preceding calendar year. The video lottery sales agent shall 28837  
remit electronically with the annual return any amount that was 28838  
deducted and withheld and that was not previously remitted. If 28839  
the name, address, or social security number of a person or the 28840  
amount deducted and withheld with respect to that person was 28841  
omitted on a monthly return for that reporting period, that 28842  
information shall be indicated on the annual return. 28843

(5) Annually, on or before the thirty-first day of 28844  
January, a video lottery sales agent shall issue an information 28845  
return to each person with respect to whom an amount has been 28846  
deducted and withheld during the preceding calendar year. The 28847  
information return shall show the total amount of municipal 28848  
income tax deducted and withheld from the person's prize award 28849  
by the video lottery sales agent during the preceding year. A 28850  
video lottery sales agent shall provide to the tax administrator 28851  
of the municipal corporation a copy of each information return 28852  
issued under this division. The tax administrator may require 28853  
that such copies be transmitted electronically. 28854

(6) A video lottery sales agent who fails to file a return 28855  
and remit the amounts deducted and withheld is personally liable 28856  
for the amount deducted and withheld and not remitted. Such 28857  
personal liability extends to any penalty and interest imposed 28858  
for the late filing of a return or the late payment of tax 28859  
deducted and withheld. 28860

(F) If a video lottery sales agent ceases to operate video 28861

lottery terminals, the amounts deducted and withheld along with 28862  
any penalties and interest thereon are immediately due and 28863  
payable. The successor of the video lottery sales agent that 28864  
purchases the video lottery terminals from the agent shall 28865  
withhold an amount from the purchase money that is sufficient to 28866  
cover the amounts deducted and withheld and any penalties and 28867  
interest thereon until the predecessor video lottery sales agent 28868  
operator produces either of the following: 28869

(1) A receipt from the tax administrator showing that the 28870  
amounts deducted and withheld and penalties and interest thereon 28871  
have been paid; 28872

(2) A certificate from the tax administrator indicating 28873  
that no amounts are due. 28874

If the successor fails to withhold purchase money, the 28875  
successor is personally liable for the payment of the amounts 28876  
deducted and withheld and penalties and interest thereon. 28877

(G) The failure of a video lottery sales agent to deduct 28878  
and withhold the required amount from a person's prize award 28879  
does not relieve that person from liability for the municipal 28880  
income tax with respect to that prize award. 28881

(H) If a casino operator, sports gaming proprietor, or 28882  
video lottery sales agent files a return late, fails to file a 28883  
return, remits amounts deducted and withheld late, or fails to 28884  
remit amounts deducted and withheld as required under this 28885  
section, the tax administrator of a municipal corporation may 28886  
impose the following applicable penalty: 28887

(1) For the late remittance of, or failure to remit, tax 28888  
deducted and withheld under this section, a penalty equal to 28889  
fifty per cent of the tax deducted and withheld; 28890

(2) For the failure to file, or the late filing of, a 28891  
monthly or annual return, a penalty of five hundred dollars for 28892  
each return not filed or filed late. Interest shall accrue on 28893  
past due amounts deducted and withheld at the rate prescribed in 28894  
section 5703.47 of the Revised Code. 28895

(I) Amounts deducted and withheld on behalf of a municipal 28896  
corporation shall be allowed as a credit against payment of the 28897  
tax imposed by the municipal corporation and shall be treated as 28898  
taxes paid for purposes of section 718.08 of the Revised Code. 28899  
This division applies only to the person for whom the amount is 28900  
deducted and withheld. 28901

(J) The tax administrator shall prescribe the forms of the 28902  
receipts and returns required under this section. 28903

**Sec. 718.05.** (A) An annual return with respect to the 28904  
income tax levied by a municipal corporation shall be completed 28905  
and filed by every taxpayer for any taxable year for which the 28906  
taxpayer is liable for the tax. If the total credit allowed 28907  
against the tax as described in division (D) of section 718.04 28908  
of the Revised Code for the year is equal to or exceeds the tax 28909  
imposed by the municipal corporation, no return shall be 28910  
required unless the municipal ordinance or resolution levying 28911  
the tax requires the filing of a return in such circumstances. 28912

(B) If an individual is deceased, any return or notice 28913  
required of that individual shall be completed and filed by that 28914  
decedent's executor, administrator, or other person charged with 28915  
the property of that decedent. 28916

(C) If an individual is unable to complete and file a 28917  
return or notice required by a municipal corporation in 28918  
accordance with this chapter, the return or notice required of 28919

that individual shall be completed and filed by the individual's 28920  
duly authorized agent, guardian, conservator, fiduciary, or 28921  
other person charged with the care of the person or property of 28922  
that individual. 28923

(D) Returns or notices required of an estate or a trust 28924  
shall be completed and filed by the fiduciary of the estate or 28925  
trust. 28926

(E) No municipal corporation shall deny spouses the 28927  
ability to file a joint return. 28928

(F) (1) Each return required to be filed under this section 28929  
shall contain the signature of the taxpayer or the taxpayer's 28930  
duly authorized agent and of the person who prepared the return 28931  
for the taxpayer, and shall include the taxpayer's social 28932  
security number or taxpayer identification number. Each return 28933  
shall be verified by a declaration under penalty of perjury. 28934

(2) A tax administrator may require a taxpayer who is an 28935  
individual to include, with each annual return, amended return, 28936  
or request for refund required under this section, copies of 28937  
only the following documents: all of the taxpayer's Internal 28938  
Revenue Service form W-2, "Wage and Tax Statements," including 28939  
all information reported on the taxpayer's federal W-2, as well 28940  
as taxable wages reported or withheld for any municipal 28941  
corporation; the taxpayer's Internal Revenue Service form 1040 28942  
or, in the case of a return or request required by a qualified 28943  
municipal corporation, Ohio form IT-1040; and, with respect to 28944  
an amended tax return or refund request, any other documentation 28945  
necessary to support the refund request or the adjustments made 28946  
in the amended return. An individual taxpayer who files the 28947  
annual return required by this section electronically is not 28948  
required to provide paper copies of any of the foregoing to the 28949

tax administrator unless the tax administrator requests such 28950  
copies after the return has been filed. 28951

(3) A tax administrator may require a taxpayer that is not 28952  
an individual to include, with each annual net profit return, 28953  
amended net profit return, or request for refund required under 28954  
this section, copies of only the following documents: the 28955  
taxpayer's Internal Revenue Service form 1041, form 1065, form 28956  
1120, form 1120-REIT, form 1120F, or form 1120S, and, with 28957  
respect to an amended tax return or refund request, any other 28958  
documentation necessary to support the refund request or the 28959  
adjustments made in the amended return. 28960

A taxpayer that is not an individual and that files an 28961  
annual net profit return electronically through the Ohio 28962  
business gateway or in some other manner shall either mail the 28963  
documents required under this division to the tax administrator 28964  
at the time of filing or, if electronic submission is available, 28965  
submit the documents electronically through the Ohio business 28966  
gateway. The department of taxation shall publish a method of 28967  
electronically submitting the documents required under this 28968  
division through the Ohio business gateway on or before January 28969  
1, 2016. The department shall transmit all documents submitted 28970  
electronically under this division to the appropriate tax 28971  
administrator. 28972

(4) After a taxpayer files a tax return, the tax 28973  
administrator may request, and the taxpayer shall provide, any 28974  
information, statements, or documents required by the municipal 28975  
corporation to determine and verify the taxpayer's municipal 28976  
income tax liability. The requirements imposed under division 28977  
(F) of this section apply regardless of whether the taxpayer 28978  
files on a generic form or on a form prescribed by the tax 28979

administrator. 28980

(G) (1) (a) Except as otherwise provided in this chapter, 28981  
each individual income tax return required to be filed under 28982  
this section shall be completed and filed as required by the tax 28983  
administrator on or before the date prescribed for the filing of 28984  
state individual income tax returns under division (G) of 28985  
section 5747.08 of the Revised Code. The taxpayer shall complete 28986  
and file the return or notice on forms prescribed by the tax 28987  
administrator or on generic forms, together with remittance made 28988  
payable to the municipal corporation or tax administrator. No 28989  
remittance is required if the amount shown to be due is ten 28990  
dollars or less. A municipal corporation shall not require a 28991  
qualifying employee whose income consists exclusively of exempt 28992  
income described in division (C) (20) (b) or (c) of section 718.01 28993  
of the Revised Code to file a return under this section. 28994

(b) Except as otherwise provided in this chapter, each 28995  
annual net profit return required to be filed under this section 28996  
by a taxpayer that is not an individual shall be completed and 28997  
filed as required by the tax administrator on or before the 28998  
fifteenth day of the fourth month following the end of the 28999  
taxpayer's taxable year unless the taxpayer's unextended federal 29000  
income tax return is due after that date, in which case the 29001  
annual net profit return shall be completed and filed on or 29002  
before the taxpayer's federal income tax return due date. The 29003  
taxpayer shall complete and file the return or notice on forms 29004  
prescribed by the tax administrator or on generic forms, 29005  
together with remittance made payable to the municipal 29006  
corporation or tax administrator. No remittance is required if 29007  
the amount shown to be due is ten dollars or less. 29008

(2) (a) Any taxpayer that has duly requested an automatic 29009

six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return for a taxpayer that is an individual shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. The extended due date of the municipal income tax return for a taxpayer that is not an individual shall be the fifteenth day of the eleventh month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the tax administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the request is received by the tax administrator on or before the date the municipal income tax return is due, the tax administrator shall grant the taxpayer's requested extension.

(c) An extension of time to file under division (G)(2) of this section is not an extension of the time to pay any tax due unless the tax administrator grants an extension of that date.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of section 5747.08 of the Revised Code, a taxpayer shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as the extended due date of the state income tax return.

(4) If the tax administrator considers it necessary in order to ensure the payment of the tax imposed by the municipal

corporation in accordance with this chapter, the tax 29040  
administrator may require taxpayers to file returns and make 29041  
payments otherwise than as provided in this section, including 29042  
taxpayers not otherwise required to file annual returns. 29043

(5) If a taxpayer receives an extension for the filing of 29044  
a municipal income tax return under division (G) (2), (3), or (4) 29045  
of this section, the tax administrator shall not make any 29046  
inquiry or send any notice to the taxpayer with regard to the 29047  
return on or before the date the taxpayer files the return or on 29048  
or before the extended due date to file the return, whichever 29049  
occurs first. 29050

If a tax administrator violates division (G) (5) of this 29051  
section, the municipal corporation shall reimburse the taxpayer 29052  
for any reasonable costs incurred to respond to such inquiry or 29053  
notice, up to one hundred fifty dollars. 29054

Division (G) (5) of this section does not apply to an 29055  
extension received under division (G) (2) of this section if the 29056  
tax administrator has actual knowledge that the taxpayer failed 29057  
to file for a federal extension as required to receive the 29058  
extension under division (G) (2) (a) of this section or failed to 29059  
file for an extension under division (G) (2) (b) of this section. 29060

(6) To the extent that any provision in this division 29061  
conflicts with any provision in section 718.052 of the Revised 29062  
Code, the provision in that section prevails. 29063

(H) (1) For taxable years beginning after 2015, a municipal 29064  
corporation shall not require a taxpayer to remit tax with 29065  
respect to net profits if the amount due is less than ten 29066  
dollars. 29067

(2) Except as provided in division (H) (3) of this section, 29068

any taxpayer not required to remit tax to a municipal corporation for a taxable year pursuant to division (H) (1) of this section shall file with the municipal corporation an annual net profit return under division (F) (3) of this section.

(3) A municipal corporation shall not require a person to file a net profit return under this section if the person's income consists exclusively of exempt income described in division (C) (20) (a) of section 718.01 of the Revised Code.

(I) (1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the tax administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

(J) The amounts withheld by an employer, the agent of an employer, or an other payer as described in section 718.03 of the Revised Code shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient by the municipal corporation, unless the amounts

withheld were not remitted to the municipal corporation and the 29099  
recipient colluded with the employer, agent, or other payer in 29100  
connection with the failure to remit the amounts withheld. 29101

(K) Each return required by a municipal corporation to be 29102  
filed in accordance with this section shall include a box that 29103  
the taxpayer may check to authorize another person, including a 29104  
tax return preparer who prepared the return, to communicate with 29105  
the tax administrator about matters pertaining to the return. 29106  
The return or instructions accompanying the return shall 29107  
indicate that by checking the box the taxpayer authorizes the 29108  
tax administrator to contact the preparer or other person 29109  
concerning questions that arise during the examination or other 29110  
review of the return and authorizes the preparer or other person 29111  
only to provide the tax administrator with information that is 29112  
missing from the return, to contact the tax administrator for 29113  
information about the examination or other review of the return 29114  
or the status of the taxpayer's refund or payments, and to 29115  
respond to notices about mathematical errors, offsets, or return 29116  
preparation that the taxpayer has received from the tax 29117  
administrator and has shown to the preparer or other person. 29118

(L) The tax administrator of a municipal corporation shall 29119  
accept for filing a generic form of any income tax return, 29120  
report, or document required by the municipal corporation in 29121  
accordance with this chapter, provided that the generic form, 29122  
once completed and filed, contains all of the information 29123  
required by ordinance, resolution, or rules adopted by the 29124  
municipal corporation or tax administrator, and provided that 29125  
the taxpayer or tax return preparer filing the generic form 29126  
otherwise complies with the provisions of this chapter and of 29127  
the municipal corporation ordinance or resolution governing the 29128  
filing of returns, reports, or documents. 29129

(M) When income tax returns, reports, or other documents 29130  
require the signature of a tax return preparer, the tax 29131  
administrator shall accept a facsimile of such a signature in 29132  
lieu of a manual signature. 29133

(N) (1) As used in this division, "worksite location" has 29134  
the same meaning as in section 718.011 of the Revised Code. 29135

(2) A person may notify a tax administrator that the 29136  
person does not expect to be a taxpayer with respect to the 29137  
municipal corporation for a taxable year if both of the 29138  
following conditions apply: 29139

(a) The person was required to file a tax return with the 29140  
municipal corporation for the immediately preceding taxable year 29141  
because the person performed services at a worksite location 29142  
within that municipal corporation. 29143

(b) The person no longer provides services in the 29144  
municipal corporation and does not expect to be subject to the 29145  
municipal corporation's income tax for the taxable year. 29146

The person shall provide the notice in a signed affidavit 29147  
that briefly explains the person's circumstances, including the 29148  
location of the previous worksite location and the last date on 29149  
which the person performed services or made any sales within the 29150  
municipal corporation. The affidavit also shall include the 29151  
following statement: "The affiant has no plans to perform any 29152  
services within the municipal corporation, make any sales in the 29153  
municipal corporation, or otherwise become subject to the tax 29154  
levied by the municipal corporation during the taxable year. If 29155  
the affiant does become subject to the tax levied by the 29156  
municipal corporation for the taxable year, the affiant agrees 29157  
to be considered a taxpayer and to properly register as a 29158

taxpayer with the municipal corporation if such a registration 29159  
is required by the municipal corporation's resolutions, 29160  
ordinances, or rules." The person shall sign the affidavit under 29161  
penalty of perjury. 29162

(c) If a person submits an affidavit described in division 29163  
(N) (2) of this section, the tax administrator shall not require 29164  
the person to file any tax return for the taxable year unless 29165  
the tax administrator possesses information that conflicts with 29166  
the affidavit or if the circumstances described in the affidavit 29167  
change. Nothing in division (N) of this section prohibits the 29168  
tax administrator from performing an audit of the person. 29169

**Sec. 718.12.** (A) (1) (a) Civil actions to recover municipal 29170  
income taxes and penalties and interest on municipal income 29171  
taxes shall be brought within the later of: 29172

(i) Three years after the tax return, including any valid 29173  
extension, was due or ~~the return was filed,~~ whichever is later; 29174  
or 29175

(ii) One year after the conclusion of the qualifying 29176  
deferral period, if any. 29177

(b) The time limit described in division (A) (1) (a) of this 29178  
section may be extended at any time if both the tax 29179  
administrator and the employer, agent of the employer, other 29180  
payer, or taxpayer consent in writing to the extension. Any 29181  
extension shall also extend for the same period of time the time 29182  
limit described in division (C) of this section. 29183

(2) As used in this section, "qualifying deferral period" 29184  
means a period of time beginning and ending as follows: 29185

(a) Beginning on the date a person who is aggrieved by an 29186  
assessment files with a local board of tax review the request 29187

described in section 718.11 of the Revised Code. That date shall 29188  
not be affected by any subsequent decision, finding, or holding 29189  
by any administrative body or court that the local board of tax 29190  
review with which the aggrieved person filed the request did not 29191  
have jurisdiction to affirm, reverse, or modify the assessment 29192  
or any part of that assessment. 29193

(b) Ending the later of the sixtieth day after the date on 29194  
which the final determination of the local board of tax review 29195  
becomes final or, if any party appeals from the determination of 29196  
the local board of tax review, the sixtieth day after the date 29197  
on which the final determination of the local board of tax 29198  
review is either ultimately affirmed in whole or in part or 29199  
ultimately reversed and no further appeal of either that 29200  
affirmation, in whole or in part, or that reversal is available 29201  
or taken. 29202

(B) Prosecutions for an offense made punishable under a 29203  
resolution or ordinance imposing an income tax shall be 29204  
commenced within three years after the commission of the 29205  
offense, provided that in the case of fraud, failure to file a 29206  
return, or the omission of twenty-five per cent or more of 29207  
income required to be reported, prosecutions may be commenced 29208  
within six years after the commission of the offense. 29209

(C) A claim for a refund of municipal income taxes shall 29210  
be brought within the time limitation provided in section 718.19 29211  
of the Revised Code. 29212

(D) Interest shall be allowed and paid on any overpayment 29213  
by a taxpayer of any municipal income tax obligation from the 29214  
date of the overpayment until the date of the refund of the 29215  
overpayment, except that if any overpayment is refunded within 29216  
ninety days after the final filing date of the annual return or 29217

ninety days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return on which the tax is reported is due, without regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in division (A) (5) of section 718.27 of the Revised Code.

(E) Within sixty days after the final determination of any federal or state tax liability affecting the taxpayer's municipal tax liability, that taxpayer shall make and file an amended municipal return showing income subject to the municipal income tax based upon such final determination of federal or state tax liability, and pay any additional municipal income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is less than ten dollars.

(F) (1) Notwithstanding the fact that an appeal is pending, the petitioner may pay all or a portion of the assessment that is the subject of the appeal. The acceptance of a payment by the municipal corporation does not prejudice any claim for refund upon final determination of the appeal.

(2) If upon final determination of the appeal an error in the assessment is corrected by the tax administrator, upon an appeal so filed or pursuant to a final determination of the local board of tax review created under section 718.11 of the Revised Code, of the Ohio board of tax appeals, or any court to which the decision of the Ohio board of tax appeals has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the amount paid, there

shall be issued to the appellant or to the appellant's assigns 29248  
or legal representative a refund in the amount of the 29249  
overpayment as provided by section 718.19 of the Revised Code, 29250  
with interest on that amount as provided by division (D) of this 29251  
section. 29252

(G) No civil action to recover municipal income tax or 29253  
related penalties or interest shall be brought during either of 29254  
the following time periods: 29255

(1) The period during which a taxpayer has a right to 29256  
appeal the imposition of that tax or interest or those 29257  
penalties; 29258

(2) The period during which an appeal related to the 29259  
imposition of that tax or interest or those penalties is 29260  
pending. 29261

**Sec. 718.13.** (A) Any information gained as a result of 29262  
returns, investigations, hearings, or verifications required or 29263  
authorized by this chapter or by a charter or ordinance of a 29264  
municipal corporation levying an income tax pursuant to this 29265  
chapter is confidential, and no person shall access or disclose 29266  
such information except in accordance with a proper judicial 29267  
order or in connection with the performance of that person's 29268  
official duties or the official business of the municipal 29269  
corporation as authorized by this chapter or the charter or 29270  
ordinance authorizing the levy. The tax administrator of the 29271  
municipal corporation or a designee thereof may furnish copies 29272  
of returns filed or otherwise received under this chapter and 29273  
other related tax information to the internal revenue service, 29274  
the tax commissioner, and tax administrators of other municipal 29275  
corporations. 29276

(B) This section does not prohibit a municipal corporation 29277  
from publishing or disclosing statistics in a form that does not 29278  
disclose information with respect to particular taxpayers. 29279

(C) A municipal corporation may provide tax information 29280  
related to municipal income tax revenues derived from a 29281  
transformational major sports facility mixed-use project 29282  
district, as authorized under section 123.281 of the Revised 29283  
Code, to the department of taxation and the fiscal officer of a 29284  
governmental agency, as defined in division (F) of section 29285  
123.28 of the Revised Code, that owns, or holds a sufficient 29286  
ownership in, a major sports facility located within the 29287  
territorial boundaries of a transformational major sports 29288  
facility mixed-use project district. 29289

**Sec. 718.19.** (A) Upon receipt of a request for a refund, 29290  
the tax administrator of a municipal corporation, in accordance 29291  
with this section, shall refund to employers, agents of 29292  
employers, other payers, or taxpayers, with respect to any 29293  
income or withholding tax levied by the municipal corporation: 29294

(1) Overpayments of more than ten dollars; 29295

(2) Amounts paid erroneously if the refund requested 29296  
exceeds ten dollars. 29297

(B) (1) Except as otherwise provided in this chapter, 29298  
requests for refund shall be filed with the tax administrator, 29299  
on the form prescribed by the tax administrator within three 29300  
years after the tax return, including any valid extension, was 29301  
due or paid, whichever is later. The tax administrator may 29302  
require the requestor to file with the request any documentation 29303  
that substantiates the requestor's claim for a refund. 29304

(2) On filing of the refund request, the tax administrator 29305

shall determine the amount of refund due and certify such amount 29306  
to the appropriate municipal corporation official for payment. 29307  
Except as provided in division (B) (3) of this section, the 29308  
administrator shall issue an assessment to any taxpayer whose 29309  
request for refund is fully or partially denied. The assessment 29310  
shall state the amount of the refund that was denied, the 29311  
reasons for the denial, and instructions for appealing the 29312  
assessment. 29313

(3) If a tax administrator denies in whole or in part a 29314  
refund request included within the taxpayer's originally filed 29315  
annual income tax return, the tax administrator shall notify the 29316  
taxpayer, in writing, of the amount of the refund that was 29317  
denied, the reasons for the denial, and instructions for 29318  
requesting an assessment that may be appealed under section 29319  
718.11 of the Revised Code. 29320

(C) A request for a refund that is received after the last 29321  
day for filing specified in division (B) of this section shall 29322  
be considered to have been filed in a timely manner if any of 29323  
the following situations exist: 29324

(1) The request is delivered by the postal service, and 29325  
the earliest postal service postmark on the cover in which the 29326  
request is enclosed is not later than the last day for filing 29327  
the request. 29328

(2) The request is delivered by the postal service, the 29329  
only postmark on the cover in which the request is enclosed was 29330  
affixed by a private postal meter, the date of that postmark is 29331  
not later than the last day for filing the request, and the 29332  
request is received within seven days of such last day. 29333

(3) The request is delivered by the postal service, no 29334

postmark date was affixed to the cover in which the request is 29335  
enclosed or the date of the postmark so affixed is not legible, 29336  
and the request is received within seven days of the last day 29337  
for making the request. 29338

(D) As used in this section, "withholding tax" has the 29339  
same meaning as in section 718.27 of the Revised Code. 29340

**Sec. 718.85.** (A) (1) For each taxable year, every taxpayer 29341  
shall file an annual return. Such return, along with the amount 29342  
of tax shown to be due on the return less the amount paid for 29343  
the taxable year under section 718.88 of the Revised Code, shall 29344  
be submitted to the tax commissioner, on a form and in the 29345  
manner prescribed by the commissioner, on or before the 29346  
fifteenth day of the fourth month following the end of the 29347  
taxpayer's taxable year unless a taxpayer's unextended federal 29348  
income tax return is due after that date, in which case the 29349  
annual return shall be submitted on or before the taxpayer's 29350  
federal income tax return due date. 29351

(2) The remittance shall be made payable to the treasurer 29352  
of state and in the form prescribed by the tax commissioner. If 29353  
the amount payable with the tax return is ten dollars or less, 29354  
no remittance is required. 29355

(B) The tax commissioner shall immediately forward to the 29356  
treasurer of state all amounts the commissioner receives 29357  
pursuant to sections 718.80 to 718.95 of the Revised Code. The 29358  
treasurer shall credit such amounts to the municipal net profit 29359  
tax fund which is hereby created in the state treasury. 29360

(C) (1) Each return required to be filed under this section 29361  
shall contain the signature of the taxpayer or the taxpayer's 29362  
duly authorized agent and of the person who prepared the return 29363

for the taxpayer, and shall include the taxpayer's 29364  
identification number. Each return shall be verified by a 29365  
declaration under penalty of perjury. 29366

(2) (a) The tax commissioner may require a taxpayer to 29367  
include, with each annual tax return, amended return, or request 29368  
for refund filed with the commissioner under sections 718.80 to 29369  
718.95 of the Revised Code, copies of any relevant documents or 29370  
other information. 29371

(b) A taxpayer that files an annual tax return 29372  
electronically through the Ohio business gateway or in another 29373  
manner as prescribed by the tax commissioner shall either submit 29374  
the documents required under this division electronically as 29375  
prescribed at the time of filing or, if electronic submission is 29376  
not available, mail the documents to the tax commissioner. The 29377  
department of taxation shall publish a method of electronically 29378  
submitting the documents required under this division on or 29379  
before January 1, 2019. 29380

(3) After a taxpayer files a tax return, the tax 29381  
commissioner may request, and the taxpayer shall provide, any 29382  
information, statements, or documents required to determine and 29383  
verify the taxpayer's municipal income tax. 29384

(D) (1) (a) Any taxpayer that has duly requested an 29385  
automatic extension for filing the taxpayer's federal income tax 29386  
return shall automatically receive an extension for the filing 29387  
of a tax return with the commissioner under this section. The 29388  
extended due date of the return shall be the fifteenth day of 29389  
the eleventh month after the last day of the taxable year to 29390  
which the return relates. 29391

(b) A taxpayer that has not requested or received a six- 29392

month extension for filing the taxpayer's federal income tax 29393  
return may request that the commissioner grant the taxpayer a 29394  
~~six-month~~ seven-month extension of the date for filing the 29395  
taxpayer's tax return. If the commissioner receives the request 29396  
on or before the date the tax return is due, the commissioner 29397  
shall grant the taxpayer's extension request. 29398

(c) An extension of time to file under division (D) (1) of 29399  
this section is not an extension of the time to pay any tax due 29400  
unless the tax commissioner grants an extension of that date. 29401

(2) If the commissioner considers it necessary in order to 29402  
ensure payment of a tax imposed in accordance with section 29403  
718.04 of the Revised Code, the commissioner may require 29404  
taxpayers to file returns and make payments otherwise than as 29405  
provided in this section, including taxpayers not otherwise 29406  
required to file annual returns. 29407

(3) If a taxpayer receives an extension for the filing of 29408  
a tax return under division (D) (1) or (2) of this section, the 29409  
commissioner shall not make any inquiry or send any notice to 29410  
the taxpayer with regard to the return on or before the date the 29411  
taxpayer files the return or on or before the extended due date 29412  
to file the return, whichever occurs first. 29413

Division (D) (3) of this section does not apply to an 29414  
extension received under division (D) (1) of this section if the 29415  
commissioner has actual knowledge that the taxpayer failed to 29416  
file for a federal extension as required to receive the 29417  
extension under division (D) (1) (a) of this section or failed to 29418  
file for an extension under division (D) (1) (b) of this section. 29419

(E) Each return required to be filed in accordance with 29420  
this section shall include a box that the taxpayer may check to 29421

authorize another person, including a tax return preparer who 29422  
prepared the return, to communicate with the tax commissioner 29423  
about matters pertaining to the return. The return or 29424  
instructions accompanying the return shall indicate that by 29425  
checking the box the taxpayer authorizes the commissioner to 29426  
contact the preparer or other person concerning questions that 29427  
arise during the examination or other review of the return and 29428  
authorizes the preparer or other person only to provide the 29429  
commissioner with information that is missing from the return, 29430  
to contact the commissioner for information about the 29431  
examination or other review of the return or the status of the 29432  
taxpayer's refund or payments, and to respond to notices about 29433  
mathematical errors, offsets, or return preparation that the 29434  
taxpayer has received from the commissioner and has shown to the 29435  
preparer or other person. 29436

(F) When income tax returns or other documents require the 29437  
signature of a tax return preparer, the tax commissioner shall 29438  
accept a facsimile or electronic version of such a signature in 29439  
lieu of a manual signature. 29440

**Sec. 718.88.** (A) As used in this section: 29441

(1) "Combined tax liability" means the total amount of a 29442  
taxpayer's income tax liabilities to all municipal corporations 29443  
in this state for a taxable year. 29444

(2) "Estimated taxes" means the amount that the taxpayer 29445  
reasonably estimates to be the taxpayer's combined tax liability 29446  
for the current taxable year. 29447

(B) (1) Except as provided in division (B) (4) of this 29448  
section, every taxpayer shall make a declaration of estimated 29449  
taxes for the current taxable year, on the form prescribed by 29450

the tax commissioner, if the amount payable as estimated taxes 29451  
is at least two hundred dollars. 29452

(2) Except as provided in division (B) (4) of this section, 29453  
a taxpayer having a taxable year of less than twelve months 29454  
shall make a declaration under rules prescribed by the 29455  
commissioner. 29456

(3) The declaration of estimated taxes shall be filed on 29457  
or before the fifteenth day of the fourth month after the 29458  
beginning of the taxable year or on or before the fifteenth day 29459  
of the fourth month after the taxpayer becomes subject to tax 29460  
for the first time. 29461

(4) The tax commissioner may waive the requirement for 29462  
filing a declaration of estimated taxes for any class of 29463  
taxpayers after finding that the waiver is reasonable and proper 29464  
in view of administrative costs and other factors. 29465

(C) Each taxpayer shall file the declaration of estimated 29466  
taxes with, and remit estimated taxes to, the tax commissioner 29467  
at the times and in the amounts prescribed in division (C) (1) of 29468  
this section. Remitted taxes shall be made payable to the 29469  
treasurer of state. 29470

(1) The required portion of the combined tax liability for 29471  
the taxable year that shall be paid through estimated taxes 29472  
shall be as follows: 29473

(a) On or before the fifteenth day of the fourth month 29474  
after the beginning of the taxable year, twenty-two and one-half 29475  
per cent of the combined tax liability for the taxable year; 29476

(b) On or before the fifteenth day of the sixth month 29477  
after the beginning of the taxable year, forty-five per cent of 29478  
the combined tax liability for the taxable year; 29479

(c) On or before the fifteenth day of the ninth month 29480  
after the beginning of the taxable year, sixty-seven and one- 29481  
half per cent of the combined tax liability for the taxable 29482  
year; 29483

(d) On or before the fifteenth day of the twelfth month of 29484  
the taxable year, ninety per cent of the combined tax liability 29485  
for the taxable year. 29486

(2) If the taxpayer determines that its declaration of 29487  
estimated taxes will not accurately reflect the taxpayer's tax 29488  
liability for the taxable year, the taxpayer shall increase or 29489  
decrease, as appropriate, its subsequent payments in equal 29490  
installments to result in a more accurate payment of estimated 29491  
taxes. 29492

(3) (a) Each taxpayer shall report on the declaration of 29493  
estimated taxes the portion of the remittance that the taxpayer 29494  
estimates that it owes to each municipal corporation for the 29495  
taxable year. 29496

(b) Upon receiving a payment of estimated taxes under this 29497  
section, the commissioner shall immediately forward the payment 29498  
to the treasurer of state. The treasurer shall credit the 29499  
payment in the same manner as in division (B) of section 718.85 29500  
of the Revised Code. 29501

(D) (1) In the case of any underpayment of estimated taxes, 29502  
~~there shall be added~~ the tax commissioner may add to the taxes 29503  
an amount determined at the rate per annum prescribed by section 29504  
5703.47 of the Revised Code upon the amount of underpayment for 29505  
the period of underpayment, unless the underpayment is due to 29506  
reasonable cause as described in division (E) of this section. 29507  
The amount of the underpayment shall be determined as follows: 29508

(a) For the first payment of estimated taxes each year, 29509  
twenty-two and one-half per cent of the combined tax liability, 29510  
less the amount of taxes paid by the date prescribed for that 29511  
payment; 29512

(b) For the second payment of estimated taxes each year, 29513  
forty-five per cent of the combined tax liability, less the 29514  
amount of taxes paid by the date prescribed for that payment; 29515

(c) For the third payment of estimated taxes each year, 29516  
sixty-seven and one-half per cent of the combined tax liability, 29517  
less the amount of taxes paid by the date prescribed for that 29518  
payment; 29519

(d) For the fourth payment of estimated taxes each year, 29520  
ninety per cent of the combined tax liability, less the amount 29521  
of taxes paid by the date prescribed for that payment. 29522

(2) The period of the underpayment shall run from the day 29523  
the estimated payment was required to be made to the date on 29524  
which the payment is made. For purposes of this section, a 29525  
payment of estimated taxes on or before any payment date shall 29526  
be considered a payment of any previous underpayment only to the 29527  
extent the payment of estimated taxes exceeds the amount of the 29528  
payment presently due. 29529

(3) All amounts collected under this section shall be 29530  
considered as taxes collected under sections 718.80 to 718.95 of 29531  
the Revised Code and shall be credited and distributed to 29532  
municipal corporations in accordance with section 718.83 of the 29533  
Revised Code. 29534

(E) An underpayment of any portion of a combined tax 29535  
liability shall be due to reasonable cause and the penalty 29536  
imposed by this section shall not be added to the taxes for the 29537

taxable year if any of the following apply: 29538

(1) The amount of estimated taxes that were paid equals at 29539  
least ninety per cent of the combined tax liability for the 29540  
current taxable year, determined by annualizing the income 29541  
received during the year up to the end of the month immediately 29542  
preceding the month in which the payment is due. 29543

(2) The amount of estimated taxes that were paid equals at 29544  
least one hundred per cent of the tax liability shown on the 29545  
return of the taxpayer for the preceding taxable year, provided 29546  
that the immediately preceding taxable year reflected a period 29547  
of twelve months and the taxpayer filed a municipal income tax 29548  
return for that year. 29549

**Sec. 718.90.** (A) If any taxpayer required to file a return 29550  
under section 718.80 to 718.95 of the Revised Code fails to file 29551  
the return within the time prescribed, files an incorrect 29552  
return, or fails to remit the full amount of the tax due for the 29553  
period covered by the return, the tax commissioner may make an 29554  
assessment against the taxpayer for any deficiency for the 29555  
period for which the return or tax is due, based upon any 29556  
information in the commissioner's possession. 29557

The tax commissioner shall not make or issue an assessment 29558  
against a taxpayer more than three years after the later of the 29559  
date the return subject to assessment was required to be filed 29560  
or the date the return was filed. Such time limit may be 29561  
extended if both the taxpayer and the commissioner consent in 29562  
writing to the extension. Any such extension shall extend the 29563  
three-year time limit in section 718.91 of the Revised Code for 29564  
the same period of time. There shall be no bar or limit to an 29565  
assessment against a taxpayer that fails to file a return 29566  
subject to assessment as required by sections 718.80 to 718.95 29567

of the Revised Code, or that files a fraudulent return. The 29568  
commissioner shall give the taxpayer assessed written notice of 29569  
the assessment as provided in section 5703.37 of the Revised 29570  
Code. With the notice, the commissioner shall provide 29571  
instructions on how to petition for reassessment and request a 29572  
hearing on the petition. 29573

(B) Unless the taxpayer assessed files with the tax 29574  
commissioner within sixty days after service of the notice of 29575  
assessment, ~~either personally or by certified mail,~~ a written 29576  
petition for reassessment signed by the authorized agent of the 29577  
taxpayer assessed having knowledge of the facts, the assessment 29578  
becomes final, and the amount of the assessment is due and 29579  
payable from the taxpayer to the treasurer of state. The 29580  
petition shall indicate the taxpayer's objections, but 29581  
additional objections may be raised in writing if received by 29582  
the commissioner prior to the date shown on the final 29583  
determination. If the petition has been properly filed, the 29584  
commissioner shall proceed under section 5703.60 of the Revised 29585  
Code. 29586

(C) After an assessment becomes final, if any portion of 29587  
the assessment remains unpaid, including accrued interest, a 29588  
certified copy of the tax commissioner's entry making the 29589  
assessment final may be filed in the office of the clerk of the 29590  
court of common pleas in the county in which the taxpayer has an 29591  
office or place of business in this state, the county in which 29592  
the taxpayer's statutory agent is located, or Franklin county. 29593

Immediately upon the filing of the entry, the clerk shall 29594  
enter a judgment against the taxpayer assessed in the amount 29595  
shown on the entry. The judgment may be filed by the clerk in a 29596  
loose-leaf book entitled "special judgments for municipal income 29597

taxes," and shall have the same effect as other judgments. 29598  
Execution shall issue upon the judgment upon the request of the 29599  
tax commissioner, and all laws applicable to sales on execution 29600  
shall apply to sales made under the judgment. 29601

If the assessment is not paid in its entirety within sixty 29602  
days after the day the assessment was issued, the portion of the 29603  
assessment consisting of tax due shall bear interest at the rate 29604  
per annum prescribed by section 5703.47 of the Revised Code from 29605  
the day the commissioner issues the assessment until the 29606  
assessment is paid or until it is certified to the attorney 29607  
general for collection under section 131.02 of the Revised Code, 29608  
whichever comes first. If the unpaid portion of the assessment 29609  
is certified to the attorney general for collection, the entire 29610  
unpaid portion of the assessment shall bear interest at the rate 29611  
per annum prescribed by section 5703.47 of the Revised Code from 29612  
the date of certification until the date it is paid in its 29613  
entirety. Interest shall be paid in the same manner as the tax 29614  
and may be collected by issuing an assessment under this 29615  
section. 29616

(D) (1) Except as provided in division (D) (2) of this 29617  
section, all money collected under this section shall be 29618  
credited to the municipal net profit tax fund and distributed to 29619  
the municipal corporation to which the money is owed based on 29620  
the assessment issued under this section. 29621

(2) The attorney general may assess collection costs as 29622  
authorized under section 109.08, 109.081, or 131.02 of the 29623  
Revised Code on amounts collected under this section, which 29624  
shall be credited to the attorney general claims fund created 29625  
under section 109.081 of the Revised Code. 29626

(E) If the tax commissioner believes that collection of 29627

the tax will be jeopardized unless proceedings to collect or 29628  
secure collection of the tax are instituted without delay, the 29629  
commissioner may issue a jeopardy assessment against the 29630  
taxpayer liable for the tax. Immediately upon the issuance of 29631  
the jeopardy assessment, the commissioner shall file an entry 29632  
with the clerk of the court of common pleas in the manner 29633  
prescribed by division (C) of this section. Notice of the 29634  
jeopardy assessment shall be served on the taxpayer assessed or 29635  
the taxpayer's legal representative in the manner provided in 29636  
section 5703.37 of the Revised Code within five days of the 29637  
filing of the entry with the clerk. The total amount assessed is 29638  
immediately due and payable, unless the taxpayer assessed files 29639  
a petition for reassessment in accordance with division (B) of 29640  
this section and provides security in a form satisfactory to the 29641  
commissioner and in an amount sufficient to satisfy the unpaid 29642  
balance of the assessment. Full or partial payment of the 29643  
assessment does not prejudice the commissioner's consideration 29644  
of the petition for reassessment. 29645

(F) Notwithstanding the fact that a petition for 29646  
reassessment is pending, the taxpayer may pay all or a portion 29647  
of the assessment that is the subject of the petition. The 29648  
acceptance of a payment by the treasurer of state does not 29649  
prejudice any claim for refund upon final determination of the 29650  
petition. 29651

If upon final determination of the petition an error in 29652  
the assessment is corrected by the tax commissioner, upon 29653  
petition so filed or pursuant to a decision of the board of tax 29654  
appeals or any court to which the determination or decision has 29655  
been appealed, so that the amount due from the taxpayer under 29656  
the corrected assessment is less than the portion paid, there 29657  
shall be issued to the taxpayer, its assigns, or legal 29658

representative a refund in the amount of the overpayment as 29659  
provided by section 718.91 of the Revised Code, with interest on 29660  
that amount as provided by that section. 29661

**Sec. 718.91.** (A) An application to refund to a taxpayer 29662  
amounts that were overpaid, paid illegally or erroneously, or 29663  
paid on an illegal or erroneous assessment pursuant to sections 29664  
718.80 to 718.95 of the Revised Code shall be filed with the tax 29665  
commissioner within three years after the date of the illegal, 29666  
erroneous, or excessive payment, the date the return to which 29667  
the payment relates was due including any valid extension, or 29668  
within any additional period allowed by division (A) of section 29669  
718.90 of the Revised Code, whichever is later. The application 29670  
shall be filed in the form prescribed by the tax commissioner. 29671

(B) (1) On the filing of a refund application, the tax 29672  
commissioner shall determine the amount of refund to which the 29673  
applicant is entitled. The amount determined shall be based on 29674  
the amount overpaid per return or assessment. If the amount is 29675  
greater than ten dollars and not less than that claimed, the 29676  
commissioner shall certify that amount to the director of budget 29677  
and management and the treasurer of state for payment from the 29678  
tax refund fund created in section 5703.052 of the Revised Code. 29679  
If the amount is greater than ten dollars but less than that 29680  
claimed, the commissioner shall proceed in accordance with 29681  
section 5703.70 of the Revised Code. 29682

(2) Upon issuance of a refund under this section, the 29683  
commissioner shall notify each municipal corporation of the 29684  
amount refunded to the taxpayer attributable to that municipal 29685  
corporation, which shall be deducted from the municipal 29686  
corporation's next distribution under section 718.83 of the 29687  
Revised Code. 29688

(C) Any portion of a refund determined under division (B) 29689  
of this section that is not issued within ninety days after such 29690  
determination shall bear interest at the rate per annum 29691  
prescribed by section 5703.47 of the Revised Code from the 29692  
ninety-first day after such determination until the day the 29693  
refund is paid or credited. On an illegal or erroneous 29694  
assessment, interest shall be paid at that rate from the date of 29695  
payment on the illegal or erroneous assessment until the day the 29696  
refund is paid or credited. 29697

**Sec. 731.14.** All contracts made by the legislative 29698  
authority of a village shall be executed in the name of the 29699  
village and signed on its behalf by the mayor and clerk. Except 29700  
where the contract is for equipment, services, materials, or 29701  
supplies to be purchased under division (D) of section 713.23 or 29702  
section 125.04 or 5513.01 of the Revised Code, ~~available from a~~ 29703  
~~qualified nonprofit agency pursuant to sections 4115.31 to~~ 29704  
~~4115.35 of the Revised Code,~~ or required to be purchased from a 29705  
qualified nonprofit agency under sections 125.60 to 125.6012 of 29706  
the Revised Code, when any expenditure, other than the 29707  
compensation of persons employed in the village, exceeds the 29708  
amount specified in section 9.17 of the Revised Code, such 29709  
contracts shall be in writing and made with the lowest and best 29710  
bidder after advertising once a week for not less than two 29711  
consecutive weeks in a newspaper of general circulation within 29712  
the village. The legislative authority may also cause notice to 29713  
be inserted in trade papers or other publications designated by 29714  
it or to be distributed by electronic means, including posting 29715  
the notice on the legislative authority's internet web site. If 29716  
the legislative authority posts the notice on its web site, it 29717  
may eliminate the second notice otherwise required to be 29718  
published in a newspaper of general circulation within the 29719

village, provided that the first notice published in such newspaper meets all of the following requirements:

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

(B) It includes a statement that the notice is posted on the legislative authority's internet web site.

(C) It includes the internet address of the legislative authority's internet web site.

(D) It includes instructions describing how the notice may be accessed on the legislative authority's internet web site.

The bids shall be opened and shall be publicly read by the clerk of the village or a person designated by the clerk at the time, date, and place specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a village administrator under section 735.271 of the Revised Code.

As used in this section, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

**Sec. 731.141.** In those villages that have established the position of village administrator, as provided by section 735.271 of the Revised Code, the village administrator shall make contracts, purchase supplies and materials, and provide

labor for any work under the administrator's supervision 29749  
involving not more than the amount specified in section 9.17 of 29750  
the Revised Code. When an expenditure, other than the 29751  
compensation of persons employed by the village, exceeds the 29752  
amount specified in section 9.17 of the Revised Code, the 29753  
expenditure shall first be authorized and directed by ordinance 29754  
of the legislative authority of the village. When so authorized 29755  
and directed, except where the contract is for equipment, 29756  
services, materials, or supplies to be purchased under division 29757  
(D) of section 713.23 or section 125.04 or 5513.01 of the 29758  
Revised Code, ~~available from a qualified nonprofit agency~~ 29759  
~~pursuant to sections 4115.31 to 4115.35 of the Revised Code,~~ or 29760  
required to be purchased from a qualified nonprofit agency under 29761  
sections 125.60 to 125.6012 of the Revised Code, the village 29762  
administrator shall make a written contract with the lowest and 29763  
best bidder after advertisement for not less than two nor more 29764  
than four consecutive weeks in a newspaper of general 29765  
circulation within the village or as provided in section 7.16 of 29766  
the Revised Code. The bids shall be opened and shall be publicly 29767  
read by the village administrator or a person designated by the 29768  
village administrator at the time, date, and place as specified 29769  
in the advertisement to bidders or specifications. The time, 29770  
date, and place of bid openings may be extended to a later date 29771  
by the village administrator, provided that written or oral 29772  
notice of the change shall be given to all persons who have 29773  
received or requested specifications no later than ninety-six 29774  
hours prior to the original time and date fixed for the opening. 29775  
All contracts shall be executed in the name of the village and 29776  
signed on its behalf by the village administrator and the clerk. 29777  
No expenditure subject to this section shall be divided into 29778  
component parts, separate projects, or separate items of work in 29779  
order to avoid the requirements of this section. 29780

The legislative authority of a village may provide, by 29781  
ordinance, for central purchasing for all offices, departments, 29782  
divisions, boards, and commissions of the village, under the 29783  
direction of the village administrator, who shall make 29784  
contracts, purchase supplies or materials, and provide labor for 29785  
any work of the village in the manner provided by this section. 29786

**Sec. 731.29.** Any ordinance or other measure passed by the 29787  
legislative authority of a municipal corporation shall be 29788  
subject to the referendum except as provided by section 731.30 29789  
of the Revised Code. No ordinance or other measure shall go into 29790  
effect until thirty days after it is filed with the mayor of a 29791  
city or passed by the legislative authority in a village, except 29792  
as provided by such section. 29793

~~When~~ Except as provided in section 731.291 of the Revised 29794  
Code, when a petition, signed by ~~ten~~ thirty-five per cent of the 29795  
number of electors who voted for governor at the most recent 29796  
general election for the office of governor in the municipal 29797  
corporation, is filed with the city auditor or village clerk 29798  
within thirty days after any ordinance or other measure is filed 29799  
with the mayor or passed by the legislative authority of a 29800  
village, or in case the mayor has vetoed the ordinance or any 29801  
measure and returned it to council, such petition may be filed 29802  
within thirty days after the council has passed the ordinance or 29803  
measure over the veto, ordering that such ordinance or measure 29804  
be submitted to the electors of such municipal corporation for 29805  
their approval or rejection, such auditor or clerk shall, after 29806  
ten days, and not later than four p.m. of the ninetieth day 29807  
before the day of election, transmit a certified copy of the 29808  
text of the ordinance or measure to the board of elections. The 29809  
auditor or clerk shall transmit the petition to the board 29810  
together with the certified copy of the ordinance or measure. 29811

The board shall examine all signatures on the petition to 29812  
determine the number of electors of the municipal corporation 29813  
who signed the petition. The board shall return the petition to 29814  
the auditor or clerk within ten days after receiving it, 29815  
together with a statement attesting to the number of such 29816  
electors who signed the petition. The board shall submit the 29817  
ordinance or measure to the electors of the municipal 29818  
corporation, for their approval or rejection, at the next 29819  
general election occurring subsequent to ninety days after the 29820  
auditor or clerk certifies the sufficiency and validity of the 29821  
petition to the board of elections. 29822

No such ordinance or measure shall go into effect until 29823  
approved by the majority of those voting upon it. Sections 29824  
731.28 to 731.41 of the Revised Code do not prevent a municipal 29825  
corporation, after the passage of any ordinance or other 29826  
measure, from proceeding at once to give any notice or make any 29827  
publication required by such ordinance or other measure. 29828

As used in this section, "certified copy" means a copy 29829  
containing a written statement attesting that it is a true and 29830  
exact reproduction of the original ordinance or other measure. 29831

Sec. 731.291. If a proposed ordinance establishes or 29832  
modifies planned-unit development regulations, the following 29833  
apply in lieu of the contrary provisions of section 731.29 of 29834  
the Revised Code: 29835

(A) The board of elections shall determine the sufficiency 29836  
and validity of the petition not later than thirty days after 29837  
the petition is certified to the board of elections by the 29838  
auditor or clerk. 29839

(B) If the board of elections determines there is an 29840

insufficient number of valid signatures, the board immediately 29841  
shall notify the person who presented the petition. The person 29842  
may submit additional signatures not later than ten days after 29843  
the notification. 29844

**Sec. 733.81.** (A) As used in this section, "fiscal officer" 29845  
means the city auditor, city treasurer, village fiscal officer, 29846  
village clerk-treasurer, village clerk, and, in the case of a 29847  
municipal corporation having a charter that designates an 29848  
officer who, by virtue of the charter, has duties and functions 29849  
similar to those of the city or village officers referred to in 29850  
this section, the officer so designated by the charter. 29851

(B) To enhance the background and working knowledge of 29852  
fiscal officers in government accounting, budgeting and 29853  
financing, financial report preparation, cybersecurity, ~~and~~ the 29854  
rules adopted by the auditor of state, bulletins or other 29855  
information published by the auditor of state, and any other 29856  
subject deemed appropriate by the auditor of state, the auditor 29857  
of state shall conduct education programs and continuing 29858  
education courses for individuals elected or appointed for the 29859  
first time to the office of fiscal officer, and shall conduct 29860  
continuing education courses for individuals who continue to 29861  
hold the office in a subsequent term. The Ohio municipal league 29862  
also may conduct such initial education programs and continuing 29863  
education courses if approved by the auditor of state. The 29864  
auditor of state, in conjunction with the Ohio municipal league, 29865  
shall determine the manner and content of the initial education 29866  
programs and continuing education courses. 29867

(C) A newly elected or appointed fiscal officer shall 29868  
complete at least six hours of initial education programs before 29869  
commencing, or during the first year of, office. A fiscal 29870

officer who participates in a training program held under 29871  
section 117.44 of the Revised Code may apply those hours taken 29872  
before commencing office to the six hours of initial education 29873  
programs required under this division. 29874

(D) (1) In addition to the six hours of initial education 29875  
required under division (B) of this section, a newly elected or 29876  
appointed fiscal officer shall complete at least a total of 29877  
eighteen continuing education hours during the fiscal officer's 29878  
first term of office. 29879

(2) An elected or appointed fiscal officer who retains 29880  
office for a subsequent term shall complete twelve hours of 29881  
continuing education courses in each subsequent term of office. 29882

(3) The auditor of state shall adopt rules consistent with 29883  
division (B) of this section specifying the initial education 29884  
~~programs and continuing education courses that are required~~ 29885  
requirements for a fiscal officer who has been appointed. The 29886  
requirements shall be proportionally equivalent, based on the 29887  
time remaining in the vacated office, to the requirements for a 29888  
newly elected or appointed fiscal officer. 29889

(4) At least two hours of ethics instruction shall be 29890  
included in the continuing education hours required by divisions 29891  
(D) (1) and (2) of this section. 29892

(5) A fiscal officer who participates in a training 29893  
program or seminar established under section 109.43 of the 29894  
Revised Code may apply the three hours of training to the 29895  
continuing education hours required by divisions (D) (1) and (2) 29896  
of this section. 29897

(E) (1) A certified public accountant who serves as a 29898  
fiscal officer may apply to the continuing education hours 29899

required by division (D) of this section any hours of continuing education completed under section 4701.11 of the Revised Code after being elected or appointed as a fiscal officer.

(2) A fiscal officer may apply to the continuing education hours required by division (D) of this section any hours of continuing education completed under section 135.22 of the Revised Code after being elected or appointed as a fiscal officer.

(3) A fiscal officer who teaches an approved continuing education course under division (D) of this section is entitled to credit for the course in the same manner as if the fiscal officer had attended the course.

~~(F) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section for each category of fiscal officer. The auditor of state shall issue a certificate of completion to each fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office to which the individual was elected or appointed.~~

The fiscal officer shall retain the documentation of any initial or continuing education courses completed. The auditor of state shall audit for compliance with this section.

(G) The legislative authority of a municipal corporation

shall approve a reasonable amount requested by the fiscal 29929  
officer to cover the costs the fiscal officer is required to 29930  
incur to meet the requirements of this section, including 29931  
registration fees, lodging and meal expenses, and travel 29932  
expenses. 29933

**Sec. 735.05.** The director of public service may make any 29934  
contract, purchase supplies or material, or provide labor for 29935  
any work under the supervision of the department of public 29936  
service involving not more than the amount specified in section 29937  
9.17 of the Revised Code. When an expenditure within the 29938  
department, other than the compensation of persons employed in 29939  
the department, exceeds the amount specified in section 9.17 of 29940  
the Revised Code, the expenditure shall first be authorized and 29941  
directed by ordinance of the city legislative authority. When so 29942  
authorized and directed, except where the contract is for 29943  
equipment, services, materials, or supplies to be purchased 29944  
under division (D) of section 713.23 or section 125.04 or 29945  
5513.01 of the Revised Code or available from a qualified 29946  
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 29947  
125.601 of the Revised Code, the director shall make a written 29948  
contract with the lowest and best bidder after advertisement for 29949  
not less than two nor more than four consecutive weeks in a 29950  
newspaper of general circulation within the city or as provided 29951  
in section 7.16 of the Revised Code. No expenditure subject to 29952  
this section shall be divided into component parts, separate 29953  
projects, or separate items of work in order to avoid the 29954  
requirements of this section. 29955

**Sec. 742.043.** (A) No person shall knowingly fail to file a 29956  
complete and accurate campaign finance statement or independent 29957  
expenditure statement in accordance with section 742.042 of the 29958  
Revised Code. 29959

(B) No person, during the course of a person seeking nomination for, and during any campaign for, election to the board of trustees of the police and fire pension fund, shall knowingly and with intent to affect the nomination or the outcome of the campaign do any of the following by means of campaign materials, an advertisement on radio or television or in a newspaper or periodical, a public speech, press release, or otherwise:

(1) With regard to a candidate, identify the candidate in a manner that implies that the candidate is a member of the board or use the term "re-elect" when the candidate is not currently a member of the board;

(2) Make a false statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution;

(3) Make a false statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages;

(4) Make a false statement that a candidate or board member has been indicted or convicted of a theft offense, extortion, or other crime involving financial corruption or moral turpitude;

(5) Make a statement that a candidate has been indicted for any crime or has been the subject of a finding by the Ohio elections commission, the secretary of state, or the Ohio

<u>election integrity commission</u> without disclosing the outcome of	29989
any legal proceedings resulting from the indictment or finding;	29990
(6) Make a false statement that a candidate or board	29991
member has a record of treatment or confinement for mental	29992
disorder;	29993
(7) Make a false statement that a candidate or board	29994
member has been subjected to military discipline for criminal	29995
misconduct or dishonorably discharged from the armed services;	29996
(8) Falsely identify the source of a statement, issue	29997
statements under the name of another person without	29998
authorization, or falsely state the endorsement of or opposition	29999
to a candidate by a person or publication;	30000
(9) Make a false statement concerning the voting record of	30001
a candidate or board member;	30002
(10) Post, publish, circulate, distribute, or otherwise	30003
disseminate a false statement concerning a candidate, either	30004
knowing the same to be false or with reckless disregard of	30005
whether it was false or not, if the statement is designed to	30006
promote the election, nomination, or defeat of the candidate.	30007
<b>Sec. 742.044.</b> <del>The secretary of state, or any person acting</del>	30008
<del>on personal knowledge and subject to the penalties of perjury,</del>	30009
<del>may file a <u>A</u> complaint with the Ohio elections commission</del>	30010
<del>alleging a violation of section 742.043 of the Revised Code <u>may</u></del>	30011
<del>be filed in accordance with section 3517.16 of the Revised Code.</del>	30012
<del>The complaint shall be made on a form prescribed and provided by</del>	30013
<del>the commission.</del>	30014
<del>On receipt of a complaint under this section, the</del>	30015
<del>commission shall hold a hearing open to the public to determine</del>	30016
<del>whether the violation alleged in the complaint has occurred. The</del>	30017

~~commission may administer oaths and issue subpoenas to any~~ 30018  
~~person in the state compelling the attendance of witnesses and~~ 30019  
~~the production of relevant papers, books, accounts, and reports.~~ 30020  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 30021  
~~or to answer as a witness, the commission may apply to the court~~ 30022  
~~of common pleas of Franklin county under section 2705.03 of the~~ 30023  
~~Revised Code. The court shall hold contempt proceedings in~~ 30024  
~~accordance with Chapter 2705. of the Revised Code.~~ 30025

~~The commission shall provide the person accused of the~~ 30026  
~~violation at least seven days prior notice of the time, date,~~ 30027  
~~and place of the hearing. The accused may be represented by an~~ 30028  
~~attorney and shall have an opportunity to present evidence, call~~ 30029  
~~witnesses, and cross-examine witnesses.~~ 30030

~~At the hearing, the commission shall determine whether the~~ 30031  
~~violation alleged in the complaint has occurred. If the~~ 30032  
~~commission determines that a violation of division (A) of~~ 30033  
~~section 742.043 of the Revised Code has occurred, the commission~~ 30034  
~~shall either impose a fine under section 742.99 of the Revised~~ 30035  
~~Code or enter a finding that good cause has been shown not to~~ 30036  
~~impose the fine. If the commission determines that a violation~~ 30037  
~~of division (B) of section 742.043 of the Revised Code has~~ 30038  
~~occurred, the commission shall impose the fine described in~~ 30039  
~~section 742.99 of the Revised Code, refer the matter to the~~ 30040  
~~appropriate prosecutor, or enter a finding that good cause has~~ 30041  
~~been shown not to impose a fine or refer the matter to a~~ 30042  
~~prosecutor.~~ 30043

**Sec. 742.99.** (A) Whoever violates section 742.043 of the 30044  
Revised Code shall be fined not more than one hundred dollars 30045  
for each day of the violation. 30046

(B) Whoever violates division (B) of section 742.043 of 30047

the Revised Code shall be imprisoned for not more than six 30048  
months or fined not more than five thousand dollars, or both. 30049

~~(C) Fines imposed by the Ohio elections commission under 30050  
this section shall be paid into the Ohio elections commission 30051  
fund created under section 3513.10 of the Revised Code. 30052~~

**Sec. 749.31.** Except where the contract is for equipment, 30053  
services, materials, or supplies available from a qualified 30054  
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 30055  
125.601 of the Revised Code, the board of hospital trustees 30056  
shall enter into a contract for work or supplies where the 30057  
estimated cost exceeds fifty thousand dollars with the lowest 30058  
and best bidder. Where the contract is for other than the 30059  
construction, demolition, alteration, repair, or reconstruction 30060  
of an improvement, the board shall enter into the contract when 30061  
the bidder gives bond to the board, with such security as the 30062  
board approves, that the bidder will perform the work and 30063  
furnish materials or supplies in accordance with the contract. 30064  
On the failure of such bidder within a reasonable time, to be 30065  
fixed by the board, to enter into bond with such security, a 30066  
contract may be made with the next lowest and best bidder, and 30067  
so on until a contract is effected by a contractor giving such 30068  
bond. The board may reject any bid. 30069

**Sec. 755.181.** The legislative authority of any municipal 30070  
corporation, township, township park district, county, or school 30071  
district desiring to join a joint recreation district created 30072  
under section 755.14 of the Revised Code may, by resolution, 30073  
petition the joint recreation district board of trustees for 30074  
membership. If the joint recreation district does not impose a 30075  
tax, the petitioning subdivision becomes a member upon approval 30076  
by the joint recreation district's board of trustees. If the 30077

joint recreation district imposes a tax, the petitioning 30078  
subdivision becomes a member after approval by the joint 30079  
recreation district's board of trustees and after approval of 30080  
the tax by the electors of the petitioning subdivision. In such 30081  
a case, the joint recreation district's board of trustees and 30082  
the county auditor shall proceed as required for a tax levy 30083  
under section 5705.03 of the Revised Code, except that the 30084  
levy's annual collections shall be estimated assuming that the 30085  
subdivision's territory has been added to the joint recreation 30086  
district. 30087

Upon certification by the board of trustees of the joint 30088  
recreation district to the appropriate boards of election, the 30089  
boards of election shall make the necessary arrangements for the 30090  
submission of the question to the electors of the petitioning 30091  
subdivision qualified to vote thereon. The election shall be 30092  
held, canvassed, and certified in the manner provided for the 30093  
submission of tax levies under section 5705.19 of the Revised 30094  
Code, except that the question appearing on the ballot shall 30095  
read: 30096

"Shall the territory within \_\_\_\_\_ (Name of the 30097  
subdivision to be added) be added to \_\_\_\_\_ (Name) 30098  
joint recreation district, and a property tax, that the county 30099  
auditor estimates will collect \$\_\_\_\_\_ annually, at a rate not 30100  
exceeding \_\_\_\_\_ mills for each \$1 of taxable value, 30101  
which amounts to \$\_\_\_\_\_ (effective rate) for each 30102  
\$100,000 of ~~the county auditor's appraised market~~ value, be in 30103  
effect for \_\_\_\_\_ (here insert the number of years 30104  
the tax is to be in effect)?" 30105

If the question is approved by at least a majority of the 30106  
electors voting on it, the joinder shall be effective as of the 30107

first day of January of the year following approval, and on that 30108  
date, the joint recreation district tax shall be extended to the 30109  
taxable property within the territory that has been added. 30110

The legislative authority of any subdivision that is a 30111  
member of a joint recreation district may withdraw from it upon 30112  
certification of a resolution proclaiming a withdrawal to the 30113  
joint recreation district's board of trustees. Any subdivision 30114  
withdrawing from a joint recreation district shall continue to 30115  
have levied against its tax duplicate any tax levied by the 30116  
district on the effective date of the withdrawal until it 30117  
expires or is renewed. Members of a joint recreation district's 30118  
board of trustees who represent the withdrawing subdivision are 30119  
deemed to have resigned their position upon certification of a 30120  
withdrawal resolution. Upon the withdrawal of any subdivision 30121  
from a joint recreation district, the county auditor shall 30122  
ascertain, apportion, and order a division of the funds on hand, 30123  
moneys and taxes in the process of collection, except for taxes 30124  
levied for the payment of indebtedness, credits, and real and 30125  
personal property, either in money or in kind, on the basis of 30126  
the valuation of the respective tax duplicates of the 30127  
withdrawing subdivision and the remaining territory of the joint 30128  
recreation district. 30129

When the number of subdivisions comprising a joint 30130  
recreation district is reduced to one, the joint recreation 30131  
district ceases to exist, and the funds, credits, and property 30132  
remaining after apportionments to withdrawing subdivisions shall 30133  
be assumed by the one remaining subdivision. When a joint 30134  
recreation district ceases to exist and indebtedness remains 30135  
unpaid, the board of county commissioners shall continue to levy 30136  
and collect taxes for the payment of that indebtedness within 30137  
the territory of the joint recreation district as it was 30138

comprised at the time the indebtedness was incurred. 30139

As used in this section, "~~the county auditor's appraised~~  
market value" and "effective rate" have the same meanings as in 30140  
section 5705.01 of the Revised Code. 30141  
30142

**Sec. 901.43.** (A) As used in this section, "certificate of 30143  
free sale" means a document issued by the director of 30144  
agriculture that certifies to states and countries receiving the 30145  
listed product that the product being exported is freely 30146  
marketed without restriction in the United States. 30147

(B) ~~The director of agriculture~~ may authorize any 30148  
department of agriculture laboratory to perform a laboratory 30149  
service for any person, organization, political subdivision, 30150  
state agency, federal agency, or other entity, whether public or 30151  
private. The director shall adopt and enforce rules to provide 30152  
for the rendering of a laboratory service. 30153

~~(B)~~ (C) The director may charge a reasonable fee for the 30154  
performance of a laboratory service, except when the service is 30155  
performed on an official sample taken by the director acting 30156  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 30157  
Revised Code; by a board of health acting as the licensor of 30158  
retail food establishments or food service operations under 30159  
Chapter 3717. of the Revised Code; or by the director of health 30160  
acting as the licensor of food service operations under Chapter 30161  
3717. of the Revised Code. The director of agriculture shall 30162  
adopt rules specifying what constitutes an official sample. 30163

The director shall publish a list of laboratory services 30164  
offered, together with the fee for each service. 30165

~~(C)~~ (D) The director may enter into a contract with any 30166  
person, organization, political subdivision, state agency, 30167

federal agency, or other entity for the provision of a 30168  
laboratory service. 30169

~~(D)~~~~(1)~~(E) (1) The director may adopt rules establishing 30170  
standards for accreditation of laboratories and laboratory 30171  
services and in doing so may adopt by reference existing or 30172  
recognized standards or practices. 30173

(2) The director may inspect and accredit laboratories and 30174  
laboratory services, and may charge a reasonable fee for the 30175  
inspections and accreditation. 30176

~~(E)~~~~(1)~~(F) (1) There is hereby created in the state treasury 30177  
the animal and consumer protection laboratory fund. Moneys from 30178  
the following sources shall be deposited into the state treasury 30179  
to the credit of the fund: all moneys collected by the director 30180  
under this section that are from fees generated by a laboratory 30181  
service performed by the department and related to the diseases 30182  
of animals, all moneys so collected that are from fees generated 30183  
for the inspection and accreditation of laboratories and 30184  
laboratory services related to the diseases of animals, all 30185  
moneys collected by the director under this section that are 30186  
from fees generated by a laboratory service performed by the 30187  
consumer protection laboratory, all moneys so collected that are 30188  
from fees generated for the inspection and accreditation of 30189  
laboratories and laboratory services not related to weights and 30190  
measures, money received by the director under sections 947.01 30191  
to 947.06 of the Revised Code, and all moneys collected under 30192  
~~Chapters 943. and Chapter~~ 953. of the Revised Code that are not 30193  
credited to the animal and consumer protection fund created in 30194  
section 943.26 of the Revised Code. The director may use the 30195  
moneys held in the fund to pay the expenses necessary to operate 30196  
the animal industry laboratory and the consumer protection 30197

laboratory, including the purchase of supplies and equipment. 30198

(2) All moneys collected by the director under this 30199  
section that are from fees generated by a laboratory service 30200  
performed by the weights and measures laboratory, and all moneys 30201  
so collected that are from fees generated for the inspection and 30202  
accreditation of laboratories and laboratory services related to 30203  
weights and measures, shall be deposited in the state treasury 30204  
to the credit of the weights and measures laboratory fund, which 30205  
is hereby created in the state treasury. The moneys held in the 30206  
fund may be used to pay the expenses necessary to operate the 30207  
division of weights and measures, including the purchase of 30208  
supplies and equipment. 30209

(G) (1) The director may authorize any department of 30210  
agriculture division or program to issue a certificate of free 30211  
sale to any person, organization, political subdivision, state 30212  
agency, federal agency, or other entity, whether public or 30213  
private. The director may charge a fee of fifty dollars for 30214  
issuance of a certificate of free sale. The director shall adopt 30215  
and enforce rules in accordance with Chapter 119. of the Revised 30216  
Code to provide for the issuance of the certificates of free 30217  
sale. 30218

(2) All money collected by the director under this section 30219  
that is from fees related to the issuance of certificates of 30220  
free sale shall be credited to the appropriate program fund 30221  
administered by the department. 30222

(H) (1) Information, reports, and other records furnished, 30223  
procured, or used in any department of agriculture laboratory to 30224  
perform a laboratory service is not a public record. Any details 30225  
that would identify a particular person, business, or premises 30226  
that submitted a specimen to any such laboratory shall be 30227

treated as confidential and shall not be disclosed, unless the 30228  
director elects to share such information with one of the 30229  
following: 30230

(a) A local, state, or federal agency for use in the 30231  
discharge of such agency's official public duties; 30232

(b) An institution of higher education. 30233

The director may enter into an agreement with a local, 30234  
state, or federal agency or with an institution of higher 30235  
education that requires information shared under division (H) (1) 30236  
of this section to be kept confidential. 30237

(2) The director may prepare and publish statistical 30238  
information without disclosing details that would identify a 30239  
particular person or business client. 30240

**Sec. 904.02.** (A) There is hereby created the Ohio 30241  
livestock care standards board consisting of the following 30242  
members: 30243

(1) The director of agriculture, who shall be the 30244  
chairperson of the board; 30245

(2) Ten members appointed by the governor with the advice 30246  
and consent of the senate. The ten members shall be residents of 30247  
this state and shall include the following: 30248

(a) One member representing family farms; 30249

(b) One member who is knowledgeable about food safety in 30250  
this state; 30251

(c) Two members representing statewide organizations that 30252  
represent farmers; 30253

(d) One member who is a veterinarian licensed under 30254

Chapter 4741. of the Revised Code;	30255
(e) The state veterinarian in the department of agriculture;	30256 30257
(f) The dean of the agriculture department of a college or university located in this state;	30258 30259
(g) Two members of the public representing consumers in this state;	30260 30261
(h) One member representing a county humane society organized under Chapter 1717. of the Revised Code.	30262 30263
(3) One member appointed by the speaker of the house of representatives who shall be a family farmer;	30264 30265
(4) One member appointed by the president of the senate who shall be a family farmer.	30266 30267
Not more than seven members appointed to the board at any given time shall be of the same political party.	30268 30269
(B) (1) The governor, the speaker of the house of representatives, and the president of the senate shall make appointments to the board not later than forty-five days after <del>the effective date of this section</del> <u>March 31, 2010.</u>	30270 30271 30272 30273
(2) The following initial members of the board appointed by the governor shall be appointed for a term ending January 25, 2011:	30274 30275 30276
(a) The member representing family farmers;	30277
(b) The dean of the agriculture department of a college or university located in this state;	30278 30279
(c) The member who is a veterinarian licensed under Chapter 4741. of the Revised Code;	30280 30281

(d) One of the members of the public representing consumers in this state.	30282 30283
(3) The following initial members of the board shall be appointed for a term ending January 15, 2012:	30284 30285
(a) The member appointed by the speaker of the house of representatives who is a family farmer;	30286 30287
(b) One of the members representing a statewide organization that represents farmers;	30288 30289
(c) The member representing a county humane society organized under Chapter 1717. of the Revised Code;	30290 30291
(d) The member who is knowledgeable about food safety in this state.	30292 30293
(4) The following initial members of the board shall be appointed for a term ending January 15, 2013:	30294 30295
(a) The member appointed by the president of the senate who is a family farmer;	30296 30297
(b) One of the members of the public representing consumers in this state;	30298 30299
(c) One of the members representing a statewide organization that represents farmers.	30300 30301
(C) After the initial terms served in accordance with division (B) of this section, terms of office shall be for three years with each term ending on the same day of the same month as did the term that it succeeds. However, the terms for the director of agriculture and the state veterinarian shall coincide with the length of time that the person holds the position of director or state veterinarian, as applicable. If	30302 30303 30304 30305 30306 30307 30308

the director or the state veterinarian resigns or that person's 30309  
employment is terminated, the director or state veterinarian, as 30310  
applicable, shall cease to serve on the board, and the successor 30311  
of the director or state veterinarian shall then serve on the 30312  
board in accordance with this section. Every other member shall 30313  
hold office from the date of the member's appointment until the 30314  
end of the term for which the member was appointed. 30315

Vacancies on the board shall be filled in the manner 30316  
provided for original appointments. Any member appointed to fill 30317  
a vacancy occurring prior to the expiration of the term for 30318  
which the member's predecessor was appointed shall hold office 30319  
for the remainder of that term. A member shall continue in 30320  
office subsequent to the expiration date of the member's term 30321  
until the member's successor takes office, or until a period of 30322  
one hundred eighty days has elapsed, whichever occurs first. A 30323  
member may be reappointed upon the expiration of the member's 30324  
term. 30325

(D) The board shall hold at least three regular meetings 30326  
each year and may hold additional meetings at times that the 30327  
chairperson or a majority of the board members considers 30328  
appropriate. At the three regular meetings held by the board 30329  
each year, the board shall conduct a review of the rules 30330  
governing the care and well-being of livestock that have been or 30331  
are proposed to be adopted under section 904.03 of the Revised 30332  
Code. 30333

At the first meeting of the board in each calendar year, 30334  
the director shall designate one member of the board to serve as 30335  
its vice-chairperson. A majority of the board constitutes a 30336  
quorum. The board may act only if a quorum is present and only 30337  
by majority vote of that quorum. A vacancy on the board does not 30338

impair the right of the other members to exercise all of the 30339  
board's powers. 30340

(E) Serving as an appointed member of the board does not 30341  
constitute holding a public office or position of employment 30342  
under the laws of this state and does not constitute grounds for 30343  
removal of public officers or employees from their offices or 30344  
positions of employment. 30345

(F) Appointed members of the board shall receive no 30346  
compensation for their services. Members shall be reimbursed for 30347  
their actual and necessary expenses incurred in the performance 30348  
of their duties as members. The expenses shall be paid from the 30349  
Ohio livestock care standards animal and consumer protection 30350  
fund created in section ~~904.06~~ 943.26 of the Revised Code. The 30351  
expenses shall be paid in accordance with the rules and 30352  
requirements adopted by the department of administrative 30353  
services that are applicable to state employees. 30354

(G) The board may create committees that it considers 30355  
appropriate to make recommendations to the board. Committees may 30356  
include non-board members. 30357

**Sec. 904.04.** (A) In order to assist the Ohio livestock 30358  
care standards board in the administration and enforcement of 30359  
this chapter, the director of agriculture shall do all of the 30360  
following: 30361

(1) Hire all employees of the board, including an 30362  
executive director. Employees of the board shall be in the 30363  
unclassified civil service, serve at the pleasure of the 30364  
director of agriculture, and be compensated with money from the 30365  
Ohio livestock care standards animal and consumer protection 30366  
fund created in section ~~904.06~~ 943.26 of the Revised Code. 30367

(2) Enter into contracts on behalf of the board;	30368
(3) Do all of the following with regard to rules governing the care and well-being of livestock adopted by the board under section 904.03 of the Revised Code:	30369
(a) Process and submit the rules to the joint committee on agency rule review pursuant to Chapter 119. of the Revised Code;	30370
(b) Contract for surveys and analyses;	30371
(c) Perform any other activities that assist the board in adopting the rules.	30372
(4) Publish and distribute information related to livestock care, including educational materials, to livestock producers and members of the public;	30373
(5) Investigate complaints regarding violations of the rules adopted under section 904.03 of the Revised Code in accordance with the authority granted by this chapter, sections 901.25 to 901.29 of the Revised Code, and rules adopted under this chapter and section 901.03 of the Revised Code;	30374
(6) Enforce the rules adopted under section 904.03 of the Revised Code and levy the civil penalties established by those rules. The director may apply to a court of competent jurisdiction for a temporary or permanent injunction or other appropriate relief for violations of this chapter and rules adopted under it. For purposes of this division, the court of competent jurisdiction shall be either the court of common pleas of Licking county or the court of common pleas of the county where the violation is occurring. Money collected from civil penalties levied under division (A) (6) of this section shall be deposited in the state treasury to the credit of the general revenue fund.	30375
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(7) Perform any other duties necessary to assist the board 30397  
in the administration and enforcement of this chapter. 30398

(B) With the consent of the premises owner and, if the 30399  
premises owner is different from the livestock owner, the 30400  
livestock owner, the director or the director's authorized 30401  
representative may enter at all reasonable times on any premises 30402  
for the purpose of determining compliance with the rules adopted 30403  
under section 904.03 of the Revised Code. If the director or the 30404  
director's authorized representative is denied access to the 30405  
premises and the director or the director's authorized 30406  
representative suspects that those rules are not being complied 30407  
with, the director may apply for a search warrant authorizing 30408  
access from a court of competent jurisdiction. The court shall 30409  
issue the search warrant if there is probable cause. Probable 30410  
cause may be based on hearsay, provided that there is 30411  
substantial basis for believing the source is credible and there 30412  
is factual basis for the information. 30413

Upon entry on premises in accordance with this division, 30414  
the director or the director's authorized representative shall 30415  
observe biosecurity measures in order to prevent spreading 30416  
disease and infecting livestock. 30417

**Sec. 905.32.** (A) No person shall manufacture or distribute 30418  
in this state any type of fertilizer until a license to 30419  
manufacture or distribute has been obtained by the manufacturer 30420  
or distributor from the department of agriculture upon payment 30421  
of a ~~five-dollar~~ fifty-dollar fee: 30422

(1) For each fixed (permanent) location at which 30423  
fertilizer is manufactured in this state; 30424

(2) For each mobile unit used to manufacture fertilizer in 30425

this state; 30426

(3) For each location out of the state from which 30427  
fertilizer is distributed into this state; 30428

(4) For each location in this state from which fertilizer 30429  
is distributed in this state. 30430

All licenses shall be valid for one year beginning on the 30431  
first day of December of a calendar year through the thirtieth 30432  
day of November of the following calendar year. A renewal 30433  
application for a license shall be submitted no later than the 30434  
thirtieth day of November each year. A person who submits a 30435  
renewal application for a license after the thirtieth day of 30436  
November shall include with the application a late filing fee of 30437  
~~ten~~ twenty-five dollars. 30438

(B) An application for a license shall include: 30439

(1) The name and address of the licensee; 30440

(2) The name and address of each bulk distribution point 30441  
in the state, not licensed for fertilizer manufacture and 30442  
distribution. 30443

The name and address shown on the license shall be shown 30444  
on all labels, pertinent invoices, and bulk storage for 30445  
fertilizers distributed by the licensee in this state. 30446

(C) The licensee shall inform the director of agriculture 30447  
in writing of additional distribution points established during 30448  
the period of the license. 30449

(D) All money collected under this section shall be 30450  
credited to the pesticide, fertilizer, and lime program fund 30451  
created in section 921.22 of the Revised Code. 30452

**Sec. 905.57.** ~~(A) All information furnished to or procured by the director of agriculture under section 905.56 of the Revised Code is for the exclusive use and information of the director in the discharge of his official duties and is not open to the public nor to be used in any court in any action or proceeding therein unless the director is a party to such action or proceeding, but such information may be consolidated in statistical tables and published by the director in statistical form, without disclosing details of information furnished by any particular person.~~

~~(B) No person shall willfully divulge any information secured while in the employ of the department of agriculture, with respect to the transactions, property, files, records, or papers of the department, or with respect to the business of any manufacturer, seller, or distributor of agricultural liming material to any person other than the director or the superior of such employee, or when called upon to testify in an action or proceeding to which the director is a party.~~

**Sec. 907.13.** No person shall label agricultural, vegetable, or flower seed that is intended for sale in this state unless the person holds a valid seed labeler permit that has been issued by the director of agriculture in accordance with this section.

A person who wishes to obtain a seed labeler permit shall file an application with the director on a form that the director provides and shall submit a permit fee in the amount of ~~ten~~ fifty dollars. Such a person who labels seed under more than one name or at more than one address shall obtain a separate seed labeler permit and pay a separate permit fee for each name and address.

The applicant shall include the applicant's full name and address on the application together with any additional information that the director requires by rules adopted under section 907.10 of the Revised Code. If the applicant's address is not within this state or it does not represent a location in this state where the director can collect samples of the applicant's seed for analysis, then the applicant shall include on the application an address within this state where samples of the applicant's seed may be collected for those purposes or shall agree to provide the director or the director's authorized representative with seeds for sampling upon request.

Upon receipt of a complete application accompanied by the ~~ten-dollar~~ fifty-dollar permit fee, the director shall issue a seed labeler's permit to the applicant. All seed labeler permits that are issued under this section shall expire on the thirty-first day of ~~December~~ January of each year regardless of the date on which a permit was issued during ~~that year~~ the previous one-year period.

Each person who obtains a seed labeler permit shall label the seed that the person intends for sale in this state in accordance with the requirements established in sections 907.01 to 907.17 of the Revised Code. Each person who holds a valid seed labeler permit shall keep the permit posted in a conspicuous place in the principal seed room from which the person sells seed and shall comply with the reporting and fee requirements that are established in section 907.14 of the Revised Code.

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

**Sec. 907.14.** (A) A person who holds a valid seed labeler permit issued under section 907.13 of the Revised Code shall report to the director of agriculture concerning the amount of seed that the person sells in this state. The report shall be made ~~semiannually~~annually on a form that the director prescribes and provides. ~~One semiannual~~The report shall be filed with the director prior to the first day of February of each year with respect to all sales that the person made during the period from the first day of ~~July~~January to the thirty-first day of December of the ~~preceding~~previous year. ~~The second semiannual report shall be filed prior to the first day of August of each year with respect to all sales that the person made during the period from the first day of January to the thirtieth day of June of that year.~~

(B) A person who holds a valid seed labeler permit shall include with each ~~semiannual~~annual report a seed fee based on the amount of the seed that the person sold during that reporting period as follows:

(1) For soybeans and small grains, including barley, oats, rye, wheat, triticale, and spelt, four cents per one hundred pounds;

(2) For corn and grain sorghum, five cents per one hundred pounds;

(3) (a) For any of the following seed sold at wholesale or retail or on consignment or commission, two per cent of the wholesale value of the containers of seed or, if the seed is not sold wholesale, two per cent of the retail value of the containers of seed:

(i) Vegetable and flower seed sold in containers, other

than hermetically sealed containers, of eight ounces or less; 30542

(ii) Flower seed sold in hermetically sealed containers 30543  
that contain fewer than three hundred seeds; 30544

(iii) Vegetable seed sold in hermetically sealed 30545  
containers that contain fewer than one thousand seeds. 30546

(b) The fees established pursuant to divisions (B) (3) (a) 30547  
(ii) and (iii) of this section apply to both of the following: 30548

(i) Seed sold in hermetically sealed containers that 30549  
contain the amount of seeds specified in division (B) (3) (a) (ii) 30550  
or (iii) of this section, as applicable; 30551

(ii) Seed sold in hermetically sealed containers that do 30552  
not clearly state the number of seeds that they contain. 30553

(c) Except as otherwise provided in division (B) (3) (b) (ii) 30554  
of this section, if the weight of seed in a container, or the 30555  
quantity of seed in a container, exceeds the applicable weight 30556  
or quantity specified in division (B) (3) (a) (i), (ii), or (iii) 30557  
of this section, the fee established in division (B) (4) of this 30558  
section applies. 30559

(4) For alfalfa, clover, grass, native grass, mixtures 30560  
containing any of these, and all agricultural, vegetable, and 30561  
flower seeds not specified in divisions (B) (1) to (3) of this 30562  
section, ten cents per one hundred pounds. 30563

If the total amount of the seed fee that is due is less 30564  
than ~~five~~ fifty dollars, the person shall pay ~~the minimum seed~~ 30565  
no fee, which is five dollars. 30566

(C) For each failure to report in full the amount of seed 30567  
sold or to submit the required seed fees in full by the due 30568  
date, a person who holds a valid seed labeler permit shall pay a 30569

penalty of ten per cent of the amount due or fifty dollars, 30570  
whichever is greater. Failure to pay either the fee or the 30571  
penalty within thirty days after the due date is cause for 30572  
suspension or revocation by the director of the seed labeler 30573  
permit or refusal, without a hearing, to issue a subsequent seed 30574  
labeler permit for which the person applies. 30575

(D) This section does not apply to governmental entities 30576  
that donate seed for conservation purposes. 30577

(E) All money collected under this section shall be 30578  
credited to the commercial feed and seed fund created in section 30579  
923.46 of the Revised Code. 30580

**Sec. 911.02.** Each person, firm, partnership, or 30581  
corporation that owns or operates a bakery shall register each 30582  
bakery that it owns or operates with the director of 30583  
agriculture. For the registration, the owner or operator of each 30584  
bakery shall pay an annual fee of ~~thirty dollars for a~~ 30585  
~~production capacity of one thousand pounds of bakery product per~~ 30586  
~~hour or less and an annual fee of thirty dollars for each one~~ 30587  
~~thousand pounds of bakery product per hour capacity, or part~~ 30588  
~~thereof, in excess of one thousand pounds of bakery product per~~ 30589  
~~hour~~ two hundred dollars. 30590

Any person who owns or operates a home bakery with only 30591  
one oven, in a stove of ordinary home kitchen design and located 30592  
in a home, used for the baking of baked goods to be sold, shall 30593  
pay a sum of ten dollars annually for registration regardless of 30594  
the capacity of the home bakery oven. The registration shall be 30595  
renewed annually by the thirtieth day of September and shall be 30596  
renewed according to the standard renewal procedure of Chapter 30597  
4745. of the Revised Code. The registration of the bakery shall 30598  
show the location, including municipal corporation, street, and 30599

number, the name of the owner, and the name of the operator. The 30600  
application for registration shall be made on a form prescribed 30601  
and provided by the director. All moneys received from 30602  
registration fees and fines collected under sections 911.01 to 30603  
911.20 of the Revised Code shall be deposited with the treasurer 30604  
of state to the credit of the food safety fund created in 30605  
section 915.24 of the Revised Code. All annual renewal 30606  
registration fees required by this section shall be paid by the 30607  
applicant for the renewal to the treasurer of state for deposit 30608  
into the food safety fund. 30609

No bakery product that is manufactured in an out-of-state 30610  
bakery shall be sold or offered for sale within this state 30611  
unless the bakery is in compliance with sections 911.01 to 30612  
911.20 of the Revised Code, and is registered, having paid the 30613  
annual registration fee. 30614

Registration of out-of-state bakeries is not required if a 30615  
reciprocal agreement is in effect whereby a bakery located in 30616  
this state is not subject to a license or registration fee by 30617  
the receiving state or a political subdivision thereof. 30618

**Sec. 913.23.** (A) The director of agriculture may issue 30619  
licenses as required by sections 913.22 to 913.28 of the Revised 30620  
Code, may make the inspections and registrations required by 30621  
those sections, and may prescribe the form of application to be 30622  
filed under this section. 30623

(B) No person shall manufacture or bottle for sale within 30624  
this state any soft drink in closed containers unless the person 30625  
has a license issued by the director. Upon receipt of an 30626  
application for such a license, the director shall examine the 30627  
products and the place of manufacture where the business is to 30628  
be conducted, to determine whether the products and place comply 30629

with sections 913.22 to 913.28 of the Revised Code. Upon finding 30630  
there is compliance, and upon payment of a license fee of two 30631  
hundred dollars, the director shall issue a license authorizing 30632  
the applicant to manufacture or bottle for sale such soft 30633  
drinks, subject to sections 913.22 to 913.28 of the Revised 30634  
Code. The license shall expire on the last day of March of each 30635  
year unless renewed. 30636

(C) No soft drink that is manufactured or bottled out of 30637  
the state shall be sold or offered for sale within this state 30638  
unless the soft drink and the plant in which the soft drink is 30639  
manufactured or bottled are found by the director to comply with 30640  
sections 913.22 to 913.28 of the Revised Code, and are 30641  
registered by the director, which shall be upon a like 30642  
application as provided in division (B) of this section. 30643

An annual registration fee of two hundred dollars shall be 30644  
paid to the director by each applicant under this division. The 30645  
registration shall be renewed annually, and the registration fee 30646  
paid with the application for annual renewal. 30647

Registration of out-of-state soft drink manufacturers or 30648  
bottlers or syrup and extract manufacturers is not required if a 30649  
reciprocal agreement is in effect whereby a soft drink 30650  
manufacturer or bottler or syrup and extract manufacturer 30651  
located in this state is not subject to a license or 30652  
registration fee by another state or a political subdivision 30653  
thereof. 30654

~~(D) No person, other than a manufacturer or bottler 30655  
holding a soft drink plant license under this section, shall 30656  
sell, offer for sale, use, or have in the person's possession 30657  
with intent to sell, any soda water syrup or extract or soft 30658  
drink syrup, to be used in making, drawing, or dispensing soda 30659~~

~~water or other soft drinks, without first registering the~~ 30660  
~~person's name and address, the name and address of the~~ 30661  
~~manufacturer of the syrup or extract, the number and variety of~~ 30662  
~~such syrups or extracts intended to be sold, and the trade name~~ 30663  
~~or brand of those products, with the director, together with~~ 30664  
~~such samples of the syrups or extracts as the director requests~~ 30665  
~~for analysis. The person also shall pay to the department of~~ 30666  
~~agriculture at the time of making registration a license fee of~~ 30667  
~~one hundred dollars. No license shall be granted by the director~~ 30668  
~~unless the director determines that the syrup or extract is free~~ 30669  
~~from all harmful drugs and other ingredients that, as used, may~~ 30670  
~~be injurious to health. The registration shall be renewed~~ 30671  
~~annually upon like terms. If any manufacturer, bottler, agent,~~ 30672  
~~or seller is licensed or has registered the manufacturer's,~~ 30673  
~~bottler's, agent's, or seller's name and product as required by~~ 30674  
~~this section and has paid the manufacturer's, bottler's,~~ 30675  
~~agent's, or seller's fee, the manufacturer's, bottler's,~~ 30676  
~~agent's, or seller's distributor, retail agent, or retail seller~~ 30677  
~~using the products shall not be required to pay that fee. This~~ 30678  
~~section does not apply to local sellers of soft drinks as to~~ 30679  
~~syrups and extracts made by themselves for their own use~~ 30680  
~~exclusively.~~ 30681

~~(E)~~ All moneys received under sections 913.22 to 913.28 of 30682  
the Revised Code shall be deposited with the treasurer of state 30683  
to the credit of the food safety fund created in section 915.24 30684  
of the Revised Code. 30685

~~(F)~~ (E) The director may revoke any license or registration 30686  
issued under sections 913.22 to 913.28 of the Revised Code, 30687  
whenever the director determines that those sections have been 30688  
violated. When a license has been revoked, the licensee shall 30689  
discontinue the manufacture and sale of soft drinks or other 30690

products for which the license was issued. When a registration 30691  
has been revoked, the registrant shall discontinue the sale 30692  
within this state of the registrant's products until those 30693  
sections have been complied with and a new license or 30694  
registration has been issued. The director may suspend any such 30695  
license or registration temporarily, pending compliance with 30696  
such conditions required by those sections as the director 30697  
prescribes. 30698

**Sec. 915.16.** The license fee for an establishment is ~~fifty~~ 30699  
two hundred dollars. Any operator operating in connection with a 30700  
cold-storage warehouse holding a license under section 915.02 of 30701  
the Revised Code is not required to secure an additional license 30702  
under section 915.15 of the Revised Code so long as the operator 30703  
continues to be licensed as a cold-storage warehouse; but the 30704  
operator shall comply with sections 915.14 to 915.24 of the 30705  
Revised Code, and all rules and regulations promulgated 30706  
thereunder. The license issued shall be in such form as the 30707  
department of agriculture prescribes. Licenses shall be valid 30708  
until the last day of November following initial issuance or 30709  
renewal and shall become invalid on that date unless renewed. 30710  
The original license or a certified copy thereof shall be 30711  
conspicuously displayed by the operator in the establishment. 30712

**Sec. 915.24.** (A) There is hereby created in the state 30713  
treasury the food safety fund. All of the following moneys shall 30714  
be credited to the fund: 30715

(1) Bakery registration fees and fines received under 30716  
sections 911.02 to 911.20 of the Revised Code; 30717

(2) Cannery license fees and renewal fees received under 30718  
sections 913.01 to 913.05 of the Revised Code; 30719

(3) Moneys received under sections 913.22 to 913.28 of the Revised Code;	30720 30721
(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code;	30722 30723
(5) License fees collected under sections 915.14 to 915.23 of the Revised Code;	30724 30725
(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;	30726 30727 30728
(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale;	30729 30730
(8) Registration fees and other fees collected by the director of agriculture under section 3715.041 of the Revised Code;	30731 30732 30733
<u>(9) Money received from contracts or cooperative agreements with any agency of the United States government, or any other public or private agency or organization, for either of the following:</u>	30734 30735 30736 30737
<u>(a) The performance of the prescribed duties of the department of agriculture under this chapter and Chapters 911., 913., 925., 3715., and 3717. of the Revised Code;</u>	30738 30739 30740
<u>(b) Accomplishing cooperative projects within the scope of such duties.</u>	30741 30742
(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.	30743 30744 30745
<b>Sec. 923.42.</b> (A) No person who manufactures commercial	30746

feed or customer-formula feed, or whose name appears on the 30747  
label of any commercial feed or customer-formula feed as a 30748  
distributor shall distribute in this state any type of 30749  
commercial feed unless ~~h~~ethe person is registered ~~with the~~ 30750  
~~director of agriculture on a form provided by the director that~~ 30751  
~~identifies the manufacturer's or distributor's name, place of~~ 30752  
~~business, and location of each manufacturing facility in this~~ 30753  
~~state~~in accordance with this section. 30754

A manufacturer and distributor shall annually register, on 30755  
a form prescribed by the director of agriculture, and pay a 30756  
registration fee of fifty dollars. The person shall file the 30757  
registration not later than February first of each year. A 30758  
registration expires January thirty-first of the following year. 30759

~~(B) The director shall assign to each manufacturer or~~ 30760  
~~distributor registered under division (A) of this section a~~ 30761  
~~permanent registration number.~~ 30762

~~(C) The director may revoke or suspend a registration or~~ 30763  
~~refuse to register a person upon a finding that the~~ 30764  
~~manufacturer, distributor, or person violated any provision of~~ 30765  
~~sections 923.41 to 923.55 of the Revised Code or any rule~~ 30766  
~~adopted under those sections.~~ 30767

No registration shall be revoked, suspended, or refused 30768  
until the manufacturer, distributor, or person has an 30769  
opportunity to appear at an adjudication hearing conducted in 30770  
accordance with Chapter 119. of the Revised Code. 30771

(C) For purposes of this section, "manufacturer" includes 30772  
an exempt buyer. 30773

**Sec. 923.44.** (A) (1) Except as otherwise provided in 30774  
divisions (A) (2), (3), and (4) of this section, the first 30775

distributor of a commercial feed shall pay the director of 30776  
agriculture a ~~semiannual~~ an annual inspection fee at the rate of 30777  
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 30778  
~~dollars,~~ on all commercial feeds distributed by the first 30779  
distributor in this state. The department of agriculture shall 30780  
not collect inspection fees on the first two hundred tons of 30781  
commercial feed sold in a calendar year. 30782

(2) The ~~semiannual~~ annual inspection fee required under 30783  
division (A) (1) of this section shall not be paid by the first 30784  
distributor of a commercial feed if the distribution is made to 30785  
an exempt buyer who shall be responsible for the fee. The 30786  
director shall establish an exempt list consisting of those 30787  
buyers who are responsible for the fee. 30788

(3) The ~~semiannual~~ annual inspection fee shall not be paid 30789  
on a commercial feed if the fee has been paid by a previous 30790  
distributor. 30791

(4) The ~~semiannual~~ annual inspection fee shall not be paid 30792  
on customer-formula feed if the fee has been paid on the 30793  
commercial feeds that are used as components in that customer- 30794  
formula feed. 30795

(B) Each distributor or exempt buyer who is required to 30796  
pay a fee under division (A) (1) or (2) of this section shall 30797  
file a ~~semiannual~~ an annual statement with the director that 30798  
includes the number of net tons of commercial feed distributed 30799  
by the distributor or exempt buyer in this state, ~~within thirty~~ 30800  
~~days after the thirtieth day of June and within thirty days~~ 30801  
~~after the thirty-first day of December, respectively, of each~~ 30802  
for the previous calendar year. The distributor or exempt buyer 30803  
shall file the statement with the distributor's or exempt 30804  
buyer's registration required under section 923.42 of the 30805

<u>Revised Code.</u>	30806
The inspection fee at the rate stated in division (A) (1)	30807
of this section shall accompany the statement. For a tonnage	30808
report that is not filed or payment of inspection fees that is	30809
not made <del>within fifteen days after</del> <u>by the due date established</u>	30810
<u>in section 923.42 of the Revised Code,</u> a penalty of ten per cent	30811
of the amount due, <del>with a minimum penalty of</del> <u>or</u> fifty dollars, <del>whichever is greater,</del>	30812
shall be assessed against the distributor	30813
or exempt buyer. The amount of fees due, plus penalty, shall	30814
constitute a debt and become the basis of a judgment against the	30815
distributor or exempt buyer.	30816
(C) No information furnished under this section shall be	30817
disclosed by an employee of the department of agriculture in	30818
such a way as to divulge the operation of any person required to	30819
make such a report.	30820
(D) All money collected under this section shall be	30821
credited to the commercial feed and seed fund created in section	30822
923.46 of the Revised Code.	30823
<b>Sec. 923.51.</b> No person shall commit any of the following	30824
acts or cause to be committed any of the following acts:	30825
(A) Adulterate commercial feed or distribute adulterated	30826
commercial feed;	30827
(B) Adulterate pet food or distribute adulterated pet	30828
food;	30829
(C) Misbrand commercial feed or distribute misbranded	30830
commercial feed;	30831
(D) Adulterate any agricultural commodity such as whole	30832
seed, hay, straw, stover, silage, cobs, husks, or hulls and feed	30833

it to animals or distribute any such commodity that is 30834  
adulterated; 30835

(E) Remove or dispose of a commercial feed in violation of 30836  
a withdrawal from distribution order or a condemnation and 30837  
confiscation order issued under section 923.52 or 923.53 of the 30838  
Revised Code or any rules adopted under those sections; 30839

(F) Use for the person's own advantage, or reveal except 30840  
to the director of agriculture or the director's agent or to the 30841  
courts when relevant in any judicial proceeding under sections 30842  
923.41 to 923.55 of the Revised Code or any rules adopted under 30843  
those sections, any information acquired under the authority of 30844  
those sections of the Revised Code or rules adopted under those 30845  
sections that as a trade secret is entitled to protection; 30846

(G) Fail or refuse to register as required under section 30847  
923.42 of the Revised Code or any rule adopted under that 30848  
section; 30849

(H) Fail to pay inspection fees or file ~~semiannual~~ annual 30850  
reports as required under section 923.44 of the Revised Code or 30851  
any rule adopted under that section. 30852

**Sec. 924.01.** As used in sections 924.01 to 924.16 and 30853  
924.40 to 924.55 of the Revised Code: 30854

(A) "Agricultural commodity" means any food, fiber, feed, 30855  
animal, or plant, or group of foods, fibers, feeds, animals, or 30856  
plants that the director of agriculture determines to be of the 30857  
same nature, in either a natural or a processed state. 30858  
"Agricultural commodity" does not include any of the following: 30859

(1) Grain, as defined in section 924.20 of the Revised 30860  
Code; 30861

(2) Soybeans;	30862
(3) Hemp, as defined in section 928.01 of the Revised Code;	30863 30864
<u>(4) Pork, as defined in section 924.212 of the Revised Code.</u>	30865 30866
(B) "Distributor" means any person who sells, offers for sale, markets, or distributes an agricultural commodity that the person has purchased or acquired directly from a producer, or that the person markets on behalf of a producer.	30867 30868 30869 30870
(C) "Handler" means any person who is in the business of packing, grading, selling, offering for sale, or marketing any agricultural commodity in commercial quantities as defined in a marketing program.	30871 30872 30873 30874
(D) "Marketing program" means a program that is established by order of the director pursuant to this chapter, to improve or expand the market for an agricultural commodity.	30875 30876 30877
(E) "Operating committee" means a committee established to administer a marketing program for an agricultural commodity.	30878 30879
(F) "Person" means any natural person, partnership, sole proprietorship, limited liability company, corporation, society, agricultural cooperative as defined in section 1729.01 of the Revised Code, association, or fiduciary.	30880 30881 30882 30883
(G) "Processor" means any person who is in the business of grading, packaging, packing, canning, freezing, dehydrating, fermenting, distilling, extracting, preserving, grinding, crushing, juicing, or in any other way preserving or changing the form of any agricultural commodity.	30884 30885 30886 30887 30888
(H) "Producer" means any person who is in the business of	30889

producing, or causing to be produced, any agricultural commodity 30890  
for commercial sale, except that when used in reference to 30891  
nursery stock, "producer" also means a distributor, processor, 30892  
handler, or retailer of nursery stock. 30893

Sec. 924.212. (A) As used in this section: 30894

(1) "Pork" means the flesh of a porcine animal. 30895

(2) "Pork product" means a product produced or processed 30896  
in whole or in part from pork. 30897

(3) "Producer" means a person who raises porcine animals 30898  
in this state for sale in commerce. 30899

(B) The pork marketing program is established to promote 30900  
the sale of pork and pork products. However, the pork marketing 30901  
program shall not operate unless the national pork checkoff 30902  
program created by the "Pork Promotion, Research, and Consumer 30903  
Information Act of 1985," 7 U.S.C. 4801 et seq. is no longer in 30904  
operation. Except as provided in this division and divisions (C) 30905  
to (F) of this section, the procedures, requirements, and other 30906  
provisions that are established under sections 924.20 to 924.30 30907  
of the Revised Code and rules that apply to the grain marketing 30908  
program apply to the pork marketing program. For purposes of 30909  
that application, references in those sections to "grain" are 30910  
deemed to be replaced with references to "pork." 30911

(C) Not later than one hundred twenty days after the 30912  
national pork checkoff program is no longer in operation, the 30913  
Ohio pork council, or its successor, shall do both of the 30914  
following: 30915

(1) Accept the names of persons as nominees to serve on a 30916  
pork marketing program operating committee. In accepting 30917  
nominations and placing names on the ballot, the Ohio pork 30918

council, or its successor, shall follow the procedures 30919  
established in rules. 30920

(2) Hold an election to determine the membership of the 30921  
operating committee. In the election, eligible producers may 30922  
cast votes in person or mail ballots to polling places 30923  
designated by the director of agriculture. The Ohio pork 30924  
council, or its successor, shall establish a three-day period 30925  
during which eligible producers may vote in person during normal 30926  
business hours at the designated polling places. The director or 30927  
another appropriate person shall send a ballot by ordinary 30928  
first-class mail to an eligible producer who requests a ballot. 30929  
An eligible producer shall make such a request by calling a 30930  
toll-free telephone number designated by the director, by 30931  
contacting one of the designated polling places, or by any 30932  
additional method that the director may provide. A ballot 30933  
returned by mail is not valid if it is postmarked later than the 30934  
third day of the election period established by the Ohio pork 30935  
council or its successor. 30936

For the purposes of an election of members of the pork 30937  
marketing program operating committee, the director shall cause 30938  
a ballot request form to be published at least thirty days 30939  
before the beginning of the election period in at least two 30940  
appropriate periodicals designated by the director and shall 30941  
make the form available for reproduction to any interested group 30942  
or association. 30943

(D) The pork marketing program operating committee 30944  
consists of the following twelve members: 30945

(1) The director of agriculture, who shall be an ex- 30946  
officio, non-voting member, or the director's designee; 30947

<u>(2) The executive vice-president of the Ohio pork council</u>	30948
<u>or its successor;</u>	30949
<u>(3) Four members appointed by the director of agriculture</u>	30950
<u>who are pork producers. When making such appointments, the</u>	30951
<u>director shall give consideration to Ohio pork producers who are</u>	30952
<u>representatives on the national pork board;</u>	30953
<u>(4) Six members elected in accordance with section 924.22</u>	30954
<u>of the Revised Code, except that the elections shall occur by</u>	30955
<u>district, with one member elected from each district. The</u>	30956
<u>districts are as follows:</u>	30957
<u>(a) District one: Allen, Defiance, Fulton, Henry,</u>	30958
<u>Paulding, Putnam, Van Wert, and Williams counties;</u>	30959
<u>(b) District two: Crawford, Erie, Hancock, Huron, Lucas,</u>	30960
<u>Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot</u>	30961
<u>counties;</u>	30962
<u>(c) District three: Auglaize, Mercer, Hardin, Logan, and</u>	30963
<u>Shelby counties;</u>	30964
<u>(d) District four: Ashland, Ashtabula, Carroll,</u>	30965
<u>Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison,</u>	30966
<u>Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning,</u>	30967
<u>Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull,</u>	30968
<u>Union, and Wayne counties;</u>	30969
<u>(e) District five: Butler, Darke, Hamilton, Miami,</u>	30970
<u>Montgomery, and Preble counties;</u>	30971
<u>(f) District six: Adams, Athens, Belmont, Brown,</u>	30972
<u>Champaign, Clark, Clermont, Clinton, Fairfield, Fayette,</u>	30973
<u>Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson,</u>	30974
<u>Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble,</u>	30975

Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and 30976  
Washington counties. 30977

Except for the director, or the director's designee, all 30978  
members of the pork marketing program operating committee are 30979  
voting members. 30980

(E) Following the election of the initial members of the 30981  
operating committee, all future elections for the pork marketing 30982  
program shall occur in accordance with the pork marketing 30983  
program's by-laws drafted and adopted by the pork marketing 30984  
program operating committee. Such by-laws shall be adopted by 30985  
the operating committee within one year after the creation of 30986  
the pork marketing program. 30987

(F) (1) With regard to the levying of assessments under 30988  
section 924.26 of the Revised Code, the assessment on pork shall 30989  
be the lesser of the following: 30990

(a) Twenty-five one hundredths of one per cent of the 30991  
market value of the porcine animal, pork, or pork product sold 30992  
or imported; 30993

(b) An amount established by the operating committee at 30994  
the initial meeting of the operating committee through an 30995  
initial order. The operating committee may increase the rate of 30996  
an assessment after the initial order by not more than one-tenth 30997  
of one per cent per year. 30998

(3) If assessments are levied under the national pork 30999  
checkoff program created by the "Pork Promotion, Research, and 31000  
Consumer Information Act of 1985," 7 U.S.C. 4801 et seq., no 31001  
assessments shall be levied for purposes of the pork marketing 31002  
program established under this section. 31003

(4) The operating committee may determine if a refund of 31004

an assessment is permitted. 31005

**Sec. 924.30.** (A) No person shall knowingly fail or refuse 31006  
to withhold or remit an assessment levied under section 924.212 31007  
or 924.26 of the Revised Code. 31008

(B) Before instituting an enforcement action for a 31009  
violation of this section, the director of agriculture shall 31010  
give the alleged violator an opportunity to present the alleged 31011  
violator's views to the director as to why the action should not 31012  
be instituted. 31013

**Sec. 924.51.** (A) There is hereby created the Ohio grape 31014  
industries committee consisting of ~~nine~~ten members. The members 31015  
shall be the director of agriculture or the director's designee, 31016  
who shall chair the committee, the superintendent of liquor 31017  
control or the superintendent's designee, ~~the chief of the~~ 31018  
~~division of markets of the department of agriculture,~~ the 31019  
viticulture extension specialist of the Ohio agricultural 31020  
research and development center, who shall be a nonvoting 31021  
member, and ~~five~~seven members who shall be residents of this 31022  
state and appointed by the director of agriculture in accordance 31023  
with division (B) of this section. At no time shall the director 31024  
appoint more than ~~five~~seven members to the committee. 31025

(B) Of the ~~five~~seven members of the committee appointed 31026  
by the director of agriculture, not less than ~~two~~three, but not 31027  
more than ~~three~~four shall be persons who receive income from 31028  
the production of grapes or grape products. Not less than 31029  
~~two~~three, but not more than ~~three~~four members shall be persons 31030  
who receive income from the production of wine from raw grape or 31031  
fruit products in either raw fruit or fresh juice form. The 31032  
terms for each appointed member of the committee shall be for 31033  
three years, commencing on the first day of January and ending 31034

on the thirty-first day of December. No appointed member shall 31035  
serve more than two consecutive terms. The director may remove 31036  
any appointed member for cause. 31037

(C) Members shall be appointed to fill vacancies caused by 31038  
death, resignation, or removal in the same manner prescribed for 31039  
regular appointment to the committee. Any member appointed to 31040  
fill a vacancy occurring prior to the expiration of the term for 31041  
which the member's predecessor was appointed shall hold office 31042  
for the remainder of the term. Any member shall continue in 31043  
office subsequent to the expiration date of that member's term 31044  
until that member's successor takes office, or until a period of 31045  
one hundred eighty days has elapsed, whichever occurs first. 31046

(D) All members of the committee are entitled to their 31047  
actual and necessary expenses incurred in the performance of 31048  
their duties as members, payable from moneys received from the 31049  
Ohio grape industries fund created under section 924.54 of the 31050  
Revised Code. 31051

(E) A majority of the committee constitutes a quorum. 31052

**Sec. 927.53.** (A) Each collector or dealer who sells, 31053  
offers, or exposes for sale, or distributes nursery stock within 31054  
this state, or ships nursery stock to other states, shall pay an 31055  
annual license fee of one hundred twenty-five dollars to the 31056  
director of agriculture for each place of business the collector 31057  
or dealer operates. 31058

(B) (1) Each dealer shall furnish the director, annually, 31059  
an affidavit that the dealer will buy and sell only nursery 31060  
stock which has been inspected and certified by an official 31061  
state or federal inspector. 31062

(2) Each dealer's license expires on the thirty-first day 31063

of December of each year. Each licensed dealer shall apply for 31064  
renewal of the dealer's license prior to the first day of 31065  
January of each year and in accordance with the standard renewal 31066  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 31067

(C) Each licensed nurseryperson shall post conspicuously 31068  
in the nurseryperson's principal place of business, the 31069  
certificate which is issued to the nurseryperson in accordance 31070  
with section 927.61 of the Revised Code. 31071

(D) Each licensed nurseryperson, or dealer, shall post 31072  
conspicuously in each place of business, each certificate or 31073  
license which is issued to the nurseryperson or dealer in 31074  
compliance with this section or section 927.61 of the Revised 31075  
Code. 31076

(E) (1) Each nurseryperson who produces, sells, offers for 31077  
sale, or distributes woody nursery stock within the state, or 31078  
ships woody nursery stock to other states, shall pay to the 31079  
director an annual inspection fee of ~~one~~two hundred dollars 31080  
plus ~~eleven~~fifteen dollars per acre, or fraction thereof, of 31081  
growing nursery stock in intensive production areas and ~~seven~~ 31082  
ten dollars per acre, or fraction thereof, of growing nursery 31083  
stock in nonintensive production areas, as applicable. 31084

(2) Each nurseryperson who limits production and sales of 31085  
nursery stock to brambles, herbaceous, perennial, and other 31086  
nonwoody plants, shall pay to the director an inspection fee of 31087  
one hundred dollars, plus eleven dollars per acre, or fraction 31088  
thereof, of growing nursery stock in intensive and nonintensive 31089  
production areas. 31090

(F) The fees collected under this section shall be 31091  
credited to the plant pest program fund created in section 31092

927.54 of the Revised Code. 31093

**Sec. 928.02.** (A) (1) The director of agriculture ~~shall~~ may 31094  
establish a program to monitor and regulate hemp cultivation and 31095  
shall establish a program to monitor and regulate hemp 31096  
processing in this state. ~~Under the~~ 31097

(2) If the director establishes a program to monitor and 31098  
regulate hemp cultivation in this state and subsequently intends 31099  
to transfer authority to the United States department of 31100  
agriculture to monitor and regulate hemp cultivation in this 31101  
state, the director shall take whatever actions necessary to 31102  
effectuate such transfer. 31103

(3) If the director implements a program to monitor and 31104  
regulate hemp cultivation under division (A) (1) of this section, 31105  
the director shall issue hemp cultivation licenses ~~and hemp~~ 31106  
~~processing licenses~~ in accordance with rules adopted under 31107  
section 928.03 of the Revised Code. 31108

~~(2) As~~ (4) If the director implements a program to monitor 31109  
and regulate hemp cultivation under division (A) (1) of this 31110  
section and as authorized by the director, the department of 31111  
agriculture or a university may cultivate ~~or process~~ hemp 31112  
without a hemp cultivation license ~~or hemp processing license~~ 31113  
for research purposes. 31114

(5) As authorized by the director, the department of 31115  
agriculture or a university may process hemp without a hemp 31116  
processing license for research purposes. 31117

(B) ~~Except~~ If the director implements a program to monitor 31118  
and regulate hemp cultivation under division (A) (1) of this 31119  
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 31120  
(E) of this section, any person that wishes to cultivate hemp 31121

shall apply for and obtain a hemp cultivation license from the 31122  
director in accordance with rules adopted under section 928.03 31123  
of the Revised Code. Except as authorized under division ~~(A) (2)~~ 31124  
(A) (5) or (E) of this section, any person that wishes to process 31125  
hemp shall apply for and obtain a hemp processing license from 31126  
the director in accordance with those rules. Such licenses are 31127  
valid for three years unless earlier suspended or revoked by the 31128  
director. 31129

(C) The department, a university, or any person may, 31130  
without a hemp cultivation license or hemp processing license, 31131  
possess, buy, or sell hemp or a hemp product. 31132

(D) Notwithstanding any other provision of the Revised 31133  
Code to the contrary, the addition of hemp or a hemp product to 31134  
any other product does not adulterate that other product. 31135

(E) ~~The~~ If the director implements a program to monitor 31136  
and regulate hemp cultivation under division (A) (1) of this 31137  
section, the director shall issue a hemp cultivation license or 31138  
~~hemp processing license~~ in accordance with Chapter 4796. of the 31139  
Revised Code to an individual if either of the following 31140  
applies: 31141

(1) The individual holds the applicable license in another 31142  
state. 31143

(2) The individual has satisfactory work experience, a 31144  
government certification, or a private certification as 31145  
described in that chapter as a hemp cultivator ~~or hemp processor~~ 31146  
in a state that does not issue the applicable license. 31147

(F) The director shall issue a hemp processing license in 31148  
accordance with Chapter 4796. of the Revised Code to an 31149  
individual if either of the following applies: 31150

(1) The individual holds the applicable license in another state. 31151  
31152

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hemp processor in a state that does not issue the applicable license. 31153  
31154  
31155  
31156

**Sec. 928.03.** The director of agriculture, in consultation with the governor and attorney general, shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the regulation of hemp processing. 31157  
31158  
31159  
The director also shall adopt such rules, in consultation with the governor and attorney general, regarding hemp cultivation and processing 31160  
31161  
if the director implements a program to monitor and regulate hemp cultivation under division (A) (1) of section 928.02 of the Revised Code. 31162  
31163  
The rules shall include all of the following: 31164  
31165  
31166

(A) The form of an application for a hemp cultivation license and hemp processing license and the information required to be included in each license application; 31167  
31168  
31169

(B) The amount of an initial application fee that an applicant shall submit along with an application for a hemp cultivation license or a hemp processing license, and the amount of an annual license fee that a licensee shall submit for a hemp cultivation license or a hemp processing license. In adopting rules under division (B) of this section, the director shall ensure both of the following: 31170  
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(1) That the amount of the application fee and annual license fee does not exceed an amount sufficient to cover the costs incurred by the department of agriculture to administer 31177  
31178  
31179

and enforce this chapter;	31180
(2) That there is one uniform application fee and one uniform annual license fee that applies to all applicants for a hemp cultivation license.	31181 31182 31183
(C) Requirements and procedures concerning background investigations of each applicant for a hemp cultivation license and each applicant for a hemp processing license. The director shall include both of the following in the rules adopted under this division:	31184 31185 31186 31187 31188
(1) A requirement that each applicant comply with sections 4776.01 to 4776.04 of the Revised Code;	31189 31190
(2) Provisions that prohibit the director from issuing a hemp cultivation license or hemp processing license to an applicant that has not complied with those sections.	31191 31192 31193
(D) Requirements regarding the experience, equipment, facilities, or land necessary to obtain a hemp cultivation license;	31194 31195 31196
(E) Requirements and procedures regarding standards of financial responsibility for each applicant for a hemp processing license.	31197 31198 31199
(F) Procedures and requirements for the issuance, renewal, denial, suspension, and revocation of a hemp cultivation license and hemp processing license, including providing for a hearing under Chapter 119. of the Revised Code with regard to such a denial, suspension, or revocation;	31200 31201 31202 31203 31204
(G) Grounds for the denial, suspension, and revocation of a hemp cultivation license and of a hemp processing license, including a requirement that the director revoke a hemp	31205 31206 31207

cultivation license or hemp processing license, for a period of 31208  
ten years, of any person who pleads guilty to or is convicted of 31209  
a felony relating to a controlled substance; 31210

(H) A requirement that the director shall not issue a hemp 31211  
cultivation license or hemp processing license to any person who 31212  
has pleaded guilty to or been convicted of a felony relating to 31213  
a controlled substance in the ten years immediately prior to the 31214  
submission of the application for a license; 31215

(I) A requirement that any person that materially 31216  
falsifies information in an application for a hemp cultivation 31217  
license or hemp processing license is ineligible to receive 31218  
either license; 31219

(J) A practice for maintaining relevant information 31220  
regarding land on which hemp is cultivated by hemp cultivation 31221  
licensees, including a legal description of the land, in 31222  
accordance with applicable federal law; 31223

(K) Requirements prohibiting a hemp cultivation licensee 31224  
and a hemp processing licensee from cultivating or processing 31225  
marihuana; 31226

(L) A procedure for testing, using post-decarboxylation or 31227  
other similarly reliable methods, delta-9 tetrahydrocannabinol 31228  
concentration levels of plants and products for purposes of 31229  
determining compliance with this chapter and rules adopted under 31230  
it; 31231

(M) Requirements and procedures for the issuance, 31232  
administration, and enforcement of corrective action plans 31233  
issued under this chapter; 31234

(N) A procedure for conducting annual inspections of, at a 31235  
minimum, a random sample of hemp cultivation license holders to 31236

verify that plants are not being cultivated in violation of this chapter or rules adopted under it;	31237 31238
(O) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp processing license holders to verify that such license holders are not operating in violation of this chapter or rules adopted under it;	31239 31240 31241 31242
(P) A procedure for complying with enforcement procedures required under federal law;	31243 31244
(Q) A procedure for the effective disposal of all of the following:	31245 31246
(1) Plants, whether growing or not, cultivated in violation of this chapter or rules adopted under it;	31247 31248
(2) Products derived from plants cultivated in violation of this chapter or rules adopted under it;	31249 31250
(3) Products produced in violation of this chapter or rules adopted under it.	31251 31252
(R) Requirements and procedures governing the production, storage, and disposal of hemp byproducts.	31253 31254
For the purposes of this chapter and notwithstanding any provision of law to the contrary, "hemp product" includes a byproduct, produced as a result of processing hemp, that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent, provided that the byproduct is produced, stored, and disposed of in accordance with rules adopted under division (R) of this section.	31255 31256 31257 31258 31259 31260 31261
(S) Procedures for sharing information regarding hemp cultivation license holders with the secretary of the USDA;	31262 31263

(T) A setback distance requirement that specifies the distance that a hemp cultivation license holder shall locate hemp plants from a location where medical marijuana is being cultivated. The requirement does not apply to a hemp cultivation license holder with regard to a medical marijuana cultivator that locates medical marijuana within the established setback distance requirement after the hemp cultivation license holder begins operation.

(U) Annual reporting requirements and procedures for hemp cultivation license holders and hemp processing license holders;

(V) Recordkeeping and documentation maintenance requirements and procedures for hemp cultivation license holders and hemp processing license holders;

(W) Fees for the laboratory testing of plants and products;

(X) Standards for the testing and labeling of hemp and hemp products;

(Y) Requirements prohibiting the processing of hemp in a building used as a personal residence or on land that is zoned for residential use;

(Z) Production standards and manufacturing practices for processing hemp;

(AA) Procedures and requirements for the transportation and storage of both hemp and hemp products;

(BB) Any other requirements or procedures necessary to administer and enforce this chapter.

**Sec. 928.04.** (A) Except as authorized under division ~~(A)~~ (2) (A) (4) or (5) of section 928.02 of the Revised Code, no

person shall cultivate hemp without a hemp cultivation license 31292  
issued by the director of agriculture under this chapter, if the 31293  
director implements a program to monitor and regulate hemp 31294  
cultivation under division (A) (1) of section 928.02 of the 31295  
Revised Code, or process hemp without a hemp processing license 31296  
issued by the director of agriculture under this chapter. 31297

(B) No person who holds a hemp cultivation license or hemp 31298  
processing license issued by the director under this chapter 31299  
shall violate this chapter or rules adopted under it. 31300

(C) No person subject to a corrective action plan issued 31301  
by the director of agriculture under section 928.05 of the 31302  
Revised Code shall fail to comply with the plan. 31303

(D) No person shall transport hemp or a hemp product in 31304  
violation of rules adopted under section 928.03 of the Revised 31305  
Code. 31306

**Sec. 935.06.** (A) Not later than ninety days after receipt 31307  
of an application under section 935.05 of the Revised Code, the 31308  
director of agriculture shall issue or deny a wildlife shelter 31309  
permit. The director shall issue a permit to an applicant only 31310  
if all of the following apply: 31311

(1) The applicant is eighteen years of age or older. 31312

(2) The applicant has registered the dangerous wild animal 31313  
or animals that are the subject of the application under section 31314  
935.04 of the Revised Code. 31315

(3) The applicant is in compliance with the standards of 31316  
care established in rules adopted under division (A) (2) of 31317  
section 935.17 of the Revised Code. 31318

(4) The applicant has sterilized each male dangerous wild 31319

animal that is possessed by the applicant. However, a dangerous 31320  
wild animal is not required to be sterilized if a veterinarian 31321  
that is qualified to provide veterinary care to the dangerous 31322  
wild animal determines that the sterilization is medically 31323  
contraindicated and the applicant has submitted a copy of the 31324  
veterinarian's written determination with the applicant's 31325  
application. 31326

(5) The applicant has signed an affidavit attesting that 31327  
the applicant will not allow members of the public to be in 31328  
physical contact with a dangerous wild animal possessed by the 31329  
applicant. Division (A) (5) of this section does not apply to an 31330  
employee of the applicant or a volunteer who has entered into a 31331  
written agreement with the applicant to work for or volunteer 31332  
for the applicant and assists in the care of a dangerous wild 31333  
animal or animals specified in division (C) (20) of section 31334  
935.01 of the Revised Code possessed by the applicant if the 31335  
care is provided under the direction of the applicant. 31336

(6) The applicant has not been convicted of or pleaded 31337  
guilty to a a disqualifying offense as determined in accordance 31338  
with section 9.79 of the Revised Code and a criminal records 31339  
check performed in accordance with division (B) of this section. 31340

(7) The facility at which a dangerous wild animal or 31341  
dangerous wild animals will be maintained under the permit 31342  
consists of at least one acre. Division (A) (7) of this section 31343  
does not apply to either of the following: 31344

(a) Dangerous wild animals specified in division (C) (20) 31345  
of section 935.01 of the Revised Code; 31346

(b) An applicant to whom the director issues a written 31347  
waiver stating that the acreage requirement does not apply to 31348

the applicant. 31349

(8) The applicant has signed an affidavit attesting that 31350  
the facility at which a dangerous wild animal or dangerous wild 31351  
animals will be maintained under the permit and the conditions 31352  
in which each dangerous wild animal will be kept in that 31353  
facility are in compliance with this chapter and rules. 31354

(9) The applicant has submitted a complete application 31355  
that meets the requirements established in section 935.05 of the 31356  
Revised Code. 31357

(10) The applicant has submitted the applicable fee under 31358  
section 935.05 of the Revised Code. 31359

If a permit is issued, the director shall assign a unique 31360  
identification number to the permit. 31361

(B) Prior to issuing or denying a wildlife shelter permit, 31362  
the director shall submit a request to the bureau of criminal 31363  
identification and investigation in the office of the attorney 31364  
general for a criminal records check of the applicant for the 31365  
permit. Upon receipt of a request, the superintendent of the 31366  
bureau shall conduct a criminal records check in the manner 31367  
described in division (B) of section 109.572 of the Revised Code 31368  
to determine whether any information exists that indicates that 31369  
the applicant previously has been convicted of or pleaded guilty 31370  
to any of the following: 31371

(1) A felony drug abuse offense; 31372

(2) An offense of violence that is a felony; 31373

(3) A violation of section 959.13 or 959.131 of the 31374  
Revised Code or of section 2927.21 of the Revised Code as that 31375  
section existed prior to its repeal by S.B. 310 of the 129th 31376

general assembly. 31377

The applicant is responsible for paying all costs 31378  
associated with the criminal records check. 31379

(C) If a permit application is denied, two hundred fifty 31380  
dollars of the permit application fee shall be retained by the 31381  
director as payment for the reasonable expense of processing the 31382  
application, and the remainder of the fee shall be returned to 31383  
the applicant. 31384

(D) Not later than the first day of December of each year, 31385  
a permit holder shall apply to the director, on a form 31386  
prescribed and provided by the director, for a renewal of the 31387  
permit if the permit holder intends to retain possession of the 31388  
dangerous wild animal or animals that are identified in the 31389  
permit. Not later than thirty days after receipt of an 31390  
application for renewal, the director shall renew or deny the 31391  
renewal of the permit. The director shall renew the permit if 31392  
the permit holder complies with this chapter and rules and pays 31393  
a renewal fee in the same amount as the fee established for the 31394  
initial permit in section 935.05 of the Revised Code. If a 31395  
renewal permit is denied, two hundred fifty dollars of the 31396  
renewal fee shall be retained by the director as payment for the 31397  
reasonable expense of processing the application, and the 31398  
remainder of the renewal fee shall be returned to the applicant. 31399

(E) If the director denies an application for a permit or 31400  
a renewal of a permit, the director shall notify the person of 31401  
the denial, the grounds for the denial, and the person's right 31402  
to an adjudication under Chapter 119. of the Revised Code. 31403

(F) If a person does not appeal the determination of the 31404  
director to deny an application for a permit or a renewal of a 31405

permit or if the determination of the director is affirmed under 31406  
Chapter 119. of the Revised Code, not later than thirty days 31407  
after the decision not to appeal or after the determination is 31408  
affirmed, as applicable, the person shall transfer the dangerous 31409  
wild animal or animals that the person possesses to a humane 31410  
society, wildlife sanctuary, rescue facility, facility that is 31411  
an accredited member of either the association of zoos and 31412  
aquariums or the zoological association of America, or facility 31413  
that is located in another state and that complies with that 31414  
state's applicable laws. After the transfer has occurred, the 31415  
person shall submit proof to the director that the dangerous 31416  
wild animal or animals were transferred and shall specify the 31417  
society, sanctuary, or facility to which the animal or animals 31418  
were transferred. 31419

The person is responsible for all costs associated with 31420  
the transfer of the dangerous wild animal or animals. 31421

(G) If a person that has been issued a wildlife shelter 31422  
permit under this section or a wildlife propagation permit under 31423  
section 935.07 of the Revised Code dies, the person's next of 31424  
kin shall do one of the following: 31425

(1) If the next of kin wishes to possess the dangerous 31426  
wild animal or animals, obtain a wildlife shelter permit under 31427  
this section or a wildlife propagation permit under section 31428  
935.07 of the Revised Code, as applicable. That next of kin 31429  
shall comply with this chapter and rules, except that, with 31430  
respect to the next of kin's initial permit, the person need not 31431  
pay the applicable permit application fee. 31432

(2) If the deceased person has a last will and testament 31433  
that specifies that the dangerous wild animal or animals 31434  
possessed by the person are to be transferred to another person 31435

that has been issued a wildlife shelter permit, wildlife 31436  
propagation permit, or rescue facility permit issued under this 31437  
chapter, transfer the dangerous wild animal or animals to the 31438  
applicable permit holder; 31439

(3) Transfer the dangerous wild animal or animals that 31440  
were possessed by the deceased person in accordance with 31441  
division (F) of this section. 31442

(H) All fees collected under this section shall be 31443  
credited to the ~~dangerous and restricted animal~~ and consumer 31444  
protection fund created in section ~~935.25~~ 943.26 of the Revised 31445  
Code. 31446

**Sec. 935.07.** (A) A person that possesses a registered 31447  
dangerous wild animal in this state on October 1, 2013, that 31448  
wishes to continue to possess the dangerous wild animal on and 31449  
after January 1, 2014, and that intends to propagate the animal 31450  
solely for the purposes of a species survival program that 31451  
complies with rules shall apply for a wildlife propagation 31452  
permit under this section. An applicant need apply for only one 31453  
permit regardless of the number of dangerous wild animals that 31454  
the applicant possesses. 31455

(B) Except as otherwise provided in this section, an 31456  
applicant for a wildlife propagation permit shall comply with 31457  
the requirements and procedures established in sections 935.05 31458  
and 935.06 of the Revised Code. The application fee for a 31459  
wildlife propagation permit shall be one of the following, as 31460  
applicable: 31461

(1) One thousand dollars if the applicant possesses not 31462  
more than fifty dangerous wild animals; 31463

(2) Three thousand dollars if the applicant possesses more 31464

than fifty dangerous wild animals. 31465

(C) The facility at which a dangerous wild animal or 31466  
dangerous wild animals will be maintained under a wildlife 31467  
propagation permit shall consist of at least two acres. Division 31468  
(C) of this section does not apply to either of the following: 31469

(1) Dangerous wild animals specified in division (C) (20) 31470  
of section 935.01 of the Revised Code; 31471

(2) An applicant to whom the director of agriculture 31472  
issues a written waiver stating that the acreage requirement 31473  
does not apply to the applicant. 31474

(D) All fees collected under this section shall be 31475  
credited to the ~~dangerous and restricted animal~~ and consumer 31476  
protection fund created in section ~~935.25~~ 943.26 of the Revised 31477  
Code. 31478

(E) Division (A) (4) of section 935.06 of the Revised Code 31479  
does not apply to an applicant for a wildlife propagation 31480  
permit. 31481

**Sec. 935.09.** (A) Not later than ninety days after receipt 31482  
of an application under section 935.08 of the Revised Code, the 31483  
director of agriculture shall issue or deny a restricted snake 31484  
possession permit. The director shall issue a permit to an 31485  
applicant only if all of the following apply: 31486

(1) The applicant is eighteen years of age or older. 31487

(2) The applicant has signed an affidavit attesting that 31488  
the applicant will not allow members of the public to be in 31489  
physical contact with a restricted snake possessed by the 31490  
applicant. Division (A) (2) of this section does not apply to 31491  
either of the following: 31492

(a) An applicant that displays a restricted snake or snakes specified in division (L)(1) of section 935.01 of the Revised Code to a primary or secondary school age student;

(b) An employee of the applicant or a volunteer who has entered into a written agreement with the applicant to work for or volunteer for the applicant and assists in the care of a restricted snake or snakes possessed by the applicant if the care is provided under the direction of the applicant.

(3) The applicant has not been convicted of or pleaded guilty to a felony drug abuse offense, an offense of violence that is a felony, or a violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. 310 of the 129th general assembly, as determined by a criminal records check performed in accordance with division (B) of this section.

(4) The applicant has signed an affidavit attesting that the facility at which a restricted snake or snakes will be maintained under the permit and the conditions in which each restricted snake will be kept in that facility are in compliance with this chapter and rules.

(5) The applicant has submitted a complete application that meets the requirements established in section 935.08 of the Revised Code.

(6) The applicant has submitted the application fee established in section 935.08 of the Revised Code.

If a permit is issued, the director shall assign a unique identification number to the permit.

(B) Prior to issuing or denying a restricted snake possession permit, the director shall submit a request to the

bureau of criminal identification and investigation in the 31522  
office of the attorney general for a criminal records check of 31523  
the applicant for the permit. Upon receipt of a request, the 31524  
superintendent of the bureau shall conduct a criminal records 31525  
check in the manner described in division (B) of section 109.572 31526  
of the Revised Code to determine whether any information exists 31527  
that indicates that the applicant previously has been convicted 31528  
of or pleaded guilty to any of the following: 31529

(1) A felony drug abuse offense; 31530

(2) An offense of violence that is a felony; 31531

(3) A violation of section 959.13 or 959.131 of the 31532  
Revised Code or of section 2927.21 of the Revised Code as that 31533  
section existed prior to its repeal by S.B. 310 of the 129th 31534  
general assembly. 31535

The applicant is responsible for paying all costs 31536  
associated with the criminal records check. 31537

(C) If a permit application is denied, seventy-five 31538  
dollars of the permit application fee shall be retained by the 31539  
director as payment for the reasonable expense of processing the 31540  
application, and the remainder of the fee shall be returned to 31541  
the applicant. 31542

(D) Not later than the first day of December of each year, 31543  
a permit holder shall apply to the director, on a form 31544  
prescribed and provided by the director, for a renewal of the 31545  
permit if the permit holder intends to retain possession of the 31546  
restricted snake or snakes that are identified in the permit. 31547  
Not later than thirty days after receipt of an application for 31548  
renewal, the director shall renew or deny the renewal of the 31549  
permit. The director shall renew the permit if the permit holder 31550

complies with this chapter and rules and pays a renewal fee in 31551  
the same amount as the fee established for the initial permit in 31552  
section 935.08 of the Revised Code. If a renewal permit is 31553  
denied, seventy-five dollars of the renewal fee shall be 31554  
retained by the director as payment for the reasonable expense 31555  
of processing the application, and the remainder of the renewal 31556  
fee shall be returned to the applicant. 31557

(E) If the director denies an application for a permit or 31558  
a renewal of a permit, the director shall notify the person of 31559  
the denial, the grounds for the denial, and the person's right 31560  
to an adjudication under Chapter 119. of the Revised Code. 31561

(F) If a person does not appeal the determination of the 31562  
director to deny an application for a permit or a renewal of a 31563  
permit or if the determination of the director is affirmed under 31564  
Chapter 119. of the Revised Code, not later than thirty days 31565  
after the decision not to appeal or after the determination is 31566  
affirmed, as applicable, the person shall transfer the 31567  
restricted snake or snakes that the person possesses to a humane 31568  
society, wildlife sanctuary, facility that is an accredited 31569  
member of either the association of zoos and aquariums or the 31570  
zoological association of America, or facility that is located 31571  
in another state and that complies with that state's applicable 31572  
laws. After the transfer has occurred, the person shall submit 31573  
proof to the director that the restricted snake or snakes were 31574  
transferred and shall specify the society, sanctuary, or 31575  
facility to which the snake or snakes were transferred. 31576

The person is responsible for all costs associated with 31577  
the transfer of the restricted snake or snakes. 31578

(G) If a person that has been issued a restricted snake 31579  
possession permit under this section or a restricted snake 31580

propagation permit under section 935.10 of the Revised Code 31581  
dies, the person's next of kin shall do one of the following: 31582

(1) If the next of kin wishes to possess the restricted 31583  
snake or snakes, obtain a restricted snake possession permit 31584  
under this section or a restricted snake propagation permit 31585  
under section 935.10 of the Revised Code, as applicable. That 31586  
next of kin shall comply with this chapter and rules, except 31587  
that, with respect to the next of kin's initial permit, the 31588  
person need not pay the applicable permit application fee. 31589

(2) If the deceased person has a last will and testament 31590  
that specifies that the restricted snake or snakes possessed by 31591  
the person are to be transferred to another person that has been 31592  
issued a restricted snake possession permit under this section 31593  
or a restricted snake propagation permit issued under section 31594  
935.10 of the Revised Code, transfer the restricted snake or 31595  
snakes to the applicable permit holder; 31596

(3) Transfer the restricted snake or snakes that were 31597  
possessed by the deceased person in accordance with division (F) 31598  
of this section. 31599

(H) All fees collected under this section shall be 31600  
credited to the ~~dangerous and restricted animal~~ and consumer 31601  
protection fund created in section ~~935.25~~ 943.26 of the Revised 31602  
Code. 31603

**Sec. 935.10.** (A) (1) A person that possesses a restricted 31604  
snake in this state prior to January 1, 2014, that wishes to 31605  
continue to possess the restricted snake on and after that date, 31606  
and that intends to propagate, sell, trade, or otherwise 31607  
transfer the snake shall obtain a restricted snake propagation 31608  
permit under this section not later than January 1, 2014. 31609

(2) A person that acquires a restricted snake in this state on or after January 1, 2014, and that intends to propagate, sell, trade, or otherwise transfer the snake shall obtain a restricted snake propagation permit under this section not later than one hundred twenty days after acquiring the snake.

(3) An applicant need apply for only one permit regardless of the number of restricted snakes that the applicant possesses.

(B) Except as otherwise provided in this section, an applicant for a restricted snake propagation permit shall comply with the requirements and procedures established in sections 935.08 and 935.09 of the Revised Code. The application fee for a restricted snake propagation permit shall be three hundred dollars.

(C) If a permit application is denied, one hundred fifty dollars of the permit application fee shall be retained by the director of agriculture as payment for the reasonable expense of processing the application, and the remainder of the fee shall be returned to the applicant.

(D) All fees collected under this section shall be credited to the ~~dangerous and restricted animal~~ and consumer protection fund created in section ~~935.25~~943.26 of the Revised Code.

**Sec. 935.16.** (A) If a dangerous wild animal or restricted snake escapes, the person that possesses the animal or snake immediately shall notify both of the following:

(1) The sheriff of the county and the chief law enforcement officer of the township or municipal corporation where the escape occurred;

(2) The division of animal health in the department of agriculture by means of the twenty-four-hour telephone number that is maintained by the division. 31639  
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(B) (1) A law enforcement officer or natural resources law enforcement officer may destroy a dangerous wild animal or restricted snake that has escaped and that poses a threat to public safety. 31642  
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(2) A law enforcement officer or natural resources law enforcement officer that destroys an escaped dangerous wild animal or restricted snake pursuant to division (B) (1) of this section is not liable for damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the destruction of the animal or snake. 31646  
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(C) The person that possesses a dangerous wild animal or restricted snake that escapes is responsible for all reasonable costs associated with the capture or destruction of the animal or snake. The person shall reimburse the political subdivision that employs the law enforcement officer who captured or destroyed the dangerous wild animal or restricted snake for the costs incurred in capturing or destroying the animal or snake. However, if the law enforcement officer is a state highway patrol trooper or if a natural resources law enforcement officer captured or destroyed the dangerous wild animal or restricted snake, the person shall reimburse the state highway patrol or department of natural resources, as applicable, for those costs. 31652  
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(D) (1) Except as provided in division (D) (2) of this section, money collected under division (C) of this section shall be credited to a special fund, which is hereby created in the applicable political subdivision. Money in the special fund shall be used exclusively for the administration and enforcement 31664  
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of this chapter and rules. 31669

(2) Money collected under division (C) of this section for 31670  
costs incurred by a state highway patrol trooper or a natural 31671  
resources law enforcement officer under this section shall be 31672  
deposited in the state treasury to the credit of the ~~dangerous-~~ 31673  
~~and restricted-animal~~ and consumer protection fund created in 31674  
section ~~935.25~~ 943.26 of the Revised Code. 31675

(3) If law enforcement officers from more than one 31676  
jurisdiction assist in the capture or destruction of a dangerous 31677  
wild animal or restricted snake, the money collected shall be 31678  
proportionally distributed to each political subdivision's 31679  
special fund and the dangerous and restricted animal fund, if 31680  
applicable. 31681

**Sec. 935.17.** The director of agriculture shall adopt rules 31682  
in accordance with Chapter 119. of the Revised Code that 31683  
establish all of the following: 31684

(A) Both of the following concerning the registration of 31685  
dangerous wild animals under section 935.04 of the Revised Code: 31686

(1) Any additional information that must be included with 31687  
a registration; 31688

(2) Standards for the care and housing of registered 31689  
dangerous wild animals, including standards for the proper care 31690  
of each species of dangerous wild animal and caging and fencing 31691  
of the animals. 31692

The director shall adopt rules under division (A) of this 31693  
section not later than ninety days after ~~the effective date of~~ 31694  
~~this section~~ September 5, 2012. 31695

(B) Standards for the care and well-being of dangerous 31696

wild animals specified in divisions (C) (1) to (19) of section	31697
935.01 of the Revised Code that are possessed by the holders of	31698
wildlife shelter permits and wildlife propagation permits issued	31699
under this chapter. The standards shall govern at least	31700
sanitation for, provision of health care for, and feeding,	31701
caging, housing, and fencing of dangerous wild animals. In	31702
adopting rules under this division, the director shall consider	31703
the following factors:	31704
(1) Best management practices for the care and well-being	31705
of dangerous wild animals;	31706
(2) Public health and safety;	31707
(3) Biosecurity;	31708
(4) The prevention of disease;	31709
(5) Animal morbidity and mortality data;	31710
(6) Generally accepted veterinary medical practices;	31711
(7) Standards adopted by the association of zoos and	31712
aquariums;	31713
(8) Standards adopted by the zoological association of	31714
America;	31715
(9) Standards established in the federal animal welfare	31716
act;	31717
(10) Ethical standards established by the American	31718
veterinary medical association;	31719
(11) Any other factors that the director considers	31720
necessary for the proper care and well-being of dangerous wild	31721
animals in this state.	31722
(C) Standards for the housing of dangerous wild animals	31723

specified in division (C) (20) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter;

(D) All of the following concerning applications for permits issued under sections 935.06 and 935.07 of the Revised Code:

(1) Any additional information that must be included with a permit application;

(2) Criteria for determining what constitutes a species survival program for the purposes of division (A) of section 935.07 of the Revised Code and requirements and procedures that are necessary to determine if a program meets those criteria;

(3) The content of the examination specified in division (B) (6) of section 935.05 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on topics that include proper diet, health care, exercise needs, and housing of the species of dangerous wild animal or animals that are the subject of the application.

(4) Procedures and requirements concerning the administration of the examination specified in division (B) (6) of section 935.05 of the Revised Code.

(E) All of the following concerning applications for permits issued under sections 935.09 and 935.10 of the Revised Code:

(1) Any additional information that must be included with a permit application;

(2) The content of the examination specified in division

(B) (5) of section 935.08 of the Revised Code. The rules shall 31752  
require the examination to test an applicant's knowledge on 31753  
topics that include proper diet, health care, and housing of the 31754  
species of restricted snake or snakes that are the subject of 31755  
the application. 31756

(3) Procedures and requirements concerning the 31757  
administration of the examination specified in division (B) (5) 31758  
of section 935.08 of the Revised Code. 31759

(F) Both of the following concerning applications for 31760  
permits issued under section 935.101 of the Revised Code: 31761

(1) Information that must be included in a permit 31762  
application; 31763

(2) Criteria and procedures for the issuance or denial of 31764  
a permit. 31765

(G) Standards for the care and well-being of dangerous 31766  
wild animals that are possessed by the holders of permits issued 31767  
under section 935.101 of the Revised Code. The standards shall 31768  
govern at least sanitation for, provision of health care for, 31769  
and feeding, caging, housing, and fencing of dangerous wild 31770  
animals. In adopting the rules, the director may consider the 31771  
standards of care and housing established in rules adopted under 31772  
division (B) of this section and section 935.12 of the Revised 31773  
Code. 31774

(H) Procedures and requirements governing the maintenance 31775  
of records under section 935.15 of the Revised Code; 31776

(I) Standards for signs that are required to be posted and 31777  
displayed in accordance with section 935.18 of the Revised Code; 31778

(J) The amount of civil penalties that may be assessed 31779

under section 935.24 of the Revised Code; 31780

~~(K) Procedures and requirements governing the distribution of money under division (B) (4) of section 935.25 of the Revised Code from the dangerous and restricted animal fund created in that section;~~ 31781  
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~~(L) Any other provisions necessary to administer and enforce this chapter.~~ 31785  
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**Sec. 935.20.** (A) On and after January 1, 2014, the 31787  
director of agriculture immediately shall cause an investigation 31788  
to be conducted if the director has reason to believe that one 31789  
of the following may be occurring: 31790

(1) A dangerous wild animal is possessed by a person who 31791  
has not been issued a wildlife shelter permit, wildlife 31792  
propagation permit, or rescue facility permit under this 31793  
chapter. 31794

(2) A restricted snake is possessed by a person that has 31795  
not been issued a restricted snake possession permit or 31796  
restricted snake propagation permit under this chapter. 31797

(3) A dangerous wild animal or restricted snake is being 31798  
treated or kept in a manner that is in violation of this chapter 31799  
or rules. 31800

For purposes of the investigation, the director or the 31801  
director's designee may order the animal or snake that is the 31802  
subject of the notification to be quarantined or may order the 31803  
transfer of the animal or snake to a facility that is on the 31804  
list maintained by the director under this section. If the 31805  
director's designee orders the animal or snake to be quarantined 31806  
or transferred, the designee shall provide a copy of the order 31807  
to the director. 31808

(B) The director shall attempt to notify the person owning 31809  
or possessing an animal or snake that has been ordered to be 31810  
quarantined or transferred under division (A) of this section. 31811  
The notice shall be delivered in person or by certified mail. 31812  
The director also may post a copy of a quarantine order at two 31813  
conspicuous locations on the premises where the animal or snake 31814  
is quarantined. The director shall maintain a copy of an order 31815  
issued under this section and evidence that the director 31816  
attempted to notify the person owning or possessing the animal 31817  
or snake. 31818

(C) A quarantine or transfer order issued under this 31819  
section shall contain all of the following: 31820

(1) The name and address of the person owning or 31821  
possessing the animal or snake, if known; 31822

(2) A description of the quarantined or transferred animal 31823  
or snake; 31824

(3) A description of the premises affected by the 31825  
quarantine or transfer; 31826

(4) The reason for the quarantine or transfer; 31827

(5) Any terms and conditions of the quarantine or 31828  
transfer; 31829

(6) A notice that a person adversely affected by the order 31830  
may request a hearing to review the order. 31831

(D) A person that is adversely affected by a quarantine or 31832  
transfer order pertaining to a dangerous wild animal or 31833  
restricted snake owned or possessed by the person, within thirty 31834  
days after the order is issued, may request in writing an 31835  
adjudication in accordance with Chapter 119. of the Revised 31836

Code. A request for an adjudication does not stay a quarantine 31837  
or transfer order. 31838

(E) The owner of or person possessing a dangerous wild 31839  
animal or restricted snake that was quarantined or transferred 31840  
under division (A) of this section shall be responsible for all 31841  
reasonable costs associated with the quarantine or transfer, 31842  
including the costs of transportation, housing, food, and 31843  
veterinary care for the animal or snake. If such an owner or 31844  
person is unable to pay for the reasonable costs, the director 31845  
shall certify the costs to the county auditor to be assessed 31846  
against any property of the owner or person and thereby made a 31847  
lien upon it and collected as other taxes. All money from the 31848  
collection of liens under this division shall be credited in 31849  
accordance with division (J) of this section. 31850

(F) If the state veterinarian determines that a dangerous 31851  
wild animal or restricted snake that was quarantined or 31852  
transferred under division (A) of this section is infected with 31853  
or exposed to a dangerously contagious or infectious disease or 31854  
is seriously injured, the state veterinarian shall so notify the 31855  
director. The director may order the animal or snake to be 31856  
humanely euthanized by a veterinarian if the state veterinarian 31857  
has indicated that euthanization is medically necessary. 31858

(G) A quarantine or transfer order issued under this 31859  
section shall remain in effect until one of the following 31860  
occurs: 31861

(1) The director, after reviewing the results of the 31862  
investigation conducted under division (A) of this section, 31863  
issues a written notice of release. 31864

(2) A court of competent jurisdiction orders the 31865

quarantine or transfer order to be terminated in a proceeding 31866  
conducted under division (H) of this section. 31867

(3) A court of competent jurisdiction orders the seizure 31868  
of the dangerous wild animal or restricted snake in a proceeding 31869  
conducted under division (H) of this section. 31870

(H) If, after reviewing the results of an investigation 31871  
concerning a dangerous wild animal or restricted snake conducted 31872  
under division (A) of this section and after resolution of any 31873  
proceeding conducted under division (D) of this section, the 31874  
director determines that a circumstance described in division 31875  
(A) (1), (2), or (3) of this section is or was occurring, the 31876  
director shall initiate, in a court of competent jurisdiction, a 31877  
proceeding for the permanent seizure of the animal or snake, as 31878  
applicable. If the court affirms the director's determination 31879  
that a circumstance described in division (A) (1), (2), or (3) of 31880  
this section is or was occurring, the court shall order the 31881  
animal or snake seized and shall order the method of disposition 31882  
of the animal or snake. The court may order the person owning or 31883  
possessing the animal or snake to pay all reasonable costs 31884  
associated with the seizure and, if applicable, the costs 31885  
associated with the quarantine or transfer of the animal or 31886  
snake, including the costs of transportation, housing, food, and 31887  
veterinary care of the animal or snake. If the court does not 31888  
affirm the director's determination, the court shall order the 31889  
quarantine or transfer order to be terminated and the animal or 31890  
snake to be returned to the person owning or possessing it, if 31891  
applicable. 31892

(I) The director may authorize any of the following to 31893  
conduct an investigation and order the quarantine or transfer of 31894  
a dangerous wild animal or restricted snake under division (A) 31895

of this section:	31896
(1) Employees of the department of agriculture;	31897
(2) Natural resources law enforcement officers with the consent of the director of natural resources;	31898 31899
(3) Employees of the department of health with the consent of the director of health;	31900 31901
(4) Employees of a board of health with the consent of the board;	31902 31903
(5) Humane society agents appointed under section 1717.06 of the Revised Code with the consent of the humane society;	31904 31905
(6) Law enforcement officers with the consent of the sheriff of the county or the chief law enforcement officer of the township or municipal corporation, as applicable, by whom the law enforcement officers are employed;	31906 31907 31908 31909
(7) Law enforcement officers who are state highway patrol troopers with the consent of the superintendent of the state highway patrol.	31910 31911 31912
(J) Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes under this section shall be credited to one of the following funds, as applicable:	31913 31914 31915 31916
(1) If the animal or snake was quarantined or transferred by an employee of the department of agriculture or the department of health, a natural resources law enforcement officer, or a law enforcement officer who is a state highway patrol trooper, the <del>dangerous and restricted animal</del> <u>and consumer protection</u> fund created in section <del>935.25</del> <u>943.26</u> of the Revised Code;	31917 31918 31919 31920 31921 31922 31923

(2) If the animal or snake was quarantined or transferred 31924  
by an employee of a board of health, a special fund, which is 31925  
hereby created in each health district, that shall be used 31926  
exclusively for the administration and enforcement of this 31927  
chapter and rules; 31928

(3) If the animal or snake was quarantined or transferred 31929  
by a humane society agent, a special fund, which is hereby 31930  
created in each county that has a humane society, that shall be 31931  
used exclusively for the administration and enforcement of this 31932  
chapter and rules; 31933

(4) If the animal or snake was quarantined or transferred 31934  
by a law enforcement officer who is not a state highway patrol 31935  
trooper, the special fund that is created in the political 31936  
subdivision that employs the law enforcement officer in division 31937  
(D) of section 935.16 of the Revised Code. 31938

(K) The director shall maintain a list of facilities 31939  
inside and outside the state that the director determines are 31940  
eligible to accept dangerous wild animals and restricted snakes 31941  
for the purposes of this section. 31942

**Sec. 935.24.** (A) The attorney general, upon request of the 31943  
director of agriculture, shall bring an action for injunction 31944  
against any person who has violated, is violating, or is 31945  
threatening to violate this chapter or rules. The court of 31946  
common pleas in which an action for injunction is filed has 31947  
jurisdiction to and shall grant preliminary and permanent 31948  
injunctive relief upon a showing that the person against whom 31949  
the action is brought has violated, is violating, or is 31950  
threatening to violate this chapter or rules. 31951

(B) (1) The director may assess a civil penalty against any 31952

person that the director determines is not in compliance with 31953  
this chapter or rules. 31954

(2) The director shall afford the person an opportunity 31955  
for an adjudication under Chapter 119. of the Revised Code to 31956  
challenge the director's determination that the person is not in 31957  
compliance with this chapter or rules. However, the person may 31958  
waive the right to an adjudication. 31959

(3) If the opportunity for an adjudication is waived or 31960  
if, after an adjudication, the director determines that a 31961  
violation has occurred or is occurring, the director may issue 31962  
an order and assess a civil penalty in an amount established in 31963  
rules against the violator. The order and the assessment of the 31964  
civil penalty may be appealed in accordance with section 119.12 31965  
of the Revised Code. 31966

(C) Notwithstanding any other section of the Revised Code, 31967  
money resulting from any action taken under this section shall 31968  
be credited to the ~~dangerous and restricted animal~~ and consumer 31969  
protection fund created in section ~~935.25~~ 943.26 of the Revised 31970  
Code. 31971

**Sec. 943.04.** (A) Fees for the initial issuance of any 31972  
license issued pursuant to sections 943.02, 943.03, and 943.031 31973  
of the Revised Code, shall be paid to the department of 31974  
agriculture. 31975

(B) All annual renewal fees for the licenses shall be paid 31976  
by the applicant for the renewal of a license on or before the 31977  
thirty-first day of March of each year to the treasurer of 31978  
state. Except for license fees for small dealers, the fees ~~shall~~ 31979  
~~be based on the number of head of livestock purchased, sold, or~~ 31980  
~~exchanged, in this state, whichever is the greatest, during the~~ 31981

~~preceding calendar year. Those fees for dealers or brokers shall~~ 31982  
~~be as follows:~~ 31983

~~Less than 1,000 head \_\_\_\_\_ \$50.00 per annum;~~ 31984

~~For 1,001 to 10,000 head \_\_\_\_\_ \$125.00 per annum;~~ 31985

~~For more than 10,000 head \_\_\_\_\_ \$250.00 per annum.~~ 31986

In the event a dealer or broker operates more than one 31987  
place where livestock is purchased, sold, or exchanged, a fee 31988  
shall be paid for each place, but only the original purchase, 31989  
sale, or exchange shall be counted in computing the amount of 31990  
the fee to be paid for each place operated by the dealer or 31991  
broker. Shipment between yards owned or operated by the dealer 31992  
or broker shall be exempt. 31993

A late fee of one hundred dollars shall be paid for each 31994  
dealer or broker license renewal application that is received 31995  
after the thirty-first day of March each year. 31996

(C) (1) A fee of ~~twenty-five~~ thirty dollars shall be paid by 31997  
each small dealer. 31998

If a small dealer operates more than one place where 31999  
livestock is purchased, sold, or exchanged, a fee shall be paid 32000  
for each place, but only the original purchase, sale, or 32001  
exchange shall be counted in computing the amount of fee to be 32002  
paid for each place operated by the small dealer. Shipment 32003  
between yards owned or operated by the small dealer shall be 32004  
exempt. 32005

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 32006  
paid for each small dealer license renewal application that is 32007  
received after the thirty-first day of March each year. 32008

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 32009

licensed weigher and each employee that is appointed by a small dealer, dealer, or broker as provided in section 943.02 of the Revised Code. 32010  
32011  
32012

~~(E) A fee of ten dollars shall be paid by each licensed weigher.~~ 32013  
32014

~~(F) All money collected under section 943.03 of the Revised Code and under this section shall be credited to the animal and consumer protection laboratory fund created in section 901.43-943.26 of the Revised Code.~~ 32015  
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**Sec. 943.16.** All fines imposed and collected under section 943.99 of the Revised Code shall be credited to the animal and consumer protection ~~laboratory~~ fund created in section ~~901.43-~~ 943.26 of the Revised Code. 32019  
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**Sec. 943.26.** The animal and consumer protection fund is created in the state treasury. ~~Notwithstanding section 943.04 of the Revised Code,~~ The fund shall consist of livestock dealer or broker fees and civil penalties collected under this chapter, all money collected through the issuance of licenses to captive whitetail deer licensees under this chapter ~~and all money collected under section 942.04 of the Revised Code shall be credited to the animal and consumer protection fund, which is hereby created in the state treasury and any other money credited to it under the Revised Code.~~ The director of agriculture shall use money in the fund to administer ~~Chapter 942. and sections 943.20 to 943.26 of the Revised Code and rules and Chapters 935. and 942. of the Revised Code and rules adopted under those chapters.~~ 32023  
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**Sec. 943.27.** (A) The director of agriculture, after providing an opportunity for an adjudication hearing under 32037  
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Chapter 119. of the Revised Code, may assess a civil penalty 32039  
against a person who has violated or is in violation of sections 32040  
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 32041  
the director assesses a civil penalty, the director shall do so 32042  
as follows: 32043

(1) In an amount not exceeding five hundred dollars if, 32044  
within five years of the violation, the director has not 32045  
previously assessed a civil penalty against the person under 32046  
this section; 32047

(2) In an amount not exceeding two thousand five hundred 32048  
dollars if, within five years of the violation, the director has 32049  
previously assessed one civil penalty against the person under 32050  
this section; 32051

(3) In an amount not exceeding ten thousand dollars if, 32052  
within five years of the violation, the director has previously 32053  
assessed two or more civil penalties against the person under 32054  
this section. 32055

(B) Money collected under division (A) of this section 32056  
shall be deposited in the state treasury to the credit of the 32057  
animal and consumer protection fund created in section 943.26 of 32058  
the Revised Code. 32059

**Sec. 943.99.** ~~(A) Whoever violates section 943.11 of the~~ 32060  
~~Revised Code is guilty of a felony of the fifth degree.~~ 32061

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 32062  
~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 32063  
~~first degree.~~ 32064

**Sec. 955.201.** (A) As used in this section and in section 32065  
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 32066  
corporation organized by that name under Chapter 1702. of the 32067

Revised Code that consists of humane societies, veterinarians, 32068  
animal shelters, companion animal breeders, dog wardens, or 32069  
similar individuals and entities. 32070

(B) The Ohio pet fund shall do all of the following: 32071

(1) Establish eligibility criteria for organizations that 32072  
may receive financial assistance from the Ohio pet fund. Those 32073  
organizations may include any of the following: 32074

(a) An animal shelter as defined in section 4729.01 of the 32075  
Revised Code; 32076

(b) A local nonprofit veterinary association that operates 32077  
a program for the sterilization of dogs and cats; 32078

(c) A charitable organization that is exempt from federal 32079  
income taxation under subsection 501(c)(3) of the Internal 32080  
Revenue Code and a purpose of which is to support programs for 32081  
the sterilization of dogs and cats and educational programs 32082  
concerning the proper veterinary care of those animals. 32083

(2) Establish procedures for applying for financial 32084  
assistance from the Ohio pet fund. Application procedures shall 32085  
require eligible organizations to submit detailed proposals that 32086  
outline the intended uses of the moneys sought. 32087

(3) Establish eligibility criteria for sterilization and 32088  
educational programs for which moneys from the Ohio pet fund may 32089  
be used and, consistent with division (C) of this section, 32090  
establish eligibility criteria for individuals who seek 32091  
sterilization for their dogs and cats from eligible 32092  
organizations; 32093

(4) Establish procedures for the disbursement of moneys 32094  
the Ohio pet fund receives ~~from license plate contributions~~ 32095

pursuant to division (C) of section 4503.551 of the Revised Code 32096  
and section 955.202 of the Revised Code; 32097

(5) Advertise or otherwise provide notification of the 32098  
availability of financial assistance from the Ohio pet fund for 32099  
eligible organizations; 32100

(6) Design markings to be inscribed on "pets" license 32101  
plates under section 4503.551 of the Revised Code. 32102

(C) (1) The owner of a dog or cat is eligible for dog or 32103  
cat sterilization services from an eligible organization when 32104  
those services are subsidized in whole or in part by money from 32105  
the Ohio pet fund if any of the following applies: 32106

(a) The income of the owner's family does not exceed one 32107  
hundred fifty per cent of the federal poverty guideline. 32108

(b) The owner, or any member of the owner's family who 32109  
resides with the owner, is a recipient or beneficiary of one of 32110  
the following government assistance programs: 32111

(i) Low-income housing assistance under the "United States 32112  
Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as 32113  
the federal section 8 housing program; 32114

(ii) The Ohio works first program established by Chapter 32115  
5107. of the Revised Code; 32116

(iii) The medicaid program; 32117

(iv) A program or law administered by the United States 32118  
department of veterans' affairs or veterans' administration for 32119  
any service-connected disability; 32120

(v) The supplemental nutrition assistance program 32121  
established under the Food and Nutrition Act of 2008 (7 U.S.C. 32122

2011 et seq.), administered by the department of job and family services under section 5101.54 of the Revised Code; 32123  
32124

(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code; 32125  
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(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended; 32130  
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(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended. 32133  
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(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following: 32136  
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(i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or regional pound, or a holding and impoundment facility that contracts with a municipal corporation; 32139  
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(ii) A certificate of adoption showing that the dog or cat was adopted through a nonprofit corporation operating an animal adoption referral service whose holding facility, if any, is licensed in accordance with state law or a municipal ordinance. 32143  
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(2) The Ohio pet fund shall determine the type of documentary evidence that must be presented by the owner of a dog or cat to show that the income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline or that the owner is eligible under division (C) (1) (b) 32147  
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of this section. 32152

(D) As used in division (C) of this section, "federal 32153  
poverty guideline" means the official poverty guideline as 32154  
revised annually by the United States department of health and 32155  
human services in accordance with section 673(2) of the "Omnibus 32156  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 32157  
9902, as amended, for a family size equal to the size of the 32158  
family of the person whose income is being determined. 32159

Sec. 955.202. The companion animal fund is created in the 32160  
state treasury. The fund shall consist of money credited to it 32161  
under section 5747.113 of the Revised Code, donations, gifts, 32162  
bequests, and any other money received for the purposes of 32163  
section 955.201 of the Revised Code. The Ohio pet fund shall use 32164  
money in the fund for the purposes of that section. 32165

**Sec. 956.07.** (A) A person who is applying for an annual 32166  
license to operate a high volume breeder or to act as or perform 32167  
the functions of a dog broker under section 956.04 or 956.05 of 32168  
the Revised Code, as applicable, shall include with the 32169  
application for a license a nonrefundable license application 32170  
fee. The application fees are as follows: 32171

(1) For a high volume breeder: 32172

(a) One hundred fifty dollars if the high volume breeder 32173  
annually sells at least forty, but not more than sixty puppies 32174  
to the public; 32175

(b) Two hundred fifty dollars if the high volume breeder 32176  
annually sells at least sixty-one, but not more than one hundred 32177  
fifty puppies to the public; 32178

(c) Three hundred fifty dollars if the high volume breeder 32179  
annually sells at least one hundred fifty-one, but not more than 32180

two hundred fifty puppies to the public;	32181
(d) Five hundred dollars if the high volume breeder	32182
annually sells at least two hundred fifty-one, but not more than	32183
three hundred fifty puppies to the public;	32184
(e) Seven hundred fifty dollars if the high volume breeder	32185
annually sells three hundred fifty-one or more puppies to the	32186
public;	32187
(f) If divisions (A) (1) (a) to (e) of this section do not	32188
apply, one hundred and fifty dollars if either of the following	32189
applies:	32190
(i) The high volume breeder sells five or more adult dogs	32191
or puppies to a dog broker or pet store.	32192
(ii) The high volume breeder keeps, houses, and maintains,	32193
at any given time in a calendar year, more than forty puppies	32194
that are under four months of age, that have been bred on the	32195
premises of the establishment, and that have been primarily	32196
kept, housed, and maintained from birth on the premises of the	32197
establishment.	32198
(2) For a dog broker, five hundred dollars.	32199
(B) Money collected by the director of agriculture from	32200
each application fee submitted under this section shall be	32201
deposited in the state treasury to the credit of the <del>high volume</del>	32202
<del>breeder kennel control license</del> <u>commercial dog breeding fund</u>	32203
created in section 956.18 of the Revised Code. The director	32204
shall use fifty dollars of the application fee submitted by a	32205
high volume breeder under this section or an amount equal to the	32206
fee charged for the registration of a kennel under section	32207
955.14 of the Revised Code in the county in which the high	32208
volume breeder is located or will be located, whichever is	32209

greater, to reimburse that county. The county auditor shall 32210  
deposit the transferred money into that county's dog and kennel 32211  
fund created under section 955.20 of the Revised Code. 32212

**Sec. 956.10.** (A) (1) At least once annually, the director 32213  
of agriculture or the director's authorized representative shall 32214  
inspect a high volume breeder that is subject to licensure under 32215  
this chapter and rules adopted under section 956.03 of the 32216  
Revised Code to ensure compliance with this chapter and rules 32217  
adopted under it, including the standards of care established in 32218  
rules adopted under that section. 32219

(2) The director or the director's authorized 32220  
representative shall inspect a boarding kennel when the director 32221  
or the director's authorized representative has received 32222  
information that the boarding kennel is breeding dogs and may be 32223  
subject to licensure under this chapter and rules adopted under 32224  
section 956.03 of the Revised Code. 32225

(B) The director or the director's authorized 32226  
representative may do any of the following: 32227

(1) Upon receiving a complaint, inspect a high volume 32228  
breeder that is subject to licensure under this chapter and 32229  
rules adopted under section 956.03 of the Revised Code to ensure 32230  
compliance with this chapter and rules adopted under it; 32231

(2) Upon the request of a member of the public, a public 32232  
official, or an animal shelter for dogs, inspect any facility at 32233  
which a person is acting as or performing the functions of a dog 32234  
broker to ensure such compliance; 32235

(3) Upon receiving a complaint, inspect an animal rescue 32236  
for dogs to ensure compliance with section 956.06 of the Revised 32237  
Code and applicable rules adopted under section 956.03 of the 32238

Revised Code;	32239
(4) Conduct an inspection under this section during regular business hours without providing notice in advance.	32240 32241
(C) Inspections shall be conducted in accordance with rules adopted under section 956.03 of the Revised Code. A record of each inspection shall be made by the director or the director's authorized representative who is responsible for the inspection in accordance with those rules.	32242 32243 32244 32245 32246
(D) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized representative, or the attorney general upon the request of the director may apply to the appropriate court in the county in which inspection will occur for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it.	32247 32248 32249 32250 32251 32252 32253 32254 32255 32256 32257 32258
(E) No owner or operator of a high volume breeder, person acting as or performing the functions of a dog broker, owner or operator of a boarding kennel, or owner or operator of an animal rescue for dogs shall interfere with an inspection or refuse to allow the director or the director's authorized representative full access to all areas where dogs are kept or cared for. If entry is refused or inspection or investigation is refused, hindered, or thwarted by a high volume breeder or dog broker, the director may suspend or revoke the breeder's or broker's license in accordance with this chapter.	32259 32260 32261 32262 32263 32264 32265 32266 32267 32268

(F) (1) The director may enter into a contract or agreement 32269  
with a veterinarian to conduct inspections under this section. 32270  
The veterinarian shall be considered the director's authorized 32271  
representative for the purposes of this section. 32272

(2) A veterinarian with whom the director has entered into 32273  
a contract or agreement under division (F) (1) of this section 32274  
may inspect a high volume breeder with whom the veterinarian has 32275  
established a veterinary-client-patient relationship as 32276  
described in section 4741.04 of the Revised Code only every 32277  
other year. 32278

(3) If the director determines that a veterinarian with 32279  
whom the director has entered into a contract or agreement under 32280  
division (F) (1) of this section has falsified any information 32281  
submitted to the director pursuant to an inspection, the 32282  
director shall inform the veterinary medical licensing board 32283  
created by Chapter 4741. of the Revised Code of the 32284  
falsification. 32285

(G) (1) If entry that is authorized by division (D) of this 32286  
section is refused or if an inspection or investigation is 32287  
refused, hindered, or thwarted by intimidation or otherwise and 32288  
if the director, an authorized representative of the director, 32289  
or the attorney general applies for and obtains a court order or 32290  
a search warrant under division (D) of this section to conduct 32291  
the inspection or investigation, the owner or operator of the 32292  
premises where entry was refused or inspection or investigation 32293  
was refused, hindered, or thwarted, if found guilty of violating 32294  
this chapter or rules adopted under it, is liable to the 32295  
director for all of the following: 32296

(a) The reasonable costs incurred by the director for the 32297  
regular salaries and fringe benefit costs of personnel assigned 32298

to conduct the inspection or investigation from the time the 32299  
court order or search warrant was issued until the court order 32300  
or search warrant is executed; 32301

(b) The salary, fringe benefits, and travel expenses of 32302  
the director, an authorized representative of the director, or 32303  
the attorney general incurred in obtaining the court order or 32304  
search warrant; and 32305

(c) Expenses necessarily incurred for the assistance of 32306  
local law enforcement officers in executing the court order or 32307  
search warrant. 32308

(2) In the application for a court order or a search 32309  
warrant, the director, the director's authorized representative, 32310  
or the attorney general may request and the court, in its order 32311  
granting the court order or search warrant, may order the owner 32312  
or operator of the premises, if found guilty of violating this 32313  
chapter or rules adopted under it, to reimburse the director for 32314  
any of the costs described in division (G)(1) of this section 32315  
that the court finds reasonable. From money recovered under this 32316  
division, the director shall do all of the following: 32317

(a) Reimburse the attorney general for the costs incurred 32318  
by the attorney general in connection with proceedings for 32319  
obtaining the court order or search warrant; 32320

(b) Reimburse the political subdivision in which the 32321  
premises is located for the assistance of its law enforcement 32322  
officers in executing the court order or search warrant; 32323

(c) Deposit the remainder in the state treasury to the 32324  
credit of the ~~high volume breeder kennel control license~~ 32325  
commercial dog breeding fund created in section 956.18 of the 32326  
Revised Code. 32327

(H) A dog warden appointed under Chapter 955. of the Revised Code or an agent of a humane society entering on public or private property to make investigations and inspections in accordance with Chapter 955. or 1717. of the Revised Code, as applicable, shall report any violations of this chapter and rules adopted under it to the director or the director's authorized representative.

**Sec. 956.13.** (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating sections 956.01 to 956.18 of the Revised Code or rules adopted under section 956.03 of the Revised Code.

(B) A person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

Each day that a violation continues constitutes a separate violation.

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the high volume breeder kennel control license commercial dog breeding fund created under section 956.18 of the Revised Code.

**Sec. 956.16.** The director of agriculture, the director's authorized representative, or the attorney general may require the attendance of witnesses and the production of books,

records, papers, and dogs that are needed either by the director 32357  
or the attorney general or by any party to a hearing before the 32358  
director and for that purpose may issue a subpoena for any 32359  
witness or a subpoena duces tecum to compel the production of 32360  
any books, records, papers, or dogs. The subpoena shall be 32361  
served by personal service or by certified mail. If the subpoena 32362  
is returned because of inability to deliver, or if no return is 32363  
received within thirty days after the date of mailing, the 32364  
subpoena may be served by ordinary mail. If no return of 32365  
ordinary mail is received within thirty days after the date of 32366  
mailing, service shall be deemed to have been made. If the 32367  
subpoena is returned because of inability to deliver, the 32368  
director or the attorney general may designate a person or 32369  
persons to effect either personal or residence service on the 32370  
witness. The person designated to effect personal or residence 32371  
service under this section may be the sheriff of the county in 32372  
which the witness resides or may be found or any other duly 32373  
designated person. The fees and mileage of the person serving 32374  
the subpoena shall be the same as those allowed by the courts of 32375  
common pleas in criminal cases and shall be paid from the funds 32376  
of the department of agriculture. Fees and mileage for the 32377  
witness shall be the same as those allowed for witnesses by the 32378  
courts of common pleas in criminal cases and, upon request of 32379  
the witness following the hearing, shall be paid from the money 32380  
in the ~~high volume breeder kennel control license commercial dog~~ 32381  
breeding fund created in section 956.18 of the Revised Code. 32382

**Sec. 956.18.** (A) All money collected by the director of 32383  
agriculture from ~~late renewal fees under section 956.06, license~~ 32384  
~~fees under section 956.07, and civil penalties assessed under~~ 32385  
~~section 956.13 of the Revised Code~~ fees and civil penalties 32386  
under this chapter shall be deposited in the state treasury to 32387

the credit of the ~~high volume breeder kennel control license~~ 32388  
commercial dog breeding fund, which is hereby created. The fund 32389  
shall also consist of money appropriated to it. 32390

(B) The director shall use the money in the fund for the 32391  
purpose of administering ~~sections 956.01 to 956.18 of the~~ 32392  
~~Revised Code this chapter~~ and rules adopted under ~~section 956.03~~ 32393  
~~of the Revised Code that apply to those sections~~ it. 32394

**Sec. 956.21.** (A) The director of agriculture may issue a 32395  
pet store license to an owner or operator of a pet store when 32396  
the owner or operator does all of the following: 32397

(1) Applies for a license in accordance with this section 32398  
and rules adopted under section 956.03 of the Revised Code; 32399

(2) Affirms in writing that the owner or operator will 32400  
maintain compliance with the applicable requirements established 32401  
under section 959.20 of the Revised Code; 32402

(3) Submits with the application for a pet store license a 32403  
fee of five hundred dollars. 32404

(B) The director of agriculture may deny, suspend, or 32405  
revoke a license issued under this section for a violation of 32406  
division (A), (B), or (C) of section 956.20 of the Revised Code 32407  
or rules adopted under section 956.03 of the Revised Code. The 32408  
denial, suspension, or revocation of a license is not effective 32409  
until the licensee is given written notice of the violation, a 32410  
reasonable amount of time to correct the violation, if possible, 32411  
and an opportunity for a hearing. 32412

The director also may refuse to issue a license under 32413  
division (B) of this section if the applicant has violated 32414  
division (A), (B), or (C) of section 956.20 of the Revised Code 32415  
or the rules adopted under section 956.03 of the Revised Code 32416

during the thirty-six-month period prior to submitting an 32417  
application for the license. 32418

(C) Any license issued under this section is valid for a 32419  
period of one year from the date of issuance. A pet store 32420  
license must be renewed annually in the manner provided in rules 32421  
adopted under section 956.03 of the Revised Code. 32422

(D) Money collected by the director of agriculture from 32423  
each application fee submitted under this section shall be 32424  
deposited in the state treasury to the credit of the ~~pet store~~ 32425  
~~license-commercial dog breeding fund~~ created in section ~~956.181~~ 32426  
956.18 of the Revised Code. 32427

(E) No owner, operator, or manager of a pet store shall 32428  
negligently display, offer for sale, deliver, barter, auction, 32429  
broker, give away, transfer, or sell any live dog from a pet 32430  
store in this state unless a license has been issued for the pet 32431  
store by the director of agriculture in accordance with this 32432  
section and rules adopted under section 956.03 of the Revised 32433  
Code. 32434

**Sec. 956.22.** (A) The director of agriculture, after 32435  
providing an opportunity for an adjudication hearing under 32436  
Chapter 119. of the Revised Code, may assess a civil penalty 32437  
against a person who has violated or is violating division (A), 32438  
(B), or (C) of section 956.20 of the Revised Code or division 32439  
(E) of section 956.21 of the Revised Code. 32440

(B) The person who is assessed a civil penalty under this 32441  
section is liable for a civil penalty of not more than two 32442  
thousand five hundred dollars for a first violation, not more 32443  
than five thousand dollars for a second violation, and not more 32444  
than ten thousand dollars for a third or subsequent violation. 32445

(C) Any person assessed a civil penalty under this section 32446  
shall pay the amount prescribed to the department of 32447  
agriculture. The department shall remit all money collected 32448  
under this section to the treasurer of state for deposit in the 32449  
~~pet store license~~commercial dog breeding fund created under 32450  
section ~~956.181~~956.18 of the Revised Code. 32451

**Sec. 956.23.** The regulation of pet stores is a matter of 32452  
general statewide interest that requires statewide regulation. 32453  
Sections ~~956.181~~956.19 to 956.23 of the Revised Code and 32454  
section 956.99 of the Revised Code constitute a comprehensive 32455  
plan with respect to all aspects of the regulation of pet 32456  
stores. Accordingly, it is the intent of the general assembly to 32457  
preempt any local ordinance, resolution, or other law adopted to 32458  
regulate the sale, delivery, barter, auction, broker, or 32459  
transfer of a dog to a person from a pet store. 32460

**Sec. 1310.251.** (A) (1) As used in this section, "excess 32461  
wear and use waiver" means a contractual agreement that is part 32462  
of, or a separate addendum to, a lease agreement for use of a 32463  
motor vehicle, under which the lessor agrees, with or without a 32464  
separate charge, to do one or both of the following: 32465

(a) Cancel or waive all or part of amounts that may become 32466  
due under a lessee's lease agreement as a result of excess wear 32467  
and use of a motor vehicle; 32468

(b) Cancel or waive amounts due for excess mileage. 32469

(2) "Motor vehicle" has the same meaning as in section 32470  
4501.01 of the Revised Code and also includes utility vehicles 32471  
and under-speed vehicles as defined in that section. 32472

(B) The terms of a related motor vehicle lease shall not 32473  
be conditioned upon the consumer's payment for any excess wear 32474

and use waiver. Excess wear and use waivers may be discounted or 32475  
given at no extra charge in connection with the purchase of 32476  
other noncredit related goods or services. 32477

(C) Notwithstanding any provision of the Revised Code to 32478  
the contrary, an excess wear and use waiver is not an insurance 32479  
product. 32480

**Sec. 1311.252.** (A) Prior to the performance of any labor 32481  
or work or the furnishing of any materials in furtherance of a 32482  
public improvement, the public authority shall prepare a notice 32483  
of commencement in substantially the form specified in division 32484  
(B) of this section which shall be made readily available to the 32485  
public upon request. 32486

(B) The notice of commencement required under division (A) 32487  
of this section shall contain ~~in affidavit form~~ all of the 32488  
following information: 32489

(1) The name, location, and a number, if any, used by the 32490  
public authority to identify the public improvement sufficient 32491  
to permit the public improvement to be identified; 32492

(2) The name and address of the public authority; 32493

(3) The name, address, and trade of all principal 32494  
contractors; 32495

(4) The date the public authority first executed a 32496  
contract with a principal contractor for the public improvement; 32497

(5) The name and address of the sureties for all principal 32498  
contractors; 32499

(6) The name and address of the representative of the 32500  
public authority upon whom service shall be made for the 32501  
purposes of serving an affidavit pursuant to section 1311.26 of 32502

the Revised Code. 32503

(C) If the notice of commencement is not made available to 32504  
the public prior to the commencement of work on the public 32505  
improvement or if the notice of commencement furnished by the 32506  
public authority contains incorrect information which the 32507  
claimant relies upon to ~~his~~ the claimant's detriment, the 32508  
unavailability of the notice or the incorrect notice shall not 32509  
adversely affect the rights of any claimant under sections 32510  
1311.25 to 1311.32 of the Revised Code. 32511

**Sec. 1317.05.** (A) Any retail seller who, in any retail 32512  
installment contract, has agreed to purchase insurance for the 32513  
retail buyer and to extend credit for the price thereof, 32514  
excluding single interest insurance, shall, prior to the due 32515  
date of the first installment of the retail installment 32516  
contract, deliver to the retail buyer personally, or mail or 32517  
cause to be mailed to the retail buyer at the retail buyer's 32518  
address as shown on the retail installment contract, the policy 32519  
of insurance, or in lieu thereof a certificate of insurance, or 32520  
the retail buyer is not liable on the retail buyer's retail 32521  
installment contract until the policy, or certificate of 32522  
insurance, is received, or full refund is made of the insurance 32523  
premium. 32524

If the premium for insurance of like kind and amount, as 32525  
fixed in the published manual of a recognized standard rating 32526  
bureau designated by the retail seller, is less than the amount 32527  
charged the retail buyer as fixed in the written instrument in 32528  
compliance with division (D) of section 1317.04 of the Revised 32529  
Code, the retail buyer may deduct an amount equal to three times 32530  
the difference from the amount owed the retail seller, or the 32531  
retail seller's successor in interest. Sections 1317.01 to 32532

1317.11 of the Revised Code do not impair the authority of the 32533  
superintendent of insurance to grant, renew, or revoke licenses, 32534  
nor do said sections authorize anyone other than a licensee of 32535  
the division of insurance to directly or indirectly receive any 32536  
part of the amount charged for insurance in connection with any 32537  
retail installment sale. 32538

(B) As used in this division, "debt cancellation or debt 32539  
suspension product" means a contractual agreement in which a 32540  
retail seller, or its assignee, agrees for a separate charge to 32541  
cancel or waive all or a part of amounts due on a retail buyer's 32542  
retail installment contract in the event of a total physical 32543  
damage loss or unrecovered theft of the motor vehicle that is 32544  
the subject of the contract. "Debt cancellation or debt 32545  
suspension product" includes a guaranteed asset protection 32546  
waiver, guaranteed auto protection waiver, or other similarly 32547  
named agreement. A "debt cancellation or debt suspension 32548  
product" may also provide, with or without a separate charge, a 32549  
benefit that waives an amount, or provides a borrower with a 32550  
credit, towards the purchase of a replacement motor vehicle. 32551

A debt cancellation or debt suspension product, and an 32552  
addendum to a retail installment contract containing a debt 32553  
cancellation or debt suspension product, shall be considered a 32554  
part of the retail installment contract and shall remain a part 32555  
of that contract upon the assignment, sale, or transfer of that 32556  
contract. The charge for any optional debt cancellation or debt 32557  
suspension product shall be listed as a specific good and shall 32558  
not be considered a finance charge or interest. The purchase 32559  
price and the terms of the debt cancellation or debt suspension 32560  
product shall be disclosed in writing to the buyer. The 32561  
extension of credit, terms of the credit, or the terms of the 32562  
related motor vehicle sale or lease shall not be conditioned on 32563

the purchase of the debt cancellation or debt suspension 32564  
product. Notwithstanding any other provision of law, a debt 32565  
cancellation or debt suspension product shall not be considered 32566  
insurance. 32567

(C) Single interest insurance shall be listed as a 32568  
specific good in a retail installment contract. 32569

(D) As used in this section, "single interest insurance" 32570  
means insurance that covers only the interest of the holder of 32571  
the retail installment contract. 32572

**Sec. 1317.06.** (A) A retail seller at the time of making 32573  
any retail installment sale may charge and contract for the 32574  
payment of a finance charge by the retail buyer and collect and 32575  
receive the same, which shall not exceed the greater of the 32576  
following: 32577

(1) A base finance charge at the rate of eight dollars per 32578  
one hundred dollars per year on the principal balance of the 32579  
retail installment contract. On retail installment contracts 32580  
providing for principal balances less than, nor not in multiples 32581  
of one hundred dollars, or for installment payments extending 32582  
for a period less than or greater than one year, said finance 32583  
charge shall be computed proportionately. In addition to the 32584  
base finance charge, the retail seller may charge and contract 32585  
for a service charge of fifty cents per month for the first 32586  
fifty dollar unit or fraction thereof, of the principal balance 32587  
for each month of the term of the installment contract; and an 32588  
additional service charge of twenty-five cents per month for 32589  
each of the next five fifty dollar units or fraction thereof, of 32590  
the principal balance for each month of the term of the 32591  
installment contract. This paragraph applies only to retail 32592  
installment contracts with a principal balance of seven hundred 32593

dollars or less. 32594

(2) A pre-computed base finance charge not in excess of 32595  
the amount obtained by applying the rate of one and one-half per 32596  
cent per month to the unpaid portion of the unpaid principal 32597  
balance determined to be outstanding from time to time according 32598  
to the terms and schedule of payments of the retail installment 32599  
contract executed in connection with such retail installment 32600  
sale. 32601

Such base finance charge and service charges may be 32602  
computed on a basis of a full month for any fractional period in 32603  
excess of ten days. For a fractional period of a month not in 32604  
excess of ten days, there shall be no base finance charge or 32605  
service charge. 32606

Sections 1317.01 to 1317.11 of the Revised Code do not 32607  
apply to any sale in which the base finance and service charge 32608  
does not exceed the sum of fifteen dollars. 32609

(B) Every retail seller may, at the time of making any 32610  
retail installment sale, contract for the payment by the retail 32611  
buyer of lawful delinquent charges as follows: 32612

(1) No charges shall be made for delinquent payments less 32613  
than ten days late. 32614

(2) Five cents for each dollar for a delinquent payment 32615  
that is more than ten days late may be charged, but in no event 32616  
shall a delinquent charge for any one installment exceed three 32617  
dollars. 32618

A provision for the payment of interest on any installment 32619  
not paid in full on or before its scheduled due date at a rate 32620  
not to exceed one and one-half per cent interest per month is 32621  
not a delinquent charge and is expressly authorized. 32622

~~(C)~~ (1) No retail installment contract arising out of a consumer transaction and requiring the payment of the charges authorized by this section shall be executed unless the combined total of the cash price and all finance charges and service charges is required to be paid according to a one of the following:

(a) A schedule of substantially equal consecutive installments, except where the contract contains a provision allowing the buyer to refinance the contract under terms no less favorable than those of the original contract after making the refund credit required by section 1317.09 of the Revised Code;

(b) A schedule of periodic installments in which no scheduled installment is more than fifty per cent greater than any other scheduled installment, except where the contract contains a provision allowing the buyer to refinance the contract under terms not less favorable than those of the original contract after making the refund credit required by section 1317.09 of the Revised Code. No

(2) No seller shall, pursuant to any provision in a retail installment contract arising out of a consumer transaction, accelerate any payments on account of a default in the making of an installment payment that has not continued for at least thirty days. Division (C) of this section does not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the buyer.

**Sec. 1321.21.** All fees, charges, penalties, and forfeitures collected under Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the

superintendent into the state treasury to the credit of the 32653  
consumer finance fund, which is hereby created. The fund may be 32654  
expended or obligated by the superintendent for the defrayment 32655  
of the costs of administration of Chapters 1321., 1322., 4712., 32656  
4727., and 4728., sections 1315.21 to 1315.30, and sections 32657  
1349.25 to 1349.37 of the Revised Code by the division of 32658  
financial institutions. All actual and necessary expenses 32659  
incurred by the superintendent, including any services rendered 32660  
by the department of commerce for the division's administration 32661  
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 32662  
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the 32663  
Revised Code, shall be paid from the fund. The fund shall be 32664  
assessed a proportionate share of the administrative costs of 32665  
the department and the division. The proportionate share of the 32666  
administrative costs of the division of financial institutions 32667  
shall be determined in accordance with procedures prescribed by 32668  
the superintendent. Such assessment shall be paid from the 32669  
consumer finance fund to the division of administration fund or 32670  
the financial institutions fund. 32671

~~Periodically, in accordance with a schedule the director 32672  
establishes by rule, but at least once every three months, the 32673  
director of budget and management shall transfer five per cent 32674  
of all charges, penalties, and forfeitures received into the 32675  
consumer finance fund to the financial literacy education fund 32676  
created under section 121.085 of the Revised Code. 32677~~

**Sec. 1347.08.** (A) Every state or local agency that 32678  
maintains a personal information system, upon the request and 32679  
the proper identification of any person who is the subject of 32680  
personal information in the system, shall: 32681

(1) Inform the person of the existence of any personal 32682

information in the system of which the person is the subject; 32683

(2) Except as provided in divisions (C) and (E) (2) of this 32684  
section, permit the person, the person's legal guardian, or an 32685  
attorney who presents a signed written authorization made by the 32686  
person, to inspect all personal information in the system of 32687  
which the person is the subject; 32688

(3) Inform the person about the types of uses made of the 32689  
personal information, including the identity of any users 32690  
usually granted access to the system. 32691

(B) Any person who wishes to exercise a right provided by 32692  
this section may be accompanied by another individual of the 32693  
person's choice. 32694

(C) (1) A state or local agency, upon request, shall 32695  
disclose medical, psychiatric, or psychological information to a 32696  
person who is the subject of the information or to the person's 32697  
legal guardian, unless one of the following determines for the 32698  
agency that the disclosure of the information is likely to have 32699  
an adverse effect on the person: a physician, including such a 32700  
person who specializes as a psychiatrist; an advanced practice 32701  
registered nurse, including such a person who specializes as a 32702  
psychiatric-mental health nurse practitioner or psychiatric 32703  
clinical nurse specialist; or a psychologist. If such a 32704  
determination is made, the information shall be released to one 32705  
of the following who is designated by the person or by the 32706  
person's legal guardian: a physician, including such a person 32707  
who specializes as a psychiatrist; an advanced practice 32708  
registered nurse, including such a person who specializes as a 32709  
psychiatric-mental health nurse practitioner or psychiatric 32710  
clinical nurse specialist; or a psychologist. 32711

(2) Upon the signed written request of a licensed attorney 32712  
at law, a licensed physician, or an advanced practice registered 32713  
nurse designated by the inmate, together with the signed written 32714  
request of an inmate of a correctional institution under the 32715  
administration of the department of rehabilitation and 32716  
correction, the department shall disclose medical information to 32717  
the designated attorney, physician, or advanced practice 32718  
registered nurse as provided in division (C) of section 5120.21 32719  
of the Revised Code. 32720

(D) If an individual who is authorized to inspect personal 32721  
information that is maintained in a personal information system 32722  
requests the state or local agency that maintains the system to 32723  
provide a copy of any personal information that the individual 32724  
is authorized to inspect, the agency shall provide a copy of the 32725  
personal information to the individual. Each state and local 32726  
agency may establish reasonable fees for the service of copying, 32727  
upon request, personal information that is maintained by the 32728  
agency. 32729

(E) (1) This section regulates access to personal 32730  
information that is maintained in a personal information system 32731  
by persons who are the subject of the information, but does not 32732  
limit the authority of any person, including a person who is the 32733  
subject of personal information maintained in a personal 32734  
information system, to inspect or have copied, pursuant to 32735  
section 149.43 of the Revised Code, a public record as defined 32736  
in that section. 32737

(2) This section does not provide a person who is the 32738  
subject of personal information maintained in a personal 32739  
information system, the person's legal guardian, or an attorney 32740  
authorized by the person, with a right to inspect or have 32741

copied, or require an agency that maintains a personal 32742  
information system to permit the inspection of or to copy, a 32743  
confidential law enforcement investigatory record or trial 32744  
preparation record, as defined in divisions (A) (2) and (4) of 32745  
section 149.43 of the Revised Code. 32746

(F) This section does not apply to any of the following: 32747

(1) The contents of an adoption file maintained by the 32748  
department of health under sections 3705.12 to 3705.124 of the 32749  
Revised Code; 32750

(2) Information contained in the putative father registry 32751  
established by section 3107.062 of the Revised Code, regardless 32752  
of whether the information is held by the department of ~~job and~~ 32753  
~~family services~~ children and youth or, pursuant to section 32754  
3111.69 of the Revised Code, the office of child support in the 32755  
department of job and family services or a child support 32756  
enforcement agency; 32757

(3) Papers, records, and books that pertain to an adoption 32758  
and that are subject to inspection in accordance with section 32759  
3107.17 of the Revised Code; 32760

(4) Records specified in division (A) of section 3107.52 32761  
of the Revised Code; 32762

(5) Records that identify an individual described in 32763  
division (A) (1) of section 3721.031 of the Revised Code, or that 32764  
would tend to identify such an individual; 32765

(6) Files and records that have been expunged under 32766  
division (D) (1) or (2) of section 3721.23 of the Revised Code; 32767

(7) Records that identify an individual described in 32768  
division (A) (1) of section 3721.25 of the Revised Code, or that 32769

would tend to identify such an individual;	32770
(8) Records that identify an individual described in	32771
division (A)(1) of section 5165.88 of the Revised Code, or that	32772
would tend to identify such an individual;	32773
(9) Test materials, examinations, or evaluation tools used	32774
in an examination for licensure as a nursing home administrator	32775
that the board of executives of long-term services and supports	32776
administers under section 4751.15 of the Revised Code or	32777
contracts under that section with a private or government entity	32778
to administer;	32779
(10) Information contained in a database established and	32780
maintained pursuant to section <del>5101.13</del> <u>5180.40</u> of the Revised	32781
Code;	32782
(11) Information contained in a database established and	32783
maintained pursuant to section 5101.631 of the Revised Code.	32784
<b><u>Sec. 1501.022.</u></b> (A) As used in this section, "local	32785
<u>government" means a municipal corporation or a township.</u>	32786
<u>(B) If the department of natural resources does not</u>	32787
<u>provide emergency response services, garbage and debris removal</u>	32788
<u>services, or snow removal services on state park land or at</u>	32789
<u>facilities owned or managed by the department, the director of</u>	32790
<u>natural resources shall enter into a contract with a local</u>	32791
<u>government for the local government to provide such services.</u>	32792
<u>(C) If the director requests a local government to provide</u>	32793
<u>any other service besides such services described in division</u>	32794
<u>(B) of this section on state park land or at facilities owned or</u>	32795
<u>managed by the department, the director shall enter into a</u>	32796
<u>contract with a local government for the local government to</u>	32797
<u>provide such services.</u>	32798

(D) A contract entered into under this section shall 32799  
include a term providing for the department to reimburse the 32800  
local government for services provided and administrative costs 32801  
associated with providing such services. 32802

**Sec. 1501.023.** (A) As used in this section, "historical 32803  
site" means a site that has been designated by the Ohio history 32804  
connection with a brown historical marker sign and has 32805  
significance with respect to the state's oil and gas history. 32806

(B) The department of natural resources shall not 32807  
physically work on or alter a historical site without the 32808  
consent of every member of all of the following entities: 32809

(1) The board of county commissioners of the county in 32810  
which the historical site is located; 32811

(2) The historical society of the county in which the 32812  
historical site is located; 32813

(3) The technical advisory council created under section 32814  
1509.38 of the Revised Code. 32815

**Sec. 1501.47.** The program support fund is created in the 32816  
state treasury. The fund shall consist of payments from 32817  
divisions within the department of natural resources and any 32818  
other payments received by the department related to the 32819  
purposes of the fund. The director of natural resources shall 32820  
use the money in the fund to support centralized service support 32821  
offices of the department. 32822

**Sec. 1509.02.** There is hereby created in the department of 32823  
natural resources the division of oil and gas resources 32824  
management, which shall be administered by the chief of the 32825  
division of oil and gas resources management. The division has 32826  
sole and exclusive authority to regulate the permitting, 32827

location, and spacing of oil and gas wells and production 32828  
operations within the state, excepting only those activities 32829  
regulated under federal laws for which oversight has been 32830  
delegated to the environmental protection agency and activities 32831  
regulated under sections 6111.02 to 6111.028 of the Revised 32832  
Code. The regulation of oil and gas activities is a matter of 32833  
general statewide interest that requires uniform statewide 32834  
regulation, and this chapter and rules adopted under it 32835  
constitute a comprehensive plan with respect to all aspects of 32836  
the locating, drilling, well stimulation, completing, and 32837  
operating of oil and gas wells within this state, including site 32838  
construction and restoration, permitting related to those 32839  
activities, and the disposal of wastes from those wells. In 32840  
order to assist the division in the furtherance of its sole and 32841  
exclusive authority as established in this section, the chief 32842  
may enter into cooperative agreements with other state agencies 32843  
for advice and consultation, including visitations at the 32844  
surface location of a well on behalf of the division. Such 32845  
cooperative agreements do not confer on other state agencies any 32846  
authority to administer or enforce this chapter and rules 32847  
adopted under it. In addition, such cooperative agreements shall 32848  
not be construed to dilute or diminish the division's sole and 32849  
exclusive authority as established in this section. Nothing in 32850  
this section affects the authority granted to the director of 32851  
transportation and local authorities in section 723.01 or 32852  
4513.34 of the Revised Code, provided that the authority granted 32853  
under those sections shall not be exercised in a manner that 32854  
discriminates against, unfairly impedes, or obstructs oil and 32855  
gas activities and operations regulated under this chapter. 32856

The chief shall not hold any other public office, nor 32857  
shall the chief be engaged in any occupation or business that 32858

might interfere with or be inconsistent with the duties as 32859  
chief. 32860

Money collected by the chief pursuant to sections 1509.06, 32861  
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 32862  
1509.28, 1509.34, 1509.50, and 5749.02 of the Revised Code, all 32863  
civil penalties paid under section 1509.33 of the Revised Code, 32864  
and, notwithstanding any section of the Revised Code relating to 32865  
the distribution or crediting of fines for violations of the 32866  
Revised Code, all fines imposed under divisions (A) and (B) of 32867  
section 1509.99 of the Revised Code and fines imposed under 32868  
divisions (C) and (D) of section 1509.99 of the Revised Code for 32869  
all violations prosecuted by the attorney general and for 32870  
violations prosecuted by prosecuting attorneys that do not 32871  
involve the transportation of brine by vehicle shall be 32872  
deposited into the state treasury to the credit of the oil and 32873  
gas well fund, which is hereby created. Fines imposed under 32874  
divisions (C) and (D) of section 1509.99 of the Revised Code for 32875  
violations prosecuted by prosecuting attorneys that involve the 32876  
transportation of brine by vehicle and penalties associated with 32877  
a compliance agreement entered into pursuant to this chapter 32878  
shall be paid to the county treasury of the county where the 32879  
violation occurred. 32880

The fund shall be used solely and exclusively for the 32881  
purposes enumerated in division (B) of section 1509.071 of the 32882  
Revised Code, payments to the oil and gas resolution and 32883  
remediation fund created in section 1509.075 of the Revised 32884  
Code, for the expenses of the division associated with the 32885  
administration of this chapter and Chapter 1571. of the Revised 32886  
Code and rules adopted under them, and for expenses that are 32887  
critical and necessary for the protection of human health and 32888  
safety and the environment related to oil and gas production in 32889

this state. The expenses of the division in excess of the moneys 32890  
available in the fund shall be paid from general revenue fund 32891  
appropriations to the department. 32892

**Sec. 1509.07.** (A) (1) (a) Except as provided in division (A) 32893  
(1) (b) or (A) (2) of this section, an owner of any well, except 32894  
an exempt Mississippian well or an exempt domestic well, shall 32895  
obtain liability insurance coverage from a company authorized or 32896  
approved to do business in this state in an amount of not less 32897  
than one million dollars bodily injury coverage and property 32898  
damage coverage to pay damages for injury to persons or damage 32899  
to property caused by the drilling, operation, or plugging of 32900  
all the owner's wells in this state. However, if any well is 32901  
located within an urbanized area, the owner shall obtain 32902  
liability insurance coverage in an amount of not less than three 32903  
million dollars for bodily injury coverage and property damage 32904  
coverage to pay damages for injury to persons or damage to 32905  
property caused by the drilling, operation, or plugging of all 32906  
of the owner's wells in this state. 32907

(b) A board of county commissioners of a county that is an 32908  
owner of a well or a board of township trustees of a township 32909  
that is an owner of a well may elect to satisfy the liability 32910  
coverage requirements specified in division (A) (1) (a) of this 32911  
section by participating in a joint self-insurance pool in 32912  
accordance with the requirements established under section 32913  
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 32914  
this section shall be construed to allow an entity, other than a 32915  
county or township, to participate in a joint self-insurance 32916  
pool to satisfy the liability coverage requirements specified in 32917  
division (A) (1) (a) of this section. 32918

(2) An owner of a horizontal well shall obtain liability 32919

insurance coverage from an insurer authorized to write such 32920  
insurance in this state or from an insurer approved to write 32921  
such insurance in this state under section 3905.33 of the 32922  
Revised Code in an amount of not less than five million dollars 32923  
bodily injury coverage and property damage coverage to pay 32924  
damages for injury to persons or damage to property caused by 32925  
the production operations of all the owner's wells in this 32926  
state. The insurance policy shall include a reasonable level of 32927  
coverage available for an environmental endorsement. 32928

(3) An owner shall maintain the coverage required under 32929  
division (A)(1) or (2) of this section until all the owner's 32930  
wells are plugged and abandoned or are transferred to an owner 32931  
who has obtained insurance as required under this section and 32932  
who is not under a notice of material and substantial violation 32933  
or under a suspension order. The owner shall provide proof of 32934  
liability insurance coverage to the chief of the division of oil 32935  
and gas resources management upon request. Upon failure of the 32936  
owner to provide that proof when requested, the chief may order 32937  
the suspension of any outstanding permits and operations of the 32938  
owner until the owner provides proof of the required insurance 32939  
coverage. 32940

(B)(1) Except as otherwise provided in this section, an 32941  
owner of any well, before being issued a permit under section 32942  
1509.06 of the Revised Code or before operating or producing 32943  
from a well, shall execute and file with the division of oil and 32944  
gas resources management a surety bond conditioned on compliance 32945  
with the restoration requirements of section 1509.072, the 32946  
plugging requirements of section 1509.12, the permit provisions 32947  
of section 1509.13 of the Revised Code, and all rules and orders 32948  
of the chief relating thereto, in an amount set by rule of the 32949  
chief. 32950

(2) The owner may deposit with the chief, instead of a surety bond, cash in an amount equal to the surety bond as prescribed pursuant to this section or negotiable certificates of deposit or irrevocable letters of credit, issued by any bank organized or transacting business in this state, having a cash value equal to or greater than the amount of the surety bond as prescribed pursuant to this section. Cash or certificates of deposit shall be deposited upon the same terms as those upon which surety bonds may be deposited. If the owner deposits cash, the cash shall be credited to the performance cash bond refunds fund created in section 1501.16 of the Revised Code. If the owner deposits certificates of deposit, the chief shall require the bank that issued any such certificate to pledge securities of a cash value equal to the amount of the certificate that is in excess of the amount insured by the federal deposit insurance corporation. The securities shall be security for the repayment of the certificate of deposit.

Upon a deposit of cash, certificates of deposit, or letters of credit with the chief, the chief shall hold them in trust for the purposes for which they have been deposited.

(3) Instead of a surety bond, the chief may accept proof of financial responsibility consisting of a sworn financial statement showing a net financial worth within this state equal to twice the amount of the bond for which it substitutes and, as may be required by the chief, a list of producing properties of the owner within this state or other evidence showing ability and intent to comply with the law and rules concerning restoration and plugging that may be required by rule of the chief. The owner of an exempt Mississippian well is not required to file scheduled updates of the financial documents, but shall file updates of those documents if requested to do so by the

chief. The owner of a nonexempt Mississippian well shall file 32982  
updates of the financial documents in accordance with a schedule 32983  
established by rule of the chief. The chief, upon determining 32984  
that an owner for whom the chief has accepted proof of financial 32985  
responsibility instead of bond cannot demonstrate financial 32986  
responsibility, shall order that the owner execute and file a 32987  
bond or deposit cash, certificates of deposit, or irrevocable 32988  
letters of credit as required by this section for the wells 32989  
specified in the order within ten days of receipt of the order. 32990  
If the order is not complied with, all wells of the owner that 32991  
are specified in the order and for which no bond is filed or 32992  
cash, certificates of deposit, or letters of credit are 32993  
deposited shall be plugged. No owner shall fail or refuse to 32994  
plug such a well. Each day on which such a well remains 32995  
unplugged thereafter constitutes a separate offense. 32996

(4) The surety bond provided for in this section shall be 32997  
executed by a surety company authorized to do business in this 32998  
state. 32999

The chief shall not approve any bond until it is 33000  
personally signed and acknowledged by both principal and surety, 33001  
or as to either by the principal's or surety's attorney in fact, 33002  
with a certified copy of the power of attorney attached thereto. 33003  
The chief shall not approve a bond unless there is attached a 33004  
certificate of the superintendent of insurance that the company 33005  
is authorized to transact a fidelity and surety business in this 33006  
state. 33007

All bonds shall be given in a form to be prescribed by the 33008  
chief and shall run to the state as obligee. 33009

(5) An owner of an exempt Mississippian well or an exempt 33010  
domestic well, in lieu of filing a surety bond, cash in an 33011

amount equal to the surety bond, certificates of deposit, 33012  
irrevocable letters of credit, or a sworn financial statement, 33013  
may file a one-time fee of fifty dollars, which shall be 33014  
deposited in the oil and gas ~~well plugging resolution and~~ 33015  
remediation fund created in section ~~1509.071~~ 1509.075 of the 33016  
Revised Code. 33017

(C) An owner, operator, producer, or other person shall 33018  
not operate a well or produce from a well at any time if the 33019  
owner, operator, producer, or other person has not satisfied the 33020  
requirements established in this section. 33021

**Sec. 1509.071.** (A) When the chief of the division of oil 33022  
and gas resources management finds that an owner has failed to 33023  
comply with a final nonappealable order issued or compliance 33024  
agreement entered into under section 1509.04, the restoration 33025  
requirements of section 1509.072, plugging requirements of 33026  
section 1509.12, or permit provisions of section 1509.13 of the 33027  
Revised Code, or rules and orders relating thereto, the chief 33028  
shall make a finding of that fact and declare any surety bond 33029  
filed to ensure compliance with those sections and rules 33030  
forfeited in the amount set by rule of the chief. The chief 33031  
thereupon shall certify the total forfeiture to the attorney 33032  
general, who shall proceed to collect the amount of the 33033  
forfeiture. In addition, the chief may require an owner, 33034  
operator, producer, or other person who forfeited a surety bond 33035  
to post a new surety bond in the amount of fifteen thousand 33036  
dollars for a single well, thirty thousand dollars for two 33037  
wells, or fifty thousand dollars for three or more wells. 33038

In lieu of total forfeiture, the surety or owner, at the 33039  
surety's or owner's option, may cause the well to be properly 33040  
plugged and abandoned and the area properly restored or pay to 33041

the treasurer of state the cost of plugging and abandonment. 33042

(B) (1) All moneys collected because of forfeitures of 33043  
bonds as provided in this section shall be deposited in the 33044  
state treasury to the credit of the oil and gas well fund 33045  
created in section 1509.02 of the Revised Code. 33046

For purposes of promoting the competent management and 33047  
conservation of the state's oil and natural gas resources and 33048  
the proper and lawful plugging of historic oil and gas wells for 33049  
which there is no known responsible owner, the chief annually 33050  
shall spend not less than thirty per cent of the revenue 33051  
credited to the oil and gas well fund during the previous fiscal 33052  
year for both of the following purposes: 33053

(a) In accordance with division (E) of this section, to 33054  
plug orphaned wells or to restore the land surface properly as 33055  
required in section 1509.072 of the Revised Code; 33056

(b) In accordance with division (F) of this section, to 33057  
correct conditions that the chief reasonably has determined are 33058  
causing imminent health or safety risks at an orphaned well or 33059  
associated with a well for which the owner has not initiated a 33060  
corrective action within a reasonable period of time as 33061  
determined by the chief after the chief has attempted to notify 33062  
the owner. 33063

(2) Expenditures from the oil and gas well fund and oil 33064  
and gas resolution and remediation fund shall be made only for 33065  
lawful purposes. ~~In addition~~ Except as otherwise provided in 33066  
divisions (B) (2) and (D) of section 1509.075 of the Revised 33067  
Code, expenditures from the fund those funds shall not be made 33068  
to purchase real property or to remove a structure in order to 33069  
access a well. 33070

~~The director of budget and management, in consultation with the chief, shall establish an accounting code for purposes of tracking expenditures made as required under this division.~~ 33071  
33072  
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(C) (1) If a landowner discovers a well on the landowner's real property and the landowner is not the owner of the well, the landowner may report the existence of the well in writing to the chief. 33074  
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33076  
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(2) If the chief receives a written report from a landowner of the discovery of a well previously unknown to the division, the chief shall inspect the well not later than thirty days after the date of receipt of the landowner's report. 33078  
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(3) The chief shall establish a scoring matrix for use in determining the priority of plugging wells or restoring land surfaces at orphaned well sites for purposes of this section. The matrix shall include a classification system that categorizes orphaned wells as high priority, medium priority, and low priority. 33082  
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(4) The chief shall use the matrix developed under division (C) (3) of this section to prioritize plugging and land restoration projects under this section. The chief may add additional orphaned wells to a project regardless of classification. 33088  
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(D) (1) After determining that a well is an orphaned well, the chief shall do all of the following: 33093  
33094

(a) Make a reasonable attempt to determine from the records in the office of the county recorder of the county in which the well is located the identity of the current owner of the land on which the well is located, the identity of each person owning a right or interest in the oil or gas mineral 33095  
33096  
33097  
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33099

interests, and the identities of the persons having a lien upon 33100  
any of the equipment appurtenant to the well. For purposes of 33101  
division (D) (1) (a) of this section, the chief is not required to 33102  
review records in the office of the county recorder that are 33103  
older than forty years from the date on which the chief made the 33104  
determination that the well is an orphaned well. 33105

(b) Mail notice to each person identified in division (D) 33106  
(1) (a) of this section; 33107

(c) Include in the notice to each person having a lien 33108  
upon any equipment appurtenant to the well, a statement 33109  
informing the person that the well is to be plugged and offering 33110  
the person the opportunity to remove that equipment from the 33111  
well site at the person's own expense in order to avoid 33112  
forfeiture of the equipment to this state; 33113

(d) Publish notice in a newspaper of general circulation 33114  
in the county where the well is located that the well is to be 33115  
plugged or post the notice on the department of natural 33116  
resources web site. 33117

(2) If the current address of a person identified in 33118  
division (D) (1) (a) of this section cannot be determined, or if a 33119  
notice provided by mail to a person under division (D) (1) (b) of 33120  
this section is returned undeliverable, the notice published 33121  
under division (D) (1) (d) of this section constitutes sufficient 33122  
notice to the person. 33123

(3) If none of the persons described in division (D) (1) (a) 33124  
of this section removes equipment from the well within thirty 33125  
days after the mailing of the notice or publication or posting 33126  
of notice described in division (D) (1) (d) of this section, 33127  
whichever is later, all equipment appurtenant to the well is 33128

hereby declared to be forfeited to this state without 33129  
compensation and without the necessity for any action by the 33130  
state for use to defray the cost of plugging the well and 33131  
restoring the land surface at the well site. 33132

(E) The chief may expend money from the oil and gas well 33133  
fund and the oil and gas resolution and remediation fund for the 33134  
purpose of division (B) (1) (a) of this section, and such 33135  
expenditures shall be made in accordance with either of the 33136  
following: 33137

(1) The chief may make expenditures pursuant to contracts 33138  
entered into by either the chief or another agency of the state 33139  
with persons who agree to furnish the materials, equipment, 33140  
work, and labor as specified and provided in such a contract for 33141  
activities associated with the restoration or plugging of an 33142  
orphaned well as determined by the chief. If another agency of 33143  
the state enters into the contract, the chief shall prepare the 33144  
scope of work for the restoration or plugging of the well. The 33145  
activities may include excavation to uncover a well, methods to 33146  
locate a well, analyzing the well, stabilizing or other work 33147  
conducted prior to plugging the well, drilling out or cleanout 33148  
of wellbores to remove material from a well, plugging 33149  
operations, installation of vault and vent systems, including 33150  
associated engineering certifications and permits, removal of 33151  
associated equipment, restoration of property, replugging of 33152  
previously plugged orphaned wells or wells for which final 33153  
restoration was completed under section 1509.072 of the Revised 33154  
Code and rules adopted under it, and repair of damage to 33155  
property that is caused by such activities. The chief may make 33156  
expenditures for salaries, maintenance, equipment, or other 33157  
administrative purposes, for costs directly attributed to 33158  
locating, analyzing, stabilizing, designing, plugging, 33159

remediating, or restoring an orphaned well, and for determining 33160  
if a well is an orphaned well. 33161

Agents or employees of persons contracting with the chief 33162  
to locate, analyze, stabilize, design, plug, remediate, or 33163  
restore a well may enter upon any land, public or private, on 33164  
which the well is located, or on adjacent parcels needed for 33165  
access, for the purpose of performing the work. Prior to such 33166  
entry, the chief shall give to the following persons written 33167  
notice of the existence of a contract to locate, analyze, 33168  
stabilize, design, plug, remediate, or restore a well, the names 33169  
of the persons with whom the contract is made, and the date that 33170  
the project will commence: the owner of the well, the owner of 33171  
the land upon which the well is located, the owner of the land 33172  
of an adjacent parcel that will be entered upon, and, if the 33173  
well is located in the same township as or in a township 33174  
adjacent to the excavations and workings of a mine and the owner 33175  
or lessee of that mine has provided written notice identifying 33176  
those townships to the chief at any time during the immediately 33177  
preceding three years, the owner or lessee of the mine. The 33178  
chief may include in the notice to the owner or lessee of the 33179  
mine additional information, such as authorization to plug an 33180  
orphaned well under section 1509.151 of the Revised Code. 33181

(2) (a) The owner of the land on which at least one 33182  
orphaned well is located who has received notice under division 33183  
(D) (1) (b) of this section may plug any such orphaned well and be 33184  
reimbursed by the division of oil and gas resources management 33185  
for the reasonable cost of plugging such wells. In order to plug 33186  
the orphaned wells, the landowner shall submit an application to 33187  
the chief on a form prescribed by the chief and approved by the 33188  
technical advisory council on oil and gas created in section 33189  
1509.38 of the Revised Code. The application, at a minimum, 33190

shall require the landowner to provide the same information as 33191  
is required to be included in the application for a permit to 33192  
plug and abandon under section 1509.13 of the Revised Code. 33193

The application shall be accompanied by a copy of a 33194  
proposed contract to plug and abandon the orphaned wells 33195  
prepared by a contractor regularly engaged in the business of 33196  
plugging oil and gas wells. The proposed contract shall require 33197  
the contractor to furnish all of the materials, equipment, work, 33198  
and labor necessary to plug the orphaned wells properly and 33199  
restore the site including the removal of all associated 33200  
equipment and shall specify the price for doing the work. The 33201  
contractor shall be insured. 33202

Expenditures made under division (E) (2) (a) of this section 33203  
shall be consistent with the expenditures for activities 33204  
described in division (E) (1) of this section. In addition, 33205  
expenditures made under division (E) (2) of this section are not 33206  
subject to section 127.16 of the Revised Code. The application 33207  
constitutes an application for a permit to plug the well for the 33208  
purposes of section 1509.13 of the Revised Code ~~and the~~ 33209  
~~applicant is not required to submit the fee otherwise required~~ 33210  
~~under that section.~~ 33211

(b) Within thirty days after receiving an application and 33212  
accompanying proposed contract under division (E) (2) (a) of this 33213  
section, the chief shall determine whether the plugging would 33214  
comply with the applicable requirements of this chapter and 33215  
applicable rules adopted and orders issued under it and whether 33216  
the cost of the plugging under the proposed contract is 33217  
reasonable. If the chief determines that the proposed plugging 33218  
would comply with those requirements and that the proposed cost 33219  
of the plugging is reasonable, the chief shall notify the 33220

landowner of that determination and issue to the landowner a 33221  
permit to plug the well under section 1509.13 of the Revised 33222  
Code. The chief may disapprove an application submitted under 33223  
division (E) (2) (a) of this section if the chief determines that 33224  
the proposed plugging would not comply with the applicable 33225  
requirements of this chapter and applicable rules adopted and 33226  
orders issued under it, that the cost of the plugging under the 33227  
proposed contract is unreasonable, or that the proposed contract 33228  
is not a bona fide, arm's length contract. 33229

(c) After receiving the chief's notice of the approval of 33230  
the application and permit to plug and abandon a well under 33231  
division (E) (2) (b) of this section, the landowner may enter into 33232  
the proposed contract to plug the well. 33233

(d) Upon determining that the plugging has been completed 33234  
in compliance with the applicable requirements of this chapter 33235  
and applicable rules adopted and orders issued under it, the 33236  
chief shall pay the contractor for the cost of the plugging and 33237  
restoration as set forth in the proposed contract approved by 33238  
the chief and changes or costs approved by the chief. The 33239  
payment shall be paid from the oil and gas well fund or the oil 33240  
and gas resolution and remediation fund. The chief shall only 33241  
make payments for purposes of division (E) (2) of this section 33242  
pursuant to a proper invoice as defined under section 125.01 of 33243  
the Revised Code. 33244

(e) If the chief determines that the plugging was not 33245  
completed in accordance with the applicable requirements, the 33246  
chief shall not pay the contractor or landowner for the cost of 33247  
the plugging. 33248

(f) If any equipment was removed from the well during the 33249  
plugging and sold, the chief shall deduct the sale amount of the 33250

equipment from the payment to the contractor. 33251

(g) Changes made to a contract executed under division (E) 33252  
(2) of this section due to unanticipated conditions may be 33253  
presented to the chief in the form of a written request for 33254  
approval of the additional costs prior to completion of the 33255  
work. The chief shall determine if the changes are necessary to 33256  
comply with this chapter and rules adopted and orders issued 33257  
under it and if the cost of the changes are reasonable. The 33258  
chief shall provide to the contractor a written decision 33259  
regarding the proposed changes. If the chief determines that the 33260  
changes are not necessary or that the costs are not reasonable, 33261  
the chief may either deny the request or establish the amount of 33262  
the cost that the chief approves. Work completed prior to 33263  
receipt of written approval from the chief is not eligible for 33264  
payment, unless waived by the chief. 33265

(3) The chief may establish an annual limit on the number 33266  
of wells that may be plugged under division (E)(2) of this 33267  
section or an annual limit on the expenditures to be made under 33268  
that division. The chief may reject an application submitted 33269  
under division (E)(2) of this section if the chief determines 33270  
that the plugging of other wells take priority. 33271

(4) As used in division (E)(2) of this section, "plug" and 33272  
"plugging" include the plugging of the well, replugging of a 33273  
previously plugged orphaned well or a well for which final 33274  
restoration was completed under section 1509.072 of the Revised 33275  
Code and rules adopted under it, drilling out or cleanout of a 33276  
well bore to remove material from a well, installation of 33277  
casings, installation of a vault and vent, restoration, and the 33278  
restoration of the land surface disturbed by the plugging. 33279

(F)(1) Expenditures from the oil and gas well fund or the 33280

oil and gas resolution and remediation fund for the purpose of 33281  
division (B) (1) (b) of this section may be made pursuant to 33282  
contracts entered into by either the chief or another agency of 33283  
the state with persons who agree to furnish the materials, 33284  
equipment, work, and labor as specified and provided in such a 33285  
contract. The competitive bidding requirements of Chapter 153. 33286  
of the Revised Code do not apply if the chief reasonably 33287  
determines that a situation exists requiring immediate action 33288  
for the correction of the applicable health or safety risk. A 33289  
contract or purchase of materials for purposes of addressing the 33290  
emergency situation is not subject to division (B) of section 33291  
127.16 of the Revised Code. The chief, designated 33292  
representatives of the chief, and agents or employees of persons 33293  
contracting with the chief to locate, analyze, stabilize, 33294  
design, plug, remediate, or restore a well under this division 33295  
may enter upon any land, public or private, on which the well is 33296  
located, or on parcels needed for access, for the purpose of 33297  
performing the work. 33298

(2) The chief shall issue an order that requires the owner 33299  
of a well to pay the actual documented costs of a corrective 33300  
action that is described in division (B) (1) (b) of this section 33301  
concerning the well. The chief shall transmit the money so 33302  
recovered to the treasurer of state who shall deposit the money 33303  
in the ~~state treasury to the credit of the oil and gas well-~~ 33304  
resolution and remediation fund. 33305

(G) Contracts entered into by either the chief or another 33306  
agency of the state under this section are not subject to any of 33307  
the following: 33308

(1) Chapter 4115. of the Revised Code; 33309

(2) Chapter 153. of the Revised Code; 33310

(3) Section 4733.17 of the Revised Code.	33311
(H) The owner of land on which a well is located who has received notice under division (D) (1) (b) of this section, in lieu of plugging the well in accordance with division (E) (2) of this section, may cause ownership of the well to be transferred in accordance with section 1509.31 of the Revised Code.	33312 33313 33314 33315 33316
If a well is transferred, the owner to whom it is transferred shall comply with this chapter and rules adopted under it and shall take title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner of the well.	33317 33318 33319 33320 33321
(I) The chief may engage in cooperative projects under this section with any agency of this state, another state, or the United States; any other governmental agencies; any state university or college as defined in section 3345.27 of the Revised Code; or a nonprofit corporation that is exempt from federal income taxation under section 501(c) (3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract entered into for purposes of a cooperative project is not subject to division (B) of section 127.16 of the Revised Code.	33322 33323 33324 33325 33326 33327 33328 33329 33330
(J) (1) On or before the close of each calendar quarter, the chief shall submit a written report to the technical advisory council established under section 1509.38 of the Revised Code describing the efforts of the division of oil and gas resources management to plug orphaned wells during the immediately preceding calendar quarter. The chief also shall include in the report all of the following information:	33331 33332 33333 33334 33335 33336 33337
(a) The total number of known orphaned wells in the state and the total number in each county of the state;	33338 33339

(b) The total number of newly discovered orphaned wells	33340
during the immediately preceding calendar quarter;	33341
(c) The total number of wells plugged in accordance with	33342
this section during the immediately preceding calendar quarter;	33343
(d) The total number of wells plugged in accordance with	33344
this section and the estimated average and indirect costs of	33345
plugging activities conducted under this section prior to the	33346
date of the report;	33347
(e) The number of wells approved for plugging in	33348
accordance with this section and the estimated average and	33349
indirect costs of plugging activities conducted under this	33350
section during the immediately preceding calendar quarter.	33351
(2) Not later than the thirty-first day of March of each	33352
year, the chief and the technical advisory council shall jointly	33353
provide a report containing, at a minimum, the information	33354
required to be included in the quarterly reports during the	33355
previous one-year period to all of the following:	33356
(a) The speaker of the house of representatives;	33357
(b) The president of the senate;	33358
(c) The chair of the committee of the house of	33359
representatives responsible for energy and natural resources	33360
issues;	33361
(d) The chair of the committee of the senate responsible	33362
for energy and natural resources issues.	33363
<u>Sec. 1509.075. (A) There is hereby created the oil and gas</u>	33364
<u>resolution and remediation fund, which shall be in the custody</u>	33365
<u>of the treasurer of state but shall not be part of the state</u>	33366
<u>treasury. The fund shall consist of moneys transferred to it</u>	33367

from the oil and gas well fund and any money deposited into it 33368  
under sections 1509.07 and 1509.071 of the Revised Code. 33369  
Notwithstanding any provision of law to the contrary, at the 33370  
beginning of each fiscal year, the treasurer of state shall 33371  
transfer to the oil and gas resolution and remediation fund the 33372  
amount of money in the oil and gas well fund that is in excess 33373  
of the total amount appropriated to the oil and gas well fund 33374  
for that fiscal year. 33375

(B) (1) Money in the oil and gas resolution and remediation 33376  
fund shall be used by the chief of the division of oil and gas 33377  
resources management for the plugging of orphaned wells under 33378  
this chapter. 33379

(2) The chief may use money in the fund for expenses that 33380  
are critical and necessary for the protection of human health 33381  
and safety and the environment related to oil and gas production 33382  
in this state. 33383

(3) The treasurer of state shall disburse moneys from the 33384  
fund quarterly on order of the chief. 33385

(C) The treasurer of state may invest any portion of the 33386  
oil and gas resolution and remediation fund not needed for 33387  
immediate use in the same manner as, and subject to all 33388  
provisions of law with respect to the investment of, state 33389  
funds. 33390

(D) Interest earned on the fund shall be credited to the 33391  
fund and reserved for use by the director of natural resources. 33392  
The director may order the treasurer of state to disburse 33393  
interest from the fund for any purpose of the department of 33394  
natural resources, subject to the approval of the technical 33395  
advisory council on oil and gas, as provided in section 1509.38 33396

of the Revised Code. The director shall provide the treasurer of 33397  
state with written notice of the council's approval before the 33398  
treasurer of state may disburse money from the fund. 33399

**Sec. 1509.13.** (A) (1) Except as otherwise provided in 33400  
division (A) (2) of this section and division (E) (1) of section 33401  
1509.071 of the Revised Code, no person shall plug and abandon a 33402  
well without having a permit to do so issued by the chief of the 33403  
division of oil and gas resources management. The permit shall 33404  
be issued by the chief in accordance with this chapter and shall 33405  
be valid for a period of twenty-four months from the date of 33406  
issue. 33407

(2) The holder of a valid permit issued under section 33408  
1509.06 of the Revised Code may receive approval from an oil and 33409  
gas resources inspector to plug and abandon the well associated 33410  
with that permit, without obtaining the permit required under 33411  
division (A) of this section, if either of the following apply: 33412

(a) The well was drilled to total depth and the well 33413  
cannot or will not be completed. 33414

(b) The well is a lost hole or dry hole. 33415

(3) A permit holder plugging a well pursuant to division 33416  
(A) (2) (a) of this section shall plug the well within thirty days 33417  
of receipt of approval from the oil and gas resources inspector. 33418

(4) A permit holder plugging a well pursuant to division 33419  
(A) (2) (b) of this section shall plug the well immediately after 33420  
determining that the well is a lost hole or dry hole in 33421  
accordance with rules adopted under this chapter. 33422

(B) The application for a permit to plug and abandon shall 33423  
be filed as many days in advance as will be necessary for an oil 33424  
and gas resources inspector or, if the well is located in a coal 33425

bearing township, both a deputy mine inspector and an oil and gas resources inspector to be present at the plugging. The application shall be filed with the chief upon a form that the chief prescribes and shall contain the following information:

(1) The name and address of the applicant;

(2) The signature of the applicant or the applicant's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as that agent.

(3) The location of the well identified by section or lot number, city, village, township, and county;

(4) Designation of well by name and number;

(5) The total depth of the well to be plugged;

(6) The date and amount of last production from the well;

(7) Other information that the chief may require.

(C) ~~Except as otherwise provided in division (E) (2) (a) of section 1509.071 of the Revised Code, the application shall be accompanied by a nonrefundable fee of two hundred fifty dollars.~~ Unless waived by an oil and gas resources inspector, the owner of a well or the owner's authorized representative shall notify an oil and gas resources inspector at least twenty-four hours prior to the commencement of the plugging of a well. No well shall be plugged and abandoned without an oil and gas resources inspector present unless permission has been granted by the chief. The owner of a well that has produced oil or gas shall give written notice at the same time to the owner of the land upon which the well is located and to all lessors that receive gas from the well pursuant to an agreement. If the well

penetrates or passes within one hundred feet of the excavations 33454  
and workings of a mine, the owner of the well shall give written 33455  
notice to the owner or lessee of that mine of the intention to 33456  
abandon the well and of the time when the owner of the well will 33457  
be prepared to commence plugging it. 33458

(D) An applicant may file a request with the chief for 33459  
expedited review of an application for a permit to plug and 33460  
abandon a well. The chief may refuse to accept a request for 33461  
expedited review if, in the chief's judgment, acceptance of the 33462  
request will prevent the issuance, within twenty-one days of 33463  
filing, of permits for which applications filed under section 33464  
1509.06 of the Revised Code are pending. In addition to a 33465  
complete application for a permit that meets the requirements of 33466  
this section ~~and the permit fee prescribed by this section, if~~ 33467  
~~applicable~~, a request for expedited review shall be accompanied 33468  
by a nonrefundable filing fee of five hundred dollars unless the 33469  
chief has ordered the applicant to plug and abandon the well. 33470  
When a request for expedited review is filed, the chief shall 33471  
immediately begin to process the application and shall issue a 33472  
permit within seven days of the filing of the request unless the 33473  
chief, by order, denies the application. 33474

(E) (1) Except as otherwise provided in division (E) (2) of 33475  
this section, any person undertaking the plugging of a well for 33476  
which a permit has been issued under this section shall obtain 33477  
insurance for bodily injury coverage and property damage 33478  
coverage in the amount established under section 1509.07 of the 33479  
Revised Code to pay for damages or injury to property or person, 33480  
including damages caused by the plugging of the well. The person 33481  
shall electronically submit proof of insurance to the chief upon 33482  
the chief's request. 33483

(2) Division (E)(1) of this section does not apply to a 33484  
person already required to maintain an insurance policy under 33485  
section 1509.07 of the Revised Code. 33486

(F) This section does not apply to a well plugged or 33487  
abandoned in compliance with section 1571.05 of the Revised 33488  
Code. 33489

**Sec. 1509.36.** Any person adversely affected by an order by 33490  
the chief of the division of oil and gas resources management 33491  
may appeal to the oil and gas commission for an order vacating 33492  
or modifying the order. 33493

The person so appealing to the commission shall be known 33494  
as appellant and the chief shall be known as appellee. Appellant 33495  
and appellee shall be deemed to be parties to the appeal. 33496

The appeal shall be in writing and shall set forth the 33497  
order complained of and the grounds upon which the appeal is 33498  
based. The appeal shall be filed with the commission within 33499  
thirty days after the date upon which the person to whom the 33500  
order was issued received the order and, for all other persons 33501  
adversely affected by the order, within thirty days after the 33502  
date of the order complained of. Notice of the filing of the 33503  
appeal shall be filed with the chief within three days after the 33504  
appeal is filed with the commission. 33505

Upon the filing of the appeal, the commission may decide 33506  
the appeal, in whole or in part, without a hearing when, in its 33507  
judgment, it is appropriate to do so. If the commission decides 33508  
to hold a hearing, the commission promptly shall fix the time 33509  
and place at which the hearing on the appeal will be held, and 33510  
shall give the appellant and the chief at least ten days' 33511  
written notice thereof by mail. The commission may postpone or 33512

continue any hearing upon its own motion or upon application of 33513  
the appellant or of the chief. 33514

The filing of an appeal provided for in this section does 33515  
not automatically suspend or stay execution of the order 33516  
appealed from, but upon application by the appellant the 33517  
commission may suspend or stay the execution pending 33518  
determination of the appeal upon such terms as the commission 33519  
considers proper. 33520

Either party to the appeal or any interested person who, 33521  
pursuant to commission rules has been granted permission to 33522  
appear, may submit such evidence as the commission considers 33523  
admissible. 33524

For the purpose of conducting a hearing on an appeal, the 33525  
commission may require the attendance of witnesses and the 33526  
production of books, records, and papers, and it may, and at the 33527  
request of any party it shall, issue subpoenas for witnesses or 33528  
subpoenas duces tecum to compel the production of any books, 33529  
records, or papers, directed to the sheriffs of the counties 33530  
where the witnesses are found. The subpoenas shall be served and 33531  
returned in the same manner as subpoenas in criminal cases are 33532  
served and returned. The fees of sheriffs shall be the same as 33533  
those allowed by the court of common pleas in criminal cases. 33534  
Witnesses shall be paid the fees and mileage provided for under 33535  
section 119.094 of the Revised Code. Such fees and mileage 33536  
expenses incurred at the request of appellant shall be paid in 33537  
advance by the appellant, and the remainder of those expenses 33538  
shall be paid out of funds appropriated for the expenses of the 33539  
division of oil and gas resources management. 33540

In case of disobedience or neglect of any subpoena served 33541  
on any person, or the refusal of any witness to testify to any 33542

matter regarding which the witness may be lawfully interrogated, 33543  
the court of common pleas of the county in which the 33544  
disobedience, neglect, or refusal occurs, or any judge thereof, 33545  
on application of the commission or any member thereof, shall 33546  
compel obedience by attachment proceedings for contempt as in 33547  
the case of disobedience of the requirements of a subpoena 33548  
issued from that court or a refusal to testify therein. 33549  
Witnesses at such hearings shall testify under oath, and any 33550  
member of the commission may administer oaths or affirmations to 33551  
persons who so testify. 33552

~~At~~ If a hearing occurs and at the request of any party to 33553  
the appeal, a record of the testimony and other evidence 33554  
submitted shall be taken by an official court reporter at the 33555  
expense of the party making the request for the record. The 33556  
record shall include all of the testimony and other evidence and 33557  
the rulings on the admissibility thereof presented at the 33558  
hearing. The commission shall pass upon the admissibility of 33559  
evidence, but any party may at the time object to the admission 33560  
of any evidence and except to the rulings of the commission 33561  
thereon, and if the commission refuses to admit evidence the 33562  
party offering same may make a proffer thereof, and such proffer 33563  
shall be made a part of the record of the hearing. 33564

If ~~upon completion of the hearing~~ the commission finds 33565  
that the order appealed from was lawful and reasonable, it shall 33566  
make a written order affirming the order appealed from; if the 33567  
commission finds that the order was unreasonable or unlawful, it 33568  
shall make a written order vacating the order appealed from and 33569  
making the order that it finds the chief should have made. Every 33570  
order made by the commission shall contain a written finding by 33571  
the commission of the facts upon which the order is based. 33572

Notice of the making of the order shall be given forthwith 33573  
to each party to the appeal by mailing a certified copy thereof 33574  
to each such party by certified mail. 33575

The order of the commission is final unless vacated by the 33576  
court of common pleas of Franklin county in an appeal as 33577  
provided for in section 1509.37 of the Revised Code. Sections 33578  
1509.01 to 1509.37 of the Revised Code, providing for appeals 33579  
relating to orders by the chief or by the commission, or 33580  
relating to rules adopted by the chief, do not constitute the 33581  
exclusive procedure that any person who believes the person's 33582  
rights to be unlawfully affected by those sections or any 33583  
official action taken thereunder must pursue in order to protect 33584  
and preserve those rights, nor do those sections constitute a 33585  
procedure that that person must pursue before that person may 33586  
lawfully appeal to the courts to protect and preserve those 33587  
rights. 33588

**Sec. 1509.38.** (A) There is hereby created in the division 33589  
of oil and gas resources management a technical advisory council 33590  
on oil and gas, which shall consist of eight members to be 33591  
appointed by the governor with the advice and consent of the 33592  
senate. Three members shall be independent oil or gas producers, 33593  
operators, or their representatives, operating and producing 33594  
primarily in this state, three members shall be oil or gas 33595  
producers, operators, or their representatives having 33596  
substantial oil and gas producing operations in this state and 33597  
at least one other state, one member shall represent the public, 33598  
and one member shall represent persons having landowners' 33599  
royalty interests in oil and gas production. All members shall 33600  
be residents of this state, and all members, except the members 33601  
representing the public and persons having landowners' royalty 33602  
interests, shall have at least five years of practical or 33603

technical experience in oil or gas drilling and production. Not 33604  
more than one member may represent any one company, producer, or 33605  
operator. 33606

(B) Terms of office shall be for three years, commencing 33607  
on the first day of February and ending on the thirty-first day 33608  
of January. Each member shall hold office from the date of 33609  
appointment until the end of the term for which the member was 33610  
appointed. A vacancy in the office of a member shall be filled 33611  
by the governor, with the advice and consent of the senate. Any 33612  
member appointed to fill a vacancy occurring prior to the 33613  
expiration of the term for which the member's predecessor was 33614  
appointed shall hold office for the remainder of that term. Any 33615  
member shall continue in office subsequent to the expiration 33616  
date of the member's term until the member's successor takes 33617  
office, or until a period of sixty days has elapsed, whichever 33618  
occurs first. 33619

(C) The council shall select from among its members a 33620  
chairperson, a vice-chairperson, and a secretary. All members 33621  
are entitled to their actual and necessary expenses incurred in 33622  
the performance of their duties as members, payable from the 33623  
appropriations for the division. 33624

(D) The governor may remove any member for inefficiency, 33625  
neglect of duty, or malfeasance in office. 33626

(E) The council shall hold at least one regular meeting in 33627  
each quarter of a calendar year and shall keep a record of its 33628  
proceedings. Special meetings may be called by the chairperson 33629  
and shall be called by the chairperson upon receipt of a written 33630  
request signed by two or more members of the council. A written 33631  
notice of the time and place of each meeting shall be sent to 33632  
each member of the council. Five members constitute a quorum, 33633

and no action of the council is valid unless five members 33634  
concur. 33635

(F) The council, when requested by the chief of the 33636  
division of oil and gas resources management, shall consult with 33637  
and advise the chief and perform other duties that may be 33638  
lawfully delegated to it by the chief. The council may 33639  
participate in hearings held by the chief under this chapter and 33640  
has powers of approval as provided in sections 1509.24 and 33641  
1509.25 of the Revised Code. The council shall conduct the 33642  
activities required, and exercise the authority granted, under 33643  
Chapter 1510. of the Revised Code. 33644

(G) If the council receives a request from the director of 33645  
natural resources to approve an expenditure from the oil and gas 33646  
resolution and remediation fund for purposes of division (D) of 33647  
section 1509.075 of the Revised Code, the council shall vote to 33648  
approve or deny that expenditure. The council shall notify the 33649  
director in writing of the approval or denial. 33650

(H) The council, upon receiving a request from the 33651  
chairperson of the oil and gas commission under division (C) of 33652  
section 1509.35 of the Revised Code, immediately shall prepare 33653  
and provide to the chairperson a list of its members who may 33654  
serve as temporary members of the oil and gas commission as 33655  
provided in that division. 33656

Sec. 1513.371. The long-term abandoned mine reclamation 33657  
fund is created in the state treasury. The fund shall be 33658  
administered by the chief of the division of mineral resources 33659  
management and consist of grants awarded by the United States 33660  
secretary of the interior from the federal abandoned mine 33661  
reclamation fund pursuant to the federal "Infrastructure 33662  
Investment and Jobs Act," Pub. L. No. 177-58. All investment 33663

earnings of the fund shall be credited to the fund. 33664

The fund shall be used for abatement of the causes and treatment of the effects of acid mine drainage resulting from coal mine practices, including the following: 33665  
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33667

(A) The costs of building, operating, maintaining, and rehabilitating acid mine drainage treatment systems; 33668  
33669

(B) The prevention, abatement, and control of subsidence; 33670

(C) The prevention, abatement, and control of coal mine fires. 33671  
33672

**Sec. 1517.11.** (A) There is hereby created in the state treasury the natural areas and preserves fund, which shall consist of moneys transferred into it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in that section. 33673  
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(B) Moneys in the fund shall be disbursed pursuant to vouchers approved by the director of natural resources for use by the division of natural areas and preserves solely for the following purposes: 33680  
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~~(A)~~ (1) The acquisition of new or expanded natural areas and nature preserves and scenic river lands; 33684  
33685

~~(B)~~ (2) Facility development in natural areas and nature preserves and scenic river lands; 33686  
33687

~~(C)~~ (3) Special projects, including, but not limited to, biological inventories, research grants, and the production of interpretive material related to natural areas and nature preserves and scenic river lands; 33688  
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33690  
33691

<del>(D)</del> <u>(4)</u> Routine maintenance for health and safety purposes.	33692
<u>(C)</u> Money in the fund also may be used for the purposes of administering a system of wild, scenic, and recreational rivers, scenic river lands, and facilities or improvements associated with such rivers and lands.	33693 33694 33695 33696
<u>(D)</u> Moneys appropriated from the fund shall not be used to fund salaries of permanent employees or administrative costs.	33697 33698
<u>(E)</u> All investment earnings of the fund shall be credited to the fund.	33699 33700
<u>(F)</u> The chief of the division of natural areas and preserves may sell any of the following:	33701 33702
<u>(1) Items related to or that promote Ohio's native plants and animals, unique ecology and geology, and general ecological preservation and conservation such as pins, apparel, stickers, books, bulletins, maps, publications, calendars, and other educational articles and division branded merchandise;</u>	33703 33704 33705 33706 33707
<u>(2) Items pertaining to Ohio's ecology including native plants and seeds of native plants.</u>	33708 33709
<u>(G)</u> All moneys received under division (F) of this section shall be paid into the state treasury to the credit of the natural areas and preserves fund created under this section.	33710 33711 33712
<b>Sec. 1531.01.</b> As used in this chapter and Chapter 1533. of the Revised Code:	33713 33714
(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department,	33715 33716 33717 33718 33719

agency, or instrumentality of it. 33720

(B) "Resident" means either of the following: 33721

(1) An individual who has resided in this state for not 33722  
less than six months preceding the date of making application 33723  
for a license or permit; 33724

(2) An individual who is a full-time student enrolled in 33725  
an accredited Ohio public or private college or university and 33726  
who resides in this state at the time the individual makes 33727  
application for a license or permit and who attests to the 33728  
individual's full-time student status in a manner determined by 33729  
the chief of the division of wildlife. 33730

(C) "Nonresident" means any individual who does not 33731  
qualify as a resident. 33732

(D) "Division rule" or "rule" means any rule adopted by 33733  
the chief of the division of wildlife under section 1531.10 of 33734  
the Revised Code unless the context indicates otherwise. 33735

(E) "Closed season" means that period of time during which 33736  
the taking of wild animals protected by this chapter and Chapter 33737  
1533. of the Revised Code is prohibited. 33738

(F) "Open season" means that period of time during which 33739  
the taking of wild animals protected by this chapter and Chapter 33740  
1533. of the Revised Code is permitted. 33741

(G) "Take or taking" includes pursuing, shooting, hunting, 33742  
killing, trapping, angling, fishing with a trotline, or netting 33743  
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 33744  
wild bird, or wild quadruped, and any lesser act, such as 33745  
wounding, or placing, setting, drawing, or using any other 33746  
device for killing or capturing any wild animal, whether it 33747

results in killing or capturing the animal or not. "Take or 33748  
taking" includes every attempt to kill or capture and every act 33749  
of assistance to any other person in killing or capturing or 33750  
attempting to kill or capture a wild animal. 33751

(H) "Possession" means both actual and constructive 33752  
possession and any control of things referred to. 33753

(I) "Bag limit" means the number, measurement, or weight 33754  
of any kind of crayfish, aquatic insects, fish, frogs, turtles, 33755  
wild birds, and wild quadrupeds permitted to be taken. 33756

(J) "Transport and transportation" means carrying or 33757  
moving or causing to be carried or moved. 33758

(K) "Sell and sale" means barter, exchange, or offer or 33759  
expose for sale. 33760

(L) "Whole to include part" means that every provision 33761  
relating to any wild animal protected by this chapter and 33762  
Chapter 1533. of the Revised Code applies to any part of the 33763  
wild animal with the same effect as it applies to the whole. 33764

(M) "Angling" means fishing with not more than two hand 33765  
lines, not more than two units of rod and line, or a combination 33766  
of not more than one hand line and one rod and line, either in 33767  
hand or under control at any time while fishing. The hand line 33768  
or rod and line shall have attached to it not more than three 33769  
baited hooks, not more than three artificial fly rod lures, or 33770  
one artificial bait casting lure equipped with not more than 33771  
three sets of three hooks each. 33772

(N) "Trotline" means a device for catching fish that 33773  
consists of a line having suspended from it, at frequent 33774  
intervals, vertical lines with hooks attached. 33775

(O) "Fish" means a cold-blooded vertebrate having fins.	33776
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	33777 33778
(Q) "Wild birds" includes game birds and nongame birds.	33779
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	33780 33781
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	33782 33783 33784 33785 33786 33787
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	33788 33789
(U) "Wild quadrupeds" includes game quadrupeds, fur-bearing animals, and wild boar or feral swine.	33790 33791
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, elk, and black bears.	33792 33793 33794 33795
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	33796 33797 33798
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	33799 33800 33801 33802

(Y) "Hunting" means pursuing, shooting, killing, following 33803  
after or on the trail of, lying in wait for, shooting at, or 33804  
wounding wild birds or wild quadrupeds while employing any 33805  
device commonly used to kill or wound wild birds or wild 33806  
quadrupeds whether or not the acts result in killing or 33807  
wounding. "Hunting" includes every attempt to kill or wound and 33808  
every act of assistance to any other person in killing or 33809  
wounding or attempting to kill or wound wild birds or wild 33810  
quadrupeds. 33811

(Z) "Trapping" means securing or attempting to secure 33812  
possession of a wild bird or wild quadruped by means of setting, 33813  
placing, drawing, or using any device that is designed to close 33814  
upon, hold fast, confine, or otherwise capture a wild bird or 33815  
wild quadruped whether or not the means results in capture. 33816  
"Trapping" includes every act of assistance to any other person 33817  
in capturing wild birds or wild quadrupeds by means of the 33818  
device whether or not the means results in capture. 33819

(AA) "Muskrat spear" means any device used in spearing 33820  
muskrats. 33821

(BB) "Channels and passages" means those narrow bodies of 33822  
water lying between islands or between an island and the 33823  
mainland in Lake Erie. 33824

(CC) "Island" means a rock or land elevation above the 33825  
waters of Lake Erie having an area of five or more acres above 33826  
water. 33827

(DD) "Reef" means an elevation of rock, either broken or 33828  
in place, or gravel shown by the latest United States chart to 33829  
be above the common level of the surrounding bottom of the lake, 33830  
other than the rock bottom, or in place forming the base or 33831

foundation rock of an island or mainland and sloping from the 33832  
shore of it. "Reef" also means all elevations shown by that 33833  
chart to be above the common level of the sloping base or 33834  
foundation rock of an island or mainland, whether running from 33835  
the shore of an island or parallel with the contour of the shore 33836  
of an island or in any other way and whether formed by rock, 33837  
broken or in place, or from gravel. 33838

(EE) "Fur farm" means any area used exclusively for 33839  
raising fur-bearing animals or in addition thereto used for 33840  
hunting game, the boundaries of which are plainly marked as 33841  
such. 33842

(FF) "Waters" includes any lake, pond, reservoir, stream, 33843  
channel, lagoon, or other body of water, or any part thereof, 33844  
whether natural or artificial. 33845

(GG) "Crib" or "car" refers to that particular compartment 33846  
of the net from which the fish are taken when the net is lifted. 33847

(HH) "Commercial fish" means those species of fish 33848  
permitted to be taken, possessed, bought, or sold unless 33849  
otherwise restricted by the Revised Code or division rule and 33850  
are alewife (*Alosa pseudoharengus*), American eel (*Anguilla* 33851  
*rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp 33852  
(*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), 33853  
bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead 33854  
(*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown 33855  
bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus* 33856  
*punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish 33857  
(*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or 33858  
sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), 33859  
gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius* 33860  
*auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon* 33861

tergisus), quillback (*Carpionodes cyprinus*), smelt (*Allosmerus* 33862  
*elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon 33863  
(*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo 33864  
and quillback (*Carpionodes* sp., *Catostomus* sp., *Hypentelium* sp., 33865  
*Minytrema* sp., *Moxostoma* sp.), white bass (*Morone chrysops*), 33866  
white perch (*Roccus americanus*), and yellow perch (*Perca* 33867  
*flavescens*). When the common name of a fish is used in this 33868  
chapter or Chapter 1533. of the Revised Code, it refers to the 33869  
fish designated by the scientific name in this definition. 33870

(II) "Fishing" means taking or attempting to take fish by 33871  
any method, and all other acts such as placing, setting, 33872  
drawing, or using any device commonly used to take fish whether 33873  
resulting in a taking or not. 33874

(JJ) "Fillet" means the pieces of flesh taken or cut from 33875  
both sides of a fish, joined to form one piece of flesh. 33876

(KK) "Part fillet" means a piece of flesh taken or cut 33877  
from one side of a fish. 33878

(LL) "Round" when used in describing fish means with head 33879  
and tail intact. 33880

(MM) "Migrate" means the transit or movement of fish to or 33881  
from one place to another as a result of natural forces or 33882  
instinct and includes, but is not limited to, movement of fish 33883  
induced or caused by changes in the water flow. 33884

(NN) "Spreader bar" means a brail or rigid bar placed 33885  
across the entire width of the back, at the top and bottom of 33886  
the cars in all trap, crib, and fyke nets for the purpose of 33887  
keeping the meshes hanging squarely while the nets are fishing. 33888

(OO) "Fishing guide" means any person who, for 33889  
consideration or hire, operates a boat, rents, leases, or 33890

otherwise furnishes angling devices, ice fishing shanties or 33891  
shelters of any kind, or other fishing equipment, and 33892  
accompanies, guides, directs, or assists any other person in 33893  
order for the other person to engage in fishing. 33894

(PP) "Net" means fishing devices with meshes composed of 33895  
twine or synthetic material and includes, but is not limited to, 33896  
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 33897  
seines, except minnow seines and minnow dip nets. 33898

(QQ) "Commercial fishing gear" means seines, trap nets, 33899  
fyke nets, dip nets, carp aprons, trotlines, other similar gear, 33900  
and any boat used in conjunction with that gear, but does not 33901  
include gill nets. 33902

(RR) "Native wildlife" means any species of the animal 33903  
kingdom indigenous to this state. 33904

(SS) "Gill net" means a single section of fabric or 33905  
netting seamed to a float line at the top and a lead line at the 33906  
bottom, which is designed to entangle fish in the net openings 33907  
as they swim into it. 33908

(TT) "Tag fishing tournament" means a contest in which a 33909  
participant pays a fee, or gives other valuable consideration, 33910  
for a chance to win a prize by virtue of catching a tagged or 33911  
otherwise specifically marked fish within a limited period of 33912  
time. 33913

(UU) "Tenant" means an individual who resides on land for 33914  
which the individual pays rent and whose annual income is 33915  
primarily derived from agricultural production conducted on that 33916  
land, as "agricultural production" is defined in section 929.01 33917  
of the Revised Code. 33918

(VV) "Nonnative wildlife" means any wild animal not 33919

indigenous to this state, but does not include domestic deer.	33920
(WW) "Reptiles" includes common musk turtle ( <i>sternotherus</i>	33921
<i>odoratus</i> ), common snapping turtle ( <i>Chelydra serpentina</i>	33922
<i>serpentina</i> ), spotted turtle ( <i>Clemmys guttata</i> ), eastern box	33923
turtle ( <i>Terrapene carolina carolina</i> ), Blanding's turtle	33924
( <i>Emydoidea blandingii</i> ), common map turtle ( <i>Graptemys</i>	33925
<i>geographica</i> ), ouachita map turtle ( <i>Graptemys pseudogeographica</i>	33926
<i>ouachitensis</i> ), midland painted turtle ( <i>Chrysemys picta</i>	33927
<i>marginata</i> ), red-eared slider ( <i>Trachemys scripta elegans</i> ),	33928
eastern spiny softshell turtle ( <i>Apalone spinifera spinifera</i> ),	33929
midland smooth softshell turtle ( <i>Apalone mutica mutica</i> ),	33930
northern fence lizard ( <i>Sceloporus undulatus hyacinthinus</i> ),	33931
ground skink ( <i>Scincella lateralis</i> ), five-lined skink ( <i>Eumeces</i>	33932
<i>fasciatus</i> ), broadhead skink ( <i>Eumeces laticeps</i> ), northern coal	33933
skink ( <i>Eumeces anthracinus anthracinus</i> ), European wall lizard	33934
( <i>Podarcis muralis</i> ), queen snake ( <i>Regina septemvittata</i> ),	33935
Kirtland's snake ( <i>Clonophis kirtlandii</i> ), northern water snake	33936
( <i>Nerodia sipedon sipedon</i> ), Lake Erie watersnake ( <i>Nerodia sipedon</i>	33937
<i>insularum</i> ), copperbelly water snake ( <i>Nerodia erythrogaster</i>	33938
<i>neglecta</i> ), northern brown snake ( <i>Storeria dekayi dekayi</i> ),	33939
midland brown snake ( <i>Storeria dekayi wrightorum</i> ), northern	33940
redbelly snake ( <i>Storeria occipitomaculata occipitomaculata</i> ),	33941
eastern garter snake ( <i>Thamnophis sirtalis sirtalis</i> ), eastern	33942
plains garter snake ( <i>Thamnophis radix radix</i> ), Butler's garter	33943
snake ( <i>Thamnophis butleri</i> ), shorthead garter snake ( <i>Thamnophis</i>	33944
<i>brachystoma</i> ), eastern ribbon snake ( <i>Thamnophis sauritus</i>	33945
<i>sauritus</i> ), northern ribbon snake ( <i>Thamnophis sauritus</i>	33946
<i>septentrionalis</i> ), eastern hognose snake ( <i>Heterodon platirhinos</i> ),	33947
eastern smooth earth snake ( <i>Virginia valeriae valeriae</i> ),	33948
northern ringneck snake ( <i>Diadophis punctatus edwardsii</i> ), midwest	33949
worm snake ( <i>Carphophis amoenus helena</i> ), eastern worm snake	33950

( <i>Carphophis amoenus amoenus</i> ), black racer ( <i>Coluber constrictor constrictor</i> ),	33951
blue racer ( <i>Coluber constrictor foxii</i> ), rough	33952
green snake ( <i>Opheodrys aestivus</i> ), smooth green snake ( <i>Opheodrys vernalis vernalis</i> ),	33953
black rat snake ( <i>Elaphe obsoleta obsoleta</i> ),	33954
eastern fox snake ( <i>Elaphe vulpina gloydi</i> ), black kingsnake	33955
( <i>Lampropeltis getula nigra</i> ), eastern milk snake ( <i>Lampropeltis triangulum triangulum</i> ),	33956
northern copperhead ( <i>Agkistrodon contortrix mokasen</i> ),	33957
eastern massasauga ( <i>Sistrurus catenatus catenatus</i> ),	33958
and timber rattlesnake ( <i>Crotalus horridus horridus</i> ).	33959
(XX) "Amphibians" includes eastern hellbender	33960
( <i>Cryptobranchus alleganiensis alleganiensis</i> ), mudpuppy ( <i>Necturus maculosus maculosus</i> ),	33961
red-spotted newt ( <i>Notophthalmus viridescens viridescens</i> ),	33962
Jefferson salamander ( <i>Ambystoma jeffersonianum</i> ),	33963
spotted salamander ( <i>Ambystoma maculatum</i> ), blue-	33964
spotted salamander ( <i>Ambystoma laterale</i> ), smallmouth salamander	33965
( <i>Ambystoma texanum</i> ), streamside salamander ( <i>Ambystoma barbouri</i> ),	33966
marbled salamander ( <i>Ambystoma opacum</i> ), eastern tiger salamander	33967
( <i>Ambystoma tigrinum tigrinum</i> ), northern dusky salamander	33968
( <i>Desmognathus fuscus fuscus</i> ), mountain dusky salamander	33969
( <i>Desmognathus ochrophaeus</i> ), redback salamander ( <i>Plethodon cinereus</i> ),	33970
ravine salamander ( <i>Plethodon richmondi</i> ), northern	33971
slimy salamander ( <i>Plethodon glutinosus</i> ), Wehrle's salamander	33972
( <i>Plethodon wehrlei</i> ), four-toed salamander ( <i>Hemidactylium scutatum</i> ),	33973
Kentucky spring salamander ( <i>Gyrinophilus porphyriticus duryi</i> ),	33974
northern spring salamander ( <i>Gyrinophilus porphyriticus porphyriticus</i> ),	33975
mud salamander ( <i>Pseudotriton montanus</i> ),	33976
northern red salamander ( <i>Pseudotriton ruber ruber</i> ),	33977
green salamander ( <i>Aneides aeneus</i> ), northern two-lined salamander	33978
( <i>Eurycea bislineata</i> ), longtail salamander ( <i>Eurycea longicauda longicauda</i> ),	33979
cave salamander ( <i>Eurycea lucifuga</i> ), southern two-	33980
lined salamander ( <i>Eurycea cirrigera</i> ), Fowler's toad ( <i>Bufo</i>	33981

woodhousii fowleri), American toad (Bufo americanus), eastern	33982
spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog	33983
(Acris crepitans blanchardi), northern spring peeper (Pseudacris	33984
crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray	33985
treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris	33986
triseriata triseriata), mountain chorus frog (Pseudacris	33987
brachyphona), bullfrog (Rana catesbeiana), green frog (Rana	33988
clamitans melanota), northern leopard frog (Rana pipiens),	33989
pickerel frog (Rana palustris), southern leopard frog (Rana	33990
utricularia), and wood frog (Rana sylvatica).	33991
(YY) "Deer" means white-tailed deer (Odocoileus	33992
virginianus).	33993
(ZZ) "Domestic deer" means nonnative deer that have been	33994
legally acquired or their offspring and that are held in private	33995
ownership for primarily agricultural purposes.	33996
(AAA) "Migratory game bird" includes waterfowl (Anatidae);	33997
doves (Columbidae); cranes (Gruidae); cormorants	33998
(Phalacrocoracidae); rails, coots, and gallinules (Rallidae);	33999
and woodcock and snipe (Scolopacidae).	34000
(BBB) "Accompany" means to go along with another person	34001
while staying within a distance from the person that enables	34002
uninterrupted, unaided visual and auditory communication.	34003
(CCC) "All-purpose vehicle" means any vehicle that is	34004
designed primarily for cross-country travel on land, water, or	34005
land and water and that is steered by wheels, caterpillar	34006
treads, or a combination of wheels and caterpillar treads and	34007
includes vehicles that operate on a cushion of air, vehicles	34008
commonly known as all-terrain vehicles, all-season vehicles,	34009
mini-bikes, and trail bikes.	34010

(DDD) "Wholly enclosed preserve" means an area of land 34011  
that is surrounded by a fence that is at least six feet in 34012  
height, unless otherwise specified in division rule, and is 34013  
constructed of a woven wire mesh, or another enclosure that the 34014  
division of wildlife may approve, where game birds, game 34015  
quadrupeds, reptiles, amphibians, or fur-bearing animals are 34016  
raised and may be sold under the authority of a commercial 34017  
propagating license or captive white-tailed deer propagation 34018  
license obtained under section 1533.71 of the Revised Code. 34019

(EEE) "Commercial bird shooting preserve" means an area of 34020  
land where game birds are released and hunted by shooting as 34021  
authorized by a commercial bird shooting preserve license 34022  
obtained under section 1533.72 of the Revised Code. 34023

(FFF) "Wild animal hunting preserve" means an area of land 34024  
where game, captive white-tailed deer, and nonnative wildlife, 34025  
other than game birds, are released and hunted as authorized by 34026  
a wild animal hunting preserve license obtained under section 34027  
1533.721 of the Revised Code. 34028

(GGG) "Captive white-tailed deer" means legally acquired 34029  
deer that are held in private ownership at a facility licensed 34030  
under section 943.03 or 943.031 of the Revised Code and under 34031  
section 1533.71 or 1533.721 of the Revised Code. 34032

(HHH) "Wild boar" or "feral swine" means either a hog, 34033  
boar, or pig that appears to be untamed, undomesticated, or in a 34034  
wild state. "Wild boar" or "feral swine" includes both of the 34035  
following: 34036

(1) ~~Members~~ Except for *Sus scrofa domesticus* that is 34037  
legally confined or held in captivity, members of the family 34038  
suidae, including ~~both~~ all of the following: 34039

(a) Wild pig, wild hog, feral hog, and feral pig;	34040
(b) Old world swine, razorbacks, European wild boar, and Russian wild boar, and any hybrids or crossbreeds thereof;	34041 34042
<u>(c) Wild pig, wild hog, feral hog, or feral pig that appear contained in a wild animal hunting preserve licensed under section 1533.721 of the Revised Code or a wholly enclosed preserve for hunting or trapping.</u>	34043 34044 34045 34046
(2) Members of the family <del>tayassuidae</del> <u>tayassuidae</u> , including collared peccary and javelina, and any hybrids or crossbreeds of members of the family <del>tayassuidae</del> <u>tayassuidae</u> .	34047 34048 34049
<b>Sec. 1533.10.</b> (A) Except as provided in this section or division (A) (2) of section 1533.12 or section 1533.73 or 1533.731 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense.	34050 34051 34052 34053 34054 34055
(B) (1) Except as otherwise provided in this section, division (A) of section 1533.12 of the Revised Code, or in rules adopted under division (B) of that section, each applicant for a hunting license shall pay an annual fee for each annual license in accordance with the following schedule:	34056 34057 34058 34059 34060 34061

	1	2
A	Hunting license - resident	\$18.00
B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older	\$174.00
C	Hunting license - nonresident that is a resident of a	\$18.00

	reciprocal state, ages 18 and older	
D	Apprentice hunting license - resident	\$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state	\$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state	\$18.00
G	Youth hunting license - resident and nonresident	\$9.00
H	Apprentice youth hunting license - resident	\$9.00
I	Senior hunting license - resident	\$9.00
J	Apprentice senior hunting license - resident	\$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.

(3) As used in division (B)(1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(C) A resident of this state who owns lands in the state

and the owner's parents, children of any age, and grandchildren 34075  
under eighteen years of age may hunt on the lands without a 34076  
hunting license. A resident of any other state who owns real 34077  
property in this state, and the spouse and children living with 34078  
the property owner, may hunt on that property without a license, 34079  
provided that the state of residence of the real property owner 34080  
allows residents of this state owning real property in that 34081  
state, and the spouse and children living with the property 34082  
owner, to hunt without a license. If the owner of land in this 34083  
state is a limited liability company or a limited liability 34084  
partnership that consists of three or fewer individual members 34085  
or partners, as applicable, an individual member or partner who 34086  
is a resident of this state and the member's or partner's 34087  
parents, children of any age, and grandchildren under eighteen 34088  
years of age may hunt on the land owned by the limited liability 34089  
company or limited liability partnership without a hunting 34090  
license. In addition, if the owner of land in this state is a 34091  
trust that has a total of three or fewer trustees and 34092  
beneficiaries, an individual who is a trustee or beneficiary and 34093  
who is a resident of this state and the individual's parents, 34094  
children of any age, and grandchildren under eighteen years of 34095  
age may hunt on the land owned by the trust without a hunting 34096  
license. The tenant and children of the tenant, residing on 34097  
lands in the state, may hunt on them without a hunting license. 34098

(D) The chief of the division of wildlife may issue a 34099  
small game hunting license expiring three days from the 34100  
effective date of the license to a nonresident of the state, the 34101  
fee for which is thirty-nine dollars. No person shall take or 34102  
possess deer, wild turkeys, fur-bearing animals, ducks, geese, 34103  
brant, or any nongame animal while possessing only a small game 34104  
hunting license. 34105

A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the small game hunting license or the apprentice nonresident hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of deer, wild turkeys, or fur-bearing animals. A nonresident of the state who wishes to take or possess deer, wild turkeys, or fur-bearing animals in this state shall procure, respectively, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or a fur taker permit as provided in section 1533.111 of the Revised Code in addition to a nonresident hunting license, an apprentice nonresident hunting license, a special youth hunting license, or an apprentice youth hunting license, as applicable, as provided in this section.

(E) No person shall procure or attempt to procure a hunting license by fraud, deceit, misrepresentation, or any false statement.

(F) (1) This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code.

(2) This section does not authorize the hunting or

trapping of fur-bearing animals without first having obtained, 34136  
in addition to a hunting license required by this section, a fur 34137  
taker permit as provided in section 1533.111 of the Revised 34138  
Code. 34139

(G) (1) No hunting license shall be issued unless it is 34140  
accompanied by a written explanation of the law in section 34141  
1533.17 of the Revised Code and the penalty for its violation, 34142  
including a description of terms of imprisonment and fines that 34143  
may be imposed. 34144

(2) No hunting license, other than an apprentice hunting 34145  
license, shall be issued unless the applicant presents to the 34146  
agent authorized to issue the license a previously held hunting 34147  
license or evidence of having held such a license in content and 34148  
manner approved by the chief, a certificate of completion issued 34149  
upon completion of a hunter education and conservation course 34150  
approved by the chief, or evidence of equivalent training in 34151  
content and manner approved by the chief. A previously held 34152  
apprentice hunting license does not satisfy the requirement 34153  
concerning the presentation of a previously held hunting license 34154  
or evidence of it. 34155

(3) No person shall issue a hunting license, except an 34156  
apprentice hunting license, to any person who fails to present 34157  
the evidence required by this section. No person shall purchase 34158  
or obtain a hunting license, other than an apprentice hunting 34159  
license, without presenting to the issuing agent the evidence 34160  
required by this section. Issuance of a hunting license in 34161  
violation of the requirements of this section is an offense by 34162  
both the purchaser of the illegally obtained hunting license and 34163  
the clerk or agent who issued the hunting license. Any hunting 34164  
license issued in violation of this section is void. 34165

(H) The chief, with approval of the wildlife council, 34166  
shall adopt rules prescribing a hunter education and 34167  
conservation course for first-time hunting license buyers, other 34168  
than buyers of apprentice hunting licenses, and for volunteer 34169  
instructors. The course shall consist of subjects including, but 34170  
not limited to, hunter safety and health, use of hunting 34171  
implements, hunting tradition and ethics, the hunter and 34172  
conservation, the law in section 1533.17 of the Revised Code 34173  
along with the penalty for its violation, including a 34174  
description of terms of imprisonment and fines that may be 34175  
imposed, and other law relating to hunting. Authorized personnel 34176  
of the division or volunteer instructors approved by the chief 34177  
shall conduct such courses with such frequency and at such 34178  
locations throughout the state as to reasonably meet the needs 34179  
of license applicants. The chief shall issue a certificate of 34180  
completion to each person who successfully completes the course 34181  
and passes an examination prescribed by the chief. 34182

**Sec. 1533.11.** (A) (1) Except as provided in this section or 34183  
section 1533.731 of the Revised Code, no person shall hunt deer 34184  
on lands of another without first obtaining an annual deer 34185  
permit. Except as provided in this section, no person shall hunt 34186  
wild turkeys on lands of another without first obtaining an 34187  
annual wild turkey permit. A deer or wild turkey permit is valid 34188  
during the hunting license year in which the permit is 34189  
purchased. Except as provided in rules adopted under division 34190  
(B) of section 1533.12 of the Revised Code, each applicant for a 34191  
deer or wild turkey permit shall pay an annual fee for each 34192  
permit in accordance with the following schedule: 34193  
34194

A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	<del>\$74.00</del>
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

(2) As used in division (A)(1) of this section: 34195

(a) "Youth" means an applicant who is under the age of 34196  
eighteen years at the time of application for a permit. 34197

(b) "Senior" means an applicant who is sixty-six years of 34198  
age or older at the time of application for a permit. 34199

(3) The money received shall be paid into the state 34200  
treasury to the credit of the wildlife fund, created in section 34201  
1531.17 of the Revised Code, exclusively for the use of the 34202  
division of wildlife in the acquisition and development of land 34203  
for deer or wild turkey management, for investigating deer or 34204  
wild turkey problems, and for the stocking, management, and 34205  
protection of deer or wild turkey. 34206

(4) Every person, while hunting deer or wild turkey on 34207  
lands of another, shall carry the person's deer or wild turkey 34208

permit and exhibit it to any enforcement officer so requesting. 34209  
Failure to so carry and exhibit such a permit constitutes an 34210  
offense under this section. 34211

(5) The chief of the division of wildlife shall adopt any 34212  
additional rules the chief considers necessary to carry out this 34213  
section and section 1533.10 of the Revised Code. 34214

(6) An owner who is a resident of this state or an owner 34215  
who is exempt from obtaining a hunting license under section 34216  
1533.10 of the Revised Code and the spouse, parents, children of 34217  
any age, and grandchildren under eighteen years of age of the 34218  
owner of lands in this state may hunt deer or wild turkey 34219  
thereon without a deer or wild turkey permit. If the owner of 34220  
land in this state is a limited liability company or a limited 34221  
liability partnership that consists of three or fewer individual 34222  
members or partners, as applicable, an individual member or 34223  
partner who is a resident of this state and the member's or 34224  
partner's parents, children of any age, and grandchildren under 34225  
eighteen years of age may hunt deer or wild turkey on the land 34226  
owned by the limited liability company or limited liability 34227  
partnership without a deer or wild turkey permit. In addition, 34228  
if the owner of land in this state is a trust that has a total 34229  
of three or fewer trustees and beneficiaries, an individual who 34230  
is a trustee or beneficiary and who is a resident of this state 34231  
and the individual's parents, children of any age, and 34232  
grandchildren under eighteen years of age may hunt deer or wild 34233  
turkey on the land owned by the trust without a deer or wild 34234  
turkey permit. The tenant and children of the tenant may hunt 34235  
deer or wild turkey on lands where they reside without a deer or 34236  
wild turkey permit. 34237

(B) A deer or wild turkey permit is not transferable. No 34238

person shall carry a deer or wild turkey permit issued in the 34239  
name of another person. 34240

(C) The wildlife refunds fund is hereby created in the 34241  
state treasury. The fund shall consist of money received from 34242  
application fees for deer permits that are not issued. Money in 34243  
the fund shall be used to make refunds of such application fees. 34244

(D) If the division establishes a system for the 34245  
electronic submission of information regarding deer or wild 34246  
turkey that are taken, the division shall allow the owner and 34247  
the children of the owner of lands in this state to use the 34248  
owner's name or address for purposes of submitting that 34249  
information electronically via that system. 34250

**Sec. 1533.111.** (A) Except as provided in this section or 34251  
division (A) (2) of section 1533.12 of the Revised Code, no 34252  
person shall hunt or trap fur-bearing animals on land of another 34253  
without first obtaining some type of an annual fur taker permit. 34254

(B) (1) Except as otherwise provided in rules adopted under 34255  
division (B) of section 1533.12 of the Revised Code, each 34256  
applicant for a fur taker permit or an apprentice fur taker 34257  
permit shall pay an annual fee for each annual permit in 34258  
accordance with the following schedule: 34259

34260

1

2

A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00
D	Apprentice senior fur taker permit - resident only	\$7.00

E	Special youth fur taker permit	\$7.00	
F	Apprentice youth fur taker permit	\$7.00	
	(2) As used in division (B) (1) of this section:		34261
	(a) "Youth" means an applicant who is under the age of		34262
	eighteen years at the time of application for a permit.		34263
	(b) "Senior" means an applicant who is sixty-six years of		34264
	age or older at the time of application for a permit.		34265
	(C) Each type of fur taker permit is valid during the		34266
	hunting license year in which the permit is purchased. The money		34267
	received shall be paid into the state treasury to the credit of		34268
	the fund established in section 1533.15 of the Revised Code.		34269
	Apprentice fur taker permits and apprentice youth fur taker		34270
	permits are subject to the requirements established under		34271
	section 1533.102 of the Revised Code and rules adopted pursuant		34272
	to it.		34273
	(D) (1) No person shall issue a fur taker permit to an		34274
	applicant unless it is accompanied by a written explanation of		34275
	the law in section 1533.17 of the Revised Code and the penalty		34276
	for its violation, including a description of terms of		34277
	imprisonment and fines that may be imposed.		34278
	(2) No person shall issue a fur taker permit, other than		34279
	an apprentice fur taker permit or an apprentice youth fur taker		34280
	permit, to an applicant unless the applicant presents to the		34281
	agent authorized to issue a fur taker permit a previously held		34282
	hunting license or trapping or fur taker permit or evidence of		34283
	having held such a license or permit in content and manner		34284
	approved by the chief of the division of wildlife, a certificate		34285
	of completion issued upon completion of a trapper education		34286

course approved by the chief, or evidence of equivalent training 34287  
in content and manner approved by the chief. A previously held 34288  
apprentice hunting license, apprentice fur taker permit, or 34289  
apprentice youth fur taker permit does not satisfy the 34290  
requirement concerning the presentation of a previously held 34291  
hunting license or fur taker permit or evidence of such a 34292  
license or permit. 34293

(3) No person shall issue a fur taker permit, other than 34294  
an apprentice fur taker permit or an apprentice youth fur taker 34295  
permit, to any person who fails to present the evidence required 34296  
by this section. No person shall purchase or obtain a fur taker 34297  
permit, other than an apprentice fur taker permit or an 34298  
apprentice youth fur taker permit, without presenting to the 34299  
issuing agent the evidence required by this section. Issuance of 34300  
a fur taker permit in violation of the requirements of this 34301  
section is an offense by both the purchaser of the illegally 34302  
obtained permit and the clerk or agent who issued the permit. 34303  
Any fur taker permit issued in violation of this section is 34304  
void. 34305

(E) The chief, with approval of the wildlife council, 34306  
shall adopt rules prescribing a trapper education course for 34307  
first-time fur taker permit buyers, other than buyers of 34308  
apprentice fur taker permits or apprentice youth fur taker 34309  
permits, and for volunteer instructors. The course shall consist 34310  
of subjects that include, but are not limited to, trapping 34311  
techniques, animal habits and identification, trapping tradition 34312  
and ethics, the trapper and conservation, the law in section 34313  
1533.17 of the Revised Code along with the penalty for its 34314  
violation, including a description of terms of imprisonment and 34315  
fines that may be imposed, and other law relating to trapping. 34316  
Authorized personnel of the division of wildlife or volunteer 34317

instructors approved by the chief shall conduct the courses with 34318  
such frequency and at such locations throughout the state as to 34319  
reasonably meet the needs of permit applicants. The chief shall 34320  
issue a certificate of completion to each person who 34321  
successfully completes the course and passes an examination 34322  
prescribed by the chief. 34323

(F) Every person, while hunting or trapping fur-bearing 34324  
animals on lands of another, shall carry the person's fur taker 34325  
permit with the person's signature written on the permit. 34326  
Failure to carry such a signed permit constitutes an offense 34327  
under this section. The chief shall adopt any additional rules 34328  
the chief considers necessary to carry out this section. 34329

(G) An owner who is a resident of this state or an owner 34330  
who is exempt from obtaining a hunting license under section 34331  
1533.10 of the Revised Code and the spouse, parents, children of 34332  
any age, and grandchildren under eighteen years of age of the 34333  
owner of lands in this state may hunt or trap fur-bearing 34334  
animals thereon without a fur taker permit. If the owner of land 34335  
in this state is a limited liability company or a limited 34336  
liability partnership that consists of three or fewer individual 34337  
members or partners, as applicable, an individual member or 34338  
partner who is a resident of this state and the member's or 34339  
partner's parents, children of any age, and grandchildren under 34340  
eighteen years of age may hunt or trap fur-bearing animals on 34341  
the land owned by the limited liability company or limited 34342  
liability partnership without a fur taker permit. In addition, 34343  
if the owner of land in this state is a trust that has a total 34344  
of three or fewer trustees and beneficiaries, an individual who 34345  
is a trustee or beneficiary and who is a resident of this state 34346  
and the individual's parents, children of any age, and 34347  
grandchildren under eighteen years of age may hunt or trap fur- 34348

bearing animals on the land owned by the trust without a fur taker permit. The tenant and children of the tenant may hunt or trap fur-bearing animals on lands where they reside without a fur taker permit.

(H) A fur taker permit is not transferable. No person shall carry a fur taker permit issued in the name of another person.

(I) A fur taker permit entitles a nonresident to take from this state fur-bearing animals taken and possessed by the nonresident as provided by law or division rule.

**Sec. 1533.13.** Hunting and fishing licenses, wetlands habitat stamps, deer and wild turkey permits, fur taker permits, and any other licenses, permits, or stamps that are required under this chapter or Chapter 1531. of the Revised Code and any reissued license, permit, or stamp may be issued by the clerk of the court of common pleas, village clerks, township fiscal officers, and other authorized agents designated by the chief of the division of wildlife. When required by the chief, a clerk, fiscal officer, or other agent shall give bond in the manner provided by the chief. All bonds, reports, ~~except records prescribed by the auditor of state,~~ and moneys received by those persons shall be handled under rules adopted by the director of natural resources.

The premium of any bond prescribed by the chief under this section may be paid by the chief. Any person who is designated and authorized by the chief to issue licenses, stamps, and permits as provided in this section, except the clerk of the court of common pleas, a village clerk, and a township fiscal officer, shall pay to the chief a premium in an amount that represents the person's portion of the premium paid by the chief

under this section, which amount shall be established by the 34379  
chief and approved by the wildlife council created under section 34380  
1531.03 of the Revised Code. The chief shall pay all moneys that 34381  
the chief receives as premiums under this section into the state 34382  
treasury to the credit of the wildlife fund created under 34383  
section 1531.17 of the Revised Code. 34384

Every authorized agent, for the purpose of issuing hunting 34385  
and fishing licenses, wetlands habitat stamps, deer and wild 34386  
turkey permits, and fur taker permits, may administer oaths to 34387  
and take affidavits from applicants for the licenses, stamps, or 34388  
permits when required. An authorized agent may appoint deputies 34389  
to perform any acts that the agent is authorized to perform, 34390  
consistent with division rules. 34391

Every applicant for a hunting or fishing license, wetlands 34392  
habitat stamp, deer or wild turkey permit, or fur taker permit, 34393  
unless otherwise provided by division rule, shall provide the 34394  
applicant's name, date of birth, weight, height, and place of 34395  
residence and any other information that the chief may require. 34396  
The clerk, fiscal officer, or other agent authorized to issue 34397  
licenses, stamps, and permits shall charge each applicant a fee 34398  
of one dollar or four per cent of the cost of the license, 34399  
stamp, or permit, whichever is greater, for taking the 34400  
information provided by the applicant and issuing the license, 34401  
stamp, or permit. The application, license, stamp, permit, and 34402  
other blanks required by this section shall be prepared and 34403  
furnished by the chief, in the form the chief provides, to the 34404  
clerk, fiscal officer, or other agent authorized to issue them. 34405  
The licenses and permits shall be issued to applicants by the 34406  
clerk, fiscal officer, or other agent. The record of licenses 34407  
and permits kept by the clerks, fiscal officers, and other 34408  
agents shall be uniform throughout the state ~~and in the form or~~ 34409

~~manner as the auditor of state prescribes~~ and shall be open at 34410  
all reasonable hours to the inspection of any person. Unless 34411  
otherwise provided by division rule, each annual hunting 34412  
license, deer or wild turkey permit, and fur taker permit issued 34413  
shall remain in force until the first day of March. Application 34414  
for any such license or permit may be made and a license or 34415  
permit issued prior to the date upon which it becomes effective. 34416

The chief may require an applicant who wishes to purchase 34417  
a license, stamp, or permit by mail or telephone or via the 34418  
internet to pay a nominal fee for postage and handling and 34419  
credit card transactions. 34420

The court before whom a violator of any laws or division 34421  
rules for the protection of wild animals is tried, as a part of 34422  
the punishment, shall revoke the license, stamp, or permit of 34423  
any person convicted. The license, stamp, or permit fee paid by 34424  
that person shall not be returned to the person. The person 34425  
shall not procure or use any other license, stamp, or permit or 34426  
engage in hunting wild animals or trapping fur-bearing animals 34427  
during the period of revocation as ordered by the court. 34428

No person under sixteen years of age shall engage in 34429  
hunting unless accompanied by the person's parent or another 34430  
adult person. 34431

**Sec. 1533.131.** The chief of the division of wildlife may 34432  
sell gift certificates that may be used to obtain ~~hunting and~~ 34433  
~~fishing~~, pay for, or purchase licenses, fur taker, deer, and 34434  
~~wild turkey permits, and wetlands habitat stamps, user fees, and~~ 34435  
conservation-related items provided for under this chapter or 34436  
Chapter 1531. of the Revised Code. For the purposes of this 34437  
~~section, the~~ The chief ~~shall~~ may adopt rules in accordance with 34438  
section 1531.10 of the Revised Code ~~doing~~ necessary to 34439

administer this section, including all of the following: 34440

(A) ~~Providing that a gift certificate may be used to~~ 34441  
~~obtain a resident or nonresident hunting license under section~~ 34442  
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 34443  
~~license under section 1533.32 of the Revised Code, a fur taker~~ 34444  
~~permit under section 1533.111 of the Revised Code, a deer or~~ 34445  
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 34446  
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 34447  
~~Code, or a combination of those licenses, permits, and~~ 34448  
~~stamps~~ Designating which licenses, permits, stamps, user fees, 34449  
and conservation-related items may be obtained, paid for, or 34450  
purchased with a gift certificate; 34451

(B) Prescribing the form for the gift certificates; 34452

(C) Authorizing persons who are designated and authorized 34453  
under section 1533.13 of the Revised Code to sell licenses and 34454  
permits under this chapter also to sell gift certificates under 34455  
this section; 34456

~~(D) Establishing fees for the gift certificates, which~~ 34457  
~~shall equal the total of the fee for a resident or nonresident~~ 34458  
~~hunting license, a resident or nonresident fishing license, a~~ 34459  
~~fur taker permit, a deer or wild turkey permit, a wetlands~~ 34460  
~~habitat stamp, or a combination of those licenses, permits, and~~ 34461  
~~stamp, as applicable, and the fee established under section~~ 34462  
~~1533.13 of the Revised Code;~~ 34463

~~(E) Requiring gift certificates to expire one year after~~ 34464  
~~the date of purchase.~~ 34465

Nothing in this section or rules adopted under it relieves 34466  
an individual who receives a gift certificate for a hunting 34467  
license from complying with the requirement established under 34468

section 1533.10 of the Revised Code to present, when applying 34469  
for the license, a previously held hunting license or evidence 34470  
of having held such a license in content and manner approved by 34471  
the chief, a certificate of completion issued upon completion of 34472  
a hunter education and conservation course approved by the 34473  
chief, or evidence of equivalent training in content and manner 34474  
approved by the chief. 34475

Nothing in this section or rules adopted under it relieves 34476  
an individual who receives a gift certificate for a fur taker 34477  
permit from complying with the requirements established under 34478  
section 1533.111 of the Revised Code to present, when applying 34479  
for the permit, a previously held hunting license or trapping or 34480  
fur taker permit or evidence of having held such a license or 34481  
permit in content and manner approved by the chief, a 34482  
certificate of completion issued upon completion of a trapper 34483  
education course approved by the chief, or evidence of 34484  
equivalent training in content and manner approved by the chief. 34485

**Sec. 1533.32.** (A) Except as provided in this section or 34486  
division (A) (2) or (C) of section 1533.12 of the Revised Code or 34487  
as exempted at the discretion of the chief of the division of 34488  
wildlife, no person, including nonresidents, shall take or catch 34489  
any fish by angling in any of the waters in the state or engage 34490  
in fishing in those waters without a license. No person shall 34491  
take or catch frogs or turtles without a valid fishing license, 34492  
except as provided in this section. Persons fishing in privately 34493  
owned ponds, lakes, or reservoirs to or from which fish are not 34494  
accustomed to migrate are exempt from the license requirements 34495  
set forth in this section. Persons fishing in privately owned 34496  
ponds, lakes, or reservoirs that are open to public fishing 34497  
through an agreement or lease with the division of wildlife 34498  
shall comply with the license requirements set forth in this 34499

section. 34500

(B) (1) Except as otherwise provided in rules adopted under 34501  
division (B) of section 1533.12 of the Revised Code, each 34502  
applicant for a fishing license shall pay a fee for each license 34503  
in accordance with the following schedule: 34504  
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A	Annual fishing license - resident	\$24.00
B	Annual fishing license - nonresident that is not a resident of a reciprocal state	<del>\$49.00</del> <u>\$74.00</u>
C	Annual fishing license - nonresident that is a resident of a reciprocal state	\$24.00
D	Annual senior fishing license - resident	\$9.00
E	Three-day tourist fishing license - nonresident that is not a resident of a reciprocal state	<del>\$24.00</del> <u>\$50.00</u>
F	One-day fishing license <u>- resident</u>	\$13.00
G	<u>One-day fishing license - nonresident that is not a resident of a reciprocal state</u>	<u>\$26.00</u>
H	<u>One-day fishing license - nonresident that is a resident of a reciprocal state</u>	<u>\$13.00</u>

(2) As used in division (B) (1) of this section: 34506

(a) "Reciprocal state" means a state that is a party to an 34507  
agreement under section 1533.91 of the Revised Code. 34508

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license. 34509  
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(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license. 34511  
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(C) (1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. 34514  
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(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license. 34518  
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(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a 34537  
34538

year from the date of issuance. 34539

(4) Unless otherwise provided by division rule, each 34540  
multi-year license issued in accordance with section 1533.321 of 34541  
the Revised Code shall begin on the date of issuance and expire 34542  
three years, five years, or ten years from the date of issuance, 34543  
as applicable. 34544

(5) No person shall alter a fishing license or possess a 34545  
fishing license that has been altered. 34546

(6) No person shall procure or attempt to procure a 34547  
fishing license by fraud, deceit, misrepresentation, or any 34548  
false statement. 34549

(7) A resident of this state who owns land over, through, 34550  
upon, or along which any water flows or stands, except where the 34551  
land is in or borders on state parks or state-owned lakes, 34552  
together with the members of the immediate families of such 34553  
owners, may take frogs and turtles and may take or catch fish of 34554  
the kind permitted to be taken or caught therefrom without 34555  
procuring a license provided for in this section. This exemption 34556  
extends to tenants actually residing upon such lands and to the 34557  
members of the immediate families of the tenants. A resident of 34558  
any other state who owns land in this state over, through, upon, 34559  
or along which any water flows or stands, except where the land 34560  
is in or borders on state parks or state-owned lakes, and the 34561  
spouse and children living with the owner, may take frogs and 34562  
turtles and may take or catch fish of the kind permitted to be 34563  
taken or caught from that water without obtaining a license 34564  
under this section, provided that the state of residence of the 34565  
owner allows residents of this state owning real property in 34566  
that state, and the spouse and children living with such a 34567  
property owner, to take frogs and turtles and take or catch fish 34568

without a license. If the owner of such land in this state is a 34569  
limited liability company or a limited liability partnership 34570  
that consists of three or fewer individual members or partners, 34571  
as applicable, an individual member or partner who is a resident 34572  
of this state and the member's or partner's children of any age 34573  
may take frogs and turtles and may take or catch fish of the 34574  
kind permitted to be taken or caught therefrom without procuring 34575  
a license provided for in this section. In addition, if the 34576  
owner of such land in this state is a trust that has a total of 34577  
three or fewer trustees and beneficiaries, an individual who is 34578  
a trustee or beneficiary and who is a resident of this state and 34579  
the individual's children of any age may take frogs and turtles 34580  
and may take or catch fish of the kind permitted to be taken or 34581  
caught therefrom without procuring a license provided for in 34582  
this section. Residents of state or county institutions, 34583  
charitable institutions, and military homes in this state may 34584  
take frogs and turtles without procuring the required license, 34585  
provided that a member of the institution or home has an 34586  
identification card, which shall be carried on that person when 34587  
fishing. 34588

(8) Every fisher required to be licensed, while fishing or 34589  
taking or attempting to take frogs or turtles, shall carry the 34590  
license and exhibit it to any person. Failure to so carry and 34591  
exhibit the license constitutes an offense under this section. 34592

**Sec. 1545.041.** (A) Any township park district created 34593  
pursuant to section 511.18 of the Revised Code that includes 34594  
park land located outside the township in which the park 34595  
district was established may be converted under the procedures 34596  
provided in this section into a park district to be operated and 34597  
maintained as provided for in this chapter, provided that there 34598  
is no existing park district created under section 1545.04 of 34599

the Revised Code in the county in which the township park 34600  
district is located. The proposed park district shall include 34601  
within its boundary all townships and municipal corporations in 34602  
which lands owned by the township park district seeking 34603  
conversion are located, and may include any other townships and 34604  
municipal corporations in the county in which the township park 34605  
district is located. 34606

(B) Conversion of a township park district into a park 34607  
district operated and maintained under this chapter shall be 34608  
initiated by a resolution adopted by the board of park 34609  
commissioners of the park district. Any resolution initiating a 34610  
conversion shall include the following: 34611

(1) The name of the township park district seeking 34612  
conversion; 34613

(2) The name of the proposed park district; 34614

(3) An accurate description of the territory to be 34615  
included in the proposed district; 34616

(4) An accurate map or plat of the proposed park district. 34617  
The resolution may also include a proposed tax levy for the 34618  
operation and maintenance of the proposed park district. If such 34619  
a tax levy is proposed, the resolution shall specify the annual 34620  
rate of the tax, expressed in dollars for each one hundred 34621  
thousand dollars of ~~the county auditor's appraised~~ market value 34622  
and in mills for each dollar of taxable value, and the number of 34623  
consecutive years the levy will be in effect. The annual rate of 34624  
such a tax may not be higher than the total combined millage of 34625  
all levies then in effect for the benefit of the township park 34626  
district named in the resolution. 34627

(C) Upon adoption of the resolution provided for in 34628

division (B) of this section, the board of park commissioners of 34629  
the township park district seeking conversion under this section 34630  
shall certify the resolution to the county auditor, who shall 34631  
certify to the board the information required for a tax levy 34632  
under section 5705.03 of the Revised Code, in the same manner as 34633  
required under that section. 34634

The board shall certify the resolution and the county 34635  
auditor's certification to the board of elections of the county 34636  
in which the park district is located no later than four p.m. of 34637  
the seventy-fifth day before the day of the election at which 34638  
the question will be voted upon. Upon certification of the 34639  
resolution to the board, the board of elections shall make the 34640  
necessary arrangements to submit the question of conversion of 34641  
the township park into a park district operated and maintained 34642  
under Chapter 1545. of the Revised Code, to the electors 34643  
qualified to vote at the next primary or general election who 34644  
reside in the territory of the proposed park district. The 34645  
question shall provide for a tax levy if such a levy is 34646  
specified in the resolution. 34647

(D) The ballot submitted to the electors as provided in 34648  
division (C) of this section shall contain the following 34649  
language: 34650

"Shall the \_\_\_\_\_ (name of the township park 34651  
district seeking conversion) be converted into a park district 34652  
to be operated and maintained under Chapter 1545. of the Revised 34653  
Code under the name of \_\_\_\_\_ (name of proposed park 34654  
district), which park district shall include the following 34655  
townships and municipal corporations: 34656

(Name townships and municipal corporations) 34657

Approval of the proposed conversion will result in the 34658  
 termination of all existing tax levies voted for the benefit of 34659  
 \_\_\_\_\_ (name of the township park district sought to be 34660  
 converted) and in the levy of a new tax for the operation and 34661  
 maintenance of \_\_\_\_\_ (name of proposed park district), 34662  
 that the county auditor estimates will collect \$\_\_\_\_\_ annually, 34663  
 at a rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable 34664  
 value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the~~ 34665  
~~county auditor's appraised market~~ value, for \_\_\_\_\_ (number of 34666  
 years the millage is to be imposed) years, commencing on the 34667  
 \_\_\_\_\_ (year) tax duplicate. 34668  
 34669

	For the proposed conversion	
	Against the proposed conversion	"

(E) If the proposed conversion is approved by at least a 34670  
 majority of the electors voting on the proposal, the township 34671  
 park district that seeks conversion shall become a park district 34672  
 subject to Chapter 1545. of the Revised Code effective the first 34673  
 day of January following approval by the voters. The park 34674  
 district shall have the name specified in the resolution, and 34675  
 effective the first day of January following approval by the 34676  
 voters, the following shall occur: 34677

(1) The indebtedness of the former township park district 34678  
 shall be assumed by the new park district; 34679

(2) All rights, assets, properties, and other interests of 34680  
 the former township park district shall become vested in the new 34681  
 park district, including the rights to any tax revenues 34682  
 previously vested in the former township park district; 34683  
 provided, that all tax levies in excess of the ten mill 34684

limitation approved for the benefit of the former township park 34685  
district shall be removed from the tax lists after the February 34686  
settlement next succeeding the conversion. Any tax levy approved 34687  
in connection with the conversion shall be certified as provided 34688  
in section 5705.25 of the Revised Code. 34689

(3) The members of the board of park commissioners of the 34690  
former township park district shall be the members of the board 34691  
of park commissioners of the new park district, with all the 34692  
same powers and duties as if appointed under section 1545.05 of 34693  
the Revised Code. The term of each such commissioner shall 34694  
expire on the first day of January of the year following the 34695  
year in which his term would have expired under section 511.19 34696  
of the Revised Code. Thereafter, commissioners shall be 34697  
appointed pursuant to section 1545.05 of the Revised Code. 34698

As used in this section, "~~the county auditor's appraised~~ 34699  
market value" has the same meaning as in section 5705.01 of the 34700  
Revised Code. 34701

**Sec. 1545.21.** (A) The board of park commissioners, by 34702  
resolution, may submit to the electors of the park district the 34703  
question of levying taxes for the use of the district. The 34704  
resolution shall declare the necessity of levying such taxes, 34705  
shall specify the purpose for which such taxes shall be used, 34706  
the annual rate proposed, and the number of consecutive years 34707  
the rate shall be levied. Such resolution shall be forthwith 34708  
certified to the board of elections in each county in which any 34709  
part of such district is located, not later than the ninetieth 34710  
day before the day of the election, and the question of the levy 34711  
of taxes as provided in such resolution shall be submitted to 34712  
the electors of the district at a special election to be held on 34713  
whichever of the following occurs first: 34714

(1) The day of the next general election; 34715

(2) The first Tuesday after the first Monday in May in any 34716  
calendar year, except that if a presidential primary election is 34717  
held in that calendar year, then the day of that election. 34718

A resolution to renew, renew and increase, or renew and 34719  
decrease any existing levy shall not be placed on the ballot 34720  
unless the question is submitted at the general election held 34721  
during the last year the tax to be renewed may be extended on 34722  
the tax list, or at any election described in division (A) (1) or 34723  
(2) of this section in the ensuing year. Such a resolution may 34724  
specify that the renewal, increase, or decrease of the existing 34725  
levy shall be extended on the tax list for the tax year 34726  
specified in the resolution, which may be the last year the 34727  
existing levy may be extended on the list for the ensuing year. 34728  
If the renewal, increase, or decrease is to be extended on the 34729  
tax list for the last tax year the existing levy would otherwise 34730  
be extended, the existing levy shall not be extended on the tax 34731  
list for that last year unless the question of the renewal, 34732  
increase, or decrease is not approved by a majority of electors 34733  
voting on the question, in which case the existing levy shall be 34734  
extended on the tax list for that last year. 34735

Except as otherwise prescribed in division (B) of this 34736  
section, the ballot shall set forth the purpose for which the 34737  
taxes shall be levied, the levy's estimated annual collections, 34738  
the annual rate of levy, expressed in mills for each dollar of 34739  
taxable value and in dollars for each one hundred thousand 34740  
dollars of ~~the county auditor's appraised market~~ value, and the 34741  
number of years of such levy. If the tax is to be placed on the 34742  
current tax list, the form of the ballot shall state that the 34743  
tax will be levied in the current tax year and shall indicate 34744

the first calendar year the tax will be due. 34745

~~(B)(1)~~ (B) If the resolution of the board of park 34746  
commissioners provides that an existing levy will be renewed, 34747  
increased, or decreased upon the passage of the ballot question, 34748  
the form of the ballot shall be the same as prescribed for such 34749  
levies in divisions (B) and (C) of section 5705.25 of the 34750  
Revised Code. 34751

~~(2) If the resolution of the board of park commissioners~~ 34752  
~~provides that an existing levy will be canceled upon the passage~~ 34753  
~~of the new levy, the board shall request that the county~~ 34754  
~~auditor, in addition to the information the auditor is required~~ 34755  
~~to certify under section 5705.03 of the Revised Code, certify~~ 34756  
~~the effective rate of the existing levy. In such an instance,~~ 34757  
~~the ballot must include a statement that: "an existing levy of~~ 34758  
~~\_\_\_ mills (stating the original levy millage) for each \$1 of~~ 34759  
~~taxable value, which amounts to \$\_\_\_ (effective rate) for each~~ 34760  
~~\$100,000 of the county auditor's appraised value, having \_\_\_~~ 34761  
~~years remaining, will be canceled and replaced upon the passage~~ 34762  
~~of this levy." In such case, the ballot may refer to the new~~ 34763  
~~levy as a "replacement levy" if the new millage does not exceed~~ 34764  
~~the original millage of the levy being canceled or as a~~ 34765  
~~"replacement and additional levy" if the new millage exceeds the~~ 34766  
~~original millage of the levy being canceled.~~ 34767

(C) If a majority of the electors voting upon the question 34768  
of such levy vote in favor thereof, such taxes shall be levied 34769  
and shall be in addition to the taxes authorized by section 34770  
1545.20 of the Revised Code, and all other taxes authorized by 34771  
law. The rate submitted to the electors at any one time shall 34772  
not exceed two mills annually upon each dollar of taxable value 34773  
unless the purpose of the levy includes providing operating 34774

revenues for one of Ohio's major metropolitan zoos, as defined 34775  
in section 4503.74 of the Revised Code, in which case the rate 34776  
shall not exceed three mills annually upon each dollar of 34777  
taxable value. When a tax levy has been authorized as provided 34778  
in this section or in section 1545.041 of the Revised Code, the 34779  
board of park commissioners may issue bonds pursuant to section 34780  
133.24 of the Revised Code in anticipation of the collection of 34781  
such levy, provided that such bonds shall be issued only for the 34782  
purpose of acquiring and improving lands. Such levy, when 34783  
collected, shall be applied in payment of the bonds so issued 34784  
and the interest thereon. The amount of bonds so issued and 34785  
outstanding at any time shall not exceed one per cent of the 34786  
total taxable value in such district. Such bonds shall bear 34787  
interest at a rate not to exceed the rate determined as provided 34788  
in section 9.95 of the Revised Code. 34789

(D) As used in this section, "~~the county auditor's~~ 34790  
~~appraised market value~~" and "effective rate" have the same 34791  
meanings as in section 5705.01 of the Revised Code. 34792

**Sec. 1546.04.** (A) Except as provided in this section, the 34793  
chief of the division of parks and watercraft, with the approval 34794  
of the director of natural resources, shall adopt rules in 34795  
accordance with Chapter 119. of the Revised Code that are 34796  
necessary for the proper management of state parks, bodies of 34797  
water, and the lands adjacent to them under its jurisdiction and 34798  
control, including rules: 34799

(1) Governing opening and closing times and dates of state 34800  
parks; 34801

(2) Establishing fees and charges for use of facilities in 34802  
state parks; 34803

(3) Governing camps, camping, and fees for camps and camping;	34804 34805
(4) Governing the application for and rental of, rental fees for, and the use of cottages;	34806 34807
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds and parking on those lands;	34808 34809 34810
(6) Governing all advertising within state parks and requirements for the operation of places selling tangible personal property and food service sales on lands and waters under the control of the division. The rules shall establish uniform requirements for those operations and sales.	34811 34812 34813 34814 34815
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft over waters under the control of the division and establishing reasonable fees for the construction of, and annual use permits for, those structures and devices;	34816 34817 34818 34819 34820 34821
(8) Governing state beaches, swimming, inflatable devices, and fees for them;	34822 34823
(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft left unattended for more than seven days on any lands or waters under the control of the division;	34824 34825 34826 34827
(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason;	34828 34829 34830
(11) Governing natural resources officers in all parks and	34831

bodies of water and lands adjacent to those bodies under the 34832  
supervision and control of the division as are necessary to the 34833  
proper management of such parks and bodies of water. 34834

(B) The chief shall adopt rules in accordance with Chapter 34835  
119. of the Revised Code establishing a discount program for all 34836  
persons who are issued a golden buckeye card under section 34837  
173.06 of the Revised Code. The discount program shall provide a 34838  
discount for all park services and rentals, but shall not 34839  
provide a discount for the purchase of merchandise. 34840

(C) The chief, with the approval of the director of 34841  
natural resources, may adopt rules in accordance with Chapter 34842  
119. of the Revised Code that establish all of the following: 34843

(1) Requirements governing the administration of state 34844  
parks; 34845

(2) Requirements considered necessary by the chief to 34846  
supplement the identification, operation, titling, use, 34847  
registration, and numbering of watercraft or vessels as provided 34848  
in Chapters 1547. and 1548. of the Revised Code; 34849

(3) Requirements governing the navigation of vessels on 34850  
waters in this state, including rules regarding steering and 34851  
sailing, the conduct of vessels in sight of one another or in 34852  
restricted visibility, lights and shapes of lights used on 34853  
vessels, and sound and light signals. As the chief considers 34854  
necessary, the chief shall ensure that those rules are 34855  
consistent with and equivalent to the regulations and 34856  
interpretive rulings governing inland waters adopted or issued 34857  
under the "Inland Navigational Rules Act of 1980," 94 Stat. 34858  
3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 34859  
2073. 34860

(4) Requirements and procedures governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers;	34861 34862 34863 34864
(5) Fees and charges for all of the following:	34865
(a) Boating skill development classes and other educational classes;	34866 34867
(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;	34868 34869
(c) Inspections of vessels or motors conducted under Chapter 1547. or Chapter 1548. of the Revised Code.	34870 34871
(D) The chief shall not adopt rules under this section establishing fees or charges for parking a motor vehicle in a state park or for admission to a state park.	34872 34873 34874
(E) <u>If the chief adopts rules under this section for the issuance of a permit for preventing or limiting ice formation on the surface of water that is located in a state park on property owned or managed by the division, the chief shall not levy a fee for the issuance of the permit.</u>	34875 34876 34877 34878 34879
<u>Sec. 1546.25. The park lodges, maintenance, and repair fund is created in the state treasury. The fund shall consist of money received from contractual agreements with service providers and concessionaires for state park lodges, restaurants, and marinas. The chief of the division of parks and watercraft shall use money in the fund to pay maintenance and repair costs for facilities operated by concessionaires and service providers at state park lodges, restaurants, and marinas.</u>	34880 34881 34882 34883 34884 34885 34886 34887 34888

Sec. 1546.26. The parks and watercraft holding fund is 34889  
created in the state treasury. The fund shall consist of money 34890  
received by the division of parks and watercraft from gift card 34891  
sales, credit card sales, and sales conducted at field 34892  
locations. 34893

With regard to gift card sales, the chief of the division 34894  
of parks and watercraft shall transfer money in the parks and 34895  
watercraft holding fund to the appropriate fund after gift 34896  
certificates and gift cards are redeemed. 34897

**Sec. 1547.54.** (A) (1) Except as otherwise provided in 34898  
section 1547.542 of the Revised Code, the owner of every 34899  
watercraft requiring registration under this chapter shall file 34900  
an application for a triennial registration certificate with the 34901  
chief of the division of parks and watercraft on forms that 34902  
shall be provided by the chief or by an electronic means 34903  
approved by the chief. The application shall be signed by the 34904  
following: 34905

(a) If the watercraft is owned by two persons under joint 34906  
ownership with right of survivorship established under section 34907  
2131.12 of the Revised Code, by both of those persons as owners 34908  
of the watercraft. The signatures may be done by electronic 34909  
signature if the owners themselves are renewing the registration 34910  
and there are no changes in the registration information since 34911  
the issuance of the immediately preceding registration 34912  
certificate. In all other instances, the signatures shall be 34913  
done manually. 34914

(b) If the watercraft is owned by a minor, by the minor 34915  
and a parent or legal guardian. The signatures may be done by 34916  
electronic signature if the parent or legal guardian and the 34917  
minor themselves are renewing the registration and there are no 34918

changes in the registration information since the issuance of 34919  
the immediately preceding registration certificate. In all other 34920  
instances, the signatures shall be done manually. 34921

(c) In all other cases, by the owner of the watercraft. 34922  
The signature may be done by electronic signature if the owner 34923  
is renewing the registration personally and there are no changes 34924  
in the registration information since the issuance of the 34925  
immediately preceding registration certificate. In all other 34926  
instances, the signatures shall be done manually. 34927

(2) An application for a triennial registration of a 34928  
watercraft filed under division (A)(1) of this section shall be 34929  
accompanied by the following fee: 34930

(a) For canoes, rowboats, and inflatable watercraft that 34931  
are numbered under section 1547.53 of the Revised Code, twelve 34932  
dollars; 34933

(b) For canoes, row boats, and inflatable watercraft that 34934  
are not numbered under section 1547.53 of the Revised Code, 34935  
seventeen dollars; 34936

(c) For class A watercraft, including motorized 34937  
canoes, thirty dollars; 34938

(d) For class 1 watercraft, forty-five dollars; 34939

(e) For class 2 watercraft, sixty dollars; 34940

(f) For class 3 watercraft, seventy-five dollars; 34941

(g) For class 4 watercraft, ninety dollars. 34942

(3) For the purpose of registration, any watercraft 34943  
operated by means of power, sail, or any other mechanical or 34944  
electrical means of propulsion, except motorized canoes, shall be 34945

registered by length as prescribed in this section. 34946

(4) If an application for registration is filed by two 34947  
persons as owners under division (A)(1)(a) of this section, the 34948  
person who is listed first on the title shall serve as and 34949  
perform the duties of the "owner" and shall be considered the 34950  
person "in whose name the watercraft is registered" for purposes 34951  
of divisions (B) to (R) of this section and for purposes of all 34952  
other sections in this chapter. 34953

(B) All registration certificates issued under this 34954  
section are valid for three years and are renewable on a 34955  
triennial basis unless sooner terminated or discontinued in 34956  
accordance with this chapter. The renewal date shall be printed 34957  
on the registration certificate. A registration certificate may 34958  
be renewed by the owner in the manner prescribed by the chief. 34959  
All fees shall be charged according to a proration of the time 34960  
remaining in the registration cycle to the nearest year. 34961

(C) In addition to the fees set forth in this section, the 34962  
chief, or any authorized agent, shall charge an additional 34963  
writing fee of three dollars for any registration certificate 34964  
the chief or authorized agent issues. When the registration 34965  
certificate is issued by an authorized agent, the additional 34966  
writing fee of three dollars shall be retained by the issuing 34967  
agent. When the registration certificate is issued by the chief, 34968  
the additional writing fee of three dollars shall be deposited 34969  
to the credit of the waterways safety fund established in 34970  
section 1547.75 of the Revised Code. 34971

(D) In addition to the fees established in this section, 34972  
watercraft that are not powercraft shall be charged a waterways 34973  
conservation assessment fee of five dollars. The fee shall be 34974  
collected at the time of the issuance of a triennial watercraft 34975

registration under division (A) (2) of this section and deposited 34976  
in the state treasury and credited to a distinct account in the 34977  
waterways safety fund created in section 1547.75 of the Revised 34978  
Code. 34979

(E) (1) Upon receipt of the application in approved form, 34980  
the chief shall enter the same upon the records of the office of 34981  
the division of parks and watercraft, assign a number to the 34982  
watercraft if a number is required under section 1547.53 of the 34983  
Revised Code, and issue to the applicant a registration 34984  
certificate. If a number is assigned by the chief, it shall be 34985  
set forth on the certificate. The registration certificate, in 34986  
physical or digital form, shall be on the watercraft for which 34987  
it is issued and available at all times for inspection whenever 34988  
the watercraft is in operation, except that livery operators may 34989  
retain the registration certificate at the livery where it shall 34990  
remain available for inspection at all times and except as 34991  
otherwise provided in division (E) (2) of this section. 34992

(2) A person who is operating on the waters of this state 34993  
a canoe, kayak, rowboat, or inflatable watercraft meeting the 34994  
definition of a paddlecraft that has not been numbered under 34995  
section 1547.53 of the Revised Code and who is stopped by a law 34996  
enforcement officer in the enforcement of this chapter or rules 34997  
shall present to the officer, not later than seventy-two hours 34998  
after being stopped, a registration certificate, in physical or 34999  
digital form. The registration certificate shall have been 35000  
obtained under this section for the canoe, kayak, rowboat, or 35001  
inflatable watercraft meeting the definition of a paddlecraft 35002  
prior to the time that it was stopped. Failure of the person to 35003  
present the registration certificate within seventy-two hours 35004  
constitutes prima-facie evidence of a violation of this section. 35005

(F) No person shall issue or be issued a registration certificate for a watercraft that is required to be issued a certificate of title under Chapter 1548. of the Revised Code except upon presentation of a certificate of title for the watercraft as provided in that chapter, proof of current documentation by the United States coast guard, a renewal registration form provided by the division of parks and watercraft, or a certificate of registration issued under this section that has expired if there is no change in the ownership or description of the watercraft.

(G) Whenever the ownership of a watercraft changes, a new application form together with the prescribed fee shall be filed with the chief or the chief's agent and a new registration certificate shall be issued. The application shall be signed manually by the person or persons specified in divisions (A) (1) (a) to (c) of this section and shall be accompanied by a two-dollar transfer fee. Any remaining time on the registration shall be transferred. An authorized agent of the chief shall charge an additional writing fee of three dollars, which shall be retained by the issuing agent. If the certificate is issued by the chief, an additional writing fee of three dollars for each certificate issued shall be collected and deposited to the credit of the waterways safety fund.

(H) If an agency of the United States has in force an overall system of identification numbering for watercraft or certain types of watercraft within the United States, the numbering system employed by the division shall be in conformity with that system.

(I) (1) The chief may assign any registration certificates to any authorized agent for the assignment of the registration

certificates. If a person accepts that authorization, the person 35036  
may be assigned a block of numbers and certificates that upon 35037  
assignment, in conformity with this chapter and Chapter 1548. of 35038  
the Revised Code and with rules, shall be valid as if assigned 35039  
directly by the division. Any person so designated as an agent 35040  
by the chief shall post with the division security as may be 35041  
required by the director of natural resources. The chief may 35042  
issue an order temporarily or permanently restricting or 35043  
suspending an agent's authorization without a hearing if the 35044  
chief finds that the agent has violated this chapter or Chapter 35045  
1548. of the Revised Code, rules, or any agreements prescribed 35046  
by the chief. 35047

(2) A clerk of the court of common pleas may apply for 35048  
designation as an authorized agent of the chief. The division 35049  
shall accept the clerk's bond that is required under section 35050  
2303.02 of the Revised Code for any security that is required 35051  
for agents under this division, provided that the bond includes 35052  
a rider or other provision specifically covering the clerk's 35053  
duties as an authorized agent of the chief. 35054

(J) All records of the division made or kept pursuant to 35055  
this section shall be public records. Those records shall be 35056  
available for inspection at reasonable hours and in a manner 35057  
compatible with normal operations of the division. 35058

(K) The owner shall furnish the division notice within 35059  
fifteen days of the following: 35060

(1) The transfer, other than through the creation of a 35061  
security interest in any watercraft, of all or any part of the 35062  
owner's interest or, if the watercraft is owned by two persons 35063  
under joint ownership with right of survivorship established 35064  
under section 2131.12 of the Revised Code, of all or any part of 35065

the joint interest of either of the two persons. The transfer 35066  
shall not terminate the registration certificate. 35067

(2) Any change in the address appearing on the 35068  
certificate. As a part of the notification, the owner shall 35069  
furnish the chief with the owner's new address. 35070

(3) The destruction or abandonment of the watercraft. 35071

(L) The chief may issue duplicate registration 35072  
certificates or duplicate tags to owners of currently registered 35073  
watercraft, the fee for which shall be four dollars. 35074

(M) If the chief finds that a registration certificate 35075  
previously issued to an owner is in error to a degree that would 35076  
impair its basic purpose and use, the chief may issue a 35077  
corrected certificate to the owner without charge. 35078

(N) No authorized agent shall issue and no person shall 35079  
receive or accept from an authorized agent a registration 35080  
certificate assigned to the authorized agent under division (I) 35081  
of this section unless the exact month, day, and year of issue 35082  
are plainly written on the certificate by the agent. 35083  
Certificates issued with incorrect dates of issue are void from 35084  
the time they are issued. 35085

(O) The chief, in accordance with Chapter 119. of the 35086  
Revised Code, shall adopt rules governing the renewal of 35087  
watercraft registrations by electronic means. 35088

(P) As used in this section: 35089

(1) "Disabled veteran" means a person who is included in 35090  
either of the following categories: 35091

(a) Because of a service-connected disability, has been or 35092  
is awarded funds for the purchase of a motor vehicle under the 35093

"Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 35094  
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(b) Has a service-connected disability rated at one hundred per cent by the veterans administration. 35096  
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(2) "Prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States at any time, and any regularly appointed, enrolled, or enlisted member of the military forces of Great Britain, France, Australia, Belgium, Brazil, Canada, China, Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, South Africa, or the republics formerly associated with the Union of Soviet Socialist Republics or Yugoslavia who was a citizen of the United States at the time of the appointment, enrollment, or enlistment, and was captured, separated, and incarcerated by an enemy of this country during World War II. 35098  
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(Q) Any disabled veteran, congressional medal of honor awardee, or prisoner of war may apply to the chief for a certificate of registration, or for a renewal of the certificate of registration, without the payment of any fee required by this section. The application for a certificate of registration shall be accompanied by evidence of disability or by documentary evidence in support of a congressional medal of honor that the chief requires by rule. The application for a certificate of registration by any person who has been a prisoner of war shall be accompanied by written evidence in the form of a record of separation, a letter from one of the armed forces of a country listed in division (P) (2) of this section, or other evidence that the chief may require by rule, that the person was honorably discharged or is currently residing in this state on 35110  
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active duty with one of the branches of the armed forces of the 35124  
United States, or was a prisoner of war and was honorably 35125  
discharged or received an equivalent discharge or release from 35126  
one of the armed forces of a country listed in division (P) (2) 35127  
of this section. 35128

(R) Annually by the fifteenth day of January, the director 35129  
of natural resources shall determine the amount of fees that 35130  
would have been collected in the prior calendar year for each 35131  
certificate of registration issued or renewed pursuant to 35132  
division (Q) of this section and shall certify the total amount 35133  
of foregone revenue to the director of budget and management for 35134  
reimbursement. The director of budget and management shall 35135  
transfer the amount certified from the general revenue fund to 35136  
the waterways safety fund. 35137

**Sec. 1548.06.** (A) (1) Application for a certificate of 35138  
title for a watercraft or outboard motor shall be made upon a 35139  
form prescribed by the chief of the division of parks and 35140  
watercraft and shall be sworn to before a notary public or other 35141  
officer empowered to administer oaths. The application shall be 35142  
filed with the clerk of any court of common pleas. An 35143  
application for a certificate of title may be filed 35144  
electronically by any electronic means approved by the chief in 35145  
any county with the clerk of the court of common pleas of that 35146  
county. The application shall be accompanied by the fee 35147  
prescribed in section 1548.10 of the Revised Code. The fee shall 35148  
be retained by the clerk who issues the certificate of title and 35149  
shall be distributed in accordance with that section. If a clerk 35150  
of a court of common pleas, other than the clerk of the court of 35151  
common pleas of an applicant's county of residence, issues a 35152  
certificate of title to the applicant, the clerk shall transmit 35153  
data related to the transaction to the automated title 35154

processing system. 35155

(2) If a certificate of title previously has been issued 35156  
for the watercraft or outboard motor, the application for a 35157  
certificate of title also shall be accompanied by the 35158  
certificate of title duly assigned unless otherwise provided in 35159  
this chapter. If a certificate of title previously has not been 35160  
issued for the watercraft or outboard motor in this state, the 35161  
application, unless otherwise provided in this chapter, shall be 35162  
accompanied by a manufacturer's or importer's certificate; by a 35163  
sworn statement of ownership if the watercraft or outboard motor 35164  
was purchased by the applicant on or before October 9, 1963, or 35165  
if the watercraft is less than fourteen feet long with a 35166  
permanently affixed mechanical means of propulsion and was 35167  
purchased by the applicant on or before January 1, 2000; or by a 35168  
certificate of title, bill of sale, or other evidence of 35169  
ownership required by the law of another state from which the 35170  
watercraft or outboard motor was brought into this state. 35171  
Evidence of ownership of a watercraft or outboard motor for 35172  
which an Ohio certificate of title previously has not been 35173  
issued and which watercraft or outboard motor does not have 35174  
permanently affixed to it a manufacturer's serial number shall 35175  
be accompanied by the certificate of assignment of a hull 35176  
identification number assigned by the chief as provided in 35177  
section 1548.07 of the Revised Code. 35178

(3) The clerk shall retain the evidence of title presented 35179  
by the applicant and on which the certificate of title is 35180  
issued, except that, if an application for a certificate of 35181  
title is filed electronically, by a vendor on behalf of a 35182  
purchaser of a watercraft or outboard motor, the clerk shall 35183  
retain the completed electronic record to which the vendor 35184  
converted the certificate of title application and other 35185

required documents. The chief, after consultation with the attorney general, shall adopt rules that govern the location at which, and the manner in which, are stored the actual application and all other documents relating to the sale of a watercraft or outboard motor when a vendor files the application for a certificate of title electronically on behalf of a purchaser.

(B) The clerk shall use reasonable diligence in ascertaining whether the facts in the application are true by checking the application and documents accompanying it or the electronic record to which a vendor converted the application and accompanying documents with the records of watercraft and outboard motors in the clerk's office. If the clerk is satisfied that the applicant is the owner of the watercraft or outboard motor and that the application is in the proper form, the clerk shall issue a physical certificate of title over the clerk's signature and sealed with the clerk's seal unless the applicant specifically requests the clerk not to issue a physical certificate of title and instead to issue an electronic certificate of title. However, if the evidence indicates and an investigation shows that one or more Ohio titles already exist for the watercraft or outboard motor, the chief may cause the redundant title or titles to be canceled.

(C) In the case of the sale of a watercraft or outboard motor by a vendor to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the vendor upon application signed by the purchaser. In all other cases, the certificate shall be obtained by the purchaser. In all cases of transfer of watercraft or outboard motors, the application for certificate of title shall be filed within thirty days after the later of the date of

purchase or assignment of ownership of the watercraft or 35217  
outboard motor. If the application for certificate of title is 35218  
not filed within thirty days after the later of the date of 35219  
purchase or assignment of ownership of the watercraft or 35220  
outboard motor, the clerk shall charge a late penalty fee of 35221  
five dollars in addition to the fee prescribed by section 35222  
1548.10 of the Revised Code. The clerk shall retain the entire 35223  
amount of each late penalty fee. 35224

(D) The clerk shall refuse to accept an application for 35225  
certificate of title unless the applicant either tenders with 35226  
the application payment of all taxes levied by or pursuant to 35227  
Chapter 5739. or 5741. of the Revised Code based on the 35228  
applicant's county of residence less, in the case of a sale by a 35229  
vendor, any discount to which the vendor is entitled under 35230  
section 5739.12 of the Revised Code, or submits any of the 35231  
following: 35232

(1) A receipt issued by the tax commissioner or a clerk of 35233  
courts showing payment of the tax; 35234

(2) A copy of the unit certificate of exemption completed 35235  
by the purchaser at the time of sale as provided in section 35236  
5739.03 of the Revised Code; 35237

(3) An exemption certificate, in a form prescribed by the 35238  
tax commissioner, that specifies why the purchase is not subject 35239  
to the tax imposed by Chapter 5739. or 5741. of the Revised 35240  
Code. 35241

Payment of the tax shall be in accordance with rules 35242  
issued by the tax commissioner, and the clerk shall issue a 35243  
receipt in the form prescribed by the tax commissioner to any 35244  
applicant who tenders payment of the tax with the application 35245

for the certificate of title. 35246

(E) (1) For receiving and disbursing the taxes paid to the 35247  
clerk by a resident of the clerk's county, the clerk may retain 35248  
a poundage fee of one and one one-hundredth per cent of the 35249  
taxes collected, which shall be paid into the certificate of 35250  
title administration fund created by section 325.33 of the 35251  
Revised Code. The clerk shall not retain a poundage fee from 35252  
payments of taxes by persons who do not reside in the clerk's 35253  
county. 35254

(2) A clerk, however, may retain from the taxes paid to 35255  
the clerk an amount equal to the poundage fees associated with 35256  
certificates of title issued by other clerks of courts of common 35257  
pleas to applicants who reside in the first clerk's county. The 35258  
chief of the division of parks and watercraft, in consultation 35259  
with the tax commissioner and the clerks of the courts of common 35260  
pleas, shall develop a report from the automated title 35261  
processing system that informs each clerk of the amount of the 35262  
poundage fees that the clerk is permitted to retain from those 35263  
taxes because of certificates of title issued by the clerks of 35264  
other counties to applicants who reside in the first clerk's 35265  
county. 35266

(F) In the case of casual sales of watercraft or outboard 35267  
motors that are subject to the tax imposed by Chapter 5739. or 35268  
5741. of the Revised Code, the purchase price for the purpose of 35269  
determining the tax shall be the purchase price on an affidavit 35270  
executed and filed with the clerk by the vendor on a form to be 35271  
prescribed by the chief, which shall be prima-facie evidence of 35272  
the price for the determination of the tax. In addition to the 35273  
information required by section 1548.08 of the Revised Code, 35274  
each certificate of title shall contain in bold lettering the 35275

following notification and statements: "WARNING TO TRANSFEROR 35276  
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 35277  
state the true selling price. A false statement is a violation 35278  
of section 2921.13 of the Revised Code and is punishable by six 35279  
months imprisonment or a fine of up to one thousand dollars, or 35280  
both. All transfers are audited by the department of taxation. 35281  
The seller and buyer must provide any information requested by 35282  
the department of taxation. The buyer may be assessed any 35283  
additional tax found to be due." 35284

(G) Each county clerk of courts shall forward to the ~~tax-~~ 35285  
~~commissioner~~ registrar of motor vehicles, in a manner prescribed 35286  
by the tax commissioner, all sales and use tax collections 35287  
resulting from sales of titled watercraft and outboard motors 35288  
during a calendar week on or before the Friday following the 35289  
close of that week. If, on any Friday, the offices of the clerk 35290  
of courts or the state are not open for business, the tax shall 35291  
be forwarded to the ~~commissioner~~ registrar on or before the next 35292  
day on which the offices are open. Every remittance of tax under 35293  
this division shall be accompanied by a remittance report in 35294  
such form as the commissioner, in consultation with the director 35295  
of public safety, prescribes. If the tax due for any week is not 35296  
remitted by a clerk of courts as required under this division, 35297  
the clerk shall forfeit the poundage fees for the sales made 35298  
during that week. The commissioner may require the clerks of 35299  
courts to transmit tax collections and remittance reports 35300  
electronically. 35301

(H) For purposes of a transfer of a certificate of title, 35302  
if the clerk is satisfied that a secured party has discharged a 35303  
lien but has not canceled the lien notation with a clerk, the 35304  
clerk may cancel the lien notation on the automated title 35305  
processing system and notify the clerk of the county of origin. 35306

(I) Every clerk shall have the capability to transact by 35307  
electronic means all procedures and transactions relating to the 35308  
issuance of watercraft or outboard motor certificates of title 35309  
that are described in the Revised Code as being accomplished by 35310  
electronic means. 35311

**Sec. 1701.04.** (A) Any person, singly or jointly with 35312  
others, and without regard to residence, domicile, or state of 35313  
incorporation, may form a corporation by signing and filing with 35314  
the secretary of state articles of incorporation that shall set 35315  
forth all of the following: 35316

(1) The name of the corporation, which shall be in 35317  
compliance with division (A) of section 1701.05 of the Revised 35318  
Code; 35319

(2) The place in this state where the principal office of 35320  
the corporation is to be located; 35321

(3) The authorized number and the par value per share of 35322  
shares with par value, and the authorized number of shares 35323  
without par value, except that the articles of a banking, safe 35324  
deposit, trust, or insurance corporation shall not authorize 35325  
shares without par value; the express terms, if any, of the 35326  
shares; and, if the shares are classified, the designation of 35327  
each class, the authorized number and par value per share, if 35328  
any, of the shares of each class, and the express terms of the 35329  
shares of each class; 35330

(4) If the corporation is to have an initial stated 35331  
capital, the amount of that stated capital. 35332

(B) The articles also may set forth any of the following: 35333

(1) The names of the individuals who are to serve as 35334  
initial directors; 35335

(2) The purpose or purposes for which the corporation is formed, but in the absence of a statement of the purpose or purposes or except as expressly set forth in such statement, the purpose for which any corporation is formed is to engage in any lawful act or activity for which a corporation may be formed under this chapter, and all lawful acts and activities of the corporation are within the purposes of the corporation; 35336  
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(3) Any priority or other method for balancing the purposes for which the corporation is formed; 35343  
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(4) Any lawful provision for the purpose of defining, limiting, or regulating the exercise of the authority of the corporation, the incorporators, the directors, the officers, the shareholders, or the holders of any class of shares; 35345  
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(5) Any provision that may be set forth in the regulations; 35349  
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(6) A provision specifying the period of existence of the corporation if it is to be otherwise than perpetual; 35351  
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(7) A provision eliminating the right of every shareholder to vote cumulatively in the election of directors; 35353  
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(8) Any additional provision permitted by this chapter. 35355

(C) A written appointment of a statutory agent for the purposes set forth in section 1701.07 of the Revised Code shall be filed with the articles, unless the corporation belongs to one of the classes mentioned in division ~~(O)~~(N) of that section. 35356  
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(D) The legal existence of the corporation begins upon the filing of the articles or on a later date specified in the articles that is not more than ninety days after filing, and, unless the articles otherwise provide, its period of existence 35360  
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shall be perpetual. 35364

**Sec. 1701.07.** (A) Every corporation shall have and 35365  
maintain an agent, sometimes referred to as the "statutory 35366  
agent," upon whom any process, notice, or demand required or 35367  
permitted by statute to be served upon a corporation may be 35368  
served. The agent shall be one of the following: 35369

(1) A natural person who is a resident of this state; 35370

(2) A domestic or foreign corporation, nonprofit 35371  
corporation, limited liability company, partnership, limited 35372  
partnership, limited liability partnership, limited partnership 35373  
association, professional association, business trust, or 35374  
unincorporated nonprofit association that has a business address 35375  
in this state. If the agent is an entity other than a domestic 35376  
corporation, the agent shall meet the requirements of Title XVII 35377  
of the Revised Code for an entity of the agent's type to 35378  
transact business or exercise privileges in this state. 35379

(B) The secretary of state shall not accept original 35380  
articles for filing unless there is filed with the articles a 35381  
written appointment of an agent that is signed by the 35382  
incorporators of the corporation or a majority of them and a 35383  
written acceptance of the appointment that is signed by the 35384  
agent. In all other cases, the corporation shall appoint the 35385  
agent and shall file in the office of the secretary of state a 35386  
written appointment of the agent that is signed by any 35387  
authorized officer of the corporation and a written acceptance 35388  
of the appointment that is either the original acceptance signed 35389  
by the agent or a photocopy, facsimile, or similar reproduction 35390  
of the original acceptance signed by the agent. 35391

(C) (1) The written appointment of an agent shall set forth 35392

the name and address in this state of the agent, including the 35393  
street and number of the agent's primary residence in this state 35394  
or, if the agent is not a natural person, the agent's usual 35395  
place of business in this state, and shall otherwise be in such 35396  
form as the secretary of state prescribes. The secretary of 35397  
state shall keep a record of the names of corporations, and the 35398  
names and addresses of their respective agents. 35399

(2) As used in division (C)(1) of this section, "usual 35400  
place of business" means a place in this state that is 35401  
customarily open during normal business hours and where an 35402  
individual is generally present who is authorized to perform the 35403  
services of a registered agent, including accepting service of 35404  
process and other notifications for the person serving as a 35405  
statutory agent. "Usual place of business" does not include a 35406  
post office box, regardless of whether that post office box has 35407  
an associated street address. 35408

(D) If any agent dies, removes from the state, or resigns, 35409  
the corporation shall forthwith appoint another agent and file 35410  
with the secretary of state, on a form prescribed by the 35411  
secretary of state, a written appointment of the agent. 35412

(E) If the agent changes the agent's address from that 35413  
appearing upon the record in the office of the secretary of 35414  
state, the corporation or the agent shall forthwith file with 35415  
the secretary of state, on a form prescribed by the secretary of 35416  
state, a written statement setting forth the new address. 35417

(F) An agent may resign by filing with the secretary of 35418  
state, on a form prescribed by the secretary of state, a written 35419  
notice to that effect that is signed by the agent and by sending 35420  
a copy of the notice to the corporation at the current or last 35421  
known address of its principal office on or prior to the date 35422

the notice is filed with the secretary of state. The notice 35423  
shall set forth the name of the corporation, the name and 35424  
current address of the agent, the current or last known address, 35425  
including the street and number or other particular description, 35426  
of the corporation's principal office, the resignation of the 35427  
agent, and a statement that a copy of the notice has been sent 35428  
to the corporation within the time and in the manner prescribed 35429  
by this division. Upon the expiration of thirty days after the 35430  
filing, the authority of the agent shall terminate. 35431

(G) A corporation may revoke the appointment of an agent 35432  
by filing with the secretary of state, on a form prescribed by 35433  
the secretary of state, a written appointment of another agent 35434  
and a statement that the appointment of the former agent is 35435  
revoked. 35436

(H) Any process, notice, or demand required or permitted 35437  
by statute to be served upon a corporation may be served upon 35438  
the corporation by delivering a copy of it to its agent, if a 35439  
natural person, or by delivering a copy of it at the address of 35440  
its agent in this state, as the address appears upon the record 35441  
in the office of the secretary of state. If (1) the agent cannot 35442  
be found, or (2) the agent no longer has that address, or (3) 35443  
the corporation has failed to maintain an agent as required by 35444  
this section, and if in any such case the party desiring that 35445  
the process, notice, or demand be served, or the agent or 35446  
representative of the party, shall have filed with the secretary 35447  
of state an affidavit stating that one of the foregoing 35448  
conditions exists and stating the most recent address of the 35449  
corporation that the party after diligent search has been able 35450  
to ascertain, then service of process, notice, or demand upon 35451  
the secretary of state, as the agent of the corporation, may be 35452  
initiated by delivering to the secretary of state or at the 35453

secretary of state's office quadruplicate copies of such 35454  
process, notice, or demand and by paying to the secretary of 35455  
state a fee of five dollars. The secretary of state shall 35456  
forthwith give notice of the delivery to the corporation at its 35457  
principal office as shown upon the record in the secretary of 35458  
state's office and at any different address shown on its last 35459  
franchise tax report filed in this state, or to the corporation 35460  
at any different address set forth in the above mentioned 35461  
affidavit, and shall forward to the corporation at said 35462  
addresses, by certified mail, with request for return receipt, a 35463  
copy of the process, notice, or demand; and thereupon service 35464  
upon the corporation shall be deemed to have been made. 35465

(I) The secretary of state shall keep a record of each 35466  
process, notice, and demand delivered to the secretary of state 35467  
or at the secretary of state's office under this section or any 35468  
other law of this state that authorizes service upon the 35469  
secretary of state, and shall record the time of the delivery 35470  
and the action thereafter with respect thereto. 35471

(J) This section does not limit or affect the right to 35472  
serve any process, notice, or demand upon a corporation in any 35473  
other manner permitted by law. 35474

~~(K) Every corporation shall state in each annual report~~ 35475  
~~filed by it with the department of taxation the name and address~~ 35476  
~~of its statutory agent.~~ 35477

~~(L)~~ Except when an original appointment of an agent is 35478  
filed with the original articles, a written appointment of an 35479  
agent or a written statement filed by a corporation with the 35480  
secretary of state shall be signed by any authorized officer of 35481  
the corporation or by the incorporators of the corporation or a 35482  
majority of them if no directors have been elected. 35483

~~(M)~~-(L) For filing a written appointment of an agent other 35484  
than one filed with original articles, and for filing a 35485  
statement of change of address of an agent, the secretary of 35486  
state shall charge and collect the fee specified in division (R) 35487  
of section 111.16 of the Revised Code. 35488

~~(N)~~-(M) Upon the failure of a corporation to appoint 35489  
another agent or to file a statement of change of address of an 35490  
agent, the secretary of state shall give notice thereof by 35491  
ordinary or electronic mail to the corporation at the electronic 35492  
mail address provided to the secretary of state, or at the 35493  
address set forth in the notice of resignation or on the last 35494  
franchise tax return filed in this state by the corporation. 35495  
Unless the default is cured within thirty days after the mailing 35496  
by the secretary of state of the notice or within any further 35497  
period of time that the secretary of state grants, upon the 35498  
expiration of that period of time from the date of the mailing, 35499  
the articles of the corporation shall be canceled without 35500  
further notice or action by the secretary of state. The 35501  
secretary of state shall make a notation of the cancellation on 35502  
the secretary of state's records. 35503

A corporation whose articles have been canceled may be 35504  
reinstated by filing, within two years of the cancellation, on a 35505  
form prescribed by the secretary of state, an application for 35506  
reinstatement and the required appointment of agent or required 35507  
statement, and by paying the filing fee specified in division 35508  
(Q) of section 111.16 of the Revised Code. The rights, 35509  
privileges, and franchises of a corporation whose articles have 35510  
been reinstated are subject to section 1701.922 of the Revised 35511  
Code. The secretary of state shall furnish the tax commissioner 35512  
a monthly list of all corporations canceled and reinstated under 35513  
this division. 35514

~~(O)~~-(N) This section does not apply to banks, trust 35515  
companies, insurance companies, or any corporation defined under 35516  
the laws of this state as a public utility for taxation 35517  
purposes. 35518

**Sec. 1703.041.** (A) Every foreign corporation for profit 35519  
that is licensed to transact business in this state, and every 35520  
foreign nonprofit corporation that is licensed to exercise its 35521  
privileges in this state, shall have and maintain an agent, 35522  
sometimes referred to as the "designated agent," upon whom 35523  
process against the corporation may be served within this state. 35524  
The agent shall be one of the following: 35525

(1) A natural person who is a resident of this state; 35526

(2) A domestic or foreign corporation, nonprofit 35527  
corporation, limited liability company, partnership, limited 35528  
partnership, limited liability partnership, limited partnership 35529  
association, professional association, business trust, or 35530  
unincorporated nonprofit association that has a business address 35531  
in this state. If the agent is an entity other than a domestic 35532  
corporation, the agent shall meet the requirements of Title XVII 35533  
of the Revised Code for an entity of the agent's type to 35534  
transact business or exercise privileges in this state. 35535

(B) (1) The written appointment of a designated agent shall 35536  
set forth the name and address of the agent, including the 35537  
street and number of the agent's primary residence in this state 35538  
or, if the agent is not a natural person, the agent's usual 35539  
place of business in this state, and shall otherwise be in such 35540  
form as the secretary of state prescribes. The secretary of 35541  
state shall keep a record of the names of such foreign 35542  
corporations and the names and addresses of their respective 35543  
agents. 35544

(2) As used in division (B)(1) of this section, "usual place of business" means a place in this state that is customarily open during normal business hours and where an individual is generally present who is authorized to perform the services of a registered agent, including accepting service of process and other notifications for the person serving as a statutory agent. "Usual place of business" does not include a post office box, regardless of whether that post office box has an associated street address.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state, on a form prescribed by the secretary of state, a written appointment of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the agent's new address.

(E) A designated agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a signed statement to that effect. The secretary of state shall forthwith mail a copy of the statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state, on a

form prescribed by the secretary of state, a written appointment 35575  
of another agent and a statement that the appointment of the 35576  
former agent is revoked. 35577

(G) Process may be served upon a foreign corporation by 35578  
delivering a copy of it to its designated agent, if a natural 35579  
person, or by delivering a copy of it at the address of its 35580  
agent in this state, as the address appears upon the record in 35581  
the office of the secretary of state. 35582

(H) This section does not limit or affect the right to 35583  
serve process upon a foreign corporation in any other manner 35584  
permitted by law. 35585

~~(I) Every foreign corporation for profit shall state in 35586  
each annual report filed by it with the department of taxation 35587  
the name and address of its designated agent in this state. 35588~~

**Sec. 1707.01.** As used in this chapter: 35589

(A) Whenever the context requires it, "division" or 35590  
"division of securities" may be read as "director of commerce" 35591  
or as "commissioner of securities." 35592

(B) "Security" means any certificate or instrument, or any 35593  
oral, written, or electronic agreement, understanding, or 35594  
opportunity, that represents title to or interest in, or is 35595  
secured by any lien or charge upon, the capital, assets, 35596  
profits, property, or credit of any person or of any public or 35597  
governmental body, subdivision, or agency. It includes shares of 35598  
stock, certificates for shares of stock, an uncertificated 35599  
security, membership interests in limited liability companies, 35600  
voting-trust certificates, warrants and options to purchase 35601  
securities, subscription rights, interim receipts, interim 35602  
certificates, promissory notes, all forms of commercial paper, 35603

evidences of indebtedness, bonds, debentures, land trust 35604  
certificates, fee certificates, leasehold certificates, 35605  
syndicate certificates, endowment certificates, interests in or 35606  
under profit-sharing or participation agreements, interests in 35607  
or under oil, gas, or mining leases, preorganization or 35608  
reorganization subscriptions, preorganization certificates, 35609  
reorganization certificates, interests in any trust or pretended 35610  
trust, any investment contract, any life settlement interest, 35611  
any instrument evidencing a promise or an agreement to pay 35612  
money, warehouse receipts for intoxicating liquor, and the 35613  
currency of any government other than those of the United States 35614  
and Canada, but sections 1707.01 to 1707.50 of the Revised Code 35615  
do not apply to the sale of real estate. 35616

(C) (1) "Sale" has the full meaning of "sale" as applied by 35617  
or accepted in courts of law or equity, and includes every 35618  
disposition, or attempt to dispose, of a security or of an 35619  
interest in a security. "Sale" also includes a contract to sell, 35620  
an exchange, an attempt to sell, an option of sale, a 35621  
solicitation of a sale, a solicitation of an offer to buy, a 35622  
subscription, or an offer to sell, directly or indirectly, by 35623  
agent, circular, pamphlet, advertisement, or otherwise. 35624

(2) "Sell" means any act by which a sale is made. 35625

(3) The use of advertisements, circulars, or pamphlets in 35626  
connection with the sale of securities in this state exclusively 35627  
to the purchasers specified in division (D) of section 1707.03 35628  
of the Revised Code is not a sale when the advertisements, 35629  
circulars, and pamphlets describing and offering those 35630  
securities bear a readily legible legend in substance as 35631  
follows: "This offer is made on behalf of dealers licensed under 35632  
sections 1707.01 to 1707.50 of the Revised Code, and is confined 35633

in this state exclusively to institutional investors and 35634  
licensed dealers." 35635

(4) The offering of securities by any person in 35636  
conjunction with a licensed dealer by use of advertisement, 35637  
circular, or pamphlet is not a sale if that person does not 35638  
otherwise attempt to sell securities in this state. 35639

(5) Any security given with, or as a bonus on account of, 35640  
any purchase of securities is conclusively presumed to 35641  
constitute a part of the subject of that purchase and has been 35642  
"sold." 35643

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 35644  
person acting in a representative capacity, includes sale on 35645  
behalf of such party by an agent, including a licensed dealer or 35646  
salesperson. 35647

(D) "Person," except as otherwise provided in this 35648  
chapter, means a natural person, firm, partnership, limited 35649  
partnership, partnership association, syndicate, joint-stock 35650  
company, unincorporated association, trust or trustee except 35651  
where the trust was created or the trustee designated by law or 35652  
judicial authority or by a will, and a corporation or limited 35653  
liability company organized under the laws of any state, any 35654  
foreign government, or any political subdivision of a state or 35655  
foreign government. 35656

(E) (1) "Dealer," except as otherwise provided in this 35657  
chapter, means every person, other than a salesperson, who 35658  
engages or professes to engage, in this state, for either all or 35659  
part of the person's time, directly or indirectly, either in the 35660  
business of the sale of securities for the person's own account, 35661  
or in the business of the purchase or sale of securities for the 35662

account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(a) Any issuer, including any officer, director, employee, or trustee of, or member or manager of, or partner in, or any general partner of, any issuer, that sells, offers for sale, or does any act in furtherance of the sale of a security that represents an economic interest in that issuer, provided no commission, fee, or other similar remuneration is paid to or received by the issuer for the sale;

(b) Any licensed attorney, public accountant, or firm of such attorneys or accountants, whose activities are incidental to the practice of the attorney's, accountant's, or firm's profession;

(c) Any person that, for the account of others, engages in the purchase or sale of securities that are issued and outstanding before such purchase and sale, if a majority or more of the equity interest of an issuer is sold in that transaction, and if, in the case of a corporation, the securities sold in that transaction represent a majority or more of the voting power of the corporation in the election of directors;

(d) Any person that brings an issuer together with a potential investor and whose compensation is not directly or indirectly based on the sale of any securities by the issuer to the investor;

(e) Any bank;

(f) Any person that the division of securities by rule exempts from the definition of "dealer" under division (E) (1) of

this section. 35692

(2) "Licensed dealer" means a dealer licensed under this chapter. 35693  
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(F) (1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state. 35695  
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(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing. 35698  
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(3) "Licensed salesperson" means a salesperson licensed under this chapter. 35707  
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(G) "Issuer" means every person who has issued, proposes to issue, or issues any security. 35709  
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(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees. 35711  
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(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer. 35717  
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(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon the seller or purchaser.

(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer for each class of those securities shall be used as the basis for that classification or computation.

(L) (1) "Intangible property" means patents, copyrights, secret processes, formulas, services, good will, promotion and organization fees and expenses, trademarks, trade brands, trade names, licenses, franchises, any other assets treated as intangible according to generally accepted accounting principles, and securities, accounts receivable, or contract rights having no readily determinable value.

(2) "Tangible property" means all property other than intangible property and includes securities, accounts receivable, and contract rights, when the securities, accounts receivable, or contract rights have a readily determinable value.

(M) "Public utilities" means those utilities defined in sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised

Code; in the case of a foreign corporation, it means those 35751  
utilities defined as public utilities by the laws of its 35752  
domicile; and in the case of any other foreign issuer, it means 35753  
those utilities defined as public utilities by the laws of the 35754  
situs of its principal place of business. The term always 35755  
includes railroads whether or not they are so defined as public 35756  
utilities. 35757

(N) "State" means any state of the United States, any 35758  
territory or possession of the United States, the District of 35759  
Columbia, and any province of Canada. 35760

(O) "Bank" means any bank, trust company, savings and loan 35761  
association, savings bank, or credit union that is incorporated 35762  
or organized under the laws of the United States, any state of 35763  
the United States, Canada, or any province of Canada and that is 35764  
subject to regulation or supervision by that country, state, or 35765  
province. 35766

(P) "Include," when used in a definition, does not exclude 35767  
other things or persons otherwise within the meaning of the term 35768  
defined. 35769

(Q) (1) "Registration by description" means that the 35770  
requirements of section 1707.08 of the Revised Code have been 35771  
complied with. 35772

(2) "Registration by qualification" means that the 35773  
requirements of sections 1707.09 and 1707.11 of the Revised Code 35774  
have been complied with. 35775

(3) "Registration by coordination" means that there has 35776  
been compliance with section 1707.091 of the Revised Code. 35777  
Reference in this chapter to registration by qualification also 35778  
includes registration by coordination unless the context 35779

otherwise indicates. 35780

(R) "Intoxicating liquor" includes all liquids and 35781  
compounds that contain more than three and two-tenths per cent 35782  
of alcohol by weight and are fit for use for beverage purposes. 35783

(S) "Institutional investor" means any of the following, 35784  
whether acting for itself or for others in a fiduciary capacity: 35785

(1) A bank or international banking institution; 35786

(2) An insurance company; 35787

(3) A separate account of an insurance company; 35788

(4) An investment company as defined in the "Investment 35789  
Company Act of 1940," 15 U.S.C. 80a-3; 35790

(5) A broker-dealer registered under the "Securities 35791  
Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by 35792  
the division of securities as a dealer; 35793

(6) An employee pension, profit-sharing, or benefit plan 35794  
if the plan has total assets in excess of ten million dollars or 35795  
its investment decisions are made by a named fiduciary, as 35796  
defined in the "Employee Retirement Income Security Act of 35797  
1974," 29 U.S.C. 1001, that is one of the following: 35798

(a) A broker-dealer registered under the "Securities 35799  
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 35800

(b) An investment adviser registered or exempt from 35801  
registration under the "Investment Advisers Act of 1940," 15 35802  
U.S.C. 80b-3; 35803

(c) An investment adviser registered under this chapter, a 35804  
bank, or an insurance company. 35805

(7) A plan established and maintained by a state, a 35806

political subdivision of a state, or an agency or 35807  
instrumentality of a state or a political subdivision of a state 35808  
for the benefit of its employees, if the plan has total assets 35809  
in excess of ten million dollars or its investment decisions are 35810  
made by a duly designated public official or by a named 35811  
fiduciary, as defined in the "Employee Retirement Income 35812  
Security Act of 1974," 29 U.S.C. 1001, that is one of the 35813  
following: 35814

(a) A broker-dealer registered under the "Securities 35815  
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 35816

(b) An investment adviser registered or exempt from 35817  
registration under the "Investment Advisers Act of 1940," 15 35818  
U.S.C. 80b-3; 35819

(c) An investment adviser registered under this chapter, a 35820  
bank, or an insurance company. 35821

(8) A trust, if it has total assets in excess of ten 35822  
million dollars, its trustee is a bank, and its participants are 35823  
exclusively plans of the types identified in division (S) (6) or 35824  
(7) of this section, regardless of the size of their assets, 35825  
except a trust that includes as participants self-directed 35826  
individual retirement accounts or similar self-directed plans; 35827

(9) An organization described in section 501(c) (3) of the 35828  
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 35829  
corporation, Massachusetts trust or similar business trust, 35830  
limited liability company, or partnership, not formed for the 35831  
specific purpose of acquiring the securities offered, with total 35832  
assets in excess of ten million dollars; 35833

(10) A small business investment company licensed by the 35834  
small business administration under section 301(c) of the "Small 35835

Business Investment Act of 1958," 15 U.S.C. 681(c), with total	35836
assets in excess of ten million dollars;	35837
(11) A private business development company as defined in	35838
section 202(a)(22) of the "Investment Advisers Act of 1940," 15	35839
U.S.C. 80b-2(a)(22), with total assets in excess of ten million	35840
dollars;	35841
(12) A federal covered investment adviser acting for its	35842
own account;	35843
(13) A "qualified institutional buyer" as defined in 17	35844
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);	35845
(14) A "major U.S. institutional investor" as defined in	35846
17 C.F.R. 240.15a-6(b)(4)(i);	35847
(15) Any other person, other than an individual, of	35848
institutional character with total assets in excess of ten	35849
million dollars not organized for the specific purpose of	35850
evading this chapter;	35851
(16) Any other person specified by rule adopted or order	35852
issued under this chapter.	35853
(T) A reference to a statute of the United States or to a	35854
rule, regulation, or form promulgated by the securities and	35855
exchange commission or by another federal agency means the	35856
statute, rule, regulation, or form as it exists at the time of	35857
the act, omission, event, or transaction to which it is applied	35858
under this chapter.	35859
(U) "Securities and exchange commission" means the	35860
securities and exchange commission established by the Securities	35861
Exchange Act of 1934.	35862
(V) (1) "Control bid" means the purchase of or offer to	35863

purchase any equity security of a subject company from a 35864  
resident of this state if either of the following applies: 35865

(a) After the purchase of that security, the offeror would 35866  
be directly or indirectly the beneficial owner of more than ten 35867  
per cent of any class of the issued and outstanding equity 35868  
securities of the issuer. 35869

(b) The offeror is the subject company, there is a pending 35870  
control bid by a person other than the issuer, and the number of 35871  
the issued and outstanding shares of the subject company would 35872  
be reduced by more than ten per cent. 35873

(2) For purposes of division (V) (1) of this section, 35874  
"control bid" does not include any of the following: 35875

(a) A bid made by a dealer for the dealer's own account in 35876  
the ordinary course of business of buying and selling 35877  
securities; 35878

(b) An offer to acquire any equity security solely in 35879  
exchange for any other security, or the acquisition of any 35880  
equity security pursuant to an offer, for the sole account of 35881  
the offeror, in good faith and not for the purpose of avoiding 35882  
the provisions of this chapter, and not involving any public 35883  
offering of the other security within the meaning of Section 4 35884  
of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 35885  
U.S.C.A. 77d(2), as amended; 35886

(c) Any other offer to acquire any equity security, or the 35887  
acquisition of any equity security pursuant to an offer, for the 35888  
sole account of the offeror, from not more than fifty persons, 35889  
in good faith and not for the purpose of avoiding the provisions 35890  
of this chapter. 35891

(W) "Offeror" means a person who makes, or in any way 35892

participates or aids in making, a control bid and includes 35893  
persons acting jointly or in concert, or who intend to exercise 35894  
jointly or in concert any voting rights attached to the 35895  
securities for which the control bid is made and also includes 35896  
any subject company making a control bid for its own securities. 35897

(X) (1) "Investment adviser" means any person who, for 35898  
compensation, engages in the business of advising others, either 35899  
directly or through publications or writings, as to the value of 35900  
securities or as to the advisability of investing in, 35901  
purchasing, or selling securities, or who, for compensation and 35902  
as a part of regular business, issues or promulgates analyses or 35903  
reports concerning securities. 35904

(2) "Investment adviser" does not mean any of the 35905  
following: 35906

(a) Any attorney, accountant, engineer, or teacher, whose 35907  
performance of investment advisory services described in 35908  
division (X) (1) of this section is solely incidental to the 35909  
practice of the attorney's, accountant's, engineer's, or 35910  
teacher's profession; 35911

(b) A publisher of any bona fide newspaper, news magazine, 35912  
or business or financial publication of general and regular 35913  
circulation; 35914

(c) A person who acts solely as an investment adviser 35915  
representative; 35916

(d) A bank holding company, ~~as defined in the "Bank~~ 35917  
~~Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841,~~ that 35918  
is not an investment company; 35919

(e) A bank, or any receiver, conservator, or other 35920  
liquidating agent of a bank; 35921

(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;

(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly

intended by the policy and provisions of this chapter. 35952

(Y) (1) "Subject company" means an issuer that satisfies 35953  
both of the following: 35954

(a) Its principal place of business or its principal 35955  
executive office is located in this state, or it owns or 35956  
controls assets located within this state that have a fair 35957  
market value of at least one million dollars. 35958

(b) More than ten per cent of its beneficial or record 35959  
equity security holders are resident in this state, more than 35960  
ten per cent of its equity securities are owned beneficially or 35961  
of record by residents in this state, or more than one thousand 35962  
of its beneficial or record equity security holders are resident 35963  
in this state. 35964

(2) The division of securities may adopt rules to 35965  
establish more specific application of the provisions set forth 35966  
in division (Y) (1) of this section. Notwithstanding the 35967  
provisions set forth in division (Y) (1) of this section and any 35968  
rules adopted under this division, the division, by rule or in 35969  
an adjudicatory proceeding, may make a determination that an 35970  
issuer does not constitute a "subject company" under division 35971  
(Y) (1) of this section if appropriate review of control bids 35972  
involving the issuer is to be made by any regulatory authority 35973  
of another jurisdiction. 35974

(Z) "Beneficial owner" includes any person who directly or 35975  
indirectly through any contract, arrangement, understanding, or 35976  
relationship has or shares, or otherwise has or shares, the 35977  
power to vote or direct the voting of a security or the power to 35978  
dispose of, or direct the disposition of, the security. 35979  
"Beneficial ownership" includes the right, exercisable within 35980

sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that person owns ten per cent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which that person owns ten per cent or more of the equity, and any affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying any warrant or right to subscribe to or purchase any such security, or any such warrant or right, or any other security that, for the protection of security holders, is treated as an equity security pursuant to rules of the division of securities.

(CC) (1) "Investment adviser representative" means a supervised person of an investment adviser, provided that the supervised person has more than five clients who are natural persons other than excepted persons defined in division (EE) of

this section, and that more than ten per cent of the supervised 36011  
person's clients are natural persons other than excepted persons 36012  
defined in division (EE) of this section. "Investment adviser 36013  
representative" does not mean any of the following: 36014

(a) A supervised person that does not on a regular basis 36015  
solicit, meet with, or otherwise communicate with clients of the 36016  
investment adviser; 36017

(b) A supervised person that provides only investment 36018  
advisory services described in division (X)(1) of this section 36019  
by means of written materials or oral statements that do not 36020  
purport to meet the objectives or needs of specific individuals 36021  
or accounts; 36022

(c) Any other person that the division designates by rule, 36023  
if the division finds that the designation is necessary or 36024  
appropriate in the public interest or for the protection of 36025  
investors or clients and is consistent with the provisions 36026  
fairly intended by the policy and provisions of this chapter. 36027

(2) For the purpose of the calculation of clients in 36028  
division (CC)(1) of this section, a natural person and the 36029  
following persons are deemed a single client: Any minor child of 36030  
the natural person; any relative, spouse, or relative of the 36031  
spouse of the natural person who has the same principal 36032  
residence as the natural person; all accounts of which the 36033  
natural person or the persons referred to in division (CC)(2) of 36034  
this section are the only primary beneficiaries; and all trusts 36035  
of which the natural person or persons referred to in division 36036  
(CC)(2) of this section are the only primary beneficiaries. 36037  
Persons who are not residents of the United States need not be 36038  
included in the calculation of clients under division (CC)(1) of 36039  
this section. 36040

(3) If subsequent to March 18, 1999, amendments are 36041  
enacted or adopted defining "investment adviser representative" 36042  
for purposes of the Investment Advisers Act of 1940 or 36043  
additional rules or regulations are promulgated by the 36044  
securities and exchange commission regarding the definition of 36045  
"investment adviser representative" for purposes of the 36046  
Investment Advisers Act of 1940, the division of securities 36047  
shall, by rule, adopt the substance of the amendments, rules, or 36048  
regulations, unless the division finds that the amendments, 36049  
rules, or regulations are not necessary for the protection of 36050  
investors or in the public interest. 36051

(DD) "Supervised person" means a natural person who is any 36052  
of the following: 36053

(1) A partner, officer, or director of an investment 36054  
adviser, or other person occupying a similar status or 36055  
performing similar functions with respect to an investment 36056  
adviser; 36057

(2) An employee of an investment adviser; 36058

(3) A person who provides investment advisory services 36059  
described in division (X) (1) of this section on behalf of the 36060  
investment adviser and is subject to the supervision and control 36061  
of the investment adviser. 36062

(EE) "Excepted person" means a natural person to whom any 36063  
of the following applies: 36064

(1) Immediately after entering into the investment 36065  
advisory contract with the investment adviser, the person has at 36066  
least seven hundred fifty thousand dollars under the management 36067  
of the investment adviser. 36068

(2) The investment adviser reasonably believes either of 36069

the following at the time the investment advisory contract is 36070  
entered into with the person: 36071

(a) The person has a net worth, together with assets held 36072  
jointly with a spouse, of more than one million five hundred 36073  
thousand dollars. 36074

(b) The person is a qualified purchaser as defined in 36075  
division (FF) of this section. 36076

(3) Immediately prior to entering into an investment 36077  
advisory contract with the investment adviser, the person is 36078  
either of the following: 36079

(a) An executive officer, director, trustee, general 36080  
partner, or person serving in a similar capacity, of the 36081  
investment adviser; 36082

(b) An employee of the investment adviser, other than an 36083  
employee performing solely clerical, secretarial, or 36084  
administrative functions or duties for the investment adviser, 36085  
which employee, in connection with the employee's regular 36086  
functions or duties, participates in the investment activities 36087  
of the investment adviser, provided that, for at least twelve 36088  
months, the employee has been performing such nonclerical, 36089  
nonsecretarial, or nonadministrative functions or duties for or 36090  
on behalf of the investment adviser or performing substantially 36091  
similar functions or duties for or on behalf of another company. 36092

If subsequent to March 18, 1999, amendments are enacted or 36093  
adopted defining "excepted person" for purposes of the 36094  
Investment Advisers Act of 1940 or additional rules or 36095  
regulations are promulgated by the securities and exchange 36096  
commission regarding the definition of "excepted person" for 36097  
purposes of the Investment Advisers Act of 1940, the division of 36098

securities shall, by rule, adopt the substance of the 36099  
amendments, rules, or regulations, unless the division finds 36100  
that the amendments, rules, or regulations are not necessary for 36101  
the protection of investors or in the public interest. 36102

(FF) (1) "Qualified purchaser" means either of the 36103  
following: 36104

(a) A natural person who owns not less than five million 36105  
dollars in investments as defined by rule by the division of 36106  
securities; 36107

(b) A natural person, acting for the person's own account 36108  
or accounts of other qualified purchasers, who in the aggregate 36109  
owns and invests on a discretionary basis, not less than twenty- 36110  
five million dollars in investments as defined by rule by the 36111  
division of securities. 36112

(2) If subsequent to March 18, 1999, amendments are 36113  
enacted or adopted defining "qualified purchaser" for purposes 36114  
of the Investment Advisers Act of 1940 or additional rules or 36115  
regulations are promulgated by the securities and exchange 36116  
commission regarding the definition of "qualified purchaser" for 36117  
purposes of the Investment Advisers Act of 1940, the division of 36118  
securities shall, by rule, adopt the amendments, rules, or 36119  
regulations, unless the division finds that the amendments, 36120  
rules, or regulations are not necessary for the protection of 36121  
investors or in the public interest. 36122

(GG) (1) "Purchase" has the full meaning of "purchase" as 36123  
applied by or accepted in courts of law or equity and includes 36124  
every acquisition of, or attempt to acquire, a security or an 36125  
interest in a security. "Purchase" also includes a contract to 36126  
purchase, an exchange, an attempt to purchase, an option to 36127

purchase, a solicitation of a purchase, a solicitation of an 36128  
offer to sell, a subscription, or an offer to purchase, directly 36129  
or indirectly, by agent, circular, pamphlet, advertisement, or 36130  
otherwise. 36131

(2) "Purchase" means any act by which a purchase is made. 36132

(3) Any security given with, or as a bonus on account of, 36133  
any purchase of securities is conclusively presumed to 36134  
constitute a part of the subject of that purchase. 36135

(HH) "Life settlement interest" means the entire interest 36136  
or any fractional interest in an insurance policy or certificate 36137  
of insurance, or in an insurance benefit under such a policy or 36138  
certificate, that is the subject of a life settlement contract. 36139

For purposes of this division, "life settlement contract" 36140  
means an agreement for the purchase, sale, assignment, transfer, 36141  
devise, or bequest of any portion of the death benefit or 36142  
ownership of any life insurance policy or contract, in return 36143  
for consideration or any other thing of value that is less than 36144  
the expected death benefit of the life insurance policy or 36145  
contract. "Life settlement contract" includes a viatical 36146  
settlement contract as defined in section 3916.01 of the Revised 36147  
Code, but does not include any of the following: 36148

(1) A loan by an insurer under the terms of a life 36149  
insurance policy, including, but not limited to, a loan secured 36150  
by the cash value of the policy; 36151

(2) An agreement with a bank that takes an assignment of a 36152  
life insurance policy as collateral for a loan; 36153

(3) The provision of accelerated benefits as defined in 36154  
section 3915.21 of the Revised Code; 36155

(4) Any agreement between an insurer and a reinsurer;	36156
(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;	36157 36158 36159 36160
(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.	36161 36162 36163 36164
(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.	36165 36166 36167 36168
(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.	36169 36170 36171 36172 36173 36174
(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.	36175 36176 36177 36178 36179
<u>(LL) "Bank holding company" has the same meaning as in the "Bank Holding Company Act of 1956," 12 U.S.C. 1841.</u>	36180 36181
<u>(MM) "Savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a.</u>	36182 36183

**Sec. 1707.14.** (A) No person shall act as a dealer, unless 36184  
the person is licensed as a dealer by the division of 36185  
securities, except when at least one of the following cases 36186  
applies: 36187

(1) When the person is transacting business through or 36188  
with a licensed dealer; 36189

(2) When the securities are the subject matter of one or 36190  
more transactions enumerated in divisions (B) to (L), (O) to 36191  
(R), and (U) to (Y) of section 1707.03, or in section 1707.06 of 36192  
the Revised Code, except when a commission, discount, or other 36193  
remuneration is paid or given in consideration with transactions 36194  
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 36195  
1707.03, or in section 1707.06 of the Revised Code; 36196

~~(3)~~(3)(a) When the person is an issuer selling securities 36197  
issued by it or by its subsidiary, if such securities are 36198  
specified under division (G) or (I) of section 1707.02, or under 36199  
section 1707.04 of the Revised Code; 36200

(b) As used in division (A) (3) of this section, "person" 36201  
includes a bank holding company and a savings and loan holding 36202  
company. 36203

(4) When the person is participating in transactions 36204  
exempt, under section 1707.34 of the Revised Code, from this 36205  
chapter; 36206

(5) When the person has no place of business in this 36207  
state, is registered with the securities and exchange 36208  
commission, and the only transactions effected in this state are 36209  
with institutional investors. 36210

(B) Each dealer that in any twelve-month or shorter 36211  
period, alone or with any other dealer with which it is 36212

affiliated, has total revenues of one hundred fifty thousand 36213  
dollars or more derived from the business of buying, selling, or 36214  
otherwise dealing in securities, and that at any time during 36215  
such period has one hundred or more retail securities customers, 36216  
shall be registered as a broker or dealer with the securities 36217  
and exchange commission under the Securities Exchange Act of 36218  
1934, except the following entities: 36219

(1) A bank; 36220

(2) A dealer that enters into and is in compliance with an 36221  
undertaking accepted by the division, in which the dealer agrees 36222  
that it will not engage in any transaction involving the buying, 36223  
selling, or otherwise dealing in securities with any natural 36224  
person in this state, except for transactions involving either 36225  
of the following: 36226

(a) Securities of corporations or associations that have 36227  
qualified for treatment as nonprofit organizations pursuant to 36228  
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 36229  
Stat. 2085, 26 U.S.C.A. 501, as amended; 36230

(b) Securities or transactions that are described in 36231  
divisions (A) (1) to (4) of this section. 36232

(C) Every dealer that must be registered as a broker or 36233  
dealer with the securities and exchange commission pursuant to 36234  
division (B) of this section shall become so registered no later 36235  
than ninety days after the date on which the dealer meets the 36236  
requirements for such registration. 36237

(D) The division by rule may exempt any dealer from 36238  
complying with the licensing or registration requirements of 36239  
this section, if the division finds that such licensing or 36240  
registration is not necessary for the protection of investors or 36241

in the public interest. 36242

(E) As used in division (B) of this section, "retail securities customer" means a person that purchases from or through or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer: 36243  
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(1) A husband and wife; 36249

(2) A minor child and the minor child's parent or legal guardian; 36250  
36251

(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust. 36252  
36253

**Sec. 1707.47.** (A) As used in this section and section 1707.471 of the Revised Code: 36254  
36255

(1) "Claimant" means a person that files an application for restitution assistance on behalf of a victim. 36256  
36257

(2) "Final order" means a final administrative order issued by the division of securities or a final court order in a civil or criminal proceeding initiated by the division. 36258  
36259  
36260

(3) "Victim" means a purchaser identified in a final order that has suffered a pecuniary loss as the result of a violation of this chapter or any rules adopted thereunder, or, in the case of a deceased purchaser so identified, the purchaser's surviving spouse or dependent children. 36261  
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(B) There is hereby created in the state treasury the Ohio investor recovery fund, which shall consist of all cash transfers from the division of securities fund, created in section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 36266  
36267  
36268  
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~~total of two million five hundred thousand dollars in any fiscal~~ 36270  
~~year.~~ Money in the Ohio investor recovery fund shall be used for 36271  
the purposes identified in division (C) of this section. 36272

(C) The division shall use the Ohio investor recovery fund 36273  
only to pay awards of restitution assistance and any expenses 36274  
incurred in administering this section. 36275

(D) (1) If the Ohio investor recovery fund is reduced below 36276  
two hundred fifty thousand dollars due to payment in full of 36277  
restitution assistance awards that become final during a month, 36278  
the division shall suspend payment of further claims that become 36279  
final during that month and the following two months. 36280

(2) At the end of the suspension period described in 36281  
division (D) (1) of this section, the division shall pay the 36282  
suspended claims. If the Ohio investor recovery fund would be 36283  
exhausted by payment in full of the suspended claims, the amount 36284  
paid to each claimant shall be prorated according to the amount 36285  
remaining in the Ohio investor recovery fund at the end of the 36286  
suspension period. 36287

(E) The state shall not be liable for a determination made 36288  
by the division under this section except to the extent that 36289  
money is available in the Ohio investor recovery fund on the 36290  
date the award is calculated. 36291

(F) The following victims are eligible for restitution 36292  
assistance: 36293

(1) A natural person who is a resident of this state; 36294

(2) A person, other than a natural person, that is 36295  
domiciled in Ohio. 36296

(G) The division shall not award restitution assistance as 36297

follows:	36298
(1) To more than one claimant per victim;	36299
(2) To a claimant on behalf of a victim that has received the full amount of restitution owed from the person ordered to pay restitution to the victim in the final order before the application for restitution assistance from the fund is filed;	36300 36301 36302 36303
(3) To a claimant if the final order identifies no pecuniary loss to the victim on whose behalf the application is made;	36304 36305 36306
(4) To a claimant on behalf of a victim that assisted in the commission of the violation of this chapter;	36307 36308
(5) If the portion of the final order giving rise to a restitution order or otherwise establishing a pecuniary loss to the victim is overturned on appeal.	36309 36310 36311
(H) If, after the division has made a restitution assistance award from the Ohio investor recovery fund under this section, the restitution award in the final order is overturned on appeal and all legal remedies have been exhausted, then the claimant shall forfeit the restitution assistance award.	36312 36313 36314 36315 36316
<b>Sec. 1711.30.</b> Before issuing bonds under section 1711.28 of the Revised Code, the board of county commissioners, by resolution, shall submit to the qualified electors of the county at the next general election for county officers, held not less than ninety days after receiving from the county agricultural society the notice provided for in section 1711.25 of the Revised Code, the question of issuing and selling such bonds in such amount and denomination as are necessary for the purpose in view, and shall certify a copy of such resolution to the county board of elections.	36317 36318 36319 36320 36321 36322 36323 36324 36325 36326

The county board of elections shall place the question of 36327  
issuing and selling such bonds upon the ballot and make all 36328  
other necessary arrangements for the submission, at the time 36329  
fixed by such resolution, of such question to such electors. The 36330  
votes cast at such election upon such question must be counted, 36331  
canvassed, and certified in the same manner, except as provided 36332  
by law, as votes cast for county officers. Fifteen days' notice 36333  
of such submission shall be given by the county board of 36334  
elections, by publication once a week for two consecutive weeks 36335  
in a newspaper of general circulation in the county or as 36336  
provided in section 7.16 of the Revised Code, stating the amount 36337  
of bonds to be issued, the purpose for which they are to be 36338  
issued, and the time and places of holding such election. If the 36339  
resolution proposes the levy of a tax under section 1711.29 of 36340  
the Revised Code, the notice shall include the rate of the tax 36341  
in both mills for each one dollar of taxable value and in 36342  
dollars for each one hundred thousand dollars of ~~the county~~ 36343  
~~auditor's appraised market~~ value. 36344

The question must be stated on the ballot as follows: "For 36345  
the issue of county fair bonds, yes"; "For the issue of county 36346  
fair bonds, no." 36347

If the resolution proposes the levy of a tax under section 36348  
1711.29 of the Revised Code, the question appearing on the 36349  
ballot shall include the rate of the tax in both mills for each 36350  
one dollar of taxable value and in dollars for each one hundred 36351  
thousand dollars of ~~the county auditor's appraised market~~ value. 36352

If the majority of those voting upon the question of 36353  
issuing the bonds vote in favor thereof, then and only then 36354  
shall they be issued and the tax provided for in section 1711.29 36355  
of the Revised Code be levied. 36356

As used in this section, "~~the county auditor's appraised~~  
market value" has the same meaning as in section 5705.01 of the  
Revised Code.

**Sec. 1713.03.** The chancellor of higher education shall  
establish standards for certificates of authorization to be  
issued to institutions as defined in section 1713.01 of the  
Revised Code, to private institutions exempt from regulation  
under Chapter 3332. of the Revised Code as prescribed in section  
3333.046 of the Revised Code, and to schools holding  
certificates of registration issued by the state board of career  
colleges and schools pursuant to division (C) of section 3332.05  
of the Revised Code. A certificate of authorization may permit  
an institution or school to award one or more types of degrees.

The standards for a certificate of authorization may  
include, for various types of institutions, schools, or degrees,  
minimum qualifications for faculty, library, laboratories, and  
other facilities as adopted and published by the chancellor. The  
standards shall be adopted by the chancellor pursuant to Chapter  
119. of the Revised Code.

An institution or school shall apply to the chancellor for  
a certificate of authorization on forms containing such  
information as is prescribed by the chancellor. Each institution  
or school with a certificate of authorization shall file an  
annual report with the chancellor in such form and containing  
such information as the chancellor prescribes. The annual report  
shall include disclosure of any contract entered with an online  
program manager, as described in section 1713.032 of the Revised  
Code.

The chancellor shall adopt a rule under Chapter 119. of  
the Revised Code establishing fees to pay the cost of reviewing

an application for a certificate of authorization, which the 36387  
institution or school shall pay when it applies for a 36388  
certificate of authorization, and establishing fees, which an 36389  
institution or school shall pay, for any further reviews the 36390  
chancellor determines necessary upon examining an institution's 36391  
or school's annual report. 36392

Sec. 1713.032. (A) As used in this section: 36393

(1) "Online program manager" means an entity that is not 36394  
an institution of higher education as defined under "The Higher 36395  
Education Act of 1965," 20 U.S.C. 1001, that enters into an 36396  
agreement with a private institution of higher education to 36397  
provide marketing and recruitment services and at least one 36398  
additional service, including course design, technology, or 36399  
faculty training, to support an online degree program. 36400

(2) "Private institution of higher education" means a 36401  
private institution of higher education with a certificate of 36402  
authorization, or seeking authorization, from the chancellor of 36403  
higher education under Chapter 1713. of Revised Code. 36404

(B) If a private institution of higher education enters a 36405  
contract with an online program manager, the institution shall 36406  
ensure the contract is in compliance with relevant program 36407  
standards and requirements. 36408

(C) A private institution of higher education that enters 36409  
into a contract with an online program manager shall post on 36410  
each online degree program web site it maintains that it 36411  
utilizes an online program manager for services. The institution 36412  
shall require the online program manager to identify itself when 36413  
providing services to students. 36414

(D) A contract between a private institution of higher 36415

education and an online program manager is not a public record 36416  
for purposes of section 149.43 of the Revised Code. 36417

(E) A private institution of higher education shall not 36418  
permit an online program manager to control, make decisions 36419  
regarding, administer, or disburse student financial aid. 36420

**Sec. 1713.033.** Each institution or school with a 36421  
certificate of authorization issued under this chapter annually 36422  
shall certify to the chancellor of higher education, on a date 36423  
and in the form and manner determined by the chancellor, a plan 36424  
to preserve student records indefinitely if the institution or 36425  
school was to cease operations. The plan shall include the 36426  
designation and signed confirmation of an official custodian of 36427  
student records. If the chancellor determines it necessary, the 36428  
chancellor may require an institution or school to produce an 36429  
executed agreement with the designated custodian of student 36430  
records, paid in full, to ensure the institution's or school's 36431  
plan can be implemented. 36432

The chancellor may consult with the higher learning 36433  
commission, the state board of career colleges and schools, and 36434  
other appropriate entities to establish plans, processes, and 36435  
procedures for institutions and schools to provide indefinite 36436  
access to student records. 36437

**Sec. 1713.041.** (A) Each institution or school authorized 36438  
to offer courses or degrees under a certificate of authorization 36439  
annually shall provide to the chancellor of higher education all 36440  
of the following: 36441

(1) Verification of current accreditation status and a 36442  
copy of the most recent institutional report from the 36443  
institution's accrediting organization; 36444

<u>(2) A plan to preserve student records indefinitely in the</u>	36445
<u>event of closure of the institution or discontinuation of</u>	36446
<u>service. The plan shall include a method by which students and</u>	36447
<u>alumni of the institution may retrieve student records by</u>	36448
<u>request. The plan also shall include a designation and signed</u>	36449
<u>confirmation of an official custodian of student records.</u>	36450
<u>Student records preserved under the plan shall include, but not</u>	36451
<u>be limited to:</u>	36452
<u>(a) Academic transcripts;</u>	36453
<u>(b) Financial aid documents;</u>	36454
<u>(c) International student forms;</u>	36455
<u>(d) Tax information.</u>	36456
<u>(3) The following program information:</u>	36457
<u>(a) A list of current degree programs offered by the</u>	36458
<u>institution in this state;</u>	36459
<u>(b) The results of any external degree program evaluations</u>	36460
<u>conducted in the last year;</u>	36461
<u>(c) A list of any degree programs that have been</u>	36462
<u>eliminated in the last year;</u>	36463
<u>(4) The latest financial statement for the most recent</u>	36464
<u>fiscal year compiled and audited by an independent certified</u>	36465
<u>public accountant, including any management letters provided by</u>	36466
<u>the independent auditor;</u>	36467
<u>(5) Any other information requested by the chancellor.</u>	36468
<u>(B) If an institution or school fails to submit the</u>	36469
<u>information required under division (A) of this section or if</u>	36470
<u>the chancellor finds that the information submitted under that</u>	36471

division is insufficient, the chancellor may suspend, withdraw, 36472  
or revoke an institution or school's institutional authorization 36473  
or a program's authorization. 36474

(C) Each institution or school shall immediately notify 36475  
the chancellor if the institution or school does any of the 36476  
following: 36477

(1) Receives notice from the federal government or an 36478  
institutional accrediting organization that the institution or 36479  
school is subject to heightened reporting standards or special 36480  
monitoring status, such as the United States department of 36481  
education's heightened cash monitoring process; 36482

(2) Receives preliminary or final accreditation findings; 36483

(3) Becomes the subject of an investigation by a 36484  
government agency related to the institution's academic quality, 36485  
financial stability, or student consumer protection; 36486

(4) Fails to make any payments to applicable retirement 36487  
systems; 36488

(5) Fails to make any scheduled payroll payments; 36489

(6) Fails to make any payments to vendors when due as a 36490  
result of a cash deficiency or a substantial deficiency in the 36491  
payment processing system of the institution; 36492

(7) Fails to make any scheduled payment of principal or 36493  
interest for short- or long-term debt; 36494

(8) Makes budget revisions resulting in a substantially 36495  
reduced ending fund balance or larger deficit; 36496

(9) Becomes aware of significant negative variance between 36497  
the most recently adopted annual budget and actual revenues or 36498

expenses as projected at the end of the fiscal year. 36499

(D) A document received by the chancellor under division 36500  
(C) (1), (2), or (3) of this section that is confidential under 36501  
federal law is not subject to release under a public record 36502  
request until such time as the document is released publicly by 36503  
the appropriate entity. Further, financial documentation of the 36504  
institution or school received by the chancellor under this 36505  
section is not a public record under section 149.43 of the 36506  
Revised Code. 36507

**Sec. 1901.123.** ~~(A) (1) Subject to reimbursement under~~ 36508  
~~division (B) of this section, the~~ The treasurer of the county in 36509  
which a county-operated municipal court or other municipal court 36510  
is located shall pay the per diem compensation to which an 36511  
acting judge appointed pursuant to division (A) (2) (a), (B) (1), 36512  
or (C) (1) of section 1901.121 of the Revised Code is entitled 36513  
pursuant to division (A) (1) of section 1901.122 of the Revised 36514  
Code. 36515

(2) The treasurer of the county in which a county-operated 36516  
municipal court or other municipal court is located shall pay 36517  
the per diem compensation to which an assigned judge assigned 36518  
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 36519  
of section 1901.121 of the Revised Code is entitled pursuant to 36520  
division (B) (1) or (4) of section 1901.122 of the Revised Code. 36521

(3) Subject to reimbursement under division (B) of this 36522  
section, the treasurer of the county in which a county-operated 36523  
municipal court or other municipal court is located shall pay 36524  
the per diem compensation to which an assigned judge assigned 36525  
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 36526  
of section 1901.121 of the Revised Code is entitled pursuant to 36527  
division (B) (2) of section 1901.122 of the Revised Code. 36528

(4) Subject to reimbursement under division (C) of this section, the supreme court shall pay the per diem compensation to which an assigned judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) of section 1901.121 of the Revised Code is entitled pursuant to division (B) (3) of section 1901.122 of the Revised Code.

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) (3) of this section, is required to pay the per diem compensation to which an ~~acting judge or~~ assigned judge is entitled, shall submit to the administrative director of the supreme court quarterly requests for reimbursements of the state portion of the per diem amounts so paid. The requests shall include verifications of the payment of those amounts and an affidavit from the ~~acting judge or~~ assigned judge stating the days and hours worked. The administrative director shall cause reimbursements of the state portion of the per diem amounts paid to be issued to the county if the administrative director verifies that those amounts were, in fact, so paid. If the county fails to submit a request within one year after the per diem compensation was paid, the administrative director shall refuse to cause reimbursement to be issued.

(C) If the supreme court, pursuant to division (A) (4) of this section, is required to pay the per diem compensation to which an assigned judge is entitled, annually, on the first day of August, the administrative director of the supreme court shall issue a billing to the county treasurer of any county to which such a judge was assigned to a municipal court for reimbursement of the county or local portion of the per diem compensation previously paid by the supreme court for the twelve-month period preceding the last day of June. The county or local portion of the per diem compensation shall be that part

of each per diem paid by the state which is proportional to the 36560  
county or local shares of the total compensation of a resident 36561  
judge of such court. The county treasurer shall forward the 36562  
payment within thirty days. After forwarding the payment, the 36563  
county treasurer shall seek reimbursement from the applicable 36564  
local municipalities as appropriate. 36565

**Sec. 1901.26.** (A) Subject to division (E) of this section, 36566  
costs in a municipal court shall be fixed and taxed as follows: 36567

(1) (a) The municipal court shall require an advance 36568  
deposit for the filing of any new civil action or proceeding 36569  
when required by division (C) of this section, subject to its 36570  
waiver pursuant to that division, and in all other cases, by 36571  
rule, shall establish a schedule of fees and costs to be taxed 36572  
in any civil or criminal action or proceeding. 36573

(b) (i) The legislative authority of a municipal 36574  
corporation may by ordinance establish a schedule of fees to be 36575  
taxed as costs in any civil, criminal, or traffic action or 36576  
proceeding in a municipal court for the performance by officers 36577  
or other employees of the municipal corporation's police 36578  
department or marshal's office of any of the services specified 36579  
in sections 311.17 and 509.15 of the Revised Code. No fee in the 36580  
schedule shall be higher than the fee specified in section 36581  
311.17 of the Revised Code for the performance of the same 36582  
service by the sheriff. If a fee established in the schedule 36583  
conflicts with a fee for the same service established in another 36584  
section of the Revised Code or a rule of court, the fee 36585  
established in the other section of the Revised Code or the rule 36586  
of court shall apply. 36587

(ii) When an officer or employee of a municipal police 36588  
department or marshal's office performs in a civil, criminal, or 36589

traffic action or proceeding in a municipal court a service 36590  
specified in section 311.17 or 509.15 of the Revised Code for 36591  
which a taxable fee has been established under this or any other 36592  
section of the Revised Code, the applicable legal fees and any 36593  
other extraordinary expenses, including overtime, provided for 36594  
the service shall be taxed as costs in the case. The clerk of 36595  
the court shall pay those legal fees and other expenses, when 36596  
collected, into the general fund of the municipal corporation 36597  
that employs the officer or employee. 36598

(iii) If a bailiff of a municipal court performs in a 36599  
civil, criminal, or traffic action or proceeding in that court a 36600  
service specified in section 311.17 or 509.15 of the Revised 36601  
Code for which a taxable fee has been established under this 36602  
section or any other section of the Revised Code, the fee for 36603  
the service is the same and is taxable to the same extent as if 36604  
the service had been performed by an officer or employee of the 36605  
police department or marshal's office of the municipal 36606  
corporation in which the court is located. The clerk of that 36607  
court shall pay the fee, when collected, into the general fund 36608  
of the entity or entities that fund the bailiff's salary, in the 36609  
same prorated amount as the salary is funded. 36610

(iv) Division (A) (1) (b) of this section does not authorize 36611  
or require any officer or employee of a police department or 36612  
marshal's office of a municipal corporation or any bailiff of a 36613  
municipal court to perform any service not otherwise authorized 36614  
by law. 36615

(2) The municipal court, by rule, may require an advance 36616  
deposit for the filing of any civil action or proceeding and 36617  
publication fees as provided in section 2701.09 of the Revised 36618  
Code. The court shall waive the requirement for advance deposit 36619

for a party that the court determines qualifies as an indigent 36620  
litigant as set forth in section 2323.311 of the Revised Code. 36621

(3) When a jury trial is demanded in any civil action or 36622  
proceeding, the party making the demand may be required to make 36623  
an advance deposit as fixed by rule of court, unless the court 36624  
determines that the party qualifies as an indigent litigant as 36625  
set forth in section 2323.311 of the Revised Code. If a jury is 36626  
called, the fees of a jury shall be taxed as costs. 36627

(4) In any civil or criminal action or proceeding, each 36628  
witness shall receive twelve dollars for each full day's 36629  
attendance and six dollars for each half day's attendance. Each 36630  
witness in a municipal court that is not a county-operated 36631  
municipal court also shall receive fifty and one-half cents for 36632  
each mile necessarily traveled to and from the witness's place 36633  
of residence to the action or proceeding. 36634

(5) A reasonable charge for driving, towing, carting, 36635  
storing, keeping, and preserving motor vehicles and other 36636  
personal property recovered or seized in any proceeding may be 36637  
taxed as part of the costs in a trial of the cause, in an amount 36638  
that shall be fixed by rule of court. 36639

(6) Chattel property seized under any writ or process 36640  
issued by the court shall be preserved pending final disposition 36641  
for the benefit of all persons interested and may be placed in 36642  
storage when necessary or proper for that preservation. The 36643  
custodian of any chattel property so stored shall not be 36644  
required to part with the possession of the property until a 36645  
reasonable charge, to be fixed by the court, is paid. 36646

(7) The municipal court, as it determines, may refund all 36647  
deposits and advance payments of fees and costs, including those 36648

for jurors and summoning jurors, when they have been paid by the 36649  
losing party. 36650

(8) Charges for the publication of legal notices required 36651  
by statute or order of court may be taxed as part of the costs, 36652  
as provided by section 7.13 of the Revised Code. 36653

(B) (1) (a) The municipal court may determine that, for the 36654  
efficient operation of the court, additional funds are necessary 36655  
to acquire and pay for special projects of the court including, 36656  
but not limited to, the acquisition of additional facilities or 36657  
the rehabilitation of existing facilities, the acquisition of 36658  
equipment, the hiring and training of staff, community service 36659  
programs, mediation or dispute resolution services, the 36660  
employment of magistrates, the training and education of judges, 36661  
acting judges, and magistrates, and other related services. Upon 36662  
that determination, the court by rule may charge a fee, in 36663  
addition to all other court costs, on the filing of each 36664  
criminal cause, civil action or proceeding, or judgment by 36665  
confession. Fees collected by a court for special projects of 36666  
the court under this division shall not be used for training or 36667  
education that takes place outside of the state. 36668

(b) If the municipal court offers a special program or 36669  
service in cases of a specific type, the municipal court by rule 36670  
may assess an additional charge in a case of that type, over and 36671  
above court costs, to cover the special program or service. The 36672  
municipal court shall adjust the special assessment 36673  
periodically, but not retroactively, so that the amount assessed 36674  
in those cases does not exceed the actual cost of providing the 36675  
service or program. 36676

(c) Any fee or charge assessed under division (B) (1) (a) or 36677  
(b) of this section on the filing of a civil action or 36678

proceeding shall be waived if the court determines that the 36679  
person on whom the fee or charge is assessed qualifies as an 36680  
indigent litigant as set forth in section 2323.311 of the 36681  
Revised Code. 36682

(d) All moneys collected under division (B) of this 36683  
section shall be paid to the county treasurer if the court is a 36684  
county-operated municipal court or to the city treasurer if the 36685  
court is not a county-operated municipal court for deposit into 36686  
either a general special projects fund or a fund established for 36687  
a specific special project. Moneys from a fund of that nature 36688  
shall be disbursed upon an order of the court in an amount no 36689  
greater than the actual cost to the court of a project. If a 36690  
specific fund is terminated because of the discontinuance of a 36691  
program or service established under division (B) of this 36692  
section, the municipal court may order that moneys remaining in 36693  
the fund be transferred to an account established under this 36694  
division for a similar purpose. 36695

(2) As used in division (B) of this section: 36696

(a) "Criminal cause" means a charge alleging the violation 36697  
of a statute or ordinance, or subsection of a statute or 36698  
ordinance, that requires a separate finding of fact or a 36699  
separate plea before disposition and of which the defendant may 36700  
be found guilty, whether filed as part of a multiple charge on a 36701  
single summons, citation, or complaint or as a separate charge 36702  
on a single summons, citation, or complaint. "Criminal cause" 36703  
does not include separate violations of the same statute or 36704  
ordinance, or subsection of the same statute or ordinance, 36705  
unless each charge is filed on a separate summons, citation, or 36706  
complaint. 36707

(b) "Civil action or proceeding" means any civil 36708

litigation that must be determined by judgment entry. 36709

(C) The municipal court shall collect in all its divisions 36710  
except the small claims division the sum of twenty-six dollars 36711  
as additional filing fees in each new civil action or proceeding 36712  
for the charitable public purpose of providing financial 36713  
assistance to legal aid societies that operate within the state 36714  
and to support the office of the state public defender. The 36715  
municipal court shall collect in its small claims division the 36716  
sum of eleven dollars as additional filing fees in each new 36717  
civil action or proceeding for the charitable public purpose of 36718  
providing financial assistance to legal aid societies that 36719  
operate within the state and to support the office of the state 36720  
public defender. This division does not apply to any execution 36721  
on a judgment, proceeding in aid of execution, or other post- 36722  
judgment proceeding arising out of a civil action. The filing 36723  
fees required to be collected under this division shall be in 36724  
addition to any other court costs imposed in the action or 36725  
proceeding and shall be collected at the time of the filing of 36726  
the action or proceeding. The court shall not waive the payment 36727  
of the additional filing fees in a new civil action or 36728  
proceeding unless the court waives the advanced payment of all 36729  
filing fees in the action or proceeding for the party that the 36730  
court determines is qualified as an indigent litigant as set 36731  
forth in section 2323.311 of the Revised Code. All such moneys 36732  
collected during a month except for an amount equal to up to one 36733  
per cent of those moneys retained to cover administrative costs 36734  
shall be transmitted on or before the twentieth day of the 36735  
following month by the clerk of the court to the treasurer of 36736  
state in a manner prescribed by the treasurer of state or by the 36737  
Ohio access to justice foundation. The treasurer of state shall 36738  
deposit four per cent of the funds collected under this division 36739

to the credit of the civil case filing fee fund established 36740  
under section 120.07 of the Revised Code and ninety-six per cent 36741  
of the funds collected under this division to the credit of the 36742  
legal aid fund established under section 120.52 of the Revised 36743  
Code. 36744

The court may retain up to one per cent of the moneys it 36745  
collects under this division to cover administrative costs, 36746  
including the hiring of any additional personnel necessary to 36747  
implement this division. If the court fails to transmit to the 36748  
treasurer of state the moneys the court collects under this 36749  
division in a manner prescribed by the treasurer of state or by 36750  
the Ohio access to justice foundation, the court shall forfeit 36751  
the moneys the court retains under this division to cover 36752  
administrative costs, including the hiring of any additional 36753  
personnel necessary to implement this division, and shall 36754  
transmit to the treasurer of state all moneys collected under 36755  
this division, including the forfeited amount retained for 36756  
administrative costs, for deposit in the legal aid fund. 36757

(D) In the Cleveland municipal court, reasonable charges 36758  
for investigating titles of real estate to be sold or disposed 36759  
of under any writ or process of the court may be taxed as part 36760  
of the costs. 36761

(E) Under the circumstances described in sections 2969.21 36762  
to 2969.27 of the Revised Code, the clerk of the municipal court 36763  
shall charge the fees and perform the other duties specified in 36764  
those sections. 36765

(F) As used in this section: 36766

(1) "Full day's attendance" means a day on which a witness 36767  
is required or requested to be present at an action or 36768

proceeding before and after twelve noon, regardless of whether  
the witness actually testifies. 36769  
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(2) "Half day's attendance" means a day on which a witness  
is required or requested to be present at an action or  
proceeding either before or after twelve noon, but not both,  
regardless of whether the witness actually testifies. 36771  
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**Sec. 1901.31.** The clerk and deputy clerks of a municipal  
court shall be selected, be compensated, give bond, and have  
powers and duties as follows: 36775  
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(A) There shall be a clerk of the court who is appointed  
or elected as follows: 36778  
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(1) (a) Except in the Akron, Barberton, Toledo, Columbiana  
county, Hamilton county, Miami county, Montgomery county,  
Portage county, and Wayne county municipal courts and through  
December 31, 2008, the Cuyahoga Falls municipal court, if the  
population of the territory equals or exceeds one hundred  
thousand at the regular municipal election immediately preceding  
the expiration of the term of the present clerk, the clerk shall  
be nominated and elected by the qualified electors of the  
territory in the manner that is provided for the nomination and  
election of judges in section 1901.07 of the Revised Code. 36780  
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The clerk so elected shall hold office for a term of six  
years, which term shall commence on the first day of January  
following the clerk's election and continue until the clerk's  
successor is elected and qualified. 36790  
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(b) In the Hamilton county municipal court, the clerk of  
courts of Hamilton county shall be the clerk of the municipal  
court and may appoint an assistant clerk who shall receive the  
compensation, payable out of the treasury of Hamilton county in 36794  
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semimonthly installments, that the board of county commissioners 36798  
prescribes. The clerk of courts of Hamilton county, acting as 36799  
the clerk of the Hamilton county municipal court and assuming 36800  
the duties of that office, shall receive compensation at one- 36801  
fourth the rate that is prescribed for the clerks of courts of 36802  
common pleas as determined in accordance with the population of 36803  
the county and the rates set forth in sections 325.08 and 325.18 36804  
of the Revised Code. This compensation shall be paid from the 36805  
county treasury in semimonthly installments and is in addition 36806  
to the annual compensation that is received for the performance 36807  
of the duties of the clerk of courts of Hamilton county, as 36808  
provided in sections 325.08 and 325.18 of the Revised Code. 36809

(c) In the Portage county and Wayne county municipal 36810  
courts, the clerks of courts of Portage county and Wayne county 36811  
shall be the clerks, respectively, of the Portage county and 36812  
Wayne county municipal courts and may appoint a chief deputy 36813  
clerk for each branch that is established pursuant to section 36814  
1901.311 of the Revised Code and assistant clerks as the judges 36815  
of the municipal court determine are necessary, all of whom 36816  
shall receive the compensation that the legislative authority 36817  
prescribes. The clerks of courts of Portage county and Wayne 36818  
county, acting as the clerks of the Portage county and Wayne 36819  
county municipal courts and assuming the duties of these 36820  
offices, shall receive compensation payable from the county 36821  
treasury in semimonthly installments at one-fourth the rate that 36822  
is prescribed for the clerks of courts of common pleas as 36823  
determined in accordance with the population of the county and 36824  
the rates set forth in sections 325.08 and 325.18 of the Revised 36825  
Code. 36826

(d) In the Montgomery county and Miami county municipal 36827  
courts, the clerks of courts of Montgomery county and Miami 36828

county shall be the clerks, respectively, of the Montgomery 36829  
county and Miami county municipal courts. The clerks of courts 36830  
of Montgomery county and Miami county, acting as the clerks of 36831  
the Montgomery county and Miami county municipal courts and 36832  
assuming the duties of these offices, shall receive compensation 36833  
at one-fourth the rate that is prescribed for the clerks of 36834  
courts of common pleas as determined in accordance with the 36835  
population of the county and the rates set forth in sections 36836  
325.08 and 325.18 of the Revised Code. This compensation shall 36837  
be paid from the county treasury in semimonthly installments and 36838  
is in addition to the annual compensation that is received for 36839  
the performance of the duties of the clerks of courts of 36840  
Montgomery county and Miami county, as provided in sections 36841  
325.08 and 325.18 of the Revised Code. 36842

(e) Except as otherwise provided in division (A) (1) (e) of 36843  
this section, in the Akron municipal court, candidates for 36844  
election to the office of clerk of the court shall be nominated 36845  
by primary election. The primary election shall be held on the 36846  
day specified in the charter of the city of Akron for the 36847  
nomination of municipal officers. Notwithstanding any contrary 36848  
provision of section 3513.05 or 3513.257 of the Revised Code, 36849  
the declarations of candidacy and petitions of partisan 36850  
candidates and the nominating petitions of independent 36851  
candidates for the office of clerk of the Akron municipal court 36852  
shall be signed by at least fifty qualified electors of the 36853  
territory of the court. 36854

The candidates shall file a declaration of candidacy and 36855  
petition, or a nominating petition, whichever is applicable, not 36856  
later than four p.m. of the ninetieth day before the day of the 36857  
primary election, in the form prescribed by section 3513.07 or 36858  
3513.261 of the Revised Code. The declaration of candidacy and 36859

petition, or the nominating petition, shall conform to the 36860  
applicable requirements of section 3513.05 or 3513.257 of the 36861  
Revised Code. 36862

If no valid declaration of candidacy and petition is filed 36863  
by any person for nomination as a candidate of a particular 36864  
political party for election to the office of clerk of the Akron 36865  
municipal court, a primary election shall not be held for the 36866  
purpose of nominating a candidate of that party for election to 36867  
that office. If only one person files a valid declaration of 36868  
candidacy and petition for nomination as a candidate of a 36869  
particular political party for election to that office, a 36870  
primary election shall not be held for the purpose of nominating 36871  
a candidate of that party for election to that office, and the 36872  
candidate shall be issued a certificate of nomination in the 36873  
manner set forth in section 3513.02 of the Revised Code. 36874

Declarations of candidacy and petitions, nominating 36875  
petitions, and certificates of nomination for the office of 36876  
clerk of the Akron municipal court shall contain a designation 36877  
of the term for which the candidate seeks election. At the 36878  
following regular municipal election, all candidates for the 36879  
office shall be submitted to the qualified electors of the 36880  
territory of the court in the manner that is provided in section 36881  
1901.07 of the Revised Code for the election of the judges of 36882  
the court. The clerk so elected shall hold office for a term of 36883  
six years, which term shall commence on the first day of January 36884  
following the clerk's election and continue until the clerk's 36885  
successor is elected and qualified. 36886

(f) Except as otherwise provided in division (A) (1) (f) of 36887  
this section, in the Barberton municipal court, candidates for 36888  
election to the office of clerk of the court shall be nominated 36889

by primary election. The primary election shall be held on the 36890  
day specified in the charter of the city of Barberton for the 36891  
nomination of municipal officers. Notwithstanding any contrary 36892  
provision of section 3513.05 or 3513.257 of the Revised Code, 36893  
the declarations of candidacy and petitions of partisan 36894  
candidates and the nominating petitions of independent 36895  
candidates for the office of clerk of the Barberton municipal 36896  
court shall be signed by at least fifty qualified electors of 36897  
the territory of the court. 36898

The candidates shall file a declaration of candidacy and 36899  
petition, or a nominating petition, whichever is applicable, not 36900  
later than four p.m. of the ninetieth day before the day of the 36901  
primary election, in the form prescribed by section 3513.07 or 36902  
3513.261 of the Revised Code. The declaration of candidacy and 36903  
petition, or the nominating petition, shall conform to the 36904  
applicable requirements of section 3513.05 or 3513.257 of the 36905  
Revised Code. 36906

If no valid declaration of candidacy and petition is filed 36907  
by any person for nomination as a candidate of a particular 36908  
political party for election to the office of clerk of the 36909  
Barberton municipal court, a primary election shall not be held 36910  
for the purpose of nominating a candidate of that party for 36911  
election to that office. If only one person files a valid 36912  
declaration of candidacy and petition for nomination as a 36913  
candidate of a particular political party for election to that 36914  
office, a primary election shall not be held for the purpose of 36915  
nominating a candidate of that party for election to that 36916  
office, and the candidate shall be issued a certificate of 36917  
nomination in the manner set forth in section 3513.02 of the 36918  
Revised Code. 36919

Declarations of candidacy and petitions, nominating 36920  
petitions, and certificates of nomination for the office of 36921  
clerk of the Barberton municipal court shall contain a 36922  
designation of the term for which the candidate seeks election. 36923  
At the following regular municipal election, all candidates for 36924  
the office shall be submitted to the qualified electors of the 36925  
territory of the court in the manner that is provided in section 36926  
1901.07 of the Revised Code for the election of the judges of 36927  
the court. The clerk so elected shall hold office for a term of 36928  
six years, which term shall commence on the first day of January 36929  
following the clerk's election and continue until the clerk's 36930  
successor is elected and qualified. 36931

(g) (i) Through December 31, 2008, except as otherwise 36932  
provided in division (A) (1) (g) (i) of this section, in the 36933  
Cuyahoga Falls municipal court, candidates for election to the 36934  
office of clerk of the court shall be nominated by primary 36935  
election. The primary election shall be held on the day 36936  
specified in the charter of the city of Cuyahoga Falls for the 36937  
nomination of municipal officers. Notwithstanding any contrary 36938  
provision of section 3513.05 or 3513.257 of the Revised Code, 36939  
the declarations of candidacy and petitions of partisan 36940  
candidates and the nominating petitions of independent 36941  
candidates for the office of clerk of the Cuyahoga Falls 36942  
municipal court shall be signed by at least fifty qualified 36943  
electors of the territory of the court. 36944

The candidates shall file a declaration of candidacy and 36945  
petition, or a nominating petition, whichever is applicable, not 36946  
later than four p.m. of the ninetieth day before the day of the 36947  
primary election, in the form prescribed by section 3513.07 or 36948  
3513.261 of the Revised Code. The declaration of candidacy and 36949  
petition, or the nominating petition, shall conform to the 36950

applicable requirements of section 3513.05 or 3513.257 of the Revised Code. 36951  
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If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code. 36953  
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Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified. 36966  
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(ii) Division (A) (1) (g) (i) of this section shall have no effect after December 31, 2008. 36978  
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(h) Except as otherwise provided in division (A) (1) (h) of 36980

this section, in the Toledo municipal court, candidates for 36981  
election to the office of clerk of the court shall be nominated 36982  
by primary election. The primary election shall be held on the 36983  
day specified in the charter of the city of Toledo for the 36984  
nomination of municipal officers. Notwithstanding any contrary 36985  
provision of section 3513.05 or 3513.257 of the Revised Code, 36986  
the declarations of candidacy and petitions of partisan 36987  
candidates and the nominating petitions of independent 36988  
candidates for the office of clerk of the Toledo municipal court 36989  
shall be signed by at least fifty qualified electors of the 36990  
territory of the court. 36991

The candidates shall file a declaration of candidacy and 36992  
petition, or a nominating petition, whichever is applicable, not 36993  
later than four p.m. of the ninetieth day before the day of the 36994  
primary election, in the form prescribed by section 3513.07 or 36995  
3513.261 of the Revised Code. The declaration of candidacy and 36996  
petition, or the nominating petition, shall conform to the 36997  
applicable requirements of section 3513.05 or 3513.257 of the 36998  
Revised Code. 36999

If no valid declaration of candidacy and petition is filed 37000  
by any person for nomination as a candidate of a particular 37001  
political party for election to the office of clerk of the 37002  
Toledo municipal court, a primary election shall not be held for 37003  
the purpose of nominating a candidate of that party for election 37004  
to that office. If only one person files a valid declaration of 37005  
candidacy and petition for nomination as a candidate of a 37006  
particular political party for election to that office, a 37007  
primary election shall not be held for the purpose of nominating 37008  
a candidate of that party for election to that office, and the 37009  
candidate shall be issued a certificate of nomination in the 37010  
manner set forth in section 3513.02 of the Revised Code. 37011

Declarations of candidacy and petitions, nominating 37012  
petitions, and certificates of nomination for the office of 37013  
clerk of the Toledo municipal court shall contain a designation 37014  
of the term for which the candidate seeks election. At the 37015  
following regular municipal election, all candidates for the 37016  
office shall be submitted to the qualified electors of the 37017  
territory of the court in the manner that is provided in section 37018  
1901.07 of the Revised Code for the election of the judges of 37019  
the court. The clerk so elected shall hold office for a term of 37020  
six years, which term shall commence on the first day of January 37021  
following the clerk's election and continue until the clerk's 37022  
successor is elected and qualified. 37023

(i) In the Columbiana county municipal court, the clerk of 37024  
courts of Columbiana county shall be the clerk of the municipal 37025  
court, may appoint a chief deputy clerk for each branch office 37026  
that is established pursuant to section 1901.311 of the Revised 37027  
Code, and may appoint any assistant clerks that the judges of 37028  
the court determine are necessary. All of the chief deputy 37029  
clerks and assistant clerks shall receive the compensation that 37030  
the legislative authority prescribes. The clerk of courts of 37031  
Columbiana county, acting as the clerk of the Columbiana county 37032  
municipal court and assuming the duties of that office, shall 37033  
receive in either biweekly installments or semimonthly 37034  
installments, as determined by the payroll administrator, 37035  
compensation payable from the county treasury at one-fourth the 37036  
rate that is prescribed for the clerks of courts of common pleas 37037  
as determined in accordance with the population of the county 37038  
and the rates set forth in sections 325.08 and 325.18 of the 37039  
Revised Code. 37040

(2) (a) Except for the Alliance, Auglaize county, Brown 37041  
county, Holmes county, Perry county, Putnam county, Lima, 37042

Lorain, Massillon, and Youngstown municipal courts, in a 37043  
municipal court for which the population of the territory is 37044  
less than one hundred thousand, the clerk shall be appointed by 37045  
the court, and the clerk shall hold office until the clerk's 37046  
successor is appointed and qualified. 37047

(b) In the Alliance, Lima, Lorain, Massillon, and 37048  
Youngstown municipal courts, the clerk shall be elected for a 37049  
term of office as described in division (A) (1) (a) of this 37050  
section. 37051

(c) In the Auglaize county, Brown county, Holmes county, 37052  
Perry county, and Putnam county municipal courts, the clerks of 37053  
courts of Auglaize county, Brown county, Holmes county, Perry 37054  
county, and Putnam county shall be the clerks, respectively, of 37055  
the Auglaize county, Brown county, Holmes county, Perry county, 37056  
and Putnam county municipal courts and may appoint a chief 37057  
deputy clerk for each branch office that is established pursuant 37058  
to section 1901.311 of the Revised Code, and assistant clerks as 37059  
the judge of the court determines are necessary, all of whom 37060  
shall receive the compensation that the legislative authority 37061  
prescribes. The clerks of courts of Auglaize county, Brown 37062  
county, Holmes county, Perry county, and Putnam county, acting 37063  
as the clerks of the Auglaize county, Brown county, Holmes 37064  
county, Perry county, and Putnam county municipal courts and 37065  
assuming the duties of these offices, shall receive compensation 37066  
payable from the county treasury in semimonthly installments at 37067  
one-fourth the rate that is prescribed for the clerks of courts 37068  
of common pleas as determined in accordance with the population 37069  
of the county and the rates set forth in sections 325.08 and 37070  
325.18 of the Revised Code. 37071

(3) During the temporary absence of the clerk due to 37072

illness, vacation, or other proper cause, the court may appoint 37073  
a temporary clerk, who shall be paid the same compensation, have 37074  
the same authority, and perform the same duties as the clerk. 37075

(B) Except in the Hamilton county, Montgomery county, 37076  
Miami county, Portage county, and Wayne county municipal courts, 37077  
if a vacancy occurs in the office of the clerk of the Alliance, 37078  
Lima, Lorain, Massillon, or Youngstown municipal court or occurs 37079  
in the office of the clerk of a municipal court for which the 37080  
population of the territory equals or exceeds one hundred 37081  
thousand because the clerk ceases to hold the office before the 37082  
end of the clerk's term or because a clerk-elect fails to take 37083  
office, the vacancy shall be filled, until a successor is 37084  
elected and qualified, by a person chosen by the residents of 37085  
the territory of the court who are members of the county central 37086  
committee of the political party by which the last occupant of 37087  
that office or the clerk-elect was nominated. Not less than five 37088  
nor more than fifteen days after a vacancy occurs, those members 37089  
of that county central committee shall meet to make an 37090  
appointment to fill the vacancy. At least four days before the 37091  
date of the meeting, the chairperson or a secretary of the 37092  
county central committee shall notify each such member of that 37093  
county central committee by first class mail of the date, time, 37094  
and place of the meeting and its purpose. A majority of all such 37095  
members of that county central committee constitutes a quorum, 37096  
and a majority of the quorum is required to make the 37097  
appointment. If the office so vacated was occupied or was to be 37098  
occupied by a person not nominated at a primary election, or if 37099  
the appointment was not made by the committee members in 37100  
accordance with this division, the court shall make an 37101  
appointment to fill the vacancy. A successor shall be elected to 37102  
fill the office for the unexpired term at the first municipal 37103

election that is held more than one hundred thirty-five days 37104  
after the vacancy occurred. 37105

~~(C) (1) In a municipal court, other than the Auglaize-~~ 37106  
~~county, the Brown county, the Holmes county, the Perry county,~~ 37107  
~~the Putnam county, and the Lorain municipal courts, for which~~ 37108  
~~the population of the territory is less than one hundred~~ 37109  
~~thousand, the~~ A clerk who is elected under division (A) of this 37110  
section shall receive an annual compensation at the rate that is 37111  
prescribed for the clerks of courts of common pleas, as 37112  
determined using the population of the territory of the court 37113  
and the rates set forth in sections 325.08 and 325.18 of the 37114  
Revised Code. 37115

(2) A clerk of the municipal court who is appointed under 37116  
division (A) of this section shall receive the following: 37117

(a) An annual compensation that the presiding judge of the 37118  
court prescribes, if the revenue of the court for the preceding 37119  
calendar year, as certified by the auditor or chief fiscal 37120  
officer of the municipal corporation in which the court is 37121  
located or, in the case of a county-operated municipal court, 37122  
the county auditor, is equal to or greater than the 37123  
expenditures, including any debt charges, for the operation of 37124  
the court payable under this chapter from the city treasury or, 37125  
in the case of a county-operated municipal court, the county 37126  
treasury for that calendar year, as also certified by the 37127  
auditor or chief fiscal officer. 37128

(b) If the revenue of a the municipal court, other than 37129  
~~the Auglaize county, the Brown county, the Columbiana county,~~ 37130  
~~the Perry county, the Putnam county, and the Lorain municipal~~ 37131  
~~courts, for which the population of the territory is less than~~ 37132  
~~one hundred thousand for the preceding calendar year as so~~ 37133

certified is not equal to or greater than those expenditures for 37134  
the operation of the court for that calendar year as so 37135  
certified, the clerk of a municipal court shall receive the 37136  
annual compensation that the legislative authority prescribes. 37137  
~~As~~ 37138

As used in this division, "revenue" means the total of all 37139  
costs and fees that are collected and paid to the city treasury 37140  
or, in a county-operated municipal court, the county treasury by 37141  
the clerk of the municipal court under division (F) of this 37142  
section and all interest received and paid to the city treasury 37143  
or, in a county-operated municipal court, the county treasury in 37144  
relation to the costs and fees under division (G) of this 37145  
section. 37146

~~(2) In a municipal court, other than the Columbiana-~~ 37147  
~~county, Hamilton county, Montgomery county, Miami county,~~ 37148  
~~Portage county, and Wayne county municipal courts, for which the~~ 37149  
~~population of the territory is one hundred thousand or more, and~~ 37150  
~~in the Lorain municipal court, the clerk of the municipal court~~ 37151  
~~shall receive annual compensation in a sum equal to eighty-five~~ 37152  
~~per cent of the salary of a judge of the court.~~ 37153

(3) The clerk of another court who is serving as the clerk 37154  
of a municipal court as required under this section and for whom 37155  
compensation is otherwise provided under this section shall not 37156  
receive compensation under this division. 37157

(4) Except as otherwise provided in this section, the 37158  
compensation of a clerk ~~described in division (C) (1) or (2) of~~ 37159  
~~this section and of the clerk of the Columbiana county municipal~~ 37160  
~~court~~ is payable in either semimonthly installments or biweekly 37161  
installments, as determined by the payroll administrator, from 37162  
the same sources and in the same manner as provided in section 37163

1901.11 of the Revised Code, except that the compensation of the clerk of the Carroll county municipal court is payable in biweekly installments.

(D) Before entering upon the duties of the clerk's office, the clerk of a municipal court shall give bond of not less than six thousand dollars to be determined by the judges of the court, conditioned upon the faithful performance of the clerk's duties.

(E) The clerk of a municipal court may do all of the following: administer oaths, take affidavits, and issue executions upon any judgment rendered in the court, including a judgment for unpaid costs; issue, sign, and attach the seal of the court to all writs, process, subpoenas, and papers issuing out of the court; and approve all bonds, sureties, recognizances, and undertakings fixed by any judge of the court or by law. The clerk may refuse to accept for filing any pleading or paper submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave to proceed under that section. The clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or appertaining to the court; record the proceedings of the court; perform all other duties that the judges of the court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times.

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement

of an action, the names of the parties in full, the names of the  
counsel, and the nature of the proceedings. Under proper dates,  
the clerk shall note the filing of the complaint, issuing of  
summons or other process, returns, and any subsequent pleadings.  
The clerk also shall enter all reports, verdicts, orders,  
judgments, and proceedings of the court, clearly specifying the  
relief granted or orders made in each action. The court may  
order an extended record of any of the above to be made and  
entered, under the proper action heading, upon the docket at the  
request of any party to the case, the expense of which record  
may be taxed as costs in the case or may be required to be  
prepaid by the party demanding the record, upon order of the  
court.

(F) The clerk of a municipal court shall receive, collect,  
and issue receipts for all costs, fees, fines, bail, and other  
moneys payable to the office or to any officer of the court. The  
clerk shall on or before the twentieth day of the month  
following the month in which they are collected disburse to the  
proper persons or officers, and take receipts for, all costs,  
fees, fines, bail, and other moneys that the clerk collects.  
Subject to sections 307.515 and 4511.193 of the Revised Code and  
to any other section of the Revised Code that requires a  
specific manner of disbursement of any moneys received by a  
municipal court and except for the Hamilton county, Lawrence  
county, and Ottawa county municipal courts, the clerk shall pay  
all fines received for violation of municipal ordinances into  
the treasury of the municipal corporation the ordinance of which  
was violated and shall pay all fines received for violation of  
township resolutions adopted pursuant to section 503.52 or  
503.53 or Chapter 504. of the Revised Code into the treasury of  
the township the resolution of which was violated. Subject to

sections 1901.024 and 4511.193 of the Revised Code, in the 37225  
Hamilton county, Lawrence county, and Ottawa county municipal 37226  
courts, the clerk shall pay fifty per cent of the fines received 37227  
for violation of municipal ordinances and fifty per cent of the 37228  
fines received for violation of township resolutions adopted 37229  
pursuant to section 503.52 or 503.53 or Chapter 504. of the 37230  
Revised Code into the treasury of the county. Subject to 37231  
sections 307.515, 4511.19, and 5503.04 of the Revised Code and 37232  
to any other section of the Revised Code that requires a 37233  
specific manner of disbursement of any moneys received by a 37234  
municipal court, the clerk shall pay all fines collected for the 37235  
violation of state laws into the county treasury. Except in a 37236  
county-operated municipal court, the clerk shall pay all costs 37237  
and fees the disbursement of which is not otherwise provided for 37238  
in the Revised Code into the city treasury. The clerk of a 37239  
county-operated municipal court shall pay the costs and fees the 37240  
disbursement of which is not otherwise provided for in the 37241  
Revised Code into the county treasury. Moneys deposited as 37242  
security for costs shall be retained pending the litigation. The 37243  
clerk shall keep a separate account of all receipts and 37244  
disbursements in civil and criminal cases, which shall be a 37245  
permanent public record of the office. On the expiration of the 37246  
term of the clerk, the clerk shall deliver the records to the 37247  
clerk's successor. The clerk shall have other powers and duties 37248  
as are prescribed by rule or order of the court. 37249

(G) All moneys paid into a municipal court shall be noted 37250  
on the record of the case in which they are paid and shall be 37251  
deposited in a state or national bank, as defined in section 37252  
1101.01 of the Revised Code, that is selected by the clerk. Any 37253  
interest received upon the deposits shall be paid into the city 37254  
treasury, except that, in a county-operated municipal court, the 37255

interest shall be paid into the treasury of the county in which 37256  
the court is located. 37257

On the first Monday in January of each year, the clerk 37258  
shall make a list of the titles of all cases in the court that 37259  
were finally determined more than one year past in which there 37260  
remains unclaimed in the possession of the clerk any funds, or 37261  
any part of a deposit for security of costs not consumed by the 37262  
costs in the case. The clerk shall give notice of the moneys to 37263  
the parties who are entitled to the moneys or to their attorneys 37264  
of record. All the moneys remaining unclaimed that are for 37265  
restitution payments for crime victims shall be sent to the 37266  
reparations fund created under section 2743.191 of the Revised 37267  
Code, with a list from the clerk or other officer responsible 37268  
for the collection and distribution of restitution payments 37269  
specifying the amounts and individual identifying information of 37270  
the funds. All other moneys remaining unclaimed on the first day 37271  
of April of each year shall be paid by the clerk to the city 37272  
treasurer, except that, in a county-operated municipal court, 37273  
the moneys shall be paid to the treasurer of the county in which 37274  
the court is located. The treasurer shall pay any part of the 37275  
moneys at any time to the person who has the right to the moneys 37276  
upon proper certification of the clerk. 37277

(H) Deputy clerks of a municipal court other than the 37278  
Carroll county municipal court may be appointed by the clerk and 37279  
shall receive the compensation, payable in either biweekly 37280  
installments or semimonthly installments, as determined by the 37281  
payroll administrator, out of the city treasury, that the clerk 37282  
may prescribe, except that the compensation of any deputy clerk 37283  
of a county-operated municipal court shall be paid out of the 37284  
treasury of the county in which the court is located. The judge 37285  
of the Carroll county municipal court may appoint deputy clerks 37286

for the court, and the deputy clerks shall receive the 37287  
compensation, payable in biweekly installments out of the county 37288  
treasury, that the judge may prescribe. Each deputy clerk shall 37289  
take an oath of office before entering upon the duties of the 37290  
deputy clerk's office and, when so qualified, may perform the 37291  
duties appertaining to the office of the clerk. The clerk may 37292  
require any of the deputy clerks to give bond of not less than 37293  
three thousand dollars, conditioned for the faithful performance 37294  
of the deputy clerk's duties. 37295

(I) For the purposes of this section, whenever the 37296  
population of the territory of a municipal court falls below one 37297  
hundred thousand but not below ninety thousand, and the 37298  
population of the territory prior to the most recent regular 37299  
federal census exceeded one hundred thousand, the legislative 37300  
authority of the municipal corporation may declare, by 37301  
resolution, that the territory shall be considered to have a 37302  
population of at least one hundred thousand. 37303

(J) The clerk or a deputy clerk shall be in attendance at 37304  
all sessions of the municipal court, although not necessarily in 37305  
the courtroom, and may administer oaths to witnesses and jurors 37306  
and receive verdicts. 37307

**Sec. 1907.143.** (A) (1) ~~Subject to reimbursement under~~ 37308  
~~division (B) of this section, the~~ The treasurer of the county in 37309  
which a county court is located shall pay the per diem 37310  
compensation to which an acting judge appointed pursuant to 37311  
division (A) (2) (a), (B) (1), or (C) (1) of section 1907.141 of the 37312  
Revised Code is entitled pursuant to division (A) of section 37313  
1907.142 of the Revised Code. 37314

(2) The treasurer of the county in which a county court is 37315  
located shall pay the per diem compensation to which an assigned 37316

judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 37317  
or (C) (2) of section 1907.141 of the Revised Code is entitled 37318  
pursuant to division (B) (1) or (4) of section 1907.142 of the 37319  
Revised Code. 37320

(3) Subject to reimbursement under division (B) of this 37321  
section, the treasurer of the county in which a county court is 37322  
located shall pay the per diem compensation to which an assigned 37323  
judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 37324  
or (C) (2) of section 1907.141 of the Revised Code is entitled 37325  
pursuant to division (B) (2) of section 1907.142 of the Revised 37326  
Code. 37327

(4) Subject to reimbursement under division (C) of this 37328  
section, the supreme court shall pay the per diem compensation 37329  
to which an assigned judge assigned pursuant to division (A) (1), 37330  
(A) (2) (b), (B) (2), or (C) (2) of section 1907.141 of the Revised 37331  
Code is entitled pursuant to division (B) (3) of section 1907.142 37332  
of the Revised Code. 37333

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) 37334  
(3) of this section, is required to pay the per diem 37335  
compensation to which an ~~acting judge or~~ assigned judge is 37336  
entitled, shall submit to the administrative director of the 37337  
supreme court quarterly requests for reimbursements of the state 37338  
portion of the per diem amounts so paid. The requests shall 37339  
include verifications of the payment of those amounts and an 37340  
affidavit from the ~~acting judge or~~ assigned judge stating the 37341  
days and hours worked. The administrative director shall cause 37342  
reimbursements of the state portion of the per diem amounts paid 37343  
to be issued to the county if the administrative director 37344  
verifies that those amounts were, in fact, so paid. If the 37345  
county fails to submit a request within one year after the per 37346

diem compensation was paid, the administrative director shall 37347  
refuse to cause reimbursement to be issued. 37348

(C) If the supreme court, pursuant to division (A) (4) of 37349  
this section, is required to pay the per diem compensation to 37350  
which an assigned judge is entitled, annually, on the first day 37351  
of August, the administrative director of the supreme court 37352  
shall issue a billing to the county treasurer of any county to 37353  
which such a judge was assigned to a county court for 37354  
reimbursement of the county portion of the per diem compensation 37355  
previously paid by the supreme court for the twelve-month period 37356  
preceding the last day of June. The county portion of the per 37357  
diem compensation shall be that part of each per diem paid by 37358  
the state which is proportional to the county shares of the 37359  
total compensation of a resident judge of such court. The county 37360  
treasurer shall forward the payment within thirty days. After 37361  
forwarding the payment, the county treasurer shall seek 37362  
reimbursement from the applicable local municipalities as 37363  
appropriate. 37364

**Sec. 1907.24.** (A) Subject to division (C) of this section, 37365  
a county court shall fix and tax fees and costs as follows: 37366

(1) The county court shall require an advance deposit for 37367  
the filing of any new civil action or proceeding when required 37368  
by division (C) of this section, subject to its waiver pursuant 37369  
to that division, and, in all other cases, shall establish a 37370  
schedule of fees and costs to be taxed in any civil or criminal 37371  
action or proceeding. 37372

(2) The county court by rule may require an advance 37373  
deposit for the filing of a civil action or proceeding and 37374  
publication fees as provided in section 2701.09 of the Revised 37375  
Code. The court shall waive an advance deposit requirement for a 37376

party that the court determines qualifies as an indigent 37377  
litigant as set forth in section 2323.311 of the Revised Code. 37378

(3) When a party demands a jury trial in a civil action or 37379  
proceeding, the county court may require the party to make an 37380  
advance deposit as fixed by rule of court, unless the court 37381  
determines that the party qualifies as an indigent litigant as 37382  
set forth in section 2323.311 of the Revised Code. If a jury is 37383  
called, the county court shall tax the fees of a jury as costs. 37384

(4) In a civil or criminal action or proceeding, the 37385  
county court shall fix the fees of witnesses in accordance with 37386  
sections 2335.06 and 2335.08 of the Revised Code. 37387

(5) A county court may tax as part of the costs in a trial 37388  
of the cause, in an amount fixed by rule of court, a reasonable 37389  
charge for driving, towing, carting, storing, keeping, and 37390  
preserving motor vehicles and other personal property recovered 37391  
or seized in a proceeding. 37392

(6) The court shall preserve chattel property seized under 37393  
a writ or process issued by the court pending final disposition 37394  
for the benefit of all interested persons. The court may place 37395  
the chattel property in storage when necessary or proper for its 37396  
preservation. The custodian of chattel property so stored shall 37397  
not be required to part with the possession of the property 37398  
until a reasonable charge, to be fixed by the court, is paid. 37399

(7) The county court, as it determines, may refund all 37400  
deposits and advance payments of fees and costs, including those 37401  
for jurors and summoning jurors, when they have been paid by the 37402  
losing party. 37403

(8) The court may tax as part of costs charges for the 37404  
publication of legal notices required by statute or order of 37405

court, as provided by section 7.13 of the Revised Code. 37406

(B) (1) (a) The county court may determine that, for the 37407  
efficient operation of the court, additional funds are necessary 37408  
to acquire and pay for special projects of the court including, 37409  
but not limited to, the acquisition of additional facilities or 37410  
the rehabilitation of existing facilities, the acquisition of 37411  
equipment, the hiring and training of staff, community service 37412  
programs, mediation or dispute resolution services, the 37413  
employment of magistrates, the training and education of judges, 37414  
acting judges, and magistrates, and other related services. Upon 37415  
that determination, the court by rule may charge a fee, in 37416  
addition to all other court costs, on the filing of each 37417  
criminal cause, civil action or proceeding, or judgment by 37418  
confession. Fees collected by a court for special projects of 37419  
the court under this division shall not be used for training or 37420  
education that takes place outside of the state. 37421

(b) If the county court offers a special program or 37422  
service in cases of a specific type, the county court by rule 37423  
may assess an additional charge in a case of that type, over and 37424  
above court costs, to cover the special program or service. The 37425  
county court shall adjust the special assessment periodically, 37426  
but not retroactively, so that the amount assessed in those 37427  
cases does not exceed the actual cost of providing the service 37428  
or program. 37429

(c) Any fee or charge assessed under division (B) (1) (a) or 37430  
(b) of this section on the filing of a civil action or 37431  
proceeding shall be waived if the court determines that the 37432  
person on whom the fee or charge is assessed qualifies as an 37433  
indigent litigant as set forth in section 2323.311 of the 37434  
Revised Code. 37435

(d) All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

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

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(C) Subject to division (E) of this section, the county court shall collect in all its divisions except the small claims division the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies

that operate within the state and to support the office of the 37466  
state public defender. Subject to division (E) of this section, 37467  
the county court shall collect in its small claims division the 37468  
sum of eleven dollars as additional filing fees in each new 37469  
civil action or proceeding for the charitable public purpose of 37470  
providing financial assistance to legal aid societies that 37471  
operate within the state and to support the office of the state 37472  
public defender. This division does not apply to any execution 37473  
on a judgment, proceeding in aid of execution, or other post- 37474  
judgment proceeding arising out of a civil action. The filing 37475  
fees required to be collected under this division shall be in 37476  
addition to any other court costs imposed in the action or 37477  
proceeding and shall be collected at the time of the filing of 37478  
the action or proceeding. The court shall not waive the payment 37479  
of the additional filing fees in a new civil action or 37480  
proceeding unless the court waives the advanced payment of all 37481  
filing fees in the action or proceeding for the party that the 37482  
court determines is qualified as an indigent litigant as set 37483  
forth in section 2323.311 of the Revised Code. All such moneys 37484  
collected during a month except for an amount equal to up to one 37485  
per cent of those moneys retained to cover administrative costs 37486  
shall be transmitted on or before the twentieth day of the 37487  
following month by the clerk of the court to the treasurer of 37488  
state in a manner prescribed by the treasurer of state or by the 37489  
Ohio access to justice foundation. The treasurer of state shall 37490  
deposit four per cent of the funds collected under this division 37491  
to the credit of the civil case filing fee fund established 37492  
under section 120.07 of the Revised Code and ninety-six per cent 37493  
of the funds collected under this division to the credit of the 37494  
legal aid fund established under section 120.52 of the Revised 37495  
Code. 37496

The court may retain up to one per cent of the moneys it 37497  
collects under this division to cover administrative costs, 37498  
including the hiring of any additional personnel necessary to 37499  
implement this division. If the court fails to transmit to the 37500  
treasurer of state the moneys the court collects under this 37501  
division in a manner prescribed by the treasurer of state or by 37502  
the Ohio access to justice foundation, the court shall forfeit 37503  
the moneys the court retains under this division to cover 37504  
administrative costs, including the hiring of any additional 37505  
personnel necessary to implement this division, and shall 37506  
transmit to the treasurer of state all moneys collected under 37507  
this division, including the forfeited amount retained for 37508  
administrative costs, for deposit in the legal aid fund. 37509

(D) The county court shall establish by rule a schedule of 37510  
fees for miscellaneous services performed by the county court or 37511  
any of its judges in accordance with law. If judges of the court 37512  
of common pleas perform similar services, the fees prescribed in 37513  
the schedule shall not exceed the fees for those services 37514  
prescribed by the court of common pleas. 37515

(E) Under the circumstances described in sections 2969.21 37516  
to 2969.27 of the Revised Code, the clerk of the county court 37517  
shall charge the fees and perform the other duties specified in 37518  
those sections. 37519

**Sec. 2101.11.** ~~(A)(1)~~(A)(1)(a) The probate judge shall have 37520  
the care and custody of the files, papers, books, and records 37521  
belonging to the probate court. The probate judge is authorized 37522  
to perform the duties of clerk of the judge's court. The probate 37523  
judge may appoint deputy clerks, court reporters, a bailiff, and 37524  
any other necessary employees, each of whom shall take an oath 37525  
of office before entering upon the duties of the employee's 37526

appointment and, when so qualified, may perform the duties 37527  
appertaining to the office of clerk of the court. 37528

(b) Not later than eighteen months after the effective 37529  
date of this amendment, the general docket of the probate court 37530  
shall be available online on the clerk of court's web site for 37531  
remote access and printing by the public of the information in 37532  
that docket, including all individual documents in each case 37533  
file, pertaining to probate cases filed on or after the 37534  
effective date of this amendment. Nothing in this division shall 37535  
be construed as making available online any of the following: 37536

(i) Internal documents such as notes, electronic mails, 37537  
drafts, recommendations, advice, or research of judicial 37538  
officers and court staff; 37539

(ii) Any document or any information in a case file the 37540  
public access to which the court has ordered restricted under 37541  
the Rules of Superintendence for the Courts of Ohio. 37542

(2) (a) The probate judge shall provide for one or more 37543  
probate court investigators to perform the duties that are 37544  
established for a probate court investigator by the Revised Code 37545  
or the probate judge. The probate judge may provide for an 37546  
investigator in any of the following manners, as the court 37547  
determines is appropriate: 37548

(i) By appointing a person as a full-time or part-time 37549  
employee of the probate court to serve as investigator, or by 37550  
designating a current full-time or part-time employee of the 37551  
probate court to serve as investigator; 37552

(ii) By contracting with a person to serve and be 37553  
compensated as investigator only when needed by the probate 37554  
court, as determined by the court, and by designating that 37555

person as a probate court investigator during the times when the 37556  
person is performing the duties of an investigator for the 37557  
court; 37558

(iii) By entering into an agreement with another 37559  
department or agency of the county, including, but not limited 37560  
to, the sheriff's department or the county department of job and 37561  
family services, pursuant to which an employee of the other 37562  
department or agency will serve and perform the duties of 37563  
investigator for the court, upon request of the probate judge, 37564  
and designating that employee as a probate court investigator 37565  
during the times when the person is performing the duties of an 37566  
investigator for the court. 37567

(b) Each person appointed or otherwise designated as a 37568  
probate court investigator shall take an oath of office before 37569  
entering upon the duties of the person's appointment. When so 37570  
qualified, an investigator may perform the duties that are 37571  
established for a probate court investigator by the Revised Code 37572  
or the probate judge. 37573

(c) Except as otherwise provided in this division, a 37574  
probate court investigator shall hold at least a bachelor's 37575  
degree in social work, psychology, education, special education, 37576  
or a related human services field. A probate judge may waive the 37577  
education requirement of this division for a person the judge 37578  
appoints or otherwise designates as a probate court investigator 37579  
if the judge determines that the person has experience in family 37580  
services work that is equivalent to the required education. 37581

(d) Within one year after appointment or designation, a 37582  
probate court investigator shall attend an orientation course of 37583  
at least six hours, and each calendar year after the calendar 37584  
year of appointment or designation, a probate court investigator 37585

shall satisfactorily complete at least six hours of continuing education. 37586  
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(e) For purposes of divisions (A) (4), (B), and (C) of this section, a person designated as a probate court investigator under division (A) (2) (a) (ii) or (iii) of this section shall be considered an appointee of the probate court at any time that the person is performing the duties established under the Revised Code or by the probate judge for a probate court investigator. 37588  
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(3) (a) The probate judge may provide for one or more persons to perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, and 3107.12 of the Revised Code or may enter into agreements with public children services agencies, private child placing agencies, or private noncustodial agencies under which the agency provides for one or more persons to perform the duties of an assessor. A probate judge who provides for an assessor shall do so in either of the following manners, as the judge considers appropriate: 37595  
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(i) By appointing a person as a full-time or part-time employee of the probate court to serve as assessor, or by designating a current full-time or part-time employee of the probate court to serve as assessor; 37604  
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(ii) By contracting with a person to serve and be compensated as assessor only when needed by the probate court, as determined by the court, and by designating that person as an assessor during the times when the person is performing the duties of an assessor for the court. 37608  
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(b) Each person appointed or designated as a probate court assessor shall take an oath of office before entering on the 37613  
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duties of the person's appointment. 37615

(c) A probate court assessor must meet the qualifications 37616  
for an assessor established by section 3107.014 of the Revised 37617  
Code. 37618

(d) A probate court assessor shall perform additional 37619  
duties, including duties of an investigator under division (A) 37620  
(2) of this section, when the probate judge assigns additional 37621  
duties to the assessor. 37622

(e) For purposes of divisions (A) (4), (B), and (C) of this 37623  
section, a person designated as a probate court assessor shall 37624  
be considered an appointee of the probate court at any time that 37625  
the person is performing assessor duties. 37626

(4) Each appointee of the probate judge may administer 37627  
oaths in all cases when necessary, in the discharge of official 37628  
duties. 37629

(B) (1) (a) Subject to the appropriation made by the board 37630  
of county commissioners pursuant to this division, each 37631  
appointee of a probate judge under division (A) of this section 37632  
shall receive such compensation and expenses as the judge 37633  
determines and shall serve during the pleasure of the judge. The 37634  
compensation of each appointee shall be paid in semimonthly 37635  
installments by the county treasurer from the county treasury, 37636  
upon the warrants of the county auditor, certified to by the 37637  
judge. 37638

(b) Except as otherwise provided in the Revised Code, the 37639  
total compensation paid to all appointees of the probate judge 37640  
in any calendar year shall not exceed the total fees earned by 37641  
the probate court during the preceding calendar year, unless the 37642  
board of county commissioners approves otherwise. 37643

(2) The probate judge annually shall submit a written request for an appropriation to the board of county commissioners that shall set forth estimated administrative expenses of the court, including the salaries of appointees as determined by the judge and any other costs, fees, and expenses, including, but not limited to, those enumerated in section 5123.96 of the Revised Code, that the judge considers reasonably necessary for the operation of the court. The board shall conduct a public hearing with respect to the written request submitted by the judge and shall appropriate such sum of money each year as it determines, after conducting the public hearing and considering the written request of the judge, is reasonably necessary to meet all the administrative expenses of the court, including the salaries of appointees as determined by the judge and any other costs, fees, and expenses, including, but not limited to, the costs, fees, and expenses enumerated in section 5123.96 of the Revised Code.

If the judge considers the appropriation made by the board pursuant to this division insufficient to meet all the administrative expenses of the court, the judge shall commence an action under Chapter 2731. of the Revised Code in the court of appeals for the judicial district for a determination of the duty of the board of county commissioners to appropriate the amount of money in dispute. The court of appeals shall give priority to the action filed by the probate judge over all cases pending on its docket. The burden shall be on the probate judge to prove that the appropriation requested is reasonably necessary to meet all administrative expenses of the court. If, prior to the filing of an action under Chapter 2731. of the Revised Code or during the pendency of the action, the judge exercises the judge's contempt power in order to obtain the sum

of money in dispute, the judge shall not order the imprisonment 37675  
of any member of the board of county commissioners 37676  
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 37677

(C) The probate judge may require any of the judge's 37678  
appointees to give bond in the sum of not less than one thousand 37679  
dollars, conditioned for the honest and faithful performance of 37680  
the appointee's duties. The sureties on the bonds shall be 37681  
approved in the manner provided in section 2101.03 of the 37682  
Revised Code. 37683

The judge shall not be personally liable for the default, 37684  
malfeasance, or nonfeasance of any appointee. 37685

All bonds required to be given in the probate court, on 37686  
being accepted and approved by the probate judge, shall be filed 37687  
in the judge's office. 37688

**Sec. 2101.16.** (A) Except as provided in section 2101.164 37689  
of the Revised Code, the fees enumerated in this division shall 37690  
be charged and collected, if possible, by the probate judge and 37691  
shall be in full for all services rendered in the respective 37692  
proceedings: 37693  
37694

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A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00

E	(2)	Account of distribution, in addition to advertising charges	
F		_____	\$7.00
G	(3)	Adoption of child, petition for	
H		_____	\$20.00
I	(4)	Alter or cancel contract for sale or purchase of real property, complaint to	
J		_____	\$20.00
K	(5)	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L		_____	\$5.00
M	(6)	Appropriation suit, per day, hearing in	
N		_____	\$20.00
O	(7)	Birth, application for registration of	
P		_____	\$7.00
Q	(8)	Birth record, application to correct	
R		_____	\$5.00
S	(9)	Bond, application for new or additional	
T		_____	\$5.00

U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	
X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	

AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	

BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00

BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	

CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	
CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00

DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00
DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00

DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	

EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00

EW	(71) Writ of possession	
EX	_____	\$5.00
EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment 37695  
of a guardian or the review of a report of a guardian under 37696  
section 2111.49 of the Revised Code, the probate court, pursuant 37697  
to court order or in accordance with a court rule, may direct 37698  
that the applicant or the estate pay any or all of the expenses 37699  
of an investigation conducted pursuant to section 2111.041 or 37700  
division (A) (2) of section 2111.49 of the Revised Code. If the 37701  
investigation is conducted by a public employee or investigator 37702  
who is paid by the county, the fees for the investigation shall 37703  
be paid into the county treasury. If the court finds that an 37704  
alleged incompetent or a ward is indigent, the court may waive 37705  
the costs, fees, and expenses of an investigation. 37706

(2) In relation to the appointment or functioning of a 37707

guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a person with a mental illness subject to court order, the court may waive the fee under division (A) (75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A) (34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A) (59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F) (1) The "putative father registry fund" is hereby 37737  
created in the state treasury. The department of ~~job and family~~ 37738  
~~services children and youth~~ shall use the money in the fund to 37739  
fund the department's costs of performing its duties related to 37740  
the putative father registry established under section 3107.062 37741  
of the Revised Code. 37742

(2) If the department determines that money in the 37743  
putative father registry fund is more than is needed for its 37744  
duties related to the putative father registry, the department 37745  
may use the surplus moneys in the fund as permitted in division 37746  
(D) of section 2151.3527 or section 5103.155 of the Revised 37747  
Code. 37748

**Sec. 2108.34.** (A) There is hereby created in the state 37749  
treasury the second chance trust fund. The fund shall consist of 37750  
voluntary contributions deposited as provided in sections 37751  
4501.028 and 4503.721 of the Revised Code. ~~All investment~~ 37752  
~~earnings of the fund shall be credited to the fund.~~ 37753

(B) The director of health shall use the money in the fund 37754  
only for the following purposes: 37755

(1) Development and implementation of a campaign that 37756  
explains and promotes the second chance trust fund; 37757

(2) Development and implementation of local and statewide 37758  
public education programs about organ, tissue, and eye donation, 37759  
including the informational material required to be provided 37760  
under section 4501.028 of the Revised Code; 37761

(3) Development and implementation of local and statewide 37762  
donor awareness programs in schools; 37763

(4) Development and implementation of local and statewide 37764  
programs to recognize donor families; 37765

(5) Development and distribution of materials promoting organ, tissue, and eye donation;	37766 37767
(6) Cooperation with the Ohio Supreme Court, Ohio State Bar Association, and law schools of this state to more effectively educate attorneys about the donation of anatomical gifts and to encourage them to assist their clients in donating anatomical gifts through anatomical gift declarations, durable powers of attorney for health care, and any other appropriate means;	37768 37769 37770 37771 37772 37773 37774
(7) Cooperation with the state medical board, state medical, osteopathic, and ophthalmological associations, and colleges of medicine and osteopathic medicine in this state to more effectively educate physicians about the donation of anatomical gifts and to encourage them to assist their patients in making declarations of anatomical gifts;	37775 37776 37777 37778 37779 37780
(8) Development of statewide hospital training programs to encourage and facilitate compliance with sections 2108.14 and 2108.15 of the Revised Code;	37781 37782 37783
(9) Reimbursement of the bureau of motor vehicles for the administrative costs incurred in the performance of duties under section 4501.028 of the Revised Code;	37784 37785 37786
(10) Reimbursement of the department of health for administrative costs incurred in the performance of duties under this section and section 2108.35 of the Revised Code;	37787 37788 37789
(11) Reimbursement of members of the second chance fund advisory committee for actual and necessary expenses incurred in the performance of official duties.	37790 37791 37792
(C) The director shall make the materials developed under division (B) (5) of this section available to other state	37793 37794

agencies. 37795

(D) The director shall consider recommendations made by 37796  
the second chance trust fund advisory committee pursuant to 37797  
section 2108.35 of the Revised Code. The director shall 37798  
determine the appropriateness of and approve or disapprove 37799  
projects recommended by the advisory committee for funding and 37800  
approve or disapprove the disbursement of money from the second 37801  
chance trust fund. 37802

**Sec. 2151.27.** (A) (1) Subject to division (A) (2) of this 37803  
section, any person having knowledge of a child who appears to 37804  
have violated section 2151.87 of the Revised Code or to be a 37805  
juvenile traffic offender or to be an unruly, abused, neglected, 37806  
or dependent child may file a sworn complaint with respect to 37807  
that child in the juvenile court of the county in which the 37808  
child has a residence or legal settlement or in which the 37809  
violation, unruliness, abuse, neglect, or dependency allegedly 37810  
occurred. If an alleged abused, neglected, or dependent child is 37811  
taken into custody pursuant to division (D) of section 2151.31 37812  
of the Revised Code or is taken into custody pursuant to 37813  
division (A) of section 2151.31 of the Revised Code without the 37814  
filing of a complaint and placed into shelter care pursuant to 37815  
division (C) of that section, a sworn complaint shall be filed 37816  
with respect to the child before the end of the next day after 37817  
the day on which the child was taken into custody. The sworn 37818  
complaint may be upon information and belief, and, in addition 37819  
to the allegation that the child committed the violation or is 37820  
an unruly, abused, neglected, or dependent child, the complaint 37821  
shall allege the particular facts upon which the allegation that 37822  
the child committed the violation or is an unruly, abused, 37823  
neglected, or dependent child is based. 37824

(2) Any person having knowledge of a child who appears to be an unruly child for being an habitual truant may file a sworn complaint with respect to that child and the parent, guardian, or other person having care of the child in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend public school. The sworn complaint may be upon information and belief and shall contain the following allegations:

(a) That the child is an unruly child for being an habitual truant and, in addition, the particular facts upon which that allegation is based;

(b) That the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code and, in addition, the particular facts upon which that allegation is based.

(B) If a child, before arriving at the age of eighteen years, allegedly commits an act for which the child may be adjudicated an unruly child and if the specific complaint alleging the act is not filed or a hearing on that specific complaint is not held until after the child arrives at the age of eighteen years, the court has jurisdiction to hear and dispose of the complaint as if the complaint were filed and the hearing held before the child arrived at the age of eighteen years.

(C) If the complainant in a case in which a child is alleged to be an abused, neglected, or dependent child desires permanent custody of the child or children, temporary custody of the child or children, whether as the preferred or an alternative disposition, or the placement of the child in a

planned permanent living arrangement, the complaint shall 37855  
contain a prayer specifically requesting permanent custody, 37856  
temporary custody, or the placement of the child in a planned 37857  
permanent living arrangement. 37858

(D) Any person with standing under applicable law may file 37859  
a complaint for the determination of any other matter over which 37860  
the juvenile court is given jurisdiction by section 2151.23 of 37861  
the Revised Code. The complaint shall be filed in the county in 37862  
which the child who is the subject of the complaint is found or 37863  
was last known to be found. 37864

(E) A public children services agency, acting pursuant to 37865  
a complaint or an action on a complaint filed under this 37866  
section, is not subject to the requirements of section 3127.23 37867  
of the Revised Code. 37868

(F) Upon the filing of a complaint alleging that a child 37869  
is an unruly child, the court may hold the complaint in abeyance 37870  
pending the child's successful completion of actions that 37871  
constitute a method to divert the child from the juvenile court 37872  
system. The method may be adopted by a county pursuant to 37873  
divisions (D) and (E) of section 121.37 of the Revised Code or 37874  
it may be another method that the court considers satisfactory. 37875  
If the child completes the actions to the court's satisfaction, 37876  
the court may dismiss the complaint. If the child fails to 37877  
complete the actions to the court's satisfaction, the court may 37878  
consider the complaint. 37879

(G) Upon the filing of a complaint that a child is an 37880  
unruly child that is based solely on a child being an habitual 37881  
truant, the court shall consider an alternative to adjudication, 37882  
including actions that constitute a method to divert the child 37883  
from the juvenile court system, using the Rules of Juvenile 37884

Procedure, or by any other means if such an alternative is 37885  
available to the court and the child has not already 37886  
participated or failed to complete one of the available 37887  
alternatives. The court shall consider the complaint only as a 37888  
matter of last resort. 37889

(H) If a complaint that a child is an unruly child based 37890  
on the child being an habitual truant proceeds to consideration 37891  
by the court, the prosecution shall bear the burden of proving 37892  
beyond a reasonable doubt the following: 37893

(1) That the child is of compulsory school age, as defined 37894  
in section 3321.01 of the Revised Code; 37895

(2) That the child was absent without legitimate excuse 37896  
for absence from the public school the child was supposed to 37897  
attend for thirty or more consecutive hours, forty-two or more 37898  
hours in one school month, or seventy-two or more hours in a 37899  
school year. 37900

The child may assert as an affirmative defense the fact 37901  
that the child did participate in, or made satisfactory progress 37902  
on, ~~the absence intervention plan~~ any interventions or other 37903  
alternatives to adjudication as described in ~~division (C) of~~ 37904  
section 3321.191 of the Revised Code. 37905

**Sec. 2151.311.** (A) A person taking a child into custody 37906  
shall, with all reasonable speed and in accordance with division 37907  
(C) of this section, either: 37908

(1) Release the child to the child's parents, guardian, or 37909  
other custodian, unless the child's detention or shelter care 37910  
appears to be warranted or required as provided in section 37911  
2151.31 of the Revised Code; 37912

(2) Bring the child to the court or deliver the child to a 37913

place of detention or shelter care designated by the court and 37914  
promptly give notice thereof, together with a statement of the 37915  
reason for taking the child into custody, to a parent, guardian, 37916  
or other custodian and to the court. 37917

(B) If a parent, guardian, or other custodian fails, when 37918  
requested by the court, to bring the child before the court as 37919  
provided by this section, the court may issue its warrant 37920  
directing that the child be taken into custody and brought 37921  
before the court. 37922

(C) (1) Before taking any action required by division (A) 37923  
of this section, a person taking a child into custody may hold 37924  
the child for processing purposes in a county, multicounty, or 37925  
municipal jail or workhouse, or other place where an adult 37926  
convicted of crime, under arrest, or charged with crime is held 37927  
for either of the following periods of time: 37928

(a) For a period not to exceed six hours, if all of the 37929  
following apply: 37930

(i) The child is alleged to be a delinquent child for the 37931  
commission of an act that would be a felony if committed by an 37932  
adult; 37933

(ii) The child remains beyond the range of touch of all 37934  
adult detainees; 37935

(iii) The child is visually supervised by jail or 37936  
workhouse personnel at all times during the detention; 37937

(iv) The child is not handcuffed or otherwise physically 37938  
secured to a stationary object during the detention. 37939

(b) For a period not to exceed three hours, if all of the 37940  
following apply: 37941

- (i) The child is alleged to be a delinquent child for the commission of an act that would be a misdemeanor if committed by an adult, is alleged to be a delinquent child for violating a court order regarding the child's adjudication as an unruly child for being an habitual truant, or is alleged to be an unruly child or a juvenile traffic offender; 37942  
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- (ii) The child remains beyond the range of touch of all adult detainees; 37948  
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- (iii) The child is visually supervised by jail or workhouse personnel at all times during the detention; 37950  
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- (iv) The child is not handcuffed or otherwise physically secured to a stationary object during the detention. 37952  
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- (2) If a child has been transferred to an adult court for prosecution for the alleged commission of a criminal offense, subsequent to the transfer, the child may be held as described in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 5120.16 of the Revised Code. 37954  
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- (D) If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of persons identified in this section is confined under authority of this section in a place specified in division (C) of this section, the fact of the person's admission to and confinement in that place is restricted as described in division (G) of section 2152.26 of the Revised Code. 37959  
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- (E) As used in division (C) (1) of this section, "processing purposes" means all of the following: 37966  
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- (1) Fingerprinting, photographing, or fingerprinting and photographing the child in a secure area of the facility; 37968  
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(2) Interrogating the child, contacting the child's parent 37970  
or guardian, arranging for placement of the child, or arranging 37971  
for transfer or transferring the child, while holding the child 37972  
in a nonsecure area of the facility. 37973

**Sec. 2151.316.** (A) The department of children and youth 37974  
shall adopt rules in accordance with Chapter 119. of the Revised 37975  
Code to establish and enforce a foster youth bill of rights for 37976  
individuals who are in the temporary or permanent custody of a 37977  
public children services agency or a planned permanent living 37978  
arrangement or in the Title IV-E eligible care and placement 37979  
responsibility of a juvenile court or other governmental agency 37980  
that provides Title IV-E reimbursable placement services and who 37981  
are subject to out-of-home care or placed with a kinship 37982  
caregiver as defined in section ~~5101.85~~5180.50 of the Revised 37983  
Code. 37984

(B) If the rights of an individual, as established under 37985  
division (A) of this section, conflict with the rights of a 37986  
resource family or resource caregiver, as established in section 37987  
5103.163 of the Revised Code, the rights of the individual shall 37988  
preempt the rights of the resource family or resource caregiver. 37989

(C) The rights established by rules under this section 37990  
shall not create grounds for a civil action against the 37991  
department, the recommending agency, or the custodial agency. 37992

**Sec. 2151.3527.** (A) The director of children and youth 37993  
shall promulgate forms designed to gather pertinent medical 37994  
information concerning a deserted child and the child's parents. 37995  
The forms shall clearly and unambiguously state on each page 37996  
that the information requested is to facilitate medical care for 37997  
the child, that the forms may be fully or partially completed or 37998  
left blank, that completing the forms or parts of the forms is 37999

completely voluntary, and that no adverse legal consequence will 38000  
result from failure to complete any part of the forms. 38001

(B) The director shall promulgate written materials to be 38002  
made available to the parents of a child delivered pursuant to 38003  
section 2151.3516 of the Revised Code. The materials shall 38004  
describe services available to assist parents and newborns and 38005  
shall include information directly relevant to situations that 38006  
might cause parents to desert a child and information on the 38007  
procedures for a person to follow in order to reunite with a 38008  
child the person delivered under section 2151.3516 of the 38009  
Revised Code, including notice that the person will be required 38010  
to submit to a DNA test, at that person's expense, to prove that 38011  
the person is the parent of the child. 38012

(C) The director of ~~job and family services~~ children and 38013  
youth shall distribute the medical information forms and written 38014  
materials promulgated pursuant to this section to all of the 38015  
following: 38016

(1) Entities permitted to receive a deserted child as 38017  
specified in section 2151.3517 of the Revised Code; 38018

(2) Public children services agencies; 38019

(3) Other public or private agencies that, in the 38020  
discretion of the director, are best able to disseminate the 38021  
forms and materials to the persons who are most in need of the 38022  
forms and materials. 38023

(D) If the department of ~~job and family services~~ 38024  
determines that money in the putative father registry fund 38025  
created under section 2101.16 of the Revised Code is more than 38026  
is needed for its duties related to the putative father 38027  
registry, the department may use surplus moneys in the fund for 38028

costs related to the development, distribution, and publication 38029  
of forms and materials promulgated pursuant to divisions (A) and 38030  
(B) of this section. 38031

(E) The department ~~of job and family services~~ shall 38032  
develop an educational plan, in collaboration with the Ohio 38033  
family and children first cabinet council, for informing at-risk 38034  
populations who are most likely to voluntarily deliver a child 38035  
under section 2151.3516 of the Revised Code concerning the 38036  
provisions of sections 2151.3515 to 2151.3533 of the Revised 38037  
Code. 38038

**Sec. 2151.416.** (A) Each agency that is required by section 38039  
2151.412 of the Revised Code to prepare a case plan for a child 38040  
shall complete a semiannual administrative review of the case 38041  
plan no later than six months after the earlier of the date on 38042  
which the complaint in the case was filed or the child was first 38043  
placed in shelter care. After the first administrative review, 38044  
the agency shall complete semiannual administrative reviews no 38045  
later than every six months. If the court issues an order 38046  
pursuant to section 2151.414 or 2151.415 of the Revised Code, 38047  
the agency shall complete an administrative review no later than 38048  
six months after the court's order and continue to complete 38049  
administrative reviews no later than every six months after the 38050  
first review, except that the court hearing held pursuant to 38051  
section 2151.417 of the Revised Code may take the place of any 38052  
administrative review that would otherwise be held at the time 38053  
of the court hearing. When conducting a review, the child's 38054  
health and safety shall be the paramount concern. 38055

(B) Each administrative review required by division (A) of 38056  
this section shall be conducted by a review panel of at least 38057  
three persons, including, but not limited to, both of the 38058

following: 38059

(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan; 38060  
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(2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child. 38062  
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(C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting. 38065  
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(D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following: 38076  
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(1) A conclusion regarding the safety and appropriateness of the child's foster care placement; 38079  
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(2) The extent of the compliance with the case plan of all parties; 38081  
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(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child; 38083  
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(4) An estimated date by which the child may be returned 38086

to and safely maintained in the child's home or placed for 38087  
adoption or legal custody; 38088

(5) An updated case plan that includes any changes that 38089  
the agency is proposing in the case plan; 38090

(6) The recommendation of the agency as to which agency or 38091  
person should be given custodial rights over the child for the 38092  
six-month period after the administrative review; 38093

(7) The names of all persons who participated in the 38094  
administrative review; 38095

(8) A summary of the agency's intensive efforts to secure 38096  
a placement with an appropriate and willing kinship caregiver as 38097  
defined in section ~~5101.85~~ 5180.50 of the Revised Code, 38098  
including any use of search technology to find biological family 38099  
members of the child and all other efforts undertaken since the 38100  
last review, unless a court has determined that intensive 38101  
efforts are unnecessary pursuant to section 2151.4118 of the 38102  
Revised Code. 38103

(E) The agency shall file the summary with the court no 38104  
later than seven days after the completion of the administrative 38105  
review. If the agency proposes a change to the case plan as a 38106  
result of the administrative review, the agency shall file the 38107  
proposed change with the court at the time it files the summary. 38108  
The agency shall give notice of the summary and proposed change 38109  
in writing before the end of the next day after filing them to 38110  
all parties and the child's guardian ad litem. All parties and 38111  
the guardian ad litem shall have seven days after the date the 38112  
notice is sent to object to and request a hearing on the 38113  
proposed change. 38114

(1) If the court receives a timely request for a hearing, 38115

the court shall schedule a hearing pursuant to section 2151.417 38116  
of the Revised Code to be held not later than thirty days after 38117  
the court receives the request. The court shall give notice of 38118  
the date, time, and location of the hearing to all parties and 38119  
the guardian ad litem. The agency may implement the proposed 38120  
change after the hearing, if the court approves it. The agency 38121  
shall not implement the proposed change unless it is approved by 38122  
the court. 38123

(2) If the court does not receive a timely request for a 38124  
hearing, the court may approve the proposed change without a 38125  
hearing. If the court approves the proposed change without a 38126  
hearing, it shall journalize the case plan with the change not 38127  
later than fourteen days after the change is filed with the 38128  
court. If the court does not approve the proposed change to the 38129  
case plan, it shall schedule a review hearing to be held 38130  
pursuant to section 2151.417 of the Revised Code no later than 38131  
thirty days after the expiration of the fourteen-day time period 38132  
and give notice of the date, time, and location of the hearing 38133  
to all parties and the guardian ad litem of the child. If, 38134  
despite the requirements of this division and division (D) of 38135  
section 2151.417 of the Revised Code, the court neither approves 38136  
and journalizes the proposed change nor conducts a hearing, the 38137  
agency may implement the proposed change not earlier than 38138  
fifteen days after it is submitted to the court. 38139

(F) The director of children and youth may adopt rules 38140  
pursuant to Chapter 119. of the Revised Code for procedures and 38141  
standard forms for conducting administrative reviews pursuant to 38142  
this section. 38143

(G) The juvenile court that receives the written summary 38144  
of the administrative review, upon determining, either from the 38145

written summary, case plan, or otherwise, that the custody or 38146  
care arrangement is not in the best interest of the child, may 38147  
terminate the custody of an agency and place the child in the 38148  
custody of another institution or association certified by the 38149  
department of children and youth under section 5103.03 of the 38150  
Revised Code. 38151

**Sec. 2151.4115.** ~~(A)~~As used in sections 2151.4116 to 38152  
2151.4122 of the Revised Code: 38153

~~(1)~~(A) "Kinship caregiver" has the same meaning as used 38154  
in section ~~5101.85~~5180.50 of the Revised Code. 38155

~~(2)~~(B) "Search technology" means any locate-and-research 38156  
tool, search engine, electronic database, or social media search 38157  
tool available to a public children services agency or a private 38158  
child placing agency. 38159

**Sec. 2151.421.** (A) (1) (a) No person described in division 38160  
(A) (1) (b) of this section who is acting in an official or 38161  
professional capacity and knows, or has reasonable cause to 38162  
suspect based on facts that would cause a reasonable person in a 38163  
similar position to suspect, that a child under eighteen years 38164  
of age, or a person under twenty-one years of age with a 38165  
developmental disability or physical impairment, has suffered or 38166  
faces a threat of suffering any physical or mental wound, 38167  
injury, disability, or condition of a nature that reasonably 38168  
indicates abuse or neglect of the child shall fail to 38169  
immediately report that knowledge or reasonable cause to suspect 38170  
to the entity or persons specified in this division. Except as 38171  
otherwise provided in this division or section 5120.173 of the 38172  
Revised Code, the person making the report shall make it to the 38173  
public children services agency or a peace officer in the county 38174  
in which the child resides or in which the abuse or neglect is 38175

occurring or has occurred. If the person making the report is a 38176  
peace officer, the officer shall make it to the public children 38177  
services agency in the county in which the child resides or in 38178  
which the abuse or neglect is occurring or has occurred. In the 38179  
circumstances described in section 5120.173 of the Revised Code, 38180  
the person making the report shall make it to the entity 38181  
specified in that section. 38182

(b) Division (A) (1) (a) of this section applies to any 38183  
person who is an attorney; health care professional; 38184  
practitioner of a limited branch of medicine as specified in 38185  
section 4731.15 of the Revised Code; licensed school 38186  
psychologist; independent marriage and family therapist or 38187  
marriage and family therapist; coroner; administrator or 38188  
employee of a child care center; administrator or employee of a 38189  
residential camp, child day camp, or private, nonprofit 38190  
therapeutic wilderness camp; administrator or employee of a 38191  
certified child care agency or other public or private children 38192  
services agency; school teacher; school employee; school 38193  
authority; peace officer; humane society agent; dog warden, 38194  
deputy dog warden, or other person appointed to act as an animal 38195  
control officer for a municipal corporation or township in 38196  
accordance with state law, an ordinance, or a resolution; 38197  
person, other than a cleric, rendering spiritual treatment 38198  
through prayer in accordance with the tenets of a well- 38199  
recognized religion; employee of a county department of job and 38200  
family services who is a professional and who works with 38201  
children and families; superintendent or regional administrator 38202  
employed by the department of youth services; superintendent, 38203  
board member, or employee of a county board of developmental 38204  
disabilities; investigative agent contracted with by a county 38205  
board of developmental disabilities; employee of the department 38206

of developmental disabilities; employee of a facility or home 38207  
that provides respite care in accordance with section 5123.171 38208  
of the Revised Code; employee of an entity that provides 38209  
homemaker services; employee of a qualified organization as 38210  
defined in section 2151.90 of the Revised Code; a host family as 38211  
defined in section 2151.90 of the Revised Code; foster 38212  
caregiver; a person performing the duties of an assessor 38213  
pursuant to Chapter 3107. or 5103. of the Revised Code; third 38214  
party employed by a public children services agency to assist in 38215  
providing child or family related services; court appointed 38216  
special advocate; or guardian ad litem. 38217

(c) If two or more health care professionals, after 38218  
providing health care services to a child, determine or suspect 38219  
that the child has been or is being abused or neglected, the 38220  
health care professionals may designate one of the health care 38221  
professionals to report the abuse or neglect. A single report 38222  
made under this division shall meet the reporting requirements 38223  
of division (A) (1) of this section. 38224

(2) Except as provided in division (A) (3) of this section, 38225  
an attorney, physician, or advanced practice registered nurse is 38226  
not required to make a report pursuant to division (A) (1) of 38227  
this section concerning any communication the attorney, 38228  
physician, or advanced practice registered nurse receives from a 38229  
client or patient in an attorney-client, physician-patient, or 38230  
advanced practice registered nurse-patient relationship, if, in 38231  
accordance with division (A) or (B) of section 2317.02 of the 38232  
Revised Code, the attorney, physician, or advanced practice 38233  
registered nurse could not testify with respect to that 38234  
communication in a civil or criminal proceeding. 38235

(3) The client or patient in an attorney-client, 38236

physician-patient, or advanced practice registered nurse-patient 38237  
relationship described in division (A) (2) of this section is 38238  
deemed to have waived any testimonial privilege under division 38239  
(A) or (B) of section 2317.02 of the Revised Code with respect 38240  
to any communication the attorney, physician, or advanced 38241  
practice registered nurse receives from the client or patient in 38242  
that relationship, and the attorney, physician, or advanced 38243  
practice registered nurse shall make a report pursuant to 38244  
division (A) (1) of this section with respect to that 38245  
communication, if all of the following apply: 38246

(a) The client or patient, at the time of the 38247  
communication, is a child under eighteen years of age or is a 38248  
person under twenty-one years of age with a developmental 38249  
disability or physical impairment. 38250

(b) The attorney, physician, or advanced practice 38251  
registered nurse knows, or has reasonable cause to suspect based 38252  
on facts that would cause a reasonable person in similar 38253  
position to suspect that the client or patient has suffered or 38254  
faces a threat of suffering any physical or mental wound, 38255  
injury, disability, or condition of a nature that reasonably 38256  
indicates abuse or neglect of the client or patient. 38257

(c) The abuse or neglect does not arise out of the 38258  
client's or patient's attempt to have an abortion without the 38259  
notification of her parents, guardian, or custodian in 38260  
accordance with section 2151.85 of the Revised Code. 38261

(4) (a) No cleric and no person, other than a volunteer, 38262  
designated by any church, religious society, or faith acting as 38263  
a leader, official, or delegate on behalf of the church, 38264  
religious society, or faith who is acting in an official or 38265  
professional capacity, who knows, or has reasonable cause to 38266

believe based on facts that would cause a reasonable person in a 38267  
similar position to believe, that a child under eighteen years 38268  
of age, or a person under twenty-one years of age with a 38269  
developmental disability or physical impairment, has suffered or 38270  
faces a threat of suffering any physical or mental wound, 38271  
injury, disability, or condition of a nature that reasonably 38272  
indicates abuse or neglect of the child, and who knows, or has 38273  
reasonable cause to believe based on facts that would cause a 38274  
reasonable person in a similar position to believe, that another 38275  
cleric or another person, other than a volunteer, designated by 38276  
a church, religious society, or faith acting as a leader, 38277  
official, or delegate on behalf of the church, religious 38278  
society, or faith caused, or poses the threat of causing, the 38279  
wound, injury, disability, or condition that reasonably 38280  
indicates abuse or neglect shall fail to immediately report that 38281  
knowledge or reasonable cause to believe to the entity or 38282  
persons specified in this division. Except as provided in 38283  
section 5120.173 of the Revised Code, the person making the 38284  
report shall make it to the public children services agency or a 38285  
peace officer in the county in which the child resides or in 38286  
which the abuse or neglect is occurring or has occurred. In the 38287  
circumstances described in section 5120.173 of the Revised Code, 38288  
the person making the report shall make it to the entity 38289  
specified in that section. 38290

(b) Except as provided in division (A) (4) (c) of this 38291  
section, a cleric is not required to make a report pursuant to 38292  
division (A) (4) (a) of this section concerning any communication 38293  
the cleric receives from a penitent in a cleric-penitent 38294  
relationship, if, in accordance with division (C) of section 38295  
2317.02 of the Revised Code, the cleric could not testify with 38296  
respect to that communication in a civil or criminal proceeding. 38297

(c) The penitent in a cleric-penitent relationship 38298  
described in division (A) (4) (b) of this section is deemed to 38299  
have waived any testimonial privilege under division (C) of 38300  
section 2317.02 of the Revised Code with respect to any 38301  
communication the cleric receives from the penitent in that 38302  
cleric-penitent relationship, and the cleric shall make a report 38303  
pursuant to division (A) (4) (a) of this section with respect to 38304  
that communication, if all of the following apply: 38305

(i) The penitent, at the time of the communication, is a 38306  
child under eighteen years of age or is a person under twenty- 38307  
one years of age with a developmental disability or physical 38308  
impairment. 38309

(ii) The cleric knows, or has reasonable cause to believe 38310  
based on facts that would cause a reasonable person in a similar 38311  
position to believe, as a result of the communication or any 38312  
observations made during that communication, the penitent has 38313  
suffered or faces a threat of suffering any physical or mental 38314  
wound, injury, disability, or condition of a nature that 38315  
reasonably indicates abuse or neglect of the penitent. 38316

(iii) The abuse or neglect does not arise out of the 38317  
penitent's attempt to have an abortion performed upon a child 38318  
under eighteen years of age or upon a person under twenty-one 38319  
years of age with a developmental disability or physical 38320  
impairment without the notification of her parents, guardian, or 38321  
custodian in accordance with section 2151.85 of the Revised 38322  
Code. 38323

(d) Divisions (A) (4) (a) and (c) of this section do not 38324  
apply in a cleric-penitent relationship when the disclosure of 38325  
any communication the cleric receives from the penitent is in 38326  
violation of the sacred trust. 38327

(e) As used in divisions (A) (1) and (4) of this section, 38328  
"cleric" and "sacred trust" have the same meanings as in section 38329  
2317.02 of the Revised Code. 38330

(B) Anyone who knows, or has reasonable cause to suspect 38331  
based on facts that would cause a reasonable person in similar 38332  
circumstances to suspect, that a child under eighteen years of 38333  
age, or a person under twenty-one years of age with a 38334  
developmental disability or physical impairment, has suffered or 38335  
faces a threat of suffering any physical or mental wound, 38336  
injury, disability, or other condition of a nature that 38337  
reasonably indicates abuse or neglect of the child may report or 38338  
cause reports to be made of that knowledge or reasonable cause 38339  
to suspect to the entity or persons specified in this division. 38340  
Except as provided in section 5120.173 of the Revised Code, a 38341  
person making a report or causing a report to be made under this 38342  
division shall make it or cause it to be made to the public 38343  
children services agency or to a peace officer. In the 38344  
circumstances described in section 5120.173 of the Revised Code, 38345  
a person making a report or causing a report to be made under 38346  
this division shall make it or cause it to be made to the entity 38347  
specified in that section. 38348

(C) Any report made pursuant to division (A) or (B) of 38349  
this section shall be made forthwith either by telephone, in 38350  
person, or electronically and shall be followed by a written 38351  
report, if requested by the receiving agency or officer. The 38352  
written report shall contain: 38353

(1) The names and addresses of the child and the child's 38354  
parents or the person or persons having custody of the child, if 38355  
known; 38356

(2) The child's age and the nature and extent of the 38357

child's injuries, abuse, or neglect that is known or reasonably 38358  
suspected or believed, as applicable, to have occurred or of the 38359  
threat of injury, abuse, or neglect that is known or reasonably 38360  
suspected or believed, as applicable, to exist, including any 38361  
evidence of previous injuries, abuse, or neglect; 38362

(3) Any other information, including, but not limited to, 38363  
results and reports of any medical examinations, tests, or 38364  
procedures performed under division (D) of this section, that 38365  
might be helpful in establishing the cause of the injury, abuse, 38366  
or neglect that is known or reasonably suspected or believed, as 38367  
applicable, to have occurred or of the threat of injury, abuse, 38368  
or neglect that is known or reasonably suspected or believed, as 38369  
applicable, to exist. 38370

(D) (1) Any person, who is required by division (A) of this 38371  
section to report child abuse or child neglect that is known or 38372  
reasonably suspected or believed to have occurred, may take or 38373  
cause to be taken color photographs of areas of trauma visible 38374  
on a child and, if medically necessary for the purpose of 38375  
diagnosing or treating injuries that are suspected to have 38376  
occurred as a result of child abuse or child neglect, perform or 38377  
cause to be performed radiological examinations and any other 38378  
medical examinations of, and tests or procedures on, the child. 38379

(2) The results and any available reports of examinations, 38380  
tests, or procedures made under division (D) (1) of this section 38381  
shall be included in a report made pursuant to division (A) of 38382  
this section. Any additional reports of examinations, tests, or 38383  
procedures that become available shall be provided to the public 38384  
children services agency, upon request. 38385

(3) If a health care professional provides health care 38386  
services in a hospital, children's advocacy center, or emergency 38387

medical facility to a child about whom a report has been made 38388  
under division (A) of this section, the health care professional 38389  
may take any steps that are reasonably necessary for the release 38390  
or discharge of the child to an appropriate environment. Before 38391  
the child's release or discharge, the health care professional 38392  
may obtain information, or consider information obtained, from 38393  
other entities or individuals that have knowledge about the 38394  
child. Nothing in division (D) (3) of this section shall be 38395  
construed to alter the responsibilities of any person under 38396  
sections 2151.27 and 2151.31 of the Revised Code. 38397

(4) A health care professional may conduct medical 38398  
examinations, tests, or procedures on the siblings of a child 38399  
about whom a report has been made under division (A) of this 38400  
section and on other children who reside in the same home as the 38401  
child, if the professional determines that the examinations, 38402  
tests, or procedures are medically necessary to diagnose or 38403  
treat the siblings or other children in order to determine 38404  
whether reports under division (A) of this section are warranted 38405  
with respect to such siblings or other children. The results of 38406  
the examinations, tests, or procedures on the siblings and other 38407  
children may be included in a report made pursuant to division 38408  
(A) of this section. 38409

(5) Medical examinations, tests, or procedures conducted 38410  
under divisions (D) (1) and (4) of this section and decisions 38411  
regarding the release or discharge of a child under division (D) 38412  
(3) of this section do not constitute a law enforcement 38413  
investigation or activity. 38414

(E) (1) When a peace officer receives a report made 38415  
pursuant to division (A) or (B) of this section, upon receipt of 38416  
the report, the peace officer who receives the report shall 38417

refer the report to the appropriate public children services 38418  
agency, in accordance with requirements specified under division 38419  
(B) (6) of section 2151.4221 of the Revised Code, unless an 38420  
arrest is made at the time of the report that results in the 38421  
appropriate public children services agency being contacted 38422  
concerning the possible abuse or neglect of a child or the 38423  
possible threat of abuse or neglect of a child. 38424

(2) When a public children services agency receives a 38425  
report pursuant to this division or division (A) or (B) of this 38426  
section, upon receipt of the report, the public children 38427  
services agency shall do all of the following: 38428

(a) Comply with section 2151.422 of the Revised Code; 38429

(b) If the county served by the agency is also served by a 38430  
children's advocacy center and the report alleges sexual abuse 38431  
of a child or another type of abuse of a child that is specified 38432  
in the memorandum of understanding that creates the center as 38433  
being within the center's jurisdiction, comply regarding the 38434  
report with the protocol and procedures for referrals and 38435  
investigations, with the coordinating activities, and with the 38436  
authority or responsibility for performing or providing 38437  
functions, activities, and services stipulated in the 38438  
interagency agreement entered into under section 2151.428 of the 38439  
Revised Code relative to that center; 38440

(c) Unless an arrest is made at the time of the report 38441  
that results in the appropriate law enforcement agency being 38442  
contacted concerning the possible abuse or neglect of a child or 38443  
the possible threat of abuse or neglect of a child, and in 38444  
accordance with requirements specified under division (B) (6) of 38445  
section 2151.4221 of the Revised Code, notify the appropriate 38446  
law enforcement agency of the report, if the public children 38447

services agency received either of the following: 38448

(i) A report of abuse of a child; 38449

(ii) A report of neglect of a child that alleges a type of 38450  
neglect identified by the department of children and youth in 38451  
rules adopted under division (L)(2) of this section. 38452

(F) No peace officer shall remove a child about whom a 38453  
report is made pursuant to this section from the child's 38454  
parents, stepparents, or guardian or any other persons having 38455  
custody of the child without consultation with the public 38456  
children services agency, unless, in the judgment of the 38457  
officer, and, if the report was made by a physician or advanced 38458  
practice registered nurse, the physician or nurse, immediate 38459  
removal is considered essential to protect the child from 38460  
further abuse or neglect. The agency that must be consulted 38461  
shall be the agency conducting the investigation of the report 38462  
as determined pursuant to section 2151.422 of the Revised Code. 38463

(G) (1) Except as provided in section 2151.422 of the 38464  
Revised Code or in an interagency agreement entered into under 38465  
section 2151.428 of the Revised Code that applies to the 38466  
particular report, the public children services agency shall 38467  
investigate, within twenty-four hours, each report of child 38468  
abuse or child neglect that is known or reasonably suspected or 38469  
believed to have occurred and of a threat of child abuse or 38470  
child neglect that is known or reasonably suspected or believed 38471  
to exist that is referred to it under this section to determine 38472  
the circumstances surrounding the injuries, abuse, or neglect or 38473  
the threat of injury, abuse, or neglect, the cause of the 38474  
injuries, abuse, neglect, or threat, and the person or persons 38475  
responsible. The investigation shall be made in cooperation with 38476  
the law enforcement agency and in accordance with the memorandum 38477

of understanding prepared under sections 2151.4220 to 2151.4234 38478  
of the Revised Code. A representative of the public children 38479  
services agency shall, at the time of initial contact with the 38480  
person subject to the investigation, inform the person of the 38481  
specific complaints or allegations made against the person. The 38482  
information shall be given in a manner that is consistent with 38483  
division (I)(1) of this section and protects the rights of the 38484  
person making the report under this section. 38485

A failure to make the investigation in accordance with the 38486  
memorandum is not grounds for, and shall not result in, the 38487  
dismissal of any charges or complaint arising from the report or 38488  
the suppression of any evidence obtained as a result of the 38489  
report and does not give, and shall not be construed as giving, 38490  
any rights or any grounds for appeal or post-conviction relief 38491  
to any person. The public children services agency shall report 38492  
each case to the uniform statewide automated child welfare 38493  
information system that the department of children and youth 38494  
shall maintain in accordance with section ~~5101.13~~ 5180.40 of the 38495  
Revised Code. The public children services agency shall submit a 38496  
report of its investigation, in writing, to the law enforcement 38497  
agency. 38498

(2) The public children services agency shall make any 38499  
recommendations to the county prosecuting attorney or city 38500  
director of law that it considers necessary to protect any 38501  
children that are brought to its attention. 38502

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 38503  
(I) (3) of this section, any person, health care professional, 38504  
hospital, institution, school, health department, or agency 38505  
shall be immune from any civil or criminal liability for injury, 38506  
death, or loss to person or property that otherwise might be 38507

incurred or imposed as a result of any of the following: 38508

(i) Participating in the making of reports pursuant to 38509  
division (A) of this section or in the making of reports in good 38510  
faith, pursuant to division (B) of this section; 38511

(ii) Participating in medical examinations, tests, or 38512  
procedures under division (D) of this section; 38513

(iii) Providing information used in a report made pursuant 38514  
to division (A) of this section or providing information in good 38515  
faith used in a report made pursuant to division (B) of this 38516  
section; 38517

(iv) Participating in a judicial proceeding resulting from 38518  
a report made pursuant to division (A) of this section or 38519  
participating in good faith in a proceeding resulting from a 38520  
report made pursuant to division (B) of this section. 38521

(b) Immunity under division (H) (1) (a) (ii) of this section 38522  
shall not apply when a health care provider has deviated from 38523  
the standard of care applicable to the provider's profession. 38524

(c) Notwithstanding section 4731.22 of the Revised Code, 38525  
the physician-patient privilege shall not be a ground for 38526  
excluding evidence regarding a child's injuries, abuse, or 38527  
neglect, or the cause of the injuries, abuse, or neglect in any 38528  
judicial proceeding resulting from a report submitted pursuant 38529  
to this section. 38530

(2) In any civil or criminal action or proceeding in which 38531  
it is alleged and proved that participation in the making of a 38532  
report under this section was not in good faith or participation 38533  
in a judicial proceeding resulting from a report made under this 38534  
section was not in good faith, the court shall award the 38535  
prevailing party reasonable attorney's fees and costs and, if a 38536

civil action or proceeding is voluntarily dismissed, may award 38537  
reasonable attorney's fees and costs to the party against whom 38538  
the civil action or proceeding is brought. 38539

(I) (1) Except as provided in divisions (I) (4) and (N) of 38540  
this section and sections 2151.423 and 2151.4210 of the Revised 38541  
Code, a report made under this section is confidential. The 38542  
information provided in a report made pursuant to this section 38543  
and the name of the person who made the report shall not be 38544  
released for use, and shall not be used, as evidence in any 38545  
civil action or proceeding brought against the person who made 38546  
the report. Nothing in this division shall preclude the use of 38547  
reports of other incidents of known or suspected abuse or 38548  
neglect in a civil action or proceeding brought pursuant to 38549  
division (M) of this section against a person who is alleged to 38550  
have violated division (A) (1) of this section, provided that any 38551  
information in a report that would identify the child who is the 38552  
subject of the report or the maker of the report, if the maker 38553  
of the report is not the defendant or an agent or employee of 38554  
the defendant, has been redacted. In a criminal proceeding, the 38555  
report is admissible in evidence in accordance with the Rules of 38556  
Evidence and is subject to discovery in accordance with the 38557  
Rules of Criminal Procedure. 38558

(2) (a) Except as provided in division (I) (2) (b) of this 38559  
section, no person shall permit or encourage the unauthorized 38560  
dissemination of the contents of any report made under this 38561  
section. 38562

(b) A health care professional that obtains the same 38563  
information contained in a report made under this section from a 38564  
source other than the report may disseminate the information, if 38565  
its dissemination is otherwise permitted by law. 38566

(3) A person who knowingly makes or causes another person 38567  
to make a false report under division (B) of this section that 38568  
alleges that any person has committed an act or omission that 38569  
resulted in a child being an abused child or a neglected child 38570  
is guilty of a violation of section 2921.14 of the Revised Code. 38571

(4) If a report is made pursuant to division (A) or (B) of 38572  
this section and the child who is the subject of the report dies 38573  
for any reason at any time after the report is made, but before 38574  
the child attains eighteen years of age, the public children 38575  
services agency or peace officer to which the report was made or 38576  
referred, on the request of the child fatality review board, the 38577  
suicide fatality review committee, or the director of health 38578  
pursuant to guidelines established under section 3701.70 of the 38579  
Revised Code, shall submit a summary sheet of information 38580  
providing a summary of the report to the review board or review 38581  
committee of the county in which the deceased child resided at 38582  
the time of death or to the director. On the request of the 38583  
review board, review committee, or director, the agency or peace 38584  
officer may, at its discretion, make the report available to the 38585  
review board, review committee, or director. If the county 38586  
served by the public children services agency is also served by 38587  
a children's advocacy center and the report of alleged sexual 38588  
abuse of a child or another type of abuse of a child is 38589  
specified in the memorandum of understanding that creates the 38590  
center as being within the center's jurisdiction, the agency or 38591  
center shall perform the duties and functions specified in this 38592  
division in accordance with the interagency agreement entered 38593  
into under section 2151.428 of the Revised Code relative to that 38594  
advocacy center. 38595

(5) Not later than five business days after the 38596  
determination of a disposition, a public children services 38597

agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. The written notice of disposition shall be made in a form designated by the department of ~~job and family services~~ children and youth and shall inform the person of the right to appeal the disposition.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code. If a ~~child-family~~ is determined to be a candidate for benefit from prevention services, the agency also ~~shall may~~ make efforts to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact by referring a report for assessment and provision of services to an agency providing prevention services, if appropriate prevention services are available from a local provider or other reasonable source.

(K) (1) Except as provided in division (K) (4) or (5) of this section, a person who is required to make a report under

division (A) of this section may make a reasonable number of 38629  
requests of the public children services agency that receives or 38630  
is referred the report, or of the children's advocacy center 38631  
that is referred the report if the report is referred to a 38632  
children's advocacy center pursuant to an interagency agreement 38633  
entered into under section 2151.428 of the Revised Code, to be 38634  
provided with the following information: 38635

(a) Whether the agency or center has initiated an 38636  
investigation of the report; 38637

(b) Whether the agency or center is continuing to 38638  
investigate the report; 38639

(c) Whether the agency or center is otherwise involved 38640  
with the child who is the subject of the report; 38641

(d) The general status of the health and safety of the 38642  
child who is the subject of the report; 38643

(e) Whether the report has resulted in the filing of a 38644  
complaint in juvenile court or of criminal charges in another 38645  
court. 38646

(2) (a) A person may request the information specified in 38647  
division (K) (1) of this section only if, at the time the report 38648  
is made, the person's name, address, and telephone number are 38649  
provided to the person who receives the report. 38650

(b) When a peace officer or employee of a public children 38651  
services agency receives a report pursuant to division (A) or 38652  
(B) of this section the recipient of the report shall inform the 38653  
person of the right to request the information described in 38654  
division (K) (1) of this section. The recipient of the report 38655  
shall include in the initial child abuse or child neglect report 38656  
that the person making the report was so informed and, if 38657

provided at the time of the making of the report, shall include 38658  
the person's name, address, and telephone number in the report. 38659

(c) If the person making the report provides the person's 38660  
name and contact information on making the report, the public 38661  
children services agency that received or was referred the 38662  
report shall send a written notice via United States mail or 38663  
electronic mail, in accordance with the person's preference, to 38664  
the person not later than seven calendar days after receipt of 38665  
the report. The notice shall provide the status of the agency's 38666  
investigation into the report made, who the person may contact 38667  
at the agency for further information, and a description of the 38668  
person's rights under division (K) (1) of this section. 38669

(d) Each request is subject to verification of the 38670  
identity of the person making the report. If that person's 38671  
identity is verified, the agency shall provide the person with 38672  
the information described in division (K) (1) of this section a 38673  
reasonable number of times, except that the agency shall not 38674  
disclose any confidential information regarding the child who is 38675  
the subject of the report other than the information described 38676  
in those divisions. 38677

(3) A request made pursuant to division (K) (1) of this 38678  
section is not a substitute for any report required to be made 38679  
pursuant to division (A) of this section. 38680

(4) If an agency other than the agency that received or 38681  
was referred the report is conducting the investigation of the 38682  
report pursuant to section 2151.422 of the Revised Code, the 38683  
agency conducting the investigation shall comply with the 38684  
requirements of division (K) of this section. 38685

(5) A health care professional who made a report under 38686

division (A) of this section, or on whose behalf such a report 38687  
was made as provided in division (A) (1) (c) of this section, may 38688  
authorize a person to obtain the information described in 38689  
division (K) (1) of this section if the person requesting the 38690  
information is associated with or acting on behalf of the health 38691  
care professional who provided health care services to the child 38692  
about whom the report was made. 38693

(6) If the person making the report provides the person's 38694  
name and contact information on making the report, the public 38695  
children services agency that received or was referred the 38696  
report shall send a written notice via United States mail or 38697  
electronic mail, in accordance with the person's preference, to 38698  
the person not later than seven calendar days after the agency 38699  
closes the investigation into the case reported by the person. 38700  
The notice shall notify the person that the agency has closed 38701  
the investigation. 38702

(L) (1) The director of children and youth shall adopt 38703  
rules in accordance with Chapter 119. of the Revised Code to 38704  
implement this section. The department of children and youth may 38705  
enter into a plan of cooperation with any other governmental 38706  
entity to aid in ensuring that children are protected from abuse 38707  
and neglect. The department shall make recommendations to the 38708  
attorney general that the department determines are necessary to 38709  
protect children from child abuse and child neglect. 38710

(2) The director of children and youth shall adopt rules 38711  
in accordance with Chapter 119. of the Revised Code to identify 38712  
the types of neglect of a child that a public children services 38713  
agency shall be required to notify law enforcement of pursuant 38714  
to division (E) (2) (c) (ii) of this section. 38715

(M) Whoever violates division (A) of this section is 38716

liable for compensatory and exemplary damages to the child who 38717  
would have been the subject of the report that was not made. A 38718  
person who brings a civil action or proceeding pursuant to this 38719  
division against a person who is alleged to have violated 38720  
division (A) (1) of this section may use in the action or 38721  
proceeding reports of other incidents of known or suspected 38722  
abuse or neglect, provided that any information in a report that 38723  
would identify the child who is the subject of the report or the 38724  
maker of the report, if the maker is not the defendant or an 38725  
agent or employee of the defendant, has been redacted. 38726

(N) (1) As used in this division: 38727

(a) "Out-of-home care" includes a nonchartered nonpublic 38728  
school if the alleged child abuse or child neglect, or alleged 38729  
threat of child abuse or child neglect, described in a report 38730  
received by a public children services agency allegedly occurred 38731  
in or involved the nonchartered nonpublic school and the alleged 38732  
perpetrator named in the report holds a certificate, permit, or 38733  
license issued by the state board of education under section 38734  
3301.071 or Chapter 3319. of the Revised Code. 38735

(b) "Administrator, director, or other chief 38736  
administrative officer" means the superintendent of the school 38737  
district if the out-of-home care entity subject to a report made 38738  
pursuant to this section is a school operated by the district. 38739

(2) No later than the end of the day following the day on 38740  
which a public children services agency receives a report of 38741  
alleged child abuse or child neglect, or a report of an alleged 38742  
threat of child abuse or child neglect, that allegedly occurred 38743  
in or involved an out-of-home care entity, the agency shall 38744  
provide written notice of the allegations contained in and the 38745  
person named as the alleged perpetrator in the report to the 38746

administrator, director, or other chief administrative officer 38747  
of the out-of-home care entity that is the subject of the report 38748  
unless the administrator, director, or other chief 38749  
administrative officer is named as an alleged perpetrator in the 38750  
report. If the administrator, director, or other chief 38751  
administrative officer of an out-of-home care entity is named as 38752  
an alleged perpetrator in a report of alleged child abuse or 38753  
child neglect, or a report of an alleged threat of child abuse 38754  
or child neglect, that allegedly occurred in or involved the 38755  
out-of-home care entity, the agency shall provide the written 38756  
notice to the owner or governing board of the out-of-home care 38757  
entity that is the subject of the report. The agency shall not 38758  
provide witness statements or police or other investigative 38759  
reports. 38760

(3) No later than three days after the day on which a 38761  
public children services agency that conducted the investigation 38762  
as determined pursuant to section 2151.422 of the Revised Code 38763  
makes a disposition of an investigation involving a report of 38764  
alleged child abuse or child neglect, or a report of an alleged 38765  
threat of child abuse or child neglect, that allegedly occurred 38766  
in or involved an out-of-home care entity, the agency shall send 38767  
written notice of the disposition of the investigation to the 38768  
administrator, director, or other chief administrative officer 38769  
and the owner or governing board of the out-of-home care entity. 38770  
The agency shall not provide witness statements or police or 38771  
other investigative reports. 38772

(0) As used in this section: 38773

(1) "Children's advocacy center" and "sexual abuse of a 38774  
child" have the same meanings as in section 2151.425 of the 38775  
Revised Code. 38776

(2) "Health care professional" means an individual who provides health-related services. "Health care professional" includes all of the following: a physician, including a hospital intern or resident; a dentist; a podiatrist; a registered nurse, including such a nurse who is an advanced practice registered nurse; a licensed practical nurse; a home care nurse; a licensed psychologist; a speech-language pathologist; an audiologist; a person engaged in social work or the practice of professional counseling; and an employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

**Sec. 2151.423.** A public children services agency shall disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity, including any appropriate military authority or any ~~agency providing prevention services provider to the~~ childfamily, that needs the information to carry out its responsibilities to protect children from abuse or neglect.

Information disclosed pursuant to this section is 38807  
confidential and is not subject to disclosure pursuant to 38808  
section 149.43 or 1347.08 of the Revised Code by the agency to 38809  
whom the information was disclosed. The agency receiving the 38810  
information shall maintain the confidentiality of information 38811  
disclosed pursuant to this section. 38812

**Sec. 2151.424.** (A) If a child has been placed in a 38813  
certified foster home or is in the custody of, or has been 38814  
placed with, a kinship caregiver as defined in section ~~5101.85-~~ 38815  
5180.50 of the Revised Code, a court, prior to conducting any 38816  
hearing pursuant to division (F) (2) or (3) of section 2151.412 38817  
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 38818  
2151.416, or 2151.417 of the Revised Code with respect to the 38819  
child, shall notify the foster caregiver or kinship caregiver of 38820  
the date, time, and place of the hearing. At the hearing, the 38821  
foster caregiver or kinship caregiver shall have the right to be 38822  
heard. 38823

(B) If a public children services agency or private child 38824  
placing agency has permanent custody of a child and a petition 38825  
to adopt the child has been filed under Chapter 3107. of the 38826  
Revised Code, the agency, prior to conducting a review under 38827  
section 2151.416 of the Revised Code, or a court, prior to 38828  
conducting a hearing under division (F) (2) or (3) of section 38829  
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 38830  
shall notify the prospective adoptive parent of the date, time, 38831  
and place of the review or hearing. At the review or hearing, 38832  
the prospective adoptive parent shall have the right to be 38833  
heard. 38834

(C) The notice and the opportunity to be heard do not make 38835  
the foster caregiver, kinship caregiver, or prospective adoptive 38836

parent a party in the action or proceeding pursuant to which the review or hearing is conducted.

**Sec. 2151.45.** As used in sections 2151.45 to 2151.455 of the Revised Code, "emancipated young adult" and "representative" have the same meanings as in section ~~5101.141~~5180.42 of the Revised Code.

**Sec. 2151.451.** (A) The juvenile court of the county, to which either of the following applies regarding an emancipated young adult described under division (A) (1) of section ~~5101.141~~5180.428 of the Revised Code, may exercise jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code:

(1) The county in which the emancipated young adult resides;

(2) The county in which the emancipated young adult resided when the custody, arrangement, or care and placement described in division (A) (3) (a) of section ~~5101.141~~5180.42 of the Revised Code terminated.

(B) A juvenile court, on its own motion or the motion of any party, may transfer a proceeding under sections 2151.45 to 2151.455 of the Revised Code to a juvenile court with jurisdiction as provided in this section.

**Sec. 2151.452.** A juvenile court shall do both of the following regarding an emancipated young adult described under division (A) (1) of section ~~5101.141~~5180.428 of the Revised Code:

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a determination as to whether the emancipated young adult's best

interest is served by continuing the care and placement with the 38866  
department of children and youth or its representative. 38867

(B) Not later than twelve months after the effective date 38868  
of the voluntary participation agreement, and at least once 38869  
every twelve months thereafter, make a determination that the 38870  
department or its representative has made reasonable efforts to 38871  
finalize a permanency plan to prepare the emancipated young 38872  
adult for independence. 38873

**Sec. 2151.453.** If any determination required under section 38874  
2151.452 of the Revised Code is not timely made, the federal 38875  
payments for foster care under division (A) (1) of section 38876  
~~5101.1411~~5180.428 of the Revised Code for the emancipated young 38877  
adult shall be suspended. The payments shall resume upon a 38878  
subsequent determination that reasonable efforts have been made 38879  
to prepare the emancipated young adult for independence, but 38880  
only if both of the following apply: 38881

(A) The emancipated young adult complies with division (A) 38882  
(1) of section ~~5101.1411~~5180.428 of the Revised Code. 38883

(B) There has been a timely determination of best interest 38884  
under division (A) of section 2151.452 of the Revised Code. 38885

**Sec. 2152.26.** (A) Except as provided in divisions (B) and 38886  
(F) of this section, a child alleged to be or adjudicated a 38887  
delinquent child or a juvenile traffic offender may be held only 38888  
in the following places: 38889

(1) A certified foster home or a home approved by the 38890  
court; 38891

(2) A facility operated by a certified child welfare 38892  
agency; 38893

(3) Any other suitable place designated by the court.	38894
(B) In addition to the places listed in division (A) of this section, a child alleged to be or adjudicated a delinquent child or a person described in division (C) (7) of section 2152.02 of the Revised Code may be held in a detention facility for delinquent children that is under the direction or supervision of the court or other public authority or of a private agency and approved by the court, and a child adjudicated a delinquent child may be held in accordance with division (F) (2) of this section in a facility of a type specified in that division.	38895 38896 38897 38898 38899 38900 38901 38902 38903 38904
(C) (1) Except as provided under division (C) (1) of section 2151.311 of the Revised Code or division (A) (5) of section 2152.21 of the Revised Code, a child alleged to be or adjudicated a juvenile traffic offender may not be held in any of the following facilities:	38905 38906 38907 38908 38909
(a) A state correctional institution, county, multicounty, or municipal jail or workhouse, or other place in which an adult convicted of crime, under arrest, or charged with a crime is held.	38910 38911 38912 38913
(b) A secure correctional facility.	38914
(2) Except as provided under this section, sections 2151.56 to 2151.59, and divisions (A) (5) and (6) of section 2152.21 of the Revised Code, a child alleged to be or adjudicated a juvenile traffic offender may not be held for more than twenty-four hours in a detention facility.	38915 38916 38917 38918 38919
(D) Except as provided in division (F) of this section or in division (C) of section 2151.311, in division (C) (2) of section 5139.06 and section 5120.162, or in division <del>(B)</del> (C) of	38920 38921 38922

section 5120.16 of the Revised Code, a child who is alleged to 38923  
be or is adjudicated a delinquent child or a person described in 38924  
division (C) (7) of section 2152.02 of the Revised Code may not 38925  
be held in a state correctional institution, county, 38926  
multicounty, or municipal jail or workhouse, or other place 38927  
where an adult convicted of crime, under arrest, or charged with 38928  
crime is held. 38929

(E) Unless the detention is pursuant to division (F) of 38930  
this section or division (C) of section 2151.311, division (C) 38931  
(2) of section 5139.06 and section 5120.162, or division ~~(B)~~(C) 38932  
of section 5120.16 of the Revised Code, the official in charge 38933  
of the institution, jail, workhouse, or other facility shall 38934  
inform the court immediately when a person who is or appears to 38935  
be under the age of eighteen years, or a person who is charged 38936  
with a violation of an order of a juvenile court or a violation 38937  
of probation or parole conditions imposed by a juvenile court 38938  
and who is or appears to be between the ages of eighteen and 38939  
twenty-one years, is received at the facility and shall deliver 38940  
the person to the court upon request or transfer the person to a 38941  
detention facility designated by the court. 38942

(F) (1) If a case is transferred to another court for 38943  
criminal prosecution pursuant to section 2152.12 of the Revised 38944  
Code and the alleged offender is a person described in division 38945  
(C) (7) of section 2152.02 of the Revised Code, the person may 38946  
not be transferred for detention pending the criminal 38947  
prosecution in a jail or other facility except under the 38948  
circumstances described in division (F) (4) of this section. Any 38949  
child held in accordance with division (F) (3) of this section 38950  
shall be confined in a manner that keeps the child beyond the 38951  
sight and sound of all adult detainees. The child shall be 38952  
supervised at all times during the detention. 38953

(2) If a person is adjudicated a delinquent child or juvenile traffic offender or is a person described in division (C) (7) of section 2152.02 of the Revised Code and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the person may be held under that disposition or under the circumstances described in division (F) (4) of this section in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(3) (a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

(i) The person attains twenty-one years of age before the person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act before the person attains twenty-one years of age, but the person attains twenty-one years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F) (3) (a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

(4) (a) Any person whose case is transferred for criminal

prosecution pursuant to section 2152.10 or 2152.12 of the 38983  
Revised Code or any person who has attained the age of eighteen 38984  
years but has not attained the age of twenty-one years and who 38985  
is being held in a place specified in division (B) of this 38986  
section may be held under that disposition or charge in places 38987  
other than those specified in division (B) of this section, 38988  
including a county, multicounty, or municipal jail or workhouse, 38989  
or other place where an adult under arrest or charged with crime 38990  
is held if the juvenile court, upon its own motion or upon 38991  
motion by the prosecutor and after notice and hearing, 38992  
establishes by a preponderance of the evidence and makes written 38993  
findings of either of the following: 38994

(i) With respect to a person whose case is transferred for 38995  
criminal prosecution pursuant to either specified section or who 38996  
has attained the age of eighteen years but who has not attained 38997  
the age of twenty-one years and is being so held, that the youth 38998  
is a threat to the safety and security of the facility; 38999

(ii) With respect to a person who has attained the age of 39000  
eighteen years but who has not attained the age of twenty-one 39001  
years and is being so held, that the best interests of the youth 39002  
require that the youth be held in a place other than a place 39003  
specified in division (B) of this section, including a county, 39004  
multicounty, or municipal jail or workhouse, or other place 39005  
where an adult under arrest or charged with crime is held. 39006

(b) In determining for purposes of division (F) (4) (a) (i) 39007  
of this section whether a youth is a threat to the safety and 39008  
security of the facility, evidence that the youth is a threat to 39009  
the safety and security of the facility may include, but is not 39010  
limited to, whether the youth has done any of the following: 39011

(i) Injured or created an imminent danger to the life or 39012

health of another youth or staff member in the facility or 39013  
program by violent behavior; 39014

(ii) Escaped from the facility or program in which the 39015  
youth is being held on more than one occasion; 39016

(iii) Established a pattern of disruptive behavior as 39017  
verified by a written record that the youth's behavior is not 39018  
conducive to the established policies and procedures of the 39019  
facility or program in which the youth is being held. 39020

(c) If a prosecutor submits a motion requesting that a 39021  
person be held in a place other than those specified in division 39022  
(B) of this section or if the court submits its own motion, the 39023  
juvenile court shall hold a hearing within five days of the 39024  
filing of the motion, and, in determining whether a place other 39025  
than those specified in division (B) of this section is the 39026  
appropriate place of confinement for the person, the court shall 39027  
consider the following factors: 39028

(i) The age of the person; 39029

(ii) Whether the person would be deprived of contact with 39030  
other people for a significant portion of the day or would not 39031  
have access to recreational facilities or age-appropriate 39032  
educational opportunities in order to provide physical 39033  
separation from adults; 39034

(iii) The person's current emotional state, intelligence, 39035  
and developmental maturity, including any emotional and 39036  
psychological trauma, and the risk to the person in an adult 39037  
facility, which may be evidenced by mental health or 39038  
psychological assessments or screenings made available to the 39039  
prosecuting attorney and the defense counsel; 39040

(iv) Whether detention in a juvenile facility would 39041

adequately serve the need for community protection pending the  
outcome of the criminal proceeding;

(v) The relative ability of the available adult and  
juvenile detention facilities to meet the needs of the person,  
including the person's need for age-appropriate mental health  
and educational services delivered by individuals specifically  
trained to deal with youth;

(vi) Whether the person presents an imminent risk of self-  
inflicted harm or an imminent risk of harm to others within a  
juvenile facility;

(vii) Any other factors the juvenile court considers to be  
relevant.

(d) If the juvenile court determines that a place other  
than those specified in division (B) of this section is the  
appropriate place for confinement of a person pursuant to  
division (F) (4) (a) of this section, the person may petition the  
juvenile court for a review hearing thirty days after the  
initial confinement decision, thirty days after any subsequent  
review hearing, or at any time after the initial confinement  
decision upon an emergency petition by the youth due to the  
youth facing an imminent danger from others or the youth's self.  
Upon receipt of the petition, the juvenile court has discretion  
over whether to conduct the review hearing and may set the  
matter for a review hearing if the youth has alleged facts or  
circumstances that, if true, would warrant reconsideration of  
the youth's placement in a place other than those specified in  
division (B) of this section based on the factors listed in  
division (F) (4) (c) of this section.

(e) Upon the admission of a person described in division

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(F) (4) (a) of this section to a place other than those specified 39071  
in division (B) of this section, the facility shall advise the 39072  
person of the person's right to request a review hearing as 39073  
described in division (F) (4) (d) of this section. 39074

(f) Any person transferred under division (F) (4) (a) of 39075  
this section to a place other than those specified in division 39076  
(B) of this section shall be confined in a manner that keeps 39077  
those under eighteen years of age beyond sight and sound of all 39078  
adult detainees. Those under eighteen years of age shall be 39079  
supervised at all times during the detention. 39080

(G) (1) If a person who is alleged to be or has been 39081  
adjudicated a delinquent child or who is in any other category 39082  
of persons identified in this section or section 2151.311 of the 39083  
Revised Code is confined under authority of any Revised Code 39084  
section in a place other than a place specified in division (B) 39085  
of this section, including a county, multicounty, or municipal 39086  
jail or workhouse, or other place where an adult under arrest or 39087  
charged with crime is held, subject to division (G) (2) of this 39088  
section, all identifying information, other than the person's 39089  
county of residence, age, gender, and race and the charges 39090  
against the person, that relates to the person's admission to 39091  
and confinement in that place is not a public record open for 39092  
inspection or copying under section 149.43 of the Revised Code 39093  
and is confidential and shall not be released to any person 39094  
other than to a court, to a law enforcement agency for law 39095  
enforcement purposes, or to a person specified by court order. 39096

(2) Division (G) (1) of this section does not apply with 39097  
respect to a person whose case is transferred for criminal 39098  
prosecution pursuant to section 2152.10 or 2152.12 of the 39099  
Revised Code, who is convicted of or pleads guilty to an offense 39100

in that case, who is confined after that conviction or guilty plea in a place other than a place specified in division (B) of this section, and to whom one of the following applies:

(a) The case was transferred other than pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code.

(b) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, and the person is sentenced for the offense pursuant to division (B) (4) of section 2152.121 of the Revised Code.

(c) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, the person is sentenced for the offense pursuant to division (B) (3) of section 2152.121 of the Revised Code by the court in which the person was convicted of or pleaded guilty to the offense, and the sentence imposed by that court is invoked pursuant to division (B) (3) (b) of section 2152.121 of the Revised Code.

**Sec. 2303.12.** (A) As used in this section:

(1) "Case file" means the compendium of original documents filed in a civil or criminal action or proceeding in the court of common pleas, including the pleadings, motions, orders, and judgments of the court on a case by case basis.

(2) "General docket" means the appearance docket, trial docket, journal, execution docket, and case files in relation to those dockets and journal.

(B) The clerk of the court of common pleas shall keep records as indicated by the Rules of Superintendence for the Courts of Ohio. They shall be called the appearance docket,

trial docket and printed duplicates of the trial docket for the 39130  
use of the court and the officers thereof, journal, and 39131  
execution docket. The clerk shall also keep a record in book 39132  
form or the clerk may prepare a record by using any photostatic, 39133  
photographic, miniature photographic, film, microfilm, or 39134  
microphotographic process, electrostatic process, perforated 39135  
tape, magnetic tape, or other electromagnetic means, electronic 39136  
data processing, machine readable media, graphic or video 39137  
display, or any combination thereof, which correctly and 39138  
accurately copies or reproduces every case file and other 39139  
original document, paper, or instrument in writing. The clerk 39140  
shall keep an index to the trial docket and to the printed 39141  
duplicates of the trial docket and of the journal direct, and to 39142  
the appearance docket, record, and execution docket, direct and 39143  
reverse. All clerks keeping records and information by the 39144  
methods described in this section shall keep and make readily 39145  
available to the public the machine and equipment necessary to 39146  
reproduce the records and information in a readable form. 39147

(C) The clerk of the court of common pleas shall keep 39148  
confidential information that is subject to a real property 39149  
confidentiality notice under section 111.431 of the Revised 39150  
Code, in accordance with that section. 39151

(D) (1) Subject to division (D) (2) of this section, ~~not the~~ the 39152  
clerk of court shall do both of the following: 39153

(a) Not later than eighteen months after the effective 39154  
date of this amendment April 6, 2023, the clerk of court shall 39155  
make available online on the clerk of court's web site the 39156  
general docket of the court for remote access and printing by 39157  
the public of the information in that docket, including all 39158  
individual documents in each case file, pertaining to civil 39159

cases filed on or after ~~the effective date of this amendment~~  
April 6, 2023. 39160  
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(b) Not later than eighteen months after the effective 39162  
date of this amendment, the clerk of court shall make available 39163  
online on the clerk of court's web site the general docket of 39164  
the court for remote access and printing by the public of the 39165  
information in that docket, including all individual documents 39166  
in each case file, pertaining to criminal cases filed on or 39167  
after the effective date of this amendment. 39168

(2) The clerk of court is not required to make available 39169  
online under division (D) (1) of this section either of the 39170  
following: 39171

(a) The general docket of the division of domestic 39172  
relations, or the juvenile court, or the probate court; 39173

(b) If the court does not have a division of domestic 39174  
relations, the general docket in civil cases pertaining to 39175  
domestic relations. 39176

(E) Nothing in division (D) of this section shall be 39177  
construed as making available online any of the following: 39178

(1) Internal documents such as notes, emails, drafts, 39179  
recommendations, advice, or research of judicial officers and 39180  
court staff; 39181

(2) Any document or any information in a case file the 39182  
public access to which the court has ordered restricted under 39183  
the Rules of Superintendence for the Courts of Ohio. 39184

**Sec. 2303.201.** (A) (1) The court of common pleas of any 39185  
county may determine that for the efficient operation of the 39186  
court additional funds are required to computerize the court, to 39187

make available computerized legal research services, or to do 39188  
both. Upon making a determination that additional funds are 39189  
required for either or both of those purposes, the court shall 39190  
~~authorize~~ do one of the following: 39191

(a) If the court of common pleas of a county has complied 39192  
with the requirements in division (D)(1) of section 2303.12 of 39193  
the Revised Code, authorize and direct the clerk of the court of 39194  
common pleas to charge one additional fee, not to exceed six 39195  
dollars, on the filing of each cause of action or appeal under 39196  
divisions (A), (Q), and (U) of section 2303.20 of the Revised 39197  
Code; 39198

(b) If the court of common pleas of a county has not 39199  
complied with the requirements in division (D)(1) of section 39200  
2303.12 of the Revised Code, authorize and direct the clerk of 39201  
the court of common pleas to charge one additional fee, not to 39202  
exceed three dollars, on the filing of each cause of action or 39203  
appeal under divisions (A), (Q), and (U) of section 2303.20 of 39204  
the Revised Code. 39205

(2) All fees collected under division (A)(1) of this 39206  
section shall be paid to the county treasurer. The treasurer 39207  
shall place the funds from the fees in a separate fund to be 39208  
disbursed either upon an order of the court, subject to an 39209  
appropriation by the board of county commissioners, or upon an 39210  
order of the court, subject to the court making an annual report 39211  
available to the public listing the use of all such funds, in an 39212  
amount not greater than the actual cost to the court of 39213  
procuring and maintaining computerization of the court, 39214  
computerized legal research services, or both. 39215

(3) If the court determines that the funds in the fund 39216  
described in division (A)(2) of this section are more than 39217

sufficient to satisfy the purpose for which the additional fee 39218  
described in division (A) (1) of this section was imposed, the 39219  
court may declare a surplus in the fund and, subject to an 39220  
appropriation by the board of county commissioners, expend those 39221  
surplus funds, or upon an order of the court, subject to the 39222  
court making an annual report available to the public listing 39223  
the use of all such funds, expend those surplus funds, for other 39224  
appropriate technological expenses of the court. 39225

(B) (1) (a) Except as provided in division (B) (1) (b) of this 39226  
section, the clerk of the court of common pleas of any county 39227  
may determine that, for the efficient operation of the office of 39228  
the clerk of the court of common pleas, additional funds are 39229  
required to make technological advances in or to computerize the 39230  
office of the clerk of the court of common pleas ~~and, upon~~. 39231  
Upon making that determination, authorize the court shall do one 39232  
of the following: 39233

(i) If the court of common pleas of a county has complied 39234  
with the requirements in division (D) (1) of section 2303.12 of 39235  
the Revised Code, authorize and direct that an additional fee, 39236  
not to exceed twenty dollars, on the filing of each cause of 39237  
action or appeal, on the filing, docketing, and endorsing of 39238  
each certificate of judgment, or on the docketing and indexing 39239  
of each aid in execution or petition to vacate, revive, or 39240  
modify a judgment under divisions (A), (P), (Q), (T), and (U) of 39241  
section 2303.20 of the Revised Code and not to exceed one dollar 39242  
each for the services described in divisions (B), (C), (D), (F), 39243  
(H), and (L) of section 2303.20 of the Revised Code, be charged; 39244

(ii) If the court of common pleas of a county has not 39245  
complied with the requirements in division (D) (1) of section 39246  
2303.12 of the Revised Code, authorize and direct that an 39247

additional fee, not to exceed ten dollars, on the filing of each 39248  
cause of action or appeal, on the filing, docketing, and 39249  
endorsing of each certificate of judgment, or on the docketing 39250  
and indexing of each aid in execution or petition to vacate, 39251  
revive, or modify a judgment under divisions (A), (P), (Q), (T), 39252  
and (U) of section 2303.20 of the Revised Code and not to exceed 39253  
fifty cents each for the services described in divisions (B), 39254  
(C), (D), (F), (H), and (L) of section 2303.20 of the Revised 39255  
Code, be charged. 39256

(b) In a county in which the clerk of the court of common 39257  
pleas is appointed, the court may make the determination 39258  
described in division (B)(1)(a) of this section and, upon that 39259  
determination, may include such a computerization fee in the 39260  
schedule of fees and costs. 39261

(2) Subject to division (B)(3) of this section, all moneys 39262  
collected under division (B)(1)(a) of this section shall be paid 39263  
to the county treasurer to be disbursed, subject to an 39264  
appropriation made by the board of county commissioners, in an 39265  
amount no greater than the actual cost to the court of procuring 39266  
and maintaining technology and computer systems for the office 39267  
of the clerk of the court of common pleas. 39268

(3) If the court or the clerk of the court of common pleas 39269  
of a county makes the determination described in division (B)(1) 39270  
(a) of this section, the board of county commissioners of that 39271  
county may issue one or more general obligation bonds for the 39272  
purpose of procuring and maintaining the technology and computer 39273  
systems for the office of the clerk of the court of common 39274  
pleas. In addition to the purposes stated in division (B)(1)(a) 39275  
of this section for which the moneys collected under that 39276  
division may be expended, the moneys additionally may be 39277

expended to pay debt charges on and financing costs related to 39278  
any general obligation bonds issued pursuant to division (B) (3) 39279  
of this section as they become due. General obligation bonds 39280  
issued pursuant to division (B) (3) of this section are Chapter 39281  
133. securities. 39282

(C) The court of common pleas shall collect the sum of 39283  
twenty-six dollars as additional filing fees in each new civil 39284  
action or proceeding for the charitable public purpose of 39285  
providing financial assistance to legal aid societies that 39286  
operate within the state and to support the office of the state 39287  
public defender. This division does not apply to a juvenile 39288  
division of a court of common pleas, except that an additional 39289  
filing fee of fifteen dollars shall apply to custody, 39290  
visitation, and parentage actions; to a probate division of a 39291  
court of common pleas, except that the additional filing fees 39292  
shall apply to name change, guardianship, adoption, and 39293  
decedents' estate proceedings; or to an execution on a judgment, 39294  
proceeding in aid of execution, or other post-judgment 39295  
proceeding arising out of a civil action. The filing fees 39296  
required to be collected under this division shall be in 39297  
addition to any other filing fees imposed in the action or 39298  
proceeding and shall be collected at the time of the filing of 39299  
the action or proceeding. The court shall not waive the payment 39300  
of the additional filing fees in a new civil action or 39301  
proceeding unless the court waives the advanced payment of all 39302  
filing fees in the action or proceeding. All such moneys 39303  
collected during a month except for an amount equal to up to one 39304  
per cent of those moneys retained to cover administrative costs 39305  
shall be transmitted on or before the twentieth day of the 39306  
following month by the clerk of the court to the treasurer of 39307  
state in a manner prescribed by the treasurer of state or by the 39308

Ohio access to justice foundation. The treasurer of state shall 39309  
deposit four per cent of the funds collected under this division 39310  
to the credit of the civil case filing fee fund established 39311  
under section 120.07 of the Revised Code and ninety-six per cent 39312  
of the funds collected under this division to the credit of the 39313  
legal aid fund established under section 120.52 of the Revised 39314  
Code. 39315

The court may retain up to one per cent of the moneys it 39316  
collects under this division to cover administrative costs, 39317  
including the hiring of any additional personnel necessary to 39318  
implement this division. If the court fails to transmit to the 39319  
treasurer of state the moneys the court collects under this 39320  
division in a manner prescribed by the treasurer of state or by 39321  
the Ohio access to justice foundation, the court shall forfeit 39322  
the moneys the court retains under this division to cover 39323  
administrative costs, including the hiring of any additional 39324  
personnel necessary to implement this division, and shall 39325  
transmit to the treasurer of state all moneys collected under 39326  
this division, including the forfeited amount retained for 39327  
administrative costs, for deposit in the legal aid fund. 39328

(D) On and after the thirtieth day after December 9, 1994, 39329  
the court of common pleas shall collect the sum of thirty-two 39330  
dollars as additional filing fees in each new action or 39331  
proceeding for annulment, divorce, or dissolution of marriage 39332  
for the purpose of funding shelters for victims of domestic 39333  
violence pursuant to sections 3113.35 to 3113.39 of the Revised 39334  
Code. The filing fees required to be collected under this 39335  
division shall be in addition to any other filing fees imposed 39336  
in the action or proceeding and shall be collected at the time 39337  
of the filing of the action or proceeding. The court shall not 39338  
waive the payment of the additional filing fees in a new action 39339

or proceeding for annulment, divorce, or dissolution of marriage 39340  
unless the court waives the advanced payment of all filing fees 39341  
in the action or proceeding. On or before the twentieth day of 39342  
each month, all moneys collected during the immediately 39343  
preceding month pursuant to this division shall be deposited by 39344  
the clerk of the court into the county treasury in the special 39345  
fund used for deposit of additional marriage license fees as 39346  
described in section 3113.34 of the Revised Code. Upon their 39347  
deposit into the fund, the moneys shall be retained in the fund 39348  
and expended only as described in section 3113.34 of the Revised 39349  
Code. 39350

(E) (1) The court of common pleas may determine that, for 39351  
the efficient operation of the court, additional funds are 39352  
necessary to acquire and pay for special projects of the court, 39353  
including, but not limited to, the acquisition of additional 39354  
facilities or the rehabilitation of existing facilities, the 39355  
acquisition of equipment, the hiring and training of staff, 39356  
community service programs, mediation or dispute resolution 39357  
services, the employment of magistrates, the training and 39358  
education of judges, acting judges, and magistrates, and other 39359  
related services. Upon that determination, the court by rule may 39360  
charge a fee, in addition to all other court costs, on the 39361  
filing of each criminal cause, civil action or proceeding, or 39362  
judgment by confession. Fees collected by a court for special 39363  
projects of the court under this division shall not be used for 39364  
training or education that takes place outside of the state. 39365

If the court of common pleas offers or requires a special 39366  
program or additional services in cases of a specific type, the 39367  
court by rule may assess an additional charge in a case of that 39368  
type, over and above court costs, to cover the special program 39369  
or service. The court shall adjust the special assessment 39370

periodically, but not retroactively, so that the amount assessed 39371  
in those cases does not exceed the actual cost of providing the 39372  
service or program. 39373

All moneys collected under division (E) of this section 39374  
shall be paid to the county treasurer for deposit into either a 39375  
general special projects fund or a fund established for a 39376  
specific special project. Moneys from a fund of that nature 39377  
shall be disbursed upon an order of the court, subject to an 39378  
appropriation by the board of county commissioners, in an amount 39379  
no greater than the actual cost to the court of a project. If a 39380  
specific fund is terminated because of the discontinuance of a 39381  
program or service established under division (E) of this 39382  
section, the court may order, subject to an appropriation by the 39383  
board of county commissioners, that moneys remaining in the fund 39384  
be transferred to an account established under this division for 39385  
a similar purpose. 39386

(2) As used in division (E) of this section: 39387

(a) "Criminal cause" means a charge alleging the violation 39388  
of a statute or ordinance, or subsection of a statute or 39389  
ordinance, that requires a separate finding of fact or a 39390  
separate plea before disposition and of which the defendant may 39391  
be found guilty, whether filed as part of a multiple charge on a 39392  
single summons, citation, or complaint or as a separate charge 39393  
on a single summons, citation, or complaint. "Criminal cause" 39394  
does not include separate violations of the same statute or 39395  
ordinance, or subsection of the same statute or ordinance, 39396  
unless each charge is filed on a separate summons, citation, or 39397  
complaint. 39398

(b) "Civil action or proceeding" means any civil 39399  
litigation that must be determined by judgment entry. 39400

**Sec. 2303.26.** The clerk of the court of common pleas shall 39401  
exercise the powers conferred and perform the duties enjoined 39402  
upon the clerk by statute and by the common law; and in the 39403  
performance of official duties the clerk shall be under the 39404  
direction of the court. The clerk shall not restrict, prohibit, 39405  
or otherwise modify the rights of parties to seek service on 39406  
party defendants allowed by the Rules of Civil Procedure, either 39407  
singularly or concurrently. 39408

In furtherance of the performance of the duties enjoined 39409  
upon the clerk by statute, common law, and the Rules of 39410  
Superintendence for the Courts of Ohio, the clerk of the court 39411  
of common pleas shall be responsible for determining the best 39412  
means and methods for storing, maintaining, and retrieving all 39413  
papers delivered to the clerk, whether delivered in writing or 39414  
in electronic form, in compliance with Rule 26 of the Rules of 39415  
Superintendence for the Courts of Ohio. Once determined by the 39416  
clerk of court of common pleas, the clerk shall be responsible 39417  
for implementing the means and methods for storage, maintenance, 39418  
and retrieval. 39419

**Sec. 2329.66.** (A) Every person who is domiciled in this 39420  
state may hold property exempt from execution, garnishment, 39421  
attachment, or sale to satisfy a judgment or order, as follows: 39422

(1) (a) In the case of a judgment or order regarding money 39423  
owed for health care services rendered or health care supplies 39424  
provided to the person or a dependent of the person, one parcel 39425  
or item of real or personal property that the person or a 39426  
dependent of the person uses as a residence. Division (A) (1) (a) 39427  
of this section does not preclude, affect, or invalidate the 39428  
creation under this chapter of a judgment lien upon the exempted 39429  
property but only delays the enforcement of the lien until the 39430

property is sold or otherwise transferred by the owner or in 39431  
accordance with other applicable laws to a person or entity 39432  
other than the surviving spouse or surviving minor children of 39433  
the judgment debtor. Every person who is domiciled in this state 39434  
may hold exempt from a judgment lien created pursuant to 39435  
division (A) (1) (a) of this section the person's interest, not to 39436  
exceed one hundred twenty-five thousand dollars, in the exempted 39437  
property. 39438

(b) In the case of all other judgments and orders, the 39439  
person's interest, not to exceed one hundred twenty-five 39440  
thousand dollars, in one parcel or item of real or personal 39441  
property that the person or a dependent of the person uses as a 39442  
residence. 39443

(c) For purposes of divisions (A) (1) (a) and (b) of this 39444  
section, "parcel" means a tract of real property as identified 39445  
on the records of the auditor of the county in which the real 39446  
property is located. 39447

(2) The person's interest, not to exceed three thousand 39448  
two hundred twenty-five dollars, in one motor vehicle; 39449

(3) The person's interest, not to exceed four hundred 39450  
dollars, in cash on hand, money due and payable, money to become 39451  
due within ninety days, tax refunds, and money on deposit with a 39452  
bank, savings and loan association, credit union, public 39453  
utility, landlord, or other person, other than personal 39454  
earnings. 39455

(4) (a) The person's interest, not to exceed five hundred 39456  
twenty-five dollars in any particular item or ten thousand seven 39457  
hundred seventy-five dollars in aggregate value, in household 39458  
furnishings, household goods, wearing apparel, appliances, 39459

books, animals, crops, musical instruments, firearms, and 39460  
hunting and fishing equipment that are held primarily for the 39461  
personal, family, or household use of the person; 39462

(b) The person's aggregate interest in one or more items 39463  
of jewelry, not to exceed one thousand three hundred fifty 39464  
dollars, held primarily for the personal, family, or household 39465  
use of the person or any of the person's dependents. 39466

(5) The person's interest, not to exceed an aggregate of 39467  
two thousand twenty-five dollars, in all implements, 39468  
professional books, or tools of the person's profession, trade, 39469  
or business, including agriculture; 39470

(6) (a) The person's interest in a beneficiary fund set 39471  
apart, appropriated, or paid by a benevolent association or 39472  
society, as exempted by section 2329.63 of the Revised Code; 39473

(b) The person's interest in contracts of life or 39474  
endowment insurance or annuities, as exempted by section 3911.10 39475  
of the Revised Code; 39476

(c) The person's interest in a policy of group insurance 39477  
or the proceeds of a policy of group insurance, as exempted by 39478  
section 3917.05 of the Revised Code; 39479

(d) The person's interest in money, benefits, charity, 39480  
relief, or aid to be paid, provided, or rendered by a fraternal 39481  
benefit society, as exempted by section 3921.18 of the Revised 39482  
Code; 39483

(e) The person's interest in the portion of benefits under 39484  
policies of sickness and accident insurance and in lump sum 39485  
payments for dismemberment and other losses insured under those 39486  
policies, as exempted by section 3923.19 of the Revised Code. 39487

(7) The person's professionally prescribed or medically necessary health aids;	39488 39489
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	39490 39491 39492
(9) The person's interest in the following:	39493
(a) Moneys paid or payable for maintenance or rights, as exempted by section 3304.19 of the Revised Code;	39494 39495
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	39496 39497
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	39498 39499
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	39500 39501
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	39502 39503 39504
(f) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	39505 39506
(10) (a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C) (2) (b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of	39507 39508 39509 39510 39511 39512 39513 39514 39515

the Revised Code, and only to the extent provided in the order, 39516  
and except as provided in sections 3105.171, 3105.63, 3119.80, 39517  
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 39518  
person's rights to or interests in a pension, benefit, annuity, 39519  
retirement allowance, or accumulated contributions, the person's 39520  
rights to or interests in a participant account in any deferred 39521  
compensation program offered by the ~~Ohio~~ public employees 39522  
~~deferred compensation~~ retirement board, a government unit, or a 39523  
municipal corporation, or the person's other accrued or accruing 39524  
rights or interests, as exempted by section 143.11, 145.56, 39525  
146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the 39526  
Revised Code, and the person's rights to or interests in 39527  
benefits from the Ohio public safety officers death benefit 39528  
fund; 39529

(b) Except as provided in sections 3119.80, 3119.81, 39530  
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 39531  
rights to receive or interests in receiving a payment or other 39532  
benefits under any pension, annuity, or similar plan or 39533  
contract, not including a payment or benefit from a stock bonus 39534  
or profit-sharing plan or a payment included in division (A) (6) 39535  
(b) or (10) (a) of this section, on account of illness, 39536  
disability, death, age, or length of service, to the extent 39537  
reasonably necessary for the support of the person and any of 39538  
the person's dependents, except if all the following apply: 39539

(i) The plan or contract was established by or under the 39540  
auspices of an insider that employed the person at the time the 39541  
person's rights or interests under the plan or contract arose. 39542

(ii) The payment is on account of age or length of 39543  
service. 39544

(iii) The plan or contract is not qualified under the 39545

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as  
amended. 39546  
39547

(c) Except for any portion of the assets that were 39548  
deposited for the purpose of evading the payment of any debt and 39549  
except as provided in sections 3119.80, 3119.81, 3121.02, 39550  
3121.03, and 3123.06 of the Revised Code, the person's rights or 39551  
interests in the assets held in, or to directly or indirectly 39552  
receive any payment or benefit under, any individual retirement 39553  
account, individual retirement annuity, "Roth IRA," account 39554  
opened pursuant to a program administered by a state under 39555  
section 529 or 529A of the "Internal Revenue Code of 1986," 100 39556  
Stat. 2085, 26 U.S.C. 1, as amended, or education individual 39557  
retirement account that provides payments or benefits by reason 39558  
of illness, disability, death, retirement, or age or provides 39559  
payments or benefits for purposes of education or qualified 39560  
disability expenses, to the extent that the assets, payments, or 39561  
benefits described in division (A) (10) (c) of this section are 39562  
attributable to or derived from any of the following or from any 39563  
earnings, dividends, interest, appreciation, or gains on any of 39564  
the following: 39565

(i) Contributions of the person that were less than or 39566  
equal to the applicable limits on deductible contributions to an 39567  
individual retirement account or individual retirement annuity 39568  
in the year that the contributions were made, whether or not the 39569  
person was eligible to deduct the contributions on the person's 39570  
federal tax return for the year in which the contributions were 39571  
made; 39572

(ii) Contributions of the person that were less than or 39573  
equal to the applicable limits on contributions to a Roth IRA or 39574  
education individual retirement account in the year that the 39575

contributions were made; 39576

(iii) Contributions of the person that are within the 39577  
applicable limits on rollover contributions under subsections 39578  
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 39579  
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 39580  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 39581

(iv) Contributions by any person into any plan, fund, or 39582  
account that is formed, created, or administered pursuant to, or 39583  
is otherwise subject to, section 529 or 529A of the "Internal 39584  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 39585

(d) Except for any portion of the assets that were 39586  
deposited for the purpose of evading the payment of any debt and 39587  
except as provided in sections 3119.80, 3119.81, 3121.02, 39588  
3121.03, and 3123.06 of the Revised Code, the person's rights or 39589  
interests in the assets held in, or to receive any payment 39590  
under, any Keogh or "H.R. 10" plan that provides benefits by 39591  
reason of illness, disability, death, retirement, or age, to the 39592  
extent reasonably necessary for the support of the person and 39593  
any of the person's dependents. 39594

(e) The person's rights to or interests in any assets held 39595  
in, or to directly or indirectly receive any payment or benefit 39596  
under, any individual retirement account, individual retirement 39597  
annuity, "Roth IRA," account opened pursuant to a program 39598  
administered by a state under section 529 or 529A of the 39599  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 39600  
amended, or education individual retirement account that a 39601  
decedent, upon or by reason of the decedent's death, directly or 39602  
indirectly left to or for the benefit of the person, either 39603  
outright or in trust or otherwise, including, but not limited 39604  
to, any of those rights or interests in assets or to receive 39605

payments or benefits that were transferred, conveyed, or 39606  
otherwise transmitted by the decedent by means of a will, trust, 39607  
exercise of a power of appointment, beneficiary designation, 39608  
transfer or payment on death designation, or any other method or 39609  
procedure. 39610

(f) The exemptions under divisions (A)(10)(a) to (e) of 39611  
this section also shall apply or otherwise be available to an 39612  
alternate payee under a qualified domestic relations order 39613  
(QDRO) or other similar court order. 39614

(g) A person's interest in any plan, program, instrument, 39615  
or device described in divisions (A)(10)(a) to (e) of this 39616  
section shall be considered an exempt interest even if the plan, 39617  
program, instrument, or device in question, due to an error made 39618  
in good faith, failed to satisfy any criteria applicable to that 39619  
plan, program, instrument, or device under the "Internal Revenue 39620  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 39621

(11) The person's right to receive spousal support, child 39622  
support, an allowance, or other maintenance to the extent 39623  
reasonably necessary for the support of the person and any of 39624  
the person's dependents; 39625

(12) The person's right to receive, or moneys received 39626  
during the preceding twelve calendar months from, any of the 39627  
following: 39628

(a) An award of reparations under sections 2743.51 to 39629  
2743.72 of the Revised Code, to the extent exempted by division 39630  
(D) of section 2743.66 of the Revised Code; 39631

(b) A payment on account of the wrongful death of an 39632  
individual of whom the person was a dependent on the date of the 39633  
individual's death, to the extent reasonably necessary for the 39634

support of the person and any of the person's dependents; 39635

(c) Except in cases in which the person who receives the 39636  
payment is an inmate, as defined in section 2969.21 of the 39637  
Revised Code, and in which the payment resulted from a civil 39638  
action or appeal against a government entity or employee, as 39639  
defined in section 2969.21 of the Revised Code, a payment, not 39640  
to exceed twenty thousand two hundred dollars, on account of 39641  
personal bodily injury, not including pain and suffering or 39642  
compensation for actual pecuniary loss, of the person or an 39643  
individual for whom the person is a dependent; 39644

(d) A payment in compensation for loss of future earnings 39645  
of the person or an individual of whom the person is or was a 39646  
dependent, to the extent reasonably necessary for the support of 39647  
the debtor and any of the debtor's dependents. 39648

(13) Except as provided in sections 3119.80, 3119.81, 39649  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 39650  
earnings of the person owed to the person for services in an 39651  
amount equal to the greater of the following amounts: 39652

(a) If paid weekly, thirty times the current federal 39653  
minimum hourly wage; if paid biweekly, sixty times the current 39654  
federal minimum hourly wage; if paid semimonthly, sixty-five 39655  
times the current federal minimum hourly wage; or if paid 39656  
monthly, one hundred thirty times the current federal minimum 39657  
hourly wage that is in effect at the time the earnings are 39658  
payable, as prescribed by the "Fair Labor Standards Act of 39659  
1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 39660

(b) Seventy-five per cent of the disposable earnings owed 39661  
to the person. 39662

(14) The person's right in specific partnership property, 39663

as exempted by the person's rights in a partnership pursuant to 39664  
section 1776.50 of the Revised Code, except as otherwise set 39665  
forth in section 1776.50 of the Revised Code; 39666

(15) A seal and official register of a notary public, as 39667  
exempted by section 147.04 of the Revised Code; 39668

(16) The person's interest in a tuition unit or a payment 39669  
under section 3334.09 of the Revised Code pursuant to a tuition 39670  
payment contract, as exempted by section 3334.15 of the Revised 39671  
Code; 39672

(17) Any other property that is specifically exempted from 39673  
execution, attachment, garnishment, or sale by federal statutes 39674  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 39675  
11 U.S.C.A. 101, as amended; 39676

(18) The person's aggregate interest in any property, not 39677  
to exceed one thousand seventy-five dollars, except that 39678  
division (A)(18) of this section applies only in bankruptcy 39679  
proceedings. 39680

(B) On April 1, 2010, and on the first day of April in 39681  
each third calendar year after 2010, the Ohio judicial 39682  
conference shall adjust each dollar amount set forth in this 39683  
section to reflect any increase in the consumer price index for 39684  
all urban consumers, as published by the United States 39685  
department of labor, or, if that index is no longer published, a 39686  
generally available comparable index, for the three-year period 39687  
ending on the thirty-first day of December of the preceding 39688  
year. Any adjustments required by this division shall be rounded 39689  
to the nearest twenty-five dollars. 39690

The Ohio judicial conference shall prepare a memorandum 39691  
specifying the adjusted dollar amounts. The judicial conference 39692

shall transmit the memorandum to the director of the legislative 39693  
service commission, and the director shall publish the 39694  
memorandum in the register of Ohio. (Publication of the 39695  
memorandum in the register of Ohio shall continue until the next 39696  
memorandum specifying an adjustment is so published.) The 39697  
judicial conference also may publish the memorandum in any other 39698  
manner it concludes will be reasonably likely to inform persons 39699  
who are affected by its adjustment of the dollar amounts. 39700

(C) As used in this section: 39701

(1) "Disposable earnings" means net earnings after the 39702  
garnishee has made deductions required by law, excluding the 39703  
deductions ordered pursuant to section 3119.80, 3119.81, 39704  
3121.02, 3121.03, or 3123.06 of the Revised Code. 39705

(2) "Insider" means: 39706

(a) If the person who claims an exemption is an 39707  
individual, a relative of the individual, a relative of a 39708  
general partner of the individual, a partnership in which the 39709  
individual is a general partner, a general partner of the 39710  
individual, or a corporation of which the individual is a 39711  
director, officer, or in control; 39712

(b) If the person who claims an exemption is a 39713  
corporation, a director or officer of the corporation; a person 39714  
in control of the corporation; a partnership in which the 39715  
corporation is a general partner; a general partner of the 39716  
corporation; or a relative of a general partner, director, 39717  
officer, or person in control of the corporation; 39718

(c) If the person who claims an exemption is a 39719  
partnership, a general partner in the partnership; a general 39720  
partner of the partnership; a person in control of the 39721

partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C) (2) (d) (i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C) (2) (d) (i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an

exemption. 39751

(3) "Participant account" has the same meaning as in 39752  
section 148.01 of the Revised Code. 39753

(4) "Government unit" has the same meaning as in section 39754  
148.06 of the Revised Code. 39755

(D) For purposes of this section, "interest" shall be 39756  
determined as follows: 39757

(1) In bankruptcy proceedings, as of the date a petition 39758  
is filed with the bankruptcy court commencing a case under Title 39759  
11 of the United States Code; 39760

(2) In all cases other than bankruptcy proceedings, as of 39761  
the date of an appraisal, if necessary under section 2329.68 of 39762  
the Revised Code, or the issuance of a writ of execution. 39763

An interest, as determined under division (D) (1) or (2) of 39764  
this section, shall not include the amount of any lien otherwise 39765  
valid pursuant to section 2329.661 of the Revised Code. 39766

**Sec. 2501.16.** (A) Each court of appeals may appoint one or 39767  
more official reporters, law clerks, secretaries, and any other 39768  
employees that the court considers necessary for its efficient 39769  
operation. 39770

The clerk of the court of common pleas, acting as the 39771  
clerk of the court of appeals for the county, shall perform the 39772  
duties otherwise performed and collect the fees otherwise 39773  
collected by the clerk of the court of common pleas, as set 39774  
forth in section 2303.03 of the Revised Code, and shall maintain 39775  
the files and records of the court. The clerk of the court of 39776  
common pleas, acting as the clerk of the court of appeals for 39777  
the county, may refuse to accept for filing any pleading or 39778

paper submitted for filing by a person who has been found to be 39779  
a vexatious litigator under section 2323.52 of the Revised Code 39780  
and who has failed to obtain leave from the court of appeals to 39781  
proceed under that section. The overhead expenses pertaining to 39782  
the office of the clerk of the court of common pleas that result 39783  
from the clerk's acting as clerk of the court of appeals for the 39784  
county, other than wages and salaries, shall be paid from the 39785  
funds provided under sections 2501.18 and 2501.181 of the 39786  
Revised Code. 39787

Each officer and employee appointed pursuant to this 39788  
section shall take an oath of office, serve at the pleasure of 39789  
the court, and perform any duties that the court directs. Each 39790  
reporter shall have the powers that are vested in official 39791  
reporters of the court of common pleas under sections 2301.18 to 39792  
2301.26 of the Revised Code. Whenever an opinion, per curiam, or 39793  
report of a case has been prepared in accordance with section 39794  
2503.20 of the Revised Code, the official reporter immediately 39795  
shall forward one copy of the opinion, per curiam, or report to 39796  
the reporter of the supreme court, without expense to the 39797  
reporter. 39798

(B) The court of appeals may determine that, for the 39799  
efficient operation of the court, additional funds are necessary 39800  
to acquire and pay for special projects of the court, including, 39801  
but not limited to, the acquisition of additional facilities or 39802  
the rehabilitation of existing facilities, the acquisition of 39803  
equipment, the hiring and training of staff, the employment of 39804  
magistrates, the training and education of judges, acting 39805  
judges, and magistrates, community service programs, and other 39806  
related services. Upon that determination, the court by rule may 39807  
charge a fee, in addition to all other court costs, on the 39808  
filing of each case or cause over which the court has 39809

jurisdiction. Fees collected by a court for special projects of 39810  
the court under this division shall not be used for training or 39811  
education that takes place outside of the state. 39812

If the court of appeals offers a special program or 39813  
service in cases of a specific type, the court by rule may 39814  
assess an additional charge in a case of that type, over and 39815  
above court costs, to cover the special program or service. The 39816  
court shall adjust the special assessment periodically, but not 39817  
retroactively, so that the amount assessed in those cases does 39818  
not exceed the actual cost of providing the service or program. 39819

All moneys collected under division (B) of this section 39820  
shall be paid to the county treasurer of the county selected as 39821  
the principal seat of that court of appeals for deposit into 39822  
either a general special projects fund or a fund established for 39823  
a specific special project. Moneys from a fund of that nature 39824  
shall be disbursed upon an order of the court in an amount no 39825  
greater than the actual cost to the court of a project. If a 39826  
specific fund is terminated because of the discontinuance of a 39827  
program or service established under division (B) of this 39828  
section, the court may order that moneys remaining in the fund 39829  
be transferred to an account established under this division for 39830  
a similar purpose. 39831

**Sec. 2743.03.** (A) (1) There is hereby created a court of 39832  
claims. Except as provided under section 107.43 of the Revised 39833  
Code, the court of claims is a court of record and has 39834  
exclusive, original jurisdiction of all civil actions against 39835  
the state permitted by the waiver of immunity contained in 39836  
section 2743.02 of the Revised Code and exclusive jurisdiction 39837  
of the causes of action of all parties in civil actions that are 39838  
removed to the court of claims. The court shall have full equity 39839

powers in all actions within its jurisdiction and may entertain 39840  
and determine all counterclaims, cross-claims, and third-party 39841  
claims. 39842

(2) If the claimant in a civil action as described in 39843  
division (A)(1) of this section also files a claim for a 39844  
declaratory judgment, injunctive relief, or other equitable 39845  
relief against the state that arises out of the same 39846  
circumstances that gave rise to the civil action described in 39847  
division (A)(1) of this section, the court of claims has 39848  
exclusive, original jurisdiction to hear and determine that 39849  
claim in that civil action. This division does not affect, and 39850  
shall not be construed as affecting, the original jurisdiction 39851  
of another court of this state to hear and determine a civil 39852  
action in which the sole relief that the claimant seeks against 39853  
the state is a declaratory judgment, injunctive relief, or other 39854  
equitable relief. 39855

(3) In addition to its exclusive, original jurisdiction as 39856  
conferred by divisions (A)(1) and (2) of this section, the court 39857  
of claims has exclusive, original jurisdiction as follows: 39858

(a) As described in division (F) of section 2743.02, 39859  
division (B) of section 3335.03, and division (C) of section 39860  
5903.02 of the Revised Code; 39861

(b) Under section 2743.75 of the Revised Code to hear 39862  
complaints alleging a denial of access to public records in 39863  
violation of division (B) of section 149.43 of the Revised Code, 39864  
regardless of whether the public office or person responsible 39865  
for public records is an office or employee of the state or of a 39866  
political subdivision; 39867

(c) Under section 118.29 of the Revised Code to appoint a 39868

receiver. 39869

(B) The court of claims shall sit in Franklin county, its 39870  
hearings shall be public, and it shall consist of incumbent 39871  
justices or judges of the supreme court, courts of appeals, or 39872  
courts of common pleas, or retired justices or judges eligible 39873  
for active duty pursuant to division (C) of Section 6 of Article 39874  
IV, Ohio Constitution, sitting by temporary assignment of the 39875  
chief justice of the supreme court. The chief justice may direct 39876  
the court to sit in any county for cases on removal upon a 39877  
showing of substantial hardship and whenever justice dictates. 39878

(C) (1) A civil action against the state shall be heard and 39879  
determined by a single judge. Upon application by the claimant 39880  
or the state, the chief justice of the supreme court may assign 39881  
a panel of three judges to hear and determine a civil action 39882  
presenting novel or complex issues of law or fact. Concurrence 39883  
of two members of the panel is necessary for any judgment or 39884  
order. 39885

(2) Whenever the chief justice of the supreme court 39886  
believes an equitable resolution of a case will be expedited, 39887  
the chief justice may appoint magistrates in accordance with 39888  
Civil Rule 53 to hear the case. 39889

(3) When any dispute under division (B) of section 153.12 39890  
of the Revised Code is brought to the court of claims, upon 39891  
request of either party to the dispute, the chief justice of the 39892  
supreme court shall appoint a single referee or a panel of three 39893  
referees. The referees need not be attorneys, but shall be 39894  
persons knowledgeable about construction contract law, a member 39895  
of the construction industry panel of the American arbitration 39896  
association, or an individual or individuals deemed qualified by 39897  
the chief justice to serve. No person shall serve as a referee 39898

if that person has been employed by an affected state agency or 39899  
a contractor or subcontractor involved in the dispute at any 39900  
time in the preceding five years. Proceedings governing referees 39901  
shall be in accordance with Civil Rule 53, except as modified by 39902  
this division. The referee or panel of referees shall submit its 39903  
report, which shall include a recommendation and finding of 39904  
fact, to the judge assigned to the case by the chief justice, 39905  
within thirty days of the conclusion of the hearings. Referees 39906  
appointed pursuant to this division shall be compensated on a 39907  
per diem basis at the same rate as is paid to judges of the 39908  
court and also shall be paid their expenses. If a single referee 39909  
is appointed or a panel of three referees is appointed, then, 39910  
with respect to one referee of the panel, the compensation and 39911  
expenses of the referee shall not be taxed as part of the costs 39912  
in the case but shall be included in the budget of the court. If 39913  
a panel of three referees is appointed, the compensation and 39914  
expenses of the two remaining referees shall be taxed as costs 39915  
of the case. 39916

All costs of a case shall be apportioned among the 39917  
parties. The court may not require that any party deposit with 39918  
the court cash, bonds, or other security in excess of two 39919  
hundred dollars to guarantee payment of costs without the prior 39920  
approval in each case of the chief justice. 39921

(4) An appeal from a decision of the attorney general 39922  
pursuant to sections 2743.51 to 2743.72 of the Revised Code 39923  
shall be heard and determined by the court of claims. 39924

(D) The Rules of Civil Procedure shall govern practice and 39925  
procedure in all actions in the court of claims, except insofar 39926  
as inconsistent with this chapter. The supreme court may 39927  
promulgate rules governing practice and procedure in actions in 39928

the court as provided in Section 5 of Article IV, Ohio 39929  
Constitution. 39930

(E) (1) A party who files a counterclaim against the state 39931  
or makes the state a third-party defendant in an action 39932  
commenced in any court, other than the court of claims, shall 39933  
file a petition for removal in the court of claims. The petition 39934  
shall state the basis for removal, be accompanied by a copy of 39935  
all process, pleadings, and other papers served upon the 39936  
petitioner, and shall be signed in accordance with Civil Rule 39937  
11. A petition for removal based on a counterclaim shall be 39938  
filed within twenty-eight days after service of the counterclaim 39939  
of the petitioner. A petition for removal based on third-party 39940  
practice shall be filed within twenty-eight days after the 39941  
filing of the third-party complaint of the petitioner. 39942

(2) Within seven days after filing a petition for removal, 39943  
the petitioner shall give written notice to the parties, and 39944  
shall file a copy of the petition with the clerk of the court in 39945  
which the action was brought originally. The filing effects the 39946  
removal of the action to the court of claims, and the clerk of 39947  
the court where the action was brought shall forward all papers 39948  
in the case to the court of claims. The court of claims shall 39949  
adjudicate all civil actions removed. The court may remand a 39950  
civil action to the court in which it originated upon a finding 39951  
that the removal petition does not justify removal, or upon a 39952  
finding that the state is no longer a party. 39953

(3) Bonds, undertakings, or security and injunctions, 39954  
attachments, sequestrations, or other orders issued prior to 39955  
removal remain in effect until dissolved or modified by the 39956  
court of claims. 39957

**Sec. 2907.15.** (A) As used in this section: 39958

(1) "Public retirement system" means the public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, or a municipal retirement system of a municipal corporation of this state.

(2) "Government deferred compensation program" means such a program offered by the ~~Ohio~~ public employees ~~deferred compensation retirement~~ board; a municipal corporation; or a ~~governmental~~ government unit, as defined in section 148.06 of the Revised Code.

(3) "Deferred compensation program participant" means a "participating employee" or "continuing member," as defined in section 148.01 of the Revised Code, or any other public employee who has funds in a government deferred compensation program.

(4) "Alternative retirement plan" means an alternative retirement plan provided pursuant to Chapter 3305. of the Revised Code.

(5) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

In any case in which a sentencing court orders restitution to the victim under section 2929.18 or 2929.28 of the Revised Code for a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code and in which the offender is a government deferred compensation program participant, is an electing employee, as defined in section 3305.01 of the Revised Code, or is a member of, or receiving a pension, benefit, or allowance, other than a survivorship benefit, from, a public retirement system and committed the offense against a child, student, patient, or other person with whom the offender had

contact in the context of the offender's public employment, at 39988  
the request of the victim the prosecutor shall file a motion 39989  
with the sentencing court specifying the government deferred 39990  
compensation program, alternative retirement plan, or public 39991  
retirement system and requesting that the court issue an order 39992  
requiring the government deferred compensation program, 39993  
alternative retirement plan, or public retirement system to 39994  
withhold the amount required as restitution from one or more of 39995  
the following: any payment to be made from a government deferred 39996  
compensation program, any payment or benefit under an 39997  
alternative retirement plan, or under a pension, annuity, 39998  
allowance, or any other benefit, other than a survivorship 39999  
benefit, that has been or is in the future granted to the 40000  
offender; from any payment of accumulated employee contributions 40001  
standing to the offender's credit with the government deferred 40002  
compensation program, alternative retirement plan, or public 40003  
retirement system; or from any payment of any other amounts to 40004  
be paid to the offender pursuant to Chapter 145., 148., 742., 40005  
3307., 3309., or 5505. of the Revised Code on withdrawal of 40006  
contributions. The motion may be filed at any time subsequent to 40007  
the conviction of the offender or entry of a guilty plea. On the 40008  
filing of the motion, the clerk of the court in which the motion 40009  
is filed shall notify the offender and the government deferred 40010  
compensation program, alternative retirement plan, or public 40011  
retirement system, in writing, of all of the following: that the 40012  
motion was filed; that the offender will be granted a hearing on 40013  
the issuance of the requested order if the offender files a 40014  
written request for a hearing with the clerk prior to the 40015  
expiration of thirty days after the offender receives the 40016  
notice; that, if a hearing is requested, the court will schedule 40017  
a hearing as soon as possible and notify the offender and the 40018  
government deferred compensation program, alternative retirement 40019

plan, or public retirement system of the date, time, and place 40020  
of the hearing; that, if a hearing is conducted, it will be 40021  
limited to a consideration of whether the offender can show good 40022  
cause why the order should not be issued; that, if a hearing is 40023  
conducted, the court will not issue the order if the court 40024  
determines, based on evidence presented at the hearing by the 40025  
offender, that there is good cause for the order not to be 40026  
issued; that the court will issue the order if a hearing is not 40027  
requested or if a hearing is conducted but the court does not 40028  
determine, based on evidence presented at the hearing by the 40029  
offender, that there is good cause for the order not to be 40030  
issued; and that, if the order is issued, the government 40031  
deferred compensation program, alternative retirement plan, or 40032  
public retirement system specified in the motion will be 40033  
required to withhold the amount required as restitution from 40034  
payments to the offender. 40035

(B) In any case in which a motion requesting the issuance 40036  
of a withholding order as described in division (A) of this 40037  
section is filed, the offender may receive a hearing on the 40038  
motion by delivering a written request for a hearing to the 40039  
court prior to the expiration of thirty days after the 40040  
offender's receipt of the notice provided pursuant to division 40041  
(A) of this section. If the offender requests a hearing within 40042  
the prescribed time, the court shall schedule a hearing as soon 40043  
as possible after the request is made and notify the offender 40044  
and the government deferred compensation program, alternative 40045  
retirement plan, or public retirement system of the date, time, 40046  
and place of the hearing. A hearing scheduled under this 40047  
division shall be limited to a consideration of whether there is 40048  
good cause, based on evidence presented by the offender, for the 40049  
requested order not to be issued. If the court determines, based 40050

on evidence presented by the offender, that there is good cause 40051  
for the order not to be issued, the court shall deny the motion 40052  
and shall not issue the order. Good cause for not issuing the 40053  
order includes a determination by the court that the order would 40054  
severely impact the offender's ability to support the offender's 40055  
dependents. 40056

If the offender does not request a hearing within the 40057  
prescribed time or the court conducts a hearing but does not 40058  
determine, based on evidence presented by the offender, that 40059  
there is good cause for the order not to be issued, the court 40060  
shall order the government deferred compensation program, 40061  
alternative retirement plan, or public retirement system to 40062  
withhold the amount required as restitution from one or more of 40063  
the following: any payments to be made from a government 40064  
deferred compensation program, any payment or benefit under an 40065  
alternative retirement plan, or under a pension, annuity, 40066  
allowance, or under any other benefit, other than a survivorship 40067  
benefit, that has been or is in the future granted to the 40068  
offender; from any payment of accumulated employee contributions 40069  
standing to the offender's credit with the government deferred 40070  
compensation program, alternative retirement plan, or public 40071  
retirement system; or from any payment of any other amounts to 40072  
be paid to the offender upon withdrawal of contributions 40073  
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 40074  
the Revised Code and to continue the withholding for that 40075  
purpose, in accordance with the order, out of each payment to be 40076  
made on or after the date of issuance of the order, until 40077  
further order of the court. On receipt of an order issued under 40078  
this division, the government deferred compensation program, 40079  
alternative retirement plan, or public retirement system shall 40080  
withhold the amount required as restitution, in accordance with 40081

the order, from any such payments and immediately forward the 40082  
amount withheld to the clerk of the court in which the order was 40083  
issued for payment to the person to whom restitution is to be 40084  
made. The order shall not apply to any portion of payments made 40085  
from a government deferred compensation program, alternative 40086  
retirement plan, or public retirement system to a person other 40087  
than the offender pursuant to a previously issued domestic court 40088  
order. 40089

(C) Service of a notice required by division (A) or (B) of 40090  
this section shall be effected in the same manner as provided in 40091  
the Rules of Civil Procedure for the service of process. 40092

(D) Upon the filing of charges under section 2907.02, 40093  
2907.03, 2907.04, or 2907.05 of the Revised Code against a 40094  
person who is a deferred compensation program participant, an 40095  
electing employee participating in an alternative retirement 40096  
plan, or a member of, or receiving a pension benefit, or 40097  
allowance, other than a survivorship benefit, from a public 40098  
retirement system for an offense against a child, student, 40099  
patient, or other person with whom the offender had contact in 40100  
the context of the offender's public employment, the prosecutor 40101  
shall send written notice that charges have been filed against 40102  
that person to the appropriate government deferred compensation 40103  
program, alternative retirement plan, or public retirement 40104  
system. The notice shall specifically identify the person 40105  
charged. 40106

**Sec. 2913.401.** (A) As used in this section: 40107

(1) "Medicaid services" has the same meaning as in section 40108  
5164.01 of the Revised Code. 40109

(2) "Property" means any real or personal property or 40110

other asset in which a person has any legal title or interest. 40111

(B) No person shall knowingly do any of the following in 40112  
an application for enrollment in the medicaid program or in a 40113  
document that requires a disclosure of assets for the purpose of 40114  
determining eligibility for the medicaid program: 40115

(1) Make or cause to be made a false or misleading 40116  
statement; 40117

(2) Conceal an interest in property; 40118

(3) (a) Except as provided in division (B) (3) (b) of this 40119  
section, fail to disclose a transfer of property that occurred 40120  
during the period beginning thirty-six months before submission 40121  
of the application or document and ending on the date the 40122  
application or document was submitted; 40123

(b) Fail to disclose a transfer of property that occurred 40124  
during the period beginning sixty months before submission of 40125  
the application or document and ending on the date the 40126  
application or document was submitted and that was made to an 40127  
irrevocable trust a portion of which is not distributable to the 40128  
applicant for or recipient of medicaid or to a revocable trust. 40129

(C) (1) Whoever violates this section is guilty of medicaid 40130  
eligibility fraud. Except as otherwise provided in this 40131  
division, a violation of this section is a misdemeanor of the 40132  
first degree. If the value of the medicaid services paid as a 40133  
result of the violation is one thousand dollars or more and is 40134  
less than seven thousand five hundred dollars, a violation of 40135  
this section is a felony of the fifth degree. If the value of 40136  
the medicaid services paid as a result of the violation is seven 40137  
thousand five hundred dollars or more and is less than one 40138  
hundred fifty thousand dollars, a violation of this section is a 40139

felony of the fourth degree. If the value of the medicaid 40140  
services paid as a result of the violation is one hundred fifty 40141  
thousand dollars or more, a violation of this section is a 40142  
felony of the third degree. 40143

(2) In addition to imposing a sentence under division (C) 40144  
(1) of this section, the court ~~shall~~may order that a person who 40145  
is guilty of medicaid eligibility fraud make restitution in the 40146  
~~full~~ amount of two hundred per cent of any medicaid services 40147  
paid on behalf of an applicant for or recipient of medicaid for 40148  
which the applicant or recipient was not eligible, plus interest 40149  
at the rate applicable to judgments on unreimbursed amounts from 40150  
the date on which the medicaid services were paid to the date on 40151  
which restitution is made. 40152

(3) The remedies and penalties provided in this section 40153  
are not exclusive and do not preclude the use of any other 40154  
criminal or civil remedy for any act that is in violation of 40155  
this section. 40156

(D) This section does not apply to a person who fully 40157  
disclosed in an application for medicaid or in a document that 40158  
requires a disclosure of assets for the purpose of determining 40159  
eligibility for medicaid all of the interests in property of the 40160  
applicant for or recipient of medicaid, all transfers of 40161  
property by the applicant for or recipient of medicaid, and the 40162  
circumstances of all those transfers. 40163

(E) Any amounts of medicaid services recovered as 40164  
restitution under this section and any interest on those amounts 40165  
shall be credited to the general revenue fund, and any 40166  
applicable federal share shall be returned to the appropriate 40167  
agency or department of the United States. 40168

<b>Sec. 2915.01.</b> As used in this chapter:	40169
(A) "Bookmaking" means the business of receiving or paying off bets.	40170 40171
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	40172 40173 40174
(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:	40175 40176 40177 40178 40179 40180 40181 40182 40183 40184 40185 40186
(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;	40187 40188 40189
(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;	40190 40191 40192
(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;	40193 40194 40195 40196
(4) The good or service sold by a scheme of chance	40197

operator in exchange for a game entry cannot be used or redeemed 40198  
in the manner advertised; 40199

(5) A participant pays more than fair market value for 40200  
goods or services offered by a scheme of chance operator in 40201  
order to receive one or more game entries; 40202

(6) A participant may use the electronic device to 40203  
purchase additional game entries; 40204

(7) A participant may purchase additional game entries by 40205  
using points or credits won as prizes while using the electronic 40206  
device; 40207

(8) A scheme of chance operator pays out in prize money 40208  
more than twenty per cent of the gross revenue received at one 40209  
location; or 40210

(9) A participant makes a purchase or exchange in order to 40211  
obtain any good or service that may be used to facilitate play 40212  
on the electronic device. 40213

As used in this division, "electronic device" means a 40214  
mechanical, video, digital, or electronic machine or device that 40215  
is capable of displaying information on a screen or other 40216  
mechanism and that is owned, leased, or otherwise possessed by 40217  
any person conducting a scheme of chance, or by that person's 40218  
partners, affiliates, subsidiaries, or contractors. "Electronic 40219  
device" does not include an electronic instant bingo system. 40220

(D) "Game of chance" means poker, craps, roulette, or 40221  
other game in which a player gives anything of value in the hope 40222  
of gain, the outcome of which is determined largely by chance, 40223  
but does not include bingo. 40224

(E) "Game of chance conducted for profit" means any game 40225

of chance designed to produce income for the person who conducts	40226
or operates the game of chance, but does not include bingo.	40227
(F) "Gambling device" means any of the following:	40228
(1) A book, totalizer, or other equipment for recording	40229
bets;	40230
(2) A ticket, token, or other device representing a	40231
chance, share, or interest in a scheme of chance or evidencing a	40232
bet;	40233
(3) A deck of cards, dice, gaming table, roulette wheel,	40234
slot machine, or other apparatus designed for use in connection	40235
with a game of chance;	40236
(4) Any equipment, device, apparatus, or paraphernalia	40237
specially designed for gambling purposes;	40238
(5) Bingo supplies sold or otherwise provided, or used, in	40239
violation of this chapter.	40240
(G) "Gambling offense" means any of the following:	40241
(1) A violation of this chapter;	40242
(2) A violation of an existing or former municipal	40243
ordinance or law of this or any other state or the United States	40244
substantially equivalent to any provision of this chapter or a	40245
violation of section 2915.06 of the Revised Code as it existed	40246
prior to July 1, 1996;	40247
(3) An offense under an existing or former municipal	40248
ordinance or law of this or any other state or the United	40249
States, of which gambling is an element;	40250
(4) A conspiracy or attempt to commit, or complicity in	40251
committing, any offense under division (G)(1), (2), or (3) of	40252

this section. 40253

(H) Except as otherwise provided in this chapter, 40254  
"charitable organization" means either of the following: 40255

(1) An organization that is exempt from federal income 40256  
taxation under subsection 501(a) and described in subsection 40257  
501(c) (3) of the Internal Revenue Code; 40258

(2) A volunteer rescue service organization, volunteer 40259  
firefighter's organization, veteran's organization, fraternal 40260  
organization, or sporting organization that is exempt from 40261  
federal income taxation under subsection 501(c) (4), (c) (7), (c) 40262  
(8), (c) (10), or (c) (19) of the Internal Revenue Code. 40263

To qualify as a "charitable organization," an organization 40264  
shall have been in continuous existence as such in this state 40265  
for a period of two years immediately preceding either the 40266  
making of an application for a bingo license under section 40267  
2915.08 of the Revised Code or the conducting of any game of 40268  
chance as provided in division (D) of section 2915.02 of the 40269  
Revised Code. 40270

(I) "Religious organization" means any church, body of 40271  
communicants, or group that is not organized or operated for 40272  
profit and that gathers in common membership for regular worship 40273  
and religious observances. 40274

(J) "Veteran's organization" means any individual post or 40275  
state headquarters of a national veteran's association or an 40276  
auxiliary unit of any individual post of a national veteran's 40277  
association, which post, state headquarters, or auxiliary unit 40278  
is incorporated as a nonprofit corporation and either has 40279  
received a letter from the state headquarters of the national 40280  
veteran's association indicating that the individual post or 40281

auxiliary unit is in good standing with the national veteran's 40282  
association or has received a letter from the national veteran's 40283  
association indicating that the state headquarters is in good 40284  
standing with the national veteran's association. As used in 40285  
this division, "national veteran's association" means any 40286  
veteran's association that has been in continuous existence as 40287  
such for a period of at least five years and either is 40288  
incorporated by an act of the United States congress or has a 40289  
national dues-paying membership of at least five thousand 40290  
persons. 40291

(K) "Volunteer firefighter's organization" means any 40292  
organization of volunteer firefighters, as defined in section 40293  
146.01 of the Revised Code, that is organized and operated 40294  
exclusively to provide financial support for a volunteer fire 40295  
department or a volunteer fire company and that is recognized or 40296  
ratified by a county, municipal corporation, or township. 40297

(L) "Fraternal organization" means any society, order, 40298  
state headquarters, or association within this state, except a 40299  
college or high school fraternity, that is not organized for 40300  
profit, that is a branch, lodge, or chapter of a national or 40301  
state organization, that exists exclusively for the common 40302  
business or sodality of its members. 40303

(M) "Volunteer rescue service organization" means any 40304  
organization of volunteers organized to function as an emergency 40305  
medical service organization, as defined in section 4765.01 of 40306  
the Revised Code. 40307

(N) "Charitable bingo game" means any bingo game described 40308  
in division (O) (1) or (2) of this section that is conducted by a 40309  
charitable organization that has obtained a license pursuant to 40310  
section 2915.08 of the Revised Code and the proceeds of which 40311

- are used for a charitable purpose. 40312
- (0) "Bingo" means either of the following: 40313
- (1) A game with all of the following characteristics: 40314
- (a) The participants use bingo cards or sheets, including 40315  
paper formats and electronic representation or image formats, 40316  
that are divided into twenty-five spaces arranged in five 40317  
horizontal and five vertical rows of spaces, with each space, 40318  
except the central space, being designated by a combination of a 40319  
letter and a number and with the central space being designated 40320  
as a free space. 40321
- (b) The participants cover the spaces on the bingo cards 40322  
or sheets that correspond to combinations of letters and numbers 40323  
that are announced by a bingo game operator. 40324
- (c) A bingo game operator announces combinations of 40325  
letters and numbers that appear on objects that a bingo game 40326  
operator selects by chance, either manually or mechanically, 40327  
from a receptacle that contains seventy-five objects at the 40328  
beginning of each game, each object marked by a different 40329  
combination of a letter and a number that corresponds to one of 40330  
the seventy-five possible combinations of a letter and a number 40331  
that can appear on the bingo cards or sheets. 40332
- (d) The winner of the bingo game includes any participant 40333  
who properly announces during the interval between the 40334  
announcements of letters and numbers as described in division 40335  
(0) (1) (c) of this section, that a predetermined and preannounced 40336  
pattern of spaces has been covered on a bingo card or sheet 40337  
being used by the participant. 40338
- (2) Instant bingo, electronic instant bingo, and raffles. 40339

(P) "Conduct" means to back, promote, organize, manage, 40340  
carry on, sponsor, or prepare for the operation of bingo or a 40341  
game of chance, a scheme of chance, or a sweepstakes. 40342

(Q) "Bingo game operator" means any person, except 40343  
security personnel, who performs work or labor at the site of 40344  
bingo, including, but not limited to, collecting money from 40345  
participants, handing out bingo cards or sheets or objects to 40346  
cover spaces on bingo cards or sheets, selecting from a 40347  
receptacle the objects that contain the combination of letters 40348  
and numbers that appear on bingo cards or sheets, calling out 40349  
the combinations of letters and numbers, distributing prizes, 40350  
selling or redeeming instant bingo tickets or cards, selling or 40351  
redeeming electronic instant bingo tickets, credits, or 40352  
vouchers, accessing an electronic instant bingo system other 40353  
than as a participant, supervising the operation of a punch 40354  
board, selling raffle tickets, selecting raffle tickets from a 40355  
receptacle and announcing the winning numbers in a raffle, and 40356  
preparing, selling, and serving food or beverages. "Bingo game 40357  
operator" does not include a person who is installing, 40358  
maintaining, updating, or repairing an electronic instant bingo 40359  
system. 40360

(R) "Participant" means any person who plays bingo. 40361

(S) "Bingo session" means a period that includes both of 40362  
the following: 40363

(1) Not to exceed five continuous hours for the conduct of 40364  
one or more games described in division (O) (1) of this section, 40365  
instant bingo, and electronic instant bingo; 40366

(2) A period for the conduct of instant bingo and 40367  
electronic instant bingo for not more than two hours before and 40368

not more than two hours after the period described in division 40369  
(S) (1) of this section. 40370

(T) "Gross receipts" means all money or assets, including 40371  
admission fees, that a person receives from bingo without the 40372  
deduction of any amounts for prizes paid out or for the expenses 40373  
of conducting bingo. "Gross receipts" does not include any money 40374  
directly taken in from the sale of food or beverages by a 40375  
charitable organization conducting bingo, or by a bona fide 40376  
auxiliary unit or society of a charitable organization 40377  
conducting bingo, provided all of the following apply: 40378

(1) The auxiliary unit or society has been in existence as 40379  
a bona fide auxiliary unit or society of the charitable 40380  
organization for at least two years prior to conducting bingo. 40381

(2) The person who purchases the food or beverage receives 40382  
nothing of value except the food or beverage and items 40383  
customarily received with the purchase of that food or beverage. 40384

(3) The food and beverages are sold at customary and 40385  
reasonable prices. 40386

(U) "Security personnel" includes any person who either is 40387  
a sheriff, deputy sheriff, marshal, deputy marshal, township 40388  
constable, or member of an organized police department of a 40389  
municipal corporation or has successfully completed a peace 40390  
officer's training course pursuant to sections 109.71 to 109.79 40391  
of the Revised Code and who is hired to provide security for the 40392  
premises on which bingo is conducted. 40393

(V) "Charitable purpose" means that the net profit of 40394  
bingo, other than instant bingo or electronic instant bingo, is 40395  
used by, or is given, donated, or otherwise transferred to, any 40396  
of the following: 40397

(1) Any organization that is described in subsection 40398  
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 40399  
and is either a governmental unit or an organization that is tax 40400  
exempt under subsection 501(a) and described in subsection 40401  
501(c) (3) of the Internal Revenue Code; 40402

(2) A veteran's organization that is a post, chapter, or 40403  
organization of veterans, or an auxiliary unit or society of, or 40404  
a trust or foundation for, any such post, chapter, or 40405  
organization organized in the United States or any of its 40406  
possessions, at least seventy-five per cent of the members of 40407  
which are veterans and substantially all of the other members of 40408  
which are individuals who are spouses, widows, or widowers of 40409  
veterans, or such individuals, provided that no part of the net 40410  
earnings of such post, chapter, or organization inures to the 40411  
benefit of any private shareholder or individual, and further 40412  
provided that the net profit is used by the post, chapter, or 40413  
organization for the charitable purposes set forth in division 40414  
(B) (12) of section 5739.02 of the Revised Code, is used for 40415  
awarding scholarships to or for attendance at an institution 40416  
mentioned in division (B) (12) of section 5739.02 of the Revised 40417  
Code, is donated to a governmental agency, or is used for 40418  
nonprofit youth activities, the purchase of United States or 40419  
Ohio flags that are donated to schools, youth groups, or other 40420  
bona fide nonprofit organizations, promotion of patriotism, or 40421  
disaster relief; 40422

(3) A fraternal organization that has been in continuous 40423  
existence in this state for fifteen years and that uses the net 40424  
profit exclusively for religious, charitable, scientific, 40425  
literary, or educational purposes, or for the prevention of 40426  
cruelty to children or animals, if contributions for such use 40427  
would qualify as a deductible charitable contribution under 40428

subsection 170 of the Internal Revenue Code; 40429

(4) A volunteer firefighter's organization that uses the 40430  
net profit for the purposes set forth in division (K) of this 40431  
section. 40432

(W) "Internal Revenue Code" means the "Internal Revenue 40433  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 40434  
amended. 40435

(X) "Youth athletic organization" means any organization, 40436  
not organized for profit, that is organized and operated 40437  
exclusively to provide financial support to, or to operate, 40438  
athletic activities for persons who are twenty-one years of age 40439  
or younger by means of sponsoring, organizing, operating, or 40440  
contributing to the support of an athletic team, club, league, 40441  
or association. 40442

(Y) "Youth athletic park organization" means any 40443  
organization, not organized for profit, that satisfies both of 40444  
the following: 40445

(1) It owns, operates, and maintains playing fields that 40446  
satisfy both of the following: 40447

(a) The playing fields are used for athletic activities by 40448  
one or more organizations, not organized for profit, each of 40449  
which is organized and operated exclusively to provide financial 40450  
support to, or to operate, athletic activities for persons who 40451  
are eighteen years of age or younger by means of sponsoring, 40452  
organizing, operating, or contributing to the support of an 40453  
athletic team, club, league, or association. 40454

(b) The playing fields are not used for any profit-making 40455  
activity at any time during the year. 40456

(2) It uses the proceeds of bingo it conducts exclusively 40457  
for the operation, maintenance, and improvement of its playing 40458  
fields of the type described in division (Y)(1) of this section. 40459

(Z) "Bingo supplies" means bingo cards or sheets; instant 40460  
bingo tickets or cards; electronic bingo aids; raffle tickets; 40461  
punch boards; seal cards; instant bingo ticket dispensers; 40462  
electronic instant bingo systems; and devices for selecting or 40463  
displaying the combination of bingo letters and numbers or 40464  
raffle tickets. Items that are "bingo supplies" are not gambling 40465  
devices if sold or otherwise provided, and used, in accordance 40466  
with this chapter. For purposes of this chapter, "bingo 40467  
supplies" are not to be considered equipment used to conduct a 40468  
bingo game. 40469

(AA) "Instant bingo" means a form of bingo that shall use 40470  
folded or banded tickets or paper cards with perforated break- 40471  
open tabs, a face of which is covered or otherwise hidden from 40472  
view to conceal a number, letter, or symbol, or set of numbers, 40473  
letters, or symbols, some of which have been designated in 40474  
advance as prize winners, and may also include games in which 40475  
some winners are determined by the random selection of one or 40476  
more bingo numbers by the use of a seal card or bingo blower. 40477  
"Instant bingo" also includes a punch board game. In all 40478  
"instant bingo" the prize amount and structure shall be 40479  
predetermined. "Instant bingo" does not include electronic 40480  
instant bingo or any device that is activated by the insertion 40481  
of a coin, currency, token, or an equivalent, and that contains 40482  
as one of its components a video display monitor that is capable 40483  
of displaying numbers, letters, symbols, or characters in 40484  
winning or losing combinations. 40485

(BB) "Seal card" means a form of instant bingo that uses 40486

instant bingo tickets in conjunction with a board or placard 40487  
that contains one or more seals that, when removed or opened, 40488  
reveal predesignated winning numbers, letters, or symbols. 40489

(CC) "Raffle" means a form of bingo in which the one or 40490  
more prizes are won by one or more persons who have purchased a 40491  
raffle ticket. The one or more winners of the raffle are 40492  
determined by drawing a ticket stub or other detachable section 40493  
from a receptacle containing ticket stubs or detachable sections 40494  
corresponding to all tickets sold for the raffle. "Raffle" does 40495  
not include the drawing of a ticket stub or other detachable 40496  
section of a ticket purchased to attend a professional sporting 40497  
event if both of the following apply: 40498

(1) The ticket stub or other detachable section is used to 40499  
select the winner of a free prize given away at the professional 40500  
sporting event; and 40501

(2) The cost of the ticket is the same as the cost of a 40502  
ticket to the professional sporting event on days when no free 40503  
prize is given away. 40504

(DD) "Punch board" means a form of instant bingo that uses 40505  
a board containing a number of holes or receptacles of uniform 40506  
size in which are placed, mechanically and randomly, serially 40507  
numbered slips of paper that may be punched or drawn from the 40508  
hole or receptacle. A player may punch or draw the numbered 40509  
slips of paper from the holes or receptacles and obtain the 40510  
prize established for the game if the number drawn corresponds 40511  
to a winning number or, if the punch board includes the use of a 40512  
seal card, a potential winning number. 40513

(EE) "Gross profit" means gross receipts minus the amount 40514  
actually expended for the payment of prize awards. 40515

(FF) "Net profit" means gross profit minus expenses.	40516
(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:	40517 40518
(1) The purchase or lease of bingo supplies;	40519
(2) The annual license fee required under section 2915.08 of the Revised Code;	40520 40521
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	40522 40523
(4) Audits and accounting services;	40524
(5) Safes;	40525
(6) Cash registers;	40526
(7) Hiring security personnel;	40527
(8) Advertising bingo;	40528
(9) Renting premises in which to conduct a bingo session;	40529
(10) Tables and chairs;	40530
(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	40531 40532 40533 40534 40535
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	40536 40537
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F) (1) of section 2915.08 of the Revised Code.	40538 40539 40540 40541

(HH) "Person" has the same meaning as in section 1.59 of 40542  
the Revised Code and includes any firm or any other legal 40543  
entity, however organized. 40544

(II) "Revoke" means to void permanently all rights and 40545  
privileges of the holder of a license issued under section 40546  
2915.08, 2915.081, or 2915.082 of the Revised Code or a 40547  
charitable gaming license issued by another jurisdiction. 40548

(JJ) "Suspend" means to interrupt temporarily all rights 40549  
and privileges of the holder of a license issued under section 40550  
2915.08, 2915.081, or 2915.082 of the Revised Code or a 40551  
charitable gaming license issued by another jurisdiction. 40552

(KK) "Distributor" means any person who purchases or 40553  
obtains bingo supplies and who does either of the following: 40554

(1) Sells, offers for sale, or otherwise provides or 40555  
offers to provide the bingo supplies to another person for use 40556  
in this state; 40557

(2) Modifies, converts, adds to, or removes parts from the 40558  
bingo supplies to further their promotion or sale for use in 40559  
this state. 40560

(LL) "Manufacturer" means any person who assembles 40561  
completed bingo supplies from raw materials, other items, or 40562  
subparts or who modifies, converts, adds to, or removes parts 40563  
from bingo supplies to further their promotion or sale. 40564

(MM) "Gross annual revenues" means the annual gross 40565  
receipts derived from the conduct of bingo described in division 40566  
(O) (1) of this section plus the annual net profit derived from 40567  
the conduct of bingo described in division (O) (2) of this 40568  
section. 40569

(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(OO) (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers

and letters announced by a bingo caller. 40597

(b) It compares the numbers and letters entered by the 40598  
participant to the bingo faces previously stored in the memory 40599  
of the device. 40600

(c) It identifies a winning bingo pattern. 40601

(2) "Electronic bingo aid" does not include any device 40602  
into which a coin, currency, token, or an equivalent is inserted 40603  
to activate play. 40604

(PP) "Deal" means a single game of instant bingo tickets, 40605  
or a single game of electronic instant bingo tickets, all with 40606  
the same serial number. 40607

(QQ) (1) "Slot machine" means either of the following: 40608

(a) Any mechanical, electronic, video, or digital device 40609  
that is capable of accepting anything of value, directly or 40610  
indirectly, from or on behalf of a player who gives the thing of 40611  
value in the hope of gain; 40612

(b) Any mechanical, electronic, video, or digital device 40613  
that is capable of accepting anything of value, directly or 40614  
indirectly, from or on behalf of a player to conduct bingo or a 40615  
scheme or game of chance. 40616

(2) "Slot machine" does not include a skill-based 40617  
amusement machine, an instant bingo ticket dispenser, or an 40618  
electronic instant bingo system. 40619

(RR) "Net profit from the proceeds of the sale of instant 40620  
bingo or electronic instant bingo" means gross profit minus the 40621  
ordinary, necessary, and reasonable expense expended for the 40622  
purchase of bingo supplies for the purpose of conducting instant 40623  
bingo or electronic instant bingo, and, in the case of instant 40624

bingo or electronic instant bingo conducted by a veteran's, 40625  
fraternal, or sporting organization, minus the payment by that 40626  
organization of real property taxes and assessments levied on a 40627  
premises on which instant bingo or electronic instant bingo is 40628  
conducted. 40629

(SS) "Charitable instant bingo organization" means an 40630  
organization that is exempt from federal income taxation under 40631  
subsection 501(a) and described in subsection 501(c)(3) of the 40632  
Internal Revenue Code and is a charitable organization as 40633  
defined in this section. A "charitable instant bingo 40634  
organization" does not include a charitable organization that is 40635  
exempt from federal income taxation under subsection 501(a) and 40636  
described in subsection 501(c)(3) of the Internal Revenue Code 40637  
and that is created by a veteran's organization, a fraternal 40638  
organization, or a sporting organization in regards to bingo 40639  
conducted or assisted by a veteran's organization, a fraternal 40640  
organization, or a sporting organization pursuant to section 40641  
2915.13 of the Revised Code. 40642

(TT) "Game flare" means the board or placard, or 40643  
electronic representation of a board or placard, that 40644  
accompanies each deal of instant bingo or electronic instant 40645  
bingo tickets and that includes the following information for 40646  
the game: 40647

(1) The name of the game; 40648

(2) The manufacturer's name or distinctive logo; 40649

(3) The form number; 40650

(4) The ticket count; 40651

(5) The prize structure, including the number of winning 40652  
tickets by denomination and the respective winning symbol or 40653

number combinations for the winning tickets; 40654

(6) The cost per play; 40655

(7) The serial number of the game. 40656

(UU) (1) "Skill-based amusement machine" means a 40657  
mechanical, video, digital, or electronic device that rewards 40658  
the player or players, if at all, only with merchandise prizes 40659  
or with redeemable vouchers redeemable only for merchandise 40660  
prizes, provided that with respect to rewards for playing the 40661  
game all of the following apply: 40662

(a) The wholesale value of a merchandise prize awarded as 40663  
a result of the single play of a machine does not exceed ten 40664  
dollars; 40665

(b) Redeemable vouchers awarded for any single play of a 40666  
machine are not redeemable for a merchandise prize with a 40667  
wholesale value of more than ten dollars; 40668

(c) Redeemable vouchers are not redeemable for a 40669  
merchandise prize that has a wholesale value of more than ten 40670  
dollars times the fewest number of single plays necessary to 40671  
accrue the redeemable vouchers required to obtain that prize; 40672  
and 40673

(d) Any redeemable vouchers or merchandise prizes are 40674  
distributed at the site of the skill-based amusement machine at 40675  
the time of play. 40676

A card for the purchase of gasoline is a redeemable 40677  
voucher for purposes of division (UU) (1) of this section even if 40678  
the skill-based amusement machine for the play of which the card 40679  
is awarded is located at a place where gasoline may not be 40680  
legally distributed to the public or the card is not redeemable 40681

at the location of, or at the time of playing, the skill-based 40682  
amusement machine. 40683

(2) A device shall not be considered a skill-based 40684  
amusement machine and shall be considered a slot machine if it 40685  
pays cash or one or more of the following apply: 40686

(a) The ability of a player to succeed at the game is 40687  
impacted by the number or ratio of prior wins to prior losses of 40688  
players playing the game. 40689

(b) Any reward of redeemable vouchers is not based solely 40690  
on the player achieving the object of the game or the player's 40691  
score; 40692

(c) The outcome of the game, or the value of the 40693  
redeemable voucher or merchandise prize awarded for winning the 40694  
game, can be controlled by a source other than any player 40695  
playing the game. 40696

(d) The success of any player is or may be determined by a 40697  
chance event that cannot be altered by player actions. 40698

(e) The ability of any player to succeed at the game is 40699  
determined by game features not visible or known to the player. 40700

(f) The ability of the player to succeed at the game is 40701  
impacted by the exercise of a skill that no reasonable player 40702  
could exercise. 40703

(3) All of the following apply to any machine that is 40704  
operated as described in division (UU) (1) of this section: 40705

(a) As used in division (UU) of this section, "game" and 40706  
"play" mean one event from the initial activation of the machine 40707  
until the results of play are determined without payment of 40708  
additional consideration. An individual utilizing a machine that 40709

involves a single game, play, contest, competition, or 40710  
tournament may be awarded redeemable vouchers or merchandise 40711  
prizes based on the results of play. 40712

(b) Advance play for a single game, play, contest, 40713  
competition, or tournament participation may be purchased. The 40714  
cost of the contest, competition, or tournament participation 40715  
may be greater than a single noncontest, competition, or 40716  
tournament play. 40717

(c) To the extent that the machine is used in a contest, 40718  
competition, or tournament, that contest, competition, or 40719  
tournament has a defined starting and ending date and is open to 40720  
participants in competition for scoring and ranking results 40721  
toward the awarding of redeemable vouchers or merchandise prizes 40722  
that are stated prior to the start of the contest, competition, 40723  
or tournament. 40724

(4) For purposes of division (UU)(1) of this section, the 40725  
mere presence of a device, such as a pin-setting, ball- 40726  
releasing, or scoring mechanism, that does not contribute to or 40727  
affect the outcome of the play of the game does not make the 40728  
device a skill-based amusement machine. 40729

(VV) "Merchandise prize" means any item of value, but 40730  
shall not include any of the following: 40731

(1) Cash, gift cards, or any equivalent thereof; 40732

(2) Plays on games of chance, state lottery tickets, or 40733  
bingo; 40734

(3) Firearms, tobacco, or alcoholic beverages; or 40735

(4) A redeemable voucher that is redeemable for any of the 40736  
items listed in division (VV)(1), (2), or (3) of this section. 40737

(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value. 40738  
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(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants. 40740  
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(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years. 40744  
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40750

(ZZ) "Community action agency" has the same meaning as in section ~~122.66~~5101.311 of the Revised Code. 40751  
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(AAA) (1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply: 40753  
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(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries. 40761  
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(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize. 40764  
40765  
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- (c) The device selects prizes from a predetermined finite pool of entries. 40767  
40768
- (d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry. 40769  
40770
- (e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed. 40771  
40772  
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- (f) The device utilizes software to create a game result. 40774
- (g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded. 40775  
40776  
40777
- (h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered. 40778  
40779
- (2) As used in this division and in section 2915.02 of the Revised Code: 40780  
40781
- (a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes. 40782  
40783
- (b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed. 40784  
40785  
40786
- (c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize. 40787  
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- (d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is 40792  
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provided to a sweepstakes participant, except as provided in 40794  
division (G) of section 2915.02 of the Revised Code. 40795

(BBB) "Sweepstakes" means any game, contest, advertising 40796  
scheme or plan, or other promotion where consideration is not 40797  
required for a person to enter to win or become eligible to 40798  
receive any prize, the determination of which is based upon 40799  
chance. "Sweepstakes" does not include bingo as authorized under 40800  
this chapter, pari-mutuel wagering as authorized by Chapter 40801  
3769. of the Revised Code, lotteries conducted by the state 40802  
lottery commission as authorized by Chapter 3770. of the Revised 40803  
Code, and casino gaming as authorized by Chapter 3772. of the 40804  
Revised Code. 40805

(CCC) (1) "Electronic instant bingo" means a form of bingo 40806  
that consists of an electronic or digital representation of 40807  
instant bingo in which a participant wins a prize if the 40808  
participant's electronic instant bingo ticket contains a 40809  
combination of numbers or symbols that was designated in advance 40810  
as a winning combination, and to which all of the following 40811  
apply: 40812

(a) Each deal has a predetermined, finite number of 40813  
winning and losing tickets and a predetermined prize amount and 40814  
deal structure, provided that there may be multiple winning 40815  
combinations in each deal and multiple winning tickets. 40816

(b) Each electronic instant bingo ticket within a deal has 40817  
a unique serial number that is not regenerated. 40818

(c) Each electronic instant bingo ticket within a deal is 40819  
sold for the same price. 40820

(d) After a participant purchases an electronic instant 40821  
bingo ticket, the combination of numbers or symbols on the 40822

ticket is revealed to the participant. 40823

(e) The reveal of numbers or symbols on the ticket may 40824  
incorporate an entertainment or bonus theme, provided that the 40825  
reveal does not include spinning reels that resemble a slot 40826  
machine. 40827

(f) The reveal theme, if any, does not require additional 40828  
consideration or award any prize other than any predetermined 40829  
prize associated with the electronic instant bingo ticket. 40830

(2) "Electronic instant bingo" shall not include any of 40831  
the following: 40832

(a) Any game, entertainment, or bonus theme that 40833  
replicates or simulates any of the following: 40834

(i) The gambling games of keno, blackjack, roulette, 40835  
poker, craps, other casino-style table games; 40836

(ii) Horse racing; 40837

(iii) Gambling games offered in this state on slot 40838  
machines or video lottery terminals. As used in this division, 40839  
"video lottery terminal" has the same meaning as in section 40840  
3770.21 of the Revised Code. 40841

(b) Any device operated by dropping one or more coins or 40842  
tokens into a slot and pulling a handle or pushing a button or 40843  
touchpoint on a touchscreen to activate one to three or more 40844  
rotating reels marked into horizontal segments by varying 40845  
symbols, where the predetermined prize amount depends on how and 40846  
how many of the symbols line up when the rotating reels come to 40847  
a rest; 40848

(c) Any device that includes a coin or token slot, tray, 40849  
or hopper and the ability to dispense coins, cash, tokens, or 40850

anything of value other than a credit ticket voucher. 40851

(DDD) "Electronic instant bingo system" means both of the 40852  
following: 40853

(1) A mechanical, electronic, digital, or video device and 40854  
associated software to which all of the following apply: 40855

(a) It is used by not more than one player at a time to 40856  
play electronic instant bingo on a single screen that is 40857  
physically connected to the device; 40858

(b) It is located on the premises of the principal place 40859  
of business of a veteran's or fraternal organization that holds 40860  
a type II or type III bingo license to conduct electronic 40861  
instant bingo at that location issued under section 2915.08 of 40862  
the Revised Code. 40863

(2) Any associated equipment or software used to manage, 40864  
monitor, or document any aspect of electronic instant bingo. 40865

**Sec. 2919.171.** (A) (1) A physician who performs or induces 40866  
or attempts to perform or induce an abortion on a pregnant woman 40867  
shall submit a report to the department of health in accordance 40868  
with the forms, rules, and regulations adopted by the department 40869  
that includes all of the information the physician is required 40870  
to certify in writing or determine under section 2919.17, 40871  
section 2919.18, divisions (A) and (C) of section 2919.192, 40872  
division (C) of section 2919.193, division (B) of section 40873  
2919.195, or division (A) of section 2919.196 of the Revised 40874  
Code. 40875

(2) If a person other than the physician described in 40876  
division (A) (1) of this section makes or maintains a record 40877  
required by sections 2919.192 to 2919.196 of the Revised Code on 40878  
the physician's behalf or at the physician's direction, that 40879

person shall comply with the reporting requirement described in 40880  
division (A) (1) of this section as if the person were the 40881  
physician described in that division. 40882

(B) By ~~September 30~~ the first day of March of each year, 40883  
the department of health shall issue a public report that 40884  
provides statistics for the previous calendar year compiled from 40885  
all of the reports covering that calendar year submitted to the 40886  
department in accordance with this section for each of the items 40887  
listed in division (A) of this section. The report shall also 40888  
provide the statistics for each previous calendar year in which 40889  
a report was filed with the department pursuant to this section, 40890  
adjusted to reflect any additional information that a physician 40891  
provides to the department in a late or corrected report. The 40892  
department shall ensure that none of the information included in 40893  
the report could reasonably lead to the identification of any 40894  
pregnant woman upon whom an abortion is performed. 40895

(C) (1) The physician shall submit the report described in 40896  
division (A) of this section to the department of health within 40897  
fifteen days after the woman is discharged. If the physician 40898  
fails to submit the report more than thirty days after that 40899  
fifteen-day deadline, the physician shall be subject to a late 40900  
fee of five hundred dollars for each additional thirty-day 40901  
period or portion of a thirty-day period the report is overdue. 40902  
A physician who is required to submit to the department of 40903  
health a report under division (A) of this section and who has 40904  
not submitted a report or has submitted an incomplete report 40905  
more than one year following the fifteen-day deadline may, in an 40906  
action brought by the department of health, be directed by a 40907  
court of competent jurisdiction to submit a complete report to 40908  
the department of health within a period of time stated in a 40909  
court order or be subject to contempt of court. 40910

(2) If a physician fails to comply with the requirements 40911  
of this section, other than filing a late report with the 40912  
department of health, or fails to submit a complete report to 40913  
the department of health in accordance with a court order, the 40914  
physician is subject to division (B) (43) of section 4731.22 of 40915  
the Revised Code. 40916

(3) No person shall falsify any report required under this 40917  
section. Whoever violates this division is guilty of abortion 40918  
report falsification, a misdemeanor of the first degree. 40919

(D) The department of health shall adopt rules pursuant to 40920  
section 111.15 of the Revised Code to assist in compliance with 40921  
this section. 40922

**Sec. 2919.19.** (A) As used in this section and sections 40923  
2919.191 to ~~2919.1910~~ 2919.199 of the Revised Code: 40924

(1) "Conception" means fertilization. 40925

(2) "Contraceptive" means a drug, device, or chemical that 40926  
prevents conception. 40927

(3) "DNA" means deoxyribonucleic acid. 40928

(4) "Fetal heartbeat" means cardiac activity or the steady 40929  
and repetitive rhythmic contraction of the fetal heart within 40930  
the gestational sac. 40931

(5) "Fetus" means the human offspring developing during 40932  
pregnancy from the moment of conception and includes the 40933  
embryonic stage of development. 40934

(6) "Gestational age" means the age of an unborn human 40935  
individual as calculated from the first day of the last 40936  
menstrual period of a pregnant woman. 40937

(7) "Gestational sac" means the structure that comprises 40938  
the extraembryonic membranes that envelop the fetus and that is 40939  
typically visible by ultrasound after the fourth week of 40940  
pregnancy. 40941

(8) "Intrauterine pregnancy" means a pregnancy in which 40942  
the fetus is attached to the placenta within the uterus of the 40943  
pregnant woman. 40944

(9) "Medical emergency" has the same meaning as in section 40945  
2919.16 of the Revised Code. 40946

(10) "Physician" has the same meaning as in section 40947  
2305.113 of the Revised Code. 40948

(11) "Pregnancy" means the human female reproductive 40949  
condition that begins with fertilization, when the woman is 40950  
carrying the developing human offspring, and that is calculated 40951  
from the first day of the last menstrual period of the woman. 40952

(12) "Serious risk of the substantial and irreversible 40953  
impairment of a major bodily function" has the same meaning as 40954  
in section 2919.16 of the Revised Code. 40955

(13) "Spontaneous miscarriage" means the natural or 40956  
accidental termination of a pregnancy and the expulsion of the 40957  
fetus, typically caused by genetic defects in the fetus or 40958  
physical abnormalities in the pregnant woman. 40959

(14) "Standard medical practice" means the degree of 40960  
skill, care, and diligence that a physician of the same medical 40961  
specialty would employ in like circumstances. As applied to the 40962  
method used to determine the presence of a fetal heartbeat for 40963  
purposes of section 2919.192 of the Revised Code, "standard 40964  
medical practice" includes employing the appropriate means of 40965  
detection depending on the estimated gestational age of the 40966

fetus and the condition of the woman and her pregnancy. 40967

(15) "Unborn human individual" means an individual 40968  
organism of the species homo sapiens from fertilization until 40969  
live birth. 40970

(B) (1) It is the intent of the general assembly that a 40971  
court judgment or order suspending enforcement of any provision 40972  
of this section or sections 2919.171 or 2919.191 to 2919.1913 of 40973  
the Revised Code is not to be regarded as tantamount to repeal 40974  
of that provision. 40975

(2) Upon the issuance of any court order or judgment 40976  
restoring, expanding, or clarifying the authority of states to 40977  
prohibit or regulate abortion entirely or in part, or the 40978  
effective date of an amendment to the United States Constitution 40979  
restoring, expanding, or clarifying the authority of states to 40980  
prohibit or regulate abortion entirely or in part, the attorney 40981  
general may apply to the pertinent state or federal court for 40982  
either or both of the following: 40983

(a) A declaration that any one or more sections specified 40984  
in division (B) (1) of this section are constitutional; 40985

(b) A judgment or order lifting an injunction against the 40986  
enforcement of any one or more sections specified in division 40987  
(B) (1) of this section. 40988

(3) If the attorney general fails to apply for the relief 40989  
described in division (B) (2) of this section within the thirty- 40990  
day period after an event described in that division occurs, any 40991  
county prosecutor, with standing, may apply to the appropriate 40992  
state or federal court for such relief. 40993

(4) If any provision of this section or sections 2919.171 40994  
or 2919.191 to 2919.1913 of the Revised Code is held invalid, or 40995

if the application of such provision to any person or 40996  
circumstance is held invalid, the invalidity of that provision 40997  
does not affect any other provisions or applications of this 40998  
section and sections 2919.171 and 2919.191 to 2919.1913 of the 40999  
Revised Code that can be given effect without the invalid 41000  
provision or application, and to this end the provisions of this 41001  
section and sections 2919.171 and 2919.191 to 2919.1913 of the 41002  
Revised Code are severable as provided in section 1.50 of the 41003  
Revised Code. In particular, it is the intent of the general 41004  
assembly that any invalidity or potential invalidity of a 41005  
provision of this section or sections 2919.171 or 2919.191 to 41006  
2919.1913 of the Revised Code is not to impair the immediate and 41007  
continuing enforceability of the remaining provisions. It is 41008  
furthermore the intent of the general assembly that the 41009  
provisions of this section and sections 2919.171 or 2919.191 to 41010  
2919.1913 of the Revised Code are not to have the effect of 41011  
repealing or limiting any other laws of this state, except as 41012  
specified by this section and sections 2919.171 and 2919.191 to 41013  
2919.1913 of the Revised Code. 41014

**Sec. 2921.13.** (A) No person shall knowingly make a false 41015  
statement, or knowingly swear or affirm the truth of a false 41016  
statement previously made, when any of the following applies: 41017

(1) The statement is made in any official proceeding. 41018

(2) The statement is made with purpose to incriminate 41019  
another. 41020

(3) The statement is made with purpose to mislead a public 41021  
official in performing the public official's official function. 41022

(4) The statement is made with purpose to secure the 41023  
payment of unemployment compensation; Ohio works first; 41024

prevention, retention, and contingency benefits and services; 41025  
disability financial assistance; retirement benefits or health 41026  
care coverage from a state retirement system; economic 41027  
development assistance, as defined in section 9.66 of the 41028  
Revised Code; or other benefits administered by a governmental 41029  
agency or paid out of a public treasury. 41030

(5) The statement is made with purpose to secure the 41031  
issuance by a governmental agency of a license, permit, 41032  
authorization, certificate, registration, release, or provider 41033  
agreement. 41034

(6) The statement is sworn or affirmed before a notary 41035  
public or another person empowered to administer oaths. 41036

(7) The statement is in writing on or in connection with a 41037  
report or return that is required or authorized by law. 41038

(8) The statement is in writing and is made with purpose 41039  
to induce another to extend credit to or employ the offender, to 41040  
confer any degree, diploma, certificate of attainment, award of 41041  
excellence, or honor on the offender, or to extend to or bestow 41042  
upon the offender any other valuable benefit or distinction, 41043  
when the person to whom the statement is directed relies upon it 41044  
to that person's detriment. 41045

(9) The statement is made with purpose to commit or 41046  
facilitate the commission of a theft offense. 41047

(10) The statement is knowingly made to a probate court in 41048  
connection with any action, proceeding, or other matter within 41049  
its jurisdiction, either orally or in a written document, 41050  
including, but not limited to, an application, petition, 41051  
complaint, or other pleading, or an inventory, account, or 41052  
report. 41053

- (11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law. 41054  
41055
- (12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. 41056  
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- (13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record. 41063  
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- (14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a concealed handgun license or is made in an affidavit submitted to a county sheriff to obtain a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code. 41067  
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- (15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale. 41073  
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- (16) The statement is made to the department of children and youth in connection with the Ohio adoption grant program for the purpose of qualifying for or obtaining an adoption grant under sections 5101.19 to 5101.194 of the Revised Code. 41076  
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- (B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a 41080  
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fictitious or altered driver's or commercial driver's license or 41083  
permit, a fictitious or altered identification card, or any 41084  
other document that contains false information about the 41085  
purchaser's identity. 41086

(C) No person, in an attempt to obtain a concealed handgun 41087  
license under section 2923.125 of the Revised Code, shall 41088  
knowingly present to a sheriff a fictitious or altered document 41089  
that purports to be certification of the person's competence in 41090  
handling a handgun as described in division (B) (3) of that 41091  
section. 41092

(D) It is no defense to a charge under division (A) (6) of 41093  
this section that the oath or affirmation was administered or 41094  
taken in an irregular manner. 41095

(E) If contradictory statements relating to the same fact 41096  
are made by the offender within the period of the statute of 41097  
limitations for falsification, it is not necessary for the 41098  
prosecution to prove which statement was false but only that one 41099  
or the other was false. 41100

(F) (1) Whoever violates division (A) (1), (2), (3), (4), 41101  
(5), (6), (7), (8), (10), (11), (13), ~~or (15)~~, or (16) of this 41102  
section is guilty of falsification. Except as otherwise provided 41103  
in this division, falsification is a misdemeanor of the first 41104  
degree. 41105

(2) Whoever violates division (A) (9) of this section is 41106  
guilty of falsification in a theft offense. Except as otherwise 41107  
provided in this division, falsification in a theft offense is a 41108  
misdemeanor of the first degree. If the value of the property or 41109  
services stolen is one thousand dollars or more and is less than 41110  
seven thousand five hundred dollars, falsification in a theft 41111

offense is a felony of the fifth degree. If the value of the 41112  
property or services stolen is seven thousand five hundred 41113  
dollars or more and is less than one hundred fifty thousand 41114  
dollars, falsification in a theft offense is a felony of the 41115  
fourth degree. If the value of the property or services stolen 41116  
is one hundred fifty thousand dollars or more, falsification in 41117  
a theft offense is a felony of the third degree. 41118

(3) Whoever violates division (A) (12) or (B) of this 41119  
section is guilty of falsification to purchase a firearm, a 41120  
felony of the fifth degree. 41121

(4) Whoever violates division (A) (14) or (C) of this 41122  
section is guilty of falsification to obtain a concealed handgun 41123  
license, a felony of the fourth degree. 41124

(5) Whoever violates division (A) of this section in 41125  
removal proceedings under section 319.26, 321.37, 507.13, or 41126  
733.78 of the Revised Code is guilty of falsification regarding 41127  
a removal proceeding, a felony of the third degree. 41128

(G) A person who violates this section is liable in a 41129  
civil action to any person harmed by the violation for injury, 41130  
death, or loss to person or property incurred as a result of the 41131  
commission of the offense and for reasonable attorney's fees, 41132  
court costs, and other expenses incurred as a result of 41133  
prosecuting the civil action commenced under this division. A 41134  
civil action under this division is not the exclusive remedy of 41135  
a person who incurs injury, death, or loss to person or property 41136  
as a result of a violation of this section. 41137

**Sec. 2921.41.** (A) No public official or party official 41138  
shall commit any theft offense, as defined in division (K) of 41139  
section 2913.01 of the Revised Code, when either of the 41140

following applies: 41141

(1) The offender uses the offender's office in aid of 41142  
committing the offense or permits or assents to its use in aid 41143  
of committing the offense; 41144

(2) The property or service involved is owned by this 41145  
state, any other state, the United States, a county, a municipal 41146  
corporation, a township, or any political subdivision, 41147  
department, or agency of any of them, is owned by a political 41148  
party, or is part of a political campaign fund. 41149

(B) Whoever violates this section is guilty of theft in 41150  
office. Except as otherwise provided in this division, theft in 41151  
office is a felony of the fifth degree. If the value of property 41152  
or services stolen is one thousand dollars or more and is less 41153  
than seven thousand five hundred dollars, theft in office is a 41154  
felony of the fourth degree. If the value of property or 41155  
services stolen is seven thousand five hundred dollars or more 41156  
and is less than one hundred fifty thousand dollars, theft in 41157  
office is a felony of the third degree. If the value of property 41158  
or services stolen is one hundred fifty thousand dollars or more 41159  
and is less than seven hundred fifty thousand dollars, theft in 41160  
office is a felony of the second degree. If the value of 41161  
property or services stolen is seven hundred fifty thousand 41162  
dollars or more, theft in office is a felony of the first 41163  
degree. 41164

(C) (1) A public official or party official who pleads 41165  
guilty to theft in office and whose plea is accepted by the 41166  
court or a public official or party official against whom a 41167  
verdict or finding of guilt for committing theft in office is 41168  
returned is forever disqualified from holding any public office, 41169  
employment, or position of trust in this state. 41170

(2) (a) (i) A court that imposes sentence for a violation of 41171  
this section based on conduct described in division (A) (2) of 41172  
this section shall require the public official or party official 41173  
who is convicted of or pleads guilty to the offense to make 41174  
restitution for all of the property or the service that is the 41175  
subject of the offense, in addition to the term of imprisonment 41176  
and any fine imposed. The total amount of restitution imposed 41177  
under this division shall include costs of auditing the public 41178  
entities specified in division (A) (2) of this section that own 41179  
the property or service involved in the conduct described in 41180  
that division that is a violation of this section, but, except 41181  
as otherwise provided in a negotiated plea agreement, shall not 41182  
exceed the amount of the restitution imposed for all of the 41183  
property or the service that is the subject of the offense. 41184

(ii) A court that imposes sentence for a violation of this 41185  
section based on conduct described in division (A) (1) of this 41186  
section and that determines at trial that this state or a 41187  
political subdivision of this state if the offender is a public 41188  
official, or a political party in the United States or this 41189  
state if the offender is a party official, suffered actual loss 41190  
as a result of the offense shall require the offender to make 41191  
restitution to the state, political subdivision, or political 41192  
party for all of the actual loss experienced, in addition to the 41193  
term of imprisonment and any fine imposed. The total amount of 41194  
restitution imposed under this division shall include costs of 41195  
auditing the state, political subdivision, or political party 41196  
that suffered the actual loss based on conduct described in that 41197  
division that is a violation of this section, but, except as 41198  
otherwise provided in a negotiated plea agreement, shall not 41199  
exceed the amount of the restitution imposed for all of the 41200  
actual loss suffered. 41201

(b) (i) In any case in which a sentencing court is required 41202  
to order restitution under division (C) (2) (a) of this section 41203  
and in which the offender, at the time of the commission of the 41204  
offense or at any other time, was a member of the public 41205  
employees retirement system, the Ohio police and fire pension 41206  
fund, the state teachers retirement system, the school employees 41207  
retirement system, or the state highway patrol retirement 41208  
system; was an electing employee, as defined in section 3305.01 41209  
of the Revised Code, participating in an alternative retirement 41210  
plan provided pursuant to Chapter 3305. of the Revised Code; was 41211  
a participating employee or continuing member, as defined in 41212  
section 148.01 of the Revised Code, in a deferred compensation 41213  
program offered by the ~~Ohio public employees deferred~~ 41214  
~~compensation retirement~~ board; was an officer or employee of a 41215  
municipal corporation who was a participant in a deferred 41216  
compensation program offered by that municipal corporation; was 41217  
an officer or employee of a government unit, as defined in 41218  
section 148.06 of the Revised Code, who was a participant in a 41219  
deferred compensation program offered by that government unit, 41220  
or was a participating employee, continuing member, or 41221  
participant in any deferred compensation program described in 41222  
this division and a member of a retirement system specified in 41223  
this division or a retirement system of a municipal corporation, 41224  
the entity to which restitution is to be made may file a motion 41225  
with the sentencing court specifying any retirement system, any 41226  
provider as defined in section 3305.01 of the Revised Code, and 41227  
any deferred compensation program of which the offender was a 41228  
member, electing employee, participating employee, continuing 41229  
member, or participant and requesting the court to issue an 41230  
order requiring the specified retirement system, the specified 41231  
provider under the alternative retirement plan, or the specified 41232  
deferred compensation program, or, if more than one is specified 41233

in the motion, the applicable combination of these, to withhold 41234  
the amount required as restitution from any payment that is to 41235  
be made under a pension, annuity, or allowance, under an option 41236  
in the alternative retirement plan, under a participant account, 41237  
as defined in section 148.01 of the Revised Code, or under any 41238  
other type of benefit, other than a survivorship benefit, that 41239  
has been or is in the future granted to the offender, from any 41240  
payment of accumulated employee contributions standing to the 41241  
offender's credit with that retirement system, that provider of 41242  
the option under the alternative retirement plan, or that 41243  
deferred compensation program, or, if more than one is specified 41244  
in the motion, the applicable combination of these, and from any 41245  
payment of any other amounts to be paid to the offender upon the 41246  
offender's withdrawal of the offender's contributions pursuant 41247  
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 41248  
Revised Code. A motion described in this division may be filed 41249  
at any time subsequent to the conviction of the offender or 41250  
entry of a guilty plea. Upon the filing of the motion, the clerk 41251  
of the court in which the motion is filed shall notify the 41252  
offender, the specified retirement system, the specified 41253  
provider under the alternative retirement plan, or the specified 41254  
deferred compensation program, or, if more than one is specified 41255  
in the motion, the applicable combination of these, in writing, 41256  
of all of the following: that the motion was filed; that the 41257  
offender will be granted a hearing on the issuance of the 41258  
requested order if the offender files a written request for a 41259  
hearing with the clerk prior to the expiration of thirty days 41260  
after the offender receives the notice; that, if a hearing is 41261  
requested, the court will schedule a hearing as soon as possible 41262  
and notify the offender, any specified retirement system, any 41263  
specified provider under an alternative retirement plan, and any 41264  
specified deferred compensation program of the date, time, and 41265

place of the hearing; that, if a hearing is conducted, it will 41266  
be limited only to a consideration of whether the offender can 41267  
show good cause why the requested order should not be issued; 41268  
that, if a hearing is conducted, the court will not issue the 41269  
requested order if the court determines, based on evidence 41270  
presented at the hearing by the offender, that there is good 41271  
cause for the requested order not to be issued; that the court 41272  
will issue the requested order if a hearing is not requested or 41273  
if a hearing is conducted but the court does not determine, 41274  
based on evidence presented at the hearing by the offender, that 41275  
there is good cause for the requested order not to be issued; 41276  
and that, if the requested order is issued, any retirement 41277  
system, any provider under an alternative retirement plan, and 41278  
any deferred compensation program specified in the motion will 41279  
be required to withhold the amount required as restitution from 41280  
payments to the offender. 41281

(ii) In any case in which a sentencing court is required 41282  
to order restitution under division (C) (2) (a) of this section 41283  
and in which a motion requesting the issuance of a withholding 41284  
order as described in division (C) (2) (b) (i) of this section is 41285  
filed, the offender may receive a hearing on the motion by 41286  
delivering a written request for a hearing to the court prior to 41287  
the expiration of thirty days after the offender's receipt of 41288  
the notice provided pursuant to division (C) (2) (b) (i) of this 41289  
section. If a request for a hearing is made by the offender 41290  
within the prescribed time, the court shall schedule a hearing 41291  
as soon as possible after the request is made and shall notify 41292  
the offender, the specified retirement system, the specified 41293  
provider under the alternative retirement plan, or the specified 41294  
deferred compensation program, or, if more than one is specified 41295  
in the motion, the applicable combination of these, of the date, 41296

time, and place of the hearing. A hearing scheduled under this 41297  
division shall be limited to a consideration of whether there is 41298  
good cause, based on evidence presented by the offender, for the 41299  
requested order not to be issued. If the court determines, based 41300  
on evidence presented by the offender, that there is good cause 41301  
for the order not to be issued, the court shall deny the motion 41302  
and shall not issue the requested order. If the offender does 41303  
not request a hearing within the prescribed time or if the court 41304  
conducts a hearing but does not determine, based on evidence 41305  
presented by the offender, that there is good cause for the 41306  
order not to be issued, the court shall order the specified 41307  
retirement system, the specified provider under the alternative 41308  
retirement plan, or the specified deferred compensation program, 41309  
or, if more than one is specified in the motion, the applicable 41310  
combination of these, to withhold the amount required as 41311  
restitution under division (C) (2) (a) of this section from any 41312  
payments to be made under a pension, annuity, or allowance, 41313  
under a participant account, as defined in section 148.01 of the 41314  
Revised Code, under an option in the alternative retirement 41315  
plan, or under any other type of benefit, other than a 41316  
survivorship benefit, that has been or is in the future granted 41317  
to the offender, from any payment of accumulated employee 41318  
contributions standing to the offender's credit with that 41319  
retirement system, that provider under the alternative 41320  
retirement plan, or that deferred compensation program, or, if 41321  
more than one is specified in the motion, the applicable 41322  
combination of these, and from any payment of any other amounts 41323  
to be paid to the offender upon the offender's withdrawal of the 41324  
offender's contributions pursuant to Chapter 145., 148., 742., 41325  
3307., 3309., or 5505. of the Revised Code, and to continue the 41326  
withholding for that purpose, in accordance with the order, out 41327  
of each payment to be made on or after the date of issuance of 41328

the order, until further order of the court. Upon receipt of an 41329  
order issued under this division, the public employees 41330  
retirement system, the Ohio police and fire pension fund, the 41331  
state teachers retirement system, the school employees 41332  
retirement system, the state highway patrol retirement system, a 41333  
municipal corporation retirement system, the provider under the 41334  
alternative retirement plan, and the deferred compensation 41335  
program offered by the ~~Ohio public employees deferred-~~ 41336  
~~compensation-retirement~~ board, a municipal corporation, or a 41337  
government unit, as defined in section 148.06 of the Revised 41338  
Code, whichever are applicable, shall withhold the amount 41339  
required as restitution, in accordance with the order, from any 41340  
such payments and immediately shall forward the amount withheld 41341  
to the clerk of the court in which the order was issued for 41342  
payment to the entity to which restitution is to be made. 41343

(iii) Service of a notice required by division (C) (2) (b) 41344  
(i) or (ii) of this section shall be effected in the same manner 41345  
as provided in the Rules of Civil Procedure for the service of 41346  
process. 41347

(c) Consistent with the ruling of the supreme court of the 41348  
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 41349  
restitution imposed under division (C) (2) (a) of this section is 41350  
not dischargeable under Chapter 7 of the United States 41351  
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 41352

(D) Upon the filing of charges against a person under this 41353  
section, the prosecutor, as defined in section 2935.01 of the 41354  
Revised Code, who is assigned the case shall send written notice 41355  
that charges have been filed against that person to the public 41356  
employees retirement system, the Ohio police and fire pension 41357  
fund, the state teachers retirement system, the school employees 41358

retirement system, the state highway patrol retirement system, 41359  
the provider under an alternative retirement plan, any municipal 41360  
corporation retirement system in this state, and the deferred 41361  
compensation program offered by the ~~Ohio~~-public employees 41362  
~~deferred compensation retirement~~ board, a municipal corporation, 41363  
or a government unit, as defined in section 148.06 of the 41364  
Revised Code. The written notice shall specifically identify the 41365  
person charged. 41366

**Sec. 2925.14.** (A) As used in this section, "drug 41367  
paraphernalia" means any equipment, product, or material of any 41368  
kind that is used by the offender, intended by the offender for 41369  
use, or designed for use, in propagating, cultivating, growing, 41370  
harvesting, manufacturing, compounding, converting, producing, 41371  
processing, preparing, testing, analyzing, packaging, 41372  
repackaging, storing, containing, concealing, injecting, 41373  
ingesting, inhaling, or otherwise introducing into the human 41374  
body, a controlled substance in violation of this chapter. "Drug 41375  
paraphernalia" includes, but is not limited to, any of the 41376  
following equipment, products, or materials that are used by the 41377  
offender, intended by the offender for use, or designed by the 41378  
offender for use, in any of the following manners: 41379

(1) A kit for propagating, cultivating, growing, or 41380  
harvesting any species of a plant that is a controlled substance 41381  
or from which a controlled substance can be derived; 41382

(2) A kit for manufacturing, compounding, converting, 41383  
producing, processing, or preparing a controlled substance; 41384

(3) Any object, instrument, or device for manufacturing, 41385  
compounding, converting, producing, processing, or preparing 41386  
methamphetamine; 41387

- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance; 41388  
41389
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, ~~except for those exempted in~~ unless division (D) (4) of this section applies to the testing equipment; 41390  
41391  
41392  
41393
- (6) A scale or balance for weighing or measuring a controlled substance; 41394  
41395
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance; 41396  
41397  
41398
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 41399  
41400
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 41401  
41402
- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 41403  
41404
- (11) A container or device for storing or concealing a controlled substance; 41405  
41406
- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 41407  
41408  
41409
- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or 41410  
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carburetion mask; roach clip or similar object used to hold 41416  
burning material, such as a marihuana cigarette, that has become 41417  
too small or too short to be held in the hand; miniature cocaine 41418  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 41419  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 41420

(B) In determining if any equipment, product, or material 41421  
is drug paraphernalia, a court or law enforcement officer shall 41422  
consider, in addition to other relevant factors, the following: 41423

(1) Any statement by the owner, or by anyone in control, 41424  
of the equipment, product, or material, concerning its use; 41425

(2) The proximity in time or space of the equipment, 41426  
product, or material, or of the act relating to the equipment, 41427  
product, or material, to a violation of any provision of this 41428  
chapter; 41429

(3) The proximity of the equipment, product, or material 41430  
to any controlled substance; 41431

(4) The existence of any residue of a controlled substance 41432  
on the equipment, product, or material; 41433

(5) Direct or circumstantial evidence of the intent of the 41434  
owner, or of anyone in control, of the equipment, product, or 41435  
material, to deliver it to any person whom the owner or person 41436  
in control of the equipment, product, or material knows intends 41437  
to use the object to facilitate a violation of any provision of 41438  
this chapter. A finding that the owner, or anyone in control, of 41439  
the equipment, product, or material, is not guilty of a 41440  
violation of any other provision of this chapter does not 41441  
prevent a finding that the equipment, product, or material was 41442  
intended or designed by the offender for use as drug 41443  
paraphernalia. 41444

- (6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 41445  
41446
- (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use; 41447  
41448
- (8) National or local advertising concerning the use of the equipment, product, or material; 41449  
41450
- (9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 41451  
41452
- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 41453  
41454  
41455
- (11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 41456  
41457
- (12) Expert testimony concerning the use of the equipment, product, or material. 41458  
41459
- (C) (1) Subject to divisions (D) (2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia. 41460  
41461  
41462
- (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia. 41463  
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41466
- (3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for 41467  
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use as drug paraphernalia. 41473

(D) (1) This section does not apply to manufacturers, 41474  
licensed health professionals authorized to prescribe drugs, 41475  
pharmacists, owners of pharmacies, and other persons whose 41476  
conduct is in accordance with Chapters 3719., 4715., 4723., 41477  
4729., 4730., 4731., 4741., and 4772. of the Revised Code. This 41478  
section shall not be construed to prohibit the possession or use 41479  
of a hypodermic as authorized by section 3719.172 of the Revised 41480  
Code. 41481

(2) Division (C) (1) of this section does not apply to a 41482  
person's use, or possession with purpose to use, any drug 41483  
paraphernalia that is equipment, a product, or material of any 41484  
kind that is used by the person, intended by the person for use, 41485  
or designed for use in storing, containing, concealing, 41486  
injecting, ingesting, inhaling, or otherwise introducing into 41487  
the human body marihuana. 41488

(3) Division (B) (2) of section 2925.11 of the Revised Code 41489  
applies with respect to a violation of division (C) (1) of this 41490  
section when a person seeks or obtains medical assistance for 41491  
another person who is experiencing a drug overdose, a person 41492  
experiences a drug overdose and seeks medical assistance for 41493  
that overdose, or a person is the subject of another person 41494  
seeking or obtaining medical assistance for that overdose. 41495

(4) Division (C) (1) of this section does not apply to a 41496  
person's use, or possession with purpose to use, ~~any~~ drug 41497  
testing strips to determine the presence of fentanyl or a 41498  
fentanyl-related compound or any other equipment, product, or 41499  
material approved by the state board of pharmacy, in rules 41500  
adopted under section 4729.261 of the Revised Code, as a type of 41501  
instrument that demonstrates efficacy in reducing drug poisoning 41502

by determining the presence of a specific compound or group of 41503  
compounds. 41504

(E) Notwithstanding Chapter 2981. of the Revised Code, any 41505  
drug paraphernalia that was used, possessed, sold, or 41506  
manufactured in a violation of this section shall be seized, 41507  
after a conviction for that violation shall be forfeited, and 41508  
upon forfeiture shall be disposed of pursuant to division (B) of 41509  
section 2981.12 of the Revised Code. 41510

(F) (1) Whoever violates division (C) (1) of this section is 41511  
guilty of illegal use or possession of drug paraphernalia, a 41512  
misdemeanor of the fourth degree. 41513

(2) Except as provided in division (F) (3) of this section, 41514  
whoever violates division (C) (2) of this section is guilty of 41515  
dealing in drug paraphernalia, a misdemeanor of the second 41516  
degree. 41517

(3) Whoever violates division (C) (2) of this section by 41518  
selling drug paraphernalia to a juvenile is guilty of selling 41519  
drug paraphernalia to juveniles, a misdemeanor of the first 41520  
degree. 41521

(4) Whoever violates division (C) (3) of this section is 41522  
guilty of illegal advertising of drug paraphernalia, a 41523  
misdemeanor of the second degree. 41524

(G) (1) If the offender is a professionally licensed 41525  
person, in addition to any other sanction imposed for a 41526  
violation of this section, the court immediately shall comply 41527  
with section 2925.38 of the Revised Code. 41528

If the offender has a driver's or commercial driver's 41529  
license or permit, section 2929.33 of the Revised Code applies. 41530

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (G) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

**Sec. 2933.32.** (A) As used in this section:

(1) "Body cavity search" means an inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner ~~while the person is detained or arrested for the alleged commission of a misdemeanor or traffic offense.~~

(2) "Medical practitioner" has the same meaning as in section 4743.10 of the Revised Code.

(3) "Strip search" means an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained or arrested for

the alleged commission of a misdemeanor or traffic offense. 41560  
"Strip search" does not mean the visual observation of a person 41561  
who was afforded a reasonable opportunity to secure release on 41562  
bail or recognizance, who fails to secure such release, and who 41563  
is to be integrated with the general population of any detention 41564  
facility, while the person is changing into clothing that is 41565  
required to be worn by inmates in the facility. 41566

(B) (1) Except as authorized by this division, no law 41567  
enforcement officer, other employee of a law enforcement agency, 41568  
physician, or registered nurse or licensed practical nurse shall 41569  
conduct or cause to be conducted a body cavity search or a strip 41570  
search. 41571

(2) A body cavity search or strip search may be conducted 41572  
if a law enforcement officer or employee of a law enforcement 41573  
agency has probable cause to believe that the person is 41574  
concealing evidence of the commission of a criminal offense, 41575  
including fruits or tools of a crime, contraband, or a deadly 41576  
weapon, as defined in section 2923.11 of the Revised Code, that 41577  
could not otherwise be discovered. In determining probable cause 41578  
for purposes of this section, a law enforcement officer or 41579  
employee of a law enforcement agency shall consider the nature 41580  
of the offense with which the person to be searched is charged, 41581  
and the circumstances of the person's arrest, ~~and, if known, the~~ 41582  
~~prior conviction record of the person.~~ 41583

(3) A body cavity search or strip search may be conducted 41584  
for any legitimate medical or hygienic reason. 41585

(4) Unless there is a legitimate medical reason or medical 41586  
emergency justifying a warrantless search, a body cavity search 41587  
shall be conducted only after a search warrant is issued that 41588  
authorizes the search. In any case, a body cavity search shall 41589

be conducted under sanitary conditions and only by a physician, 41590  
or a registered nurse or licensed practical nurse, who is 41591  
registered or licensed to practice in this state. 41592

(5) Unless there is a legitimate medical reason or medical 41593  
emergency that makes obtaining written authorization 41594  
impracticable, a body cavity search or strip search shall be 41595  
conducted only after a law enforcement officer or employee of a 41596  
law enforcement agency obtains a written authorization for the 41597  
search from the person in command of the law enforcement agency, 41598  
or from a person specifically designated by the person in 41599  
command to give a written authorization for either type of 41600  
search. 41601

(6) A body cavity search or strip search shall be 41602  
conducted by a person or persons who are of the same sex as the 41603  
person who is being searched and the search shall be conducted 41604  
in a manner and in a location that permits only the person or 41605  
persons who are physically conducting the search and the person 41606  
who is being searched to observe the search. 41607

(C) (1) Upon completion of a body cavity search or strip 41608  
search pursuant to this section, the person or persons who 41609  
conducted the search shall prepare a written report concerning 41610  
the search that shall include all of the following: 41611

(a) The written authorization for the search obtained from 41612  
the person in command of the law enforcement agency or ~~his~~ that 41613  
person's designee, if required by division (B) (5) of this 41614  
section; 41615

(b) The name of the person who was searched; 41616

(c) The name of the person or persons who conducted the 41617  
search, the time and date of the search, and the place at which 41618

the search was conducted; 41619

(d) A list of the items, if any, recovered during the 41620  
search; 41621

(e) The facts upon which the law enforcement officer or 41622  
employee of the law enforcement agency based ~~his~~ the officer's 41623  
or employee's probable cause for the search, including, but not 41624  
limited to, the officer or employee's review of the nature of 41625  
the offense with which the searched person is charged, and the 41626  
circumstances of his the person's arrest, ~~and, if known, his~~ 41627  
~~prior conviction record;~~ 41628

(f) If the body cavity search was conducted before or 41629  
without the issuance of a search warrant pursuant to division 41630  
(B) (4) of this section, or if the body cavity or strip search 41631  
was conducted before or without the granting of written 41632  
authorization pursuant to division (B) (5) of this section, the 41633  
legitimate medical reason or medical emergency that justified 41634  
the warrantless search or made obtaining written authorization 41635  
impracticable. 41636

(2) A copy of the written report required by division (C) 41637  
(1) of this section shall be kept on file in the law enforcement 41638  
agency, and another copy of it shall be given to the person who 41639  
was searched. 41640

(D) (1) This section does not preclude the prosecution of a 41641  
law enforcement officer or employee of a law enforcement agency 41642  
for the violation of any other section of the Revised Code. 41643

(2) This section does not limit, and shall not be 41644  
construed to limit, any statutory or common law rights of a 41645  
person to obtain injunctive relief or to recover damages in a 41646  
civil action. 41647

(3) If a person is subjected to a body cavity search or strip search in violation of this section, any person may commence a civil action to recover compensatory damages for any injury, death, or loss to person or property or any indignity arising from the violation. In the civil action, the court may award punitive damages to the plaintiffs if they prevail in the action, and it may award reasonable attorney's fees to the parties who prevail in the action.

(4) This section does not apply to body cavity searches or strip searches of persons who have been sentenced to serve a term of imprisonment and who are serving that term in a detention facility, as defined in section 2921.01 of the Revised Code.

(E) (1) Whoever violates division (B) of this section is guilty of conducting an unauthorized search, a misdemeanor of the first degree.

(2) Whoever violates division (C) of this section is guilty of failure to prepare a proper search report, a misdemeanor of the fourth degree.

(F) A medical practitioner is not required, and a court or other person shall not order a medical practitioner, to perform any medical procedure that is inconsistent with the medical practitioner's expert medical opinion.

**Sec. 2951.041.** (A) (1) If an offender is charged with a criminal offense, including but not limited to a violation of section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of the Revised Code, and the court has reason to believe that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged or that,

at the time of committing that offense, the offender had a 41677  
mental illness, was a person with an intellectual disability, or 41678  
was a victim of a violation of section 2905.32 or 2907.21 of the 41679  
Revised Code and that the mental illness, status as a person 41680  
with an intellectual disability, or fact that the offender was a 41681  
victim of a violation of section 2905.32 or 2907.21 of the 41682  
Revised Code was a factor leading to the offender's criminal 41683  
behavior, the court may accept, prior to the entry of a guilty 41684  
plea, the offender's request for intervention in lieu of 41685  
conviction. The request shall include a statement from the 41686  
offender as to whether the offender is alleging that drug or 41687  
alcohol usage by the offender was a factor leading to the 41688  
criminal offense with which the offender is charged or is 41689  
alleging that, at the time of committing that offense, the 41690  
offender had a mental illness, was a person with an intellectual 41691  
disability, or was a victim of a violation of section 2905.32 or 41692  
2907.21 of the Revised Code and that the mental illness, status 41693  
as a person with an intellectual disability, or fact that the 41694  
offender was a victim of a violation of section 2905.32 or 41695  
2907.21 of the Revised Code was a factor leading to the criminal 41696  
offense with which the offender is charged. The request also 41697  
shall include a waiver of the defendant's right to a speedy 41698  
trial, the preliminary hearing, the time period within which the 41699  
grand jury may consider an indictment against the offender, and 41700  
arraignment, unless the hearing, indictment, or arraignment has 41701  
already occurred. Unless an offender alleges that drug or 41702  
alcohol usage by the offender was a factor leading to the 41703  
criminal offense with which the offender is charged, the court 41704  
may reject an offender's request without a hearing. If the court 41705  
elects to consider an offender's request or the offender alleges 41706  
that drug or alcohol usage by the offender was a factor leading 41707  
to the criminal offense with which the offender is charged, the 41708

court shall conduct a hearing to determine whether the offender 41709  
is eligible under this section for intervention in lieu of 41710  
conviction and shall stay all criminal proceedings pending the 41711  
outcome of the hearing. If the court schedules a hearing, the 41712  
court shall order an assessment of the offender for the purpose 41713  
of determining the offender's program eligibility for 41714  
intervention in lieu of conviction and recommending an 41715  
appropriate intervention plan. 41716

If the offender alleges that drug or alcohol usage by the 41717  
offender was a factor leading to the criminal offense with which 41718  
the offender is charged, the court may order that the offender 41719  
be assessed by a community addiction services provider or a 41720  
properly credentialed professional for the purpose of 41721  
determining the offender's program eligibility for intervention 41722  
in lieu of conviction and recommending an appropriate 41723  
intervention plan. The community addiction services provider or 41724  
the properly credentialed professional shall provide a written 41725  
assessment of the offender to the court. 41726

(2) The victim notification provisions of division (E) of 41727  
section 2930.06 of the Revised Code apply in relation to any 41728  
hearing held under division (A)(1) of this section. 41729

(B) An offender is eligible for intervention in lieu of 41730  
conviction if the court finds all of the following: 41731

(1) The offender previously has not been convicted of or 41732  
pleaded guilty to any felony offense of violence. 41733

(2) The offense is not a felony of the first, second, or 41734  
third degree, is not an offense of violence, is not a felony sex 41735  
offense, is not a violation of division (A)(1) or (2) of section 41736  
2903.06 of the Revised Code, is not a violation of division (A) 41737

(1) of section 2903.08 of the Revised Code, is not a violation 41738  
of division (A) of section 4511.19 of the Revised Code or a 41739  
municipal ordinance that is substantially similar to that 41740  
division, and is not an offense for which a sentencing court is 41741  
required to impose a mandatory prison term. 41742

(3) The offender is not charged with a violation of 41743  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 41744  
charged with a violation of section 2925.03 of the Revised Code 41745  
that is a felony of the first, second, third, or fourth degree, 41746  
and is not charged with a violation of section 2925.11 of the 41747  
Revised Code that is a felony of the first or second degree. 41748

(4) If an offender alleges that drug or alcohol usage by 41749  
the offender was a factor leading to the criminal offense with 41750  
which the offender is charged, the court has ordered that the 41751  
offender be assessed by a community addiction services provider 41752  
or a properly credentialed professional for the purpose of 41753  
determining the offender's program eligibility for intervention 41754  
in lieu of conviction and recommending an appropriate 41755  
intervention plan, the offender has been assessed by a community 41756  
addiction services provider of that nature or a properly 41757  
credentialed professional in accordance with the court's order, 41758  
and the community addiction services provider or properly 41759  
credentialed professional has filed the written assessment of 41760  
the offender with the court. 41761

(5) If an offender alleges that, at the time of committing 41762  
the criminal offense with which the offender is charged, the 41763  
offender had a mental illness, was a person with an intellectual 41764  
disability, or was a victim of a violation of section 2905.32 or 41765  
2907.21 of the Revised Code and that the mental illness, status 41766  
as a person with an intellectual disability, or fact that the 41767

offender was a victim of a violation of section 2905.32 or 41768  
2907.21 of the Revised Code was a factor leading to that 41769  
offense, the offender has been assessed by a psychiatrist, 41770  
psychologist, independent social worker, licensed professional 41771  
clinical counselor, or independent marriage and family therapist 41772  
for the purpose of determining the offender's program 41773  
eligibility for intervention in lieu of conviction and 41774  
recommending an appropriate intervention plan. 41775

(6) The offender's drug usage, alcohol usage, mental 41776  
illness, or intellectual disability, or the fact that the 41777  
offender was a victim of a violation of section 2905.32 or 41778  
2907.21 of the Revised Code, whichever is applicable, was a 41779  
factor leading to the criminal offense with which the offender 41780  
is charged, intervention in lieu of conviction would not demean 41781  
the seriousness of the offense, and intervention would 41782  
substantially reduce the likelihood of any future criminal 41783  
activity. 41784

(7) The alleged victim of the offense was not sixty-five 41785  
years of age or older, permanently and totally disabled, under 41786  
thirteen years of age, or a peace officer engaged in the 41787  
officer's official duties at the time of the alleged offense. 41788

(8) If the offender is charged with a violation of section 41789  
2925.24 of the Revised Code, the alleged violation did not 41790  
result in physical harm to any person. 41791

(9) The offender is willing to comply with all terms and 41792  
conditions imposed by the court pursuant to division (D) of this 41793  
section. 41794

(10) The offender is not charged with an offense that 41795  
would result in the offender being disqualified under Chapter 41796

4506. of the Revised Code from operating a commercial motor 41797  
vehicle or would subject the offender to any other sanction 41798  
under that chapter. 41799

(C) At the conclusion of a hearing held pursuant to 41800  
division (A) of this section, the court shall determine whether 41801  
the offender will be granted intervention in lieu of conviction. 41802  
In making this determination, the court shall presume that 41803  
intervention in lieu of conviction is appropriate. If the court 41804  
finds under this division and division (B) of this section that 41805  
the offender is eligible for intervention in lieu of conviction, 41806  
the court shall grant the offender's request unless the court 41807  
finds specific reasons to believe that the candidate's 41808  
participation in intervention in lieu of conviction would be 41809  
inappropriate. 41810

If the court denies an eligible offender's request for 41811  
intervention in lieu of conviction, the court shall state the 41812  
reasons for the denial, with particularity, in a written entry. 41813

If the court grants the offender's request, the court 41814  
shall accept the offender's plea of guilty and waiver of the 41815  
defendant's right to a speedy trial, the preliminary hearing, 41816  
the time period within which the grand jury may consider an 41817  
indictment against the offender, and arraignment, unless the 41818  
hearing, indictment, or arraignment has already occurred. In 41819  
addition, the court then may stay all criminal proceedings and 41820  
order the offender to comply with all terms and conditions 41821  
imposed by the court pursuant to division (D) of this section. 41822  
If the court finds that the offender is not eligible or does not 41823  
grant the offender's request, the criminal proceedings against 41824  
the offender shall proceed as if the offender's request for 41825  
intervention in lieu of conviction had not been made. 41826

(D) If the court grants an offender's request for intervention in lieu of conviction, all of the following apply: 41827  
41828

(1) The court shall place the offender under the general control and supervision of one of the following, as if the offender was subject to a community control sanction imposed under section 2929.15, 2929.18, or 2929.25 of the Revised Code: 41829  
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41831  
41832

(a) The county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists; 41833  
41834  
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(b) If the court grants the request for intervention in lieu of conviction during the period commencing on April 4, 2023, and ending on October 15, 2025, a community-based correctional facility. 41836  
41837  
41838  
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(2) The court shall establish an intervention plan for the offender. 41840  
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(3) The terms and conditions of the intervention plan required under division (D)(2) of this section shall require the offender, for at least one year, but not more than five years, from the date on which the court grants the order of intervention in lieu of conviction, to abstain from the use of illegal drugs and alcohol, to participate in treatment and recovery support services, and to submit to regular random testing for drug and alcohol use and may include any other treatment terms and conditions, or terms and conditions similar to community control sanctions, which may include community service or restitution, that are ordered by the court. 41842  
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(E) If the court grants an offender's request for intervention in lieu of conviction and the court finds that the offender has successfully completed the intervention plan for 41853  
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the offender, including the requirement that the offender 41856  
abstain from using illegal drugs and alcohol for a period of at 41857  
least one year, but not more than five years, from the date on 41858  
which the court granted the order of intervention in lieu of 41859  
conviction, the requirement that the offender participate in 41860  
treatment and recovery support services, and all other terms and 41861  
conditions ordered by the court, the court shall dismiss the 41862  
proceedings against the offender. Successful completion of the 41863  
intervention plan and period of abstinence under this section 41864  
shall be without adjudication of guilt and is not a criminal 41865  
conviction for purposes of any disqualification or disability 41866  
imposed by law and upon conviction of a crime, and the court may 41867  
order the sealing or expungement of records related to the 41868  
offense in question, as a dismissal of the charges, in the 41869  
manner provided in sections 2953.31, 2953.33, 2953.37, and 41870  
2953.521 of the Revised Code and divisions (H), (K), and (L) of 41871  
section 2953.34 of the Revised Code. 41872

(F) If the court grants an offender's request for 41873  
intervention in lieu of conviction and the offender fails to 41874  
comply with any term or condition imposed as part of the 41875  
intervention plan for the offender, the supervising authority 41876  
for the offender promptly shall advise the court of this 41877  
failure, and the court shall hold a hearing to determine whether 41878  
the offender failed to comply with any term or condition imposed 41879  
as part of the plan. If the court determines that the offender 41880  
has failed to comply with any of those terms and conditions, it 41881  
may continue the offender on intervention in lieu of conviction, 41882  
continue the offender on intervention in lieu of conviction with 41883  
additional terms, conditions, and sanctions, including placing 41884  
the offender under the general control and supervision of a 41885  
community-based correctional facility, or enter a finding of 41886

guilty and impose an appropriate sanction under Chapter 2929. of 41887  
the Revised Code. If the court sentences the offender to a 41888  
prison term, the court, after consulting with the department of 41889  
rehabilitation and correction regarding the availability of 41890  
services, may order continued court-supervised activity and 41891  
treatment of the offender during the prison term and, upon 41892  
consideration of reports received from the department concerning 41893  
the offender's progress in the program of activity and 41894  
treatment, may consider judicial release under section 2929.20 41895  
of the Revised Code. 41896

(G) As used in this section: 41897

(1) "Community addiction services provider" has the same 41898  
meaning as in section 5119.01 of the Revised Code. 41899

(2) "Community control sanction" has the same meaning as 41900  
in section 2929.01 of the Revised Code. 41901

(3) "Intervention in lieu of conviction" means any court- 41902  
supervised activity that complies with this section. 41903

(4) "Intellectual disability" has the same meaning as in 41904  
section 5123.01 of the Revised Code. 41905

(5) "Peace officer" has the same meaning as in section 41906  
2935.01 of the Revised Code. 41907

(6) "Mental illness" and "psychiatrist" have the same 41908  
meanings as in section 5122.01 of the Revised Code. 41909

(7) "Psychologist" has the same meaning as in section 41910  
4732.01 of the Revised Code. 41911

(8) "Felony sex offense" means a violation of a section 41912  
contained in Chapter 2907. of the Revised Code that is a felony. 41913

<b>Sec. 2967.28.</b> (A) As used in this section:	41914
(1) "Monitored time" means the monitored time sanction specified in section 2929.17 and defined in section 2929.01 of the Revised Code.	41915 41916 41917
(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	41918 41919
(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	41920 41921
(4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the sentence under section 5120.036 of the Revised Code, and the offender may potentially be released from imprisonment prior to the expiration of the prison term if the offender successfully completes all assessment and treatment or programming required by the department of rehabilitation and correction under section 5120.036 of the Revised Code.	41922 41923 41924 41925 41926 41927 41928 41929 41930
(5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.	41931 41932
(6) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.	41933 41934
(7) "Single validated risk assessment tool" means the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.	41935 41936 41937 41938
(B) Each sentence to a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a	41939 41940 41941

felony of the third degree that is an offense of violence and is 41942  
not a felony sex offense shall include a requirement that the 41943  
offender be subject to a period of post-release control imposed 41944  
by the parole board after the offender's release from 41945  
imprisonment. For post-release control to be imposed, the 41946  
offender must be committed to the department of rehabilitation 41947  
and correction as set forth in section 5120.16 of the Revised 41948  
Code. This division applies with respect to all prison terms of 41949  
a type described in this division, including a term of any such 41950  
type that is a risk reduction sentence. If a court imposes a 41951  
sentence including a prison term of a type described in this 41952  
division on or after July 11, 2006, the failure of a sentencing 41953  
court to notify the offender pursuant to division (B) (2) (d) of 41954  
section 2929.19 of the Revised Code of this requirement or to 41955  
include in the judgment of conviction entered on the journal a 41956  
statement that the offender's sentence includes this requirement 41957  
does not negate, limit, or otherwise affect the mandatory period 41958  
of supervision that is required for the offender under this 41959  
division. This division applies with respect to all prison terms 41960  
of a type described in this division, including a non-life 41961  
felony indefinite prison term. Section 2929.191 of the Revised 41962  
Code applies if, prior to July 11, 2006, a court imposed a 41963  
sentence including a prison term of a type described in this 41964  
division and failed to notify the offender pursuant to division 41965  
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 41966  
release control or to include in the judgment of conviction 41967  
entered on the journal or in the sentence pursuant to division 41968  
(D) (1) of section 2929.14 of the Revised Code a statement 41969  
regarding post-release control. Unless reduced by the parole 41970  
board pursuant to division (D) of this section when authorized 41971  
under that division, a period of post-release control required 41972  
by this division for an offender shall be of one of the 41973

following periods:	41974
(1) For a felony sex offense, five years;	41975
(2) For a felony of the first degree that is not a felony sex offense, up to five years, but not less than two years;	41976 41977
(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months;	41978 41979 41980
(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year.	41981 41982 41983
(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B) (1) or (4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to two years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. <u>For post-release control to be imposed, the offender must be committed to the department of rehabilitation and correction as set forth in section 5120.16 of the Revised Code.</u> This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B) (2) (e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence	41984 41985 41986 41987 41988 41989 41990 41991 41992 41993 41994 41995 41996 41997 41998 41999 42000 42001 42002

pursuant to division (D) (2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division.

(D) (1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose on a prisoner described in division (B) of this section, shall impose on a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, may impose on a prisoner described in division (C) of this section who is not to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, and shall impose on a prisoner described in division (B) (2) (b) of section 5120.031 or in division (B) (1) of section 5120.032 of the Revised Code, one or more post-release control sanctions to apply during the prisoner's period of post-release control. Whenever the board or court imposes one or more post-release control sanctions on a prisoner, the board or court, in addition to imposing the sanctions, also shall include as a condition of the post-release control that the offender not leave the state without permission of the court or the offender's parole or probation officer and that the offender abide by the law. The board or court may impose any other conditions of release under a post-release control sanction that the board or court considers appropriate, and the conditions of release may include any community residential sanction, community nonresidential sanction, or financial sanction that the sentencing court was authorized to

impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division, the parole board or court shall review the prisoner's criminal history, results from the single validated risk assessment tool, and the record of the prisoner's conduct while imprisoned. The parole board or court shall consider any recommendation regarding post-release control sanctions for the prisoner made by the office of victims' services. After considering those materials, the board or court shall determine, for a prisoner described in division (B) of this section, division (B) (2) (b) of section 5120.031, or division (B) (1) of section 5120.032 of the Revised Code and for a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances or, for a prisoner described in division (C) of this section who is not to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, whether a post-release control sanction is necessary and, if so, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances. In the case of a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, the board or court shall presume that monitored time is the appropriate post-release control sanction unless the board or court determines that a more restrictive sanction is warranted. A post-release control sanction imposed under this division takes effect upon the prisoner's release from imprisonment.

Regardless of whether the prisoner was sentenced to the 42065  
prison term prior to, on, or after July 11, 2006, prior to the 42066  
release of a prisoner for whom it will impose one or more post- 42067  
release control sanctions under this division, the parole board 42068  
shall notify the prisoner that, if the prisoner violates any 42069  
sanction so imposed or any condition of post-release control 42070  
described in division (B) of section 2967.131 of the Revised 42071  
Code that is imposed on the prisoner, the parole board may 42072  
impose a prison term of up to one-half of the stated prison term 42073  
originally imposed on the prisoner. 42074

At least thirty days before the prisoner is released from 42075  
imprisonment under post-release control, except as otherwise 42076  
provided in this paragraph, the department of rehabilitation and 42077  
correction shall notify the victim and the victim's immediate 42078  
family of the date on which the prisoner will be released, the 42079  
period for which the prisoner will be under post-release control 42080  
supervision, and the terms and conditions of the prisoner's 42081  
post-release control regardless of whether the victim or 42082  
victim's immediate family has requested the notification. The 42083  
notice described in this paragraph shall not be given to a 42084  
victim or victim's immediate family if the victim or the 42085  
victim's immediate family has requested pursuant to division (B) 42086  
(2) of section 2930.03 of the Revised Code that the notice not 42087  
be provided to the victim or the victim's immediate family. At 42088  
least thirty days before the prisoner is released from 42089  
imprisonment and regardless of whether the victim or victim's 42090  
immediate family has requested that the notice described in this 42091  
paragraph be provided or not be provided to the victim or the 42092  
victim's immediate family, the department also shall provide 42093  
notice of that nature to the prosecuting attorney in the case 42094  
and the law enforcement agency that arrested the prisoner if any 42095

officer of that agency was a victim of the offense. 42096

If the notice given under the preceding paragraph to the 42097  
victim or the victim's immediate family is based on an offense 42098  
committed prior to March 22, 2013, and if the department of 42099  
rehabilitation and correction has not previously successfully 42100  
provided any notice to the victim or the victim's immediate 42101  
family under division (B), (C), or (D) of section 2930.16 of the 42102  
Revised Code with respect to that offense and the offender who 42103  
committed it, the notice also shall inform the victim or the 42104  
victim's immediate family that the victim or the victim's 42105  
immediate family may request that the victim or the victim's 42106  
immediate family not be provided any further notices with 42107  
respect to that offense and the offender who committed it and 42108  
shall describe the procedure for making that request. The 42109  
department may give the notices to which the preceding paragraph 42110  
applies by any reasonable means, including regular mail, 42111  
telephone, and electronic mail. If the department attempts to 42112  
provide notice to any specified person under the preceding 42113  
paragraph but the attempt is unsuccessful because the department 42114  
is unable to locate the specified person, is unable to provide 42115  
the notice by its chosen method because it cannot determine the 42116  
mailing address, electronic mail address, or telephone number at 42117  
which to provide the notice, or, if the notice is sent by mail, 42118  
the notice is returned, the department shall make another 42119  
attempt to provide the notice to the specified person. If the 42120  
second attempt is unsuccessful, the department shall make at 42121  
least one more attempt to provide the notice. If the notice is 42122  
based on an offense committed prior to March 22, 2013, in each 42123  
attempt to provide the notice to the victim or victim's 42124  
immediate family, the notice shall include the opt-out 42125  
information described in this paragraph. The department, in the 42126

manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19 as it existed prior to ~~the effective date of this amendment~~ April 4, 2023, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or 2967.194 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority may supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) After a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an

agreement under section 2967.29 of the Revised Code, the court 42158  
may review the releasee's behavior under the post-release 42159  
control sanctions imposed upon the releasee under this section. 42160  
The authority or court may determine, based upon the review and 42161  
in accordance with the standards established under division (E) 42162  
of this section, that the releasee has satisfactorily complied 42163  
with the sanctions imposed, and if such a determination is made, 42164  
the authority may recommend a less restrictive sanction, reduce 42165  
the period of post-release control, or, no sooner than the 42166  
minimum period of time required under section 2967.16 of the 42167  
Revised Code, recommend that the parole board or court terminate 42168  
the duration of the period of post-release control. In no case 42169  
shall the board or court reduce the duration of the period of 42170  
control imposed for a felony sex offense described in division 42171  
(B) (1) of this section. 42172

(4) The department of rehabilitation and correction shall 42173  
develop factors that the parole board or court shall consider in 42174  
determining under division (D) (3) of this section whether to 42175  
terminate the period of control imposed on a releasee. 42176

(E) The department of rehabilitation and correction, in 42177  
accordance with Chapter 119. of the Revised Code, shall adopt 42178  
rules that do all of the following: 42179

(1) Establish standards for the imposition by the parole 42180  
board of post-release control sanctions under this section that 42181  
are consistent with the overriding purposes and sentencing 42182  
principles set forth in section 2929.11 of the Revised Code and 42183  
that are appropriate to the needs of releasees; 42184

(2) Establish standards that provide for a period of post- 42185  
release control of up to two years for all prisoners described 42186  
in division (C) of this section who are to be released before 42187

the expiration of their stated prison term under a risk 42188  
reduction sentence and standards by which the parole board can 42189  
determine which prisoners described in division (C) of this 42190  
section who are not to be released before the expiration of 42191  
their stated prison term under a risk reduction sentence should 42192  
be placed under a period of post-release control; 42193

(3) Establish standards to be used by the parole board in 42194  
reducing or terminating the duration of the period of post- 42195  
release control imposed by the court when authorized under 42196  
division (D) of this section, in imposing a more restrictive 42197  
post-release control sanction than monitored time on a prisoner 42198  
convicted of a felony of the fourth or fifth degree other than a 42199  
felony sex offense, or in imposing a less restrictive control 42200  
sanction on a releasee based on results from the single 42201  
validated risk assessment tool and on the releasee's activities 42202  
including, but not limited to, remaining free from criminal 42203  
activity and from the abuse of alcohol or other drugs, 42204  
successfully participating in approved rehabilitation programs, 42205  
maintaining employment, and paying restitution to the victim or 42206  
meeting the terms of other financial sanctions; 42207

(4) Establish standards to be used by the adult parole 42208  
authority in modifying a releasee's post-release control 42209  
sanctions pursuant to division (D)(2) of this section; 42210

(5) Establish standards to be used by the adult parole 42211  
authority or parole board in imposing further sanctions under 42212  
division (F) of this section on releasees who violate post- 42213  
release control sanctions, including standards that do the 42214  
following: 42215

(a) Classify violations according to the degree of 42216  
seriousness; 42217

(b) Define the circumstances under which formal action by the parole board is warranted;	42218 42219
(c) Govern the use of evidence at violation hearings;	42220
(d) Ensure procedural due process to an alleged violator;	42221
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	42222 42223
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	42224 42225
(F) (1) Whenever the parole board imposes one or more post-release control sanctions on an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	42226 42227 42228 42229 42230 42231 42232 42233 42234 42235 42236 42237 42238 42239 42240 42241 42242 42243
(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control	42244 42245 42246

sanction or any conditions described in division (A) of section 42247  
2967.131 of the Revised Code imposed on the releasee and that a 42248  
more restrictive sanction is appropriate, the authority or court 42249  
may impose a more restrictive sanction on the releasee, in 42250  
accordance with the standards established under division (E) of 42251  
this section or in accordance with the agreement made under 42252  
section 2967.29 of the Revised Code, or may report the violation 42253  
to the parole board for a hearing pursuant to division (F) (3) of 42254  
this section. The authority or court may not, pursuant to this 42255  
division, increase the duration of the releasee's post-release 42256  
control or impose as a post-release control sanction a 42257  
residential sanction that includes a prison term, but the 42258  
authority or court may impose on the releasee any other 42259  
residential sanction, nonresidential sanction, or financial 42260  
sanction that the sentencing court was authorized to impose 42261  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 42262  
Revised Code. 42263

(3) The parole board or, pursuant to an agreement under 42264  
section 2967.29 of the Revised Code, the court may hold a 42265  
hearing on any alleged violation by a releasee of a post-release 42266  
control sanction or any conditions described in division (A) of 42267  
section 2967.131 of the Revised Code that are imposed upon the 42268  
releasee. Except as otherwise provided in this division, if 42269  
after the hearing the board or court finds that the releasee 42270  
violated the sanction or condition, the board or court may 42271  
increase the duration of the releasee's post-release control up 42272  
to the maximum duration authorized by division (B) or (C) of 42273  
this section or impose a more restrictive post-release control 42274  
sanction. If a releasee was acting pursuant to division (B) (2) 42275  
(b) of section 2925.11 or a related provision of section 42276  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 42277

doing violated the conditions of a post-release control sanction 42278  
based on a minor drug possession offense, as defined in that 42279  
section, or violated section 2925.12, division (C) (1) of section 42280  
2925.14, or section 2925.141 of the Revised Code, the board or 42281  
the court shall not impose any of the penalties described in 42282  
this division based on the violation. When appropriate, the 42283  
board or court may impose as a post-release control sanction a 42284  
residential sanction that includes a prison term. The board or 42285  
court shall consider a prison term as a post-release control 42286  
sanction imposed for a violation of post-release control when 42287  
the violation involves a deadly weapon or dangerous ordnance, 42288  
physical harm or attempted serious physical harm to a person, or 42289  
sexual misconduct. Unless a releasee's stated prison term was 42290  
reduced pursuant to section 5120.032 of the Revised Code, the 42291  
period of a prison term that is imposed as a post-release 42292  
control sanction under this division shall not exceed nine 42293  
months, and the maximum cumulative prison term for all 42294  
violations under this division shall not exceed one-half of the 42295  
definite prison term that was the stated prison term originally 42296  
imposed on the offender as part of this sentence or, with 42297  
respect to a stated non-life felony indefinite prison term, one- 42298  
half of the minimum prison term that was imposed as part of that 42299  
stated prison term originally imposed on the offender. If a 42300  
releasee's stated prison term was reduced pursuant to section 42301  
5120.032 of the Revised Code, the period of a prison term that 42302  
is imposed as a post-release control sanction under this 42303  
division and the maximum cumulative prison term for all 42304  
violations under this division shall not exceed the period of 42305  
time not served in prison under the sentence imposed by the 42306  
court. The period of a prison term that is imposed as a post- 42307  
release control sanction under this division shall not count as, 42308  
or be credited toward, the remaining period of post-release 42309

control. If, during the period of the releasee's post-release 42310  
control, the releasee serves as a post-release control sanction 42311  
the maximum prison time available as a sanction, the post- 42312  
release control shall terminate. 42313

If an offender is imprisoned for a felony committed while 42314  
under post-release control supervision and is again released on 42315  
post-release control for a period of time, the maximum 42316  
cumulative prison term for all violations under this division 42317  
shall not exceed one-half of the total stated prison terms of 42318  
the earlier felony, reduced by any prison term administratively 42319  
imposed by the parole board or court, plus one-half of the total 42320  
stated prison term of the new felony. 42321

(G) (1) If an offender is simultaneously subject to a 42322  
period of parole under an indefinite or life sentence and a 42323  
period of post-release control, or is simultaneously subject to 42324  
two periods of post-release control, the period of supervision 42325  
that expires last shall determine the length and form of 42326  
supervision for all the periods and the related sentences. 42327

(2) An offender shall receive credit for post-release 42328  
control supervision during the period of parole, and shall not 42329  
be eligible for final release under section 2967.16 of the 42330  
Revised Code until the post-release control period otherwise 42331  
would have ended. 42332

(3) If the period of parole ends prior to the end of the 42333  
period of post-release control, the requirements of parole 42334  
supervision shall be satisfied during the post-release control 42335  
period. 42336

(H) (1) A period of post-release control shall not be 42337  
imposed consecutively to any other post-release control period. 42338

(2) The period of post-release control for a releasee who 42339  
commits a felony while under post-release control for an earlier 42340  
felony shall be the longer of the period of post-release control 42341  
specified for the new felony under division (B) or (C) of this 42342  
section or the time remaining under the period of post-release 42343  
control imposed for the earlier felony as determined by the 42344  
parole board or court. 42345

**Sec. 2969.13.** All moneys that are collected pursuant to 42346  
section 2929.32 of the Revised Code and required to be deposited 42347  
in the crime victims recovery fund shall be credited ~~by the~~ 42348  
~~treasurer of state~~ to the fund. Any interest earned on the money 42349  
in the fund shall be credited to the fund. 42350

**Sec. 3101.08.** An ordained or licensed minister of any 42351  
religious society or congregation within this state who is 42352  
licensed to solemnize marriages, the governor or a former 42353  
governor of this state, a judge of a county court in accordance 42354  
with section 1907.18 of the Revised Code, a judge of a municipal 42355  
court in accordance with section 1901.14 of the Revised Code, a 42356  
probate judge in accordance with section 2101.27 of the Revised 42357  
Code, the mayor of a municipal corporation anywhere within this 42358  
state, the superintendent of Ohio deaf and blind education 42359  
services, or any religious society in conformity with the rules 42360  
of its church, may join together as husband and wife any persons 42361  
who are not prohibited by law from being joined in marriage. 42362

**Sec. 3105.171.** (A) As used in this section: 42363

(1) "Distributive award" means any payment or payments, in 42364  
real or personal property, that are payable in a lump sum or 42365  
over time, in fixed amounts, that are made from separate 42366  
property or income, and that are not made from marital property 42367  
and do not constitute payments of spousal support, as defined in 42368

section 3105.18 of the Revised Code. 42369

(2) "During the marriage" means whichever of the following 42370  
is applicable: 42371

(a) Except as provided in division (A) (2) (b) of this 42372  
section, the period of time from the date of the marriage 42373  
through the date of the final hearing in an action for divorce 42374  
or in an action for legal separation; 42375

(b) If the court determines that the use of either or both 42376  
of the dates specified in division (A) (2) (a) of this section 42377  
would be inequitable, the court may select dates that it 42378  
considers equitable in determining marital property. If the 42379  
court selects dates that it considers equitable in determining 42380  
marital property, "during the marriage" means the period of time 42381  
between those dates selected and specified by the court. 42382

(3) (a) "Marital property" means, subject to division (A) 42383  
(3) (b) of this section, all of the following: 42384

(i) All real and personal property that currently is owned 42385  
by either or both of the spouses, including, but not limited to, 42386  
the retirement benefits of the spouses, and that was acquired by 42387  
either or both of the spouses during the marriage; 42388

(ii) All interest that either or both of the spouses 42389  
currently has in any real or personal property, including, but 42390  
not limited to, the retirement benefits of the spouses, and that 42391  
was acquired by either or both of the spouses during the 42392  
marriage; 42393

(iii) Except as otherwise provided in this section, all 42394  
income and appreciation on separate property, due to the labor, 42395  
monetary, or in-kind contribution of either or both of the 42396  
spouses that occurred during the marriage; 42397

(iv) A participant account, as defined in section 148.01 42398  
of the Revised Code, of either of the spouses, to the extent of 42399  
the following: the moneys that have been deferred by a 42400  
continuing member or participating employee, as defined in that 42401  
section, and that have been transmitted to the ~~Ohio~~-public 42402  
employees ~~deferred compensation~~-retirement board during the 42403  
marriage and any income that is derived from the investment of 42404  
those moneys during the marriage; the moneys that have been 42405  
deferred by an officer or employee of a municipal corporation 42406  
and that have been transmitted to the governing board, 42407  
administrator, depository, or trustee of the deferred 42408  
compensation program of the municipal corporation during the 42409  
marriage and any income that is derived from the investment of 42410  
those moneys during the marriage; or the moneys that have been 42411  
deferred by an officer or employee of a government unit, as 42412  
defined in section 148.06 of the Revised Code, and that have 42413  
been transmitted to the governing board, as defined in that 42414  
section, during the marriage and any income that is derived from 42415  
the investment of those moneys during the marriage. 42416

(b) "Marital property" does not include any separate 42417  
property. 42418

(4) "Passive income" means income acquired other than as a 42419  
result of the labor, monetary, or in-kind contribution of either 42420  
spouse. 42421

(5) "Personal property" includes both tangible and 42422  
intangible personal property. 42423

(6) (a) "Separate property" means all real and personal 42424  
property and any interest in real or personal property that is 42425  
found by the court to be any of the following: 42426

(i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage;	42427 42428
(ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;	42429 42430 42431
(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;	42432 42433
(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code;	42434 42435 42436
(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial or postnuptial agreement;	42437 42438 42439
(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;	42440 42441 42442
(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.	42443 42444 42445 42446
(b) The commingling of separate property with other property of any type does not destroy the identity of the separate property as separate property, except when the separate property is not traceable.	42447 42448 42449 42450
(B) In divorce proceedings, the court shall, and in legal separation proceedings upon the request of either spouse, the court may, determine what constitutes marital property and what constitutes separate property. In either case, upon making such	42451 42452 42453 42454

a determination, the court shall divide the marital and separate property equitably between the spouses, in accordance with this section. For purposes of this section, the court has jurisdiction over all property, excluding the social security benefits of a spouse other than as set forth in division (F) (9) of this section, in which one or both spouses have an interest.

(C) (1) Except as provided in this division or division (E) of this section, the division of marital property shall be equal. If an equal division of marital property would be inequitable, the court shall not divide the marital property equally but instead shall divide it between the spouses in the manner the court determines equitable. In making a division of marital property, the court shall consider all relevant factors, including those set forth in division (F) of this section.

(2) Each spouse shall be considered to have contributed equally to the production and acquisition of marital property.

(3) The court shall provide for an equitable division of marital property under this section prior to making any award of spousal support to either spouse under section 3105.18 of the Revised Code and without regard to any spousal support so awarded.

(4) If the marital property includes a participant account, as defined in section 148.01 of the Revised Code, the court shall not order the division or disbursement of the moneys and income described in division (A) (3) (a) (iv) of this section to occur in a manner that is inconsistent with the law, rules, or plan governing the deferred compensation program involved or prior to the time that the spouse in whose name the participant account is maintained commences receipt of the moneys and income credited to the account in accordance with that law, rules, and

plan. 42485

(D) Except as otherwise provided in division (E) of this 42486  
section or by another provision of this section, the court shall 42487  
disburse a spouse's separate property to that spouse. If a court 42488  
does not disburse a spouse's separate property to that spouse, 42489  
the court shall make written findings of fact that explain the 42490  
factors that it considered in making its determination that the 42491  
spouse's separate property should not be disbursed to that 42492  
spouse. 42493

(E) (1) The court may make a distributive award to 42494  
facilitate, effectuate, or supplement a division of marital 42495  
property. The court may require any distributive award to be 42496  
secured by a lien on the payor's specific marital property or 42497  
separate property. 42498

(2) The court may make a distributive award in lieu of a 42499  
division of marital property in order to achieve equity between 42500  
the spouses, if the court determines that a division of the 42501  
marital property in kind or in money would be impractical or 42502  
burdensome. 42503

(3) The court shall require each spouse to disclose in a 42504  
full and complete manner all marital property, separate 42505  
property, and other assets, debts, income, and expenses of the 42506  
spouse. 42507

(4) If a spouse has engaged in financial misconduct, 42508  
including, but not limited to, the dissipation, destruction, 42509  
concealment, nondisclosure, or fraudulent disposition of assets, 42510  
the court may compensate the offended spouse with a distributive 42511  
award or with a greater award of marital property. 42512

(5) If a spouse has substantially and willfully failed to 42513

disclose marital property, separate property, or other assets, 42514  
debts, income, or expenses as required under division (E) (3) of 42515  
this section, the court may compensate the offended spouse with 42516  
a distributive award or with a greater award of marital property 42517  
not to exceed three times the value of the marital property, 42518  
separate property, or other assets, debts, income, or expenses 42519  
that are not disclosed by the other spouse. 42520

(F) In making a division of marital property and in 42521  
determining whether to make and the amount of any distributive 42522  
award under this section, the court shall consider all of the 42523  
following factors: 42524

(1) The duration of the marriage; 42525

(2) The assets and liabilities of the spouses; 42526

(3) The desirability of awarding the family home, or the 42527  
right to reside in the family home for reasonable periods of 42528  
time, to the spouse with custody of the children of the 42529  
marriage; 42530

(4) The liquidity of the property to be distributed; 42531

(5) The economic desirability of retaining intact an asset 42532  
or an interest in an asset; 42533

(6) The tax consequences of the property division upon the 42534  
respective awards to be made to each spouse; 42535

(7) The costs of sale, if it is necessary that an asset be 42536  
sold to effectuate an equitable distribution of property; 42537

(8) Any division or disbursement of property made in a 42538  
separation agreement that was voluntarily entered into by the 42539  
spouses; 42540

(9) Any retirement benefits of the spouses, excluding the 42541  
social security benefits of a spouse except as may be relevant 42542  
for purposes of dividing a public pension; 42543

(10) Any other factor that the court expressly finds to be 42544  
relevant and equitable. 42545

(G) In any order for the division or disbursement of 42546  
property or a distributive award made pursuant to this section, 42547  
the court shall make written findings of fact that support the 42548  
determination that the marital property has been equitably 42549  
divided and shall specify the dates it used in determining the 42550  
meaning of "during the marriage." 42551

(H) Except as otherwise provided in this section, the 42552  
holding of title to property by one spouse individually or by 42553  
both spouses in a form of co-ownership does not determine 42554  
whether the property is marital property or separate property. 42555

(I) A division or disbursement of property or a 42556  
distributive award made under this section is not subject to 42557  
future modification by the court except upon the express written 42558  
consent or agreement to the modification by both spouses. 42559

(J) The court may issue any orders under this section that 42560  
it determines equitable, including, but not limited to, either 42561  
of the following types of orders: 42562

(1) An order granting a spouse the right to use the 42563  
marital dwelling or any other marital property or separate 42564  
property for any reasonable period of time; 42565

(2) An order requiring the sale or encumbering of any 42566  
real or personal property, with the proceeds from the sale and 42567  
the funds from any loan secured by the encumbrance to be applied 42568  
as determined by the court. 42569

**Sec. 3105.63.** (A) (1) A petition for dissolution of 42570  
marriage shall be signed by both spouses and shall have attached 42571  
and incorporated a separation agreement agreed to by both 42572  
spouses. The separation agreement shall provide for a division 42573  
of all property; spousal support; if there are minor children of 42574  
the marriage, the allocation of parental rights and 42575  
responsibilities for the care of the minor children, the 42576  
designation of a residential parent and legal custodian of the 42577  
minor children, child support, and parenting time rights; and, 42578  
if the spouses so desire, an authorization for the court to 42579  
modify the amount or terms of spousal support, or the division 42580  
of property, provided in the separation agreement. If there are 42581  
minor children of the marriage, the spouses may address the 42582  
allocation of the parental rights and responsibilities for the 42583  
care of the minor children by including in the separation 42584  
agreement a plan under which both parents will have shared 42585  
rights and responsibilities for the care of the minor children. 42586  
The spouses shall file the plan with the petition for 42587  
dissolution of marriage and shall include in the plan the 42588  
provisions described in division (G) of section 3109.04 of the 42589  
Revised Code. 42590

(2) The division of property in the separation agreement 42591  
shall include any participant account, as defined in section 42592  
148.01 of the Revised Code, of either of the spouses, to the 42593  
extent of the following: 42594

(a) The moneys that have been deferred by a continuing 42595  
member or participating employee, as defined in that section, 42596  
and that have been transmitted to the ~~Ohio~~ public employees 42597  
~~deferred compensation~~ retirement board during the marriage and 42598  
any income that is derived from the investment of those moneys 42599  
during the marriage; 42600

(b) The moneys that have been deferred by an officer or 42601  
employee of a municipal corporation and that have been 42602  
transmitted to the governing board, administrator, depository, 42603  
or trustee of the deferred compensation program of the municipal 42604  
corporation during the marriage and any income that is derived 42605  
from the investment of those moneys during the marriage; 42606

(c) The moneys that have been deferred by an officer or 42607  
employee of a government unit, as defined in section 148.06 of 42608  
the Revised Code, and that have been transmitted to the 42609  
governing board, as defined in that section, during the marriage 42610  
and any income that is derived from the investment of those 42611  
moneys during the marriage. 42612

(3) The separation agreement shall not require or permit 42613  
the division or disbursement of the moneys and income described 42614  
in division (A) (2) of this section to occur in a manner that is 42615  
inconsistent with the law, rules, or plan governing the deferred 42616  
compensation program involved or prior to the time that the 42617  
spouse in whose name the participant account is maintained 42618  
commences receipt of the moneys and income credited to the 42619  
account in accordance with that law, rules, and plan. 42620

(B) An amended separation agreement may be filed at any 42621  
time prior to or during the hearing on the petition for 42622  
dissolution of marriage. Upon receipt of a petition for 42623  
dissolution of marriage, the court may cause an investigation to 42624  
be made pursuant to the Rules of Civil Procedure. 42625

(C) (1) If a petition for dissolution of marriage contains 42626  
an authorization for the court to modify the amount or terms of 42627  
spousal support provided in the separation agreement, the 42628  
modification shall be in accordance with section 3105.18 of the 42629  
Revised Code. 42630

(2) If a petition for dissolution of marriage contains an authorization for the court to modify the division of property provided in the separation agreement, the modification shall be made with the express written consent or agreement of both spouses.

**Sec. 3107.01.** As used in sections 3107.01 to 3107.20 of the Revised Code:

(A) "Adoption" means to create the legal relationship of parent and child between the petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and which do not expressly exclude an adopted person from their operation or effect.

(B) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

(C) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court.

(D) "Best interest" means the factors a court uses to determine the best interest of a child as set forth in section 3107.161 of the Revised Code.

(E) "Child" means a son or daughter, whether by birth or by adoption.

(F) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption.

(G) "Date of placement" means the date on which a child is 42659  
living with the child's prospective adoptive parent and becomes 42660  
eligible for adoption pursuant to statutory authority, judgment 42661  
decree or court order, or as otherwise authorized by law. 42662

(H) "Foster caregiver" has the same meaning as in section 42663  
5103.02 of the Revised Code. 42664

(I) "Identifying information" means any of the following 42665  
with regard to a person: first name, last name, maiden name, 42666  
alias, social security number, address, telephone number, place 42667  
of employment, number used to identify the person for the 42668  
purpose of the statewide education management information system 42669  
established pursuant to section 3301.0714 of the Revised Code, 42670  
and any other number federal or state law requires or permits to 42671  
be used to identify the person. 42672

(J) "Kinship caregiver" has the same meaning as in section 42673  
~~5101.85~~5180.50 of the Revised Code. 42674

(K) "Legal custodian" has the same meaning as in section 42675  
5103.16 of the Revised Code. 42676

(L) "Legal custody" has the same meaning as in section 42677  
2151.011 of the Revised Code. 42678

(M) "Minor" means a person under the age of eighteen 42679  
years. 42680

(N) "Parent" means a legally recognized natural or 42681  
adoptive parent of a child. 42682

(O) "Party" means a petitioner, adoptee, or any other 42683  
person or agency that is part of an adoption proceeding and 42684  
whose consent to the adoption is necessary but has not been 42685  
obtained. 42686

(P) "Permanent custody" has the same meaning as in section 2151.011 of the Revised Code. 42687  
42688

(Q) "Placement" means the act by a public children services agency, a private child placing agency, or a parent who is utilizing an agency or attorney that is intended to arrange for the care or custody of a child in accordance with Chapter 5103. of the Revised Code. 42689  
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(R) "Planned permanent living arrangement" has the same meaning as in section 2151.011 of the Revised Code. 42694  
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(S) "Putative father" means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply: 42696  
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(1) He is not married to the child's mother at the time of the child's conception or birth; 42699  
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(2) He has not adopted the child; 42701

(3) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative agency proceeding in another state; 42702  
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(4) He has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.35 of the Revised Code. 42709  
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**Sec. 3107.012.** (A) A foster caregiver may use the application prescribed under division (B) of this section to obtain the services of an agency to arrange an adoption for the foster caregiver if the foster caregiver seeks to adopt the 42711  
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foster caregiver's foster child who ~~has resided~~ resides in the 42715  
foster caregiver's home ~~for at least six months prior to the~~ 42716  
~~date the foster caregiver submits the application to the agency.~~ 42717

(B) The department of children and youth shall prescribe 42718  
an application for a foster caregiver to use under division (A) 42719  
of this section. The application shall not require that the 42720  
foster caregiver provide any information the foster caregiver 42721  
already provided the department, or undergo an inspection the 42722  
foster caregiver already underwent, to obtain a foster home 42723  
certificate under section 5103.03 of the Revised Code. 42724

(C) An agency that receives an application prescribed 42725  
under division (B) of this section from a foster caregiver 42726  
authorized to use the application shall not require, as a 42727  
condition of the agency accepting or approving the application, 42728  
that the foster caregiver undergo a criminal records check under 42729  
section 2151.86 of the Revised Code as a prospective adoptive 42730  
parent. The agency shall inform the foster caregiver, in 42731  
accordance with division (G) of section 2151.86 of the Revised 42732  
Code, that the foster caregiver must undergo the criminal 42733  
records check before a court may issue a final decree of 42734  
adoption or interlocutory order of adoption under section 42735  
3107.14 of the Revised Code. 42736

**Sec. 3107.031.** Except as otherwise provided in this 42737  
section, an assessor shall conduct a home study for the purpose 42738  
of ascertaining whether a person seeking to adopt a minor is 42739  
suitable to adopt. A written report of the home study shall be 42740  
filed with the court at least ten days before the petition for 42741  
adoption is heard. 42742

A person seeking to adopt a minor who knowingly makes a 42743  
false statement that is included in the written report of a home 42744

study conducted pursuant to this section is guilty of the 42745  
offense of falsification under section 2921.13 of the Revised 42746  
Code, and such a home study shall not be filed with the court. 42747  
If such a home study is filed with the court, the court may 42748  
strike the home study from the court's records. 42749

The report shall contain the opinion of the assessor as to 42750  
whether the person who is the subject of the report is suitable 42751  
to adopt a minor, any multiple children assessment required 42752  
under section 3107.032 of the Revised Code, and other 42753  
information and documents specified in rules adopted by the 42754  
director of children and youth under section 3107.033 of the 42755  
Revised Code. The assessor shall not consider the person's age 42756  
when determining whether the person is suitable to adopt if the 42757  
person is old enough to adopt as provided by section 3107.03 of 42758  
the Revised Code. 42759

An assessor may request departments or agencies within or 42760  
outside this state to assist in the home study as may be 42761  
appropriate and to make a written report to be included with and 42762  
attached to the report to the court. The assessor shall make 42763  
similar home studies and reports on behalf of other assessors 42764  
designated by the courts of this state or another place. 42765

Upon order of the court, the costs of the home study and 42766  
other proceedings shall be paid by the person seeking to adopt, 42767  
and, if the home study is conducted by a public agency or public 42768  
employee, the part of the cost representing any services and 42769  
expenses shall be taxed as costs and paid into the state 42770  
treasury or county treasury, as the court may direct. 42771

On request, the assessor shall provide the person seeking 42772  
to adopt a copy of the report of the home study. The assessor 42773  
shall delete from that copy any provisions concerning the 42774

opinion of other persons, excluding the assessor, of the 42775  
person's suitability to adopt a minor. 42776

This section does not apply to a foster caregiver seeking 42777  
to adopt the foster caregiver's foster child if the foster child 42778  
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 42779  
~~six months prior to the date and~~ the foster caregiver submits an 42780  
application prescribed under division (B) of section 3107.012 of 42781  
the Revised Code to the agency arranging the adoption. 42782

**Sec. 3107.033.** The director of children and youth shall 42783  
adopt rules in accordance with Chapter 119. of the Revised Code 42784  
specifying both of the following: 42785

(A) The manner in which a home study is to be conducted 42786  
and the information and documents to be included in a home study 42787  
report, which shall include, pursuant to section 3107.034 of the 42788  
Revised Code, a summary report of a search of the uniform 42789  
statewide automated child welfare information system established 42790  
in section ~~5101.13~~ 5180.40 of the Revised Code and a report of a 42791  
check of a central registry of another state if a request for a 42792  
check of a central registry of another state is required under 42793  
division (A) of section 3107.034 of the Revised Code. The 42794  
director shall ensure that rules adopted under this section 42795  
align the home study content, time period, and process with any 42796  
foster care home study content, time period, and process 42797  
required by rules adopted under section 5103.03 of the Revised 42798  
Code. 42799

(B) A procedure under which a person whose application for 42800  
adoption has been denied as a result of a search of the uniform 42801  
statewide automated child welfare information system established 42802  
in section ~~5101.13~~ 5180.40 of the Revised Code as part of the 42803  
home study may appeal the denial to the agency that employed the 42804

assessor who filed the report. 42805

**Sec. 3107.034.** (A) Whenever a prospective adoptive parent 42806  
or a person eighteen years of age or older who resides with a 42807  
prospective adoptive parent has resided in another state within 42808  
the five-year period immediately prior to the date on which a 42809  
criminal records check is requested for the person under 42810  
division (A) of section 2151.86 of the Revised Code, the 42811  
administrative director of an agency, or attorney, who arranges 42812  
the adoption for the prospective adoptive parent shall request a 42813  
check of the central registry of abuse and neglect of this state 42814  
from the department of children and youth regarding the 42815  
prospective adoptive parent or the person eighteen years of age 42816  
or older who resides with the prospective adoptive parent to 42817  
enable the agency or attorney to check any child abuse and 42818  
neglect registry maintained by that other state. The 42819  
administrative director or attorney shall make the request and 42820  
shall review the results of the check before a final decree of 42821  
adoption or an interlocutory order of adoption making the person 42822  
an adoptive parent may be made. Information received pursuant to 42823  
the request shall be considered for purposes of this chapter as 42824  
if it were a summary report required under section 3107.033 of 42825  
the Revised Code. The department of children and youth shall 42826  
comply with any request to check the central registry that is 42827  
similar to the request described in this division and that is 42828  
received from any other state. 42829

(B) The summary report of a search of the uniform 42830  
statewide automated child welfare information system established 42831  
in section ~~5101.13~~5180.40 of the Revised Code that is required 42832  
under section 3107.033 of the Revised Code shall contain, if 42833  
applicable, a chronological list of abuse and neglect 42834  
determinations or allegations of which the person seeking to 42835

adopt is subject and in regards to which a public children 42836  
services agency has done one of the following: 42837

(1) Determined that abuse or neglect occurred; 42838

(2) Initiated an investigation, and the investigation is 42839  
ongoing; 42840

(3) Initiated an investigation and the agency was unable 42841  
to determine whether abuse or neglect occurred. 42842

(C) The summary report required under section 3107.033 of 42843  
the Revised Code shall not contain any of the following: 42844

(1) An abuse and neglect determination of which the person 42845  
seeking to adopt is subject and in regards to which a public 42846  
children services agency determined that abuse or neglect did 42847  
not occur; 42848

(2) Information or reports the dissemination of which is 42849  
prohibited by, or interferes with eligibility under, the "Child 42850  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 42851  
U.S.C. 5101 et seq., as amended; 42852

(3) The name of the person who or entity that made, or 42853  
participated in the making of, the report of abuse or neglect. 42854

(D) (1) An application for adoption may be denied based on 42855  
a summary report containing the information described under 42856  
division (B) (1) of this section, when considered within the 42857  
totality of the circumstances. An application that is denied may 42858  
be appealed using the procedure adopted pursuant to division (B) 42859  
of section 3107.033 of the Revised Code. 42860

(2) An application for adoption shall not be denied solely 42861  
based on a summary report containing the information described 42862  
under division (B) (2) or (3) of this section. 42863

**Sec. 3107.062.** (A) (1) The department of ~~job and family~~  
~~services~~ children and youth shall establish a putative father  
registry. To register, a putative father must complete a  
registration form prescribed under section 3107.065 of the  
Revised Code and submit it to the department. The registration  
form shall include the putative father's name; the name of the  
mother of the person he claims as his child; and the address or  
telephone number at which he wishes to receive, pursuant to  
section 3107.11 of the Revised Code, notice of any petition that  
may be filed to adopt a minor he claims as his child.

(2) A putative father may register at any time. For the  
purpose of preserving the requirement of his consent to an  
adoption, a putative father shall register before or not later  
than fifteen days after the birth of the child. No fee shall be  
charged for registration.

(B) On receipt of a completed registration form, the  
department shall indicate on the form the date of receipt and  
file it in the putative father registry. The department shall  
maintain registration forms in a manner that enables it to  
access a registration form using either the name of the putative  
father or of the mother.

(C) The department of children and youth shall grant the  
office of child support in the department of job and family  
services and a child support enforcement agency access to the  
putative father registry for purposes of section 3111.69 of the  
Revised Code.

**Sec. 3107.063.** (A) An attorney arranging a minor's  
adoption, a mother, a public children services agency, a private  
noncustodial agency, or a private child placing agency may  
request at any time that the department of ~~job and family~~

~~services—children and youth~~ search the putative father registry 42894  
to determine whether a man is registered as the minor's putative 42895  
father. The request shall include the mother's name. On receipt 42896  
of the request, the department shall search the registry. If the 42897  
department determines that a man is registered as the minor's 42898  
putative father, it shall provide the attorney, mother, or 42899  
agency a certified copy of the man's registration form. If the 42900  
department determines that no man is registered as the minor's 42901  
putative father, it shall provide the attorney, mother, or 42902  
agency a certified written statement to that effect. The 42903  
department shall specify in the statement the date the search 42904  
request was submitted. No fee shall be charged for searching the 42905  
registry. 42906

Division (B) of section 3107.17 of the Revised Code does 42907  
not apply to this section. 42908

(B) If the department of ~~job and family services—children~~ 42909  
~~and youth~~ provides a certified copy of a putative father's 42910  
registration form pursuant to division (A) of this section, the 42911  
department also shall provide a written notice to the putative 42912  
father: 42913

(1) That he may be the father of the minor he claims as 42914  
his child on the registration form; 42915

(2) That the minor is being or may be placed for adoption; 42916  
and 42917

(3) Of his right to consent or refuse to consent to the 42918  
minor's adoption to the extent provided under Chapter 3107. of 42919  
the Revised Code. 42920

(C) The department shall provide the notice under this 42921  
section not later than ten business days after the date it 42922

provides the certified copy of the registration form pursuant to 42923  
division (A) of this section. 42924

**Sec. 3107.064.** (A) Except as provided in division (B) of 42925  
this section, a court shall not issue a final decree of adoption 42926  
or finalize an interlocutory order of adoption unless the mother 42927  
placing the minor for adoption or the agency or attorney 42928  
arranging the adoption files with the court a certified document 42929  
provided by the department of ~~job and family services~~ children 42930  
and youth under section 3107.063 of the Revised Code. The court 42931  
shall not accept the document unless the date the department 42932  
places on the document pursuant to that section is sixteen or 42933  
more days after the date of the minor's birth. 42934

(B) The document described in division (A) of this section 42935  
is not required if any of the following apply: 42936

(1) The mother was married at the time the minor was 42937  
conceived or born; 42938

(2) The parent placing the minor for adoption previously 42939  
adopted the minor; 42940

(3) Prior to the date a petition to adopt the minor is 42941  
filed, a man has been determined to have a parent and child 42942  
relationship with the minor by a court proceeding pursuant to 42943  
sections 3111.01 to 3111.18 of the Revised Code, a court 42944  
proceeding in another state, an administrative agency proceeding 42945  
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42946  
an administrative agency proceeding in another state; 42947

(4) The minor's father acknowledged paternity of the minor 42948  
and that acknowledgment has become final pursuant to section 42949  
2151.232, 3111.25, or 3111.821 of the Revised Code; 42950

(5) A public children services agency has permanent 42951

custody of the minor pursuant to Chapter 2151. or division (B) 42952  
of section 5103.15 of the Revised Code after both parents lost 42953  
or surrendered parental rights, privileges, and responsibilities 42954  
over the minor. 42955

**Sec. 3107.065.** Not later than ninety days after the 42956  
effective date of this section, the director of ~~job and family~~ 42957  
~~services~~ children and youth shall do both of the following: 42958

(A) Adopt rules in accordance with Chapter 119. of the 42959  
Revised Code governing the putative father registry. The rules 42960  
shall establish the registration form to be used by a putative 42961  
father under section 3107.062 of the Revised Code. 42962

(B) Establish a campaign to promote awareness of the 42963  
putative father registry. The campaign shall include 42964  
informational materials about the registry. 42965

**Sec. 3107.38.** (A) As used in sections 3107.38 to 3107.394 42966  
of the Revised Code: 42967

(1) "Adopted person" means a person who was adopted but is 42968  
not an adopted person as defined in section 3107.45 of the 42969  
Revised Code. 42970

(2) "Adoption file" means a file maintained by the 42971  
department of health under sections 3705.12 to 3705.124 of the 42972  
Revised Code. 42973

(3) "Biological parent" means a parent, by birth, of a 42974  
person who is, or is to become, an adopted person. 42975

(4) "Biological parent's name redaction request form" 42976  
means the form prescribed under section 3107.391 of the Revised 42977  
Code. 42978

(5) "Biological sibling" means a sibling, by birth, of a 42979

- person who is, or is to become, an adopted person. 42980
- (6) "Contact preference form" means the form prescribed 42981  
under section 3107.39 of the Revised Code. 42982
- (7) "File of releases" means the filing system for 42983  
releases that former section 3107.40 of the Revised Code, as 42984  
repealed by Sub. S.B. 23 of the 130th general assembly, required 42985  
the department of health to maintain. 42986
- (8) "Items of identification" include a motor vehicle 42987  
driver's or commercial driver's license, an identification card 42988  
issued under sections 4507.50 to 4507.52 of the Revised Code, a 42989  
marriage application, a social security card, a credit card, a 42990  
military identification card, or an employee identification 42991  
card. 42992
- (9) "Lineal descendant of an adopted person" means a 42993  
person who by reason of blood or adoption is a lineal descendant 42994  
of an adopted person. 42995
- (10) "Offspring" means a child, by birth, of a person. 42996
- (11) "Release" means both of the following: 42997
- (a) A release filed by a biological parent or biological 42998  
sibling pursuant to former section 3107.40 of the Revised Code, 42999  
as repealed by Sub. S.B. 23 of the 130th general assembly, that 43000  
authorized the release of identifying information to the 43001  
biological parent's offspring or the release of specified 43002  
information to the biological sibling's adopted sibling pursuant 43003  
to former section 3107.41 of the Revised Code, as repealed by 43004  
Sub. S.B. 23 of the 130th general assembly; 43005
- (b) A withdrawal of release filed by a biological parent 43006  
or biological sibling pursuant to former section 3107.40 of the 43007

Revised Code, as repealed by Sub. S.B. 23 of the 130th general assembly. 43008  
43009

(B) Subject to division (C) of this section, an adopted person or lineal descendant of an adopted person may submit a written request to the department of health for the department to provide the adopted person or lineal descendant of an adopted person with a copy of the contents of the adopted person's adoption file. The request shall provide the requester's address and notarized signature and be accompanied by two items of identification of the requester. If the requester is a lineal descendant of an adopted person, the request shall also provide notarized documentation evidencing the requester's relationship to the adopted person. On receipt of a request and payment of the fee required by section 3705.241 of the Revised Code, the department shall mail to the requester, at the address provided in the request, a copy of the contents of the adopted person's adoption file if the department has an adoption file, including all releases transferred to the adoption file pursuant to section 3107.381 of the Revised Code, for the adopted person. If the adoption file includes a biological parent's name redaction request form from a biological parent, the department shall redact the biological parent's name from the copy of the contents of the adoption file that is mailed to the requester. If the department removes the biological parent's name redaction request form from the adoption file pursuant to division ~~(D)~~ (A) of section 3107.391 of the Revised Code after the department mails the copy of the contents of the adoption file to the requester, the department shall mail to the requester another copy of the contents with the biological parent's name included.

(C) An adopted person or lineal descendant of an adopted person may not submit a request under this section until the 43037  
43038

adopted person or lineal descendant is at least eighteen years of age. 43039  
43040

~~Sec. 3107.391. (A) The department of job and family services shall prescribe a biological parent's name redaction request form. The form shall include all of the following:~~ 43041  
43042  
43043

~~(1) Information about the procedures and requirements for a biological parent to do either of the following:~~ 43044  
43045

~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~ 43046  
43047  
43048  
43049  
43050

~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~ 43051  
43052  
43053  
43054  
43055

~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~ 43056  
43057  
43058

~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~ 43059  
43060  
43061

~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~ 43062  
43063  
43064

~~(C) (1) Until one year after the effective date of this section, the department of health shall make a biological~~ 43065  
43066

~~parent's name redaction request form available to a biological-~~ 43067  
~~parent on request. The department may accept a completed-~~ 43068  
~~biological parent's name redaction request form only if all of-~~ 43069  
~~the following apply:-~~ 43070

~~(a) The form is submitted to the department not later than~~ 43071  
~~one year after the effective date of this section.-~~ 43072

~~(b) The form has been notarized.~~ 43073

~~(c) The biological parent provides the department two-~~ 43074  
~~items of identification of the biological parent.~~ 43075

~~(d) If a social and medical history for the biological-~~ 43076  
~~parent was not previously prepared or such a history was-~~ 43077  
~~prepared but should be corrected or expanded, the biological-~~ 43078  
~~parent does the following as appropriate:~~ 43079

~~(i) Completes a social and medical history form in-~~ 43080  
~~accordance with section 3107.091 or 3107.393 of the Revised-~~ 43081  
~~Code;~~ 43082

~~(ii) Corrects or expands the biological parent's social-~~ 43083  
~~and medical history in accordance with division (D) of section-~~ 43084  
~~3107.09 of the Revised Code.~~ 43085

~~(e) The department is satisfied that the form has been-~~ 43086  
~~substantially completed.~~ 43087

~~(2) If the department determines that it may accept the-~~ 43088  
~~biological parent's name redaction request form, it shall accept~~ 43089  
~~the form. As soon as the department identifies the adoption file~~ 43090  
~~of the adopted person to whom the form pertains, it shall place-~~ 43091  
~~the form in that file.~~ 43092

~~(D) (1) A biological parent who has had a biological~~ 43093  
~~parent's name redaction request form accepted under division (C)~~ 43094

~~of this section~~ by the department of health between March 20, 43095  
2014, and March 20, 2015, may request at any time that the 43096  
department remove the form from the adoption file of the adopted 43097  
person to whom the form pertains if the biological parent 43098  
decides to permit the biological parent's name to be included in 43099  
a copy of the contents of the adoption file that a person 43100  
receives under section 3107.38 of the Revised Code. The 43101  
department shall remove the form from the adoption file if the 43102  
biological parent provides the department all of the following: 43103

~~(a)~~ (1) Two items of identification of the biological 43104  
parent; 43105

~~(b)~~ (2) Information the department needs to be able to 43106  
identify the adoption file of the adopted person to whom the 43107  
form pertains; 43108

~~(c)~~ (3) A notarized attestation that the biological parent 43109  
is the biological parent of the adopted person to whom the form 43110  
pertains. 43111

~~(2)~~ (B) When the department removes a biological parent's 43112  
name redaction request form from an adoption file under division 43113  
~~(D)~~ (1) (A) of this section, the department shall destroy the 43114  
form. 43115

**Sec. 3109.14.** (A) As used in this section, "birth record" 43116  
and "certification of birth" have the meanings given in section 43117  
3705.01 of the Revised Code. 43118

(B) (1) The director of health, a person authorized by the 43119  
director, a local commissioner of health, or a local registrar 43120  
of vital statistics shall charge and collect a fee for each 43121  
certified copy of a birth record, for each certification of 43122  
birth, and for each copy of a death record. The fee shall be 43123

three dollars. The fee is in addition to the fee imposed by 43124  
section 3705.24 or any other section of the Revised Code. A 43125  
local commissioner of health or a local registrar of vital 43126  
statistics may retain an amount of each additional fee 43127  
collected, not to exceed three per cent of the amount of the 43128  
additional fee, to be used for costs directly related to the 43129  
collection of the fee and the forwarding of the fee to the 43130  
department of health. 43131

The additional fees collected by the director of health or 43132  
a person authorized by the director and the additional fees 43133  
collected but not retained by a local commissioner of health or 43134  
a local registrar of vital statistics shall be forwarded to the 43135  
department of health not later than thirty days following the 43136  
end of each quarter. Not later than two days after the fees are 43137  
forwarded to the department each quarter, the department shall 43138  
~~pay deposit~~ the collected fees ~~to the treasurer of state in~~ 43139  
~~accordance with rules adopted by the treasurer of state under~~ 43140  
~~section 113.08 of the Revised Code~~ in the state treasury to the 43141  
credit of the children's trust fund. A person or government 43142  
entity that fails to forward the fees in a timely manner, as 43143  
determined by the department, shall send to the department, in 43144  
addition to the fees, a penalty equal to ten per cent of the 43145  
fees. The department also shall deposit any penalty received in 43146  
the state treasury to the credit of the children's trust fund. 43147

(2) Upon the filing for a divorce decree under section 43148  
3105.10 or a decree of dissolution under section 3105.65 of the 43149  
Revised Code, a court of common pleas shall charge and collect a 43150  
fee. The fee shall be eleven dollars. The fee is in addition to 43151  
any other court costs or fees. The county clerk of courts may 43152  
retain an amount of each additional fee collected, not to exceed 43153  
three per cent of the amount of the additional fee, to be used 43154

for costs directly related to the collection of the fee and the 43155  
forwarding of the fee to the treasurer of state. The additional 43156  
fees collected, but not retained, under division (B) (2) of this 43157  
section shall be forwarded to the treasurer of state not later 43158  
than twenty days following the end of each month. 43159

The treasurer of state shall deposit the fees received 43160  
under division (B) (2) of this section in the state treasury to 43161  
the credit of the children's trust fund. A county clerk of 43162  
courts that fails to forward the fees in a timely manner, as 43163  
determined by the treasurer of state, shall send to the 43164  
treasurer of state, in addition to the fees, a penalty equal to 43165  
ten per cent of the fees. The treasurer of state also shall 43166  
deposit any penalty received in the state treasury to the credit 43167  
of the children's trust fund. 43168

~~(C) The treasurer of state shall deposit the fees paid or~~ 43169  
~~forwarded under this section in the state treasury to the credit~~ 43170  
~~of the children's trust fund, which is hereby created. A person~~ 43171  
~~or government entity that fails to forward the fees in a timely~~ 43172  
~~manner, as determined by the treasurer of state, shall send to~~ 43173  
~~the treasurer of state, in addition to the fees, a penalty equal~~ 43174  
~~to ten per cent of the fees.~~ 43175

The children's trust fund is created in the state 43176  
treasury. The treasurer of state shall invest the moneys in the 43177  
fund, and all earnings resulting from investment of the fund 43178  
shall be credited to the fund, except that actual administrative 43179  
costs incurred by the treasurer of state in administering the 43180  
fund may be deducted from the earnings resulting from 43181  
investments. The amount that may be deducted shall not exceed 43182  
three per cent of the total amount of fees credited to the fund 43183  
in each fiscal year, except that the children's trust fund board 43184

may approve an amount for actual administrative costs exceeding 43185  
three per cent but not exceeding four per cent of such amount. 43186  
The balance of the investment earnings shall be credited to the 43187  
fund. Moneys credited to the fund shall be used only for the 43188  
purposes described in sections 3109.13 to 3109.179 of the 43189  
Revised Code. 43190

**Sec. 3109.171.** For the purpose of administering child 43191  
abuse and child neglect prevention programming and services 43192  
approved by the children's trust fund board, there are hereby 43193  
created ~~the following eight~~ child abuse and child neglect 43194  
prevention regions ~~in the state:~~ 43195

~~One region consisting of the following counties: Defiance,~~ 43196  
~~Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,~~ 43197  
~~Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~ 43198

~~One region consisting of the following counties:~~ 43199  
~~Ashtabula, Cuyahoga, Geauga, and Lake.~~ 43200

~~One region consisting of the following counties: Ashland,~~ 43201  
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 43202  
~~Summit, Trumbull, and Wayne.~~ 43203

~~One region consisting of the following counties: Allen,~~ 43204  
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 43205  
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 43206

~~One region consisting of the following counties: Crawford,~~ 43207  
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 43208  
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 43209

~~One region consisting of the following counties: Belmont,~~ 43210  
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 43211  
~~Muskingum, Noble, and Tuscarawas.~~ 43212

~~One region consisting of the following counties: Adams, 43213  
Brown, Butler, Clermont, Clinton, Hamilton, Highland, and 43214  
Warren. 43215~~

~~One region consisting of the following counties: Athens, 43216  
Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, 43217  
Ross, Scioto, Vinton, and Washington. The board, in consultation 43218  
with the department of children and youth, shall determine the 43219  
number of regions and the counties within each region. Each 43220  
county in the state shall be included in a region. 43221~~

**Sec. 3109.172.** (A) As used in this section, "county 43222  
prevention specialist" includes the following: 43223

(1) Members of agencies responsible for the administration 43224  
of children's services in the counties within a child abuse and 43225  
child neglect prevention region established in section 3109.171 43226  
of the Revised Code; 43227

(2) Providers of alcohol or drug addiction services or 43228  
members of boards of alcohol, drug addiction, and mental health 43229  
services that serve counties within a region; 43230

(3) Providers of mental health services or members of 43231  
boards of alcohol, drug addiction, and mental health services 43232  
that serve counties within a region; 43233

(4) Members of county boards of developmental disabilities 43234  
that serve counties within a region; 43235

(5) Members of the educational community appointed by the 43236  
superintendent of the school district with the largest 43237  
enrollment in the counties within a region; 43238

(6) Juvenile justice officials serving counties within a 43239  
region; 43240

(7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;	43241 43242 43243
(8) Counselors and social workers serving counties within a region;	43244 43245
(9) Head start agencies serving counties within a region;	43246
(10) Child care providers serving counties within a region;	43247 43248
(11) Parent advocates with relevant experience and knowledge of services in a region;	43249 43250
(12) Other persons with demonstrated knowledge in programs for children serving counties within a region.	43251 43252
(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of children and youth pursuant to Chapter 119. of the Revised Code.	43253 43254 43255 43256 43257 43258
(C) (1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of children and youth under Chapter 119. of the Revised Code. <u>The reappointment of a chairperson by a board of county commissioners in accordance with division (D) of this section shall not be considered to be an appointment under this division.</u>	43259 43260 43261 43262 43263 43264 43265 43266
(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the	43267 43268

board's discretion. 43269

(D) Each council member appointed under ~~division (C) (1) of~~ 43270  
this section shall be appointed for a two-year term. ~~Each~~ 43271  
~~council member appointed under division (C) (2) of this section~~ 43272  
~~shall be appointed for a three-year term.~~ A member may be 43273  
reappointed, but for two consecutive terms only. A council 43274  
member selected as chairperson of a child abuse and child 43275  
neglect regional prevention council in accordance with division 43276  
(G) of this section is eligible to be reappointed by the 43277  
original appointing authority. 43278

(E) A member may be removed from the council by the 43279  
member's appointing authority for misconduct, incompetence, or 43280  
neglect of duty. 43281

(F) Each appointed member of a council shall serve without 43282  
compensation but shall be reimbursed for all actual and 43283  
necessary expenses incurred in the performance of official 43284  
duties. 43285

(G) A chairperson shall be selected by the council's 43286  
regional prevention coordinator from among the county prevention 43287  
specialists serving on the council. 43288

(1) The chairperson shall serve as a nonvoting member of 43289  
the council. 43290

(2) The chairperson shall preside over council meetings or 43291  
may call upon the vice-chairperson to preside over meetings. 43292

(H) At the first regular meeting of the year, which shall 43293  
be called by the chairperson, the members shall elect a vice- 43294  
chairperson by a majority vote. 43295

(1) The vice-chairperson shall preside over council 43296

meetings in the absence of the chairperson or upon the request	43297
of the chairperson.	43298
(2) The vice-chairperson functions in the same capacity as	43299
the chairperson and becomes a nonvoting member when presiding	43300
over a council meeting.	43301
(I) Each council shall meet at least quarterly.	43302
(J) Council members shall do all of the following:	43303
(1) Attend meetings of the council on which they serve;	43304
(2) Assist the regional prevention coordinator in	43305
conducting a needs assessment to ascertain the child abuse and	43306
child neglect prevention programming and services that are	43307
needed in their region;	43308
(3) Collaborate on assembling the council's regional	43309
prevention plan based on children's trust fund board guidelines	43310
pursuant to section 3109.174 of the Revised Code;	43311
(4) Assist the council's regional prevention coordinator	43312
with all of the following:	43313
(a) Implementing the regional prevention plan, including	43314
monitoring fulfillment of child abuse and child neglect	43315
prevention deliverables and achievement of prevention outcomes;	43316
(b) Coordinating county data collection;	43317
(c) Ensuring timely and accurate reporting to the	43318
children's trust fund board.	43319
(5) Any additional duties specified in accordance with	43320
rules adopted by the department pursuant to Chapter 119. of the	43321
Revised Code.	43322
(K) No council member shall participate in matters of the	43323

council pertaining to their own interests, including 43324  
applications for funding by a council member or any entity, 43325  
public or private, of which a council member serves as either a 43326  
board member or employee. 43327

(L) Each council shall file with the children's trust fund 43328  
board, not later than the due dates specified by the board, a 43329  
progress report and an annual report regarding the council's 43330  
child abuse and child neglect prevention programs and activities 43331  
undertaken in accordance with the council's regional prevention 43332  
plan. The reports shall contain all information required by the 43333  
board. 43334

**Sec. 3109.173.** (A) Each child abuse and child neglect 43335  
regional prevention council shall be under the direction of a 43336  
regional prevention coordinator. The children's trust fund board 43337  
~~shall~~ may select each region's coordinator through a competitive 43338  
selection process conducted by the board. If the board has not 43339  
selected a regional coordinator through a competitive selection 43340  
process for a region, children's trust fund staff shall serve as 43341  
coordinator for that region. 43342

(B) Regional prevention coordinators shall do all of the 43343  
following: 43344

(1) Select a representative to serve as chairperson of the 43345  
regional prevention council pursuant to division (G) of section 43346  
3109.172 of the Revised Code; 43347

(2) Conduct a needs assessment to ascertain the child 43348  
abuse and neglect prevention programming and services that are 43349  
needed in the region; 43350

(3) Work with county prevention specialists in the region 43351  
to assemble the regional prevention plan based on children's 43352

trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 43353  
43354

(4) Implement the regional prevention plan, including the following: 43355  
43356

(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes; 43357  
43358

(b) Coordinating county data collection; 43359

(c) Ensuring timely and accurate reporting to the board. 43360

(5) Any additional duties specified by the department in rules adopted pursuant to Chapter 119. of the Revised Code. 43361  
43362

**Sec. 3109.178.** (A) ~~Each child abuse and child neglect regional prevention council~~ An entity may request from the children's trust fund board up to five thousand dollars ~~for each county within the council's region~~ to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve ~~each~~ at least one ~~county in the region or a center to serve two or more contiguous counties within the region.~~ 43363  
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(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request. 43371  
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(C) If the board disapproves the request, the board shall send to the ~~requesting council~~ entity requesting funds written notice of the disapproval that states the reasons for the disapproval. 43373  
43374  
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(D) No funds allocated ~~to a council~~ under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy. 43377  
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43379  
43380

(E) ~~A council~~ An entity that receives funds under this 43381  
section in any fiscal year shall not use the funds received in a 43382  
different fiscal year or for a different center in any fiscal 43383  
year without the approval of the board. 43384

(F) A children's advocacy center established using funds 43385  
awarded under this section shall comply with sections 2151.425 43386  
to 2151.428 of the Revised Code. 43387

**Sec. 3115.201.** (A) In a proceeding to establish or enforce 43388  
a support order or to determine parentage of a child, a tribunal 43389  
or support enforcement agency of this state may exercise 43390  
personal jurisdiction over a nonresident individual if any of 43391  
the following apply: 43392

(1) The individual is personally served with summons 43393  
within this state. 43394

(2) The individual submits to the jurisdiction of this 43395  
state by consent in a record, by entering a general appearance, 43396  
or by filing a responsive document having the effect of waiving 43397  
any contest to personal jurisdiction. 43398

(3) The individual resided with the child in this state. 43399

(4) The individual resided in this state and provided 43400  
prenatal expenses or support for the child. 43401

(5) The child resides in this state as a result of the 43402  
acts or directives of the individual. 43403

(6) The individual engaged in sexual intercourse in this 43404  
state and the child may have been conceived by that act of 43405  
intercourse. 43406

(7) The individual asserted parentage of a child in the 43407  
putative father registry maintained in this state by the 43408

department of <del>job and family services</del> <u>children and youth.</u>	43409
(8) There is any other basis consistent with the	43410
Constitutions of this state and the United States for the	43411
exercise of personal jurisdiction.	43412
(B) The bases of personal jurisdiction set forth in	43413
division (A) of this section or in any other law of this state	43414
may not be used to acquire personal jurisdiction for a tribunal	43415
of this state to modify a child-support order of another state	43416
unless the requirements of section 3115.611 of the Revised Code	43417
are met or, in the case of a foreign support order, unless the	43418
requirements of section 3115.615 of the Revised Code are met.	43419
<b>Sec. 3119.01.</b> (A) As used in the Revised Code, "child	43420
support enforcement agency" means a child support enforcement	43421
agency designated under former section 2301.35 of the Revised	43422
Code prior to October 1, 1997, or a private or government entity	43423
designated as a child support enforcement agency under section	43424
307.981 of the Revised Code.	43425
(B) As used in this chapter and Chapters 3121., 3123., and	43426
3125. of the Revised Code:	43427
(1) "Administrative child support order" means any order	43428
issued by a child support enforcement agency for the support of	43429
a child pursuant to section 3109.19 or 3111.81 of the Revised	43430
Code or former section 3111.211 of the Revised Code, section	43431
3111.21 of the Revised Code as that section existed prior to	43432
January 1, 1998, or section 3111.20 or 3111.22 of the Revised	43433
Code as those sections existed prior to March 22, 2001.	43434
(2) "Child support order" means either a court child	43435
support order or an administrative child support order.	43436
(3) "Obligee" means the person who is entitled to receive	43437

the support payments under a support order. 43438

(4) "Obligor" means the person who is required to pay 43439  
support under a support order. 43440

(5) "Support order" means either an administrative child 43441  
support order or a court support order. 43442

(C) As used in this chapter: 43443

(1) "Caretaker" means any of the following, other than a 43444  
parent: 43445

(a) A person with whom the child resides for at least 43446  
thirty consecutive days, and who is the child's primary 43447  
caregiver; 43448

(b) A person who is receiving public assistance on behalf 43449  
of the child; 43450

(c) A person or agency with legal custody of the child, 43451  
including a county department of job and family services or a 43452  
public children services agency; 43453

(d) A guardian of the person or the estate of a child; 43454

(e) Any other appropriate court or agency with custody of 43455  
the child. 43456

"Caretaker" excludes a "host family" as defined under 43457  
section 2151.90 of the Revised Code. 43458

(2) "Cash medical support" means an amount ordered to be 43459  
paid in a child support order toward the ordinary medical 43460  
expenses incurred during a calendar year. 43461

(3) "Child care cost" means annual out-of-pocket costs for 43462  
the care and supervision of a child or children subject to the 43463  
order that is related to work or employment training. 43464

(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(5) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.

(6) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(7) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.

(8) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

(9) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

(10) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the 43493  
sum of the gross income of the parent and any potential income 43494  
of the parent. 43495

(11) "Income share" means the percentage derived from a 43496  
comparison of each parent's annual income after allowable 43497  
deductions and credits as indicated on the worksheet to the 43498  
total annual income of both parents. 43499

(12) "Insurer" means any person authorized under Title 43500  
XXXIX of the Revised Code to engage in the business of insurance 43501  
in this state, any health insuring corporation, and any legal 43502  
entity that is self-insured and provides benefits to its 43503  
employees or members. 43504

(13) "Gross income" means, except as excluded in division 43505  
(C)(13) of this section, the total of all earned and unearned 43506  
income from all sources during a calendar year, whether or not 43507  
the income is taxable, and includes income from salaries, wages, 43508  
overtime pay, and bonuses to the extent described in division 43509  
(D) of section 3119.05 of the Revised Code; commissions; 43510  
royalties; tips; rents; dividends; severance pay; pensions; 43511  
interest; trust income; annuities; social security benefits, 43512  
including retirement, disability, and survivor benefits that are 43513  
not means-tested; workers' compensation benefits; unemployment 43514  
insurance benefits; disability insurance benefits; benefits that 43515  
are not means-tested and that are received by and in the 43516  
possession of the veteran who is the beneficiary for any 43517  
service-connected disability under a program or law administered 43518  
by the United States department of veterans' affairs or 43519  
veterans' administration; spousal support actually received; and 43520  
all other sources of income. "Gross income" includes income of 43521  
members of any branch of the United States armed services or 43522

national guard, including, amounts representing base pay, basic 43523  
allowance for quarters, basic allowance for subsistence, 43524  
supplemental subsistence allowance, cost of living adjustment, 43525  
specialty pay, variable housing allowance, and pay for training 43526  
or other types of required drills; self-generated income; and 43527  
potential cash flow from any source. 43528

"Gross income" does not include any of the following: 43529

(a) Benefits received from means-tested government 43530  
administered programs, including Ohio works first; prevention, 43531  
retention, and contingency; means-tested veterans' benefits; 43532  
supplemental security income; supplemental nutrition assistance 43533  
program; disability financial assistance; or other assistance 43534  
for which eligibility is determined on the basis of income or 43535  
assets; 43536

(b) Benefits for any service-connected disability under a 43537  
program or law administered by the United States department of 43538  
veterans' affairs or veterans' administration that are not 43539  
means-tested, that have not been distributed to the veteran who 43540  
is the beneficiary of the benefits, and that are in the 43541  
possession of the United States department of veterans' affairs 43542  
or veterans' administration; 43543

(c) Child support amounts received for children who are 43544  
not included in the current calculation; 43545

(d) Amounts paid for mandatory deductions from wages such 43546  
as union dues but not taxes, social security, or retirement in 43547  
lieu of social security; 43548

(e) Nonrecurring or unsustainable income or cash flow 43549  
items; 43550

(f) Adoption assistance, kinship guardianship assistance, 43551

and foster care maintenance payments made pursuant to Title IV-E 43552  
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 43553  
(1980), as amended; 43554

(g) State kinship guardianship assistance described in 43555  
section 5153.163 of the Revised Code and payment from the 43556  
kinship support program described in section ~~5101.881~~ 5180.531 43557  
of the Revised Code. 43558

(14) "Nonrecurring or unsustainable income or cash flow 43559  
item" means an income or cash flow item the parent receives in 43560  
any year or for any number of years not to exceed three years 43561  
that the parent does not expect to continue to receive on a 43562  
regular basis. "Nonrecurring or unsustainable income or cash 43563  
flow item" does not include a lottery prize award that is not 43564  
paid in a lump sum or any other item of income or cash flow that 43565  
the parent receives or expects to receive for each year for a 43566  
period of more than three years or that the parent receives and 43567  
invests or otherwise uses to produce income or cash flow for a 43568  
period of more than three years. 43569

(15) "Ordinary medical expenses" includes copayments and 43570  
deductibles, and uninsured medical-related costs for the 43571  
children of the order. 43572

(16) (a) "Ordinary and necessary expenses incurred in 43573  
generating gross receipts" means actual cash items expended by 43574  
the parent or the parent's business and includes depreciation 43575  
expenses of business equipment as shown on the books of a 43576  
business entity. 43577

(b) Except as specifically included in "ordinary and 43578  
necessary expenses incurred in generating gross receipts" by 43579  
division (C) (16) (a) of this section, "ordinary and necessary 43580

expenses incurred in generating gross receipts" does not include 43581  
depreciation expenses and other noncash items that are allowed 43582  
as deductions on any federal tax return of the parent or the 43583  
parent's business. 43584

(17) "Personal earnings" means compensation paid or 43585  
payable for personal services, however denominated, and includes 43586  
wages, salary, commissions, bonuses, draws against commissions, 43587  
profit sharing, vacation pay, or any other compensation. 43588

(18) "Potential income" means both of the following for a 43589  
parent who the court pursuant to a court support order, or a 43590  
child support enforcement agency pursuant to an administrative 43591  
child support order, determines is voluntarily unemployed or 43592  
voluntarily underemployed: 43593

(a) Imputed income that the court or agency determines the 43594  
parent would have earned if fully employed as determined from 43595  
the following criteria: 43596

(i) The parent's prior employment experience; 43597

(ii) The parent's education; 43598

(iii) The parent's physical and mental disabilities, if 43599  
any; 43600

(iv) The availability of employment in the geographic area 43601  
in which the parent resides; 43602

(v) The prevailing wage and salary levels in the 43603  
geographic area in which the parent resides; 43604

(vi) The parent's special skills and training; 43605

(vii) Whether there is evidence that the parent has the 43606  
ability to earn the imputed income; 43607

(viii) The age and special needs of the child for whom  
child support is being calculated under this section; 43608  
43609

(ix) The parent's increased earning capacity because of  
experience; 43610  
43611

(x) The parent's decreased earning capacity because of a  
felony conviction; 43612  
43613

(xi) Any other relevant factor. 43614

(b) Imputed income from any nonincome-producing assets of  
a parent, as determined from the local passbook savings rate or  
another appropriate rate as determined by the court or agency,  
not to exceed the rate of interest specified in division (A) of  
section 1343.03 of the Revised Code, if the income is  
significant. 43615  
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(19) "Schedule" means the basic child support schedule  
created pursuant to section 3119.021 of the Revised Code. 43621  
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(20) "Self-generated income" means gross receipts received  
by a parent from self-employment, proprietorship of a business,  
joint ownership of a partnership or closely held corporation,  
and rents minus ordinary and necessary expenses incurred by the  
parent in generating the gross receipts. "Self-generated income"  
includes expense reimbursements or in-kind payments received by  
a parent from self-employment, the operation of a business, or  
rents, including company cars, free housing, reimbursed meals,  
and other benefits, if the reimbursements are significant and  
reduce personal living expenses. 43623  
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(21) "Self-sufficiency reserve" means the minimal amount  
necessary for an obligor to adequately subsist upon, as  
determined under section 3119.021 of the Revised Code. 43633  
43634  
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(22) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.

(23) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation.

**Sec. 3121.441.** (A) Notwithstanding the provisions of this chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 and 5107.20 of the Revised Code providing for the office of child support in the department of job and family services to collect, withhold, or deduct spousal support, when a court pursuant to section 3105.18 or 3105.65 of the Revised Code issues or modifies an order requiring an obligor to pay spousal support or grants or modifies a decree of dissolution of marriage incorporating a separation agreement that provides for spousal support, or at any time after the issuance, granting, or modification of an order or decree of that type, the court may permit the obligor to make the spousal support payments directly to the obligee instead of to the office if the obligee and the obligor have no minor children born as a result of their marriage and the obligee has not assigned the spousal support amounts to the department pursuant to section 5107.20 or 5160.38 of the Revised Code.

(B) A court that permits an obligor to make spousal support payments directly to the obligee pursuant to division (A) of this section shall order the obligor to make the spousal support payments as a check, as a money order, or in any other form that establishes a clear record of payment.

(C) If a court permits an obligor to make spousal support payments directly to an obligee pursuant to division (A) of this section and the obligor is in default in making any spousal support payment to the obligee, the court, upon motion of the obligee or on its own motion, may rescind the permission granted under that division. After the rescission, the court shall determine the amount of arrearages in the spousal support payments and order the obligor to make to the office of child support in the department of job and family services any spousal support payments that are in arrears and any future spousal support payments. Upon the issuance of the order of the court under this division, the provisions of this chapter, Chapters 3119., 3123., and 3125., and sections 3770.071, 3770.074, and 5107.20 of the Revised Code apply with respect to the collection, withholding, or deduction of the obligor's spousal support payments that are the subject of that order of the court.

**Sec. 3123.89.** (A) The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code.

(B) Upon the data match program's implementation, the department, in consultation with the commission, shall promulgate rules to facilitate withholding, in appropriate circumstances and in accordance with ~~section~~ sections 3770.071 and 3770.074 of the Revised Code, by the commission or its lottery sales agents or lottery agents of an amount sufficient to satisfy any past due support owed by an obligor from a lottery prize award owed to the obligor up to the amount of the

award. The rules shall describe an expedited method for 43697  
withholding, and the time frame for transmission of the amount 43698  
withheld to the department. 43699

(C) As used in this section, ~~"lottery":~~ 43700

(1) ~~"Lottery prize award" has the same meaning as in~~ 43701  
~~section 3770.10 of the Revised Code~~ includes a prize award from 43702  
a video lottery terminal but does not include winnings from 43703  
lottery sports gaming, except for winnings from lottery sports 43704  
gaming wagers placed through a terminal described in division 43705  
(B) (3) of section 3770.24 of the Revised Code. 43706

(2) "Lottery sports gaming" has the same meaning as in 43707  
section 3770.23 of the Revised Code. 43708

(3) "Video lottery terminal" has the same meaning as in 43709  
section 3770.21 of the Revised Code. 43710

**Sec. 3123.90.** (A) As used in this section: 43711

(1) "Casino facility," "casino operator," and "management 43712  
company" have the meanings defined in section 3772.01 of the 43713  
Revised Code. 43714

(2) "Sports gaming proprietor" has the meaning defined in 43715  
section 3775.01 of the Revised Code. 43716

(3) "Lottery sports gaming" has the same meaning as in 43717  
section 3770.23 of the Revised Code. 43718

(B) The department of job and family services shall 43719  
develop and implement a real time data match program with each 43720  
casino facility's casino operator or management company and with 43721  
each sports gaming proprietor to identify obligors who are 43722  
subject to a final and enforceable determination of default made 43723  
under sections 3123.01 to 3123.07 of the Revised Code. 43724

(C) ~~Upon~~ Subject to division (E) of this section, upon the 43725  
data match program's implementation, if a person receives a 43726  
payout of winnings at a casino facility or from sports gaming in 43727  
an amount for which reporting to the internal revenue service of 43728  
the amount is required by section 6041 of the Internal Revenue 43729  
Code, as amended, the casino operator, management company, or 43730  
sports gaming proprietor shall refer to the data match program 43731  
to determine if the person entitled to the winnings is in 43732  
default under a support order. If the data match program 43733  
indicates that the person is in default, the casino operator, 43734  
management company, or sports gaming proprietor shall withhold 43735  
from the person's winnings an amount sufficient to satisfy any 43736  
past due support owed by the obligor identified in the data 43737  
match up to the amount of the winnings. 43738

(D) Not later than fourteen days after withholding the 43739  
amount, the casino operator, management company, or sports 43740  
gaming proprietor shall electronically transmit any amount 43741  
withheld to the department as payment on the support obligation. 43742

(E) A sports gaming proprietor that offers lottery sports 43743  
gaming through a terminal described in division (B) (3) of 43744  
section 3770.24 of the Revised Code shall not withhold amounts 43745  
under this section from winnings from wagers placed through that 43746  
terminal. The state lottery commission shall withhold amounts 43747  
from those winnings under section 3770.071 of the Revised Code. 43748

(F) The department, in consultation with the Ohio casino 43749  
control commission, may adopt rules under Chapter 119. of the 43750  
Revised Code as are necessary for implementation of this 43751  
section. 43752

**Sec. 3301.071.** (A) (1) Except as provided in division (E) 43753  
of this section, in the case of nontax-supported schools, 43754

standards for teacher certification prescribed under section 43755  
3301.07 of the Revised Code shall provide for certification, 43756  
without further educational requirements, of any administrator, 43757  
supervisor, or teacher who has attended and received a 43758  
bachelor's degree or a master's degree from a college or 43759  
university accredited by a national or regional association in 43760  
the United States except that, at the discretion of the state 43761  
board of education, this requirement may be met by having an 43762  
equivalent degree from a foreign college or university of 43763  
comparable standing. 43764

(2) Except as provided in division (E) of this section, in 43765  
the case of nonchartered, nontax-supported schools, the 43766  
standards for teacher certification prescribed under section 43767  
3301.07 of the Revised Code shall provide for certification, 43768  
without further educational requirements, of any administrator, 43769  
supervisor, or teacher who has attended and received a diploma 43770  
from a "bible college" or "bible institute" described in 43771  
division (E) of section 1713.02 of the Revised Code. 43772

(3) A certificate issued under division (A) (3) of this 43773  
section shall be valid only for teaching foreign language, 43774  
music, religion, computer technology, or fine arts. 43775

Notwithstanding division (A) (1) of this section and except 43776  
as provided in division (E) of this section, the standards for 43777  
teacher certification prescribed under section 3301.07 of the 43778  
Revised Code shall provide for certification of a person as a 43779  
teacher upon receipt by the state board of an affidavit signed 43780  
by the chief administrative officer of a chartered nonpublic 43781  
school seeking to employ the person, stating that the person 43782  
meets one of the following conditions: 43783

(a) The person has specialized knowledge, skills, or 43784

expertise that qualifies the person to provide instruction. 43785

(b) The person has provided to the chief administrative 43786  
officer evidence of at least three years of teaching experience 43787  
in a public or nonpublic school. 43788

(c) The person has provided to the chief administrative 43789  
officer evidence of completion of a teacher training program 43790  
named in the affidavit. 43791

(B) Each person applying for a certificate under this 43792  
section for purposes of serving in a nonpublic school chartered 43793  
by the director of education and workforce under section 3301.16 43794  
of the Revised Code shall pay a fee in the amount established 43795  
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 43796  
Any fees received under this division shall be paid into the 43797  
state treasury to the credit of the ~~state board of education~~ 43798  
~~certification fund established under division (B) of section~~ 43799  
~~3319.51 occupational licensing and regulatory fund established~~ 43800  
in section 4743.05 of the Revised Code. 43801

(C) A person applying for or holding any certificate 43802  
pursuant to this section for purposes of serving in a nonpublic 43803  
school chartered by the director is subject to sections 3123.41 43804  
to 3123.50 of the Revised Code and any applicable rules adopted 43805  
under section 3123.63 of the Revised Code and sections 3319.31 43806  
and 3319.311 of the Revised Code. 43807

(D) Divisions (B) and (C) of this section and sections 43808  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 43809  
to any administrators, supervisors, or teachers in nonchartered, 43810  
nontax-supported schools. 43811

(E) The state board shall issue a certificate to serve in 43812  
a nonpublic school as an administrator, supervisor, or teacher 43813

in accordance with Chapter 4796. of the Revised Code to an 43814  
applicant if either of the following applies: 43815

(1) The applicant holds a certificate in another state. 43816

(2) The applicant has satisfactory work experience, a 43817  
government certification, or a private certification as 43818  
described in that chapter as a nonpublic school administrator, 43819  
supervisor, or teacher in a state that does not issue one or 43820  
more of those certificates. 43821

**Sec. 3301.074.** (A) Except as provided in division (E) of 43822  
this section, the state board of education shall, by rule 43823  
adopted in accordance with Chapter 119. of the Revised Code, 43824  
establish standards for licensing school district treasurers and 43825  
business managers, for the renewal of such licenses, and for the 43826  
issuance of duplicate copies of licenses. Licenses of the 43827  
following types shall be issued or renewed by the board to 43828  
applicants who meet the standards for the license or the renewal 43829  
of the license for which application is made: 43830

(1) Treasurer, valid for serving as treasurer of a school 43831  
district in accordance with section 3313.22 of the Revised Code; 43832

(2) Business manager, valid for serving as business 43833  
manager of a school district in accordance with section 3319.03 43834  
of the Revised Code. 43835

(B) Each application for a license or renewal or duplicate 43836  
copy of a license shall be accompanied by the payment of a fee 43837  
in the amount established under division ~~(A)~~(B) of section 43838  
3319.51 of the Revised Code. Any fees received under this 43839  
section shall be paid into the state treasury to the credit of 43840  
the ~~state board of education licensure fund established under~~ 43841  
~~division (B) of section 3319.51~~ occupational licensing and 43842

regulatory fund established in section 4743.05 of the Revised Code. 43843  
43844

(C) Any person employed under section 3313.22 of the Revised Code as a treasurer on July 1, 1983, shall be considered to meet the standards for licensure as a treasurer and for renewal of such license. Any person employed under section 3319.03 of the Revised Code as a business manager on July 1, 1983, shall be considered to meet the standards for licensure as a business manager and for renewal of such license. 43845  
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(D) Any person applying for or holding any license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code. 43852  
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(E) The state board shall issue a license to act as a school district treasurer or business manager in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 43857  
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(1) The applicant holds a license in another state. 43861

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a school district treasurer or business manager in a state that does not issue one of those licenses or both. 43862  
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**Sec. 3301.079.** (A) (1) The department of education and workforce periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through 43867  
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twelve in English language arts, mathematics, science, and social studies. 43872  
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(a) The department shall ensure that the standards do all of the following: 43874  
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(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century; 43876  
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(ii) Include the development of skill sets that promote information, media, and technological literacy; 43881  
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(iii) Include interdisciplinary, project-based, real-world learning opportunities; 43883  
43884

(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education; 43885  
43886  
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(v) Be clearly written, transparent, and understandable by parents, educators, and the general public. 43889  
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(b) The department shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The department shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The department shall make available a list 43891  
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of suggested grade-appropriate supplemental readings that place 43901  
the documents prescribed by this division in their historical 43902  
context, which teachers may use as a resource to assist students 43903  
in reading the documents within that context. 43904

(c) When the department adopts or revises academic content 43905  
standards in social studies, American history, American 43906  
government, or science under division (A) (1) of this section, it 43907  
shall develop such standards independently and not as part of a 43908  
multistate consortium. 43909

(2) (a) After completing the standards required by division 43910  
(A) (1) of this section, the department shall adopt standards and 43911  
model curricula for instruction in technology, financial 43912  
literacy and entrepreneurship, fine arts, and foreign language 43913  
for grades kindergarten through twelve. The standards shall meet 43914  
the same requirements prescribed in division (A) (1) (a) of this 43915  
section. 43916

(b) The department shall incorporate into the standards 43917  
and model curriculum for financial literacy and entrepreneurship 43918  
for grades nine through twelve academic content regarding free 43919  
market capitalism. The academic content shall include all of the 43920  
following concepts related to free market capitalism: 43921

(i) Raw materials, labor, and capital, the three classical 43922  
factors of economic production, are privately owned. 43923

(ii) Individuals control their own ability to work, earn 43924  
wages, and obtain skills to earn and increase wages. 43925

(iii) Private ownership of capital may include a sole 43926  
proprietorship, a family business, a publicly traded 43927  
corporation, a group of private investors, or a bank. 43928

(iv) Markets aggregate the exchange of goods and services 43929

throughout the world. Market prices are the only way to convey 43930  
so much constantly changing information about the supply of 43931  
goods and services, and the demand for them, for consumers and 43932  
producers to make informed economic decisions for themselves. 43933

(v) Wealth is created by providing goods and services that 43934  
people value at a profit, and both sellers and buyers seek to 43935  
profit in some way in a free market transaction. Thus, profit 43936  
earned through transactions can be consumed, saved, reinvested 43937  
in the business, or dispersed to shareholders. 43938

(vi) Wealth creation involves asset value appreciation and 43939  
depreciation, voluntary exchange of equity ownership, and open 43940  
and closed markets. 43941

(vii) The free market is driven by, and tends to produce, 43942  
entrepreneurship and innovation. 43943

(viii) The free market can include side effects and market 43944  
failures where at least part of the cost of the transaction, 43945  
including producing, transporting, selling, or buying, is born 43946  
by others outside of the transaction. 43947

(ix) The political features of the free market, including 43948  
legally protected property rights, legally enforceable 43949  
contracts, patent protections, and the mitigation of side 43950  
effects and market failures; 43951

(x) Societies that embrace the free market often embrace 43952  
political and personal freedom as well. 43953

(3) The department shall adopt the most recent standards 43954  
developed by the national association for sport and physical 43955  
education for physical education in grades kindergarten through 43956  
twelve or shall adopt its own standards for physical education 43957  
in those grades and revise and update them periodically. 43958

The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The director of education and workforce shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) The department shall update the standards and model curriculum for instruction in computer science in grades kindergarten through twelve, which shall include standards for introductory and advanced computer science courses in grades nine through twelve. When developing the standards and curriculum, the department shall consider recommendations from computer science education stakeholder groups, including teachers and representatives from higher education, industry, computer science organizations in Ohio, and national computer science organizations.

Any district or school may utilize the computer science standards or model curriculum or any part thereof adopted pursuant to division (A) (4) of this section. However, no district or school shall be required to utilize all or any part of the standards or curriculum.

(5) When academic standards have been completed for any subject area required by this section, the department shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised

Code of the content of those standards. Additionally, upon 43989  
completion of any academic standards under this section, the 43990  
department shall post those standards on the department's web 43991  
site. 43992

(B) (1) The department shall adopt a model curriculum for 43993  
instruction in each subject area for which updated academic 43994  
standards are required by division (A) (1) of this section and 43995  
for each of grades kindergarten through twelve that is 43996  
sufficient to meet the needs of students in every community. The 43997  
model curriculum shall be aligned with the standards, to ensure 43998  
that the academic content and skills specified for each grade 43999  
level are taught to students, and shall demonstrate vertical 44000  
articulation and emphasize coherence, focus, and rigor. When any 44001  
model curriculum has been completed, the department shall inform 44002  
all school districts, community schools, and STEM schools of the 44003  
content of that model curriculum. 44004

(2) The department, in consultation with the governor's 44005  
office of workforce transformation, shall adopt model curricula 44006  
for grades kindergarten through twelve that embed career 44007  
connection learning strategies into regular classroom 44008  
instruction. 44009

(3) All school districts, community schools, and STEM 44010  
schools may utilize the state standards and the model curriculum 44011  
established by the department, together with other relevant 44012  
resources, examples, or models to ensure that students have the 44013  
opportunity to attain the academic standards. Upon request, the 44014  
department shall provide technical assistance to any district, 44015  
community school, or STEM school in implementing the model 44016  
curriculum. 44017

Nothing in this section requires any school district to 44018

utilize all or any part of a model curriculum developed under 44019  
this section. 44020

(C) The department shall develop achievement assessments 44021  
aligned with the academic standards and model curriculum for 44022  
each of the subject areas and grade levels required by divisions 44023  
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 44024

When any achievement assessment has been completed, the 44025  
department shall inform all school districts, community schools, 44026  
STEM schools, and nonpublic schools required to administer the 44027  
assessment of its completion, and the department shall make the 44028  
achievement assessment available to the districts and schools. 44029

(D) (1) ~~The~~ Not later than June 30, 2026, the department 44030  
shall ~~adopt~~ do both of the following: 44031

(a) Adopt a diagnostic assessment aligned with the 44032  
academic standards and model curriculum for each of grades one 44033  
and two kindergarten to three in reading, writing, and 44034  
mathematics and for grade three in reading and writing. The ; 44035

(b) Approve a list of up to five diagnostic assessments 44036  
aligned with the academic standards for each of grades 44037  
kindergarten to three for both reading and mathematics. The 44038  
department's list of approved diagnostic assessments for reading 44039  
shall include the three reading diagnostic assessments that were 44040  
approved by the department for use as comparable tools for 44041  
purposes of division (B) (1) of section 3313.608 of the Revised 44042  
Code, as it existed prior to the effective date of this 44043  
amendment, and are most widely used by public schools in the 44044  
state. 44045

(2) Each diagnostic assessment adopted or approved under 44046  
division (D) (1) of this section shall be designed to measure 44047

student comprehension of academic content and mastery of related 44048  
skills for the relevant subject area and grade level. The 44049  
diagnostic assessment for reading shall be designed to measure 44050  
student comprehension of foundational reading skills aligned to 44051  
the science of reading. Any diagnostic assessment adopted by the 44052  
department shall not include components to identify gifted 44053  
students. Blank copies of diagnostic assessments shall be public 44054  
records. 44055

~~(2) When each diagnostic assessment has been completed,~~ 44056  
~~the department shall inform all school districts of its~~ 44057  
~~completion and make the diagnostic assessment available to the~~ 44058  
~~districts at no cost to the district.~~ 44059

(3) School districts shall administer ~~the~~ a diagnostic 44060  
assessment in reading and mathematics adopted or approved by the 44061  
department pursuant to section 3301.0715 of the Revised Code 44062  
beginning ~~the first~~ in the 2026-2027 school year ~~following the~~ 44063  
~~development of the assessment.~~ 44064

~~However, beginning with the 2017-2018 school year, both of~~ 44065  
~~the following shall apply:~~ 44066

~~(a) In the case of the diagnostic assessments for grades~~ 44067  
~~one or two in writing or mathematics or for grade three in~~ 44068  
~~writing, a school district shall not be required to administer~~ 44069  
~~any such assessment, but may do so at the discretion of the~~ 44070  
~~district board;~~ 44071

~~(b) In the case of any diagnostic assessment that is not~~ 44072  
~~for the grade levels and subject areas specified in division (D)~~ 44073  
~~(3)(a) of this section, each school district shall administer~~ 44074  
~~the assessment in the manner prescribed by section 3301.0715 of~~ 44075  
~~the Revised Code.~~ 44076

(E) The department shall not adopt a diagnostic or 44077  
achievement assessment for any grade level or subject area other 44078  
than those specified in this section. 44079

(F) Whenever the department consults with persons for the 44080  
purpose of drafting or reviewing any standards, diagnostic 44081  
assessments, achievement assessments, or model curriculum 44082  
required under this section, the department shall first consult 44083  
with parents of students in kindergarten through twelfth grade 44084  
and with active Ohio classroom teachers, other school personnel, 44085  
and administrators with expertise in the appropriate subject 44086  
area. Whenever practicable, the department shall consult with 44087  
teachers recognized as outstanding in their fields. 44088

If the department contracts with more than one outside 44089  
entity for the development of the achievement assessments 44090  
required by this section, the department shall ensure the 44091  
interchangeability of those assessments. 44092

(G) Whenever the department adopts standards or model 44093  
curricula under this section, the department also shall provide 44094  
information on the use of blended, online, or digital learning 44095  
in the delivery of the standards or curricula to students in 44096  
accordance with division (A)(5) of this section. 44097

(H) The fairness sensitivity review committee of the 44098  
department shall not allow any question on any achievement or 44099  
diagnostic assessment developed under this section or any 44100  
proficiency test prescribed by former section 3301.0710 of the 44101  
Revised Code, as it existed prior to September 11, 2001, to 44102  
include, be written to promote, or inquire as to individual 44103  
moral or social values or beliefs. The decision of the committee 44104  
shall be final. This section does not create a private cause of 44105  
action. 44106

(I) Not later than sixty days prior to the adoption of 44107  
updated academic standards under division (A) (1) of this section 44108  
or updated model curricula under division (B) (1) of this 44109  
section, the director of education and workforce shall present 44110  
the academic standards or model curricula, as applicable, in 44111  
person at a public hearing of the respective committees of the 44112  
house of representatives and senate that consider education 44113  
legislation. 44114

(J) As used in this section: 44115

(1) "Blended learning" means the delivery of instruction 44116  
in a combination of time primarily in a supervised physical 44117  
location away from home and online delivery whereby the student 44118  
has some element of control over time, place, path, or pace of 44119  
learning and includes noncomputer-based learning opportunities. 44120

(2) "Online learning" means students work primarily from 44121  
their residences on assignments delivered via an internet- or 44122  
other computer-based instructional method. 44123

(3) "Coherence" means a reflection of the structure of the 44124  
discipline being taught. 44125

(4) "Digital learning" means learning facilitated by 44126  
technology that gives students some element of control over 44127  
time, place, path, or pace of learning. 44128

(5) "Focus" means limiting the number of items included in 44129  
a curriculum to allow for deeper exploration of the subject 44130  
matter. 44131

(6) "Vertical articulation" means key academic concepts 44132  
and skills associated with mastery in particular content areas 44133  
should be articulated and reinforced in a developmentally 44134  
appropriate manner at each grade level so that over time 44135

students acquire a depth of knowledge and understanding in the 44136  
core academic disciplines. 44137

**Sec. 3301.0711.** (A) The department of education and 44138  
workforce shall: 44139

(1) Annually furnish to, grade, and score all assessments 44140  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 44141  
the Revised Code to be administered by city, local, exempted 44142  
village, and joint vocational school districts, except that each 44143  
district shall score any assessment administered pursuant to 44144  
division (B) (10) of this section. Each assessment so furnished 44145  
shall include the data verification code of the student to whom 44146  
the assessment will be administered, as assigned pursuant to 44147  
division (D) (2) of section 3301.0714 of the Revised Code. In 44148  
furnishing the practice versions of Ohio graduation tests 44149  
prescribed by division (D) of section 3301.0710 of the Revised 44150  
Code, the department shall make the tests available on its web 44151  
site for reproduction by districts. In awarding contracts for 44152  
grading assessments, the department shall give preference to 44153  
Ohio-based entities employing Ohio residents. 44154

(2) Adopt rules for the ethical use of assessments and 44155  
prescribing the manner in which the assessments prescribed by 44156  
section 3301.0710 of the Revised Code shall be administered to 44157  
students. 44158

(B) Except as provided in divisions (C) and (J) of this 44159  
section, the board of education of each city, local, and 44160  
exempted village school district shall, in accordance with rules 44161  
adopted under division (A) of this section: 44162

(1) Administer the English language arts assessments 44163  
prescribed under division (A) (1) (a) of section 3301.0710 of the 44164

Revised Code twice annually to all students in the third grade 44165  
who have not attained the score designated for that assessment 44166  
under division (A) (2) (c) of section 3301.0710 of the Revised 44167  
Code. 44168

(2) Administer the mathematics assessment prescribed under 44169  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 44170  
least once annually to all students in the third grade. 44171

(3) Administer the assessments prescribed under division 44172  
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 44173  
annually to all students in the fourth grade. 44174

(4) Administer the assessments prescribed under division 44175  
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 44176  
annually to all students in the fifth grade. 44177

(5) Administer the assessments prescribed under division 44178  
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 44179  
annually to all students in the sixth grade. 44180

(6) Administer the assessments prescribed under division 44181  
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 44182  
annually to all students in the seventh grade. 44183

(7) Administer the assessments prescribed under division 44184  
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 44185  
annually to all students in the eighth grade. 44186

(8) Except as provided in division (B) (9) of this section, 44187  
administer any assessment prescribed under division (B) (1) of 44188  
section 3301.0710 of the Revised Code as follows: 44189

(a) At least once annually to all tenth grade students and 44190  
at least twice annually to all students in eleventh or twelfth 44191  
grade who have not yet attained the score on that assessment 44192

designated under that division; 44193

(b) To any person who has successfully completed the 44194  
curriculum in any high school or the individualized education 44195  
program developed for the person by any high school pursuant to 44196  
section 3323.08 of the Revised Code but has not received a high 44197  
school diploma and who requests to take such assessment, at any 44198  
time such assessment is administered in the district. 44199

(9) In lieu of the board of education of any city, local, 44200  
or exempted village school district in which the student is also 44201  
enrolled, the board of a joint vocational school district shall 44202  
administer any assessment prescribed under division (B)(1) of 44203  
section 3301.0710 of the Revised Code at least twice annually to 44204  
any student enrolled in the joint vocational school district who 44205  
has not yet attained the score on that assessment designated 44206  
under that division. A board of a joint vocational school 44207  
district may also administer such an assessment to any student 44208  
described in division (B)(8)(b) of this section. 44209

(10) If the district has a three-year average graduation 44210  
rate of not more than seventy-five per cent, administer each 44211  
assessment prescribed by division (D) of section 3301.0710 of 44212  
the Revised Code in September to all ninth grade students who 44213  
entered ninth grade prior to July 1, 2014. 44214

Except as provided in section 3313.614 of the Revised Code 44215  
for administration of an assessment to a person who has 44216  
fulfilled the curriculum requirement for a high school diploma 44217  
but has not passed one or more of the required assessments, the 44218  
assessments prescribed under division (B)(1) of section 44219  
3301.0710 of the Revised Code shall not be administered after 44220  
the date specified in the rules adopted under division (D)(1) of 44221  
section 3301.0712 of the Revised Code. 44222

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 44223  
of this section, administer the assessments prescribed by 44224  
division (B) (2) of section 3301.0710 and section 3301.0712 of 44225  
the Revised Code in accordance with the timeline and plan for 44226  
implementation of those assessments prescribed by rule adopted 44227  
under division (D) (1) of section 3301.0712 of the Revised Code; 44228

(b) A student who has presented evidence to the district 44229  
or school of having satisfied the condition prescribed by 44230  
division (A) (1) of section 3313.618 of the Revised Code to 44231  
qualify for a high school diploma prior to the date of the 44232  
administration of the assessment prescribed under division (B) 44233  
(1) of section 3301.0712 of the Revised Code shall not be 44234  
required to take that assessment. However, no board shall 44235  
prohibit a student who is not required to take such assessment 44236  
from taking the assessment. 44237

(c) A student shall not be required to retake the Algebra 44238  
I end-of-course examination or the English language arts II end- 44239  
of-course examination prescribed under division (B) (2) of 44240  
section 3301.0712 of the Revised Code in grades nine through 44241  
twelve if the student demonstrates at least a proficient level 44242  
of skill, as prescribed under division (B) (5) (a) of that 44243  
section, or achieves a competency score, as prescribed under 44244  
division (B) (10) of that section, in an administration of the 44245  
examination prior to grade nine. 44246

(C) (1) (a) In the case of a student receiving special 44247  
education services under Chapter 3323. of the Revised Code, the 44248  
individualized education program developed for the student under 44249  
that chapter shall specify the manner in which the student will 44250  
participate in the assessments administered under this section, 44251  
except that a student with significant cognitive disabilities to 44252

whom an alternate assessment is administered in accordance with 44253  
division (C) (1) of this section and a student determined to have 44254  
a disability that includes an intellectual disability as 44255  
outlined in guidance issued by the department shall not be 44256  
required to take the assessment prescribed under division (B) (1) 44257  
of section 3301.0712 of the Revised Code. The individualized 44258  
education program may excuse the student from taking any 44259  
particular assessment required to be administered under this 44260  
section if it instead specifies an alternate assessment method 44261  
approved by the department as conforming to requirements of 44262  
federal law for receipt of federal funds for disadvantaged 44263  
pupils. To the extent possible, the individualized education 44264  
program shall not excuse the student from taking an assessment 44265  
unless no reasonable accommodation can be made to enable the 44266  
student to take the assessment. No board shall prohibit a 44267  
student who is not required to take an assessment under division 44268  
(C) (1) of this section from taking the assessment. 44269

(b) Any alternate assessment approved by the department 44270  
for a student under this division shall produce measurable 44271  
results comparable to those produced by the assessment it 44272  
replaces in order to allow for the student's results to be 44273  
included in the data compiled for a school district or building 44274  
under section 3302.03 of the Revised Code. 44275

(c) (i) Any student enrolled in a chartered nonpublic 44276  
school who has been identified, based on an evaluation conducted 44277  
in accordance with section 3323.03 of the Revised Code or 44278  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 44279  
29 U.S.C.A. 794, as amended, as a child with a disability shall 44280  
be excused from taking any particular assessment required to be 44281  
administered under this section if either of the following 44282  
apply: 44283

(I) A plan developed for the student pursuant to rules 44284  
adopted by the department excuses the student from taking that 44285  
assessment. 44286

(II) The chartered nonpublic school develops a written 44287  
plan in which the school, in consultation with the student's 44288  
parents, determines that an assessment or alternative assessment 44289  
with accommodations does not accurately assess the student's 44290  
academic performance. The plan shall include an academic profile 44291  
of the student's academic performance and shall be reviewed 44292  
annually to determine if the student's needs continue to require 44293  
excusal from taking the assessment. 44294

(ii) A student with significant cognitive disabilities to 44295  
whom an alternate assessment is administered in accordance with 44296  
division (C) (1) of this section and a student determined to have 44297  
a disability that includes an intellectual disability as 44298  
outlined in guidance issued by the department shall not be 44299  
required to take the assessment prescribed under division (B) (1) 44300  
of section 3301.0712 of the Revised Code. 44301

(iii) In the case of any student so excused from taking an 44302  
assessment under division (C) (1) (c) of this section, the 44303  
chartered nonpublic school shall not prohibit the student from 44304  
taking the assessment. 44305

(2) A district board may, for medical reasons or other 44306  
good cause, excuse a student from taking an assessment 44307  
administered under this section on the date scheduled, but that 44308  
assessment shall be administered to the excused student not 44309  
later than nine days following the scheduled date. The district 44310  
board shall annually report the number of students who have not 44311  
taken one or more of the assessments required by this section to 44312  
the department not later than the thirtieth day of June. 44313

(3) No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

However, no board shall prohibit an English learner who is not required to take that assessment from taking the assessment.

A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department.

For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for the purposes of division (C) (3) of this section shall comply with the rules adopted under section 3301.0731 of the Revised Code.

(4) (a) The governing authority of a chartered nonpublic school may excuse an English learner from taking any assessment administered under this section.

(b) No governing authority shall require an English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit an English learner from taking an assessment from which the student was excused under division (C) (4) of this section.

(D) (1) In the school year next succeeding the school year in which the assessments prescribed by division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code or former division (A) (1), (A) (2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services 44374  
under this division shall provide intervention services to any 44375  
student whose results indicate that the student is failing to 44376  
make satisfactory progress toward being able to attain scores at 44377  
the proficient level on the Ohio graduation tests. Intervention 44378  
services shall be provided in any skill in which a student 44379  
demonstrates unsatisfactory progress and shall be commensurate 44380  
with the student's performance. Schools shall provide the 44381  
intervention services prior to the end of the school year, 44382  
during the summer following the ninth grade, in the next 44383  
succeeding school year, or at any combination of those times. 44384

(E) Except as provided in section 3313.608 of the Revised 44385  
Code and division (N) of this section, no school district board 44386  
of education shall utilize any student's failure to attain a 44387  
specified score on an assessment administered under this section 44388  
as a factor in any decision to deny the student promotion to a 44389  
higher grade level. However, a district board may choose not to 44390  
promote to the next grade level any student who does not take an 44391  
assessment administered under this section or make up an 44392  
assessment as provided by division (C) (2) of this section and 44393  
who is not exempt from the requirement to take the assessment 44394  
under division (C) (3) of this section. 44395

(F) No person shall be charged a fee for taking any 44396  
assessment administered under this section. 44397

(G) (1) Each school district board shall designate one 44398  
location for the collection of assessments administered in the 44399  
spring under division (B) (1) of this section and those 44400  
administered under divisions (B) (2) to (7) of this section. Each 44401  
district board shall submit the assessments to the entity with 44402  
which the department contracts for the scoring of the 44403

assessments as follows: 44404

(a) If the district's total enrollment in grades 44405  
kindergarten through twelve during the first full school week of 44406  
October was less than two thousand five hundred, not later than 44407  
the Friday after all of the assessments have been administered; 44408

(b) If the district's total enrollment in grades 44409  
kindergarten through twelve during the first full school week of 44410  
October was two thousand five hundred or more, but less than 44411  
seven thousand, not later than the Monday after all of the 44412  
assessments have been administered; 44413

(c) If the district's total enrollment in grades 44414  
kindergarten through twelve during the first full school week of 44415  
October was seven thousand or more, not later than the Tuesday 44416  
after all of the assessments have been administered. 44417

However, any assessment that a student takes during the 44418  
make-up period described in division (C) (2) of this section 44419  
shall be submitted not later than the Friday following the day 44420  
the student takes the assessment. 44421

(2) The department or an entity with which the department 44422  
contracts for the scoring of the assessment shall send to each 44423  
school district board a list of the individual scores of all 44424  
persons taking a state achievement assessment as follows: 44425

(a) Except as provided in division (G) (2) (b) or (c) of 44426  
this section, within forty-five days after the administration of 44427  
the assessments prescribed by sections 3301.0710 and 3301.0712 44428  
of the Revised Code, but in no case shall the scores be returned 44429  
later than the thirtieth day of June following the 44430  
administration; 44431

(b) In the case of the third-grade English language arts 44432

assessment, within forty-five days after the administration of 44433  
that assessment, but in no case shall the scores be returned 44434  
later than the fifteenth day of June following the 44435  
administration; 44436

(c) In the case of the writing component of an assessment 44437  
or end-of-course examination in the area of English language 44438  
arts, except for the third-grade English language arts 44439  
assessment, the results may be sent after forty-five days of the 44440  
administration of the writing component, but in no case shall 44441  
the scores be returned later than the thirtieth day of June 44442  
following the administration. 44443

(3) For assessments administered under this section by a 44444  
joint vocational school district, the department or entity shall 44445  
also send to each city, local, or exempted village school 44446  
district a list of the individual scores of any students of such 44447  
city, local, or exempted village school district who are 44448  
attending school in the joint vocational school district. 44449

(4) Beginning with the 2019-2020 school year, a school 44450  
district, other public school, or chartered nonpublic school may 44451  
administer the third-grade English language arts or mathematics 44452  
assessment, or both, in a paper format in any school year for 44453  
which the district board of education or school governing body 44454  
adopts a resolution indicating that the district or school 44455  
chooses to administer the assessment in a paper format. The 44456  
board or governing body shall submit a copy of the resolution to 44457  
the department of education and workforce not later than the 44458  
first day of May prior to the school year for which it will 44459  
apply. If the resolution is submitted, the district or school 44460  
shall administer the assessment in a paper format to all 44461  
students in the third grade, except that any student whose 44462

individualized education program or plan developed under section 44463  
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 44464  
794, as amended, specifies that taking the assessment in an 44465  
online format is an appropriate accommodation for the student 44466  
may take the assessment in an online format. 44467

(5) A classical school may administer all assessments 44468  
administered under this section in a paper format, except that 44469  
any student whose individualized education program or plan 44470  
developed under section 504 of the "Rehabilitation Act of 1973," 44471  
29 U.S.C. 794 specifies that taking the assessment in an online 44472  
format is an appropriate accommodation for the student may take 44473  
the assessment in an online format. 44474

(H) Individual scores on any assessments administered 44475  
under this section shall be released by a district board only in 44476  
accordance with section 3319.321 of the Revised Code and the 44477  
rules adopted under division (A) of this section. No district 44478  
board or its employees shall utilize individual or aggregate 44479  
results in any manner that conflicts with rules for the ethical 44480  
use of assessments adopted pursuant to division (A) of this 44481  
section. 44482

(I) Except as provided in division (G) of this section, 44483  
the department or an entity with which the department contracts 44484  
for the scoring of the assessment shall not release any 44485  
individual scores on any assessment administered under this 44486  
section. The department shall adopt rules to ensure the 44487  
protection of student confidentiality at all times. The rules 44488  
may require the use of the data verification codes assigned to 44489  
students pursuant to division (D)(2) of section 3301.0714 of the 44490  
Revised Code to protect the confidentiality of student scores. 44491

(J) Notwithstanding division (D) of section 3311.52 of the 44492

Revised Code, this section does not apply to the board of 44493  
education of any cooperative education school district except as 44494  
provided under rules adopted pursuant to this division. 44495

(1) In accordance with rules that the department shall 44496  
adopt, the board of education of any city, exempted village, or 44497  
local school district with territory in a cooperative education 44498  
school district established pursuant to divisions (A) to (C) of 44499  
section 3311.52 of the Revised Code may enter into an agreement 44500  
with the board of education of the cooperative education school 44501  
district for administering any assessment prescribed under this 44502  
section to students of the city, exempted village, or local 44503  
school district who are attending school in the cooperative 44504  
education school district. 44505

(2) In accordance with rules that the department shall 44506  
adopt, the board of education of any city, exempted village, or 44507  
local school district with territory in a cooperative education 44508  
school district established pursuant to section 3311.521 of the 44509  
Revised Code shall enter into an agreement with the cooperative 44510  
district that provides for the administration of any assessment 44511  
prescribed under this section to both of the following: 44512

(a) Students who are attending school in the cooperative 44513  
district and who, if the cooperative district were not 44514  
established, would be entitled to attend school in the city, 44515  
local, or exempted village school district pursuant to section 44516  
3313.64 or 3313.65 of the Revised Code; 44517

(b) Persons described in division (B) (8) (b) of this 44518  
section. 44519

Any assessment of students pursuant to such an agreement 44520  
shall be in lieu of any assessment of such students or persons 44521

pursuant to this section. 44522

(K) (1) (a) Except as otherwise provided in division (K) (1) 44523  
or (2) of this section, each chartered nonpublic school for 44524  
which at least sixty-five per cent of its total enrollment is 44525  
made up of students who are participating in state scholarship 44526  
programs shall administer the assessments prescribed by division 44527  
(A) of section 3301.0710 of the Revised Code or an alternative 44528  
standardized assessment determined by the department. In 44529  
accordance with procedures and deadlines prescribed by the 44530  
department, the parent or guardian of a student enrolled in the 44531  
school who is not participating in a state scholarship program 44532  
may submit notice to the chief administrative officer of the 44533  
school that the parent or guardian does not wish to have the 44534  
student take the assessments prescribed for the student's grade 44535  
level under division (A) of section 3301.0710 of the Revised 44536  
Code. If a parent or guardian submits an opt-out notice, the 44537  
school shall not administer the assessments to that student. 44538  
This option does not apply to any assessment required for a high 44539  
school diploma under section 3313.612 of the Revised Code. 44540

(b) Any chartered nonpublic school that enrolls students 44541  
who are participating in state scholarship programs may 44542  
administer an alternative standardized assessment determined by 44543  
the department instead of the assessments prescribed by division 44544  
(A) of section 3301.0710 of the Revised Code. 44545

Each chartered nonpublic school subject to division (K) (1) 44546  
(a) or (b) of this section shall report the results of each 44547  
assessment administered under those divisions to the department. 44548

(2) A chartered nonpublic school may submit to the 44549  
director of education and workforce a request for a waiver from 44550  
administering the elementary assessments prescribed by division 44551

(A) of section 3301.0710 of the Revised Code. The director shall 44552  
approve or disapprove a request for a waiver submitted under 44553  
division (K) (2) of this section. 44554

To be eligible to submit a request for a waiver, a 44555  
chartered nonpublic school shall meet the following conditions: 44556

(a) At least ninety-five per cent of the students enrolled 44557  
in the school are children with disabilities, as defined under 44558  
section 3323.01 of the Revised Code, or have received a 44559  
diagnosis by a school district or from a physician, including a 44560  
neuropsychiatrist or psychiatrist, or a psychologist who is 44561  
authorized to practice in this or another state as having a 44562  
condition that impairs academic performance, such as dyslexia, 44563  
dyscalculia, attention deficit hyperactivity disorder, or 44564  
Asperger's syndrome. 44565

(b) The school has solely served a student population 44566  
described in division (K) (1) (a) of this section for at least ten 44567  
years. 44568

(c) The school provides to the department at least five 44569  
years of records of internal testing conducted by the school 44570  
that affords the department data required for accountability 44571  
purposes, including diagnostic assessments and nationally 44572  
standardized norm-referenced achievement assessments that 44573  
measure reading and math skills. 44574

(3) Any chartered nonpublic school that is not subject to 44575  
division (K) (1) of this section may participate in the 44576  
assessment program by administering any of the assessments 44577  
prescribed by division (A) of section 3301.0710 of the Revised 44578  
Code. The chief administrator of the school shall specify which 44579  
assessments the school will administer. Such specification shall 44580

be made in writing to the director prior to the first day of 44581  
August of any school year in which assessments are administered 44582  
and shall include a pledge that the nonpublic school will 44583  
administer the specified assessments in the same manner as 44584  
public schools are required to do under this section and rules 44585  
adopted by the department. 44586

(4) The department shall furnish the assessments 44587  
prescribed by section 3301.0710 of the Revised Code to each 44588  
chartered nonpublic school that is subject to division (K) (1) of 44589  
this section or participates under division (K) (3) of this 44590  
section. 44591

(L) If a chartered nonpublic school is educating students 44592  
in grades nine through twelve, the following shall apply: 44593

(1) Except as provided in division (L) (4) of this section, 44594  
for a student who is enrolled in a chartered nonpublic school 44595  
that is accredited through the independent schools association 44596  
of the central states and who is attending the school under a 44597  
state scholarship program, the student shall either take all of 44598  
the assessments prescribed by division (B) of section 3301.0712 44599  
of the Revised Code or take an alternative assessment approved 44600  
by the department under section 3313.619 of the Revised Code. 44601  
However, a student who is excused from taking an assessment 44602  
under division (C) of this section or has presented evidence to 44603  
the chartered nonpublic school of having satisfied the condition 44604  
prescribed by division (A) (1) of section 3313.618 of the Revised 44605  
Code to qualify for a high school diploma prior to the date of 44606  
the administration of the assessment prescribed under division 44607  
(B) (1) of section 3301.0712 of the Revised Code shall not be 44608  
required to take that assessment. No governing authority of a 44609  
chartered nonpublic school shall prohibit a student who is not 44610

required to take such assessment from taking the assessment. 44611

(2) For a student who is enrolled in a chartered nonpublic 44612  
school that is accredited through the independent schools 44613  
association of the central states, and who is not attending the 44614  
school under a state scholarship program, the student shall not 44615  
be required to take any assessment prescribed under section 44616  
3301.0712 or 3313.619 of the Revised Code. 44617

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 44618  
of this section, for a student who is enrolled in a chartered 44619  
nonpublic school that is not accredited through the independent 44620  
schools association of the central states, regardless of whether 44621  
the student is attending or is not attending the school under a 44622  
state scholarship program, the student shall do one of the 44623  
following: 44624

(i) Take all of the assessments prescribed by division (B) 44625  
of section 3301.0712 of the Revised Code; 44626

(ii) Take only the assessment prescribed by division (B) 44627  
(1) of section 3301.0712 of the Revised Code, provided that the 44628  
student's school publishes the results of that assessment for 44629  
each graduating class. The published results of that assessment 44630  
shall include the overall composite scores, mean scores, twenty- 44631  
fifth percentile scores, and seventy-fifth percentile scores for 44632  
each subject area of the assessment. 44633

(iii) Take an alternative assessment approved by the 44634  
department under section 3313.619 of the Revised Code. 44635

(b) A student who is excused from taking an assessment 44636  
under division (C) of this section or has presented evidence to 44637  
the chartered nonpublic school of having satisfied the condition 44638  
prescribed by division (A) (1) of section 3313.618 of the Revised 44639

Code to qualify for a high school diploma prior to the date of 44640  
the administration of the assessment prescribed under division 44641  
(B) (1) of section 3301.0712 of the Revised Code shall not be 44642  
required to take that assessment. No governing authority of a 44643  
chartered nonpublic school shall prohibit a student who is not 44644  
required to take such assessment from taking the assessment. 44645

(4) The assessments prescribed by sections 3301.0712 and 44646  
3313.619 of the Revised Code shall not be administered to any 44647  
student attending the school, if the school meets all of the 44648  
following conditions: 44649

(a) At least ninety-five per cent of the students enrolled 44650  
in the school are children with disabilities, as defined under 44651  
section 3323.01 of the Revised Code, or have received a 44652  
diagnosis by a school district or from a physician, including a 44653  
neuropsychologist or psychiatrist, or a psychologist who is 44654  
authorized to practice in this or another state as having a 44655  
condition that impairs academic performance, such as dyslexia, 44656  
dyscalculia, attention deficit hyperactivity disorder, or 44657  
Asperger's syndrome. 44658

(b) The school has solely served a student population 44659  
described in division (L) (4) (a) of this section for at least ten 44660  
years. 44661

(c) The school makes available to the department at least 44662  
five years of records of internal testing conducted by the 44663  
school that affords the department data required for 44664  
accountability purposes, including growth in student achievement 44665  
in reading or mathematics, or both, as measured by nationally 44666  
norm-referenced assessments that have developed appropriate 44667  
standards for students. 44668

Division (L) (4) of this section applies to any student 44669  
attending such school regardless of whether the student receives 44670  
special education or related services and regardless of whether 44671  
the student is attending the school under a state scholarship 44672  
program. 44673

(M) (1) The superintendent of Ohio deaf and blind education 44674  
services shall administer the assessments described by sections 44675  
3301.0710 and 3301.0712 of the Revised Code for the state school 44676  
for the blind and the state school for the deaf. The 44677  
superintendent of Ohio deaf and blind education services shall 44678  
administer the assessments in the same manner as district boards 44679  
are required to do under this section and rules adopted by the 44680  
department and in conformity with division (C) (1) (a) of this 44681  
section. 44682

(2) The department shall furnish the assessments described 44683  
by sections 3301.0710 and 3301.0712 of the Revised Code to the 44684  
superintendent of Ohio deaf and blind education services. 44685

(N) Notwithstanding division (E) of this section, a school 44686  
district may use a student's failure to attain a score in at 44687  
least the proficient range on the mathematics assessment 44688  
described by division (A) (1) (a) of section 3301.0710 of the 44689  
Revised Code or on an assessment described by division (A) (1) 44690  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 44691  
Code as a factor in retaining that student in the current grade 44692  
level. 44693

(O) (1) In the manner specified in divisions (O) (3) ~~and~~ 44694  
(4) ~~, (6), and (7)~~ of this section, the assessments required by 44695  
division (A) (1) of section 3301.0710 of the Revised Code shall 44696  
become public records pursuant to section 149.43 of the Revised 44697  
Code on the thirty-first day of July following the school year 44698

that the assessments were administered. 44699

(2) The department may field test proposed questions with 44700  
samples of students to determine the validity, reliability, or 44701  
appropriateness of questions for possible inclusion in a future 44702  
year's assessment. The department also may use anchor questions 44703  
on assessments to ensure that different versions of the same 44704  
assessment are of comparable difficulty. 44705

Field test questions and anchor questions shall not be 44706  
considered in computing scores for individual students. Field 44707  
test questions and anchor questions may be included as part of 44708  
the administration of any assessment required by division (A) (1) 44709  
or (B) of section 3301.0710 and division (B) of section 44710  
3301.0712 of the Revised Code. 44711

(3) Any field test question or anchor question 44712  
administered under division (O) (2) of this section shall not be 44713  
a public record. Such field test questions and anchor questions 44714  
shall be redacted from any assessments which are released as a 44715  
public record pursuant to division (O) (1) of this section. 44716

~~(4) This division applies to the assessments prescribed by 44717  
division (A) of section 3301.0710 of the Revised Code. 44718~~

~~(a) The first administration of each assessment, as 44719  
specified in former section 3301.0712 of the Revised Code, shall 44720  
be a public record. 44721~~

~~(b) For subsequent administrations of each assessment 44722  
prior to the 2011-2012 school year, not less than forty per cent 44723  
of the questions on the assessment that are used to compute a 44724  
student's score shall be a public record. The department shall 44725  
determine which questions will be needed for reuse on a future 44726  
assessment and those questions shall not be public records and 44727~~

~~shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O) (3) of this section.~~

~~(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.~~

~~(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.~~

~~(6) (a) Except as provided in division (O) (6) (b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:~~

~~(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;~~

~~(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;~~

~~(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of~~

~~July two years after the administration of the assessment.~~ 44757

~~The entire content of an assessment shall become a public record within three years of its administration.~~ 44758  
44759

~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.~~ 44760  
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~~(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.~~ 44765  
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~~(7) Division (O) (7) (O) (4) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code.~~ 44768  
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Beginning with the assessments administered in the spring of the ~~2017-2018~~ 2025-2026 school year, ~~not less than forty percent of the~~ the department shall determine which questions on each assessment that are used to compute a student's score ~~shall be~~ are a public record, if any. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under 44771  
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division (O) (3) of this section. 44786

(P) As used in this section: 44787

(1) "Three-year average" means the average of the most 44788  
recent consecutive three school years of data. 44789

(2) "Dropout" means a student who withdraws from school 44790  
before completing course requirements for graduation and who is 44791  
not enrolled in an education program approved by the department 44792  
or an education program outside the state. "Dropout" does not 44793  
include a student who has departed the country. 44794

(3) "Graduation rate" means the ratio of students 44795  
receiving a diploma to the number of students who entered ninth 44796  
grade four years earlier. Students who transfer into the 44797  
district are added to the calculation. Students who transfer out 44798  
of the district for reasons other than dropout are subtracted 44799  
from the calculation. If a student who was a dropout in any 44800  
previous year returns to the same school district, that student 44801  
shall be entered into the calculation as if the student had 44802  
entered ninth grade four years before the graduation year of the 44803  
graduating class that the student joins. 44804

(4) "State scholarship programs" means the educational 44805  
choice scholarship pilot program established under sections 44806  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 44807  
program established under section 3310.41 of the Revised Code, 44808  
the Jon Peterson special needs scholarship program established 44809  
under sections 3310.51 to 3310.64 of the Revised Code, and the 44810  
pilot project scholarship program established under sections 44811  
3313.974 to 3313.979 of the Revised Code. 44812

(5) "Other public school" means a community school 44813  
established under Chapter 3314., a STEM school established under 44814

Chapter 3326., or a college-preparatory boarding school 44815  
established under Chapter 3328. of the Revised Code. 44816

(6) "English learner" has the same meaning as in section 44817  
3301.0731 of the Revised Code. 44818

(7) "Classical school" means a community school 44819  
established under Chapter 3314. of the Revised Code that is a 44820  
member of the Ohio classical school association, or its 44821  
successor organization, and uses a curriculum substantially 44822  
similar to that of a nationally recognized classical school 44823  
network. 44824

**Sec. 3301.0712.** (A) The department of education and 44825  
workforce and the chancellor of higher education shall develop a 44826  
system of college and work ready assessments as described in 44827  
division (B) of this section to assess whether each student upon 44828  
graduating from high school is ready to enter college or the 44829  
workforce. Beginning with students who enter the ninth grade for 44830  
the first time on or after July 1, 2014, the system shall 44831  
replace the Ohio graduation tests prescribed in division (B)(1) 44832  
of section 3301.0710 of the Revised Code as a measure of student 44833  
academic performance and one determinant of eligibility for a 44834  
high school diploma in the manner prescribed by rule adopted 44835  
under division (D) of this section. 44836

(B) The college and work ready assessment system shall 44837  
consist of the following: 44838

(1) (a) Except as provided in division (B)(1)(b) of this 44839  
section, nationally standardized assessments that measure 44840  
college and career readiness and are used for college admission. 44841  
The assessments shall be selected jointly by the department and 44842  
the chancellor, and one of which shall be selected by each 44843

school district or school to administer to its students. The 44844  
assessments prescribed under division (B) (1) of this section 44845  
shall be administered to all eleventh-grade students in the 44846  
spring of the school year. 44847

(b) Beginning with students who enter the ninth grade for 44848  
the first time on or after July 1, 2022, the parent or guardian 44849  
of a student may elect not to have a nationally standardized 44850  
assessment administered to that student. In that event, the 44851  
student's school district or school shall not administer the 44852  
nationally standardized assessment to that student. 44853

(2) (a) Except as provided in division (B) (2) (b) of this 44854  
section, seven end-of-course examinations, one in each of the 44855  
areas of English language arts I, English language arts II, 44856  
science, Algebra I, geometry, American history, and American 44857  
government. The end-of-course examinations shall be selected 44858  
jointly by the department and the chancellor in consultation 44859  
with faculty in the appropriate subject areas at institutions of 44860  
higher education of the university system of Ohio. Advanced 44861  
placement examinations and international baccalaureate 44862  
examinations, as prescribed under section 3313.6013 of the 44863  
Revised Code, in the areas of science, American history, and 44864  
American government may be used as end-of-course examinations in 44865  
accordance with division (B) (4) (a) (i) of this section. Final 44866  
course grades for courses taken under any other advanced 44867  
standing program, as prescribed under section 3313.6013 of the 44868  
Revised Code, in the areas of science, American history, and 44869  
American government may be used in lieu of end-of-course 44870  
examinations in accordance with division (B) (4) (a) (ii) of this 44871  
section. 44872

(b) Beginning with students who enter ninth grade for the 44873

first time on or after July 1, 2019, five end-of-course 44874  
examinations, one in each areas of English language arts II, 44875  
science, Algebra I, American history, and American government. 44876  
However, only the end-of-course examinations in English language 44877  
arts II and Algebra I shall be required for graduation. 44878

The department shall, as necessary to implement division 44879  
(B) (2) (b) of this section, seek a waiver from the United States 44880  
secretary of education for testing requirements prescribed under 44881  
federal law to allow for the use and implementation of Algebra I 44882  
as the primary assessment of high school mathematics. If the 44883  
department does not receive a waiver under this division, the 44884  
end-of-course examinations for students described in division 44885  
(B) (2) (b) of this section also shall include an end-of-course 44886  
examination in the area of geometry. However, the geometry end- 44887  
of-course examination shall not be required for graduation. 44888

(3) The end-of-course examinations in American history and 44889  
American government shall require demonstration of mastery of 44890  
the American history and American government content for social 44891  
studies standards adopted under division (A) (1) (b) of section 44892  
3301.079 of the Revised Code and the topics required under 44893  
division (M) of section 3313.603 of the Revised Code. 44894

At least twenty per cent of the end-of-course examination 44895  
in American government shall address the topics on American 44896  
history and American government described in division (M) of 44897  
section 3313.603 of the Revised Code. 44898

(4) (a) Notwithstanding anything to the contrary in this 44899  
section, both of the following shall apply: 44900

(i) If a student is enrolled in an appropriate advanced 44901  
placement or international baccalaureate course, that student 44902

shall take the advanced placement or international baccalaureate 44903  
examination in lieu of the science, American history, or 44904  
American government end-of-course examinations prescribed under 44905  
division (B) (2) of this section. The department shall specify 44906  
the score levels for each advanced placement examination and 44907  
international baccalaureate examination for purposes of 44908  
calculating the minimum cumulative performance score that 44909  
demonstrates the level of academic achievement necessary to earn 44910  
a high school diploma. 44911

(ii) If a student is enrolled in an appropriate course 44912  
under any other advanced standing program, as described in 44913  
section 3313.6013 of the Revised Code, that student shall not be 44914  
required to take the science, American history, or American 44915  
government end-of-course examination, whichever is applicable, 44916  
prescribed under division (B) (2) of this section. Instead, that 44917  
student's final course grade shall be used in lieu of the 44918  
applicable end-of-course examination prescribed under that 44919  
section. The department, in consultation with the chancellor, 44920  
shall adopt guidelines for purposes of calculating the 44921  
corresponding final course grades that demonstrate the level of 44922  
academic achievement necessary to earn a high school diploma. 44923

Division (B) (4) (a) (ii) of this section shall apply only to 44924  
courses for which students receive transcribed credit, as 44925  
defined in section 3365.01 of the Revised Code. It shall not 44926  
apply to remedial or developmental courses. 44927

(b) No student shall take a substitute examination or 44928  
examination prescribed under division (B) (4) (a) of this section 44929  
in place of the end-of-course examinations in English language 44930  
arts I, English language arts II, Algebra I, or geometry 44931  
prescribed under division (B) (2) of this section. 44932

(c) The department shall consider additional assessments 44933  
that may be used as substitute examinations in lieu of the end- 44934  
of-course examinations prescribed under division (B) (2) of this 44935  
section. 44936

(5) The department shall do all of the following: 44937

(a) Determine and designate at least five ranges of scores 44938  
on each of the end-of-course examinations prescribed under 44939  
division (B) (2) of this section, and substitute examinations 44940  
prescribed under division (B) (4) of this section. Not later than 44941  
sixty days after the designation of ranges of scores, the 44942  
director of education and workforce shall conduct a public 44943  
presentation before the standing committees of the house of 44944  
representatives and the senate that consider primary and 44945  
secondary education legislation regarding the designated range 44946  
of scores. Each range of scores shall be considered to 44947  
demonstrate a level of achievement so that any student attaining 44948  
a score within such range has achieved one of the following: 44949

(i) An advanced level of skill; 44950

(ii) An accomplished level of skill; 44951

(iii) A proficient level of skill; 44952

(iv) A basic level of skill; 44953

(v) A limited level of skill. 44954

(b) Determine a method by which to calculate a cumulative 44955  
performance score based on the results of a student's end-of- 44956  
course examinations or substitute examinations; 44957

(c) Determine the minimum cumulative performance score 44958  
that demonstrates the level of academic achievement necessary to 44959  
earn a high school diploma under division (A) (2) of section 44960

3313.618 of the Revised Code. However, no new minimum cumulative performance score shall be determined after October 17, 2019.

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.

(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.

(ii) The examination was not available for administration prior to July 1, 2015.

Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:

(i) The student is considered to have attained a 44990  
proficient score on the end-of-course examination from which the 44991  
student is exempt; 44992

(ii) The student's final course grade shall be used in 44993  
lieu of a score on the end-of-course examination from which the 44994  
student is exempt. 44995

The department, in consultation with the chancellor, shall 44996  
adopt guidelines for purposes of calculating the corresponding 44997  
final course grades and the minimum cumulative performance score 44998  
that demonstrates the level of academic achievement necessary to 44999  
earn a high school diploma. 45000

(7) (a) Notwithstanding anything to the contrary in this 45001  
section, the department may replace the algebra I end-of-course 45002  
examination prescribed under division (B) (2) of this section 45003  
with an algebra II end-of-course examination, beginning with the 45004  
2016-2017 school year for students who enter ninth grade on or 45005  
after July 1, 2016. 45006

(b) If the department replaces the algebra I end-of-course 45007  
examination with an algebra II end-of-course examination as 45008  
authorized under division (B) (7) (a) of this section, both of the 45009  
following shall apply: 45010

(i) A student who is enrolled in an advanced placement or 45011  
international baccalaureate course in algebra II shall take the 45012  
advanced placement or international baccalaureate examination in 45013  
lieu of the algebra II end-of-course examination. 45014

(ii) A student who is enrolled in an algebra II course 45015  
under any other advanced standing program, as described in 45016  
section 3313.6013 of the Revised Code, shall not be required to 45017  
take the algebra II end-of-course examination. Instead, that 45018

student's final course grade shall be used in lieu of the 45019  
examination. 45020

(c) If a school district or school utilizes an integrated 45021  
approach to mathematics instruction, the district or school may 45022  
do either or both of the following: 45023

(i) Administer an integrated mathematics I end-of-course 45024  
examination in lieu of the prescribed algebra I end-of-course 45025  
examination; 45026

(ii) Administer an integrated mathematics II end-of-course 45027  
examination in lieu of the prescribed geometry end-of-course 45028  
examination. 45029

(8) (a) For students entering the ninth grade for the first 45030  
time on or after July 1, 2014, but prior to July 1, 2015, the 45031  
assessment in the area of science shall be physical science or 45032  
biology. For students entering the ninth grade for the first 45033  
time on or after July 1, 2015, the assessment in the area of 45034  
science shall be biology. 45035

(b) Until July 1, 2019, the department shall make 45036  
available the end-of-course examination in physical science for 45037  
students who entered the ninth grade for the first time on or 45038  
after July 1, 2014, but prior to July 1, 2015, and who wish to 45039  
retake the examination. 45040

(c) The department shall adopt rules prescribing the 45041  
requirements for the end-of-course examination in science for 45042  
students who entered the ninth grade for the first time on or 45043  
after July 1, 2014, but prior to July 1, 2015, and who have not 45044  
met the requirement prescribed by section 3313.618 of the 45045  
Revised Code by July 1, 2019, due to a student's failure to 45046  
satisfy division (A) (2) of section 3313.618 of the Revised Code. 45047

(9) The department shall not develop or administer an end-of-course examination in the area of world history. 45048  
45049

(10) The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility. 45050  
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(C) The department shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section. 45055  
45056  
45057  
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(D) Upon completion of the development of the assessment system, the department shall adopt rules prescribing all of the following: 45061  
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45063

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the department determines such a phase-in is warranted; 45064  
45065  
45066

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 45067  
45068  
45069  
45070

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612 of the Revised Code; 45071  
45072  
45073  
45074  
45075

(4) The date after which a person who has fulfilled the 45076

curriculum requirement for a diploma but has not passed one or 45077  
more of the required assessments at the time the person 45078  
fulfilled the curriculum requirement shall meet the requirements 45079  
of the entire assessment system as a prerequisite for a high 45080  
school diploma under division (B) of section 3313.614 of the 45081  
Revised Code; 45082

(5) The extent to which the assessment system applies to 45083  
students enrolled in a dropout ~~recovery and prevention~~ and 45084  
recovery program for purposes of division (F) of section 45085  
3313.603 ~~and or~~ a dropout prevention and recovery community 45086  
school under section 3314.36 of the Revised Code. 45087

(E) (1) Any person enrolled in a nonchartered nonpublic 45088  
school or any person who is exempt from attendance at school for 45089  
the purpose of home education under section 3321.042 of the 45090  
Revised Code may choose to participate in the system of 45091  
assessments administered under divisions (B) (1) and (2) of this 45092  
section. However, no such person shall be required to 45093  
participate in the system of assessments. 45094

(2) The department shall adopt rules for the 45095  
administration and scoring of any assessments under division (E) 45096  
(1) of this section. 45097

(F) The department shall select at least one nationally 45098  
recognized job skills assessment. Each school district shall 45099  
administer that assessment to those students who opt to take it. 45100  
The department shall reimburse a school district for the costs 45101  
of administering that assessment. The department shall establish 45102  
the minimum score a student must attain on the job skills 45103  
assessment in order to demonstrate a student's workforce 45104  
readiness and employability. The administration of the job 45105  
skills assessment to a student under this division shall not 45106

exempt a school district from administering the assessments 45107  
prescribed in division (B) of this section to that student. 45108

**Sec. 3301.0714.** (A) The department of education and 45109  
workforce shall adopt rules for a statewide education management 45110  
information system. The rules shall require the department to 45111  
establish guidelines for the establishment and maintenance of 45112  
the system in accordance with this section and the rules adopted 45113  
under this section. The guidelines shall include: 45114

(1) Standards identifying and defining the types of data 45115  
in the system in accordance with divisions (B) and (C) of this 45116  
section; 45117

(2) Procedures for annually collecting and reporting the 45118  
data to the department in accordance with division (D) of this 45119  
section; 45120

(3) Procedures for annually compiling the data in 45121  
accordance with division (G) of this section; 45122

(4) Procedures for annually reporting the data to the 45123  
public in accordance with division (H) of this section; 45124

(5) Standards to provide strict safeguards to protect the 45125  
confidentiality of personally identifiable student data. 45126

(B) The guidelines adopted under this section shall 45127  
require the data maintained in the education management 45128  
information system to include at least the following: 45129

(1) Student participation and performance data, for each 45130  
grade in each school district as a whole and for each grade in 45131  
each school building in each school district, that includes: 45132

(a) The numbers of students receiving each category of 45133  
instructional service offered by the school district, such as 45134

regular education instruction, vocational education instruction, 45135  
specialized instruction programs or enrichment instruction that 45136  
is part of the educational curriculum, instruction for gifted 45137  
students, instruction for students with disabilities, and 45138  
remedial instruction. The guidelines shall require instructional 45139  
services under this division to be divided into discrete 45140  
categories if an instructional service is limited to a specific 45141  
subject, a specific type of student, or both, such as regular 45142  
instructional services in mathematics, remedial reading 45143  
instructional services, instructional services specifically for 45144  
students gifted in mathematics or some other subject area, or 45145  
instructional services for students with a specific type of 45146  
disability. The categories of instructional services required by 45147  
the guidelines under this division shall be the same as the 45148  
categories of instructional services used in determining cost 45149  
units pursuant to division (C) (3) of this section. 45150

(b) The numbers of students receiving support or 45151  
extracurricular services for each of the support services or 45152  
extracurricular programs offered by the school district, such as 45153  
counseling services, health services, and extracurricular sports 45154  
and fine arts programs. The categories of services required by 45155  
the guidelines under this division shall be the same as the 45156  
categories of services used in determining cost units pursuant 45157  
to division (C) (4) (a) of this section. 45158

(c) Average student grades in each subject in grades nine 45159  
through twelve; 45160

(d) Academic achievement levels as assessed under sections 45161  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 45162

(e) The number of students designated as having a 45163  
disabling condition pursuant to division (C) (1) of section 45164

3301.0711 of the Revised Code;	45165
(f) The numbers of students reported to the department pursuant to division (C) (2) of section 3301.0711 of the Revised Code;	45166 45167 45168
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	45169 45170 45171 45172
(h) Expulsion rates;	45173
(i) Suspension rates;	45174
(j) Dropout rates;	45175
(k) Rates of retention in grade;	45176
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with the director's rules;	45177 45178 45179
(m) Graduation rates, to be calculated in a manner specified by the department that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	45180 45181 45182 45183 45184
(n) Results of diagnostic assessments <del>administered to kindergarten students as required under</del> <u>described in division (A) (1) of section 3301.0715 of the Revised Code to permit a</u> <del>comparison of the academic readiness of kindergarten students.</del> <del>However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of</del>	45185 45186 45187 45188 45189 45190 45191 45192

<del>the Revised Code, if the parent of that student requests the</del>	45193
<del>district not to report those results.;</del>	45194
(o) The number of students earning each state diploma seal	45195
included in the system prescribed under division (A) of section	45196
3313.6114 of the Revised Code;	45197
(p) The number of students demonstrating competency for	45198
graduation using each option described in divisions (B) (1) (a) to	45199
(d) of section 3313.618 of the Revised Code;	45200
(q) The number of students completing each foundational	45201
and supporting option as part of the demonstration of competency	45202
for graduation pursuant to division (B) (1) (b) of section	45203
3313.618 of the Revised Code;	45204
(r) The number of students enrolled in all-day	45205
kindergarten, as defined in section 3321.05 of the Revised Code.	45206
(2) Personnel and classroom enrollment data for each	45207
school district, including:	45208
(a) The total numbers of licensed employees and	45209
nonlicensed employees and the numbers of full-time equivalent	45210
licensed employees and nonlicensed employees providing each	45211
category of instructional service, instructional support	45212
service, and administrative support service used pursuant to	45213
division (C) (3) of this section. The guidelines adopted under	45214
this section shall require these categories of data to be	45215
maintained for the school district as a whole and, wherever	45216
applicable, for each grade in the school district as a whole,	45217
for each school building as a whole, and for each grade in each	45218
school building.	45219
(b) The total number of employees and the number of full-	45220
time equivalent employees providing each category of service	45221

used pursuant to divisions (C) (4) (a) and (b) of this section, 45222  
and the total numbers of licensed employees and nonlicensed 45223  
employees and the numbers of full-time equivalent licensed 45224  
employees and nonlicensed employees providing each category used 45225  
pursuant to division (C) (4) (c) of this section. The guidelines 45226  
adopted under this section shall require these categories of 45227  
data to be maintained for the school district as a whole and, 45228  
wherever applicable, for each grade in the school district as a 45229  
whole, for each school building as a whole, and for each grade 45230  
in each school building. 45231

(c) The total number of regular classroom teachers 45232  
teaching classes of regular education and the average number of 45233  
pupils enrolled in each such class, in each of grades 45234  
kindergarten through five in the district as a whole and in each 45235  
school building in the school district. 45236

(d) The number of lead teachers employed by each school 45237  
district and each school building. 45238

(e) The number of teachers, administrators, school 45239  
psychologists, and speech-language pathologists employed by each 45240  
school district and school building who have completed training 45241  
in the science of reading under section 3319.2310 of the Revised 45242  
Code. 45243

(3) (a) Student demographic data for each school district, 45244  
including information regarding the gender ratio of the school 45245  
district's pupils, the racial make-up of the school district's 45246  
pupils, the number of English learners in the district, and an 45247  
appropriate measure of the number of the school district's 45248  
pupils who reside in economically disadvantaged households. The 45249  
demographic data shall be collected in a manner to allow 45250  
correlation with data collected under division (B) (1) of this 45251

section. Categories for data collected pursuant to division (B) 45252  
(3) of this section shall conform, where appropriate, to 45253  
standard practices of agencies of the federal government. 45254

(b) With respect to each student entering kindergarten, 45255  
whether the student previously participated in a public 45256  
preschool program, a private preschool program, or a head start 45257  
program, and the number of years the student participated in 45258  
each of these programs. 45259

(4) (a) The core curriculum and instructional materials 45260  
being used for English language arts in each of grades pre- 45261  
kindergarten to five; 45262

(b) The reading intervention programs being used in each 45263  
of grades pre-kindergarten to twelve; 45264

(c) The core curriculum and instructional materials being 45265  
used for mathematics in each of grades pre-kindergarten to 45266  
twelve. 45267

(5) Any data required to be collected pursuant to federal 45268  
law. 45269

(C) The education management information system shall 45270  
include cost accounting data for each district as a whole and 45271  
for each school building in each school district. The guidelines 45272  
adopted under this section shall require the cost data for each 45273  
school district to be maintained in a system of mutually 45274  
exclusive cost units and shall require all of the costs of each 45275  
school district to be divided among the cost units. The 45276  
guidelines shall require the system of mutually exclusive cost 45277  
units to include at least the following: 45278

(1) Administrative costs for the school district as a 45279  
whole. The guidelines shall require the cost units under this 45280

division (C) (1) to be designed so that each of them may be 45281  
compiled and reported in terms of average expenditure per pupil 45282  
in enrolled ADM in the school district, as determined pursuant 45283  
to section 3317.03 of the Revised Code. 45284

(2) Administrative costs for each school building in the 45285  
school district. The guidelines shall require the cost units 45286  
under this division (C) (2) to be designed so that each of them 45287  
may be compiled and reported in terms of average expenditure per 45288  
full-time equivalent pupil receiving instructional or support 45289  
services in each building. 45290

(3) Instructional services costs for each category of 45291  
instructional service provided directly to students and required 45292  
by guidelines adopted pursuant to division (B) (1) (a) of this 45293  
section. The guidelines shall require the cost units under 45294  
division (C) (3) of this section to be designed so that each of 45295  
them may be compiled and reported in terms of average 45296  
expenditure per pupil receiving the service in the school 45297  
district as a whole and average expenditure per pupil receiving 45298  
the service in each building in the school district and in terms 45299  
of a total cost for each category of service and, as a breakdown 45300  
of the total cost, a cost for each of the following components: 45301

(a) The cost of each instructional services category 45302  
required by guidelines adopted under division (B) (1) (a) of this 45303  
section that is provided directly to students by a classroom 45304  
teacher; 45305

(b) The cost of the instructional support services, such 45306  
as services provided by a speech-language pathologist, classroom 45307  
aide, multimedia aide, or librarian, provided directly to 45308  
students in conjunction with each instructional services 45309  
category; 45310

(c) The cost of the administrative support services 45311  
related to each instructional services category, such as the 45312  
cost of personnel that develop the curriculum for the 45313  
instructional services category and the cost of personnel 45314  
supervising or coordinating the delivery of the instructional 45315  
services category. 45316

(4) Support or extracurricular services costs for each 45317  
category of service directly provided to students and required 45318  
by guidelines adopted pursuant to division (B) (1) (b) of this 45319  
section. The guidelines shall require the cost units under 45320  
division (C) (4) of this section to be designed so that each of 45321  
them may be compiled and reported in terms of average 45322  
expenditure per pupil receiving the service in the school 45323  
district as a whole and average expenditure per pupil receiving 45324  
the service in each building in the school district and in terms 45325  
of a total cost for each category of service and, as a breakdown 45326  
of the total cost, a cost for each of the following components: 45327

(a) The cost of each support or extracurricular services 45328  
category required by guidelines adopted under division (B) (1) (b) 45329  
of this section that is provided directly to students by a 45330  
licensed employee, such as services provided by a guidance 45331  
counselor or any services provided by a licensed employee under 45332  
a supplemental contract; 45333

(b) The cost of each such services category provided 45334  
directly to students by a nonlicensed employee, such as 45335  
janitorial services, cafeteria services, or services of a sports 45336  
trainer; 45337

(c) The cost of the administrative services related to 45338  
each services category in division (C) (4) (a) or (b) of this 45339  
section, such as the cost of any licensed or nonlicensed 45340

employees that develop, supervise, coordinate, or otherwise are 45341  
involved in administering or aiding the delivery of each 45342  
services category. 45343

(D) (1) The guidelines adopted under this section shall 45344  
require school districts to collect information about individual 45345  
students, staff members, or both in connection with any data 45346  
required by division (B) or (C) of this section or other 45347  
reporting requirements established in the Revised Code. The 45348  
guidelines may also require school districts to report 45349  
information about individual staff members in connection with 45350  
any data required by division (B) or (C) of this section or 45351  
other reporting requirements established in the Revised Code. 45352  
The guidelines shall not authorize school districts to request 45353  
social security numbers of individual students. The guidelines 45354  
shall prohibit the reporting under this section of a student's 45355  
name, address, and social security number to the department. The 45356  
guidelines shall also prohibit the reporting under this section 45357  
of any personally identifiable information about any student, 45358  
except for the purpose of assigning the data verification code 45359  
required by division (D) (2) of this section, to any other person 45360  
unless such person is employed by the school district or the 45361  
information technology center operated under section 3301.075 of 45362  
the Revised Code and is authorized by the district or technology 45363  
center to have access to such information or is employed by an 45364  
entity with which the department contracts for the scoring or 45365  
the development of state assessments. The guidelines may require 45366  
school districts to provide the social security numbers of 45367  
individual staff members and the county of residence for a 45368  
student. Nothing in this section prohibits the department from 45369  
providing a student's county of residence to the department of 45370  
taxation to facilitate the distribution of tax revenue. 45371

(2) (a) The guidelines shall provide for each school 45372  
district or community school to assign a data verification code 45373  
that is unique on a statewide basis over time to each student 45374  
whose initial Ohio enrollment is in that district or school and 45375  
to report all required individual student data for that student 45376  
utilizing such code. The guidelines shall also provide for 45377  
assigning data verification codes to all students enrolled in 45378  
districts or community schools on the effective date of the 45379  
guidelines established under this section. The assignment of 45380  
data verification codes for other entities, as described in 45381  
division (D) (2) (d) of this section, the use of those codes, and 45382  
the reporting and use of associated individual student data 45383  
shall be coordinated by the department of education and 45384  
workforce in accordance with state and federal law. 45385

School districts shall report individual student data to 45386  
the department through the information technology centers 45387  
utilizing the code. The entities described in division (D) (2) (d) 45388  
of this section shall report individual student data to the 45389  
department in the manner prescribed by the department. 45390

(b) (i) Except as provided in sections 3301.941, 3310.11, 45391  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 45392  
Code, and in division (D) (2) (b) (ii) of this section, at no time 45393  
shall the department have access to information that would 45394  
enable any data verification code to be matched to personally 45395  
identifiable student data. 45396

(ii) For the purpose of making per-pupil payments to 45397  
community schools under section 3317.022 of the Revised Code, 45398  
the department shall have access to information that would 45399  
enable any data verification code to be matched to personally 45400  
identifiable student data. 45401

(c) Each school district and community school shall ensure 45402  
that the data verification code is included in the student's 45403  
records reported to any subsequent school district, community 45404  
school, or state institution of higher education, as defined in 45405  
section 3345.011 of the Revised Code, in which the student 45406  
enrolls. Any such subsequent district or school shall utilize 45407  
the same identifier in its reporting of data under this section. 45408

(d) (i) The director of any state agency that administers a 45409  
publicly funded program providing services to children who are 45410  
younger than compulsory school age, as defined in section 45411  
3321.01 of the Revised Code, including the directors of health, 45412  
job and family services, mental health and addiction services, 45413  
children and youth, and developmental disabilities, shall 45414  
request and receive, pursuant to sections 3301.0723 and 5180.33 45415  
of the Revised Code, a data verification code for a child who is 45416  
receiving those services. 45417

(ii) The director of developmental disabilities, director 45418  
of health, director of job and family services, director of 45419  
children and youth, director of mental health and addiction 45420  
services, medicaid director, executive director of the 45421  
commission on minority health, executive director of the 45422  
opportunities for Ohioans with disabilities agency, or director 45423  
of education and workforce, on behalf of a program that receives 45424  
public funds and provides services to children who are younger 45425  
than compulsory school age, may request and receive, pursuant to 45426  
section 3301.0723 of the Revised Code, a data verification code 45427  
for a child who is receiving services from the program. 45428

(E) The guidelines adopted under this section may require 45429  
school districts to collect and report data, information, or 45430  
reports other than that described in divisions (A), (B), and (C) 45431

of this section for the purpose of complying with other 45432  
reporting requirements established in the Revised Code. The 45433  
other data, information, or reports may be maintained in the 45434  
education management information system but are not required to 45435  
be compiled as part of the profile formats required under 45436  
division (G) of this section or the annual statewide report 45437  
required under division (H) of this section. 45438

(F) The board of education of each school district shall 45439  
annually collect and report to the department, in accordance 45440  
with the guidelines established by the department, the data 45441  
required pursuant to this section. A school district may collect 45442  
and report these data notwithstanding section 2151.357 or 45443  
3319.321 of the Revised Code. 45444

(G) The department shall, in accordance with the 45445  
procedures it adopts, annually compile the data reported by each 45446  
school district pursuant to division (D) of this section. The 45447  
department shall design formats for profiling each school 45448  
district as a whole and each school building within each 45449  
district and shall compile the data in accordance with these 45450  
formats. These profile formats shall: 45451

(1) Include all of the data gathered under this section in 45452  
a manner that facilitates comparison among school districts and 45453  
among school buildings within each school district; 45454

(2) Present the data on academic achievement levels as 45455  
assessed by the testing of student achievement maintained 45456  
pursuant to division (B)(1)(d) of this section. 45457

(H)(1) The department shall, in accordance with the 45458  
procedures it adopts, annually prepare a statewide report for 45459  
all school districts and the general public that includes the 45460

profile of each of the school districts developed pursuant to 45461  
division (G) of this section. Copies of the report shall be sent 45462  
to each school district. 45463

(2) The department shall, in accordance with the 45464  
procedures it adopts, annually prepare an individual report for 45465  
each school district and the general public that includes the 45466  
profiles of each of the school buildings in that school district 45467  
developed pursuant to division (G) of this section. 45468

(I) Any data that is collected or maintained pursuant to 45469  
this section and that identifies an individual pupil is not a 45470  
public record for the purposes of section 149.43 of the Revised 45471  
Code. 45472

(J) As used in this section: 45473

(1) "School district" means any city, local, exempted 45474  
village, or joint vocational school district and, in accordance 45475  
with section 3314.17 of the Revised Code, any community school. 45476  
As used in division (L) of this section, "school district" also 45477  
includes any educational service center or other educational 45478  
entity required to submit data using the system established 45479  
under this section. 45480

(2) "Cost" means any expenditure for operating expenses 45481  
made by a school district excluding any expenditures for debt 45482  
retirement except for payments made to any commercial lending 45483  
institution for any loan approved pursuant to section 3313.483 45484  
of the Revised Code. 45485

(K) Any person who removes data from the information 45486  
system established under this section for the purpose of 45487  
releasing it to any person not entitled under law to have access 45488  
to such information is subject to section 2913.42 of the Revised 45489

Code prohibiting tampering with data. 45490

(L) (1) In accordance with division (L) (2) of this section 45491  
and the rules adopted under division (L) (10) of this section, 45492  
the department may sanction any school district that reports 45493  
incomplete or inaccurate data, reports data that does not 45494  
conform to data requirements and descriptions published by the 45495  
department, fails to report data in a timely manner, or 45496  
otherwise does not make a good faith effort to report data as 45497  
required by this section. 45498

(2) If the department decides to sanction a school 45499  
district under this division, the department shall take the 45500  
following sequential actions: 45501

(a) Notify the district in writing that the department has 45502  
determined that data has not been reported as required under 45503  
this section and require the district to review its data 45504  
submission and submit corrected data by a deadline established 45505  
by the department. The department also may require the district 45506  
to develop a corrective action plan, which shall include 45507  
provisions for the district to provide mandatory staff training 45508  
on data reporting procedures. 45509

(b) Withhold up to ten per cent of the total amount of 45510  
state funds due to the district for the current fiscal year and, 45511  
if not previously required under division (L) (2) (a) of this 45512  
section, require the district to develop a corrective action 45513  
plan in accordance with that division; 45514

(c) Withhold an additional amount of up to twenty per cent 45515  
of the total amount of state funds due to the district for the 45516  
current fiscal year; 45517

(d) Direct department staff or an outside entity to 45518

investigate the district's data reporting practices and make 45519  
recommendations for subsequent actions. The recommendations may 45520  
include one or more of the following actions: 45521

- (i) Arrange for an audit of the district's data reporting 45522  
practices by department staff or an outside entity; 45523
- (ii) Conduct a site visit and evaluation of the district; 45524
- (iii) Withhold an additional amount of up to thirty per 45525  
cent of the total amount of state funds due to the district for 45526  
the current fiscal year; 45527
- (iv) Continue monitoring the district's data reporting; 45528
- (v) Assign department staff to supervise the district's 45529  
data management system; 45530
- (vi) Conduct an investigation to determine whether to 45531  
suspend or revoke the license of any district employee in 45532  
accordance with division (N) of this section; 45533
- (vii) If the district is issued a report card under 45534  
section 3302.03 of the Revised Code, indicate on the report card 45535  
that the district has been sanctioned for failing to report data 45536  
as required by this section; 45537
- (viii) If the district is issued a report card under 45538  
section 3302.03 of the Revised Code and incomplete or inaccurate 45539  
data submitted by the district likely caused the district to 45540  
receive a higher performance rating than it deserved under that 45541  
section, issue a revised report card for the district; 45542
- (ix) Any other action designed to correct the district's 45543  
data reporting problems. 45544

(3) Any time the department takes an action against a 45545

school district under division (L) (2) of this section, the 45546  
department shall make a report of the circumstances that 45547  
prompted the action. The department shall send a copy of the 45548  
report to the district superintendent or chief administrator and 45549  
maintain a copy of the report in its files. 45550

(4) If any action taken under division (L) (2) of this 45551  
section resolves a school district's data reporting problems to 45552  
the department's satisfaction, the department shall not take any 45553  
further actions described by that division. If the department 45554  
withheld funds from the district under that division, the 45555  
department may release those funds to the district, except that 45556  
if the department withheld funding under division (L) (2) (c) of 45557  
this section, the department shall not release the funds 45558  
withheld under division (L) (2) (b) of this section and, if the 45559  
department withheld funding under division (L) (2) (d) of this 45560  
section, the department shall not release the funds withheld 45561  
under division (L) (2) (b) or (c) of this section. 45562

(5) Notwithstanding anything in this section to the 45563  
contrary, the department may use its own staff or an outside 45564  
entity to conduct an audit of a school district's data reporting 45565  
practices any time the department has reason to believe the 45566  
district has not made a good faith effort to report data as 45567  
required by this section. If any audit conducted by an outside 45568  
entity under division (L) (2) (d) (i) or (5) of this section 45569  
confirms that a district has not made a good faith effort to 45570  
report data as required by this section, the district shall 45571  
reimburse the department for the full cost of the audit. The 45572  
department may withhold state funds due to the district for this 45573  
purpose. 45574

(6) Prior to issuing a revised report card for a school 45575

district under division (L) (2) (d) (viii) of this section, the 45576  
department may hold a hearing to provide the district with an 45577  
opportunity to demonstrate that it made a good faith effort to 45578  
report data as required by this section. The hearing shall be 45579  
conducted by a referee appointed by the department. Based on the 45580  
information provided in the hearing, the referee shall recommend 45581  
whether the department should issue a revised report card for 45582  
the district. If the referee affirms the department's contention 45583  
that the district did not make a good faith effort to report 45584  
data as required by this section, the district shall bear the 45585  
full cost of conducting the hearing and of issuing any revised 45586  
report card. 45587

(7) If the department determines that any inaccurate data 45588  
reported under this section caused a school district to receive 45589  
excess state funds in any fiscal year, the district shall 45590  
reimburse the department an amount equal to the excess funds, in 45591  
accordance with a payment schedule determined by the department. 45592  
The department may withhold state funds due to the district for 45593  
this purpose. 45594

(8) Any school district that has funds withheld under 45595  
division (L) (2) of this section may appeal the withholding in 45596  
accordance with Chapter 119. of the Revised Code. 45597

(9) In all cases of a disagreement between the department 45598  
and a school district regarding the appropriateness of an action 45599  
taken under division (L) (2) of this section, the burden of proof 45600  
shall be on the district to demonstrate that it made a good 45601  
faith effort to report data as required by this section. 45602

(10) The director of education and workforce shall adopt 45603  
rules under Chapter 119. of the Revised Code to implement 45604  
division (L) of this section. 45605

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

~~(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.~~

~~(Q) If the department cannot compile any of the information required by division (I) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.~~

**Sec. 3301.0715.** ~~(A) Except as required under division (B)(1) of section 3313.608 or as specified in division (D)(3) of section 3301.079 of the Revised Code, the (A)(1) The board of education of each city, local, and exempted village school district shall administer each applicable a diagnostic~~

assessment ~~developed and provided to the district~~ in reading and 45635  
mathematics adopted or approved in accordance with section 45636  
3301.079 of the Revised Code to the following: 45637

~~(1)~~ (a) Each student enrolled in kindergarten, first, 45638  
second, or third grade. 45639

(b) Any student who transfers into the district or to a 45640  
different school within the district if each applicable 45641  
diagnostic assessment was not administered by the district or 45642  
school the student previously attended in the current school 45643  
year, within thirty days after the date of transfer. If the 45644  
district or school into which the student transfers cannot 45645  
determine whether the student has taken any applicable 45646  
diagnostic assessment in the current school year, the district 45647  
or school may administer the diagnostic assessment to the 45648  
student. However, if a student transfers into the district prior 45649  
to the administration of the diagnostic assessments to all 45650  
students under division (B) of this section, the district may 45651  
administer the diagnostic assessments to that student on the 45652  
date or dates determined under that division. 45653

~~(2) Each kindergarten student, not earlier than the first-~~ 45654  
~~day of July of the school year and not later than the twentieth-~~ 45655  
~~day of instruction of that school year.~~ 45656

~~For the purpose of division (A) (2) of this section, the-~~ 45657  
The district shall administer the kindergarten readiness 45658  
assessment provided by the department of children and youth to 45659  
each kindergarten student not earlier than the first day of July 45660  
of the school year in which the student is enrolled in 45661  
kindergarten and not later than the twentieth day of instruction 45662  
of that school year. In no case shall the results of the 45663  
readiness assessment be used to prohibit a student from 45664

enrolling in kindergarten. 45665

~~(3) Each student enrolled in first, second, or third grade.~~ 45666  
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~~Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department.~~ 45668  
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(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment described in division (A) (1) of this section at least once annually by the thirtieth day of September to all students in the appropriate grade level. The board shall administer a diagnostic assessment to a student with a significant cognitive disability in accordance with guidelines adopted by the department of education and workforce. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year. 45671  
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~~(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A) (3) of this section if the district meets either of the following conditions for the immediately preceding school year:~~ 45685  
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~~(1) The district received a grade of "A" or "B" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C) (1) (e) of that section.~~ 45690  
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~~(2) The district received a performance rating of four stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code or for progress under division (D) (3) (c) of that section.~~ 45694  
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~~(D) Each district board shall utilize and score any diagnostic the kindergarten readiness assessment administered under division (A) of this section in accordance with rules established by the department of education or the department of children and youth and shall utilize and score each diagnostic assessment described in division (A) (1) of this section in accordance with rules established by the department of education and workforce. After the administration of any the kindergarten readiness assessment or a diagnostic assessment described in division (A) (1) of this section, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and. The district shall include all such documents and information related to a diagnostic assessment described in division (A) (1) of this section in any plan developed for the student under division (C) of section 3313.608 of the Revised Code. Each district shall submit, in the manner prescribed by each department, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code as follows:~~ 45698  
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(1) The results of the kindergarten readiness assessment to the department of children and youth; 45720  
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(2) The results of all diagnostic assessments described in division (A) (1) of this section to the department of education\_ 45722  
45723

and workforce pursuant to section 3301.0714 of the Revised Code. 45724

~~The department of education and the department of children and youth may issue reports with respect to the data collected. Either department may report school and district level kindergarten diagnostic readiness assessment data and use.~~ 45725  
The department of education and workforce may report data from any diagnostic assessment data described in division (A) (1) of this section and may use that data to calculate the measures prescribed by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 3302.03 of the Revised Code and the data reported under division (D) (2) (e) of that section. 45726  
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~~(E)~~ (D) Each district board shall provide intervention services to students whose diagnostic assessments described in division (A) (1) of this section show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level. 45735  
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~~(F)~~ (E) Any chartered nonpublic school may elect to administer the kindergarten readiness assessment to all kindergarten students enrolled in the school. If the school so elects, the chief administrator of the school shall notify the director of children and youth not later than the thirty-first day of March prior to any school year in which the school will administer the assessment. The department of children and youth shall furnish the assessment to the school at no cost to the school. In administering the assessment, the school shall do all of the following: 45740  
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(1) Enter into a written agreement with the department of children and youth specifying that the school will share each participating student's assessment data with the department ~~of~~ education and the department of children and youth and, that for 45750  
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the purpose of reporting the data to the department ~~of education~~ 45754  
~~and department of children and youth~~, each participating student 45755  
will be assigned a data verification code as described in 45756  
division (D) (2) of section 3301.0714 of the Revised Code; 45757

(2) Require the assessment to be administered by a teacher 45758  
certified under section 3301.071 of the Revised Code who either 45759  
has completed training on administering the kindergarten 45760  
readiness assessment ~~provided by the department of children and~~ 45761  
~~youth~~ or has been trained by another person who has completed 45762  
such training; 45763

(3) Administer the assessment in the same manner as school 45764  
districts are required to do under this section and the rules 45765  
established under division ~~(D)~~ (C) of this section. 45766

~~(G)~~ (F) A school district in which less than eighty per 45767  
cent of its students score at the proficient level or higher on 45768  
the third-grade English language arts assessment prescribed 45769  
under section 3301.0710 of the Revised Code shall establish a 45770  
reading improvement plan supported by reading specialists. Prior 45771  
to implementation, the plan shall be approved by the school 45772  
district board of education. 45773

(G) As used in this section, "kindergarten readiness 45774  
assessment" means the diagnostic assessment provided by the 45775  
department of children and youth under section 5104.52 of the 45776  
Revised Code. 45777

Sec. 3301.0722. (A) As used in this section, "evidence- 45778  
based" has the same meaning as in section 3301.221 of the 45779  
Revised Code. 45780

(B) The department of education and workforce, in 45781  
collaboration with the department of behavioral health and the 45782

OneOhio recovery foundation, shall conduct a review of available 45783  
resources and develop a list of curricula, materials, programs, 45784  
and instructional strategies related to the instruction required 45785  
under divisions (A) (5) (b) and (g) of section 3313.60 of the 45786  
Revised Code and section 3313.6034 of the Revised Code, that 45787  
districts or schools may utilize. The department of education 45788  
and workforce shall highlight any evidence-based resources that 45789  
exist on its list. Periodically, the department of education and 45790  
workforce shall review and update the list developed under this 45791  
section. 45792

**Sec. 3301.0723.** (A) All of the following apply to the 45793  
independent contractor engaged by the department of education 45794  
and workforce to create and maintain for school districts and 45795  
community schools the student data verification codes required 45796  
by division (D) (2) of section 3301.0714 of the Revised Code: 45797

(1) Upon request of the director of any state agency that 45798  
administers a publicly funded program providing services to 45799  
children who are younger than compulsory school age, including 45800  
the directors of health, children and youth, mental health and 45801  
addiction services, and developmental disabilities, the 45802  
contractor shall assign a data verification code to a child who 45803  
is receiving such services and shall provide that code to the 45804  
director. 45805

(2) Upon request of the director of developmental 45806  
disabilities, director of health, director of job and family 45807  
services, director of children and youth, director of mental 45808  
health and addiction services, medicaid director, executive 45809  
director of the commission on minority health, executive 45810  
director of the opportunities for Ohioans with disabilities 45811  
agency, or director of education and workforce and on behalf of 45812

a program that receives public funds and provides services to 45813  
children younger than compulsory school age, the contractor 45814  
shall assign a data verification code to a child who is 45815  
receiving such services from the program and shall provide that 45816  
code to the director. 45817

(3) The contractor also shall provide the codes requested 45818  
under division (A) of this section to the department of 45819  
education and workforce. 45820

For purposes of division (A) of this section, "compulsory 45821  
school age" has the same meaning as in section 3321.01 of the 45822  
Revised Code. 45823

(B) The director of a state agency that receives a child's 45824  
data verification code under division (A)(1) of this section 45825  
shall use that code to submit information for that child to the 45826  
department of education and workforce in accordance with section 45827  
3301.0714 of the Revised Code. 45828

The director of a state agency that receives a child's 45829  
data verification code under division (A)(2) of this section 45830  
shall provide that code to the publicly or privately funded 45831  
program providing services to the child. The program shall use 45832  
that code to submit information for that child to the department 45833  
of education and workforce in accordance with section 3301.0714 45834  
of the Revised Code, but only to the extent permitted by federal 45835  
law. 45836

(C) A public school that receives from the independent 45837  
contractor the data verification code for a child assigned under 45838  
division (A) of this section shall not request or assign to that 45839  
child another data verification code under division (D)(2) of 45840  
section 3301.0714 of the Revised Code. That school and any other 45841

public school in which the child subsequently enrolls shall use 45842  
the data verification code assigned under division (A) of this 45843  
section to report data relative to that student required under 45844  
section 3301.0714 of the Revised Code. 45845

**Sec. 3301.0727.** (A) As used in this section, "dropout 45846  
prevention and recovery community school" has the same meaning 45847  
as in section ~~3319.301~~ 3314.02 of the Revised Code. 45848

(B) Notwithstanding any provision to the contrary in 45849  
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 45850  
a dropout prevention and recovery community school shall do both 45851  
of the following with regard to the administration of end-of- 45852  
course examinations required under section 3301.0712 of the 45853  
Revised Code: 45854

(1) In addition to the annual testing windows established 45855  
by the director of education and workforce under division (C) of 45856  
section 3301.0710 of the Revised Code, administer the 45857  
examinations in an online or paper format based on the needs of 45858  
the student; 45859

(2) Adhere to security requirements prescribed under 45860  
section 3319.151 of the Revised Code for the online examinations 45861  
administered under division (B) (1) of this section. 45862

(C) The director of education and workforce shall 45863  
establish extended testing windows of ten weeks in duration in 45864  
the fall and spring for dropout prevention and recovery 45865  
community schools so that they may administer assessments in 45866  
closer proximity to when students complete related coursework. 45867  
The director also shall establish a summer testing window for 45868  
students participating in summer instruction. 45869

(D) Nothing in this section shall be construed to relieve 45870

a dropout prevention and recovery community school from its 45871  
obligation to administer testing in-person as otherwise required 45872  
by law. 45873

**Sec. 3301.0732.** The minimum education standards prescribed 45874  
by the director of education and workforce for nonchartered 45875  
nonpublic schools under section 3301.07 of the Revised Code 45876  
shall comply with and shall be limited to this section. 45877

(A) A nonchartered nonpublic school that is not seeking a 45878  
charter from the department of education and workforce because 45879  
of truly held religious beliefs shall annually certify in a 45880  
report to the parents of its pupils that the school meets 45881  
minimum education standards for nonchartered nonpublic schools 45882  
as described in this section. A copy of the report shall be 45883  
filed with the department of education and workforce on or 45884  
before the thirtieth day of September of each year. 45885

(B) A nonchartered nonpublic school shall be open for 45886  
instruction with pupils in attendance for not less than four 45887  
hundred fifty-five hours in the case of pupils in kindergarten 45888  
unless such pupils are provided all-day kindergarten, in which 45889  
case the pupils shall be in attendance for nine hundred ten 45890  
hours; nine hundred ten hours in the case of pupils in grades 45891  
one through six; and one thousand one hours in the case of 45892  
pupils in grades seven through twelve in each school year. 45893

(C) The parents of a child enrolled in a nonchartered 45894  
nonpublic school shall be responsible for reporting their 45895  
child's enrollment or withdrawal from that school to the 45896  
treasurer of the board of education of the city, exempted 45897  
village, or local school district in which the pupil resides. 45898  
Pupil attendance is reported for the purposes of facilitating 45899  
the administration of laws relating to compulsory education and 45900

the employment of minors. An individual in charge of the 45901  
nonchartered nonpublic school may, as a matter of convenience, 45902  
provide the report to the treasurer on behalf of the parents. 45903

The attendance report shall include the name, age, and 45904  
place of residence of each pupil below eighteen years of age. 45905  
The report shall be made within the first two weeks of the 45906  
beginning of each school year. In the case of pupil withdrawal 45907  
or entrance during the school year, notice shall be given to the 45908  
treasurer of the appropriate board of education within the first 45909  
week of the next school month. 45910

(D) Teachers and administrators at nonchartered nonpublic 45911  
schools shall hold at least a bachelor's degree, or the 45912  
equivalent, from a recognized college or university. 45913

(E) The curriculum of each nonchartered nonpublic school 45914  
shall include the study of the following subjects: 45915

(1) Language arts; 45916

(2) Geography, the history of the United States and Ohio, 45917  
and national, state, and local government; 45918

(3) Mathematics; 45919

(4) Science; 45920

(5) Health, which may include age and developmentally 45921  
appropriate instruction about how short-term or chronic 45922  
substance use, as defined in section 3313.6034 of the Revised 45923  
Code, to alter an individual's mood is harmful to an 45924  
individual's health; 45925

(6) Physical education; 45926

(7) The fine arts, including music; 45927

(8) First aid, safety, and fire prevention;	45928
(9) Other subjects as prescribed by the nonchartered nonpublic school.	45929 45930
(F) Each nonchartered nonpublic school shall follow regular procedures for promotion from grade to grade for pupils who have met the school's educational requirements.	45931 45932 45933
(G) Each nonchartered nonpublic school shall comply with all applicable health, fire, and safety laws.	45934 45935
(H) Pupils attending a nonchartered nonpublic school shall not be entitled to pupil transportation or auxiliary services. A nonchartered nonpublic school is not entitled to reimbursement for administrative costs.	45936 45937 45938 45939
<b>Sec. 3301.136.</b> The department of education and workforce shall compile a list of tutoring programs that it considers to be of high quality and have the potential to accelerate learning for students in the areas of English language arts, mathematics, science, and social studies. For this purpose, the department shall request the qualifications of public and private entities that provide tutoring programs for students. <u>The requested qualifications shall include program efficacy data or other evidence of program effectiveness for students who participate in the tutoring programs.</u> The department shall establish a rubric to evaluate the programs and determine a minimum score for a tutoring program to be included on the department's list.	45940 45941 45942 45943 45944 45945 45946 45947 45948 45949 45950 45951
In compiling the list, the department may designate individual tutoring programs as more appropriate for certain grade levels, populations of students, or subject areas.	45952 45953 45954
<u>The department shall immediately remove from the list any tutoring program in the area of English language arts that the</u>	45955 45956

department determines is not aligned to the science of reading 45957  
or uses a three-cueing approach, as defined in section 3313.6028 45958  
of the Revised Code. 45959

The department may establish multiple application periods 45960  
in any school year for entities to submit their qualifications 45961  
for consideration to be included on the list. However, the 45962  
department shall post the initial list of tutoring programs on 45963  
the department's web site not later than October 1, 2022. After 45964  
the initial list is posted, the department shall, at least every 45965  
three years thereafter, provide an opportunity for entities to 45966  
submit their qualifications for consideration to be included on 45967  
the list and post an updated list of tutoring programs on the 45968  
department's web site. No school district or school shall be 45969  
required to use a tutoring program on the list. 45970

**Sec. 3301.166.** The governing authority of each chartered 45971  
nonpublic school annually may provide instruction to students in 45972  
the grade levels the school serves about how short-term or 45973  
chronic substance use, as defined in section 3313.6034 of the 45974  
Revised Code, to alter one's mood is harmful to an individual's 45975  
health. Each governing authority may do all of the following 45976  
with regard to the instruction: 45977

(A) Determine the manner in which the instruction is 45978  
provided to students; 45979

(B) Ensure the instruction is age and developmentally 45980  
appropriate; 45981

(C) Conform the instruction to prevention best-practice 45982  
frameworks; 45983

(D) Focus the instruction on addressing changes in 45984  
knowledge, attitude, and skills as a child develops. 45985

**Sec. 3301.17.** (A) The board of education of each city, 45986  
exempted village, local, and joint vocational school district 45987  
may make a driver education course available to high school 45988  
students enrolled in the district in accordance with Chapter 45989  
4508. of the Revised Code. No school district making such a 45990  
course available shall require any student to enroll in the 45991  
course in lieu of taking a training course from a private driver 45992  
training school licensed under that chapter. 45993

(B) The principal of each high school shall annually give 45994  
written notice to the students enrolled in the high school that 45995  
they may elect, under a procedure that shall be described in the 45996  
notice, to take a training course from a private driver training 45997  
school or, if available, enroll in a driver education course 45998  
made available by the student's school district of attendance. 45999

(C) Students who successfully complete a driver education 46000  
course offered by the student's school district of attendance or 46001  
through any agency or organization that the district contracts 46002  
with to offer such a course under this section may earn either: 46003

(1) Notwithstanding anything to the contrary in division 46004  
(C) (8) of section 3313.603 of the Revised Code, up to one-half 46005  
unit towards high school elective credits that may substitute 46006  
for credits in the subjects listed under that division; 46007

(2) An industry-recognized credential approved under 46008  
section 3313.6113 of the Revised Code. ~~A student may be granted~~ 46009  
~~up to two points toward a high school diploma under the list of~~ 46010  
~~industry-recognized credentials established and updated under~~ 46011  
~~section 3313.6113 of the Revised Code.~~ 46012

(D) Notwithstanding anything to the contrary in sections 46013  
3317.014, 3317.022, and 3317.16 of the Revised Code, a career- 46014

technical planning district, as defined in section 3317.023 of 46015  
the Revised Code, may use a portion of the career-technical 46016  
education funds received under section 3317.022 or 3317.16 of 46017  
the Revised Code to make a driver education course available to 46018  
high school students enrolled in the district. 46019

Sec. 3301.24. (A) Not later than December 31, 2025, the 46020  
department of education and workforce shall develop a model 46021  
policy on the use of artificial intelligence in schools. The 46022  
model policy shall address appropriate use of artificial 46023  
intelligence by students and staff for educational purposes. 46024

(B) Not later than July 1, 2026, each school district, 46025  
community school established under Chapter 3314. of the Revised 46026  
Code, and STEM school established under Chapter 3326. of the 46027  
Revised Code shall adopt a policy on the use of artificial 46028  
intelligence. The district or school may adopt the department's 46029  
model policy developed under division (A) of this section. 46030

(C) The department may collect data from districts and 46031  
schools on their use of artificial intelligence in the manner 46032  
prescribed by the department. 46033

**Sec. 3301.541. (A) (1) The director, head teacher, 46034**  
elementary principal, or site administrator of a preschool 46035  
program shall request the superintendent of the bureau of 46036  
criminal identification and investigation to conduct a criminal 46037  
records check with respect to any applicant who has applied to 46038  
the preschool program for employment as a person responsible for 46039  
the care, custody, or control of a child. If the applicant does 46040  
not present proof that the applicant has been a resident of this 46041  
state for the five-year period immediately prior to the date 46042  
upon which the criminal records check is requested or does not 46043  
provide evidence that within that five-year period the 46044

superintendent has requested information about the applicant 46045  
from the federal bureau of investigation in a criminal records 46046  
check, the director, head teacher, or elementary principal shall 46047  
request that the superintendent obtain information from the 46048  
federal bureau of investigation as a part of the criminal 46049  
records check for the applicant. If the applicant presents proof 46050  
that the applicant has been a resident of this state for that 46051  
five-year period, the director, head teacher, or elementary 46052  
principal may request that the superintendent include 46053  
information from the federal bureau of investigation in the 46054  
criminal records check. 46055

(2) Any director, head teacher, elementary principal, or 46056  
site administrator required by division (A) (1) of this section 46057  
to request a criminal records check shall provide to each 46058  
applicant a copy of the form prescribed pursuant to division (C) 46059  
(1) of section 109.572 of the Revised Code, provide to each 46060  
applicant a standard impression sheet to obtain fingerprint 46061  
impressions prescribed pursuant to division (C) (2) of section 46062  
109.572 of the Revised Code, obtain the completed form and 46063  
impression sheet from each applicant, and forward the completed 46064  
form and impression sheet to the superintendent of the bureau of 46065  
criminal identification and investigation at the time the person 46066  
requests a criminal records check pursuant to division (A) (1) of 46067  
this section. 46068

(3) Any applicant who receives pursuant to division (A) (2) 46069  
of this section a copy of the form prescribed pursuant to 46070  
division (C) (1) of section 109.572 of the Revised Code and a 46071  
copy of an impression sheet prescribed pursuant to division (C) 46072  
(2) of that section and who is requested to complete the form 46073  
and provide a set of fingerprint impressions shall complete the 46074  
form or provide all the information necessary to complete the 46075

form and provide the impression sheet with the impressions of 46076  
the applicant's fingerprints. If an applicant, upon request, 46077  
fails to provide the information necessary to complete the form 46078  
or fails to provide impressions of the applicant's fingerprints, 46079  
the preschool program shall not employ that applicant for any 46080  
position for which a criminal records check is required by 46081  
division (A) (1) of this section. 46082

(B) (1) Except as provided in rules adopted by the 46083  
department of ~~education and workforce~~ children and youth in 46084  
accordance with division (E) of this section, no preschool 46085  
program shall employ a person as a person responsible for the 46086  
care, custody, or control of a child if the person previously 46087  
has been convicted of or pleaded guilty to any of the following: 46088

(a) A violation of section 2903.01, 2903.02, 2903.03, 46089  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 46090  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 46091  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 46092  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 46093  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 46094  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 46095  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 46096  
section 2905.04 of the Revised Code as it existed prior to July 46097  
1, 1996, a violation of section 2919.23 of the Revised Code that 46098  
would have been a violation of section 2905.04 of the Revised 46099  
Code as it existed prior to July 1, 1996, had the violation 46100  
occurred prior to that date, a violation of section 2925.11 of 46101  
the Revised Code that is not a minor drug possession offense, or 46102  
felonious sexual penetration in violation of former section 46103  
2907.12 of the Revised Code; 46104

(b) A violation of an existing or former law of this 46105

state, any other state, or the United States that is 46106  
substantially equivalent to any of the offenses or violations 46107  
described in division (B) (1) (a) of this section. 46108

(2) A preschool program may employ an applicant 46109  
conditionally until the criminal records check required by this 46110  
section is completed and the preschool program receives the 46111  
results of the criminal records check. If the results of the 46112  
criminal records check indicate that, pursuant to division (B) 46113  
(1) of this section, the applicant does not qualify for 46114  
employment, the preschool program shall release the applicant 46115  
from employment. 46116

(C) (1) Each preschool program shall pay to the bureau of 46117  
criminal identification and investigation the fee prescribed 46118  
pursuant to division (C) (3) of section 109.572 of the Revised 46119  
Code for each criminal records check conducted in accordance 46120  
with that section upon the request pursuant to division (A) (1) 46121  
of this section of the director, head teacher, elementary 46122  
principal, or site administrator of the preschool program. 46123

(2) A preschool program may charge an applicant a fee for 46124  
the costs it incurs in obtaining a criminal records check under 46125  
this section. A fee charged under this division shall not exceed 46126  
the amount of fees the preschool program pays under division (C) 46127  
(1) of this section. If a fee is charged under this division, 46128  
the preschool program shall notify the applicant at the time of 46129  
the applicant's initial application for employment of the amount 46130  
of the fee and that, unless the fee is paid, the applicant will 46131  
not be considered for employment. 46132

(D) The report of any criminal records check conducted by 46133  
the bureau of criminal identification and investigation in 46134  
accordance with section 109.572 of the Revised Code and pursuant 46135

to a request under division (A) (1) of this section is not a 46136  
public record for the purposes of section 149.43 of the Revised 46137  
Code and shall not be made available to any person other than 46138  
the applicant who is the subject of the criminal records check 46139  
or the applicant's representative, the preschool program 46140  
requesting the criminal records check or its representative, and 46141  
any court, hearing officer, or other necessary individual in a 46142  
case dealing with the denial of employment to the applicant. 46143

(E) The department of ~~education and workforce~~ children and 46144  
youth shall adopt rules pursuant to Chapter 119. of the Revised 46145  
Code to implement this section, including rules specifying 46146  
circumstances under which a preschool program may hire a person 46147  
who has been convicted of an offense listed in division (B) (1) 46148  
of this section but who meets standards in regard to 46149  
rehabilitation set by the department. 46150

(F) Any person required by division (A) (1) of this section 46151  
to request a criminal records check shall inform each person, at 46152  
the time of the person's initial application for employment, 46153  
that the person is required to provide a set of impressions of 46154  
the person's fingerprints and that a criminal records check is 46155  
required to be conducted and satisfactorily completed in 46156  
accordance with section 109.572 of the Revised Code if the 46157  
person comes under final consideration for appointment or 46158  
employment as a precondition to employment for that position. 46159

(G) As used in this section: 46160

(1) "Applicant" means a person who is under final 46161  
consideration for appointment or employment in a position with a 46162  
preschool program as a person responsible for the care, custody, 46163  
or control of a child, except that "applicant" does not include 46164  
a person already employed by a board of education, community 46165

school, or chartered nonpublic school in a position of care, 46166  
custody, or control of a child who is under consideration for a 46167  
different position with such board or school. 46168

(2) "Criminal records check" has the same meaning as in 46169  
section 109.572 of the Revised Code. 46170

(3) "Minor drug possession offense" has the same meaning 46171  
as in section 2925.01 of the Revised Code. 46172

(H) If the board of education of a local school district 46173  
adopts a resolution requesting the assistance of the educational 46174  
service center in which the local district has territory in 46175  
conducting criminal records checks of substitute teachers under 46176  
this section, the appointing or hiring officer of such 46177  
educational service center governing board shall serve for 46178  
purposes of this section as the appointing or hiring officer of 46179  
the local board in the case of hiring substitute teachers for 46180  
employment in the local district. 46181

**Sec. 3301.57.** (A) For the purpose of improving programs, 46182  
facilities, and implementation of the standards promulgated 46183  
under section 3301.53 of the Revised Code, ~~the department of~~ 46184  
~~education and workforce and~~ the department of children and youth 46185  
shall provide consultation and technical assistance to school 46186  
districts, county boards of developmental disabilities, 46187  
community schools, authorized private before and after school 46188  
care programs, and eligible nonpublic schools operating 46189  
preschool programs or school child programs, and in-service 46190  
training to preschool staff members, school child program staff 46191  
members, and nonteaching employees. 46192

(B) The department of education and workforce, the 46193  
department of children and youth, and the school district board 46194

of education, county board of developmental disabilities, 46195  
community school, or eligible nonpublic school shall jointly 46196  
monitor each preschool program and each school child program. 46197

If the program receives any grant or other funding from 46198  
the state or federal government, the department of education and 46199  
workforce and the department of children and youth annually 46200  
shall monitor all reports on attendance, financial support, and 46201  
expenditures according to provisions for use of the funds. 46202

(C) ~~The department of education and workforce and the~~ 46203  
~~department of children and youth,~~ at least once during every 46204  
twelve-month period of operation of a preschool program or a 46205  
licensed school child program, shall inspect the program and 46206  
provide a written inspection report to the superintendent of the 46207  
school district, county board of developmental disabilities, 46208  
community school, or eligible nonpublic school. ~~The departments~~ 46209  
department may inspect any program more than once, as considered 46210  
necessary by the ~~departments~~ department, during any twelve-month 46211  
period of operation. All inspections may be unannounced. No 46212  
person shall interfere with any inspection conducted pursuant to 46213  
this division or to the rules adopted pursuant to sections 46214  
3301.52 to 3301.59 of the Revised Code. 46215

Upon receipt of any complaint that a preschool program or 46216  
a licensed school child program is out of compliance with the 46217  
requirements in sections 3301.52 to 3301.59 of the Revised Code 46218  
or the rules adopted under those sections, the department of 46219  
children and youth shall investigate and may inspect the 46220  
program. If the complaint is related to a teacher, the 46221  
department shall coordinate with the ~~department~~ state board of 46222  
education to investigate and take action on a teacher's license. 46223

(D) If a preschool program or a licensed school child 46224

program is determined to be out of compliance with the 46225  
requirements of sections 3301.52 to 3301.59 of the Revised Code 46226  
or the rules adopted under those sections, the department of 46227  
children and youth shall notify the appropriate superintendent, 46228  
county board of developmental disabilities, community school, 46229  
authorized private before and after school care program, or 46230  
eligible nonpublic school in writing regarding the nature of the 46231  
violation, what must be done to correct the violation, and by 46232  
what date the correction must be made. If the correction is not 46233  
made by the date established by the department, it may commence 46234  
action under Chapter 119. of the Revised Code to close the 46235  
program or to revoke the license of the program. If a program 46236  
does not comply with an order to cease operation issued in 46237  
accordance with Chapter 119. of the Revised Code, the department 46238  
shall notify the attorney general, the prosecuting attorney of 46239  
the county in which the program is located, or the city 46240  
attorney, village solicitor, or other chief legal officer of the 46241  
municipal corporation in which the program is located that the 46242  
program is operating in violation of sections 3301.52 to 3301.59 46243  
of the Revised Code or the rules adopted under those sections 46244  
and in violation of an order to cease operation issued in 46245  
accordance with Chapter 119. of the Revised Code. Upon receipt 46246  
of the notification, the attorney general, prosecuting attorney, 46247  
city attorney, village solicitor, or other chief legal officer 46248  
shall file a complaint in the court of common pleas of the 46249  
county in which the program is located requesting the court to 46250  
issue an order enjoining the program from operating. The court 46251  
shall grant the requested injunctive relief upon a showing that 46252  
the program named in the complaint is operating in violation of 46253  
sections 3301.52 to 3301.59 of the Revised Code or the rules 46254  
adopted under those sections and in violation of an order to 46255  
cease operation issued in accordance with Chapter 119. of the 46256

Revised Code. 46257

(E) ~~The department of education and workforce and~~ 46258  
department of children and youth shall prepare an annual report 46259  
on inspections conducted under this section. The report shall 46260  
include the number of inspections conducted, the number and 46261  
types of violations found, and the steps taken to address the 46262  
violations. ~~The departments~~ department shall file the report 46263  
with the governor, the president and minority leader of the 46264  
senate, and the speaker and minority leader of the house of 46265  
representatives on or before the first day of January of each 46266  
year. 46267

Sec. 3301.82. (A) The department of education and 46268  
workforce annually shall collect employment and vacancy data for 46269  
each city, local, exempted village, and joint vocational school 46270  
district, community school established under Chapter 3314. of 46271  
the Revised Code, and STEM school established under Chapter 46272  
3326. of the Revised Code for all of the following: 46273

(1) Teachers; 46274

(2) Related services providers and other providers of 46275  
specialized services; 46276

(3) Principals and assistant principals; 46277

(4) Paraprofessionals; 46278

(5) Bus drivers; 46279

(6) Any other positions as determined by the department. 46280

(B) The department shall report the number of vacant 46281  
positions aggregated by the following: 46282

(1) Type of position; 46283

<u>(2) Subject area;</u>	46284
<u>(3) Geographic area, including rural and urban areas;</u>	46285
<u>(4) The number of educator positions filled by long-term substitute teachers, unlicensed individuals, or educators with emergency credentials disaggregated by school, grade level, and endorsement;</u>	46286 46287 46288 46289
<u>(5) The reasons why a position was vacant, which may include the following reasons:</u>	46290 46291
<u>(a) Retirement;</u>	46292
<u>(b) New position;</u>	46293
<u>(c) Repeated poor teacher evaluations;</u>	46294
<u>(d) Position is no longer necessary;</u>	46295
<u>(e) Reduction in force.</u>	46296
<u>(6) Methods used to fill vacant positions, which shall include the following:</u>	46297 46298
<u>(a) Hiring of short- and long-term substitutes;</u>	46299
<u>(b) Hiring retired educators;</u>	46300
<u>(c) Hiring educators from alternative licensure program candidates;</u>	46301 46302
<u>(d) Contracting with an educational service center or other entity;</u>	46303 46304
<u>(e) Hiring personnel with emergency credentials or who are unlicensed;</u>	46305 46306
<u>(f) Other methods identified by the department.</u>	46307
<u>(7) Positions that remain unfilled.</u>	46308

(C) The department also annually shall collect and report 46309  
the following statewide data on educators: 46310

(1) Educator preparation program enrollment and completion 46311  
data annually, disaggregated by endorsement area and grade 46312  
level; 46313

(2) The number of new educator licenses issued by the 46314  
state board of education annually, disaggregated by licensure 46315  
pathway and including those issued through reciprocity with 46316  
another state; 46317

(3) Educator retention at one-year, three-year, five-year, 46318  
and ten-year rates; 46319

(4) Educator demographic data aggregated at the district 46320  
and state level. 46321

(D) The department shall annually publish and summarize 46322  
data collected under this section on its publicly accessible web 46323  
site. To the extent possible, the department shall report the 46324  
data at the state, district, and school level. 46325

**Sec. 3302.03.** Not later than the thirty-first day of July 46326  
of each year, the department of education and workforce shall 46327  
submit preliminary report card data for overall academic 46328  
performance and for each separate performance measure for each 46329  
school district, and each school building, in accordance with 46330  
this section. 46331

Annually, not later than the fifteenth day of September or 46332  
the preceding Friday when that day falls on a Saturday or 46333  
Sunday, the department shall assign a letter grade or 46334  
performance rating for overall academic performance and for each 46335  
separate performance measure for each school district, and each 46336  
school building in a district, in accordance with this section. 46337

The department shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section. The department's rules shall establish performance criteria for each letter grade or performance rating and prescribe a method by which the department assigns each letter grade or performance rating. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the department shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade or performance rating. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade or performance rating system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A) (1) For the 2012-2013 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the department. In adopting benchmarks for assigning letter grades under division (A) (1) (b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building 46368  
meets each of the applicable performance indicators established 46369  
by the department under section 3302.02 of the Revised Code and 46370  
the percentage of applicable performance indicators that have 46371  
been achieved. In adopting benchmarks for assigning letter 46372  
grades under division (A) (1) (c) of this section, the department 46373  
shall designate ninety per cent or higher for an "A." 46374

(d) The four- and five-year adjusted cohort graduation 46375  
rates. 46376

In adopting benchmarks for assigning letter grades under 46377  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 46378  
department shall designate a four-year adjusted cohort 46379  
graduation rate of ninety-three per cent or higher for an "A" 46380  
and a five-year cohort graduation rate of ninety-five per cent 46381  
or higher for an "A." 46382

(e) The overall score under the value-added progress 46383  
dimension of a school district or building, for which the 46384  
department shall use up to three years of value-added data as 46385  
available. The letter grade assigned for this growth measure 46386  
shall be as follows: 46387

(i) A score that is at least one standard error of measure 46388  
above the mean score shall be designated as an "A." 46389

(ii) A score that is less than one standard error of 46390  
measure above but greater than one standard error of measure 46391  
below the mean score shall be designated as a "B." 46392

(iii) A score that is less than or equal to one standard 46393  
error of measure below the mean score but greater than two 46394  
standard errors of measure below the mean score shall be 46395  
designated as a "C." 46396

(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D." 46397  
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(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F." 46401  
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Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A) (1) (e) of this section. 46404  
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 46410  
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(2) The department shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A) (1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade. 46416  
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At least forty-five days prior to the department's adoption of rules to prescribe the methods by which the performance measures under division (A) (1) of this section shall 46423  
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be assessed and assigned a letter grade, the department shall 46426  
conduct a public presentation before the standing committees of 46427  
the house of representatives and the senate that consider 46428  
education legislation describing such methods, including 46429  
performance benchmarks. 46430

(3) There shall not be an overall letter grade for a 46431  
school district or building for the 2012-2013 school year. 46432

(B) (1) For the 2013-2014 school year, the department shall 46433  
issue grades as described in division (F) of this section for 46434  
each of the following performance measures: 46435

(a) Annual measurable objectives; 46436

(b) Performance index score for a school district or 46437  
building. Grades shall be awarded as a percentage of the total 46438  
possible points on the performance index system as created by 46439  
the department. In adopting benchmarks for assigning letter 46440  
grades under division (B) (1) (b) of this section, the department 46441  
shall designate ninety per cent or higher for an "A," at least 46442  
seventy per cent but not more than eighty per cent for a "C," 46443  
and less than fifty per cent for an "F." 46444

(c) The extent to which the school district or building 46445  
meets each of the applicable performance indicators established 46446  
by the department under section 3302.03 of the Revised Code and 46447  
the percentage of applicable performance indicators that have 46448  
been achieved. In adopting benchmarks for assigning letter 46449  
grades under division (B) (1) (c) of this section, the department 46450  
shall designate ninety per cent or higher for an "A." 46451

(d) The four- and five-year adjusted cohort graduation 46452  
rates; 46453

(e) The overall score under the value-added progress 46454

dimension of a school district or building, for which the 46455  
department shall use up to three years of value-added data as 46456  
available. 46457

(f) The value-added progress dimension score for a school 46458  
district or building disaggregated for each of the following 46459  
subgroups: students identified as gifted in superior cognitive 46460  
ability and specific academic ability fields under Chapter 3324. 46461  
of the Revised Code, students with disabilities, and students 46462  
whose performance places them in the lowest quintile for 46463  
achievement on a statewide basis. Each subgroup shall be a 46464  
separate graded measure. 46465

(g) Whether a school district or building is making 46466  
progress in improving literacy in grades kindergarten through 46467  
three, as determined using a method prescribed by the 46468  
department. The department shall adopt rules to prescribe 46469  
benchmarks and standards for assigning grades to districts and 46470  
buildings for purposes of division (B) (1) (g) of this section. In 46471  
adopting benchmarks for assigning letter grades under divisions 46472  
(B) (1) (g) and (C) (1) (g) of this section, the department shall 46473  
determine progress made based on the reduction in the total 46474  
percentage of students scoring below grade level, or below 46475  
proficient, compared from year to year on the reading ~~and~~ 46476  
~~writing~~ diagnostic assessments administered under section 46477  
3301.0715 of the Revised Code and the third grade English 46478  
language arts assessment under section 3301.0710 of the Revised 46479  
Code, as applicable. The department shall designate for a "C" 46480  
grade a value that is not lower than the statewide average value 46481  
for this measure. No grade shall be issued under divisions (B) 46482  
(1) (g) and (C) (1) (g) of this section for a district or building 46483  
in which less than five per cent of students have scored below 46484  
grade level on the diagnostic assessment administered to 46485

students in kindergarten under division (B) (1) of section 46486  
3313.608 of the Revised Code. 46487

(h) For a high mobility school district or building, an 46488  
additional value-added progress dimension score. For this 46489  
measure, the department shall use value-added data from the most 46490  
recent school year available and shall use assessment scores for 46491  
only those students to whom the district or building has 46492  
administered the assessments prescribed by section 3301.0710 of 46493  
the Revised Code for each of the two most recent consecutive 46494  
school years. 46495

As used in this division, "high mobility school district 46496  
or building" means a school district or building where at least 46497  
twenty-five per cent of its total enrollment is made up of 46498  
students who have attended that school district or building for 46499  
less than one year. 46500

(2) In addition to the graded measures in division (B) (1) 46501  
of this section, the department shall include on a school 46502  
district's or building's report card all of the following 46503  
without an assigned letter grade: 46504

(a) The percentage of students enrolled in a district or 46505  
building participating in advanced placement classes and the 46506  
percentage of those students who received a score of three or 46507  
better on advanced placement examinations; 46508

(b) The number of a district's or building's students who 46509  
have earned at least three college credits through dual 46510  
enrollment or advanced standing programs, such as the post- 46511  
secondary enrollment options program under Chapter 3365. of the 46512  
Revised Code and state-approved career-technical courses offered 46513  
through dual enrollment or statewide articulation, that appear 46514

on a student's transcript or other official document, either of 46515  
which is issued by the institution of higher education from 46516  
which the student earned the college credit. The credits earned 46517  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 46518  
this section shall not include any that are remedial or 46519  
developmental and shall include those that count toward the 46520  
curriculum requirements established for completion of a degree. 46521

(c) The percentage of students enrolled in a district or 46522  
building who have taken a national standardized test used for 46523  
college admission determinations and the percentage of those 46524  
students who are determined to be remediation-free in accordance 46525  
with standards adopted under division (F) of section 3345.061 of 46526  
the Revised Code; 46527

(d) The percentage of the district's or the building's 46528  
students who receive industry-recognized credentials as approved 46529  
under section 3313.6113 of the Revised Code. 46530

(e) The percentage of students enrolled in a district or 46531  
building who are participating in an international baccalaureate 46532  
program and the percentage of those students who receive a score 46533  
of four or better on the international baccalaureate 46534  
examinations. 46535

(f) The percentage of the district's or building's 46536  
students who receive an honors diploma under division (B) of 46537  
section 3313.61 of the Revised Code. 46538

(3) The department shall adopt rules in accordance with 46539  
Chapter 119. of the Revised Code that prescribe the methods by 46540  
which the performance measures under divisions (B) (1) (f) and (B) 46541  
(1) (g) of this section will be assessed and assigned a letter 46542  
grade, including performance benchmarks for each grade. 46543

At least forty-five days prior to the department's 46544  
adoption of rules to prescribe the methods by which the 46545  
performance measures under division (B) (1) of this section shall 46546  
be assessed and assigned a letter grade, the department shall 46547  
conduct a public presentation before the standing committees of 46548  
the house of representatives and the senate that consider 46549  
education legislation describing such methods, including 46550  
performance benchmarks. 46551

(4) There shall not be an overall letter grade for a 46552  
school district or building for the 2013-2014, 2014-2015, 2015- 46553  
2016, and 2016-2017 school years. 46554

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 46555  
2018-2019, 2019-2020, and 2020-2021 school years, the department 46556  
shall issue grades as described in division (F) of this section 46557  
for each of the performance measures prescribed in division (C) 46558  
(1) of this section. The graded measures are as follows: 46559

(a) Annual measurable objectives. For the 2017-2018 school 46560  
year, the department shall not include any subgroup data in the 46561  
annual measurable objectives that includes data from fewer than 46562  
twenty-five students. For the 2018-2019 school year, the 46563  
department shall not include any subgroup data in the annual 46564  
measurable objectives that includes data from fewer than twenty 46565  
students. Beginning with the 2019-2020 school year, the 46566  
department shall not include any subgroup data in the annual 46567  
measurable objectives that includes data from fewer than fifteen 46568  
students. 46569

(b) Performance index score for a school district or 46570  
building. Grades shall be awarded as a percentage of the total 46571  
possible points on the performance index system as created by 46572  
the department. In adopting benchmarks for assigning letter 46573

grades under division (C) (1) (b) of this section, the department 46574  
shall designate ninety per cent or higher for an "A," at least 46575  
seventy per cent but not more than eighty per cent for a "C," 46576  
and less than fifty per cent for an "F." 46577

(c) The extent to which the school district or building 46578  
meets each of the applicable performance indicators established 46579  
by the department under section 3302.03 of the Revised Code and 46580  
the percentage of applicable performance indicators that have 46581  
been achieved. In adopting benchmarks for assigning letter 46582  
grades under division (C) (1) (c) of this section, the department 46583  
shall designate ninety per cent or higher for an "A." 46584

(d) The four- and five-year adjusted cohort graduation 46585  
rates; 46586

(e) The overall score under the value-added progress 46587  
dimension, or another measure of student academic progress if 46588  
adopted by the department, of a school district or building, for 46589  
which the department shall use up to three years of value-added 46590  
data as available. 46591

In adopting benchmarks for assigning letter grades for 46592  
overall score on value-added progress dimension under division 46593  
(C) (1) (e) of this section, the department shall prohibit the 46594  
assigning of a grade of "A" for that measure unless the 46595  
district's or building's grade assigned for value-added progress 46596  
dimension for all subgroups under division (C) (1) (f) of this 46597  
section is a "C" or higher. 46598

For the metric prescribed by division (C) (1) (e) of this 46599  
section, the department may adopt a student academic progress 46600  
measure to be used instead of the value-added progress 46601  
dimension. If the department adopts such a measure, it also 46602

shall prescribe a method for assigning letter grades for the new 46603  
measure that is comparable to the method prescribed in division 46604  
(A) (1) (e) of this section. 46605

(f) The value-added progress dimension score of a school 46606  
district or building disaggregated for each of the following 46607  
subgroups: students identified as gifted in superior cognitive 46608  
ability and specific academic ability fields under Chapter 3324. 46609  
of the Revised Code, students with disabilities, and students 46610  
whose performance places them in the lowest quintile for 46611  
achievement on a statewide basis, as determined by a method 46612  
prescribed by the department. Each subgroup shall be a separate 46613  
graded measure. 46614

The department may adopt student academic progress 46615  
measures to be used instead of the value-added progress 46616  
dimension. If the department adopts such measures, it also shall 46617  
prescribe a method for assigning letter grades for the new 46618  
measures that is comparable to the method prescribed in division 46619  
(A) (1) (e) of this section. 46620

(g) Whether a school district or building is making 46621  
progress in improving literacy in grades kindergarten through 46622  
three, as determined using a method prescribed by the 46623  
department. The department shall adopt rules to prescribe 46624  
benchmarks and standards for assigning grades to a district or 46625  
building for purposes of division (C) (1) (g) of this section. The 46626  
department shall designate for a "C" grade a value that is not 46627  
lower than the statewide average value for this measure. No 46628  
grade shall be issued under division (C) (1) (g) of this section 46629  
for a district or building in which less than five per cent of 46630  
students have scored below grade level on the kindergarten 46631  
diagnostic assessment under division (B) (1) of section 3313.608 46632

of the Revised Code. 46633

(h) For a high mobility school district or building, an 46634  
additional value-added progress dimension score. For this 46635  
measure, the department shall use value-added data from the most 46636  
recent school year available and shall use assessment scores for 46637  
only those students to whom the district or building has 46638  
administered the assessments prescribed by section 3301.0710 of 46639  
the Revised Code for each of the two most recent consecutive 46640  
school years. 46641

As used in this division, "high mobility school district 46642  
or building" means a school district or building where at least 46643  
twenty-five per cent of its total enrollment is made up of 46644  
students who have attended that school district or building for 46645  
less than one year. 46646

(2) In addition to the graded measures in division (C) (1) 46647  
of this section, the department shall include on a school 46648  
district's or building's report card all of the following 46649  
without an assigned letter grade: 46650

(a) The percentage of students enrolled in a district or 46651  
building who have taken a national standardized test used for 46652  
college admission determinations and the percentage of those 46653  
students who are determined to be remediation-free in accordance 46654  
with the standards adopted under division (F) of section 46655  
3345.061 of the Revised Code; 46656

(b) The percentage of students enrolled in a district or 46657  
building participating in advanced placement classes and the 46658  
percentage of those students who received a score of three or 46659  
better on advanced placement examinations; 46660

(c) The percentage of a district's or building's students 46661

who have earned at least three college credits through advanced 46662  
standing programs, such as the college credit plus program under 46663  
Chapter 3365. of the Revised Code and state-approved career- 46664  
technical courses offered through dual enrollment or statewide 46665  
articulation, that appear on a student's college transcript 46666  
issued by the institution of higher education from which the 46667  
student earned the college credit. The credits earned that are 46668  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 46669  
shall not include any that are remedial or developmental and 46670  
shall include those that count toward the curriculum 46671  
requirements established for completion of a degree. 46672

(d) The percentage of the district's or building's 46673  
students who receive an honor's diploma under division (B) of 46674  
section 3313.61 of the Revised Code; 46675

(e) The percentage of the district's or building's 46676  
students who receive industry-recognized credentials as approved 46677  
under section 3313.6113 of the Revised Code; 46678

(f) The percentage of students enrolled in a district or 46679  
building who are participating in an international baccalaureate 46680  
program and the percentage of those students who receive a score 46681  
of four or better on the international baccalaureate 46682  
examinations; 46683

(g) The results of the college and career-ready 46684  
assessments administered under division (B) (1) of section 46685  
3301.0712 of the Revised Code; 46686

(h) Whether the school district or building has 46687  
implemented a positive behavior intervention and supports 46688  
framework in compliance with the requirements of section 3319.46 46689  
of the Revised Code, notated as a "yes" or "no" answer. 46690

(3) The department shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components:

(a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section;

(b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section;

(c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section;

(d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section;

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C) (1) (g) of this section;

(f) Prepared for success, which shall include the performance measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of this section. The department shall develop a method to determine a grade for the component in division (C) (3) (f) of this section using the performance measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of this section. When available, the department may incorporate the performance measure under division (C) (2) (g) of this section into the component under division (C) (3) (f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C) (3) (f) of this section, no individual student shall be counted in more than one performance

measure. However, if a student qualifies for more than one 46720  
performance measure in the component, the department may, in its 46721  
method to determine a grade for the component, specify an 46722  
additional weight for such a student that is not greater than or 46723  
equal to 1.0. In determining the overall score under division 46724  
(C) (3) (f) of this section, the department shall ensure that the 46725  
pool of students included in the performance measures aggregated 46726  
under that division are all of the students included in the 46727  
four- and five-year adjusted graduation cohort. 46728

In the rules adopted under division (C) (3) of this 46729  
section, the department shall adopt a method for determining a 46730  
grade for each component in divisions (C) (3) (a) to (f) of this 46731  
section. The department also shall establish a method to assign 46732  
an overall grade of "A," "B," "C," "D," or "F" using the grades 46733  
assigned for each component. The method the department adopts 46734  
for assigning an overall grade shall give equal weight to the 46735  
components in divisions (C) (3) (b) and (c) of this section. 46736

At least forty-five days prior to the department's 46737  
adoption of rules to prescribe the methods for calculating the 46738  
overall grade for the report card, as required by this division, 46739  
the department shall conduct a public presentation before the 46740  
standing committees of the house of representatives and the 46741  
senate that consider education legislation describing the format 46742  
for the report card, weights that will be assigned to the 46743  
components of the overall grade, and the method for calculating 46744  
the overall grade. 46745

(D) For the 2021-2022 school year and each school year 46746  
thereafter, all of the following apply: 46747

(1) The department shall include on a school district's or 46748  
building's report card all of the following performance measures 46749

without an assigned performance rating: 46750

(a) Whether the district or building meets the gifted 46751  
performance indicator under division (A) (2) of section 3302.02 46752  
of the Revised Code and the extent to which the district or 46753  
building meets gifted indicator performance benchmarks; 46754

(b) The extent to which the district or building meets the 46755  
chronic absenteeism indicator under division (A) (3) of section 46756  
3302.02 of the Revised Code; 46757

(c) Performance index score percentage for a district or 46758  
building, which shall be calculated by dividing the district's 46759  
or building's performance index score according to the 46760  
performance index system created by the department by the 46761  
maximum performance index score for a district or building. The 46762  
maximum performance index score shall be as follows: 46763

(i) For a building, the average of the highest two per 46764  
cent of performance index scores achieved by a building for the 46765  
school year for which a report card is issued; 46766

(ii) For a district, the average of the highest two per 46767  
cent of performance index scores achieved by a district for the 46768  
school year for which a report card is issued. 46769

(d) The overall score under the value-added progress 46770  
dimension of a district or building, for which the department 46771  
shall use three consecutive years of value-added data. In using 46772  
three years of value-added data to calculate the measure 46773  
prescribed under division (D) (1) (d) of this section, the 46774  
department shall assign a weight of fifty per cent to the most 46775  
recent year's data and a weight of twenty-five per cent to the 46776  
data of each of the other years. However, if three consecutive 46777  
years of value-added data is not available, the department shall 46778

use prior years of value-added data to calculate the measure, as 46779  
follows: 46780

(i) If two consecutive years of value-added data is not 46781  
available, the department shall use one year of value-added data 46782  
to calculate the measure. 46783

(ii) If two consecutive years of value-added data is 46784  
available, the department shall use two consecutive years of 46785  
value-added data to calculate the measure. In using two years of 46786  
value-added data to calculate the measure, the department shall 46787  
assign a weight of sixty-seven per cent to the most recent 46788  
year's data and a weight of thirty-three per cent to the data of 46789  
the other year. 46790

(e) The four-year adjusted cohort graduation rate. 46791

(f) The five-year adjusted cohort graduation rate. 46792

(g) The percentage of students in the district or building 46793  
who score proficient or higher on the reading segment of the 46794  
third grade English language arts assessment under section 46795  
3301.0710 of the Revised Code. 46796

To the extent possible, the department shall include the 46797  
results of the summer administration of the third grade reading 46798  
assessment under section 3301.0710 of the Revised Code in the 46799  
performance measures prescribed under divisions (D) (1) (g) and 46800  
(h) of this section. 46801

(h) Whether a district or building is making progress in 46802  
improving literacy in grades kindergarten through three, as 46803  
determined using a method prescribed by the department. The 46804  
method shall determine progress made based on the reduction in 46805  
the total percentage of students scoring below grade level, or 46806  
below proficient, compared from year to year on the reading 46807

segments of the diagnostic assessments administered under\_ 46808  
division (A) (1) of section 3301.0715 of the Revised Code, 46809  
~~including the kindergarten readiness assessment,~~ and the third 46810  
grade English language arts assessment under section 3301.0710 46811  
of the Revised Code, as applicable. The method shall not include 46812  
a deduction for students who did not pass the third grade 46813  
English language arts assessment under section 3301.0710 of the 46814  
Revised Code and were not on a reading improvement and 46815  
monitoring plan. 46816

The performance measure prescribed under division (D) (1) 46817  
(h) of this section shall not be included on the report card of 46818  
a district or building in which less than ten per cent of 46819  
students have scored below grade level on the diagnostic 46820  
assessment administered to students in kindergarten under 46821  
division (B) (1) of section 3313.608 of the Revised Code. 46822

(i) The percentage of students in a district or building 46823  
who are promoted to the fourth grade ~~and not subject to~~ 46824  
~~retention under division (A) (2) of section 3313.608 of the~~ 46825  
~~Revised Code~~based on the student's score on the third grade 46826  
English language arts assessment under division (A) (3) of 46827  
section 3301.0710 of the Revised Code or demonstrate competency 46828  
on an alternative assessment under division (A) (2) (c) of section 46829  
3313.608 of the Revised Code; 46830

(j) A post-secondary readiness measure. This measure shall 46831  
be calculated by dividing the number of students included in the 46832  
four-year adjusted graduation rate cohort who demonstrate post- 46833  
secondary readiness by the total number of students included in 46834  
the denominator of the four-year adjusted graduation rate 46835  
cohort. Demonstration of post-secondary readiness shall include 46836  
a student doing any of the following: 46837

(i) Attaining a remediation-free score, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code;

(ii) Attaining required scores on three or more advanced placement, college-level examination program, or international baccalaureate examinations. The required score for an advanced placement examination shall be a three or better. The required score for a college-level examination program examination shall be a passing score, as determined by the department. The required score for an international baccalaureate examination shall be a four or better. A student may satisfy this condition with any combination of advanced placement, college-level examination program, or international baccalaureate examinations.

(iii) Earning at least twelve college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code, an early college high school program under section 3313.6013 of the Revised Code, and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. Earned credits reported under division (D) (1) (j) (iii) of this section shall include credits that count toward the curriculum requirements established for completion of a degree, but shall not include any remedial or developmental credits.

(iv) Meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code;

(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code;	46868 46869 46870 46871
(vi) Satisfying any of the following conditions:	46872
(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;	46873 46874 46875
(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field;	46876 46877 46878
(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.	46879 46880 46881
(vii) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;	46882 46883 46884
(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:	46885 46886 46887 46888
(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or	46889 46890 46891
(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.	46892 46893
(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in	46894 46895

section 5910.01 of the Revised Code. 46896

A student who satisfies more than one of the conditions 46897  
prescribed under this division shall be counted as one student 46898  
for the purposes of calculating the measure prescribed under 46899  
division (D) (1) (j) of this section. 46900

(2) In addition to the performance measures under division 46901  
(D) (1) of this section, the department shall report on a 46902  
district's or building's report card all of the following data 46903  
without an assigned performance rating: 46904

(a) The applicable performance indicators established by 46905  
the department under division (A) (1) of section 3302.02 of the 46906  
Revised Code; 46907

(b) The overall score under the value-added progress 46908  
dimension of a district or building for the most recent school 46909  
year; 46910

(c) A composite of the overall scores under the value- 46911  
added progress dimension of a district or building for the 46912  
previous three school years or, if only two years of value-added 46913  
data are available, for the previous two years; 46914

(d) The percentage of students included in the four- and 46915  
five-year adjusted cohort graduation rates of a district or 46916  
building who did not receive a high school diploma under section 46917  
3313.61 or 3325.08 of the Revised Code. To the extent possible, 46918  
the department shall disaggregate that data according to the 46919  
following categories: 46920

(i) Students who are still enrolled in the district or 46921  
building and receiving general education services; 46922

(ii) Students with an individualized education program, as 46923

defined in section 3323.01 of the Revised Code, who satisfied 46924  
the conditions for a high school diploma under section 3313.61 46925  
or 3325.08 of the Revised Code, but opted not to receive a 46926  
diploma and are still receiving education services; 46927

(iii) Students with an individualized education program 46928  
who have not yet satisfied conditions for a high school diploma 46929  
under section 3313.61 or 3325.08 of the Revised Code and who are 46930  
still receiving education services; 46931

(iv) Students who are no longer enrolled in any district 46932  
or building; 46933

(v) Students who, upon enrollment in the district or 46934  
building for the first time, had completed fewer units of high 46935  
school instruction required under section 3313.603 of the 46936  
Revised Code than other students in the four- or five-year 46937  
adjusted cohort graduation rate. 46938

The department may disaggregate the data prescribed under 46939  
division (D) (2) (d) of this section according to other categories 46940  
that the department determines are appropriate. 46941

~~(e) The results of the kindergarten diagnostic assessment— 46942  
prescribed under division (D) of section 3301.079 of the Revised 46943  
Code;— 46944~~

~~(f)~~ Post-graduate outcomes for students who were enrolled 46945  
in a district or building and received a high school diploma 46946  
under section 3313.61 or 3325.08 of the Revised Code in the 46947  
school year prior to the school year for which the report card 46948  
is issued, including the percentage of students who: 46949

(i) Enrolled in a post-secondary educational institution. 46950  
To the extent possible, the department shall disaggregate that 46951  
data according to whether the student enrolled in a four-year 46952

institution of higher education, a two-year institution of 46953  
higher education, an Ohio technical center that provides adult 46954  
technical education services and is recognized by the chancellor 46955  
of higher education, or another type of post-secondary 46956  
educational institution. 46957

(ii) Entered an apprenticeship program registered with the 46958  
apprenticeship council established under Chapter 4139. of the 46959  
Revised Code. The department may include other job training 46960  
programs with similar rigor and outcomes. 46961

(iii) Attained gainful employment, as determined by the 46962  
department; 46963

(iv) Enlisted in a branch of the armed forces of the 46964  
United States, as defined in section 5910.01 of the Revised 46965  
Code. 46966

~~(g)~~(f) Whether the school district or building has 46967  
implemented a positive behavior intervention and supports 46968  
framework in compliance with the requirements of section 3319.46 46969  
of the Revised Code, notated with a "yes" or "no"; 46970

~~(h)~~(g) The number and percentage of high school seniors in 46971  
each school year who completed the free application for federal 46972  
student aid; 46973

~~(i)~~(h) Beginning with the report card issued under this 46974  
section for the 2022-2023 school year, a student opportunity 46975  
profile measure that reports data regarding the opportunities 46976  
provided to students by a district or building. To the extent 46977  
possible, and when appropriate, the data shall be disaggregated 46978  
by grade level and subgroup. The measure also shall include data 46979  
regarding the statewide average, the average for similar school 46980  
districts, and, for a building, the average for the district in 46981

which the building is located. The measure shall include all of	46982
the following data for the district or building:	46983
(i) The average ratio of teachers of record to students in	46984
each grade level in a district or building;	46985
(ii) The average ratio of school counselors to students in	46986
a district or building;	46987
(iii) The average ratio of nurses to students in a	46988
district or building;	46989
(iv) The average ratio of licensed librarians and library	46990
media specialists to students in a district or building;	46991
(v) The average ratio of social workers to students in a	46992
district or building;	46993
(vi) The average ratio of mental health professionals to	46994
students in a district or building;	46995
(vii) The average ratio of paraprofessionals to students	46996
in a district or building;	46997
(viii) The percentage of teachers with fewer than three	46998
years of experience teaching in any school;	46999
(ix) The percentage of principals with fewer than three	47000
years of experience as a principal in any school;	47001
(x) The percentage of teachers who are not teaching in the	47002
subject or field for which they are certified or licensed;	47003
(xi) The percentage of kindergarten students who are	47004
enrolled in all-day kindergarten, as defined in section 3321.05	47005
of the Revised Code;	47006
(xii) The percentage of students enrolled in a performing	47007
or visual arts course;	47008

(xiii) The percentage of students enrolled in a physical education or wellness course;	47009 47010
(xiv) The percentage of students enrolled in a world language course;	47011 47012
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	47013 47014
(xvi) The percentage of students participating in one or more cocurricular activities;	47015 47016
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	47017 47018 47019 47020
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	47021 47022 47023 47024
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	47025 47026 47027
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	47028 47029 47030 47031
(xxi) The percentage of students who are transported by a school bus each school day;	47032 47033
(xxii) The ratio of portable technology devices that students may take home to the number of students.	47034 47035

The department shall include only opportunity measures at 47036  
the building level for which data for buildings is available, as 47037  
determined by a school district. 47038

~~(j)~~(i) (i) The percentage of students included in the 47039  
four- and five-year adjusted cohort graduation rates of the 47040  
district or building who completed all of grades nine through 47041  
twelve while enrolled in the district or building; 47042

(ii) The four-year adjusted cohort graduation rate for 47043  
only those students who were continuously enrolled in the same 47044  
district or building for grades nine through twelve. 47045

~~(k)~~(j) Whether the district or building provides 47046  
information about and promotes the college credit plus program 47047  
established under Chapter 3365. of the Revised Code to students 47048  
in accordance with section 3365.04 of the Revised Code, notated 47049  
with a "yes" or "no"; 47050

~~(l)~~(k) The percentage of students in the district or 47051  
building to whom both of the following apply: 47052

(i) The students are promoted to fourth grade and not 47053  
subject to retention under division (A) (2) of section 3313.608 47054  
of the Revised Code. 47055

(ii) The students completed all of the grade levels 47056  
offered prior to the fourth grade in the district or building. 47057

(3) Except as provided in division (D) (3) (f) of this 47058  
section, the department shall use the method prescribed under 47059  
rules adopted under division (D) (4) of this section to assign 47060  
performance ratings of "one star," "two stars," "three stars," 47061  
"four stars," or "five stars," as described in division (F) of 47062  
this section, for a district or building for the individual 47063  
components prescribed under division (D) (3) of this section. The 47064

department also shall assign an overall performance rating for a 47065  
district or building in accordance with division (D) (3) (g) of 47066  
this section. The method shall use the performance measures 47067  
prescribed under division (D) (1) of this section to calculate 47068  
performance ratings for components. The method may report data 47069  
under division (D) (2) of this section with corresponding 47070  
components, but shall not use the data to calculate performance 47071  
ratings for that component. The performance measures and 47072  
reported data shall be grouped together into components as 47073  
follows: 47074

(a) Gap closing. In addition to other criteria determined 47075  
appropriate by the department, performance ratings for the gap 47076  
closing component shall reflect whether each of the following 47077  
performance measures are met or not met: 47078

(i) The gifted performance indicator as described in 47079  
division (D) (1) (a) of this section; 47080

(ii) The chronic absenteeism indicator as described in 47081  
division (D) (1) (b) of this section; 47082

(iii) For English learners, an English language 47083  
proficiency improvement indicator established by the department; 47084

(iv) The subgroup graduation targets; 47085

(v) The subgroup achievement targets in both mathematics 47086  
and English language arts; 47087

(vi) The subgroup progress targets in both mathematics and 47088  
English language arts. 47089

Achievement and progress targets under division (D) (3) (a) 47090  
of this section shall be calculated individually, and districts 47091  
and buildings shall receive a status of met or not met on each 47092

measure. The department shall not require a subgroup of a 47093  
district or building to meet both the achievement and progress 47094  
targets at the same time to receive a status of met. 47095

The department shall not include any subgroup data in this 47096  
measure that includes data from fewer than fifteen students. Any 47097  
penalty for failing to meet the required assessment 47098  
participation rate must be partially in proportion to how close 47099  
the district or building was to meeting the rate requirement. 47100

(b) Achievement, which shall include the performance 47101  
measure in division (D) (1) (c) of this section and the reported 47102  
data in division (D) (2) (a) of this section. Performance ratings 47103  
for the achievement component shall be awarded as a percentage 47104  
of the maximum performance index score described in division (D) 47105  
(1) (c) of this section. 47106

(c) Progress, which shall include the performance measure 47107  
in division (D) (1) (d) of this section and the reported data in 47108  
divisions (D) (2) (b) and (c) of this section; 47109

(d) Graduation, which shall include the performance 47110  
measures in divisions (D) (1) (e) and (f) of this section and the 47111  
reported data in divisions (D) (2) (d) and (j) of this section. 47112  
The four-year adjusted cohort graduation rate shall be assigned 47113  
a weight of sixty per cent and the five-year adjusted cohort 47114  
graduation rate shall be assigned a weight of forty per cent. 47115

(e) Early literacy, which shall include the performance 47116  
measures in divisions (D) (1) (g), (h), and (i) of this section 47117  
and the reported data in ~~divisions (D) (2) (e) and (l)~~ division (D) 47118  
(2) (k) of this section. 47119

If the measure prescribed under division (D) (1) (h) of this 47120  
section is included in a report card, performance ratings for 47121

the early literacy component shall give a weight of forty per 47122  
cent to the measure prescribed under division (D) (1) (g) of this 47123  
section, a weight of thirty-five per cent to the measure 47124  
prescribed under division (D) (1) (i) of this section, and a 47125  
weight of twenty-five per cent to the measure prescribed under 47126  
division (D) (1) (h) of this section. 47127

If the measure prescribed under division (D) (1) (h) of this 47128  
section is not included in a report card of a district or 47129  
building, performance ratings for the early literacy component 47130  
shall give a weight of sixty per cent to the measure prescribed 47131  
under division (D) (1) (g) of this section and a weight of forty 47132  
per cent to the measure prescribed under division (D) (1) (i) of 47133  
this section. 47134

(f) College, career, workforce, and military readiness, 47135  
which shall include the performance measure in division (D) (1) 47136  
(j) of this section and the reported data in division ~~(D) (2) (f)~~ 47137  
(D) (2) (e) of this section. 47138

For the 2021-2022, 2022-2023, and 2023-2024 school years, 47139  
the department only shall report the data for, and not assign a 47140  
performance rating to, the college, career, workforce, and 47141  
military readiness component. The reported data shall include 47142  
the percentage of students who demonstrate post-secondary 47143  
readiness using any of the options described in division (D) (1) 47144  
(j) of this section. 47145

The department shall analyze the data included in the 47146  
performance measure prescribed in division (D) (1) (j) of this 47147  
section for the 2021-2022, 2022-2023, and 2023-2024 school 47148  
years. Using that data, the department shall develop and propose 47149  
rules for a method to assign a performance rating to the 47150  
college, career, workforce, and military readiness component 47151

based on that measure. The method to assign a performance rating 47152  
shall not include a tiered structure or per student bonuses. The 47153  
rules shall specify that a district or building shall not 47154  
receive lower than a performance rating of three stars for the 47155  
component if the district's or building's performance on the 47156  
component meets or exceeds a level of improvement set by the 47157  
department. Notwithstanding division (D) (4) (b) of this section, 47158  
more than half of the total districts and buildings may earn a 47159  
performance rating of three stars on this component to account 47160  
for the districts and buildings that earned a performance rating 47161  
of three stars because they met or exceeded the level of 47162  
improvement set by the department. 47163

The department shall submit the rules to the joint 47164  
committee on agency rule review. The committee shall conduct at 47165  
least one public hearing on the proposed rules and approve or 47166  
disapprove the rules. If the committee approves the rules, the 47167  
department shall adopt the rules in accordance with Chapter 119. 47168  
of the Revised Code. If the rules are adopted, the department 47169  
shall assign a performance rating to the college, career, 47170  
workforce, and military readiness component under the rules 47171  
beginning with the 2024-2025 school year, and for each school 47172  
year thereafter. If the committee disapproves the rules, the 47173  
component shall be included in the report card only as reported 47174  
data for the 2024-2025 school year, and each school year 47175  
thereafter. 47176

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 47177  
this section, beginning with the 2022-2023 school year, under 47178  
the method prescribed under rules adopted in division (D) (4) of 47179  
this section, the department shall use the performance ratings 47180  
assigned for the components prescribed in divisions (D) (3) (a) to 47181  
(e) of this section to determine and assign an overall 47182

performance rating of "one star," "one and one-half stars," "two stars," "two and one-half stars," "three stars," "three and one-half stars," "four stars," "four and one-half stars," or "five stars" for a district or building. The method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section. The method shall give equal weight to the components in divisions (D) (3) (a), (d), and (e) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), and (e) of this section shall be equal to one-half of the weight given to the component prescribed in division (D) (3) (b) of this section.

(ii) If the joint committee on agency rule review approves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, for the 2024-2025 school year, and each school year thereafter, the department's method shall use the components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) of this section to calculate the overall performance rating. The method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section shall be equal to one-half the weight given to the component prescribed in division (D) (3) (b) of this section.

If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, division (D) (3) (g) (ii) of this section does not apply.

(4) (a) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and rating system necessary to implement divisions (D) and (F) of this section, including the method for the department to assign performance ratings under division (D) (3) of this section.

(b) In establishing the performance criteria, benchmarks, and rating system, the department shall consult with stakeholder groups and advocates that represent parents, community members, students, business leaders, and educators from different school typology regions. The department shall use data from prior school years and simulations to ensure that there is meaningful differentiation among districts and buildings across all performance ratings and that, except as permitted in division (D) (3) (f) of this section, more than half of all districts or buildings do not earn the same performance rating in any component or overall performance rating.

(c) The department shall adopt the rules prescribed by division (D) (4) of this section not later than March 31, 2022. However, the department shall notify districts and buildings of the changes to the report card prescribed in law not later than one week after September 30, 2021.

(d) Prior to adopting or updating rules under division (D) (4) of this section, the director of education and workforce and the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation describing the format for the report card and the performance criteria, benchmarks, and rating system, including the method to assign performance ratings under division (D) (3) of this

section. 47244

(E) The department may develop a measure of student 47245  
academic progress for high school students using only data from 47246  
assessments in English language arts and mathematics. If the 47247  
department develops this measure, each school district and 47248  
applicable school building shall be assigned a separate letter 47249  
grade for it not sooner than the 2017-2018 school year. The 47250  
district's or building's grade for that measure shall not be 47251  
included in determining the district's or building's overall 47252  
letter grade. 47253

(F) (1) The letter grades assigned to a school district or 47254  
building under this section shall be as follows: 47255

(a) "A" for a district or school making excellent 47256  
progress; 47257

(b) "B" for a district or school making above average 47258  
progress; 47259

(c) "C" for a district or school making average progress; 47260

(d) "D" for a district or school making below average 47261  
progress; 47262

(e) "F" for a district or school failing to meet minimum 47263  
progress. 47264

(2) For the overall performance rating under division (D) 47265  
(3) of this section, the department shall include a descriptor 47266  
for each performance rating as follows: 47267

(a) "Significantly exceeds state standards" for a 47268  
performance rating of five stars; 47269

(b) "Exceeds state standards" for a performance rating of 47270

four stars or four and one-half stars; 47271

(c) "Meets state standards" for a performance rating of 47272  
three stars or three and one-half stars; 47273

(d) "Needs support to meet state standards" for a 47274  
performance rating of two stars or two and one-half stars; 47275

(e) "Needs significant support to meet state standards" 47276  
for a performance rating of one star or one and one-half stars. 47277

(3) For performance ratings for each component under 47278  
divisions (D) (3) (a) to (f) of this section, the department shall 47279  
include a description of each component and performance rating. 47280  
The description shall include component-specific context to each 47281  
performance rating earned, estimated comparisons to other school 47282  
districts and buildings if appropriate, and any other 47283  
information determined by the department. The descriptions shall 47284  
be not longer than twenty-five words in length when possible. In 47285  
addition to such descriptions, the department shall include the 47286  
descriptors in division (F) (2) of this section for component 47287  
performance ratings. 47288

(4) Each report card issued under this section shall 47289  
include all of the following: 47290

(a) A graphic that depicts the performance ratings of a 47291  
district or school on a color scale. The color associated with a 47292  
performance rating of three stars shall be green and the color 47293  
associated with a performance rating of one star shall be red. 47294

(b) An arrow graphic that shows data trends for 47295  
performance ratings for school districts or buildings. The 47296  
department shall determine the data to be used for this graphic, 47297  
which shall include at least the three most recent years of 47298  
data. 47299

(c) A description regarding the weights that are assigned 47300  
to each component and used to determine an overall performance 47301  
rating, as prescribed under division (D) (3) (g) of this section, 47302  
which shall be included in the presentation of the overall 47303  
performance rating on each report card. 47304

(G) When reporting data on student achievement and 47305  
progress, the department shall disaggregate that data according 47306  
to the following categories: 47307

(1) Performance of students by grade-level; 47308

(2) Performance of students by race and ethnic group; 47309

(3) Performance of students by gender; 47310

(4) Performance of students grouped by those who have been 47311  
enrolled in a district or school for three or more years; 47312

(5) Performance of students grouped by those who have been 47313  
enrolled in a district or school for more than one year and less 47314  
than three years; 47315

(6) Performance of students grouped by those who have been 47316  
enrolled in a district or school for one year or less; 47317

(7) Performance of students grouped by those who are 47318  
economically disadvantaged; 47319

(8) Performance of students grouped by those who are 47320  
enrolled in a conversion community school established under 47321  
Chapter 3314. of the Revised Code; 47322

(9) Performance of students grouped by those who are 47323  
classified as English learners; 47324

(10) Performance of students grouped by those who have 47325  
disabilities; 47326

(11) Performance of students grouped by those who are 47327  
classified as migrants; 47328

(12) Performance of students grouped by those who are 47329  
identified as gifted in superior cognitive ability and the 47330  
specific academic ability fields of reading and math pursuant to 47331  
Chapter 3324. of the Revised Code. In disaggregating specific 47332  
academic ability fields for gifted students, the department 47333  
shall use data for those students with specific academic ability 47334  
in math and reading. If any other academic field is assessed, 47335  
the department shall also include data for students with 47336  
specific academic ability in that field as well. 47337

(13) Performance of students grouped by those who perform 47338  
in the lowest quintile for achievement on a statewide basis, as 47339  
determined by a method prescribed by the department. 47340

The department may disaggregate data on student 47341  
performance according to other categories that the department 47342  
determines are appropriate. To the extent possible, the 47343  
department shall disaggregate data on student performance 47344  
according to any combinations of two or more of the categories 47345  
listed in divisions (G) (1) to (13) of this section that it deems 47346  
relevant. 47347

In reporting data pursuant to division (G) of this 47348  
section, the department shall not include in the report cards 47349  
any data statistical in nature that is statistically unreliable 47350  
or that could result in the identification of individual 47351  
students. For this purpose, the department shall not report 47352  
student performance data for any group identified in division 47353  
(G) of this section that contains less than ten students. If the 47354  
department does not report student performance data for a group 47355  
because it contains less than ten students, the department shall 47356

indicate on the report card that is why data was not reported. 47357

(H) The department may include with the report cards any 47358  
additional education and fiscal performance data it deems 47359  
valuable. 47360

(I) The department shall include on each report card a 47361  
list of additional information collected by the department that 47362  
is available regarding the district or building for which the 47363  
report card is issued. When available, such additional 47364  
information shall include student mobility data disaggregated by 47365  
race and socioeconomic status, college enrollment data, and the 47366  
reports prepared under section 3302.031 of the Revised Code. 47367

The department shall maintain a site on the world wide 47368  
web. The report card shall include the address of the site and 47369  
shall specify that such additional information is available to 47370  
the public at that site. The department shall also provide a 47371  
copy of each item on the list to the superintendent of each 47372  
school district. The district superintendent shall provide a 47373  
copy of any item on the list to anyone who requests it. 47374

(J) (1) (a) Except as provided in division (J) (1) (b) of this 47375  
section, for any district that sponsors a conversion community 47376  
school under Chapter 3314. of the Revised Code, the department 47377  
shall combine data regarding the academic performance of 47378  
students enrolled in the community school with comparable data 47379  
from the schools of the district for the purpose of determining 47380  
the performance of the district as a whole on the report card 47381  
issued for the district under this section or section 3302.033 47382  
of the Revised Code. 47383

(b) The department shall not combine data from any 47384  
conversion community school that a district sponsors if a- 47385

~~majority of the students enrolled in the conversion community~~ 47386  
~~school are enrolled in~~ is a dropout prevention and recovery 47387  
~~program that is operated by the~~ community school, as ~~described~~ 47388  
~~in division (B) (1) of~~ defined in section ~~3314.35~~ 3314.02 of the 47389  
Revised Code. The department shall include as an addendum to the 47390  
district's report card the ratings and performance measures that 47391  
are required under section 3314.017 of the Revised Code for any 47392  
community school to which division (J) (1) (b) of this section 47393  
applies. This addendum shall include, at a minimum, the data 47394  
specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 47395  
3314.017 of the Revised Code. 47396

(2) Any district that leases a building to a community 47397  
school located in the district or that enters into an agreement 47398  
with a community school located in the district whereby the 47399  
district and the school endorse each other's programs may elect 47400  
to have data regarding the academic performance of students 47401  
enrolled in the community school combined with comparable data 47402  
from the schools of the district for the purpose of determining 47403  
the performance of the district as a whole on the district 47404  
report card. Any district that so elects shall annually file a 47405  
copy of the lease or agreement with the department. 47406

(3) Any municipal school district, as defined in section 47407  
3311.71 of the Revised Code, that sponsors a community school 47408  
located within the district's territory, or that enters into an 47409  
agreement with a community school located within the district's 47410  
territory whereby the district and the community school endorse 47411  
each other's programs, may exercise either or both of the 47412  
following elections: 47413

(a) To have data regarding the academic performance of 47414  
students enrolled in that community school combined with 47415

comparable data from the schools of the district for the purpose 47416  
of determining the performance of the district as a whole on the 47417  
district's report card; 47418

(b) To have the number of students attending that 47419  
community school noted separately on the district's report card. 47420

The election authorized under division (J) (3) (a) of this 47421  
section is subject to approval by the governing authority of the 47422  
community school. 47423

Any municipal school district that exercises an election 47424  
to combine or include data under division (J) (3) of this 47425  
section, by the first day of October of each year, shall file 47426  
with the department documentation indicating eligibility for 47427  
that election, as required by the department. 47428

(K) The department shall include on each report card the 47429  
percentage of teachers in the district or building who are 47430  
properly certified or licensed teachers, as defined in section 47431  
3319.074 of the Revised Code, and a comparison of that 47432  
percentage with the percentages of such teachers in similar 47433  
districts and buildings. 47434

(L) (1) In calculating English language arts, mathematics, 47435  
science, American history, or American government assessment 47436  
passage rates used to determine school district or building 47437  
performance under this section, the department shall include all 47438  
students taking an assessment with accommodation or to whom an 47439  
alternate assessment is administered pursuant to division (C) (1) 47440  
or (3) of section 3301.0711 of the Revised Code and all students 47441  
who take substitute examinations approved under division (B) (4) 47442  
of section 3301.0712 of the Revised Code in the subject areas of 47443  
science, American history and American government. 47444

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the department under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A) (1) or (B) (1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment and, to the extent possible, the summer administration of that assessment;

(c) Include for each district or building any English learner in accordance with the department's plan, as approved by the United States secretary of education, to comply with the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339.

As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

(M) Beginning with the 2015-2016 school year and at least once every three years thereafter, the department shall review and may adjust the benchmarks for assigning letter grades or performance ratings to the performance measures and components

prescribed under divisions (C) (3), (D), and (E) of this section. 47474

**Sec. 3302.034.** (A) The department of education and 47475  
workforce shall adopt and specify measures in addition to those 47476  
included on the report card issued under section 3302.03 of the 47477  
Revised Code. The measures adopted under this section shall be 47478  
reported separately, as specified under division (B) of this 47479  
section, for each school district, each building in a district, 47480  
each community school established under Chapter 3314., each STEM 47481  
school established under Chapter 3326., and each college- 47482  
preparatory boarding school established under Chapter 3328. of 47483  
the Revised Code. The measures shall include at least the 47484  
following: 47485

(1) Data for students who have passed over a grade or 47486  
subject area under an acceleration policy prescribed under 47487  
section 3324.10 of the Revised Code; 47488

(2) The number of students who are economically 47489  
disadvantaged as determined by the department; 47490

(3) The number of lead teachers employed by each district 47491  
and each building once the data is available through the 47492  
education management information system established under 47493  
section 3301.0714 of the Revised Code; 47494

(4) The amount of students screened and identified as 47495  
gifted under Chapter 3324. of the Revised Code; 47496

(5) ~~Postgraduate student outcome data as described under~~ 47497  
~~division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,~~ 47498  
including postsecondary credit earned, nationally recognized 47499  
career or technical certification, military enlistment, job 47500  
placement, and attendance rate; 47501

(6) Availability of courses in fine arts; 47502

(7) Participation with other school districts to provide 47503  
career-technical education services to students. 47504

(B) The department shall report this information annually 47505  
beginning with the 2013-2014 school year and make this 47506  
information available on its web site for comparison purposes. 47507

Sec. 3302.131. (A) Beginning with the 2025-2026 school 47508  
year and each school year thereafter, each school district or 47509  
community school in which fifty-one per cent or less of the 47510  
district's or school's students who took the third grade 47511  
mathematics assessment prescribed under section 3301.0710 of the 47512  
Revised Code for that school year attained at least a proficient 47513  
score on that assessment shall establish and submit to the 47514  
department of education and workforce a mathematics achievement 47515  
improvement plan. 47516

(B) The department shall establish guidelines prescribing 47517  
the content of and deadlines for mathematics achievement 47518  
improvement plans required under division (A) of this section. 47519  
The guidelines shall prescribe that each plan include, at a 47520  
minimum, an analysis of relevant student performance data, 47521  
measurable student performance goals, strategies to meet 47522  
specific student needs, a staffing and professional development 47523  
plan, and instructional strategies for improving student 47524  
performance. 47525

(C) Beginning with the 2025-2026 school year and each 47526  
school year thereafter, any school district or community school 47527  
to which this section applies is no longer required to submit an 47528  
improvement plan pursuant to division (A) of this section when 47529  
not less than fifty-one per cent of the district's students who 47530  
took the third grade mathematics assessment prescribed under 47531  
section 3301.0710 of the Revised Code for that school year 47532

attained at least a proficient score on that assessment. 47533

(D) The department shall post in a prominent location on its web site all plans submitted pursuant to this section. 47534  
47535

(E) This section does not apply to a student that meets either of the following conditions: 47536  
47537

(1) The student has an individualized education program developed under Chapter 3323. of the Revised Code that includes services related to a traumatic brain injury. 47538  
47539  
47540

(2) The student attends a dropout prevention and recovery community school established under Chapter 3314. of the Revised Code. 47541  
47542  
47543

**Sec. 3302.132.** (A) Beginning with the 2025-2026 school year and each school year thereafter, for each student required to be provided mathematics intervention services under section 3313.6035 of the Revised Code, the district shall develop a mathematics improvement and monitoring plan within sixty days after receiving the student's results on the third grade mathematics assessment prescribed under section 3301.0710 of the Revised Code. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 47544  
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47553

(1) Identification of the student's specific mathematics deficiencies; 47554  
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(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified mathematics deficiencies; 47556  
47557  
47558

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described 47559  
47560

in division (A) (2) of this section; 47561

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (A) (2) of this section; 47562  
47563  
47564

(5) A mathematics curriculum during regular school hours that does all of the following: 47565  
47566

(a) Assists students in mathematics at grade level; 47567

(b) Provides scientifically based and reliable assessment; 47568

(c) Provides initial and ongoing analysis of each student's progress. 47569  
47570

(6) High-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors under section 3301.136 of the Revised Code or a locally approved opportunity that aligns with high-dosage tutoring best practices. High-dosage tutoring opportunities shall include additional instruction time delivered at least three days per week, or at least fifty hours over thirty-six weeks. 47571  
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(B) (1) The district shall continue to implement the plan developed under division (A) of this section until the student achieves the required level of skill in mathematics for the student's current grade level. 47579  
47580  
47581  
47582

(2) The district shall report any information requested by the department of education and workforce about the mathematics improvement and monitoring plans developed under this section in the manner required by the department. 47583  
47584  
47585  
47586

**Sec. 3302.20.** (A) The department of education and workforce shall develop standards for determining, from the 47587  
47588

existing data reported in accordance with sections 3301.0714 and 47589  
3314.17 of the Revised Code, the amount of annual operating 47590  
expenditures for classroom instructional purposes and for 47591  
nonclassroom purposes for each city, exempted village, local, 47592  
and joint vocational school district, each community school 47593  
established under Chapter 3314. that is not an internet- or 47594  
computer-based community school, each internet- or computer- 47595  
based community school, and each STEM school established under 47596  
Chapter 3326. of the Revised Code. In developing the standards, 47597  
the department shall adapt existing standards used by 47598  
professional organizations, research organizations, and other 47599  
state governments. The department also shall align the 47600  
expenditure categories required for reporting under the 47601  
standards with the categories that are required for reporting to 47602  
the United States department of education under federal law. 47603

(B) (1) The department shall categorize all city, exempted 47604  
village, and local school districts into not less than three nor 47605  
more than five groups based primarily on average daily student 47606  
enrollment as reported on the most recent report card issued for 47607  
each district under section 3302.03 of the Revised Code. 47608

(2) The department shall categorize all joint vocational 47609  
school districts into not less than three nor more than five 47610  
groups based primarily on enrolled ADM as that term is defined 47611  
in section 3317.02 of the Revised Code rounded to the nearest 47612  
whole number. 47613

(3) The department shall categorize all community schools 47614  
that are not internet- or computer-based community schools into 47615  
not less than three nor more than five groups based primarily on 47616  
average daily student enrollment as reported on the most recent 47617  
report card issued for each community school under sections 47618

3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions (B) (1) and (2) of section 3314.08 of the Revised Code.

(4) The department shall categorize all internet- or computer-based community schools into a single category.

(5) The department shall categorize all STEM schools into a single category.

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;

(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:

(a) From highest to lowest percentage spent for classroom instructional purposes;

(b) From lowest to highest percentage spent for noninstructional purposes.

(5) The total operating expenditures per pupil for each district, community school, and STEM school; 47647  
47648

(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school. 47649  
47650

(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations: 47651  
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47653

(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is: 47654  
47655  
47656

(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils; 47657  
47658  
47659

(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores. 47660  
47661  
47662

(2) Within each category of joint vocational school districts, the department shall denote each district that is: 47663  
47664

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils; 47665  
47666  
47667

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code. 47668  
47669  
47670

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is: 47671  
47672  
47673

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 47674  
47675  
47676

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 47677  
47678  
47679  
47680

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 47681  
47682  
47683

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 47684  
47685  
47686

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 47687  
47688  
47689  
47690

(5) Within the category of STEM schools, the department shall denote each school that is: 47691  
47692

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils; 47693  
47694  
47695

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 47696  
47697

For purposes of divisions (D) (3) (b) and (4) (b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some ~~community schools that serve primarily~~ 47698  
47699  
47700  
47701

~~students enrolled in dropout prevention and recovery~~ 47702  
~~programs~~ community schools. 47703

(E) The department shall post in a prominent location on 47704  
its web site the information prescribed by divisions (C) and (D) 47705  
of this section. The department also shall include on each 47706  
district's, community school's, and STEM school's annual report 47707  
card issued under section 3302.03 or 3314.017 of the Revised 47708  
Code the respective information computed for the district or 47709  
school under divisions (C) (1) and (4) of this section, the 47710  
statewide information computed under division (C) (2) of this 47711  
section, and the information computed for the district's or 47712  
school's category under division (C) (3) of this section. 47713

(F) As used in this section: 47714

(1) "Internet- or computer-based community school" has the 47715  
same meaning as in section 3314.02 of the Revised Code. 47716

(2) A school district's, community school's, or STEM 47717  
school's performance index score rank is its performance index 47718  
score rank as computed under section 3302.21 of the Revised 47719  
Code. 47720

(3) "Expenditure per equivalent pupils" has the same 47721  
meaning as in section 3302.26 of the Revised Code. 47722

(4) "Dropout prevention and recovery community school" has 47723  
the same meaning as in section 3314.02 of the Revised Code. 47724

**Sec. 3302.42.** As used in this section, "online learning" 47725  
has the same meaning as in section 3301.079 of the Revised Code. 47726

(A) Any local, city, exempted village, or joint vocational 47727  
school district, with approval of the department of education 47728  
and workforce, may operate a school using an online learning 47729

model. If a school is operated using an online learning model or 47730  
is to cease operating using an online learning model, the 47731  
superintendent of the district shall notify the department of 47732  
that fact not later than the first day of July of the school 47733  
year for which the change is effective. If any school district 47734  
school is currently operated using an online learning model on 47735  
September 30, 2021, the superintendent of the district shall 47736  
notify the department within sixty days after September 30, 47737  
2021, of that fact and request that the school be classified as 47738  
an online learning school. 47739

(1) Districts shall assign all students engaged in online 47740  
learning to a single school which the department shall designate 47741  
as a district online school. 47742

(2) Districts shall provide all students engaged in online 47743  
learning a computer, at no cost, for instructional use. 47744  
Districts shall provide a filtering device or install filtering 47745  
software that protects against internet access to materials that 47746  
are obscene or harmful to juveniles on each computer provided to 47747  
students for instructional use. 47748

(3) Districts shall provide all students engaged in online 47749  
learning access to the internet, at no cost, for instructional 47750  
use. 47751

(4) Districts that operate an online learning school shall 47752  
provide a comprehensive orientation for students and their 47753  
parents or guardians prior to enrollment or within thirty days 47754  
for students enrolled as of September 30, 2021. 47755

(5) Online learning schools operated by a district shall 47756  
implement a learning management system that tracks the time 47757  
students participate in online learning activities. All student 47758

learning activities completed while off-line shall be documented 47759  
with all participation records checked and approved by the 47760  
teacher of record. 47761

(6) Districts may employ teachers and nonteaching 47762  
employees necessary to carry out its duties and fulfill its 47763  
responsibilities under this section or may contract with a 47764  
nonprofit or for-profit entity to operate the online learning 47765  
school, including the provision of personnel, related services, 47766  
curriculum, supplies, equipment, or facilities. 47767

(B) The department shall revise any operating standards 47768  
for school districts adopted under section 3301.07 of the 47769  
Revised Code to include standards for the operation of online 47770  
learning under this section. The online learning operation 47771  
standards shall provide for all of the following: 47772

(1) Student-to-teacher ratios whereby no school or 47773  
classroom is required to have more than one teacher for every 47774  
one hundred twenty-five students in online learning classrooms; 47775

(2) The ability of all students, at any grade level, to 47776  
earn credits or advance grade levels upon demonstrating mastery 47777  
of knowledge or skills through competency-based learning models. 47778  
Credits or grade level advancement shall not be based on a 47779  
minimum number of days or hours in a classroom. 47780

(3) Notwithstanding anything to the contrary in section 47781  
3313.48 of the Revised Code, a requirement that schools 47782  
operating using an online learning model have an annual 47783  
instructional calendar of not less than nine hundred ten hours. 47784

(a) For funding purposes, the department shall reduce the 47785  
full-time equivalence proportionally for any student in an 47786  
online learning school who participates in less than nine 47787

hundred ten hours per school year. The department shall reduce 47788  
state funding for students assigned to an online learning school 47789  
operated by a district commensurate with such adjustments to 47790  
enrollment. 47791

(b) The department shall develop a review process and make 47792  
all adjustments of state funding to districts to reflect any 47793  
participation of students in online learning schools for less 47794  
than the equivalent of a full school year. 47795

(4) Adequate provisions for: the licensing of teachers, 47796  
administrators, and other professional personnel and their 47797  
assignment according to training and qualifications; efficient 47798  
and effective instructional materials and equipment, including 47799  
library facilities; the proper organization, administration, and 47800  
supervision of each school, including regulations for preparing 47801  
all necessary records and reports and the preparation of a 47802  
statement of policies and objectives for each school; buildings, 47803  
grounds, and health and sanitary facilities and services; 47804  
admission of pupils, and such requirements for their promotion 47805  
from grade to grade as will ensure that they are capable and 47806  
prepared for the level of study to which they are certified; 47807  
requirements for graduation; and such other factors as the board 47808  
finds necessary. 47809

(C) This section does not affect any provisions for the 47810  
operation of and payments to an internet- or computer-based 47811  
community school prescribed in Chapter 3314. of the Revised 47812  
Code. 47813

**Sec. 3305.05.** (A) As used in this section and section 47814  
3305.051 of the Revised Code, "academic or administrative 47815  
employee" means any full-time employee not receiving any 47816  
benefit, allowance, or other payment granted on the employee's 47817

account from a state retirement system who, before August 1, 47818  
2005, met one of the following requirements: 47819

(1) The employee was a member of the faculty of a public 47820  
institution of higher education. 47821

(2) The employee was a member of the administrative staff 47822  
of a public institution of higher education serving in a 47823  
position in the unclassified civil service pursuant to section 47824  
124.11 of the Revised Code. 47825

(3) If section 124.11 of the Revised Code did not apply to 47826  
the public institution of higher education, the employee was a 47827  
member of the administrative staff of a public institution of 47828  
higher education serving in a position comparable to a position 47829  
in the unclassified civil service. 47830

In all cases of doubt, the board of trustees of the public 47831  
institution of higher education shall determine whether any 47832  
person is an academic or administrative employee for purposes of 47833  
this chapter, and the board's decision shall be final. 47834

(B) (1) Each person who, on August 1, 2005, is an eligible 47835  
employee of a public institution of higher education and has 47836  
accrued less than five years of service credit in a state 47837  
retirement system may, not later than one hundred twenty days 47838  
after August 1, 2005, make an election to participate in an 47839  
alternative retirement plan available at the employing public 47840  
institution, unless, prior to August 1, 2005, the person had an 47841  
opportunity pursuant to former section 3305.05 of the Revised 47842  
Code to make such an election as an academic or administrative 47843  
employee of that public institution of higher education. 47844

(2) An eligible employee whose employment with a public 47845  
institution of higher education commences on or after August 1, 47846

2005, may, not later than one hundred twenty days after the 47847  
starting date of the employment, make an election to participate 47848  
in an alternative retirement plan available at the employing 47849  
public institution. 47850

(3) An eligible employee who, on or after August 1, 2005, 47851  
terminates employment at one public institution of higher 47852  
education and subsequently is employed by another public 47853  
institution of higher education in a position for which an 47854  
alternative retirement plan is available may, not later than one 47855  
hundred twenty days after the starting date of the employment, 47856  
elect to participate in an alternative retirement plan available 47857  
at that public institution. 47858

(C) (1) An eligible employee who makes an election to  47859  
participate in an alternative retirement plan under division (B) 47860  
of this section shall ~~submit~~ make the election in writing and 47861  
sign the election. The public institution of higher education 47862  
employing the eligible employee may permit the employee to sign 47863  
the election by electronic signature. The employee shall submit 47864  
the election to the designated officer of the employee's 47865  
employing public institution of higher education. Once 47866  
submitted, the election is irrevocable while the eligible 47867  
employee continues to be employed by the public institution of 47868  
higher education. Not later than ten days after the election 47869  
becomes irrevocable, the officer shall file a certified copy of 47870  
the election with the state retirement system to which, apart 47871  
from the election, the employee's employment would be subject. 47872

Each public institution of higher education that employs a 47873  
person eligible to make an election under division (B) of this 47874  
section shall notify, in writing, the state retirement system 47875  
that applies to that employment in the manner specified by that 47876

state retirement system. The notice shall include the person's 47877  
name and address. The notice shall be given not later than ten 47878  
days after the first date the person is on the institution's 47879  
payroll. 47880

(2) Elections made under division (B) of this section take 47881  
effect as follows: 47882

(a) An election under division (B) (1) of this section is 47883  
effective as of the date on which the employee's election to 47884  
participate in the alternative retirement plan becomes 47885  
irrevocable. 47886

(b) An election under division (B) (2) or (3) of this 47887  
section is effective as of the electing employee's starting date 47888  
of employment. 47889

(3) An eligible employee's election under division (B) of 47890  
this section applies to the employee's employment in all 47891  
positions at that public institution, unless the employee 47892  
terminates employment at the public institution and does not 47893  
return to employment in any position at that public institution 47894  
for at least three hundred sixty-five days after the date of 47895  
termination. 47896

(4) An eligible employee who makes an election under 47897  
division (B) of this section is forever barred from claiming or 47898  
purchasing service credit under any state retirement system for 47899  
the period of employment while the election is in effect. 47900

(D) (1) An eligible employee who fails to make an election 47901  
under division (B) of this section within the one-hundred-twenty 47902  
day election period shall be deemed to have elected to 47903  
participate in the state retirement system that applies to the 47904  
employee's employment. 47905

(2) An eligible employee who fails to make an election under division (B) of this section shall not be permitted to make an election for employment in any other position at the public institution of higher education while employed at that public institution, unless the employee terminates employment at the public institution and does not return to employment in any position at the public institution for at least three hundred sixty-five days after the date of termination.

**Sec. 3305.053.** (A) The board of trustees of a public institution of higher education shall permit an employee who makes an election under section 3305.05 or 3305.051 of the Revised Code to do ~~all~~ both of the following:

~~(A)~~ (1) Select, from among the providers that have entered into an agreement with the public institution of higher education under section 3305.04 of the Revised Code, the provider of an investment option for that employee;

~~(B)~~ (2) Subject to any terms and conditions established by the public institution of higher education, change the provider selected under division ~~(A)~~ (A) (1) of this section any time during the plan year.

(B) A public institution of higher education may allow an employee who seeks to change the employee's provider under division (A) (2) of this section to sign a form to change providers by electronic signature.

(C) If under division ~~(B)~~ (A) (2) of this section an employee changes providers, the employee may direct the provider to transfer to the new provider the employee's account balance either in whole or in part, as directed by the employee, except that the provider is not required to immediately transfer any

part of the account invested at the employee's election in a 47935  
fixed annuity account if the contract with the employee under 47936  
which the investment was made permits the provider to make such 47937  
a transfer over a period of time not exceeding ten years and the 47938  
contract was filed with and approved by the department of 47939  
insurance pursuant to section 3911.011 of the Revised Code. 47940

**Sec. 3307.073.** (A) No person shall knowingly fail to file 47941  
a complete and accurate campaign finance statement or 47942  
independent expenditure statement in accordance with section 47943  
3307.072 of the Revised Code. 47944

(B) No person, during the course of a person seeking 47945  
nomination for, and during any campaign for, election to the 47946  
state teachers retirement board, shall knowingly and with intent 47947  
to affect the nomination or the outcome of the campaign do any 47948  
of the following by means of campaign materials, an 47949  
advertisement on radio or television or in a newspaper or 47950  
periodical, a public speech, press release, or otherwise: 47951

(1) With regard to a candidate, identify the candidate in 47952  
a manner that implies that the candidate is a member of the 47953  
board or use the term "re-elect" when the candidate is not 47954  
currently a member of the board; 47955

(2) Make a false statement concerning the formal schooling 47956  
or training completed or attempted by a candidate; a degree, 47957  
diploma, certificate, scholarship, grant, award, prize, or honor 47958  
received, earned, or held by a candidate; or the period of time 47959  
during which a candidate attended any school, college, community 47960  
technical school, or institution; 47961

(3) Make a false statement concerning the professional, 47962  
occupational, or vocational licenses held by a candidate, or 47963

concerning any position the candidate held for which the 47964  
candidate received a salary or wages; 47965

(4) Make a false statement that a candidate or board 47966  
member has been indicted or convicted of a theft offense, 47967  
extortion, or other crime involving financial corruption or 47968  
moral turpitude; 47969

(5) Make a statement that a candidate has been indicted 47970  
for any crime or has been the subject of a finding by the Ohio 47971  
elections commission, the secretary of state, or the Ohio 47972  
election integrity commission without disclosing the outcome of 47973  
any legal proceedings resulting from the indictment or finding; 47974

(6) Make a false statement that a candidate or board 47975  
member has a record of treatment or confinement for mental 47976  
disorder; 47977

(7) Make a false statement that a candidate or board 47978  
member has been subjected to military discipline for criminal 47979  
misconduct or dishonorably discharged from the armed services; 47980

(8) Falsely identify the source of a statement, issue 47981  
statements under the name of another person without 47982  
authorization, or falsely state the endorsement of or opposition 47983  
to a candidate by a person or publication; 47984

(9) Make a false statement concerning the voting record of 47985  
a candidate or board member; 47986

(10) Post, publish, circulate, distribute, or otherwise 47987  
disseminate a false statement concerning a candidate, either 47988  
knowing the same to be false or with reckless disregard of 47989  
whether it was false or not, if the statement is designed to 47990  
promote the election, nomination, or defeat of the candidate. 47991

~~Sec. 3307.074. The secretary of state, or any person acting on personal knowledge and subject to the penalties of perjury, may file a A complaint with the Ohio elections commission alleging a violation of section 3307.073 of the Revised Code may be filed in accordance with section 3517.16 of the Revised Code. The complaint shall be made on a form prescribed and provided by the commission.~~

~~On receipt of a complaint under this section, the commission shall hold a hearing open to the public to determine whether the violation alleged in the complaint has occurred. The commission may administer oaths and issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and reports. On the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold contempt proceedings in accordance with Chapter 2705. of the Revised Code.~~

~~The commission shall provide the person accused of the violation at least seven days prior notice of the time, date, and place of the hearing. The accused may be represented by an attorney and shall have an opportunity to present evidence, call witnesses, and cross-examine witnesses.~~

~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 3307.073 of the Revised Code has occurred, the commission shall either impose a fine under section 3307.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that~~

~~a violation of division (B) of section 3307.073 of the Revised Code has occurred, the commission shall impose the fine described in section 3307.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown not to impose a fine or refer the matter to a prosecutor.~~

**Sec. 3307.27.** ~~The~~ (A) Except as provided in division (B) of this section, the contributions required under section 3307.26 of the Revised Code may be paid by the employer in accordance with division (h) of section 414 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 414(h), as amended.

(B) The contributions required under section 3307.26 of the Revised Code shall not be paid by a school district board of education on behalf of a contributor employed by the school district as a superintendent, but may be treated as paid by the school district board of education in accordance with division (h) of section 414 of the "Internal Revenue Code of 1986," 26 U.S.C. 414(h).

**Sec. 3307.99.** (A) Whoever violates division (A) of section 3307.073 of the Revised Code shall be fined not more than one hundred dollars for each day of the violation.

(B) Whoever violates division (B) of section 3307.073 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

~~(C) Fines imposed by the Ohio elections commission under this section shall be paid into the Ohio elections commission fund created under section 3513.10 of the Revised Code.~~

**Sec. 3309.011.** (A) As used in this section, "child with a

disability," "individualized education program," and "school district" have the same meanings as in section 3323.01 of the Revised Code. 48051  
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(B) "Employee" as defined in division (B) of section 3309.01 of the Revised Code, does not include any of the following: 48054  
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~~(A)~~ (1) Any person having a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the department of education and workforce, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations; 48057  
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~~(B)~~ (2) Any person who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code; 48065  
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~~(C)~~ (3) Any person who elects to transfer from the school employees retirement system to the public employees retirement system under section 3309.312 of the Revised Code; 48068  
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~~(D)~~ (4) Any person whose full-time employment by the university of Akron as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code commences on or after September 16, 1998; 48071  
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~~(E)~~ (5) Any person described in division (B) of section 3309.013 of the Revised Code; 48075  
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~~(F)~~ (6) Any person described in division (D) of section 145.011 of the Revised Code; 48077  
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~~(G)~~—(7) Any person described in division (B) (1) (b) or (g) 48079  
of section 3307.01 of the Revised Code; 48080

(8) Any person who provides school health services to a 48081  
child with a disability under the child's individualized 48082  
education program and is employed and paid by an entity that has 48083  
contracted with a school district to provide those services. 48084

**Sec. 3309.073.** (A) No person shall knowingly fail to file 48085  
a complete and accurate campaign finance statement or 48086  
independent expenditure statement in accordance with section 48087  
3309.072 of the Revised Code. 48088

(B) No person, during the course of a person seeking 48089  
nomination for, and during any campaign for, election to the 48090  
school employees retirement board, shall knowingly and with 48091  
intent to affect the nomination or the outcome of the campaign 48092  
do any of the following by means of campaign materials, an 48093  
advertisement on radio or television or in a newspaper or 48094  
periodical, a public speech, press release, or otherwise: 48095

(1) With regard to a candidate, identify the candidate in 48096  
a manner that implies that the candidate is a member of the 48097  
board or use the term "re-elect" when the candidate is not 48098  
currently a member of the board; 48099

(2) Make a false statement concerning the formal schooling 48100  
or training completed or attempted by a candidate; a degree, 48101  
diploma, certificate, scholarship, grant, award, prize, or honor 48102  
received, earned, or held by a candidate; or the period of time 48103  
during which a candidate attended any school, college, community 48104  
technical school, or institution; 48105

(3) Make a false statement concerning the professional, 48106  
occupational, or vocational licenses held by a candidate, or 48107

concerning any position the candidate held for which the 48108  
candidate received a salary or wages; 48109

(4) Make a false statement that a candidate or board 48110  
member has been indicted or convicted of a theft offense, 48111  
extortion, or other crime involving financial corruption or 48112  
moral turpitude; 48113

(5) Make a statement that a candidate has been indicted 48114  
for any crime or has been the subject of a finding by the Ohio 48115  
elections commission, the secretary of state, or the Ohio 48116  
election integrity commission without disclosing the outcome of 48117  
any legal proceedings resulting from the indictment or finding; 48118

(6) Make a false statement that a candidate or board 48119  
member has a record of treatment or confinement for mental 48120  
disorder; 48121

(7) Make a false statement that a candidate or board 48122  
member has been subjected to military discipline for criminal 48123  
misconduct or dishonorably discharged from the armed services; 48124

(8) Falsely identify the source of a statement, issue 48125  
statements under the name of another person without 48126  
authorization, or falsely state the endorsement of or opposition 48127  
to a candidate by a person or publication; 48128

(9) Make a false statement concerning the voting record of 48129  
a candidate or board member; 48130

(10) Post, publish, circulate, distribute, or otherwise 48131  
disseminate a false statement concerning a candidate, either 48132  
knowing the same to be false or with reckless disregard of 48133  
whether it was false or not, if the statement is designed to 48134  
promote the election, nomination, or defeat of the candidate. 48135

~~Sec. 3309.074. The secretary of state, or any person~~ 48136  
~~acting on personal knowledge and subject to the penalties of~~ 48137  
~~perjury, may file a A complaint with the Ohio elections~~ 48138  
~~commission alleging a violation of section 3309.073 of the~~ 48139  
~~Revised Code may be filed in accordance with section 3517.16 of~~ 48140  
~~the Revised Code. The complaint shall be made on a form~~ 48141  
~~prescribed and provided by the commission.~~ 48142

~~A complaint shall be filed not later than two years after~~ 48143  
~~the occurrence of the act or failure to act that is the subject~~ 48144  
~~of the complaint, except that if the act or failure to act~~ 48145  
~~involves fraud, concealment, or misrepresentation and was not~~ 48146  
~~discovered during that two-year period, a complaint may be filed~~ 48147  
~~not later than one year after discovery of the act or failure to~~ 48148  
~~act.~~ 48149

~~On receipt of a complaint under this section, the~~ 48150  
~~commission shall hold a hearing open to the public to determine~~ 48151  
~~whether the violation alleged in the complaint has occurred. The~~ 48152  
~~commission may administer oaths and issue subpoenas to any~~ 48153  
~~person in the state compelling the attendance of witnesses and~~ 48154  
~~the production of relevant papers, books, accounts, and reports.~~ 48155  
~~On the refusal of any person to obey a subpoena or to be sworn~~ 48156  
~~or to answer as a witness, the commission may apply to the court~~ 48157  
~~of common pleas of Franklin county under section 2705.03 of the~~ 48158  
~~Revised Code. The court shall hold contempt proceedings in~~ 48159  
~~accordance with Chapter 2705. of the Revised Code.~~ 48160

~~The commission shall provide the person accused of the~~ 48161  
~~violation at least seven days prior notice of the time, date,~~ 48162  
~~and place of the hearing. The accused may be represented by an~~ 48163  
~~attorney and shall have an opportunity to present evidence, call~~ 48164  
~~witnesses, and cross-examine witnesses.~~ 48165

~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 3309.073 of the Revised Code has occurred, the commission shall either impose a fine under section 3309.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that a violation of division (B) of section 3309.073 of the Revised Code has occurred, the commission shall impose the fine described in section 3309.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown to not impose a fine or refer the matter to the appropriate prosecutor.~~

**Sec. 3309.47.** Each school employees retirement system contributor shall contribute eight per cent of the contributor's compensation to the employees' savings fund, except that the school employees retirement board may raise the contribution rate to a rate not greater than ten per cent of compensation.

The contributions required under this section shall not be paid by a school district board of education on behalf of a contributor employed by the school district as a treasurer, but may be treated as employer contributions for purposes of state and federal income tax deferred income provisions.

The contributions by the direction of the school employees retirement board shall be deducted by the employer from the compensation of each contributor on each payroll of such contributor for each payroll period and shall be an amount equal to the required per cent of such contributor's compensation. On a finding by the board that an employer has failed or refused to deduct contributions for any employee during any year and to

transmit such amounts to the retirement system, the retirement 48196  
board may make a determination of the amount of the delinquent 48197  
contributions, including interest at a rate set by the 48198  
retirement board, from the end of each year, and certify to the 48199  
employer the amounts for collection. If the amount is not paid 48200  
by the employer, it may be certified for collection in the same 48201  
manner as payments due the employers' trust fund. Any amounts so 48202  
collected shall be held in trust pending receipt of a report of 48203  
contributions for the employee for the period involved as 48204  
provided by law and, thereafter, the amount in trust shall be 48205  
transferred to the employee's savings fund to the credit of the 48206  
employee. Any amount remaining after the transfer to the 48207  
employees' savings fund shall be transferred to the employers' 48208  
trust fund as a credit of the employer. 48209

Additional deposits may be made to a member's account. At 48210  
retirement, the amount deposited with interest may be used to 48211  
provide additional annuity income. The additional deposits may 48212  
be refunded to the member before retirement, and shall be 48213  
refunded if the member withdraws the member's refundable amount. 48214  
The deposits may be refunded to the beneficiary or estate if the 48215  
member dies before retirement, and the board shall determine 48216  
whether regular interest shall be credited to deposits thus 48217  
refunded. 48218

**Sec. 3309.99.** (A) Whoever violates division (A) of section 48219  
3309.073 of the Revised Code shall be fined not more than one 48220  
hundred dollars for each day of the violation. 48221

(B) Whoever violates division (B) of section 3309.073 of 48222  
the Revised Code shall be imprisoned for not more than six 48223  
months or fined not more than five thousand dollars, or both. 48224

~~(C) Fines imposed by the Ohio elections commission under~~ 48225

~~this section shall be paid into the Ohio elections commission-~~ 48226  
~~fund created under section 3513.10 of the Revised Code.~~ 48227

**Sec. 3310.033.** (A) As used in this section: 48228

(1) "Foster child" means a child placed with a foster 48229  
caregiver, as defined in section 5103.02 of the Revised Code. 48230

(2) "Qualifying student" means a student who is not 48231  
entitled to attend school under section 3313.64 or 3313.65 of 48232  
the Revised Code in a school district in which the pilot project 48233  
scholarship program is operating under sections 3313.974 to 48234  
3313.979 of the Revised Code. 48235

(3) "Kinship caregiver" has the same meaning as in section 48236  
~~5101.85~~ 5180.50 of the Revised Code. 48237

(4) "Sibling" means any of the following: 48238

(a) A brother, half-brother, sister, or half-sister by 48239  
birth, marriage, or adoption; 48240

(b) A cousin by birth, marriage, or adoption who is 48241  
residing in the same household; 48242

(c) A foster child who is residing in the same household, 48243  
including a child who is subsequently adopted by the child's 48244  
foster family; 48245

(d) A child residing in the same household who is placed 48246  
with a guardian or legal custodian; 48247

(e) A child who is residing in the same household and is 48248  
being cared for by a kinship caregiver; 48249

(f) Any other child under eighteen years of age who has 48250  
resided in the same household for at least forty-five 48251  
consecutive days within the last calendar year. 48252

(5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place. "Caretaker" also means another responsible adult who has care of the child and in whose household the child resides and, if not for residing in that household, the child would be homeless or likely to be homeless.

(B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student shall be eligible for an educational choice scholarship under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section, if any of the following apply:

(1) The student's sibling received an educational choice scholarship under section 3310.03 of the Revised Code for the school year immediately prior to the school year for which the student is seeking a scholarship;

(2) The student is a foster child;

(3) The student is a child placed with a guardian, legal custodian, or kinship caregiver;

(4) The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least forty-five consecutive days within the last calendar year;

(5) The student is not a foster child, but resides in a home that has received certification under section 5103.03 of the Revised Code;

(6) The student satisfies all of the following conditions:

(a) The student is not a foster child or a student described in division (B)(4) of this section.

(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.

(c) The student's parent or guardian resides in this state.

(7) The student is not a child described in division (B) (6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.

(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (2) and (3) of section 3310.03 of the Revised Code.

(D) The department of education and workforce may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this section. In the case of a student who qualifies under division (B) (6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker.

**Sec. 3310.41.** (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the

provider's special education program to implement the child's 48310  
individualized education program or an education plan developed 48311  
by the school district under division ~~(K)~~(L) of this section and 48312  
to which the child's parent owes fees for the services provided 48313  
to the child: 48314

(a) A school district that is not the school district in 48315  
which the child is entitled to attend school; 48316

(b) A public entity other than a school district. 48317

(2) "Eligible applicant" means any of the following: 48318

(a) Either of the natural or adoptive parents of a 48319  
qualified special education child, except as otherwise specified 48320  
in this division. 48321

When the marriage of the natural or adoptive parents of 48322  
the child has been terminated by a divorce, dissolution of 48323  
marriage, or annulment, or when the natural or adoptive parents 48324  
of the child are living separate and apart under a legal 48325  
separation decree, and a court has issued an order allocating 48326  
the parental rights and responsibilities with respect to the 48327  
child, "eligible applicant" means the residential parent as 48328  
designated by the court. If the court issues a shared parenting 48329  
decree, "eligible applicant" means either parent. "Eligible 48330  
applicant" does not mean a parent whose custodial rights have 48331  
been terminated. 48332

(b) The custodian of a qualified special education child, 48333  
when a court has granted temporary, legal, or permanent custody 48334  
of the child to an individual other than either of the natural 48335  
or adoptive parents of the child or to a government agency; 48336

(c) The guardian of a qualified special education child, 48337  
when a court has appointed a guardian for the child; 48338

(d) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code; 48339  
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(e) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 48345  
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(f) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age and less than twenty-two years of age. 48348  
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(3) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 48351  
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~~(3)~~(4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 48354  
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~~(4)~~(5) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code. 48356  
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~~(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.~~ 48359  
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(6) "Qualified special education child" is a child who is at least three years of age and less than twenty-two years of 48366  
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age and who either was enrolled in the school district in which 48368  
the child is entitled to attend school in any grade from 48369  
preschool through twelve in the school year prior to the year in 48370  
which a scholarship under this section is ~~first~~-sought for the 48371  
child or is eligible to enter school in any grade preschool 48372  
through twelve or is less than twenty-two years of age in the 48373  
school district in which the child is entitled to attend school 48374  
in the school year in which a scholarship under this section is 48375  
~~first~~-sought for the child and for whom any of the following 48376  
conditions apply: 48377

(a) The school district in which the child is entitled to 48378  
attend school has identified the child as autistic. A child who 48379  
has been identified as having a "pervasive developmental 48380  
disorder - not otherwise specified (PPD-NOS)" shall be 48381  
considered to be an autistic child for purposes of this section. 48382

(b) The school district in which the child is entitled to 48383  
attend school has developed an individualized education program 48384  
under Chapter 3323. of the Revised Code for the child that 48385  
includes services related to autism. 48386

(c) The child has been diagnosed as autistic by a 48387  
physician or psychologist. 48388

(d) All of the following apply: 48389

(i) The child is enrolled in a chartered or nonchartered 48390  
nonpublic school, is home educated in accordance with section 48391  
3321.042 of the Revised Code, or is a student older than 48392  
compulsory school age and less than twenty-two years of age and 48393  
received a home education in accordance with section 3321.042 of 48394  
the Revised Code and has not received a diploma under section 48395  
3313.6110 of the Revised Code. 48396

(ii) The child has an individualized education program 48397  
developed under Chapter 3323. of the Revised Code that includes 48398  
services related to autism. 48399

(iii) The child is still eligible to receive transition 48400  
services under the child's individualized education program. 48401

(7) "Registered private provider" means a nonpublic school 48402  
or other nonpublic entity that has been approved by the 48403  
department of education and workforce to participate in the 48404  
program established under this section. 48405

(8) "Special education program" means a school or facility 48406  
that provides special education and related services to children 48407  
with disabilities. 48408

(B) There is hereby established the autism scholarship 48409  
program. Under the program, the department shall pay a 48410  
scholarship under section 3317.022 of the Revised Code to ~~the~~ 48411  
~~parent of each qualified special education child~~ an eligible 48412  
applicant upon application of that ~~parent~~ eligible applicant 48413  
pursuant to procedures and deadlines established by rule of the 48414  
department. Each scholarship shall be used only to pay tuition 48415  
for the child on whose behalf the scholarship is awarded to 48416  
attend a special education program or programs that implements 48417  
the child's individualized education program or education plan 48418  
and that is operated by an alternative public provider or by a 48419  
registered private provider, and to pay for other services 48420  
agreed to by the provider and the ~~parent of a qualified special~~ 48421  
~~education child~~ eligible applicant that are not included in the 48422  
individualized education program or education plan but are 48423  
associated with educating the child. Upon agreement with the 48424  
~~parent of a qualified special education child~~ eligible applicant, 48425  
the alternative public provider or the registered private 48426

provider may modify the services provided to the child. The 48427  
purpose of the scholarship is to permit the ~~parent of a~~ 48428  
~~qualified special education child~~ eligible applicant the choice 48429  
to send the child to a special education program or programs, 48430  
instead of the one operated by or for the school district in 48431  
which the child is entitled to attend school, to receive the 48432  
services prescribed in the child's individualized education 48433  
program or education plan once the individualized education 48434  
program or education plan is finalized and any other services 48435  
agreed to by the provider and the ~~parent of a qualified special~~ 48436  
~~education child~~ eligible applicant. The services provided under 48437  
the scholarship shall include an educational component or 48438  
services designed to assist the child to benefit from the 48439  
child's education. 48440

At the discretion of the eligible applicant, multiple 48441  
alternative public providers or registered private providers may 48442  
be contracted to provide services to implement an individualized 48443  
education program or education plan as the eligible applicant 48444  
and providers determine are necessary and associated with 48445  
educating the qualified special education child. A qualified 48446  
special education child shall not be limited to receiving 48447  
services from a single provider for any services as identified 48448  
in the individualized education program or education plan, 48449  
including a single type of service. 48450

(C) Services, including intervention services, educational 48451  
services, academic services, tutoring services, aide services, 48452  
and other related special education services, provided through 48453  
the program established under this section may be provided 48454  
virtually by any of the following: 48455

(1) An educational aide or assistant who holds a valid 48456

permit issued under section 3319.088 of the Revised Code; 48457

(2) An instructional assistant who holds a valid permit 48458  
issued under section 3310.43 of the Revised Code; 48459

(3) A qualified, credentialed provider in accordance with 48460  
standards established by the department; 48461

(4) A teacher or substitute teacher licensed by the state 48462  
board of education. 48463

(D) A scholarship under this section shall not be awarded 48464  
to ~~the parent of a child~~ an eligible applicant while the child's 48465  
individualized education program is being developed by the 48466  
school district in which the child is entitled to attend school, 48467  
or while any administrative or judicial mediation or proceedings 48468  
with respect to the content of the child's individualized 48469  
education program are pending. A scholarship under this section 48470  
shall not be used for a child to attend a public special 48471  
education program that operates under a contract, compact, or 48472  
other bilateral agreement between the school district in which 48473  
the child is entitled to attend school and another school 48474  
district or other public provider, or for a child to attend a 48475  
community school established under Chapter 3314. of the Revised 48476  
Code. However, nothing in this section or in any rule adopted by 48477  
the department shall prohibit ~~a parent~~ an eligible applicant 48478  
whose child attends a public special education program under a 48479  
contract, compact, or other bilateral agreement, or ~~a parent~~ an 48480  
eligible applicant whose child attends a community school, from 48481  
applying for and accepting a scholarship under this section so 48482  
that the ~~parent~~ eligible applicant may withdraw the child from 48483  
that program or community school and use the scholarship for the 48484  
child to attend a special education program for which the ~~parent~~ 48485  
eligible applicant is required to pay for services for the 48486

child. 48487

(E) Except for development of the child's individualized 48488  
education program or education plan, the school district in 48489  
which a qualified special education child is entitled to attend 48490  
school and the child's school district of residence, as defined 48491  
in section 3323.01 of the Revised Code, if different, are not 48492  
obligated to provide the child with a free appropriate public 48493  
education under Chapter 3323. of the Revised Code for as long as 48494  
the child continues to attend the special education program 48495  
operated by either an alternative public provider or a 48496  
registered private provider for which a scholarship is awarded 48497  
under the autism scholarship program. If at any time, the 48498  
eligible applicant for the child decides no longer to accept 48499  
scholarship payments and enrolls the child in the special 48500  
education program of the school district in which the child is 48501  
entitled to attend school, that district shall provide the child 48502  
with a free appropriate public education under Chapter 3323. of 48503  
the Revised Code. 48504

(F) A child attending a special education program with a 48505  
scholarship under this section shall continue to be entitled to 48506  
transportation to and from that program in the manner prescribed 48507  
by law. 48508

(G) As prescribed in division (A) (2) (h) of section 3317.03 48509  
of the Revised Code, a child who is not a preschool child with a 48510  
disability for whom a scholarship is awarded under this section 48511  
shall be counted in the formula ADM of the district in which the 48512  
child is entitled to attend school and not in the formula ADM of 48513  
any other school district. 48514

(H) A scholarship shall not be paid under section 3317.022 48515  
of the Revised Code to ~~a parent~~ an eligible applicant for 48516

payment of tuition owed to a nonpublic entity unless that entity 48517  
is a registered private provider. The department shall approve 48518  
entities that meet the standards established by rule of the 48519  
department for the program established under this section. 48520

(I) The department shall adopt rules under Chapter 119. of 48521  
the Revised Code prescribing procedures necessary to implement 48522  
this section, including, but not limited to, procedures and 48523  
deadlines for ~~parents~~ eligible applicants to apply for 48524  
scholarships, standards for registered private providers, and 48525  
procedures for approval of entities as registered private 48526  
providers. 48527

The rules also shall specify that intervention services, 48528  
including virtual services, under the autism scholarship program 48529  
may be provided by a qualified, credentialed provider, including 48530  
an educator or substitute teacher licensed by the state board of 48531  
education, and shall additionally include, but not be limited 48532  
to, all of the following: 48533

(1) A behavior analyst certified by a nationally 48534  
recognized organization that certifies behavior analysts; 48535

(2) A psychologist licensed to practice in this state 48536  
under Chapter 4732. of the Revised Code; 48537

(3) An independent school psychologist or school 48538  
psychologist licensed to practice in this state under Chapter 48539  
4732. of the Revised Code; 48540

(4) Any person employed by a licensed psychologist, 48541  
licensed independent school psychologist, or licensed school 48542  
psychologist, while carrying out specific tasks, under the 48543  
licensee's supervision, as an extension of the licensee's legal 48544  
and ethical authority as specified under Chapter 4732. of the 48545

Revised Code who is ascribed as "psychology trainee," 48546  
"psychology assistant," "psychology intern," or other 48547  
appropriate term that clearly implies their supervised or 48548  
training status; 48549

(5) Unlicensed persons holding a doctoral degree in 48550  
psychology or special education from a program approved by the 48551  
department; 48552

(6) A "registered behavior technician" as described under 48553  
rule 5123-9-41 of the Administrative Code working under the 48554  
supervision and following the intervention plan of a certified 48555  
Ohio behavior analyst or a behavior analyst certified by a 48556  
nationally recognized organization that certifies behavior 48557  
analysts; 48558

(7) A "certified Ohio behavior analyst" under Chapter 48559  
4783. of the Revised Code; 48560

(8) An occupational therapist or physical therapist 48561  
licensed to practice in this state under Chapter 4755. of the 48562  
Revised Code; 48563

(9) A speech-language pathologist licensed to practice in 48564  
this state under Chapter 4753. of the Revised Code; 48565

(10) An intervention specialist who holds a valid license 48566  
issued by the state board; 48567

(11) A literacy intervention specialist certified through 48568  
pathways recognized by the Ohio dyslexia committee established 48569  
by section 3323.25 of the Revised Code. To the extent that 48570  
certification for any of the following positions is approved by 48571  
the Ohio dyslexia committee under section 3323.25 of the Revised 48572  
Code, literary intervention specialists may include: 48573

(a) A structured literacy dyslexia interventionist;	48574
(b) A structured literacy dyslexia specialist;	48575
(c) A certified academic language practitioner;	48576
(d) A certified academic language therapist.	48577
(12) <u>An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code;</u>	48578 48579
(13) <u>An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code;</u>	48580 48581
(14) <u>Any other qualified individual as determined by the department.</u>	48582 48583
<u>Supervision of a qualified, credentialed provider may be conducted virtually.</u>	48584 48585
(J) <u>For billing purposes under the autism scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures.</u>	48586 48587 48588 48589 48590 48591
(K) <u>The department shall provide reasonable notice to all <del>parents of children</del> eligible applicants receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.</u>	48592 48593 48594 48595 48596 48597
<del>(K)</del> (L) <u>If a child qualifies for the autism scholarship program pursuant to a diagnosis under division (A) (6) (c) of this section and does not have an individualized education program</u>	48598 48599 48600

that includes services related to autism, the school district in 48601  
which the child is entitled to attend school shall develop an 48602  
education plan for the child. 48603

~~(L)~~(M) Not later than the thirtieth day of June each year, 48604  
each alternative public provider and registered private provider 48605  
enrolling students receiving autism scholarships shall submit to 48606  
the department, in a form and manner prescribed by the 48607  
department, the tuition rates charged by the provider for the 48608  
following school year. 48609

~~(M)~~(N) The department shall not require ~~the parent of a~~ 48610  
~~student~~ an eligible applicant who applies for or receives a 48611  
scholarship under this section to complete any kind of income 48612  
verification regarding the student's family income. 48613

(O) The department shall maintain a list of each 48614  
registered private provider and the location of that provider on 48615  
its publicly accessible web site. 48616

**Sec. 3310.413.** As used in this section, "junior reserve 48617  
officer training corps program" means a junior reserve officer 48618  
training corps (JROTC) program approved by the congress of the 48619  
United States under title 10 of the United States Code. 48620

A qualified special education child, as defined in section 48621  
3310.41 of the Revised Code, receiving home education under 48622  
section 3321.042 of the Revised Code who participates in a 48623  
junior reserve officer training corps program maintained by the 48624  
child's resident school district in accordance with 10 U.S.C. 48625  
2031f(1) shall not be considered enrolled in that district for 48626  
purposes of determining eligibility for an autism scholarship 48627  
under section 3310.41 of the Revised Code. 48628

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of 48629

the Revised Code: 48630

(A) "Alternative public provider" means either of the 48631  
following providers that agrees to enroll a child in the 48632  
provider's special education program to implement the child's 48633  
individualized education program and to which the eligible 48634  
applicant owes fees for the services provided to the child: 48635

(1) A school district that is not the school district in 48636  
which the child is entitled to attend school or the child's 48637  
school district of residence, if different; 48638

(2) A public entity other than a school district. 48639

(B) "Child with a disability" and "individualized 48640  
education program" have the same meanings as in section 3323.01 48641  
of the Revised Code. 48642

(C) "Eligible applicant" means any of the following: 48643

(1) Either of the natural or adoptive parents of a 48644  
qualified special education child, except as otherwise specified 48645  
in this division. When the marriage of the natural or adoptive 48646  
parents of the student has been terminated by a divorce, 48647  
dissolution of marriage, or annulment, or when the natural or 48648  
adoptive parents of the student are living separate and apart 48649  
under a legal separation decree, and a court has issued an order 48650  
allocating the parental rights and responsibilities with respect 48651  
to the child, "eligible applicant" means the residential parent 48652  
as designated by the court. If the court issues a shared 48653  
parenting decree, "eligible applicant" means either parent. 48654  
"Eligible applicant" does not mean a parent whose custodial 48655  
rights have been terminated. 48656

(2) The custodian of a qualified special education child, 48657  
when a court has granted temporary, legal, or permanent custody 48658

of the child to an individual other than either of the natural 48659  
or adoptive parents of the child or to a government agency; 48660

(3) The guardian of a qualified special education child, 48661  
when a court has appointed a guardian for the child; 48662

(4) The grandparent of a qualified special education 48663  
child, when the grandparent is the child's attorney in fact 48664  
under a power of attorney executed under sections 3109.51 to 48665  
3109.62 of the Revised Code or when the grandparent has executed 48666  
a caretaker authorization affidavit under sections 3109.65 to 48667  
3109.73 of the Revised Code; 48668

(5) The surrogate parent appointed for a qualified special 48669  
education child pursuant to division (B) of section 3323.05 and 48670  
section 3323.051 of the Revised Code; 48671

(6) A qualified special education child, if the child does 48672  
not have a custodian or guardian and the child is at least 48673  
eighteen years of age and less than twenty-two years of age. 48674

(D) "Entitled to attend school" means entitled to attend 48675  
school in a school district under sections 3313.64 and 3313.65 48676  
of the Revised Code. 48677

(E) "Formula ADM" has the same meaning as in section 48678  
3317.02 of the Revised Code. 48679

(F) "Qualified special education child" is a child for 48680  
whom all of the following conditions apply: 48681

(1) The child is at least ~~five~~ three years of age and less 48682  
than twenty-two years of age. 48683

(2) The school district in which the child is entitled to 48684  
attend school, or the child's school district of residence if 48685  
different, has identified the child as a child with a 48686

disability. 48687

(3) The school district in which the child is entitled to 48688  
attend school, or the child's school district of residence if 48689  
different, has developed an individualized education program 48690  
under Chapter 3323. of the Revised Code for the child. 48691

(4) The child either meets one of the following 48692  
conditions: 48693

(a) Was enrolled in the schools of the school district in 48694  
which the child is entitled to attend school in any grade from 48695  
~~kindergarten~~ preschool through twelve in the school year prior 48696  
to the school year in which a scholarship is ~~first~~ sought for 48697  
the child; 48698

(b) Is eligible to enter school in any grade ~~kindergarten~~ 48699  
preschool through twelve in the school district in which the 48700  
child is entitled to attend school in the school year in which a 48701  
scholarship is ~~first~~ sought for the child; 48702

(c) All of the following apply: 48703

(i) The child is at least eighteen years of age and less 48704  
than twenty-two years of age. 48705

(ii) The child is enrolled in a chartered or nonchartered 48706  
nonpublic school, is home educated in accordance with section 48707  
3321.042 of the Revised Code, or is a student older than 48708  
compulsory school age and less than twenty-two years of age and 48709  
received a home education in accordance with section 3321.042 of 48710  
the Revised Code and has not received a diploma under section 48711  
3313.6110 of the Revised Code. 48712

(iii) The child is still eligible to receive transition 48713  
services under the child's individualized education program. 48714

(5) The department of education and workforce has not approved a scholarship for the child under the educational choice scholarship pilot program, under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program, under section 3310.41 of the Revised Code, or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought.

(6) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code.

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code prior to ~~the effective date of this amendment~~ October 3, 2023, or the department of education and workforce on or after that date.

(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(J) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(K) "Special education program" means a school or facility

that provides special education and related services to children 48744  
with disabilities. 48745

**Sec. 3310.52.** (A) The Jon Peterson special needs 48746  
scholarship program is hereby established. Under the program, 48747  
beginning with the 2012-2013 school year, subject to division 48748  
(B) of this section, the department of education and workforce 48749  
annually shall pay a scholarship under section 3317.022 of the 48750  
Revised Code to an eligible applicant for services provided by 48751  
an alternative public provider or a registered private provider 48752  
for a qualified special education child. The scholarship shall 48753  
be used only to pay all or part of the fees for the child to 48754  
attend the special education program or programs operated by the 48755  
alternative public provider or registered private provider to 48756  
implement the child's individualized education program or 48757  
programs, in lieu of the child's attending the special education 48758  
program operated by the school district in which the child is 48759  
entitled to attend school, and other services agreed to by the 48760  
provider and eligible applicant that are not included in the 48761  
individualized education program but are associated with 48762  
educating the child. 48763

At the discretion of an eligible applicant, multiple 48764  
alternative public providers or registered private providers may 48765  
be contracted to provide services to implement the 48766  
individualized education program as the eligible applicant and 48767  
providers determine are necessary and associated with educating 48768  
the qualified special education child. A qualified special 48769  
education child is not limited to receiving services from a 48770  
single provider for any services as identified in the 48771  
individualized education program, including a single type of 48772  
service. 48773

Beginning in the 2014-2015 school year, if the child is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, the scholarship shall be used only to pay for related services that are included in the child's individualized education program. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child.

Services, including intervention services, educational services, academic services, tutoring services, aide services, and other related special education services, provided through the program established under this section may be provided virtually by any of the following:

(1) An educational aide or assistant who holds a valid permit issued under section 3319.088 of the Revised Code;

(2) An instructional assistant who holds a valid permit issued under section 3310.43 of the Revised Code;

(3) A qualified, credentialed provider in accordance with standards established by the department;

(4) A teacher or substitute teacher licensed by the state board of education.

(B) The number of scholarships awarded under the program in any fiscal year shall not exceed five per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year.

(C) The department shall pay a scholarship under section 3317.022 of the Revised Code to the ~~parent of each qualified special education child~~ eligible applicant, unless the ~~parent-eligible applicant~~ authorizes a direct payment to the child's

provider, upon application ~~of that parent~~ in the manner 48803  
prescribed by the department. However, the department shall not 48804  
adopt specific dates for application deadlines for scholarships 48805  
under the program. 48806

(D) The department shall not require ~~the parent of a~~ 48807  
~~student~~ an eligible applicant who applies for or receives a 48808  
scholarship under this section to complete any kind of income 48809  
verification regarding the student's family income. 48810

**Sec. 3310.523.** As used in this section, "junior reserve 48811  
officer training corps program" means a junior reserve officer 48812  
training corps (JROTC) program approved by the congress of the 48813  
United States under title 10 of the United States Code. 48814

A qualified special education child receiving home 48815  
education under section 3321.042 of the Revised Code who 48816  
participates in a junior reserve officer training corps program 48817  
maintained by the child's resident school district in accordance 48818  
with 10 U.S.C. 2031f(1) shall not be considered enrolled in that 48819  
district for purposes of determining eligibility for a Jon 48820  
Peterson special needs scholarship under section 3310.52 of the 48821  
Revised Code. 48822

**Sec. 3310.58.** No nonpublic school or entity shall receive 48823  
payments from an eligible applicant for services for a qualified 48824  
special education child under the Jon Peterson special needs 48825  
scholarship program until the school or entity registers with 48826  
the department of education and workforce. The department shall 48827  
maintain a list of each registered private provider and the 48828  
location of that provider on its publicly accessible web site. 48829  
The department shall register and designate as a registered 48830  
private provider any nonpublic school or entity that meets the 48831  
following requirements: 48832

(A) The school or entity complies with the 48833  
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 48834  
whether the school or entity receives federal financial 48835  
assistance. 48836

(B) If the school or entity is not chartered by the 48837  
director of education and workforce under section 3301.16 of the 48838  
Revised Code, the school or entity agrees to comply with 48839  
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 48840  
if it were a school district. 48841

(C) The teaching and nonteaching professionals employed by 48842  
the school or entity, or employed by any subcontractors of the 48843  
school or entity, hold appropriate credentials for the qualified 48844  
special education children enrolled in and the services provided 48845  
through the special education program it operates. The list of 48846  
professionals who hold appropriate credentials to provide 48847  
services under a special education program include all of the 48848  
following: 48849

(1) A behavior analyst certified by a nationally 48850  
recognized organization that certifies behavior analysts; 48851

(2) A psychologist licensed to practice in this state 48852  
under Chapter 4732. of the Revised Code; 48853

(3) An independent school psychologist or school 48854  
psychologist licensed to practice in this state under Chapter 48855  
4732. of the Revised Code; 48856

(4) Any person employed by a licensed psychologist, 48857  
licensed independent school psychologist, or licensed school 48858  
psychologist, while carrying out specific tasks, under the 48859  
licensee's supervision, as an extension of the licensee's legal 48860  
and ethical authority as specified under Chapter 4732. of the 48861

Revised Code who is ascribed as "psychology trainee," 48862  
"psychology assistant," "psychology intern," or other 48863  
appropriate term that clearly implies their supervised or 48864  
training status; 48865

(5) An unlicensed person holding a doctoral degree in 48866  
psychology or special education from a program approved by the 48867  
department; 48868

(6) A registered behavior technician as described in rule 48869  
5123-9-41 of the Administrative Code working under the 48870  
supervision and following the intervention plan of a certified 48871  
Ohio behavior analyst or behavior analyst certified by a 48872  
nationally recognized organization that certifies behavior 48873  
analysts; 48874

(7) A certified Ohio behavior analyst under Chapter 4783. 48875  
of the Revised Code; 48876

(8) An occupational therapist or physical therapist 48877  
licensed to practice in this state under Chapter 4755. of the 48878  
Revised Code; 48879

(9) A speech-language pathologist licensed to practice in 48880  
this state under Chapter 4753. of the Revised Code; 48881

(10) An intervention specialist who holds a valid license 48882  
issued by the state board; 48883

(11) A literacy intervention specialist certified through 48884  
pathways recognized by the Ohio dyslexia committee established 48885  
by section 3323.25 of the Revised Code. To the extent that 48886  
certification for any of the following positions is approved by 48887  
the Ohio dyslexia committee under section 3323.25 of the Revised 48888  
Code, literary intervention specialists may include: 48889

- (a) A structured literacy dyslexia interventionist; 48890
- (b) A structured literacy dyslexia specialist; 48891
- (c) A certified academic language practitioner; 48892
- (d) A certified academic language therapist. 48893
- (12) An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code; 48894  
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- (13) An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code; 48896  
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- (14) Any other qualified individual as determined by the department. 48898  
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- (D) For billing purposes under the Jon Peterson special needs scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures. 48900  
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- (E) The school's or entity's educational program shall be approved by the department. 48906  
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- ~~(E)~~ (F) The school or entity meets applicable health and safety standards established by law. 48908  
48909
- ~~(F)~~ (G) The school or entity agrees to retain on file documentation as required by the department. 48910  
48911
- ~~(G)~~ (H) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child 48912  
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is entitled to attend school, in the form and manner prescribed 48917  
by the department. 48918

~~(H)~~(I) The school or entity agrees that, if it declines to 48919  
enroll a particular qualified special education child, it will 48920  
notify in writing the eligible applicant of its reasons for 48921  
declining to enroll the child. 48922

**Sec. 3310.64.** The department of education and workforce 48923  
shall adopt rules in accordance with Chapter 119. of the Revised 48924  
Code prescribing procedures necessary to implement sections 48925  
3310.51 to 3310.63 of the Revised Code including, but not 48926  
limited to, procedures for parents to apply for scholarships, 48927  
standards for registered private providers, and procedures for 48928  
registration of private providers. 48929

The rules also shall specify that intervention services, 48930  
including virtual services, under the Jon Peterson special needs 48931  
scholarship program may be provided by a qualified, credentialed 48932  
provider, including an educator or substitute teacher licensed 48933  
by the state board of education, and shall additionally include, 48934  
but not be limited to, the credentialed professionals listed in 48935  
division (C) of section 3310.58 of the Revised Code. 48936

The rules also shall specify that supervision of a 48937  
qualified, credentialed provider may be conducted virtually. 48938

**Sec. 3311.053.** (A) The boards of education of up to five 48939  
adjoining educational service centers may, by identical 48940  
resolutions adopted by a majority of the members of each 48941  
governing board within any sixty-day period, combine such 48942  
educational service centers into one educational service center. 48943  
The resolutions shall state the name of the new center, which 48944  
may be styled as a "joint educational service center." The 48945

resolutions shall also indicate whether the governing board of 48946  
the new educational service center is to be formed in accordance 48947  
with division (B) of this section, in accordance with division 48948  
(A) of section 3311.054 of the Revised Code, or in accordance 48949  
with section 3311.057 of the Revised Code. 48950

A copy of each resolution shall be filed with the state 48951  
board of education. The new educational service center shall be 48952  
created and the governing boards of the participating 48953  
educational service centers shall be dissolved and a new 48954  
governing board established thirty days after the date on which 48955  
the last resolution was filed with the state board. 48956

(B) The initial members of a new governing board 48957  
established in accordance with this division shall be appointed 48958  
as follows: 48959

(1) If two educational service centers combine, each 48960  
center's governing board, prior to its dissolution, shall 48961  
appoint two members to the new governing board and the four 48962  
members so selected shall select a fifth member within ten days 48963  
of the date on which the last of the four members is appointed. 48964

(2) If three educational service centers combine, each 48965  
center's governing board, prior to its dissolution, shall 48966  
appoint one member to the new governing board and the three 48967  
members so selected shall select the remaining two members of 48968  
the governing board within ten days of the date on which the 48969  
last of the three members is appointed. 48970

(3) If four educational service centers combine, each 48971  
center's governing board, prior to its dissolution, shall 48972  
appoint one member to the new governing board and the four 48973  
members so selected shall select the remaining member of the 48974

governing board within ten days of the date on which the last of 48975  
the four members is appointed. 48976

(4) If five educational service centers combine, each 48977  
center's governing board, prior to its dissolution, shall 48978  
appoint one member to the new governing board. 48979

If the members appointed to a new governing board by the 48980  
governing boards of the combining educational service centers 48981  
are unable to agree on the selection of the remaining members of 48982  
the new governing board within ten days, the probate judge of 48983  
the county in which the greatest number of pupils under the 48984  
supervision of the new educational service center reside shall 48985  
appoint the remaining members. 48986

Electors of the new educational service center shall elect 48987  
a new governing board at the next general election occurring in 48988  
an odd-numbered year and more than ninety days after the date of 48989  
the appointment of the last member to the initial governing 48990  
board. Members shall serve for the duration of the term to which 48991  
they are elected or until their successors are elected and 48992  
qualified. At such election, two members shall be elected to 48993  
terms of two years and three members shall be elected to terms 48994  
of four years. Thereafter, their successors shall be elected in 48995  
the same manner and for the same terms as members of governing 48996  
boards of all educational service centers. ~~Each candidate for~~ 48997  
~~election as a member of the educational service center governing~~ 48998  
~~board shall file a nominating petition in accordance with~~ 48999  
~~section 3513.255 of the Revised Code.~~ 49000

(C) The funds of each former educational service center 49001  
shall be paid over in full to the governing board of the new 49002  
educational service center, and the legal title to all property 49003  
of the former governing boards shall become vested in the new 49004

governing board. 49005

The governing board of an educational service center 49006  
created under this section shall honor all contracts made by the 49007  
former governing boards. 49008

**Sec. 3311.242.** In the case of a proposed transfer of 49009  
school district territory filed under section 3311.24 of the 49010  
Revised Code, the state board of education shall approve a 49011  
proposed transfer that satisfies all of the following 49012  
conditions: 49013

(A) The territory is being transferred to an adjacent 49014  
school district. 49015

(B) The district from which the territory is being 49016  
transferred has received an overall performance rating of less 49017  
than two stars under division (D) (3) of section 3302.03 of the 49018  
Revised Code for two or more consecutive school years. 49019

(C) No party opposing the proposed transfer has presented 49020  
to the state board clear and convincing evidence that any 49021  
information used to facilitate the transfer under section 49022  
3311.24 of the Revised Code is incorrect or inaccurate. 49023

**Sec. 3311.50.** (A) As used in this section: 49024

(1) "County school financing district" means a taxing 49025  
district consisting of the following territory: 49026

(a) The territory that constitutes the educational service 49027  
center on the date that the governing board of that educational 49028  
service center adopts a resolution under division (B) of this 49029  
section declaring that the territory of the educational service 49030  
center is a county school financing district, exclusive of any 49031  
territory subsequently withdrawn from the district under 49032

division (D) of this section; 49033

(b) Any territory that has been added to the county school financing district under this section. 49034  
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A county school financing district may include the 49036  
territory of a city, local, or exempted village school district 49037  
whose territory also is included in the territory of one or more 49038  
other county school financing districts. 49039

(2) ~~"The county auditor's appraised Market value"~~ and 49040  
"effective rate" have the same meanings as in section 5705.01 of 49041  
the Revised Code. 49042

(B) The governing board of any educational service center 49043  
may, by resolution, declare that the territory of the 49044  
educational service center is a county school financing 49045  
district. The resolution shall state the purpose for which the 49046  
county school financing district is created, which may be for 49047  
any one or more of the following purposes: 49048

(1) To levy taxes for the provision of special education 49049  
by the school districts that are a part of the district, 49050  
including taxes for permanent improvements for special 49051  
education; 49052

(2) To levy taxes for the provision of specified 49053  
educational programs and services by the school districts that 49054  
are a part of the district, as identified in the resolution 49055  
creating the district, including the levying of taxes for 49056  
permanent improvements for those programs and services. Services 49057  
financed by the levy may include school safety and security and 49058  
mental health services, including training and employment of or 49059  
contracting for the services of safety personnel, mental health 49060  
personnel, social workers, and counselors. 49061

(3) To levy taxes for permanent improvements of school districts that are a part of the district. 49062  
49063

The governing board of the educational service center that creates a county school financing district shall serve as the taxing authority of the district and may use educational service center governing board employees to perform any of the functions necessary in the performance of its duties as a taxing authority. A county school financing district shall not employ any personnel. 49064  
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With the approval of a majority of the members of the board of education of each school district within the territory of the county school financing district, the taxing authority of the financing district may amend the resolution creating the district to broaden or narrow the purposes for which it was created. 49071  
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A governing board of an educational service center may create more than one county school financing district. If a governing board of an educational service center creates more than one such district, it shall clearly distinguish among the districts it creates by including a designation of each district's purpose in the district's name. 49077  
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(C) A majority of the members of a board of education of a city, local, or exempted village school district may adopt a resolution requesting that its territory be joined with the territory of any county school financing district. Copies of the resolution shall be filed with the state board of education and the taxing authority of the county school financing district. Within sixty days of its receipt of such a resolution, the county school financing district's taxing authority shall vote on the question of whether to accept the school district's 49083  
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territory as part of the county school financing district. If a 49092  
majority of the members of the taxing authority vote to accept 49093  
the territory, the school district's territory shall thereupon 49094  
become a part of the county school financing district unless the 49095  
county school financing district has in effect a tax imposed 49096  
under section 5705.215 of the Revised Code. If the county school 49097  
financing district has such a tax in effect, the taxing 49098  
authority shall certify a copy of its resolution accepting the 49099  
school district's territory to the school district's board of 49100  
education. The board of education and the county auditor shall 49101  
proceed in the same manner as required for a tax levy under 49102  
section 5705.03 of the Revised Code, except that the levy's 49103  
annual collections shall be estimated assuming that the school 49104  
district's territory has been added to the county school 49105  
financing district. After receipt of the auditor's certification 49106  
under that section, the board may adopt a resolution, with the 49107  
affirmative vote of a majority of its members, proposing the 49108  
submission to the electors of the question of whether the 49109  
district's territory shall become a part of the county school 49110  
financing district and subject to the taxes imposed by the 49111  
financing district. The resolution shall set forth the date on 49112  
which the question shall be submitted to the electors, which 49113  
shall be at a special election held on a date specified in the 49114  
resolution, which shall not be earlier than ninety days after 49115  
the adoption and certification of the resolution. A copy of the 49116  
resolution shall immediately be certified to the board of 49117  
elections of the proper county, which shall make arrangements 49118  
for the submission of the proposal to the electors of the school 49119  
district. The board of the joining district shall publish notice 49120  
of the election in a newspaper of general circulation in the 49121  
county once a week for two consecutive weeks, or as provided in 49122  
section 7.16 of the Revised Code, prior to the election. 49123

Additionally, if the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The question appearing on the ballot shall read:

"Shall the territory within \_\_\_\_\_ (name of the school district proposing to join the county school financing district) \_\_\_\_\_ be added to \_\_\_\_\_ (name) \_\_\_\_\_ county school financing district, and a property tax for the purposes of \_\_\_\_\_ (here insert purposes), that the county auditor estimates will collect \$\_\_\_\_\_ annually, \_\_\_\_\_ at a rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county auditor's appraised market~~ value, \_\_\_\_\_ be in effect for \_\_\_\_\_ (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable) \_\_\_\_\_?"

If the proposal is approved by a majority of the electors voting on it, the joinder shall take effect on the first day of July following the date of the election, and the county board of elections shall notify the county auditor of each county in which the school district joining its territory to the county school financing district is located.

(D) The board of any city, local, or exempted village school district whose territory is part of a county school financing district may withdraw its territory from the county school financing district thirty days after submitting to the governing board that is the taxing authority of the district and the state board a resolution proclaiming such withdrawal, adopted by a majority vote of its members, but any county school financing district tax levied in such territory on the effective

date of the withdrawal shall remain in effect in such territory 49154  
until such tax expires or is renewed. No board may adopt a 49155  
resolution withdrawing from a county school financing district 49156  
that would take effect during the forty-five days preceding the 49157  
date of an election at which a levy proposed under section 49158  
5705.215 of the Revised Code is to be voted upon. 49159

(E) A city, local, or exempted village school district 49160  
does not lose its separate identity or legal existence by reason 49161  
of joining its territory to a county school financing district 49162  
under this section and an educational service center does not 49163  
lose its separate identity or legal existence by reason of 49164  
creating a county school financing district that accepts or 49165  
loses territory under this section. 49166

**Sec. 3312.01.** (A) As used in this chapter: 49167

(1) "Career-technical planning district" has the same 49168  
meaning as in section 3317.023 of the Revised Code. 49169

(2) "Community college" has the same meaning as in section 49170  
3333.168 of the Revised Code. 49171

(3) "Community school" means a community school 49172  
established in Chapter 3314. of the Revised Code. 49173

(4) "Information technology center" means an information 49174  
technology center established under section 3301.075 of the 49175  
Revised Code. 49176

(5) "STEM school" means a STEM school established under 49177  
Chapter 3326. of the Revised Code. 49178

(B) The educational regional service system is hereby 49179  
established. The system shall support state and regional 49180  
education and workforce development initiatives and ~~efforts~~ 49181

shall provide support and technical assistance to improve school 49182  
effectiveness and student achievement. Services, including 49183  
special education and related services, shall be provided under 49184  
the system to school districts, community schools ~~established~~ 49185  
~~under Chapter 3314. of the Revised Code, STEM schools, and~~ 49186  
chartered nonpublic schools. 49187

~~It is the intent of the general assembly that the~~ 49188  
~~educational regional service system reduce the unnecessary~~ 49189  
~~duplication of programs and services and provide for a more~~ 49190  
~~streamlined and efficient delivery of educational services~~ 49191  
~~without reducing the availability of the services needed by~~ 49192  
~~school districts and schools.~~ 49193

~~(B)~~ (C) The educational regional service system shall 49194  
consist of the following: 49195

~~(1) The advisory councils and subcommittees established~~ 49196  
~~under sections 3312.03 and 3312.05 of the Revised Code;~~ 49197

~~(2)~~ A fiscal agent for each of the regions ~~as configured~~ 49198  
established by the department of education and workforce under 49199  
section 3312.02 of the Revised Code; 49200

~~(3)~~ (2) Educational service centers, information technology 49201  
~~centers established under section 3301.075 of the Revised Code,~~ 49202  
career-technical planning districts, county boards of 49203  
developmental disabilities, Ohio college tech prep regional 49204  
centers, community colleges, and other regional education 49205  
service providers as determined by the department. 49206

~~(C) Educational service centers shall provide the services~~ 49207  
~~that they are specifically required to provide by the Revised~~ 49208  
~~Code and may enter into agreements pursuant to section 3313.843,~~ 49209  
~~3313.844, or 3313.845 of the Revised Code for the provision of~~ 49210

- ~~other services, which may include any of the following:—~~ 49211
- ~~(1) Assistance in improving student performance;—~~ 49212
  - ~~(2) Services to enable a school district or school to operate more efficiently or economically;—~~ 49213  
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  - ~~(3) Professional development for teachers or administrators;—~~ 49215  
49216
  - ~~(4) Assistance in the recruitment and retention of teachers and administrators;—~~ 49217  
49218
  - ~~(5) Applying for any state or federal grant on behalf of a school district;—~~ 49219  
49220
  - ~~(6) Any other educational, administrative, or operational services.—~~ 49221  
49222
- ~~In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education and workforce.—~~ 49223  
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- ~~Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.—~~ 49229  
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- (D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant. 49233  
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49235  
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- (E) Information technology centers may enter into 49237

agreements for the provision of services pursuant to section 49238  
3312.10 of the Revised Code. 49239

(F) No school district, community school, STEM school, or 49240  
chartered nonpublic school shall be required to purchase 49241  
services from an educational service center or information 49242  
technology center in the region in which the district or school 49243  
is located, ~~except that a local school district shall receive~~ 49244  
~~any services required by the Revised Code to be provided by an~~ 49245  
~~educational service center to the local school districts in its~~ 49246  
~~territory from the educational service center in whose territory~~ 49247  
~~the district is located.~~ 49248

Sec. 3312.02. Not later than one hundred eighty days after 49249  
the effective date of this section, the department of education 49250  
and workforce shall establish not more than sixteen regions in 49251  
the educational regional service system and designate the 49252  
boundaries of each region. If the department plans to make any 49253  
subsequent changes to the number of regions or regional 49254  
boundaries, the department shall provide notice to the affected 49255  
regions at least ninety days prior to the first day of July of 49256  
the fiscal year in which those changes will take effect. 49257

Sec. 3312.07. (A) The department of education and 49258  
workforce shall select a school district ~~or,~~ educational service 49259  
center ~~in,~~ information technology center, career-technical 49260  
planning district, Ohio college tech prep regional center, 49261  
county board of developmental disabilities, or community college 49262  
for each region of the educational regional service system to be 49263  
the fiscal agent for the region. For this purpose, the 49264  
department shall issue a request for proposals from ~~districts~~ 49265  
~~and service centers~~ entities interested in being a fiscal agent. 49266  
The department shall select each fiscal agent based upon the 49267

following criteria: 49268

(1) Capability to serve as a fiscal agent as demonstrated 49269  
by a satisfactory audit record and prior experience serving as a 49270  
fiscal agent; 49271

(2) Adequate capacity in terms of facilities, personnel, 49272  
and other relevant resources; 49273

(3) Evidence that the ~~school district's or educational~~ 49274  
~~service center's~~ entity's role as a fiscal agent would result in 49275  
minimal disruption to its other responsibilities ~~as a district~~ 49276  
~~or service center~~; 49277

(4) ~~Demonstrated intent to~~ An assurance that the entity 49278  
will limit the aggregate fees for administering a performance 49279  
contract entered into under section 3312.08 of the Revised Code 49280  
to not more than ~~seven~~ five per cent of the value of the 49281  
contract. 49282

(B) If no ~~school district or educational service center~~ 49283  
entity described in division (A) of this section in a region 49284  
responds to the request for proposals issued by the department\_ 49285  
or meets the qualification established in the request for 49286  
proposals, the department ~~shall select a district or service~~ 49287  
~~center in the region may select an entity described in that~~ 49288  
division that is located in another region and that meets the 49289  
criteria in that ~~division (A) of this section~~ to be the fiscal 49290  
agent for the region. 49291

**Sec. 3312.08.** Each fiscal agent selected by the department 49292  
of education and workforce pursuant to section 3312.07 of the 49293  
Revised Code shall do all of the following: 49294

(A) Enter into performance contracts with the department 49295  
in accordance with section 3312.09 of the Revised Code for the 49296

implementation of state and regional education and workforce 49297  
development initiatives and school improvement efforts; 49298

(B) Receive federal and state funds, including federal 49299  
funds for the provision of special education and related 49300  
services, as specified in the performance contracts, and 49301  
disburse those funds as specified in the performance contracts 49302  
to ~~educational service centers, information technology centers,~~ 49303  
~~and other regional~~ identified service providers. However, any 49304  
funds owed to an educational service center in accordance with 49305  
an agreement entered into under section 3313.843, 3313.844, or 49306  
3313.845 of the Revised Code shall be paid directly to the 49307  
service center by the department and any operating funds 49308  
appropriated for an information technology center shall be paid 49309  
directly to the information technology center by the department 49310  
pursuant to section 3301.075 of the Revised Code. 49311

(C) Implement any expenditure of funds ~~recommended by the~~ 49312  
~~advisory council for the region pursuant to section 3312.04 of~~ 49313  
~~the Revised Code or~~ required by the terms of any performance 49314  
contract, unless there are insufficient funds available to the 49315  
region to pay for the expenditure or the expenditure violates a 49316  
provision of the Revised Code, a rule of the department 49317  
regarding such expenditure, or the terms of a performance 49318  
contract; 49319

(D) Exercise fiscal oversight of the implementation of 49320  
state and regional education and workforce development 49321  
initiatives and school improvement efforts as directed by the 49322  
department. 49323

**Sec. 3312.09.** (A) Each performance contract entered into 49324  
by the department of education and workforce and the fiscal 49325  
agent of a region for implementation of a state or regional 49326

education or workforce development initiative or school 49327  
improvement effort shall include at least all of the following: 49328

(1) An explanation of how the regional needs and 49329  
priorities for educational services have been identified ~~by the~~ 49330  
~~advisory council of the region, the advisory council's~~ 49331  
~~subcommittees, and the department;~~ 49332

(2) A definition of the services to be provided to school 49333  
districts, community schools, STEM schools, and chartered 49334  
nonpublic schools in the region, ~~including any services provided~~ 49335  
~~pursuant to division (A) of section 3302.04 of the Revised Code;~~ 49336

(3) Expected outcomes from the provision of the services 49337  
defined in the contract; 49338

(4) The method the department will use to evaluate whether 49339  
the expected outcomes have been achieved; 49340

(5) A requirement that the fiscal agent develop and 49341  
implement a corrective action plan if the results of the 49342  
evaluation are unsatisfactory; 49343

(6) Data reporting requirements; 49344

(7) The aggregate fees to be charged by the fiscal agent 49345  
and any entity with which it subcontracts to cover personnel and 49346  
program costs associated with administering the contract, which 49347  
fees shall be subject to controlling board approval if in excess 49348  
of ~~four~~ three per cent of the value of the contract. 49349

(B) Upon completion of each evaluation described in a 49350  
performance contract, the department shall post the results of 49351  
that evaluation on its web site. 49352

**Sec. 3312.10.** The board of education of a city, exempted 49353  
village, or local school district ~~or,~~ the governing authority 49354

of a community school, or the governing body of a STEM school 49355  
may enter into an agreement, through the adoption of identical 49356  
resolutions, with the governing authority of an information 49357  
technology center, under which the information technology center 49358  
will provide services to the ~~school-district or community-~~ 49359  
school. Services provided under the agreement and the amount to 49360  
be paid for such services shall be mutually agreed to by the 49361  
parties to the agreement, and shall be specified in the 49362  
agreement. Payment for services specified in the agreement shall 49363  
be the sole responsibility of the board of education ~~or,~~ 49364  
community school governing authority, or STEM school governing 49365  
body and shall be made directly to the information technology 49366  
center providing the services. 49367

**Sec. 3312.13.** The department of education and workforce 49368  
shall consider the following when entering into performance 49369  
contracts with the fiscal agent of each region of the 49370  
educational regional service system and when allocating funds 49371  
for the implementation of statewide education and workforce 49372  
development initiatives by regional service providers~~;~~: 49373

(A) The unique needs and circumstances of the region; 49374

(B) The regional needs and priorities for educational 49375  
services identified ~~by the advisory council for~~ in the region~~;~~ 49376

~~(C) Any services that will be provided to school districts 49377  
and schools within the region pursuant to division (A) of 49378  
section 3302.04 of the Revised Code. 49379~~

**Sec. 3313.174.** A school district or member of a school 49380  
district board of education is not immune from liability in 49381  
damages in a civil action if the board of education of the city, 49382  
exempted village, or local school district or one of its members 49383

knowingly instructs the superintendent of the district to 49384  
violate any provision of the Revised Code or common law of this 49385  
state. 49386

This section does not eliminate, limit, or reduce any 49387  
other immunity or defense that a school district or member of a 49388  
school district board of education may be entitled to under 49389  
Chapter 2744. or any other provision of the Revised Code or 49390  
under the common law of this state. 49391

**Sec. 3313.27.** At the expiration of the term of any 49392  
treasurer of any board of education or before any board approves 49393  
the surety of any treasurer, such board shall require the 49394  
treasurer to produce all money, bonds, or other securities in 49395  
~~his~~ the treasurer's hands, which shall then be counted by the 49396  
board or a committee thereof, ~~or by a representative of the~~ 49397  
~~auditor of state.~~ A certificate setting forth the exact amount 49398  
of such money, bonds, or other securities, and signed by the 49399  
representatives making such count, shall be entered upon the 49400  
records of the board and shall be prima-facie evidence that the 49401  
amount therein stated was actually in the treasury at that date. 49402

**Sec. 3313.41.** (A) Except as provided in divisions (C), 49403  
(D), and (F) of this section and in sections 3313.412 and 49404  
3313.413 of the Revised Code, when a board of education decides 49405  
to dispose of real or personal property that it owns in its 49406  
corporate capacity and that exceeds in value ten thousand 49407  
dollars, it shall sell the property at public auction, after 49408  
giving at least thirty days' notice of the auction by 49409  
publication in a newspaper of general circulation in the school 49410  
district, by publication as provided in section 7.16 of the 49411  
Revised Code, or by posting notices in five of the most public 49412  
places in the school district in which the property, if it is 49413

real property, is situated, or, if it is personal property, in 49414  
the school district of the board of education that owns the 49415  
property. The board may offer real property for sale as an 49416  
entire tract or in parcels. The board of education shall accept 49417  
the highest bid at a public auction under this division. 49418

(B) When the board of education has offered real or 49419  
personal property for sale at public auction at least once 49420  
pursuant to division (A) of this section, and the property has 49421  
not been sold, the board may sell it at a private sale. 49422  
Regardless of how it was offered at public auction, at a private 49423  
sale, the board shall, as it considers best, sell real property 49424  
as an entire tract or in parcels, and personal property in a 49425  
single lot or in several lots. 49426

(C) If a board of education decides to dispose of real or 49427  
personal property that it owns in its corporate capacity and 49428  
that exceeds in value ten thousand dollars, it may sell the 49429  
property to the adjutant general; to any subdivision or taxing 49430  
authority as respectively defined in section 5705.01 of the 49431  
Revised Code, township park district, board of park 49432  
commissioners established under Chapter 755. of the Revised 49433  
Code, or park district established under Chapter 1545. of the 49434  
Revised Code; to a wholly or partially tax-supported university, 49435  
university branch, or college; to a nonprofit institution of 49436  
higher education that has a certificate of authorization under 49437  
Chapter 1713. of the Revised Code; to the governing authority of 49438  
a chartered nonpublic school; or to the board of trustees of a 49439  
school district library, upon such terms as are agreed upon. The 49440  
sale of real or personal property to the board of trustees of a 49441  
school district library is limited, in the case of real 49442  
property, to a school district library within whose boundaries 49443  
the real property is situated, or, in the case of personal 49444

property, to a school district library whose boundaries lie in 49445  
whole or in part within the school district of the selling board 49446  
of education. 49447

(D) When a board of education decides to trade as a part 49448  
or an entire consideration, an item of personal property on the 49449  
purchase price of an item of similar personal property, it may 49450  
trade the same upon such terms as are agreed upon by the parties 49451  
to the trade. 49452

(E) The president and the treasurer of the board of 49453  
education shall execute and deliver deeds or other necessary 49454  
instruments of conveyance to complete any sale or trade under 49455  
this section. 49456

(F) When a board of education has identified a parcel of 49457  
real property that it determines is needed for school purposes, 49458  
the board may, upon a majority vote of the members of the board, 49459  
acquire that property by exchanging real property that the board 49460  
owns in its corporate capacity for the identified real property 49461  
or by using real property that the board owns in its corporate 49462  
capacity as part or an entire consideration for the purchase 49463  
price of the identified real property. Any exchange or 49464  
acquisition made pursuant to this division shall be made by a 49465  
conveyance executed by the president and the treasurer of the 49466  
board. 49467

(G) When a school district board of education has property 49468  
that the board, by resolution, finds is not needed for school 49469  
district use, is obsolete, or is unfit for the use for which it 49470  
was acquired, the board may donate that property in accordance 49471  
with this division if the fair market value of the property is, 49472  
in the opinion of the board, two thousand five hundred dollars 49473  
or less. 49474

The property may be donated to an eligible nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating any property under this division, the board shall adopt a resolution expressing its intent to make unneeded, obsolete, or unfit-for-use school district property available to these organizations. The resolution shall include guidelines and procedures the board considers to be necessary to implement the donation program and shall indicate whether the school district will conduct the donation program or the board will contract with a representative to conduct it. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

The resolution shall include within its procedures a requirement that any nonprofit organization desiring to obtain donated property under this division shall submit a written notice to the board or its representative. The written notice shall include evidence that the organization is a nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of the organization's primary purpose; a description of the type or types of property the organization needs; and the name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent. The written notice may be submitted electronically to the board or its representative.

After adoption of the resolution, the board shall continually post in the board's office notice of its intent to donate school district property that is unneeded, obsolete, or

unfit for use to eligible nonprofit organizations. If the school 49506  
district maintains a web site on the internet, the notice shall 49507  
be posted continually at that web site. 49508

The board or its representatives shall maintain a list of 49509  
all nonprofit organizations that notify the board or its 49510  
representative of their desire to obtain donated property under 49511  
this division and that the board or its representative 49512  
determines to be eligible, in accordance with the requirements 49513  
set forth in this section and in the donation program's 49514  
guidelines and procedures, to receive donated property. 49515

The board or its representative also shall maintain a list 49516  
of all school district property the board finds to be unneeded, 49517  
obsolete, or unfit for use and to be available for donation 49518  
under this division. The list shall be posted continually in a 49519  
conspicuous location in the board's office, and, if the school 49520  
district maintains a web site on the internet, the list shall be 49521  
posted continually at that web site. An item of property on the 49522  
list shall be donated to the eligible nonprofit organization 49523  
that first declares to the board or its representative its 49524  
desire to obtain the item unless the board previously has 49525  
established, by resolution, a list of eligible nonprofit 49526  
organizations that shall be given priority with respect to the 49527  
item's donation. Priority may be given on the basis that the 49528  
purposes of a nonprofit organization have a direct relationship 49529  
to specific school district purposes of programs provided or 49530  
administered by the board. A resolution giving priority to 49531  
certain nonprofit organizations with respect to the donation of 49532  
an item of property shall specify the reasons why the 49533  
organizations are given that priority. 49534

Members of the board shall consult with the Ohio ethics 49535

commission, and comply with Chapters 102. and 2921. of the 49536  
Revised Code, with respect to any donation under this division 49537  
to a nonprofit organization of which a board member, any member 49538  
of a board member's family, or any business associate of a board 49539  
member is a trustee, officer, board member, or employee. 49540

**Sec. 3313.411.** (A) As used in this section: 49541

(1) "College-preparatory boarding school" means a college- 49542  
preparatory boarding school established under Chapter 3328. of 49543  
the Revised Code. 49544

(2) "Community school" means a community school 49545  
established under Chapter 3314. of the Revised Code. 49546

(3) "High-performing community school" has the same 49547  
meaning as in section 3313.413 of the Revised Code. 49548

(4) "STEM school" means a science, technology, 49549  
engineering, and mathematics school established under Chapter 49550  
3326. of the Revised Code. 49551

(5) "Unused school facilities" means either: 49552

(a) Any real property that has been used by a school 49553  
district for school operations, including, but not limited to, 49554  
academic instruction or administration, since July 1, 1998, but 49555  
has not been used in that capacity for one year; 49556

(b) Any school building that has been used for direct 49557  
academic instruction ~~but~~, and the building's student enrollment 49558  
for the three most recent school years was less than sixty per 49559  
cent of the greatest student enrollment of the building in the 49560  
ten most recent school years. ~~building was used for that purpose~~ 49561  
~~in the preceding school year.~~ 49562

(B) (1) Except as provided in section 3313.412 of the 49563

Revised Code, on and after June 30, 2011, any school district 49564  
board of education shall offer any unused school facilities it 49565  
owns in its corporate capacity for lease or sale to the 49566  
governing authorities of community schools, the boards of 49567  
trustees of any college-preparatory boarding schools, ~~and the~~ 49568  
governing bodies of any STEM schools, and the governing 49569  
authorities of any chartered nonpublic schools, that are located 49570  
within the territory of the district. Not later than sixty days 49571  
after the district board makes the offer, interested governing 49572  
authorities, boards of trustees, and governing bodies shall 49573  
notify the district treasurer in writing of the intention to 49574  
lease or purchase the property. 49575

The district board shall give priority to the governing 49576  
authorities of high-performing community schools and chartered 49577  
nonpublic schools that are located within the territory of the 49578  
district. 49579

(2) At the same time that a district board makes the offer 49580  
required under division (B)(1) of this section, the board also 49581  
may, but shall not be required to, offer that property for sale 49582  
or lease to the governing authorities of community schools with 49583  
plans, stipulated in their contracts entered into under section 49584  
3314.03 of the Revised Code, either to relocate their operations 49585  
to the territory of the district or to add facilities, as 49586  
authorized ~~by division (B)(3) or (4) of~~ under section 3314.05 of 49587  
the Revised Code, to be located within the territory of the 49588  
district. 49589

(C)(1) If, not later than sixty days after the district 49590  
board makes the offer, only one governing authority of a high- 49591  
performing community school or a chartered nonpublic school 49592  
offered the property under division (B) of this section notifies 49593

the district treasurer in writing of the intention to purchase 49594  
the property pursuant to that division, the district board shall 49595  
sell the property to that party for the appraised ~~fair market~~ 49596  
value of the property for operation as an educational facility 49597  
as determined in an appraisal of the property that is not more 49598  
than one year old. 49599

If, not later than sixty days after the district board 49600  
makes the offer, more than one governing authority of a high- 49601  
performing community school or a chartered nonpublic school 49602  
offered the property under division (B) of this section notifies 49603  
the district treasurer in writing of the intention to purchase 49604  
the property pursuant to that division, the board shall conduct 49605  
~~a public auction in the manner required for auctions of district~~ 49606  
~~property under division (A) of section 3313.41 of the Revised~~ 49607  
~~Code. Only the governing authorities of high-performing~~ 49608  
~~community schools that notified the district treasurer of the~~ 49609  
~~intention to purchase the property pursuant to division (B) of~~ 49610  
~~this section are eligible to bid at the auction~~ lottery to 49611  
select from among those governing authorities the one governing 49612  
authority to which the board shall sell the property. The 49613  
district board is not obligated to accept any ~~bid payment~~ for 49614  
the property that is lower than the appraised ~~fair market~~-value 49615  
of the property for operation as an educational facility, as 49616  
determined in an appraisal that is not more than one year old. 49617

(2) If, not later than sixty days after the district board 49618  
makes the offer, no governing authority of a high-performing 49619  
community school or a chartered nonpublic school notifies the 49620  
district treasurer of its intention to purchase the property 49621  
pursuant to division (B) of this section, the board shall then 49622  
proceed to offer the property for sale or lease to the governing 49623  
authorities of high performing community schools and chartered 49624

nonpublic schools located outside of the district. If, not later 49625  
than sixty days after the district board makes the offer, only 49626  
one governing authority of a high-performing community school or 49627  
a chartered nonpublic school offered the property under division 49628  
(C) (2) of this section notifies the district treasurer in 49629  
writing of the intention to purchase the property, the district 49630  
board shall sell the property to that entity for the appraised 49631  
value of the property for operation as an educational facility, 49632  
as determined in an appraisal of the property that is not more 49633  
than one year old. 49634

If, not later than sixty days after the district board 49635  
makes the offer, more than one governing authority of a high- 49636  
performing community school or a chartered nonpublic school 49637  
offered the property under division (C) (2) of this section 49638  
notifies the district treasurer in writing of the intention to 49639  
purchase the property, the district board shall conduct a 49640  
lottery to select from among those governing authorities the one 49641  
governing authority to which the district board shall sell the 49642  
property. The district board is not obligated to accept any 49643  
payment for the property that is lower than the appraised value 49644  
of the property for operation as an educational facility, as 49645  
determined in an appraisal that is not more than one year old. 49646

(3) If, not later than sixty days after the district board 49647  
makes the offer, no governing authority of a high-performing 49648  
community school or a chartered nonpublic school notifies the 49649  
district treasurer of its intention to purchase the property 49650  
pursuant to division (C) (2) of this section, the district board 49651  
shall then proceed with the offers from all other start-up 49652  
community schools, college-preparatory boarding schools, and 49653  
STEM schools made pursuant to ~~that division~~ this section. 49654

If more than one such entity notifies the district treasurer of its intention to purchase the property pursuant to division ~~(B)~~ (C) (3) of this section, the board shall conduct a ~~public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the entities that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction~~ lottery to select from among those entities the one entity to which the district board shall sell the property. The district board is not obligated to accept any payment for the property that is lower than the appraised value of the property for operation as an educational facility, as determined in an appraisal that is not more than one year old.

~~(3)~~ (4) If more than one governing authority of a high-performing community school or a chartered nonpublic school notifies the district treasurer in writing of the intention to lease the property pursuant to division (B) or (C) of this section, the district board shall conduct a lottery to select from among those governing authorities the one qualified governing authority to which the district board shall lease the property.

If no such governing authority of a high-performing community school or a chartered nonpublic school notifies the district treasurer of its intention to lease the property pursuant to division (B) or (C) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division. If more than one other start-up community school, college-preparatory boarding school, or STEM school notified the district treasurer of its intention to lease the property pursuant to division (B) or (C) of this section,

the district board shall conduct a lottery to select from among 49686  
those parties the one qualified party to which the district 49687  
board shall lease the property. 49688

~~(4)~~(5) The lease price offered by a district board to a 49689  
community school, college-preparatory boarding school, or STEM 49690  
school under this section shall not be higher than the ~~fair-~~ 49691  
~~market-~~value for such a leasehold for operation as an 49692  
educational facility, as determined in an appraisal that is not 49693  
more than one year old. 49694

~~(5)~~(6) If no qualified party offered the property under 49695  
division (B) or (C) of this section accepts the offer to lease 49696  
or buy the property within sixty days after the offer is made, 49697  
the district board ~~may shall~~ offer the property ~~to any other~~ 49698  
~~entity in accordance with~~ for sale in the manner prescribed 49699  
under divisions (A) to (F) of section 3313.41 of the Revised 49700  
Code. 49701

(D) Notwithstanding division (B) or (C) of this section, a 49702  
school district board may renew any agreement it originally 49703  
entered into prior to June 30, 2011, to lease real property to 49704  
an entity other than a community school, college-preparatory 49705  
boarding school, ~~or~~ STEM school, or chartered nonpublic school. 49706  
Nothing in this section shall affect the leasehold arrangements 49707  
between the district board and that other entity. 49708

(E) (1) Except as provided in division (E) (2) of this 49709  
section, the governing authority of a community school, board of 49710  
trustees of a college-preparatory boarding school, ~~or~~ governing 49711  
body of a STEM school, or governing authority of a chartered 49712  
nonpublic school shall not sell any property purchased under 49713  
division (B) or (C) of this section within five years of 49714  
purchasing that property. 49715

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) or (C) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

(F) (1) A school district board of education is not required to offer any unused school facilities it owns in its corporate capacity for lease or sale under this section if any of the following apply:

(a) The facility is less than ten years old.

(b) The facility is located on, or adjacent to, a tract or parcel of land where other school district facilities are located.

(c) The facility is a school building described in division (A) (5) (b) of this section and is the only district building that provides direct academic instruction to one or more grade levels.

(d) The facility is a school building described in division (A) (5) (b) of this section and the building's student enrollment decreased because it was undergoing repairs or renovations that caused a portion of the building's instructional space to be unusable.

(e) The facility is a school building that is primarily used to provide career-technical education or has specialized classroom facilities necessary for the district to operate its career-technical education program.

(2) If a school district board of education believes extraordinary circumstances should exempt it from offering an

unused facility for lease or sale under this section, the board 49745  
may appeal the requirement to the director of education and 49746  
workforce. The director shall approve or deny the appeal within 49747  
sixty days of receiving the request from the board. 49748

(G) (1) Not later than November 30, 2025, and annually 49749  
thereafter, each school district shall report to the department 49750  
of education and workforce, in the manner determined by the 49751  
department, both of the following: 49752

(a) Any real district property described in division (A) 49753  
(5) (a) of this section; 49754

(b) The enrollment data specified in division (A) (5) (b) of 49755  
this section for each school building operated by the district. 49756

(2) Not later than December 31, 2025, and annually 49757  
thereafter, the department shall publish on its web site a list 49758  
of unused school facilities in each school district. 49759

**Sec. 3313.413.** (A) As used in this section, "high- 49760  
performing community school" means ~~either~~ a community school 49761  
established under Chapter 3314. of the Revised Code that meets 49762  
any of the following conditions: 49763

~~(1) A community school established under Chapter 3314. of~~ 49764  
~~the Revised Code that meets the following conditions:~~ 49765

~~(a) Except as provided in division (A) (1) (b) or (c) of~~ 49766  
~~this section, the school both:~~ 49767

~~(i) Has received either a grade of "A," "B," or "C" for~~ 49768  
~~the performance index score under division (C) (1) (b) of section~~ 49769  
~~3302.03 of the Revised Code or a performance rating of three~~ 49770  
~~stars or higher for achievement under division (D) (3) (b) of that~~ 49771  
~~section; or has increased its performance index score under~~ 49772

~~division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the Revised Code in each of the previous three years of operation; and~~ 49773  
49774  
49775

~~(ii) Has received either a grade of "A" or "B" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for progress under division (D) (3) (c) of that section on its most recent report card rating issued under that section~~ 49776  
49777  
49778  
49779  
49780  
Except as provided for in division (A) (2) or (3) of this section, the community school does both of the following: 49781  
49782

(a) The school has a higher performance index score than the school district in which the school is located on the two most recent report cards issued under section 3302.03 of the Revised Code. 49783  
49784  
49785  
49786

(b) The school either has a performance rating of four stars or higher for progress on the most recent report card issued under section 3302.03 of the Revised Code or is a school described under division (B) (1) of section 3314.35 of the Revised Code and did not receive a rating for progress on the most recent report card. 49787  
49788  
49789  
49790  
49791  
49792

~~(b) (2) If the community school serves only grades kindergarten through three, the school received either a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for early literacy under division (D) (3) (e) of that section on its most recent report card issued under that section~~ 49793  
49794  
49795  
49796  
49797  
49798  
49799  
3302.03 of the Revised Code. 49800

~~(c) If the school primarily serves students enrolled in a~~ 49801

~~dropout prevention and recovery program as described in division 49802  
(B) (1) of section 3314.35 of the Revised Code, the school 49803  
received a rating of "exceeds standards" on its most recent 49804  
report card issued under section 3314.017 of the Revised Code. 49805~~

~~(2) A newly established community school that is 49806  
implementing a community school model that has a track record of 49807  
high-quality academic performance, as determined by the 49808  
department of education and workforce. (3) If the community 49809  
school has not commenced operations or has been in operation for 49810  
less than one school year, the school meets the following 49811  
conditions: 49812~~

~~(a) The school is replicating an operational and 49813  
instructional model used by a community school described in 49814  
division (A) (1) or (2) of this section. 49815~~

~~(b) The school either: 49816~~

~~(i) Has an operator that received an overall rating of 49817  
three stars or higher, or a "C" or higher, on its most recent 49818  
performance report published under section 3314.031 of the 49819  
Revised Code; 49820~~

~~(ii) Does not have an operator and is sponsored by a 49821  
sponsor that was rated "exemplary" or "effective" on its most 49822  
recent evaluation conducted under section 3314.016 of the 49823  
Revised Code. 49824~~

(B) When a school district board of education decides to 49825  
dispose of real property it owns in its corporate capacity under 49826  
section 3313.41 of the Revised Code, the board shall first offer 49827  
that property to the governing authorities of all start-up 49828  
community schools, the boards of trustees of any college- 49829  
preparatory boarding schools, ~~and~~ the governing bodies of any 49830

STEM schools, and the governing authorities of any chartered 49831  
nonpublic schools that are located within the territory of the 49832  
district and the governing boards of any educational service 49833  
centers that have territory in the district. Not later than 49834  
sixty days after the district board makes the offer, interested 49835  
governing authorities, boards of trustees, ~~and~~ governing bodies, 49836  
and governing boards shall notify the district treasurer in 49837  
writing of the intention to purchase the property. 49838

The district board shall give priority to the governing 49839  
authorities of high-performing community schools that are 49840  
located within the territory of the district. 49841

(1) If more than one governing authority of a high- 49842  
performing community school notifies the district treasurer of 49843  
its intention to purchase the property pursuant to division (B) 49844  
of this section, the board shall conduct a public auction in the 49845  
manner required for auctions of district property under division 49846  
(A) of section 3313.41 of the Revised Code. Only the governing 49847  
authorities of high-performing community schools that notified 49848  
the district treasurer pursuant to division (B) of this section 49849  
are eligible to bid at the auction. 49850

(2) If no governing authority of a high-performing 49851  
community school notifies the district treasurer of its 49852  
intention to purchase the property pursuant to division (B) of 49853  
this section, the board shall then proceed with the offers from 49854  
all other start-up community schools, college-preparatory 49855  
boarding schools, ~~and~~ STEM schools, educational service centers, 49856  
and chartered nonpublic schools made pursuant to that division. 49857  
If more than one such entity notifies the district treasurer of 49858  
its intention to purchase the property pursuant to division (B) 49859  
of this section, the board shall conduct a public auction in the 49860

manner required for auctions of district property under division 49861  
(A) of section 3313.41 of the Revised Code. Only the entities 49862  
that notified the district treasurer pursuant to division (B) of 49863  
this section are eligible to bid at the auction. 49864

(3) If no governing authority, board of trustees, ~~or~~ 49865  
governing body, or governing board notifies the district 49866  
treasurer of its intention to purchase the property pursuant to 49867  
division (B) of this section, the district may then offer the 49868  
property for sale in the manner prescribed under divisions (A) 49869  
to (F) of section 3313.41 of the Revised Code. 49870

(C) Notwithstanding anything to the contrary in sections 49871  
3313.41 and 3313.411 of the Revised Code, the purchase price of 49872  
any real property sold to any of the entities in accordance with 49873  
division (B) of this section shall not be more than the 49874  
appraised fair market value of that property as determined in an 49875  
appraisal of the property that is not more than one year old. 49876

(D) A board of education that plans to demolish a building 49877  
that it owns in its corporate capacity and that exceeds in value 49878  
ten thousand dollars shall offer the building for sale in the 49879  
manner prescribed under this section prior to demolishing the 49880  
building. If no governing authority, board of trustees, 49881  
governing body, or governing board notifies the district 49882  
treasurer of its intention to purchase the property pursuant to 49883  
division (B) of this section, the district may offer the 49884  
property for sale in the manner prescribed under divisions (A) 49885  
to (F) of section 3313.41 of the Revised Code. This division 49886  
does not apply to a building located on, or adjacent to, a tract 49887  
or parcel of land where other school district buildings used for 49888  
educational instruction are located. 49889

(E) Not later than the first day of October of each year, 49890

the department of education and workforce shall post in a 49891  
prominent location on its web site a list of schools that 49892  
qualify as high-performing community schools for purposes of 49893  
this section and section 3313.411 of the Revised Code. 49894

**Sec. 3313.46.** (A) In addition to any other law governing 49895  
the bidding for contracts by the board of education of any 49896  
school district, when any such board determines to build, 49897  
repair, enlarge, improve, or demolish any ~~school building~~ or 49898  
other property, the cost of which will exceed the amount 49899  
specified in section 9.17 of the Revised Code, except in cases 49900  
of urgent necessity, or for the security and protection of 49901  
school property, and except as otherwise provided in division 49902  
(D) of section 713.23 and in section 125.04 of the Revised Code, 49903  
all of the following shall apply: 49904

(1) The board shall cause to be prepared the plans, 49905  
specifications, and related information as required in divisions 49906  
(A) (1), (2), and (3) of section 153.01 of the Revised Code 49907  
unless the board determines that other information is sufficient 49908  
to inform any bidders of the board's requirements. However, if 49909  
the board determines that such other information is sufficient 49910  
for bidding a project, the board shall not engage in the 49911  
construction of any such project involving the practice of 49912  
professional engineering, professional surveying, or 49913  
architecture, for which plans, specifications, and estimates 49914  
have not been made by, and the construction thereof inspected 49915  
by, a licensed professional engineer, licensed professional 49916  
surveyor, or registered architect. 49917

(2) The board shall advertise for bids once each week for 49918  
a period of not less than two consecutive weeks, or as provided 49919  
in section 7.16 of the Revised Code, in a newspaper of general 49920

circulation in the district before the date specified by the 49921  
board for receiving bids. The board may also cause notice to be 49922  
inserted in trade papers or other publications designated by it 49923  
or to be distributed by electronic means, including posting the 49924  
notice on the board's internet web site. If the board posts the 49925  
notice on its web site, it may eliminate the second notice 49926  
otherwise required to be published in a newspaper of general 49927  
circulation within the school district, provided that the first 49928  
notice published in such newspaper meets all of the following 49929  
requirements: 49930

(a) It is published at least two weeks before the opening 49931  
of bids. 49932

(b) It includes a statement that the notice is posted on 49933  
the board of education's internet web site. 49934

(c) It includes the internet address of the board's 49935  
internet web site. 49936

(d) It includes instructions describing how the notice may 49937  
be accessed on the board's internet web site. 49938

(3) Unless the board extends the time for the opening of 49939  
bids they shall be opened at the time and place specified by the 49940  
board in the advertisement for the bids. 49941

(4) Each bid shall contain the name of every person 49942  
interested therein. Each bid shall meet the requirements of 49943  
section 153.54 of the Revised Code. 49944

(5) When both labor and materials are embraced in the work 49945  
bid for, the board may require that each be separately stated in 49946  
the bid, with the price thereof, or may require that bids be 49947  
submitted without such separation. 49948

(6) None but the lowest responsible bid shall be accepted. 49949  
The board may reject all the bids, or accept any bid for both 49950  
labor and material for such improvement or repair, which is the 49951  
lowest in the aggregate. In all other respects, the award of 49952  
contracts for improvement or repair, but not for purchases made 49953  
under section 3327.08 of the Revised Code, shall be pursuant to 49954  
section 153.12 of the Revised Code. 49955

(7) The contract shall be between the board and the 49956  
bidders. The board shall pay the contract price for the work 49957  
pursuant to sections 153.13 and 153.14 of the Revised Code. The 49958  
board shall approve and retain the estimates referred to in 49959  
section 153.13 of the Revised Code and make them available to 49960  
the auditor of state upon request. 49961

(8) When two or more bids are equal, in the whole, or in 49962  
any part thereof, and are lower than any others, either may be 49963  
accepted, but in no case shall the work be divided between such 49964  
bidders. 49965

(9) When there is reason to believe there is collusion or 49966  
combination among the bidders, or any number of them, the bids 49967  
of those concerned therein shall be rejected. 49968

(B) Division (A) of this section does not apply to the 49969  
board of education of any school district in any of the 49970  
following situations: 49971

(1) The acquisition of educational materials used in 49972  
teaching. 49973

(2) If the board determines and declares by resolution 49974  
adopted by two-thirds of all its members that any item is 49975  
available and can be acquired only from a single source. 49976

(3) If the board declares by resolution adopted by two- 49977

thirds of all its members that division (A) of this section does 49978  
not apply to any installation, modification, or remodeling 49979  
involved in any energy conservation measure undertaken through 49980  
an installment payment contract under section 3313.372 of the 49981  
Revised Code or undertaken pursuant to division (G)(1) of 49982  
section 133.06 of the Revised Code. 49983

(4) The acquisition of computer software for instructional 49984  
purposes and computer hardware for instructional purposes 49985  
pursuant to division (B)(4) of section 3313.37 of the Revised 49986  
Code. 49987

(C) No resolution adopted pursuant to division (B)(2) or 49988  
(3) of this section shall have any effect on whether sections 49989  
153.12 to 153.14 and 153.54 of the Revised Code apply to the 49990  
board of education of any school district with regard to any 49991  
item. 49992

**Sec. 3313.489.** (A) The director of education and workforce 49993  
shall examine each five-year school district's current budget 49994  
information and three-year projection of revenues and 49995  
expenditures submitted under section 5705.391 of the Revised 49996  
Code and shall determine whether the information contained 49997  
therein, together with any other relevant information, indicates 49998  
that the district may be financially unable to operate its 49999  
instructional program on all days set forth in its adopted 50000  
school calendars and pay all obligated expenses during the 50001  
current fiscal year. If a board of education has not adopted a 50002  
school calendar for the school year beginning on the first day 50003  
of July of the current fiscal year at the time an examination is 50004  
required under this division, the director shall examine the 50005  
five-year current budget information and three-year projection 50006  
and determine whether the district may be financially unable to 50007

pay all obligated expenses and operate its instructional program 50008  
for the number of days on which instruction was held in the 50009  
preceding fiscal year. 50010

(B) If the director of education and workforce determines 50011  
pursuant to division (A) of this section that a school district 50012  
may be financially unable to operate its instructional program 50013  
on all days required by such division and pay all obligated 50014  
expenses during the current fiscal year, the director shall 50015  
provide written notification of such determination to the 50016  
president of the district's board of education and the auditor 50017  
of state. 50018

(C) This section does not apply to a school district 50019  
declared to be under a fiscal emergency pursuant to division (B) 50020  
of section 3316.03 of the Revised Code. 50021

Sec. 3313.536. (A) The superintendent of any school 50022  
district may afford a student enrolled in another school 50023  
district the opportunity to participate in ice hockey as an 50024  
interscholastic athletic activity at a school of the 50025  
superintendent's district if all of the following conditions 50026  
apply: 50027

(1) The school district in which the student is enrolled 50028  
does not offer ice hockey as an interscholastic athletic 50029  
activity. 50030

(2) The school district in which the student is enrolled 50031  
is located less than twenty miles away from the superintendent's 50032  
school district. 50033

(3) The superintendents of both school districts enter 50034  
into an agreement approving the student's participation in ice 50035  
hockey at the school district in which the student is not 50036

<u>enrolled.</u>	50037
<u>(B) A student shall not be required to enroll in the</u>	50038
<u>school district that offers ice hockey as an interscholastic</u>	50039
<u>athletic activity or be a resident of that district to</u>	50040
<u>participate in ice hockey at the district under this section.</u>	50041
<u>(C) To participate in ice hockey under this section, a</u>	50042
<u>student shall be of the appropriate age and grade level for the</u>	50043
<u>school at which the student participates in ice hockey, as</u>	50044
<u>determined by the superintendent of that school district, and</u>	50045
<u>shall fulfill and be subject to the same academic, nonacademic,</u>	50046
<u>and financial requirements as any other participant, including</u>	50047
<u>trying out for a position on the team.</u>	50048
<b>Sec. 3313.5313.</b> (A) As used in this section:	50049
(1) "Harassment, intimidation, or bullying" has the same	50050
meaning as in section 3313.666 of the Revised Code.	50051
(2) "Home-educated student" means a student who is	50052
receiving home education in accordance with section 3321.042 of	50053
the Revised Code.	50054
(3) "Qualifying offense" means any of the following:	50055
(a) An offense of violence;	50056
(b) A violation of section 2907.07 of the Revised Code;	50057
(c) An attempt to commit an offense of violence or a	50058
violation of section 2907.07 of the Revised Code.	50059
(4) "Qualifying school" means a community school	50060
established under Chapter 3314. of the Revised Code, a STEM	50061
school established under Chapter 3326. of the Revised Code, a	50062
chartered nonpublic school, or a nonchartered nonpublic school.	50063

(5) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 50064  
50065  
50066

(B) The superintendent of any school district may afford any home-educated student ~~or any student enrolled in a qualifying school or a different school district,~~ regardless of whether the superintendent's district is the student's resident district, the opportunity to participate in interscholastic athletics at a school of the superintendent's district, if the student was subject to any of the following by a school official, employee, or volunteer or another student from ~~the district or school in which the student is enrolled or the~~ district in which the student is participating in interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 3313.5312 of the Revised Code: 50067  
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(1) Harassment, intimidation, or bullying; 50079

(2) A qualifying offense, for which the school official, employee, or volunteer or another student has been either of the following: 50080  
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(a) Charged with, indicted for, convicted of, or pled guilty to committing; 50083  
50084

(b) Alleged to be or is adjudicated a delinquent child for committing. 50085  
50086

(3) Conduct by a school official, employee, or volunteer that violates the licensure code of professional conduct for Ohio educators developed by the state board of education. 50087  
50088  
50089

(C) The chief administrative officer of any qualifying school may afford any ~~student enrolled in a school district, any student enrolled in a different qualifying school, or any home-~~ 50090  
50091  
50092

educated student the opportunity to participate in 50093  
interscholastic athletics at the chief administrative officer's 50094  
school, if the student was subject to any of the following by a 50095  
school official, employee, or volunteer or another student from 50096  
~~the district or school in which the student is enrolled or the~~ 50097  
district in which the student is participating in 50098  
interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 50099  
3313.5312 of the Revised Code: 50100

(1) Harassment, intimidation, or bullying; 50101

(2) A qualifying offense, for which the school official, 50102  
employee, or volunteer or another student has been either of the 50103  
following: 50104

(a) Charged with, indicted for, convicted of, or pled 50105  
guilty to committing; 50106

(b) Alleged to be or is adjudicated a delinquent child for 50107  
committing. 50108

(3) Conduct by a school official, employee, or volunteer 50109  
that violates the licensure code of professional conduct for 50110  
Ohio educators developed by the state board of education. 50111

~~(D) To participate in interscholastic athletics under this 50112  
section, a student who is not a home-educated student shall be 50113  
of the appropriate age and grade level, as determined by the 50114  
superintendent of the district or the chief administrative 50115  
officer of the qualifying school, for the school at which the 50116  
student participates in interscholastic athletics and shall 50117  
fulfill the same academic, nonacademic, and financial 50118  
requirements as any other participant. 50119~~

~~(E)~~ Divisions (C) to (E) of section 3313.5312 of the 50120  
Revised Code apply to a home-educated student who participates 50121

in interscholastic athletics at school under this section. 50122

~~(F)~~(E) No district or school shall impose additional rules 50123  
on a student to participate under this section that do not apply 50124  
to other students participating in the same interscholastic 50125  
athletics activity. No district or school shall impose fees for 50126  
a student to participate under this section that exceed any fees 50127  
charged to other students participating in the same 50128  
interscholastic athletics activity. 50129

~~(G)~~(F) No school district board of education, STEM school 50130  
governing body, or governing authority of a community school, 50131  
chartered nonpublic school, or nonchartered nonpublic school 50132  
shall take any action contrary to the provisions of this 50133  
section. 50134

~~(H)~~(G) No school district, interscholastic conference, or 50135  
organization that regulates interscholastic conferences or 50136  
events shall do either of the following: 50137

(1) Require a student who is eligible to participate in 50138  
interscholastic athletics under this section to meet eligibility 50139  
requirements that conflict with this section; 50140

(2) Penalize or restrict the eligibility to participate in 50141  
interscholastic athletics of a student who, during a school 50142  
year, ceases to participate in interscholastic athletics at one 50143  
district or school and then begins to participate in 50144  
interscholastic athletics at a different district or school 50145  
under this section. 50146

**Sec. 3313.60.** Notwithstanding division (D) of section 50147  
3311.52 of the Revised Code, divisions (A) to (E) of this 50148  
section do not apply to any cooperative education school 50149  
district established pursuant to divisions (A) to (C) of section 50150

3311.52 of the Revised Code.	50151
(A) The board of education of each city, exempted village,	50152
and local school district and the board of each cooperative	50153
education school district established, pursuant to section	50154
3311.521 of the Revised Code, shall prescribe a curriculum for	50155
all schools under its control. Except as provided in division	50156
(E) of this section, in any such curriculum there shall be	50157
included the study of the following subjects:	50158
(1) The language arts, including reading, writing,	50159
spelling, oral and written English, and literature;	50160
(2) Geography, the history of the United States and of	50161
Ohio, and national, state, and local government in the United	50162
States, including a balanced presentation of the relevant	50163
contributions to society of men and women of African, Mexican,	50164
Puerto Rican, and American Indian descent as well as other	50165
ethnic and racial groups in Ohio and the United States;	50166
(3) Mathematics;	50167
(4) Natural science, including instruction in the	50168
conservation of natural resources;	50169
(5) Health education, which shall include instruction in:	50170
(a) The nutritive value of foods, including natural and	50171
organically produced foods, the relation of nutrition to health,	50172
and the use and effects of food additives;	50173
(b) The harmful effects of and legal restrictions against	50174
the use of drugs of abuse, <u>including marijuana, opioids,</u>	50175
<u>opiates,</u> alcoholic beverages, and tobacco, including electronic	50176
smoking devices;	50177
(c) Sexually transmitted infection education, except that	50178

upon written request of the student's parent or guardian, a 50179  
student shall be excused from taking instruction in sexually 50180  
transmitted infection education; 50181

(d) In grades kindergarten through six, annual 50182  
developmentally appropriate instruction in child sexual abuse 50183  
prevention, including information on available counseling and 50184  
resources for children who are sexually abused. Such instruction 50185  
and information provided shall not be connected in any way to 50186  
any individual, entity, or organization that provides, promotes, 50187  
counsels, or makes referrals for abortion or abortion-related 50188  
services. Upon written request of the student's parent or 50189  
guardian, a student shall be excused from taking instruction in 50190  
child sexual abuse prevention. 50191

(e) In grades kindergarten through six, instruction in 50192  
personal safety and assault prevention, except that upon written 50193  
request of the student's parent or guardian, a student shall be 50194  
excused from taking instruction in personal safety and assault 50195  
prevention; 50196

(f) In grades seven through twelve, developmentally 50197  
appropriate instruction in dating violence prevention education 50198  
and sexual violence prevention education, which shall include 50199  
instruction in recognizing dating violence warning signs and 50200  
characteristics of healthy relationships, except that upon 50201  
written request of the student's parent or guardian a student 50202  
shall be excused from taking instruction in sexual violence 50203  
prevention. 50204

In order to assist school districts in developing a dating 50205  
violence prevention education and sexual violence prevention 50206  
education curriculum, the department of education and workforce 50207  
shall provide on its web site links to free curricula addressing 50208

dating violence prevention and sexual violence prevention 50209  
education. Such instruction and information shall not be 50210  
connected in any way to any individual, entity, or organization 50211  
that provides, promotes, counsels, or makes referrals for 50212  
abortion or abortion-related services. 50213

Each school district shall notify the parents and legal 50214  
guardians of students who receive instruction related to child 50215  
sexual abuse prevention and sexual violence prevention, as 50216  
described under divisions (A) (5) (d) and (f) of this section, of 50217  
all of the following: 50218

(i) That instruction in child sexual abuse prevention and 50219  
sexual violence prevention is a required part of the district's 50220  
curriculum; 50221

(ii) That upon request, parents and legal guardians may 50222  
examine such instructional materials in accordance with this 50223  
section; 50224

(iii) That upon written request of the student's parent or 50225  
guardian, a student shall be excused from taking instruction in 50226  
child sexual abuse prevention and sexual violence prevention. 50227

If the parent or legal guardian of a student less than 50228  
eighteen years of age submits to the principal of the student's 50229  
school a written request to examine the dating violence 50230  
prevention and sexual violence prevention instruction materials 50231  
used at that school, the principal, within forty-eight hours 50232  
after the request is made, shall allow the parent or guardian to 50233  
examine those materials at that school. 50234

(g) Prescription opioid abuse prevention, with an emphasis 50235  
on the prescription drug epidemic and the connection between 50236  
prescription opioid abuse and addiction to other drugs, such as 50237

heroin;	50238
(h) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation;	50239 50240 50241
(i) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based suicide awareness and prevention and at least one hour or one standard class period per school year of safety training and violence prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in suicide awareness and prevention or safety training and violence prevention;	50242 50243 50244 50245 50246 50247 50248 50249 50250 50251
(j) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based social inclusion instruction, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in social inclusion.	50252 50253 50254 50255 50256 50257 50258
For the instruction required under divisions (A) (5) (i) and (j) of this section, the board shall use a training program approved by the department of education and workforce under section 3301.221 of the Revised Code.	50259 50260 50261 50262
Schools may use student assemblies, digital learning, and homework to satisfy the instruction requirements under divisions (A) (5) (i) and (j) of this section.	50263 50264 50265
<u>(k) Instruction in bullying and hazing.</u>	50266

(6) Physical education;	50267
(7) The fine arts, including music;	50268
(8) First aid, including a training program in	50269
cardiopulmonary resuscitation, which shall comply with section	50270
3313.6021 of the Revised Code when offered in any of grades nine	50271
through twelve, safety, and fire prevention. However, upon	50272
written request of the student's parent or guardian, a student	50273
shall be excused from taking instruction in cardiopulmonary	50274
resuscitation.	50275
(B) Except as provided in division (E) of this section,	50276
every school or school district shall include in the	50277
requirements for promotion from the eighth grade to the ninth	50278
grade one year's course of study of American history. A board	50279
may waive this requirement for academically accelerated students	50280
who, in accordance with procedures adopted by the board, are	50281
able to demonstrate mastery of essential concepts and skills of	50282
the eighth grade American history course of study.	50283
(C) As specified in divisions (B) (6) and (C) (6) of section	50284
3313.603 of the Revised Code, except as provided in division (E)	50285
of this section, every high school shall include in the	50286
requirements for graduation from any curriculum one-half unit	50287
each of American history and government.	50288
(D) Except as provided in division (E) of this section,	50289
basic instruction or demonstrated mastery in geography, United	50290
States history, the government of the United States, the	50291
government of the state of Ohio, local government in Ohio, the	50292
Declaration of Independence, the United States Constitution, and	50293
the Constitution of the state of Ohio shall be required before	50294
pupils may participate in courses involving the study of social	50295

problems, economics, foreign affairs, United Nations, world 50296  
government, socialism, and communism. 50297

(E) For each cooperative education school district 50298  
established pursuant to section 3311.521 of the Revised Code and 50299  
each city, exempted village, and local school district that has 50300  
territory within such a cooperative district, the curriculum 50301  
adopted pursuant to divisions (A) to (D) of this section shall 50302  
only include the study of the subjects that apply to the grades 50303  
operated by each such school district. The curricula for such 50304  
schools, when combined, shall provide to each student of these 50305  
districts all of the subjects required under divisions (A) to 50306  
(D) of this section. 50307

(F) The board of education of any cooperative education 50308  
school district established pursuant to divisions (A) to (C) of 50309  
section 3311.52 of the Revised Code shall prescribe a curriculum 50310  
for the subject areas and grade levels offered in any school 50311  
under its control. 50312

(G) Upon the request of any parent or legal guardian of a 50313  
student, the board of education of any school district shall 50314  
permit the parent or guardian to promptly examine, with respect 50315  
to the parent's or guardian's own child: 50316

(1) Any survey or questionnaire, prior to its 50317  
administration to the child; 50318

(2) Any textbook, workbook, software, video, or other 50319  
instructional materials being used by the district in connection 50320  
with the instruction of the child; 50321

(3) Any completed and graded test taken or survey or 50322  
questionnaire filled out by the child; 50323

(4) Copies of the statewide academic standards and each 50324

model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

**Sec. 3313.608.** (A) (1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code

on the assessment prescribed under that section to measure skill 50354  
in English language arts expected at the end of third grade, 50355  
unless one of the following applies: 50356

(a) The student is an English learner who has been 50357  
enrolled in United States schools for less than three full 50358  
school years and has had less than three years of instruction in 50359  
an English as a second language program. 50360

(b) The student is a child with a disability entitled to 50361  
special education and related services under Chapter 3323. of 50362  
the Revised Code and the student's individualized education 50363  
program exempts the student from retention under this division. 50364

(c) The student demonstrates an acceptable level of 50365  
performance on an alternative standardized reading assessment as 50366  
determined by the department of education and workforce. 50367

(d) All of the following apply: 50368

(i) The student is a child with a disability entitled to 50369  
special education and related services under Chapter 3323. of 50370  
the Revised Code. 50371

(ii) The student has taken the third grade English 50372  
language arts achievement assessment prescribed under section 50373  
3301.0710 of the Revised Code. 50374

(iii) The student's individualized education program or 50375  
plan under section 504 of the "Rehabilitation Act of 1973," 87 50376  
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 50377  
received intensive remediation in reading for two school years 50378  
but still demonstrates a deficiency in reading. 50379

(iv) The student previously was retained in any of grades 50380  
kindergarten to three. 50381

(e) (i) The student received intensive remediation for 50382  
reading for two school years but still demonstrates a deficiency 50383  
in reading and was previously retained in any of grades 50384  
kindergarten to three. 50385

(ii) A student who is promoted under division (A) (2) (e) (i) 50386  
of this section shall continue to receive intensive reading 50387  
instruction in grade four. The instruction shall include an 50388  
altered instructional day that includes specialized diagnostic 50389  
information and specific research-based reading strategies for 50390  
the student that have been successful in improving reading among 50391  
low-performing readers. 50392

(f) A student's parent or guardian, in consultation with 50393  
the student's reading teacher and building principal, requests 50394  
that the student, regardless of if the student is reading at 50395  
grade level, be promoted to the fourth grade. 50396

A student who is promoted under division (A) (2) (f) of this 50397  
section shall continue to receive intensive reading instruction 50398  
in the same manner as a student retained under this section 50399  
until the student is able to read at grade level. 50400

(B) (1) Beginning in the 2012-2013 school year, to assist 50401  
students in meeting the third grade guarantee established by 50402  
this section, each school district board of education shall 50403  
adopt policies and procedures with which it annually shall 50404  
assess the reading skills of each student, ~~except those students~~ 50405  
~~with significant cognitive disabilities or other disabilities as~~ 50406  
~~authorized by the department on a case-by-case basis,~~ enrolled 50407  
in kindergarten to third grade and shall identify students who 50408  
are reading below their grade level. The reading skills 50409  
assessment shall be completed by the thirtieth day of September- 50410  
~~for students in grades one to three, and by the twentieth day of~~ 50411

~~instruction of the school year for students in kindergarten.~~ 50412  
Each district shall use ~~the~~ a diagnostic assessment ~~to measure~~ 50413  
~~reading ability~~ for the appropriate grade level adopted or 50414  
approved under section 3301.079 of the Revised Code, ~~or a~~ 50415  
~~comparable tool approved by the department of education and~~ 50416  
~~workforce,~~ to identify such students. The policies and 50417  
procedures shall require the students' classroom teachers to be 50418  
involved in the assessment and the identification of students 50419  
reading below grade level. The assessment may be administered 50420  
electronically using live, two-way video and audio connections 50421  
whereby the teacher administering the assessment may be in a 50422  
separate location from the student. 50423

(2) For each student identified by the diagnostic 50424  
assessment prescribed under this section as having reading 50425  
skills below grade level, the district shall do both of the 50426  
following: 50427

(a) Provide to the student's parent or guardian, in 50428  
writing, all of the following: 50429

(i) Notification that the student has been identified as 50430  
having a substantial deficiency in reading; 50431

(ii) A description of the current services that are 50432  
provided to the student; 50433

(iii) A description of the proposed supplemental 50434  
instructional services and supports that will be provided to the 50435  
student that are designed to remediate the identified areas of 50436  
reading deficiency; 50437

(iv) Notification that if the student attains a score in 50438  
the range designated under division (A) (3) of section 3301.0710 50439  
of the Revised Code on the assessment prescribed under that 50440

section to measure skill in English language arts expected at 50441  
the end of third grade, the student shall be retained unless the 50442  
student is exempt under division (A) of this section. The 50443  
notification shall specify that the assessment under section 50444  
3301.0710 of the Revised Code is not the sole determinant of 50445  
promotion and that additional evaluations and assessments are 50446  
available to the student to assist parents and the district in 50447  
knowing when a student is reading at or above grade level and 50448  
ready for promotion. 50449

(v) A statement that connects the child's proficiency 50450  
level in reading to long-term outcomes of success related to 50451  
proficiency in reading. 50452

(b) Provide intensive reading instruction services and 50453  
regular diagnostic assessments to the student immediately 50454  
following identification of a reading deficiency until the 50455  
development of the reading improvement and monitoring plan 50456  
required by division (C) of this section. These intervention 50457  
services shall be aligned with the science of reading as defined 50458  
under section 3313.6028 of the Revised Code and include 50459  
research-based reading strategies that have been shown to be 50460  
successful in improving reading among low-performing readers and 50461  
instruction targeted at the student's identified reading 50462  
deficiencies. 50463

(3) For each student retained under division (A) of this 50464  
section, the district shall do all of the following: 50465

(a) Provide intense remediation services until the student 50466  
is able to read at grade level. The remediation services shall 50467  
include intensive interventions in reading that address the 50468  
areas of deficiencies identified under this section including, 50469  
but not limited to, not less than ninety minutes of reading 50470

instruction per day, and may include any of the following:	50471
(i) Small group instruction;	50472
(ii) Reduced teacher-student ratios;	50473
(iii) More frequent progress monitoring;	50474
(iv) Tutoring or mentoring;	50475
(v) Transition classes containing third and fourth grade students;	50476 50477
(vi) Extended school day, week, or year;	50478
(vii) Summer reading camps.	50479
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	50480 50481 50482 50483
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	50484 50485 50486
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	50487 50488 50489 50490 50491 50492 50493 50494
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction	50495 50496 50497

commensurate with student achievement levels in that specific 50498  
academic ability field. 50499

As used in this division, "specific academic ability 50500  
field" has the same meaning as in section 3324.01 of the Revised 50501  
Code. 50502

(C) For each student required to be provided intervention 50503  
services under this section, the district shall develop a 50504  
reading improvement and monitoring plan within sixty days after 50505  
receiving the student's results on the diagnostic assessment ~~or~~ 50506  
~~comparable tool~~ administered under division (B)(1) of this 50507  
section. The district shall involve the student's parent or 50508  
guardian and classroom teacher in developing the plan. The plan 50509  
shall include all of the following: 50510

(1) Identification of the student's specific reading 50511  
deficiencies; 50512

(2) A description of the additional instructional services 50513  
and support that will be provided to the student to remediate 50514  
the identified reading deficiencies; 50515

(3) Opportunities for the student's parent or guardian to 50516  
be involved in the instructional services and support described 50517  
in division (C)(2) of this section; 50518

(4) A process for monitoring the extent to which the 50519  
student receives the instructional services and support 50520  
described in division (C)(2) of this section; 50521

(5) A reading curriculum during regular school hours that 50522  
does all of the following: 50523

(a) Assists students to read at grade level; 50524

(b) Provides scientifically based and reliable assessment; 50525

(c) Provides initial and ongoing analysis of each student's reading progress. 50526  
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(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade. 50528  
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(7) ~~High-dosage~~ The provision of high-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors under section 3301.136 of the Revised Code or a locally approved ~~opportunity program~~ that aligns with high-dosage tutoring best practices identified by the department. High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ instruction time of at least three days per week, or at least fifty hours over thirty-six weeks. High-dosage tutoring may be incorporated into a student's regular classroom instruction. 50534  
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The district shall continue to provide the plan developed under division (C) of this section until the student achieves the required level of skill in reading for the student's current grade level. 50544  
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Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section. 50548  
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The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the 50552  
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department. 50555

(D) Each school district shall report annually to the 50556  
department on its implementation and compliance with this 50557  
section using guidelines prescribed by the department. The 50558  
director of education and workforce annually shall report to the 50559  
governor and general assembly the number and percentage of 50560  
students in grades kindergarten through four reading below grade 50561  
level based on the diagnostic assessments administered under 50562  
division (B) of this section and the achievement assessments 50563  
administered under divisions (A) (1) (a) and (b) of section 50564  
3301.0710 of the Revised Code in English language arts, 50565  
aggregated by school district and building; the types of 50566  
intervention services provided to students; and, if available, 50567  
an evaluation of the efficacy of the intervention services 50568  
provided. 50569

(E) Any summer remediation services funded in whole or in 50570  
part by the state and offered by school districts to students 50571  
under this section shall meet the following conditions: 50572

(1) The remediation methods are based on reliable 50573  
educational research. 50574

(2) The school districts conduct assessment before and 50575  
after students participate in the program to facilitate 50576  
monitoring results of the remediation services. 50577

(3) The parents of participating students are involved in 50578  
programming decisions. 50579

(F) Any intervention or remediation services required by 50580  
this section shall include intensive, explicit, and systematic 50581  
instruction. 50582

(G) This section does not create a new cause of action or 50583

a substantive legal right for any person. 50584

(H) (1) Except as provided under divisions (H) (2), (3), and 50585  
(4) of this section, each student described in division (B) (3) 50586  
or (C) of this section who enters third grade for the first time 50587  
on or after July 1, 2013, shall be assigned a teacher who has at 50588  
least one year of teaching experience and who satisfies one or 50589  
more of the following criteria: 50590

(a) The teacher holds a reading endorsement on the 50591  
teacher's license and has attained a passing score on the 50592  
corresponding assessment for that endorsement, as applicable. 50593

(b) The teacher has completed a master's degree program 50594  
with a major in reading. 50595

(c) The teacher was rated "most effective" for reading 50596  
instruction consecutively for the most recent two years based on 50597  
assessments of student growth measures developed by a vendor and 50598  
that is on the list of student assessments approved by the 50599  
department under division (B) (2) of section 3319.112 of the 50600  
Revised Code. 50601

(d) The teacher was rated "above expected value added," in 50602  
reading instruction, as determined by criteria established by 50603  
the department, for the most recent, consecutive two years. 50604

(e) The teacher has earned a passing score on a rigorous 50605  
test of principles of scientifically research-based reading 50606  
instruction as approved by the department. 50607

(f) The teacher holds an educator license for teaching 50608  
grades pre-kindergarten through three or four through nine 50609  
issued on or after July 1, 2017. 50610

(2) Notwithstanding division (H) (1) of this section, a 50611

student described in division (B) (3) or (C) of this section who 50612  
enters third grade for the first time on or after July 1, 2013, 50613  
may be assigned to a teacher with less than one year of teaching 50614  
experience provided that the teacher meets one or more of the 50615  
criteria described in divisions (H) (1) (a) to (f) of this section 50616  
and that teacher is assigned a teacher mentor who meets the 50617  
qualifications of division (H) (1) of this section. 50618

(3) Notwithstanding division (H) (1) of this section, a 50619  
student described in division (B) (3) or (C) of this section who 50620  
enters third grade for the first time on or after July 1, 2013, 50621  
but prior to July 1, 2016, may be assigned to a teacher who 50622  
holds an alternative credential approved by the department or 50623  
who has successfully completed training that is based on 50624  
principles of scientifically research-based reading instruction 50625  
that has been approved by the department. The alternative 50626  
credentials and training described in division (H) (3) of this 50627  
section shall be aligned with the reading competencies adopted 50628  
by the department of education and workforce under section 50629  
3301.077 of the Revised Code. 50630

(4) Notwithstanding division (H) (1) of this section, a 50631  
student described in division (B) (3) or (C) of this section who 50632  
enters third grade for the first time on or after July 1, 2013, 50633  
may receive reading intervention or remediation services under 50634  
this section from an individual employed as a speech-language 50635  
pathologist who holds a license issued by the state speech and 50636  
hearing professionals board under Chapter 4753. of the Revised 50637  
Code and a registration under section 3319.221 of the Revised 50638  
Code. 50639

(5) A teacher, other than a student's teacher of record, 50640  
may provide any services required under this section, so long as 50641

that other teacher meets the requirements of division (H) of 50642  
this section and the teacher of record and the school principal 50643  
agree to the assignment. Any such assignment shall be documented 50644  
in the student's reading improvement and monitoring plan. 50645

As used in this division, "teacher of record" means the 50646  
classroom teacher to whom a student is assigned. 50647

(I) Notwithstanding division (H) of this section, a 50648  
teacher may teach reading to any student who is an English 50649  
language learner, and has been in the United States for three 50650  
years or less, or to a student who has an individualized 50651  
education program developed under Chapter 3323. of the Revised 50652  
Code if that teacher holds an alternative credential approved by 50653  
the department or has successfully completed training that is 50654  
based on principles of scientifically research-based reading 50655  
instruction that has been approved by the department. The 50656  
alternative credentials and training described in this division 50657  
shall be aligned with the reading competencies adopted by the 50658  
department of education and workforce under section 3301.077 of 50659  
the Revised Code. 50660

(J) If, on or after June 4, 2013, a school district or 50661  
community school cannot furnish the number of teachers needed 50662  
who satisfy one or more of the criteria set forth in division 50663  
(H) of this section for the 2013-2014 school year, the school 50664  
district or community school shall develop and submit a staffing 50665  
plan by June 30, 2013. The staffing plan shall include criteria 50666  
that will be used to assign a student described in division (B) 50667  
(3) or (C) of this section to a teacher, credentials or training 50668  
held by teachers currently teaching at the school, and how the 50669  
school district or community school will meet the requirements 50670  
of this section. The school district or community school shall 50671

post the staffing plan on its web site for the applicable school year. 50672  
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Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section. 50674  
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A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year. 50680  
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(K) The department of education and workforce shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement. 50686  
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**Sec. 3313.609.** (A) As used in this section:— 50693

~~(1) "Truant" means absent without excuse.~~ 50694

~~(2) "Academically prepared", "academically prepared"~~ means whatever educational standard the board of education of each city, exempted village, local, and joint vocational school district establishes as necessary for the promotion of a student to the next grade level pursuant to the policy adopted under division (B) of this section. 50695  
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(B) The board of education of each city, exempted village, local, and joint vocational school district shall adopt a grade promotion and retention policy for students that complies with this section and section 3313.608 of the Revised Code. The policy shall prohibit the promotion of a student to the next grade level if the student ~~has been truant for more than ten percent of the required attendance days of the current school year~~ and has failed two or more of the required curriculum subject areas in the current grade unless the student's principal and the teachers of any failed subject areas agree that the student is academically prepared to be promoted to the next grade level.

**Sec. 3313.6013.** (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs;

(5) Courses that comply with the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code;

(6) The college-level examination program.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B) (1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education and workforce.

(C) Each school district and each chartered nonpublic high school, at least annually, shall provide information about the advanced standing programs offered by the district or school to all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay

the costs associated with taking an advanced placement or 50789  
international baccalaureate examination. 50790

(E) Any agreement between a school district or school and 50791  
an associated college governing the operation of an early 50792  
college high school program shall be exempt from the 50793  
requirements of the college credit plus program, provided the 50794  
program meets the definition set forth in division (F) (2) of 50795  
this section and is approved by the director of education and 50796  
workforce and the chancellor of higher education. 50797

The college credit plus program also shall not govern any 50798  
advanced placement course or international baccalaureate diploma 50799  
course as described under this section. 50800

(F) As used in this section: 50801

(1) "Associated college" means a public or private 50802  
college, as defined in section 3365.01 of the Revised Code, 50803  
which has entered into an agreement with a school district or 50804  
school to establish an early college high school program, as 50805  
described in division (F) (2) of this section, and awards 50806  
transcripted credit, as defined in section 3365.01 of the 50807  
Revised Code, to students through that program. 50808

(2) "Early college high school program" means a 50809  
partnership between at least one school district or school and 50810  
at least one institution of higher education that allows 50811  
participants to simultaneously complete requirements toward 50812  
earning a regular high school diploma and have the opportunity 50813  
to earn not less than twenty-four credits that are transferable 50814  
to the institutions of higher education in the partnership as 50815  
part of an organized course of study toward a post-secondary 50816  
degree or credential at no cost to the participant or 50817

participant's family. The program also shall prioritize the 50818  
following students: 50819

(a) Students who are underrepresented in regard to 50820  
completing post-secondary education; 50821

(b) Students who are economically disadvantaged, as 50822  
defined by the department of education and workforce; 50823

(c) Students whose parents did not earn a college degree. 50824

**Sec. 3313.6020.** (A) (1) Beginning in the 2015-2016 school 50825  
year, the board of education of each city, local, exempted 50826  
village, and joint vocational school district shall adopt a 50827  
policy on career advising that complies with this section. 50828  
Thereafter, the policy shall be updated at least once every two 50829  
years. 50830

(2) The board shall make the policy publicly available to 50831  
students, parents, guardians, or custodians, local post- 50832  
secondary institutions, and residents of the district. The 50833  
district shall post the policy in a prominent location on its 50834  
web site, if it has one. 50835

(B) The policy on career advising shall specify how the 50836  
district will do all of the following: 50837

(1) Provide students with grade-level examples that link 50838  
their schoolwork to one or more career fields. A district may 50839  
use career connections developed under division (B) (2) of 50840  
section 3301.079 of the Revised Code for this purpose. 50841

(2) Create a plan to provide career advising to students 50842  
in grades six through twelve; 50843

(3) Beginning in the 2015-2016 school year, provide 50844  
additional interventions and career advising for students who 50845

are identified as at risk of dropping out of school in 50846  
accordance with division (C) of this section; 50847

(4) Train its employees on how to advise students on 50848  
career pathways, including training on advising students using 50849  
online tools; 50850

(5) Develop multiple, clear academic pathways through high 50851  
school that students may choose in order to earn a high school 50852  
diploma; 50853

(6) Identify and publicize courses that can award students 50854  
both traditional academic and career-technical credit; 50855

(7) Document the career advising provided to each student 50856  
for review by the student, the student's parent, guardian, or 50857  
custodian, and future schools that the student may attend. A 50858  
district shall not otherwise release this information without 50859  
the written consent of the student's parent, guardian, or 50860  
custodian, if the student is less than eighteen years old, or 50861  
the written consent of the student, if the student is at least 50862  
eighteen years old. 50863

(8) Prepare students for their transition from high school 50864  
to their post-secondary destinations, including any special 50865  
interventions that are necessary for students in need of 50866  
remediation in mathematics or English language arts; 50867

(9) Include information regarding career fields that 50868  
require an industry-recognized credential, certificate, 50869  
associate's degree, bachelor's degree, graduate degree, or 50870  
professional degree; 50871

(10) Provide students with information about ways a 50872  
student may offset the costs of a post-secondary education, 50873  
including programs such as all of the following: 50874

(a) The reserve officer training corps;	50875
(b) The college credit plus program established under Chapter 3365. of the Revised Code;	50876 50877
(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;	50878 50879
(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.	50880 50881 50882
The chancellor of higher education shall develop informational materials that illustrate cost saving estimates for each of the options listed under division (B)(10) of this section. The chancellor shall develop a list of individual college courses that are transferable under section 3333.16 of the Revised Code.	50883 50884 50885 50886 50887 50888
(C)(1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.	50889 50890 50891 50892 50893 50894 50895 50896 50897 50898
(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district shall provide to the	50899 50900 50901 50902 50903

parent, guardian, or custodian a copy of the student's success 50904  
plan and a statement of the importance of a high school diploma 50905  
and the academic pathways available to the student in order to 50906  
successfully graduate. 50907

(3) Following the development of a student success plan 50908  
for a student, the district shall provide career advising to the 50909  
student that is aligned with the plan and, beginning in the 50910  
2015-2016 school year, the district's plan to provide career 50911  
advising created under division (B) (2) of this section. 50912

(D) (1) The department of education and workforce shall 50913  
develop and post on its web site model policies on career 50914  
advising and model student success plans. 50915

(2) The department shall create an online clearinghouse of 50916  
research related to proven practices for policies on career 50917  
advising and student success plans that districts may access 50918  
when fulfilling the requirements of this section. 50919

(3) The department shall develop and make available 50920  
informational materials for students in grades seven and eight 50921  
about career opportunities available to them, including in- 50922  
demand jobs as defined in section 3333.94 of the Revised Code, 50923  
and how a career-technical education may help them satisfy 50924  
graduation conditions under section 3313.618 of the Revised 50925  
Code. 50926

(4) The department, in consultation with the governor's 50927  
office of workforce transformation, shall develop a career 50928  
pathways resource for students. Each school district shall 50929  
distribute the resource, at least annually and in the manner 50930  
prescribed by the department, to all students in grades six to 50931  
twelve. 50932

**Sec. 3313.6022.** (A) As used in this section, "released time" means a period of time during which a student is excused from school to attend a course in religious instruction conducted by a private entity off school district property.

(B) A school district board of education shall adopt a policy that authorizes a student to be excused from school to attend a released time course in religious instruction for at least thirty-three periods per school year, provided that each of the following applies:

(1) The student's parent or guardian gives written consent.

(2) The sponsoring entity maintains attendance records and makes them available to the school district the student attends.

(3) Transportation to and from the place of instruction, including transportation for students with disabilities, is the complete responsibility of the sponsoring entity, parent, guardian, or student.

(4) The sponsoring entity makes provisions for and assumes liability for the student.

(5) No public funds are expended and no public school personnel are involved in providing the religious instruction.

(6) The student assumes responsibility for any missed schoolwork.

While in attendance in a released time course in religious instruction, a student shall not be considered absent from school. No student may be released from a core curriculum subject course to attend a religious instruction course.

(C) A school district board of education shall collaborate

with a sponsoring entity of a released time course in religious instruction to identify a time to offer the course during the school day.

(D) A policy adopted under division (B) of this section shall not prohibit students from bringing external educational and program materials into school.

(E) A policy adopted under division (B) of this section may authorize high school students to earn up to two units of high school credit for the completion of a released time course in religious instruction. In determining whether to award credit for completion of such a course, the board shall evaluate the course based on purely secular criteria that are substantially the same criteria used to evaluate similar nonpublic high school courses for purposes of determining whether to award credit for such courses to a student transferring from a nonpublic high school to a public high school. However, there shall be no criteria requiring that released time courses be completed only at a nonpublic school. The decision to award credit for a released time course of religious instruction shall be neutral to, and shall not involve any test for, religious content or denominational affiliation.

For purposes of this division, secular criteria may include, but are not limited to, the following:

- (1) The number of hours of classroom instruction time;
- (2) A review of the course syllabus that reflects course requirements and materials used;
- (3) The methods of assessment used in the course;
- (4) The qualifications of the course instructor, which shall be similar to the qualifications of other teachers within

the district. 50990

Notwithstanding division (C)(8) of section 3313.603 of the Revised Code, high school credit awarded to a student for a released time course in religious instruction may substitute for the same amount of credit in subjects listed in that division. 50991  
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~~(E)~~(F) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury allegedly arising during a student's transportation to or from a place of instruction when private transportation is used under a released time policy adopted under this section. This division does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 50995  
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**Sec. 3313.6024.** (A) Annually each school district and other public school, as defined in section 3301.0711 of the Revised Code, shall report to the department of education and workforce, ~~in the manner prescribed~~ a survey established by the department, the types of prevention-focused programs, services, and supports used to assist students in developing the knowledge and skills to engage in healthy behaviors and decision-making and to increase their awareness of the dangers and consequences of risky behaviors, including substance abuse, suicide, bullying, and other harmful behaviors. ~~The~~ Each district or school shall report on the survey the following information regarding such programs, services, and supports for each building operated by the district or school and for each of grades kindergarten through twelve served by the building: 51006  
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(1) Curriculum and instruction provided during the school day;	51020 51021
(2) Programs and supports provided outside of the classroom or outside of the school day;	51022 51023
(3) Professional development for teachers, administrators, and other staff;	51024 51025
(4) Partnerships with community coalitions and organizations to provide prevention services and resources to students and their families;	51026 51027 51028
(5) School efforts to engage parents and the community;	51029
(6) Activities designed to communicate with and learn from other schools or professionals with expertise in prevention education.—;	51030 51031 51032
<u>(7) A description of how the district or school complies with the following:</u>	51033 51034
<u>(a) For each school district, divisions (A) (5) (b) and (g) of section 3313.60 of the Revised Code and section 3313.6034 of the Revised Code;</u>	51035 51036 51037
<u>(b) For every other public school, section 3314.0311, 3326.092, or 3328.60 of the Revised Code.</u>	51038 51039
<u>(8) The number of substance abuse cases that occurred in the district or school.</u>	51040 51041
<u>(B) A chartered nonpublic school may report to the department the information described in division (A) of this section by electing to participate in the department's annual survey.</u>	51042 51043 51044 51045
<u>(C) Each year, the department shall analyze the substance</u>	51046

abuse case data and the information on programs, services, and supports collected in the annual survey prescribed under this section for that year, and prior years, to determine the overall effectiveness of different programs, services, and supports at preventing substance abuse cases over time and identify best practices for prevention education.

(D) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports.

**Sec. 3313.6028.** (A) (1) As used in Title XXXIII of the Revised Code, "science of reading" means an interdisciplinary body of scientific evidence that:

(a) Informs how students learn to read and write proficiently;

(b) Explains why some students have difficulty with reading and writing;

(c) Indicates that all students benefit from explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, comprehension, and writing to become effective readers;

(d) Does not rely on any model of teaching students to read based on meaning, structure and syntax, and visual cues, including a three-cueing approach.

(2) As used in this section, "three-cueing approach" means any model of teaching students to read based on meaning, structure and syntax, and visual cues.

(B) The department of education and workforce shall 51075  
establish a list of high-quality core curriculum and 51076  
instructional materials in English language arts, and a list of 51077  
evidence-based reading intervention programs, that are aligned 51078  
with the science of reading and strategies for effective 51079  
literacy instruction. 51080

(C) Beginning not later than the 2024-2025 school year, 51081  
each school district, community school established under Chapter 51082  
3314. of the Revised Code, and STEM school established under 51083  
Chapter 3326. of the Revised Code, shall use core curriculum and 51084  
instructional materials in English language arts in each of 51085  
grades pre-kindergarten to five and evidence-based reading 51086  
intervention programs in each of grades pre-kindergarten to 51087  
twelve only from the lists established under division (B) of 51088  
this section. Except as provided in division (D) of this 51089  
section, no district or school shall use any core curriculum, 51090  
instructional materials, or intervention program in grades pre- 51091  
kindergarten to five that use the three-cueing approach to teach 51092  
students to read. 51093

(D) A district or school may apply to the department for a 51094  
waiver on an individual student basis to use curriculum, 51095  
instructional materials, or an intervention program in grades 51096  
pre-kindergarten through five that uses the three-cueing 51097  
approach to teach students to read, except as follows: 51098

(1) No student for whom a reading improvement and 51099  
monitoring plan has been developed under division (C) of section 51100  
3313.608 of the Revised Code shall be eligible for a waiver. 51101

(2) If a student has an individualized education program 51102  
that explicitly indicates the three-cueing approach is 51103  
appropriate for the student's learning needs, the student shall 51104

not be required to have a waiver. 51105

In determining whether to approve a waiver requested under 51106  
this section, the department shall consider the performance of 51107  
the student's district or school on the state report card issued 51108  
under section 3302.03 of the Revised Code, including on the 51109  
early literacy component prescribed under division (D) (3) (e) of 51110  
that section. 51111

(E) (1) The department shall identify vendors that provide 51112  
professional development to educators, including pre-service 51113  
teachers and faculty employed by educator preparation programs, 51114  
on the use of high-quality core curriculum and instructional 51115  
materials and reading intervention programs on the lists 51116  
established under division (B) of this section.- 51117

(2) A professional development committee established under 51118  
section 3319.22 of the Revised Code shall qualify any completed 51119  
professional development coursework provided by a vendor 51120  
described in division (E) (1) of this section to count towards 51121  
professional development coursework requirements for teacher 51122  
licensure renewal. 51123

(3) A professional development committee shall permit a 51124  
teacher to apply any hours earned over the minimum amount of 51125  
hours required for professional development coursework for 51126  
teacher licensure renewal under division (E) (2) of this section 51127  
to the next renewal period for that license. 51128

Sec. 3313.6031. (A) As used in this section, "other high 51129  
school" means any of the following that offers any of grades 51130  
nine through twelve: 51131

(1) A community school established under Chapter 3314. of 51132  
the Revised Code; 51133

<u>(2) A STEM school established under Chapter 3326. of the</u>	51134
<u>Revised Code;</u>	51135
<u>(3) A chartered nonpublic school.</u>	51136
<u>(B) Each city, local, exempted village, and joint</u>	51137
<u>vocational school district and other high school that has</u>	51138
<u>students enrolled in courses that comply with the career-</u>	51139
<u>technical education credit transfer criteria, policies, and</u>	51140
<u>procedures established under section 3333.162 of the Revised</u>	51141
<u>Code shall adopt and implement a policy for the awarding of</u>	51142
<u>grades and the calculation of class standing for those courses.</u>	51143
<u>A district's or school's policy under this section shall</u>	51144
<u>be equivalent to the district's or school's policy for courses</u>	51145
<u>taken under the advanced standing programs described in</u>	51146
<u>divisions (A) (1) to (3) of section 3313.6013 of the Revised Code</u>	51147
<u>or for other courses designated as honors courses by the</u>	51148
<u>district or school, including procedures for awarding a weighted</u>	51149
<u>grade or enhancing a student's class standing for those courses.</u>	51150
<b><u>Sec. 3313.6032. (A) As used in this section, "advanced</u></b>	51151
<b><u>learning opportunities in mathematics" or "advanced mathematics</u></b>	51152
<b><u>course" means learning opportunities or a course that provides</u></b>	51153
<b><u>academic content or rigor that exceeds the standard mathematics</u></b>	51154
<b><u>curriculum for the student's grade level, including a</u></b>	51155
<b><u>mathematics course that is two grade levels above the student's</u></b>	51156
<b><u>current grade level, as determined by the district.</u></b>	51157
<u>(B) Except as otherwise provided in division (C) of this</u>	51158
<u>section, each city, local, exempted village, and joint-</u>	51159
<u>vocational school district shall provide each student that</u>	51160
<u>achieves an advanced level of skill on a mathematics achievement</u>	51161
<u>assessment as prescribed under section 3301.0710 or end-of-</u>	51162

course examination under section 3301.0712 of the Revised Code 51163  
with advanced learning opportunities in mathematics including 51164  
advanced mathematics courses in the following school year. Each 51165  
student shall take any corresponding required achievement 51166  
assessment or end-of-course examination for any mathematics 51167  
course the student takes under those sections. 51168

(C) (1) No school district is subject to division (B) of 51169  
this section if it does not offer the advanced learning 51170  
opportunities in mathematics or an advanced mathematics course 51171  
for the grade level in which the student is enrolled for the 51172  
next school year. 51173

(2) Each school district shall notify the parent or 51174  
guardian of a student who qualifies for advanced learning 51175  
opportunities in mathematics under division (B) of this section 51176  
of that determination. The parent or guardian of any such 51177  
student may submit a written request for that student to not 51178  
receive the advanced learning opportunities in mathematics or to 51179  
not be enrolled in the advanced mathematics course. In which 51180  
case, the district shall not be required to provide that student 51181  
with advanced mathematics instruction under division (B) of this 51182  
section. 51183

**Sec. 3313.6034.** (A) As used in this section, "substance 51184  
use" includes the use of marijuana, alcoholic beverages, 51185  
opioids, opiates, and tobacco, including electronic smoking 51186  
devices, and any substance derived from a source external to the 51187  
human body that is not legally permitted or authorized for use 51188  
without a prescription. 51189

(B) In accordance with the curriculum requirement 51190  
prescribed under divisions (A) (5) (b) and (g) of section 3313.60 51191  
of the Revised Code, the board of education of each city, local, 51192

and exempted village school district annually shall provide 51193  
instruction to students in grades kindergarten through twelve 51194  
about how short-term or chronic substance use to alter one's 51195  
mood is harmful to an individual's health. 51196

(C) Each district board shall do all of the following with 51197  
regard to the instruction: 51198

(1) Determine the manner in which the instruction is 51199  
provided to students; 51200

(2) Ensure the instruction is age and developmentally 51201  
appropriate; 51202

(3) Conform the instruction to prevention best-practice 51203  
frameworks; 51204

(4) Focus the instruction on addressing changes in 51205  
knowledge, attitude, and skills as a child develops. 51206

**Sec. 3313.6035.** (A) As used in this section: 51207

(1) "Qualifying student" means a student who demonstrates 51208  
a limited level of skill on a state assessment in mathematics or 51209  
English language arts, or both. "Qualifying student" does not 51210  
include a student that has an individualized education program 51211  
developed under Chapter 3323. of the Revised Code that includes 51212  
services related to a traumatic brain injury or a student that 51213  
attends a dropout prevention and recovery community school 51214  
established under Chapter 3314. of the Revised Code. 51215

(2) "State assessment" means an achievement assessment 51216  
prescribed under section 3301.0710 of the Revised Code or an 51217  
end-of-course examination prescribed under section 3301.0712 of 51218  
the Revised Code. 51219

(3) "Tutoring supports" means high-dosage tutoring 51220

opportunities aligned with the student's classroom instruction 51221  
through a state-approved vendor on the list of high-quality 51222  
tutoring vendors under section 3301.136 of the Revised Code or a 51223  
locally approved opportunity that aligns with high-dosage 51224  
tutoring best practices. High-dosage tutoring opportunities 51225  
shall include additional instruction time of at least three days 51226  
per week, or at least fifty hours over thirty-six weeks. 51227

To the extent practicable, districts and schools shall 51228  
endeavor to provide each of a student's tutoring supports with 51229  
the same tutor. 51230

(4) "Integrated student supports" means an evidence based 51231  
approach whereby schools intentionally and systematically 51232  
leverage and coordinate resources and relationships available in 51233  
the school and the surrounding community to address 51234  
comprehensive student strengths, interests, and needs. 51235

(B) Each school district, community school established 51236  
pursuant to Chapter 3314., and STEM school established pursuant 51237  
to Chapter 3326. of the Revised Code shall provide evidence- 51238  
based academic intervention services, free of cost, to each 51239  
qualifying student. The district or school shall provide those 51240  
services directly, through a contracted vendor, or as a 51241  
combination of both options. A district or school annually shall 51242  
notify the department of education and workforce, through the 51243  
education management information system established under 51244  
section 3301.0714 of the Revised Code, of all of the following: 51245

(1) The number of qualifying students enrolled in the 51246  
district or school; 51247

(2) The number of qualifying students receiving academic 51248  
intervention services in mathematics, English language arts, or 51249

both; 51250

(3) The number of qualifying students receiving academic intervention services from the district or school directly, through a vendor, or a combination of both options. 51251  
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(C) (1) Academic intervention services provided to a student under this section may encompass a variety of evidence-based supports, including tutoring supports, additional instruction time, an extended school calendar, participation in a learning support program, or any other academically centered support service that the district or school determines will improve the student's academic performance. Intervention services may also be offered in combination with integrated student supports. 51254  
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(2) All academic intervention services provided to a qualifying student under this section shall align with the academic instruction the student receives. Intervention services shall be in addition to and not a replacement for existing academic instruction and other services provided to students. All academic intervention services in English language arts shall align with the science of reading as defined in section 3313.6028 of the Revised Code. 51263  
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(D) A district or school shall ensure that academic intervention services provided to a qualifying student under division (C) of this section do not supplant the student's core academic instructional time. 51271  
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(E) (1) A district or school shall notify the parent or guardian of a qualifying student that the student will receive academic intervention services prior to providing services to the student. Notification shall include a description of which 51275  
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intervention or interventions the qualifying student will 51279  
receive and who will provide services to the student. 51280

(2) The district or school periodically shall update the 51281  
parent or guardian on the academic intervention services 51282  
provided to the qualifying student and shall provide resources 51283  
and recommendations for ways the parent or guardian may assist 51284  
the qualifying student. 51285

(F) (1) Beginning with the 2025-2026 school year, and each 51286  
school year thereafter, the department randomly shall identify 51287  
and select individual schools operated by a school district, 51288  
community schools, and STEM schools for a review of their 51289  
academic intervention services for qualifying students under 51290  
this section. The department shall not select more than five per 51291  
cent of all schools to review each year. No school shall be 51292  
selected for review more than once every three years. The review 51293  
shall include, at a minimum, a document review, interviews with 51294  
applicable school staff, and observations of interventions. 51295

The review shall assess all of the following: 51296

(a) Whether qualifying students receive academic 51297  
intervention services in accordance with division (B) of this 51298  
section; 51299

(b) The types and methods of academic intervention 51300  
services that qualifying students receive; 51301

(c) The quality of the academic intervention services 51302  
provided by the school or the contracted vendor. To determine 51303  
quality, the department may consider the length and duration of 51304  
the intervention, specific programs and curriculum being used, 51305  
the credentials and training of intervention providers, and data 51306  
regarding qualifying student progress. 51307

(2) The department shall provide a report to the school 51308  
containing its review of the school's academic intervention 51309  
services not later than seventy-five days after the department 51310  
completes the review. Each report shall include an assessment of 51311  
the efficacy of the academic intervention services provided to 51312  
qualifying students, along with any recommendations the 51313  
department considers necessary. The school shall post a copy of 51314  
the report on its web site and shall make the report available 51315  
upon request to any person. The department shall include a 51316  
review completed under this division as part of the student 51317  
opportunity profile on the state report card under section 51318  
3302.03 of the Revised Code. 51319

(3) The department may contract with an organization that 51320  
has documented expertise in supporting school improvement and 51321  
academic intervention services to help with conducting its 51322  
review under division (F) of this section. 51323

(G) (1) A student is no longer a qualifying student under 51324  
this section when the student achieves a level of skill higher 51325  
than limited on a statewide assessment or diagnostic assessment 51326  
prescribed under sections 3301.079, 3301.0710, 3301.0712, and 51327  
3301.0715 of the Revised Code, in mathematics or English 51328  
language arts, taken for the grade level in which the student is 51329  
enrolled. 51330

(2) If a qualifying student receiving academic 51331  
intervention services in both mathematics and English language 51332  
arts demonstrates a skill greater than limited under this 51333  
section in one, but not both, subject areas, the student shall 51334  
continue to receive academic intervention services for the 51335  
subject area in which the student continues to demonstrate a 51336  
limited level of skill. 51337

(3) Any student in any of grades nine through twelve who 51338  
fails to demonstrate a level of skill greater than limited on an 51339  
end-of-course examination in mathematics or English language 51340  
arts, or both, as prescribed under section 3301.0712 of the 51341  
Revised Code, and is not required to retake the examination, 51342  
continues to qualify for intervention services under this 51343  
section. For such a student, the district or school shall align 51344  
intervention services with the student's selected graduation 51345  
pathway prescribed under section 3313.618 of the Revised Code. 51346

(H) Nothing in this section prohibits a district or school 51347  
from providing academic intervention services to a student who 51348  
does not meet the definition of a qualifying student under this 51349  
section. 51350

**Sec. 3313.6036.** The department of education and workforce 51351  
shall review core math curricula and establish a list of high- 51352  
quality core curriculum and instructional materials in 51353  
mathematics, and a list of evidence-based math intervention 51354  
programs, that are aligned with state standards and best 51355  
practices. Each school district, community school established 51356  
under Chapter 3314. of the Revised Code, and STEM school 51357  
established under Chapter 3326. of the Revised Code may use the 51358  
core curriculum and instructional materials established by the 51359  
department or may select different high-quality core curriculum 51360  
and instructional materials. 51361

**Sec. 3313.617.** ~~Not later than June 30, 2020, each~~Each 51362  
board of education of a school district and governing authority 51363  
of a chartered nonpublic school shall adopt a policy regarding 51364  
students who are at risk of not qualifying for a high school 51365  
diploma. The policy shall require the district or school to do 51366  
all of the following: 51367

(A) Develop criteria for identifying at-risk students, 51368  
which shall include a student's lack of adequate progress in 51369  
meeting the terms of a graduation and career plan developed or 51370  
updated under division (E) of this section. The criteria also 51371  
may include other factors, such as if a student has issues 51372  
regarding excessive absences or misconduct. 51373

(B) Develop procedures for identifying at-risk students. 51374  
The procedures shall include a method for determining if a 51375  
student is not making adequate progress in meeting the terms of 51376  
a graduation and career plan developed or updated under division 51377  
(E) of this section. The procedures shall allow for a student to 51378  
be identified as at risk in each of grades nine through twelve. 51379  
The procedures also may include the identification of students 51380  
in other grades. 51381

(C) Develop a notification process in which the district 51382  
or school shall notify an at-risk student's parent, guardian, or 51383  
custodian in each year in which the student has been identified 51384  
as at risk. The notification process shall at least include 51385  
providing a written notification to the at-risk student's 51386  
parent, guardian, or custodian, which shall include all of the 51387  
following: 51388

(1) A statement that the student is at risk of not 51389  
qualifying for a high school diploma; 51390

(2) A description of the district's or school's curriculum 51391  
requirements, or the student's individualized education program, 51392  
and, as appropriate, the graduation conditions prescribed under 51393  
section 3313.618 or 3313.619 of the Revised Code; 51394

(3) A description of any additional instructional or 51395  
support services available to the at-risk student through the 51396

district or school.	51397
(D) Assist at-risk students with additional instructional	51398
or support services to help the students qualify for a high	51399
school diploma. The instructional and support services may	51400
include any of the following:	51401
(1) Mentoring programs;	51402
(2) Tutoring programs;	51403
(3) High school credit through demonstrations of subject	51404
area competency under division (J) of section 3313.603 of the	51405
Revised Code;	51406
(4) Adjusted curriculum options;	51407
(5) Career-technical programs;	51408
(6) Mental health services;	51409
(7) Physical health care services;	51410
(8) Family engagement and support services.	51411
(E) <del>(1)</del> Develop a graduation <u>and career plan</u> for each	51412
student enrolled in grades nine through twelve in the district	51413
or school. The graduation <u>and career plan</u> shall address the	51414
student's <del>academic</del> pathway to <del>meet</del> <u>both of the following:</u>	51415
(1) <u>Meeting</u> the curriculum requirements specified by the	51416
district or school and <del>satisfysatisfying</del> the graduation	51417
conditions, as appropriate, under section 3313.618 or 3313.619	51418
of the Revised Code;	51419
(2) <u>Identifying post-graduation career goals and aligning</u>	51420
<u>the student's high school experience to those goals.</u>	51421
<del>(2) The</del> (F) <u>Ensure the graduation and career plan shall be</u>	51422

is developed jointly by the student and a representative of the 51423  
district or school and/or a representative of an organization the 51424  
district or school partners with for career planning and 51425  
advising supports. The plan shall be updated each school year in 51426  
which the student is enrolled in the district or school, until 51427  
the student qualifies for a high school diploma. The district or 51428  
school shall invite a student's parent, guardian, or custodian 51429  
to assist in developing and updating the graduation and career 51430  
plan. 51431

~~(3) A district or school shall include~~ (G) Include a 51432  
student's lack of progress in meeting the terms of a graduation 51433  
and career plan developed or updated under this division-section 51434  
as both a criterion for identifying at-risk students under 51435  
division (A) of this section and a procedure for identifying at- 51436  
risk students under division (B) of this section.—; 51437

~~(4) A~~ (H) Ensure that a graduation and career plan 51438  
developed under this section ~~shall supplement~~ conforms to a 51439  
school district's policy on career advising adopted under 51440  
section 3313.6020 of the Revised Code.—; 51441

~~(5) A~~ (I) Permit a school district may to use the 51442  
individualized education program developed for a student 51443  
pursuant to section 3323.08 of the Revised Code in lieu of 51444  
developing a graduation and career plan under this division\_ 51445  
section, if the individualized education program contains 51446  
~~academic~~ goals substantively similar to a graduation and career 51447  
plan.—; 51448

(J) Ensure that a graduation and career plan aligns to any 51449  
student success plan developed for the student under division 51450  
(C) of section 3313.6020 of the Revised Code. 51451

**Sec. 3313.618.** (A) In addition to the curriculum 51452  
requirements specified by the board of education of a school 51453  
district or governing authority of a chartered nonpublic school, 51454  
each student entering ninth grade for the first time on or after 51455  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 51456  
one of the following conditions or the conditions prescribed 51457  
under division (B) of this section in order to qualify for a 51458  
high school diploma: 51459

(1) Be remediation-free, in accordance with standards 51460  
adopted under division (F) of section 3345.061 of the Revised 51461  
Code, on each of the nationally standardized assessments in 51462  
English, mathematics, and reading; 51463

(2) Attain a score specified under division (B) (5) (c) of 51464  
section 3301.0712 of the Revised Code on the end-of-course 51465  
examinations prescribed under division (B) of section 3301.0712 51466  
of the Revised Code. 51467

(3) Attain a score that demonstrates workforce readiness 51468  
and employability on a nationally recognized job skills 51469  
assessment selected by the department of education and workforce 51470  
under division (F) of section 3301.0712 of the Revised Code and 51471  
obtain either an industry-recognized credential or a license 51472  
issued by a state agency or board for practice in a vocation 51473  
that requires an examination for issuance of that license. 51474

For the purposes of this division, the industry-recognized 51475  
credentials and licenses shall be as approved under section 51476  
3313.6113 of the Revised Code. 51477

A student may choose to qualify for a high school diploma 51478  
by satisfying any of the separate requirements prescribed by 51479  
divisions (A) (1) to (3) of this section. If the student's school 51480

district or school does not administer the examination 51481  
prescribed by one of those divisions that the student chooses to 51482  
take to satisfy the requirements of this section, the school 51483  
district or school may require that student to arrange for the 51484  
applicable scores to be sent directly to the district or school 51485  
by the company or organization that administers the examination. 51486

(B) In addition to the curriculum requirements specified 51487  
by the district board or school governing authority, each 51488  
student entering ninth grade for the first time on or after July 51489  
1, 2019, shall satisfy the following conditions in order to 51490  
qualify for a high school diploma: 51491

(1) Attain a competency score as determined under division 51492  
(B) (10) of section 3301.0712 of the Revised Code on each of the 51493  
Algebra I and English language arts II end-of-course 51494  
examinations prescribed under division (B) (2) of section 51495  
3301.0712 of the Revised Code. 51496

School districts and chartered nonpublic schools shall 51497  
offer remedial support to any student who fails to attain a 51498  
competency score on one or both of the Algebra I and English 51499  
language arts II end-of-course examinations. 51500

Following the first administration of the exam, if a 51501  
student fails to attain a competency score on one or both of the 51502  
Algebra I and English language arts II end-of-course 51503  
examinations that student must retake the respective examination 51504  
at least once. 51505

If a student fails to attain a competency score on a 51506  
retake examination, the student may demonstrate competency in 51507  
the failed subject area through one of the following options: 51508

(a) Earn course credit taken through the college credit 51509

plus program established under Chapter 3365. of the Revised Code 51510  
in the failed subject area; 51511

(b) Complete two of the following options, one of which 51512  
must be foundational: 51513

(i) Foundational options to demonstrate competency, which 51514  
include—\_earning a cumulative score of proficient or higher on 51515  
three or more state technical assessments aligned with section 51516  
3313.903 of the Revised Code in a single career pathway, 51517  
obtaining an industry-recognized credential, or group of 51518  
credentials, approved under section 3313.6113 of the Revised 51519  
Code that ~~is at least equal to the total number of points meet~~ 51520  
the criteria established under that section to qualify for a 51521  
high school diploma, obtaining a license approved under section 51522  
3313.6113 of the Revised Code that is issued by a state agency 51523  
or board for practice in a vocation that requires an examination 51524  
for issuance of that license, completing a pre-apprenticeship 51525  
aligned with options established under section 3313.904 of the 51526  
Revised Code in the student's chosen career field, completing an 51527  
apprenticeship registered with the apprenticeship council 51528  
established under section 4139.02 of the Revised Code in the 51529  
student's chosen career field, or providing evidence of 51530  
acceptance into an apprenticeship program after high school that 51531  
is restricted to participants eighteen years of age or older; 51532

(ii) Supporting options to demonstrate competency, which 51533  
include completing two hundred fifty hours of a work-based 51534  
learning experience with evidence of positive evaluations, 51535  
obtaining an OhioMeansJobs-readiness seal under section 51536  
3313.6112 of the Revised Code, or attaining a workforce 51537  
readiness score, as determined by the department, on the 51538  
nationally recognized job skills assessment selected by the 51539

department under division (F) of section 3301.0712 of the Revised Code. 51540  
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(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code. 51542  
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(d) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, in the failed subject area on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. For English language arts II, a student must be remediation-free in the subjects of English and reading on the nationally standardized assessment. 51545  
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Subject to division (L)(2) of section 3313.61 of the Revised Code, for any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division or an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code. 51552  
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(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following: 51560  
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(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code; 51564  
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(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code; 51566  
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(c) One of the state diploma seals established under 51568

divisions (C) (1) to (7) of section 3313.6114 of the Revised Code. 51569  
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(C) (1) A student who transfers into an Ohio public or 51571  
chartered nonpublic high school from another state or enrolls in 51572  
such a high school after receiving home education or attending a 51573  
nonchartered, nontax-supported school in the previous school 51574  
year shall meet the requirements of division (B) or (D) of this 51575  
section, as applicable, in order to qualify for a high school 51576  
diploma. However, any student subject to division (B) of this 51577  
section who transfers or enrolls after the start of the 51578  
student's twelfth grade year and fails to attain a competency 51579  
score on the Algebra I or English language arts II end-of-course 51580  
examination shall not be required to retake the applicable 51581  
examination prior to demonstrating competency in the failed 51582  
subject area under the options prescribed in divisions (B) (1) (a) 51583  
to (d) of this section. 51584

(2) The department shall prescribe standards that allow a 51585  
transfer student who, prior to the student's transfer, took an 51586  
assessment described in division (B) (1) or (2) of section 51587  
3301.0712 or section 3313.619 of the Revised Code to apply the 51588  
score from that assessment towards graduation requirements at 51589  
the student's new public or chartered nonpublic school. 51590

(D) Notwithstanding division (B) of this section, in 51591  
addition to the curriculum requirements specified by the school 51592  
governing authority, a chartered nonpublic school student 51593  
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 51594  
Revised Code entering ninth grade for the first time on or after 51595  
July 1, 2019, shall qualify for a high school diploma if the 51596  
student earns a remediation-free score in the areas of English, 51597  
mathematics, and reading, in accordance with standards adopted 51598

under division (F) of section 3345.061 of the Revised Code, on a 51599  
nationally standardized assessment prescribed under division (B) 51600  
(1) of section 3301.0712 of the Revised Code. No such student 51601  
shall be required to take the Algebra I or English language arts 51602  
II end-of-course examination or earn diploma seals under this 51603  
section. 51604

(E) The department shall not create or require any 51605  
additional assessment for the granting of any type of high 51606  
school diploma other than as prescribed by this section. Except 51607  
as provided in sections 3313.6111, 3313.6112, and 3313.6114 of 51608  
the Revised Code, the department or the director of education 51609  
and workforce shall not create any endorsement or designation 51610  
that may be affiliated with a high school diploma. 51611

**Sec. 3313.6113.** (A) The director of education and 51612  
workforce, in collaboration with the governor's office of 51613  
workforce transformation and representatives of business 51614  
organizations, shall establish a committee to develop a list of 51615  
industry-recognized credentials and licenses that may be used to 51616  
qualify for a high school diploma under section 3313.618 of the 51617  
Revised Code and shall be used for state report card purposes 51618  
under section 3302.03 of the Revised Code. 51619

(B) The committee shall do the following: 51620

(1) Establish criteria for acceptable industry-recognized 51621  
credentials and licenses aligned with the in-demand jobs list 51622  
published by the department of job and family services and other 51623  
relevant demand data; 51624

~~(2) Review the list of industry-recognized credentials and 51625  
licenses that was in existence on January 1, 2018, and update 51626  
the list as it considers necessary;~~ 51627

~~(3)~~ Review and update the list of industry-recognized credentials and licenses at least biennially; 51628  
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~~(4)~~ Assign a point value for each industry-recognized credential and establish the total number of points for industry-recognized credentials that (3) Establish the criteria under which a student must earn to may use industry-recognized credentials to help qualify for a high school diploma under sections 3313.618 and 3313.6114 of the Revised Code; 51630  
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~~(5)~~ (4) Update the list of industry-recognized credentials to include a driver's license obtained by a student through a driver education course offered by a school district in accordance with section 3301.17 of the Revised Code. 51636  
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(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and (D) (1) (j) (v) of section 3302.03 of the Revised Code, the department of education and workforce shall include only those students who earn an industry-recognized credential, or group of credentials, at least equal to the total number of points that meet the criteria established by the committee under this section to qualify for a high school diploma. 51640  
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**Sec. 3313.6114.** (A) The department of education and workforce shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following: 51647  
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(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code; 51655  
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(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;	51657 51658
(3) The state diploma seals prescribed under division (C) of this section.	51659 51660
(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division.	51661 51662 51663 51664 51665 51666 51667 51668
(C) The department shall establish all of the following state diploma seals:	51669 51670
(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by doing either of the following:	51671 51672 51673
(a) Earning an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is <del>both of the following:</del>	51674 51675 51676
<del>(i) At least equal to the total number of points</del> <u>meets the criteria established under section 3313.6113 of the Revised Code to qualify for a high school diploma;</u>	51677 51678 51679
<del>(ii) Aligned</del> <u>and aligns</u> to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.	51680 51681 51682
(b) Obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board	51683 51684

for practice in a vocation that requires an examination for 51685  
issuance of that license. 51686

(2) A college-ready seal. A student shall meet the 51687  
requirement for this seal by attaining a score that is 51688  
remediation-free, in accordance with standards adopted under 51689  
division (F) of section 3345.061 of the Revised Code, on a 51690  
nationally standardized assessment prescribed under division (B)  
(1) of section 3301.0712 of the Revised Code or by attaining a 51691  
passing score, as determined by the department of education and 51692  
workforce and aligned with current statewide college-level 51693  
examination program scores identified by the chancellor of 51694  
higher education, on a college-level examination program 51695  
examination. 51696  
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(3) A military seal. A student shall meet the requirement 51698  
for this seal by doing one of the following: 51699

(a) Providing evidence that the student has enlisted in a 51700  
branch of the armed services of the United States as defined in 51701  
section 5910.01 of the Revised Code; 51702

(b) Participating in a junior reserve officer training 51703  
program approved by the congress of the United States under 51704  
title 10 of the United States Code; 51705

(c) Providing evidence that the student has accepted a 51706  
scholarship to enter the reserve officer training corps; 51707

(d) Providing evidence that the student has been appointed 51708  
to a United States military service academy. 51709

(4) A citizenship seal. A student shall meet the 51710  
requirement for this seal by doing any of the following: 51711

(a) Demonstrating at least a proficient level of skill as 51712

prescribed under division (B) (5) (a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B) (2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B) (5) (d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations or by attaining a passing score, as determined by the department, on a college-level examination program examination in lieu of the American history and American government end-of-course examinations;

(c) In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in either:

(i) An American history course and an American government course that are offered by the student's high school;

(ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code.

(d) In the case of a student who takes an alternate assessment in accordance with division (C) (1) of section 3301.0711 of the Revised Code, attaining a score established by the department on the alternate assessment in social studies;

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or who enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a

final course grade that is the equivalent of a "B" or higher in 51742  
courses that correspond with the American history and American 51743  
government end-of-course examinations and that the student 51744  
completed in the state from which the student transferred or 51745  
completed while receiving home education or attending a 51746  
nonchartered, nontax-supported school. Division (C) (4) (e) of 51747  
this section does not apply to any such student with respect to 51748  
an American history or American government course for which an 51749  
end-of-course examination is associated that the student takes 51750  
after enrolling in the high school. 51751

(5) A science seal. A student shall meet the requirement 51752  
for this seal by doing any of the following: 51753

(a) Demonstrating at least a proficient level of skill as 51754  
prescribed under division (B) (5) (a) of section 3301.0712 of the 51755  
Revised Code on the science end-of-course examination prescribed 51756  
under division (B) (2) of section 3301.0712 of the Revised Code; 51757

(b) Attaining a score level prescribed under division (B) 51758  
(5) (d) of section 3301.0712 of the Revised Code that is at least 51759  
the equivalent of a proficient level of skill in an appropriate 51760  
advanced placement or international baccalaureate examination or 51761  
by attaining a passing score, as determined by the department, 51762  
on a college-level examination program examination in lieu of 51763  
the science end-of-course examination; 51764

(c) In lieu of the science end-of-course examination, 51765  
attaining a final course grade that is the equivalent of a "B" 51766  
or higher in either: 51767

(i) A science course listed in divisions (C) (5) (c) (i) to 51768  
(iii) of section 3313.603 of the Revised Code that is offered by 51769  
the student's high school; 51770

(ii) An appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code. 51771  
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(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the department on the alternate assessment in science; 51774  
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(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in a course that corresponds with the science end-of-course examination and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C)(5)(e) of this section does not apply to any such student who takes a science course for which an end-of-course examination is associated after enrolling in the high school. 51778  
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(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code. 51792  
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(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following: 51796  
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(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the 51798  
51799

equivalent of a proficient level of skill in an appropriate 51800  
advanced placement or international baccalaureate examination or 51801  
by attaining a passing score, as determined by the department of 51802  
education and workforce and aligned with the current statewide 51803  
college-level examination program scores identified by the 51804  
chancellor of higher education, on a college-level examination 51805  
program examination; 51806

(b) Attaining a final course grade that is the equivalent of 51807  
of a "B" or higher in an appropriate course taken through the 51808  
college credit plus program established under Chapter 3365. of 51809  
the Revised Code; 51810

(c) Completing a course offered through the student's 51811  
district or school that meets guidelines developed by the 51812  
department. However, a district or school shall not be required 51813  
to offer a course that meets those guidelines. 51814

(d) In the case of a student who transfers into an Ohio 51815  
public or chartered nonpublic high school from another state or 51816  
enrolls in an Ohio public or chartered nonpublic high school 51817  
after receiving home education or attending a nonchartered, 51818  
nontax-supported school in the previous school year, attaining a 51819  
final course grade that is the equivalent of a "B" or higher in 51820  
an appropriate course, as determined by the district or school, 51821  
that the student completed in the state from which the student 51822  
transferred or completed while receiving home education or 51823  
attending a nonchartered, nontax-supported school. 51824

(8) A community service seal. A student shall meet the 51825  
requirement for this seal by completing a community service 51826  
project that is aligned with guidelines adopted by the student's 51827  
district board or school governing authority. 51828

(9) A fine and performing arts seal. A student shall meet 51829  
the requirement for this seal by demonstrating skill in the fine 51830  
or performing arts according to an evaluation that is aligned 51831  
with guidelines adopted by the student's district board or 51832  
school governing authority. 51833

(10) A student engagement seal. A student shall meet the 51834  
requirement for this seal by participating in extracurricular 51835  
activities such as athletics, clubs, or student government to a 51836  
meaningful extent, as determined by guidelines adopted by the 51837  
student's district board or school governing authority. 51838

(D) (1) Each district or school shall develop guidelines 51839  
for at least one of the state seals prescribed under divisions 51840  
(C) (8) to (10) of this section. 51841

(2) For the purposes of determining whether a student who 51842  
transfers to a district or school has satisfied the state 51843  
diploma seal requirement under division (B) (2) of section 51844  
3313.618 of the Revised Code, each district or school shall 51845  
recognize a state diploma seal prescribed under divisions (C) (8) 51846  
to (10) of this section and earned by a student at another 51847  
district or a different public or chartered nonpublic school 51848  
regardless of whether the district or school to which the 51849  
student transfers has developed guidelines under this section 51850  
for that state seal. 51851

(3) In guidelines developed for a state diploma seal 51852  
prescribed under divisions (C) (8) to (10) of this section, each 51853  
district or school shall include a method to give, to the extent 51854  
feasible, a student who transfers into the district or school a 51855  
proportional amount of credit for any progress the student was 51856  
making toward earning that state seal at the school district or 51857  
different public or chartered nonpublic school from which the 51858

student transfers. 51859

(E) Each district or school shall maintain appropriate 51860  
records to identify students who have met the requirements 51861  
prescribed under division (C) of this section for earning the 51862  
state seals established under that division. 51863

(F) The department shall prepare and deliver to each 51864  
district or school an appropriate mechanism for assigning a 51865  
state diploma seal established under division (C) of this 51866  
section. 51867

(G) A student shall not be charged a fee to be assigned a 51868  
state seal prescribed under division (C) of this section on the 51869  
student's diploma and transcript. 51870

**Sec. 3313.64.** (A) As used in this section and in section 51871  
3313.65 of the Revised Code: 51872

(1) (a) Except as provided in division (A) (1) (b) of this 51873  
section, "parent" means either parent, unless the parents are 51874  
separated or divorced or their marriage has been dissolved or 51875  
annulled, in which case "parent" means the parent who is the 51876  
residential parent and legal custodian of the child. When a 51877  
child is in the legal custody of a government agency or a person 51878  
other than the child's natural or adoptive parent, "parent" 51879  
means the parent with residual parental rights, privileges, and 51880  
responsibilities. When a child is in the permanent custody of a 51881  
government agency or a person other than the child's natural or 51882  
adoptive parent, "parent" means the parent who was divested of 51883  
parental rights and responsibilities for the care of the child 51884  
and the right to have the child live with the parent and be the 51885  
legal custodian of the child and all residual parental rights, 51886  
privileges, and responsibilities. 51887

(b) When a child is the subject of a power of attorney  
executed under sections 3109.51 to 3109.62 of the Revised Code,  
"parent" means the grandparent designated as attorney in fact  
under the power of attorney. When a child is the subject of a  
caretaker authorization affidavit executed under sections  
3109.64 to 3109.73 of the Revised Code, "parent" means the  
grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual  
parental rights, privileges, and responsibilities" have the same  
meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local,  
or exempted village school district and excludes any school  
operated in an institution maintained by the department of youth  
services.

(4) Except as used in division (C) (2) of this section,  
"home" means a home, institution, foster home, group home, or  
other residential facility in this state that receives and cares  
for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such  
purpose by the state or is maintained by the department of youth  
services.

(b) The home is operated by a person who is licensed,  
certified, or approved by the state to operate the home for such  
purpose.

(c) The home accepted the child through a placement by a  
person licensed, certified, or approved to place a child in such  
a home by the state.

(d) The home is a children's home created under section  
5153.21 or 5153.36 of the Revised Code.

- (5) "Agency" means all of the following: 51917
- (a) A public children services agency; 51918
  - (b) An organization that holds a certificate issued by the department of children and youth in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption; 51919  
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  - (c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code. 51925  
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- (6) A child is placed for adoption if either of the following occurs: 51929  
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- (a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 51931  
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  - (b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 51935  
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- (7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 51938  
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- (8) "Child," unless otherwise indicated, includes preschool children with disabilities. 51940  
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- (9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 51942  
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of the Revised Code. 51945

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 51946  
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(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 51951  
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(2) Except as provided in division (B) (4) of this section or division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 51953  
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 51959  
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(b) The child resides in a home. 51962

(c) The child requires special education. 51963

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 51964  
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(a) The placement for adoption has been terminated. 51970

(b) Another school district is required to admit the child under division (B) (1) of this section. 51971  
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(4) (a) A child who does not reside in the district where 51973  
the child's parent resides is not required to be admitted to the 51974  
schools of the district in which the child resides if both of 51975  
the following apply: 51976

(i) The child resides in a home, or in a facility 51977  
similarly licensed in another state, and the child was placed in 51978  
the home or facility by the child's parent in consultation with, 51979  
and upon the recommendation of, the Ohio resilience through 51980  
integrated systems and excellence program for children and youth 51981  
involved in multiple state systems. 51982

(ii) The home provides education services that meet the 51983  
minimum education standards under division (D) (2) of section 51984  
3301.07 of the Revised Code or, in the case of a facility 51985  
located in another state, meets substantially similar 51986  
requirements of the jurisdiction where the facility is located, 51987  
except that the home or facility may provide the child with less 51988  
than the minimum number of instructional hours required only as 51989  
necessary to accommodate the child's treatment program. 51990

(b) Upon a child's admission to a home pursuant to 51991  
division (B) (4) (a) of this section, the home shall notify the 51992  
district where the child's parent resides and the district where 51993  
the home is located that the home is providing educational 51994  
services to the child until the child is discharged. Upon a 51995  
child's admission to a facility located in another state 51996  
pursuant to division (B) (4) (a) of this section, the facility 51997  
shall notify the district where the child's parent resides that 51998  
the facility is providing educational services to the child 51999  
until the child is discharged. In either case, the district 52000  
where the child's parent resides shall continue to enroll the 52001  
student as provided in division (C) (5) of this section and shall 52002

excuse the child from attendance until the child is discharged 52003  
from the home or facility. 52004

(c) Upon a child's discharge from a home or facility, the 52005  
home or facility shall notify the district where the child's 52006  
parent resides. The home or facility and the district shall 52007  
collaborate on a supportive reentry plan into school for the 52008  
child. 52009

Division (B) of this section does not prohibit the board 52010  
of education of a school district from placing a child with a 52011  
disability who resides in the district in a special education 52012  
program outside of the district or its schools in compliance 52013  
with Chapter 3323. of the Revised Code. 52014

(C) A district shall not charge tuition for children 52015  
admitted under division (B)(1) or (3) of this section. If the 52016  
district admits a child under division (B)(2) of this section, 52017  
tuition shall be paid to the district that admits the child as 52018  
provided in divisions (C)(1) to (3) of this section, unless 52019  
division (C)(4) of this section applies to the child: 52020

(1) If the child receives special education in accordance 52021  
with Chapter 3323. of the Revised Code, the school district of 52022  
residence, as defined in section 3323.01 of the Revised Code, 52023  
shall pay tuition for the child in accordance with section 52024  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 52025  
regardless of who has custody of the child or whether the child 52026  
resides in a home. 52027

(2) For a child that does not receive special education in 52028  
accordance with Chapter 3323. of the Revised Code, except as 52029  
otherwise provided in division (C)(2)(d) of this section, if the 52030  
child is in the permanent or legal custody of a government 52031

agency or person other than the child's parent, tuition shall be 52032  
paid by: 52033

(a) The district in which the child's parent resided at 52034  
the time the court removed the child from home or at the time 52035  
the court vested legal or permanent custody of the child in the 52036  
person or government agency, whichever occurred first; 52037

(b) If the parent's residence at the time the court 52038  
removed the child from home or placed the child in the legal or 52039  
permanent custody of the person or government agency is unknown, 52040  
tuition shall be paid by the district in which the child resided 52041  
at the time the child was removed from home or placed in legal 52042  
or permanent custody, whichever occurred first; 52043

(c) If a school district cannot be established under 52044  
division (C) (2) (a) or (b) of this section, tuition shall be paid 52045  
by the district determined as required by section 2151.362 of 52046  
the Revised Code by the court at the time it vests custody of 52047  
the child in the person or government agency; 52048

(d) If at the time the court removed the child from home 52049  
or vested legal or permanent custody of the child in the person 52050  
or government agency, whichever occurred first, one parent was 52051  
in a residential or correctional facility or a juvenile 52052  
residential placement and the other parent, if living and not in 52053  
such a facility or placement, was not known to reside in this 52054  
state, tuition shall be paid by the district determined under 52055  
division (D) of section 3313.65 of the Revised Code as the 52056  
district required to pay any tuition while the parent was in 52057  
such facility or placement; 52058

(e) If the department of education and workforce has 52059  
determined, pursuant to division (A) (2) of section 2151.362 of 52060

the Revised Code, that a school district other than the one 52061  
named in the court's initial order, or in a prior determination 52062  
of the department, is responsible to bear the cost of educating 52063  
the child, the district so determined shall be responsible for 52064  
that cost. 52065

(3) If the child is not in the permanent or legal custody 52066  
of a government agency or person other than the child's parent 52067  
and the child resides in a home, tuition shall be paid by one of 52068  
the following: 52069

(a) The school district in which the child's parent 52070  
resides; 52071

(b) If the child's parent is not a resident of this state, 52072  
the home in which the child resides. 52073

(4) Division (C)(4) of this section applies to any child 52074  
who is admitted to a school district under division (B)(2) of 52075  
this section, resides in a home that is not a foster home, a 52076  
home maintained by the department of youth services, a detention 52077  
facility established under section 2152.41 of the Revised Code, 52078  
or a juvenile facility established under section 2151.65 of the 52079  
Revised Code, and receives educational services at the home or 52080  
facility in which the child resides pursuant to a contract 52081  
between the home or facility and the school district providing 52082  
those services. 52083

If a child to whom division (C)(4) of this section applies 52084  
is a special education student, a district may choose whether to 52085  
receive a tuition payment for that child under division (C)(4) 52086  
of this section or to receive a payment for that child under 52087  
section 3323.14 of the Revised Code. If a district chooses to 52088  
receive a payment for that child under section 3323.14 of the 52089

Revised Code, it shall not receive a tuition payment for that child under division (C) (4) of this section. 52090  
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If a child to whom division (C) (4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C) (4) of this section. 52092  
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In the case of a child to which division (C) (4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child. 52096  
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(5) In the case of a child to whom division (B) (4) of this section applies, and except as otherwise provided in division (C) (5) (f) of this section, tuition shall be paid to the home or facility for educational services provided to the child by the school district in which the child's parent resides according to the following: 52112  
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(a) The total educational cost to be paid for the child shall be determined by a formula approved by the department of 52118  
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education and workforce. The department shall design the formula 52120  
to calculate a per diem cost for the educational services 52121  
provided to the child for each day the child is served and shall 52122  
reflect the total actual cost incurred in providing those 52123  
services. The department shall certify the total educational 52124  
cost to be paid for the child to both the home or facility 52125  
providing the educational services and the district that is 52126  
responsible to pay the tuition for the child. The department 52127  
shall deduct the certified amount from the state basic aid funds 52128  
payable under Chapter 3317. of the Revised Code to the district 52129  
responsible to pay tuition and shall pay that amount to the home 52130  
or facility providing the educational services to the child. 52131

(b) The district responsible to pay tuition shall continue 52132  
to report the child in its enrollment for purposes of section 52133  
3317.03 of the Revised Code. 52134

(c) If the parent's residence changes to a different 52135  
school district while the child resides in the home or facility, 52136  
the department of education and workforce may re-determine the 52137  
school district responsible for tuition based on evidence 52138  
provided by the district currently responsible for tuition. 52139

(d) Upon a child's discharge from the home or facility, 52140  
the home or facility shall immediately notify the district where 52141  
the child's parent resides and the department of education and 52142  
workforce. The notification shall include a certified transcript 52143  
of all coursework completed by the child while residing in the 52144  
home or facility. The district where the child's parent resides 52145  
shall accept all coursework completed by the child while in the 52146  
home or facility and shall award credit for that coursework in 52147  
accordance with district policy. 52148

(e) Following discharge from the home or facility and 52149

return to the parent's residence, high school students shall 52150  
meet requirements under section 3313.618 of the Revised Code in 52151  
order to qualify for a high school diploma that are no more 52152  
stringent than those that apply to students who enroll into an 52153  
Ohio public or chartered nonpublic high school after receiving a 52154  
home education under section 3321.042 of the Revised Code. 52155

(f) If the child is provided educational services by a 52156  
chartered nonpublic school while residing in a home and the 52157  
child has been awarded a scholarship under a state scholarship 52158  
program, as defined in section 3301.0711 of the Revised Code, no 52159  
school district shall be responsible for paying tuition under 52160  
division (C) (5) of this section. 52161

(D) Tuition required to be paid under divisions (C) (2) and 52162  
(3) (a) of this section shall be computed in accordance with 52163  
section 3317.08 of the Revised Code. Tuition required to be paid 52164  
under division (C) (3) (b) of this section shall be computed in 52165  
accordance with section 3317.081 of the Revised Code. If a home 52166  
fails to pay the tuition required by division (C) (3) (b) of this 52167  
section, the board of education providing the education may 52168  
recover in a civil action the tuition and the expenses incurred 52169  
in prosecuting the action, including court costs and reasonable 52170  
attorney's fees. If the prosecuting attorney or city director of 52171  
law represents the board in such action, costs and reasonable 52172  
attorney's fees awarded by the court, based upon the prosecuting 52173  
attorney's, director's, or one of their designee's time spent 52174  
preparing and presenting the case, shall be deposited in the 52175  
county or city general fund. 52176

(E) A board of education may enroll a child free of any 52177  
tuition obligation for a period not to exceed sixty days, on the 52178  
sworn statement of an adult resident of the district that the 52179

resident has initiated legal proceedings for custody of the child. 52180  
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(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section: 52182  
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(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside. 52187  
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(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence. 52194  
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(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require. 52197  
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(4) Any child residing with a person other than the 52208

child's parent is entitled, for a period not to exceed twelve 52209  
months, to attend school in the district in which that person 52210  
resides if the child's parent files an affidavit with the 52211  
superintendent of the district in which the person with whom the 52212  
child is living resides stating all of the following: 52213

(a) That the parent is serving outside of the state in the 52214  
armed services of the United States; 52215

(b) That the parent intends to reside in the district upon 52216  
returning to this state; 52217

(c) The name and address of the person with whom the child 52218  
is living while the parent is outside the state. 52219

(5) Any child under the age of twenty-two years who, after 52220  
the death of a parent, resides in a school district other than 52221  
the district in which the child attended school at the time of 52222  
the parent's death is entitled to continue to attend school in 52223  
the district in which the child attended school at the time of 52224  
the parent's death for the remainder of the school year, subject 52225  
to approval of that district board. 52226

(6) A child under the age of twenty-two years who resides 52227  
with a parent who is having a new house built in a school 52228  
district outside the district where the parent is residing is 52229  
entitled to attend school for a period of time in the district 52230  
where the new house is being built. In order to be entitled to 52231  
such attendance, the parent shall provide the district 52232  
superintendent with the following: 52233

(a) A sworn statement explaining the situation, revealing 52234  
the location of the house being built, and stating the parent's 52235  
intention to reside there upon its completion; 52236

(b) A statement from the builder confirming that a new 52237

house is being built for the parent and that the house is at the 52238  
location indicated in the parent's statement. 52239

(7) A child under the age of twenty-two years residing 52240  
with a parent who has a contract to purchase a house in a school 52241  
district outside the district where the parent is residing and 52242  
who is waiting upon the date of closing of the mortgage loan for 52243  
the purchase of such house is entitled to attend school for a 52244  
period of time in the district where the house is being 52245  
purchased. In order to be entitled to such attendance, the 52246  
parent shall provide the district superintendent with the 52247  
following: 52248

(a) A sworn statement explaining the situation, revealing 52249  
the location of the house being purchased, and stating the 52250  
parent's intent to reside there; 52251

(b) A statement from a real estate broker or bank officer 52252  
confirming that the parent has a contract to purchase the house, 52253  
that the parent is waiting upon the date of closing of the 52254  
mortgage loan, and that the house is at the location indicated 52255  
in the parent's statement. 52256

The district superintendent shall establish a period of 52257  
time not to exceed ninety days during which the child entitled 52258  
to attend school under division (F) (6) or (7) of this section 52259  
may attend without tuition obligation. A student attending a 52260  
school under division (F) (6) or (7) of this section shall be 52261  
eligible to participate in interscholastic athletics under the 52262  
auspices of that school, provided the board of education of the 52263  
school district where the student's parent resides, by a formal 52264  
action, releases the student to participate in interscholastic 52265  
athletics at the school where the student is attending, and 52266  
provided the student receives any authorization required by a 52267

public agency or private organization of which the school 52268  
district is a member exercising authority over interscholastic 52269  
sports. 52270

(8) A child whose parent is a full-time employee of a 52271  
city, local, or exempted village school district, or of an 52272  
educational service center, may be admitted to the schools of 52273  
the district where the child's parent is employed, or in the 52274  
case of a child whose parent is employed by an educational 52275  
service center, in the district that serves the location where 52276  
the parent's job is primarily located, provided the district 52277  
board of education establishes such an admission policy by 52278  
resolution adopted by a majority of its members. Any such policy 52279  
shall take effect on the first day of the school year and the 52280  
effective date of any amendment or repeal may not be prior to 52281  
the first day of the subsequent school year. The policy shall be 52282  
uniformly applied to all such children and shall provide for the 52283  
admission of any such child upon request of the parent. No child 52284  
may be admitted under this policy after the first day of classes 52285  
of any school year. 52286

(9) A child who is with the child's parent under the care 52287  
of a shelter for victims of domestic violence, as defined in 52288  
section 3113.33 of the Revised Code, is entitled to attend 52289  
school free in the district in which the child is with the 52290  
child's parent, and no other school district shall be required 52291  
to pay tuition for the child's attendance in that school 52292  
district. 52293

The enrollment of a child in a school district under this 52294  
division shall not be denied due to a delay in the school 52295  
district's receipt of any records required under section 52296  
3313.672 of the Revised Code or any other records required for 52297

enrollment. Any days of attendance and any credits earned by a 52298  
child while enrolled in a school district under this division 52299  
shall be transferred to and accepted by any school district in 52300  
which the child subsequently enrolls. The department of 52301  
education and workforce shall adopt rules to ensure compliance 52302  
with this division. 52303

(10) Any child under the age of twenty-two years whose 52304  
parent has moved out of the school district after the 52305  
commencement of classes in the child's senior year of high 52306  
school is entitled, subject to the approval of that district 52307  
board, to attend school in the district in which the child 52308  
attended school at the time of the parental move for the 52309  
remainder of the school year and for one additional semester or 52310  
equivalent term. A district board may also adopt a policy 52311  
specifying extenuating circumstances under which a student may 52312  
continue to attend school under division (F) (10) of this section 52313  
for an additional period of time in order to successfully 52314  
complete the high school curriculum for the individualized 52315  
education program developed for the student by the high school 52316  
pursuant to section 3323.08 of the Revised Code. 52317

(11) As used in this division, "grandparent" means a 52318  
parent of a parent of a child. A child under the age of twenty- 52319  
two years who is in the custody of the child's parent, resides 52320  
with a grandparent, and does not require special education is 52321  
entitled to attend the schools of the district in which the 52322  
child's grandparent resides, provided that, prior to such 52323  
attendance in any school year, the board of education of the 52324  
school district in which the child's grandparent resides and the 52325  
board of education of the school district in which the child's 52326  
parent resides enter into a written agreement specifying that 52327  
good cause exists for such attendance, describing the nature of 52328

this good cause, and consenting to such attendance. 52329

In lieu of a consent form signed by a parent, a board of 52330  
education may request the grandparent of a child attending 52331  
school in the district in which the grandparent resides pursuant 52332  
to division (F) (11) of this section to complete any consent form 52333  
required by the district, including any authorization required 52334  
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 52335  
Revised Code. Upon request, the grandparent shall complete any 52336  
consent form required by the district. A school district shall 52337  
not incur any liability solely because of its receipt of a 52338  
consent form from a grandparent in lieu of a parent. 52339

Division (F) (11) of this section does not create, and 52340  
shall not be construed as creating, a new cause of action or 52341  
substantive legal right against a school district, a member of a 52342  
board of education, or an employee of a school district. This 52343  
section does not affect, and shall not be construed as 52344  
affecting, any immunities from defenses to tort liability 52345  
created or recognized by Chapter 2744. of the Revised Code for a 52346  
school district, member, or employee. 52347

(12) A child under the age of twenty-two years is entitled 52348  
to attend school in a school district other than the district in 52349  
which the child is entitled to attend school under division (B), 52350  
(C), or (E) of this section provided that, prior to such 52351  
attendance in any school year, both of the following occur: 52352

(a) The superintendent of the district in which the child 52353  
is entitled to attend school under division (B), (C), or (E) of 52354  
this section contacts the superintendent of another district for 52355  
purposes of this division; 52356

(b) The superintendents of both districts enter into a 52357

written agreement that consents to the attendance and specifies 52358  
that the purpose of such attendance is to protect the student's 52359  
physical or mental well-being or to deal with other extenuating 52360  
circumstances deemed appropriate by the superintendents. 52361

While an agreement is in effect under this division for a 52362  
student who is not receiving special education under Chapter 52363  
3323. of the Revised Code and notwithstanding Chapter 3327. of 52364  
the Revised Code, the board of education of neither school 52365  
district involved in the agreement is required to provide 52366  
transportation for the student to and from the school where the 52367  
student attends. 52368

A student attending a school of a district pursuant to 52369  
this division shall be allowed to participate in all student 52370  
activities, including interscholastic athletics, at the school 52371  
where the student is attending on the same basis as any student 52372  
who has always attended the schools of that district while of 52373  
compulsory school age. 52374

(13) All school districts shall comply with the "McKinney- 52375  
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 52376  
the education of homeless children. Each city, local, and 52377  
exempted village school district shall comply with the 52378  
requirements of that act governing the provision of a free, 52379  
appropriate public education, including public preschool, to 52380  
each homeless child. 52381

When a child loses permanent housing and becomes a 52382  
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 52383  
child who is such a homeless person changes temporary living 52384  
arrangements, the child's parent or guardian shall have the 52385  
option of enrolling the child in either of the following: 52386

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g) (3) (C);	52387 52388
(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.	52389 52390 52391 52392
(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:	52393 52394 52395 52396
(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.	52397 52398 52399 52400 52401 52402 52403 52404 52405 52406
(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.	52407 52408
The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.	52409 52410 52411 52412 52413
(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the	52414 52415

district and who are either of the following: 52416

(1) Residents or domiciliaries of a foreign nation who 52417  
request admission as foreign exchange students; 52418

(2) Residents or domiciliaries of the United States but 52419  
not of Ohio who request admission as participants in an exchange 52420  
program operated by a student exchange organization. 52421

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 52422  
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 52423  
attend school or participate in a special education program in a 52424  
school district other than in the district where the child is 52425  
entitled to attend school under division (B) of this section. 52426

(I) (1) Notwithstanding anything to the contrary in this 52427  
section or section 3313.65 of the Revised Code, a child under 52428  
twenty-two years of age may attend school in the school district 52429  
in which the child, at the end of the first full week of October 52430  
of the school year, was entitled to attend school as otherwise 52431  
provided under this section or section 3313.65 of the Revised 52432  
Code, if at that time the child was enrolled in the schools of 52433  
the district but since that time the child or the child's parent 52434  
has relocated to a new address located outside of that school 52435  
district and within the same county as the child's or parent's 52436  
address immediately prior to the relocation. The child may 52437  
continue to attend school in the district, and at the school to 52438  
which the child was assigned at the end of the first full week 52439  
of October of the current school year, for the balance of the 52440  
school year. Division (I) (1) of this section applies only if 52441  
both of the following conditions are satisfied: 52442

(a) The board of education of the school district in which 52443  
the child was entitled to attend school at the end of the first 52444

full week in October and of the district to which the child or 52445  
child's parent has relocated each has adopted a policy to enroll 52446  
children described in division (I) (1) of this section. 52447

(b) The child's parent provides written notification of 52448  
the relocation outside of the school district to the 52449  
superintendent of each of the two school districts. 52450

(2) At the beginning of the school year following the 52451  
school year in which the child or the child's parent relocated 52452  
outside of the school district as described in division (I) (1) 52453  
of this section, the child is not entitled to attend school in 52454  
the school district under that division. 52455

(3) Any person or entity owing tuition to the school 52456  
district on behalf of the child at the end of the first full 52457  
week in October, as provided in division (C) of this section, 52458  
shall continue to owe such tuition to the district for the 52459  
child's attendance under division (I) (1) of this section for the 52460  
lesser of the balance of the school year or the balance of the 52461  
time that the child attends school in the district under 52462  
division (I) (1) of this section. 52463

(4) A pupil who may attend school in the district under 52464  
division (I) (1) of this section shall be entitled to 52465  
transportation services pursuant to an agreement between the 52466  
district and the district in which the child or child's parent 52467  
has relocated unless the districts have not entered into such 52468  
agreement, in which case the child shall be entitled to 52469  
transportation services in the same manner as a pupil attending 52470  
school in the district under interdistrict open enrollment as 52471  
described in division (E) of section 3313.981 of the Revised 52472  
Code, regardless of whether the district has adopted an open 52473  
enrollment policy as described in division (B) (1) (b) or (c) of 52474

section 3313.98 of the Revised Code. 52475

(J) This division does not apply to a child receiving 52476  
special education. 52477

A school district required to pay tuition pursuant to 52478  
division (C) (2) or (3) of this section or section 3313.65 of the 52479  
Revised Code shall have an amount deducted under division (C) of 52480  
section 3317.023 of the Revised Code equal to its own tuition 52481  
rate for the same period of attendance. A school district 52482  
entitled to receive tuition pursuant to division (C) (2) or (3) 52483  
of this section or section 3313.65 of the Revised Code shall 52484  
have an amount credited under division (C) of section 3317.023 52485  
of the Revised Code equal to its own tuition rate for the same 52486  
period of attendance. If the tuition rate credited to the 52487  
district of attendance exceeds the rate deducted from the 52488  
district required to pay tuition, the department of education 52489  
and workforce shall pay the district of attendance the 52490  
difference from amounts deducted from all districts' payments 52491  
under division (C) of section 3317.023 of the Revised Code but 52492  
not credited to other school districts under such division and 52493  
from appropriations made for such purpose. The treasurer of each 52494  
school district shall, by the fifteenth day of January and July, 52495  
furnish the director of education and workforce a report of the 52496  
names of each child who attended the district's schools under 52497  
divisions (C) (2) and (3) of this section or section 3313.65 of 52498  
the Revised Code during the preceding six calendar months, the 52499  
duration of the attendance of those children, the school 52500  
district responsible for tuition on behalf of the child, and any 52501  
other information that the director requires. 52502

Upon receipt of the report the director, pursuant to 52503  
division (C) of section 3317.023 of the Revised Code, shall 52504

deduct each district's tuition obligations under divisions (C) 52505  
(2) and (3) of this section or section 3313.65 of the Revised 52506  
Code and pay to the district of attendance that amount plus any 52507  
amount required to be paid by the state. 52508

(K) In the event of a disagreement, the director of 52509  
education and workforce shall determine the school district in 52510  
which the parent resides. 52511

(L) Nothing in this section requires or authorizes, or 52512  
shall be construed to require or authorize, the admission to a 52513  
public school in this state of a pupil who has been permanently 52514  
excluded from public school attendance by the director pursuant 52515  
to sections 3301.121 and 3313.662 of the Revised Code. 52516

(M) In accordance with division (B) (1) of this section, a 52517  
child whose parent is a member of the national guard or a 52518  
reserve unit of the armed forces of the United States and is 52519  
called to active duty, or a child whose parent is a member of 52520  
the armed forces of the United States and is ordered to a 52521  
temporary duty assignment outside of the district, may continue 52522  
to attend school in the district in which the child's parent 52523  
lived before being called to active duty or ordered to a 52524  
temporary duty assignment outside of the district, as long as 52525  
the child's parent continues to be a resident of that district, 52526  
and regardless of where the child lives as a result of the 52527  
parent's active duty status or temporary duty assignment. 52528  
However, the district is not responsible for providing 52529  
transportation for the child if the child lives outside of the 52530  
district as a result of the parent's active duty status or 52531  
temporary duty assignment. 52532

**Sec. 3313.753.** (A) As used in this section: 52533

(1) "Electronic communications device" means any device 52534  
that is powered by batteries or electricity and that is capable 52535  
of receiving, transmitting, or receiving and transmitting 52536  
communications between two or more persons or a communication 52537  
from or to a person. 52538

(2) "School" means any school that is operated by a board 52539  
of education of a city, local, exempted village, or joint 52540  
vocational school district. 52541

(3) "School building" means any building in which any of 52542  
the instruction, extracurricular activities, or training 52543  
provided by a school is conducted. 52544

(4) "School grounds or premises" means either of the 52545  
following: 52546

(a) The parcel of real property on which any school 52547  
building is situated; 52548

(b) Any other parcel of real property that is owned or 52549  
leased by a board of education and on which some of the 52550  
instruction, extracurricular activities, or training of the 52551  
school is conducted. 52552

(B) The board of education of any city, exempted village, 52553  
local, joint vocational, or cooperative education school 52554  
district may adopt a policy prohibiting students from carrying 52555  
an electronic communications device in any school building or on 52556  
any school grounds or premises of the district. The policy may 52557  
provide for exceptions to this prohibition as specified in the 52558  
policy. The policy shall specify any disciplinary measures that 52559  
will be taken for violation of this prohibition. 52560

If a board of education adopts a policy under this 52561  
division, the board shall post the policy in a central location 52562

in each school building and make it available to students and 52563  
parents upon request. 52564

~~(C) (1) Not later than the first day of July that~~ 52565  
~~immediately follows the effective date of this amendment~~ 52566  
October  
6, 2025, each school district board of education shall adopt a 52567  
policy governing the use of cellular telephones by students 52568  
during school hours. The policy shall ~~do all of the following:~~ 52569

~~(1) Emphasize that student cellular telephone use be as~~ 52570  
~~limited as possible during school hours;~~ 52571

~~(2) Reduce cellular telephone-related distractions in~~ 52572  
~~classroom settings;~~ 52573

~~(3) prohibit all cellular telephone use by students during~~ 52574  
~~the instructional day, except as described in division (C) (2) of~~ 52575  
~~this section or if permitted under the building's comprehensive~~ 52576  
~~emergency management plan adopted under section 5502.262 of the~~ 52577  
~~Revised Code.~~ 52578

(2) If determined appropriate by the district board, or if 52579  
included in a student's individualized education program 52580  
developed under Chapter 3323. of the Revised Code or plan 52581  
developed under section 504 of the "Rehabilitation Act of 1973," 52582  
29 U.S.C. 794, permit students to may use cellular telephones or 52583  
other electronic communications devices for student learning or 52584  
to monitor or address a health concern. 52585

A district board shall permit a student to use a cellular 52586  
telephone or other electronic communications device to monitor 52587  
or address a health concern if the board receives a written 52588  
statement from the student's physician requiring such use. 52589

~~(D) Division (C) of this section shall not be construed to~~ 52590  
~~require a district board to adopt a policy that prohibits all~~ 52591

~~cellular telephone use by students. Nonetheless, any~~ Any 52592  
district board that adopts a policy that prohibits all cellular 52593  
telephone use by students shall be considered to have met the 52594  
requirements in division (C) of this section. 52595

(E) Any district board that adopts a policy that meets the 52596  
requirements prescribed in division (C) of this section prior to 52597  
~~the effective date of this amendment~~ the effective date of this 52598  
amendment, shall be considered to have met the requirement to 52599  
adopt a policy under this section. 52600

(F) Each district board that adopts a policy under this 52601  
section after ~~the effective date of this amendment~~ the effective 52602  
date of this amendment, shall do so at a public meeting of the 52603  
board. 52604

(G) Each district board shall make any policy it adopts 52605  
under this section publicly available and post it prominently on 52606  
its publicly accessible web site, if it has one. 52607

~~(H) Not later than sixty days after the effective date of~~ 52608  
~~this amendment, the department of education and workforce shall~~ 52609  
~~develop a model policy that meets the requirements prescribed in~~ 52610  
~~division (C) of this section. To the extent possible, the model~~ 52611  
~~policy shall take into account available research concerning the~~ 52612  
~~effect of the use of cellular telephones by students in school~~ 52613  
~~settings. The model policy may be utilized by districts and~~ 52614  
~~schools.~~ 52615

**Sec. 3313.90.** As used in this section, "formula ADM" has 52616  
the same meaning as in section 3317.02 of the Revised Code. 52617  
Notwithstanding division (D) of section 3311.19 and division (D) 52618  
of section 3311.52 of the Revised Code, the provisions of this 52619  
section that apply to a city school district do not apply to any 52620

joint vocational or cooperative education school district. 52621

(A) Except as provided in division (B) of this section, 52622  
each city, local, and exempted village school district shall, by 52623  
one of the following means, provide to students enrolled in 52624  
grades seven through twelve career-technical education adequate 52625  
to prepare a student enrolled therein for an occupation: 52626

(1) Establishing and maintaining a career-technical 52627  
education program that meets standards adopted by the department 52628  
of education and workforce; 52629

(2) Being a member of a joint vocational school district 52630  
that meets standards adopted by the department; 52631

(3) Contracting for career-technical education with a 52632  
joint vocational school district or another school district that 52633  
meets the standards adopted by the department. 52634

The standards of the department shall include criteria for 52635  
the participation by nonpublic students in career-technical 52636  
education programs without financial assessment, charge, or 52637  
tuition to such student except such assessments, charges, or 52638  
tuition paid by resident public school students in such 52639  
programs. Such nonpublic school students shall be included in 52640  
the formula ADM of the school district maintaining the career- 52641  
technical education program as part-time students in proportion 52642  
to the time spent in the career-technical education program. 52643

By the thirtieth day of October of each year, the director 52644  
of education and workforce shall determine and certify to the 52645  
superintendent of each school district subject to this section 52646  
either that the district is in compliance with the requirements 52647  
of this section for the current school year or that the district 52648  
is not in compliance. If the director certifies that the 52649

district is not in compliance, the director shall notify the 52650  
board of education of the district of the actions necessary to 52651  
bring the district into compliance with this section. 52652

In meeting standards established by the department, school 52653  
districts, where practicable, shall provide career-technical 52654  
education programs in high schools. A minimum enrollment of 52655  
~~fifteen hundred students in grades nine through twelve is~~ 52656  
~~established as a base for comprehensive career-technical~~ 52657  
~~education course offerings. Beginning with the 2015-2016 school-~~ 52658  
~~year, this base shall increase to a minimum enrollment of two~~ 52659  
thousand two hundred fifty students in grades seven through 52660  
twelve is the base for comprehensive career-technical education 52661  
course offerings. A school district may meet this requirement 52662  
alone, through a cooperative arrangement pursuant to section 52663  
3313.92 of the Revised Code, through school district 52664  
consolidation, by membership in a joint vocational school 52665  
district, by contract with a school district, by contract with a 52666  
school licensed by any state agency established by the Revised 52667  
Code which school operates its courses offered for contracting 52668  
with public schools under standards as to staffing and 52669  
facilities comparable to those prescribed by the department for 52670  
public schools provided no instructor in such courses shall be 52671  
required to be certificated by the department, or in a 52672  
combination of such ways. Exceptions to the minimum enrollment 52673  
prescribed by this section may be made by the department based 52674  
on sparsity of population or other factors indicating that 52675  
comprehensive educational and career-technical education 52676  
programs as required by this section can be provided through an 52677  
alternate plan. 52678

(B) If Until July 1, 2026, the department shall waive the 52679  
requirement for a city, local, or exempted village school 52680

district to provide career-technical education to students 52681  
enrolled in grades seven and eight for that particular school 52682  
year, if the board of education of a city, local, or exempted- 52683  
village school that district adopts a resolution that specifies 52684  
the district's intent not to provide career-technical education 52685  
to students enrolled in grades seven and eight for a particular 52686  
school year and submits that resolution to the department by the 52687  
thirtieth day of September of that school year, ~~the department~~ 52688  
~~shall waive the requirement for that district to provide career-~~ 52689  
~~technical education to students enrolled in grades seven and~~ 52690  
~~eight for that particular school year.~~ 52691

**Sec. 3313.902.** (A) As used in this section: 52692

(1) "Competency-based educational program" means any 52693  
system of academic instruction, assessment, grading, and 52694  
reporting in which individuals receive credit based on 52695  
demonstrations and assessments of their learning rather than the 52696  
amount of time they spend studying a subject. A competency-based 52697  
educational program shall encourage accelerated learning among 52698  
individuals who master academic materials quickly while 52699  
providing additional instructional support time for individuals 52700  
who need it. 52701

(2) "Eligible individual" means an individual who 52702  
satisfies all of the following criteria: 52703

(a) The individual is at least eighteen years of age. 52704

(b) The individual is officially withdrawn from school. 52705

(c) The individual has not been awarded a high school 52706  
diploma or a certificate of high school equivalence as defined 52707  
in section 4109.06 of the Revised Code. 52708

(3) "Eligible provider" means a city, local, or exempted 52709

village school district that operates a dropout prevention and 52710  
recovery program, the buckeye united school district operated by 52711  
the department of youth services, the Ohio central school system 52712  
established under section 5145.06 of the Revised Code, or a 52713  
joint vocational school district that operates an adult 52714  
education program. 52715

(4) "Ohio technical center" has the same meaning as in 52716  
section 3333.94 of the Revised Code. 52717

(B) An eligible provider may establish a competency-based 52718  
educational program that complies with standards adopted by the 52719  
department of education and workforce and may enroll eligible 52720  
individuals in the program for up to three consecutive school 52721  
years for the purpose of earning a high school diploma. The 52722  
provider shall establish a career plan for each individual 52723  
enrolled in the program that specifies the individual's career 52724  
goals and describes how the individual will demonstrate 52725  
competency or earn course credits under division (C) of this 52726  
section to earn a diploma and attain the individual's career 52727  
goals. 52728

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 52729  
3313.614, 3313.618, and 3313.619 of the Revised Code, the 52730  
department shall award a high school diploma to an individual 52731  
enrolled in a program under division (B) of this section who 52732  
meets either of the following conditions: 52733

(1) The individual demonstrates competency by completing 52734  
at least three of the following activities, at least one of 52735  
which shall be the activity described in division (C) (1) (a) or 52736  
(b) of this section: 52737

(a) Attaining a competency score as determined under 52738

<u>division (B) (10) of section 3301.0712 of the Revised Code on</u>	52739
<u>each of the Algebra I and English language arts II end-of-course</u>	52740
<u>examinations prescribed under division (B) (2) of that section;</u>	52741
<u>(b) Attaining a workforce readiness score, as determined</u>	52742
<u>by the department, on the nationally recognized job skills</u>	52743
<u>assessment selected by the department under division (F) of</u>	52744
<u>section 3301.0712 of the Revised Code;</u>	52745
<u>(c) Obtaining an industry-recognized credential, or group</u>	52746
<u>of credentials, in a single career field that meet the criteria</u>	52747
<u>established under section 3313.6113 of the Revised Code to</u>	52748
<u>qualify for a high school diploma or earning an industry-</u>	52749
<u>recognized credential that is aligned to a technical education</u>	52750
<u>program provided by an Ohio technical center;</u>	52751
<u>(d) Earning a cumulative score of proficient or higher on</u>	52752
<u>three or more state technical assessments aligned with section</u>	52753
<u>3313.903 of the Revised Code in a single career pathway;</u>	52754
<u>(e) Doing either of the following:</u>	52755
<u>(i) Completing a pre-apprenticeship program aligned with</u>	52756
<u>options established under section 3313.904 of the Revised Code</u>	52757
<u>in the individual's chosen career field and providing evidence</u>	52758
<u>of acceptance into a registered apprenticeship program in that</u>	52759
<u>career field;</u>	52760
<u>(ii) Completing an apprenticeship registered with the</u>	52761
<u>apprenticeship council established under section 4139.02 of the</u>	52762
<u>Revised Code in the individual's chosen career field.</u>	52763
<u>(f) Completing two hundred fifty hours of a work-based</u>	52764
<u>learning experience with evidence of positive evaluations;</u>	52765
<u>(g) Obtaining an OhioMeansJobs-readiness seal under</u>	52766

<u>section 3313.6112 of the Revised Code.</u>	52767
<u>(2) The individual demonstrates competency by completing</u>	52768
<u>at least two of the activities described in divisions (C) (1) (a)</u>	52769
<u>to (g) of this section and earns course credits distributed as</u>	52770
<u>follows:</u>	52771
<u>(a) English language arts, four credits;</u>	52772
<u>(b) Mathematics, four credits. One credit may be a career-</u>	52773
<u>based mathematics course aligned to the individual's career plan</u>	52774
<u>developed under division (B) of this section.</u>	52775
<u>(c) Science, three credits;</u>	52776
<u>(d) Social studies, three credits;</u>	52777
<u>(e) Financial literacy, one-half credit. The one-half</u>	52778
<u>credit of financial literacy may be applied toward the number of</u>	52779
<u>mathematics or social studies credits required under division</u>	52780
<u>(C) (2) of this section.</u>	52781
<u>(D) An eligible provider shall report each individual</u>	52782
<u>enrolled in a program under division (B) of this section to the</u>	52783
<u>department. The department annually shall certify the enrollment</u>	52784
<u>and attendance of each individual reported under this division</u>	52785
<u>and shall pay the provider up to \$7,500 for each such individual</u>	52786
<u>per school year, as determined by the department based on the</u>	52787
<u>extent of the individual's successful completion of the diploma</u>	52788
<u>requirements prescribed in division (C) of this section.</u>	52789
<u>(E) Notwithstanding anything in this section to the</u>	52790
<u>contrary, an eligible provider may request that the department</u>	52791
<u>allow an eligible individual to enroll in a program under</u>	52792
<u>division (B) of this section for more than three consecutive</u>	52793
<u>school years due to a hardship experienced by the individual</u>	52794

that necessitates additional time to meet the diploma requirements prescribed in division (C) of this section. 52795  
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(F) An eligible individual shall not be assigned to classes or settings with individuals who are younger than eighteen years of age. 52797  
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(G) Each eligible provider shall contact each individual to whom a diploma is awarded under this section to collect data on the individual's career and educational outcomes at six months, twelve months, and eighteen months after the awarding of the diploma. At each time of contact, the provider shall request information regarding whether the individual is gainfully employed, participating in an apprenticeship, enrolled in postsecondary education, or serving in the military. The provider shall report the data collected to the department in the manner determined by the department. 52800  
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(H) The department shall adopt rules as necessary to administer this section. The rules may include all of the following: 52810  
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(1) Standards for competency-based educational programs; 52813

(2) Standards for applying an individual's work or life experiences toward the requirements of division (C) of this section; 52814  
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(3) Requirements for determining the amount paid to providers under division (D) of this section; 52817  
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(4) Guidelines for approving or denying a hardship request made under division (E) of this section. 52819  
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**Sec. 3313.905.** (A) Southern state community college shall establish and maintain the Ohio code-scholar program, a hands-on 52821  
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educational initiative designed for students in grades four 52823  
through twelve, with an emphasis on experiential learning in 52824  
computer science, coding, and digital literacy. 52825

(B) Southern state community college shall use any funds 52826  
appropriated by the general assembly for the Ohio-code scholar 52827  
program for the following purposes: 52828

(1) All of the following: 52829

(a) Curriculum development and alignment; 52830

(b) Teacher training and resource creation; 52831

(c) Coordination with K-12 schools statewide; 52832

(d) Partnership development with other educational 52833  
institutions, workforce agencies, and regional employers; 52834

(2) To implement and scale the program statewide, 52835  
prioritizing outreach to underserved and rural areas, 52836  
particularly within Ohio's Appalachian region. 52837

(3) To provide ongoing institutional support for southern 52838  
state community college, including all of the following: 52839

(a) Operational needs that enhance its educational 52840  
mission; 52841

(b) Technology and infrastructure upgrades; 52842

(c) Community outreach; 52843

(d) Services that strengthen the college's regional impact 52844  
in the Appalachian corridor. 52845

(C) The director of development shall oversee the 52846  
allocation and use of these funds. The director of education and 52847  
workforce may establish guidelines to ensure compliance with 52848

<u>this section.</u>	52849
<u>(D) Southern state community college shall submit an</u>	52850
<u>annual report to the director of education and workforce and the</u>	52851
<u>general assembly by the thirtieth day of June that includes all</u>	52852
<u>of the following:</u>	52853
<u>(1) The number of students and districts served by the</u>	52854
<u>Ohio code-scholar program;</u>	52855
<u>(2) Progress toward statewide implementation;</u>	52856
<u>(3) Regional economic and educational impact;</u>	52857
<u>(4) Use of funds for both programmatic and general</u>	52858
<u>operational support.</u>	52859
<b>Sec. 3313.98.</b> Notwithstanding division (D) of section	52860
3311.19 and division (D) of section 3311.52 of the Revised Code,	52861
the provisions of this section and sections 3313.981 to 3313.983	52862
of the Revised Code that apply to a city school district do not	52863
apply to a joint vocational or cooperative education school	52864
district unless expressly specified.	52865
(A) As used in this section and sections 3313.981 to	52866
3313.983 of the Revised Code:	52867
(1) "Parent" means either of the natural or adoptive	52868
parents of a student, except under the following conditions:	52869
(a) When the marriage of the natural or adoptive parents	52870
of the student has been terminated by a divorce, dissolution of	52871
marriage, or annulment or the natural or adoptive parents of the	52872
student are living separate and apart under a legal separation	52873
decree and the court has issued an order allocating the parental	52874
rights and responsibilities with respect to the student,	52875
"parent" means the residential parent as designated by the court	52876

except that "parent" means either parent when the court issues a shared parenting decree. 52877  
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(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child. 52879  
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(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student. 52883  
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(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section. 52885  
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(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section. 52888  
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(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district. 52891  
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(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls. 52894  
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(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services 52902  
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Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.	52906
(7) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	52907 52908
(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.	52909 52910 52911
(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.	52912 52913 52914
(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.	52915 52916 52917 52918 52919 52920 52921
(11) "Active duty member" means a member of the armed forces of the United States who is on full-time duty.	52922 52923
(12) "Armed forces" means the United States army, navy, air force, space force, marine corps, and coast guard.	52924 52925
(B)(1) Subject to division (I) of this section, the board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:	52926 52927 52928 52929
(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;	52930 52931 52932 52933

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:

(1) Any requirement of academic ability, or any level of

athletic, artistic, or other extracurricular skills;	52962
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	52963 52964 52965 52966 52967
(3) A requirement that the student be proficient in the English language;	52968 52969
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	52970 52971 52972 52973 52974 52975 52976
(D) (1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.	52977 52978 52979 52980 52981 52982
(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.	52983 52984 52985 52986 52987 52988
(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an	52989 52990

adjacent or other district student or a native student. 52991

(F) (1) No board of education may adopt a policy 52992  
discouraging or prohibiting its native students from applying to 52993  
enroll in the schools of an adjacent or any other district that 52994  
has adopted a policy permitting such enrollment, except that:— 52995

~~(a) A~~ a district may object to the enrollment of a native 52996  
student in an adjacent or other district in order to maintain an 52997  
appropriate racial balance. 52998

~~(b) The board of education of a district receiving funds— 52999  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 53000  
may adopt a resolution objecting to the enrollment of its native 53001  
students in adjacent or other districts if at least ten per cent 53002  
of its students are included in the determination of the United 53003  
States secretary of education made under section 20 U.S.C.A.— 53004  
238(a).— 53005~~

(2) If a board objects to enrollment of native students 53006  
under this division, any adjacent or other district shall refuse 53007  
to enroll such native students unless tuition is paid for the 53008  
students in accordance with section 3317.08 of the Revised Code. 53009  
An adjacent or other district enrolling such students may not 53010  
receive funding for those students in accordance with section 53011  
3313.981 of the Revised Code. 53012

(G) The department of education and workforce shall 53013  
monitor school districts to ensure compliance with this section 53014  
and the districts' policies. The department may adopt rules 53015  
requiring uniform application procedures, deadlines for 53016  
application, notification procedures, and record-keeping 53017  
requirements for all school boards that adopt policies 53018  
permitting the enrollment of adjacent or other district 53019

students, as applicable. If the department adopts such rules, no 53020  
school board shall adopt a policy that conflicts with those 53021  
rules. 53022

(H) A resolution adopted by a board of education under 53023  
this section that entirely prohibits the enrollment of students 53024  
from adjacent and from other school districts does not abrogate 53025  
any agreement entered into under section 3313.841 or 3313.92 of 53026  
the Revised Code or any contract entered into under section 53027  
3313.90 of the Revised Code between the board of education 53028  
adopting the resolution and the board of education of any 53029  
adjacent or other district or prohibit these boards of education 53030  
from entering into any such agreement or contract. 53031

(I) Notwithstanding anything to the contrary in this 53032  
section or section 3313.981 of the Revised Code, all of the 53033  
following apply: 53034

(1) A policy adopted by a city, exempted village, or local 53035  
school district board of education under division (B) (1) (a) or 53036  
(b) of this section shall permit any student who is not a native 53037  
student of the district to enroll in the district if both of the 53038  
following apply: 53039

(a) The student's parent is an active duty member of the 53040  
armed forces stationed in the state. 53041

(b) The student's parent provides to the district a copy 53042  
of the parent's official written order verifying the parent's 53043  
status as an active duty member of the armed forces. 53044

(2) In enrolling a student pursuant to division (I) of 53045  
this section, a district shall comply with procedures prescribed 53046  
under divisions (B) (2) and (C) of this section, except as 53047  
provided in division (I) (6) of this section. In addition, the 53048

district shall not require tuition to be paid for the student's enrollment in the district. 53049  
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(3) A student who, pursuant to this division, enrolls in a district that has adopted a policy under division (B) (1) (a) of this section and who is not a native student of that district shall, for the purposes of sections 3313.981, 3315.18, 3317.03, and 3318.011 of the Revised Code, be considered as an "other district student" who enrolls in a district that has adopted a policy under division (B) (1) (c) of this section. Such student also shall receive transportation services under section 3313.981 of the Revised Code in the same manner as an "other district student." 53051  
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(4) A student who, pursuant to this division, enrolls in a district that has adopted a policy under division (B) (1) (b) of this section and who is not a native student of the district or an adjacent district shall, nevertheless, be considered an "adjacent district student" for the purposes of sections 3313.981, 3315.18, and 3317.03 of the Revised Code. 53061  
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(5) A student who, pursuant to this division, enrolls in a district that has adopted a policy under division (B) (1) (b) of this section and whose parent is subsequently discharged or released from active duty shall be permitted to attend school in that district and receive transportation services under section 3313.981 of the Revised Code in the same manner as an "other district student" for the remainder of the school year in which the parent is discharged or released from active duty. After the conclusion of that school year, that student shall not be eligible under this division, as long as the student does not have a parent on active duty. 53067  
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(6) A school district that enrolls a student under 53078

division (I) of this section, or that enrolls a student 53079  
described in division (I) (1) of this section under division (B) 53080  
(1) (c) of this section, shall not require the student to comply 53081  
with any application deadline established under division (B) (2) 53082  
of this section. 53083

(J) Nothing in this section shall be construed to permit 53084  
or require the board of education of a city, exempted village, 53085  
or local school district to exclude any native student of the 53086  
district from enrolling in the district. 53087

**Sec. 3314.011.** (A) Every community school established 53088  
under this chapter shall have a designated fiscal officer. 53089  
Except as provided for in division (C) of this section, the 53090  
fiscal officer shall be employed by or engaged under a contract 53091  
with the governing authority of the community school. 53092

(B) Except as otherwise provided in section 3.061 of the 53093  
Revised Code, the ~~auditor of state~~ department of education and 53094  
workforce shall require that the fiscal officer of any community 53095  
school, before entering upon duties as fiscal officer of the 53096  
school, execute a bond in an amount and with surety to be 53097  
approved by the governing authority of the school, payable to 53098  
the state, conditioned for the faithful performance of all the 53099  
official duties required of the fiscal officer. The bond shall 53100  
be deposited with the governing authority of the school, and a 53101  
copy thereof, certified by the governing authority, shall be 53102  
filed with the county auditor. 53103

(C) Prior to assuming the duties of fiscal officer, the 53104  
fiscal officer designated under this section shall be licensed 53105  
under section 3301.074 of the Revised Code. Any person serving 53106  
as a fiscal officer of a community school on March 22, 2013, who 53107  
is not licensed as a treasurer shall be permitted to serve as a 53108

fiscal officer for not more than one year following March 22, 53109  
2013. Beginning on that date and thereafter, no community school 53110  
shall permit any individual to serve as a fiscal officer without 53111  
a license as required by this section. 53112

(D) (1) The governing authority of a community school may 53113  
adopt a resolution waiving the requirement that the governing 53114  
authority is the party responsible to employ or contract with 53115  
the designated fiscal officer, as prescribed by division (A) of 53116  
this section, so long as the school's sponsor also approves the 53117  
resolution. The resolution shall be valid for one year. A new 53118  
resolution shall be adopted for each year that the governing 53119  
authority wishes to waive this requirement, so long as the 53120  
school's sponsor also approves the resolution. 53121

No resolution adopted pursuant to this division may waive 53122  
the requirement for a community school to have a designated 53123  
fiscal officer. 53124

(2) If the governing authority adopts a resolution 53125  
pursuant to division (D) (1) of this section, the school's 53126  
designated fiscal officer annually shall meet with the governing 53127  
authority to review the school's financial status. 53128

(3) The governing authority shall submit to the department 53129  
of education and workforce a copy of each resolution adopted 53130  
pursuant to division (D) (1) of this section. 53131

**Sec. 3314.013.** (A) Until May 22, 2013, no internet- or 53132  
computer-based community school shall operate unless the school 53133  
was open for instruction as of May 1, 2005. No entity described 53134  
in division (C) (1) of section 3314.02 of the Revised Code shall 53135  
enter into a contract to sponsor an internet- or computer-based 53136  
community school, including a conversion school, between May 1, 53137

2005, and May 22, 2013, except as follows: 53138

(1) The entity may renew a contract that the entity 53139  
entered into with an internet- or computer-based community 53140  
school prior to May 1, 2005, if the school was open for 53141  
operation as of that date. 53142

(2) The entity may assume sponsorship of an existing 53143  
internet- or computer-based community school that was formerly 53144  
sponsored by another entity and may enter into a contract with 53145  
that community school in accordance with section 3314.03 of the 53146  
Revised Code. 53147

If a sponsor entered into a contract with an internet- or 53148  
computer-based community school, including a conversion school, 53149  
but the school was not open for operation as of May 1, 2005, the 53150  
contract shall be void and the entity shall not enter into 53151  
another contract with the school until May 22, 2013. 53152

(B) (1) Beginning on July 1, 2013, up to five new internet- 53153  
or computer-based community schools may open each year, subject 53154  
to approval of the director of education and workforce under 53155  
division (B) (2) of this section. 53156

(2) The director shall approve applications for new 53157  
internet- or computer-based community schools from only those 53158  
applicants demonstrating experience and quality. 53159

The department of education and workforce shall adopt 53160  
rules prescribing measures to determine experience and quality 53161  
of applicants in accordance with Chapter 119. of the Revised 53162  
Code. The measures shall include, but not be limited to, the 53163  
following considerations: 53164

(a) The sponsor's experience with online schools; 53165

(b) The operator's experience with online schools;	53166
(c) The sponsor's and operator's previous record for student performance;	53167 53168
(d) A preference for operators with previous experience in Ohio.	53169 53170
(3) The department shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the director has approved or disapproved the school's application to open for the 2013-2014 school year not later than July 1, 2013. Notwithstanding the dates prescribed for adoption and signing on sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A) (25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.	53171 53172 53173 53174 53175 53176 53177 53178 53179 53180 53181 53182 53183 53184 53185
(4) Notwithstanding divisions (B) (1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based community schools that <del>will primarily serve students enrolled in a</del> <u>are dropout prevention and recovery program</u> community schools each year, not to exceed six new schools in a five-year period.	53186 53187 53188 53189 53190 53191 53192
(C) Nothing in division (A) or (B) of this section prohibits an internet- or computer-based community school from	53193 53194

increasing the number of grade levels it offers. 53195

**Sec. 3314.015.** (A) The department of education and 53196  
workforce shall be responsible for the oversight of any and all 53197  
sponsors of the community schools established under this chapter 53198  
and shall provide technical assistance to schools and sponsors 53199  
in their compliance with applicable laws and the terms of the 53200  
contracts entered into under section 3314.03 of the Revised Code 53201  
and in the development and start-up activities of those schools. 53202  
In carrying out its duties under this section, the department 53203  
shall do all of the following: 53204

(1) In providing technical assistance to proposing 53205  
parties, governing authorities, and sponsors, conduct training 53206  
sessions and distribute informational materials; 53207

(2) Approve entities to be sponsors of community schools; 53208

(3) Monitor and evaluate, as required under section 53209  
3314.016 of the Revised Code, the effectiveness of any and all 53210  
sponsors in their oversight of the schools with which they have 53211  
contracted; 53212

(4) By December thirty-first of each year, issue a report 53213  
to the governor, the speaker of the house of representatives, 53214  
the president of the senate, and the chairpersons of the house 53215  
and senate committees principally responsible for education 53216  
matters regarding the effectiveness of academic programs, 53217  
operations, and legal compliance and of the financial condition 53218  
of all community schools established under this chapter and on 53219  
the performance of community school sponsors; 53220

(5) From time to time, make legislative recommendations to 53221  
the general assembly designed to enhance the operation and 53222  
performance of community schools. 53223

(B) (1) Except as provided in sections 3314.021 and 53224  
3314.027 of the Revised Code, no entity shall enter into a 53225  
preliminary agreement under division (C) (2) of section 3314.02 53226  
of the Revised Code or renew an existing contract to sponsor a 53227  
community school until it has received approval from the 53228  
department to sponsor community schools under this chapter and 53229  
has entered into a written agreement with the department 53230  
regarding the manner in which the entity will conduct such 53231  
sponsorship. 53232

On and after July 1, 2017, each entity that sponsors a 53233  
community school in this state, except for an entity described 53234  
in sections 3314.021 and 3314.027 of the Revised Code, shall 53235  
attain approval from the department in order to continue 53236  
sponsoring schools regardless of whether that entity intends to 53237  
enter into a preliminary agreement or renew an existing 53238  
contract. 53239

All new and renewed agreements between the department and 53240  
a sponsor shall contain specific language addressing the 53241  
parameters under which the department can intervene and 53242  
potentially revoke sponsorship authority in the event that the 53243  
sponsor is unwilling or unable to fulfill its obligations. 53244  
Additionally, each agreement shall set forth any territorial 53245  
restrictions and limits on the number of schools that entity may 53246  
sponsor, provide for an annual evaluation process, and include a 53247  
stipulation permitting the department to modify the agreement 53248  
under the following circumstances: 53249

(a) Poor fiscal management; 53250

(b) Lack of academic progress. 53251

(2) The initial term of a sponsor's agreement with the 53252

department shall be for up to five years. 53253

(a) An agreement entered into with the department pursuant 53254  
to this section may be renewed for a term of up to ten years 53255  
using the following criteria: 53256

(i) The academic performance of students enrolled in each 53257  
community school the entity sponsors, as determined by the 53258  
department pursuant to division (B) (1) (a) of section 3314.016 of 53259  
the Revised Code; 53260

(ii) The sponsor's adherence to quality practices, as 53261  
determined by the department pursuant to division (B) (1) (b) of 53262  
section 3314.016 of the Revised Code; 53263

(iii) The sponsor's compliance with all applicable laws 53264  
and administrative rules. 53265

(b) Each agreement between the department and a sponsor 53266  
shall specify that entities with an overall rating of 53267  
"exemplary" for at least two consecutive years shall not be 53268  
subject to the limit on the number of community schools the 53269  
entity may sponsor or any territorial restrictions on 53270  
sponsorship, for so long as that entity continues to be rated 53271  
"exemplary." 53272

(c) The department shall adopt in accordance with Chapter 53273  
119. of the Revised Code rules containing criteria, procedures, 53274  
and deadlines for processing applications for approval of 53275  
sponsors, for oversight of sponsors, for notifying a sponsor of 53276  
noncompliance with applicable laws and administrative rules 53277  
under division (F) of this section, for revocation of the 53278  
approval of sponsors under division (C) of this section, and for 53279  
entering into written agreements with sponsors. The rules shall 53280  
require an entity to submit evidence of the entity's ability and 53281

willingness to comply with the provisions of division ~~(D)~~(C) of 53282  
section 3314.03 of the Revised Code. The rules also shall 53283  
require all entities approved as sponsors to demonstrate a 53284  
record of financial responsibility and successful implementation 53285  
of educational programs. If an entity seeking approval to 53286  
sponsor community schools in this state sponsors or operates 53287  
schools in another state, at least one of the schools sponsored 53288  
or operated by the entity must be comparable to or better than 53289  
the performance of Ohio schools in need of continuous 53290  
improvement under section 3302.03 of the Revised Code, as 53291  
determined by the department. 53292

Subject to section 3314.016 of the Revised Code, an entity 53293  
that sponsors community schools may enter into preliminary 53294  
agreements and sponsor up to one hundred schools, provided each 53295  
school and the contract for sponsorship meets the requirements 53296  
of this chapter. A sponsor that was rated "exemplary" on its 53297  
most recent rating under section 3314.016 of the Revised Code 53298  
may sponsor up to two hundred such schools. 53299

(3) The department shall determine, pursuant to criteria 53300  
specified in rules adopted in accordance with Chapter 119. of 53301  
the Revised Code, whether the mission proposed to be specified 53302  
in the contract of a community school to be sponsored by a state 53303  
university board of trustees or the board's designee under 53304  
division (C)(1)(e) of section 3314.02 of the Revised Code 53305  
complies with the requirements of that division. Such 53306  
determination of the department is final. 53307

(4) The department shall determine, pursuant to criteria 53308  
specified in rules adopted in accordance with Chapter 119. of 53309  
the Revised Code, if any tax-exempt entity under section 501(c) 53310  
(3) of the Internal Revenue Code that is proposed to be a 53311

sponsor of a community school is an education-oriented entity 53312  
for purpose of satisfying the condition prescribed in division 53313  
(C) (1) (f) (iii) of section 3314.02 of the Revised Code. Such 53314  
determination of the department is final. 53315

(C) If at any time the department finds that a sponsor is 53316  
not in compliance or is no longer willing to comply with its 53317  
contract with any community school or with the department's 53318  
rules for sponsorship, the department shall conduct a hearing in 53319  
accordance with Chapter 119. of the Revised Code on that matter. 53320  
If after the hearing, the department has confirmed the original 53321  
finding, it may revoke the sponsor's approval to sponsor 53322  
community schools. In that case, the department's office of Ohio 53323  
school sponsorship, established under section 3314.029 of the 53324  
Revised Code, may assume the sponsorship of any schools with 53325  
which the sponsor has contracted until the earlier of the 53326  
expiration of two school years or until a new sponsor as 53327  
described in division (C) (1) of section 3314.02 of the Revised 53328  
Code is secured by the school's governing authority. The office 53329  
of Ohio school sponsorship may extend the term of the contract 53330  
in the case of a school for which it has assumed sponsorship 53331  
under this division as necessary to accommodate the term of the 53332  
department's authorization to sponsor the school specified in 53333  
this division. Community schools sponsored under this division 53334  
shall not apply to the limit on directly authorized community 53335  
schools under division (A) (3) of section 3314.029 of the Revised 53336  
Code. However, nothing in this division shall preclude a 53337  
community school affected by this division from applying for 53338  
sponsorship under that section. 53339

(D) The decision of the department to disapprove an entity 53340  
for sponsorship of a community school or to revoke approval for 53341  
such sponsorship under division (C) of this section, may be 53342

appealed by the entity in accordance with section 119.12 of the Revised Code. 53343  
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(E) The department shall adopt procedures for use by a community school governing authority and sponsor when the school permanently closes and ceases operation, which shall include at least procedures for data reporting to the department, handling of student records, distribution of assets in accordance with section 3314.074 of the Revised Code, and other matters related to ceasing operation of the school. 53345  
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(F) (1) In lieu of revoking a sponsor's authority to sponsor community schools under division (C) of this section, if the department finds that a sponsor is not in compliance with applicable laws and administrative rules, the department shall declare in a written notice to the sponsor the specific laws or rules, or both, for which the sponsor is noncompliant. A sponsor notified under division (F) (1) of this section shall respond to the department not later than fourteen days after the notification with a proposed plan to remedy the conditions for which the sponsor was found to be noncompliant. The department shall approve or disapprove the plan not later than fourteen days after receiving it. If the plan is disapproved, the sponsor may submit a revised plan to the department not later than fourteen days after receiving notification of disapproval from the department or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. The department shall approve or disapprove the revised plan not later than fourteen days after receiving it or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. A sponsor may continue to make revisions by the deadlines prescribed in division (F) (1) of this 53352  
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section to any revised plan that is disapproved by the 53374  
department until the sixtieth day after the date the sponsor 53375  
received notification of noncompliance from the department. 53376

If a plan or a revised plan is approved, the sponsor shall 53377  
implement it not later than sixty days after the date the 53378  
sponsor received notification of noncompliance from the 53379  
department or not later than thirty days after the plan is 53380  
approved, whichever is later. If a sponsor does not respond to 53381  
the department or implement an approved compliance plan by the 53382  
deadlines prescribed by division (F) (1) of this section, or if a 53383  
sponsor does not receive approval of a compliance plan on or 53384  
before the sixtieth day after the date the sponsor received 53385  
notification of noncompliance from the department, the 53386  
department shall declare in written notice to the sponsor that 53387  
the sponsor is in probationary status, and may limit the 53388  
sponsor's ability to sponsor additional schools. 53389

(2) A sponsor that has been placed on probationary status 53390  
under division (F) (1) of this section may apply to the 53391  
department for its probationary status to be lifted. The 53392  
application for a sponsor's probationary status to be lifted 53393  
shall include evidence, occurring after the initial notification 53394  
of noncompliance, of the sponsor's compliance with applicable 53395  
laws and administrative rules. Not later than fourteen days 53396  
after receiving an application from the sponsor, the department 53397  
shall decide whether or not to remove the sponsor's probationary 53398  
status. 53399

(G) In carrying out its duties under this chapter, the 53400  
department shall not impose requirements on community schools or 53401  
their sponsors that are not permitted by law or duly adopted 53402  
rules. 53403

(H) This section applies to entities that sponsor 53404  
conversion community schools and new start-up schools. 53405

(I) Nothing in divisions (C) to (F) of this section 53406  
prohibits the department from taking any action permitted or 53407  
required under the written agreement between the department and 53408  
a sponsoring entity without a hearing on the matter, in the 53409  
event that the sponsor is unwilling or unable to fulfill its 53410  
obligations. 53411

**Sec. 3314.016.** This section applies to any entity that 53412  
sponsors a community school, regardless of whether section 53413  
3314.021 or 3314.027 of the Revised Code exempts the entity from 53414  
the requirement to be approved for sponsorship under divisions 53415  
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 53416  
office of Ohio school sponsorship established under section 53417  
3314.029 of the Revised Code shall be rated under division (B) 53418  
of this section, but divisions (A) and (C) of this section do 53419  
not apply to the office. 53420

(A) An entity that sponsors a community school shall be 53421  
permitted to enter into contracts under section 3314.03 of the 53422  
Revised Code to sponsor additional community schools only if the 53423  
entity meets all of the following criteria: 53424

(1) The entity is in compliance with all provisions of 53425  
this chapter requiring sponsors of community schools to report 53426  
data or information to the department of education and 53427  
workforce. 53428

(2) The entity is not rated as "ineffective" under 53429  
division ~~(B) (6)~~ (B) (5) of this section. 53430

(3) Except as set forth in sections 3314.021 and 3314.027 53431  
of the Revised Code, the entity has received approval from and 53432

entered into an agreement with the department pursuant to 53433  
section 3314.015 of the Revised Code. 53434

(B) (1) The department shall develop and implement an 53435  
evaluation system that annually rates and assigns an overall 53436  
rating to each entity that sponsors a community school. The 53437  
department, not later than the first day of February of each 53438  
year, shall post on the department's web site the framework for 53439  
the evaluation system, including technical documentation that 53440  
the department intends to use to rate sponsors for the next 53441  
school year. The department shall solicit public comment on the 53442  
evaluation system for thirty consecutive days. Not later than 53443  
the first day of April of each year, the department shall 53444  
compile and post on the department's web site all public 53445  
comments that were received during the public comment period. 53446  
The evaluation system shall be posted on the department's web 53447  
site by the fifteenth day of July of each school year. Any 53448  
changes to the evaluation system after that date shall take 53449  
effect the following year. The evaluation system shall be based 53450  
on the following components: 53451

(a) Academic performance of students enrolled in community 53452  
schools sponsored by the same entity. The academic performance 53453  
component shall be derived from the performance measures 53454  
prescribed for the state report cards under section 3302.03 or 53455  
3314.017 of the Revised Code, and shall be based on the 53456  
performance of the schools for the school year for which the 53457  
evaluation is conducted. In addition to the academic performance 53458  
for a specific school year, the academic performance component 53459  
shall also include year-to-year changes in the overall sponsor 53460  
portfolio. For a community school for which no graded 53461  
performance measures are applicable or available, the department 53462  
shall use nonreport card performance measures specified in the 53463

contract between the community school and the sponsor under 53464  
division (A) (4) of section 3314.03 of the Revised Code. 53465

(b) Adherence by a sponsor to the quality practices 53466  
prescribed by the department under division (B) (3) of this 53467  
section. ~~For a sponsor that was rated "effective" or "exemplary"~~ 53468  
~~on its most recent rating, the department may evaluate that~~ 53469  
~~sponsor's adherence to quality practices once over a period of~~ 53470  
~~three years. If the department elects to evaluate a sponsor once~~ 53471  
~~over a period of three years, the most recent rating for a~~ 53472  
~~sponsor's adherence to quality practices shall be used when~~ 53473  
~~determining an annual overall rating conducted under this~~ 53474  
~~section.~~ 53475

(c) Compliance with all applicable laws and administrative 53476  
rules by an entity that sponsors a community school. 53477

Under the evaluation system prescribed under division (B) 53478  
(1) of this section, the department shall not assign an overall 53479  
rating of "ineffective" or lower to an entity that sponsors a 53480  
community school solely because that entity received no points 53481  
on one of the components prescribed under that division. 53482

(2) In calculating an academic performance component, the 53483  
department shall exclude all community schools that have been in 53484  
operation for not more than two full school years, all community 53485  
schools whose contracts were not renewed or terminated by the 53486  
sponsor pursuant to section 3314.07 of the Revised Code before 53487  
the evaluation, and all community schools described in division 53488  
(B) (2) of section 3314.35 of the Revised Code. However, the 53489  
academic performance of the community schools described in 53490  
division (B) (2) of section 3314.35 of the Revised Code shall be 53491  
reported, but shall not be used as a factor when determining a 53492  
sponsoring entity's rating under this section. 53493

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

~~(4) (a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B) (3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.~~

~~(b) The department shall require individuals participating in peer review under division (B) (4) (a) of this section to complete training approved or established by the department.~~

~~(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.~~

~~(5) (4)~~ The director of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B) (1) (c) of this section.

~~(6) (5)~~ The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component

is weighted equally. A separate rating shall be given by the 53523  
department for each component of the evaluation system. 53524

The department shall publish the ratings between the first 53525  
day of October and the fifteenth day of November. 53526

Prior to the publication of the final ratings, the 53527  
department shall designate and provide notice of a period of at 53528  
least ten business days during which each sponsor may review the 53529  
information used by the department to determine the sponsor's 53530  
rating on the components prescribed by division (B)(1) of this 53531  
section. If the sponsor believes there is an error in the 53532  
department's evaluation, the sponsor may request adjustments to 53533  
the rating of any of those components based on documentation 53534  
previously submitted as part of an evaluation. The sponsor shall 53535  
provide to the department any necessary evidence or information 53536  
to support the requested adjustments. The department shall 53537  
review the evidence and information, determine whether an 53538  
adjustment is valid, and promptly notify the sponsor of its 53539  
determination and reasons. If any adjustments to the data could 53540  
result in a change to the rating on the applicable component or 53541  
to the overall rating, the department shall recalculate the 53542  
ratings prior to publication. 53543

The department shall provide training on an annual basis 53544  
regarding the evaluation system prescribed under this section. 53545  
The training shall, at a minimum, describe methodology, 53546  
timelines, and data required for the evaluation system. The 53547  
first training session shall occur not later than March 2, 2016. 53548  
Beginning in 2018, the training shall be made available to each 53549  
entity that sponsors a community school by the fifteenth day of 53550  
July of each year and shall include guidance on any changes made 53551  
to the evaluation system. 53552

~~(7) (a)~~ (6) (a) Entities with an overall rating of 53553  
"exemplary" ~~for the two most recent years in which the entity~~ 53554  
~~was evaluated~~ may take advantage of the following incentives: 53555

(i) Renewal of the written agreement with the department, 53556  
not to exceed ten years, provided that the entity consents to 53557  
continued evaluation of adherence to quality practices as 53558  
described in division (B) (1) (b) of this section; 53559

(ii) The ability to extend the term of the contract 53560  
between the sponsoring entity and the community school beyond 53561  
the term described in the written agreement with the department; 53562

(iii) An exemption from the preliminary agreement and 53563  
contract adoption and execution deadline requirements prescribed 53564  
in division (D) of section 3314.02 of the Revised Code; 53565

(iv) An exemption from the automatic contract expiration 53566  
requirement, should a new community school fail to open by the 53567  
thirtieth day of September of the calendar year in which the 53568  
community school contract is executed; 53569

(v) No limit on the number of community schools the entity 53570  
may sponsor; 53571

(vi) No territorial restrictions on sponsorship. 53572

An entity may continue to sponsor any community schools 53573  
with which it entered into agreements under division ~~(B) (7) (a)~~ 53574  
(B) (6) (a) (v) or (vi) of this section while rated "exemplary," 53575  
notwithstanding the fact that the entity later receives a lower 53576  
overall rating. 53577

(b) Entities with an overall rating of "exemplary" shall 53578  
not be evaluated by the department for five full school years 53579  
following the school year for which the entity received the 53580

"exemplary" rating. Entities with an overall rating of 53581  
~~"exemplary" or "effective" for the three most recent years in~~ 53582  
~~which the entity was evaluated shall~~ not be evaluated by the 53583  
department ~~once every~~ for three full school years following the 53584  
school year for which the entity received the "effective" 53585  
rating. 53586

(c) (i) Entities that receive an overall rating of 53587  
"ineffective" shall be prohibited from sponsoring any new or 53588  
additional community schools during the time in which the 53589  
sponsor is rated as "ineffective" and shall be subject to a 53590  
quality improvement plan based on correcting the deficiencies 53591  
that led to the "ineffective" rating, with timelines and 53592  
benchmarks that have been established by the department. 53593

(ii) Entities that receive an overall rating of 53594  
"ineffective" on their three most recent ratings shall have all 53595  
sponsorship authority revoked. Within thirty days after 53596  
receiving its third rating of "ineffective," the entity may 53597  
appeal the revocation of its sponsorship authority to the 53598  
director, who shall appoint an independent hearing officer to 53599  
conduct a hearing in accordance with Chapter 119. of the Revised 53600  
Code. The hearing shall be conducted within thirty days after 53601  
receipt of the notice of appeal. Within forty-five days after 53602  
the hearing is completed, the director shall determine whether 53603  
the revocation is appropriate based on the hearing conducted by 53604  
the independent hearing officer, and if determined appropriate, 53605  
the revocation shall be confirmed. 53606

(d) Entities that receive an overall rating of "poor" 53607  
shall have all sponsorship authority revoked. Within thirty days 53608  
after receiving a rating of "poor," the entity may appeal the 53609  
revocation of its sponsorship authority to the director, who 53610

shall appoint an independent hearing officer to conduct a 53611  
hearing in accordance with Chapter 119. of the Revised Code. The 53612  
hearing shall be conducted within thirty days after receipt of 53613  
the notice of appeal. Within forty-five days after the hearing 53614  
is completed, the director shall determine whether the 53615  
revocation is appropriate based on the hearing conducted by the 53616  
independent hearing officer, and if determined appropriate, the 53617  
revocation shall be confirmed. 53618

~~(8)~~ (7) For the 2014-2015 school year and each school year 53619  
thereafter, student academic performance prescribed under 53620  
division (B) (1) (a) of this section shall include student 53621  
academic performance data from dropout prevention and recovery 53622  
~~community schools that primarily serve students enrolled in a~~ 53623  
~~dropout prevention and recovery program.~~ 53624

(8) The department shall publish annually academic 53625  
performance data for each sponsor in accordance with division 53626  
(B) (1) (a) of this section, regardless of whether the sponsor is 53627  
being evaluated under this section for that school year. 53628

(C) If the governing authority of a community school 53629  
enters into a contract with a sponsor prior to the date on which 53630  
the sponsor is prohibited from sponsoring additional schools 53631  
under division (A) of this section and the school has not opened 53632  
for operation as of that date, that contract shall be void and 53633  
the school shall not open until the governing authority secures 53634  
a new sponsor by entering into a contract with the new sponsor 53635  
under section 3314.03 of the Revised Code. However, the 53636  
department's office of Ohio school sponsorship, established 53637  
under section 3314.029 of the Revised Code, may assume the 53638  
sponsorship of the school until the earlier of the expiration of 53639  
two school years or until a new sponsor is secured by the 53640

school's governing authority. A community school sponsored by 53641  
the department under this division shall not be included when 53642  
calculating the maximum number of directly authorized community 53643  
schools permitted under division (A) (3) of section 3314.029 of 53644  
the Revised Code. 53645

(D) When an entity's authority to sponsor schools is 53646  
revoked pursuant to division ~~(B) (7) (e)~~ (B) (6) (c) or (d) of this 53647  
section, the office of Ohio school sponsorship shall assume 53648  
sponsorship of any schools with which the original sponsor has 53649  
contracted for the remainder of that school year. The office may 53650  
continue sponsoring those schools until the earlier of: 53651

(1) The expiration of two school years from the time that 53652  
sponsorship is revoked; 53653

(2) When a new sponsor is secured by the governing 53654  
authority pursuant to division (C) (1) of section 3314.02 of the 53655  
Revised Code. 53656

Any community school sponsored under this division shall 53657  
not be counted for purposes of directly authorized community 53658  
schools under division (A) (3) of section 3314.029 of the Revised 53659  
Code. 53660

(E) The department shall recalculate the rating for the 53661  
2017-2018 school year for each sponsor of a community school 53662  
that receives recalculated ratings pursuant to division (I) of 53663  
section 3314.017 of the Revised Code. 53664

**Sec. 3314.017.** (A) The department of education and 53665  
workforce shall prescribe by rules, adopted in accordance with 53666  
Chapter 119. of the Revised Code, an academic performance rating 53667  
and report card system that satisfies the requirements of this 53668  
section for dropout prevention and recovery community schools 53669

~~that primarily serve students enrolled in dropout prevention and~~ 53670  
~~recovery programs as described in division (B) (1) of section~~ 53671  
~~3314.35 of the Revised Code, to be used in lieu of the system~~ 53672  
prescribed under sections 3302.03 and 3314.012 of the Revised 53673  
Code beginning with the 2012-2013 school year. Each such school 53674  
shall comply with the testing and reporting requirements of the 53675  
system as prescribed by the department. 53676

(B) Nothing in this section shall at any time relieve a 53677  
school from its obligations under the "No Child Left Behind Act 53678  
of 2001" to make "adequate yearly progress," as both that act 53679  
and that term are defined in section 3302.01 of the Revised 53680  
Code, or a school's amenability to the provisions of section 53681  
3302.04 or 3302.041 of the Revised Code. The department shall 53682  
continue to report each school's performance as required by the 53683  
act and to enforce applicable sanctions under section 3302.04 or 53684  
3302.041 of the Revised Code. 53685

(C) The rules adopted by the department shall prescribe 53686  
the following performance indicators for the rating and report 53687  
card system required by this section: 53688

(1) Graduation rate for each of the following student 53689  
cohorts: 53690

(a) The number of students who graduate in four years or 53691  
less with a regular high school diploma divided by the number of 53692  
students who form the adjusted cohort for the graduating class; 53693

(b) The number of students who graduate in five years with 53694  
a regular high school diploma divided by the number of students 53695  
who form the adjusted cohort for the four-year graduation rate; 53696

(c) The number of students who graduate in six years with 53697  
a regular high school diploma divided by the number of students 53698

who form the adjusted cohort for the four-year graduation rate;	53699
(d) The number of students who graduate in seven years	53700
with a regular high school diploma divided by the number of	53701
students who form the adjusted cohort for the four-year	53702
graduation rate;	53703
(e) The number of students who graduate in eight years	53704
with a regular high school diploma divided by the number of	53705
students who form the adjusted cohort for the four-year	53706
graduation rate.	53707
(2) The percentage of twelfth-grade students currently	53708
enrolled in the school who have attained the designated passing	53709
score on all of the state high school achievement assessments	53710
required under division (B) (1) of section 3301.0710 of the	53711
Revised Code or the cumulative performance score on the end-of-	53712
course examinations prescribed under division (B) (2) of section	53713
3301.0712 of the Revised Code, whichever applies, and other	53714
students enrolled in the school, regardless of grade level, who	53715
are within three months of their twenty-second birthday and have	53716
attained the designated passing score on all of the state high	53717
school achievement assessments or the cumulative performance	53718
score on the end-of-course examinations, whichever applies, by	53719
their twenty-second birthday;	53720
(3) Annual measurable objectives as defined in section	53721
3302.01 of the Revised Code;	53722
(4) Growth in student achievement in reading, or	53723
mathematics, or both as measured by separate nationally norm-	53724
referenced assessments that have developed appropriate standards	53725
for students enrolled in dropout prevention and recovery	53726
programs, adopted or approved by the department.	53727

(D) (1) The department's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division (G) of this section and simulations created by the department. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories:

- (a) Exceeds standards;
- (b) Meets standards;
- (c) Does not meet standards.

(2) The department's rules shall establish all of the following:

- (a) Performance levels and benchmarks for the indicators described in divisions (C) (1) to (3) of this section;
- (b) Both of the following:
  - (i) Performance levels and benchmarks for the indicator described in division (C) (4) of this section;
  - (ii) Standards for awarding a dropout prevention and recovery community school ~~described in division (B) (1) of section 3314.35 of the Revised Code~~ an overall designation, which shall be calculated as follows:
    - (I) Thirty per cent of the score shall be based on the indicators described in division (C) (1) of this section that are applicable to the school year for which the overall designation is granted.
    - (II) Thirty per cent of the score shall be based on the

indicators described in division (C)(4) of this section. 53755

(III) Twenty per cent of the score shall be based on the 53756  
indicators described in division (C)(2) of this section. 53757

(IV) Twenty per cent of the score shall be based on the 53758  
indicators described in division (C)(3) of this section. 53759

(3) If both of the indicators described in divisions (C) 53760  
(1) and (2) of this section improve by ten per cent for two 53761  
consecutive years, a school shall be rated not less than "meets 53762  
standards." 53763

The rating and the relevant performance data for each 53764  
school shall be posted on the department's web site, and a copy 53765  
of the rating and data shall be provided to the governing 53766  
authority of the community school. 53767

~~(E)(1) For the 2012-2013 school year, the department shall 53768  
issue a report card including the following performance- 53769  
measures, but without a performance rating as described in- 53770  
divisions (D)(1)(a) to (c) of this section, for each community- 53771  
school described in division (B)(1) of section 3314.35 of the- 53772  
Revised Code:- 53773~~

~~(a) The graduation rates as described in divisions (C)(1)- 53774  
(a) to (c) of this section;- 53775~~

~~(b) The percentage of twelfth-grade students and other- 53776  
students who have attained a designated passing score on high- 53777  
school achievement assessments as described in division (C)(2)- 53778  
of this section;- 53779~~

~~(c) The statewide average for the graduation rates and- 53780  
assessment passage rates described in divisions (C)(1)(a) to (c)- 53781  
and (C)(2) of this section;- 53782~~

<del>(d) Annual measurable objectives described in division (C)</del>	53783
<del>(3) of this section.</del>	53784
<del>(2) For the 2013-2014 school year, the department shall</del>	53785
<del>issue a report card including the following performance measures</del>	53786
<del>for each community school described in division (B) (1) of</del>	53787
<del>section 3314.35 of the Revised Code:</del>	53788
<del>(a) The graduation rates described in divisions (C) (1) (a)</del>	53789
<del>to (d) of this section, including a performance rating as</del>	53790
<del>described in divisions (D) (1) (a) to (c) of this section;</del>	53791
<del>(b) The percentage of twelfth-grade students and other</del>	53792
<del>students who have attained a designated passing score on high</del>	53793
<del>school achievement assessments as described in division (C) (2)</del>	53794
<del>of this section, including a performance rating as described in</del>	53795
<del>divisions (D) (1) (a) to (c) of this section;</del>	53796
<del>(c) Annual measurable objectives described in division (C)</del>	53797
<del>(3) of this section, including a performance rating as described</del>	53798
<del>in divisions (D) (1) (a) to (c) of this section;</del>	53799
<del>(d) Both of the following without an assigned rating:</del>	53800
<del>(i) Growth in annual student achievement in reading and</del>	53801
<del>mathematics described in division (C) (4) of this section, if</del>	53802
<del>available;</del>	53803
<del>(ii) Student outcome data, including postsecondary credit</del>	53804
<del>earned, nationally recognized career or technical certification,</del>	53805
<del>military enlistment, job placement, and attendance rate.</del>	53806
<del>(3) Beginning with the 2014-2015 school year, and annually</del>	53807
<del>thereafter, the (E) The department annually shall issue a report</del>	53808
<del>card for each dropout prevention and recovery community school</del>	53809
<del>described in division (B) (1) of section 3314.35 of the Revised</del>	53810

~~Code~~ that includes all of the following performance measures, 53811  
including a performance rating for each measure as described in 53812  
divisions (D) (1) (a) to (c) of this section: 53813

~~(a)~~ (1) The graduation rates as described in division (C) 53814  
(1) of this section; 53815

~~(b)~~ (2) The percentage of twelfth-grade students and other 53816  
students who have attained a designated passing score on high 53817  
school achievement assessments as described in division (C) (2) 53818  
of this section; 53819

~~(c)~~ (3) Annual measurable objectives described in division 53820  
(C) (3) of this section, including a performance rating as 53821  
described in divisions (D) (1) (a) to (c) of this section; 53822

~~(d)~~ (4) Growth in annual student achievement in reading and 53823  
mathematics as described in division (C) (4) of this section; 53824

~~(e)~~ (5) An overall performance designation for the school 53825  
calculated under rules adopted under division (D) (2) of this 53826  
section. 53827

The department shall also include student outcome data, 53828  
including postsecondary credit earned, nationally recognized 53829  
career or technical certification, military enlistment, job 53830  
placement, attendance rate, and progress on closing achievement 53831  
gaps for each school. This information shall not be included in 53832  
the calculation of a school's performance rating. 53833

(F) Not later than the thirty-first day of July of each 53834  
year, the department shall submit preliminary report card data 53835  
for overall academic performance for each performance measure 53836  
prescribed in division ~~(E) (3)~~ (E) of this section for each 53837  
community school to which this section applies. 53838

(G) For the purposes of prescribing performance levels and benchmarks under division (D) of this section, the department shall gather and analyze data from prior school years for each ~~dropout prevention and recovery community school described in division (B) (1) of section 3314.35 of the Revised Code.~~ Each such school shall cooperate with the department. The department shall consult with stakeholder groups in performing its duties under this division.

(H) The department shall review the performance levels and benchmarks for performance indicators in the report card issued under this section and may revise them based on the data collected under division (G) of this section.

(I) For the purposes of division (F) of section 3314.351 of the Revised Code, the department shall recalculate the ratings for each school under division (E) (3) of this section for the 2017-2018 school year and calculate the ratings under that division for the 2018-2019 school year using the indicators prescribed by division (C) of this section, as it exists on and after July 18, 2019.

**Sec. 3314.02.** (A) As used in this chapter:

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education and workforce to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts	53869
included in the territory of the former community school pilot	53870
project established by former Section 50.52 of Am. Sub. H.B. No.	53871
215 of the 122nd general assembly.	53872
(3) "Challenged school district" means any of the	53873
following:	53874
(a) A school district that is part of the pilot project	53875
area;	53876
(b) A school district that meets one of the following	53877
conditions:	53878
(i) On March 22, 2013, the district was in a state of	53879
academic emergency or in a state of academic watch under section	53880
3302.03 of the Revised Code, as that section existed prior to	53881
March 22, 2013;	53882
(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and	53883
2015-2016 school years, the district received a grade of "D" or	53884
"F" for the performance index score and a grade of "F" for the	53885
value-added progress dimension under section 3302.03 of the	53886
Revised Code;	53887
(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020,	53888
and 2020-2021 school years, the district has received an overall	53889
grade of "D" or "F" under division (C) (3) of section 3302.03 of	53890
the Revised Code, or, for at least two of the three most recent	53891
school years, the district received a grade of "F" for the	53892
value-added progress dimension under division (C) (1) (e) of that	53893
section;	53894
(iv) For the 2021-2022 school year and for any school year	53895
thereafter, the district has received an overall performance	53896
rating of less than three stars under division (D) (3) of section	53897

3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section. 53898  
53899  
53900

(c) A big eight school district; 53901

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code. 53902  
53903  
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(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 53905  
53906

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 53907  
53908  
53909  
53910

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 53911  
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(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A) (17) of section 3314.03 of the Revised Code. 53914  
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53916  
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(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998. 53919  
53920  
53921  
53922

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on 53923  
53924  
53925

assignments in nonclassroom-based learning opportunities 53926  
provided via an internet- or other computer-based instructional 53927  
method that does not rely on regular classroom instruction or 53928  
via comprehensive instructional methods that include internet- 53929  
based, other computer-based, and noncomputer-based learning 53930  
opportunities unless a student receives career-technical 53931  
education under section 3314.086 of the Revised Code. 53932

A community school that operates mainly as an internet- or 53933  
computer-based community school and provides career-technical 53934  
education under section 3314.086 of the Revised Code shall be 53935  
considered an internet- or computer-based community school, even 53936  
if it provides some classroom-based instruction, so long as it 53937  
provides instruction via the methods described in this division. 53938

(8) "Operator" or "management company" means either of the 53939  
following: 53940

(a) An individual or organization that manages the daily 53941  
operations of a community school pursuant to a contract between 53942  
the operator or management company and the school's governing 53943  
authority; 53944

(b) A nonprofit organization that provides programmatic 53945  
oversight and support to a community school under a contract 53946  
with the school's governing authority and that retains the right 53947  
to terminate its affiliation with the school if the school fails 53948  
to meet the organization's quality standards. 53949

(9) "Alliance municipal school district" has the same 53950  
meaning as in section 3311.86 of the Revised Code. 53951

(10) "Dropout prevention and recovery community school" 53952  
means a community school that enrolls only students who are at 53953  
least fourteen years of age and not older than twenty-one years 53954

of age and who, at the time of their initial enrollment, are at 53955  
least one grade level behind their cohort age groups or 53956  
experience crises that significantly interfere with their 53957  
academic progress such that they are prevented from continuing 53958  
their traditional educational programs. 53959

(B) (1) Any person or group of individuals may initially 53960  
propose under this division the conversion of all or a portion 53961  
of a public school to a community school. The proposal shall be 53962  
made to the board of education of the city, local, exempted 53963  
village, or joint vocational school district in which the public 53964  
school is proposed to be converted. 53965

(2) Any person or group of individuals may initially 53966  
propose under this division the conversion of all or a portion 53967  
of a building operated by an educational service center to a 53968  
community school. The proposal shall be made to the governing 53969  
board of the service center. 53970

On or after July 1, 2017, except as provided in section 53971  
3314.027 of the Revised Code, any educational service center 53972  
that sponsors a community school shall be approved by and enter 53973  
into a written agreement with the department as described in 53974  
section 3314.015 of the Revised Code. 53975

(3) Upon receipt of a proposal, and after an agreement has 53976  
been entered into pursuant to section 3314.015 of the Revised 53977  
Code, a board may enter into a preliminary agreement with the 53978  
person or group proposing the conversion of the public school or 53979  
service center building, indicating the intention of the board 53980  
to support the conversion to a community school. A proposing 53981  
person or group that has a preliminary agreement under this 53982  
division may proceed to finalize plans for the school, establish 53983  
a governing authority for the school, and negotiate a contract 53984

with the board. Provided the proposing person or group adheres 53985  
to the preliminary agreement and all provisions of this chapter, 53986  
the board shall negotiate in good faith to enter into a contract 53987  
in accordance with section 3314.03 of the Revised Code and 53988  
division (C) of this section. 53989

(4) The sponsor of a conversion community school proposed 53990  
to open in an alliance municipal school district shall be 53991  
subject to approval by the department of education and workforce 53992  
for sponsorship of that school using the criteria established 53993  
under division (A) of section 3311.87 of the Revised Code. 53994

Division (B) (4) of this section does not apply to a 53995  
sponsor that, on or before September 29, 2015, was exempted 53996  
under section 3314.021 or 3314.027 of the Revised Code from the 53997  
requirement to be approved for sponsorship under divisions (A) 53998  
(2) and (B) (1) of section 3314.015 of the Revised Code. 53999

(5) A school established in accordance with division (B) 54000  
of this section that later enters into a sponsorship contract 54001  
with an entity that is not a school district or educational 54002  
service center shall, at the time of entering into the new 54003  
contract, be deemed a community school established in accordance 54004  
with division (C) of this section. 54005

(C) (1) Provided all other conditions of sponsorship and 54006  
governance are satisfied, any person or group of individuals may 54007  
propose under this division the establishment of a new start-up 54008  
school regardless of the school's proposed location. The 54009  
proposal may be made to any of the following entities: 54010

(a) The board of education of the district in which the 54011  
school is proposed to be located; 54012

(b) The board of education of any joint vocational school 54013

district with territory in the county in which is located the 54014  
majority of the territory of the district in which the school is 54015  
proposed to be located; 54016

(c) The board of education of any other city, local, or 54017  
exempted village school district having territory in the same 54018  
county where the district in which the school is proposed to be 54019  
located has the major portion of its territory; 54020

(d) The governing board of any educational service center, 54021  
regardless of the location of the proposed school, may sponsor a 54022  
new start-up school if all of the following are satisfied: 54023

(i) If applicable, it satisfies the requirements of 54024  
division (E) of section 3311.86 of the Revised Code; 54025

(ii) It is approved to do so by the department; 54026

(iii) It enters into an agreement with the department 54027  
under section 3314.015 of the Revised Code. 54028

(e) A sponsoring authority designated by the board of 54029  
trustees of any of the thirteen state universities listed in 54030  
section 3345.011 of the Revised Code or the board of trustees 54031  
itself as long as a mission of the proposed school to be 54032  
specified in the contract under division (A) (2) of section 54033  
3314.03 of the Revised Code and as approved by the department 54034  
under division (B) (3) of section 3314.015 of the Revised Code 54035  
will be the practical demonstration of teaching methods, 54036  
educational technology, or other teaching practices that are 54037  
included in the curriculum of the university's teacher 54038  
preparation program approved by the chancellor of higher 54039  
education; 54040

(f) Any qualified tax-exempt entity under section 501(c) 54041  
(3) of the Internal Revenue Code as long as all of the following 54042

conditions are satisfied: 54043

(i) The entity has been in operation for at least five 54044  
years prior to applying to be a community school sponsor. 54045

(ii) The entity has assets of at least five hundred 54046  
thousand dollars and a demonstrated record of financial 54047  
responsibility. 54048

(iii) The department has determined that the entity is an 54049  
education-oriented entity under division (B) (4) of section 54050  
3314.015 of the Revised Code and the entity has a demonstrated 54051  
record of successful implementation of educational programs. 54052

(iv) The entity is not a community school. 54053

(g) The mayor of a city in which the majority of the 54054  
territory of a school district to which section 3311.60 of the 54055  
Revised Code applies is located, regardless of whether that 54056  
district has created the position of independent auditor as 54057  
prescribed by that section. The mayor's sponsorship authority 54058  
under this division is limited to community schools that are 54059  
located in that school district. Such mayor may sponsor 54060  
community schools only with the approval of the city council of 54061  
that city, after establishing standards with which community 54062  
schools sponsored by the mayor must comply, and after entering 54063  
into a sponsor agreement with the department as prescribed under 54064  
section 3314.015 of the Revised Code. The mayor shall establish 54065  
the standards for community schools sponsored by the mayor not 54066  
later than one hundred eighty days after July 15, 2013, and 54067  
shall submit them to the department upon their establishment. 54068  
The department shall approve the mayor to sponsor community 54069  
schools in the district, upon receipt of an application by the 54070  
mayor to do so. Not later than ninety days after the 54071

department's approval of the mayor as a community school 54072  
sponsor, the department shall enter into the sponsor agreement 54073  
with the mayor. 54074

Any entity described in division (C) (1) of this section 54075  
may enter into a preliminary agreement pursuant to division (C) 54076  
(2) of this section with the proposing person or group, provided 54077  
that entity has been approved by and entered into a written 54078  
agreement with the department pursuant to section 3314.015 of 54079  
the Revised Code. 54080

(2) A preliminary agreement indicates the intention of an 54081  
entity described in division (C) (1) of this section to sponsor 54082  
the community school. A proposing person or group that has such 54083  
a preliminary agreement may proceed to finalize plans for the 54084  
school, establish a governing authority as described in division 54085  
(E) of this section for the school, and negotiate a contract 54086  
with the entity. Provided the proposing person or group adheres 54087  
to the preliminary agreement and all provisions of this chapter, 54088  
the entity shall negotiate in good faith to enter into a 54089  
contract in accordance with section 3314.03 of the Revised Code. 54090

(3) A new start-up school that is established in a school 54091  
district described in either division (A) (3) (b) or (d) of this 54092  
section may continue in existence once the school district no 54093  
longer meets the conditions described in either division, 54094  
provided there is a valid contract between the school and a 54095  
sponsor. 54096

(4) A copy of every preliminary agreement entered into 54097  
under this division shall be filed with the director of 54098  
education and workforce. 54099

(D) A majority vote of the board of a sponsoring entity 54100

and a majority vote of the members of the governing authority of 54101  
a community school shall be required to adopt a contract and 54102  
convert the public school or educational service center building 54103  
to a community school or establish the new start-up school. 54104  
Beginning September 29, 2005, adoption of the contract shall 54105  
occur not later than the fifteenth day of March, and signing of 54106  
the contract shall occur not later than the fifteenth day of 54107  
May, prior to the school year in which the school will open. The 54108  
governing authority shall notify the department of education and 54109  
workforce when the contract has been signed. Subject to sections 54110  
3314.013 and 3314.016 of the Revised Code, an unlimited number 54111  
of community schools may be established in any school district 54112  
provided that a contract is entered into for each community 54113  
school pursuant to this chapter. 54114

(E) (1) As used in this division, "immediate relatives" are 54115  
limited to spouses, children, parents, grandparents, and 54116  
siblings, as well as in-laws residing in the same household as 54117  
the person serving on the governing authority. 54118

Each new start-up community school established under this 54119  
chapter shall be under the direction of a governing authority 54120  
which shall consist of a board of not less than five 54121  
individuals. 54122

(2) (a) No person shall serve on the governing authority or 54123  
operate the community school under contract with the governing 54124  
authority under any of the following circumstances: 54125

(i) The person owes the state any money or is in a dispute 54126  
over whether the person owes the state any money concerning the 54127  
operation of a community school that has closed. 54128

(ii) The person would otherwise be subject to division (B) 54129

of section 3319.31 of the Revised Code with respect to refusal, 54130  
limitation, or revocation of a license to teach, if the person 54131  
were a licensed educator. 54132

(iii) The person has pleaded guilty to or been convicted 54133  
of theft in office under section 2921.41 of the Revised Code, or 54134  
has pleaded guilty to or been convicted of a substantially 54135  
similar offense in another state. 54136

(b) No person shall serve on the governing authority or 54137  
engage in the financial day-to-day management of the community 54138  
school under contract with the governing authority unless and 54139  
until that person has submitted to a criminal records check in 54140  
the manner prescribed by section 3319.39 of the Revised Code. 54141

(c) Each sponsor of a community school shall annually 54142  
verify that a finding for recovery has not been issued by the 54143  
auditor of state against any individual or individuals who 54144  
propose to create a community school or any member of the 54145  
governing authority, the operator, or any employee of each 54146  
community school with responsibility for fiscal operations or 54147  
authorization to expend money on behalf of the school. 54148

(3) No person shall serve on the governing authorities of 54149  
more than five start-up community schools at the same time 54150  
unless both of the following apply: 54151

(a) The person serves in a volunteer capacity and receives 54152  
no compensation under division (E) (5) of this section from any 54153  
governing authority on which the person serves. 54154

(b) For any school that has an operator, the operator is a 54155  
nonprofit organization. 54156

(4) (a) For a community school established under this 54157  
chapter that is not sponsored by a school district or an 54158

educational service center, no present or former member, or 54159  
immediate relative of a present or former member, of the 54160  
governing authority shall be an owner, employee, or consultant 54161  
of the community school's sponsor or operator, unless at least 54162  
one year has elapsed since the conclusion of the person's 54163  
membership on the governing authority. 54164

(b) For a community school established under this chapter 54165  
that is sponsored by a school district or an educational service 54166  
center, no present or former member, or immediate relative of a 54167  
present or former member, of the governing authority shall: 54168

(i) Be an officer of the district board or service center 54169  
governing board that serves as the community school's sponsor, 54170  
unless at least one year has elapsed since the conclusion of the 54171  
person's membership on the governing authority; 54172

(ii) Serve as an employee of, or a consultant for, the 54173  
department, division, or section of the sponsoring district or 54174  
service center that is directly responsible for sponsoring 54175  
community schools, or have supervisory authority over such a 54176  
department, division, or section, unless at least one year has 54177  
elapsed since the conclusion of the person's membership on the 54178  
governing authority. 54179

(5) The governing authority of a start-up or conversion 54180  
community school may provide by resolution for the compensation 54181  
of its members. However, no individual who serves on the 54182  
governing authority of a start-up or conversion community school 54183  
shall be compensated more than one hundred twenty-five dollars 54184  
per meeting of that governing authority and no such individual 54185  
shall be compensated more than a total amount of five thousand 54186  
dollars per year for all governing authorities upon which the 54187  
individual serves. Each member of the governing authority may be 54188

paid compensation for attendance at an approved training 54189  
program, provided that such compensation shall not exceed sixty 54190  
dollars a day for attendance at a training program three hours 54191  
or less in length and one hundred twenty-five dollars a day for 54192  
attendance at a training program longer than three hours in 54193  
length. 54194

(6) No person who is the employee of a school district or 54195  
educational service center shall serve on the governing 54196  
authority of any community school sponsored by that school 54197  
district or service center. 54198

(7) Each member of the governing authority of a community 54199  
school shall annually file a disclosure statement setting forth 54200  
the names of any immediate relatives or business associates 54201  
employed by any of the following within the previous three 54202  
years: 54203

(a) The sponsor or operator of that community school; 54204

(b) A school district or educational service center that 54205  
has contracted with that community school; 54206

(c) A vendor that is or has engaged in business with that 54207  
community school. 54208

(8) No person who is a member of a school district board 54209  
of education shall serve on the governing authority of any 54210  
community school. 54211

(F) (1) A new start-up school that is established prior to 54212  
August 15, 2003, in an urban school district that is not also a 54213  
big-eight school district may continue to operate after that 54214  
date and the contract between the school's governing authority 54215  
and the school's sponsor may be renewed, as provided under this 54216  
chapter, after that date. 54217

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that was not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed.

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school.

(4) The department of education and workforce shall not restrict the establishment of a new start-up community school to those located in a challenged school district as was required by this section prior to September 30, 2021.

**Sec. 3314.021.** (A) This section applies to any entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and that satisfies the conditions specified in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the Revised Code but does not satisfy the condition specified in division (C)(1)(f)(i) of that section.

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, and subject to division (D)(2) of this section, an entity described in division (A) of this section may do both of the following without obtaining the department of education and workforce's initial approval of its sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code:

(1) Succeed the board of trustees of a state university 54248  
located in the pilot project area or that board's designee as 54249  
the sponsor of a community school established under this 54250  
chapter; 54251

(2) Continue to sponsor that school in conformance with 54252  
the terms of the contract between the board of trustees or its 54253  
designee and the governing authority of the community school and 54254  
renew that contract as provided in division ~~(E)~~ (D) of section 54255  
3314.03 of the Revised Code. 54256

(C) The entity that succeeds the board of trustees or the 54257  
board's designee as sponsor of a community school under division 54258  
(B) of this section also may enter into contracts to sponsor 54259  
other community schools regardless of the proposed school's 54260  
location, without obtaining the department's initial approval of 54261  
its sponsorship of those schools under divisions (A) (2) and (B) 54262  
(1) of section 3314.015 of the Revised Code as long as the 54263  
contracts conform with and the entity complies with all other 54264  
requirements of this chapter. 54265

(D) (1) Regardless of the entity's authority to sponsor 54266  
community schools without the initial approval of the 54267  
department, the entity is under the continuing oversight of the 54268  
department in accordance with rules adopted under section 54269  
3314.015 of the Revised Code. 54270

(2) If an entity described in division (A) of this section 54271  
receives a rating below "effective" under division (B) of 54272  
section 3314.016 of the Revised Code for two or more consecutive 54273  
years, that entity shall receive approval from the department to 54274  
sponsor community schools and enter into a written agreement 54275  
with the department in accordance with division (B) (1) of 54276  
section 3314.015 of the Revised Code prior to entering into any 54277

further preliminary agreements under division (C) (2) of section 3314.02 of the Revised Code or renewing any existing contract to sponsor a community school. 54278  
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(E) (1) As used in division (E) of this section: 54281

(a) "Board of trustees" means a board of trustees of a state university located in the pilot project area. 54282  
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(b) "Rating" means a sponsor rating under section 3314.016 of the Revised Code. 54284  
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(2) Notwithstanding anything to the contrary in division ~~(B) (7) (b)~~ (B) (6) (b) of section 3314.016 of the Revised Code, for the purposes of that division, the department shall consider an entity that succeeded a board of trustees as the sponsor of a community school in accordance with division (B) (1) of this section to have received the same rating for the 2016-2017 school year as the board of trustees, provided all of the following apply: 54286  
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(a) The department assigned the board of trustees a rating of either "effective" or "exemplary" for the 2016-2017 school year. 54294  
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(b) The department did not assign the entity its own rating for the 2016-2017 school year. 54297  
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(c) The department assigned the entity its own rating for the 2017-2018 school year. 54299  
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**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section. 54301  
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission and educational philosophy, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6) (a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically

withdrawing a student from the school if the student without a 54334  
legitimate excuse fails to participate in seventy-two 54335  
consecutive hours of the learning opportunities offered to the 54336  
student. 54337

(7) The ways by which the school will achieve racial and 54338  
ethnic balance reflective of the community it serves; 54339

(8) Requirements for financial audits by the auditor of 54340  
state. The contract shall require financial records of the 54341  
school to be maintained in the same manner as are financial 54342  
records of school districts, pursuant to rules of the auditor of 54343  
state. Audits shall be conducted in accordance with section 54344  
117.10 of the Revised Code. 54345

(9) An addendum to the contract outlining the facilities 54346  
to be used that contains at least the following information: 54347

(a) A detailed description of each facility used for 54348  
instructional purposes; 54349

(b) The annual costs associated with leasing each facility 54350  
that are paid by or on behalf of the school; 54351

(c) The annual mortgage principal and interest payments 54352  
that are paid by the school; 54353

(d) The name of the lender or landlord, identified as 54354  
such, and the lender's or landlord's relationship to the 54355  
operator, if any. 54356

(10) Qualifications of employees, including both of the 54357  
following: 54358

(a) A requirement that the school's classroom teachers be 54359  
licensed in accordance with sections 3319.22 to 3319.31 of the 54360  
Revised Code, except that a community school may engage 54361

noncertificated persons to teach up to twelve hours or forty 54362  
hours per week pursuant to section 3319.301 of the Revised Code; 54363

(b) A prohibition against the school employing an 54364  
individual described in section 3314.104 of the Revised Code in 54365  
any position. 54366

(11) That the school will comply with the following 54367  
requirements: 54368

(a) The school will provide learning opportunities to a 54369  
minimum of twenty-five students for a minimum of nine hundred 54370  
twenty hours per school year. 54371

(b) The governing authority will purchase liability 54372  
insurance, or otherwise provide for the potential liability of 54373  
the school. 54374

(c) The school will be nonsectarian in its programs, 54375  
admission policies, employment practices, and all other 54376  
operations, and will not be operated by a sectarian school or 54377  
religious institution. 54378

(d) The school will comply with sections 9.90, 9.91, 54379  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 54380  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 54381  
3302.037, 3302.131, 3302.132, 3313.472, 3313.473, 3313.474, 54382  
3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 54383  
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 54384  
3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.6035, 3313.643, 54385  
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 54386  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 54387  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 54388  
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 54389  
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 54390

3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 54391  
3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 54392  
3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 54393  
3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 54394  
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 54395  
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 54396  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 54397  
4123., 4141., and 4167. of the Revised Code as if it were a 54398  
school district and will comply with section 3301.0714 of the 54399  
Revised Code in the manner specified in section 3314.17 of the 54400  
Revised Code. 54401

(e) The school shall comply with Chapter 102. and section 54402  
2921.42 of the Revised Code. 54403

(f) The school will comply with sections 3313.61, 54404  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 54405  
Revised Code, except that for students who enter ninth grade for 54406  
the first time before July 1, 2010, the requirement in sections 54407  
3313.61 and 3313.611 of the Revised Code that a person must 54408  
successfully complete the curriculum in any high school prior to 54409  
receiving a high school diploma may be met by completing the 54410  
curriculum adopted by the governing authority of the community 54411  
school rather than the curriculum specified in Title XXXIII of 54412  
the Revised Code or any rules of the department. Beginning with 54413  
students who enter ninth grade for the first time on or after 54414  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 54415  
of the Revised Code that a person must successfully complete the 54416  
curriculum of a high school prior to receiving a high school 54417  
diploma shall be met by completing the requirements prescribed 54418  
in section 3313.6027 and division (C) of section 3313.603 of the 54419  
Revised Code, unless the person qualifies under division (D) or 54420  
(F) of that section. Each school shall comply with the plan for 54421

awarding high school credit based on demonstration of subject 54422  
area competency, and beginning with the 2017-2018 school year, 54423  
with the updated plan that permits students enrolled in seventh 54424  
and eighth grade to meet curriculum requirements based on 54425  
subject area competency adopted by the department under 54426  
divisions (J) (1) and (2) of section 3313.603 of the Revised 54427  
Code. Beginning with the 2018-2019 school year, the school shall 54428  
comply with the framework for granting units of high school 54429  
credit to students who demonstrate subject area competency 54430  
through work-based learning experiences, internships, or 54431  
cooperative education developed by the department under division 54432  
(J) (3) of section 3313.603 of the Revised Code. 54433

(g) The school governing authority will submit within four 54434  
months after the end of each school year a report of its 54435  
activities and progress in meeting the goals and standards of 54436  
divisions (A) (3) and (4) of this section and its financial 54437  
status to the sponsor and the parents of all students enrolled 54438  
in the school. 54439

(h) The school, unless it is an internet- or computer- 54440  
based community school, will comply with section 3313.801 of the 54441  
Revised Code as if it were a school district. 54442

(i) If the school is the recipient of moneys from a grant 54443  
awarded under the federal race to the top program, Division (A), 54444  
Title XIV, Sections 14005 and 14006 of the "American Recovery 54445  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 54446  
the school will pay teachers based upon performance in 54447  
accordance with section 3317.141 and will comply with section 54448  
3319.111 of the Revised Code as if it were a school district. 54449

(j) If the school operates a preschool program that is 54450  
licensed by the department under sections 3301.52 to 3301.59 of 54451

the Revised Code, the school shall comply with sections 3301.50 54452  
to 3301.59 of the Revised Code and the minimum standards for 54453  
preschool programs prescribed in rules adopted by the department 54454  
of children and youth under section 3301.53 of the Revised Code. 54455

(k) The school will comply with sections 3313.6021 and 54456  
3313.6023 of the Revised Code as if it were a school district 54457  
unless it is either of the following: 54458

(i) An internet- or computer-based community school; 54459

(ii) A community school in which a majority of the 54460  
enrolled students are children with disabilities as described in 54461  
division (B) (2) of section 3314.35 of the Revised Code. 54462

(l) The school will comply with section 3321.191 of the 54463  
Revised Code, unless it is an internet- or computer-based 54464  
community school that is subject to section 3314.261 of the 54465  
Revised Code. 54466

(12) Arrangements for providing health and other benefits 54467  
to employees; 54468

(13) The length of the contract, which shall begin at the 54469  
beginning of an academic year. No contract shall exceed five 54470  
years unless such contract has been renewed pursuant to division 54471  
~~(E)~~ (D) of this section. 54472

(14) The governing authority of the school, which shall be 54473  
responsible for carrying out the provisions of the contract; 54474

(15) A financial plan detailing an estimated school budget 54475  
for each year of the period of the contract and specifying the 54476  
total estimated per pupil expenditure amount for each such year. 54477

(16) Requirements and procedures regarding the disposition 54478  
of employees of the school in the event the contract is 54479

terminated or not renewed pursuant to section 3314.07 of the Revised Code; 54480  
54481

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, ~~specification~~ both of the following: 54482  
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(a) Specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 54487  
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(b) Alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion. 54494  
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(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 54498  
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(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 54501  
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 54507  
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(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	54509 54510 54511
(c) Permit the enrollment of students who reside in any other district in the state.	54512 54513
(20) A provision recognizing the authority of the department to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	54514 54515 54516 54517
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	54518 54519 54520
(22) A provision recognizing both of the following:	54521
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	54522 54523 54524 54525
(b) The authority of the department as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	54526 54527 54528 54529 54530 54531 54532
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the	54533 54534 54535 54536 54537

Revised Code; 54538

(24) The school will comply with sections 3302.04 and 54539  
3302.041 of the Revised Code, except that any action required to 54540  
be taken by a school district pursuant to those sections shall 54541  
be taken by the sponsor of the school. 54542

(25) Beginning in the 2006-2007 school year, the school 54543  
will open for operation not later than the thirtieth day of 54544  
September each school year, unless the mission of the school as 54545  
specified under division (A) (2) of this section is solely to 54546  
serve dropouts. In its initial year of operation, if the school 54547  
fails to open by the thirtieth day of September, or within one 54548  
year after the adoption of the contract pursuant to division (D) 54549  
of section 3314.02 of the Revised Code if the mission of the 54550  
school is solely to serve dropouts, the contract shall be void. 54551

(26) Whether the school's governing authority is planning 54552  
to seek designation for the school as a STEM school equivalent 54553  
under section 3326.032 of the Revised Code; 54554

(27) That the school's attendance and participation 54555  
policies will be available for public inspection; 54556

(28) That the school's attendance and participation 54557  
records shall be made available to the department, auditor of 54558  
state, and school's sponsor to the extent permitted under and in 54559  
accordance with the "Family Educational Rights and Privacy Act 54560  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 54561  
regulations promulgated under that act, and section 3319.321 of 54562  
the Revised Code; 54563

(29) If a school operates using the blended learning 54564  
model, as defined in section 3301.079 of the Revised Code, all 54565  
of the following information: 54566

(a) An indication of what blended learning model or models will be used;	54567 54568
(b) A description of how student instructional needs will be determined and documented;	54569 54570
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	54571 54572
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	54573 54574 54575
(e) A statement describing how student progress will be monitored;	54576 54577
(f) A statement describing how private student data will be protected;	54578 54579
(g) A description of the professional development activities that will be offered to teachers.	54580 54581
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	54582 54583 54584 54585
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	54586 54587 54588 54589 54590
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of	54591 54592 54593 54594

the parent's or student's primary residence. 54595

(33) A provision requiring the governing authority to 54596  
adopt a student residence and address verification policy for 54597  
students enrolling in or attending the school. 54598

(34) A provision establishing the process by which the 54599  
governing authority of the school will be selected in the 54600  
future. 54601

(35) A description of the management and administration of 54602  
the school. 54603

(36) A provision requiring the governing authority to 54604  
adopt policies and procedures to establish internal financial 54605  
controls for the school. 54606

~~(B) The community school shall also submit to the sponsor-~~ 54607  
~~a comprehensive plan for the school. The plan shall specify the~~ 54608  
~~following:~~ 54609

~~(1) The process by which the governing authority of the~~ 54610  
~~school will be selected in the future;~~ 54611

~~(2) The management and administration of the school;~~ 54612

~~(3) If the community school is a currently existing public~~ 54613  
~~school or educational service center building, alternative-~~ 54614  
~~arrangements for current public school students who choose not-~~ 54615  
~~to attend the converted school and for teachers who choose not-~~ 54616  
~~to teach in the school or building after conversion;~~ 54617

~~(4) The instructional program and educational philosophy-~~ 54618  
~~of the school;~~ 54619

~~(5) Internal financial controls.~~ 54620

~~When submitting the plan under this division, the school-~~ 54621

~~shall also submit copies of all policies and procedures~~ 54622  
~~regarding internal financial controls adopted by the governing~~ 54623  
~~authority of the school.~~ 54624

~~(C)~~ A contract entered into under section 3314.02 of the 54625  
Revised Code between a sponsor and the governing authority of a 54626  
community school may provide for the community school governing 54627  
authority to make payments to the sponsor, which is hereby 54628  
authorized to receive such payments as set forth in the contract 54629  
between the governing authority and the sponsor. The total 54630  
amount of such payments for monitoring, oversight, and technical 54631  
assistance of the school shall not exceed three per cent of the 54632  
total amount of payments for operating expenses that the school 54633  
receives from the state. 54634

~~(D)~~ (C) The contract shall specify the duties of the 54635  
sponsor which shall be in accordance with the written agreement 54636  
entered into with the department under division (B) of section 54637  
3314.015 of the Revised Code and shall include the following: 54638

(1) Monitor the community school's compliance with all 54639  
laws applicable to the school and with the terms of the 54640  
contract; 54641

(2) Monitor and evaluate the academic and fiscal 54642  
performance and the organization and operation of the community 54643  
school on at least an annual basis; 54644

(3) Provide technical assistance to the community school 54645  
in complying with laws applicable to the school and terms of the 54646  
contract; 54647

(4) Take steps to intervene in the school's operation to 54648  
correct problems in the school's overall performance, declare 54649  
the school to be on probationary status pursuant to section 54650

3314.073 of the Revised Code, suspend the operation of the 54651  
school pursuant to section 3314.072 of the Revised Code, or 54652  
terminate the contract of the school pursuant to section 3314.07 54653  
of the Revised Code as determined necessary by the sponsor; 54654

(5) Have in place a plan of action to be undertaken in the 54655  
event the community school experiences financial difficulties or 54656  
closes prior to the end of a school year. 54657

~~(E)~~ (D) Upon the expiration of a contract entered into 54658  
under this section, the sponsor of a community school may, with 54659  
the approval of the governing authority of the school, renew 54660  
that contract for a period of time determined by the sponsor, 54661  
but not ending earlier than the end of any school year, if the 54662  
sponsor finds that the school's compliance with applicable laws 54663  
and terms of the contract and the school's progress in meeting 54664  
the academic goals prescribed in the contract have been 54665  
satisfactory. Any contract that is renewed under this division 54666  
remains subject to the provisions of sections 3314.07, 3314.072, 54667  
and 3314.073 of the Revised Code. 54668

~~(F)~~ (E) If a community school fails to open for operation 54669  
within one year after the contract entered into under this 54670  
section is adopted pursuant to division (D) of section 3314.02 54671  
of the Revised Code or permanently closes prior to the 54672  
expiration of the contract, the contract shall be void and the 54673  
school shall not enter into a contract with any other sponsor. A 54674  
school shall not be considered permanently closed because the 54675  
operations of the school have been suspended pursuant to section 54676  
3314.072 of the Revised Code. 54677

**Sec. 3314.034.** (A) Subject to division (B) of this 54678  
section, and except as described in division (E) of this 54679  
section, any community school to which either of the following 54680

conditions apply shall be prohibited from entering into a 54681  
contract with a new sponsor: 54682

(1) The community school has received, on the most recent 54683  
report card issued for that school under section 3302.03 of the 54684  
Revised Code, either of the following: 54685

(a) A grade of "D" or "F" for the performance index score, 54686  
under division (C) (1) (b) of section 3302.03 of the Revised Code, 54687  
and an overall grade of "D" or "F" for the value-added progress 54688  
dimension or another measure of student academic progress if 54689  
adopted by the department of education and workforce, under 54690  
division (C) (1) (e) of that section; 54691

(b) A performance rating of less than three stars for 54692  
achievement under division (D) (3) (b) of section 3302.03 of the 54693  
Revised Code and a performance rating of less than three stars 54694  
for progress under division (D) (3) (c) of that section. 54695

(2) The community school is ~~one in which a majority of the~~ 54696  
~~students are enrolled in a dropout prevention and recovery-~~ 54697  
~~program~~ community school, and it has received a rating of "does 54698  
not meet standards" for the annual student growth measure and 54699  
combined graduation rates on the most recent report card issued 54700  
for the school under section 3314.017 of the Revised Code. 54701

(B) A community school to which division (A) of this 54702  
section applies may enter into a contract with a new sponsor if 54703  
all of the following conditions are satisfied: 54704

(1) The proposed sponsor received a rating of "effective" 54705  
or higher pursuant to division ~~(B) (6)~~ (B) (5) of section 3314.016 54706  
of the Revised Code on its most recent evaluation conducted 54707  
according to that section, or the proposed sponsor is the office 54708  
of Ohio school sponsorship established in section 3314.029 of 54709

the Revised Code. 54710

(2) The community school submits a request to enter into a 54711  
new contract with a sponsor. 54712

(3) The community school has not submitted a prior request 54713  
that was granted. 54714

(4) The department grants the school's request pursuant to 54715  
division (C) of this section. 54716

(C) (1) A school shall submit a request to change sponsors 54717  
under this section not later than on the fifteenth day of 54718  
February of the year in which the school wishes to do so. If a 54719  
community school to which division (A) (1) of this section 54720  
applies submits a request to the department to enter into a 54721  
contract with a new sponsor and a majority of the school's 54722  
students are children with disabilities receiving special 54723  
education and related services under Chapter 3323. of the 54724  
Revised Code, the department shall at least consider the 54725  
school's performance as measured against the average performance 54726  
of all other community schools that primarily serve children 54727  
with disabilities. 54728

(2) The department shall grant or deny the request not 54729  
later than thirty days after the department receives it. If the 54730  
department denies the request, the community school may submit 54731  
an appeal to the director of education and workforce who shall 54732  
hold a hearing in accordance with Chapter 119. of the Revised 54733  
Code. The community school shall file its notice of appeal to 54734  
the director not later than ten days after receiving the 54735  
decision from the department. The director shall conduct the 54736  
hearing not later than thirty days after receiving the school's 54737  
notice of appeal and act upon the determination of the hearing 54738

officer not later than the twenty-fifth day of June of the year	54739
in which the school wishes to change sponsors.	54740
(D) Factors to be considered during a hearing held	54741
pursuant to division (C) of this section include, but are not	54742
limited to, the following:	54743
(1) The school's impact on the students and the community	54744
or communities it serves;	54745
(2) The quality and quantity of academic and	54746
administrative support the school receives from its current	54747
sponsor to help the school to improve;	54748
(3) The sponsor's annual evaluations of the community	54749
school under division <del>(D) (2)</del> <u>(c) (2)</u> of section 3314.03 of the	54750
Revised Code for the previous three years;	54751
(4) The academic performance of the school, taking into	54752
account the demographic information of the students enrolled in	54753
the school;	54754
(5) The academic performance of alternative schools that	54755
serve comparable populations of students as those served by the	54756
community school;	54757
(6) The fiscal stability of the school;	54758
(7) The results of any audits of the school by the auditor	54759
of state;	54760
(8) The length of time the school has been under the	54761
oversight of its current sponsor;	54762
(9) The number of times the school has changed sponsors	54763
prior to the current request;	54764
(10) Parent and student satisfaction rates as demonstrated	54765

by surveys, if available. 54766

(E) Notwithstanding anything to the contrary in this 54767  
section, if a community school in which a majority of the 54768  
enrolled students are children with disabilities receiving 54769  
special education and related services in accordance with 54770  
Chapter 3323. of the Revised Code meets both of the following 54771  
criteria, the school may enter into a contract with a new 54772  
sponsor, provided that the new sponsor satisfies the criteria in 54773  
division (B) (1) of this section: 54774

(1) The school received, on its most recent report card 54775  
issued under section 3302.03 of the Revised Code, a performance 54776  
rating of at least three stars for progress under division (D) 54777  
(3) (c) of that section. 54778

(2) As calculated for the most recent school year under 54779  
section 3302.035 of the Revised Code, the school's performance 54780  
index score for students with disabilities was higher than the 54781  
performance index score for students with disabilities of the 54782  
school district in which the school is located. 54783

**Sec. 3314.038.** Each community school shall annually submit 54784  
to the department of education and workforce ~~and auditor of~~ 54785  
~~state~~ a report of each instance under which a student who is 54786  
enrolled in that community school resides in a children's 54787  
residential center as defined under section 5103.05 of the 54788  
Revised Code. 54789

**Sec. 3314.0311.** The governing authority of each community 54790  
school established under this chapter annually shall provide 54791  
instruction to students in the grade levels the school serves 54792  
about how short-term or chronic substance use, as defined in 54793  
section 3313.6034 of the Revised Code, to alter one's mood is 54794

<u>harmful to an individual's health. Each governing authority</u>	54795
<u>shall do all of the following with regard to the instruction:</u>	54796
<u>(A) Determine the manner in which the instruction is</u>	54797
<u>provided to students;</u>	54798
<u>(B) Ensure the instruction is age and developmentally</u>	54799
<u>appropriate;</u>	54800
<u>(C) Conform the instruction to prevention best-practice</u>	54801
<u>frameworks;</u>	54802
<u>(D) Focus the instruction on addressing changes in</u>	54803
<u>knowledge, attitude, and skills as a child develops.</u>	54804
<b>Sec. 3314.05.</b> (A) The contract between the community	54805
school and the sponsor shall specify the facilities to be used	54806
for the community school and the method of acquisition. <del>Except</del>	54807
<del>as provided in divisions (B) (3) and (4) of this section, no</del>	54808
<del>community school shall be established in more than one school-</del>	54809
<del>district under the same contract.</del>	54810
(B) Division (B) of this section shall not apply to	54811
internet- or computer-based community schools.	54812
(1) A community school may be located in multiple	54813
facilities under the same contract <del>only if the limitations on</del>	54814
<del>availability of space prohibit serving all the grade levels</del>	54815
<del>specified in the contract in a single facility or division (B)</del>	54816
<del>(2), (3), or (4) of this section applies to the school. The</del>	54817
<del>school shall not offer the same grade level classrooms in more-</del>	54818
<del>than one facility.</del>	54819
<del>(2) A community school may be located in multiple</del>	54820
<del>facilities under the same contract and, notwithstanding division</del>	54821
<del>(B) (1) of this section, may assign students in the same grade-</del>	54822

~~level to multiple facilities, as long as all of the following apply:~~ 54823  
54824

~~(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A) (8) (b) of section 3314.02 of the Revised Code.~~ 54825  
54826  
54827

~~(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.~~ 54828  
54829  
54830

~~(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:—~~ 54831  
54832  
54833

~~(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;—~~ 54834  
54835  
54836

~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (c) or (B) (1) (c) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;—~~ 54837  
54838  
54839  
54840  
54841  
54842  
54843  
54844

~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code;—~~ 54845  
54846  
54847  
54848  
54849

~~(iv) For the 2021-2022 school year and any school year thereafter, an overall performance rating of three stars under~~ 54850  
54851

~~division (D) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code.~~ 54852  
54853  
54854

~~(3) On and after September 30, 2021, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if both of the following apply:~~ 54855  
54856  
54857  
54858

~~(a) The school operates not more than one facility in each school district and, in accordance with division (B) (1) of this section, the school does not offer the same grade level classrooms in both facilities; and~~ 54859  
54860  
54861  
54862

~~(b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.~~ 54863  
54864  
54865

~~(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:~~ 54866  
54867  
54868  
54869  
54870

~~(a) The facilities are all located in the same county or in any county adjacent to the county in which the community school's primary facility is located.~~ 54871  
54872  
54873

~~(b) Either of the following conditions are satisfied:~~ 54874

~~(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located or in any county adjacent to the county in which the community school's primary facility is located;~~ 54875  
54876  
54877  
54878  
54879  
54880

<del>(ii) The community school is managed by an operator.</del>	54881
(2) In the case of a community school <del>to which division</del>	54882
<del>(B) (4) of this section applies and</del> that maintains facilities in	54883
more than one school district, the school's governing authority	54884
shall designate one of those districts to be considered the	54885
school's primary location and the district in which the school	54886
is located for the purposes of division (A) (19) of section	54887
3314.03 and divisions (C) and (H) of section 3314.06 of the	54888
Revised Code and for all other purposes of this chapter and	54889
shall notify the department of that designation.	54890
<u>A community school governing authority that elects to</u>	54891
<u>modify a community school's primary location shall notify the</u>	54892
<u>department of that modification.</u>	54893
<del>(5) (3) Any facility used for a community school shall</del>	54894
meet all health and safety standards established by law for	54895
school buildings.	54896
(C) In the case where a community school is proposed to be	54897
located in a facility owned by a school district or educational	54898
service center, the facility may not be used for such community	54899
school unless the district or service center board owning the	54900
facility enters into an agreement for the community school to	54901
utilize the facility. Use of the facility may be under any terms	54902
and conditions agreed to by the district or service center board	54903
and the school.	54904
(D) Two or more separate community schools may be located	54905
in the same facility.	54906
(E) In the case of a community school that is located in	54907
multiple facilities, beginning July 1, 2012, the department	54908
shall assign a unique identification number to the school and to	54909

each facility maintained by the school. Each number shall be 54910  
used for identification purposes only. Nothing in this division 54911  
shall be construed to require the department to calculate the 54912  
amount of funds paid under this chapter, or to compute any data 54913  
required for the report cards issued under section 3314.012 of 54914  
the Revised Code, for each facility separately. The department 54915  
shall make all such calculations or computations for the school 54916  
as a whole. 54917

~~(F)(1) In the case of a community school that exists prior 54918  
to September 30, 2021, to which division (B)(3) of this section 54919  
applies, if only one of the school districts in which the school 54920  
is established was located in a challenged school district prior 54921  
to September 30, 2021, that district continues to be considered 54922  
the school's primary location and the district in which the 54923  
school is located for the purposes of division (A)(19) of 54924  
section 3314.03 and divisions (C) and (H) of section 3314.06 of 54925  
the Revised Code and for all other purposes of this chapter 54926  
unless and until the school's governing authority designates a 54927  
different school district as the school's primary location in 54928  
accordance with division (F)(2) of this section. If both of the 54929  
school districts in which the school is established were 54930  
challenged school districts on that date, and the primary 54931  
location was already designated by the school's governing 54932  
authority pursuant to the requirements of this section as it 54933  
existed prior to September 30, 2021, that designation remains 54934  
unless and until the school's governing authority designates a 54935  
different primary location. 54936~~

~~(2)(a) On and after September 30, 2021, when a new start- 54937  
up community school is established in two school districts under 54938  
the same contract, the school's governing authority shall 54939  
designate one of those districts to be considered the school's 54940~~

~~primary location and the district in which the school is located 54941  
for the purposes of division (A) (19) of section 3314.03 and 54942  
divisions (C) and (H) of section 3314.06 of the Revised Code and 54943  
for all other purposes of this chapter and shall notify the 54944  
department of education and workforce of that designation. 54945~~

~~(b) A community school governing authority that elects to 54946  
modify a community school's primary location, whether in 54947  
accordance with division (F) (1) of this section or otherwise, 54948  
shall notify the department of that modification. 54949~~

**Sec. 3314.07.** (A) The expiration of the contract for a 54950  
community school between a sponsor and a school shall be the 54951  
date provided in the contract. A successor contract may be 54952  
entered into pursuant to division ~~(E)~~ (D) of section 3314.03 of 54953  
the Revised Code unless the contract is terminated or not 54954  
renewed pursuant to this section. 54955

(B) (1) A sponsor may choose not to renew a contract at its 54956  
expiration or may choose to terminate a contract prior to its 54957  
expiration for any of the following reasons: 54958

(a) Failure to meet student performance requirements 54959  
stated in the contract; 54960

(b) Failure to meet generally accepted standards of fiscal 54961  
management; 54962

(c) Violation of any provision of the contract or 54963  
applicable state or federal law; 54964

(d) Other good cause. 54965

(2) A sponsor may choose to terminate a contract prior to 54966  
its expiration if the sponsor has suspended the operation of the 54967  
contract under section 3314.072 of the Revised Code. 54968

(3) Not later than the fifteenth day of January in the 54969  
year in which the sponsor intends to terminate or take actions 54970  
not to renew the community school's contract, the sponsor shall 54971  
notify the school of the proposed action in writing. The notice 54972  
shall include the reasons for the proposed action in detail, the 54973  
effective date of the termination or nonrenewal, and a statement 54974  
that the school may, within fourteen days of receiving the 54975  
notice, request an informal hearing before the sponsor. Such 54976  
request must be in writing. The informal hearing shall be held 54977  
within fourteen days of the receipt of a request for the 54978  
hearing. Not later than fourteen days after the informal 54979  
hearing, the sponsor shall issue a written decision either 54980  
affirming or rescinding the decision to terminate or not renew 54981  
the contract. 54982

(4) The termination of a contract under this section shall 54983  
be effective upon the occurrence of the later of the following 54984  
events: 54985

(a) The date the sponsor notifies the school of its 54986  
decision to terminate the contract as prescribed in division (B) 54987  
(3) of this section; 54988

(b) If an informal hearing is requested under division (B) 54989  
(3) of this section and as a result of that hearing the sponsor 54990  
affirms its decision to terminate the contract, the effective 54991  
date of the termination specified in the notice issued under 54992  
division (B) (3) of this section. 54993

(5) Any community school whose contract is terminated or 54994  
not renewed under division (B) (1) (a) or (b) of this section 54995  
shall close permanently at the end of the current school year or 54996  
on a date specified in the notification of termination or 54997  
nonrenewal under division (B) (3) of this section. Any community 54998

school whose contract is terminated or not renewed for failure 54999  
to meet student performance requirements stated in the contract, 55000  
or for failure to meet generally accepted standards of fiscal 55001  
management under this division shall not enter into a contract 55002  
with any other sponsor. 55003

(C) A child attending a community school whose contract 55004  
has been terminated, nonrenewed, or suspended or that closes for 55005  
any reason shall be admitted to the schools of the district in 55006  
which the child is entitled to attend under section 3313.64 or 55007  
3313.65 of the Revised Code. Any deadlines established for the 55008  
purpose of admitting students under section 3313.97 or 3313.98 55009  
of the Revised Code shall be waived for students to whom this 55010  
division pertains. 55011

(D) If a community school does not intend to renew a 55012  
contract with its sponsor, the community school shall notify its 55013  
sponsor in writing of that fact at least one hundred eighty days 55014  
prior to the expiration of the contract. Such a community school 55015  
may enter into a contract with a new sponsor in accordance with 55016  
section 3314.03 of the Revised Code upon the expiration of the 55017  
previous contract. 55018

(E) A sponsor of a community school and the officers, 55019  
directors, or employees of such a sponsor are immune from civil 55020  
liability for any action authorized under this chapter or the 55021  
contract entered into with the school under section 3314.03 of 55022  
the Revised Code that is taken to fulfill the sponsor's 55023  
responsibility to oversee and monitor the school. The sponsor 55024  
and its officers, directors, or employees are not liable in 55025  
damages in a tort or other civil action for harm allegedly 55026  
arising from any of the following: 55027

(1) A failure of the community school or any of its 55028

officers, directors, or employees to perform any statutory or 55029  
common law duty or responsibility or any other legal obligation; 55030

(2) An action or omission of the community school or any 55031  
of its officers, directors, or employees that results in harm. 55032

(3) A failure of the community school or any of its 55033  
officers, directors, or employees to meet the obligations of any 55034  
contract or other obligation entered into on behalf of the 55035  
community school and another party. 55036

(F) As used in this section: 55037

(1) "Harm" means injury, death, or loss to person or 55038  
property. 55039

(2) "Tort action" means a civil action for damages for 55040  
injury, death, or loss to person or property other than a civil 55041  
action for damages for a breach of contract or another agreement 55042  
between persons. 55043

**Sec. 3314.08.** (A) As used in this section: 55044

(1) "IEP" has the same meaning as in section 3323.01 of 55045  
the Revised Code. 55046

(2) "Resident district" means the school district in which 55047  
a student is entitled to attend school under section 3313.64 or 55048  
3313.65 of the Revised Code. 55049

(B) The department of education and workforce shall adopt 55050  
rules requiring the governing authority of each community school 55051  
established under this chapter to annually report all of the 55052  
following: 55053

(1) The number of students enrolled in grades one through 55054  
twelve and the full-time equivalent number of students enrolled 55055

in kindergarten in the school who are not receiving special	55056
education and related services pursuant to an IEP;	55057
(2) The number of enrolled students in grades one through	55058
twelve and the full-time equivalent number of enrolled students	55059
in kindergarten, who are receiving special education and related	55060
services pursuant to an IEP;	55061
(3) The number of students reported under division (B) (2)	55062
of this section receiving special education and related services	55063
pursuant to an IEP for a disability described in each of	55064
divisions (A) to (F) of section 3317.013 of the Revised Code;	55065
(4) The full-time equivalent number of students reported	55066
under divisions (B) (1) and (2) of this section who are enrolled	55067
in career-technical education programs or classes described in	55068
each of divisions (A) (1) to (5) of section 3317.014 of the	55069
Revised Code that are provided by the community school;	55070
(5) The number of students reported under divisions (B) (1)	55071
and (2) of this section who are not reported under division (B)	55072
(4) of this section but who are enrolled in career-technical	55073
education programs or classes described in each of divisions (A)	55074
(1) to (5) of section 3317.014 of the Revised Code at a joint	55075
vocational school district or another district in the career-	55076
technical planning district to which the school is assigned;	55077
(6) The number of students reported under divisions (B) (1)	55078
and (2) of this section who are category one to three English	55079
learners described in each of divisions (A) to (C) of section	55080
3317.016 of the Revised Code;	55081
(7) The number of students reported under divisions (B) (1)	55082
and (2) of this section who are economically disadvantaged, as	55083
defined by the department. A student shall not be categorically	55084

excluded from the number reported under division (B) (7) of this section based on anything other than family income. 55085  
55086

(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 55087  
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(9) The number of students enrolled in a preschool program operated by the school that is licensed under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP. 55090  
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A) (2) of section 3321.01 of the Revised Code. 55094  
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A governing authority of a community school shall not include in its report under divisions (B) (1) to (9) of this section any student for whom tuition is charged under division (F) of this section. 55098  
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(C) (1) (a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the director of education and workforce documentation, as prescribed by the director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold costs. 55102  
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(b) The community school shall report under division (C) 55114  
(1) (a) of this section, and the department shall pay for, only 55115  
the costs of educational expenses and the related services 55116  
provided to the student in accordance with the student's 55117  
individualized education program. Any legal fees, court costs, 55118  
or other costs associated with any cause of action relating to 55119  
the student may not be included in the amount. 55120

(2) In any fiscal year, a community school receiving funds 55121  
under division (A) (7) of section 3317.022 of the Revised Code 55122  
shall spend those funds only for the purposes that the 55123  
department designates as approved for career-technical education 55124  
expenses. Career-technical education expenses approved by the 55125  
department shall include only expenses connected to the delivery 55126  
of career-technical programming to career-technical students. 55127  
The department shall require the school to report data annually 55128  
so that the department may monitor the school's compliance with 55129  
the requirements regarding the manner in which funding received 55130  
under division (A) (7) of section 3317.022 of the Revised Code 55131  
may be spent. 55132

(3) Notwithstanding anything to the contrary in section 55133  
3313.90 of the Revised Code, except as provided in division (C) 55134  
(5) of this section, all funds received under division (A) (7) of 55135  
section 3317.022 of the Revised Code shall be spent in the 55136  
following manner: 55137

(a) At least seventy-five per cent of the funds shall be 55138  
spent on curriculum development, purchase, and implementation; 55139  
instructional resources and supplies; industry-based program 55140  
certification; student assessment, credentialing, and placement; 55141  
curriculum specific equipment purchases and leases; career- 55142  
technical student organization fees and expenses; home and 55143

agency linkages; work-based learning experiences; professional 55144  
development; and other costs directly associated with career- 55145  
technical education programs including development of new 55146  
programs. 55147

(b) Not more than twenty-five per cent of the funds shall 55148  
be used for personnel expenditures. 55149

(4) A community school shall spend the funds it receives 55150  
under division (A) (4) of section 3317.022 of the Revised Code in 55151  
accordance with section 3317.25 of the Revised Code. 55152

(5) The department may waive the requirement in division 55153  
(C) (3) of this section for any community school that exclusively 55154  
provides one or more career-technical workforce development 55155  
programs in arts and communications that are not equipment- 55156  
intensive, as determined by the department. 55157

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a community 55158  
school shall spend the funds it receives under division (A) (5) 55159  
of section 3317.022 of the Revised Code only for services for 55160  
English learners. 55161

(D) A board of education sponsoring a community school may 55162  
utilize local funds to make enhancement grants to the school or 55163  
may agree, either as part of the contract or separately, to 55164  
provide any specific services to the community school at no cost 55165  
to the school. 55166

(E) A community school may not levy taxes or issue bonds 55167  
secured by tax revenues. 55168

(F) No community school shall charge tuition for the 55169  
enrollment of any student who is a resident of this state. A 55170  
community school may charge tuition for the enrollment of any 55171  
student who is not a resident of this state. 55172

(G) (1) (a) A community school may borrow money to pay any 55173  
necessary and actual expenses of the school in anticipation of 55174  
the receipt of any portion of the payments to be received by the 55175  
school pursuant to section 3317.022 of the Revised Code. The 55176  
school may issue notes to evidence such borrowing. The proceeds 55177  
of the notes shall be used only for the purposes for which the 55178  
anticipated receipts may be lawfully expended by the school. 55179

(b) A school may also borrow money for a term not to 55180  
exceed fifteen years for the purpose of acquiring facilities. 55181

(2) The state is not liable for debt incurred by the 55182  
governing authority of a community school. 55183

(H) The department shall adjust the amounts paid under 55184  
section 3317.022 of the Revised Code to reflect any enrollment 55185  
of students in community schools for less than the equivalent of 55186  
a full school year. The department shall adopt in accordance 55187  
with Chapter 119. of the Revised Code rules governing the 55188  
payments to community schools under section 3317.022 of the 55189  
Revised Code including initial payments in a school year and 55190  
adjustments and reductions made in subsequent periodic payments 55191  
to community schools as provided under section 3317.022 of the 55192  
Revised Code. For purposes of this division: 55193

(1) A student shall be considered enrolled in the 55194  
community school for any portion of the school year the student 55195  
is participating at a college under Chapter 3365. of the Revised 55196  
Code. 55197

(2) A student shall be considered to be enrolled in a 55198  
community school for the period of time beginning on the later 55199  
of the date on which the school both has received documentation 55200  
of the student's enrollment from a parent and the student has 55201

commenced participation in learning opportunities as defined in 55202  
the contract with the sponsor, or thirty days prior to the date 55203  
on which the student is entered into the education management 55204  
information system established under section 3301.0714 of the 55205  
Revised Code. For purposes of applying this division and 55206  
divisions (H) (3) and (4) of this section to a community school 55207  
student, "learning opportunities" shall be defined in the 55208  
contract, which shall describe both classroom-based and non- 55209  
classroom-based learning opportunities and shall be in 55210  
compliance with criteria and documentation requirements for 55211  
student participation which shall be established by the 55212  
department. Any student's instruction time in non-classroom- 55213  
based learning opportunities shall be certified by an employee 55214  
of the community school. A student's enrollment shall be 55215  
considered to cease on the date on which any of the following 55216  
occur: 55217

(a) The community school receives documentation from a 55218  
parent terminating enrollment of the student. 55219

(b) The community school is provided documentation of a 55220  
student's enrollment in another public or private school. 55221

(c) The community school ceases to offer learning 55222  
opportunities to the student pursuant to the terms of the 55223  
contract with the sponsor or the operation of any provision of 55224  
this chapter. 55225

Except as otherwise specified in this paragraph, beginning 55226  
in the 2011-2012 school year, any student who completed the 55227  
prior school year in an internet- or computer-based community 55228  
school shall be considered to be enrolled in the same school in 55229  
the subsequent school year until the student's enrollment has 55230  
ceased as specified in division (H) (2) of this section. The 55231

department shall continue paying amounts for the student under 55232  
section 3317.022 of the Revised Code without interruption at the 55233  
start of the subsequent school year. However, if the student 55234  
without a legitimate excuse fails to participate in the first 55235  
seventy-two consecutive hours of learning opportunities offered 55236  
to the student in that subsequent school year, the student shall 55237  
be considered not to have re-enrolled in the school for that 55238  
school year and the department shall recalculate the payments to 55239  
the school for that school year to account for the fact that the 55240  
student is not enrolled. 55241

(3) The department shall determine each community school 55242  
student's percentage of full-time equivalency based on the 55243  
percentage of learning opportunities offered by the community 55244  
school to that student, reported either as number of hours or 55245  
number of days, is of the total learning opportunities offered 55246  
by the community school to a student who attends for the 55247  
school's entire school year. However, no internet- or computer- 55248  
based community school shall be credited for any time a student 55249  
spends participating in learning opportunities beyond ten hours 55250  
within any period of twenty-four consecutive hours. Whether it 55251  
reports hours or days of learning opportunities, each community 55252  
school shall offer not less than nine hundred twenty hours of 55253  
learning opportunities during the school year. 55254

(4) With respect to the calculation of full-time 55255  
equivalency under division (H) (3) of this section, the 55256  
department shall waive the number of hours or days of learning 55257  
opportunities not offered to a student because the community 55258  
school was closed during the school year due to disease 55259  
epidemic, hazardous weather conditions, law enforcement 55260  
emergencies, inoperability of school buses or other equipment 55261  
necessary to the school's operation, damage to a school 55262

building, or other temporary circumstances due to utility 55263  
failure rendering the school building unfit for school use, so 55264  
long as the school was actually open for instruction with 55265  
students in attendance during that school year for not less than 55266  
the minimum number of hours required by this chapter. The 55267  
department shall treat the school as if it were open for 55268  
instruction with students in attendance during the hours or days 55269  
waived under this division. 55270

(I) The department of education and workforce shall reduce 55271  
the amounts paid under section 3317.022 of the Revised Code to 55272  
reflect payments made to colleges under section 3365.07 of the 55273  
Revised Code. 55274

(J) (1) No student shall be considered enrolled in any 55275  
internet- or computer-based community school or, if applicable 55276  
to the student, in any community school that is required to 55277  
provide the student with a computer pursuant to division (C) of 55278  
section 3314.22 of the Revised Code, unless both of the 55279  
following conditions are satisfied: 55280

(a) The student possesses or has been provided with all 55281  
required hardware and software materials and all such materials 55282  
are operational so that the student is capable of fully 55283  
participating in the learning opportunities specified in the 55284  
contract between the school and the school's sponsor as required 55285  
by division (A) (23) of section 3314.03 of the Revised Code; 55286

(b) The school is in compliance with division (A) of 55287  
section 3314.22 of the Revised Code, relative to such student. 55288

(2) In accordance with policies adopted by the department 55289  
of education and workforce, ~~in consultation with the auditor of~~ 55290  
~~state~~, the department shall reduce the amounts otherwise payable 55291

under section 3317.022 of the Revised Code to any community 55292  
school that includes in its program the provision of computer 55293  
hardware and software materials to any student, if such hardware 55294  
and software materials have not been delivered, installed, and 55295  
activated for each such student in a timely manner or other 55296  
educational materials or services have not been provided 55297  
according to the contract between the individual community 55298  
school and its sponsor. 55299

~~The director and the auditor of state shall jointly 55300  
establish a method for auditing any community school to which 55301  
this division pertains to ensure compliance with this section. 55302~~

~~The director, auditor of state, and the governor shall 55303  
jointly make recommendations to the general assembly for 55304  
legislative changes that may be required to assure fiscal and 55305  
academic accountability for such schools. 55306~~

(K) (1) If the department determines that a review of a 55307  
community school's enrollment is necessary, such review shall be 55308  
completed and written notice of the findings shall be provided 55309  
to the governing authority of the community school and its 55310  
sponsor within ninety days of the end of the community school's 55311  
fiscal year, unless extended for a period not to exceed thirty 55312  
additional days for one of the following reasons: 55313

(a) The department and the community school mutually agree 55314  
to the extension. 55315

(b) Delays in data submission caused by either a community 55316  
school or its sponsor. 55317

(2) If the review results in a finding that additional 55318  
funding is owed to the school, such payment shall be made within 55319  
thirty days of the written notice. If the review results in a 55320

finding that the community school owes moneys to the state, the 55321  
following procedure shall apply: 55322

(a) Within ten business days of the receipt of the notice 55323  
of findings, the community school may appeal the department's 55324  
determination to the director. 55325

(b) The director shall conduct an informal hearing on the 55326  
matter within thirty days of receipt of such an appeal and shall 55327  
issue a decision within fifteen days of the conclusion of the 55328  
hearing. 55329

(c) Any decision made by the director under this division 55330  
is final. 55331

(3) If it is decided that the community school owes moneys 55332  
to the state, the department shall deduct such amount from the 55333  
school's future payments in accordance with guidelines issued by 55334  
the director. 55335

(L) The department shall not pay to a community school 55336  
under section 3317.022 of the Revised Code any amount for any of 55337  
the following: 55338

(1) Any student who has graduated from the twelfth grade 55339  
of a public or nonpublic high school; 55340

(2) Any student who is not a resident of the state; 55341

(3) Any student who was enrolled in the community school 55342  
during the previous school year when assessments were 55343  
administered under section 3301.0711 of the Revised Code but did 55344  
not take one or more of the assessments required by that section 55345  
and was not excused pursuant to division (C)(1) or (3) of that 55346  
section, unless the director grants the student a waiver from 55347  
the requirement to take the assessment and a parent is not 55348

paying tuition for the student pursuant to section 3314.26 of 55349  
the Revised Code. The director may grant a waiver only for good 55350  
cause in accordance with rules adopted by the department. 55351

(4) Any student who has attained the age of twenty-two 55352  
years, except for veterans of the armed services whose 55353  
attendance was interrupted before completing the recognized 55354  
twelve-year course of the public schools by reason of induction 55355  
or enlistment in the armed forces and who apply for enrollment 55356  
in a community school not later than four years after 55357  
termination of war or their honorable discharge. If, however, 55358  
any such veteran elects to enroll in special courses organized 55359  
for veterans for whom tuition is paid under federal law, or 55360  
otherwise, the department shall not pay to a community school 55361  
under section 3317.022 of the Revised Code any amount for that 55362  
veteran. 55363

Sec. 3314.093. (A) The governing authorities of two or 55364  
more community schools may enter into an agreement to establish 55365  
a consortium to provide or arrange transportation to and from 55366  
school for students enrolled in participating schools. A 55367  
consortium shall act on behalf of each participating school with 55368  
regard to student transportation and shall comply with any law 55369  
regarding student transportation in the same manner as a 55370  
community school, including sections 3314.091 and 3327.02 of the 55371  
Revised Code. Each consortium shall designate one of its 55372  
participating schools as its fiscal agent. 55373

(B) A consortium may do both of the following as if it 55374  
were a community school: 55375

(1) Enter into an agreement under division (A) of section 55376  
3314.091 of the Revised Code with a school district that has 55377  
native students, as defined in section 3314.09 of the Revised 55378

Code, enrolled in a community school participating in the 55379  
consortium; 55380

(2) Unilaterally accept responsibility for the 55381  
transportation of students enrolled in participating schools 55382  
under division (B) of section 3314.091 of the Revised Code. 55383

(C) The department of education and workforce shall 55384  
calculate and make payments to a consortium under division (I) 55385  
of section 3317.0212 of the Revised Code as if it were a 55386  
community school. 55387

(D) The consortium's fiscal agent shall report to the 55388  
department, on behalf of all of the consortium's participating 55389  
schools, the combined data necessary for the department to 55390  
calculate payments under section 3317.0212 of the Revised Code. 55391  
The fiscal agent shall report that data using the department's 55392  
data collection system. 55393

**Sec. 3314.19.** The sponsor of each community school shall 55394  
provide the ~~following~~ assurances required under this section in 55395  
writing to the department of education and workforce not later 55396  
than ~~ten~~ five business days prior to the opening of the school's 55397  
first year of operation or, if the school is not an internet- or 55398  
computer-based community school and it ~~changes the~~ relocates to 55399  
a different building from which it operates or opens a satellite 55400  
location, not later than five business days prior to the opening 55401  
of the first year it operates from the new ~~building~~ facility. 55402  
In cases where a school adds a facility to the existing school 55403  
location or the school is an internet or computer-based 55404  
community school and changes its location or adds a satellite 55405  
location, the sponsor shall provide the assurances not later 55406  
than one day prior to the operation in the new facility. The 55407  
assurances shall include the following statements: 55408

(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under section 3314.03 of the Revised Code has been filed with the department and that any subsequent modifications to that contract will be filed with the department;

(B) That the school has submitted to the sponsor a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(C) That the school has a plan and procedures for administering the achievement and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;

(D) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 3314.17 of the Revised Code;

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(F) That the school will enroll at least the minimum number of students required by division (A) (11) (a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;

(G) That all classroom teachers are licensed in accordance

with sections 3319.22 to 3319.31 of the Revised Code, except for 55438  
noncertificated persons engaged to teach up to twelve hours or 55439  
forty hours per week pursuant to section 3319.301 of the Revised 55440  
Code; 55441

(H) That the school's fiscal officer is in compliance with 55442  
section 3314.011 of the Revised Code; 55443

(I) That the school has complied with sections 3319.39 and 55444  
3319.391 of the Revised Code with respect to all employees and 55445  
that the school has conducted a criminal records check of each 55446  
of its governing authority members; 55447

(J) That the school holds all of the following: 55448

(1) Proof of property ownership or a lease for the 55449  
facilities used by the school; 55450

(2) A certificate of occupancy; 55451

(3) Liability insurance for the school, as required by 55452  
division (A)(11)(b) of section 3314.03 of the Revised Code, that 55453  
the sponsor considers sufficient to indemnify the school's 55454  
facilities, staff, and governing authority against risk; 55455

(4) A satisfactory health and safety inspection; 55456

(5) A satisfactory fire inspection; 55457

(6) A valid food permit, if applicable. 55458

(K) That the sponsor has conducted a pre-opening site 55459  
visit to the school for the school year for which the assurances 55460  
are provided; 55461

(L) That the school has designated a date it will open for 55462  
the school year for which the assurances are provided that is in 55463  
compliance with division (A)(25) of section 3314.03 of the 55464

Revised Code;	55465
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	55466 55467 55468
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	55469 55470 55471 55472
(1) An indication of what blended learning model or models will be used;	55473 55474
(2) A description of how student instructional needs will be determined and documented;	55475 55476
(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	55477 55478
(4) The school's attendance requirements, including how the school will document participation in learning opportunities;	55479 55480 55481
(5) A statement describing how student progress will be monitored;	55482 55483
(6) A statement describing how private student data will be protected;	55484 55485
(7) A description of the professional development activities that will be offered to teachers.	55486 55487
<b>Sec. 3314.191.</b> Notwithstanding any provision to the contrary in the Revised Code, the department of education and workforce shall make no payment under section 3317.022 of the Revised Code to a community school opening for its first year of	55488 55489 55490 55491

operation until the sponsor of that school confirms all of the 55492  
following: 55493

(A) The school is in compliance with the provisions 55494  
described in divisions (A), (H), (I), and (J) (3) of section 55495  
3314.19 of the Revised Code. 55496

(B) The sponsor has approved the financial controls 55497  
required by the ~~comprehensive plan for the school contract the~~ 55498  
sponsor enters into with the governing authority of the 55499  
community school under ~~division (B) (5) of~~ section 3314.03 of the 55500  
Revised Code. 55501

(C) The school facilities will be ready and open for use 55502  
by the date prescribed in the contract entered into under 55503  
section 3314.03 of the Revised Code, and the sponsor has 55504  
reviewed any lease, purchase agreement, permits required by 55505  
statute or contract, and construction plans. 55506

(D) The chief administrator of the community school 55507  
actively is managing daily operations at the school. 55508

(E) The projected enrollment reported to the department is 55509  
accurate. 55510

**Sec. 3314.261.** This section shall not apply to an 55511  
internet- or computer-based community school ~~in which a majority~~ 55512  
~~of the students are enrolled in a dropout prevention and~~ 55513  
~~recovery program~~ that is a dropout prevention and recovery 55514  
community school. 55515

(A) For purposes of this section, "instructional 55516  
activities" means the following classroom-based or nonclassroom- 55517  
based activities that a student is expected to complete, 55518  
participate in, or attend during any given school day: 55519

(1) Online logins to curriculum or programs;	55520
(2) Offline activities;	55521
(3) Completed assignments within a particular program, curriculum, or class;	55522 55523
(4) Testing;	55524
(5) Face-to-face communications or meetings with school staff or service providers;	55525 55526
(6) Telephone or video conferences with school staff or service providers;	55527 55528
(7) Other documented communication with school staff or service providers related to school curriculum or programs.	55529 55530
(B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:	55531 55532 55533 55534 55535
(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year;	55536 55537 55538
(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B) (1) (b) of this section.	55539 55540 55541 55542
(2) If a student is not considered in attendance under division (B) (1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not	55543 55544 55545 55546

participate. 55547

(3) In the event that a student has thirty or more hours 55548  
of unexcused absences in any semester, the internet- or 55549  
computer-based community school in which the student is enrolled 55550  
shall submit a written report to the student's parent, guardian, 55551  
or custodian. 55552

(C) Notwithstanding section 3321.191 of the Revised Code, 55553  
each internet- or computer-based community school shall develop 55554  
and adopt a policy regarding failure to participate in 55555  
instructional activities. The policy shall state that a student 55556  
shall become subject to certain consequences, including 55557  
disenrollment from the school, if both of the following 55558  
conditions are satisfied: 55559

(1) After the student's parent, guardian, or custodian 55560  
receives a written report under division (B)(2) of this section, 55561  
the student fails to comply with the policy adopted under 55562  
division (C) of this section within a reasonable period of time 55563  
specified by the school; 55564

(2) Other intervention strategies contained in the policy 55565  
adopted under division (C) of this section fail to cause a 55566  
student's attendance to comply with the policy. 55567

(D) If an internet- or computer-based community school 55568  
disenrolled a student pursuant to a policy adopted under 55569  
division (C) of this section, the student shall not be eligible 55570  
to re-enroll in that school for the remainder of the school year 55571  
in which the student is disenrolled. This division does not 55572  
prohibit a disenrolled student from enrolling in another 55573  
internet- or computer-based community school. 55574

(E) If an internet- or computer-based community school 55575

disenrolls a student pursuant to a policy adopted under division 55576  
(C) of this section, the school shall do both of the following: 55577

(1) Provide the student's parent, guardian, or custodian 55578  
with a list of alternative educational options available to the 55579  
student; 55580

(2) Within forty-eight hours of the student's 55581  
disenrollment, notify the student's resident school district in 55582  
writing. 55583

(F) Nothing in this section shall be construed to affect 55584  
the procedure for automatically withdrawing a student from 55585  
school that must be adopted as part of a school's attendance 55586  
policy in accordance with division (A) (6) (b) of section 3314.03 55587  
of the Revised Code. 55588

**Sec. 3314.29.** (A) This section applies to any internet- or 55589  
computer-based community school that meets all of the following 55590  
conditions: 55591

(1) Serves all of grades kindergarten through twelve; 55592

(2) Has an enrollment of at least two thousand students; 55593

(3) Has a sponsor that was not rated ineffective or poor 55594  
on its most recent evaluation under section 3314.016 of the 55595  
Revised Code. 55596

(B) Beginning with the 2018-2019 school year, the 55597  
governing authority of a community school to which this section 55598  
applies may adopt a resolution to divide the school into two or 55599  
three separate schools as follows: 55600

(1) If the school is divided into two schools, one school 55601  
shall serve grades kindergarten through eight and one school 55602  
shall serve grades nine through twelve. 55603

(2) If the school is divided into three schools, one 55604  
school shall serve grades kindergarten through five, one school 55605  
shall serve grades six through eight, and one school shall serve 55606  
grades nine through twelve. 55607

(C) The resolution adopted by the governing authority 55608  
shall not be effective unless approved by the school's sponsor. 55609  
Following approval of the resolution by the sponsor, and by the 55610  
fifteenth day of March prior to the school year in which it will 55611  
take effect, the governing authority shall file the resolution 55612  
with the department of education and workforce. The division of 55613  
the schools shall be effective on the first day of July 55614  
succeeding the date the resolution is filed with the department. 55615

(D) All of the following shall apply to each new school 55616  
created as a result of the resolution authorized by this section 55617  
and to the school that is divided as a result of the resolution: 55618

(1) Each school shall have the same governing authority. 55619

(2) The sponsor and governing authority shall enter into a 55620  
separate contract under section 3314.03 of the Revised Code for 55621  
each school. 55622

(3) No school shall ~~primarily serve students enrolled in-~~ 55623  
~~be a dropout prevention and recovery program operated by the~~ 55624  
~~school~~ community school. 55625

(4) No school shall be permitted to divide again under 55626  
this section. 55627

(5) Notwithstanding anything to the contrary in division 55628  
(B) (2) of section 3314.016 of the Revised Code, each school 55629  
shall be included in the calculation of the academic performance 55630  
component for purposes of rating the schools' sponsor under the 55631  
evaluation system prescribed by that section. 55632

(6) Each school shall be subject to the laws contained in 55633  
Chapter 3314. of the Revised Code, except as otherwise specified 55634  
in this section. 55635

(E) The department shall issue a report card under section 55636  
3314.012 of the Revised Code for each new school created as a 55637  
result of the resolution authorized by this section and for the 55638  
school that is divided as a result of the resolution. For 55639  
purposes of the report cards and other reporting requirements 55640  
under this chapter, the department shall assign the school that 55641  
serves the highest grades the same internal retrieval number 55642  
previously used by the school that is divided under this 55643  
section. The department shall assign a new internal retrieval 55644  
number to each other school resulting from the division. 55645

Notwithstanding division (A) of section 3314.012 of the 55646  
Revised Code, the ratings a school receives on its report card 55647  
for the first two full school years after the division under 55648  
this section shall count toward closure of the school under 55649  
section 3314.35 of the Revised Code and any other matter that is 55650  
based on report card ratings or measures. 55651

**Sec. 3314.35.** (A) Except as provided in division (B) of 55652  
this section and section 3314.355 of the Revised Code, this 55653  
section applies to any community school that meets one of the 55654  
following criteria: 55655

(1) The school does not offer a grade level higher than 55656  
three and, for the three most recent school years, satisfies 55657  
either of the following criteria: 55658

(a) The school has received a performance rating of one 55659  
star for early literacy under division (D) (3) (e) of section 55660  
3302.03 of the Revised Code; 55661

(b) The school has received an overall performance rating of less than two stars under division (D) (3) of section 3302.03 of the Revised Code. 55662  
55663  
55664

(2) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for the three most recent school years, satisfies either of the following criteria: 55665  
55666  
55667  
55668

(a) The school has received a performance rating of one star for both achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section; 55669  
55670  
55671  
55672

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (3) (c) of that section. 55673  
55674  
55675  
55676

(3) The school offers any of grade levels ten to twelve and, for the three most recent school years, satisfies either of the following criteria: 55677  
55678  
55679

(a) The school has received a performance rating of "one star" for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and has not met annual measurable objectives for gap closing under division (D) (3) (a) of that section, as determined by the department of education and workforce; 55680  
55681  
55682  
55683  
55684  
55685

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (1) (b) of that section. 55686  
55687  
55688  
55689

For purposes of division (A) of this section only, the 55690

department shall calculate the value-added progress dimension 55691  
for a community school using assessment scores for only those 55692  
students to whom the school has administered the achievement 55693  
assessments prescribed by section 3301.0710 of the Revised Code 55694  
for at least the two most recent school years but using value- 55695  
added data from only the most recent school year. 55696

(B) This section does not apply to either of the 55697  
following: 55698

(1) Any dropout prevention and recovery community school 55699  
~~in which a majority of the students are enrolled in a dropout-~~ 55700  
~~prevention and recovery program that is operated by the school.~~ 55701  
Rather, such schools shall be subject to closure only as 55702  
provided in section 3314.351 of the Revised Code. However, prior 55703  
to July 1, 2014, a community school in which a majority of the 55704  
students are enrolled in a dropout prevention and recovery 55705  
program shall be exempt from this section only if it has been 55706  
granted a waiver under section 3314.36 of the Revised Code. 55707

(2) Any community school in which a majority of the 55708  
enrolled students are children with disabilities receiving 55709  
special education and related services in accordance with 55710  
Chapter 3323. of the Revised Code. 55711

(C) Any community school to which this section applies 55712  
shall permanently close at the conclusion of the school year in 55713  
which the school first becomes subject to this section. The 55714  
sponsor and governing authority of the school shall comply with 55715  
all procedures for closing a community school adopted by the 55716  
department under division (E) of section 3314.015 of the Revised 55717  
Code. The governing authority of the school shall not enter into 55718  
a contract with any other sponsor under section 3314.03 of the 55719  
Revised Code after the school closes. 55720

(D) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

**Sec. 3314.351.** (A) This section applies to any dropout prevention and recovery community school ~~in which a majority of the students are enrolled in a dropout prevention and recovery program.~~ Except as provided in division (F) of this section, any such community school that has received a designation of "does not meet standards," as described in division (D)(1) of section 3314.017 of the Revised Code on the report card issued under that section, for the three most recent school years shall be subject to closure in accordance with this section.

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015

of the Revised Code. The governing authority of the school shall 55750  
not enter into a contract with any other sponsor under section 55751  
3314.03 of the Revised Code after the school closes. 55752

(E) Nothing in this section or in any other provision of 55753  
the Revised Code prohibits the sponsor of a community school 55754  
from exercising its option not to renew a contract for any 55755  
reason or from terminating a contract prior to its expiration 55756  
for any of the reasons set forth in section 3314.07 of the 55757  
Revised Code. 55758

(F) Beginning in the 2019-2020 school year, no school 55759  
shall be subject to closure under this section based on the 55760  
report card issued for that school for the 2017-2018 or 2018- 55761  
2019 school year if the school received an overall rating of 55762  
"meets standards" or "exceeds standards" for the 2017-2018 or 55763  
2018-2019 school year pursuant to division (I) of section 55764  
3314.017 of the Revised Code. However, no school permanently 55765  
closed under this section prior to the 2019-2020 school year 55766  
shall be eligible to reopen based on the calculated or 55767  
recalculated ratings under division (I) of section 3314.017 of 55768  
the Revised Code. 55769

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 55770  
not apply to any dropout prevention and recovery community 55771  
school ~~in which a majority of the students are enrolled in a~~ 55772  
~~dropout prevention and recovery program that is operated by the~~ 55773  
~~school and that has been granted a waiver by the former~~ 55774  
department of education prior to July 1, 2014. 55775

(B) All dropout prevention and recovery community schools 55776  
~~in which a majority of the students are enrolled in a dropout~~ 55777  
~~prevention and recovery program~~ are subject to the provisions of 55778  
section 3314.351 of the Revised Code, regardless of whether a 55779

waiver has been granted under this section prior to July 1, 55780  
2014. Thereafter, no waivers shall be granted under this 55781  
section. 55782

**Sec. 3314.361.** ~~Notwithstanding anything to the contrary in~~ 55783  
~~this chapter, a~~ A community school that operates a drug recovery 55784  
program in cooperation with a court shall be considered a 55785  
dropout prevention and recovery ~~program~~ community school for 55786  
purposes of this chapter, ~~regardless of the ages of students or~~ 55787  
~~grade levels served by the school~~ and shall comply with all 55788  
enrollment restrictions applicable to such a school. 55789

**Sec. 3314.362.** Notwithstanding division (A) (10) of section 55790  
3314.02 of the Revised Code, a community school that primarily 55791  
serves students enrolled in a dropout prevention and recovery 55792  
program may continue to operate in the 2025-2026 and 2026-2027 55793  
school years without complying with that division and shall be 55794  
considered a dropout prevention and recovery community school 55795  
for the purposes of Title XXXIII of the Revised Code for those 55796  
school years. 55797

Notwithstanding anything in the Revised Code to the 55798  
contrary, beginning July 1, 2027, any community school that 55799  
primarily serves students enrolled in a dropout prevention and 55800  
recovery program is a dropout prevention and recovery community 55801  
school, as defined in division (A) (10) of section 3314.02 of the 55802  
Revised Code. Prior to that date, the school, upon approval of 55803  
the school's sponsor, shall do one or both of the following with 55804  
any grades that do not comply with division (A) (10) of section 55805  
3314.02 of the Revised Code: 55806

(A) Transfer those grades to a separate community school. 55807  
The department of education and workforce shall assign the 55808  
separate community school its own internal retrieval number. 55809

<u>(B) Cease offering those grades.</u>	55810
<u>The school shall assist students who are not eligible to</u>	55811
<u>enroll in the dropout prevention and recovery community school</u>	55812
<u>to transfer to a separate community school or enroll in a</u>	55813
<u>different school, as applicable.</u>	55814
<b><u>Sec. 3314.38.</u></b> (A) <u>As used in this section:</u>	55815
<u>(1) "Competency-based educational program" and "eligible</u>	55816
<u>individual" have the same meanings as in section 3313.902 of the</u>	55817
<u>Revised Code.</u>	55818
<u>(2) "Eligible provider" means a community school that</u>	55819
<u>operates a dropout prevention and recovery program.</u>	55820
<u>(B) An eligible provider may establish a competency-based</u>	55821
<u>educational program that complies with standards adopted by the</u>	55822
<u>department of education and workforce and may enroll eligible</u>	55823
<u>individuals in the program for up to three consecutive school</u>	55824
<u>years for the purpose of earning a high school diploma. The</u>	55825
<u>provider shall establish a career plan for each individual</u>	55826
<u>enrolled in the program that specifies the individual's career</u>	55827
<u>goals and describes how the individual will demonstrate</u>	55828
<u>competency or earn course credits under division (C) of section</u>	55829
<u>3313.902 of the Revised Code to earn a diploma and attain the</u>	55830
<u>individual's career goals. Notwithstanding sections 3313.61,</u>	55831
<u>3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the</u>	55832
<u>Revised Code, the department shall award a high school diploma</u>	55833
<u>to an individual enrolled in a program who satisfies one of the</u>	55834
<u>conditions specified in division (C) of section 3313.902 of the</u>	55835
<u>Revised Code.</u>	55836
<u>(C) An eligible provider shall report each individual</u>	55837
<u>enrolled in a program under division (B) of this section to the</u>	55838

department. This report shall be in addition to the report 55839  
required under division (B) of section 3314.08 of the Revised 55840  
Code. The department annually shall certify the enrollment and 55841  
attendance of each individual reported under this division and 55842  
shall pay the provider up to \$7,500 per school year, as 55843  
determined by the department based on the extent of the 55844  
individual's successful completion of the diploma requirements 55845  
prescribed in division (C) of section 3313.902 of the Revised 55846  
Code. 55847

(D) An eligible provider that enrolls individuals under 55848  
division (B) of this section is subject to the requirements of 55849  
section 3313.902 of the Revised Code, as applicable. 55850

**Sec. 3314.381.** ~~(A) As used in this section, "dropout~~ 55851  
~~recovery community school" has the same meaning as in section~~ 55852  
~~3319.301 of the Revised Code.~~ 55853

~~(B)~~ The department of education and workforce shall 55854  
establish the dropout prevention and recovery advisory council. 55855  
The council shall provide a forum for communication and 55856  
collaboration between the department and parties involved in the 55857  
establishment and operation of dropout prevention and recovery 55858  
community schools, including sponsors and operators. 55859

~~(C)~~ (B) The advisory council shall consist of the following 55860  
members appointed by the director of education and workforce: 55861

(1) Two members of the state board of education; 55862

(2) One employee of the department who works directly with 55863  
dropout prevention and recovery community schools, including any 55864  
employee who works as a liaison with such schools; 55865

(3) Seven individuals with experience in dropout 55866  
prevention and recovery community schools, their operators, and 55867

their sponsors. In appointing these individuals, the director 55868  
shall ensure they represent a diverse array of schools in terms 55869  
of enrollment, programs, learning models, and methods of 55870  
instruction. 55871

~~(D)~~ (C) The advisory council shall, in collaboration with 55872  
the director, review all existing rules and guidance previously 55873  
developed or adopted by the department pursuant to division ~~(D)~~ 55874  
(C) of section 3314.382 of the Revised Code. 55875

**Sec. 3314.382.** ~~(A) As used in this section, "dropout~~ 55876  
~~recovery community school" has the same meaning as in section~~ 55877  
~~3319.301 of the Revised Code.~~ 55878

~~(B)~~ Notwithstanding anything to the contrary in the 55879  
Revised Code, the department of education and workforce shall 55880  
only adopt rules in accordance with Chapter 119. of the Revised 55881  
Code for any requirement to be imposed on a dropout prevention 55882  
and recovery community school. The department shall not develop 55883  
guidelines that impose requirements on the general and uniform 55884  
operation of a dropout prevention and recovery community school. 55885

~~(C)~~ (B) Pursuant to section 119.035 of the Revised Code, 55886  
prior to adoption, the dropout prevention and recovery advisory 55887  
council established under section 3314.381 of the Revised Code 55888  
shall review any proposed rule described in division ~~(B)~~ (A) of 55889  
this section. 55890

~~(D)~~ (C) Any guidance document previously developed by the 55891  
department that establishes general and uniform operations 55892  
regarding a dropout recovery community school in effect on ~~the~~ 55893  
~~effective date of this section~~ October 3, 2023, is void after 55894  
that date. 55895

**Sec. 3315.063.** No board of education of any school 55896

district shall expend more than fifteen per cent of the board's 55897  
annual operating budget on administrative salaries and benefits 55898  
and other costs associated with the district's administrative 55899  
offices. 55900

**Sec. 3315.18.** (A) The board of education of each city, 55901  
exempted village, local, and joint vocational school district 55902  
shall establish a capital and maintenance fund. Each board 55903  
annually shall deposit into that fund an amount derived from 55904  
revenues received by the district that would otherwise have been 55905  
deposited in the general fund that is equal to three per cent of 55906  
the statewide average base cost per pupil for the preceding 55907  
fiscal year, as defined in section 3317.02 of the Revised Code, 55908  
~~or another percentage if established by the auditor of state~~ 55909  
~~under division (B) of this section,~~ multiplied by the district's 55910  
student population for the preceding fiscal year, except that 55911  
money received from a permanent improvement levy authorized by 55912  
section 5705.21 of the Revised Code may replace general revenue 55913  
moneys in meeting the requirements of this section. Money in the 55914  
fund shall be used solely for acquisition, replacement, 55915  
enhancement, maintenance, or repair of permanent improvements, 55916  
as that term is defined in section 5705.01 of the Revised Code. 55917  
Any money in the fund that is not used in any fiscal year shall 55918  
carry forward to the next fiscal year. 55919

(B) The director of education and workforce and the 55920  
auditor of state jointly shall adopt rules in accordance with 55921  
Chapter 119. of the Revised Code defining what constitutes 55922  
expenditures permitted by division (A) of this section. ~~The~~ 55923  
~~auditor of state may designate a percentage, other than three-~~ 55924  
~~per cent, of the statewide average base cost per pupil-~~ 55925  
~~multiplied by the district's student population that must be~~ 55926  
~~deposited into the fund.~~ 55927

(C) Within its capital and maintenance fund, a school district board of education may establish a separate account solely for the purpose of depositing funds transferred from the district's reserve balance account established under former division (H) of section 5705.29 of the Revised Code. After April 10, 2001, a board may deposit all or part of the funds formerly included in such reserve balance account in the separate account established under this section. Funds deposited in this separate account and interest on such funds shall be utilized solely for the purpose of providing the district's portion of the basic project costs of any project undertaken in accordance with Chapter 3318. of the Revised Code.

(D) (1) Notwithstanding division (A) of this section, in any year a district is in fiscal emergency status as declared pursuant to section 3316.03 of the Revised Code, the district may deposit an amount less than required by division (A) of this section, or make no deposit, into the district capital and maintenance fund for that year.

(2) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the director of education and workforce for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The director may grant a waiver under division (D) (2) of this section if the district demonstrates to the satisfaction of the director that compliance with division (A) of this section that

year will create an undue financial hardship on the district. 55959

(3) Notwithstanding division (A) of this section, not more 55960  
often than one fiscal year in every three consecutive fiscal 55961  
years, any school district that does not satisfy the conditions 55962  
for the exemption described in division (D) (1) of this section 55963  
or the conditions to apply for the waiver described in division 55964  
(D) (2) of this section may apply to the director for a waiver 55965  
from the requirements of division (A) of this section, under 55966  
which the district may be permitted to deposit an amount less 55967  
than required by that division or permitted to make no deposit 55968  
into the district capital and maintenance fund for that year. 55969  
The director may grant a waiver under division (D) (3) of this 55970  
section if the district demonstrates to the satisfaction of the 55971  
director that compliance with division (A) of this section that 55972  
year will necessitate the reduction or elimination of a program 55973  
currently offered by the district that is critical to the 55974  
academic success of students of the district and that no 55975  
reasonable alternatives exist for spending reductions in other 55976  
areas of operation within the district that negate the necessity 55977  
of the reduction or elimination of that program. 55978

(E) Notwithstanding any provision to the contrary in 55979  
Chapter 4117. of the Revised Code, the requirements of this 55980  
section prevail over any conflicting provisions of agreements 55981  
between employee organizations and public employers entered into 55982  
after November 21, 1997. 55983

(F) As used in this section, "student population" means 55984  
the average, daily, full-time equivalent number of students in 55985  
kindergarten through twelfth grade receiving any educational 55986  
services from the school district during the first full school 55987  
week in October, excluding students enrolled in adult education 55988

classes, but including all of the following:	55989
(1) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	55990 55991 55992
(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	55993 55994 55995 55996
(3) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	55997 55998
The department of education and workforce shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year.	55999 56000 56001 56002
<b>Sec. 3315.181.</b> As used in this section, "securities" has the same meaning as in section 133.01 of the Revised Code.	56003 56004
Notwithstanding division (A) of section 3315.18 of the Revised Code, the board of education of a city, exempted village, local, or joint vocational school district, in meeting the amount required by that division to be deposited in the district's capital and maintenance fund, may replace general fund revenues with proceeds received from a permanent improvement levy authorized by section 5705.21 of the Revised Code only to the extent the proceeds are available to be used for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements as defined in section 5705.01 of the Revised Code. In addition, the board may replace general fund revenues with proceeds received from any of the following sources in meeting the amount required by that division to be	56005 56006 56007 56008 56009 56010 56011 56012 56013 56014 56015 56016 56017

deposited in the fund:	56018
(A) Proceeds received from any securities whose use is limited to the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	56019 56020 56021
(B) Insurance proceeds received as a result of the damage to or theft or destruction of a permanent improvement to the extent a board of education places the proceeds in a separate fund for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	56022 56023 56024 56025 56026
(C) Proceeds received from the sale of a permanent improvement to the extent the proceeds are paid into a separate fund for the construction or acquisition of permanent improvements;	56027 56028 56029 56030
(D) Proceeds received from a tax levy authorized by section 3318.06 of the Revised Code to the extent the proceeds are available to be used for the maintenance of capital facilities;	56031 56032 56033 56034
(E) Proceeds of certificates of participation issued as part of a lease-purchase agreement entered into under section 3313.375 of the Revised Code;	56035 56036 56037
(F) Proceeds of any school district income tax levied under Chapter 5748. of the Revised Code for permanent improvements, to the extent the proceeds are available for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	56038 56039 56040 56041 56042
<del>(G) Any other revenue source identified by the auditor of state, in consultation with the department of education and workforce, in rules adopted by the auditor of state.</del>	56043 56044 56045

**Sec. 3316.031.** (A) The director of education and 56046  
workforce, in consultation with the auditor of state, shall 56047  
develop guidelines for identifying fiscal practices and 56048  
budgetary conditions that, if uncorrected, could result in a 56049  
future declaration of a fiscal watch or fiscal emergency within 56050  
a school district. 56051

The guidelines shall not include a requirement that a 56052  
school district submit financial statements according to 56053  
generally accepted accounting principles. 56054

(B) (1) If the director determines from a school district's 56055  
~~five-year current budget information and three-year forecast~~ 56056  
submitted under section 5705.391 of the Revised Code that a 56057  
district is engaging in any of those practices or that any of 56058  
those conditions exist within the district, after consulting 56059  
with the district board of education concerning the practices or 56060  
conditions, the director may declare the district to be under a 56061  
fiscal caution. 56062

(2) If the auditor of state finds that a district is 56063  
engaging in any of those practices or that any of those 56064  
conditions exist within the district, the auditor of state shall 56065  
report that finding to the director and, after consulting with 56066  
the district board of education concerning the practices or 56067  
conditions, the director may declare the district to be under a 56068  
fiscal caution. 56069

(3) Unless the auditor of state has elected to declare a 56070  
state of fiscal watch under division (A) (4) of section 3316.03 56071  
of the Revised Code, the director shall declare a school 56072  
district to be under a fiscal caution if the conditions 56073  
described in divisions (A) (4) (a) and (b) of that section are 56074  
both satisfied with respect to the school district. 56075

(C) When the director declares a district to be under fiscal caution, the director shall promptly notify the district board of education of that declaration and shall request the board to provide written proposals for discontinuing or correcting the fiscal practices or budgetary conditions that prompted the declaration and for preventing the district from experiencing further fiscal difficulties that could result in the district being declared to be in a state of fiscal watch or fiscal emergency.

(D) The director, or a designee, may visit and inspect any district that is declared to be under a fiscal caution. The department of education and workforce shall provide technical assistance to the district board in implementing proposals to eliminate the practices or budgetary conditions that prompted the declaration of fiscal caution and may make recommendations concerning the board's proposals.

(E) If the director finds that a school district declared to be under a fiscal caution has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal caution, and if the director considers it necessary to prevent further fiscal decline, the director may determine that the district should be in a state of fiscal watch. As provided in division (A) (3) of section 3316.03 of the Revised Code, the auditor of state shall declare the district to be in a state of fiscal watch if the auditor of state finds the director's determination to be reasonable.

**Sec. 3316.041.** (A) Notwithstanding any provision of Chapter 133. or sections 3313.483 to 3313.4810 of the Revised Code, and subject to the approval of the director of education

and workforce, a school district that is in a state of fiscal watch declared under section 3316.03 of the Revised Code may restructure or refinance loans obtained or in the process of being obtained under section 3313.483 of the Revised Code if all of the following requirements are met:

(1) The operating deficit certified for the school district for the current or preceding fiscal year under section 3313.483 of the Revised Code exceeds fifteen per cent of the district's general revenue fund for the fiscal year preceding the year for which the certification of the operating deficit is made.

(2) The school district voters have, during the period of the fiscal watch, approved the levy of a tax under section 718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code that is not a renewal ~~or replacement~~ levy, or a levy under section 5705.199 of the Revised Code, and that will provide new operating revenue.

(3) The board of education of the school district has adopted or amended the financial plan required by section 3316.04 of the Revised Code to reflect the restructured or refinanced loans, and sets forth the means by which the district will bring projected operating revenues and expenditures, and projected debt service obligations, into balance for the life of any such loan.

(B) Subject to the approval of the director, the school district may issue securities to evidence the restructuring or refinancing authorized by this section. Such securities may extend the original period for repayment not to exceed ten years, and may alter the frequency and amount of repayments, interest or other financing charges, and other terms or

agreements under which the loans were originally contracted, 56136  
provided the loans received under sections 3313.483 of the 56137  
Revised Code are repaid from funds the district would otherwise 56138  
receive under Chapter 3317. of the Revised Code, as required 56139  
under division (E) (3) of section 3313.483 of the Revised Code. 56140  
Securities issued for the purpose of restructuring or 56141  
refinancing under this section shall be repaid in equal payments 56142  
and at equal intervals over the term of the debt and are not 56143  
eligible to be included in any subsequent proposal to 56144  
restructure or refinance. 56145

(C) Unless the district is declared to be in a state of 56146  
fiscal emergency under division (D) of section 3316.04 of the 56147  
Revised Code, a school district shall remain in a state of 56148  
fiscal watch for the duration of the repayment period of any 56149  
loan restructured or refinanced under this section. 56150

**Sec. 3316.043.** Upon the approval by the director of 56151  
education and workforce of an initial financial plan under 56152  
section 3316.04 of the Revised Code or a financial recovery plan 56153  
under section 3316.06 of the Revised Code, the board of 56154  
education of the school district for which the plan was approved 56155  
shall revise the district's five-year-current budget information 56156  
and three-year projection of revenues and expenditures in 56157  
accordance with rules adopted under section 5705.391 of the 56158  
Revised Code so that the five-year-current budget information and 56159  
three-year projection ~~is~~ are consistent with the financial plan 56160  
or financial recovery plan. In the case of a school district 56161  
declared to be in a state of fiscal emergency, the ~~five-~~ 56162  
~~year-current budget information and~~ -three-year projection shall 56163  
be revised by the financial planning and supervision commission 56164  
for that district. 56165

**Sec. 3316.06.** (A) Within one hundred twenty days after the 56166  
first meeting of a school district financial planning and 56167  
supervision commission, the commission shall adopt a financial 56168  
recovery plan regarding the school district for which the 56169  
commission was created. During the formulation of the plan, the 56170  
commission shall seek appropriate input from the school district 56171  
board and from the community. This plan shall contain the 56172  
following: 56173

(1) Actions to be taken to: 56174

(a) Eliminate all fiscal emergency conditions declared to 56175  
exist pursuant to division (B) of section 3316.03 of the Revised 56176  
Code; 56177

(b) Satisfy any judgments, past-due accounts payable, and 56178  
all past-due and payable payroll and fringe benefits; 56179

(c) Eliminate the deficits in all deficit funds, except 56180  
that any prior year deficits in the capital and maintenance fund 56181  
established pursuant to section 3315.18 of the Revised Code 56182  
shall be forgiven; 56183

(d) Restore to special funds any moneys from such funds 56184  
that were used for purposes not within the purposes of such 56185  
funds, or borrowed from such funds by the purchase of debt 56186  
obligations of the school district with the moneys of such 56187  
funds, or missing from the special funds and not accounted for, 56188  
if any; 56189

(e) Balance the budget, avoid future deficits in any 56190  
funds, and maintain on a current basis payments of payroll, 56191  
fringe benefits, and all accounts; 56192

(f) Avoid any fiscal emergency condition in the future; 56193

(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.

(2) The management structure that will enable the school district to take the actions enumerated in division (A) (1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A) (1) of this section.

(3) The target dates for the commencement, progress upon, and completion of the actions enumerated in division (A) (1) of this section and a reasonable period of time expected to be required to implement the plan. The commission shall prepare a reasonable time schedule for progress toward and achievement of the requirements for the plan, and the plan shall be consistent with that time schedule.

(4) The amount and purpose of any issue of debt obligations that will be issued, together with assurances that any such debt obligations that will be issued will not exceed debt limits supported by appropriate certifications by the fiscal officer of the school district and the county auditor. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school district, the plan may include a proposal to restructure or

refinance outstanding debt obligations incurred by the board 56224  
under section 3313.483 of the Revised Code contingent upon the 56225  
approval, during the period of the fiscal emergency, by district 56226  
voters of a tax levied under section 718.09, 718.10, 5705.194, 56227  
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 56228  
is not a renewal ~~or replacement~~ levy, or a levy under section 56229  
5705.199 of the Revised Code, and that will provide new 56230  
operating revenue. Notwithstanding any provision of Chapter 133. 56231  
or sections 3313.483 to 3313.4810 of the Revised Code, following 56232  
the required approval of the district voters and with the 56233  
approval of the commission, the school district may issue 56234  
securities to evidence the restructuring or refinancing. Those 56235  
securities may extend the original period for repayment, not to 56236  
exceed ten years, and may alter the frequency and amount of 56237  
repayments, interest or other financing charges, and other terms 56238  
of agreements under which the debt originally was contracted, at 56239  
the discretion of the commission, provided that any loans 56240  
received pursuant to section 3313.483 of the Revised Code shall 56241  
be paid from funds the district would otherwise receive under 56242  
Chapter 3317. of the Revised Code, as required under division 56243  
(E) (3) of section 3313.483 of the Revised Code. The securities 56244  
issued for the purpose of restructuring or refinancing the debt 56245  
shall be repaid in equal payments and at equal intervals over 56246  
the term of the debt and are not eligible to be included in any 56247  
subsequent proposal for the purpose of restructuring or 56248  
refinancing debt under this section. 56249

(5) An evaluation of the feasibility of entering into 56250  
shared services agreements with other political subdivisions for 56251  
the joint exercise of any power, performance of any function, or 56252  
rendering of any service, if so authorized by statute. 56253

(B) Any financial recovery plan may be amended subsequent 56254

to its adoption. Each financial recovery plan shall be updated 56255  
annually. 56256

(C) Each school district financial planning and 56257  
supervision commission shall submit the financial recovery plan 56258  
it adopts or updates under this section to the director of 56259  
education and workforce for approval immediately following its 56260  
adoption or updating. The director shall evaluate the plan and 56261  
either approve or disapprove it within thirty calendar days from 56262  
the date of its submission. If the plan is disapproved, the 56263  
director shall recommend modifications that will render it 56264  
acceptable. No financial planning and supervision commission 56265  
shall implement a financial recovery plan that is adopted or 56266  
updated on or after April 10, 2001, unless the director has 56267  
approved it. 56268

**Sec. 3316.08.** During a school district's fiscal emergency 56269  
period, the auditor of state shall determine annually, or at any 56270  
other time upon request of the financial planning and 56271  
supervision commission, whether the school district will incur 56272  
an operating deficit. If the auditor of state determines that a 56273  
school district will incur an operating deficit, the auditor of 56274  
state shall certify that determination to the director of 56275  
education and workforce, the financial planning and supervision 56276  
commission, and the board of education of the school district. 56277  
Upon receiving the auditor of state's certification, the 56278  
commission shall adopt a resolution requesting that the board of 56279  
education work with the county auditor or tax commissioner to 56280  
estimate the amount and rate of a tax levy that is needed under 56281  
section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the 56282  
Revised Code to produce a positive fund balance not later than 56283  
the fifth-third year of the five-year-three-year forecast 56284  
submitted under section 5705.391 of the Revised Code. 56285

The board of education shall recommend to the commission 56286  
whether the board supports or opposes a tax levy under section 56287  
5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised 56288  
Code and shall provide supporting documentation to the 56289  
commission of its recommendation. 56290

After considering the board of education's recommendation 56291  
and supporting documentation, the commission shall adopt a 56292  
resolution to either submit a ballot question proposing a tax 56293  
levy or not to submit such a question. 56294

Except as otherwise provided in this division, the tax 56295  
shall be levied in the manner prescribed for a tax levied under 56296  
section 5705.194, 5705.199, or 5705.21 or under Chapter 5748. of 56297  
the Revised Code. If the commission decides that a tax should be 56298  
levied, the tax shall be levied for the purpose of paying 56299  
current operating expenses of the school district. The rate of a 56300  
property tax levied under section 5705.194, 5705.199, 5705.21, 56301  
or 5748.09 of the Revised Code shall be determined by the county 56302  
auditor, and the rate of an income tax levied under section 56303  
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 56304  
determined by the tax commissioner, upon the request of the 56305  
commission. The commission, in consultation with the board of 56306  
education, shall determine the election at which the question of 56307  
the tax shall appear on the ballot, and the commission shall 56308  
submit a copy of its resolution to the board of elections not 56309  
later than ninety days prior to the day of that election. The 56310  
board of elections conducting the election shall certify the 56311  
results of the election to the board of education and to the 56312  
financial planning and supervision commission. 56313

**Sec. 3316.16.** (A) A school district financial planning and 56314  
supervision commission, with respect to its functions under this 56315

chapter, shall continue in existence until such time as a 56316  
determination is made under division (B) of this section that 56317  
all of the following have occurred: 56318

(1) An effective financial accounting and reporting system 56319  
in accordance with section 3316.10 of the Revised Code is in the 56320  
process of being implemented, and it is reasonably expected that 56321  
this implementation will be completed within two years. 56322

(2) All of the fiscal emergency conditions determined 56323  
pursuant to division (B) of section 3316.03 of the Revised Code 56324  
have been corrected or eliminated, and no new fiscal emergency 56325  
conditions have occurred. 56326

(3) The objectives of the financial recovery plan 56327  
described in section 3316.06 of the Revised Code are being met. 56328

(4) The school district board has prepared current budget 56329  
information and a financial forecast for a ~~five-year~~ three-year 56330  
period in accordance with the standards issued by the auditor of 56331  
state and an opinion has been rendered by the auditor of state 56332  
that the financial forecast is considered to be nonadverse. The 56333  
forecast shall display the district's projected compliance with 56334  
section 3315.18 of the Revised Code beginning in the year the 56335  
commission is proposed for termination. 56336

(B) The determination that all conditions listed in 56337  
division (A) of this section for the termination of the 56338  
existence of the commission and its functions exist may be made 56339  
either by the auditor of state or by the commission and shall be 56340  
certified to the commission, the auditor of state, the governor, 56341  
the director of budget and management, and the budget 56342  
commission, whereupon such commission and its functions under 56343  
this chapter shall terminate. This determination shall be made 56344

by the auditor of state upon the filing with the auditor of 56345  
state of a written request for such a determination by the 56346  
school district board, the governor, or the commission, or may 56347  
be made by the auditor of state upon the auditor of state's own 56348  
initiative. 56349

(C) The commission shall prepare and submit at the time of 56350  
such certification a final report of its activities, in such 56351  
form as is appropriate for the purpose of providing a record of 56352  
its activities and assisting other commissions created under 56353  
this chapter in the conduct of their functions. All of the books 56354  
and records of the commission shall be delivered to the auditor 56355  
of state for retention and safekeeping. 56356

(D) Upon receipt of the certification provided for in 56357  
division (B) of this section, the director of budget and 56358  
management shall follow the procedures set forth in section 56359  
126.29 of the Revised Code. 56360

(E) If, at the time of termination of the commission, an 56361  
effective financial accounting and reporting system has not been 56362  
fully implemented, the auditor of state shall monitor the 56363  
progress of implementation and shall exercise authority under 56364  
this section and Chapter 117. of the Revised Code to secure full 56365  
implementation at the earliest time feasible but within two 56366  
years after such termination. 56367

**Sec. 3317.01.** As used in this section, "school district," 56368  
unless otherwise specified, means any city, local, exempted 56369  
village, joint vocational, or cooperative education school 56370  
district and any educational service center. 56371

This chapter shall be administered by the department of 56372  
education and workforce. The department of education and 56373

workforce shall calculate the amounts payable to each school 56374  
district and shall certify the amounts payable to each eligible 56375  
district to the treasurer of the district as provided by this 56376  
chapter. Certification of moneys pursuant to this section shall 56377  
include the amounts payable to each school building, at a 56378  
frequency determined by the department, for each subgroup of 56379  
students, as defined in section 3317.40 of the Revised Code, 56380  
receiving services, provided for by state funding, from the 56381  
district or school. No moneys shall be distributed pursuant to 56382  
this chapter without the approval of the controlling board. 56383

The department shall, in accordance with appropriations 56384  
made by the general assembly, meet the financial obligations of 56385  
this chapter. 56386

Moneys distributed to school districts pursuant to this 56387  
chapter shall be calculated based on the annual enrollment 56388  
calculated from the three reports required under ~~sections~~ 56389  
section 3317.03 and 3317.036 of the Revised Code and paid on a 56390  
fiscal year basis, beginning with the first day of July and 56391  
extending through the thirtieth day of June. In any given fiscal 56392  
year, prior to school districts submitting the first report 56393  
required under section 3317.03 of the Revised Code, enrollment 56394  
for the districts shall be calculated based on the third report 56395  
submitted by the districts for the previous fiscal year. The 56396  
moneys appropriated for each fiscal year shall be distributed 56397  
periodically to each school district unless otherwise provided 56398  
for. The department, in June of each year, shall submit to the 56399  
controlling board the department's year-end distributions 56400  
pursuant to this chapter. 56401

Except as otherwise provided, payments under this chapter 56402  
shall be made only to those school districts in which: 56403

(A) The school district, except for any educational 56404  
service center and any joint vocational or cooperative education 56405  
school district, levies for current operating expenses at least 56406  
twenty mills, unless the school district is levying less than 56407  
that amount due solely to the operation of section 5705.316 of 56408  
the Revised Code. Levies for joint vocational or cooperative 56409  
education school districts or county school financing districts, 56410  
limited to or to the extent apportioned to current expenses, 56411  
shall be included in this qualification requirement. School 56412  
district income tax levies under Chapter 5748. of the Revised 56413  
Code, limited to or to the extent apportioned to current 56414  
operating expenses, shall be included in this qualification 56415  
requirement to the extent determined by the tax commissioner 56416  
under division (C) of section 3317.021 of the Revised Code. 56417

(B) The school year next preceding the fiscal year for 56418  
which such payments are authorized meets the requirement of 56419  
section 3313.48 of the Revised Code, with regard to the minimum 56420  
number of hours school must be open for instruction with pupils 56421  
in attendance, for individualized parent-teacher conference and 56422  
reporting periods, and for professional meetings of teachers. 56423

A school district shall not be considered to have failed 56424  
to comply with this division because schools were open for 56425  
instruction but either twelfth grade students were excused from 56426  
attendance for up to the equivalent of three school days or only 56427  
a portion of the kindergarten students were in attendance for up 56428  
to the equivalent of three school days in order to allow for the 56429  
gradual orientation to school of such students. 56430

A board of education or governing board of an educational 56431  
service center which has not conformed with other law and the 56432  
rules pursuant thereto, shall not participate in the 56433

distribution of funds authorized by this chapter, except for 56434  
good and sufficient reason established to the satisfaction of 56435  
the department and the state controlling board. 56436

All funds allocated to school districts under this 56437  
chapter, except those specifically allocated for other purposes, 56438  
shall be used to pay current operating expenses only. 56439

**Sec. 3317.011.** This section shall apply only for fiscal 56440  
years ~~2024~~2026 and ~~2025~~2027. 56441

(A) As used in this section: 56442

(1) "Average administrative assistant salary" means the 56443  
average salary of administrative assistants employed by city, 56444  
local, and exempted village school districts in this state with 56445  
salaries greater than \$20,000 but less than \$65,000, using 56446  
fiscal year 2022 data, as determined by the department of 56447  
education and workforce. 56448

(2) "Average bookkeeping and accounting employee salary" 56449  
means the average salary of bookkeeping employees and accounting 56450  
employees employed by city, local, and exempted village school 56451  
districts in this state with salaries greater than \$20,000 but 56452  
less than \$80,000, using fiscal year 2022 data, as determined by 56453  
the department. 56454

(3) "Average clerical staff salary" means the average 56455  
salary of clerical staff employed by city, local, and exempted 56456  
village school districts in this state with salaries greater 56457  
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 56458  
as determined by the department. 56459

(4) "Average counselor salary" means the average salary of 56460  
counselors employed by city, local, and exempted village school 56461  
districts in this state with salaries greater than \$30,000 but 56462

less than \$95,000, using fiscal year 2022 data, as determined by 56463  
the department. 56464

(5) "Average education management information system 56465  
support employee salary" means the average salary of accounting 56466  
employees employed by city, local, and exempted village school 56467  
districts in this state with salaries greater than \$30,000 but 56468  
less than \$90,000, using fiscal year 2022 data, as determined by 56469  
the department. 56470

(6) "Average librarian and media staff salary" means the 56471  
average salary of librarians and media staff employed by city, 56472  
local, and exempted village school districts in this state with 56473  
salaries greater than \$30,000 but less than \$95,000, using 56474  
fiscal year 2022 data, as determined by the department. 56475

(7) "Average other district administrator salary" means 56476  
the average salary of all assistant superintendents and 56477  
directors employed by city, local, and exempted village school 56478  
districts in this state with salaries greater than \$50,000 but 56479  
less than \$135,000, using fiscal year 2022 data, as determined 56480  
by the department. 56481

(8) "Average principal salary" means the average salary of 56482  
all principals employed by city, local, and exempted village 56483  
school districts in this state with salaries greater than 56484  
\$50,000 but less than \$120,000, using fiscal year 2022 data, as 56485  
determined by the department. 56486

(9) "Average superintendent salary" means the average 56487  
salary of all superintendents employed by city, local, and 56488  
exempted village school districts in this state with salaries 56489  
greater than \$60,000 but less than \$180,000, using fiscal year 56490  
2022 data, as determined by the department. 56491

(10) "Average teacher cost" for a fiscal year is equal to	56492
the sum of the following:	56493
(a) The average salary of teachers employed by city,	56494
local, and exempted village school districts in this state with	56495
salaries greater than \$30,000 but less than \$95,000, using	56496
fiscal year 2022 data, as determined by the department;	56497
(b) An amount for teacher benefits equal to 0.16 times the	56498
average salary calculated under division (A) (10) (a) of this	56499
section;	56500
(c) An amount for district-paid insurance costs equal to	56501
the following product:	56502
The statewide weighted average employer-paid monthly premium	56503
based on data reported by city, local, and exempted village	56504
school districts to the state employment relations board for the	56505
health insurance survey conducted in accordance with divisions	56506
(K) (5) and (6) of section 4117.02 of the Revised Code using	56507
fiscal year 2022 data X 12	56508
(11) "Eligible school district" means a city, local, or	56509
exempted village school district that satisfies one of the	56510
following:	56511
(a) The district is a member of an organization that	56512
regulates interscholastic athletics.	56513
(b) The district has teams in at least three different	56514
sports that participate in an interscholastic league.	56515
(B) When calculating a district's aggregate base cost	56516
under this section, the department shall use data from fiscal	56517
year 2022 for all of the following:	56518
(1) The average salaries determined under divisions (A)	56519

(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this section;	56520
	56521
(2) The amount for teacher benefits determined under division (A) (10) (b) of this section;	56522
	56523
(3) The district-paid insurance costs determined under division (A) (10) (c) of this section;	56524
	56525
(4) The spending determined under divisions (E) (4) (a), (E) (5) (a), (E) (6) (a), and (H) (1) of this section and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	56526
	56527
	56528
	56529
(5) The information determined under division (G) (3) of this section.	56530
	56531
(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:	56532
	56533
	56534
(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)	56535
	56536
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	56545
(D) The department shall compute a district's teacher base cost for a fiscal year as follows:	56546
	56547

(1) Calculate the district's classroom teacher cost for	56548
that fiscal year as follows:	56549
(a) Determine the full-time equivalency of students in the	56550
district's base cost enrolled ADM for that fiscal year that are	56551
enrolled in kindergarten and divide that number by 20;	56552
(b) Determine the full-time equivalency of students in the	56553
district's base cost enrolled ADM for that fiscal year that are	56554
enrolled in grades one through three and divide that number by	56555
23;	56556
(c) Determine the full-time equivalency of students in the	56557
district's base cost enrolled ADM for that fiscal year that are	56558
enrolled in grades four through eight but are not enrolled in a	56559
career-technical education program or class described under	56560
section 3317.014 of the Revised Code and divide that number by	56561
25;	56562
(d) Determine the full-time equivalency of students in the	56563
district's base cost enrolled ADM for that fiscal year that are	56564
enrolled in grades nine through twelve but are not enrolled in a	56565
career-technical education program or class described under	56566
section 3317.014 of the Revised Code and divide that number by	56567
27;	56568
(e) Determine the full-time equivalency of students in the	56569
district's base cost enrolled ADM for that fiscal year that are	56570
enrolled in a career-technical education program or class, as	56571
certified under divisions (B) (11), (12), (13), (14), and (15) of	56572
section 3317.03 of the Revised Code, and divide that number by	56573
18;	56574
(f) Compute the sum of the quotients obtained under	56575
divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	56576

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (f) of this section.

(2) Calculate the district's special teacher cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D) (3) (a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + 56605  
(the greater of the quotient obtained under division (D) (2) (a) 56606  
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 56607  
(b) of this section for that fiscal year)/180] X 4 56608

(5) Calculate the district's teacher base cost for that 56609  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 56610  
and (4) of this section. 56611

(E) The department shall compute a district's student 56612  
support base cost for a fiscal year as follows: 56613

(1) Calculate the district's guidance counselor cost for 56614  
that fiscal year as follows: 56615

(a) Determine the number of students in the district's 56616  
base cost enrolled ADM for that fiscal year that are enrolled in 56617  
grades nine through twelve and divide that number by 360; 56618

(b) Compute the counselor cost in accordance with the 56619  
following formula: 56620

(The greater of the quotient obtained under division (E) (1) (a) 56621  
of this section and 1) X [(the average counselor salary for that 56622  
fiscal year X 1.16) + the amount specified under division (A) 56623  
(10) (c) of this section for that fiscal year] 56624

(2) Calculate the district's librarian and media staff 56625  
cost for that fiscal year as follows: 56626

(a) Divide the district's base cost enrolled ADM for that 56627  
fiscal year by 1,000; 56628

(b) Compute the librarian and media staff cost in 56629  
accordance with the following formula: 56630

The quotient obtained under division (E) (2) (a) of this section X 56631

[(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 56632  
56633  
56634

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows: 56635  
56636

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250; 56637  
56638

(b) Compute the staffing cost for student wellness and success in accordance with the following formula: 56639  
56640

(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 56641  
56642  
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56644

(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows: 56645  
56646

(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2022 data; 56647  
56648  
56649  
56650

(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E) (4) (a) of this section; 56651  
56652  
56653

(c) Compute the academic co-curricular activities cost in accordance with the following formula: 56654  
56655

(The amount determined under division (E) (4) (a) of this section / the sum determined under division (E) (4) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed 56656  
56657  
56658  
56659

(5) Calculate the district's building safety and security cost for that fiscal year as follows:	56660 56661
(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;	56662 56663 56664 56665
(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E) (5) (a) of this section using fiscal year 2022 data;	56666 56667 56668
(c) Compute the building safety and security cost in accordance with the following formula:	56669 56670
(The amount determined under division (E) (5) (a) of this section / the sum determined under division (E) (5) (a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed	56671 56672 56673 56674
(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:	56675 56676
(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2022 data;	56677 56678 56679 56680
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2022 data as specified under division (E) (6) (a) of this section;	56681 56682 56683
(c) Compute the supplies and academic content cost in accordance with the following formula:	56684 56685
(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X	56686 56687

the district's base cost enrolled ADM for the fiscal year for 56688  
which the supplies and academic content cost is computed 56689

(7) Calculate the district's technology cost for that 56690  
fiscal year in accordance with the following formula: 56691

\$37.50 X the district's base cost enrolled ADM for that fiscal 56692  
year 56693

(8) Calculate the district's student support base cost for 56694  
that fiscal year, which equals the sum of divisions (E) (1), (2), 56695  
(3), (4), (5), (6), and (7) of this section. 56696

(F) The department shall compute a district's leadership 56697  
and accountability base cost for a fiscal year as follows: 56698

(1) Calculate the district's superintendent cost for that 56699  
fiscal year as follows: 56700

(a) If the district's base cost enrolled ADM for that 56701  
fiscal year is greater than 4,000, then the district's 56702  
superintendent cost shall be equal to [(\$160,000 X 1.16) + the 56703  
amount specified under division (A) (10) (c) of this section for 56704  
that fiscal year]. 56705

(b) If the district's base cost enrolled ADM for that 56706  
fiscal year is less than or equal to 4,000 but greater than or 56707  
equal to 500, the district's superintendent cost shall be equal 56708  
to the sum of the following: 56709

(i) (The district's base cost enrolled ADM for that fiscal 56710  
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 56711

(ii) (\$80,000 X 1.16) + the amount specified under 56712  
division (A) (10) (c) of this section for that fiscal year. 56713

(c) If the district's base cost enrolled ADM is less than 56714

500, then the district's superintendent cost shall be equal to 56715  
[ $(\$80,000 \times 1.16) +$  the amount specified under division (A) (10) 56716  
(c) of this section for that fiscal year]. 56717

(2) Calculate the district's treasurer cost for that 56718  
fiscal year as follows: 56719

(a) If the district's base cost enrolled ADM for that 56720  
fiscal year is greater than 4,000, then the district's treasurer 56721  
cost shall be equal to [ $(\$130,000 \times 1.16) +$  the amount specified 56722  
under division (A) (10) (c) of this section for that fiscal year]. 56723

(b) If the district's base cost enrolled ADM for that 56724  
fiscal year is less than or equal to 4,000 but greater than or 56725  
equal to 500, the district's treasurer cost shall be equal to 56726  
the sum of the following: 56727

(i) (The district's base cost enrolled ADM for that fiscal 56728  
year - 500) X [ $(\$130,000 \times 1.16) - (\$60,000 \times 1.16) / 3500$ ]; 56729

(ii)  $(\$60,000 \times 1.16) +$  the amount specified under 56730  
division (A) (10) (c) of this section for that fiscal year. 56731

(c) If the district's base cost enrolled ADM is less than 56732  
500, then the district's treasurer cost shall be equal to 56733  
[ $(\$60,000 \times 1.16) +$  the amount specified under division (A) (10) 56734  
(c) of this section for that fiscal year]. 56735

(3) Calculate the district's other district administrator 56736  
cost for that fiscal year as follows: 56737

(a) Divide the average other district administrator salary 56738  
for that fiscal year by the average superintendent salary for 56739  
that fiscal year; 56740

(b) Divide the district's base cost enrolled ADM for that 56741  
fiscal year by 750; 56742

(c) Compute the other district administrator cost in accordance with the following formula:	56743 56744
{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (F) (3) (a) of this section] + the amount specified under division (A) (10) (c) of this section} X (the greater of the quotient obtained under division (F) (3) (b) of this section and 2)	56745 56746 56747 56748 56749 56750 56751
(4) Calculate the district's fiscal support cost for that fiscal year as follows:	56752 56753
(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	56754 56755
(b) Determine the lesser of the following:	56756
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	56757 56758
(ii) 35.	56759
(c) Compute the fiscal support cost in accordance with the following formula:	56760 56761
The number obtained under division (F) (4) (b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	56762 56763 56764 56765
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	56766 56767
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	56768 56769

(b) Compute the education management information system support cost in accordance with the following formula:	56770 56771
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	56772 56773 56774 56775 56776
(6) Calculate the district's leadership support cost for that fiscal year as follows:	56777 56778
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number;	56779 56780 56781
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	56782 56783
(c) Compute the leadership support cost in accordance with the following formula:	56784 56785
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	56786 56787 56788 56789
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	56790 56791 56792
\$31 X the district's base cost enrolled ADM for that fiscal year	56793
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section.	56794 56795 56796 56797

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 56798  
56799  
56800

(1) Calculate the district's building leadership cost for that fiscal year as follows: 56801  
56802

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 56803  
56804

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 56805  
56806

(c) Compute the building leadership cost in accordance with the following formula: 56807  
56808

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of this section for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 56809  
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56814  
56815

(2) Calculate the district's building leadership support cost for that fiscal year as follows: 56816  
56817

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 56818  
56819

(b) Determine the number of school buildings in the district for ~~that~~ the preceding fiscal year; 56820  
56821

(c) Compute the building leadership support cost in accordance with the following formula: 56822  
56823

(i) If the quotient obtained under division (G) (2) (a) of 56824

this section is less than the number obtained under division (G) 56825  
(2) (b) of this section, then the district's building leadership 56826  
support cost shall be equal to {the number obtained under 56827  
division (G) (2) (b) of this section for that fiscal year X [(the 56828  
average clerical staff salary for that fiscal year X 1.16) + the 56829  
amount specified under division (A) (10) (c) of this section for 56830  
that fiscal year}}. 56831

(ii) If the quotient obtained under division (G) (2) (a) of 56832  
this section is greater than or equal to the number obtained 56833  
under division (G) (2) (b) of this section, then the district's 56834  
building leadership support cost shall be equal to {[the lesser 56835  
of (the number obtained under division (G) (2) (b) of this section 56836  
X 3) and the quotient obtained under division (G) (2) (a) of this 56837  
section] X [(the average clerical staff salary for that fiscal 56838  
year X 1.16) + the amount specified under division (A) (10) (c) of 56839  
this section for that fiscal year}}. 56840

(3) Calculate the district's building operations cost for 56841  
that fiscal year as follows: 56842

(a) Determine both of the following: 56843

(i) The average building square feet per pupil for all 56844  
city, local, and exempted village school district buildings in 56845  
the state; 56846

(ii) The average cost per square foot for all city, local, 56847  
and exempted village school district buildings in the state. 56848

(b) Compute the building operations cost in accordance 56849  
with the following formula: 56850

The district's base cost enrolled ADM for that fiscal year X 56851  
[(the number determined under division (G) (3) (a) (i) of this 56852  
section X the number determined under division (G) (3) (a) (ii) of 56853

this section) - (the amount determined under division (E) (5) (a) 56854  
of this section for that fiscal year/ the sum determined under 56855  
division (E) (5) (b) of this section for that fiscal year)] 56856

(4) Calculate the district's building leadership and 56857  
operations base cost for that fiscal year, which equals the sum 56858  
of divisions (G) (1), (2), and (3) of this section. 56859

(H) If a district is an eligible school district, the 56860  
department shall compute the district's athletic co-curricular 56861  
activities base cost for a fiscal year as follows: 56862

(1) Determine the total amount of spending for athletic 56863  
co-curricular activities reported by city, local, and exempted 56864  
village school districts to the department for that fiscal year; 56865

(2) Determine the sum of the enrolled ADM of every school 56866  
district in the state for that fiscal year; 56867

(3) Compute the district's athletic co-curricular 56868  
activities base cost in accordance with the following formula: 56869

(The amount determined under division (H) (1) of this section / 56870  
the sum determined under division (H) (2) of this section) X the 56871  
district's base cost enrolled ADM for the fiscal year for which 56872  
the funds for athletic co-curricular activities are computed 56873

**Sec. 3317.012.** This section shall apply only for fiscal 56874  
years ~~2024-2026~~ and ~~2025~~2027. 56875

(A) As used in this section, "average administrative 56876  
assistant salary," "average bookkeeping and accounting employee 56877  
salary," "average clerical staff salary," "average counselor 56878  
salary," "average education management information system 56879  
support employee salary," "average librarian and media staff 56880  
salary," "average other district administrator salary," "average 56881

principal salary," "average superintendent salary," and "average  
teacher cost" have the same meanings as in section 3317.011 of  
the Revised Code.

(B) When calculating a district's aggregate base cost  
under this section, the department shall use data from fiscal  
year 2022 for all of the following:

(1) The average salaries determined under divisions (A)  
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of  
section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under  
division (A) (10) (b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under  
division (A) (10) (c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E) (4) (a), (E) (5)  
(a), and (H) (1) of section 3317.011 of the Revised Code and the  
corresponding student counts determined under divisions (E) (4)  
(b), (E) (5) (b), and (H) (2) of that section;

(5) The information determined under division (G) (3) of  
section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base  
cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed  
under division (D) of this section + the district's student  
support base cost for that fiscal year computed under division  
(E) of this section + the district's leadership and  
accountability base cost for that fiscal year computed under  
division (F) of this section + the district's building  
leadership and operations base cost for that fiscal year

computed under division (G) of this section 56910

(D) The department of education and workforce shall 56911  
compute a district's teacher base cost for a fiscal year as 56912  
follows: 56913

(1) Calculate the district's classroom teacher cost for 56914  
that fiscal year as follows: 56915

(a) Determine the full-time equivalency of students in the 56916  
district's base cost enrolled ADM for that fiscal year that are 56917  
enrolled in a career-technical education program or class, as 56918  
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of 56919  
section 3317.03 of the Revised Code, and divide that number by 56920  
18; 56921

(b) Determine the full-time equivalency of students in the 56922  
district's base cost enrolled ADM for that fiscal year that are 56923  
enrolled in grades six through eight but are not enrolled in a 56924  
career-technical education program or class described under 56925  
section 3317.014 of the Revised Code and divide that number by 56926  
25; 56927

(c) Determine the full-time equivalency of students in the 56928  
district's base cost enrolled ADM for that fiscal year that are 56929  
enrolled in grades nine through twelve but are not enrolled in a 56930  
career-technical education program or class described under 56931  
section 3317.014 of the Revised Code and divide that number by 56932  
27; 56933

(d) Compute the sum of the quotients obtained under 56934  
divisions (D) (1) (a), (b), and (c) of this section; 56935

(e) Compute the classroom teacher base cost by multiplying 56936  
the average teacher cost for that fiscal year by the sum 56937  
computed under division (D) (1) (d) of this section. 56938

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:	56939 56940 56941 56942 56943 56944 56945 56946
(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;	56947 56948
(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.	56949 56950 56951 56952
(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.	56953 56954 56955 56956
(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	56957 56958
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	56959 56960
(b) Compute the substitute teacher cost in accordance with the following formula:	56961 56962
[The sum computed under division (D) (1) (d) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D)	56963 56964 56965
(3) (a) of this section X 5	56966

(4) Calculate the district's professional development cost	56967
for that fiscal year in accordance with the following formula:	56968
[The sum computed under division (D) (1) (d) of this section +	56969
(the greater of the quotient obtained under division (D) (2) (a)	56970
of this section and 6)] X [(the sum of divisions (A) (10) (a) and	56971
(b) of section 3317.011 of the Revised Code for that fiscal	56972
year)/180] X 4	56973
(5) Calculate the district's teacher base cost for that	56974
fiscal year, which equals the sum of divisions (D) (1), (2), (3),	56975
and (4) of this section.	56976
(E) The department shall compute a district's student	56977
support base cost for a fiscal year as follows:	56978
(1) Calculate the district's guidance counselor cost for	56979
that fiscal year as follows:	56980
(a) Determine the number of students in the district's	56981
base cost enrolled ADM for that fiscal year that are enrolled in	56982
grades nine through twelve and divide that number by 360;	56983
(b) Compute the counselor cost in accordance with the	56984
following formula:	56985
(The greater of the quotient obtained under division (E) (1) (a)	56986
of this section and 1) X [(the average counselor salary for that	56987
fiscal year X 1.16) + the amount specified under division (A)	56988
(10) (c) of section 3317.011 of the Revised Code for that fiscal	56989
year]	56990
(2) Calculate the district's librarian and media staff	56991
cost for that fiscal year as follows:	56992
(a) Divide the district's base cost enrolled ADM for that	56993
fiscal year by 1,000;	56994

(b) Compute the librarian and media staff cost in accordance with the following formula:	56995 56996
The quotient obtained under division (E) (2) (a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	56997 56998 56999 57000
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	57001 57002
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	57003 57004
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	57005 57006
The quotient obtained under division (E) (3) (a) of this section X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	57007 57008 57009 57010
(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:	57011 57012 57013 57014 57015 57016 57017
[(The amount determined under division (E) (4) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (4) (b) of section 3317.011 of the Revised Code) + (the amount determined under division (H) (1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H) (2) of section 3317.011 of the	57018 57019 57020 57021 57022 57023

Revised Code)] X the district's base cost enrolled ADM for the 57024  
fiscal year for which the district's cost under this division is 57025  
computed 57026

(5) Compute the district's building safety and security 57027  
cost for that fiscal year in accordance with the following 57028  
formula: 57029

(The amount determined under division (E) (5) (a) of section 57030  
3317.011 of the Revised Code for that fiscal year / the sum 57031  
determined under division (E) (5) (b) of section 3317.011 of the 57032  
Revised Code) X the district's base cost enrolled ADM for the 57033  
fiscal year for which the building safety and security cost is 57034  
computed 57035

(6) Compute the district's supplies and academic content 57036  
cost for that fiscal year in accordance with the following 57037  
formula: 57038

(The amount determined under division (E) (6) (a) of section 57039  
3317.011 of the Revised Code for that fiscal year / the sum 57040  
determined under division (E) (6) (b) of section 3317.011 of the 57041  
Revised Code) X the district's base cost enrolled ADM for the 57042  
fiscal year for which the supplies and academic content cost is 57043  
computed 57044

(7) Calculate the district's technology cost for that 57045  
fiscal year in accordance with the following formula: 57046

\$37.50 X the district's base cost enrolled ADM for that fiscal 57047  
year 57048

(8) Calculate the district's student support base cost for 57049  
that fiscal year, which equals the sum of divisions (E) (1), (2), 57050  
(3), (4), (5), (6), and (7) of this section. 57051

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows: 57052  
57053

(1) Calculate the district's superintendent cost for that fiscal year as follows: 57054  
57055

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]. 57056  
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57058  
57059  
57060

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 57061  
57062  
57063  
57064

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 57065  
57066

(ii) (\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year. 57067  
57068  
57069

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]. 57070  
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57072  
57073  
57074

(2) Calculate the district's treasurer cost for that fiscal year as follows: 57075  
57076

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified 57077  
57078  
57079

under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]. 57080  
57081

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following: 57082  
57083  
57084  
57085

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X  $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$ ; 57086  
57087

(ii)  $(\$60,000 \times 1.16)$  + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year. 57088  
57089  
57090

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to  $(\$60,000 \times 1.16)$  + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]. 57091  
57092  
57093  
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57095

(3) Calculate the district's other district administrator cost for that fiscal year as follows: 57096  
57097

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year; 57098  
57099  
57100

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 57101  
57102

(c) Compute the other district administrator cost in accordance with the following formula: 57103  
57104

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section} - \text{the amount specified under division (A) (10) (c) of section 3317.011 of the$  57105  
57106  
57107

Revised Code for that fiscal year) X the quotient obtained under 57108  
division (F) (3) (a) of this section] + the amount specified under 57109  
division (A) (10) (c) of section 3317.011 of the Revised Code} X 57110  
(the greater of the quotient obtained under division (F) (3) (b) 57111  
of this section and 2) 57112

(4) Calculate the district's fiscal support cost for that 57113  
fiscal year as follows: 57114

(a) Divide the district's base cost enrolled ADM for that 57115  
fiscal year by 850; 57116

(b) Determine the lesser of the following: 57117

(i) The maximum of the quotient obtained under division 57118  
(F) (4) (a) of this section and 2; 57119

(ii) 35. 57120

(c) Compute the fiscal support cost in accordance with the 57121  
following formula: 57122

The number obtained under division (F) (4) (b) of this section X 57123  
[(the average bookkeeping and accounting employee salary for 57124  
that fiscal year X 1.16) + the amount specified under division 57125  
(A) (10) (c) of section 3317.011 of the Revised Code for that 57126  
fiscal year] 57127

(5) Calculate the district's education management 57128  
information system support cost for that fiscal year as follows: 57129

(a) Divide the district's base cost enrolled ADM for that 57130  
fiscal year by 5,000; 57131

(b) Compute the education management information system 57132  
support cost in accordance with the following formula: 57133

(The greater of the quotient obtained under division (F) (5) (a) 57134

of this section and 1) X [(the average education management 57135  
information system support employee salary for that fiscal year 57136  
X 1.16) + the amount specified under division (A) (10) (c) of 57137  
section 3317.011 of the Revised Code for that fiscal year] 57138

(6) Calculate the district's leadership support cost for 57139  
that fiscal year as follows: 57140

(a) Determine the greater of the quotient obtained under 57141  
division (F) (3) (b) of this section and 2 and add 1 to that 57142  
number; 57143

(b) Divide the number obtained under division (F) (6) (a) of 57144  
this section by 3; 57145

(c) Compute the leadership support cost in accordance with 57146  
the following formula: 57147

(The greater of the quotient obtained under division (F) (6) (b) 57148  
of this section and 1) X [(the average administrative assistant 57149  
salary for that fiscal year X 1.16) + the amount specified under 57150  
division (A) (10) (c) of section 3317.011 of the Revised Code for 57151  
that fiscal year] 57152

(7) Calculate the district's information technology center 57153  
support cost for that fiscal year in accordance with the 57154  
following formula: 57155

\$31 X the district's base cost enrolled ADM for that fiscal year 57156

(8) Calculate the district's district leadership and 57157  
accountability base cost for that fiscal year, which equals the 57158  
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 57159  
this section; 57160

(G) The department shall compute a district's building 57161  
leadership and operations base cost for a fiscal year as 57162

follows:	57163
(1) Calculate the district's building leadership cost for that fiscal year as follows:	57164 57165
(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;	57166 57167
(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;	57168 57169
(c) Compute the building leadership cost in accordance with the following formula:	57170 57171
{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section	57172 57173 57174 57175 57176 57177 57178 57179
(2) Calculate the district's building leadership support cost for that fiscal year as follows:	57180 57181
(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;	57182 57183
(b) Determine the number of school buildings in the district for <del>that</del> <u>the preceding</u> fiscal year;	57184 57185
(c) Compute the building leadership support cost in accordance with the following formula:	57186 57187
(i) If the quotient obtained under division (G) (2) (a) of this section is less than the number obtained under division (G)	57188 57189

(2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of section 3317.011 of the Revised Code X the number determined under division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

**Sec. 3317.014.** (A) The multiples for the following

categories of career-technical education programs approved by 57219  
the department of education and workforce under section 3317.161 57220  
of the Revised Code shall be as follows: 57221

(1) A multiple of 0.6230 for students enrolled in career- 57222  
technical education workforce development programs in 57223  
agricultural and environmental systems, construction 57224  
technologies, engineering and science technologies, finance, 57225  
health science, information technology, and manufacturing 57226  
technologies, each of which shall be defined by the department 57227  
in consultation with the governor's office of workforce 57228  
transformation; 57229

(2) A multiple of 0.5905 for students enrolled in 57230  
workforce development programs in business and administration, 57231  
hospitality and tourism, human services, law and public safety, 57232  
transportation systems, and arts and communications, each of 57233  
which shall be defined by the department in consultation with 57234  
the governor's office of workforce transformation; 57235

(3) A multiple of 0.2154 for students enrolled in career- 57236  
based intervention programs, which shall be defined by the 57237  
department in consultation with the governor's office of 57238  
workforce transformation; 57239

(4) A multiple of 0.1830 for students enrolled in 57240  
workforce development programs in education and training, 57241  
marketing, workforce development academics, public 57242  
administration, and career development, each of which shall be 57243  
defined by the department in consultation with the governor's 57244  
office of workforce transformation; 57245

(5) A multiple of 0.1570 for students enrolled in family 57246  
and consumer science programs, which shall be defined by the 57247

department in consultation with the governor's office of 57248  
workforce transformation. 57249

(B) The multiple for career-technical education associated 57250  
services, as defined by the department, shall be 0.0294. 57251

(C) The department shall calculate career-technical 57252  
education funds for each funding unit that is a city, local, 57253  
exempted village, or joint vocational school district or the 57254  
community and STEM school unit as follows: 57255

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 57256  
the following: 57257

(a) The funding unit's category one career-technical 57258  
education ADM X the multiple specified in division (A) (1) of 57259  
this section X the statewide average career-technical base cost 57260  
per pupil for that fiscal year X if the funding unit is a city, 57261  
local, exempted village, or joint vocational school district, 57262  
the district's state share percentage; 57263

(b) The funding unit's category two career-technical 57264  
education ADM X the multiple specified in division (A) (2) of 57265  
this section X the statewide average career-technical base cost 57266  
per pupil for that fiscal year X if the funding unit is a city, 57267  
local, exempted village, or joint vocational school district, 57268  
the district's state share percentage; 57269

(c) The funding unit's category three career-technical 57270  
education ADM X the multiple specified in division (A) (3) of 57271  
this section X the statewide average career-technical base cost 57272  
per pupil for that fiscal year X if the funding unit is a city, 57273  
local, exempted village, or joint vocational school district, 57274  
the district's state share percentage; 57275

(d) The funding unit's category four career-technical 57276

education ADM X the multiple specified in division (A) (4) of 57277  
this section X the statewide average career-technical base cost 57278  
per pupil for that fiscal year X if the funding unit is a city, 57279  
local, exempted village, or joint vocational school district, 57280  
the district's state share percentage; 57281

(e) The funding unit's category five career-technical 57282  
education ADM X the multiple specified in division (A) (5) of 57283  
this section X the statewide average career-technical base cost 57284  
per pupil for that fiscal year X if the funding unit is a city, 57285  
local, exempted village, or joint vocational school district, 57286  
the district's state share percentage. 57287

(2) For fiscal year ~~2026~~–2028 and each fiscal year 57288  
thereafter, the sum of the following: 57289

(a) An amount calculated in a manner determined by the 57290  
general assembly times the funding unit's category one career- 57291  
technical education ADM; 57292

(b) An amount calculated in a manner determined by the 57293  
general assembly times the funding unit's category two career- 57294  
technical education ADM; 57295

(c) An amount calculated in a manner determined by the 57296  
general assembly times the funding unit's category three career- 57297  
technical education ADM; 57298

(d) An amount calculated in a manner determined by the 57299  
general assembly times the funding unit's category four career- 57300  
technical education ADM; 57301

(e) An amount calculated in a manner determined by the 57302  
general assembly times the funding unit's category five career- 57303  
technical education ADM. 57304

(3) Payment of funds calculated under division (C) of this section is subject to approval under section 3317.161 of the Revised Code.

(D) Subject to division (I) of section 3317.023 of the Revised Code, the department shall calculate career-technical associated services funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following product:

(If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage) X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E) (1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning

district as follows: 57334

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 57335  
equal to the following product: 57336

The sum of enrolled ADM for all districts and schools within the 57337  
career technical planning district X ~~\$7.50, for fiscal year~~ 57338  
~~2024, or \$10, for fiscal year 2025~~ \$3 57339

(b) For fiscal year ~~2026~~2028 and each fiscal year 57340  
thereafter, an amount calculated in a manner determined by the 57341  
general assembly, if the general assembly authorizes such a 57342  
payment to city, local, exempted village, and joint vocational 57343  
school districts, community schools, and STEM schools. 57344

(2) The lead district of a career technical planning 57345  
district shall use career awareness and exploration funds in 57346  
accordance with division (H) of this section. 57347

(F) (1) In any fiscal year, a school district receiving 57348  
funds calculated under division (C) of this section shall spend 57349  
those funds only for the purposes that the department designates 57350  
as approved for career-technical education expenses. Career- 57351  
technical education expenses approved by the department shall 57352  
include only expenses connected to the delivery of career- 57353  
technical programming to career-technical students. The 57354  
department shall require the school district to report data 57355  
annually so that the department may monitor the district's 57356  
compliance with the requirements regarding the manner in which 57357  
funding calculated under division (C) of this section may be 57358  
spent. 57359

(2) All funds received under division (C) of this section 57360  
shall be spent in the following manner: 57361

(a) At least seventy-five per cent of the funds shall be 57362

spent on curriculum development, purchase, and implementation; 57363  
instructional resources and supplies; industry-based program 57364  
certification; student assessment, credentialing, and placement; 57365  
curriculum specific equipment purchases and leases; career- 57366  
technical student organization fees and expenses; home and 57367  
agency linkages; work-based learning experiences; professional 57368  
development; and other costs directly associated with career- 57369  
technical education programs including development of new 57370  
programs. 57371

(b) Not more than twenty-five per cent of the funds shall 57372  
be used for personnel expenditures. 57373

(G) In any fiscal year, a school district receiving funds 57374  
calculated under division (D) of this section, or through a 57375  
transfer of funds pursuant to division (I) of section 3317.023 57376  
of the Revised Code, shall spend those funds only for the 57377  
purposes that the department designates as approved for career- 57378  
technical education associated services expenses, which may 57379  
include ~~such~~ all of the following purposes as apprenticeship- 57380  
~~coordinators, coordinators for other career-technical education-~~ 57381  
~~services, career-technical evaluation, and other purposes-~~ 57382  
~~designated by the department.:~~ 57383

(1) Engaging and collaborating with education and 57384  
workforce stakeholders in the service area; 57385

(2) Developing and maintaining a comprehensive plan to 57386  
increase career-focused education activities; 57387

(3) Ensuring that plans are informed by quality data and 57388  
using data to expand access to career-focused activities for all 57389  
students; 57390

(4) Planning and allocating resources for the growth, 57391

<u>sustainability, and enhancement of career-focused activities in</u>	57392
<u>the long term;</u>	57393
<u>(5) Establishing continuous improvement and program</u>	57394
<u>approval processes.</u>	57395
The department may deny payment of funds calculated under	57396
division (D) of this section to any district that the department	57397
determines is not operating those services or is using funds	57398
calculated under division (D) of this section, or through a	57399
transfer of funds pursuant to division (I) of section 3317.023	57400
of the Revised Code, for other purposes.	57401
(H) In any fiscal year, a lead district of a career-	57402
technical planning district receiving funds under division (E)	57403
of this section, shall utilize those funds to deliver relevant	57404
career awareness and exploration programs to all students within	57405
its career technical planning district in a manner that is	57406
consistent with the career-technical planning district's plan	57407
that is on file with the department. The lead district that	57408
receives funds under this division shall spend those funds only	57409
for the following purposes:	57410
(1) Delivery of career awareness programs to students	57411
enrolled in grades kindergarten through twelve;	57412
(2) Provision of a common, consistent curriculum to	57413
students throughout their primary and secondary education;	57414
(3) Assistance to teachers in providing a career	57415
development curriculum to students;	57416
(4) Development of a career development plan for each	57417
student that stays with that student for the duration of the	57418
student's primary and secondary education;	57419

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level; 57420  
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(6) Provision of mentorship opportunities through which students may learn about careers and workforce skills. 57423  
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The lead district that receives funds under division (E) of this section shall report on the use of those funds to the department in a manner prescribed by the department. 57425  
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The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes. 57428  
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**Sec. 3317.016.** As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code. 57431  
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The multiples for English learners shall be as follows: 57434

(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less. 57435  
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(B) A multiple of 0.1577 for each student who, for fiscal years ~~2024-2026~~ and ~~2025-2027~~ has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division (C) (3) of section 3301.0711 of the Revised Code or who, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division. 57439  
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(C) A multiple of 0.1053 for each student who, for fiscal years ~~2024-2026~~ and ~~2025-2027~~, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division (C) (3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2026-2028~~ and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

**Sec. 3317.017.** This section shall apply only for fiscal years ~~2024-2026~~ and ~~2025-2027~~.

(A) The department of education and workforce shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A) (1) (a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine the minimum of the following:

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years

for which data is available, as certified under section 3317.021 57477  
of the Revised Code; 57478

(ii) The total federal adjusted gross income of the 57479  
district's residents for the most recent tax year for which data 57480  
is available, as certified under section 3317.021 of the Revised 57481  
Code. 57482

(b) Divide the amount determined under division (A) (2) (a) 57483  
of this section by the district's base cost enrolled ADM for the 57484  
fiscal year for which the calculation is made. 57485

(3) Calculate the district's adjusted local share federal 57486  
adjusted gross income per pupil for that fiscal year as follows: 57487

(a) Determine both of the following: 57488

(i) The median federal adjusted gross income of the 57489  
district's residents for the most recent tax year for which data 57490  
is available, as certified under section 3317.021 of the Revised 57491  
Code; 57492

(ii) The number of state tax returns filed by taxpayers 57493  
residing in the district for the most recent tax year for which 57494  
data is available, as certified under section 3317.021 of the 57495  
Revised Code. 57496

(b) Compute the product of divisions (A) (3) (a) (i) and (ii) 57497  
of this section; 57498

(c) Divide the amount determined under division (A) (3) (b) 57499  
of this section by the district's base cost enrolled ADM for the 57500  
fiscal year for which the calculation is made. 57501

(4) Calculate the district's per-pupil local capacity 57502  
percentage as follows: 57503

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year;

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the district with the highest ratio calculated under division (A) (4) (b) of this section to the district with the lowest ratio calculated under division (A) (4) (b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(i) If the ratio calculated for the district under division (A) (4) (b) of this section is greater than or equal to the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A) (4) (b) of this section is less than the ratio calculated under division (A) (4) (b) of this section for the district with the fortieth highest ratio as determined under division (A) (4) (c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A) (4)

(b) of this section - 1) X 0.0025]/ (the ratio calculated under 57533  
division (A) (4) (b) of this section for the district with the 57534  
fortieth highest ratio as determined under division (A) (4) (c) of 57535  
this section - 1)} + 0.0225 57536

(iii) If the ratio calculated for the district under 57537  
division (A) (4) (b) of this section is less than or equal to 1.0, 57538  
the district's per-pupil local capacity percentage shall be 57539  
equal to the amount calculated under division (A) (4) (b) of this 57540  
section times 0.0225. 57541

(5) Calculate the district's per-pupil local capacity 57542  
amount for that fiscal year as follows: 57543

(The district's valuation per pupil calculated under division 57544  
(A) (1) of this section for that fiscal year X the district's 57545  
per-pupil local capacity percentage calculated under division 57546  
(A) (4) of this section X 0.60) + (the district's local share 57547  
federal adjusted gross income per pupil calculated under 57548  
division (A) (2) of this section for that fiscal year X the 57549  
district's per-pupil local capacity percentage calculated under 57550  
division (A) (4) of this section X 0.20 ) + (the district's 57551  
adjusted local share federal adjusted gross income per pupil 57552  
calculated under division (A) (3) of this section for that fiscal 57553  
year X the district's per-pupil local capacity percentage 57554  
calculated under division (A) (4) of this section X 0.20) 57555

(B) The department shall compute a city, local, or 57556  
exempted village school district's state share for a fiscal year 57557  
as follows: 57558

(1) If the district's per-pupil local capacity amount for 57559  
that fiscal year divided by the district's base cost per pupil 57560  
for that fiscal year is greater than 0.90, then the district's 57561

state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.10 X the district's enrolled ADM for that fiscal year). 57562  
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(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.90, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year]. 57565  
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(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows: 57572  
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(the district's base cost per pupil amount for that fiscal year - the district's per pupil local capacity amount for that fiscal year)/(the district's base cost per pupil amount for that fiscal year). 57575  
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If the result is less than 0.10, the state share percentage shall be 0.10. 57579  
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**Sec. 3317.018.** (A) The statewide average base cost per pupil shall be determined as follows: 57581  
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(1) For fiscal year 2024, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year. 57583  
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(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 57590

statewide average base cost per pupil shall be equal to the 57591  
amount calculated under division (A) (1) of this section. 57592

(B) The statewide average career-technical base cost per 57593  
pupil shall be determined as follows: 57594

(1) For fiscal year 2024, the statewide average career- 57595  
technical base cost per pupil shall be equal to the sum of the 57596  
aggregate base cost calculated for all joint vocational school 57597  
districts in the state for that fiscal year under section 57598  
3317.012 of the Revised Code divided by the sum of the base cost 57599  
enrolled ADMs of all of the joint vocational school districts in 57600  
the state for that fiscal year. 57601

(2) For fiscal ~~year~~years 2025, 2026, and 2027, the 57602  
statewide average career-technical base cost per pupil shall be 57603  
equal to the amount calculated under division (B) (1) of this 57604  
section. 57605

**Sec. 3317.019.** (A) (1) Subject to division (C) of this 57606  
section, for fiscal years ~~2024-2026~~ and ~~2025~~2027, the department 57607  
of education and workforce shall pay temporary transitional aid 57608  
to each city, local, and exempted village school district 57609  
according to the following formula: 57610

(The district's funding base, as that term is defined in section 57611  
3317.02 of the Revised Code) - (the district's payment under 57612  
section 3317.022 of the Revised Code ~~- the district's payment~~ 57613  
~~for supplemental targeted assistance under section 3317.0218 of~~ 57614  
~~the Revised Code for the fiscal year for which each payment is~~ 57615  
~~computed~~) 57616

If the computation made under division (A) (1) of this 57617  
section results in a negative number, the district's funding 57618  
under division (A) (1) of this section shall be zero. 57619

(2) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the 57620  
department shall pay temporary transitional transportation aid 57621  
to that district according to the following formula: 57622

(The amount calculated for the district for fiscal year 2020 57623  
under division (A) (2) of Section 265.220 of H.B. 166 of the 57624  
133rd general assembly, prior to any funding reductions 57625  
authorized by Executive Order 2020-19D, "Implementing Additional 57626  
Spending Controls to Balance the State Budget" issued on May 7, 57627  
2020) - (the district's payment for fiscal year 2019 under 57628  
division (D) (2) of section 3314.091 of the Revised Code as that 57629  
division existed prior to September 30, 2021) - (the district's 57630  
payment under section 3317.0212 of the Revised Code for the 57631  
fiscal year for which the payment is computed) 57632

If the computation made under division (A) (2) of this 57633  
section results in a negative number, the district's funding 57634  
under division (A) (2) of this section shall be zero. 57635

(B) If a local school district participates in the 57636  
establishment of a joint vocational school district that begins 57637  
receiving payments under section 3317.16 of the Revised Code for 57638  
fiscal year ~~2024-2026~~ or fiscal year ~~2025-2027~~, but does not 57639  
receive payments for the fiscal year immediately preceding that 57640  
fiscal year, the department shall adjust, as necessary, the 57641  
district's funding base, as that term is defined in section 57642  
3317.02 of the Revised Code, according to the amounts received 57643  
by the district in the immediately preceding fiscal year for 57644  
career-technical education students who attend the newly 57645  
established joint vocational school district. 57646

(C) (1) For purposes of division (C) of this section, a 57647  
district's "decrease threshold" for a fiscal year is the greater 57648  
of the following: 57649

(a) Twenty;	57650
(b) Ten per cent of the number of the district's students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for the previous fiscal year.	57651 57652 57653
(2) For fiscal years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> , if a district has fewer students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:	57654 57655 57656 57657 57658 57659 57660 57661
The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]	57662 57663 57664 57665 57666 57667
At no time, however, shall the amount paid to a district under division (A) of this section be less than zero.	57668 57669
<b>Sec. 3317.0110.</b> This section shall apply only for fiscal years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> .	57670 57671
(A) As used in this section:	57672
(1) "Average teacher cost" for a fiscal year has the same meaning as in section 3317.011 of the Revised Code.	57673 57674
(2) "Eligible community or STEM school" means a community or STEM school that satisfies one of the following:	57675 57676
(a) The school is a member of an organization that	57677

regulates interscholastic athletics. 57678

(b) The school has teams in at least three different 57679  
sports that participate in an interscholastic league. 57680

(B) When calculating a community or STEM school's 57681  
aggregate base cost under this section, the department of 57682  
education and workforce shall use data from fiscal year 2022 for 57683  
the average teacher cost. 57684

(C) A community or STEM school's aggregate base cost for a 57685  
fiscal year shall be equal to the following sum: 57686

(The school's teacher base cost for that fiscal year computed 57687  
under division (D) of this section) + (the school's student 57688  
support base cost for that fiscal year computed under division 57689  
(E) of this section) + (the school's leadership and 57690  
accountability base cost for that fiscal year computed under 57691  
division (F) of this section) + (the school's building 57692  
leadership and operations base cost for that fiscal year 57693  
computed under division (G) of this section) + (the school's 57694  
athletic co-curricular activities base cost for that fiscal year 57695  
computed under division (H) of this section, if the school is an 57696  
eligible community or STEM school) 57697

(D) The department ~~of education~~ shall compute a community 57698  
or STEM school's teacher base cost for a fiscal year as follows: 57699

(1) Calculate the school's classroom teacher cost for that 57700  
fiscal year as follows: 57701

(a) Determine the full-time equivalency of students 57702  
enrolled in the school for that fiscal year that are enrolled in 57703  
kindergarten and divide that number by 20; 57704

(b) Determine the full-time equivalency of students 57705

enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;	57706 57707
(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;	57708 57709 57710 57711 57712
(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;	57713 57714 57715 57716 57717
(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B) (4) of section 3314.08 of the Revised Code, and divide that number by 18;	57718 57719 57720 57721 57722
(f) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	57723 57724
(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (f) of this section.	57725 57726 57727
(2) Calculate the school's special teacher cost for that fiscal year as follows:	57728 57729
(a) Divide the number of students enrolled in the school for that fiscal year by 150;	57730 57731
(b) Compute the special teacher cost by multiplying the quotient obtained under division (D) (2) (a) of this section by	57732 57733

the average teacher cost for that fiscal year. 57734

(3) Calculate the school's substitute teacher cost for 57735  
that fiscal year in accordance with the following formula: 57736

(a) Compute the substitute teacher daily rate with 57737  
benefits by multiplying the substitute teacher daily rate of \$90 57738  
by 1.16; 57739

(b) Compute the substitute teacher cost in accordance with 57740  
the following formula: 57741

(The sum computed under division (D) (1) (f) of this section + the 57742  
quotient obtained under division (D) (2) (a) of this section) X 57743  
the amount computed under division (D) (3) (a) of this section X 5 57744

(4) Calculate the school's professional development cost 57745  
for that fiscal year in accordance with the following formula: 57746

(The sum computed under division (D) (1) (f) of this section + the 57747  
quotient obtained under division (D) (2) (a) of this section) X 57748  
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of 57749  
the Revised Code for that fiscal year)/180] X 4 57750

(5) Calculate the school's teacher base cost for that 57751  
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 57752  
and (4) of this section. 57753

(E) The department shall compute a community or STEM 57754  
school's student support base cost for a fiscal year as follows: 57755

The number of students enrolled in the school for that fiscal 57756  
year X [(the sum of the student support base cost calculated for 57757  
all city, local, and exempted village school districts in the 57758  
state for that fiscal year under division (E) of section 57759  
3317.011 of the Revised Code) / the sum of the base cost 57760  
enrolled ADMs of all of the city, local, and exempted village 57761

school districts in the state for that fiscal year]	57762
(F) The department shall compute a community or STEM	57763
school's leadership and accountability base cost for a fiscal	57764
year as follows:	57765
The number of students enrolled in the school for that fiscal	57766
year X (the sum of the leadership and accountability base cost	57767
calculated for all city, local, and exempted village school	57768
districts in the state for that fiscal year under division (F)	57769
of section 3317.011 of the Revised Code / the sum of the base	57770
cost enrolled ADMs of all of the city, local, and exempted	57771
village school districts in the state for that fiscal year)	57772
(G) The department shall compute a community or STEM	57773
school's building leadership and operations base cost for a	57774
fiscal year as follows:	57775
The number of students enrolled in the school for that fiscal	57776
year X (the sum of the building leadership and accountability	57777
base cost calculated for all city, local, and exempted village	57778
school districts in the state for that fiscal year under	57779
division (G) of section 3317.011 of the Revised Code / the sum	57780
of the base cost enrolled ADMs of all of the city, local, and	57781
exempted village school districts in the state for that fiscal	57782
year)	57783
(H) If a community or STEM school is an eligible community	57784
or STEM school, the department shall compute the school's	57785
athletic co-curricular activities base cost for a fiscal year as	57786
follows:	57787
The number of students enrolled in the school for that fiscal	57788
year X (the amount determined under division (H) (1) of section	57789
3317.011 of the Revised Code / the sum determined under division	57790

(H) (2) of section 3317.011 of the Revised Code)	57791
<b>Sec. 3317.02.</b> As used in this chapter:	57792
(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.	57793 57794
(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.	57795 57796 57797
(C) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:	57798 57799 57800
(1) The district's enrolled ADM for the previous fiscal year;	57801 57802
(2) The average of the district's enrolled ADM for the previous three fiscal years.	57803 57804
(D) (1) "Base cost per pupil" means the following for a city, local, or exempted village school district:	57805 57806
(a) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;	57807 57808 57809 57810
(b) For fiscal year <del>2026-2028</del> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	57811 57812 57813
(2) "Base cost per pupil" means the following for a joint vocational school district:	57814 57815
(a) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the aggregate base cost calculated for that district for that fiscal year	57816 57817

under section 3317.012 of the Revised Code divided by the 57818  
district's base cost enrolled ADM for that fiscal year; 57819

(b) For fiscal year ~~2026~~2028 and each fiscal year 57820  
thereafter, an amount calculated in a manner determined by the 57821  
general assembly. 57822

(E) (1) "Category one career-technical education ADM" means 57823  
the enrollment of students during the school year on a full-time 57824  
equivalency basis in career-technical education programs 57825  
described in division (A) (1) of section 3317.014 of the Revised 57826  
Code and, in the case of a funding unit that is a city, local, 57827  
exempted village, or joint vocational school district, certified 57828  
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 57829  
Revised Code or, in the case of the community and STEM school 57830  
unit, reported by all community and STEM schools statewide under 57831  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57832  
and division (D) of section 3326.32 of the Revised Code. 57833

(2) "Category two career-technical education ADM" means 57834  
the enrollment of students during the school year on a full-time 57835  
equivalency basis in career-technical education programs 57836  
described in division (A) (2) of section 3317.014 of the Revised 57837  
Code and, in the case of a funding unit that is a city, local, 57838  
exempted village, or joint vocational school district, certified 57839  
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 57840  
Revised Code or, in the case of the community and STEM school 57841  
unit, reported by all community and STEM schools statewide under 57842  
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57843  
and division (D) of section 3326.32 of the Revised Code. 57844

(3) "Category three career-technical education ADM" means 57845  
the enrollment of students during the school year on a full-time 57846  
equivalency basis in career-technical education programs 57847

described in division (A) (3) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (13) or (D) (2) (j) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (4) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (14) or (D) (2) (k) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (5) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (15) or (D) (2) (l) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(F) (1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (16) or (D) (2) (m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (17) or (D) (2) (n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (18) or (D) (2) (o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G) (1) "Category one special education ADM" means the 57908  
full-time equivalent number of children with disabilities 57909  
receiving special education services for the disability 57910  
specified in division (A) of section 3317.013 of the Revised 57911  
Code and, in the case of a funding unit that is a city, local, 57912  
exempted village, or joint vocational school district, certified 57913  
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 57914  
Revised Code or, in the case of the community and STEM school 57915  
unit, reported by all community and STEM schools statewide under 57916  
division (B) (3) of section 3314.08 of the Revised Code and 57917  
division (C) of section 3326.32 of the Revised Code. 57918

(2) "Category two special education ADM" means the full- 57919  
time equivalent number of children with disabilities receiving 57920  
special education services for those disabilities specified in 57921  
division (B) of section 3317.013 of the Revised Code and, in the 57922  
case of a funding unit that is a city, local, exempted village, 57923  
or joint vocational school district, certified under division 57924  
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 57925  
in the case of the community and STEM school unit, reported by 57926  
all community and STEM schools statewide under division (B) (3) 57927  
of section 3314.08 of the Revised Code and division (C) of 57928  
section 3326.32 of the Revised Code. 57929

(3) "Category three special education ADM" means the full- 57930  
time equivalent number of students receiving special education 57931  
services for those disabilities specified in division (C) of 57932  
section 3317.013 of the Revised Code, and, in the case of a 57933  
funding unit that is a city, local, exempted village, or joint 57934  
vocational school district, certified under division (B) (7) or 57935  
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 57936  
of the community and STEM school unit, reported by all community 57937  
and STEM schools statewide under division (B) (3) of section 57938

3314.08 of the Revised Code and division (C) of section 3326.32 57939  
of the Revised Code. 57940

(4) "Category four special education ADM" means the full- 57941  
time equivalent number of students receiving special education 57942  
services for those disabilities specified in division (D) of 57943  
section 3317.013 of the Revised Code and, in the case of a 57944  
funding unit that is a city, local, exempted village, or joint 57945  
vocational school district, certified under division (B) (8) or 57946  
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 57947  
of the community and STEM school unit, reported by all community 57948  
and STEM schools statewide under division (B) (3) of section 57949  
3314.08 of the Revised Code and division (C) of section 3326.32 57950  
of the Revised Code. 57951

(5) "Category five special education ADM" means the full- 57952  
time equivalent number of students receiving special education 57953  
services for the disabilities specified in division (E) of 57954  
section 3317.013 of the Revised Code and, in the case of a 57955  
funding unit that is a city, local, exempted village, or joint 57956  
vocational school district, certified under division (B) (9) or 57957  
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 57958  
of the community and STEM school unit, reported by all community 57959  
and STEM schools statewide under division (B) (3) of section 57960  
3314.08 of the Revised Code and division (C) of section 3326.32 57961  
of the Revised Code. 57962

(6) "Category six special education ADM" means the full- 57963  
time equivalent number of students receiving special education 57964  
services for the disabilities specified in division (F) of 57965  
section 3317.013 of the Revised Code and, in the case of a 57966  
funding unit that is a city, local, exempted village, or joint 57967  
vocational school district certified under division (B) (10) or 57968

(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 57969  
of the community and STEM school unit, reported by all community 57970  
and STEM schools statewide under division (B) (3) of section 57971  
3314.08 of the Revised Code and division (C) of section 3326.32 57972  
of the Revised Code. 57973

(H) "Community and STEM school unit" means a unit that 57974  
consists of all of the students enrolled in community schools 57975  
established under Chapter 3314. of the Revised Code and science, 57976  
technology, engineering, and mathematics schools established 57977  
under Chapter 3326. of the Revised Code. 57978

(I) (1) "Economically disadvantaged index for a school 57979  
district" means the following: 57980

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the square of 57981  
the quotient of that district's percentage of students in its 57982  
enrolled ADM who are identified as economically disadvantaged as 57983  
defined by the department of education and workforce, divided by 57984  
the percentage of students in the statewide ADM identified as 57985  
economically disadvantaged. For purposes of this calculation: 57986

(i) For a city, local, or exempted village school 57987  
district, the "statewide ADM" equals the sum of the following: 57988

(I) The enrolled ADM for all city, local, and exempted 57989  
village school districts combined; 57990

(II) The statewide enrollment of students in community 57991  
schools established under Chapter 3314. of the Revised Code; 57992

(III) The statewide enrollment of students in science, 57993  
technology, engineering, and mathematics schools established 57994  
under Chapter 3326. of the Revised Code. 57995

(ii) For a joint vocational school district, the 57996

"statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined. 57997  
57998

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 57999  
58000  
58001

(2) "Economically disadvantaged index for a community or STEM school" means the following: 58002  
58003

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I) (1) (a) (i) of this section. 58004  
58005  
58006  
58007  
58008  
58009  
58010  
58011

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 58012  
58013  
58014

(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code. 58015  
58016  
58017  
58018

(K) "Enrolled ADM" means the following: 58019

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the department and adjusted if so ordered under division (K) of that section, and as further adjusted by the department, as follows: 58020  
58021  
58022  
58023  
58024

(a) Add the students described in division (A) (1) (b) of section 3317.03 of the Revised Code;	58025 58026
(b) Subtract the students counted under divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code;	58027 58028 58029
(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code;	58030 58031 58032
(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact;	58033 58034 58035 58036
(e) Add twenty per cent of the number of students described in division (A) (1) (b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact.	58037 58038 58039 58040
(2) For a joint vocational school district, the final number verified by the department, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department by adding the students described in division (D) (1) (b) of section 3317.03 of the Revised Code;	58041 58042 58043 58044 58045 58046 58047
(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B) (1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;	58048 58049 58050 58051 58052 58053

(4) For the educational choice scholarship unit, the 58054  
number of students for whom educational choice scholarships are 58055  
awarded under sections 3310.03 and 3310.032 of the Revised Code 58056  
as reported under division (A) (2) (g) of section 3317.03 of the 58057  
Revised Code; 58058

(5) For the pilot project scholarship unit, the number of 58059  
students for whom pilot project scholarships are awarded under 58060  
sections 3313.974 to 3313.979 of the Revised Code as reported 58061  
under division (A) (2) (b) of section 3317.03 of the Revised Code; 58062

(6) For the autism scholarship unit, the number of 58063  
students for whom autism scholarships are awarded under section 58064  
3310.41 of the Revised Code as reported under division (A) (2) (h) 58065  
of section 3317.03 of the Revised Code; 58066

(7) For the Jon Peterson special needs scholarship unit, 58067  
the number of students for whom Jon Peterson special needs 58068  
scholarships are awarded under sections 3310.51 to 3310.64 of 58069  
the Revised Code as reported under division (A) (2) (h) of section 58070  
3317.03 of the Revised Code. 58071

(L) (1) "Formula ADM" means, for a city, local, or exempted 58072  
village school district, the enrollment reported under division 58073  
(A) of section 3317.03 of the Revised Code, as verified by the 58074  
department and adjusted if so ordered under division (K) of that 58075  
section, and as further adjusted by the department, as follows: 58076

(a) Count only twenty per cent of the number of joint 58077  
vocational school district students counted under division (A) 58078  
(3) of section 3317.03 of the Revised Code; 58079

(b) Add twenty per cent of the number of students who are 58080  
entitled to attend school in the district under section 3313.64 58081  
or 3313.65 of the Revised Code and are enrolled in another 58082

school district under a career-technical education compact. 58083

(2) "Formula ADM" means, for a joint vocational school 58084  
district, the final number verified by the department, based on 58085  
the enrollment reported and certified under division (D) of 58086  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 58087  
under division (K) of that section. 58088

(M) "FTE basis" means a count of students based on full- 58089  
time equivalency, in accordance with rules adopted by the 58090  
department pursuant to section 3317.03 of the Revised Code. In 58091  
adopting its rules under this division, the department shall 58092  
provide for counting any student in category one, two, three, 58093  
four, five, or six special education ADM or in category one, 58094  
two, three, four, or five career-technical education ADM in the 58095  
same proportion the student is counted in enrolled ADM and 58096  
formula ADM. 58097

(N) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 58098  
base" means, for a city, local, or exempted village school 58099  
district, the sum of the following as calculated by the 58100  
department: 58101

(1) The district's "general funding base," which equals 58102  
the amount calculated as follows: 58103

(a) Compute the sum of the following: 58104

(i) The amount calculated for the district for fiscal year 58105  
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 58106  
133rd general assembly after any adjustments required under 58107  
Section 265.227 of H.B. 166 of the 133rd general assembly and 58108  
prior to any funding reductions authorized by Executive Order 58109  
2020-19D, "Implementing Additional Spending Controls to Balance 58110  
the State Budget" issued on May 7, 2020; 58111

(ii) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the 58112  
district's payments for fiscal year 2020 under divisions (C) (1), 58113  
(3), and (4) of section 3313.981 of the Revised Code as those 58114  
divisions existed prior to September 30, 2021. 58115

(b) Subtract from the amount calculated in division (N) (1) 58116  
(a) of this section the sum of the following: 58117

(i) The following difference: 58118

(The amount paid to the district under division (A) (5) of 58119  
section 3317.022 of the Revised Code, as that division existed 58120  
prior to September 30, 2021, for fiscal year 2019) - (the 58121  
amounts deducted from the district and paid to a community 58122  
school under division (C) (1) (e) of section 3314.08 of the 58123  
Revised Code or a science, technology, engineering, and 58124  
mathematics school under division (E) of section 3326.33 of the 58125  
Revised Code as those divisions existed prior to September 30, 58126  
2021, for fiscal year 2020 in accordance with division (A) of 58127  
Section 265.235 of H.B. 166 of the 133rd general assembly) 58128

(ii) The payments deducted from the district and paid to a 58129  
community school for fiscal year 2020 under divisions (C) (1) (a), 58130  
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 58131  
Revised Code as those divisions existed prior to September 30, 58132  
2021, in accordance with division (A) of Section 265.230 of H.B. 58133  
166 of the 133rd general assembly; 58134

(iii) The payments deducted from the district and paid to 58135  
a science, technology, engineering, and mathematics school for 58136  
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 58137  
and (G) of section 3326.33 of the Revised Code as those 58138  
divisions existed prior to September 30, 2021, in accordance 58139  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 58140

general assembly; 58141

(iv) The payments deducted from the district under 58142  
division (C) of section 3310.08 of the Revised Code as that 58143  
division existed prior to September 30, 2021, division (C) (2) of 58144  
section 3310.41 of the Revised Code as that division existed 58145  
prior to September 30, 2021, and former section 3310.55 of the 58146  
Revised Code for fiscal year 2020 and, in the case of a pilot 58147  
project school district as defined in section 3313.975 of the 58148  
Revised Code, the funds deducted from the district under Section 58149  
265.210 of H.B. 166 of the 133rd general assembly to operate the 58150  
pilot project scholarship program for fiscal year 2020 under 58151  
sections 3313.974 to 3313.979 of the Revised Code; 58152

(v) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the payments 58153  
subtracted from the district for fiscal year 2020 under 58154  
divisions (B) (1) and (3) of section 3313.981 of the Revised Code 58155  
as those divisions existed prior to September 30, 2021. 58156

(2) The district's "disadvantaged pupil impact aid funding 58157  
base," which equals the following difference: 58158

(The amount paid to the district under division (A) (5) of 58159  
section 3317.022 of the Revised Code, as that division existed 58160  
prior to September 30, 2021, for fiscal year 2019) - (the 58161  
amounts deducted from the district and paid to a community 58162  
school under division (C) (1) (e) of section 3314.08 of the 58163  
Revised Code or a science, technology, engineering, and 58164  
mathematics school under division (E) of section 3326.33 of the 58165  
Revised Code as those divisions existed prior to September 30, 58166  
2021, for fiscal year 2020 in accordance with division (A) of 58167  
Section 265.235 of H.B. 166 of the 133rd general assembly) 58168

(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 58169

base" means, for a joint vocational school district, the sum of 58170  
the following as calculated by the department: 58171

(1) The district's "general funding base," which equals 58172  
the amount calculated as follows: 58173

(a) Compute the sum of the following: 58174

(i) The district's payments for fiscal year 2020 under 58175  
Section 265.225 of H.B. 166 of the 133rd general assembly after 58176  
any adjustments required under Section 265.227 of H.B. 166 of 58177  
the 133rd general assembly; 58178

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 58179  
district's payments for fiscal year 2020 under divisions (D) (1) 58180  
and (2) of section 3313.981 of the Revised Code as those 58181  
divisions existed prior to September 30, 2021. 58182

(b) Subtract from the amount paid to the district under 58183  
division (A) (3) of section 3317.16 of the Revised Code, as that 58184  
division existed prior to September 30, 2021, for fiscal year 58185  
2019. 58186

(2) The district's "disadvantaged pupil impact aid funding 58187  
base," which equals the amount paid to the district under 58188  
division (A) (3) of section 3317.16 of the Revised Code, as that 58189  
division existed prior to September 30, 2021, for fiscal year 58190  
2019. 58191

(P) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 58192  
base" for a community school means the following: 58193

(1) For a community school that was in operation for the 58194  
entirety of fiscal year 2020, the amount paid to the school for 58195  
that fiscal year under division (C) (1) of section 3314.08 of the 58196  
Revised Code as that division existed prior to September 30, 58197

2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the

department. 58229

(Q) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 58230  
base" for a STEM school means the following: 58231

(1) For a science, technology, engineering, and 58232  
mathematics school that was in operation for the entirety of 58233  
fiscal year 2020, the amount paid to the school for that fiscal 58234  
year under section 3326.33 of the Revised Code as that section 58235  
existed prior to September 30, 2021, in accordance with division 58236  
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 58237  
and the amount, if any, paid to the school for that fiscal year 58238  
under section 3326.41 of the Revised Code in accordance with 58239  
division (B) of Section 265.235 of H.B. 166 of the 133rd general 58240  
assembly; 58241

(2) For a science, technology, engineering, and 58242  
mathematics school that was in operation for part of fiscal year 58243  
2020, the amount that would have been paid to the school for 58244  
that fiscal year under section 3326.33 of the Revised Code as 58245  
that section existed prior to September 30, 2021, in accordance 58246  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 58247  
general assembly if the school had been in operation for the 58248  
entirety of that fiscal year, as calculated by the department, 58249  
and the amount that would have been paid to the school for that 58250  
fiscal year under section 3326.41 of the Revised Code in 58251  
accordance with division (B) of Section 265.235 of H.B. 166 of 58252  
the 133rd general assembly, if any, if the school had been in 58253  
operation for the entirety of that fiscal year, as calculated by 58254  
the department; 58255

(3) For a science, technology, engineering, and 58256  
mathematics school that was not in operation for fiscal year 58257  
2020, the amount that would have been paid to the school if it 58258

was in operation for that school year under section 3326.33 of 58259  
the Revised Code as that section existed prior to September 30, 58260  
2021, in accordance with division (A) of Section 265.235 of H.B. 58261  
166 of the 133rd general assembly if the school had been in 58262  
operation for the entirety of that fiscal year, as calculated by 58263  
the department, and the amount that would have been paid to the 58264  
school for that fiscal year under section 3326.41 of the Revised 58265  
Code in accordance with division (B) of Section 265.235 of H.B. 58266  
166 of the 133rd general assembly, if any, if the school had 58267  
been in operation for the entirety of that fiscal year, as 58268  
calculated by the department. 58269

(R) "Funding unit" means any of the following: 58270

(1) A city, local, exempted village, or joint vocational 58271  
school district; 58272

(2) The community and STEM school unit; 58273

(3) The educational choice scholarship unit; 58274

(4) The pilot project scholarship unit; 58275

(5) The autism scholarship unit; 58276

(6) The Jon Peterson special needs scholarship unit. 58277

(S) "Jon Peterson special needs scholarship unit" means a 58278  
unit that consists of all of the students for whom Jon Peterson 58279  
scholarships are awarded under sections 3310.51 to 3310.64 of 58280  
the Revised Code. 58281

(T) "Internet- or computer-based community school" has the 58282  
same meaning as in section 3314.02 of the Revised Code. 58283

(U) "LRE student with a disability" means a child with a 58284  
disability who has an individualized education program providing 58285

for the student to spend more than half of each school day in a 58286  
regular school setting with nondisabled students. For purposes 58287  
of this division, "individualized education program" and "child 58288  
with a disability" have the same meanings as in section 3323.01 58289  
of the Revised Code, and "LRE" is an abbreviation for "least 58290  
restrictive environment." 58291

(V) "Medically fragile child" means a child to whom all of 58292  
the following apply: 58293

(1) The child requires the services of a doctor of 58294  
medicine or osteopathic medicine at least once a week due to the 58295  
instability of the child's medical condition. 58296

(2) The child requires the services of a registered nurse 58297  
on a daily basis. 58298

(3) The child is at risk of institutionalization in a 58299  
hospital, skilled nursing facility, or intermediate care 58300  
facility for individuals with intellectual disabilities. 58301

(W) (1) A child may be identified as having an "other 58302  
health impairment-major" if the child's condition meets the 58303  
definition of "other health impaired" established in rules 58304  
previously adopted by the department and if either of the 58305  
following apply: 58306

(a) The child is identified as having a medical condition 58307  
that is among those listed by the department as conditions where 58308  
a substantial majority of cases fall within the definition of 58309  
"medically fragile child." 58310

(b) The child is determined by the department to be a 58311  
medically fragile child. A school district superintendent may 58312  
petition the department for a determination that a child is a 58313  
medically fragile child. 58314

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the department but the child's condition does not meet either of the conditions specified in division (W) (1) (a) or (b) of this section.

(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined by the general assembly.

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined by the general assembly.

(Y) "Pilot project scholarship unit" means a unit that consists of all of the students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code.

(Z) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(AA) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher

assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (G) (3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department; 58344  
58345  
58346  
58347  
58348

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability; 58349  
58350  
58351

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services; 58352  
58353  
58354

(4) Any service included in units funded under former division (O) (1) of section 3317.024 of the Revised Code; 58355  
58356

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 58357  
58358  
58359

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts. 58360  
58361

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code. 58362  
58363

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 58364  
58365

(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district: 58366  
58367

(a) For fiscal years 2024-2026 and 2025-2027, the state share percentage calculated under section 3317.017 of the Revised Code; 58368  
58369  
58370

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 58371  
58372  
58373

(2) "State share percentage" means ~~the following~~, for a joint vocational school district:— 58374  
58375

~~(a) For fiscal years 2024 and 2025, the percentage calculated in accordance with the following formula:—~~ 58376  
58377

~~The amount computed for the district under division (A) (1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code—~~ 58378  
58379  
58380  
58381

~~(b) For fiscal year 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly, the district's state share percentage calculated under section 3317.165 of the Revised Code.~~ 58382  
58383  
58384  
58385

(FF) "Statewide average base cost per pupil" means the following: 58386  
58387

(1) For fiscal years ~~2024~~2026 and ~~2025~~2027, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code; 58388  
58389  
58390

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 58391  
58392  
58393

(GG) "Statewide average career-technical base cost per pupil" means the following: 58394  
58395

(1) For fiscal years ~~2024~~2026 and ~~2025~~2027, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code; 58396  
58397  
58398

(2) For fiscal year <del>2026</del> <u>2028</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	58399 58400 58401
(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	58402 58403 58404
(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	58405 58406 58407 58408
(JJ) For purposes of sections 3317.017 and <del>3317.16</del> <u>3317.165</u> of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.	58409 58410 58411 58412 58413
(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A) (2) (a), (b), (g), (h), and (i) of that section, as verified by the department and adjusted if so ordered under division (K) of that section.	58414 58415 58416 58417 58418 58419
(LL) "Total special education ADM" means the sum of categories one through six special education ADM.	58420 58421
(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A) (1) and (2) of section 3317.021 of the Revised Code.	58422 58423 58424 58425
(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic	58426 58427

school, to which the student's family is entitled due to one or more of the following conditions:	58428 58429
(1) The student's family has multiple children enrolled in the same school.	58430 58431
(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.	58432 58433 58434 58435
(3) The student's parent is an employee of the school.	58436
(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.	58437 58438 58439
<b>Sec. 3317.021.</b> (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and workforce and the office of budget and management the information described in divisions (A) (1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A) (1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.	58440 58441 58442 58443 58444 58445 58446 58447 58448 58449
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	58450 58451 58452
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	58453 58454 58455

(3) (a) The total property tax rate and total taxes charged	58456
and payable for the current expenses for the preceding tax year	58457
and the total property tax rate and the total taxes charged and	58458
payable to a joint vocational district for the preceding tax	58459
year that are limited to or to the extent apportioned to current	58460
expenses.	58461
(b) The portion of the amount of taxes charged and payable	58462
reported for each city, local, and exempted village school	58463
district under division (A) (3) (a) of this section attributable	58464
to a joint vocational school district.	58465
(4) The value of all real and public utility real property	58466
in the school district exempted from taxation minus both of the	58467
following:	58468
(a) The value of real and public utility real property in	58469
the district owned by the United States government and used	58470
exclusively for a public purpose;	58471
(b) The value of real and public utility real property in	58472
the district exempted from taxation under Chapter 725. or 1728.	58473
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62,	58474
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	58475
(5) The <del>total</del> <u>median</u> federal adjusted gross income of the	58476
residents of the school district, based on tax returns filed by	58477
the residents of the district, for the most recent year for	58478
which this information is available, and the median Ohio	58479
adjusted gross income of the residents of the school district	58480
determined on the basis of tax returns filed for the second	58481
preceding tax year by the residents of the district.	58482
(6) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the number of	58483
state tax returns filed by the residents of the district for the	58484

most recent year for which this information is available. 58485

(B) On or before the first day of May each year, the tax 58486  
commissioner shall certify to the department of education and 58487  
workforce and the office of budget and management the total 58488  
taxable real property value of railroads and, separately, the 58489  
total taxable tangible personal property value of all public 58490  
utilities for the preceding tax year, by school district and by 58491  
county of location. 58492

(C) If on the basis of the information certified under 58493  
division (A) of this section, the department determines that any 58494  
district fails in any year to meet the qualification requirement 58495  
specified in division (A) of section 3317.01 of the Revised 58496  
Code, the department shall immediately request the tax 58497  
commissioner to determine the extent to which any school 58498  
district income tax levied by the district under Chapter 5748. 58499  
of the Revised Code shall be included in meeting that 58500  
requirement. Within five days of receiving such a request from 58501  
the department, the tax commissioner shall make the 58502  
determination required by this division and report the quotient 58503  
obtained under division (C) (3) of this section to the department 58504  
and the office of budget and management. This quotient 58505  
represents the number of mills that the department shall include 58506  
in determining whether the district meets the qualification 58507  
requirement of division (A) of section 3317.01 of the Revised 58508  
Code. 58509

The tax commissioner shall make the determination required 58510  
by this division as follows: 58511

(1) Multiply one mill times the total taxable value of the 58512  
district as determined in divisions (A) (1) and (2) of this 58513  
section; 58514

(2) Estimate the total amount of tax liability for the 58515  
current tax year under taxes levied by Chapter 5748. of the 58516  
Revised Code that are apportioned to current operating expenses 58517  
of the district, excluding any income tax receipts allocated for 58518  
the project cost, debt service, or maintenance set-aside 58519  
associated with a state-assisted classroom facilities project as 58520  
authorized by section 3318.052 of the Revised Code; 58521

(3) Divide the amount estimated under division (C) (2) of 58522  
this section by the product obtained under division (C) (1) of 58523  
this section. 58524

**Sec. 3317.022.** The department of education and workforce 58525  
shall compute and distribute state core foundation funding to 58526  
each eligible funding unit that is a city, local, or exempted 58527  
village school district, the community and STEM school unit, the 58528  
educational choice scholarship unit, the pilot project 58529  
scholarship unit, the autism scholarship unit, and the Jon 58530  
Peterson special needs scholarship unit for the fiscal year, 58531  
using the information obtained under section 3317.021 of the 58532  
Revised Code in the calendar year in which the fiscal year 58533  
begins in accordance with the following: 58534

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding 58535  
unit that is a city, local, or exempted village school district: 58536

The district's funding base + [(the district's state core 58537  
foundation funding components for that fiscal year calculated 58538  
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 58539  
section - the district's general funding base calculated in 58540  
accordance with division (N) (1) of section 3317.02 of the 58541  
Revised Code) X the district's general phase-in percentage for 58542  
that fiscal year] + [(the district's disadvantaged pupil impact 58543  
aid for that fiscal year calculated under division (A) (4) of 58544

this section - the district's disadvantaged pupil impact aid 58545  
funding base calculated in accordance with division (N) (2) of 58546  
section 3317.02 of the Revised Code) X the district's phase-in 58547  
percentage for disadvantaged pupil impact aid for that fiscal 58548  
year] + the district's supplemental targeted assistance funds 58549  
calculated under section 3317.0218 of the Revised Code 58550

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 58551  
for a funding unit that is a city, local, or exempted village 58552  
school district, the sum of the district's state core foundation 58553  
funding components for that fiscal year calculated under 58554  
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 58555  
section ~~and the district's supplemental targeted assistance~~ 58556  
~~funds calculated under section 3317.0218 of the Revised Code~~, if 58557  
the general assembly authorizes such payments to these funding 58558  
units. 58559

For fiscal years ~~2024~~2026 and ~~2025~~2027, for the community 58560  
and STEM school unit, an amount calculated in accordance with 58561  
section 3317.026 of the Revised Code. 58562

For fiscal ~~years 2026~~year 2028 and each fiscal year 58563  
thereafter, for the community and STEM school unit, an amount 58564  
calculated in accordance with divisions (A) (1), (3), (4), (5), 58565  
(7), (8), ~~and~~ (9), and (14) of this section, if the general 58566  
assembly authorizes such payments to these funding units. 58567

For the educational choice scholarship unit, the amount 58568  
calculated under division (A) (10) of this section. 58569

For the pilot project scholarship unit, the amount 58570  
calculated under division (A) (11) of this section. 58571

For the autism scholarship unit, the amount calculated 58572  
under division (A) (12) of this section. 58573

For the Jon Peterson special needs scholarship unit, the amount calculated under division (A) (13) of this section. 58574  
58575

(A) A funding unit's state core foundation funding components shall be the following: 58576  
58577

(1) (a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following: 58578  
58579  
58580

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount calculated under division (B) of section 3317.017 of the Revised Code; 58581  
58582  
58583

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 58584  
58585  
58586

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following: 58587  
58588  
58589

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount calculated under section 3317.0110 of the Revised Code; 58590  
58591

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 58592  
58593  
58594

(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following: 58595  
58596  
58597

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount calculated under section 3317.0217 of the Revised Code; 58598  
58599

(b) For fiscal year ~~2026-2028~~ and each fiscal year 58600

thereafter, an amount calculated in a manner determined by the  
general assembly.

(3) If the funding unit is a city, local, or exempted  
village school district or the community and STEM school unit,  
additional state aid for special education and related services  
provided under Chapter 3323. of the Revised Code calculated as  
follows:

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of  
the following:

(i) The funding unit's category one special education ADM  
X the multiple specified in division (A) of section 3317.013 of  
the Revised Code X the statewide average base cost per pupil for  
that fiscal year X if the funding unit is a city, local, or  
exempted village school district, the district's state share  
percentage;

(ii) The funding unit's category two special education ADM  
X the multiple specified in division (B) of section 3317.013 of  
the Revised Code X the statewide average base cost per pupil for  
that fiscal year X if the funding unit is a city, local, or  
exempted village school district, the district's state share  
percentage;

(iii) The funding unit's category three special education  
ADM X the multiple specified in division (C) of section 3317.013  
of the Revised Code X the statewide average base cost per pupil  
for that fiscal year X if the funding unit is a city, local, or  
exempted village school district, the district's state share  
percentage;

(iv) The funding unit's category four special education  
ADM X the multiple specified in division (D) of section 3317.013

of the Revised Code X the statewide average base cost per pupil 58630  
for that fiscal year X if the funding unit is a city, local, or 58631  
exempted village school district, the district's state share 58632  
percentage; 58633

(v) The funding unit's category five special education ADM 58634  
X the multiple specified in division (E) of section 3317.013 of 58635  
the Revised Code X the statewide average base cost per pupil for 58636  
that fiscal year X if the funding unit is a city, local, or 58637  
exempted village school district, the district's state share 58638  
percentage; 58639

(vi) The funding unit's category six special education ADM 58640  
X the multiple specified in division (F) of section 3317.013 of 58641  
the Revised Code X the statewide average base cost per pupil for 58642  
that fiscal year X if the funding unit is a city, local, or 58643  
exempted village school district, the district's state share 58644  
percentage. 58645

(b) For fiscal year ~~2026~~2028 and each fiscal year 58646  
thereafter, the sum of the following: 58647

(i) An amount calculated in a manner determined by the 58648  
general assembly times the funding unit's category one special 58649  
education ADM; 58650

(ii) An amount calculated in a manner determined by the 58651  
general assembly times the funding unit's category two special 58652  
education ADM; 58653

(iii) An amount calculated in a manner determined by the 58654  
general assembly times the funding unit's category three special 58655  
education ADM; 58656

(iv) An amount calculated in a manner determined by the 58657  
general assembly times the funding unit's category four special 58658

education ADM;	58659
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	58660 58661 58662
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	58663 58664 58665
(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:	58666 58667 58668 58669
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	58670 58671
(i) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the following product:	58672 58673
\$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B) (21) of section 3317.03 of the Revised Code	58674 58675 58676 58677
(ii) For fiscal year <del>2026-2028</del> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	58678 58679 58680
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	58681 58682
(i) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , an amount calculated as follows:	58683 58684
(I) For each student in the funding unit's enrolled ADM	58685

who is economically disadvantaged and is not enrolled in an 58686  
internet- or computer-based community school, multiply \$422 by 58687  
the economically disadvantaged index of the school in which the 58688  
student is enrolled; 58689

(II) Compute the funding unit's disadvantaged pupil impact 58690  
aid by calculating the sum of the amounts determined under 58691  
division (A) (4) (b) (i) (I) of this section. 58692

(ii) For fiscal year ~~2026~~2028 and each fiscal year 58693  
thereafter, an amount calculated as follows: 58694

(I) For each student in the funding unit's enrolled ADM 58695  
who is economically disadvantaged and is not enrolled in an 58696  
internet- or computer-based community school, calculate an 58697  
amount in the manner determined by the general assembly; 58698

(II) Compute the funding unit's disadvantaged pupil impact 58699  
aid by calculating the sum of the amounts determined under 58700  
division (A) (4) (b) (ii) (I) of this section. 58701

(5) If the funding unit is a city, local, or exempted 58702  
village school district or the community and STEM school unit, 58703  
English learner funds calculated as follows: 58704

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 58705  
the following: 58706

(i) The funding unit's category one English learner ADM X 58707  
the multiple specified in division (A) of section 3317.016 of 58708  
the Revised Code X the statewide average base cost per pupil for 58709  
that fiscal year X if the funding unit is a city, local, or 58710  
exempted village school district, the district's state share 58711  
percentage; 58712

(ii) The funding unit's category two English learner ADM X 58713

the multiple specified in division (B) of section 3317.016 of 58714  
the Revised Code X the statewide average base cost per pupil for 58715  
that fiscal year X if the funding unit is a city, local, or 58716  
exempted village school district, the district's state share 58717  
percentage; 58718

(iii) The funding unit's category three English learner 58719  
ADM X the multiple specified in division (C) of section 3317.016 58720  
of the Revised Code X the statewide average base cost per pupil 58721  
for that fiscal year X if the funding unit is a city, local, or 58722  
exempted village school district, the district's state share 58723  
percentage. 58724

(b) For fiscal year ~~2026~~2028 and each fiscal year 58725  
thereafter, the sum of the following: 58726

(i) An amount calculated in a manner determined by the 58727  
general assembly times the funding unit's category one English 58728  
learner ADM; 58729

(ii) An amount calculated in a manner determined by the 58730  
general assembly times the funding unit's category two English 58731  
learner ADM; 58732

(iii) An amount calculated in a manner determined by the 58733  
general assembly times the funding unit's category three English 58734  
learner ADM. 58735

(6) (a) For fiscal years ~~2024~~2026 and ~~2025~~2027, if the 58736  
funding unit is a city, local, or exempted village school 58737  
district, all of the following: 58738

(i) Gifted identification funds calculated according to 58739  
the following formula: 58740

\$24 X the district's enrolled ADM for grades kindergarten 58741

through six X the district's state share percentage	58742
(ii) Gifted referral funds calculated according to the following formula:	58743
	58744
\$2.50 X the district's enrolled ADM X the district's state share percentage	58745
	58746
(iii) <del>Gifted professional development funds calculated according to the following formula:</del>	58747
	58748
<del>(The greater of the number of gifted students enrolled in the district as certified under division (B) (22) of section 3317.03 of the Revised Code and ten per cent of the district's enrolled ADM) X the district's state share percentage X \$21, for fiscal year 2024, or \$28, for fiscal year 2025</del>	58749
	58750
	58751
	58752
	58753
<del>(iv)</del> Gifted unit funding calculated under section 3317.051 of the Revised Code.	58754
	58755
(b) For fiscal year <del>2026-2028</del> and each fiscal year thereafter, all of the following:	58756
	58757
(i) Gifted identification funds calculated in a manner determined by the general assembly;	58758
	58759
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	58760
	58761
	58762
(iii) <del>Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;</del>	58763
	58764
	58765
<del>(iv)</del> Gifted unit funding calculated in an amount determined by the general assembly.	58766
	58767
(7) If the funding unit is a city, local, or exempted	58768

village school district or the community and STEM school unit, 58769  
career-technical education funds calculated under division (C) 58770  
of section 3317.014 of the Revised Code. 58771

(8) If the funding unit is a city, local, or exempted 58772  
village school district or the community and STEM school unit, 58773  
career-technical education associated services funds calculated 58774  
under division (D) of section 3317.014 of the Revised Code. 58775

(9) If the funding unit is the community and STEM school 58776  
unit, an amount calculated as follows: 58777

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 58778  
equal to the following: 58779

[The number of students in the funding unit's enrolled ADM who 58780  
are reported under division (B) (5) of section 3314.08 of the 58781  
Revised Code X (the aggregate base cost calculated for all 58782  
schools in the funding unit for that fiscal year under section 58783  
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 58784  
X.20] 58785

(b) For fiscal year ~~2026~~2028 and each fiscal year 58786  
thereafter, an amount calculated in a manner determined by the 58787  
general assembly. 58788

(10) If the funding unit is the educational choice 58789  
scholarship unit, an amount calculated as follows: 58790

(a) For each student in the funding unit's enrolled ADM, 58791  
determine the lesser of the following: 58792

(i) The base tuition of the chartered nonpublic school in 58793  
which the student is enrolled minus the total amount of any 58794  
applicable tuition discounts for which the student qualifies; 58795

(ii) (I) If the student receives a scholarship under 58796

section 3310.03 of the Revised Code, or received a scholarship 58797  
for the first time under section 3310.032 of the Revised Code 58798  
prior to ~~the effective date of this amendment~~ October 3, 2023, 58799  
and the student's parent does not elect to receive a scholarship 58800  
amount under division (A) (10) (a) (ii) (II) of this section, 58801  
\$5,500, if the student is in grades kindergarten through eight, 58802  
or \$7,500, if the student is in grades nine through twelve. 58803

(II) If the student receives a scholarship for the first 58804  
time under section 3310.032 of the Revised Code on and after ~~the~~ 58805  
~~effective date of this amendment~~ October 3, 2023, or if a 58806  
student who received a scholarship for the first time under that 58807  
section prior to that date and the student's parent elects to 58808  
receive a scholarship amount under division (A) (10) (a) (ii) (II) 58809  
of this section, an amount calculated in accordance with section 58810  
3310.08 of the Revised Code. The department shall provide an 58811  
opportunity each fiscal year for a parent to elect to receive a 58812  
scholarship amount under division (A) (10) (a) (ii) (II) of this 58813  
section. 58814

The amounts specified in division (A) (10) (a) (ii) (I) of 58815  
this section shall increase in future fiscal years by the same 58816  
percentage that the statewide average base cost per pupil 58817  
increases in future fiscal years. 58818

(b) Compute the sum of the amounts calculated under 58819  
division (A) (10) (a) of this section. 58820

(11) If the funding unit is the pilot project scholarship 58821  
unit, an amount calculated as follows: 58822

(a) For each student in the funding unit's enrolled ADM, 58823  
determine the lesser of the following: 58824

(i) The net tuition charges of the student's alternative 58825

school;	58826
(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve.	58827 58828 58829
The amounts specified in division (A) (11) (a) (ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.	58830 58831 58832 58833
For purposes of division (A) (11) (a) of this section, the net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.	58834 58835 58836 58837 58838 58839 58840 58841 58842
The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.	58843 58844 58845 58846 58847 58848 58849
(b) Compute the sum of the amounts calculated under division (A) (17) (a) of this section.	58850 58851
(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:	58852 58853
(a) For each student in the funding unit's enrolled ADM,	58854

determine the lesser of the following:	58855
(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;	58856 58857 58858
(ii) <del>\$32,445</del> <u>\$34,000</u> .	58859
(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section.	58860 58861
(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:	58862 58863
(a) For each student in the funding unit's enrolled ADM, determine the least of the following:	58864 58865
(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;	58866 58867 58868 58869
(ii) \$7,190 plus an amount determined as follows:	58870
(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, <del>\$1,751, for fiscal year 2024, and \$2,395—</del> <u>\$2,855;</u>	58871 58872 58873 58874
(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, <del>\$4,442, for fiscal year 2024, and \$5,280 for fiscal year 2025</del> <u>\$5,879;</u>	58875 58876 58877 58878
(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, <del>\$10,673, for fiscal year 2024, and</del>	58879 58880 58881

<del>\$11,960 for fiscal year 2025</del> <u>\$12,879;</u>	58882
(IV) If the student is receiving special education	58883
services for a disability specified in division (D) of section	58884
3317.013 of the Revised Code, <del>\$14,243, for fiscal year 2024,</del> and	58885
<del>\$15,787 for fiscal year 2025</del> <u>\$16,890;</u>	58886
(V) If the student is receiving special education services	58887
for a disability specified in division (E) of section 3317.013	58888
of the Revised Code, <del>\$19,290, for fiscal year 2024,</del> and <del>\$21,197</del>	58889
<del>for fiscal year 2025</del> <u>\$22,560;</u>	58890
(VI) If the student is receiving special education	58891
services for a disability specified in division (F) of section	58892
3317.013 of the Revised Code, <del>\$28,438, for fiscal year 2024,</del> and	58893
<del>\$30,469 for fiscal year 2025</del> <u>\$31,932.</u>	58894
(iii) <del>\$30,000, for fiscal year 2024,</del> and <del>\$32,445 for</del>	58895
<del>fiscal year 2025</del> <u>\$34,000.</u>	58896
The amount specified in division (A) (13) (a) (ii) of this	58897
section shall increase in future fiscal years by the same	58898
percentage that the statewide average base cost per pupil	58899
increases in future fiscal years.	58900
The amounts specified in divisions (A) (13) (a) (ii) (I) to	58901
(VI) of this section shall increase in future fiscal years by	58902
the same percentage that the amounts calculated by the general	58903
assembly for those categories of special education services	58904
under division (A) (3) of this section increase in future fiscal	58905
years.	58906
(b) Compute the sum of the amounts calculated under	58907
division (A) (13) (a) of this section.	58908
<u>(14) If the funding unit is the community and STEM school</u>	58909

unit, an equity supplement calculated as follows: 58910

\$500 in fiscal year 2026 and \$400 in fiscal year 2027 X each 58911

student in the funding unit's enrolled ADM who is enrolled in a 58912

community school that is not an internet- or computer-based 58913

community school. 58914

(B) In any fiscal year, a funding unit that is a city, local, or 58915

exempted village school district shall spend for purposes that 58916

the department designates as approved for special education and 58917

related services expenses at least the amount calculated as 58918

follows: 58919

(The base cost per pupil calculated for the district for that 58920

fiscal year X the total special education ADM) + (the district's 58921

category one special education ADM X the multiple specified in 58922

division (A) of section 3317.013 of the Revised Code X the 58923

statewide average base cost per pupil) + (the district's 58924

category two special education ADM X the multiple specified in 58925

division (B) of section 3317.013 of the Revised Code X the 58926

statewide average base cost per pupil) + (the district's 58927

category three special education ADM X the multiple specified in 58928

division (C) of section 3317.013 of the Revised Code X the 58929

statewide average base cost per pupil) + (the district's 58930

category four special education ADM X the multiple specified in 58931

division (D) of section 3317.013 of the Revised Code X the 58932

statewide average base cost per pupil) + (the district's 58933

category five special education ADM X the multiple specified in 58934

division (E) of section 3317.013 of the Revised Code X the 58935

statewide average base cost per pupil) + (the district's 58936

category six special education ADM X the multiple specified in 58937

division (F) of section 3317.013 of the Revised Code X the 58938

statewide average base cost per pupil) 58939

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

(C) A funding unit that is a city, local, or exempted village school district shall spend the funds it receives under division (A) (4) of this section in accordance with section 3317.25 of the Revised Code.

(D) (1) Except as provided in division (B) of section 3317.026 of the Revised Code, the department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount for each student enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year, calculated as follows:

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027:

The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year

(ii) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount determined by the general assembly under

division (A) (1) (b) (ii) of this section divided by the number of	58969
students enrolled in the school for that fiscal year.	58970
(b) If the student is a special education student:	58971
(i) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the multiple	58972
specified for the student's special education category under	58973
section 3317.013 of the Revised Code times the statewide average	58974
base cost per pupil;	58975
(ii) For fiscal year <del>2026-2028</del> and each fiscal year	58976
thereafter, the amount calculated for the student's special	58977
education category in a manner determined by the general	58978
assembly under division (A) (3) (b) of this section.	58979
(c) If the school is not an internet- or computer-based	58980
community school and the student is economically disadvantaged:	58981
(i) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the amount	58982
calculated for the student under division (A) (4) (b) (i) (I) of	58983
this section;	58984
(ii) For fiscal year <del>2026-2028</del> and each fiscal year	58985
thereafter, an amount calculated for the student in the manner	58986
determined by the general assembly under division (A) (4) (b) (ii)	58987
(I) of this section.	58988
(d) If the student is an English learner:	58989
(i) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , the multiple	58990
specified for the student's English learner category under	58991
section 3317.016 of the Revised Code times the statewide average	58992
base cost per pupil;	58993
(ii) For fiscal year <del>2026-2028</del> and each fiscal year	58994
thereafter, the amount calculated for the student's special	58995
education category in a manner determined by the general	58996

assembly under division (A) (5) (b) of this section.	58997
(e) If the student is a career-technical education student:	58998
	58999
(i) For fiscal years <del>2024-2026</del> and <del>2025-2027</del> , the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	59000
	59001
	59002
	59003
(ii) For fiscal year <del>2026-2028</del> and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code.	59004
	59005
	59006
	59007
(f) If the student is a career-technical education student:	59008
	59009
(i) For fiscal years <del>2024-2026</del> and <del>2025-2027</del> , the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	59010
	59011
	59012
	59013
(ii) For fiscal year <del>2026-2028</del> and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code.	59014
	59015
	59016
	59017
<u>(g) If the school is a community school that is not an internet- or computer-based community school, an equity supplement equal to \$500 for fiscal year 2026 and \$400 for fiscal year 2027 for each student enrolled in the school.</u>	59018
	59019
	59020
	59021
(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the	59022
	59023
	59024

Revised Code, from the funds paid to the community and STEM 59025  
school unit under this section, an amount equal to the amount 59026  
calculated for the school under division (A) (9) of this section. 59027

(E) The department shall distribute to the parent of each 59028  
student for whom an educational choice scholarship is awarded 59029  
under section 3310.03 or 3310.032 of the Revised Code, or to the 59030  
student if at least eighteen years of age, from the funds paid 59031  
to the educational choice scholarship unit under this section, a 59032  
scholarship equal to the amount calculated for the student under 59033  
division (A) (10) (a) of this section. The scholarship shall be 59034  
distributed in monthly partial payments, and the department 59035  
shall proportionately reduce or terminate the payments for any 59036  
student who withdraws from a chartered nonpublic school prior to 59037  
the end of the school year. 59038

For purposes of divisions (E) and (F) of this section, in 59039  
the case of a student who is not living with the student's 59040  
parent, the department shall distribute the scholarship payments 59041  
to the student's guardian, legal custodian, kinship caregiver, 59042  
foster caregiver, or caretaker. For the purposes of this 59043  
division, "caretaker" has the same meaning as in section 59044  
3310.033 of the Revised Code, "kinship caregiver" has the same 59045  
meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and 59046  
"foster caregiver" has the same meaning as in section 5103.02 of 59047  
the Revised Code. 59048

(F) If a student is awarded a pilot project scholarship 59049  
under sections 3313.974 to 3313.979 of the Revised Code, the 59050  
department shall distribute to the parent of the student, if the 59051  
student is attending a registered private school as defined in 59052  
section 3313.974 of the Revised Code, or the student's school 59053  
district of attendance, if the scholarship is to be used for 59054

payments to a public school in a school district adjacent to the 59055  
pilot project school district pursuant to section 3327.06 of the 59056  
Revised Code, a scholarship from the funds paid to the pilot 59057  
project scholarship unit under this section that is equal to the 59058  
amount calculated for the student under division (A) (11) (a) of 59059  
this section. 59060

In the case of a scholarship distributed to a student's 59061  
parent, the scholarship shall be distributed in monthly partial 59062  
payments. The scholarship amount shall be proportionately 59063  
reduced in the case of any such student who is not enrolled in a 59064  
registered private school, as that term is defined in section 59065  
3313.974 of the Revised Code, for the entire school year. 59066

In the case of a scholarship distributed to a student's 59067  
school district of attendance, the department shall, on behalf 59068  
of the student's parents, use the scholarship to make the 59069  
tuition payments required by section 3327.06 of the Revised Code 59070  
to the student's school district of attendance, except that, 59071  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 59072  
Revised Code, the total payments in any school year shall not 59073  
exceed the scholarship amount calculated for the student under 59074  
division (A) (11) (a) of this section. 59075

(G) The department shall distribute to the parent of each 59076  
student for whom an autism scholarship is awarded under section 59077  
3310.41 of the Revised Code, from the funds paid to the autism 59078  
scholarship unit under this section, a scholarship equal to the 59079  
amount calculated for the student under division (A) (12) (a) of 59080  
this section. The scholarship shall be distributed from time to 59081  
time in partial payments. The scholarship amount shall be 59082  
proportionately reduced in the case of any student who is not 59083  
enrolled in the special education program for which a 59084

scholarship was awarded under section 3310.41 of the Revised Code for the entire school year. The department shall make no payments to the parent of a student while any administrative or judicial mediation or proceedings with respect to the content of the student's individualized education program are pending.

(H) The department shall distribute to the parent of each student for whom a Jon Peterson special needs scholarship is awarded under sections 3310.51 to 3310.64 of the Revised Code, from the funds paid to the Jon Peterson special needs scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A) (13) (a) of this section. The scholarship shall be distributed in periodic payments, and the department shall proportionately reduce or terminate the payments for any student who is not enrolled in the special education program of an alternative public provider or a registered private provider, as those terms are defined in section 3310.51 of the Revised Code, for the entire school year.

(I) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, a school district shall spend the funds it receives under division (A) (5) of this section only for services for English learners.

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, a school district shall spend the funds it receives under division (A) (6) of this section only for the identification of gifted students, gifted coordinator services, and gifted intervention specialist services, ~~and gifted professional development~~. For ~~fiscal year 2024 and each fiscal year thereafter~~, if the department determines that a district is not in compliance with this division, it shall reduce the district's payments for that fiscal year under this chapter by an amount equal to the amount paid to the district for that fiscal year

under division (A) (6) of this section that was not spent in 59115  
accordance with this division. The department shall reduce the 59116  
payment within ninety days of data finalization. 59117

**Sec. 3317.024.** The following shall be distributed monthly, 59118  
quarterly, or annually as may be determined by the department of 59119  
education and workforce: 59120

(A) An amount for each island school district and each 59121  
joint state school district for the operation of each high 59122  
school and each elementary school maintained within such 59123  
district and for capital improvements for such schools. Such 59124  
amounts shall be determined on the basis of standards adopted by 59125  
the department. However, for fiscal years 2012 and 2013, an 59126  
island district shall receive the lesser of its actual cost of 59127  
operation, as certified to the department, or ninety-three per 59128  
cent of the amount the district received in state operating 59129  
funding for fiscal year 2011. If an island district received no 59130  
funding for fiscal year 2011, it shall receive no funding for 59131  
either of fiscal year 2012 or 2013. 59132

(B) An amount for each school district required to pay 59133  
tuition for a child in an institution maintained by the 59134  
department of youth services pursuant to section 3317.082 of the 59135  
Revised Code, provided the child was not included in the 59136  
calculation of the district's formula ADM, as that term is 59137  
defined in section 3317.02 of the Revised Code, for the 59138  
preceding school year. 59139

(C) (1) An amount for the approved cost of transporting 59140  
eligible pupils with disabilities attending a special education 59141  
program approved by the department of education and workforce 59142  
whom it is impossible or impractical to transport by regular 59143  
school bus in the course of regular route transportation 59144

provided by the school district or educational service center. 59145  
For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be 59146  
equal to the actual costs incurred in the prior fiscal year by 59147  
the district or service center when transporting those students, 59148  
as reported to the department, multiplied by one of the 59149  
following: 59150

(a) For a district, the percentage determined for the 59151  
district for that fiscal year under divisions (E) (1) (c) (i) and 59152  
(ii) of section 3317.0212 of the Revised Code; 59153

(b) For a service center, ~~thirty-seven-forty-five~~ and ~~one-~~ 59154  
~~half-eighty-three~~ hundredths per cent for fiscal year ~~2024-2026~~ 59155  
and ~~forty-one and two-thirds-fifty~~ per cent for fiscal year 59156  
~~2025~~2027. 59157

(2) No district or service center is eligible to receive a 59158  
payment under division (C) of this section for the cost of 59159  
transporting any pupil whom it transports by regular school bus 59160  
and who is included in the district's transportation ADM. 59161

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, both of the 59162  
following apply: 59163

(a) The department of education and workforce shall also 59164  
establish the deadline for each district and service center to 59165  
report its actual costs for transporting students described in 59166  
division (C) (1) of this section. 59167

(b) The costs reported by each district and service center 59168  
under division (C) of this section shall be subject to periodic, 59169  
random audits by the department of education and workforce. 59170

(D) An amount to each school district, including each 59171  
cooperative education school district, pursuant to section 59172  
3313.81 of the Revised Code to assist in providing free lunches 59173

to needy children. The amounts shall be determined on the basis 59174  
of rules adopted by the department of education and workforce. 59175

(E) (1) An amount for auxiliary services to each school 59176  
district, for each pupil attending a chartered nonpublic 59177  
elementary or high school within the district that has not 59178  
elected to receive funds under division (E) (2) of this section. 59179

(2) (a) An amount for auxiliary services paid directly to 59180  
each chartered nonpublic school that has elected to receive 59181  
funds under division (E) (2) of this section for each pupil 59182  
attending the school. To elect to receive funds under division 59183  
(E) (2) of this section, a school, by the first day of April of 59184  
each odd-numbered year, shall notify the department of education 59185  
and workforce and the school district in which the school is 59186  
located of the election and shall submit to the department an 59187  
affidavit certifying that the school shall expend the funds in 59188  
the manner outlined in section 3317.062 of the Revised Code. The 59189  
election shall take effect the following first day of July. The 59190  
school subsequently may rescind its election, but it may do so 59191  
only in an odd-numbered year by notifying the department and the 59192  
school district in which the school is located of the rescission 59193  
not later than the first day of April of that year. Beginning 59194  
the following first day of July after the rescission, the school 59195  
shall receive funds under division (E) (1) of this section. 59196

(b) Not later later than ten days after the notification 59197  
of approval and issuance of a charter to a nonpublic school, 59198  
that school may elect to receive funds under division (E) (2) of 59199  
this section. If no election is made, the chartered nonpublic 59200  
school shall receive funds under division (E) (1) of this 59201  
section. The school may subsequently change its election in 59202  
accordance with division (E) (2) (a) of this section. 59203

(c) A chartered nonpublic school that elects to receive auxiliary services funds under division (E) (2) of this section may designate an organization that oversees one or more nonpublic schools to receive those funds on its behalf.

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education and workforce of the organization's name not later than the first day of April of each odd-numbered year.

(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or as specified under division (E) (1) of this section.

(iii) An organization shall disburse the auxiliary services funds of all chartered nonpublic schools that have designated the organization to receive funds on their behalf in accordance with division (E) (2) (c) of this section. If multiple chartered nonpublic schools designate the same organization to receive auxiliary services funds on their behalf, that organization may use one or more accounts for the purposes of managing the funds. The organization shall maintain appropriate accounting and reporting standards and ensure that each chartered nonpublic school receives the auxiliary services funds to which the school is entitled.

(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E) (2) of

this section or the organization designated to receive and 59234  
disburse auxiliary services funds on behalf of a chartered 59235  
nonpublic school shall maintain records of receipt and 59236  
expenditures of the funds in a manner that conforms with 59237  
generally accepted accounting principles. 59238

(v) The department of education and workforce shall create 59239  
and disseminate a standardized reporting form that chartered 59240  
nonpublic schools and organizations designated to receive funds 59241  
in accordance with division (E) (2) (c) of this section may use to 59242  
comply with division (E) (2) (c) (iv) of this section. However, the 59243  
department shall not require schools to use that form. 59244

(vi) An organization that manages a school's auxiliary 59245  
services funds pursuant to a designation made in accordance with 59246  
division (E) (2) (c) of this section may require the school's 59247  
governing authority to pay a fee for that service that does not 59248  
exceed four per cent of the total amount of payments for 59249  
auxiliary services that the school receives from the state. A 59250  
school may pay any fee assessed pursuant to division (E) (2) (c) 59251  
(vi) of this section using auxiliary services funds. 59252

(d) The amount paid under divisions (E) (1) and (2) of this 59253  
section shall equal the total amount appropriated for the 59254  
implementation of sections 3317.06 and 3317.062 of the Revised 59255  
Code divided by the average daily membership in grades 59256  
kindergarten through twelve in chartered nonpublic elementary 59257  
and high schools within the state as determined as of the last 59258  
day of October of each school year. 59259

(F) An amount for each county board of developmental 59260  
disabilities for the approved cost of transportation required 59261  
for children attending special education programs operated by 59262  
the county board under section 3323.09 of the Revised Code. For 59263

fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal 59264  
to the actual costs incurred in the prior fiscal year by the 59265  
county board when transporting those students multiplied by 59266  
~~thirty-seven~~ forty-five and ~~one-half~~ eighty-three hundredths per 59267  
cent for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds~~ 59268  
fifty per cent for fiscal year ~~2025~~2027. 59269

(G) An amount to each institution defined under section 59270  
3317.082 of the Revised Code providing elementary or secondary 59271  
education to children other than children receiving special 59272  
education under section 3323.091 of the Revised Code. This 59273  
amount for any institution in any fiscal year shall equal the 59274  
total of all tuition amounts required to be paid to the 59275  
institution under division (A) (1) of section 3317.082 of the 59276  
Revised Code. 59277

The department of education and workforce or any board of 59278  
education or governing board may provide for any resident of a 59279  
district or educational service center territory any educational 59280  
service for which funds are made available to the board by the 59281  
United States under the authority of public law, whether such 59282  
funds come directly or indirectly from the United States or any 59283  
agency or department thereof or through the state or any agency, 59284  
department, or political subdivision thereof. 59285

**Sec. 3317.026.** This section shall apply only for fiscal 59286  
years ~~2024-2026~~ and ~~2025~~2027. 59287

(A) For each fiscal year, the department of education and 59288  
workforce shall calculate an amount for the community and STEM 59289  
school unit as follows: 59290

(1) For each community school and STEM school, determine 59291  
the sum of the following: 59292

(a) The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code;	59293 59294
(b) The sum of the following:	59295
(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59296 59297 59298 59299
(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59300 59301 59302 59303
(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59304 59305 59306 59307
(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59308 59309 59310 59311
(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	59312 59313 59314 59315
(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.	59316 59317 59318 59319
(c) If the school is not an internet- or computer-based	59320

community school, an amount of disadvantaged pupil impact aid	59321
equal to the following:	59322
\$422 X the school's economically disadvantaged index X the	59323
number of students in the school's enrolled ADM who are	59324
economically disadvantaged	59325
(d) The sum of the following:	59326
(i) The school's category one English learner ADM X the	59327
multiple specified in division (A) of section 3317.016 of the	59328
Revised Code X the statewide average base cost per pupil for	59329
that fiscal year;	59330
(ii) The school's category two English learner ADM X the	59331
multiple specified in division (B) of section 3317.016 of the	59332
Revised Code X the statewide average base cost per pupil for	59333
that fiscal year;	59334
(iii) The school's category three English learner ADM X	59335
the multiple specified in division (C) of section 3317.016 of	59336
the Revised Code X the statewide average base cost per pupil for	59337
that fiscal year.	59338
(e) The sum of the following:	59339
(i) The school's category one career-technical education	59340
ADM X the multiple specified under division (A)(1) of section	59341
3317.014 of the Revised Code X the statewide average career-	59342
technical base cost per pupil for that fiscal year;	59343
(ii) The school's category two career-technical education	59344
ADM X the multiple specified under division (A)(2) of section	59345
3317.014 of the Revised Code X the statewide average career-	59346
technical base cost per pupil for that fiscal year;	59347
(iii) The school's category three career-technical	59348

education ADM X the multiple specified under division (A) (3) of 59349  
section 3317.014 of the Revised Code X the statewide average 59350  
career-technical base cost per pupil for that fiscal year; 59351

(iv) The school's category four career-technical education 59352  
ADM X the multiple specified under division (A) (4) of section 59353  
3317.014 of the Revised Code X the statewide average career- 59354  
technical base cost per pupil for that fiscal year; 59355

(v) The school's category five career-technical education 59356  
ADM X the multiple specified under division (A) (5) of section 59357  
3317.014 of the Revised Code X the statewide average career- 59358  
technical base cost per pupil for that fiscal year. 59359

(f) An amount equal to the following: 59360

The multiple for career-technical associated services 59361  
specified under division (B) of section 3317.014 of the Revised 59362  
Code X the statewide average career-technical base cost per 59363  
pupil for that fiscal year X the sum of the school's categories 59364  
one through five career-technical education ADM 59365

(g) If the school is a community school, an amount equal 59366  
to the following: 59367

The number of students reported by the community school 59368  
under division (B) (5) of section 3314.08 of the Revised Code X 59369  
(the aggregate base cost calculated for the school for that 59370  
fiscal year under section 3317.0110 of the Revised Code / the 59371  
school's enrolled ADM) X 0.20 59372

(h) If the school is a community school that is not an 59373  
internet- or computer-based community school, an equity 59374  
supplement calculated as follows: 59375

The number of students in the school's enrolled ADM X \$500 for 59376

<u>fiscal year 2026 and \$400 for fiscal year 2027</u>	59377
(2) For each community and STEM school, determine the lesser of the following:	59378
(a) The following sum:	59379
The school's funding base + {(the sum calculated for the school under division (A) of this section) - the school's funding base} X the school's general phase-in percentage for that fiscal year}	59380
(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.	59381
(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.	59382
(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A)(2) of this section.	59383
<b>Sec. 3317.0212.</b> (A) As used in this section:	59384
(1) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , "assigned bus" means a school bus used to transport qualifying riders.	59385
(2) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , "density" means the total riders per square mile of a school district.	59386
(3) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> , "nontraditional ridership" means the average number of	59387
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qualifying riders who are enrolled in a community school 59404  
established under Chapter 3314. of the Revised Code, in a STEM 59405  
school established under Chapter 3326. of the Revised Code, or 59406  
in a nonpublic school and are provided school bus service by a 59407  
school district during the first full week of October. 59408

(4) "Qualifying riders" means the following: 59409

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, resident 59410  
students enrolled in preschool and regular education in grades 59411  
kindergarten to twelve who are provided school bus service by a 59412  
school district, including students with dual enrollment in a 59413  
joint vocational school district or a cooperative education 59414  
school district, and students enrolled in a community school, 59415  
STEM school, or nonpublic school; 59416

(b) For fiscal year ~~2026-2028~~ and each fiscal year 59417  
thereafter, students specified by the general assembly. 59418

(5) "Qualifying ridership" means the following: 59419

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the greater 59420  
of the average number of qualifying riders counted in the 59421  
morning or counted in the afternoon who are provided school bus 59422  
service by a school district during the first full week of 59423  
October; 59424

(b) For fiscal year ~~2026-2028~~ and each fiscal year 59425  
thereafter, a ridership determined in a manner specified by the 59426  
general assembly. 59427

(6) "Rider density" means the following: 59428

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 59429  
quotient: 59430

A school district's total number of qualifying riders/ the 59431

number of square miles in the district	59432
(b) For fiscal year <del>2026</del> <u>2028</u> and each fiscal year thereafter, a number calculated in a manner determined by the general assembly.	59433 59434 59435
(7) For fiscal years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> , "riders" means students enrolled in regular and special education in grades kindergarten through twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.	59436 59437 59438 59439 59440 59441 59442
(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:	59443 59444 59445
(a) School buses owned or leased by the district;	59446
(b) School buses operated by a private contractor hired by the district;	59447 59448
(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.	59449 59450 59451
(B) Not later than the first day of November, for fiscal years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> , or a date determined by the general assembly, for fiscal year <del>2026</del> <u>2028</u> and each fiscal year thereafter, of each year, each city, local, and exempted village school district shall report to the department of education and workforce its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.	59452 59453 59454 59455 59456 59457 59458 59459 59460

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and

exempted village school district's transportation base payment	59490
as follows:	59491
(1) For fiscal years <del>2024-2026</del> and <del>2025</del> <u>2027</u> :	59492
(a) Calculate the sum of the following:	59493
(i) The product of the statewide transportation cost per student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;	59494 59495 59496 59497
(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;	59498 59499 59500 59501 59502 59503
(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools.	59504 59505 59506 59507
(b) Calculate the sum of the following:	59508
(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district;	59509 59510 59511 59512
(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools;	59513 59514 59515 59516
(iii) 2.0 times the statewide transportation cost per mile	59517

times the number of miles driven for school bus service as 59518  
reported for qualifying riders for the current fiscal year who 59519  
are enrolled in nonpublic schools. 59520

(c) Multiply the greater of the amounts calculated under 59521  
divisions (E) (1) (a) and (b) of this section by the following: 59522

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven-~~ 59523  
~~forty-five~~ and ~~one-half~~ eighty-three hundredths per cent or the 59524  
district's state share percentage, as defined in section 3317.02 59525  
of the Revised Code; 59526

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one-~~ 59527  
~~and two-thirds~~ fifty per cent or the district's state share 59528  
percentage. 59529

(2) For fiscal year ~~2026-2028~~ and each fiscal year 59530  
thereafter, an amount determined by the general assembly. 59531

(F) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59532  
department shall pay a district's efficiency adjustment payment 59533  
in accordance with divisions (F) (1) to (3) of this section. For 59534  
fiscal year ~~2026-2028~~ and each fiscal year thereafter, the 59535  
department shall pay a district's efficiency adjustment payment 59536  
in a manner determined by the general assembly, if the general 59537  
assembly authorizes such a payment to districts. 59538

(1) The department annually shall establish a target 59539  
number of qualifying riders per assigned bus for each city, 59540  
local, and exempted village school district. The department 59541  
shall use the ~~most recently available~~ data from the previous 59542  
fiscal year in establishing the target number. The target number 59543  
shall be based on the statewide median number of riders per 59544  
assigned bus as adjusted to reflect the district's density in 59545  
comparison to the density of all other districts. The department 59546

shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

{[(The district's efficiency index - 1) X 0.15]/0.5} X the district's transportation base payment calculated under division (E) of this section

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the department a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The

rules shall include provisions for school district reporting of 59575  
such students. 59576

(H) (1) For purposes of division (H) of this section, a 59577  
school district's "transportation supplement percentage" means 59578  
the following: 59579

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 59580  
quotient: 59581

(28 - the district's rider density) / 100 59582

If the result of the calculation for a district under 59583  
division (H) (1) (a) of this section is less than zero, the 59584  
district's transportation supplement percentage shall be zero. 59585

(b) For fiscal year ~~2026-2028~~ and each fiscal year 59586  
thereafter, a percentage calculated in a manner determined by 59587  
the general assembly. 59588

(2) The department shall pay each district a 59589  
transportation supplement calculated according to the following 59590  
formula: 59591

The district's transportation supplement percentage X the amount 59592  
calculated for the district under division (E) (1) (b) of this 59593  
section X 0.55 59594

(I) (1) If a school district board and a community school 59595  
governing authority elect to enter into an agreement under 59596  
division (A) of section 3314.091 of the Revised Code, the 59597  
department shall make payments to the community school according 59598  
to the terms of the agreement for each student actually 59599  
transported under division (C) (1) of that section. If a 59600  
community school governing authority accepts transportation 59601  
responsibility under division (B) of that section, the 59602

department shall make payments to the community school for each 59603  
student actually transported or for whom transportation is 59604  
arranged by the community school under division (C) (1) of that 59605  
section, calculated as follows: 59606

(a) For any fiscal year which the general assembly has 59607  
specified that transportation payments to school districts be 59608  
based on an across-the-board percentage of the district's 59609  
payment for the previous school year, the per pupil payment to 59610  
the community school shall be the following quotient: 59611

(i) The total amount calculated for the school district in 59612  
which the child is entitled to attend school for student 59613  
transportation other than transportation of children with 59614  
disabilities; divided by 59615

(ii) The number of students included in the district's 59616  
transportation ADM for the current fiscal year, as calculated 59617  
under section 3317.03 of the Revised Code, plus the number of 59618  
students enrolled in the community school not counted in the 59619  
district's transportation ADM who are transported under division 59620  
(B) (1) or (2) of section 3314.091 of the Revised Code. 59621

(b) For any fiscal year which the general assembly has 59622  
specified that the transportation payments to school districts 59623  
be calculated in accordance with this section and any rules of 59624  
the department implementing this section, the payment to the 59625  
community school shall be the following: 59626

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, either of the 59627  
following: 59628

(I) If the school district in which the student is 59629  
entitled to attend school would have used a method of 59630  
transportation for the student for which payments are computed 59631

and paid under division (E) of this section, 1.0 times the 59632  
statewide transportation cost per student, as calculated in 59633  
division (C) of this section; 59634

(II) If the school district in which the student is 59635  
entitled to attend school would have used a method of 59636  
transportation for the student for which payments are computed 59637  
and paid in a manner described in division (G) of this section, 59638  
the amount that would otherwise be computed for and paid to the 59639  
district. 59640

(ii) For fiscal year ~~2026~~2028 and each fiscal year 59641  
thereafter, an amount calculated in a manner determined by the 59642  
general assembly. 59643

The community school, however, is not required to use the 59644  
same method to transport the student. 59645

As used in this division, "entitled to attend school" 59646  
means entitled to attend school under section 3313.64 or 3313.65 59647  
of the Revised Code. 59648

(2) A community school shall be paid under division (I) (2) 59649  
of this section only for students who are eligible as specified 59650  
in section 3327.01 of the Revised Code and division (C) (1) of 59651  
section 3314.091 of the Revised Code, and whose transportation 59652  
to and from school is actually provided, who actually utilized 59653  
transportation arranged, or for whom a payment in lieu of 59654  
transportation is made by the community school's governing 59655  
authority. To qualify for the payments, the community school 59656  
shall report to the department, in the form and manner required 59657  
by the department, data on the number of students transported or 59658  
whose transportation is arranged, the number of miles traveled, 59659  
cost to transport, and any other information requested by the 59660

department. 59661

**Sec. 3317.0213.** (A) The department of education and 59662  
workforce shall compute and pay in accordance with this section 59663  
additional state aid for preschool children with disabilities to 59664  
each city, local, and exempted village school district and to 59665  
each institution, as defined in section 3323.091 of the Revised 59666  
Code. Funding shall be provided for children who are not 59667  
enrolled in kindergarten and who are under age six on the 59668  
thirtieth day of September of the academic year, or on the first 59669  
day of August of the academic year if the school district in 59670  
which the child is enrolled has adopted a resolution under 59671  
division (A) (3) of section 3321.01 of the Revised Code, but not 59672  
less than age three on the first day of December of the academic 59673  
year. 59674

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 59675  
state aid shall be calculated under the following formula: 59676

(\$4,000 X the number of students who are preschool 59677  
children with disabilities) + the sum of the following: 59678

(1) The district's or institution's category one special 59679  
education students who are preschool children with disabilities 59680  
X the multiple specified in division (A) of section 3317.013 of 59681  
the Revised Code X the statewide average base cost per pupil for 59682  
that fiscal year X the district's state share percentage X 0.50; 59683

(2) The district's or institution's category two special 59684  
education students who are preschool children with disabilities 59685  
X the multiple specified in division (B) of section 3317.013 of 59686  
the Revised Code X the statewide average base cost per pupil for 59687  
that fiscal year X the district's state share percentage X 0.50; 59688

(3) The district's or institution's category three special 59689

education students who are preschool children with disabilities 59690  
X the multiple specified in division (C) of section 3317.013 of 59691  
the Revised Code X the statewide average base cost per pupil for 59692  
that fiscal year X the district's state share percentage X 0.50; 59693

(4) The district's or institution's category four special 59694  
education students who are preschool children with disabilities 59695  
X the multiple specified in division (D) of section 3317.013 of 59696  
the Revised Code X the statewide average base cost per pupil for 59697  
that fiscal year X the district's state share percentage X 0.50; 59698

(5) The district's or institution's category five special 59699  
education students who are preschool children with disabilities 59700  
X the multiple specified in division (E) of section 3317.013 of 59701  
the Revised Code X the statewide average base cost per pupil for 59702  
that fiscal year X the district's state share percentage X 0.50; 59703

(6) The district's or institution's category six special 59704  
education students who are preschool children with disabilities 59705  
X the multiple specified in division (F) of section 3317.013 of 59706  
the Revised Code X the statewide average base cost per pupil for 59707  
that fiscal year X the district's state share percentage X 0.50. 59708

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59709  
the additional state aid shall be calculated for each category 59710  
of special education students who are preschool children with 59711  
disabilities using a formula specified by the general assembly. 59712

The special education disability categories for preschool 59713  
children used in this section are the same categories prescribed 59714  
in section 3317.013 of the Revised Code. 59715

As used in division (A) of this section, the state share 59716  
percentage of a student enrolled in an institution is the state 59717  
share percentage of the school district in which the student is 59718

entitled to attend school under section 3313.64 or 3313.65 of 59719  
the Revised Code. 59720

(B) If an educational service center is providing services 59721  
to students who are preschool children with disabilities under 59722  
agreement with the city, local, or exempted village school 59723  
district in which the students are entitled to attend school, 59724  
that district may authorize the department to transfer funds 59725  
computed under this section to the service center providing 59726  
those services. 59727

(C) If a county DD board is providing services to students 59728  
who are preschool children with disabilities under agreement 59729  
with the city, local, or exempted village school district in 59730  
which the students are entitled to attend school, the department 59731  
shall deduct from the district's payment computed under division 59732  
(A) of this section the total amount of those funds that are 59733  
attributable to the students served by the county DD board and 59734  
pay that amount to that board. 59735

**Sec. 3317.0215.** (A) (1) For fiscal years ~~2024-2026~~ and 59736  
~~2025-2027~~, the department of education and workforce shall 59737  
withhold from the aggregate amount paid for a fiscal year to 59738  
each city, local, exempted village, and joint vocational school 59739  
district, ~~community school established under Chapter 3314. of~~ 59740  
~~the Revised Code, and science, technology, engineering, and~~ 59741  
~~mathematics school established under Chapter 3326. of the~~ 59742  
~~Revised Code~~ an amount equal to the following: 59743

(a) In the case of a city, local, or exempted village 59744  
school district, the aggregate amount of special education 59745  
funding paid to the district under division (A) (3) of section 59746  
3317.022 of the Revised Code times 0.10, subject to any funding 59747  
limitations enacted by the general assembly to the computation. 59748

~~(b) In the case of a community school or STEM school, the aggregate amount of special education funding paid to the school under division (A) (1) (b) of section 3317.026 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.~~ 59749  
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~~(e) In the case of a joint vocational school district, the aggregate amount of special education funding paid to the school under division (A) (2) of section 3317.16 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.~~ 59754  
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(2) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, the department shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, ~~community school, and science, technology, engineering, and mathematics school~~ an amount determined by the general assembly, if any, for purposes of this section. 59759  
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(B) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the department shall use the amount of funds withheld under division (A) of this section for purposes of ~~division (C) (1) of section 3314.08 of the Revised Code,~~ section 3317.0214 of the Revised Code, ~~and~~ division (B) of section 3317.16 of the Revised Code, ~~and section 3326.34 of the Revised Code.~~ 59766  
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For fiscal year ~~2026-2028~~ and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly. 59772  
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(C) (1) For fiscal years 2026 and 2027, the department shall withhold from the aggregate amount paid for a fiscal year 59776  
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to each community school established under Chapter 3314. of the 59778  
Revised Code and STEM school established under Chapter 3326. of 59779  
the Revised Code an amount equal to the aggregate amount of 59780  
special education funding paid to the school under division (A) 59781  
(1)(b) of section 3317.026 of the Revised Code times 0.05, 59782  
subject to any funding limitations enacted by the general 59783  
assembly to the computation. 59784

(2) For fiscal year 2028 and each fiscal year thereafter, 59785  
the department shall withhold from the aggregate amount paid for 59786  
a fiscal year to each community school and STEM school an amount 59787  
determined by the general assembly, if any, for purposes of this 59788  
section. 59789

(D) For fiscal years 2026 and 2027, the department shall 59790  
use the amount of funds withheld under division (C) of this 59791  
section for purposes of division (C)(1) of section 3314.08 of 59792  
the Revised Code and section 3326.34 of the Revised Code. 59793

For fiscal year 2028 and each fiscal year thereafter, the 59794  
department shall use the amount of funds withheld under division 59795  
(C) of this section, if any, for purposes determined by the 59796  
general assembly. 59797

**Sec. 3317.0217.** This section shall apply only for fiscal 59798  
years 2024–2026 and 2025~~2027~~. 59799

Payment of the amount calculated for a school district 59800  
under this section shall be made under division (A) of section 59801  
3317.022 of the Revised Code. 59802

(A) For each fiscal year, the department of education and 59803  
workforce shall compute targeted assistance funds for city, 59804  
local, and exempted village school districts, in accordance with 59805  
the following formula: 59806

A district's capacity amount for that fiscal year 59807  
calculated under division (B) of this section + a district's 59808  
wealth amount for that fiscal year calculated under division (C) 59809  
of this section 59810

(B) The department shall calculate each district's 59811  
capacity amount for a fiscal year as follows: 59812

(1) Calculate each district's weighted wealth for that 59813  
fiscal year, which equals the following sum: 59814

(The amount determined for the district for that fiscal year 59815  
under division (A) (1) (a) of section 3317.017 of the Revised Code 59816  
X 0.6) + (the amount determined for the district for that fiscal 59817  
year under division (A) (2) (a) of section 3317.017 of the Revised 59818  
Code X 0.4) 59819

(2) Determine the median weighted wealth of all school 59820  
districts in this state for that fiscal year; 59821

(3) Compute each district's capacity index for that fiscal 59822  
year by dividing the median weighted wealth of all school 59823  
districts in this state for that fiscal year by the district's 59824  
weighted wealth for that fiscal year; 59825

(4) Compute each district's capacity amount for that 59826  
fiscal year as follows: 59827

(a) The district's capacity amount shall be zero if the 59828  
district satisfies either of the following criteria for that 59829  
fiscal year: 59830

(i) The district's capacity index is less than 1. 59831

(ii) The district's enrolled ADM is less than 200. 59832

(b) If the district does not satisfy either of the 59833

criteria specified in division (B) (4) (a) of this section for 59834  
that fiscal year, the district's capacity amount for that fiscal 59835  
year shall be calculated as follows: 59836

(i) Compute the following amount for the district: 59837

(The median weighted wealth of all school districts in this 59838  
state for that fiscal year X 0.008) - (the district's weighted 59839  
wealth for that fiscal year X 0.008) 59840

(ii) If the district's enrolled ADM for that fiscal year 59841  
is greater than or equal to 200 but less than or equal to 400, 59842  
the district's capacity amount for that fiscal year shall be 59843  
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 59844  
of this section. 59845

(iii) If the district's enrolled ADM for that fiscal year 59846  
is greater than 400 and less than 600, the district's capacity 59847  
amount for that fiscal year shall be calculated in accordance 59848  
with the following formula: 59849

{[0.95 X (the district's enrolled ADM for that fiscal year - 59850  
400)/200] + 0.05} X the amount computed under division (B) (4) (b) 59851  
(i) of this section 59852

(iv) If the district's enrolled ADM for that fiscal year 59853  
is greater than or equal to 600, the district's capacity amount 59854  
for that fiscal year shall be equal to the amount computed under 59855  
division (B) (4) (b) (i) of this section. 59856

(C) The department shall calculate each district's wealth 59857  
amount for a fiscal year as follows: 59858

(1) Calculate each district's weighted wealth per pupil 59859  
for that fiscal year, which equals the following quotient: 59860

The district's weighted wealth for that fiscal year 59861

calculated under division (B) (1) of this section/ (the 59862  
district's enrolled ADM for that fiscal year - the students 59863  
described in division (A) (1) (b) of section 3317.03 of the 59864  
Revised Code + the students described in division (A) (2) (d) of 59865  
section 3317.03 of the Revised Code) 59866

(2) Determine the median weighted wealth per pupil of all 59867  
school districts in this state for that fiscal year; 59868

(3) Compute each district's wealth index for that fiscal 59869  
year by dividing the median weighted wealth per pupil of all 59870  
school districts in this state for that fiscal year by the 59871  
district's weighted wealth per pupil for that fiscal year; 59872

(4) Compute each district's wealth amount for that fiscal 59873  
year, as follows: 59874

(a) If the district's wealth index computed under division 59875  
(C) (3) of this section for that fiscal year is less than 0.8, 59876  
the district's wealth amount for that fiscal year shall be zero. 59877

(b) If the district's wealth index computed under division 59878  
(C) (3) of this section for that fiscal year is greater than or 59879  
equal to 0.8, the district's wealth amount for that fiscal year 59880  
shall be calculated in accordance with the following formula: 59881

[(The median weighted wealth per pupil of all school districts 59882  
in this state for that fiscal year X 0.014) - (the district's 59883  
weighted wealth per pupil for that fiscal year X 0.0112)] X the 59884  
district's enrolled ADM for that fiscal year 59885

**Sec. 3317.035.** The auditor of state may conduct annual 59886  
audits of the information certified under section 3317.03 of the 59887  
Revised Code ~~by a number of school districts determined by the~~ 59888  
~~auditor of state and selected at random.~~ 59889

**Sec. 3317.051.** (A) The department of education and 59890  
workforce shall compute and pay to a school district funds based 59891  
on units for services to students identified as gifted under 59892  
Chapter 3324. of the Revised Code as prescribed by this section. 59893

(B) The department shall allocate gifted units for a 59894  
school district as follows: 59895

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 59896

(a) One gifted coordinator unit shall be allocated for 59897  
every 3,300 students in a district's enrolled ADM, with a 59898  
minimum of 0.5 units and a maximum of 8 units allocated for the 59899  
district. 59900

(b) One kindergarten through eighth grade gifted 59901  
intervention specialist unit shall be allocated for every 140 59902  
gifted students enrolled in grades kindergarten through eight in 59903  
the district, as certified under division (B) (22) of section 59904  
3317.03 of the Revised Code, with a minimum of 0.3 units 59905  
allocated for the district. 59906

(c) One ninth through twelfth grade gifted intervention 59907  
specialist unit shall be allocated for every 140 gifted students 59908  
enrolled in grades nine through twelve in the district, as 59909  
certified under division (B) (22) of section 3317.03 of the 59910  
Revised Code, with a minimum of 0.3 units allocated for the 59911  
district. 59912

(2) For fiscal year ~~2026-2028~~ and each fiscal year 59913  
thereafter, in the manner prescribed by the general assembly. 59914

(C) The department shall pay an amount to a school 59915  
district for gifted units as follows: 59916

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 59917

equal to the following sum: 59918

( $\$85,776 \times$  the number of units allocated to a school district under division (B) (1) (a) of this section  $\times$  the district's state share percentage) + ( $\$89,378 \times$  the number of units allocated to a school district under division (B) (1) (b) of this section  $\times$  the district's state share percentage) + ( $\$80,974 \times$  the number of units allocated to a school district under division (B) (1) (c) of this section  $\times$  the district's state share percentage) 59919  
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(2) For fiscal year ~~2026~~–2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 59926  
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(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district. 59929  
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**Sec. 3317.06.** Moneys paid to school districts under division (E) (1) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes: 59934  
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(A) To purchase such secular textbooks or digital texts as have been approved by the department of education and workforce for use in public schools in the state and to loan such textbooks or digital texts to pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school 59937  
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is located. Such individual requests for the loan of textbooks 59947  
or digital texts shall, for administrative convenience, be 59948  
submitted by the nonpublic school pupil or the pupil's parent to 59949  
the nonpublic school, which shall prepare and submit collective 59950  
summaries of the individual requests to the school district. As 59951  
used in this section: 59952

(1) "Textbook" means any book or book substitute that a 59953  
pupil uses as a consumable or nonconsumable text, text 59954  
substitute, or text supplement in a particular class or program 59955  
in the school the pupil regularly attends. 59956

(2) "Digital text" means a consumable book or book 59957  
substitute that a student accesses through the use of a computer 59958  
or other electronic medium or that is available through an 59959  
internet-based provider of course content, or any other material 59960  
that contributes to the learning process through electronic 59961  
means. 59962

(B) To provide speech and hearing diagnostic services to 59963  
pupils attending nonpublic schools within the district described 59964  
in division (E) (1) of section 3317.024 of the Revised Code. Such 59965  
service shall be provided in the nonpublic school attended by 59966  
the pupil receiving the service. 59967

(C) To provide physician, nursing, dental, and optometric 59968  
services to pupils attending nonpublic schools within the 59969  
district described in division (E) (1) of section 3317.024 of the 59970  
Revised Code. Such services shall be provided in the school 59971  
attended by the nonpublic school pupil receiving the service. 59972

(D) To provide diagnostic mental health or psychological 59973  
services to pupils attending nonpublic schools within the 59974  
district described in division (E) (1) of section 3317.024 of the 59975

Revised Code. Such services shall be provided in the school 59976  
attended by the pupil receiving the service. 59977

(E) To provide therapeutic mental health, psychological, 59978  
and speech and hearing services to pupils attending nonpublic 59979  
schools within the district described in division (E) (1) of 59980  
section 3317.024 of the Revised Code. Such services shall be 59981  
provided in the public school, in nonpublic schools, in public 59982  
centers, or in mobile units located on or off of the nonpublic 59983  
premises. If such services are provided in the public school or 59984  
in public centers, transportation to and from such facilities 59985  
shall be provided by the school district in which the nonpublic 59986  
school is located. 59987

(F) To provide guidance, counseling, and social work 59988  
services to pupils attending nonpublic schools within the 59989  
district described in division (E) (1) of section 3317.024 of the 59990  
Revised Code. Such services shall be provided in the public 59991  
school, in nonpublic schools, in public centers, or in mobile 59992  
units located on or off of the nonpublic premises. If such 59993  
services are provided in the public school or in public centers, 59994  
transportation to and from such facilities shall be provided by 59995  
the school district in which the nonpublic school is located. 59996

(G) To provide remedial services to pupils attending 59997  
nonpublic schools within the district described in division (E) 59998  
(1) of section 3317.024 of the Revised Code. Such services shall 59999  
be provided in the public school, in nonpublic schools, in 60000  
public centers, or in mobile units located on or off of the 60001  
nonpublic premises. If such services are provided in the public 60002  
school or in public centers, transportation to and from such 60003  
facilities shall be provided by the school district in which the 60004  
nonpublic school is located. 60005

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils

attending nonpublic schools within the district described in 60036  
division (E) (1) of section 3317.024 of the Revised Code or to 60037  
their parents, and to hire clerical personnel to administer the 60038  
lending program. Only such items that are incapable of diversion 60039  
to religious use and that are susceptible of loan to individual 60040  
pupils and are furnished for the use of individual pupils shall 60041  
be purchased and loaned under this division. As used in this 60042  
section, "instructional materials" means prepared learning 60043  
materials that are secular, neutral, and nonideological in 60044  
character and are of benefit to the instruction of school 60045  
children. "Instructional materials" includes media content that 60046  
a student may access through the use of a computer or electronic 60047  
device. 60048

Mobile applications that are secular, neutral, and 60049  
nonideological in character and that are purchased for less than 60050  
twenty dollars for instructional use shall be considered to be 60051  
consumable and shall be distributed to students without the 60052  
expectation that the applications must be returned. 60053

(L) To purchase or lease instructional equipment, 60054  
including computer hardware and related equipment in general use 60055  
in the public schools of the state, for use by pupils attending 60056  
nonpublic schools within the district described in division (E) 60057  
(1) of section 3317.024 of the Revised Code and to loan such 60058  
items to pupils attending such nonpublic schools within the 60059  
district or to their parents, and to hire clerical personnel to 60060  
administer the lending program. "Computer hardware and related 60061  
equipment" includes desktop computers and workstations; laptop 60062  
computers, computer tablets, and other mobile handheld devices; 60063  
their operating systems and accessories; and any equipment 60064  
designed to make accessible the environment of a classroom to a 60065  
student, who is physically unable to attend classroom activities 60066

due to hospitalization or other circumstances, by allowing real- 60067  
time interaction with other students both one-on-one and in 60068  
group discussion. 60069

(M) To purchase mobile units to be used for the provision 60070  
of services pursuant to divisions (E), (F), (G), and (I) of this 60071  
section and to pay for necessary repairs and operating costs 60072  
associated with these units. 60073

(N) To reimburse costs the district incurred to store the 60074  
records of a chartered nonpublic school that closes. 60075  
Reimbursements under this division shall be made one time only 60076  
for each chartered nonpublic school described in division (E) (1) 60077  
of section 3317.024 of the Revised Code that closes. 60078

(O) To purchase life-saving medical or other emergency 60079  
equipment for placement in nonpublic schools within the district 60080  
described in division (E) (1) of section 3317.024 of the Revised 60081  
Code or to maintain such equipment. 60082

(P) To procure and pay for security services from a county 60083  
sheriff or a township or municipal police force, from a retired 60084  
Ohio peace officer, or from a person certified through the Ohio 60085  
peace officer training commission, in accordance with section 60086  
109.78 of the Revised Code, as a special police, security guard, 60087  
or as a privately employed person serving in a police capacity 60088  
for nonpublic schools in the district described in division (E) 60089  
(1) of section 3317.024 of the Revised Code. 60090

(Q) To provide language and academic support services and 60091  
other accommodations for English learners attending nonpublic 60092  
schools within the district described in division (E) (1) of 60093  
section 3317.024 of the Revised Code. 60094

Clerical and supervisory personnel hired pursuant to 60095

division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency. School districts shall not deny a nonpublic school's request for personnel who are properly licensed by a state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code.

No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless such services are available to pupils attending the public schools within the district.

Materials, equipment, computer hardware or software, textbooks, digital texts, and health and remedial services provided for the benefit of nonpublic school pupils pursuant to

this section and the admission of pupils to such nonpublic 60126  
schools shall be provided without distinction as to race, creed, 60127  
color, or national origin of such pupils or of their teachers. 60128

No school district shall provide services, materials, or 60129  
equipment that contain religious content for use in religious 60130  
courses, devotional exercises, religious training, or any other 60131  
religious activity. 60132

As used in this section, "parent" includes a person 60133  
standing in loco parentis to a child. 60134

Notwithstanding section 3317.01 of the Revised Code, 60135  
payments shall be made under this section to any city, local, or 60136  
exempted village school district within which is located one or 60137  
more nonpublic elementary or high schools described in division 60138  
(E) (1) of section 3317.024 of the Revised Code and any payments 60139  
made to school districts under division (E) (1) of section 60140  
3317.024 of the Revised Code for purposes of this section may be 60141  
disbursed without submission to and approval of the controlling 60142  
board. 60143

The allocation of payments for materials, equipment, 60144  
textbooks, digital texts, health services, and remedial services 60145  
to city, local, and exempted village school districts shall be 60146  
on the basis of the department's estimated annual average daily 60147  
membership in nonpublic elementary and high schools located in 60148  
the district described in division (E) (1) of section 3317.024 of 60149  
the Revised Code. 60150

Payments made to city, local, and exempted village school 60151  
districts under this section shall be equal to specific 60152  
appropriations made for the purpose. All interest earned by a 60153  
school district on such payments shall be used by the district 60154

for the same purposes and in the same manner as the payments may 60155  
be used. 60156

The department shall adopt guidelines and procedures under 60157  
which such programs and services shall be provided, under which 60158  
districts and educational service centers with which districts 60159  
contract to provide auxiliary services shall be reimbursed for 60160  
administrative costs incurred in providing such programs and 60161  
services, and under which any unexpended balance of the amounts 60162  
appropriated by the general assembly to implement this section 60163  
may be transferred to the auxiliary services personnel 60164  
unemployment compensation fund established pursuant to section 60165  
4141.47 of the Revised Code. If a district contracts with an 60166  
educational service center to provide auxiliary services, only 60167  
the service center shall be reimbursed for administrative costs. 60168  
The department shall also adopt guidelines and procedures 60169  
limiting the purchase and loan of the items described in 60170  
division (K) of this section to items that are in general use in 60171  
the public schools of the state, that are incapable of diversion 60172  
to religious use, and that are susceptible to individual use 60173  
rather than classroom use. Within thirty days after the end of 60174  
each biennium, each board of education shall remit to the 60175  
department all moneys paid to it under division (E) (1) of 60176  
section 3317.024 of the Revised Code and any interest earned on 60177  
those moneys that are not required to pay expenses incurred 60178  
under this section during the biennium for which the money was 60179  
appropriated and during which the interest was earned. If a 60180  
board of education subsequently determines that the remittal of 60181  
moneys leaves the board with insufficient money to pay all valid 60182  
expenses incurred under this section during the biennium for 60183  
which the remitted money was appropriated, the board may apply 60184  
to the department for a refund of money, not to exceed the 60185

amount of the insufficiency. If the department determines the 60186  
expenses were lawfully incurred and would have been lawful 60187  
expenditures of the refunded money, it shall certify its 60188  
determination and the amount of the refund to be made to the 60189  
director of job and family services who shall make a refund as 60190  
provided in section 4141.47 of the Revised Code. 60191

Each school district shall label materials, equipment, 60192  
computer hardware or software, textbooks, and digital texts 60193  
purchased or leased for loan to a nonpublic school under this 60194  
section, acknowledging that they were purchased or leased with 60195  
state funds under this section. However, a district need not 60196  
label materials, equipment, computer hardware or software, 60197  
textbooks, or digital texts that the district determines are 60198  
consumable in nature or have a value of less than two hundred 60199  
dollars. 60200

**Sec. 3317.11.** (A) As used in this section: 60201

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "base amount" 60202  
is equal to \$356,250. 60203

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 60204  
base" means an amount calculated by the department of education 60205  
and workforce that is equal to the amount an educational service 60206  
center would have received under Section 265.360 of H.B. 166 of 60207  
the 133rd general assembly for fiscal year 2020 using the 60208  
student counts of the school districts with which the service 60209  
center has service agreements for the fiscal year for which 60210  
payments under this section are being made. 60211

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "general 60212  
phase-in percentage" for an educational service center means the 60213  
"general phase-in percentage" for school districts as defined in 60214

section 3317.02 of the Revised Code. 60215

(4) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "student  
count" means the count calculated under division (G)(1) of  
section 3313.843 of the Revised Code. 60216  
60217  
60218

(B)(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the  
department of education and workforce shall pay the governing  
board of each educational service center an amount equal to the  
following: 60219  
60220  
60221  
60222

The educational service center's funding base + [(the  
amount calculated for the educational service center for that  
fiscal year under division (C) of this section - the educational  
service center's funding base) X the educational service  
center's general phase-in percentage for that fiscal year] 60223  
60224  
60225  
60226  
60227

(2) For fiscal year ~~2026-2028~~ and each fiscal year  
thereafter, the department shall pay the governing board of each  
educational service center an amount calculated in a manner  
determined by the general assembly. 60228  
60229  
60230  
60231

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the  
department shall calculate an amount for each educational  
service center as follows: 60232  
60233  
60234

(1) If the educational service center has a student count  
of 5,000 students or less, the base amount. 60235  
60236

(2) If the educational service center has a student count  
greater than 5,000 students but less than or equal to 35,000  
students, the following sum: 60237  
60238  
60239

The base amount + [(the educational service center's student  
count - 5,000) X \$24.72] 60240  
60241

(3) If the educational service center has a student count 60242

greater than 35,000 students, the following sum: 60243

The base amount + (30,000 X \$24.72) + [(the educational service 60244  
center's student count - 35,000) X \$30.90] 60245

**Sec. 3317.16.** The department of education and workforce 60246  
shall compute and distribute state core foundation funding to 60247  
each funding unit that is a joint vocational school district for 60248  
the fiscal year as follows: 60249

For fiscal years ~~2024-2026~~ and ~~2025~~2027: 60250

The district's funding base + [(the district's state core 60251  
foundation funding components for that fiscal year calculated 60252  
under divisions (A) (1), (2), (4), (5), and (6) of this section - 60253  
the district's general funding base) X the district's general 60254  
phase-in percentage for that fiscal year] + [(the district's 60255  
disadvantaged pupil impact aid for that fiscal year calculated 60256  
under division (A) (3) of this section - the district's 60257  
disadvantaged pupil impact aid funding base) X the district's 60258  
phase-in percentage for disadvantaged pupil impact aid for that 60259  
fiscal year] 60260

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 60261  
the sum of the district's state core foundation funding 60262  
components for that fiscal year calculated under divisions (A) 60263  
(1), (2), (3), (4), (5), and (6) of this section. 60264

(A) A district's state core foundation funding components 60265  
shall be all of the following: 60266

(1) The district's state share of the base cost, which is 60267  
equal to the following: 60268

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 60269  
calculated according to the following formula: 60270

(The district's ~~base cost calculated under section 3317.012 of~~ 60271  
~~the Revised Code) - (0.0005 X the lesser of the district's~~ 60272  
~~three-year average valuation or the district's most recent~~ 60273  
~~valuation)-~~ 60274

~~However, no district shall receive an amount under division (A)~~ 60275  
~~(1) of this section that is less than 0.10 times the base cost~~ 60276  
~~calculated for the district under section 3317.012 of the~~ 60277  
~~Revised Code.~~ enrolled ADM for the fiscal year) X (the 60278  
district's state share percentage for the fiscal year) X (the 60279  
district's base cost per pupil for the fiscal year) 60280

(b) For fiscal year ~~2026-2028~~ 2024-2026 and each fiscal year thereafter, 60281  
an amount calculated in a manner determined by the general 60282  
assembly. 60283

(2) Additional state aid for special education and related 60284  
services provided under Chapter 3323. of the Revised Code 60285  
calculated as follows: 60286

(a) For fiscal years ~~2024-2026~~ 2024-2026 and ~~2025-2027~~, the sum of 60287  
the following: 60288

(i) The district's category one special education ADM X 60289  
the multiple specified in division (A) of section 3317.013 of 60290  
the Revised Code X the statewide average base cost per pupil for 60291  
that fiscal year X the district's state share percentage; 60292

(ii) The district's category two special education ADM X 60293  
the multiple specified in division (B) of section 3317.013 of 60294  
the Revised Code X the statewide average base cost per pupil for 60295  
that fiscal year X the district's state share percentage; 60296

(iii) The district's category three special education ADM 60297  
X the multiple specified in division (C) of section 3317.013 of 60298  
the Revised Code X the statewide average base cost per pupil for 60299

that fiscal year X the district's state share percentage; 60300

(iv) The district's category four special education ADM X 60301  
the multiple specified in division (D) of section 3317.013 of 60302  
the Revised Code X the statewide average base cost per pupil for 60303  
that fiscal year X the district's state share percentage; 60304

(v) The district's category five special education ADM X 60305  
the multiple specified in division (E) of section 3317.013 of 60306  
the Revised Code X the statewide average base cost per pupil for 60307  
that fiscal year X the district's state share percentage; 60308

(vi) The district's category six special education ADM X 60309  
the multiple specified in division (F) of section 3317.013 of 60310  
the Revised Code X the statewide average base cost per pupil for 60311  
that fiscal year X the district's state share percentage. 60312

(b) For fiscal year ~~2026~~2028 and each fiscal year 60313  
thereafter, the sum of the following: 60314

(i) An amount calculated in a manner determined by the 60315  
general assembly times the funding unit's category one special 60316  
education ADM; 60317

(ii) An amount calculated in a manner determined by the 60318  
general assembly times the funding unit's category two special 60319  
education ADM; 60320

(iii) An amount calculated in a manner determined by the 60321  
general assembly times the funding unit's category three special 60322  
education ADM; 60323

(iv) An amount calculated in a manner determined by the 60324  
general assembly times the funding unit's category four special 60325  
education ADM; 60326

(v) An amount calculated in a manner determined by the 60327

general assembly times the funding unit's category five special education ADM; 60328  
60329

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM. 60330  
60331  
60332

(3) Disadvantaged pupil impact aid calculated as follows: 60333

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount calculated according to the following formula: 60334  
60335

\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D) (2) (p) of section 3317.03 of the Revised Code 60336  
60337  
60338  
60339

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 60340  
60341  
60342

(4) English learner funds calculated as follows: 60343

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of the following: 60344  
60345

(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 60346  
60347  
60348  
60349

(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 60350  
60351  
60352  
60353

(iii) The district's category three English learner ADM X 60354

the multiple specified in division (C) of section 3317.016 of 60355  
the Revised Code X the statewide average base cost per pupil for 60356  
that fiscal year X the district's state share percentage. 60357

(b) For fiscal year ~~2026~~-2028 and each fiscal year 60358  
thereafter, the sum of the following: 60359

(i) An amount calculated in a manner determined by the 60360  
general assembly times the funding unit's category one English 60361  
learner ADM; 60362

(ii) An amount calculated in a manner determined by the 60363  
general assembly times the funding unit's category two English 60364  
learner ADM; 60365

(iii) An amount calculated in a manner determined by the 60366  
general assembly times the funding unit's category three English 60367  
learner ADM. 60368

(5) Career-technical education funds calculated under 60369  
division (C) of section 3317.014 of the Revised Code. 60370

(6) Career-technical education associated services funds 60371  
calculated under division (D) of section 3317.014 of the Revised 60372  
Code. 60373

(B)(1) If a joint vocational school district's costs for a 60374  
fiscal year for a student in its categories two through six 60375  
special education ADM exceed the threshold cost for serving the 60376  
student, as specified in division (B) of section 3317.0214 of 60377  
the Revised Code, the district may submit to the department 60378  
documentation, as prescribed by the department, of all of its 60379  
costs for that student. Upon submission of documentation for a 60380  
student of the type and in the manner prescribed, the department 60381  
shall pay to the district an amount equal to the sum of the 60382  
following: 60383

(a) One-half of the district's costs for the student in excess of the threshold cost; 60384  
60385

(b) The product of one-half of the district's costs for the student in excess of the threshold cost multiplied by the district's state share percentage. 60386  
60387  
60388

(2) The district shall report under division (B) (1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 60389  
60390  
60391  
60392  
60393  
60394  
60395

(C) (1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section. 60396  
60397  
60398  
60399  
60400  
60401  
60402  
60403  
60404  
60405

Those excess costs shall be calculated using a formula approved by the department. 60406  
60407

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C) (1) of this section to the department. 60408  
60409  
60410

(3) If the board of education of the joint vocational school district reports excess costs under division (C) (2) of 60411  
60412

this section, the department shall pay the amount of excess cost 60413  
calculated under division (C) (2) of this section to the joint 60414  
vocational school district and shall deduct that amount as 60415  
provided in division (C) (3) (a) or (b) of this section, as 60416  
applicable: 60417

(a) If the student is not enrolled in a community school, 60418  
the department shall deduct the amount from the account of the 60419  
student's resident district pursuant to division (J) of section 60420  
3317.023 of the Revised Code. 60421

(b) If the student is enrolled in a community school, the 60422  
department shall deduct the amount from the account of the 60423  
community school pursuant to section 3314.083 of the Revised 60424  
Code. 60425

(D) A joint vocational school district shall spend the 60426  
funds it receives under division (A) (3) of this section in 60427  
accordance with section 3317.25 of the Revised Code. 60428

(E) For fiscal years ~~2024~~–2026 and ~~2025~~2027, a school 60429  
district shall spend the funds it receives under division (A) (4) 60430  
of this section only for services for English learners. 60431

(F) As used in this section: 60432

(1) "Community school" means a community school 60433  
established under Chapter 3314. of the Revised Code. 60434

(2) "Resident district" means the city, local, or exempted 60435  
village school district in which a student is entitled to attend 60436  
school under section 3313.64 or 3313.65 of the Revised Code. 60437

**Sec. 3317.161.** (A) As used in this section, "lead 60438  
district" has the same meaning as in section 3317.023 of the 60439  
Revised Code. 60440

(B) (1) A career-technical education program or a dropout prevention and recovery program of a city, local, or exempted village school district, community school, or STEM school shall be subject to approval under this section in order for the district or school to qualify for state funding for the program. Approval granted under this section shall be valid for the five fiscal years following the fiscal year in which the program is approved and may be renewed. Approval shall be subject to annual review under division (E) of this section.

(2) If a district or school becomes a new member of a career-technical planning district, its career-technical education programs shall be approved or disapproved by the lead district of the career-technical planning district during the fiscal year in which the district or school becomes a member of the career-technical planning district. Any program of the district or school that was approved by the department of education and workforce for an approval period that includes the fiscal year in which the district or school becomes a new member of the career-technical planning district shall retain its approved status during that fiscal year.

(3) If an existing member of a career-technical planning district develops a new career-technical education program, that program shall be approved or disapproved by the lead district of the career-technical planning district prior to the first fiscal year for which the district or school is seeking funding for the program.

(4) Except as provided in division (B) (2) of this section, if a career-technical education program was approved by the department prior to September 29, 2013, that approval remains valid for the unexpired remainder of the approval period

specified by the department. Approval of that program may then 60471  
be renewed in accordance with this section on a date prior to 60472  
the expiration of the approval period. 60473

(C) (1) The lead district of a career-technical planning 60474  
district shall approve or disapprove for a five-year period each 60475  
career-technical education program of the city, local, and 60476  
exempted village school districts, community schools, and STEM 60477  
schools that are assigned by the department to the career- 60478  
technical planning district. The lead district's decision to 60479  
approve or disapprove a program shall be based on requirements 60480  
for career-technical education programs that are specified in 60481  
rules adopted by the department. These requirements shall 60482  
include, but are not limited to, all of the following: 60483

(a) Demand for the career-technical education program by 60484  
industries in the state; 60485

(b) Quality of the program; 60486

(c) Potential for a student enrolled in the program to 60487  
receive the training that will qualify the student for industry 60488  
credentials or post-secondary education; 60489

(d) Admission requirements of the lead district; 60490

(e) Past performance of the district or school that is 60491  
offering the program; 60492

(f) Traveling distance; 60493

(g) Sustainability; 60494

(h) Capacity; 60495

(i) Availability of the program within the career- 60496  
technical planning district; 60497

(j) In the case of a new program, the cost to begin the program. 60498  
60499

~~(2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program.~~ 60500  
60501  
60502  
If a program is approved, the lead district 60503  
shall notify the department of its decision. If a program is 60504  
disapproved, the lead district shall notify the district or 60505  
school of its decision. 60506

If the lead district disapproves the program or does not 60507  
take any action to approve or disapprove the program ~~by the~~ 60508  
~~first day of March,~~ the district or school may appeal the lead 60509  
district's decision or failure to take action to the department 60510  
~~by the fifteenth day of March.~~ 60511

(D) (1) Upon receiving notification of a lead district's 60512  
approval of a district's or school's career-technical education 60513  
program, the department shall review the lead district's 60514  
decision and determine whether to approve or disapprove the 60515  
program ~~not later than the fifteenth day of May prior to the~~ 60516  
~~first fiscal year for which the district or school is seeking~~ 60517  
~~funding for the program.~~ The department shall notify the 60518  
district or school and the lead district of the district's or 60519  
school's career-technical planning district of its 60520  
determination. 60521

(2) Upon receiving an appeal from a district or school of 60522  
a lead district's disapproval of a career-technical education 60523  
program or failure to take action to approve or disapprove the 60524  
program, the department shall review the lead district's 60525  
disapproval or failure to take action. The department shall 60526  
decide whether to approve or disapprove the program as a result 60527

of this review ~~not later than the fifteenth day of May prior to~~ 60528  
~~the first fiscal year for which the district or school is~~ 60529  
~~seeking funding for the program.~~ The department shall notify the 60530  
lead district and the appealing district or school of its 60531  
determination. 60532

(3) In conducting a review under division (D) (1) or (2) of 60533  
this section, the department shall consider the criteria 60534  
prescribed under division (C) (1) of this section. 60535

(4) If the department approves a program under division 60536  
(D) (1) or (2) of this section, it shall authorize the payment to 60537  
the district or school of the funds attributed to the career- 60538  
technical students enrolled in that program in the next fiscal 60539  
year according to a payment schedule prescribed by the 60540  
department. 60541

(5) The department's decisions under divisions (D) (1) and 60542  
(2) of this section shall be final and not appealable. 60543

~~(6) The director of education and workforce may adopt~~ 60544  
~~guidelines identifying circumstances in which the department~~ 60545  
~~may, after consulting with a lead district, approve or~~ 60546  
~~disapprove a program that has been approved or disapproved by~~ 60547  
~~the lead district after the deadline prescribed in division (D)~~ 60548  
~~(1) or (2) of this section has passed.~~ 60549

The department shall authorize a payment for any dropout 60550  
prevention and recovery program offering career-technical 60551  
education that is in its first year of operation and that 60552  
submits an application ~~during the additional application period~~ 60553  
~~described in division (D) (6) of this section~~ in the fiscal year 60554  
for which the application was submitted. 60555

(E) The department and the lead district of each career- 60556

technical planning district shall conduct an annual review of 60557  
each career-technical education program in the lead district's 60558  
career-technical planning district that receives approval under 60559  
this section. Continued funding of the program during the five- 60560  
year approval period shall be subject to the school's compliance 60561  
with any directives for performance improvement that are issued 60562  
by the department or the lead district as a result of any review 60563  
conducted under this section. 60564

**Sec. 3317.162.** (A) For fiscal years ~~2024-2026~~ and 60565  
~~2025-2027~~, the department of education and workforce shall pay 60566  
temporary transitional aid to each joint vocational school 60567  
district according to the following formula: 60568

(The district's funding base, as that term is defined in 60569  
section 3317.02 of the Revised Code) - (the district's payment 60570  
under section 3317.16 of the Revised Code for the fiscal year 60571  
for which the payment is computed) 60572

If the computation made under division (A) of this section 60573  
results in a negative number, the district's funding under 60574  
division (A) of this section shall be zero. 60575

(B) If a joint vocational school district begins receiving 60576  
payments under section 3317.16 of the Revised Code for fiscal 60577  
year ~~2024-2026~~ or fiscal year ~~2025-2027~~ but does not receive 60578  
payments for the fiscal year immediately preceding that fiscal 60579  
year, the department shall establish the district's funding 60580  
base, as that term is defined in section 3317.02 of the Revised 60581  
Code, as an amount equal to the absolute value of the sum of the 60582  
associated adjustments of any local school district's funding 60583  
base under division (C) of section 3317.019 of the Revised Code. 60584

**Sec. 3317.163.** (A) As used in this section: 60585

(1) "Credential-only program" means an industry-approved credentialing program, or a series of such programs, offered by a dropout prevention and recovery community school in which students enrolled in grades eleven and twelve may earn an industry-recognized credential approved under section 3313.6113 of the Revised Code. The program, or programs, shall align with a career-technical education program approved under section 3317.161 of the Revised Code. The dropout prevention and recovery community school shall offer the program, or programs, using classroom teachers employed by the school.

(2) "Dropout prevention and recovery community school" has the same meaning as in section ~~3319.301~~3314.02 of the Revised Code.

(B) Notwithstanding any provision of Chapter 3317. of the Revised Code to the contrary, all of the following shall apply:

(1) For the purposes of sections 3317.014, 3317.022, and 3317.026 of the Revised Code, the department of education and workforce shall adjust the career-technical education ADM of a dropout prevention and recovery community school that offers a credential-only program so that each student enrolled in that program is included only in the school's category one career-technical education ADM, regardless of whether the credential-only program includes programs described in division (A)(1) of section 3317.014 of the Revised Code.

(2) For funding purposes, the department shall count each student enrolled in a credential-only program as a full-time student.

(3) A dropout prevention and recovery community school that offers a credential-only program may provide support

services to students who graduate from the school to assist them 60615  
in securing post-secondary placement opportunities, including 60616  
careers with state, regional, or local labor organizations. For 60617  
that purpose, the school may use a portion of the career- 60618  
technical education funds received under section 3317.022 of the 60619  
Revised Code to provide recent graduates, in the year following 60620  
their graduation from the school, with short-term, emergency 60621  
financial assistance for expenses related to child care, 60622  
housing, food insecurity, transportation, and services including 60623  
but not limited to health care, dental care, mental health care, 60624  
and addiction treatment services. 60625

Sec. 3317.165. (A) (1) For fiscal years 2026 and 2027, the 60626  
department of education and workforce shall calculate a joint 60627  
vocational school district's per-pupil local capacity amount 60628  
according to the following formula: 60629

(0.0005 X the lesser of the district's three-year average 60630  
valuation or the district's most recent valuation) / (the 60631  
district's base cost enrolled ADM) 60632

(2) For fiscal year 2028 and each fiscal year thereafter, 60633  
the department shall calculate a district's per-pupil local 60634  
capacity amount in a manner determined by the general assembly. 60635

(B) (1) For fiscal years 2026 and 2027, the department 60636  
shall calculate a joint vocational school district's state share 60637  
percentage according to the following formula: 60638

(The district's base cost per pupil for the fiscal year - the 60639  
district's per-pupil local capacity amount for the fiscal year) 60640  
/ (the district's base cost per pupil for the fiscal year) 60641

If the result is less than 0.10, the state share 60642  
percentage shall be 0.10. 60643

(2) For fiscal year 2028 and each fiscal year thereafter, 60644  
the department shall calculate the state share percentage for a 60645  
joint vocational school district in a manner determined by the 60646  
general assembly. 60647

**Sec. 3317.20.** This section does not apply to preschool 60648  
children with disabilities. 60649

(A) As used in this section: 60650

(1) "Applicable special education amount" means the amount 60651  
specified in section 3317.013 of the Revised Code for a 60652  
disability described in that section. 60653

(2) "Child's school district" means the school district in 60654  
which a child is entitled to attend school pursuant to section 60655  
3313.64 or 3313.65 of the Revised Code. 60656

(3) "State share percentage" means the state share 60657  
percentage of the child's school district. 60658

(B) The department shall annually pay each county board of 60659  
developmental disabilities for each child with a disability, 60660  
other than a preschool child with a disability, for whom the 60661  
county board provides special education and related services an 60662  
amount equal to the following: 60663

(1) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, the statewide 60664  
average base cost per pupil + (state share percentage X the 60665  
applicable special education multiple X the statewide average 60666  
base cost per pupil); 60667

(2) For fiscal year ~~2026-2028~~ and each fiscal year 60668  
thereafter, an amount determined by the general assembly. 60669

(C) Each county board of developmental disabilities shall 60670  
report to the department, in the manner specified by the 60671

department, the name of each child for whom the county board of 60672  
developmental disabilities provides special education and 60673  
related services and the child's school district. 60674

(D) (1) For the purpose of verifying the accuracy of the 60675  
payments under this section, the department may request from 60676  
either of the following entities the data verification code 60677  
assigned under division (D) (2) of section 3301.0714 of the 60678  
Revised Code to any child who is placed with a county board of 60679  
developmental disabilities: 60680

(a) The child's school district; 60681

(b) The independent contractor engaged to create and 60682  
maintain data verification codes. 60683

(2) Upon a request by the department under division (D) (1) 60684  
of this section for the data verification code of a child, the 60685  
child's school district shall submit that code to the department 60686  
in the manner specified by the department. If the child has not 60687  
been assigned a code, the district shall assign a code to that 60688  
child and submit the code to the department by a date specified 60689  
by the department. If the district does not assign a code to the 60690  
child by the specified date, the department shall assign a code 60691  
to the child. 60692

The department annually shall submit to each school 60693  
district the name and data verification code of each child 60694  
residing in the district for whom the department has assigned a 60695  
code under this division. 60696

(3) The department shall not release any data verification 60697  
code that it receives under division (D) of this section to any 60698  
person except as provided by law. 60699

(E) Any document relative to special education and related 60700

services provided by a county board of developmental 60701  
disabilities that the department holds in its files that 60702  
contains both a student's name or other personally identifiable 60703  
information and the student's data verification code shall not 60704  
be a public record under section 149.43 of the Revised Code. 60705

**Sec. 3317.201.** This section does not apply to preschool 60706  
children with disabilities. 60707

(A) As used in this section, the "total special education 60708  
amount" for an institution means the following: 60709

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 60710  
the following amounts: 60711

(a) The number of children certified by the institution 60712  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60713  
Code as receiving services for a disability described in 60714  
division (A) of section 3317.013 of the Revised Code multiplied 60715  
by the multiple specified in that division multiplied by the 60716  
statewide average base cost per pupil; 60717

(b) The number of children certified by the institution 60718  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60719  
Code as receiving services for a disability described in 60720  
division (B) of section 3317.013 of the Revised Code multiplied 60721  
by the multiple specified in that division multiplied by the 60722  
statewide average base cost per pupil; 60723

(c) The number of children certified by the institution 60724  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60725  
Code as receiving services for a disability described in 60726  
division (C) of section 3317.013 of the Revised Code multiplied 60727  
by the multiple specified in that division multiplied by the 60728  
statewide average base cost per pupil; 60729

(d) The number of children certified by the institution 60730  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60731  
Code as receiving services for a disability described in 60732  
division (D) of section 3317.013 of the Revised Code multiplied 60733  
by the multiple specified in that division multiplied by the 60734  
statewide average base cost per pupil; 60735

(e) The number of children certified by the institution 60736  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60737  
Code as receiving services for a disability described in 60738  
division (E) of section 3317.013 of the Revised Code multiplied 60739  
by the multiple specified in that division multiplied by the 60740  
statewide average base cost per pupil; 60741

(f) The number of children certified by the institution 60742  
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60743  
Code as receiving services for a disability described in 60744  
division (F) of section 3317.013 of the Revised Code multiplied 60745  
by the multiple specified in that division multiplied by the 60746  
statewide average base cost per pupil. 60747

(2) For fiscal year ~~2026~~2028 and each fiscal year 60748  
thereafter, the sum of the following amounts: 60749

(a) An amount calculated in a manner determined by the 60750  
general assembly times the number of children certified by the 60751  
institution under division (G) (1) (a) (i) of section 3317.03 of 60752  
the Revised Code as receiving services for a disability 60753  
described in division (A) of section 3317.013 of the Revised 60754  
Code; 60755

(b) An amount calculated in a manner determined by the 60756  
general assembly times the number of children certified by the 60757  
institution under division (G) (1) (a) (i) of section 3317.03 of 60758

the Revised Code as receiving services for a disability 60759  
described in division (B) of section 3317.013 of the Revised 60760  
Code; 60761

(c) An amount calculated in a manner determined by the 60762  
general assembly times the number of children certified by the 60763  
institution under division (G) (1) (a) (i) of section 3317.03 of 60764  
the Revised Code as receiving services for a disability 60765  
described in division (C) of section 3317.013 of the Revised 60766  
Code; 60767

(d) An amount calculated in a manner determined by the 60768  
general assembly times the number of children certified by the 60769  
institution under division (G) (1) (a) (i) of section 3317.03 of 60770  
the Revised Code as receiving services for a disability 60771  
described in division (D) of section 3317.013 of the Revised 60772  
Code; 60773

(e) An amount calculated in a manner determined by the 60774  
general assembly times the number of children certified by the 60775  
institution under division (G) (1) (a) (i) of section 3317.03 of 60776  
the Revised Code as receiving services for a disability 60777  
described in division (E) of section 3317.013 of the Revised 60778  
Code; 60779

(f) An amount calculated in a manner determined by the 60780  
general assembly times the number of children certified by the 60781  
institution under division (G) (1) (a) (i) of section 3317.03 of 60782  
the Revised Code as receiving services for a disability 60783  
described in division (F) of section 3317.013 of the Revised 60784  
Code. 60785

(B) For each fiscal year, the department of education and 60786  
workforce shall pay each state institution required to provide 60787

special education services under division (A) of section 60788  
3323.091 of the Revised Code an amount equal to the 60789  
institution's total special education amount. 60790

**Sec. 3317.22.** (A) As used in this section: 60791

(1) "Eligible internet- or computer-based community 60792  
school" means an internet- or computer-based community school ~~in~~ 60793  
~~which a majority of the students were enrolled in that is a~~ 60794  
~~dropout prevention and recovery program~~ community school, as 60795  
defined in section 3314.02 of the Revised Code. 60796

(2) "Statewide average base cost per-pupil" has the same 60797  
meaning as in section 3317.02 of the Revised Code. 60798

~~(3) "Internet- or computer-based community school" has the~~ 60799  
~~same meaning as in section 3314.02 of the Revised Code.~~ 60800

(B) The department of education and workforce shall 60801  
establish a program to provide additional funding for students 60802  
enrolled in grades eight through twelve in eligible internet- or 60803  
computer-based community schools. An eligible internet- or 60804  
computer-based community school may choose to participate in the 60805  
program by notifying the department not later than the first day 60806  
of February of the school year in which the school will 60807  
participate in the program in a form and manner determined by 60808  
the department. 60809

(C) The department shall require each eligible internet- 60810  
or computer-based community school that chooses to participate 60811  
in the program to report all information that is necessary to 60812  
make payments under division (D) of this section. 60813

(D) The department shall calculate an additional payment 60814  
for each eligible internet- or computer-based community school 60815  
that chooses to participate in the program, as follows: 60816

(1) Compute the lesser of the following for each student 60817  
enrolled in grades eight through twelve: 60818

(a) The statewide average base cost per-pupil X the 60819  
maximum full-time equivalency for the portion of the school year 60820  
for which the student is enrolled in the school; 60821

(b) The sum of the following: 60822

(i) A one-time payment of \$1,750. In the case of a student 60823  
enrolled in the school for the first time for the school year 60824  
for which the payment is being made, payment shall be made under 60825  
division (D) (1) (b) (i) of this section at least thirty days after 60826  
the student is considered to be enrolled in the school in 60827  
accordance with division (H) (2) of section 3314.08 of the 60828  
Revised Code, provided the student has been continuously 60829  
enrolled in the school during that time, as determined by the 60830  
department. In the case of a student that was enrolled in the 60831  
school for the prior school year, payment shall be made under 60832  
division (D) (1) (b) (i) of this section at least thirty days after 60833  
the student has started to participate in learning opportunities 60834  
for the school year for which the payment is being made, 60835  
provided the student has been continuously enrolled in the 60836  
school during that time, as determined by the department. 60837

(ii) The statewide average base cost per-pupil X (1/920) X 60838  
the lesser of the number of hours the student participates in 60839  
learning opportunities in that fiscal year or 920; 60840

(iii) The lesser of (\$500 X either the number of courses 60841  
completed by the student in that fiscal year, in the case of a 60842  
student enrolled in grade eight, or the number of credits earned 60843  
by the student in that fiscal year, in the case of a student 60844  
enrolled in grades nine through twelve) or \$2,500. 60845

(2) Compute the sum of the amounts calculated under 60846  
division (D) (1) of this section for all students enrolled in 60847  
grades eight through twelve. 60848

(3) Compute the school's payment in accordance with the 60849  
following formula: 60850

(The amount determined under division (D) (2) of this 60851  
section) - (the number of full-time equivalent students enrolled 60852  
in grades eight through twelve in the school X the statewide 60853  
average base cost per-pupil) 60854

If the amount computed under division (D) (3) is a negative 60855  
number, the school shall not receive a payment under this 60856  
section. 60857

(E) (1) The department may complete a review of the 60858  
enrollment of each eligible internet- or computer-based 60859  
community school that chooses to participate in the program in 60860  
accordance with division (K) of section 3314.08 of the Revised 60861  
Code. If the department determines a school has been overpaid 60862  
based on a review completed under division (E) (1) of this 60863  
section, the department shall require a repayment of the 60864  
overpaid funds and may require the school to establish a plan to 60865  
improve the reporting of enrollment. 60866

(2) To the extent that an eligible internet- or computer- 60867  
based community school that chooses to participate in the 60868  
program had, for the prior school year, a percentage of student 60869  
engagement in learning opportunities that was less than sixty- 60870  
five per cent, the school shall provide to the department a 60871  
meaningful plan for increasing student engagement. 60872

(3) All eligible internet- or computer-based community 60873  
schools that choose to participate in the program shall 60874

implement programming or protocol which documents enrollment and 60875  
participation in learning opportunities in order to participate 60876  
in the program. 60877

**Sec. 3317.25.** (A) As used in this section, "disadvantaged 60878  
pupil impact aid" means the following: 60879

(1) For a city, local, or exempted village school 60880  
district, the funds received under division (A) (4) (a) of section 60881  
3317.022 of the Revised Code; 60882

(2) For a joint vocational school district, the funds 60883  
received under division (A) (3) of section 3317.16 of the Revised 60884  
Code; 60885

(3) For a community school established under Chapter 3314. 60886  
of the Revised Code, the funds received under division (A) (4) (b) 60887  
of section 3317.022 of the Revised Code; 60888

(4) For a STEM school established under Chapter 3326. of 60889  
the Revised Code, the funds received under division (A) (4) (b) of 60890  
section 3317.022 of the Revised Code. 60891

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 60892  
local, exempted village, or joint vocational school district, 60893  
community school, or STEM school shall spend the disadvantaged 60894  
pupil impact aid it receives for any of the following 60895  
initiatives or a combination of any of the following 60896  
initiatives: 60897

(a) Extended school day and school year; 60898

(b) Reading improvement and intervention that is aligned 60899  
with the science of reading and evidence-based strategies for 60900  
effective literacy instruction; 60901

(c) Instructional technology or blended learning; 60902

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade;	60903 60904 60905
(e) Dropout prevention;	60906
(f) School safety and security measures;	60907
(g) Community learning centers that address barriers to learning;	60908 60909
(h) Academic interventions for students in any of grades six through twelve;	60910 60911
(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	60912 60913 60914 60915
(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports;	60916 60917 60918
(k) Culturally appropriate, evidence-based or evidence-informed prevention services, including youth-led programming and curricula to promote mental health and prevent substance use and suicide, and trauma-informed services;	60919 60920 60921 60922
(l) Services for homeless youth;	60923
(m) Services for child welfare involved youth;	60924
(n) Community liaisons or programs that connect students to community resources, including behavioral wellness coordinators and city connects, communities in schools, and other similar programs;	60925 60926 60927 60928
(o) Physical health care services, including telehealth	60929

services and community-based health services;	60930
(p) Family engagement and support services;	60931
(q) Student services provided prior to or after the	60932
regularly scheduled school day or any time school is not in	60933
session, including mentoring programs.	60934
(2) For fiscal year <del>2026</del> <u>2028</u> and each fiscal year	60935
thereafter, each city, local, exempted village, and joint	60936
vocational school district, community school, and STEM school	60937
shall spend the disadvantaged pupil impact aid it receives for	60938
one or more initiatives specified by the general assembly.	60939
(C) (1) For fiscal years <del>2024</del> <u>2026</u> and <del>2025</del> <u>2027</u> , each city,	60940
local, exempted village, and joint vocational school district,	60941
community school, and STEM school that is subject to the	60942
requirements of this section shall develop a plan for utilizing	60943
the disadvantaged pupil impact aid it receives in coordination	60944
with at least one of the following community partners:	60945
(a) A board of alcohol, drug addiction, and mental health	60946
services established under Chapter 340. of the Revised Code;	60947
(b) An educational service center;	60948
(c) A county board of developmental disabilities;	60949
(d) A <del>community-based</del> <u>community</u> mental health <u>prevention</u>	60950
<u>or</u> treatment provider;	60951
(e) A board of health of a city or general health	60952
district;	60953
(f) A county department of job and family services;	60954
(g) A nonprofit organization with experience serving	60955
children;	60956

(h) A public hospital agency. 60957

(2) For fiscal year ~~2026~~2028 and each fiscal year 60958  
thereafter, each city, local, exempted village, and joint 60959  
vocational school district, community school, and STEM school 60960  
that is subject to the requirements of this section shall 60961  
develop a plan for utilizing the disadvantaged pupil impact aid 60962  
it receives in the manner specified by the general assembly, if 60963  
the general assembly requires city, local, exempted village, and 60964  
joint vocational school districts, community schools, and STEM 60965  
schools to develop such a plan. 60966

(D) After the end of each fiscal year, each city, local, 60967  
exempted village, or joint vocational school district, community 60968  
school, and STEM school shall submit a report to the department 60969  
of education and workforce describing the initiative or 60970  
initiatives on which the district's or school's disadvantaged 60971  
pupil impact aid were spent during that fiscal year. For fiscal 60972  
years ~~2024~~2026 and ~~2025~~2027, this report shall be submitted in 60973  
a manner prescribed by the department and shall also describe 60974  
the amount of money that was spent on each initiative. 60975

(E) Starting in 2015, the department shall submit a report 60976  
of the information it receives under division (C) of this 60977  
section to the general assembly not later than the first day of 60978  
December of each odd-numbered year in accordance with section 60979  
101.68 of the Revised Code. 60980

Sec. 3317.27. The quality community school support program 60981  
is established. Under the program, the department of education 60982  
and workforce shall pay each community school established under 60983  
Chapter 3314. of the Revised Code and designated as a community 60984  
school of quality under section 3317.28 of the Revised Code an 60985  
amount up to three thousand dollars in each fiscal year for each 60986

student identified as economically disadvantaged and up to two 60987  
thousand two hundred fifty dollars in each fiscal year for each 60988  
student that is not identified as economically disadvantaged. 60989  
The payment for a fiscal year shall be calculated using the 60990  
adjusted full-time equivalent number of students enrolled in the 60991  
school for that fiscal year as of the date the payment is made, 60992  
as reported by the school under section 3314.08 of the Revised 60993  
Code. The department shall make periodic payments to each 60994  
designated school beginning in January of that fiscal year. 60995

Sec. 3317.28. Not later than the thirty-first day of 60996  
December of each fiscal year, the department of education and 60997  
workforce shall designate as a community school of quality each 60998  
community school established under Chapter 3314. of the Revised 60999  
Code that meets the criteria established in division (A), (B), 61000  
(C), (D), or (E) of this section. 61001

(A) A community school qualifies as a community school of 61002  
quality if the school meets all of the following criteria: 61003

(1) The school's sponsor was rated "exemplary" or 61004  
"effective" on the sponsor's most recent evaluation conducted 61005  
under section 3314.016 of the Revised Code. 61006

(2) The school received a higher performance index score 61007  
than the school district in which the school is located on the 61008  
two most recent report cards issued for the school under section 61009  
3302.03 of the Revised Code. 61010

(3) The school received a performance rating of four stars 61011  
or higher for the progress component on the most recent report 61012  
card issued for the school under section 3302.03 of the Revised 61013  
Code or is a school described under division (B) of section 61014  
3314.35 of the Revised Code and did not receive a rating for the 61015

progress component on the most recent report card. 61016

(4) At least fifty per cent of the students enrolled in 61017  
the school in the prior fiscal year were economically 61018  
disadvantaged, as determined by the department. 61019

(B) A community school qualifies as a community school of 61020  
quality if the school meets all of the following criteria: 61021

(1) The school's sponsor was rated "exemplary" or 61022  
"effective" on the sponsor's most recent evaluation conducted 61023  
under section 3314.016 of the Revised Code. 61024

(2) The school received a higher performance index score 61025  
than the school district in which the school is located on the 61026  
most recent report card issued for the school under section 61027  
3302.03 of the Revised Code. 61028

(3) The school received a performance rating of three 61029  
stars or higher for the progress component on the most recent 61030  
report card issued for the school under section 3302.03 of the 61031  
Revised Code. 61032

(4) The school received a performance rating of three 61033  
stars or higher for the achievement component on the most recent 61034  
report card issued for the school under section 3302.03 of the 61035  
Revised Code. 61036

(C) A community school qualifies as a community school of 61037  
quality if the school meets all of the following criteria: 61038

(1) The school's sponsor was rated "exemplary" or 61039  
"effective" on the sponsor's most recent evaluation conducted 61040  
under section 3314.016 of the Revised Code. 61041

(2) The school is in its first year of operation or the 61042  
school opened as a kindergarten school and has added one grade 61043

<u>per year and has been in operation for less than four school</u>	61044
<u>years.</u>	61045
<u>(3) The school is replicating an operational and</u>	61046
<u>instructional model used by a community school described in</u>	61047
<u>division (A) of this section.</u>	61048
<u>(4) If the school has an operator, the operator received a</u>	61049
<u>rating of three stars or better on its most recent performance</u>	61050
<u>report published under section 3314.031 of the Revised Code.</u>	61051
<u>(D) A community school qualifies as a community school of</u>	61052
<u>quality if the school meets all of the following criteria:</u>	61053
<u>(1) The school's sponsor was rated "exemplary" or</u>	61054
<u>"effective" on the sponsor's most recent evaluation conducted</u>	61055
<u>under section 3314.016 of the Revised Code.</u>	61056
<u>(2) The school satisfies either of the following:</u>	61057
<u>(a) The school contracts with an operator that operates</u>	61058
<u>schools in other states and meets at least one of the following</u>	61059
<u>criteria:</u>	61060
<u>(i) Has operated a school that received a grant funded</u>	61061
<u>through the federal charter school program established under 20</u>	61062
<u>U.S.C. 7221 within the five years prior to the date of</u>	61063
<u>application or received funding from the charter school growth</u>	61064
<u>fund;</u>	61065
<u>(ii) Meets all of the following criteria:</u>	61066
<u>(I) One of the operator's schools in another state</u>	61067
<u>performed better than the school district in which the school is</u>	61068
<u>located, as determined by the department.</u>	61069
<u>(II) At least fifty per cent of the total number of</u>	61070

students enrolled in all of the operator's schools are 61071  
economically disadvantaged, as determined by the department. 61072

(III) The operator is in good standing in all states where 61073  
it operates schools, as determined by the department. 61074

(IV) The department has determined that the operator does 61075  
not have any financial viability issues that would prevent it 61076  
from effectively operating a community school in Ohio. 61077

(b) The school is replicating an operational and 61078  
instructional model through an agreement with a college or 61079  
university used by a community school or its equivalent in 61080  
another state that performed better than the school district in 61081  
which the school is located, as determined by the department. 61082

(3) The school is in its first year of operation or, if 61083  
not in its first year of operation and qualifying under division 61084  
(D) (2) (b) of this section, opened on July 1, 2022, and has not 61085  
previously been designated as a community school of quality 61086  
under this section, in which case the first payment under 61087  
section 3317.27 of the Revised Code shall be made on or before 61088  
January 31, 2024, and shall be calculated based on the adjusted 61089  
full-time equivalent number of students enrolled in the school 61090  
for fiscal year 2024. 61091

(E) A community school qualifies as a community school of 61092  
quality if it meets all of the following criteria: 61093

(1) The school is a dropout prevention and recovery school 61094  
as defined under section 3314.02 of the Revised Code. 61095

(2) The school's sponsor was rated "exemplary" or 61096  
"effective" on the sponsor's most recent evaluation conducted 61097  
under section 3314.016 of the Revised Code. 61098

(3) The school received an "exceeds standards" on the performance indicator prescribed under division (C) (2) of section 3314.017 of the Revised Code on the two most recent report cards issued for the school under section 3314.017 of the Revised Code. 61099  
61100  
61101  
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(4) The school is not an internet- or computer-based community school. 61104  
61105

(F) A school designated as a community school of quality under division (A), (B), (C), or (E) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a community school of quality. A school designated as a community school of quality under division (D) of this section shall maintain that designation for the four fiscal years following the fiscal year in which the school was initially designated as a community school of quality. 61106  
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(G) A school designated a community school of quality may renew its designation each year that it satisfies the criteria under division (A) or (B) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (A) or (B) of this section are satisfied. 61115  
61116  
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(H) A school that was designated as a community school of quality for the first time under division (C) of this section for the 2022-2023 school year shall be considered to have maintained that designation for the 2022-2023 school year, shall maintain that designation through the 2027-2028 school year, and may renew its designation under division (G) of this section after that year. 61121  
61122  
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61127

(I) If two or more community schools have merged or merge 61128  
in accordance with division (B) of section 3314.0211 of the 61129  
Revised Code on or after June 30, 2022, the surviving community 61130  
school is eligible to receive funds under this program, provided 61131  
it otherwise qualifies as a community school of quality under 61132  
division (A), (B), (C), (D), or (E) of this section. In such a 61133  
case, the payment for a fiscal year shall be calculated using 61134  
the adjusted full-time equivalent number of students enrolled in 61135  
the school for that fiscal year as of the date the payments are 61136  
made, as reported by the surviving community school under 61137  
section 3314.08 of the Revised Code, regardless of whether those 61138  
students were previously enrolled in a community school that was 61139  
dissolved as part of the merger. A community school qualified to 61140  
receive funds under the program prior to merging on or after 61141  
June 30, 2022, and was dissolved due to the merger, shall be 61142  
considered to have been eligible for funds under the program 61143  
prior to the effective date of this section and shall not be 61144  
required to return any funds received prior to that date. 61145

**Sec. 3317.29.** (A) The quality independent STEM school 61146  
support program is established. Under the program, the 61147  
department of education and workforce shall pay each STEM school 61148  
established under Chapter 3326. of the Revised Code and 61149  
designated as an independent STEM school of quality under this 61150  
section an amount up to three thousand dollars in each fiscal 61151  
year for each student identified as economically disadvantaged 61152  
and up to two thousand two hundred fifty dollars in each fiscal 61153  
year for each student that is not identified as economically 61154  
disadvantaged. The payment for a fiscal year shall be calculated 61155  
using the adjusted full-time equivalent number of students 61156  
enrolled in the school for that fiscal year as of the date the 61157  
payment is made, as reported by the school under section 3326.32 61158

of the Revised Code. The department shall make periodic payments 61159  
to each designated school beginning in January of a fiscal year. 61160

(B) Not later than the thirty-first day of December each 61161  
fiscal year, the department shall designate a STEM school as an 61162  
independent STEM school of quality if the school satisfies all 61163  
of the following criteria: 61164

(1) The STEM school operates autonomously under section 61165  
3326.031 of the Revised Code. 61166

(2) The STEM school does not have a STEM school equivalent 61167  
designation under section 3326.032 of the Revised Code. 61168

(3) The STEM school is not governed by a school district 61169  
under section 3326.51 of the Revised Code. 61170

(4) The STEM school is not a community school established 61171  
under Chapter 3314. of the Revised Code. 61172

(5) The STEM school cannot levy taxes or issue tax-secured 61173  
bonds in accordance with section 3326.49 of the Revised Code. 61174

(6) The STEM school satisfies the requirements prescribed 61175  
by section 3326.03 of the Revised Code. 61176

(7) The STEM school satisfies the requirements described 61177  
in the quality model for STEM and STEAM schools established by 61178  
the department of education and workforce in accordance with 61179  
Chapter 3326. of the Revised Code. 61180

(C) A school designated as an independent STEM school of 61181  
quality under this section shall maintain that designation for 61182  
the two fiscal years following the fiscal year in which the 61183  
school was initially designated as an independent STEM school of 61184  
quality. 61185

(D) A school designated as an independent STEM school of quality may renew its designation each year that it satisfies the criteria under division (B) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (B) of this section are satisfied. This division applies to schools designated as an independent STEM school of quality based on the report cards issued in accordance with sections 3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 2018-2019 school years.

**Sec. 3317.31.** The department of education and workforce shall pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to twenty-five dollars in each fiscal year for each full-time equivalent student in an internet- or computer-based community school and one thousand one hundred dollars in fiscal year 2026 and one thousand two hundred dollars in fiscal year 2027 for each full-time equivalent student in all other community or STEM schools for assistance with the cost associated with facilities.

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the Revised Code:

(A) "Ohio facilities construction commission" means the commission created pursuant to section 123.20 of the Revised Code.

(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and

may include space within which a child care facility or a 61216  
community resource center is housed. "Classroom facilities" 61217  
includes any space necessary for the operation of a vocational 61218  
education program for secondary students in any school district 61219  
that operates such a program. 61220

(C) "Project" means a project to construct or acquire 61221  
classroom facilities, or to reconstruct or make additions to 61222  
existing classroom facilities, to be used for housing the 61223  
applicable school district and its functions. 61224

(D) "School district" means a local, exempted village, or 61225  
city school district as such districts are defined in Chapter 61226  
3311. of the Revised Code, acting as an agency of state 61227  
government, performing essential governmental functions of state 61228  
government pursuant to sections 3318.01 to 3318.20 of the 61229  
Revised Code. 61230

For purposes of assistance provided under sections 3318.40 61231  
to 3318.45 of the Revised Code, the term "school district" as 61232  
used in this section and in divisions (A), (C), and (D) of 61233  
section 3318.03 and in sections 3318.031, 3318.042, 3318.07, 61234  
3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 61235  
3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, and 61236  
3318.20 of the Revised Code means a joint vocational school 61237  
district established pursuant to section 3311.18 of the Revised 61238  
Code. 61239

(E) "School district board" means the board of education 61240  
of a school district. 61241

(F) "Net bonded indebtedness" means the difference between 61242  
the sum of the par value of all outstanding and unpaid bonds and 61243  
notes which a school district board is obligated to pay and any 61244

amounts the school district is obligated to pay under lease- 61245  
purchase agreements entered into under section 3313.375 of the 61246  
Revised Code, and the amount held in the sinking fund and other 61247  
indebtedness retirement funds for their redemption. Notes issued 61248  
for school buses in accordance with section 3327.08 of the 61249  
Revised Code, notes issued in anticipation of the collection of 61250  
current revenues, and bonds issued to pay final judgments shall 61251  
not be considered in calculating the net bonded indebtedness. 61252

"Net bonded indebtedness" does not include indebtedness 61253  
arising from the acquisition of land to provide a site for 61254  
classroom facilities constructed, acquired, or added to pursuant 61255  
to sections 3318.01 to 3318.20 of the Revised Code or the par 61256  
value of bonds that have been authorized by the electors and the 61257  
proceeds of which will be used by the district to provide any 61258  
part of its portion of the basic project cost. 61259

(G) "Board of elections" means the board of elections of 61260  
the county containing the most populous portion of the school 61261  
district. 61262

(H) "County auditor" means the auditor of the county in 61263  
which the greatest value of taxable property of such school 61264  
district is located. 61265

(I) "Tax duplicates" means the general tax lists and 61266  
duplicates prescribed by sections 319.28 and 319.29 of the 61267  
Revised Code. 61268

(J) "Required level of indebtedness" means: 61269

(1) In the case of school districts in the first 61270  
percentile, five per cent of the district's valuation for the 61271  
year preceding the year in which the controlling board approved 61272  
the project under section 3318.04 of the Revised Code. 61273

(2) In the case of school districts ranked in a subsequent percentile, five per cent of the district's valuation for the year preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project minus one)].

(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the school district ranks for the fiscal year preceding the fiscal year in which the controlling board approved the district's project.

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio facilities construction commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing classroom facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a school district may have to pay to undertake a classroom facilities project.

For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised

Code, the basic project cost calculation for a project under 61304  
those sections shall also take into account the types of 61305  
laboratory spaces and program square footages needed for the 61306  
vocational education programs for high school students offered 61307  
by the school district. 61308

For a district that opts to divide its entire classroom 61309  
facilities needs into segments, as authorized by section 61310  
3318.034 of the Revised Code, "basic project cost" means the 61311  
cost determined in accordance with this division of a segment. 61312

(M) (1) Except for a joint vocational school district that 61313  
receives assistance under sections 3318.40 to 3318.45 of the 61314  
Revised Code, a "school district's portion of the basic project 61315  
cost" means the amount determined under section 3318.032 of the 61316  
Revised Code. 61317

(2) For a joint vocational school district that receives 61318  
assistance under sections 3318.40 to 3318.45 of the Revised 61319  
Code, a "school district's portion of the basic project cost" 61320  
means the amount determined under division (C) of section 61321  
3318.42 of the Revised Code. 61322

(N) "Child care facility" means space within a classroom 61323  
facility in which the needs of infants, toddlers, preschool 61324  
children, and school children are provided for by persons other 61325  
than the parent or guardian of such children for any part of the 61326  
day, including persons not employed by the school district 61327  
operating such classroom facility. 61328

(O) "Community resource center" means space within a 61329  
classroom facility in which comprehensive services that support 61330  
the needs of families and children are provided by community- 61331  
based social service providers. 61332

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

(T) "~~The county auditor's appraised~~ Market value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

**Sec. 3318.051.** (A) Any city, exempted village, or local school district that commences a project under sections 3318.01 to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or after September 5, 2006, need not levy the tax otherwise required under division (B) of section 3318.05 of the Revised Code, if the district board of education adopts a resolution petitioning the Ohio facilities construction commission to approve the transfer of money in accordance with this section and the commission approves that transfer. If so approved, the commission and the district board shall enter into an agreement under which the board, in each of twenty-three consecutive years

beginning in the year in which the board and the commission 61362  
enter into the project agreement under section 3318.08 of the 61363  
Revised Code, shall transfer into the maintenance fund required 61364  
by division (D) of section 3318.05 of the Revised Code not less 61365  
than an amount equal to one-half mill for each dollar of the 61366  
district's valuation unless and until the agreement to make 61367  
those transfers is rescinded by the district board pursuant to 61368  
division (F) of this section. 61369

(B) On the first day of July each year, or on an 61370  
alternative date prescribed by the commission, the district 61371  
treasurer shall certify to the commission and the auditor of 61372  
state that the amount required for the year has been 61373  
transferred. The auditor of state shall include verification of 61374  
the transfer as part of any audit of the district under section 61375  
117.11 of the Revised Code. If the auditor of state finds that 61376  
less than the required amount has been deposited into a 61377  
district's maintenance fund, the auditor of state shall notify 61378  
the district board of education in writing of that fact and 61379  
require the board to deposit into the fund, within ninety days 61380  
after the date of the notice, the amount by which the fund is 61381  
deficient for the year. If the district board fails to 61382  
demonstrate to the auditor of state's satisfaction that the 61383  
board has made the deposit required in the notice, the auditor 61384  
of state shall notify the department of education and workforce. 61385  
At that time, the department shall withhold an amount equal to 61386  
ten per cent of the district's funds calculated for the current 61387  
fiscal year under Chapter 3317. of the Revised Code until the 61388  
~~auditor of state~~ district notifies the department that the 61389  
~~auditor of state is satisfied that the board has made the~~ 61390  
required transfer. 61391

(C) Money transferred to the maintenance fund shall be 61392

used for the maintenance or, upon approval of the Ohio 61393  
facilities construction commission, upgrade of the facilities 61394  
acquired under the district's project. 61395

(D) The transfers to the maintenance fund under this 61396  
section does not affect a district's obligation to establish and 61397  
maintain a capital and maintenance fund under section 3315.18 of 61398  
the Revised Code. 61399

(E) Any decision by the commission to approve or not 61400  
approve the transfer of money under this section is final and 61401  
not subject to appeal. The commission shall not be responsible 61402  
for errors or miscalculations made in deciding whether to 61403  
approve a petition to make transfers under this section. 61404

(F) If the district board determines that it no longer can 61405  
continue making the transfers agreed to under this section, the 61406  
board may rescind the agreement only so long as the electors of 61407  
the district have approved, in accordance with section 3318.063 61408  
of the Revised Code, the levy of a tax for the maintenance of 61409  
the classroom facilities acquired under the district's project 61410  
and that levy continues to be collected as approved by the 61411  
electors. That levy shall be for a number of years that is equal 61412  
to the difference between twenty-three years and the number of 61413  
years that the district made transfers under this section and 61414  
shall be at the rate of not less than one-half mill for each 61415  
dollar of the district's valuation. The district board shall 61416  
continue to make the transfers agreed to under this section 61417  
until that levy has been approved by the electors. 61418

**Sec. 3318.06.** (A) After receipt of the conditional 61419  
approval of the Ohio facilities construction commission, the 61420  
school district board by a ~~majority~~ vote of two-thirds of all of 61421  
its members shall, if it desires to proceed with the project, 61422

declare all of the following by resolution: 61423

(1) That by issuing bonds in an amount equal to the school 61424  
district's portion of the basic project cost the district is 61425  
unable to provide adequate classroom facilities without 61426  
assistance from the state; 61427

(2) Unless the school district board has resolved to 61428  
transfer money in accordance with section 3318.051 of the 61429  
Revised Code or to apply the proceeds of a property tax or the 61430  
proceeds of an income tax, or a combination of proceeds from 61431  
such taxes, as authorized under section 3318.052 of the Revised 61432  
Code, that to qualify for such state assistance it is necessary 61433  
to do either of the following: 61434

(a) Levy a tax outside the ten-mill limitation the 61435  
proceeds of which shall be used to pay the cost of maintaining 61436  
and upgrading the classroom facilities included in the project. 61437  
The use of the proceeds for upgrades is subject to the approval 61438  
by the commission under division (E) of section 3318.05 of the 61439  
Revised Code. 61440

(b) Earmark for maintenance of classroom facilities from 61441  
the proceeds of an existing permanent improvement tax levied 61442  
under section 5705.21 of the Revised Code, if such tax can be 61443  
used for maintenance, an amount equivalent to the amount of the 61444  
additional tax otherwise required under this section and 61445  
sections 3318.05 and 3318.08 of the Revised Code. 61446

(3) That the question of any tax levy specified in a 61447  
resolution described in division (A) (2) (a) of this section, if 61448  
required, shall be submitted to the electors of the school 61449  
district at the next general or primary election, if there be a 61450  
general or primary election not less than ninety and not more 61451

than one hundred ten days after the day of the adoption of such 61452  
resolution or, if not, at a special election to be held at a 61453  
time specified in the resolution which shall be not less than 61454  
ninety days after the day of the adoption of the resolution and 61455  
which shall be in accordance with the requirements of section 61456  
3501.01 of the Revised Code. 61457

Such resolution shall also state that the question of 61458  
issuing bonds of the board shall be combined in a single 61459  
proposal with the question of such tax levy. More than one 61460  
election under this section may be held in any one calendar 61461  
year. Such resolution shall specify both of the following: 61462

(a) That the rate which it is necessary to levy shall be 61463  
at the rate of not less than one-half mill for each one dollar 61464  
of taxable value, and that such tax shall be levied for a period 61465  
of twenty-three years; 61466

(b) That the proceeds of the tax shall be used to pay the 61467  
cost of maintaining the classroom facilities included in the 61468  
project or upgrading those facilities if approved by the 61469  
commission. 61470

(B) A copy of a resolution adopted under division (A) of 61471  
this section shall after its passage and not less than ninety 61472  
days prior to the date set therein for the election be certified 61473  
to the county board of elections. 61474

The resolution of the school district board, in addition 61475  
to meeting other applicable requirements of section 133.18 of 61476  
the Revised Code, shall state that the amount of bonds to be 61477  
issued will be an amount equal to the school district's portion 61478  
of the basic project cost, and state the maximum maturity of the 61479  
bonds which may be any number of years not exceeding the term 61480

calculated under section 133.20 of the Revised Code as 61481  
determined by the board. In estimating the amount of bonds to be 61482  
issued, the board shall take into consideration the amount of 61483  
moneys then in the bond retirement fund and the amount of moneys 61484  
to be collected for and disbursed from the bond retirement fund 61485  
during the remainder of the year in which the resolution of 61486  
necessity is adopted. 61487

If the bonds are to be issued in more than one series, the 61488  
resolution may state, in addition to the information required to 61489  
be stated under division (B) (3) of section 133.18 of the Revised 61490  
Code, the number of series, which shall not exceed five, the 61491  
principal amount of each series, and the approximate date each 61492  
series will be issued, and may provide that no series, or any 61493  
portion thereof, may be issued before such date. Upon such a 61494  
resolution being certified to the county auditor as required by 61495  
division (C) of section 133.18 of the Revised Code, the county 61496  
auditor, in calculating, advising, and confirming the estimated 61497  
average annual property tax levy under that division, shall also 61498  
calculate, advise, and confirm by certification the estimated 61499  
average property tax levy for each series of bonds to be issued. 61500

Notice of the election shall include the fact that the tax 61501  
levy shall be at the rate of not less than one-half mill for 61502  
each one dollar of taxable value for a period of twenty-three 61503  
years, and that the proceeds of the tax shall be used to pay the 61504  
cost of maintaining or upgrading the classroom facilities 61505  
included in the project. The notice shall also express the rate 61506  
in dollars for each one hundred thousand dollars of ~~the county-~~ 61507  
~~auditor's appraised market~~ value and the county auditor's 61508  
estimate of the amount the tax levy is estimated to collect for 61509  
each tax year it is levied, as certified pursuant to section 61510  
5705.03 of the Revised Code. 61511

If the bonds are to be issued in more than one series, the board of education, when filing copies of the resolution with the board of elections as required by division (D) of section 133.18 of the Revised Code, may direct the board of elections to include in the notice of election the principal amount and approximate date of each series, the maximum number of years over which the principal of each series may be paid, the estimated additional average property tax levy for each series, and the first calendar year in which the tax is expected to be due for each series, in addition to the information required to be stated in the notice under divisions (E) (3) (a), (b), (c), (e), and (f) of section 133.18 of the Revised Code.

(C) (1) Except as otherwise provided in division (C) (2) of this section, the form of the ballot to be used at such election shall be:

"A majority affirmative vote is necessary for passage.

Shall bonds be issued by the \_\_\_\_\_ (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the principal amount of \$\_\_\_\_\_ (here insert principal amount of the bond issue), to be repaid annually over a maximum period of \_\_\_\_\_ (here insert the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ market value to pay the annual debt charges on the bonds and to pay debt charges on any notes

issued in anticipation of the bonds?" 61542

and, unless the additional levy 61543

of taxes is not required pursuant 61544

to division (C) of section 61545

3318.05 of the Revised Code, 61546

"Shall an additional levy of taxes be made for a period of 61547

twenty-three years to benefit the \_\_\_\_\_ (here insert name 61548

of school district) school district, the proceeds of which shall 61549

be used to pay the cost of maintaining (or upgrading if approved 61550

by the commission) the classroom facilities included in the 61551

project, that the county auditor estimates will collect \$\_\_\_\_\_ 61552

annually, at the rate of \_\_\_\_\_ (here insert the number of 61553

mills, which shall not be less than one-half mill) mills for 61554

each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 61555

\$100,000 of ~~the county auditor's appraised~~ market value? 61556

61557

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

(2) If authority is sought to issue bonds in more than one 61558

series and the board of education so elects, the form of the 61559

ballot shall be as prescribed in section 3318.062 of the Revised 61560

Code. If the board of education elects the form of the ballot 61561

prescribed in that section, it shall so state in the resolution 61562

adopted under this section. 61563

(D) If it is necessary for the school district to acquire 61564

a site for the classroom facilities to be acquired pursuant to 61565

sections 3318.01 to 3318.20 of the Revised Code, the district 61566

board may propose either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (B) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the \_\_\_\_\_ (here insert name of the school district) school district to pay costs of acquiring a site for classroom facilities under the State of Ohio Classroom Facilities Assistance Program in the principal amount of \$\_\_\_\_\_ (here insert principal amount of the bond issue), to be repaid annually over a maximum period of \_\_\_\_\_ (here insert maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised market~~ value to pay the annual debt charges on the bonds and to pay debt charges on any notes issued in anticipation of the bonds?"

(2) "Shall an additional levy of taxes outside the ten-mill limitation be made for the benefit of the \_\_\_\_\_ (here insert name of the school district) school district for the purpose of acquiring a site for classroom facilities in the sum of \$\_\_\_\_\_ (here insert annual amount the levy is to produce) estimated by the county auditor to average \_\_\_\_\_ mills for

each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 61597  
\$100,000 of ~~the county auditor's appraised market~~ value, for a 61598  
period of \_\_\_\_\_ (here insert number of years the millage is 61599  
to be imposed) years?" 61600

Where it is necessary to combine the question of issuing 61601  
bonds of the school district and levying a tax as described in 61602  
division (B) of this section with the question of issuing bonds 61603  
of the school district for acquisition of a site, the question 61604  
specified in that division to be voted on shall be "For the Bond 61605  
Issues and the Tax Levy" and "Against the Bond Issues and the 61606  
Tax Levy." 61607

Where it is necessary to combine the question of issuing 61608  
bonds of the school district and levying a tax as described in 61609  
division (B) of this section with the question of levying a tax 61610  
for the acquisition of a site, the question specified in that 61611  
division to be voted on shall be "For the Bond Issue and the Tax 61612  
Levies" and "Against the Bond Issue and the Tax Levies." 61613

Where the school district board chooses to combine the 61614  
question in division (B) of this section with any of the 61615  
additional questions described in divisions (A) to (D) of 61616  
section 3318.056 of the Revised Code, the question specified in 61617  
division (B) of this section to be voted on shall be "For the 61618  
Bond Issues and the Tax Levies" and "Against the Bond Issues and 61619  
the Tax Levies." 61620

If a majority of those voting upon a proposition hereunder 61621  
which includes the question of issuing bonds vote in favor 61622  
thereof, and if the agreement provided for by section 3318.08 of 61623  
the Revised Code has been entered into, the school district 61624  
board may proceed under Chapter 133. of the Revised Code, with 61625  
the issuance of bonds or bond anticipation notes in accordance 61626

with the terms of the agreement. 61627

**Sec. 3318.061.** This section applies only to school 61628  
districts eligible to receive additional assistance under 61629  
division (B) (2) of section 3318.04 of the Revised Code. 61630

The board of education of a school district in which a tax 61631  
described by division (B) of section 3318.05 and levied under 61632  
section 3318.06 of the Revised Code is in effect, may adopt a 61633  
resolution by vote of ~~a majority~~ two-thirds of all of its 61634  
members to extend the term of that tax beyond the expiration of 61635  
that tax as originally approved under that section. The school 61636  
district board may include in the resolution a proposal to 61637  
extend the term of that tax at the rate of not less than one- 61638  
half mill for each dollar of taxable value for a period of 61639  
twenty-three years from the year in which the school district 61640  
board and the Ohio facilities construction commission enter into 61641  
an agreement under division (B) (2) of section 3318.04 of the 61642  
Revised Code or in the following year, as specified in the 61643  
resolution. Such a resolution may be adopted at any time before 61644  
such an agreement is entered into and before the tax levied 61645  
pursuant to section 3318.06 of the Revised Code expires. If the 61646  
resolution is combined with a resolution to issue bonds to pay 61647  
the school district's portion of the basic project cost, it 61648  
shall conform with the requirements of divisions (A) (1), (2), 61649  
and (3) of section 3318.06 of the Revised Code, except that the 61650  
resolution also shall state that the tax levy proposed in the 61651  
resolution is an extension of an existing tax levied under that 61652  
section. A resolution proposing an extension adopted under this 61653  
section does not take effect until it is approved by a majority 61654  
of electors voting in favor of the resolution at a general, 61655  
primary, or special election as provided in this section. 61656

A tax levy extended under this section is subject to the same terms and limitations to which the original tax levied under section 3318.06 of the Revised Code is subject under that section, except the term of the extension shall be as specified in this section.

The school district board and the county auditor shall proceed in the same manner as required for a tax levy under section 5705.03 of the Revised Code. The board shall certify a copy of the resolution adopted under this section and the auditor's certification to the proper county board of elections not later than ninety days before the date set in the resolution as the date of the election at which the question will be submitted to electors. The notice of the election shall conform with the requirements of division (A) (3) of section 3318.06 of the Revised Code, except that the notice also shall state that the maintenance tax levy is an extension of an existing tax levy, the levy's estimated annual collections, and the levy's effective rate, expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining (or upgrading if approved by the Ohio facilities construction commission) classroom facilities constructed with the proceeds of the previously issued bonds, that the county auditor estimates will collect \$\_\_\_\_\_ annually, at the rate of \_\_\_\_\_ (here insert the number of mills, which shall not be less than one-half mill) mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county auditor's appraised~~ market value, be extended until \_\_\_\_\_ (here insert the year that is twenty-three years after

the year in which the district and commission will enter into an agreement under division (B) (2) of section 3318.04 of the Revised Code or the following year)?

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

"

Section 3318.07 of the Revised Code applies to ballot questions under this section.

**Sec. 3318.062.** (A) If authority is sought to issue bonds in more than one series to pay the school district's portion of the basic project cost under sections 3318.01 to 3318.20 of the Revised Code, the form of the ballot shall be:

"Shall bonds be issued by the \_\_\_\_\_ (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the total principal amount of \$\_\_\_\_\_ (total principal amount of the bond issue), to be issued in \_\_\_\_\_ (number of series) series, each series to be repaid annually over not more than \_\_\_\_\_ (maximum number of years over which the principal of each series may be paid) years, and an annual levy of property taxes be made outside the ten-mill limitation to pay the annual debt charges on the bonds and on any notes issued in anticipation of the bonds, at a rate estimated by the county auditor to average over the repayment period of each series as follows: \_\_\_\_\_ (insert the following for each series: "the \_\_\_\_\_ series, in a principal amount of \$\_\_\_\_\_, that the county auditor estimates will require \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county~~

~~auditor's appraised market value~~, commencing in \_\_\_\_\_ and 61714  
 first payable in \_\_\_\_\_)?" 61715  
  
 and, unless the additional levy 61716  
  
 of taxes is not required pursuant 61717  
  
 to division (C) of section 61718  
  
 3318.05 of the Revised Code, 61719  
  
 "Shall an additional levy of taxes be made for a period of 61720  
 twenty-three years to benefit the \_\_\_\_\_ (here insert name 61721  
 of school district) school district, the proceeds of which shall 61722  
 be used to pay the cost of maintaining (or upgrading if approved 61723  
 by the Ohio facilities construction commission) the classroom 61724  
 facilities included in the project, that the county auditor 61725  
 estimates will collect \$\_\_\_\_\_ annually, at the rate of 61726  
 \_\_\_\_\_ (here insert the number of mills, which shall not be 61727  
 less than one-half mill) mills for each \$1 of taxable value, 61728  
 which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county-~~ 61729  
~~auditor's appraised market value~~? 61730  
 61731

	For the bond issue	
	Against the bond issue	"

(B) If it is necessary for the school district to acquire 61732  
 a site for the classroom facilities to be acquired pursuant to 61733  
 sections 3318.01 to 3318.20 of the Revised Code, the district 61734  
 board may propose, by a vote of two-thirds of all members of the 61735  
board of education, either to issue bonds of the board or to 61736  
 levy a tax to pay for the acquisition of such site, and may 61737  
 combine the question of doing so with the questions specified in 61738  
 division (A) of this section. Bonds issued under this division 61739

for the purpose of acquiring a site are a general obligation of 61740  
the school district and are Chapter 133. securities. 61741

The form of that portion of the ballot to include the 61742  
question of either issuing bonds or levying a tax for site 61743  
acquisition purposes shall be one of the forms prescribed in 61744  
division (D) of section 3318.06 of the Revised Code. 61745

(C) Where the school district board chooses to combine the 61746  
question in division (A) of this section with any of the 61747  
additional questions described in divisions (A) to (D) of 61748  
section 3318.056 of the Revised Code, the question specified in 61749  
division (A) of this section to be voted on shall be "For the 61750  
Bond Issues and the Tax Levies" and "Against the Bond Issues and 61751  
the Tax Levies." 61752

(D) If a majority of those voting upon a proposition 61753  
prescribed in this section which includes the question of 61754  
issuing bonds vote in favor of that issuance, and if the 61755  
agreement prescribed in section 3318.08 of the Revised Code has 61756  
been entered into, the school district board may proceed under 61757  
Chapter 133. of the Revised Code with the issuance of bonds or 61758  
bond anticipation notes in accordance with the terms of the 61759  
agreement. 61760

**Sec. 3318.063.** If the board of education of a city, 61761  
exempted village, or local school district that has entered into 61762  
an agreement under section 3318.051 of the Revised Code to make 61763  
transfers of money in lieu of levying the tax for maintenance or 61764  
upgrade of the classroom facilities included in the district's 61765  
project determines that it no longer can continue making the 61766  
transfers so agreed to and desires to rescind that agreement, 61767  
the board shall adopt the resolution, by a vote of two-thirds of 61768  
all of its members, to submit the question of the tax levy 61769

prescribed in this section. 61770

The resolution shall declare that the question of a tax 61771  
levy specified in division (F) of section 3318.051 of the 61772  
Revised Code shall be submitted to the electors of the school 61773  
district at the next general or primary election, if there be a 61774  
general or primary election not less than seventy-five and not 61775  
more than ninety-five days after the day of the adoption of such 61776  
resolution or, if not, at a special election to be held at a 61777  
time specified in the resolution which shall be not less than 61778  
seventy-five days after the day of the adoption of the 61779  
resolution and which shall be in accordance with the 61780  
requirements of section 3501.01 of the Revised Code. Such 61781  
resolution shall specify both of the following: 61782

(A) That the rate which it is necessary to levy shall be 61783  
at the rate of not less than one-half mill for each one dollar 61784  
of taxable value, and that such tax shall be levied for the 61785  
number of years required by division (F) of section 3318.051 of 61786  
the Revised Code; 61787

(B) That the proceeds of the tax shall be used to pay the 61788  
cost of maintaining the classroom facilities included in the 61789  
project. 61790

A copy of such resolution shall after its passage and not 61791  
less than seventy-five days prior to the date set therein for 61792  
the election be certified to the county board of elections. 61793

Notice of the election shall include the levy's estimated 61794  
annual collections, the fact that the tax levy shall be at the 61795  
rate of not less than one-half mill for each one dollar of 61796  
taxable value for the number of years required by division (F) 61797  
of section 3318.051 of the Revised Code, and that the proceeds 61798

of the tax shall be used to pay the cost of maintaining the 61799  
classroom facilities included in the project. The notice shall 61800  
also express the rate in dollars for each one hundred thousand 61801  
dollars of ~~the county auditor's appraised~~ market value. 61802

The form of the ballot to be used at such election shall 61803  
be: 61804

"Shall a levy of taxes be made for a period of 61805  
\_\_\_\_\_ (here insert the number of years, which shall not 61806  
be less than the number required by division (F) of section 61807  
3318.051 of the Revised Code) years to benefit the \_\_\_\_\_ 61808  
(here insert name of school district) school district, the 61809  
proceeds of which shall be used to pay the cost of maintaining 61810  
(or upgrading if approved by the Ohio facilities construction 61811  
commission) the classroom facilities included in the project, 61812  
that the county auditor estimates will collect \$\_\_\_\_\_ annually, 61813  
at the rate of \_\_\_\_\_ (here insert the number of mills, 61814  
which shall not be less than one-half mill) mills for each \$1 of 61815  
taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 61816  
~~the county auditor's appraised~~ market value? 61817  
61818

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

**Sec. 3318.12.** (A) The Ohio facilities construction 61819  
commission shall cause to be transferred to the school 61820  
district's project construction fund the necessary amounts from 61821  
amounts appropriated by the general assembly and set aside for 61822  
such purpose, from time to time as may be necessary to pay 61823  
obligations chargeable to such fund when due. All investment 61824  
earnings of a school district's project construction fund shall 61825

be credited to the fund. 61826

(B) (1) The treasurer of the school district board shall 61827  
disburse funds from the school district's project construction 61828  
fund, including investment earnings credited to the fund, only 61829  
upon the approval of the commission or the commission's 61830  
designated representative. The commission or the commission's 61831  
designated representative shall issue vouchers against such 61832  
fund, in such amounts, and at such times as required by the 61833  
contracts for construction of the project. 61834

(2) Notwithstanding anything to the contrary in division 61835  
(B) (1) of this section, the school district board may, by a duly 61836  
adopted resolution, choose to use all or part of the investment 61837  
earnings of the district's project construction fund that are 61838  
attributable to the district's contribution to the fund to pay 61839  
the cost of classroom facilities or portions or components of 61840  
classroom facilities that are not included in the district's 61841  
basic project cost but that are related to the district's 61842  
project. If the district board adopts a resolution in favor of 61843  
using those investment earnings as authorized under division (B) 61844  
(2) of this section, the treasurer shall disburse the amount as 61845  
designated and directed by the board. However, if the district 61846  
board chooses to use any part of the investment earnings for 61847  
classroom facilities or portions or components of classroom 61848  
facilities that are not included in the basic project cost, as 61849  
authorized under division (B) (2) of this section, and, 61850  
subsequently, the cost of the project exceeds the amount in the 61851  
project construction fund, the district board shall restore to 61852  
the project construction fund the full amount of the investment 61853  
earnings used under division (B) (2) of this section before any 61854  
additional state moneys shall be released for the project. 61855

(C) After a certificate of completion has been issued for a project under section 3318.48 of the Revised Code: 61856  
61857

(1) At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be: 61858  
61859  
61860  
61861

(a) Retained in the project construction fund for future projects; 61862  
61863

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project; 61864  
61865  
61866  
61867  
61868

(c) Transferred to the district's permanent improvement fund. 61869  
61870

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 61871  
61872  
61873  
61874  
61875

(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 61876  
61877  
61878  
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61882

(D) Pursuant to appropriations of the general assembly, any moneys transferred to the commission under division (C) (2) 61883  
61884

or (3) of this section from a project construction fund for a 61885  
project under sections 3318.40 to 3318.45 of the Revised Code 61886  
may be used for future expenditures for projects under sections 61887  
3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two-~~ 61888  
~~per cent annual limit specified in~~ accordance with division (B) 61889  
of section 3318.40 of the Revised Code. 61890

**Sec. 3318.36.** (A) (1) As used in this section: 61891

(a) "Ohio facilities construction commission," "classroom 61892  
facilities," "school district," "school district board," "net 61893  
bonded indebtedness," "required percentage of the basic project 61894  
costs," "basic project cost," "valuation," and "percentile" have 61895  
the same meanings as in section 3318.01 of the Revised Code. 61896

(b) "Required level of indebtedness" means five per cent 61897  
of the school district's valuation for the year preceding the 61898  
year in which the commission and school district enter into an 61899  
agreement under division (B) of this section, plus [two one- 61900  
hundredths of one per cent multiplied by (the percentile in 61901  
which the district ranks minus one)]. 61902

(c) "Local resources" means any moneys generated in any 61903  
manner permitted for a school district board to raise the school 61904  
district portion of a project undertaken with assistance under 61905  
sections 3318.01 to 3318.20 of the Revised Code. 61906

(2) For purposes of determining the required level of 61907  
indebtedness, the required percentage of the basic project costs 61908  
under division (C) (1) of this section, and priority for 61909  
assistance under sections 3318.01 to 3318.20 of the Revised 61910  
Code, the percentile ranking of a school district with which the 61911  
commission has entered into an agreement under this section 61912  
between the first day of July and the thirty-first day of August 61913

in each fiscal year is the percentile ranking calculated for 61914  
that district for the immediately preceding fiscal year, and the 61915  
percentile ranking of a school district with which the 61916  
commission has entered into such agreement between the first day 61917  
of September and the thirtieth day of June in each fiscal year 61918  
is the percentile ranking calculated for that district for the 61919  
current fiscal year. 61920

(B) (1) There is hereby established the school building 61921  
assistance expedited local partnership program. Under the 61922  
program, the Ohio facilities construction commission may enter 61923  
into an agreement with the board of any school district under 61924  
which the board may proceed with the new construction or major 61925  
repairs of a part of the district's classroom facilities needs, 61926  
as determined under sections 3318.01 to 3318.20 of the Revised 61927  
Code, through the expenditure of local resources prior to the 61928  
school district's eligibility for state assistance under those 61929  
sections, and may apply that expenditure toward meeting the 61930  
school district's portion of the basic project cost of the total 61931  
of the district's classroom facilities needs, as recalculated 61932  
under division (E) of this section, when the district becomes 61933  
eligible for state assistance under sections 3318.01 to 3318.20 61934  
or section 3318.364 of the Revised Code. 61935

Any school district that is reasonably expected to receive 61936  
assistance under sections 3318.01 to 3318.20 of the Revised Code 61937  
within two fiscal years from the date the school district adopts 61938  
its resolution under division (B) of this section shall not be 61939  
eligible to participate in the program established under this 61940  
section unless that school district divides its project under 61941  
those sections into segments as authorized by section 3318.034 61942  
of the Revised Code. In the case of a school district that has 61943  
segmented its project as authorized in section 3318.034 of the 61944

Revised Code, the district shall select a discrete portion of 61945  
one or more future segments of its project, to which the 61946  
district may apply local resources under an agreement under this 61947  
section prior to further state assistance for those future 61948  
segments under sections 3318.01 to 3318.20 of the Revised Code. 61949

(2) To participate in the program, a school district board 61950  
shall first adopt a resolution, by a vote of two-thirds of all 61951  
of its members, certifying to the commission the board's intent 61952  
to participate in the program. 61953

The resolution shall specify the approximate date that the 61954  
board intends to seek elector approval of any bond or tax 61955  
measures or to apply other local resources to use to pay the 61956  
cost of classroom facilities to be constructed under this 61957  
section. The resolution may specify the application of local 61958  
resources or elector-approved bond or tax measures after the 61959  
resolution is adopted by the board, and in such case the board 61960  
may proceed with a discrete portion of its project under this 61961  
section as soon as the commission and the controlling board have 61962  
approved the basic project cost of the district's classroom 61963  
facilities needs as specified in division (D) of this section. 61964  
The board shall submit its resolution to the commission not 61965  
later than ten days after the date the resolution is adopted by 61966  
the board. 61967

The commission shall not consider any resolution that is 61968  
submitted pursuant to division (B)(2) of this section, as 61969  
amended by this amendment, sooner than September 14, 2000. 61970

(3) For purposes of determining when a district that 61971  
enters into an agreement under this section becomes eligible for 61972  
assistance under sections 3318.01 to 3318.20 of the Revised Code 61973  
or priority for assistance under section 3318.364 of the Revised 61974

Code, the commission shall use the district's percentile ranking 61975  
determined at the time the district entered into the agreement 61976  
under this section, as prescribed by division (A)(2) of this 61977  
section. 61978

(4) Any project under this section shall comply with 61979  
section 3318.03 of the Revised Code and with any specifications 61980  
for plans and materials for classroom facilities adopted by the 61981  
commission under section 3318.04 of the Revised Code. 61982

(5) If a school district that enters into an agreement 61983  
under this section has not begun a project applying local 61984  
resources as provided for under that agreement at the time the 61985  
district is notified by the commission that it is eligible to 61986  
receive state assistance for its project under sections 3318.01 61987  
to 3318.20 of the Revised Code or for a segment of its project, 61988  
if the district previously segmented its project as authorized 61989  
in section 3318.034 of the Revised Code, all assessment and 61990  
agreement documents entered into under this section are void. 61991

(6) Only construction of or repairs to classroom 61992  
facilities that have been approved by the commission and have 61993  
been therefore included as part of a district's basic project 61994  
cost qualify for application of local resources under this 61995  
section. 61996

(C) Based on the results of on-site visits and assessment, 61997  
the commission shall determine the basic project cost of the 61998  
school district's classroom facilities needs. The commission 61999  
shall determine the school district's portion of such basic 62000  
project cost, which shall be the greater of: 62001

(1) The required percentage of the basic project costs, 62002  
determined based on the school district's percentile ranking; 62003

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

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

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

(2) Unless the school district board exercises its option under division (D) (3) of this section, for a school district to qualify for participation in the program authorized under this

section, one of the following conditions shall be satisfied: 62034

(a) The electors of the school district by a majority vote 62035  
shall approve the levy of taxes outside the ten-mill limitation 62036  
for a period of twenty-three years at the rate of not less than 62037  
one-half mill for each dollar of valuation to be used to pay the 62038  
cost of maintaining or upgrading, if approved by the commission, 62039  
the classroom facilities included in the basic project cost as 62040  
determined by the commission. The form of the ballot to be used 62041  
to submit the question whether to approve the tax required under 62042  
this division to the electors of the school district shall be 62043  
the form for an additional levy of taxes prescribed in section 62044  
3318.361 of the Revised Code, which may be combined in a single 62045  
ballot question with the questions prescribed under section 62046  
5705.218 of the Revised Code. 62047

(b) As authorized under division (C) of section 3318.05 of 62048  
the Revised Code, the school district board shall earmark from 62049  
the proceeds of a permanent improvement tax levied under section 62050  
5705.21 of the Revised Code, an amount equivalent to the 62051  
additional tax otherwise required under division (D) (2) (a) of 62052  
this section for the maintenance of the classroom facilities 62053  
included in the basic project cost as determined by the 62054  
commission. 62055

(c) As authorized under section 3318.051 of the Revised 62056  
Code, the school district board shall, if approved by the 62057  
commission, annually transfer into the maintenance fund required 62058  
under section 3318.05 of the Revised Code the amount prescribed 62059  
in section 3318.051 of the Revised Code in lieu of the tax 62060  
otherwise required under division (D) (2) (a) of this section for 62061  
the maintenance of the classroom facilities included in the 62062  
basic project cost as determined by the commission. 62063

(d) If the school district board has rescinded the agreement to make transfers under section 3318.051 of the Revised Code, as provided under division (F) of that section, the electors of the school district, in accordance with section 3318.063 of the Revised Code, first shall approve the levy of taxes outside the ten-mill limitation for the period specified in that section at a rate of not less than one-half mill for each dollar of valuation.

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

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

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

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this

section to submit a proposal for approval of a bond issue; 62094

(b) In accordance with section 3318.361 of the Revised 62095  
Code if it is not necessary to also submit a proposal for 62096  
approval of a bond issue pursuant to division (E) of this 62097  
section. 62098

(5) No state assistance under sections 3318.01 to 3318.20 62099  
of the Revised Code shall be released until a school district 62100  
board that adopts and certifies a resolution under division (D) 62101  
of this section also demonstrates to the satisfaction of the 62102  
commission compliance with the provisions of division (D) (2) of 62103  
this section. 62104

Any amount required for maintenance under division (D) (2) 62105  
of this section shall be deposited into a separate fund as 62106  
specified in division (D) of section 3318.05 of the Revised 62107  
Code. 62108

(E) (1) If the school district becomes eligible for state 62109  
assistance under sections 3318.01 to 3318.20 of the Revised Code 62110  
for its entire project or for future segments, if the district 62111  
previously segmented its project as authorized in section 62112  
3318.034 of the Revised Code, based on its percentile ranking 62113  
under division (B) (3) of this section or is offered assistance 62114  
under section 3318.364 of the Revised Code, the commission shall 62115  
conduct a new assessment of the school district's classroom 62116  
facilities needs and shall recalculate the basic project cost 62117  
based on this new assessment. The basic project cost 62118  
recalculated under this division shall include the amount of 62119  
expenditures made by the school district board under division 62120  
(D) (1) of this section. The commission shall then recalculate 62121  
the school district's portion of the new basic project cost, 62122  
which shall be the percentage of the original basic project cost 62123

assigned to the school district as its portion under division 62124  
(C) of this section. The commission shall deduct the expenditure 62125  
of school district moneys made under division (D) (1) of this 62126  
section from the school district's portion of the basic project 62127  
cost as recalculated under this division. If the amount of 62128  
school district resources applied by the school district board 62129  
to the school district's portion of the basic project cost under 62130  
this section is less than the total amount of such portion as 62131  
recalculated under this division, the school district board by a 62132  
majority vote of all of its members shall, if it desires to seek 62133  
state assistance under sections 3318.01 to 3318.20 of the 62134  
Revised Code, adopt a resolution as specified in section 3318.06 62135  
of the Revised Code to submit to the electors of the school 62136  
district the question of approval of a bond issue in order to 62137  
pay any additional amount of school district portion required 62138  
for state assistance. Any tax levy approved under division (D) 62139  
of this section satisfies the requirements to levy the 62140  
additional tax under section 3318.06 of the Revised Code. 62141

(2) If the amount of school district resources applied by 62142  
the school district board to the school district's portion of 62143  
the basic project cost under this section is more than the total 62144  
amount of such portion as recalculated under this division, 62145  
within two years after the school district's portion is 62146  
recalculated under division (E) (1) of this section the 62147  
commission may grant to the school district the difference 62148  
between the two calculated portions, but at no time shall the 62149  
commission expend any state funds on a project in an amount 62150  
greater than the state's portion of the basic project cost as 62151  
recalculated under this division. 62152

Any reimbursement under this division shall be only for 62153  
local resources the school district has applied toward 62154

construction cost expenditures for the classroom facilities 62155  
approved by the commission, which shall not include any 62156  
financing costs associated with that construction. 62157

The school district board shall use any moneys reimbursed 62158  
to the district under this division to pay off any debt service 62159  
the district owes for classroom facilities constructed under its 62160  
project under this section before such moneys are applied to any 62161  
other purpose. However, the district board first may deposit 62162  
moneys reimbursed under this division into the district's 62163  
general fund or a permanent improvement fund to replace local 62164  
resources the district withdrew from those funds, as long as, 62165  
and to the extent that, those local resources were used by the 62166  
district for constructing classroom facilities included in the 62167  
district's basic project cost. 62168

**Sec. 3318.361.** A school district board opting to qualify 62169  
for state assistance pursuant to section 3318.36 of the Revised 62170  
Code through levying the tax specified in division (D) (2) (a) or 62171  
(D) (4) of that section shall declare by resolution that the 62172  
question of a tax levy specified in division (D) (2) (a) or (4), 62173  
as applicable, of section 3318.36 of the Revised Code shall be 62174  
submitted to the electors of the school district at the next 62175  
general or primary election, if there be a general or primary 62176  
election not less than ninety and not more than one hundred ten 62177  
days after the day of the adoption of such resolution or, if 62178  
not, at a special election to be held at a time specified in the 62179  
resolution which shall be not less than ninety days after the 62180  
day of the adoption of the resolution and which shall be in 62181  
accordance with the requirements of section 3501.01 of the 62182  
Revised Code. Such resolution shall specify both of the 62183  
following: 62184

(A) That the rate which it is necessary to levy shall be 62185  
at the rate of not less than one-half mill for each one dollar 62186  
of taxable value, and that such tax shall be levied for a period 62187  
of twenty-three years; 62188

(B) That the proceeds of the tax shall be used to pay the 62189  
cost of maintaining the classroom facilities included in the 62190  
project or upgrading those facilities if approved by the Ohio 62191  
facilities construction commission. 62192

A copy of such resolution shall after its passage and not 62193  
less than ninety days prior to the date set therein for the 62194  
election be certified to the county board of elections. 62195

Notice of the election shall include the levy's estimated 62196  
annual collections, the fact that the tax levy shall be at the 62197  
rate of not less than one-half mill for each one dollar of 62198  
taxable value for a period of twenty-three years, and that the 62199  
proceeds of the tax shall be used to pay the cost of maintaining 62200  
or upgrading the classroom facilities included in the project. 62201  
The notice shall also express the rate in dollars for each one 62202  
hundred thousand dollars of ~~the county auditor's appraised~~ 62203  
market value. 62204

The form of the ballot to be used at such election shall 62205  
be: 62206

"Shall a levy of taxes be made for a period of twenty- 62207  
three years to benefit the \_\_\_\_\_ (here insert name of 62208  
school district) school district, the proceeds of which shall be 62209  
used to pay the cost of maintaining (or upgrading if approved by 62210  
the Ohio facilities construction commission) the classroom 62211  
facilities included in the project, that the county auditor 62212  
estimates will collect \$\_\_\_\_\_ annually, at the rate of 62213

\_\_\_\_\_ (here insert the number of mills, which shall not be 62214  
less than one-half mill) mills for each \$1 of taxable value, 62215  
which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county~~ 62216  
~~auditor's appraised~~ market value? 62217  
62218

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

**Sec. 3318.40.** (A) (1) Sections 3318.40 to 3318.45 of the 62219  
Revised Code apply only to joint vocational school districts. 62220

(2) As used in sections 3318.40 to 3318.45 of the Revised 62221  
Code: 62222

(a) "Ohio facilities construction commission," "classroom 62223  
facilities," "project," and "basic project cost" have the same 62224  
meanings as in section 3318.01 of the Revised Code. 62225

(b) "Acquisition of classroom facilities" means 62226  
constructing, reconstructing, repairing, or making additions to 62227  
classroom facilities. 62228

(B) There is hereby established the vocational school 62229  
facilities assistance program. Under the program, the Ohio 62230  
facilities construction commission shall provide assistance to 62231  
joint vocational school districts for the acquisition of 62232  
classroom facilities suitable to the vocational education 62233  
programs of the districts in accordance with sections 3318.40 to 62234  
3318.45 of the Revised Code. ~~For purposes of the program,~~ 62235  
~~beginning July 1, 2003, the~~ The commission ~~annually~~ may set 62236  
aside ~~up to two per cent~~ a portion of the aggregate amount 62237  
appropriated to it for classroom facilities assistance projects 62238  
in the public school building fund, established under section 62239

3318.15 of the Revised Code, and the school building program 62240  
assistance fund, established under section 3318.25 of the 62241  
Revised Code, to provide assistance to at least two joint 62242  
vocational school districts per biennium. The amount set aside 62243  
for this purpose shall be determined by the commission. 62244

(C) The commission shall not provide assistance for any 62245  
distinct part of a project under sections 3318.40 to 3318.45 of 62246  
the Revised Code that when completed will be used exclusively 62247  
for an adult education program or exclusively for operation of a 62248  
driver training school for instruction leading to the issuance 62249  
of a commercial driver's license under Chapter 4506. of the 62250  
Revised Code, except for life safety items and basic building 62251  
components necessary for complete and continuous construction or 62252  
renovation of a classroom facility as determined by the 62253  
commission. 62254

(D) The commission shall not provide assistance under 62255  
sections 3318.40 to 3318.45 of the Revised Code to acquire 62256  
classroom facilities for vocational educational instruction at a 62257  
location under the control of a school district that is a member 62258  
of a joint vocational school district. Any assistance to acquire 62259  
classroom facilities for vocational educational instruction at 62260  
such location shall be provided to the school district that is a 62261  
member of the joint vocational school district through other 62262  
provisions of this chapter when that member school district is 62263  
eligible for assistance under those provisions. 62264

(E) By September 1, 2003, the commission shall assess the 62265  
classroom facilities needs of at least five joint vocational 62266  
school districts, according to the order of priority prescribed 62267  
in division (B) of section 3318.42 of the Revised Code, and 62268  
based on the results of those assessments shall determine the 62269

extent to which amendments to the specifications adopted under 62270  
section 3318.311 of the Revised Code are warranted. The 62271  
commission, thereafter, may amend the specifications as provided 62272  
in that section. 62273

(F) After the commission has conducted the assessments 62274  
prescribed in division (E) of this section, the commission shall 62275  
establish, by rule adopted in accordance with section 111.15 of 62276  
the Revised Code, guidelines for the commission to use in 62277  
deciding whether to waive compliance with the design 62278  
specifications adopted under section 3318.311 of the Revised 62279  
Code when determining the number of facilities and the basic 62280  
project cost of projects as prescribed in division (A) (1) (a) of 62281  
section 3318.41 of the Revised Code. The guidelines shall 62282  
address the following situations: 62283

(1) Under what circumstances, if any, particular classroom 62284  
facilities are adequate to meet the needs of the school district 62285  
even though the facilities do not comply with the specifications 62286  
adopted under section 3318.311 of the Revised Code; 62287

(2) Under what circumstances, if any, particular classroom 62288  
facilities will be renovated or repaired rather than replaced by 62289  
construction of new facilities. 62290

**Sec. 3318.45.** (A) Unless division (B) of section 3318.44 62291  
of the Revised Code applies, if a joint vocational school 62292  
district board of education proposes to issue securities to 62293  
generate all or part of the school district's portion of the 62294  
basic project cost of the school district's project under 62295  
sections 3318.40 to 3318.45 of the Revised Code, the school 62296  
district board shall adopt a resolution, by a vote of two-thirds 62297  
of all of its members, in accordance with Chapter 133. and 62298  
section 3311.20 of the Revised Code. Unless the school district 62299

board seeks authority to issue securities in more than one 62300  
series, the school district board shall adopt the form of the 62301  
ballot prescribed in section 133.18 of the Revised Code. 62302

(B) If authority is sought to issue bonds in more than one 62303  
series, the form of the ballot shall be: 62304

"Shall bonds be issued by the \_\_\_\_\_ (here insert name 62305  
of joint vocational school district) joint vocational school 62306  
district to pay the local share of school construction under the 62307  
State of Ohio Joint Vocational School Facilities Assistance 62308  
Program in the total principal amount of \$\_\_\_\_\_ (total 62309  
principal amount of the bond issue), to be issued in \_\_\_\_\_ 62310  
(number of series) series, each series to be repaid annually 62311  
over not more than \_\_\_\_\_ (maximum number of years over which 62312  
the principal of each series may be paid) years, and an annual 62313  
levy of property taxes be made outside the ten-mill limitation 62314  
to pay the annual debt charges on the bonds and on any notes 62315  
issued in anticipation of the bonds, at a rate estimated by the 62316  
county auditor to average over the repayment period of each 62317  
series as follows: \_\_\_\_\_ [insert the following for each 62318  
series: "the \_\_\_\_\_ series, in a principal amount of 62319  
\$\_\_\_\_\_, that the county auditor estimates will require 62320  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 62321  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised-~~ 62322  
~~market~~ value, commencing in \_\_\_\_\_ and first payable in 62323  
\_\_\_\_\_"]? 62324  
62325

	For the bond issue	
	Against the bond issue	"

(C) If it is necessary for the school district to acquire 62326

a site for the classroom facilities to be acquired pursuant to 62327  
sections 3318.40 to 3318.45 of the Revised Code, the district 62328  
board may propose either to issue bonds of the board or to levy 62329  
a tax to pay for the acquisition of such site and may combine 62330  
the question of doing so with the question specified by 62331  
reference in division (A) of this section or the question 62332  
specified in division (B) of this section. Bonds issued under 62333  
this division for the purpose of acquiring a site are a general 62334  
obligation of the school district and are Chapter 133. 62335  
securities. 62336

The form of that portion of the ballot to include the 62337  
question of either issuing bonds or levying a tax for site 62338  
acquisition purposes shall be one of the following: 62339

(1) "Shall bonds be issued by the \_\_\_\_\_ (here 62340  
insert name of the joint vocational school district) joint 62341  
vocational school district to pay costs of acquiring a site for 62342  
classroom facilities under the State of Ohio Joint Vocational 62343  
School Facilities Assistance Program in the principal amount of 62344  
\$\_\_\_\_\_ (here insert principal amount of the bond issue), to 62345  
be repaid annually over a maximum period of \_\_\_\_\_ (here 62346  
insert maximum number of years over which the principal of the 62347  
bonds may be paid) years, and an annual levy of property taxes 62348  
be made outside the ten-mill limitation, estimated by the county 62349  
auditor to average over the repayment period of the bond issue 62350  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 62351  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 62352  
~~market~~ value, to pay the annual debt charges on the bonds and to 62353  
pay debt charges on any notes issued in anticipation of the 62354  
bonds?" 62355

(2) "Shall an additional levy of taxes outside the ten- 62356

mill limitation be made for the benefit of the \_\_\_\_\_ (here 62357  
insert name of the joint vocational school district) joint 62358  
vocational school district for the purpose of acquiring a site 62359  
for classroom facilities in the sum of \$\_\_\_\_\_ (here insert 62360  
annual amount the levy is to produce) estimated by the county 62361  
auditor to collect \$\_\_\_\_\_ annually and to average \_\_\_\_\_ mills 62362  
for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for 62363  
each \$100,000 of ~~the county auditor's appraised market value,~~ 62364  
for a period of \_\_\_\_\_ (here insert number of years the 62365  
millage is to be imposed) years?" 62366

Where it is necessary to combine the question of issuing 62367  
bonds of the joint vocational school district as described in 62368  
division (A) of this section with the question of issuing bonds 62369  
of the school district for acquisition of a site, the question 62370  
specified in that division to be voted on shall be "For the bond 62371  
issues" and "Against the bond issues." 62372

Where it is necessary to combine the question of issuing 62373  
bonds of the joint vocational school district as described in 62374  
division (A) of this section with the question of levying a tax 62375  
for the acquisition of a site, the question specified in that 62376  
division to be voted on shall be "For the bond issue and the tax 62377  
levy" and "Against the bond issue and the tax levy." 62378

(D) Where the school district board chooses to combine a 62379  
question specified in this section with any of the additional 62380  
questions described in division (C) of section 3318.44 of the 62381  
Revised Code, the question to be voted on shall be "For the bond 62382  
issues and the tax levies" and "Against the bond issues and the 62383  
tax levies." 62384

(E) If a majority of those voting upon a proposition 62385  
prescribed in this section which includes the question of 62386

issuing bonds vote in favor of that issuance and if the 62387  
agreement prescribed in section 3318.08 of the Revised Code has 62388  
been entered into, the school district board may proceed under 62389  
Chapter 133. of the Revised Code with the issuance of bonds or 62390  
bond anticipation notes in accordance with the terms of the 62391  
agreement. 62392

**Sec. 3318.48.** (A) When all of the following have occurred, 62393  
a project undertaken by a school district pursuant to this 62394  
chapter shall be considered complete and the Ohio facilities 62395  
construction commission shall issue a certificate of completion 62396  
to the district board of education: 62397

(1) All facilities to be constructed under the project, as 62398  
specified in the project agreement entered into under section 62399  
3318.08 of the Revised Code, have been completed and the board 62400  
has received a permanent certificate of occupancy for each of 62401  
those facilities. 62402

(2) The commission has issued certificates of contract 62403  
completion on all prime construction contracts entered into by 62404  
the board under section 3318.10 of the Revised Code. 62405

(3) The commission has completed a final accounting of the 62406  
district's project construction fund and has determined that all 62407  
payments from the fund were made in compliance with all policies 62408  
of the commission. 62409

(4) Any litigation concerning the project has been finally 62410  
resolved with no chance of appeal. 62411

(5) All construction management services typically 62412  
provided by the commission to school districts have been 62413  
delivered and the commission has canceled any remaining 62414  
encumbrance of funds for those services. 62415

(B) The commission may issue a certificate of completion 62416  
to a district board prior to all of the conditions described in 62417  
division (A) of this section being satisfied, if the commission 62418  
determines that the circumstances preventing the conditions from 62419  
being satisfied are so minor in nature that the project should 62420  
be considered complete. When issuing a certificate of completion 62421  
under this division, the commission may specify any of the 62422  
following: 62423

(1) Any construction or work that has yet to be completed 62424  
and the manner in which the board shall oversee its completion, 62425  
which may include procedures for reporting progress to the 62426  
commission and for accounting of expenditures; 62427

(2) Terms and conditions for the resolution of any pending 62428  
litigation; 62429

(3) Any remaining responsibilities of the construction 62430  
manager regarding the project. 62431

(C) The commission may issue a certificate of completion 62432  
to a district board that does not voluntarily participate in the 62433  
process of closing out the district's project, if the 62434  
construction manager for the project verifies that all 62435  
facilities to be constructed under the project, as specified in 62436  
the project agreement entered into under section 3318.08 of the 62437  
Revised Code, have been completed and the commission determines 62438  
that those facilities have been occupied for at least one year. 62439  
In that case, all funds due to the commission under division (C) 62440  
of section 3318.12 of the Revised Code shall be returned to the 62441  
commission not later than thirty days after receipt of the 62442  
certificate of completion. If the funds due to the commission 62443  
have not been returned within sixty days after receipt of the 62444  
certificate of completion, the ~~auditor of state~~ commission shall 62445

~~issue a finding for recovery against the school district and~~ 62446  
~~shall request legal action certify a claim to the attorney~~ 62447  
~~general for collection under section ~~117.42~~ 131.02 of the~~ 62448  
Revised Code. 62449

(D) Upon issuance of a certificate of completion under 62450  
this section, the commission's ownership of and interest in the 62451  
project, as specified in division (F) of section 3318.08 of the 62452  
Revised Code, shall cease. This cessation shall not alter or 62453  
otherwise affect the state's or commission's interest in the 62454  
project or any limitations on the use of the project as 62455  
specified in the project agreement pursuant to divisions (G), 62456  
(M), and (N) of that section or as specified in section 3318.16 62457  
of the Revised Code. 62458

**Sec. 3319.073.** (A) The board of education of each city and 62459  
exempted village school district and the governing board of each 62460  
educational service center shall adopt or adapt the curriculum 62461  
developed by the department of education and workforce for, or 62462  
shall develop in consultation with public or private agencies or 62463  
persons involved in child abuse prevention or intervention 62464  
programs, a program of in-service training in the prevention of 62465  
child abuse, violence, and substance abuse and the promotion of 62466  
positive youth development. Each person employed by any school 62467  
district or service center to work in a school as a nurse, 62468  
teacher, counselor, school psychologist, or administrator shall 62469  
complete at least four hours of the in-service training within 62470  
two years of commencing employment with the district or center, 62471  
and every five years thereafter. A person who is employed by any 62472  
school district or service center to work in an elementary 62473  
school as a nurse, teacher, counselor, school psychologist, or 62474  
administrator on March 30, 2007, shall complete at least four 62475  
hours of the in-service training not later than March 30, 2009, 62476

and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training on the board's harassment, intimidation, or bullying policy adopted under section 3313.666 of the Revised Code into the in-service training required by division (A) of this section. Each board also shall incorporate training in the prevention of dating violence into the in-service training required by that division for middle and high school employees. The board shall develop its own curricula for these purposes.

(D) Each board shall incorporate training in youth suicide awareness and prevention into the in-service training required by division (A) of this section for each person employed by a school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator, and any other personnel that the board determines appropriate. The board shall require each such person to undergo training in youth suicide awareness and prevention programs once

every two years. For this purpose, the board ~~shall adopt or~~ 62507  
~~adapt the curriculum developed by the department under section~~ 62508  
~~3301.221 of the Revised Code or~~ shall develop its own curriculum 62509  
in consultation with public or private agencies or persons 62510  
involved in youth suicide awareness and prevention programs. 62511

The training completed under this division shall count 62512  
toward the satisfaction of requirements for professional 62513  
development required by the school district or service center 62514  
board, ~~and the training may be accomplished through self-review~~ 62515  
~~of suitable suicide prevention materials approved by the board.~~ 62516

(E) Each board shall incorporate training on child sexual 62517  
abuse into the in-service training required by division (A) of 62518  
this section. The training completed under this division shall 62519  
count toward the satisfaction of requirements for professional 62520  
development required by the school district or service center 62521  
board. ~~Any training provided under this section may be presented~~ 62522  
~~by either of the following, at their own discretion, so long as~~ 62523  
~~they have experience in handling cases involving child sexual~~ 62524  
~~abuse or child sexual violence:—~~ 62525

~~(1) Law enforcement officers;—~~ 62526

~~(2) Prosecutors~~For this purpose, the board shall develop 62527  
its own curriculum in consultation with public or private 62528  
agencies or persons involved in child sexual abuse prevention or 62529  
child sexual violence prevention. 62530

**Sec. 3319.088.** As used in this section, "educational 62531  
assistant" means any nonteaching employee in a school district 62532  
who directly assists a teacher as defined in section 3319.09 of 62533  
the Revised Code, by performing duties for which a license 62534  
issued pursuant to sections 3319.22 to 3319.30 of the Revised 62535

Code is not required. 62536

(A) Except as provided in division (G) of this section, 62537  
the state board of education shall issue educational aide 62538  
permits and educational paraprofessional licenses for 62539  
educational assistants and shall adopt rules for the issuance 62540  
and renewal of such permits and licenses which shall be 62541  
consistent with the provisions of this section. Educational aide 62542  
permits and educational paraprofessional licenses may be of 62543  
several types and the rules shall prescribe the minimum 62544  
qualifications of education and health for the service to be 62545  
authorized under each type. The prescribed minimum 62546  
qualifications may require special training or educational 62547  
courses designed to qualify a person to perform effectively the 62548  
duties authorized under an educational aide permit or 62549  
educational paraprofessional license. 62550

(B) (1) Except as provided in division (G) of this section, 62551  
any application for a permit or license, or a renewal or 62552  
duplicate of a permit or license, under this section shall be 62553  
accompanied by the payment of a fee in the amount established 62554  
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 62555  
Any fees received under this division shall be paid into the 62556  
state treasury to the credit of the ~~state board of education~~ 62557  
~~licensure fund established under division (B) of section 3319.51~~ 62558  
occupational licensing and regulatory fund established in 62559  
section 4743.05 of the Revised Code. 62560

(2) Any person applying for or holding a permit or license 62561  
pursuant to this section is subject to sections 3123.41 to 62562  
3123.50 of the Revised Code and any applicable rules adopted 62563  
under section 3123.63 of the Revised Code and sections 3319.31 62564  
and 3319.311 of the Revised Code. 62565

(C) Educational assistants shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational assistants may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the teacher to whom the assistant is assigned, may be performed by a person not licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code and for which a teaching license, issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. The duties of an educational assistant shall not include the assignment of grades to pupils. The duties of an educational assistant need not be performed in the physical presence of the teacher to whom assigned, but the activity of an educational assistant shall at all times be under the direction of the teacher to whom assigned. The assignment of an educational assistant need not be limited to assisting a single teacher. In the event an educational assistant is assigned to assist more than one teacher the assignments shall be clearly delineated and so arranged that the educational assistant shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline that would be maintained by the teacher.

Educational assistants may not be used in place of classroom teachers or other employees and any payment of compensation by boards of education to educational assistants for such services is prohibited. The ratio between the number of licensed teachers and the pupils in a school district may not be

decreased by utilization of educational assistants and no 62597  
grouping, or other organization of pupils, for utilization of 62598  
educational assistants shall be established which is 62599  
inconsistent with sound educational practices and procedures. A 62600  
school district may employ up to one full time equivalent 62601  
educational assistant for each six full time equivalent licensed 62602  
employees of the district. Educational assistants shall not be 62603  
counted as licensed employees for purposes of state support in 62604  
the school foundation program and no grouping or regrouping of 62605  
pupils with educational assistants may be counted as a class or 62606  
unit for school foundation program purposes. Neither special 62607  
courses required by the regulations of the state board of 62608  
education, prescribing minimum qualifications of education for 62609  
an educational assistant, nor years of service as an educational 62610  
assistant shall be counted in any way toward qualifying for a 62611  
teacher license, for a teacher contract of any type, or for 62612  
determining placement on a salary schedule in a school district 62613  
as a teacher. 62614

(D) Educational assistants employed by a board of 62615  
education shall have all rights, benefits, and legal protection 62616  
available to other nonteaching employees in the school district, 62617  
except that provisions of Chapter 124. of the Revised Code shall 62618  
not apply to any person employed as an educational assistant, 62619  
and shall be members of the school employees retirement system. 62620  
Educational assistants shall be compensated according to a 62621  
salary plan adopted annually by the board. 62622

Except as provided in this section nonteaching employees 62623  
shall not serve as educational assistants without first 62624  
obtaining an appropriate educational aide permit or educational 62625  
paraprofessional license from the state board of education. A 62626  
nonteaching employee who is the holder of a valid educational 62627

aide permit or educational paraprofessional license shall 62628  
neither render nor be required to render services inconsistent 62629  
with the type of services authorized by the permit or license 62630  
held. No person shall receive compensation from a board of 62631  
education for services rendered as an educational assistant in 62632  
violation of this provision. 62633

Nonteaching employees whose functions are solely 62634  
secretarial-clerical and who do not perform any other duties as 62635  
educational assistants, even though they assist a teacher and 62636  
work under the direction of a teacher shall not be required to 62637  
hold a permit or license issued pursuant to this section. 62638

Following the determination of the assignment and general 62639  
job description of an educational assistant and subject to 62640  
supervision by the teacher's immediate administrative officer, a 62641  
teacher to whom an educational assistant is assigned shall make 62642  
all final determinations of the duties to be assigned to such 62643  
assistant. Teachers shall not be required to hold a license 62644  
designated for being a supervisor or administrator in order to 62645  
perform the necessary supervision of educational assistants. 62646

(E) No person who is, or who has been employed as an 62647  
educational assistant shall divulge, except to the teacher to 62648  
whom assigned, or the administrator of the school in the absence 62649  
of the teacher to whom assigned, or when required to testify in 62650  
a court or proceedings, any personal information concerning any 62651  
pupil in the school district which was obtained or obtainable by 62652  
the educational assistant while so employed. Violation of this 62653  
provision is grounds for disciplinary action or dismissal, or 62654  
both. 62655

(F) Notwithstanding anything to the contrary in this 62656  
section, the superintendent of a school district may allow an 62657

employee who does not hold a permit or license issued under this section to work as a substitute for an educational assistant who is absent on account of illness or on a leave of absence, or to fill a temporary position created by an emergency, provided that the superintendent believes the employee's application materials indicate that the employee is qualified to obtain a permit or license under this section.

An employee shall begin work as a substitute under this division not earlier than on the date on which the employee files an application with the state board for a permit or license under this section. An employee shall cease working as a substitute under this division on the earliest of the following:

(1) The date on which the employee files a valid permit or license issued under this section with the superintendent;

(2) The date on which the employee is denied a permit or license under this section;

(3) Sixty days following the date on which the employee began work as a substitute under this division.

The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code.

(G) The state board shall issue an educational aide permit or educational paraprofessional license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a permit or license in another state.

(2) The applicant has satisfactory work experience, a 62686  
government certification, or a private certification as 62687  
described in that chapter as an educational aide or educational 62688  
paraprofessional in a state that does not issue that permit or 62689  
license or both. 62690

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 62691  
Revised Code, this section applies to any person who is employed 62692  
under a teacher license issued under this chapter, or under a 62693  
professional or permanent teacher's certificate issued under 62694  
former section 3319.222 of the Revised Code, and who spends at 62695  
least fifty per cent of the time employed providing student 62696  
instruction. However, this section does not apply to any person 62697  
who is employed as a substitute teacher or as an instructor of 62698  
adult education. 62699

(A) The board of education of each school district, in 62700  
consultation with teachers employed by the board, shall update 62701  
its standards-based teacher evaluation policy to conform with 62702  
either the framework for evaluation of teachers adopted under 62703  
section 3319.112 of the Revised Code or a framework created or 62704  
adopted by the board. The policy shall become operative at the 62705  
expiration of any collective bargaining agreement covering 62706  
teachers employed by the board that is in effect on November 2, 62707  
2018, and shall be included in any renewal or extension of such 62708  
an agreement. 62709

(B) When using measures of student performance as evidence 62710  
in a teacher's evaluation, those measures shall be high-quality 62711  
student data. The board of education of each school district may 62712  
use data from the assessments on the list developed under 62713  
division (B) (2) of section 3319.112 of the Revised Code as high- 62714  
quality student data. 62715

(C) (1) The board shall conduct an evaluation of each teacher employed by the board at least once each school year, except as provided in division (C) (2) of this section. The evaluation shall be completed by the first day of May and the teacher shall receive a written report of the results of the evaluation by the tenth day of May.

(2) (a) The board may evaluate each teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section once every three school years, so long as the teacher submits a self-directed professional growth plan to the evaluator that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.

(b) The board may evaluate each teacher who received a rating of skilled on the teacher's most recent evaluation conducted under this section once every two years, so long as the teacher and evaluator jointly develop a professional growth plan for the teacher that focuses on specific areas identified in the observations and evaluation and the evaluator determines that the teacher is making progress on that plan.

(c) For each teacher who is evaluated pursuant to division (C) (2) of this section, the evaluation shall be completed by the first day of May of the applicable school year, and the teacher shall receive a written report of the results of the evaluation by the tenth day of May of that school year.

(d) The board may elect not to conduct an evaluation of a teacher who meets one of the following requirements:

(i) The teacher was on leave from the school district for fifty per cent or more of the school year, as calculated by the

board. 62745

(ii) The teacher has submitted notice of retirement and 62746  
that notice has been accepted by the board not later than the 62747  
first day of December of the school year in which the evaluation 62748  
is otherwise scheduled to be conducted. 62749

~~(c) The board may elect not to conduct an evaluation of a 62750  
teacher who is participating in the teacher residency program 62751  
established under section 3319.223 of the Revised Code for the 62752  
year during which that teacher takes, for the first time, at 62753  
least half of the performance-based assessment prescribed by the 62754  
state board of education for resident educators. 62755~~

(3) In any year that a teacher is not formally evaluated 62756  
pursuant to division (C) of this section as a result of 62757  
receiving a rating of accomplished or skilled on the teacher's 62758  
most recent evaluation, an individual qualified to evaluate a 62759  
teacher under division (D) of this section shall conduct at 62760  
least one observation of the teacher and hold at least one 62761  
conference with the teacher. The conference shall include a 62762  
discussion of progress on the teacher's professional growth 62763  
plan. 62764

(D) Each evaluation conducted pursuant to this section 62765  
shall be conducted by one or more of the following persons who 62766  
hold a credential established by the state board of education 62767  
for being an evaluator: 62768

(1) A person who is under contract with the board pursuant 62769  
to section 3319.01 or 3319.02 of the Revised Code and holds a 62770  
license designated for being a superintendent, assistant 62771  
superintendent, or principal issued under section 3319.22 of the 62772  
Revised Code; 62773

(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;

(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;

(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.

(E) Notwithstanding division (A) (3) of section 3319.112 of the Revised Code, the board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.

(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.

(G) For purposes of section 3333.0411 of the Revised Code, the board annually shall report to the state board the number of

teachers for whom an evaluation was conducted under this section 62803  
and the number of teachers assigned each rating prescribed under 62804  
division (B) (1) of section 3319.112 of the Revised Code or the 62805  
equivalent framework created or adopted by the board, aggregated 62806  
by the teacher preparation programs from which and the years in 62807  
which the teachers graduated. The state board shall establish 62808  
guidelines for reporting the information required by this 62809  
division. The guidelines shall not permit or require that the 62810  
name of, or any other personally identifiable information about, 62811  
any teacher be reported under this division. 62812

(H) Notwithstanding any provision to the contrary in 62813  
Chapter 4117. of the Revised Code, the requirements of this 62814  
section prevail over any conflicting provisions of a collective 62815  
bargaining agreement entered into on or after November 2, 2018. 62816

Sec. 3319.173. (A) The superintendent of each school 62817  
district shall assign teachers to positions based on the best 62818  
interests of the students enrolled in the district. In 62819  
assigning, reassigning, or transferring a teacher, whether 62820  
voluntary or involuntary on the part of the teacher, the 62821  
superintendent shall not use seniority or continuing contract 62822  
status as the primary factor in determining the teacher's 62823  
assignment. 62824

(B) Notwithstanding any provision to the contrary in 62825  
section 4117.10 of the Revised Code, the requirements of this 62826  
section prevail over any conflicting provisions of agreements 62827  
between employee organizations and public employers entered into 62828  
on or after the effective date of this section. 62829

**Sec. 3319.223.** (A) The superintendent of public 62830  
instruction and the chancellor of higher education jointly shall 62831  
establish the Ohio teacher residency program, which shall be a 62832

two-year, entry-level program for classroom teachers. Except as 62833  
provided in division (B) of this section, the teacher residency 62834  
program shall include at least the following components: 62835

(1) Mentoring by teachers, which may be provided online or 62836  
in person. The state superintendent shall provide participants 62837  
and mentors with access to online professional development 62838  
~~resources and sample videos of Ohio classroom lessons submitted~~ 62839  
~~for the assessment prescribed under division (A) (3) of this~~ 62840  
~~section at no cost.~~ 62841

(2) Counseling, as determined necessary by the school 62842  
district or school, to ensure that program participants receive 62843  
needed professional development. ~~The state superintendent shall~~ 62844  
~~provide to each participant who does not receive a passing score~~ 62845  
~~on the assessment under division (A) (3) of this section, at no~~ 62846  
~~cost, the opportunity to meet online with an instructional coach~~ 62847  
~~who is a certified assessor of the assessment to review the~~ 62848  
~~participant's assessment score results and discuss improvement~~ 62849  
~~strategies and professional development.~~ 62850

~~Participants who choose to meet with an instructional~~ 62851  
~~coach shall select from an online pool of instructional coaches~~ 62852  
~~who have completed training and are approved by the state~~ 62853  
~~superintendent. The characteristics of each coach's school or~~ 62854  
~~district, including its size, typology, and demographics, shall~~ 62855  
~~be made available. However, participants shall not be required~~ 62856  
~~to choose an instructional coach from a similar district or~~ 62857  
~~school.~~ 62858

~~Participants who have not taken the assessment under~~ 62859  
~~division (A) (3) of this section may meet online with~~ 62860  
~~instructional coaches approved by the state superintendent if~~ 62861  
~~the participant's school district or school pays the costs~~ 62862

~~associated with the meetings.~~ 62863

(3) Measures of appropriate progression through the 62864  
program, ~~which shall include the performance-based assessment~~ 62865  
~~prescribed by the state board of education for resident~~ 62866  
educators. The state board shall not limit the number of 62867  
attempts to successfully complete the performance-based 62868  
assessment. 62869

~~An individual may submit the assessment between the first~~ 62870  
~~Tuesday of October and the first Friday of April of the~~ 62871  
~~individual's second year of the program. The results of the~~ 62872  
~~assessment shall be returned within thirty days unless a new~~ 62873  
~~assessor is contracted, in which case the results shall be~~ 62874  
~~returned in forty-five days. The teacher evaluation system~~ 62875  
~~adopted under section 3319.111 of the Revised Code may be used~~ 62876  
~~to assess an individual participating in the teacher residency~~ 62877  
~~program.~~ 62878

(B) No individual who is teaching career-technical courses 62879  
under an alternative resident educator license issued under 62880  
section 3319.26 of the Revised Code or rule of the state board 62881  
shall be required to ~~do either of the following:~~ 62882

~~(1) Complete complete the conditions of the Ohio teacher~~ 62883  
residency program that a participant, as of September 29, 2015, 62884  
would have been required to complete during the participant's 62885  
first and second year of teaching under an alternative resident 62886  
educator license. 62887

~~(2) Take a performance-based assessment.~~ 62888

(C) The teacher residency program shall be aligned with 62889  
the standards for teachers adopted by the state board under 62890  
section 3319.61 of the Revised Code and best practices 62891

identified by the superintendent of public instruction. 62892

(D) Each person who holds a resident educator license 62893  
issued under section 3319.22 or 3319.227 of the Revised Code or 62894  
an alternative resident educator license issued under section 62895  
3319.26 of the Revised Code shall participate in the teacher 62896  
residency program. Successful completion of the program shall be 62897  
required to qualify any such person for a professional educator 62898  
license issued under section 3319.22 of the Revised Code. 62899

**Sec. 3319.236.** (A) Except as provided in section 3313.6033 62900  
of the Revised Code or in division (B) or (E) of this section, a 62901  
school district shall require an individual to hold a valid 62902  
educator license in computer science, or have a license 62903  
endorsement in computer technology and a passing score on a 62904  
content examination in the area of computer science, to teach 62905  
computer science courses. 62906

(B) A school district may employ an individual, for the 62907  
purpose of teaching computer science courses, who holds a valid 62908  
educator license, provided the individual meets the requirements 62909  
established by rules of the state board of education to qualify 62910  
for a supplemental teaching license for teaching computer 62911  
science. The rules shall require an applicant for a supplemental 62912  
teaching license to pass a content examination in the area of 62913  
computer science. The rules also shall permit an individual, 62914  
after at least two years of successfully teaching computer 62915  
science courses under the supplemental teaching license, to 62916  
advance to a standard educator license in computer science by 62917  
completing a pedagogy course applicable to the grade levels in 62918  
which the individual is teaching. However, the rules may exempt 62919  
an individual teaching computer science from the requirement to 62920  
complete a pedagogy course if the individual previously 62921

completed a pedagogy course applicable to the grade levels in 62922  
which the individual is teaching. 62923

(C) In order for an individual to teach advanced placement 62924  
computer science courses, a school district shall require the 62925  
individual to also complete a professional development program 62926  
endorsed or provided by the organization that creates and 62927  
administers national advanced placement examinations. For this 62928  
purpose, the individual may complete the program at any time 62929  
during the calendar year. 62930

(D) Notwithstanding section 3301.012 of the Revised Code, 62931  
as used in this section, "computer science courses" means any 62932  
courses that are reported in the education management 62933  
information system established under section 3301.0714 of the 62934  
Revised Code as computer science courses and which are aligned 62935  
to computer science standards adopted by the department of 62936  
education and workforce. 62937

(E) The state board of education shall adopt rules to 62938  
create a computer science teaching license for industry 62939  
professionals to teach computer science to specific grades. The 62940  
holder of a computer science teaching license for industry 62941  
professionals shall be limited to teaching forty hours in a week 62942  
in the subject area of computer science. The superintendent of 62943  
public instruction shall consult with the chancellor of higher 62944  
education in creating and revising the requirements for computer 62945  
science teacher licensure. 62946

(F) Licenses issued under this section shall specify 62947  
whether the educator is licensed to teach grades kindergarten 62948  
through twelve, pre-kindergarten through five, grades four 62949  
through nine, or grades seven through twelve. 62950

Sec. 3319.2310. (A) As used in this section, "other public school" has the same meaning as in section 3301.0711 of the Revised Code. 62951  
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62953

(B) The department of education and workforce shall do both of the following: 62954  
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(1) Maintain a training course for licensed educators that serves as an introduction to the science of reading; 62956  
62957

(2) Develop a competency-based training course for licensed educators that updates and reinforces educators' knowledge and skills in the science of reading. 62958  
62959  
62960

(C) Each individual employed by a school district or other public school as a teacher, administrator, school psychologist, or speech-language pathologist shall complete training in the science of reading in accordance with division (C) of this section. 62961  
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(1) An individual hired by the district or other public school as a teacher or administrator prior to July 1, 2025, shall complete the training described in division (B) (2) of this section by June 30, 2030, and every five years thereafter. 62966  
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(2) An individual hired by the district or other public school as a teacher or administrator on or after July 1, 2025, shall complete the training described in division (B) (1) of this section within one year after the date of hire and shall complete the training described in division (B) (2) of this section every five years thereafter. However, an individual shall not be required to complete the training described in division (B) (1) of this section if the district superintendent or head administrator of the other public school has verified that the individual did either of the following within five 62970  
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years prior to the date of hire: 62980

(a) Completed that training or a similar training, as 62981  
determined by the department; 62982

(b) Completed appropriate coursework in the science of 62983  
reading as part of the individual's educator or licensure 62984  
preparation program. 62985

(3) An individual employed by the district or other public 62986  
school as a school psychologist or speech-language pathologist 62987  
shall complete the training described in division (B) (1) of this 62988  
section by June 30, 2027, and shall complete the training 62989  
described in division (B) (2) of this section every five years 62990  
thereafter. 62991

(D) A professional development committee established under 62992  
section 3319.22 of the Revised Code shall count training 62993  
described in division (B) of this section toward professional 62994  
development requirements for educator licensure renewal. The 62995  
committee shall permit an individual to apply any hours earned 62996  
over the minimum amount of hours required for professional 62997  
development coursework for licensure renewal to the next renewal 62998  
period for that license. 62999

**Sec. 3319.263.** ~~Until July 1, 2028,~~ 63000  
~~notwithstanding~~Notwithstanding anything to the contrary in 63001  
section 3319.26 of the Revised Code or any rule of the state 63002  
board of education adopted under that section, the state board 63003  
shall not limit the subject areas for which an individual may 63004  
receive an alternative resident educator license issued under 63005  
that section. 63006

**Sec. 3319.29.** Each application for any license, 63007  
certificate, or permit under this chapter, or renewal or 63008

duplicate of such a license, certificate, or permit, shall be 63009  
accompanied by the payment of a fee in the amount established 63010  
under division ~~(A)~~(B) of section 3319.51 of the Revised Code. 63011  
Any fees received under this section shall be paid into the 63012  
state treasury to the credit of the ~~state board of education~~ 63013  
~~licensure fund established under division (B) of section 3319.51~~ 63014  
occupational licensing and regulatory fund established in 63015  
section 4743.05 of the Revised Code. 63016

Any person applying for or holding a license, certificate, 63017  
or permit under this chapter is subject to sections 3123.41 to 63018  
3123.50 of the Revised Code and any applicable rules adopted 63019  
under section 3123.63 of the Revised Code and sections 3319.31 63020  
and 3319.311 of the Revised Code. 63021

**Sec. 3319.301.** (A) As used in this section: 63022

(1) "Dropout prevention and recovery community school"— 63023  
~~means a community school established under Chapter 3314. of the~~ 63024  
~~Revised Code in which a majority of the students are enrolled in~~ 63025  
~~a dropout prevention and recovery program that is operated by~~ 63026  
~~the school~~ has the same meaning as in section 3314.02 of the 63027  
Revised Code. 63028

(2) "Industry-recognized credential program" means a 63029  
career-technical course in which a student may earn an industry- 63030  
recognized credential approved under section 3313.6113 of the 63031  
Revised Code. 63032

(3) "STEM school" means a science, technology, 63033  
engineering, and mathematics school established under Chapter 63034  
3326. of the Revised Code. 63035

(B) The state board of education shall issue permits to 63036  
individuals who are not licensed as required by sections 3319.22 63037

to 3319.30 of the Revised Code, but who are otherwise qualified, 63038  
to teach classes for not more than a total of twelve hours a 63039  
week, except that an individual teaching in a STEM school or an 63040  
individual teaching an industry-recognized credential program 63041  
offered at a dropout prevention and recovery community school 63042  
may teach classes for not more than a total of forty hours a 63043  
week. The state board, by rule, shall set forth the 63044  
qualifications, other than licensure under sections 3319.22 to 63045  
3319.30 of the Revised Code, to be met by individuals in order 63046  
to be issued a permit as provided in this section. Such 63047  
qualifications shall include the possession of a baccalaureate, 63048  
master's, or doctoral degree in, or significant experience 63049  
related to, the subject the individual is to teach. For an 63050  
individual assigned to teach a career-technical class, 63051  
significant experience related to a subject shall include 63052  
career-technical experience. Applications for permits pursuant 63053  
to this section shall be made in accordance with section 3319.29 63054  
of the Revised Code. A permit issued under this section shall be 63055  
renewable. 63056

The state board, by rule, shall authorize the board of 63057  
education of each school district and each STEM school to engage 63058  
individuals holding permits issued under this section to teach 63059  
classes for not more than the total number of hours a week 63060  
specified in the permit. The rules shall include provisions with 63061  
regard to each of the following: 63062

(1) That a board of education or STEM school shall engage 63063  
a nonlicensed individual to teach pursuant to this section on a 63064  
volunteer basis, or by entering into a contract with the 63065  
individual or the individual's employer on such terms and 63066  
conditions as are agreed to between the board or school and the 63067  
individual or the individual's employer; 63068

(2) That an employee of the board of education or STEM school who is licensed under sections 3319.22 to 3319.30 of the Revised Code shall directly supervise a nonlicensed individual who is engaged to teach pursuant to this section until the superintendent of the school district or the chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision.

(C) A nonlicensed individual engaged to teach pursuant to this section is a teacher for the purposes of Title XXXIII of the Revised Code except for the purposes of Chapters 3307. and 3317. and sections 3319.07 to 3319.31 of the Revised Code. Such an individual is not an employee of the board of education or STEM school for the purpose of Titles I or XLI or Chapter 3309. of the Revised Code.

(D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder shall receive the same credit as if the class had been taught by an employee licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code.

(E) No board of education of any school district shall engage any one or more nonlicensed individuals if such employment displaces from employment an existing licensed employee of the district.

(F) Chapter 4796. of the Revised Code does not apply to permits issued under this section.

**Sec. 3319.311.** (A) (1) The state board of education, or the superintendent of public instruction on behalf of the board, may

investigate any information received about a person that 63098  
reasonably appears to be a basis for action under section 63099  
3319.31 of the Revised Code, including information received 63100  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 63101  
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 63102  
provided in division (A) (2) of this section, the board shall 63103  
contract with the office of the Ohio attorney general to conduct 63104  
any investigation of that nature. The board shall pay for the 63105  
costs of the contract only from moneys in the ~~state board of~~ 63106  
~~education licensure fund established under section 3319.51 of~~ 63107  
occupational licensing and regulatory fund established in 63108  
section 4743.05 of the Revised Code. Except as provided in 63109  
division (A) (2) of this section, all information received 63110  
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 63111  
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 63112  
information obtained during an investigation is confidential and 63113  
is not a public record under section 149.43 of the Revised Code. 63114  
If an investigation is conducted under this division regarding 63115  
information received about a person and no action is taken 63116  
against the person under this section or section 3319.31 of the 63117  
Revised Code within two years of the completion of the 63118  
investigation, all records of the investigation shall be 63119  
expunged. 63120

(2) In the case of a person about whom the board has 63121  
learned of a plea of guilty to, finding of guilt by a jury or 63122  
court of, or a conviction of an offense listed in division (C) 63123  
of section 3319.31 of the Revised Code, or substantially 63124  
comparable conduct occurring in a jurisdiction outside this 63125  
state, the board or the superintendent of public instruction 63126  
need not conduct any further investigation and shall take the 63127  
action required by division (C) or (F) of that section. Except 63128

as provided in division (G) of this section, all information 63129  
obtained by the board or the superintendent of public 63130  
instruction pertaining to the action is a public record under 63131  
section 149.43 of the Revised Code. 63132

(B) The superintendent of public instruction shall review 63133  
the results of each investigation of a person conducted under 63134  
division (A) (1) of this section and shall determine, on behalf 63135  
of the state board, whether the results warrant initiating 63136  
action under division (B) of section 3319.31 of the Revised 63137  
Code. The superintendent shall advise the board of such 63138  
determination at a meeting of the board. Within fourteen days of 63139  
the next meeting of the board, any member of the board may ask 63140  
that the question of initiating action under section 3319.31 of 63141  
the Revised Code be placed on the board's agenda for that next 63142  
meeting. Prior to initiating that action against any person, the 63143  
person's name and any other personally identifiable information 63144  
shall remain confidential. 63145

(C) The board shall take no action against a person under 63146  
division (B) of section 3319.31 of the Revised Code without 63147  
providing the person with written notice of the charges and with 63148  
an opportunity for a hearing in accordance with Chapter 119. of 63149  
the Revised Code. 63150

(D) For purposes of an investigation under division (A) (1) 63151  
of this section or a hearing under division (C) of this section 63152  
or under division (E) (2) of section 3319.31 of the Revised Code, 63153  
the board, or the superintendent on behalf of the board, may 63154  
administer oaths, order the taking of depositions, issue 63155  
subpoenas, and compel the attendance of witnesses and the 63156  
production of books, accounts, papers, records, documents, and 63157  
testimony. The issuance of subpoenas under this division may be 63158

by certified mail, regular mail with a certificate of mailing, 63159  
or other form of delivery with proof of delivery, including 63160  
electronic delivery with electronic proof of delivery, or 63161  
personal delivery to the person. 63162

(E) The superintendent, on behalf of the board, may enter 63163  
into a consent agreement with a person against whom action is 63164  
being taken under division (B) of section 3319.31 of the Revised 63165  
Code. The board may adopt rules governing the superintendent's 63166  
action under this division. 63167

(F) No surrender of a license shall be effective until the 63168  
board takes action to accept the surrender unless the surrender 63169  
is pursuant to a consent agreement entered into under division 63170  
(E) of this section. 63171

(G) The name of any person who is not required to report 63172  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 63173  
5126.253, or 5153.176 of the Revised Code, but who in good faith 63174  
provides information to the state board or superintendent of 63175  
public instruction about alleged misconduct committed by a 63176  
person who holds a license or has applied for issuance or 63177  
renewal of a license, shall be confidential and shall not be 63178  
released. Any such person shall be immune from any civil 63179  
liability that otherwise might be incurred or imposed for 63180  
injury, death, or loss to person or property as a result of the 63181  
provision of that information. 63182

(H) (1) No person shall knowingly make a false report to 63183  
the superintendent of public instruction or the state board of 63184  
education alleging misconduct by an employee of a public or 63185  
chartered nonpublic school or an employee of the operator of a 63186  
community school established under Chapter 3314. or a college- 63187  
preparatory boarding school established under Chapter 3328. of 63188

the Revised Code. 63189

(2) (a) In any civil action brought against a person in 63190  
which it is alleged and proved that the person violated division 63191  
(H) (1) of this section, the court shall award the prevailing 63192  
party reasonable attorney's fees and costs that the prevailing 63193  
party incurred in the civil action or as a result of the false 63194  
report that was the basis of the violation. 63195

(b) If a person is convicted of or pleads guilty to a 63196  
violation of division (H) (1) of this section, if the subject of 63197  
the false report that was the basis of the violation was charged 63198  
with any violation of a law or ordinance as a result of the 63199  
false report, and if the subject of the false report is found 63200  
not to be guilty of the charges brought against the subject as a 63201  
result of the false report or those charges are dismissed, the 63202  
court that sentences the person for the violation of division 63203  
(H) (1) of this section, as part of the sentence, shall order the 63204  
person to pay restitution to the subject of the false report, in 63205  
an amount equal to reasonable attorney's fees and costs that the 63206  
subject of the false report incurred as a result of or in 63207  
relation to the charges. 63208

**Sec. 3319.51.** ~~(A) (1)~~ (A) As used in this section, 63209  
"operating expenses" includes the cost of administering 63210  
requirements related to the issuance and renewal of licenses, 63211  
certificates, or permits described in this chapter and sections 63212  
3301.071 and 3301.074 of the Revised Code and any other cost 63213  
incurred by the state board of education to perform a duty 63214  
prescribed by law. 63215

(B) The state board of education shall annually establish 63216  
the amount of the fees required to be paid for any license, 63217  
certificate, or permit issued under this chapter or division (B) 63218

of section 3301.071 or section 3301.074 of the Revised Code. 63219  
Except as provided in division ~~(A)(2)~~ (C) of this section, the 63220  
amount of these fees shall be such that they, along with any 63221  
appropriation made ~~to the fund established under division (B) of~~ 63222  
~~this section~~ by the general assembly, will be sufficient to 63223  
cover the annual estimated ~~cost of administering the~~ 63224  
~~requirements related to the issuance and renewal of licenses,~~ 63225  
~~certificates, and permits described in this chapter and sections~~ 63226  
~~3301.071 and 3301.074 of the Revised Code~~ operating expenses of 63227  
the state board. 63228

~~(2)(C)~~ (C) The state board shall not require any fee to be 63229  
paid under division ~~(A)(1)~~ (B) of this section for a license, 63230  
certificate, or permit issued for the purpose of teaching in a 63231  
junior reserve officer training corps (JROTC) program approved 63232  
by the congress of the United States under title 10 of the 63233  
United States Code.- 63234

~~(B)~~ There is hereby established in the state treasury the 63235  
state board of education licensure fund, which shall be used by 63236  
the state board of education to pay the state board's operating 63237  
expenses, including any cost incurred to perform a duty 63238  
~~prescribed by law and the cost of administering requirements~~ 63239  
~~related to the issuance and renewal of licenses, certificates,~~ 63240  
~~and permits described in this chapter and sections 3301.071 and~~ 63241  
~~3301.074 of the Revised Code. The fund shall consist of the~~ 63242  
~~amounts paid into the fund pursuant to division (B) of section~~ 63243  
~~3301.071 and sections 3301.074 and 3319.29 of the Revised Code~~ 63244  
~~and any appropriations to the fund by the general assembly.~~ 63245

(D) The operating expenses of the state board shall be 63246  
paid primarily from, and all license, certificate, or permit 63247  
fees received by the state board shall be deposited in, the 63248

state treasury to the credit of the occupational licensing and 63249  
regulatory fund established in section 4743.05 of the Revised 63250  
Code. 63251

**Sec. 3320.04.** Each school district board of education 63252  
shall adopt a policy that reasonably accommodates the sincerely 63253  
held religious beliefs and practices of individual students with 63254  
regard to all examinations or other academic requirements and 63255  
absences for reasons of faith or religious or spiritual belief 63256  
system. The policy shall satisfy all of the following 63257  
conditions: 63258

(A) The policy shall permit a student in any of grades 63259  
kindergarten through twelve to be absent for up to three 63260  
religious expression days each school year to take holidays for 63261  
reasons of faith or religious or spiritual belief system or 63262  
participate in organized activities conducted under the auspices 63263  
of a religious denomination, church, or other religious or 63264  
spiritual organization. The district shall not impose an 63265  
academic penalty as a result of a student being absent as 63266  
permitted in the policy. The policy shall also permit students 63267  
to participate in interscholastic athletics or other 63268  
extracurricular activities on days in which the student was 63269  
otherwise absent for a religious expression day. 63270

(B) (1) The policy shall require that students be provided 63271  
with alternative accommodations with regard to examinations and 63272  
other academic requirements missed due to an absence described 63273  
in division (A) of this section if not later than fourteen 63274  
school days after the first day of school, or fourteen school 63275  
days after the date of enrollment for a student who transfers to 63276  
or enrolls in the district after the first day of school, the 63277  
parent or guardian of a student provides the school principal 63278

with written notice of up to three specific dates for which 63279  
alternative accommodations are requested, if an absence approved 63280  
under division (B) (2) of this section conflicts with an 63281  
examination or other academic requirement on that date. 63282

(2) The school principal shall approve not more than three 63283  
written requests per school year from a student's parent or 63284  
guardian for an excused absence under division (A) of this 63285  
section. The school principal shall approve such requests 63286  
without inquiry into the sincerity of a student's religious or 63287  
spiritual belief system. However, the school principal may 63288  
verify a request received under division (A) of this section by 63289  
contacting the parent or guardian whose signature appears on the 63290  
request. If a parent or guardian disputes having signed such a 63291  
request, the school principal may deny the request. Upon 63292  
approval of a request that satisfies division (B) (1) of this 63293  
section, a school principal shall require the appropriate 63294  
classroom teacher or teachers to schedule a time and date for an 63295  
alternative examination or other academic requirement if the 63296  
approved student absence creates a conflict, which may be before 63297  
or after the time and date the examination or other academic 63298  
requirement was originally scheduled. 63299

(C) The policy shall require the district board to post 63300  
both of the following in a prominent location on the district's 63301  
web site: 63302

(1) A copy of the policy adopted under this section, which 63303  
shall include the contact information of an individual who can 63304  
provide further information about the policy; 63305

(2) A nonexhaustive list of major religious holidays, 63306  
festivals, and religious observations, which may include, Eid, 63307  
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 63308

an excused absence under this section shall not be unreasonably withheld or denied. 63309  
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The director of education and workforce shall provide each district with a nonexhaustive list of major religious holidays or festivals for the next two school years, including Eid, Good Friday, Rosh Hashanah, Yom Kippur, and Passover, at the beginning of each school year. Each district may adopt the director's list in its entirety or choose which holidays to include on its list. 63311  
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Each time a district's policy is posted, printed, or published, including as described in divisions (C) and (D) of this section, the district shall include a statement that the list is nonexhaustive, and the list may not be used to deny accommodation to a student for a holiday or festival of the student's faith or religious or spiritual belief system that does not appear on the list. 63318  
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Nothing in this section, and no inclusion or exclusion of a religious holiday or festival on the list posted by a district, shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system provided under this section. 63325  
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(D) The policy shall require school districts annually to convey to parents and guardians the policy adopted under this section, including a description of the general procedure for requesting accommodations. The manner in which the school district conveys the information shall be determined at the discretion of the district. 63332  
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(E) The policy shall include a procedure under which a student, parent, or guardian may notify the district of any grievance with regard to the implementation of the policy required under this section.

(F) Any days excused under this section shall not be considered in determining absence hours for the purposes of parental notification under ~~division (C) (1) of~~ section 3321.191 of the Revised Code.

**Sec. 3321.16.** (A) An attendance officer or assistant provided for by section 3321.14 or 3321.15 of the Revised Code may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which such attendance officer or assistant is employed, or of any such child found in the district or enrolled in any school within the district and of any child above eighteen years of age if enrolled in any school within the district, and may take such action as the superintendent of schools directs or as such attendance officer or assistant deems proper in the absence of specific direction.

(B) (1) Subject to divisions (B) (2) and (3) of this section, the attendance officer shall file a complaint in the juvenile court against ~~a student on the sixty-first day after the implementation of an absence intervention plan or other intervention strategies, provided that all~~ any student to which any of the following apply:

(a) The student was absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours.

(b) The student was absent without legitimate excuse from the public school the child is supposed to attend for forty-two or more hours in one school month, ~~or~~. 63367  
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(c) The student was absent without legitimate excuse from the public school the child is supposed to attend for seventy-two or more hours in a school year. 63370  
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~~(b) The school district or school has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies, and any offered alternatives to adjudication described under division (C) (2) (b) of section 3321.191 of the Revised Code.~~ 63373  
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~~(c) The student has refused to participate in or failed to make satisfactory progress on the plan, as determined by the absence intervention team, or any offered intervention strategies or alternative to adjudication.~~ 63378  
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~~(2) If the student, at any time during the implementation phase of the absence intervention plan or other intervention strategies, is absent without legitimate excuse for thirty or more consecutive hours or forty-two or more hours in one school month, the attendance officer shall file a complaint in juvenile court against that student, unless the absence intervention team has determined that the student has made substantial progress on the absence intervention plan student's district or school determines that the student and the student's family are making satisfactory progress in improving the student's attendance at school, the attendance officer shall not file a complaint.~~ 63382  
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~~(3) In the event that the sixty-first day after the implementation of the absence intervention plan or other intervention strategies falls on a day during the summer months,~~ 63393  
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~~in the school district's discretion, the absence intervention-~~ 63396  
~~team or the attendance officer may extend the implementation of-~~ 63397  
~~the plan and delay the filing of the complaint for an additional~~ 63398  
~~thirty days from the first day of instruction of the next school~~ 63399  
~~year.~~ If no determination of progress under division (B) (2) of 63400  
this section is made, or if the student and the student's family 63401  
cease to continue making progress in improving the student's 63402  
attendance, the attendance officer shall file a complaint in the 63403  
juvenile court against the student. 63404

A complaint filed in the juvenile court under division 63405  
(B) (3) of this section shall allege that the child is an unruly 63406  
child for being a habitual truant and that the parent, guardian, 63407  
or other person having care of the child has violated section 63408  
3321.38 of the Revised Code. 63409

**Sec. 3321.19.** (A) As used in this section and section 63410  
~~3321.191~~ 3321.16 of the Revised Code, "habitual truant" has the 63411  
same meaning as in section 2151.011 of the Revised Code. 63412

(B) When a board of education of any city, exempted 63413  
village, local, joint vocational, or cooperative education 63414  
school district or the governing board of any educational 63415  
service center determines that a student in its district has 63416  
been truant and the parent, guardian, or other person having 63417  
care of the child has failed to cause the student's attendance 63418  
at school, the board may require the parent, guardian, or other 63419  
person having care of the child pursuant to division (B) of this 63420  
section to attend an educational program established pursuant to 63421  
rules adopted by the department of education and workforce for 63422  
the purpose of encouraging parental involvement in compelling 63423  
the attendance of the child at school. 63424

No parent, guardian, or other person having care of a 63425

child shall fail without good cause to attend an educational 63426  
program described in this division if the parent, guardian, or 63427  
other person has been served notice pursuant to division (C) of 63428  
this section. 63429

(C) On the request of the superintendent of schools, the 63430  
superintendent of any educational service center, the board of 63431  
education of any city, exempted village, local, joint 63432  
vocational, or cooperative education school district, or the 63433  
governing board of any educational service center or when it 63434  
otherwise comes to the notice of the attendance officer or other 63435  
appropriate officer of the school district, the attendance 63436  
officer or other appropriate officer shall examine into any case 63437  
of supposed truancy within the district and shall warn the 63438  
child, if found truant, and the child's parent, guardian, or 63439  
other person having care of the child, in writing, of the legal 63440  
consequences of being truant. When any child of compulsory 63441  
school age, in violation of law, is not attending school, the 63442  
attendance or other appropriate officer shall notify the parent, 63443  
guardian, or other person having care of that child of the fact, 63444  
and require the parent, guardian, or other person to cause the 63445  
child to attend school immediately. The parent, guardian, or 63446  
other person having care of the child shall cause the child's 63447  
attendance at school. Upon the failure of the parent, guardian, 63448  
or other person having care of the child to do so, the 63449  
attendance officer or other appropriate officer, if so directed 63450  
by the superintendent, the district board, or the educational 63451  
service center governing board, shall send notice requiring the 63452  
attendance of that parent, guardian, or other person at a 63453  
parental education program established pursuant to division (B) 63454  
of this section and, ~~subject to divisions (D) and (E) of this~~ 63455  
~~section,~~ may file a complaint against the parent, guardian, or 63456

other person having care of the child in any court of competent jurisdiction. 63457  
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~~(D) (1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.~~ 63459  
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~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~ 63467  
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~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and~~ 63478  
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~~(B) of section 3321.191 of the Revised Code. In the event that  
those intervention strategies fail, within sixty-one days after  
their implementation, the attendance officer shall file a  
complaint, provided that the conditions described in division  
(B) of section 3321.16 of the Revised Code are satisfied.~~

Sec. 3321.191. (A) As used in this section, "chronically  
absent" means missing at least ten per cent of the minimum  
number of hours required in the school year under section  
3313.48 of the Revised Code for the school a student attends.

(B) Not later than August 1, 2026, the board of education  
of each school district shall adopt a policy to address student  
absences. In developing the policy, the board shall consult with  
the juvenile court of the county or counties in which the  
district is located; the parents, guardians, or other persons  
having care of a student attending school in the district; and  
appropriate state and local agencies.

(C) The policy adopted under division (B) of this section  
shall do all of the following:

(1) Acknowledge that student absences from school for any  
reason, whether excused or unexcused, take away from  
instructional time and have an adverse effect on student  
learning;

(2) Identify strategies to prevent students from becoming  
chronically absent;

(3) Include procedures for notifying a student's parent,  
guardian, or custodian when the student has been absent from  
school for a number of hours determined by the board, which  
number shall not exceed five per cent of the minimum number of  
hours required in the school year under section 3313.48 of the

Revised Code for the school the student attends; 63516

(4) Establish a tiered system that provides more intensive interventions and supports for students with greater numbers of absences and includes resources to help students and their families address the root causes of the absences; 63517  
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(5) Provide for one or more absence intervention teams to work with students at risk of becoming chronically absent and their families to improve the students' attendance at school; 63521  
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(6) Prohibit suspending, expelling, or otherwise preventing a student from attending school based on the student's absences as prescribed by section 3313.668 of the Revised Code. 63524  
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(D) The policy shall align with any other district or school improvement plan developed pursuant to state or federal law. 63528  
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(E) A district or school may consult or partner with public, nonprofit, or private entities to provide assistance as appropriate to students and their families in reducing absences. 63531  
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**Sec. 3321.22.** ~~(A) Except as provided in division (B) of this section, if~~ If a complaint is filed against the parent, guardian, or other person in charge of a child for a failure to cause the child to attend school or a part-time school or class and if the parent, guardian, or other person proves an inability to do so, then the parent, guardian, or other person in charge of a child shall be discharged. Upon the discharge, the attendance officer shall file a complaint before the judge of the juvenile court of the county alleging that the child is a delinquent child, unruly child, or dependent child within the meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 63534  
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Code. The judge shall hear the complaint and if the judge 63545  
determines that the child is a delinquent, unruly, or dependent 63546  
child within one of those sections the judge shall deal with the 63547  
child according to section 2151.35 or 2151.36 of the Revised 63548  
Code. 63549

~~(B) Division (A) of this section does not apply regarding 63550  
a complaint filed under division (D) or (E) of section 3321.19 63551  
of the Revised Code or otherwise filed and alleging that a child 63552  
is an habitual truant. 63553~~

**Sec. 3323.32.** ~~(A)~~The department of education and 63554  
workforce shall contract with an entity to administer programs 63555  
and coordinate services for infants, preschool and school-age 63556  
children, and adults with autism and low incidence disabilities. 63557  
The entity shall be selected by the director of education and 63558  
workforce in consultation with the director of children and 63559  
youth and the advisory board established under section 3323.33 63560  
of the Revised Code. 63561

When applicable, the department of children and youth 63562  
shall contract with an entity to administer programs and 63563  
coordinate services for infants, preschool and school-age 63564  
children, and adults with autism and low incidence disabilities. 63565  
The entity shall be selected by the director of children and 63566  
youth in consultation with the director of education and 63567  
workforce and the advisory board established under section 63568  
3323.33 of the Revised Code. 63569

~~The contract with the entity selected~~ Any contract entered 63570  
into under this section shall include, but not be limited to, 63571  
the following provisions: 63572

~~(1)~~ (A) A description of the programs to be administered 63573

and services to be provided or coordinated by the entity, which 63574  
shall include at least the duties prescribed by sections 3323.34 63575  
and 3323.35 of the Revised Code; 63576

~~(2)~~ (B) A description of the expected outcomes from the 63577  
programs administered and services provided or coordinated by 63578  
the entity; 63579

~~(3)~~ (C) A stipulation that the entity's performance is 63580  
subject to evaluation by the contracting department and renewal 63581  
of the entity's contract is subject to the department's 63582  
satisfaction with the entity's performance; 63583

~~(4)~~ (D) A description of the measures and milestones the 63584  
contracting department will use to determine whether the 63585  
performance of the entity is satisfactory; 63586

~~(5)~~ (E) Any other provision the contracting department 63587  
determines is necessary to ensure the quality of services to 63588  
individuals with autism and low incidence disabilities. 63589

~~(B) In selecting the entity under division (A) of this 63590  
section, the director of education and workforce, the director 63591  
of children and youth, and the advisory board shall give primary 63592  
consideration to the Ohio Center for Autism and Low Incidence, 63593  
established under section 3323.31 of the Revised Code, as long 63594  
as the principal goals and mission of the Center, as determined 63595  
by the director, the director, and the advisory board, are 63596  
consistent with the requirements of divisions (A) (1) to (5) of 63597  
this section. 63598~~

**Sec. 3325.08.** (A) A diploma shall be granted by the 63599  
superintendent of Ohio deaf and blind education services to any 63600  
student enrolled in the state school for the blind or the state 63601  
school for the deaf to whom all of the following apply: 63602

(1) The student has successfully completed the curriculum 63603  
in any high school or the individualized education program 63604  
developed for the student for the student's high school 63605  
education pursuant to section 3323.08 of the Revised Code; 63606

(2) Subject to section 3313.614 of the Revised Code, the 63607  
student has met the assessment requirements of division (A) (2) 63608  
(a) or (b) of this section, as applicable. 63609

(a) If the student entered the ninth grade prior to July 63610  
1, 2014, the student either: 63611

(i) Has attained at least the applicable scores designated 63612  
under division (B) (1) of section 3301.0710 of the Revised Code 63613  
on all the assessments prescribed by that division unless 63614  
division (L) of section 3313.61 of the Revised Code applies to 63615  
the student; 63616

(ii) Has satisfied the alternative conditions prescribed 63617  
in section 3313.615 of the Revised Code. 63618

(b) If the student entered the ninth grade on or after 63619  
July 1, 2014, the student has met the requirement prescribed by 63620  
section 3313.618 of the Revised Code, except to the extent that 63621  
division (L) of section 3313.61 of the Revised Code applies to 63622  
the student. 63623

(3) The student is not eligible to receive an honors 63624  
diploma granted pursuant to division (B) of this section. 63625

No diploma shall be granted under this division to anyone 63626  
except as provided under this division. 63627

(B) In lieu of a diploma granted under division (A) of 63628  
this section, the superintendent of Ohio deaf and blind 63629  
education services shall grant an honors diploma, in the same 63630

manner that the boards of education of school districts grant 63631  
such diplomas under division (B) of section 3313.61 of the 63632  
Revised Code, to any student enrolled in the state school for 63633  
the blind or the state school for the deaf who accomplishes all 63634  
of the following: 63635

(1) Successfully completes the curriculum in any high 63636  
school or the individualized education program developed for the 63637  
student for the student's high school education pursuant to 63638  
section 3323.08 of the Revised Code; 63639

(2) Subject to section 3313.614 of the Revised Code, has 63640  
met the assessment requirements of division (B) (2) (a) or (b) of 63641  
this section, as applicable. 63642

(a) If the student entered the ninth grade prior to July 63643  
1, 2014, the student either: 63644

(i) Has attained at least the applicable scores designated 63645  
under division (B) (1) of section 3301.0710 of the Revised Code 63646  
on all the assessments prescribed under that division; 63647

(ii) Has satisfied the alternative conditions prescribed 63648  
in section 3313.615 of the Revised Code. 63649

(b) If the student entered the ninth grade on or after 63650  
July 1, 2014, the student has met the requirement prescribed by 63651  
section 3313.618 of the Revised Code. 63652

(3) Has met additional criteria for granting an honors 63653  
diploma. 63654

These additional criteria shall be the same as those 63655  
prescribed by the ~~state board~~ department of education and 63656  
workforce under division (B) of section 3313.61 of the Revised 63657  
Code for the granting of such diplomas by school districts. No 63658

honors diploma shall be granted to anyone failing to comply with 63659  
this division and not more than one honors diploma shall be 63660  
granted to any student under this division. 63661

(C) A diploma or honors diploma awarded under this section 63662  
shall be signed by the director of education and workforce and 63663  
the superintendent of Ohio deaf and blind education services. 63664  
Each diploma shall bear the date of its issue and be in such 63665  
form as the superintendent of Ohio deaf and blind education 63666  
services prescribes. 63667

(D) Upon granting a diploma to a student under this 63668  
section, the superintendent of Ohio deaf and blind education 63669  
services shall provide notice of receipt of the diploma to the 63670  
board of education of the school district where the student is 63671  
entitled to attend school under section 3313.64 or 3313.65 of 63672  
the Revised Code when not residing at the state school for the 63673  
blind or the state school for the deaf. The notice shall 63674  
indicate the type of diploma granted. 63675

**Sec. 3325.16.** There is hereby created in the state 63676  
treasury the state school for the deaf educational program 63677  
expenses fund. Moneys received by Ohio deaf and blind education 63678  
services for the state school for the deaf from donations, 63679  
bequests, student fundraising activities, fees charged for camps 63680  
and workshops, gate receipts from athletic contests, and the 63681  
student work experience program operated by the school, and any 63682  
other moneys designated for deposit in the fund by the 63683  
superintendent of Ohio deaf and blind education services, shall 63684  
be credited to the fund. All investment earnings on money in the 63685  
fund shall be credited to the fund. Notwithstanding section 63686  
3325.01 of the Revised Code, the approval of the department of 63687  
education and workforce is not required to designate money for 63688

deposit into the fund. Ohio deaf and blind education services 63689  
shall use moneys in the fund for educational programs, after- 63690  
school activities, and expenses associated with student 63691  
activities and clubs at the state school for the deaf. 63692

**Sec. 3325.17.** There is hereby created in the state 63693  
treasury the state school for the blind educational program 63694  
expense fund. Moneys received by Ohio deaf and blind education 63695  
services for the state school for the blind from donations, 63696  
bequests, student fundraising activities, fees charged for 63697  
camps, workshops, and summer work and learn cooperative 63698  
programs, gate receipts from school activities, and any other 63699  
moneys designated for deposit in the fund by the superintendent 63700  
of Ohio deaf and blind education services, shall be credited to 63701  
the fund. All investment earnings on money in the fund shall be 63702  
credited to the fund. Notwithstanding section 3325.01 of the 63703  
Revised Code, the approval of the department of education and 63704  
workforce is not required to designate money for deposit into 63705  
the fund. Ohio deaf and blind education services shall use 63706  
moneys in the fund for educational programs, after-school 63707  
activities, and expenses associated with student activities at 63708  
the state school for the blind. 63709

**Sec. 3326.092.** The governing body of each each science, 63710  
technology, engineering, and mathematics school established 63711  
under this chapter annually shall provide instruction to 63712  
students in the grade levels the school serves about how short- 63713  
term or chronic substance use, as defined in section 3313.6034 63714  
of the Revised Code, to alter one's mood is harmful to an 63715  
individual's health. Each governing body shall do all of the 63716  
following with regard to the instruction: 63717

(A) Determine the manner in which the instruction is 63718

<u>provided to students;</u>	63719
<u>(B) Ensure the instruction is age and developmentally</u>	63720
<u>appropriate;</u>	63721
<u>(C) Conform the instruction to prevention best-practice</u>	63722
<u>frameworks;</u>	63723
<u>(D) Focus the instruction on addressing changes in</u>	63724
<u>knowledge, attitude, and skills as a child develops.</u>	63725
<b>Sec. 3326.11.</b> Each science, technology, engineering, and	63726
mathematics school established under this chapter and its	63727
governing body shall comply with sections 9.90, 9.91, 109.65,	63728
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43,	63729
3301.0714, 3301.0715, 3301.0729, <u>3301.24</u> , 3301.948, 3302.037, _	63730
<u>3302.131</u> , <u>3302.132</u> , 3313.14, 3313.15, 3313.16, 3313.18,	63731
3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48,	63732
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318,	63733
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020,	63734
3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028,	63735
3313.6029, <u>3313.6031</u> , <u>3313.6035</u> , 3313.61, 3313.611, 3313.614,	63736
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648,	63737
3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666,	63738
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671,	63739
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.717,	63740
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753,	63741
3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818,	63742
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077,	63743
3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32,	63744
3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393,	63745
3319.41, 3319.45, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02,	63746
3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14,	63747
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24,	63748

3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 63749  
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 63750  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 63751  
as if it were a school district. 63752

**Sec. 3326.44.** For fiscal years ~~2024~~2026 and ~~2025~~2027, a 63753  
STEM school shall spend the funding it receives under division 63754  
(A) (5) of section 3317.022 of the Revised Code only for services 63755  
for English learners. 63756

**Sec. 3326.51.** (A) As used in this section: 63757

(1) "Resident district" has the same meaning as in section 63758  
3326.31 of the Revised Code. 63759

(2) "STEM school sponsoring district" means a municipal, 63760  
city, local, or exempted village school district that governs 63761  
and controls a STEM school pursuant to this section. 63762

(B) Notwithstanding any other provision of this chapter to 63763  
the contrary: 63764

(1) If a proposal for a STEM school submitted under 63765  
section 3326.03 of the Revised Code proposes that the governing 63766  
body of the school be the board of education of a municipal, 63767  
city, local, or exempted village school district that is one of 63768  
the partners submitting the proposal, and the STEM committee 63769  
approves that proposal, that school district board shall govern 63770  
and control the STEM school as one of the schools of its 63771  
district. 63772

(2) The STEM school sponsoring district shall maintain a 63773  
separate accounting for the STEM school as a separate and 63774  
distinct operational unit within the district's finances. ~~The~~ 63775  
~~auditor of state, in the course of an annual or biennial audit~~ 63776  
~~of the school district serving as the STEM school sponsoring~~ 63777

~~district, shall audit that school district for compliance with~~ 63778  
~~the financing requirements of this section.~~ 63779

(3) With respect to students enrolled in a STEM school 63780  
whose resident district is the STEM school sponsoring district: 63781

(a) The department of education and workforce shall make 63782  
payments to the school in accordance with section 3317.022 of 63783  
the Revised Code from the STEM school sponsoring district's 63784  
state payments. 63785

(b) The STEM school sponsoring district is responsible for 63786  
providing children with disabilities with a free appropriate 63787  
public education under Chapter 3323. of the Revised Code. 63788

(c) The STEM school sponsoring district shall provide 63789  
student transportation in accordance with laws and policies 63790  
generally applicable to the district. 63791

(4) With respect to students enrolled in the STEM school 63792  
whose resident district is another school district, the 63793  
department shall consider the students as open enrollment 63794  
students and shall make payments to the school in accordance 63795  
with section 3317.022 of the Revised Code. 63796

(5) A STEM school sponsoring district and its board may 63797  
assign its district employees to the STEM school, in which case 63798  
section 3326.18 of the Revised Code shall not apply. The 63799  
district and board may apply any other resources of the district 63800  
to the STEM school in the same manner that it applies district 63801  
resources to other district schools. 63802

(6) Provisions of this chapter requiring a STEM school and 63803  
its governing body to comply with specified laws as if it were a 63804  
school district and in the same manner as a board of education 63805  
shall instead require such compliance by the STEM school 63806

sponsoring district and its board of education, respectively, 63807  
with respect to the STEM school. Where a STEM school or its 63808  
governing body is required to perform a specific duty or 63809  
permitted to take a specific action under this chapter, that 63810  
duty is required to be performed or that action is permitted to 63811  
be taken by the STEM school sponsoring district or its board of 63812  
education, respectively, with respect to the STEM school. 63813

(7) No provision of this chapter limits the authority, as 63814  
provided otherwise by law, of a school district and its board of 63815  
education to levy taxes and issue bonds secured by tax revenues. 63816

(8) The treasurer of the STEM school sponsoring district 63817  
or, if the STEM school sponsoring district is a municipal school 63818  
district, the chief financial officer of the district, shall 63819  
have all of the respective rights, authority, exemptions, and 63820  
duties otherwise conferred upon the treasurer or chief financial 63821  
officer by the Revised Code. 63822

**Sec. 3327.08.** Boards of education of city school 63823  
districts, local school districts, exempted village school 63824  
districts, cooperative education school districts, and joint 63825  
vocational school districts and governing boards of educational 63826  
service centers may purchase on individual contract school 63827  
buses, including multifunction school activity buses, and other 63828  
equipment used in transporting children to and from school and 63829  
to other functions as authorized by the boards, or the boards, 63830  
at their discretion, may purchase the buses and equipment 63831  
through any system of centralized purchasing established by the 63832  
department of education and workforce for that purpose, provided 63833  
that state subsidy payments shall be based on the amount of the 63834  
lowest price available to the boards by either method of 63835  
purchase. No board shall be deprived of any form of state 63836

assistance in the purchase of buses and equipment by reason of 63837  
purchases of buses and equipment on an individual contract. 63838

The purchase of school buses and multifunction school 63839  
activity buses shall be made only after competitive bidding in 63840  
accordance with section 3313.46 of the Revised Code. All bids 63841  
shall state that the buses, prior to delivery, will comply with 63842  
the safety rules of the department of public safety adopted 63843  
pursuant to section 4511.76 of the Revised Code and all other 63844  
pertinent provisions of law. 63845

At no time shall bid bonds be required for the purchase of 63846  
school buses and multifunction school activity buses, unless the 63847  
district board or educational service center governing board 63848  
requests that bid bonds be part of the competitive bidding 63849  
process for a specified purchase. 63850

**Sec. 3327.10.** (A) Except as provided in division (L) of 63851  
this section, no person shall be employed as driver of a school 63852  
bus or motor van, owned and operated by any school district or 63853  
educational service center or privately owned and operated under 63854  
contract with any school district or service center in this 63855  
state, who has not received a certificate from either the 63856  
educational service center governing board that has entered into 63857  
an agreement with the school district under section 3313.843 or 63858  
3313.845 of the Revised Code or the superintendent of the school 63859  
district, certifying that such person is at least eighteen years 63860  
of age and is qualified physically and otherwise for such 63861  
position. The service center governing board or the 63862  
superintendent, as the case may be, shall provide for an annual 63863  
physical examination that conforms with rules adopted by the 63864  
department of education and workforce of each driver to 63865  
ascertain the driver's physical fitness for such employment. The 63866

examination shall be performed by one of the following: 63867

(1) A person licensed under Chapter 4731. or 4734. of the 63868  
Revised Code or by another state to practice medicine and 63869  
surgery, osteopathic medicine and surgery, or chiropractic; 63870

(2) A physician assistant; 63871

(3) A certified nurse practitioner; 63872

(4) A clinical nurse specialist; 63873

(5) A certified nurse-midwife; 63874

(6) A medical examiner who is listed on the national 63875  
registry of certified medical examiners established by the 63876  
federal motor carrier safety administration in accordance with 63877  
49 C.F.R. part 390. 63878

Any certificate may be revoked by the authority granting 63879  
the same on proof that the holder has been guilty of failing to 63880  
comply with division (D) (1) of this section, or upon a 63881  
conviction or a guilty plea for a violation, or any other 63882  
action, that results in a loss or suspension of driving rights. 63883  
Failure to comply with such division may be cause for 63884  
disciplinary action or termination of employment under division 63885  
(C) of section 3319.081, or section 124.34 of the Revised Code. 63886

(B) Except as provided in division (L) of this section, no 63887  
person shall be employed as driver of a school bus or motor van 63888  
not subject to the rules of the department pursuant to division 63889  
(A) of this section who has not received a certificate from the 63890  
school administrator or contractor certifying that such person 63891  
is at least eighteen years of age and is qualified physically 63892  
and otherwise for such position. Each driver shall have an 63893  
annual physical examination which conforms to the state highway 63894

patrol rules, ascertaining the driver's physical fitness for 63895  
such employment. The examination shall be performed by one of 63896  
the following: 63897

(1) A person licensed under Chapter 4731. or 4734. of the 63898  
Revised Code or by another state to practice medicine and 63899  
surgery, osteopathic medicine and surgery, or chiropractic; 63900

(2) A physician assistant; 63901

(3) A certified nurse practitioner; 63902

(4) A clinical nurse specialist; 63903

(5) A certified nurse-midwife; 63904

(6) A medical examiner who is listed on the national 63905  
registry of certified medical examiners established by the 63906  
federal motor carrier safety administration in accordance with 63907  
49 C.F.R. part 390. 63908

Any written documentation of the physical examination 63909  
shall be completed by the individual who performed the 63910  
examination. 63911

Any certificate may be revoked by the authority granting 63912  
the same on proof that the holder has been guilty of failing to 63913  
comply with division (D) (2) of this section. 63914

(C) Any person who drives a school bus or motor van must 63915  
give satisfactory and sufficient bond except a driver who is an 63916  
employee of a school district and who drives a bus or motor van 63917  
owned by the school district. 63918

(D) No person employed as driver of a school bus or motor 63919  
van under this section who is convicted of a traffic violation 63920  
or who has had the person's commercial driver's license 63921

suspended shall drive a school bus or motor van until the person 63922  
has filed a written notice of the conviction or suspension, as 63923  
follows: 63924

(1) If the person is employed under division (A) of this 63925  
section, the person shall file the notice with the 63926  
superintendent, or a person designated by the superintendent, of 63927  
the school district for which the person drives a school bus or 63928  
motor van as an employee or drives a privately owned and 63929  
operated school bus or motor van under contract. 63930

(2) If employed under division (B) of this section, the 63931  
person shall file the notice with the employing school 63932  
administrator or contractor, or a person designated by the 63933  
administrator or contractor. 63934

(E) In addition to resulting in possible revocation of a 63935  
certificate as authorized by divisions (A) and (B) of this 63936  
section, violation of division (D) of this section is a minor 63937  
misdemeanor. 63938

(F) (1) Not later than thirty days after June 30, 2007, 63939  
each owner of a school bus or motor van shall obtain the 63940  
complete driving record for each person who is currently 63941  
employed or otherwise authorized to drive the school bus or 63942  
motor van. An owner of a school bus or motor van shall not 63943  
permit a person to operate the school bus or motor van for the 63944  
first time before the owner has obtained the person's complete 63945  
driving record. Thereafter, the owner of a school bus or motor 63946  
van shall obtain the person's driving record not less frequently 63947  
than semiannually if the person remains employed or otherwise 63948  
authorized to drive the school bus or motor van. An owner of a 63949  
school bus or motor van shall not permit a person to resume 63950  
operating a school bus or motor van, after an interruption of 63951

one year or longer, before the owner has obtained the person's complete driving record. 63952  
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(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for ten years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance. 63954  
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(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all other requirements contained in rules adopted by the department prescribing qualifications of drivers of school buses and other student transportation. 63959  
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(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply: 63964  
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(1) Information pertaining to that driver has been submitted to the department, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training. 63969  
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(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer. 63975  
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(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts 63978  
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with another entity to operate a school bus or motor van, may 63981  
impose more stringent restrictions on drivers than those 63982  
prescribed in this section, in any other section of the Revised 63983  
Code, and in rules adopted by the department. 63984

(I) For qualified drivers who, on July 1, 2007, are 63985  
employed by the owner of a school bus or motor van to drive the 63986  
school bus or motor van, any instance in which the driver was 63987  
convicted of or pleaded guilty to a violation of section 4511.19 63988  
of the Revised Code or a substantially equivalent municipal 63989  
ordinance prior to two years prior to July 1, 2007, shall not be 63990  
considered a disqualifying event with respect to division (F) of 63991  
this section. 63992

(J) (1) This division applies to persons hired by a school 63993  
district, educational service center, community school, 63994  
chartered nonpublic school, or science, technology, engineering, 63995  
and mathematics school established under Chapter 3326. of the 63996  
Revised Code to operate a vehicle used for pupil transportation. 63997

(a) For each person to whom this division applies who is 63998  
hired on or after November 14, 2007, the employer shall request 63999  
a criminal records check in accordance with section 3319.39 of 64000  
the Revised Code and every six years thereafter. 64001

(b) For each person to whom this division applies who is 64002  
hired prior to November 14, 2007, the employer shall request a 64003  
criminal records check by a date prescribed by the department 64004  
and every six years thereafter. 64005

(c) If, on ~~the effective date of this amendment~~ October 3, 64006  
2023, the most recent criminal records check requested for a 64007  
person to whom division (J) (1) of this section applies was 64008  
completed more than one year prior to that date or does not 64009

include information gathered pursuant to division (A) of section 64010  
109.57 of the Revised Code, the employer shall request a new 64011  
criminal records check that includes information gathered 64012  
pursuant to division (A) of section 109.57 of the Revised Code 64013  
by a date prescribed by the state board of education and every 64014  
six years thereafter. 64015

(2) This division applies to persons hired by a public or 64016  
private employer not described in division (J)(1) of this 64017  
section to operate a vehicle used for pupil transportation. 64018

(a) For each person to whom this division applies who is 64019  
hired on or after November 14, 2007, the employer shall request 64020  
a criminal records check prior to the person's hiring and every 64021  
six years thereafter. 64022

(b) For each person to whom this division applies who is 64023  
hired prior to November 14, 2007, the employer shall request a 64024  
criminal records check by a date prescribed by the department 64025  
and every six years thereafter. 64026

(c) If, on ~~the effective date of this amendment~~ October 3, 64027  
2023, the most recent criminal records check requested for a 64028  
person to whom division (J)(2) of this section applies was 64029  
completed more than one year prior to that date or does not 64030  
include information gathered pursuant to division (A) of section 64031  
109.57 of the Revised Code, the employer shall request a new 64032  
criminal records check that includes information gathered 64033  
pursuant to division (A) of section 109.57 of the Revised Code 64034  
by a date prescribed by the state board and every six years 64035  
thereafter. 64036

(3) Each request for a criminal records check under 64037  
division (J) of this section shall be made to the superintendent 64038

of the bureau of criminal identification and investigation in 64039  
the manner prescribed in section 3319.39 of the Revised Code, 64040  
except that if both of the following conditions apply to the 64041  
person subject to the records check, the employer shall request 64042  
the superintendent only to obtain any criminal records that the 64043  
federal bureau of investigation has on the person: 64044

(a) The employer previously requested the superintendent 64045  
to determine whether the bureau of criminal identification and 64046  
investigation has any information, gathered pursuant to division 64047  
(A) of section 109.57 of the Revised Code, on the person in 64048  
conjunction with a criminal records check requested under 64049  
section 3319.39 of the Revised Code or under division (J) of 64050  
this section. 64051

(b) The person presents proof that the person has been a 64052  
resident of this state for the five-year period immediately 64053  
prior to the date upon which the person becomes subject to a 64054  
criminal records check under this section. 64055

Upon receipt of a request, the superintendent shall 64056  
conduct the criminal records check in accordance with section 64057  
109.572 of the Revised Code as if the request had been made 64058  
under section 3319.39 of the Revised Code. However, as specified 64059  
in division (B) (2) of section 109.572 of the Revised Code, if 64060  
the employer requests the superintendent only to obtain any 64061  
criminal records that the federal bureau of investigation has on 64062  
the person for whom the request is made, the superintendent 64063  
shall not conduct the review prescribed by division (B) (1) of 64064  
that section. 64065

(4) Notwithstanding anything in the Revised Code to the 64066  
contrary, the bureau of criminal identification and 64067  
investigation shall make the initial criminal records check 64068

requested of a person by an employer under division (J) (1) or 64069  
(2) of this section on or after ~~the effective date of this~~ 64070  
~~amendment~~ October 3, 2023, available to the state board of 64071  
education. The state board shall use the information received to 64072  
enroll the person in the retained applicant fingerprint 64073  
database, established under section 109.5721 of the Revised 64074  
Code, in the same manner as any teacher licensed under sections 64075  
3319.22 to 3319.31 of the Revised Code. If the state board is 64076  
unable to enroll the person in the retained applicant 64077  
fingerprint database because the person has not satisfied the 64078  
requirements for enrollment, the state board shall notify the 64079  
employer that the person has not satisfied the requirements for 64080  
enrollment. However, the bureau shall not be required to make 64081  
available to the state board the criminal records check of any 64082  
person who is already enrolled in the retained applicant 64083  
fingerprint database on the date the person's employer requests 64084  
a records check of the person under division (J) (1) or (2) of 64085  
this section. 64086

If the state board receives notification of the arrest, 64087  
guilty plea, or conviction of a person who is subject to this 64088  
section, the state board shall promptly notify the person's 64089  
employer in accordance with division (B) of section 3319.316 of 64090  
the Revised Code. 64091

(K) (1) Until the effective date of the amendments to rule 64092  
3301-83-23 of the Ohio Administrative Code required by the 64093  
second paragraph of division (E) of section 3319.39 of the 64094  
Revised Code, any person who is the subject of a criminal 64095  
records check under division (J) of this section and has been 64096  
convicted of or pleaded guilty to any offense described in 64097  
division (B) (1) of section 3319.39 of the Revised Code shall not 64098  
be hired or shall be released from employment, as applicable, 64099

unless the person meets the rehabilitation standards prescribed 64100  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 64101  
Administrative Code. 64102

(2) Beginning on the effective date of the amendments to 64103  
rule 3301-83-23 of the Ohio Administrative Code required by the 64104  
second paragraph of division (E) of section 3319.39 of the 64105  
Revised Code, any person who is the subject of a criminal 64106  
records check under division (J) of this section and has been 64107  
convicted of or pleaded guilty to any offense that, under the 64108  
rule, disqualifies a person for employment to operate a vehicle 64109  
used for pupil transportation shall not be hired or shall be 64110  
released from employment, as applicable, unless the person meets 64111  
the rehabilitation standards prescribed by the rule. 64112

(L) The superintendent of a school district or an 64113  
educational service center governing board shall issue a 64114  
certificate as a driver of a school bus or motor van or a 64115  
certificate to operate a vehicle used for pupil transportation 64116  
in accordance with Chapter 4796. of the Revised Code to an 64117  
applicant if either of the following applies: 64118

(1) The applicant holds a certificate in another state. 64119

(2) The applicant has satisfactory work experience, a 64120  
government certification, or a private certification as 64121  
described in that chapter as a school bus or motor van driver or 64122  
a pupil transportation vehicle operator in a state that does not 64123  
issue one or both of those certificates. 64124

(M) As used in this section, "school bus" includes a 64125  
multifunction school activity bus, as defined in section 4511.01 64126  
of the Revised Code. 64127

**Sec. 3328.16.** (A) Each college-preparatory boarding school 64128

established under this chapter shall have a designated fiscal 64129  
officer. The ~~auditor of state~~ department of education and 64130  
workforce may require by rule that the fiscal officer of any 64131  
college-preparatory boarding school, before entering upon duties 64132  
as fiscal officer, execute a bond in an amount and with surety 64133  
to be approved by the school's board of trustees, payable to the 64134  
state, conditioned for the faithful performance of all the 64135  
official duties required of the fiscal officer. Any such bond 64136  
shall be deposited with the school's board of trustees, and a 64137  
copy of the bond shall be certified by the board and filed with 64138  
the county auditor. 64139

(B) Before assuming the duties of fiscal officer, the 64140  
fiscal officer designated under this section shall be licensed 64141  
as a treasurer under section 3301.074 of the Revised Code. No 64142  
college-preparatory boarding school shall allow a person to 64143  
serve as fiscal officer who is not licensed as required by this 64144  
division. 64145

**Sec. 3328.24.** A college-preparatory boarding school 64146  
established under this chapter and its board of trustees shall 64147  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 64148  
3301.0714, 3301.0729, 3301.948, 3302.037, 3302.131, 3302.132, 64149  
3313.474, 3313.5318, 3313.5319, 3313.6013, 3313.6021, 3313.6023, 64150  
3313.6024, 3313.6026, 3313.6029, 3313.6031, 3313.6035, 3313.617, 64151  
3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 64152  
3313.6610, 3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 64153  
3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 64154  
3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 64155  
3320.04, 3323.251, and 5502.262, and Chapter 3365. of the 64156  
Revised Code as if the school were a school district and the 64157  
school's board of trustees were a district board of education. 64158

Sec. 3328.60. The board of trustees of each college-preparatory boarding school established under this chapter annually shall provide instruction to students in the grade levels the school serves about how the short-term or chronic substance use, as defined in section 3313.6034 of the Revised Code, to alter one's mood is harmful to an individual's health. Each board of trustees shall do all of the following with regard to the instruction:

(A) Determine the manner in which the instruction is provided to students;

(B) Ensure the instruction is age and developmentally appropriate;

(C) Conform the instruction to prevention best-practice frameworks;

(D) Focus the instruction on addressing changes in knowledge, attitude, and skills as a child develops.

**Sec. 3332.081.** The student tuition recovery authority is created as a body corporate and politic of this state. The purpose of the authority is to protect students of any school registered by the state board of career colleges and schools from prepaid tuition loss for the academic term due to a school closure.

The authority shall consist of five members as follows: the executive director of the state board of career colleges and schools, the executive director of the Ohio association of career colleges and schools, the treasurer of state or the treasurer of state's designee, the chairperson a member of the senate committee that primarily deals with education appointed by the president of the senate, and ~~the chairperson of the~~

~~committee a member of the house of representatives that~~ 64188  
~~primarily deals with education~~appointed by the speaker of the 64189  
~~house of representatives.~~ The ~~chairpersons of the legislative~~ 64190  
~~committees that primarily deal with education~~ general assembly 64191  
~~members~~ shall be nonvoting ~~ex officio~~ members. Each voting 64192  
member of the authority, before entering upon the member's 64193  
official duties, shall take an oath as provided by Section 7 of 64194  
Article XV, Ohio Constitution. The authority shall elect one of 64195  
its voting members as chairperson and another as vice- 64196  
chairperson, and shall appoint a secretary-treasurer who need 64197  
not be a member of the authority. 64198

All meetings of the authority shall be public. All final 64199  
actions of the authority shall be journalized and such journal 64200  
and the records of the authority shall be open to public 64201  
inspection at all reasonable times. 64202

**Sec. 3332.17.** Each college or school that holds a 64203  
certificate of registration under this chapter annually shall 64204  
certify to state board of career colleges and schools, on a date 64205  
and in the form and manner determined by the state board, a plan 64206  
to preserve student records indefinitely if the college or 64207  
school is to cease operations. The plan shall include the 64208  
designation and signed confirmation of an official custodian of 64209  
student records. If the state board determines it necessary, the 64210  
the state board may require a college or school to produce an 64211  
executed agreement with the designated custodian of student 64212  
records, paid in full, to ensure the college or school's plan 64213  
can be implemented. 64214

The director of the state board of career colleges and 64215  
schools may consult with the chancellor of higher education, 64216  
higher learning commission, and other appropriate entities to 64217

establish plans, processes, and procedures for colleges and 64218  
schools to provide indefinite access to student records. 64219

**Sec. 3332.21.** (A) Each school that holds a certificate of 64220  
registration from or is authorized to offer a certificate, 64221  
diploma, or degree under a certificate of authorization issued 64222  
by the state board of career colleges under this chapter 64223  
annually shall provide to the state board and the chancellor of 64224  
higher education all of the following: 64225

(1) Verification of current accreditation status and a 64226  
copy of the most recent institutional report from the school's 64227  
accrediting organization; 64228

(2) A plan to preserve student records indefinitely in the 64229  
event of closure of the school or discontinuation of service. 64230  
The plan shall include a method by which students and alumni of 64231  
the school may retrieve student records by request. The plan 64232  
also shall include a designation and signed confirmation of an 64233  
official custodian of student records. Student records preserved 64234  
under the plan shall include, but not be limited to: 64235

(a) Academic transcripts; 64236

(b) Financial aid documents; 64237

(c) International student forms; 64238

(d) Tax information. 64239

(3) The following program information: 64240

(a) A list of current degree programs offered by the 64241  
school in this state; 64242

(b) The results of any external degree program evaluations 64243  
conducted in the last year; 64244

<u>(c) A list of any degree programs that have been</u>	64245
<u>eliminated in the last year;</u>	64246
<u>(4) The latest financial statement for the most recent</u>	64247
<u>fiscal year compiled and audited by an independent certified</u>	64248
<u>public accountant, including any management letters provided by</u>	64249
<u>the independent auditor;</u>	64250
<u>(5) Any other information requested by the state board or</u>	64251
<u>the chancellor.</u>	64252
<u>(B) If a school fails to submit the information required</u>	64253
<u>under division (A) of this section or if the state board or the</u>	64254
<u>chancellor finds that the information submitted under that</u>	64255
<u>division is insufficient, the state board may suspend, withdraw,</u>	64256
<u>or revoke a school's certificate of registration or program</u>	64257
<u>authorization.</u>	64258
<u>(C) Each school subject to this chapter that is authorized</u>	64259
<u>to offer courses or degrees under a certificate of authorization</u>	64260
<u>shall immediately notify the state board and the chancellor if</u>	64261
<u>the school does any of the following:</u>	64262
<u>(1) Receives notice from the federal government or an</u>	64263
<u>institutional accrediting organization that the school is</u>	64264
<u>subject to heightened reporting standards or special monitoring</u>	64265
<u>status, such as the United States department of education's</u>	64266
<u>heightened cash monitoring process;</u>	64267
<u>(2) Receives preliminary or final accreditation findings;</u>	64268
<u>(3) Becomes the subject of an investigation by a</u>	64269
<u>government agency related to the school's academic quality,</u>	64270
<u>financial stability, or student consumer protection;</u>	64271
<u>(4) Fails to make any payments to applicable retirement</u>	64272

<u>systems;</u>	64273
<u>(5) Fails to make any scheduled payroll payments;</u>	64274
<u>(6) Fails to make any payments to vendors when due as a result of a cash deficiency or a substantial deficiency in the payment processing system of the school;</u>	64275 64276 64277
<u>(7) Fails to make any scheduled payment of principal or interest for short- or long-term debt;</u>	64278 64279
<u>(8) Makes budget revisions resulting in a substantially reduced ending fund balance or larger deficit;</u>	64280 64281
<u>(9) Becomes aware of significant negative variance between the most recently adopted annual budget and actual revenues or expenses as projected at the end of the fiscal year.</u>	64282 64283 64284
<b><u>Sec. 3332.22. (A) As used in this section:</u></b>	64285
<u>(1) "Online program manager" means an entity that is not an institution of higher education as defined under "The Higher Education Act of 1965," 20 U.S.C. 1001 that enters into an agreement with a career college or school to provide marketing and recruitment services and at least one additional service, including course design, technology, or faculty training, to support an accredited online degree program.</u>	64286 64287 64288 64289 64290 64291 64292
<u>(2) "Career college or school" means a school subject to this chapter and a private institution exempt from regulation under this chapter as prescribed in section 3333.046 of the Revised Code, if the institution has a program with a certificate of authorization pursuant to Chapter 1713. of the Revised Code.</u>	64293 64294 64295 64296 64297 64298
<u>(B) If a career college or school enters into a contract with an online program manager, the career college or school</u>	64299 64300

shall ensure the contract is in compliance with relevant program standards and requirements. 64301  
64302

(C) A career college or school that enters into a contract with an online program manager shall post on each online degree program web site it maintains that it utilizes an online program manager for services. The career college or school shall require the online program manager to identify itself when providing services to students. 64303  
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(D) A career college or school shall not permit an online program manager to control, make decisions regarding, administer, or disburse student financial aid. 64309  
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**Sec. 3333.04.** The chancellor of higher education shall: 64312

(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs; 64313  
64314  
64315  
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(B) (1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state; 64318  
64319  
64320

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education. 64321  
64322  
64323

(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities; 64324  
64325

(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education; 64326  
64327  
64328

(E) Recommend the nature of the programs, undergraduate, 64329  
graduate, professional, state-financed research, and public 64330  
services which should be offered by the state colleges, 64331  
universities, and other state-assisted institutions of higher 64332  
education in order to utilize to the best advantage their 64333  
facilities and personnel; 64334

(F) Recommend to the state colleges, universities, and 64335  
other state-assisted institutions of higher education graduate 64336  
or professional programs, including, but not limited to, doctor 64337  
of philosophy, doctor of education, and juris doctor programs, 64338  
that could be eliminated because they constitute unnecessary 64339  
duplication, as shall be determined using the process developed 64340  
pursuant to this division, or for other good and sufficient 64341  
cause. Prior to recommending a program for elimination, the 64342  
chancellor shall hold at least one public hearing on the matter 64343  
to determine whether the program should be recommended for 64344  
elimination. The chancellor shall provide notice of each hearing 64345  
within a reasonable amount of time prior to its scheduled date. 64346

For purposes of determining the amounts of any state 64347  
instructional subsidies paid to state colleges, universities, 64348  
and other state-assisted institutions of higher education, the 64349  
chancellor may exclude students enrolled in any program that the 64350  
chancellor has recommended for elimination pursuant to this 64351  
division except that the chancellor shall not exclude any such 64352  
student who enrolled in the program prior to the date on which 64353  
the chancellor initially commences to exclude students under 64354  
this division. 64355

The chancellor and state colleges, universities, and other 64356  
state-assisted institutions of higher education shall jointly 64357  
develop a process for determining which existing graduate or 64358

professional programs constitute unnecessary duplication. 64359

(G) Recommend to the state colleges, universities, and 64360  
other state-assisted institutions of higher education programs 64361  
which should be added to their present programs; 64362

(H) Conduct studies for the state colleges, universities, 64363  
and other state-assisted institutions of higher education to 64364  
assist them in making the best and most efficient use of their 64365  
existing facilities and personnel; 64366

(I) Make recommendations to the governor and general 64367  
assembly concerning the development of state-financed capital 64368  
plans for higher education; the establishment of new state 64369  
colleges, universities, and other state-assisted institutions of 64370  
higher education; and the establishment of new programs at the 64371  
existing state colleges, universities, and other institutions of 64372  
higher education; 64373

(J) Review the appropriation requests of the public 64374  
community colleges and the state colleges and universities and 64375  
submit to the office of budget and management and to the 64376  
chairpersons of the finance committees of the house of 64377  
representatives and of the senate the chancellor's 64378  
recommendations in regard to the biennial higher education 64379  
appropriation for the state, including appropriations for the 64380  
individual state colleges and universities and public community 64381  
colleges. For the purpose of determining the amounts of 64382  
instructional subsidies to be paid to state-assisted colleges 64383  
and universities, the chancellor shall define "full-time 64384  
equivalent student" by program per academic year. The definition 64385  
may take into account the establishment of minimum enrollment 64386  
levels in technical education programs below which support 64387  
allowances will not be paid. Except as otherwise provided in 64388

this section, the chancellor shall make no change in the 64389  
definition of "full-time equivalent student" in effect on 64390  
November 15, 1981, which would increase or decrease the number 64391  
of subsidy-eligible full-time equivalent students, without first 64392  
submitting a fiscal impact statement to the president of the 64393  
senate, the speaker of the house of representatives, the 64394  
legislative service commission, and the director of budget and 64395  
management. The chancellor shall work in close cooperation with 64396  
the director of budget and management in this respect and in all 64397  
other matters concerning the expenditures of appropriated funds 64398  
by state colleges, universities, and other institutions of 64399  
higher education. 64400

(K) Seek the cooperation and advice of the officers and 64401  
trustees of both public and private colleges, universities, and 64402  
other institutions of higher education in the state in 64403  
performing the chancellor's duties and making the chancellor's 64404  
plans, studies, and recommendations; 64405

(L) Appoint advisory committees consisting of persons 64406  
associated with public or private secondary schools, members of 64407  
the state board of education, or personnel of the department of 64408  
education and workforce; 64409

(M) Appoint advisory committees consisting of college and 64410  
university personnel, or other persons knowledgeable in the 64411  
field of higher education, or both, in order to obtain their 64412  
advice and assistance in defining and suggesting solutions for 64413  
the problems and needs of higher education in this state; 64414

(N) Approve or disapprove all new degrees and new degree 64415  
programs at all state colleges, universities, and other state- 64416  
assisted institutions of higher education. 64417

When considering approval of a new degree or degree 64418  
program for a state institution of higher education, as defined 64419  
in section 3345.011 of the Revised Code, the chancellor shall 64420  
take into account the extent to which the degree or degree 64421  
program aligns with the state's workforce development 64422  
priorities. 64423

(O) Adopt such rules as are necessary to carry out the 64424  
chancellor's duties and responsibilities. The rules shall 64425  
prescribe procedures for the chancellor to follow when taking 64426  
actions associated with the chancellor's duties and 64427  
responsibilities and shall indicate which types of actions are 64428  
subject to those procedures. The procedures adopted under this 64429  
division shall be in addition to any other procedures prescribed 64430  
by law for such actions. However, if any other provision of the 64431  
Revised Code or rule adopted by the chancellor prescribes 64432  
different procedures for such an action, the procedures adopted 64433  
under this division shall not apply to that action to the extent 64434  
they conflict with the procedures otherwise prescribed by law. 64435  
The procedures adopted under this division shall include at 64436  
least the following: 64437

(1) Provision for public notice of the proposed action; 64438

(2) An opportunity for public comment on the proposed 64439  
action, which may include a public hearing on the action by the 64440  
chancellor; 64441

(3) Methods for parties that may be affected by the 64442  
proposed action to submit comments during the public comment 64443  
period; 64444

(4) Written publication of the final action taken by the 64445  
chancellor and the chancellor's rationale for the action; 64446

(5) A timeline for the process described in divisions (O) 64447  
(1) to (4) of this section. 64448

(P) Make recommendations to the governor and the general 64449  
assembly regarding the design and funding of the student 64450  
financial aid programs specified in sections 3333.122, 3333.21 64451  
to 3333.26, and 5910.02 of the Revised Code; 64452

(Q) Participate in education-related state or federal 64453  
programs on behalf of the state and assume responsibility for 64454  
the administration of such programs in accordance with 64455  
applicable state or federal law; 64456

(R) Adopt rules for student financial aid programs as 64457  
required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and 64458  
5910.02 of the Revised Code, and perform any other 64459  
administrative functions assigned to the chancellor by those 64460  
sections; 64461

(S) Conduct enrollment audits of state-supported 64462  
institutions of higher education; 64463

(T) Appoint consortia of college and university personnel 64464  
to advise or participate in the development and operation of 64465  
statewide collaborative efforts, including the Ohio 64466  
supercomputer center, the Ohio academic resources network, 64467  
OhioLink, and the Ohio learning network. For each consortium, 64468  
the chancellor shall designate a college or university to serve 64469  
as that consortium's fiscal agent, financial officer, and 64470  
employer. Any funds appropriated for the consortia shall be 64471  
distributed to the fiscal agents for the operation of the 64472  
consortia. ~~A consortium shall follow the rules of the college or~~ 64473  
~~university that serves as its fiscal agent.~~ The chancellor may 64474  
restructure existing consortia, appointed under this division, 64475

in accordance with procedures adopted under divisions (O)(1) to 64476  
(5) of this section. 64477

A consortium shall follow the rules of the college or 64478  
university that serves as its fiscal agent, except that when 64479  
making a purchase with appropriated funds of any product that 64480  
includes semiconductors, a consortium shall conduct the purchase 64481  
in accordance with rules adopted by the director of 64482  
administrative services under division (B) of section 125.09 of 64483  
the Revised Code for giving preference to Buy Ohio products. 64484

(U) Adopt rules establishing advisory duties and 64485  
responsibilities of the department of higher education not 64486  
otherwise prescribed by law; 64487

(V) Respond to requests for information about higher 64488  
education from members of the general assembly and direct staff 64489  
to conduct research or analysis as needed for this purpose. 64490

Notwithstanding any provision of law to the contrary, and 64491  
to reduce duplicative reporting, the chancellor may use data or 64492  
information submitted to the higher education information system 64493  
and other public data exchanges, as determined appropriate, to 64494  
fulfill reporting requirements, provided the information is 64495  
materially consistent. 64496

**Sec. 3333.048.** (A) The chancellor of higher education, in 64497  
consultation with the director of education and workforce, 64498  
shall, in accordance with Chapter 119. of the Revised Code, 64499  
establish metrics for the preparation of educators and other 64500  
school personnel and the institutions of higher education that 64501  
are engaged in their preparation. The metrics to be used in 64502  
educator preparation programs shall do all of the following: 64503

(1) Be aligned with the standards and qualifications for 64504

educator licenses adopted by the state board of education under 64505  
section 3319.22 of the Revised Code and the requirements of the 64506  
Ohio teacher residency program established under section 64507  
3319.223 of the Revised Code; 64508

(2) Ensure that educators and other school personnel are 64509  
adequately prepared to use the value-added progress dimension 64510  
prescribed by section 3302.021 of the Revised Code or the 64511  
alternative student academic progress measure if adopted under 64512  
division (C) (1) (e) of section 3302.03 of the Revised Code; 64513

(3) Ensure that all educators complete coursework in 64514  
evidence-based strategies for effective literacy instruction 64515  
aligned to the science of reading, which includes phonics, 64516  
phonemic awareness, fluency comprehension, and vocabulary 64517  
development, and is part of a structured literacy program~~—~~. The 64518  
coursework shall be aligned with the international dyslexia 64519  
association's, or its successor organization's, knowledge and 64520  
practice standards for teachers of reading. 64521

(4) Ensure that clinical preparation for all educators who 64522  
are responsible for teaching reading occurs only ~~occur in the~~ 64523  
~~classrooms~~ educational learning environments where the local 64524  
education agency has verified that the cooperating practicing 64525  
teachers have completed training that adheres to the Ohio 64526  
dyslexia guidebook in literacy instruction strategies aligned to 64527  
the science of reading, use instructional materials aligned to 64528  
the science of reading from the list established under section 64529  
3313.6028 of the Revised Code, as part of a complete structured 64530  
literacy program, and actively implement a structured literacy 64531  
approach. 64532

(B) The chancellor shall do all of the following: 64533

(1) Develop an auditing process that clearly documents the degree to which every educator preparation program at an institution of higher education is effectively teaching the science of reading as follows:

(a) By December 31, 2023, complete an initial survey of educator preparation programs, establish metrics for the audits, and update standards to reflect new requirements;

(b) Grant a one-year grace period for all institutions to meet new standards and requirements under this section to begin on January 1, 2024;

(c) On January 1, 2025, begin conducting audits of each institution that offers educator preparation programs.

The chancellor shall revoke approval for programs that are found to be not in alignment and do not address the findings of the audit within a year. All programs shall be reviewed every four years thereafter to ensure continued alignment.

(2) Annually create a summary of literacy instruction strategies and practices in place for all educator preparation programs based on the program audits, including institution-level summaries, until all programs reach the required alignment specified in division (A) (3) of this section;

(3) In conjunction with the department of education and workforce, do all of the following:

(a) Publicly release the summaries with local education agencies not later than the thirty-first day of March of each year and post them on the chancellor's publicly accessible web site;

(b) Identify a list of approved vendors who can provide

professional development experiences that are consistent with 64562  
the science of reading to educators who are responsible for 64563  
teaching reading, including faculty in educator preparation 64564  
programs; 64565

(c) Develop a public dashboard that reports the first-time 64566  
passage rates of students, by institution, on the foundations of 64567  
reading licensure test. 64568

(C) If the metrics established under division (A) of this 64569  
section require an institution of higher education that prepares 64570  
teachers to satisfy the standards of an independent 64571  
accreditation organization, the chancellor shall permit each 64572  
institution to satisfy the standards of any applicable national 64573  
educator preparation accrediting agency recognized by the United 64574  
States department of education. 64575

(D) The metrics and educator preparation programs 64576  
established under division (A) of this section may require an 64577  
institution of higher education, as a condition of approval by 64578  
the chancellor, to make changes in the curricula of its 64579  
preparation programs for educators and other school personnel. 64580

Notwithstanding division (E) of section 119.03 and 64581  
division (A)(1) of section 119.04 of the Revised Code, any 64582  
metrics, educator preparation programs, rules, and regulations, 64583  
or any amendment or rescission of such metrics, educator 64584  
preparation programs, rules, and regulations, adopted under this 64585  
section that necessitate institutions offering preparation 64586  
programs for educators and other school personnel approved by 64587  
the chancellor to revise the curricula of those programs shall 64588  
not be effective for at least one year after the first day of 64589  
January next succeeding the publication of the said change. 64590

Each institution shall allocate money from its existing revenue sources to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A) of this section. The state board shall publish the metrics and educator preparation programs with the standards and qualifications for each type of educator license.

(F) The graduates of educator preparation programs approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code.

Sec. 3333.0415. Not later than December 31, 2025, the chancellor of higher education, in collaboration with the department of education and workforce and the governor's office of workforce transformation, shall establish the level of attainment necessary to achieve identified performance targets across a range of degrees and credentials.

Sec. 3333.0420. (A) As used in this section:

(1) "Online program manager" means an entity that is not an institution of higher education as defined under "The Higher Education Act of 1965," 20 U.S.C. 1001 that enters into an agreement with a state institution of higher education to provide marketing and recruitment services and at least one additional service, including course design, technology, or faculty training, to support an accredited online degree program.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) If a state institution of higher education enters into a contract with an online program manager, the institution shall ensure the contract is in compliance with relevant program standards and requirements. 64620  
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(C) A state institution of higher education that enters into a contract with an online program manager shall post on each online degree program web site it maintains that it utilizes an online program manager for services. The institution shall require the online program manager to identify itself when providing services to students. 64624  
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(D) A state institution of higher education shall not permit an online program manager to control, make decisions regarding, administer, or disburse student financial aid. 64630  
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**Sec. 3333.053.** The chancellor of higher education shall serve indefinitely as the records custodian for the eastern gateway community college upon that college ceasing operations. 64633  
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**Sec. 3333.074.** (A) Each state institution of higher education, as defined in section 3345.011 of the Revised Code, annually shall submit, in a form and manner determined by the chancellor of higher education, the following information to assess the performance and compliance of the state institution: 64636  
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(1) Verification of current accreditation status and a copy of the state institution's most recent higher learning commission institutional update report; 64641  
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(2) A plan to preserve student records indefinitely in the event of closure of the state institution or discontinuation of service. The plan shall include a method by which students and alumni of the state institution may retrieve student records by request. The plan shall also include a designation and signed 64644  
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<u>confirmation of an official custodian of student records.</u>	64649
<u>Student records preserved under the plan shall include, but not</u>	64650
<u>be limited to:</u>	64651
<u>(a) Academic transcripts;</u>	64652
<u>(b) Financial aid documents;</u>	64653
<u>(c) International student forms;</u>	64654
<u>(d) Tax information.</u>	64655
<u>(3) The results of any external degree program evaluations</u>	64656
<u>conducted in the last year;</u>	64657
<u>(4) A list of any degree programs that have been</u>	64658
<u>eliminated in the last year;</u>	64659
<u>(5) Any other information requested by the chancellor.</u>	64660
<u>(B) The chancellor may rescind program approval if a state</u>	64661
<u>institution of higher education fails to submit the information</u>	64662
<u>required under division (A) of this section or if the chancellor</u>	64663
<u>finds that the information submitted under that division is</u>	64664
<u>insufficient.</u>	64665
<u>(C) Each state institution of higher education shall</u>	64666
<u>immediately inform the chancellor if the state institution does</u>	64667
<u>any of the following:</u>	64668
<u>(1) Receives notice from the federal government or an</u>	64669
<u>institutional accrediting organization that the state</u>	64670
<u>institution is subject to heightened reporting standards or</u>	64671
<u>special monitoring status, such as the United States department</u>	64672
<u>of education's heightened cash monitoring process;</u>	64673
<u>(2) Receives preliminary or final accreditation findings;</u>	64674
<u>(3) Becomes the subject of an investigation by a</u>	64675

<u>government agency related to the institution's academic quality,</u>	64676
<u>financial stability, or student consumer protection;</u>	64677
<u>(4) Requests an advance of a state subsidy;</u>	64678
<u>(5) Fails to make any payments to applicable retirement</u>	64679
<u>systems, such as the public employees retirement system or the</u>	64680
<u>state teachers retirement system;</u>	64681
<u>(6) Fails to make any scheduled payroll payments;</u>	64682
<u>(7) Fails to make any payments to vendors when due as a</u>	64683
<u>result of a cash deficiency or a substantial deficiency in the</u>	64684
<u>payment processing system of the state institution;</u>	64685
<u>(8) Fails to make any scheduled payment of principal or</u>	64686
<u>interest for short- or long-term debt;</u>	64687
<u>(9) Makes budget revisions resulting in a substantially</u>	64688
<u>reduced ending fund balance or larger deficit;</u>	64689
<u>(10) Becomes aware of significant negative variance</u>	64690
<u>between the most recently adopted annual budget and actual</u>	64691
<u>revenues or expenses as projected at the end of the fiscal year.</u>	64692
<b>Sec. 3333.129.</b> (A) The "Teach CS" grant program is	64693
established to <del>fund coursework, materials, and exams to support</del>	64694
<del>the increasing</del> <u>the number of existing</u> Ohio teachers who qualify	64695
to teach computer science, <u>or expand the knowledge of existing</u>	64696
<u>teachers,</u> through all of the following:	64697
(1) A supplemental license that involves a mentorship-	64698
based pathway for existing teachers;	64699
(2) A university endorsement program that involves a	64700
coursework-based path for existing teachers;	64701
(3) An alternative resident educator licensure pathway for	64702

industry experts and other nonteachers; 64703

(4) A continuing education program that offers 64704  
professional development to existing teachers, including those 64705  
that teach pre-kindergarten to twelve who are generalists and 64706  
those seeking advanced content knowledge. 64707

The chancellor of higher education shall administer the 64708  
program. Funds may be spent on coursework, materials, exams, 64709  
teacher stipends, performance-based incentives, and for other 64710  
purposes as determined by the chancellor to support the 64711  
expansion of computer science education. 64712

(B) The chancellor, in consultation with the department of 64713  
education and workforce, shall develop an application process 64714  
and criteria for awards. Priority may be given to education 64715  
consortia that include economically disadvantaged schools in 64716  
which there are limited computer science courses offered or 64717  
where there is an unmet need for teachers credentialed to teach 64718  
computer science courses, as determined by the chancellor. 64719

**Sec. 3333.1210.** (A) Beginning with first-time scholarships 64720  
awarded for fiscal year 2027, each student who accepts a 64721  
scholarship under the governor's merit scholarship program shall 64722  
commit to residing in this state for the three years immediately 64723  
following the individual's graduation from an institution of 64724  
higher education in this state except as provided in division 64725  
(C) of this section. 64726

(B) Each student who accepts a scholarship under the 64727  
governor's merit scholarship program shall sign a promissory 64728  
note payable to the state. The amount payable under the note 64729  
shall be the amount of total scholarship funds accepted by the 64730  
individual under the program. The chancellor of higher education 64731

shall determine the period of repayment under the note. The 64732  
chancellor shall not charge an interest rate on such payments. 64733  
If either of the following apply, the promissory takes immediate 64734  
effect: 64735

(1) The individual does not satisfy the residency 64736  
requirement under this section. 64737

(2) The individual disenrolls from an institution of 64738  
higher education in this state without graduating or transfers 64739  
to an institution of higher education in another state. 64740

(C) A promissory note under this section shall not take 64741  
immediate effect if a student does not complete the residency 64742  
requirement because the student pursues a graduate degree at an 64743  
institution of higher education that is not located in this 64744  
state. In that event, the individual shall complete the 64745  
residency requirement under this section after receiving that 64746  
graduate degree. 64747

(D) The note shall stipulate that the obligation to make 64748  
payments under the note is canceled if either of the following 64749  
apply: 64750

(1) The student meets the residency requirement under this 64751  
section. 64752

(2) The student dies or becomes totally and permanently 64753  
disabled. 64754

**Sec. 3333.13.** As used in sections 3333.13 to 3333.137 of 64755  
the Revised Code, "employed as a service attorney" means ~~either~~ 64756  
any of the following: 64757

(A) An attorney who works a minimum of thirty-five hours 64758  
per week for a minimum of forty-five weeks each service year and 64759

who is employed by any of the following: 64760

(1) The state public defender; 64761

(2) The prosecuting attorney of a county; 64762

(3) A county public defender commission; 64763

(4) A joint county public defender commission to represent 64764  
indigent persons. 64765

(B) Counsel appointed by the court or selected by an 64766  
indigent person under division (E) of section 120.16 or division 64767  
(E) of section 120.26 of the Revised Code, who works in an area 64768  
designated as an underserved community under section 3333.132 of 64769  
the Revised Code for a minimum of five hundred twenty hours each 64770  
service year. 64771

(C) An attorney engaged in the private practice of law, 64772  
who practices civil law, and who works in an area designated as 64773  
an underserved community under section 3333.132 of the Revised 64774  
Code for a minimum of five hundred twenty hours each service 64775  
year. 64776

**Sec. 3333.131.** There is hereby created the rural practice 64777  
incentive program, which shall be administered by the chancellor 64778  
of higher education. The purpose of the program is to provide 64779  
loan repayment on behalf of attorneys who agree to employment or 64780  
practice as service attorneys in areas designated as underserved 64781  
communities by the chancellor pursuant to section 3333.132 of 64782  
the Revised Code. 64783

Under the program, the chancellor, ~~by means of a contract~~ 64784  
~~entered into under section 3333.135 of the Revised Code,~~ may 64785  
agree to repay up to the amount set pursuant to section 3333.135 64786  
of the Revised Code of the principal and interest of a 64787

government or other educational loan taken by an individual for 64788  
the following expenses, ~~so long as the expenses were incurred~~ 64789  
~~while the individual was enrolled in a law school in the United~~ 64790  
~~States that was, during the time enrolled, accredited by the~~ 64791  
~~American bar association, or a law school located outside the~~ 64792  
~~United States for which the individual received a foreign~~ 64793  
~~equivalency evaluation:~~ 64794

(A) Tuition; 64795

(B) Other educational expenses, such as fees, books, and 64796  
expenses, for specific purposes and in amounts determined to be 64797  
reasonable by the chancellor; 64798

(C) Room and board, in an amount determined reasonable by 64799  
the chancellor. 64800

**Sec. 3333.132.** Each biennium, the chancellor of higher 64801  
education shall designate by rule any county with a ratio of 64802  
attorneys maintaining interest-bearing trust accounts pursuant 64803  
to section 4705.09 of the Revised Code to the population in the 64804  
county equal to or less than one to ~~seven~~ fifteen hundred as an 64805  
underserved community. The Ohio access to justice foundation, 64806  
pursuant to division (A) of section 120.521 of the Revised Code, 64807  
shall assist the chancellor by determining the ratio described 64808  
in this section. 64809

**Sec. 3333.133.** (A) An individual who meets all of the 64810  
following requirements may apply for participation in the rural 64811  
practice incentive program: 64812

(1) The individual is a citizen of the United States, a 64813  
national of the United States, or a permanent resident of the 64814  
United States. 64815

(2) The individual either: 64816

- (a) Is a student enrolled in the final year of law school; 64817  
or 64818
- (b) Has been admitted to the practice of law in this state 64819  
by the Ohio supreme court for less than ~~eight~~ twelve years and 64820  
remains in good standing. 64821
- (3) The individual is not enrolled in ~~any other state or~~ 64822  
~~federally funded student loan repayment or debt forgiveness~~ 64823  
~~program, including under the public service loan forgiveness~~ 64824  
program, 34 C.F.R. 685.219, or the "John R. Justice Prosecutors 64825  
and Defenders Incentive Act of 2008," 34 U.S.C. 10671 et seq. 64826
- (B) An application for participation in the rural practice 64827  
incentive program shall be submitted to the chancellor of higher 64828  
education on a form that the chancellor shall prescribe. The 64829  
individual shall submit the following information with an 64830  
application: 64831
- (1) The individual's name, permanent address or address at 64832  
which the individual is currently residing if different from the 64833  
permanent address, and telephone number; 64834
- (2) The law school the individual is attending or 64835  
attended, the dates of attendance, and verification of 64836  
attendance; 64837
- (3) The individual's employer, as applicable; 64838
- (4) A summary and verification of the educational expenses 64839  
for which the individual seeks reimbursement under the program; 64840
- (5) Verification that the individual has been admitted to 64841  
the practice of law in this state for less than eight years by 64842  
the Ohio supreme court and remains in good standing, unless the 64843  
individual is a student; 64844

(6) Verification the individual is a citizen of the United States, a national of the United States, or a permanent resident of the United States. 64845  
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**Sec. 3333.134.** If funds are available in the rural practice incentive fund created under section 3333.136 of the Revised Code and the general assembly has appropriated funds for the rural practice incentive program, the chancellor of higher education shall approve an individual for participation in the program, for reimbursement up to fifty thousand dollars, if the chancellor finds that the individual is eligible for participation in the program. 64848  
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Upon approval, the chancellor shall notify and enter into discussions with the individual. The object of the discussions is to facilitate the recruitment of the individual to become or remain employed as a service attorney within an underserved community. 64856  
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If the chancellor and individual agree on the individual's employment as a service attorney within an underserved community, the individual shall prepare, sign, and deliver to the chancellor a letter of intent agreeing to that placement. 64861  
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~~The chancellor shall approve individuals for participation in the rural practice incentive program in a manner proportionate to the number of each of the following types of attorneys who apply to the program, with an aim toward disbursing loan repayments equitably among each type:~~ 64865  
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~~(A) Attorneys employed by the prosecuting attorney of a county;~~ 64870  
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~~(B) Attorneys employed by the state public defender, a county public defender commission, or a joint county public~~ 64872  
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~~defender commission to represent indigent persons;~~ 64874

~~(C) Attorneys described in division (B) of section 3333.13  
of the Revised Code.~~ 64875  
64876

**Sec. 3333.135.** (A) After signing a letter of intent under 64877  
section 3333.134 of the Revised Code, an individual ~~and the~~ 64878  
~~chancellor of higher education may enter into a contract for the~~ 64879  
~~individual's participation in the rural practice incentive~~ 64880  
~~program. The individual's employer also may be a party to the~~ 64881  
~~contract shall sign a promissory note payable to the state in the~~ 64882  
~~event that the individual does not satisfy the service~~ 64883  
~~obligation of division (B) of this section and as outlined in~~ 64884  
~~the note. The amount payable under the note shall be the amount~~ 64885  
~~corresponding to the agreed upon service obligation as outlined~~ 64886  
~~in division (C) of this section.~~ 64887

(B) The ~~contract individual~~ shall include all of the 64888  
~~following obligations:~~ 64889

~~(1) The individual agrees to remain employed as a service~~ 64890  
~~attorney within the underserved community identified in the~~ 64891  
~~letter of intent for the number of hours and duration specified~~ 64892  
~~in the contract promissory note;~~ 64893

~~(2)(C)~~ The chancellor ~~agrees shall agree~~, as provided in 64894  
section 3333.131 of the Revised Code, to repay, so long as the 64895  
individual satisfies the service obligation agreed to under 64896  
division ~~(B)(1)~~ (B) of this section, the following amount of the 64897  
principal and interest of a government or other educational loan 64898  
taken by the individual for expenses described in section 64899  
3333.131 of the Revised Code: 64900

~~(a)(1)~~ For a three-year service obligation, up to thirty 64901  
thousand dollars; 64902

~~(b)~~ (2) For an additional fourth or fifth year of service, 64903  
up to an additional twenty thousand dollars. 64904

~~(3)~~ The individual agrees to pay the chancellor an amount 64905  
established by rules adopted under section 3333.137 of the 64906  
Revised Code if the individual fails to complete the service- 64907  
obligation agreed to under division (B)(1) of this section. 64908

~~(C)~~ (D) The ~~contract~~ promissory note shall include ~~the~~ 64909  
following terms as agreed upon by the parties prescribed by the 64910  
chancellor, including: 64911

(1) The individual's required length of service in the 64912  
underserved community, which must be at least three years with 64913  
an optional fourth year and optional fifth year; 64914

~~(2)(a)~~ In the case of an attorney employed by the state 64915  
public defender, the prosecuting attorney of a county, a county- 64916  
public defender commission, or a joint county public defender- 64917  
commission, the number of weekly hours the individual will be 64918  
engaged in practice in the underserved community; 64919

~~(b)~~ In the case of private counsel appointed by the court 64920  
or selected by an indigent person pursuant to Chapter 120. of 64921  
the Revised Code, the number of hours over the service year the 64922  
individual will be engaged in practice in the underserved- 64923  
community. 64924

~~(3)~~ The maximum amount that the chancellor will repay on 64925  
behalf of the individual. 64926

~~(D)~~ (E) If the amount specified in division ~~(C)~~ (3) (D) (2) of 64927  
this section includes federal funds, the amount of state funds 64928  
repaid on the individual's behalf shall be the same as the 64929  
amount of those federal funds. 64930

<b>Sec. 3333.164.</b> (A) As used in this section, <del>"state</del> <u>:</u>	64931
<u>(1) "Armed forces" has the same meaning as in section</u>	64932
<u>3313.471 of the Revised Code.</u>	64933
<u>(2) "Private institution of higher education" has the same</u>	64934
<u>meaning as in section 5919.34 of the Revised Code.</u>	64935
<u>(3) "State institution of higher education" has the same</u>	64936
<u>meaning as in section 3345.011 of the Revised Code.</u>	64937
(B) <del>Not later than December 31, 2014, the</del> <u>The</u> chancellor	64938
of higher education shall do all of the following with regard to	64939
the awarding of college credit for military training,	64940
experience, and coursework:	64941
(1) Develop a set of standards and procedures for state	64942
institutions of higher education to utilize in the granting of	64943
college credit for military training, experience, and	64944
coursework;	64945
(2) Create a military articulation and transfer assurance	64946
guide for college credit that is earned through military	64947
training, experience, and coursework. The chancellor shall use	64948
the current articulation and transfer policy adopted pursuant to	64949
section 3333.16 of the Revised Code as a model in developing	64950
this guide.	64951
(3) Create a web site that contains information related to	64952
the awarding of college credit for military training,	64953
experience, and coursework. The web site shall include both of	64954
the following:	64955
(a) Standardized resources that address frequently asked	64956
questions regarding the awarding of such credit and related	64957
issues;	64958

(b) A statewide database that shows how specified military training, experience, and coursework translates to college credit. 64959  
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(4) Develop a statewide training program that prepares faculty and staff of state institutions of higher education to evaluate various military training, experience, and coursework and to award appropriate equivalent credit. The training program shall incorporate the best practices of awarding credit for military experiences, including both the recommendations of the American council on education and the standards developed by the council for adult and experiential learning. 64962  
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(C) ~~Beginning on July 1, 2015, state~~ State institutions of higher education shall ensure that appropriate equivalent credit is awarded for military training, experience, and coursework that meet the standards developed by the chancellor pursuant to this section. 64970  
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(D) Notwithstanding any provision of law to the contrary, the chancellor may require a state institution of higher education or a private institution of higher education to establish a process to systematically evaluate military training, experience, and coursework and to award appropriate equivalent college credit to a student who is a veteran of the armed forces. The chancellor may adopt rules to implement this division. 64975  
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**Sec. 3333.24.** (A) As used in this section: 64983

(1) "Eligible student" means a student to whom all of the following apply: 64984  
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(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 64986  
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3333.31 of the Revised Code. 64988

(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded. 64989  
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(c) The student enrolls in a qualified program at a community, state community, or technical college, an Ohio technical center, or a state university branch campus. 64992  
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(2) "Qualified program" means either of the following: 64995

(a) For a student who received a first-time grant under this section prior to the effective date of this amendment, a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria: 64996  
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~~(a)~~(i) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation. 65001  
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~~(b)~~(ii) It is submitted by a community, state community, or technical college, an Ohio technical center, or a state university branch campus and will meet regional workforce needs, as approved by the chancellor. 65003  
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(b) For a student who receives a first-time grant under this section on or after the effective date of this amendment, a program that meets alternative criteria established by the chancellor of higher education, in consultation with the office of workforce transformation, based on the emerging workforce needs of the state. 65007  
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(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible 65013  
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students enrolled in a qualified program. Grant award amounts 65016  
made to eligible students enrolled on either a full-time or 65017  
part-time basis shall be computed in accordance with rules 65018  
adopted by the chancellor. No student shall be eligible to 65019  
receive a grant for more than six semesters or the equivalent of 65020  
three academic years. 65021

(C) Eligible students shall apply to participate in the 65022  
program in a form and manner prescribed by the chancellor. The 65023  
chancellor shall determine the form and manner of payments. 65024

(D) (1) The program shall be funded in the sums and manner 65025  
designated for such purpose by the general assembly, but the 65026  
chancellor also may receive funds from other sources to support 65027  
the program. 65028

(2) If, for any academic year, the amounts available for 65029  
support of the program are inadequate to provide grants to all 65030  
eligible students, the chancellor may establish different grant 65031  
amounts based on the number of applicants and the total amount 65032  
of funds set aside for that purpose. 65033

(E) The chancellor, in consultation with the providers of 65034  
qualified programs, shall collect and report program metrics 65035  
that include all of the following: 65036

(1) Demographics of recipients, including: 65037

(a) Age, disaggregated as follows: 65038

(i) Twenty-four years and younger; 65039

(ii) Twenty-five to thirty-four years; 65040

(iii) Thirty-five to forty-nine years; 65041

(iv) Fifty years and older. 65042

(b) Gender;	65043
(c) Race and ethnicity;	65044
(d) Enrollment status as full- or part-time;	65045
(e) Pell grant status.	65046
(2) Success rates of recipients, including program retention and completion;	65047 65048
(3) Total number of industry-recognized credentials, <u>including technician-aligned associate degrees,</u> awarded, disaggregated by subject or program area.	65049 65050 65051
<b>Sec. 3333.374.</b> (A) <del>After receipt of recommendations from the scholarship rules advisory committee or if no recommendations are received, the</del> <u>The</u> chancellor of higher education, with the approval of the treasurer of state, shall adopt rules, in accordance with Chapter 119. of the Revised Code, establishing policy guidelines for the implementation of the scholarship and fellowship programs.	65052 65053 65054 65055 65056 65057 65058
(B) Nothing in this section <del>or section 3333.373 of the Revised Code</del> shall prevent the chancellor, with the approval of the treasurer of state, from amending or rescinding rules adopted pursuant to division (A) of this section, or from adopting new rules, in accordance with Chapter 119. of the Revised Code, from time to time as are necessary to further the purposes of sections 3333.37 to 3333.375 of the Revised Code.	65059 65060 65061 65062 65063 65064 65065
<b>Sec. 3333.96.</b> (A) <u>The strategic square footage reduction fund is created in the state treasury. The fund shall consist of money credited or transferred to it and grants, gifts, and contributions made directly to it. In addition to any such money, gift, or contribution, funds may be transferred from the</u>	65066 65067 65068 65069 65070

Ohio tuition trust reserve fund to the strategic square footage 65071  
reduction fund, in accordance with section 3334.11 of the 65072  
Revised Code. 65073

(B) The strategic square footage reduction fund shall be 65074  
used to make revolving loans to state institutions of higher 65075  
education, as defined in section 3345.011 of the Revised Code, 65076  
that enable the voluntary reduction of physical square footage. 65077

(C) The chancellor of higher education shall administer 65078  
and award, in consultation with the Ohio facilities construction 65079  
commission, the revolving loans described in division (B) of 65080  
this section. The chancellor, in consultation with the 65081  
commission, shall establish all of the following: 65082

(1) Procedures and forms by which state institutions of 65083  
higher education may apply for a loan; 65084

(2) A competitive process for ranking applicants and 65085  
awarding the loans, with priority consideration given to state 65086  
institutions of higher education that have experienced a 65087  
decrease in their general student populations, as determined by 65088  
the chancellor; 65089

(3) Procedures and timelines for distributing loans and 65090  
collecting payments for the strategic square footage reduction 65091  
fund. 65092

(D) Each state institution of higher education shall 65093  
include in its application all of the following: 65094

(1) The extent to which the square footage may have value 65095  
if sold or reallocated to serve other purposes, which may 65096  
include kindergarten through twelve, career-technical, or adult 65097  
educational purposes, community interests, or business and 65098  
industry partnerships; 65099

<u>(2) The relative age and condition of the facilities to be deconstructed;</u>	65100 65101
<u>(3) Historical enrollment patterns as well as future enrollment projections;</u>	65102 65103
<u>(4) The composition of classes offered in person versus in an online format;</u>	65104 65105
<u>(5) The level of deferred maintenance;</u>	65106
<u>(6) The prior level of state investment;</u>	65107
<u>(7) The amount of annual operating expenses defrayed by eliminating the square footage;</u>	65108 65109
<u>(8) A report from the office of budget and management detailing the extent and the status of past capital budget appropriations supporting the project and the existence of any outstanding bonded debt derived from such support.</u>	65110 65111 65112 65113
<u>The chancellor and the Ohio facilities construction commission shall consider the information supplied under this division in making final awards.</u>	65114 65115 65116
<u>(E) Each state institution of higher education that receives a loan under this section annually shall certify to the chancellor, on a date and in such form and manner as prescribed by the chancellor, a summary of financial information regarding the loan.</u>	65117 65118 65119 65120 65121
<u>(F) Prior to a state institution using the loan to pay the demolition costs of a facility, the following shall occur:</u>	65122 65123
<u>(1) The board of trustees of that institution shall adopt a resolution approving the demolition.</u>	65124 65125
<u>(2) Notwithstanding anything to the contrary in the</u>	65126

Revised Code, any net proceeds received from any demolition of 65127  
real property made pursuant to this section shall, at the 65128  
direction of the director of budget and management, be credited 65129  
to the strategic square footage reduction fund. 65130

(G) Each state institution of higher education receiving 65131  
loans under this section shall not construct any new facility 65132  
during the time period in which demolition is occurring. 65133

**Sec. 3334.11.** (A) The assets of the Ohio tuition trust 65134  
authority reserved for payment of the obligations of the 65135  
authority pursuant to tuition payment contracts shall be placed 65136  
in a fund, which is hereby created and shall be known as the 65137  
Ohio tuition trust fund. The fund shall be in the custody of the 65138  
treasurer of state, but shall not be part of the state treasury. 65139  
That portion of payments received by the authority or the 65140  
treasurer of state from persons purchasing tuition units under 65141  
tuition payment contracts that the authority determines is 65142  
actuarially necessary for the payment of obligations of the 65143  
authority pursuant to tuition payment contracts, all interest 65144  
and investment income earned by the fund, and all other receipts 65145  
of the authority from any other source that the authority 65146  
determines appropriate, shall be deposited in the fund. No 65147  
purchaser or beneficiary of tuition units shall have any claim 65148  
against the funds of any state institution of higher education. 65149  
All investment fees and other costs incurred in connection with 65150  
the exercise of the investment powers of the authority pursuant 65151  
to divisions (D) and (E) of this section shall be paid from the 65152  
assets of the fund. 65153

(B) Unless otherwise provided by the authority, the assets 65154  
of the Ohio tuition trust fund shall be expended in the 65155  
following order: 65156

(1) To make payments to beneficiaries, or institutions of higher education on behalf of beneficiaries, under division (B) of section 3334.09 of the Revised Code; 65157  
65158  
65159

(2) To make refunds as provided in divisions (A) and (C) of section 3334.10 of the Revised Code; 65160  
65161

(3) To pay the investment fees and other costs of administering the fund. 65162  
65163

(C) (1) Except as may be provided in an agreement under division (A) (19) of section 3334.08 of the Revised Code, all disbursements from the Ohio tuition trust fund shall be made by the treasurer of state on order of a designee of the authority. 65164  
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(2) The treasurer of state shall deposit any portion of the Ohio tuition trust fund not needed for immediate use in the same manner as state funds are deposited. 65168  
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(D) The authority is the trustee of the Ohio tuition trust fund. The authority shall have full power to invest the assets of the fund and in exercising this power shall be subject to the limitations and requirements contained in divisions (K) to (M) of this section and sections 145.112 and 145.113 of the Revised Code. The evidences of title of all investments shall be delivered to the treasurer of state or to a qualified trustee designated by the treasurer of state as provided in section 135.18 of the Revised Code. Assets of the fund shall be administered by the authority in a manner designed to be actuarially sound so that the assets of the fund will be sufficient to satisfy the obligations of the authority pursuant to tuition payment contracts and defray the reasonable expenses of administering the fund. 65171  
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(E) The authority may enter into an agreement with any 65185

business, entity, or governmental agency to perform the 65186  
investment duties of the authority as set forth in division (D) 65187  
of this section. The investment powers shall be exercised by the 65188  
business, entity, or governmental agency that entered into an 65189  
agreement with the authority in a manner agreed upon by the 65190  
authority that maximizes the return on investment and minimizes 65191  
the administrative expenses. 65192

(F) (1) The authority shall maintain a separate account for 65193  
each tuition payment contract entered into pursuant to division 65194  
(A) of section 3334.09 of the Revised Code for the purchase of 65195  
tuition units on behalf of a beneficiary or beneficiaries 65196  
showing the beneficiary or beneficiaries of that contract and 65197  
the number of tuition units purchased pursuant to that contract. 65198  
Upon request of any beneficiary or person who has entered into a 65199  
tuition payment contract, the authority shall provide a 65200  
statement indicating, in the case of a beneficiary, the number 65201  
of tuition units purchased on behalf of the beneficiary, or in 65202  
the case of a person who has entered into a tuition payment 65203  
contract, the number of tuition units purchased, used, or 65204  
refunded pursuant to that contract. A beneficiary and person 65205  
that have entered into a tuition payment contract each may file 65206  
only one request under this division in any year. 65207

(2) The authority shall maintain an account for each 65208  
scholarship program showing the number of tuition units that 65209  
have been purchased for or donated to the program and the number 65210  
of tuition units that have been used. Upon the request of the 65211  
entity that established the scholarship program, the authority 65212  
shall provide a statement indicating these numbers. 65213

(G) (1) In addition to the Ohio tuition trust fund, there 65214  
is hereby established a reserve fund that shall be in the 65215

custody of the treasurer of state but shall not be part of the 65216  
state treasury, and shall be known as the Ohio tuition trust 65217  
reserve fund, and an operating fund that shall be part of the 65218  
state treasury, and shall be known as the Ohio tuition trust 65219  
operating fund. That portion of payments received by the 65220  
authority or the treasurer of state from persons purchasing 65221  
tuition units under tuition payment contracts that the authority 65222  
determines is not actuarially necessary for the payment of 65223  
obligations of the authority pursuant to tuition payment 65224  
contracts, any interest and investment income earned by the 65225  
reserve fund, any administrative charges and fees imposed by the 65226  
authority on transactions under this chapter or on purchasers or 65227  
beneficiaries of tuition units, and all other receipts from any 65228  
other source that the authority determines appropriate, shall be 65229  
deposited in the reserve fund to pay the operating expenses of 65230  
the authority and the costs of administering the program. The 65231  
assets of the reserve fund may be invested in the same manner 65232  
and subject to the same limitations set forth in divisions (D), 65233  
(E), and (K) to (M) of this section and sections 145.112 and 65234  
145.113 of the Revised Code. All investment fees and other costs 65235  
incurred in connection with the exercise of the investment 65236  
powers shall be paid from the assets of the reserve fund. Except 65237  
as otherwise provided for in this chapter, all operating 65238  
expenses of the authority and costs of administering the program 65239  
shall be paid from the operating fund. 65240

(2) The treasurer of state shall, upon request of the 65241  
authority, transfer funds from the reserve fund to the operating 65242  
fund as the authority determines appropriate to pay those 65243  
current operating expenses of the authority and costs of 65244  
administering the program as the authority designates. Any 65245  
interest or investment income earned on the assets of the 65246

operating fund shall be deposited in the operating fund. 65247

(3) The treasurer of state shall, upon request by the 65248  
chancellor of higher education and approval by the director of 65249  
budget and management, transfer funds from the reserve fund to 65250  
the strategic square footage reduction fund created under 65251  
section 3333.96 of the Revised Code. 65252

(H) In January of each year the authority shall report to 65253  
each person who received any payments or refunds from the 65254  
authority during the preceding year information relative to the 65255  
value of the payments or refunds to assist in determining that 65256  
person's tax liability. 65257

(I) The authority shall report to the tax commissioner any 65258  
information, and at the times, as the tax commissioner requires 65259  
to determine any tax liability that a person may have incurred 65260  
during the preceding year as a result of having received any 65261  
payments or refunds from the authority. 65262

(J) All records of the authority indicating the identity 65263  
of purchasers and beneficiaries of tuition units or college 65264  
savings bonds, the number of tuition units purchased, used, or 65265  
refunded under a tuition payment contract, and the number of 65266  
college savings bonds purchased, held, or redeemed are not 65267  
public records within the meaning of section 149.43 of the 65268  
Revised Code. 65269

(K) (1) The authority and other fiduciaries shall discharge 65270  
their duties with respect to the funds with care, skill, 65271  
prudence, and diligence under the circumstances then prevailing 65272  
that a prudent person acting in a like capacity and familiar 65273  
with such matters would use in the conduct of an enterprise of a 65274  
like character and with like aims; and by diversifying the 65275

investments of the assets of the funds so as to minimize the 65276  
risk of large losses, unless under the circumstances it is 65277  
clearly prudent not to do so. 65278

(2) To facilitate investment of the funds, the authority 65279  
may establish a partnership, trust, limited liability company, 65280  
corporation, including a corporation exempt from taxation under 65281  
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 65282  
amended, or any other legal entity authorized to transact 65283  
business in this state. 65284

(L) In exercising its fiduciary responsibility with 65285  
respect to the investment of the assets of the funds, it shall 65286  
be the intent of the authority to give consideration to 65287  
investments that enhance the general welfare of the state and 65288  
its citizens where the investments offer quality, return, and 65289  
safety comparable to other investments currently available to 65290  
the authority. In fulfilling this intent, equal consideration 65291  
shall also be given to investments otherwise qualifying under 65292  
this section that involve minority owned and controlled firms 65293  
and firms owned and controlled by women, either alone or in 65294  
joint venture with other firms. 65295

The authority shall adopt, in regular meeting, policies, 65296  
objectives, or criteria for the operation of the investment 65297  
program that include asset allocation targets and ranges, risk 65298  
factors, asset class benchmarks, time horizons, total return 65299  
objectives, and performance evaluation guidelines. In adopting 65300  
policies and criteria for the selection of agents with whom the 65301  
authority may contract for the administration of the assets of 65302  
the funds, the authority shall give equal consideration to 65303  
minority owned and controlled firms, firms owned and controlled 65304  
by women, and ventures involving minority owned and controlled 65305

firms and firms owned and controlled by women that otherwise 65306  
meet the policies and criteria established by the authority. 65307  
Amendments and additions to the policies and criteria shall be 65308  
adopted in regular meeting. The authority shall publish its 65309  
policies, objectives, and criteria under this provision no less 65310  
often than annually and shall make copies available to 65311  
interested parties. 65312

When reporting on the performance of investments, the 65313  
authority shall comply with the performance presentation 65314  
standards established by the association for investment 65315  
management and research. 65316

(M) All investments shall be purchased at current market 65317  
prices and the evidences of title of the investments shall be 65318  
placed in the hands of the treasurer of state, who is hereby 65319  
designated as custodian thereof, or in the hands of the 65320  
treasurer of state's authorized agent. The treasurer of state or 65321  
the agent shall collect the principal, dividends, distributions, 65322  
and interest thereon as they become due and payable and place 65323  
them when so collected into the custodial funds. 65324

The treasurer of state shall pay for investments purchased 65325  
by the authority on receipt of written or electronic 65326  
instructions from the authority or the authority's designated 65327  
agent authorizing the purchase and pending receipt of the 65328  
evidence of title of the investment by the treasurer of state or 65329  
the treasurer of state's authorized agent. The authority may 65330  
sell investments held by the authority, and the treasurer of 65331  
state or the treasurer of state's authorized agent shall accept 65332  
payment from the purchaser and deliver evidence of title of the 65333  
investment to the purchaser on receipt of written or electronic 65334  
instructions from the authority or the authority's designated 65335

agent authorizing the sale, and pending receipt of the moneys 65336  
for the investments. The amount received shall be placed in the 65337  
custodial funds. The authority and the treasurer of state may 65338  
enter into agreements to establish procedures for the purchase 65339  
and sale of investments under this division and the custody of 65340  
the investments. 65341

No purchase or sale of any investment shall be made under 65342  
this section except as authorized by the authority. 65343

Any statement of financial position distributed by the 65344  
authority shall include fair value, as of the statement date, of 65345  
all investments held by the authority under this section. 65346

**Sec. 3335.39.** (A) (1) The Salmon P. Chase center for 65347  
civics, culture, and society is established as an independent 65348  
academic unit within the Ohio state university, ~~physically~~ 65349  
~~located in the college of public affairs.~~ The center shall 65350  
conduct teaching and research in the historical ideas, 65351  
traditions, and texts that have shaped the American 65352  
constitutional order and society. 65353

(2) The center shall establish bylaws requiring the center 65354  
to do all of the following: 65355

(a) Educate students by means of free, open, and rigorous 65356  
intellectual inquiry to seek the truth; 65357

(b) Affirm its duty to equip students with the skills, 65358  
habits, and dispositions of mind they need to reach their own 65359  
informed conclusions on matters of social and political 65360  
importance; 65361

(c) Affirm the value of intellectual diversity in higher 65362  
education and aspire to enhance the intellectual diversity of 65363  
the university; 65364

(d) Affirm a commitment to create a community dedicated to 65365  
an ethic of civil and free inquiry, which respects the 65366  
intellectual freedom of each member, supports individual 65367  
capacities for growth, and welcomes the differences of opinion 65368  
that shall naturally exist in a public university community. 65369

The requirements prescribed under divisions (A) (2) (a) to 65370  
(d) of this section shall take priority over any other bylaws 65371  
adopted by the center. 65372

(3) The board of trustees of the university may change the 65373  
name of the center in accordance with the philanthropic naming 65374  
policies and practices of the university. 65375

~~(B)~~ (B) (1) The center shall be an independent academic unit 65376  
~~physically located at the college of public affairs with the~~ 65377  
authority to house tenure-track faculty who hold their 65378  
appointments within the center. Faculty appointed to the center 65379  
shall not be required, but may, hold joint appointments within 65380  
any other division of the university. Not fewer than fifteen 65381  
tenure-track faculty positions shall be allotted to teach under 65382  
the center. No faculty outside of the center shall have the 65383  
authority to block faculty hires into the center. 65384

(2) The university shall provide adequate and appropriate 65385  
space for the center as jointly determined by the director and 65386  
either the president or provost of the university. The 65387  
university shall not charge or assess overhead or indirect fees, 65388  
costs, expenses, or charges to the center. 65389

(C) (1) The center shall offer instruction in all of the 65390  
following: 65391

(a) The books and major debates which form the 65392  
intellectual foundation of free societies, especially that of 65393

the United States; 65394

(b) The principles, ideals, and institutions of the 65395  
American constitutional order; 65396

(c) The foundations of responsible leadership and informed 65397  
citizenship. 65398

(2) The center also shall focus on both of the following: 65399

(a) Offering university-wide programming related to the 65400  
values of free speech and civil discourse; 65401

(b) Expanding the intellectual diversity of the 65402  
university's academic community. 65403

(D) (1) ~~Not later than November 20, 2023, the~~ The board of 65404  
trustees of the university shall appoint, with the advice and 65405  
consent of the senate, a seven-member Chase center academic 65406  
council. An initial member shall not begin service until 65407  
confirmed by the senate. Four members shall form a quorum. 65408

(2) The academic council shall be comprised of scholars 65409  
with relevant expertise and experience. Not more than one member 65410  
of the council may be an employee of the university. Best 65411  
efforts shall be made to have not fewer than three members of 65412  
the advisory board be from Ohio. 65413

(3) Three members of the academic council shall serve 65414  
initial terms of two years and four members shall serve initial 65415  
terms of four years, which the members shall determine at their 65416  
first meeting, and select replacements for vacant seats. 65417

(E) (1) The academic council established under division (D) 65418  
of this section shall conduct a nationwide search for candidates 65419  
for the director of the center and shall strictly adhere to all 65420  
relevant state and federal laws. The academic council shall 65421

submit to the president of the university a list of finalists 65422  
from which the president shall select and appoint a director, 65423  
subject to approval by the board of trustees. Future directors 65424  
shall be chosen in the same manner. 65425

(2) The director shall have the protection of tenure or 65426  
tenure eligibility. The director shall ~~consult with the dean of~~ 65427  
~~the college of public affairs; however, the director shall~~ 65428  
report directly to the provost or the president of the 65429  
university. 65430

(3) The director shall have the sole and exclusive 65431  
authority to manage the recruitment and hiring process and to 65432  
extend offers for employment for all faculty and staff, and to 65433  
terminate employment of all staff. The director shall oversee, 65434  
develop, and approve the center's curriculum, including approval 65435  
of the center's courses that meet the university's general 65436  
education requirements. The center shall be granted the 65437  
authority to offer courses and develop certificate, minor, and 65438  
major programs as well as graduate programs, and offer degrees. 65439

(F) The director of the center shall submit an annual 65440  
report to the board of trustees of the university and the 65441  
general assembly in accordance with section 101.68 of the 65442  
Revised Code. The report shall provide a full account of the 65443  
center's achievements, opportunities, challenges, and obstacles 65444  
in the development of this academic unit. 65445

**Sec. 3339.06.** (A) (1) The Miami university center for 65446  
civics, culture, and society is established as an independent 65447  
academic unit within Miami university, ~~physically located in the~~ 65448  
~~college of arts and sciences~~. The center shall conduct teaching 65449  
and research in the historical ideas, traditions, and texts that 65450  
have shaped the American constitutional order and society. 65451

(2) The center shall establish bylaws requiring the center 65452  
to do all of the following: 65453

(a) Educate students by means of free, open, and rigorous 65454  
intellectual inquiry to seek the truth; 65455

(b) Affirm its duty to equip students with the skills, 65456  
habits, and dispositions of mind they need to reach their own 65457  
informed conclusions on matters of social and political 65458  
importance; 65459

(c) Affirm the value of intellectual diversity in higher 65460  
education and aspire to enhance the intellectual diversity of 65461  
the university; 65462

(d) Affirm a commitment to create a community dedicated to 65463  
an ethic of civil and free inquiry, which respects the 65464  
intellectual freedom of each member, supports individual 65465  
capacities for growth, and welcomes the differences of opinion 65466  
that shall naturally exist in a public university community. 65467

The requirements prescribed under divisions (A) (2) (a) to 65468  
(d) of this section shall take priority over any other bylaws 65469  
adopted by the center. 65470

(3) The board of trustees of the university may name the 65471  
center in accordance with the philanthropic naming policies and 65472  
practices of the university. 65473

~~(B)~~ (B) (1) The center shall be an independent academic unit 65474  
physically located at the college of arts and sciences with the 65475  
authority to house tenure-track faculty who hold their 65476  
appointments within the center. Faculty appointed to the center 65477  
shall not be required, but may, hold joint appointments within 65478  
any other division of the university. Not fewer than ten tenure- 65479  
track faculty positions shall be allotted to teach under the 65480

center. No faculty outside of the center shall have the 65481  
authority to block faculty hires into the center. 65482

(2) The university shall provide adequate and appropriate 65483  
space for the center as jointly determined by the director and 65484  
either the president or provost of the university. The 65485  
university shall not charge or assess overhead or indirect fees, 65486  
costs, expenses, or charges to the center. 65487

(C) (1) The center shall offer instruction in all of the 65488  
following: 65489

(a) The books and major debates which form the 65490  
intellectual foundation of free societies, especially that of 65491  
the United States; 65492

(b) The principles, ideals, and institutions of the 65493  
American constitutional order; 65494

(c) The foundations of responsible leadership and informed 65495  
citizenship. 65496

(2) The center also shall focus on both of the following: 65497

(a) Offering university-wide programming related to the 65498  
values of free speech and civil discourse; 65499

(b) Expanding the intellectual diversity of the 65500  
university's academic community. 65501

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 65502  
trustees of the university shall appoint, with the advice and 65503  
consent of the senate, a seven-member center academic council. 65504  
An initial member shall not begin service until confirmed by the 65505  
senate. Four members shall form a quorum. 65506

(2) The academic council shall be comprised of scholars 65507

with relevant expertise and experience. Not more than one member 65508  
of the council may be an employee of the university. Best 65509  
efforts shall be made to have not fewer than three members of 65510  
the advisory board be from Ohio. 65511

(3) Three members of the academic council shall serve 65512  
initial terms of two years and four members shall serve initial 65513  
terms of four years, which the members shall determine at their 65514  
first meeting, and select replacements for vacant seats. 65515

(E) (1) The academic council established under division (D) 65516  
of this section shall conduct a nationwide search for candidates 65517  
for the director of the center and shall strictly adhere to all 65518  
relevant state and federal laws. The academic council shall 65519  
submit to the president of the university a list of finalists 65520  
from which the president shall select and appoint a director, 65521  
subject to approval by the board of trustees. Future directors 65522  
shall be chosen in the same manner. 65523

(2) The director shall have the protection of tenure or 65524  
tenure eligibility. The director shall ~~consult with the dean of~~ 65525  
~~the college of arts and sciences; however, the director shall~~ 65526  
report directly to the provost or the president of the 65527  
university. 65528

(3) The director shall have the sole and exclusive 65529  
authority to manage the recruitment and hiring process and to 65530  
extend offers for employment for all faculty and staff of the 65531  
center, and to terminate employment of all staff. The director 65532  
shall oversee, develop, and approve the center's curriculum, 65533  
including approval of the center's courses that meet the 65534  
university's general education requirements. The center shall be 65535  
granted the authority to offer courses and develop certificate, 65536  
minor, and major programs as well as graduate programs, and 65537

offer degrees. 65538

(F) The director of the center shall submit an annual 65539  
report to the board of trustees of the university and the 65540  
general assembly in accordance with section 101.68 of the 65541  
Revised Code. The report shall provide a full account of the 65542  
center's achievements, opportunities, challenges, and obstacles 65543  
in the development of this academic unit. 65544

**Sec. 3344.07.** (A) (1) The Cleveland state university center 65545  
for civics, culture, and society is established as an 65546  
independent academic unit within Cleveland state university, 65547  
~~physically located in the Levin college of public affairs and~~ 65548  
~~education.~~ The center shall conduct teaching and research in the 65549  
historical ideas, traditions, and texts that have shaped the 65550  
American constitutional order and society. 65551

(2) The center shall establish bylaws requiring the center 65552  
to do all of the following: 65553

(a) Educate students by means of free, open, and rigorous 65554  
intellectual inquiry to seek the truth; 65555

(b) Affirm its duty to equip students with the skills, 65556  
habits, and dispositions of mind they need to reach their own 65557  
informed conclusions on matters of social and political 65558  
importance; 65559

(c) Affirm the value of intellectual diversity in higher 65560  
education and aspire to enhance the intellectual diversity of 65561  
the university; 65562

(d) Affirm a commitment to create a community dedicated to 65563  
an ethic of civil and free inquiry, which respects the 65564  
intellectual freedom of each member, supports individual 65565  
capacities for growth, and welcomes the differences of opinion 65566

that shall naturally exist in a public university community. 65567

The requirements prescribed under divisions (A) (2) (a) to 65568  
(d) of this section shall take priority over any other bylaws 65569  
adopted by the center. 65570

(3) The board of trustees of the university may name the 65571  
center in accordance with the philanthropic naming policies and 65572  
practices of the university. 65573

~~(B)~~ (B) (1) The center shall be an independent academic unit 65574  
physically located at the college of public affairs and 65575  
education with the authority to house tenure-track faculty who 65576  
hold their appointments within the center. Faculty appointed to 65577  
the center shall not be required, but may, hold joint 65578  
appointments within any other division of the university. Not 65579  
fewer than ten tenure-track faculty positions shall be allotted 65580  
to teach under the center. No faculty outside of the center 65581  
shall have the authority to block faculty hires into the center. 65582

(2) The university shall provide adequate and appropriate 65583  
space for the center as jointly determined by the director and 65584  
either the president or provost of the university. The 65585  
university shall not charge or assess overhead or indirect fees, 65586  
costs, expenses, or charges to the center. 65587

(C) (1) The center shall offer instruction in all of the 65588  
following: 65589

(a) The books and major debates which form the 65590  
intellectual foundation of free societies, especially that of 65591  
the United States; 65592

(b) The principles, ideals, and institutions of the 65593  
American constitutional order; 65594

(c) The foundations of responsible leadership and informed citizenship. 65595  
65596

(2) The center also shall focus on both of the following: 65597

(a) Offering university-wide programming related to the values of free speech and civil discourse; 65598  
65599

(b) Expanding the intellectual diversity of the university's academic community. 65600  
65601

(D) (1) ~~Not later than December 31, 2023, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. 65602  
65603  
An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum. 65604  
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(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio. 65607  
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(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats. 65612  
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(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit to the president of the university a list of finalists from which the president shall select and appoint a director, subject to approval by the board of trustees. Future directors shall be chosen in the same manner. 65616  
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(2) The director shall have the protection of tenure or 65624  
tenure eligibility. The director shall ~~consult with the dean of~~ 65625  
~~the college of public affairs and education; however, the~~ 65626  
~~director shall~~ report directly to the provost or the president 65627  
of the university. 65628

(3) The director shall have the sole and exclusive 65629  
authority to manage the recruitment and hiring process and to 65630  
extend offers for employment for all faculty and staff of the 65631  
center, and to terminate employment of all staff. The director 65632  
shall oversee, develop, and approve the center's curriculum, 65633  
including approval of the center's courses that meet the 65634  
university's general education requirements. The center shall be 65635  
granted the authority to offer courses and develop certificate, 65636  
minor, and major programs as well as graduate programs, and 65637  
offer degrees. 65638

(F) The director of the center shall submit an annual 65639  
report to the board of trustees of the university and the 65640  
general assembly in accordance with section 101.68 of the 65641  
Revised Code. The report shall provide a full account of the 65642  
center's achievements, opportunities, challenges, and obstacles 65643  
in the development of this academic unit. 65644

**Sec. 3345.06.** As used in this section, "state institution 65645  
of higher education" and "state university" have the same 65646  
meanings as in section 3345.011 of the Revised Code. 65647

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 65648  
section, a graduate of the twelfth grade shall be entitled to 65649  
admission without examination to any ~~college or university which~~ 65650  
~~is supported wholly or in part by the state~~ state institution of 65651  
higher education, but for unconditional admission may be 65652  
required to complete such units not included in the graduate's 65653

high school course as may be prescribed, not less than two years 65654  
prior to the graduate's entrance, by the faculty of the 65655  
institution. 65656

(2) Subject to divisions (B) and (C) of this section, each 65657  
graduate of the twelfth grade who is in the top ten per cent of 65658  
a graduating class as determined by the chancellor of higher 65659  
education shall be entitled to admission to any state 65660  
institution of higher education. If the student does not meet 65661  
the standards for unconditional admission under division (A) of 65662  
this section, a state university may delay main campus admission 65663  
and admit the student to a university branch campus. 65664

(3) Subject to divisions (B) and (C) of this section, each 65665  
graduate who is in the top five per cent of a graduating class 65666  
as determined by the chancellor shall be entitled to admission 65667  
to the main campus of a state institution of higher education, 65668  
provided the recipient meets the application and acceptance 65669  
deadlines for admission to the main campus. 65670

(4) The chancellor of higher education, in consultation 65671  
with the director of education and workforce, shall identify a 65672  
process to provide each state institution of higher education 65673  
with information on students who are eligible for admission 65674  
under divisions (A) (2) and (3) of this section. 65675

(B) Beginning with the 2014-2015 academic year, each state 65676  
university ~~listed in section 3345.011 of the Revised Code,~~ 65677  
except for Central state university, Shawnee state university, 65678  
and Youngstown state university, shall permit a resident of this 65679  
state who entered ninth grade for the first time on or after 65680  
July 1, 2010, to begin undergraduate coursework at the 65681  
university only if the person has successfully completed the 65682  
requirements for high school graduation prescribed in division 65683

(C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the chancellor of higher education or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. The university may count college credit that the student earned while in high school through the college credit plus program under Chapter 3365. of the Revised Code, or through other advanced standing programs, toward the requirements of division (B) (1) of this section if the credit may be applied toward a degree.

(2) The person qualified to graduate from high school under division (D) or (F) of section 3313.603 of the Revised Code and has successfully completed the topics or courses that the person lacked to graduate under division (C) of that section at any post-secondary institution or at a summer program at the state university. A state university may admit a person for enrollment contingent upon completion of such topics or courses or summer program.

(3) The person met the high school graduation requirements by successfully completing the person's individualized education program developed under section 3323.08 of the Revised Code.

(4) The person is receiving or has completed the final 65714  
year of education at home as authorized under section 3321.042 65715  
of the Revised Code, or has graduated from a nonchartered, 65716  
nonpublic school in Ohio, and demonstrates mastery of the 65717  
academic content and skills in reading, writing, and mathematics 65718  
needed to successfully complete introductory level coursework at 65719  
an institution of higher education and to avoid remedial 65720  
coursework. 65721

(5) The person is a high school student participating in 65722  
the college credit plus program under Chapter 3365. of the 65723  
Revised Code or another advanced standing program. 65724

(C) A state university subject to division (B) of this 65725  
section may delay admission for or admit conditionally an 65726  
undergraduate student who has successfully completed the 65727  
requirements prescribed in division (C) of section 3313.603 of 65728  
the Revised Code if the university determines the student 65729  
requires academic remedial or developmental coursework. The 65730  
university may delay admission pending, or make admission 65731  
conditional upon, the student's successful completion of the 65732  
academic remedial or developmental coursework at a university 65733  
branch, community college, state community college, or technical 65734  
college. 65735

(D) This section does not deny the right of a college of 65736  
law, medicine, or other specialized education to require college 65737  
training for admission, or the right of a department of music or 65738  
other art to require particular preliminary training or talent. 65739

**Sec. 3345.382.** (A) As used in this section, "state 65740  
institution of higher education" has the same meaning as in 65741  
section 3345.011 of the Revised Code. 65742

(B) Each state institution of higher education shall 65743  
develop a course with not fewer than three credit hours in the 65744  
subject area of American civic literacy. The course shall 65745  
include a study of the American economic system and capitalism. 65746  
The course shall comply with the criteria, policies, and 65747  
procedures established under section 3333.16 of the Revised 65748  
Code. The course may be offered under the college credit plus 65749  
program established under Chapter 3365. of the Revised Code. The 65750  
course shall, at a minimum, require each student to read all the 65751  
following: 65752

(1) The entire Constitution of the United States; 65753

(2) The entire Declaration of Independence; 65754

(3) A minimum of five essays in their entirety from the 65755  
Federalist Papers. The essays shall be selected by the 65756  
department chair. 65757

(4) The entire Emancipation Proclamation; 65758

(5) The entire Gettysburg Address; 65759

(6) The entire Letter from Birmingham Jail written by Dr. 65760  
Martin Luther King Jr; 65761

(7) The writings of Adam Smith, including a study of the 65762  
principles written in The Wealth of Nations. 65763

Any student who takes the course shall be required to pass 65764  
a cumulative final examination at the conclusion of the course 65765  
that assesses student proficiency about the documents described 65766  
in divisions (B) (1) to (7) of this section. 65767

Each state institution of higher education board of 65768  
trustees shall adopt a resolution approving a plan to offer the 65769  
course developed under this section. Each state institution 65770

shall submit that plan to the chancellor of higher education. 65771  
The chancellor shall review and approve each plan. Prior to 65772  
approving a plan, the chancellor may require a state institution 65773  
to revise the plan and the course. 65774

Each state institution of higher education board of 65775  
trustees also shall adopt a resolution specifying the conditions 65776  
under which the state institution's president or designee may 65777  
exempt a student under division (D) (3) of this section. 65778

(C) Beginning with students who graduate from a state 65779  
institution of higher education in the spring semester, or 65780  
equivalent quarter, of the 2029-2030 academic year, no state 65781  
institution of higher education shall grant a bachelor's degree 65782  
to any student unless the student completes a course described 65783  
in division (B) of this section. A state institution may require 65784  
students to complete the course as part of the institution's 65785  
general education courses of study. 65786

(D) The president of a state institution of higher 65787  
education, or the president's designee, may exempt a student 65788  
from the requirement to complete a course described in division 65789  
(B) of this section, if the president or designee determines 65790  
that the student has completed at least one of the following: 65791

(1) A course offered under the college credit plus program 65792  
established under Chapter 3365. of the Revised Code that 65793  
satisfies the content requirements described in division (B) of 65794  
this section and is approved by the chancellor; 65795

(2) An advanced placement course and examination that 65796  
satisfy the content requirements described in division (B) of 65797  
this section and are approved by the chancellor, and the student 65798  
receives a score of three or higher on that examination; 65799

(3) At least three credit hours, or the equivalent, in a course in the subject area of American history or American government which includes the study of the documents described in divisions (B) (1) to (7) of this section.

Division (D) (3) of this section does not apply after the 2030-2031 academic year.

(E) This section does not apply to associate's degree programs.

**Sec. 3345.48.** (A) As used in this section:

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of each state university shall establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in

the program. 65828

The board shall adopt rules for the program that include, 65829  
but are not limited to, all of the following: 65830

(1) The number of credit hours required to earn an 65831  
undergraduate degree in each major; 65832

(2) A guarantee that the general and instructional fees 65833  
for each student in the cohort shall remain constant for four 65834  
years so long as the student complies with the requirements of 65835  
the program, except that, notwithstanding any law to the 65836  
contrary, the board may increase the guaranteed amount by up to 65837  
six per cent above what has been charged in the previous 65838  
academic year one time for the first cohort enrolled under the 65839  
tuition guarantee program. If the board of trustees determines 65840  
that economic conditions or other circumstances require an 65841  
increase for the first cohort of above six per cent, the board 65842  
shall submit a request to increase the amount by a specified 65843  
percentage to the chancellor. The chancellor, based on 65844  
information the chancellor requires from the board of trustees, 65845  
shall approve or disapprove such a request. Thereafter, except 65846  
as provided in division (F) of this section, the board of 65847  
trustees may increase the guaranteed amount by up to ~~the sum~~ 65848  
either of the following amounts above what has been charged in 65849  
the previous academic year one time per subsequent cohort: 65850

~~(a) The average rate of inflation, as measured by the~~ 65851  
~~consumer price index prepared by the bureau of labor statistics~~ 65852  
~~of the United States department of labor (all urban consumers,~~ 65853  
~~all items), for the previous thirty-six-month period; and~~ 65854

~~(b)~~ The percentage amount the general assembly restrains 65855  
increases on in-state undergraduate instructional and general 65856

fees for the applicable fiscal year. ~~If the general assembly  
does not enact a limit on the increase of in-state undergraduate  
instructional and general fees, then no limit shall apply under  
this division for the cohort that first enrolls in any academic  
year for which the general assembly does not prescribe a limit.~~

(b) If the general assembly does not enact a limit on the  
increase as described in division (B) (2) (a) of this section, the  
average rate of inflation, as measured by the consumer price  
index prepared by the bureau of labor statistics of the United  
States department of labor (all urban consumers, all items), for  
the previous thirty-six-month period.

If, beginning with the academic year that starts four  
years after September 29, 2013, the board of trustees determines  
that the general and instructional fees charged under the  
tuition guarantee have fallen significantly lower than those of  
other state universities, the board of trustees may submit a  
request to increase the amount charged to a cohort by a  
specified percentage to the chancellor, who shall approve or  
disapprove such a request.

(3) A benchmark by which the board sets annual increases  
in general and instructional fees. This benchmark and any  
subsequent change to the benchmark shall be subject to approval  
of the chancellor.

(4) Eligibility requirements for students to participate  
in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to  
complete a degree program within four years, as follows:

(a) For a student who could not complete the program in

four years due to a lack of available classes or space in 65886  
classes provided by the university, the university shall provide 65887  
the necessary course or courses for completion to the student 65888  
free of charge. 65889

(b) For a student who could not complete the program in 65890  
four years due to military service or other circumstances beyond 65891  
a student's control, as determined by the board of trustees, the 65892  
university shall provide the necessary course or courses for 65893  
completion to the student at the student's initial cohort rate. 65894

(c) For a student who did not complete the program in four 65895  
years for any other reason, as determined by the board of 65896  
trustees, the university shall provide the necessary course or 65897  
courses for completion to the student at a rate determined 65898  
through a method established by the board under division (B) (7) 65899  
of this section. 65900

(7) Guidelines for adjusting a student's annual charges if 65901  
the student, due to circumstances under the student's control, 65902  
is unable to complete a degree program within four years; 65903

(8) A requirement that the rules adopted under division 65904  
(B) of this section be published or posted in the university 65905  
handbook, course catalog, and web site. 65906

(C) The board shall submit the rules adopted under 65907  
division (B) of this section to the chancellor for approval 65908  
before beginning implementation of the program. 65909

The chancellor shall not unreasonably withhold approval of 65910  
a program if the program conforms in principle with the 65911  
parameters and guidelines of this section. 65912

(D) A board of trustees of a state university may 65913  
establish an undergraduate tuition guarantee program for 65914

nonresident students. 65915

(E) Except as provided in this section, no other 65916  
limitation on the increase of in-state undergraduate 65917  
instructional and general fees shall apply to a state university 65918  
that has established an undergraduate tuition guarantee program 65919  
under this section. 65920

(F) Notwithstanding anything in this section to the 65921  
contrary, the board of trustees of a state university shall not 65922  
~~charge~~ do either of the following: 65923

(1) Charge the cohort entering in the 2023-2024 or 2024- 65924  
2025 academic year a guaranteed amount of general and 65925  
instructional fees that is more than three per cent above what 65926  
was charged to the cohort that entered the university in the 65927  
previous academic year. 65928

(2) Charge the cohort entering in the 2025-2026 or 2026- 65929  
2027 academic year a guaranteed amount of general and 65930  
instructional fees that is more than four per cent above what 65931  
was charged to the cohort that entered the university in the 65932  
previous academic year. 65933

**Sec. 3345.58.** (A) As used in this section: 65934

(1) "Academic civics centers" means the following 65935  
institutes or centers: 65936

(a) The center at the Ohio state university established 65937  
under section 3335.39 of the Revised Code; 65938

(b) The center at Miami university established under 65939  
section 3339.06 of the Revised Code; 65940

(c) The center at Cleveland state university established 65941  
under section 3344.07 of the Revised Code; 65942

- (d) The center at Wright state university established 65943  
under section 3352.16 of the Revised Code; 65944
- (e) The institute at the university of Toledo established 65945  
under section 3364.07 of the Revised Code. 65946
- (2) "State institution of higher education" has the same 65947  
meaning as in section 3345.011 of the Revised Code. 65948
- (B) The Ohio civics board is established. The board shall 65949  
consist of the directors of the academic civics centers, who 65950  
shall serve as ex officio members. If an academic civics center 65951  
does not have a director, then the center's acting or interim 65952  
director shall serve on behalf of that center until a director 65953  
is selected. No additional appointment or confirmation by any 65954  
authority is required for membership. 65955
- (C) The board shall do all of the following: 65956
- (1) Support the academic civics centers to more 65957  
effectively pursue their mission of teaching and research in the 65958  
historical ideas, traditions, and texts that have shaped the 65959  
American and Ohio constitutional order and society; 65960
- (2) Aid voluntary cooperation and coordination between the 65961  
academic civics centers, including coordinating intercollegiate 65962  
efforts and initiatives among the centers to promote 65963  
collaboration and serve the entire state of Ohio; 65964
- (3) Advise the general assembly and chancellor of higher 65965  
education on matters pertaining to civic education, including 65966  
best practices, program development, and statewide initiatives 65967  
to enhance civic literacy and engagement; 65968
- (4) Advise the general assembly and chancellor on 65969  
curriculum development and standards in state institutions of 65970

higher education and primary and secondary public education 65971  
providers, and on the operations of the academic civics centers; 65972

(5) Assist the academic councils of the academic civics 65973  
centers in fulfilling their statutory duties, including 65974  
facilitating the selection process for directors of each center. 65975

(D) The board shall annually elect a chairperson and vice- 65976  
chairperson from among its members. The chairperson shall 65977  
preside over meetings and serve as the primary liaison to the 65978  
chancellor and the general assembly. The vice-chairperson shall 65979  
perform the duties of the chairperson in the absence of the 65980  
chairperson. 65981

The board shall meet as necessary at the call of the 65982  
chairperson or on the written request of three or more members 65983  
of the board. The board shall meet at least twice annually. 65984

A majority of the members of the board constitutes a 65985  
quorum, and the votes of a majority of the quorum present are 65986  
required to validate any action of the board, including 65987  
recommendations. 65988

The members of the board shall serve without compensation, 65989  
but each member shall be reimbursed for the member's actual and 65990  
necessary expenses incurred in the performance of the member's 65991  
official duties on the board. 65992

(E) The board shall submit an annual report to the general 65993  
assembly and the chancellor not later than the first day of 65994  
December each year. The report shall detail the board's 65995  
activities, recommendations, and findings related to civic 65996  
education, higher education curricula, primary and secondary 65997  
public education curricula, and the operations of the academic 65998  
civics centers. 65999

(F) The board, in consultation with the chancellor, may 66000  
adopt rules under Chapter 119. of the Revised Code as necessary 66001  
to implement this section. 66002

**Sec. 3345.591.** (A) As used in this section: 66003

(1) "People's Republic of China" means the government of 66004  
China, the Chinese Communist Party, the People's Liberation 66005  
Army, or any other extension of, or entity affiliated with, the 66006  
government of China. 66007

(2) "State institution of higher education" has the same 66008  
meaning as in section 3345.011 of the Revised Code. 66009

(B) No state institution of higher education shall accept 66010  
gifts, donations, or contributions from the People's Republic of 66011  
China or any organization the institution reasonably suspects is 66012  
acting on behalf of the People's Republic of China. 66013

Nothing in this section prohibits a state institution of 66014  
higher education from accepting payments from Chinese citizens 66015  
related to instructional fees, general fees, special fees, cost 66016  
of instruction, or educational expenses or donations from the 66017  
institution's alumni. 66018

Nothing in this section prohibits a state institution of 66019  
higher education from receiving philanthropic or unrestricted 66020  
grants so long as it maintains the structural safeguard 66021  
requirements provided for in division (E) of this section. 66022

(C) Each state institution shall submit to the chancellor 66023  
of higher education a copy of the report it submits to the 66024  
United States department of education pursuant to 20 U.S.C. 66025  
1011(f). 66026

(D) Upon request, the chancellor shall make any 66027

information reported under division (C) of this section 66028  
available to any member of the general assembly. 66029

(E) A state institution shall notify the chancellor of any 66030  
new or renewed academic partnership with an academic or research 66031  
institution located in China. A state institution shall only 66032  
enter into a new or renewed academic partnership with an 66033  
academic or research institution located in China if the state 66034  
institution maintains sufficient structural safeguards to 66035  
protect the state institution's intellectual property, the 66036  
security of the state of Ohio, and the national security 66037  
interests of the United States. The safeguards shall include, at 66038  
a minimum, all of the following: 66039

(1) Compliance with all federal requirements, including 66040  
the requirements of federal research sponsors and federal export 66041  
control agencies, including regulations regarding international 66042  
traffic in arms and export administration regulations, and 66043  
economic and trade sanctions administered by the federal office 66044  
of foreign assets control; 66045

(2) Annual formal institution-level programs for faculty 66046  
on conflicts of interest and conflicts of commitment; 66047

(3) A formalized foreign visitor process and uniform 66048  
visiting scholar agreement. 66049

(F) The auditor of state shall audit the safeguards 66050  
implemented by state institutions of higher education under 66051  
division (E) of this section in the course of a normal audit 66052  
conducted under section ~~117.46~~117.11 of the Revised Code. 66053

Sec. 3345.601. Each state institution of higher education, 66054  
as defined in section 3345.011 of the Revised Code, annually 66055  
shall certify to the chancellor of higher education, on a date 66056

and in the form and manner determined by the chancellor, a plan 66057  
to preserve student records indefinitely if the state 66058  
institution was to cease operations. The plan shall include the 66059  
designation and signed confirmation of an official custodian of 66060  
student records. If the chancellor determines it necessary, the 66061  
chancellor may require a state institution to produce an 66062  
executed agreement with the designated custodian of student 66063  
records, paid in full, to ensure the state institution's plan 66064  
can be implemented. 66065

The chancellor may consult with the higher learning 66066  
commission, the state board of career colleges and schools, and 66067  
other appropriate entities to establish plans, processes, and 66068  
procedures for state institutions to provide indefinite access 66069  
to student records. 66070

**Sec. 3345.71.** As used in sections 3345.72 to 3345.77 of 66071  
the Revised Code: 66072

(A) "State university or college" means any state 66073  
university listed in section 3345.011 of the Revised Code, the 66074  
northeast Ohio medical university, any community college under 66075  
Chapter 3354. of the Revised Code, any technical college under 66076  
Chapter 3357. of the Revised Code, and any state community 66077  
college under Chapter 3358. of the Revised Code. 66078

(B) "Fiscal caution" means the existence of a fiscal 66079  
caution declared under section 3345.721 of the Revised Code. 66080

(C) "Fiscal watch" means the existence of a fiscal watch 66081  
declared under section 3345.72 of the Revised Code. 66082

**Sec. 3345.721.** (A) The chancellor of higher education, in 66083  
consultation with the office of budget and management, shall 66084  
adopt rules in accordance with section 111.15 of the Revised 66085

<u>Code that include all of the following:</u>	66086
<u>(1) Criteria for determining when to review and, if</u>	66087
<u>necessary, declare a state university or college under fiscal</u>	66088
<u>caution. The criteria may include, but not be limited to,</u>	66089
<u>consideration of the following:</u>	66090
<u>(a) A significant drop in enrollment from the prior year;</u>	66091
<u>(b) A decline in enrollment for consecutive years;</u>	66092
<u>(c) A significant increase in enrollment;</u>	66093
<u>(d) A significant increase in adjunct faculty;</u>	66094
<u>(e) An increase in student complaints;</u>	66095
<u>(f) A substantial increase in the number of third-party</u>	66096
<u>service providers who are paid based on success;</u>	66097
<u>(g) Federal financial aid processing delays;</u>	66098
<u>(h) Reduced or increased reliance on state share of</u>	66099
<u>instruction;</u>	66100
<u>(i) Receipt of substantial nonrecurring revenue, from any</u>	66101
<u>source, that could signify a structural budget deficit;</u>	66102
<u>(j) Failure to reconcile or file annual reports promptly,</u>	66103
<u>which may cause a delay in completing a yearly audit even if</u>	66104
<u>granted an extension;</u>	66105
<u>(k) A lack of proper institutional segregation of critical</u>	66106
<u>duties, functions, or responsibilities;</u>	66107
<u>(l) Significant turnover of faculty, staff, or</u>	66108
<u>administrators;</u>	66109
<u>(m) A significant amount of past due student receivables;</u>	66110

<u>(n) A significant increase in tuition or fee waivers;</u>	66111
<u>(o) Change in accreditation status by a nationally</u>	66112
<u>recognized accrediting agency;</u>	66113
<u>(p) A significant increase in indebtedness;</u>	66114
<u>(q) A federal program review or actions taken by a federal</u>	66115
<u>agency that adversely affects the state university's or</u>	66116
<u>college's finances, cash management, or educational program</u>	66117
<u>offerings;</u>	66118
<u>(r) Significant changes in a state university's or</u>	66119
<u>college's educational program eligibility or compliance with</u>	66120
<u>satisfactory academic progress requirements in 34 C.F.R. 668.34,</u>	66121
<u>including an increase in the use of correspondence or</u>	66122
<u>asynchronous learning materials.</u>	66123
<u>(2) A requirement that a state university or college</u>	66124
<u>declared to be on fiscal caution shall submit a financial</u>	66125
<u>recovery plan, within a defined period of time after the</u>	66126
<u>declaration as determined by the chancellor, that may include,</u>	66127
<u>but is not limited to, any of the following:</u>	66128
<u>(a) Projections of revenues and expenditures over a three-</u>	66129
<u>year time horizon and on such other time horizons as may be</u>	66130
<u>requested by the chancellor;</u>	66131
<u>(b) A comprehensive review of current staffing levels, a</u>	66132
<u>comparison of staffing levels to the number of enrolled</u>	66133
<u>students, and a five-year historical summary of staffing levels;</u>	66134
<u>(c) A review of the most recent submission of</u>	66135
<u>institutional recommendations for courses and programs based on</u>	66136
<u>enrollment and duplication with other state institutions of</u>	66137
<u>higher education, as required by section 3345.35 of the Revised</u>	66138

Code, and submission of revised recommendations as determined to 66139  
be necessary; 66140

(d) A review of any approved tuition waivers, tuition 66141  
guarantees, reciprocity agreements, or scholarship programs; 66142

(e) A plan to reduce expenditures over a six-month, 66143  
twelve-month, eighteen-month, and twenty-four-month period, as 66144  
necessary, to align ongoing revenue with ongoing expenses; 66145

(f) A review of contracts that are the largest portion of 66146  
the state university's or college's expenditures; 66147

(g) A program viability analysis, or analyses, as 66148  
determined by the chancellor to be necessary in accordance with 66149  
section 3333.073 of the Revised Code. 66150

(3) A requirement that a state university or college 66151  
declared to be on fiscal caution shall submit a three-year 66152  
forecast of revenues and expenditures, approved in a resolution 66153  
adopted by the board of trustees of the state university or 66154  
college. The three-year forecast shall be structurally balanced 66155  
based on a set of underlying assumptions, including enrollment 66156  
projections, tuition revenue, and state funding levels, that are 66157  
evidence-based and practicable; 66158

(4) A requirement that a state university or college 66159  
declared to be on fiscal caution shall consult with the auditor 66160  
of state regarding any necessary or appropriate steps to bring 66161  
the books of account, accounting systems, and financial 66162  
procedures and reports of the state university or college into 66163  
compliance with requirements prescribed by the auditor of state 66164  
regarding desirable modifications and supplementary systems and 66165  
procedures pertinent to the university or college. The auditor 66166  
of state shall provide a written report to the board of trustees 66167

of the state university or college outlining the nature of the 66168  
financial accounting and reporting problems of the university or 66169  
college and recommendations for actions to be undertaken to 66170  
correct the financial accounting and reporting problems. If 66171  
requested by the state university or college or recommended by 66172  
the chancellor, the auditor of state may additionally perform a 66173  
performance audit of the state university or college. 66174

(5) A requirement that for the duration of a fiscal 66175  
caution, a state university or college shall submit regular 66176  
reports on any of the above matters or new matters identified by 66177  
the auditor of state or the chancellor as contributing to the 66178  
reason for the declaration, preventing the recovery of the state 66179  
university or college, or the inability to be removed from 66180  
fiscal caution. 66181

(6) Criteria for determining when to declare the 66182  
termination of the fiscal caution of a state university or 66183  
college. 66184

(B) A state university or college shall provide the 66185  
chancellor with all information requested under this section in 66186  
the time and manner determined by the chancellor. 66187  
Notwithstanding any law to the contrary, failure to comply in a 66188  
satisfactory manner, as determined by the chancellor, may result 66189  
in a declaration of fiscal watch under section 3345.72 of the 66190  
Revised Code. 66191

(C) Notwithstanding any law to the contrary, the 66192  
chancellor may impose limitations on a state university or 66193  
college that fails to comply with this section or the rules 66194  
adopted pursuant to this section or fails to take decisive 66195  
action to improve the state university's or college's financial 66196  
condition. Such limitations may include, but are not limited to, 66197

<u>the following:</u>	66198
<u>(1) Limitations on eligibility to participate in grants and programs administered by the chancellor;</u>	66199 66200
<u>(2) Limitations on approval of a new degree program or associated certificates;</u>	66201 66202
<u>(3) Suspension of additional enrollment in an educational program;</u>	66203 66204
<u>(4) Restriction of an increase in any special fee or a creation of a new fee;</u>	66205 66206
<u>(5) Limitations on the power of the board of trustees to enter into new or renewed contracts without prior approval from the chancellor;</u>	66207 66208 66209
<u>(6) Withholding approval of any controlling board request for capital projects.</u>	66210 66211
<u>(D) The chancellor, the office of budget and management, or the auditor of state may conduct any audit or analysis necessary to assess the fiscal condition of any state university or college.</u>	66212 66213 66214 66215
<b>Sec. 3345.74.</b> (A) The chancellor of higher education at least annually shall apply the indicators and standards adopted under division (A) of section 3345.73 of the Revised Code to determine whether a state university or college under a fiscal watch is experiencing sufficient fiscal difficulties to warrant the appointment of a conservator under this section <u>or if the board of trustees of a state university or college has taken any action related to pausing or stopping enrollment, submitted a withdrawal of accreditation, or taken any other action indicating it will no longer offer educational activity or will</u>	66216 66217 66218 66219 66220 66221 66222 66223 66224 66225

undergo a wind down and dissolution of existence. Upon making a 66226  
determination that appointment of a conservator is warranted, 66227  
the chancellor shall request from the office of budget and 66228  
management, which shall provide, certification that sufficient 66229  
fiscal difficulties exist to warrant appointment of a 66230  
conservator. The chancellor shall then certify this 66231  
determination to the governor. 66232

Notwithstanding section 3333.021 of the Revised Code, that 66233  
section does not apply to certification by the chancellor under 66234  
this section or to the declaration of a fiscal watch under 66235  
section 3345.72 of the Revised Code. 66236

A determination by the chancellor under this division that 66237  
sufficient fiscal difficulties exist or do not exist to warrant 66238  
appointing a conservator is final and conclusive and not 66239  
appealable. 66240

(B) The governor may appoint a conservator for any state 66241  
university or college under a fiscal watch, upon certification 66242  
by the chancellor under division (A) of this section that the 66243  
appointment is warranted. The governor shall consult with the 66244  
speaker and minority leader of the house of representatives and 66245  
the president and minority leader of the senate before making 66246  
the appointment. From the time a conservator is appointed until 66247  
the time the governor issues an order terminating the governance 66248  
authority under division (B) of section 3345.76 of the Revised 66249  
Code, the governor may remove any member of the board of 66250  
trustees of the state university or college from office and not 66251  
fill the vacancy. 66252

(C) Upon appointment of a conservator under this section 66253  
for a state university or college, all of the following shall 66254  
occur effective immediately: 66255

- (1) All duties, responsibilities, and powers of the board of trustees of the university or college are suspended; 66256  
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- (2) The management and control of the state university or college is assumed by the conservator; 66258  
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- (3) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees are assigned to the conservator, and the conservator becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college; 66260  
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- (4) Wherever the board of trustees is referred to in any contract or legal document, the reference is deemed to refer to the conservator. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the board's authority by the conservator under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the conservator. No action or proceeding pending on the effective date of the assumption by the conservator of the board's authority is affected by that assumption and any such action or proceeding shall be prosecuted or defended in the name of the conservator. 66268  
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- (5) The conservator assumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college; 66280  
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- (6) All authority and duties of the president or chief executive officer, and the pay of the president or chief 66283  
66284

executive officer, are suspended. 66285

(D) The conservator for a state university or college 66286  
shall conduct a preliminary performance evaluation of the 66287  
president or chief executive officer of the university or 66288  
college and provide a copy of findings and any recommendations 66289  
to the governance authority established for the university or 66290  
college under section 3345.75 of the Revised Code. 66291

(E) A conservator appointed under this section shall be 66292  
immune, indemnified, and held harmless from civil liability, 66293  
including any cause of action, legal, equitable, or otherwise, 66294  
for any action taken or duties performed by the conservator in 66295  
good faith and in furtherance of the performance of the duties 66296  
of the conservator under this section. 66297

(F) The governor shall set the compensation for a 66298  
conservator appointed for a state university or college. The 66299  
expenses and compensation of the conservator and others employed 66300  
by the conservator shall be paid out of the operating funds and 66301  
revenues of that university or college. 66302

**Sec. 3345.75.** (A) Not later than thirty days after the 66303  
date of the appointment of a conservator for a state university 66304  
or college under section 3345.74 of the Revised Code, the 66305  
governor shall appoint, with the advice and consent of the 66306  
senate, a governance authority for the university or college 66307  
consisting of five members, of which one shall have expertise in 66308  
academic affairs and accreditation and one shall have expertise 66309  
in either state agency budgets or state university or college 66310  
finances. The members shall serve at the pleasure of the 66311  
governor and any vacancies shall be filled in the same manner as 66312  
an original appointment. 66313

The governor shall designate one of the members of the 66314  
governance authority as the chairperson and shall call the first 66315  
meeting of the authority. A majority of the members of a 66316  
governance authority constitutes a quorum and the affirmative 66317  
vote of a majority of the members shall be necessary for any 66318  
action taken by an authority. Meetings of a governance authority 66319  
shall be called in the manner and at the times prescribed by the 66320  
authority, but the authority shall meet at least four times 66321  
annually and at other times necessary for the best interest of 66322  
the university or college. A governance authority may adopt 66323  
procedures for the conduct of its business. 66324

The members of a governance authority shall not receive 66325  
compensation for their services, but shall be paid their 66326  
reasonable and necessary expenses while engaged in the discharge 66327  
of their official duties. 66328

(B) (1) A governance authority established under this 66329  
section shall appoint an executive director who shall serve at 66330  
the pleasure of the authority and with the compensation and 66331  
other terms and conditions established by it. With the approval 66332  
of the chairperson of the authority, the executive director may 66333  
appoint additional personnel as the director considers 66334  
appropriate. The executive director shall oversee the day-to-day 66335  
operation of the university or college under the direction and 66336  
supervision of the authority. 66337

(2) The governance authority shall conduct a final 66338  
performance evaluation of the president or chief executive 66339  
officer of the university or college. Following the evaluation, 66340  
the governance authority may reinstate any duties, authority, or 66341  
pay previously suspended under division (C) (6) of section 66342  
3345.74 of the Revised Code, or may terminate the president or 66343

chief executive officer in accordance with the terms of the 66344  
person's employment contract. 66345

(C) Upon appointment of all members of a governance 66346  
authority under this section and upon the effective date for the 66347  
commencement of the duties of the executive director appointed 66348  
by that authority under this section, all authority, 66349  
responsibilities, duties, and references assumed by or conferred 66350  
upon the conservator under divisions (C) (2) to (6) of section 66351  
3345.74 of the Revised Code terminate and all of the following 66352  
shall occur, effective immediately: 66353

(1) The management and control of the state university or 66354  
college is assumed by the governance authority; 66355

(2) Notwithstanding any section of the Revised Code, all 66356  
duties, responsibilities, and powers assigned by law to the 66357  
board of trustees or to the conservator are assigned to the 66358  
governance authority and the governance authority becomes the 66359  
successor to, assumes the lawful obligations of, and otherwise 66360  
constitutes the continuation of the board of trustees and the 66361  
conservator for purposes of all pending legal actions, contracts 66362  
or other agreements, and obligations of the university or 66363  
college; 66364

(3) Wherever the board of trustees or conservator is 66365  
referred to in any contract or legal document, the reference is 66366  
deemed to refer to the governance authority. No validation, 66367  
cure, right, privilege, remedy, obligation, or liability is lost 66368  
or impaired by reason of the assumption of the authority of the 66369  
board of trustees and the conservator by the governance 66370  
authority under this section and any such validation, cure, 66371  
right, privilege, remedy, obligation, or liability shall be 66372  
administered by the governance authority. No action or 66373

proceeding pending on the effective date of the assumption by 66374  
the governance authority of the authority of the board of 66375  
trustees and the conservator is affected by that assumption and 66376  
any such action or proceeding shall be prosecuted or defended in 66377  
the name of the governance authority. 66378

(4) The governance authority assumes custody of all 66379  
equipment, records, files, effects, and all other property real 66380  
or personal of the state university or college. 66381

(D) A governance authority and executive director 66382  
appointed under this section shall be immune, indemnified, and 66383  
held harmless from civil liability, including any cause of 66384  
action, legal, equitable, or otherwise, for any action taken or 66385  
duties performed by the governance authority and executive 66386  
director in good faith and in furtherance of the performance of 66387  
the duties of the governance authority and executive director 66388  
under this section. 66389

(E) The expenses of a governance authority and the 66390  
expenses and compensation of an executive director appointed for 66391  
a state university or college under this section and others 66392  
employed by the executive director under this section shall be 66393  
paid out of the operating funds and revenues of that university 66394  
or college. 66395

(F) A governance authority appointed under this section 66396  
shall prepare, in accordance with rules adopted by the office of 66397  
budget and management, and submit to the chancellor of higher 66398  
education, the governor, the speaker and minority leader of the 66399  
house of representatives, and the president and minority leader 66400  
of the senate a quarterly report setting forth all of the 66401  
following: 66402

(1) The general condition of the university or college;	66403
(2) The amounts of receipts and disbursements and the items for which the disbursements were made;	66404 66405
(3) The numbers of professors, officers, teachers, and other employees and the position and compensation of each and the numbers of students by courses of instruction;	66406 66407 66408
(4) An estimate of expenses for the ensuing quarter;	66409
(5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments;	66410 66411 66412 66413
(6) <u>If the governance authority determines closure is necessary or is appointed to facilitate an orderly closure as determined to be necessary by the board of trustees prior to the governance authority's appointment, all matters related to compliance with the requirements of a closure of an institution of higher education as specified by the chancellor;</u>	66414 66415 66416 66417 66418 66419
(7) <u>Any other matters the governance authority considers useful to report.</u>	66420 66421
(G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution.	66422 66423 66424 66425 66426 66427 66428 66429
<u>Sec. 3345.83. (A) Beginning not later than the 2027-2028</u>	66430

academic year, each state institution of higher education, as 66431  
defined in section 3345.011 of the Revised Code, shall develop 66432  
and implement a co-op internship program that aligns with 66433  
JobsOhio's target economic sectors and connects students with 66434  
Ohio-based employers to facilitate work-based learning 66435  
opportunities, which may include apprenticeships, internships, 66436  
externships, and co-ops, related to the student's course of 66437  
study. Institutions shall work with JobsOhio to develop and 66438  
implement their program, which shall include identifying 66439  
industry and employer partners. 66440

(B) The chancellor of higher education shall consult with 66441  
JobsOhio and any other appropriate stakeholders to develop the 66442  
goals, structure, and parameters of the program. The chancellor 66443  
may consult with other stakeholders. 66444

(C) Beginning on the thirtieth day of June following the 66445  
academic year in which the co-op internship program under 66446  
division (A) of this section is implemented and annually 66447  
thereafter, each institution shall issue a report to the 66448  
chancellor on the status of the institution's program, including 66449  
the number of participating students, which employers are 66450  
partnering with the institution, and how many participating 66451  
students have received or accepted offers of employment after 66452  
graduation as a direct result of their participation in the 66453  
program. 66454

**Sec. 3345.86.** (A) As used in this section: 66455

(1) "Competency-based educational program" and "eligible 66456  
individual" have the same meanings as in section 3313.902 of the 66457  
Revised Code. 66458

(2) "Eligible provider" means a community college 66459

established under Chapter 3354. of the Revised Code, a 66460  
university branch established under Chapter 3355. of the Revised 66461  
Code, a technical college established under Chapter 3357. of the 66462  
Revised Code, a state community college established under 66463  
Chapter 3358. of the Revised Code, or an Ohio technical center 66464  
as defined in section 3333.94 of the Revised Code. 66465

(B) An eligible provider may establish a competency-based 66466  
educational program that complies with standards adopted by the 66467  
department of education and workforce and may enroll eligible 66468  
individuals in the program for up to three consecutive school 66469  
years for the purpose of earning a high school diploma. The 66470  
provider shall establish a career plan for each individual 66471  
enrolled in the program that specifies the individual's career 66472  
goals and describes how the individual will demonstrate 66473  
competency or earn course credits under division (C) of section 66474  
3313.902 of the Revised Code to earn a diploma and attain the 66475  
individual's career goals. Notwithstanding sections 3313.61, 66476  
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 66477  
Revised Code, the department shall award a high school diploma 66478  
to an individual enrolled in a program who satisfies one of the 66479  
conditions specified in division (C) of section 3313.902 of the 66480  
Revised Code. 66481

(C) An eligible provider shall report each individual 66482  
enrolled in a program under division (B) of this section to the 66483  
department. The department annually shall certify the enrollment 66484  
and attendance of each individual reported under this division 66485  
and shall pay the provider up to \$7,500 per school year, as 66486  
determined by the department based on the extent of the 66487  
individual's successful completion of the diploma requirements 66488  
prescribed in division (C) of section 3313.902 of the Revised 66489  
Code. 66490

(D) An eligible provider that enrolls individuals under 66491  
division (B) of this section is subject to the requirements of 66492  
section 3313.902 of the Revised Code, as applicable. 66493

**Sec. 3352.16.** (A) (1) The Wright state university center 66494  
for civics, culture, and workforce development is established as 66495  
an independent academic division within Wright state university, 66496  
physically located on the Dayton campus of Wright state 66497  
university. The center shall conduct teaching and research in 66498  
the historical ideas, traditions, and texts that have shaped the 66499  
American constitutional order and society and the United States 66500  
armed forces. 66501

(2) The center shall establish bylaws requiring the center 66502  
to do all of the following: 66503

(a) Educate students by means of free, open, and rigorous 66504  
intellectual inquiry to seek the truth; 66505

(b) Affirm its duty to equip students with the skills, 66506  
habits, and dispositions of mind they need to reach their own 66507  
informed conclusions on matters of social and political 66508  
importance; 66509

(c) Affirm the value of intellectual diversity in higher 66510  
education and aspire to enhance the intellectual diversity of 66511  
the university; 66512

(d) Affirm a commitment to create a community dedicated to 66513  
an ethic of civil and free inquiry, which respects the 66514  
intellectual freedom of each member, supports individual 66515  
capacities for growth, and welcomes the differences of opinion 66516  
that shall naturally exist in a public university community. 66517

The requirements prescribed under divisions (A) (2) (a) to 66518  
(d) of this section shall take priority over any other bylaws 66519

adopted by the center. 66520

(3) The board of trustees of the university may name the 66521  
center in accordance with the philanthropic naming policies and 66522  
practices of the university. 66523

~~(B)~~ (B) (1) The center shall be an independent academic 66524  
division, physically located on the Dayton campus of Wright 66525  
state university, with the authority to house faculty who hold 66526  
their appointments within the center. Faculty appointed to the 66527  
center shall not be required, but may, hold joint appointments 66528  
within any other division of the university. No faculty outside 66529  
of the center shall have the authority to block faculty hires 66530  
into the center. No university policy shall govern the 66531  
development and approval of curriculum within the center. 66532

(2) The university shall provide adequate and appropriate 66533  
space for the center as jointly determined by the director and 66534  
either the president or provost of the university. The 66535  
university shall not charge or assess overhead or indirect fees, 66536  
costs, expenses, or charges to the center. 66537

(C) (1) The center shall offer instruction in all of the 66538  
following: 66539

(a) The books and major debates which form the 66540  
intellectual foundation of free societies, especially that of 66541  
the United States; 66542

(b) The principles, ideals, and institutions of the 66543  
American constitutional order, including the United States armed 66544  
forces; 66545

(c) The foundations of responsible leadership and informed 66546  
citizenship; 66547

(d) The origins, purpose, and role of Wright-Patterson air force base and surrounding defense-related industries in supporting the United States;

(e) The workforce needs of Wright-Patterson air force base and industries that support the base.

(2) The center also shall focus on all of the following:

(a) Offering university-wide programming related to the values of free speech and civil discourse;

(b) Expanding the intellectual diversity of the university's academic community;

(c) Increasing the awareness of Wright-Patterson air force base and supporting workforce needs to sustain and attract missions at the base.

~~(D) (1) Not later than ninety days after the effective date of this section, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than three members of the council may be employees of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(E) (1) The academic council established under division (D) 66576  
of this section shall conduct a nationwide search for candidates 66577  
for the director of the center and shall strictly adhere to all 66578  
relevant state and federal laws. The academic council shall 66579  
submit to the president of the university a list of finalists 66580  
from which the president shall select and appoint a director, 66581  
subject to approval by the board of trustees. Future directors 66582  
shall be chosen in the same manner. 66583

(2) The director shall consult with the provost; however, 66584  
the director shall report directly to the president of the 66585  
university. 66586

(3) The director shall have the sole and exclusive 66587  
authority to manage the recruitment and hiring process and to 66588  
extend offers for employment for all faculty and staff of the 66589  
center, and to terminate employment of all staff, subject to the 66590  
approval of the board of trustees of the university. The 66591  
director shall oversee, develop, and approve the center's 66592  
curriculum, including approval of the center's courses that meet 66593  
the university's general education requirements. The center 66594  
shall be granted the authority to offer courses independently 66595  
and develop certificate, minor, and major programs as well as 66596  
graduate programs, and offer degrees. 66597

(4) Notwithstanding section 3333.164 of the Revised Code, 66598  
the center shall develop a set of standards and procedures to 66599  
maximize the granting of academic credit for military training, 66600  
experience, and coursework. 66601

(5) Notwithstanding section 3333.31 of the Revised Code, 66602  
Wright state university shall not charge more than its in-state 66603  
instructional and general fees to any current or honorably 66604  
discharged member of the United States armed forces, or the 66605

spouse or dependents of such a member, who enrolls in a program 66606  
offered by the center, regardless of whether that member, 66607  
spouse, or dependent is a resident of this state under rules 66608  
adopted under section 3333.31 of the Revised Code. 66609

(F) The director of the center shall submit an annual 66610  
report to the board of trustees of the university and the 66611  
general assembly in accordance with section 101.68 of the 66612  
Revised Code. The report shall provide a full account of the 66613  
center's achievements, opportunities, challenges, and obstacles 66614  
in the development of this academic division. 66615

**Sec. 3354.19.** ~~(A)~~ As used in sections 3354.19 to 66616  
~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means 66617  
an individual who: 66618

(A) Is twenty-seven years of age or older; 66619

(B) Has worked without pay as a homemaker for his or her 66620  
family; 66621

(C) Is not gainfully employed and has had, or would be 66622  
likely to have, difficulty in securing employment; and 66623

(D) Has either been deprived of the support of a person on 66624  
whom he or she was dependent, or has become ineligible for 66625  
public assistance as the parent of a needy child. 66626

**Sec. 3358.08.** The board of trustees of a state community 66627  
college district may: 66628

(A) Own and operate a state community college; 66629

(B) Hold, encumber, control, acquire by donation, purchase 66630  
or condemn, construct, own, lease, use, and sell, real and 66631  
personal property as necessary for the conduct of the program of 66632  
the state community college on whatever terms and for whatever 66633

consideration may be appropriate for the purpose of the 66634  
institution; 66635

(C) Accept gifts, grants, bequests, and devises absolute 66636  
or in trust for support of the state community college; 66637

(D) Employ a president, and appoint or approve the 66638  
appointment of other necessary administrative officers, full- 66639  
time faculty members, and operating staff. The board may 66640  
delegate the appointment of operating staff and part-time 66641  
faculty members to the college president. The board shall fix 66642  
the rate of compensation of the president and all officers and 66643  
full-time employees as are necessary and proper for state 66644  
community colleges. 66645

(E) Provide for the state community college necessary 66646  
lands, buildings, or other structures, equipment, means, and 66647  
appliances; 66648

(F) Establish within the maximum amounts permitted by law, 66649  
schedules of fees and tuition for students who are Ohio 66650  
residents and students who are not~~r~~. If electors approve a levy 66651  
under section 3358.11 of the Revised Code for current operating 66652  
expenses, the board shall charge students who reside in the 66653  
county in which the tax is levied a lower tuition rate than the 66654  
rate charged to students who are residents of other counties in 66655  
the state. 66656

(G) Grant appropriate degrees to students successfully 66657  
completing the state community college's programs, and 66658  
certificates of achievement to students who complete other 66659  
programs; 66660

(H) Prescribe policies for the effective operation of the 66661  
state community college and exercise such other powers as are 66662

necessary for the efficient management of the college; 66663

(I) Enter into contracts with neighboring colleges and 66664  
universities for the conduct of state community college programs 66665  
or technical courses outside the state community college 66666  
district; 66667

(J) Purchase: 66668

(1) A policy or policies of insurance insuring the 66669  
district against loss or damage to property, whether real, 66670  
personal, or mixed, which is owned by the district or leased by 66671  
it as lessee or which is in the process of construction by or 66672  
for the district; 66673

(2) A policy or policies of fidelity insurance in such 66674  
amounts and covering such trustees, officers, and employees of 66675  
the district as the board may consider necessary or desirable; 66676

(3) A policy or policies of liability insurance from an 66677  
insurer or insurers licensed to do business in this state 66678  
insuring its members, officers, and employees against all civil 66679  
liability arising from an act or omission by the member, 66680  
officer, or employee, when the member, officer, or employee is 66681  
not acting manifestly outside the scope of employment or 66682  
official responsibilities with the institution, with malicious 66683  
purpose or bad faith, or in a wanton or reckless manner, or may 66684  
otherwise provide for the indemnification of such persons 66685  
against such liability. All or any portion of the cost, premium, 66686  
or charge for such a policy or policies or indemnification 66687  
payment may be paid from any funds under the institution's 66688  
control. The policy or policies of liability insurance or the 66689  
indemnification policy of the institution may cover any risks 66690  
including, but not limited to, damages resulting from injury to 66691

property or person, professional liability, and other special 66692  
risks, including legal fees and expenses incurred in the defense 66693  
or settlement claims of such damages. 66694

(4) A policy or policies of insurance insuring the 66695  
district against any liabilities to which it may be subject on 66696  
account of damage or injury to persons or property, including 66697  
liability for wrongful death. 66698

Any instrument by which real property is acquired pursuant 66699  
to this section shall identify the agency of the state that has 66700  
the use and benefit of the real property as specified in section 66701  
5301.012 of the Revised Code. 66702

**Sec. 3358.11.** (A) In the same manner as a tax may be 66703  
proposed by a board of trustees of a community college district 66704  
under section 3354.12 of the Revised Code, the board of trustees 66705  
of a state community college district may adopt and certify a 66706  
resolution to the board of elections of one or more of the 66707  
counties comprising the state community college district 66708  
directing the board of elections to place on the ballot at any 66709  
general or special election the question of levying a tax in 66710  
excess of the ten-mill limitation on all the taxable property in 66711  
that county or those counties. The tax may be for any of the 66712  
following purposes, as stated in the resolution: 66713

(1) The acquisition of sites in that county or those 66714  
counties; 66715

(2) The erection, furnishing, and equipment of buildings 66716  
in that county or those counties; 66717

(3) The acquisition, construction, or improvement of any 66718  
property in that county or those counties which the board of 66719  
trustees of a state community college is authorized to acquire, 66720

construct, or improve and which has an estimated life or 66721  
usefulness of five years or more as certified by the treasurer 66722  
of the board of trustees; 66723

(4) The payment of current expenses of the state community 66724  
college district. This tax may only be levied in the county in 66725  
which the main campus of the state community college is located. 66726

The resolution shall declare that, if the levy is for one 66727  
or more of the purposes described in divisions (A) (1) to (3) of 66728  
this section, the proceeds of the levy or issue may be used 66729  
solely within the county or counties in which the tax is levied- 66730  
and. If the levy is for the purpose described in division (A) 66731  
(4) of this section, the resolution shall declare that the 66732  
proceeds of the levy shall be used for costs associated with 66733  
operations in the county in which the tax is levied. The 66734  
resolution shall also state, regardless of the purposes for 66735  
which the tax is levied, the term of the tax, which may be for 66736  
any term authorized for a tax levied under section 3354.12 of 66737  
the Revised Code. The question of such a tax may not be 66738  
submitted at more than two special elections held in any one 66739  
calendar year. Levies for a continuing period of time adopted 66740  
under this section may be reduced in accordance with section 66741  
5705.261 of the Revised Code. 66742

The election shall be held, canvassed, and certified in 66743  
the manner provided for the submission of a tax levy under 66744  
section 3354.12 of the Revised Code. A tax levied under this 66745  
section may be renewed in the same manner as a tax levied under 66746  
section 3354.12 of the Revised Code ~~or replaced in accordance 66747  
with section 5705.192 of the Revised Code. 66748~~

If electors approve the levy, the board of trustees may 66749  
anticipate a fraction of the proceeds of the levy and may, from 66750

time to time, issue anticipation notes in the same manner and 66751  
subject to the same limitations provided under section 3354.12 66752  
of the Revised Code. 66753

(B) In accordance with Chapter 133. of the Revised Code, 66754  
the board of trustees of a state community college district may 66755  
adopt and certify a resolution to the board of elections of one 66756  
or more of the counties comprising the district directing the 66757  
board of elections to place on the ballot at any election 66758  
authorized under section 133.18 of the Revised Code both of the 66759  
following questions: 66760

(1) The question of issuing bonds for paying all or part 66761  
of the cost of the following: 66762

(a) The purchase of sites in that county or those 66763  
counties; 66764

(b) The erection, furnishings, and equipment of buildings 66765  
in that county or those counties; 66766

(c) The acquisition or construction of any property in 66767  
that county or those counties which the board of trustees is 66768  
authorized to acquire or construct and which has an estimated 66769  
life or usefulness of five years or more as certified by the 66770  
treasurer of the board of trustees. 66771

(2) The question of levying a tax in excess of the ten- 66772  
mill limitation on all the taxable property in that county or 66773  
those counties to pay the interest on and retire any bonds 66774  
approved by the electors under division (B) (1) of this section. 66775

The election shall be held, canvassed, and certified in 66776  
the manner provided for the submission of a bond issuance and 66777  
tax levy under section 3354.11 of the Revised Code. Bonds 66778  
approved by electors under division (B) (1) of this section may 66779

be issued for one or more improvements which the district is 66780  
authorized to acquire or construct, notwithstanding the fact 66781  
that such improvements may not be for more than one purpose 66782  
under Chapter 133. of the Revised Code. 66783

Notes may be issued in anticipation of any bonds that may 66784  
be approved by the electors under division (B)(1) of this 66785  
section in the manner provided under section 133.22 of the 66786  
Revised Code. 66787

For the purpose of applying Chapter 133. of the Revised 66788  
Code to division (B) of this section, the treasurer of the state 66789  
community college district shall be considered to be the 66790  
district's fiscal officer, and the board of trustees of the 66791  
state community college district shall be considered to be the 66792  
taxing authority. 66793

(C) The board of trustees of a state community college 66794  
district that levies a tax or proposes to levy a tax under 66795  
division (A) or (B) of this section shall be considered to be a 66796  
taxing authority, the county or counties in which the tax is 66797  
levied shall be considered to be a subdivision, and the 66798  
treasurer of the board of trustees shall be considered to be a 66799  
fiscal officer for the purposes of Chapter 5705. of the Revised 66800  
Code, except for section 5705.19 of the Revised Code. 66801

**Sec. 3364.07.** ~~(A)~~ (A) (1) The institute of American 66802  
constitutional thought and leadership is established for the 66803  
purpose of creating and disseminating knowledge about American 66804  
constitutional thought and to form future leaders of the legal 66805  
profession through research, scholarship, teaching, 66806  
collaboration, and mentorship. The institute shall be an 66807  
independent academic unit within the university of Toledo, 66808  
~~initially physically located at the college of law. The~~ 66809

~~university shall require the college of law to provide adequate  
administrative space for the institute.~~ 66810  
66811

(2) The university shall provide adequate and appropriate  
space for the institute as jointly determined by the director  
and either the president or provost of the university. The  
university shall not charge or assess overhead or indirect fees,  
costs, expenses, or charges to the institute. 66812  
66813  
66814  
66815  
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(B) The institute shall pursue all of the following goals: 66817

(1) To enrich the curriculum in American constitutional 66818  
studies, including the core texts and great debates of western 66819  
civilization; 66820

(2) To educate university students in the principles, 66821  
ideals, and institutions of the American and Ohio constitutional 66822  
order; 66823

(3) To educate university students in the foundations of 66824  
responsible leadership and informed citizenship and to cultivate 66825  
the next generation of leaders in the legal profession; 66826

(4) To offer university-wide programming related to the 66827  
values of open inquiry and civil discourse; 66828

(5) To expand the intellectual diversity of the 66829  
university's academic community and to create a rich forum for 66830  
the development of ideas across the political and ideological 66831  
spectrum; 66832

(6) To support faculty and graduate student scholarship 66833  
that advances understanding of American constitutional thought 66834  
and institutions; 66835

(7) To promote scholarly collaboration within the 66836  
university and beyond; 66837

(8) To host lectures, debates, and symposia, and sponsor 66838  
visiting scholars, jurists, and teachers. 66839

(C) The institute shall adhere to the following policies: 66840

(1) The institute shall educate students by means of free, 66841  
open, and rigorous intellectual inquiry to seek the truth. 66842

(2) The institute shall equip students with the skills, 66843  
habits, and dispositions of mind they need to reach their own 66844  
informed conclusions on matters of legal, social, and political 66845  
importance. 66846

(3) The institute shall value intellectual diversity in 66847  
higher education, including in faculty recruitment, hiring, and 66848  
appointment, and aspire to enhance the intellectual diversity of 66849  
academic life at the university. 66850

(4) The institute shall create a community dedicated to an 66851  
ethic of civil and free inquiry, which respects the intellectual 66852  
freedom of each member, supports individual capacities for 66853  
growth, and welcomes the differences of opinion that naturally 66854  
occur in a public university community. 66855

(D) (1) ~~Not later than sixty days after the effective date~~ 66856  
~~of this section, the~~ The talent, compensation, and governance 66857  
committee of the board of trustees of the university, if such a 66858  
committee exists, shall appoint, with the advice and consent of 66859  
the senate, a seven-member institute academic council. If no 66860  
such committee exists, the board of trustees shall appoint 66861  
members under this division. An initial member shall not begin 66862  
service until confirmed by the senate. Four members shall form a 66863  
quorum. 66864

(2) The academic council shall be comprised of scholars 66865  
with relevant expertise and experience. Not more than one member 66866

of the council may be an employee of the university. Best 66867  
efforts shall be made to have not fewer than three members of 66868  
the council be from Ohio. 66869

(3) Three members of the academic council shall serve 66870  
initial terms of two years and four members shall serve initial 66871  
terms of four years, which the members shall determine at their 66872  
first meeting, and select replacements for vacant seats. 66873

(4) To fill a vacancy for the institute director after the 66874  
initial director, following a national search, the academic 66875  
council shall transmit to the president a list of finalists from 66876  
which the president shall select a director, subject to the 66877  
approval of the talent, compensation, and governance committee 66878  
of the board of trustees. 66879

(E) (1) The institute shall be led by a director who shall 66880  
report directly to the president and provost of the university- 66881  
~~and consult with the dean of the college of law.~~ The president 66882  
of the university shall appoint ~~an initial~~ the director ~~not~~ 66883  
~~later than thirty days after the effective date of this section~~ 66884  
. The director shall be an expert of the western tradition, the 66885  
American founding, and American constitutional thought, and 66886  
shall have shown a commitment to the purposes, goals, and 66887  
policies of the institute. The director's term shall be for five 66888  
years and shall be renewable. 66889

(2) The director shall have the protection of tenure or 66890  
tenure eligibility. Any existing tenure with the university held 66891  
by a director shall be maintained with the university. 66892

(F) The institute shall be an independent academic unit of 66893  
the university with the authority to house tenure-track faculty 66894  
who hold their appointments within the institute. Not fewer than 66895

five tenure-track faculty positions shall be allotted to the 66896  
institute. Faculty appointed within the institute shall not be 66897  
required, but may be permitted, to hold joint or courtesy 66898  
appointments within any other division of the university. No 66899  
faculty from outside the institute shall have the authority to 66900  
block faculty hires into the institute. 66901

(G) (1) The director shall have the sole and exclusive 66902  
authority to manage the recruitment and hiring process and to 66903  
extend offers for employment for all faculty and staff, and to 66904  
terminate employment of all staff. The director shall oversee, 66905  
develop, and approve the institute's curriculum, including 66906  
approval of the institute's courses that meet the university's 66907  
general education requirements. The institute shall be granted 66908  
the authority to offer courses and develop certificate, minor, 66909  
major, and graduate programs, and offer degrees. 66910

(2) Employment contracts offered under division (G) (1) of 66911  
this section to tenure-track faculty appointed to the institute 66912  
shall guarantee reappointment elsewhere in the university, at 66913  
the same rank and compensation, in the event the institute is 66914  
discontinued. 66915

(H) The director of the institute shall submit an annual 66916  
report to the board of trustees of the university and the 66917  
general assembly in accordance with section 101.68 of the 66918  
Revised Code. The report shall provide a full account of the 66919  
institute's achievements, opportunities, challenges, and 66920  
obstacles in the development of this academic unit. 66921

(I) The board of trustees of the university may change the 66922  
name of the institute in accordance with the philanthropic 66923  
naming policies and practices of the university. 66924

**Sec. 3365.15.** The chancellor of higher education and the 66925  
department of education and workforce jointly shall do all of 66926  
the following: 66927

(A) Adopt data reporting guidelines specifying the types 66928  
of data that public and participating nonpublic secondary 66929  
schools and public and participating private colleges, including 66930  
eligible out-of-state colleges participating in the program, 66931  
must annually collect, report, and track under division (G) of 66932  
section 3365.04 and division (H) of section 3365.05 of the 66933  
Revised Code. The types of data shall include all of the 66934  
following: 66935

(1) For each secondary school and college: 66936

(a) The number of participants disaggregated by grade 66937  
level, socioeconomic status, race, gender, and disability; 66938

(b) The number of completed courses and credit hours, 66939  
disaggregated by the college in which participants were 66940  
enrolled; 66941

(c) The number of courses in which participants enrolled, 66942  
disaggregated by subject area and level of difficulty. 66943

(2) For each secondary school, the number of students who 66944  
were denied participation in the program under division (A) (1) 66945  
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of 66946  
the Revised Code. Each participating nonpublic secondary school 66947  
shall also include the number of students who were denied 66948  
participation due to the student not being awarded funding by 66949  
the department pursuant to section 3365.071 of the Revised Code. 66950

(3) For each college: 66951

(a) The number of students who applied to enroll in the 66952

college under the program but were not granted admission; 66953

(b) The average number of completed courses per 66954  
participant; 66955

(c) The average grade point average for participants in 66956  
college courses under the program. 66957

The guidelines adopted under this division shall also 66958  
include policies and procedures for the collection, reporting, 66959  
and tracking of such data. 66960

(B) Annually compile the data required under division (A) 66961  
of this section. Not later than the thirty-first day of December 66962  
of each year, the data from the previous school year shall be 66963  
posted in a prominent location on both the chancellor of higher 66964  
education's and the department's web sites. 66965

(C) Submit an annual report on outcomes of the college 66966  
credit plus program that are supported by empirical evidence to 66967  
the governor, the president of the senate, the speaker of the 66968  
house of representatives, and the chairpersons of the education 66969  
committees of the senate and house of representatives not later 66970  
than the thirty-first day of December each year. The report 66971  
shall include all of the following, disaggregated by cohort: 66972

(1) Number of degrees attained; 66973

(2) Level and type of degrees attained; 66974

(3) Number of students who receive a degree in two 66975  
different subject areas; 66976

(4) Time to completion of a degree, disaggregated by level 66977  
and type of degree attained; 66978

(5) Time to enrollment in a graduate or doctoral degree 66979

program; 66980

(6) The number of students who participate in a study 66981  
abroad course; 66982

(7) How all of the measures described in division (C) of 66983  
this section compare to both: 66984

(a) The overall student population who did not participate 66985  
in the college credit plus program; 66986

(b) Any similar measures compiled under the former 66987  
postsecondary enrollment options program, to the extent that 66988  
such data is available. 66989

The first report shall be submitted not later than 66990  
December 31, 2018, and each subsequent report shall be submitted 66991  
not later than the thirty-first day of December each year 66992  
thereafter ~~until December 2023~~. 66993

(D) Establish a college credit plus advisory committee to 66994  
assist in the development of performance metrics and the 66995  
monitoring of the program's progress. At least one member of the 66996  
advisory committee shall be a school guidance counselor. 66997

The chancellor shall also, in consultation with the 66998  
department, create a standard packet of information for the 66999  
college credit plus program directed toward students and parents 67000  
that are interested in the program. 67001

(E) The chancellor and the department also may submit a 67002  
biennial report detailing the status of the college credit plus 67003  
program, including an analysis of quality assurance measures 67004  
related to the program, to the governor, the president of the 67005  
senate, the speaker of the house of representatives, and the 67006  
chairpersons of the education committees of the senate and house 67007

of representatives. If the chancellor and the department choose 67008  
to jointly submit the biennial report, both of the following 67009  
shall apply: 67010

(1) The report shall include only data available through 67011  
the higher education information system administered by the 67012  
chancellor. 67013

(2) The first report shall be submitted not later than 67014  
December 31, 2017, and each subsequent report shall be submitted 67015  
not later than the thirty-first day of December every two years 67016  
thereafter. 67017

(F) For purposes of this section, "cohort" means a group 67018  
of students who participated in the college credit plus program 67019  
and who, upon graduation from high school, enroll in an Ohio 67020  
institution of higher education during the same academic year. 67021

**Sec. 3375.15.** (A) In any school district in which a free 67022  
public library has been established by resolution adopted by the 67023  
board of education of such school district prior to September 4, 67024  
1947, or by resolution adopted by the board of education of such 67025  
school district under section 3375.151 of the Revised Code after 67026  
the effective date of this amendment but prior to January 1, 67027  
2014, such library shall be under the control and management of 67028  
a board of library trustees consisting of seven members. No one 67029  
is eligible to membership on such board of library trustees who 67030  
is or has been for a year previous to appointment a member of a 67031  
board of education making such appointment. A majority of the 67032  
trustees shall be qualified electors of the school district, but 67033  
a minority may be qualified electors of the county who reside 67034  
outside the school district, and all shall be appointed by the 67035  
board of education of the school district. 67036

(B) The trustees shall serve ~~for a term of seven years and~~ 67037  
without compensation. Trustees appointed prior to the effective 67038  
date of this amendment shall serve for a term of seven years. 67039  
Trustees appointed on or after that date shall serve for a term 67040  
of four years. Except as otherwise provided in this section, all 67041  
vacancies on the board of library trustees shall be filled by 67042  
the board of education by appointment for the unexpired term. 67043  
The board of library trustees shall organize in accordance with 67044  
section 3375.32 of the Revised Code. The board of library 67045  
trustees shall have the control and management of the school 67046  
district free public library and in the exercise of such control 67047  
and management shall be governed by sections 3375.33 to 3375.41 67048  
of the Revised Code. This section does not affect the term of 67049  
any member of a board of library trustees of a school district 67050  
free public library appointed prior to September 4, 1947. 67051

(C) The board of education shall make appointments to the 67052  
board of library trustees not later than forty-five days after 67053  
the date a member's term expires or after the date a vacancy 67054  
occurs, whichever is applicable. If the board of education does 67055  
not make an appointment by that time, the appointment shall be 67056  
made within the next fourteen days by the probate court of the 67057  
county in which the library is situated. 67058

**Sec. 3375.22.** In any county in which there has been 67059  
created a county library district, the free public library of 67060  
said district shall be under the control and management of a 67061  
board of library trustees consisting of seven members. Such 67062  
trustees shall be qualified electors of the library district or 67063  
county. Three shall be appointed by the judges of the court of 67064  
common pleas and four shall be appointed by the board of county 67065  
commissioners of the county in which said district is situated. 67066  
The term of office of said trustees, if appointed prior to the 67067

effective date of this amendment, shall be seven years, except 67068  
that at the first appointment the terms of those appointed by 67069  
the judges shall expire in two, four, and six years 67070  
respectively, and the terms of those appointed by the board of 67071  
county commissioners shall expire in one, three, five, and seven 67072  
years respectively. The term of office of trustees appointed on 67073  
or after the effective date of this amendment shall be four 67074  
years, except that at the first appointment the terms of those 67075  
appointed by the judges shall expire in two, three, and four 67076  
years respectively, and the terms of those appointed by the 67077  
board of county commissioners shall expire in one, two, three, 67078  
and four years respectively. Any appointment made to fill a 67079  
vacancy shall be made by the same body which appointed the 67080  
trustee whose place has become vacant and shall be for his the 67081  
remainder of the unexpired term. The successor of any trustee of 67082  
any county library district shall be appointed by the same board 67083  
or officers which appointed his the trustee's predecessor and 67084  
all subsequent appointments shall be for seven years. The 67085  
members of such board of library trustees shall serve without 67086  
compensation but shall be reimbursed for their actual and 67087  
necessary expenses incurred in the performance of their duties. 67088  
Such board of library trustees shall organize in accordance with 67089  
section 3375.32 of the Revised Code. Such board of library 67090  
trustees shall have the control and management of the county 67091  
district free public library and in the exercise of such control 67092  
and management shall be governed by sections 3375.33 to 3375.41~~7~~ 67093  
~~inclusive,~~ of the Revised Code. 67094

**Sec. 3375.30.** In any two or more contiguous counties in 67095  
which there has been created a regional library district, there 67096  
shall be a board of library trustees consisting of seven 67097  
members. Such trustees shall be qualified electors of the 67098

district. The first appointments to such board of library 67099  
trustees shall be made by the boards of county commissioners of 67100  
such counties in joint meeting. Thereafter each appointment to 67101  
fill an expiring term shall be made by the board of county 67102  
commissioners of a participating county in the rotating order 67103  
represented by the alphabetical arrangement of the names of the 67104  
counties. The term of office of said trustees, if appointed 67105  
prior to the effective date of this amendment, shall be seven 67106  
years, or, if appointed on or after that date, shall be four 67107  
years, except that at the first appointment the terms must be 67108  
such that one member retires each year. Any appointment made to 67109  
fill a vacancy shall be made by the same body which appointed 67110  
the trustee whose place has become vacant and shall be for ~~his~~ 67111  
the remainder of the unexpired term. The members of such board 67112  
of library trustees shall serve without compensation but shall 67113  
be reimbursed for their actual and necessary expenses incurred 67114  
in the performance of their duties. Such board of library 67115  
trustees shall organize in accordance with section 3375.32 of 67116  
the Revised Code. Such board of library trustees shall have the 67117  
control and management of the regional district free public 67118  
library and in exercise of such control and management shall be 67119  
governed by sections 3375.33 to 3375.41, ~~inclusive,~~ and section 67120  
3375.19 of the Revised Code. 67121

**Sec. 3375.39.** At the expiration of the term of a fiscal 67122  
officer of a board of library trustees of a free public library 67123  
or before such board approves the surety of any fiscal officer, 67124  
such board shall require the fiscal officer to produce all 67125  
money, bonds, or other securities in the fiscal officer's hands, 67126  
which shall then be counted by the board or a committee of the 67127  
board, ~~or by a representative of the auditor of state.~~ A 67128  
certificate setting forth the exact amount of such money, bonds, 67129

or other securities and signed by the representatives making 67130  
such count shall be entered upon the records of the board and 67131  
shall be prima-facie evidence that the amount stated in such 67132  
certificate is actually in the treasury at that date. 67133

Sec. 3375.47. A public library created under Chapter 3375. 67134  
of the Revised Code shall place material related to sexual 67135  
orientation or gender identity or expression in a portion of the 67136  
public library that is not primarily open to the view of persons 67137  
under the age of eighteen. 67138

**Sec. 3375.92.** The fiscal officer of the board of trustees 67139  
of the regional library system is the treasurer of the 67140  
organization's funds. Before entering upon their duties, the 67141  
fiscal officer and the deputy fiscal officer shall execute a 67142  
bond in an amount and with surety to be approved by the board, 67143  
and conditioned for the faithful performance of the official 67144  
duties required of them. 67145

All moneys received by the fiscal officer shall be 67146  
immediately placed by the fiscal officer in a depository 67147  
designated by the board. The fiscal officer shall keep an 67148  
account of the funds credited to the board. 67149

The fiscal officer shall render a monthly statement to the 67150  
board showing the revenues and receipts from whatever sources 67151  
derived, the disbursements and the purposes for such 67152  
disbursements, and the assets and liabilities of the board. At 67153  
the end of each fiscal year the fiscal officer shall submit to 67154  
the board, to the state library board and, if requested, to any 67155  
granting authority, a complete financial statement showing the 67156  
receipts and expenditures in detail for the entire fiscal year. 67157  
Such financial records shall be open to public inspection at all 67158  
reasonable times. 67159

At the expiration of the term of the fiscal officer or 67160  
before the board of trustees approves the surety of any fiscal 67161  
officer, the board shall require the fiscal officer to produce 67162  
all moneys, bonds, or other securities in the fiscal officer's 67163  
hands, which shall then be counted by the board or a committee 67164  
of the board, ~~or by a representative of the auditor of state.~~ A 67165  
certificate setting forth the exact amount of such money, bonds, 67166  
or other securities and signed by the persons making such count 67167  
shall be entered upon the records of the board and shall be 67168  
prima-facie evidence that the amount stated in such certificate 67169  
is actually in the treasury at that date. 67170

**Sec. 3379.03.** The Ohio arts council shall: 67171

(A) Conduct a survey of the cultural and artistic 67172  
resources and needs of the state and maintain a continuing 67173  
inventory of such resources; 67174

(B) Develop a plan for better and fuller use and enjoyment 67175  
of the state's cultural and artistic resources by all the people 67176  
of the state; 67177

(C) Assess the role of the arts in the growth and 67178  
development of the state; 67179

(D) Report at least biennially to the governor and the 67180  
general assembly on the state of the arts. Such report may 67181  
include recommendations based on the council's surveys. 67182

~~(E) Administer the per cent for arts program pursuant to~~ 67183  
~~section 3379.10 of the Revised Code;~~ 67184

~~(F)~~ Establish guidelines for the administration of the 67185  
council's duties that pertain to the position of Ohio poet 67186  
laureate pursuant to section 3379.12 of the Revised Code and for 67187  
the qualifications of the Ohio poet laureate appointed under 67188

that section.

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**Sec. 3379.12.** (A) The position of Ohio poet laureate is hereby created. The Ohio poet laureate shall be appointed by the governor from a list of not less than three candidates recommended by the Ohio arts council based on qualifications developed by the arts council under division ~~(F)~~(E) of section 3379.03 of the Revised Code. The arts council shall submit its list of candidates to the governor not less than ninety days prior to the beginning of the Ohio poet laureate's term of office.

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(B) The term of office for the Ohio poet laureate shall be for two years. The initial term shall begin on January 1, 2016.

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(C) In the event of the death, resignation, or any other vacancy or inability to perform the duties of Ohio poet laureate during an individual's unexpired term of office, not later than sixty days after the vacancy occurs, the Ohio arts council shall recommend a candidate to the governor to serve as poet laureate for the remainder of that unexpired term of office.

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(D) An individual may be reappointed to subsequent terms of office, at the discretion of the governor.

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**Sec. 3381.03.** Any county, or any two or more counties, municipal corporations, or townships, or any combination of these may create a regional arts and cultural district by the adoption of a resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township that desires to create or to join in the creation of the district. The resolution or ordinance shall state all of the following:

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- (A) The purposes for the creation of the district; 67218
- (B) The counties, municipal corporations, or townships  
that are to be included in the district; 67219  
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- (C) The official name by which the district shall be  
known; 67221  
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- (D) The location of the principal office of the district  
or the manner in which the location shall be selected; 67223  
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- (E) Subject to section 3381.05 of the Revised Code, the  
number, term, and compensation, which shall not exceed the sum  
of fifty dollars for each board and committee meeting attended  
by a member, of the members of the board of trustees of the  
district; 67225  
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- (F) Subject to section 3381.05 of the Revised Code, the  
manner in which members of the board of trustees of the district  
shall be appointed; the method of filling vacancies; and the  
period, if any, for which a trustee continues in office after  
expiration of the trustee's term pending the appointment of the  
trustee's successor; 67230  
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- (G) The manner of apportioning expenses of the district  
among the participating counties, municipal corporations, and  
townships. 67236  
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- The resolution or ordinance may also provide that the  
authority of the districts to make grants under section 3381.20  
of the Revised Code may be totally or partially delegated to one  
or more area arts councils, as defined in section 757.03 of the  
Revised Code, located within the district. 67239  
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- The district provided for in the resolution or ordinance  
shall be created upon the adoption of the resolution or 67244  
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ordinance by the board of county commissioners of each county, 67246  
the legislative authority of each municipal corporation, and the 67247  
board of township trustees of each township enumerated in the 67248  
resolution or ordinance. The resolution or ordinance may be 67249  
amended to include additional counties, municipal corporations, 67250  
or townships or for any other purpose by the adoption of an 67251  
amendment by the board of county commissioners of each county, 67252  
the legislative authority of each municipal corporation, and the 67253  
board of township trustees of each township that has created or 67254  
joined or proposes to join the district. 67255

After each county, municipal corporation, and township has 67256  
adopted a resolution or ordinance approving inclusion of 67257  
additional counties, municipal corporations, or townships in the 67258  
district, a copy of the resolution or ordinance shall be filed 67259  
with the clerk of the board of the county commissioners of each 67260  
county, the clerk of the legislative authority of each municipal 67261  
corporation, and the fiscal officer of the board of trustees of 67262  
each township proposed to be included in the district. The 67263  
inclusion is effective when all such filing is completed unless 67264  
the district to which territory is to be added has authority to 67265  
levy an ad valorem tax on property within its territory, in 67266  
which event the inclusion shall become effective upon voter 67267  
approval of the joinder and the tax. 67268

If a tax on property is to be levied, the board and the 67269  
county auditor shall proceed in the same manner as required for 67270  
a tax levy under section 5705.03 of the Revised Code, except 67271  
that the levy's annual collections shall be estimated assuming 67272  
that the additional territory has been added to the district. 67273  
The board of trustees shall promptly certify the proposal and 67274  
the auditor's certification to the board or boards of elections 67275  
for the purpose of having the proposal placed on the ballot at 67276

the next general or primary election that occurs not less than 67277  
sixty days after the date of the meeting of the board of 67278  
trustees, or at a special election held on a date specified in 67279  
the certification that is not less than sixty days after the 67280  
date of the meeting of the board. If territory of more than one 67281  
county, municipal corporation, or township is to be added to the 67282  
regional arts and cultural district, the electors of the 67283  
territories of the counties, municipal corporations, or 67284  
townships which are to be added shall vote as a district, and 67285  
the outcome of the election shall be determined by the vote cast 67286  
in the entire district. Upon certification of a proposal to the 67287  
board or boards of elections pursuant to this section, the board 67288  
or boards of elections shall make the necessary arrangements for 67289  
the submission of the questions to the electors of the territory 67290  
to be added to the district, and the election shall be held, 67291  
canvassed, and certified in the manner provided for the 67292  
submission of tax levies under section 5705.19 of the Revised 67293  
Code, except that the question appearing on the ballot shall 67294  
read: 67295

"Shall the territory within the \_\_\_\_\_ (name 67296  
or names of political subdivisions to be joined) be added to 67297  
\_\_\_\_\_ (name) regional arts and 67298  
cultural district? And shall a property tax that the county 67299  
auditor estimates will collect \$\_\_\_\_\_ annually at a rate not 67300  
exceeding \_\_\_\_\_ mills for each \$1 of taxable value, which 67301  
amounts to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the~~ 67302  
~~county auditor's appraised market~~ value, be levied for purposes 67303  
of such district?" 67304

If the question is approved by a majority of the electors 67305  
voting on the question, the joinder is effective immediately, 67306  
and the district may extend the levy of the tax against all the 67307

taxable property within the territory that has been added. If 67308  
the question is approved at a general election or at a special 67309  
election occurring prior to a general election but after the 67310  
fifteenth day of July in any calendar year, the district may 67311  
amend its budget and resolution adopted pursuant to section 67312  
5705.34 of the Revised Code, and the levy shall be placed on the 67313  
current tax list and duplicate and collected as other taxes are 67314  
collected from all taxable property within the territory of the 67315  
district, including the territory added as a result of the 67316  
election. 67317

The territory of a district shall be coextensive with the 67318  
territory of the counties, municipal corporations, and townships 67319  
included within the district, provided that the same territory 67320  
may not be included in more than one regional arts and cultural 67321  
district, and provided, that if a district includes only a 67322  
portion of an entire county, a district may be created in the 67323  
remaining portion of the same county by resolution of the board 67324  
of county commissioners acting alone or in conjunction with 67325  
municipal corporations and townships as provided in this 67326  
section. 67327

As used in this section, "~~the county auditor's appraised~~ 67328  
market value" and "effective rate" have the same meanings as in 67329  
section 5705.01 of the Revised Code. 67330

**Sec. 3381.11.** The board of trustees of a regional arts and 67331  
cultural district or any officer or employee designated by such 67332  
board may make any contract for the purchase of supplies or 67333  
material or for labor for any work, under the supervision of the 67334  
board, the cost of which shall not exceed ten thousand dollars. 67335  
When an expenditure, other than for the acquisition of real 67336  
estate, the discharge of noncontractual claims, personal 67337

services, or for the product or services of public utilities, 67338  
exceeds ten thousand dollars, such expenditure shall be made 67339  
only after a notice calling for bids has been published once a 67340  
week for two consecutive weeks in one newspaper of general 67341  
circulation within the territory of the district or as provided 67342  
in section 7.16 of the Revised Code. The board may then let said 67343  
contract to the lowest and best bidder, who shall give a good 67344  
and approved bond with ample security conditioned on the 67345  
carrying out of the contract. Such contract shall be in writing 67346  
and shall be accompanied by or shall refer to plans and 67347  
specifications for the work to be done, approved by the board. 67348  
The plans and specifications shall at all times be made and 67349  
considered part of the contract. The contract shall be approved 67350  
by the board and signed on behalf of the district and by the 67351  
contractor. No sale of any real or personal property or a lease 67352  
thereof having a term thereof in excess of five years shall be 67353  
made except with the highest and best bidder after publication 67354  
of notice for bids in the manner above provided. 67355

Competitive bidding under this section is not required 67356  
when: 67357

(A) The board, by a two-thirds affirmative vote of its 67358  
members, determines that a real and present emergency exists and 67359  
such determination and the reasons therefor are entered in the 67360  
proceedings of the board, when: 67361

(1) The estimated cost is less than fifteen thousand 67362  
dollars; or 67363

(2) There is actual physical damage to structures or 67364  
equipment. 67365

(B) Such purchase consists of supplies or a replacement or 67366

supplemental part or parts for a product or equipment owned or 67367  
leased by the district and the only source of supply for such 67368  
supplies, part, or parts is limited to a single supplier; 67369

(C) The lease is a renewal of a lease for electronic data 67370  
processing equipment, services, or systems; 67371

(D) Services or supplies are available from a qualified 67372  
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 67373  
125.601 of the Revised Code; 67374

(E) With respect to any contract, agreement, or lease by a 67375  
district with any arts or cultural organization or any 67376  
governmental body or agency. 67377

**Sec. 3381.17.** From the funds available therefor from a tax 67378  
levy authorized under section 3381.16 or, if applicable, 67379  
sections 5743.021, and 5743.321, ~~5743.511, 5743.621, and~~ 67380  
~~5743.631~~ of the Revised Code, a regional arts and cultural 67381  
district by action of its board of trustees shall make annual 67382  
grants to support the operating or capital expenses of such of 67383  
the arts or cultural organizations located within the territory 67384  
of the district as the board of trustees shall determine; 67385  
provided, however, that not more than ten per cent of the amount 67386  
granted in any calendar year shall be granted to arts and 67387  
cultural organizations that are not qualifying arts or cultural 67388  
organizations; and further provided that prior to making any 67389  
grants in any calendar year, the board of trustees shall afford 67390  
an opportunity for the presentation, either in person or in 67391  
writing, of the suggestions of any area arts council, as defined 67392  
in section 757.03 of the Revised Code, located within the 67393  
district. Any such grant to an arts or cultural organization 67394  
shall be on such terms and conditions as the board considers 67395  
advisable. 67396

**Sec. 3501.01.** As used in the sections of the Revised Code 67397  
relating to elections and political communications: 67398

(A) "General election" means the election held on the 67399  
first Tuesday after the first Monday in each November. 67400

(B) "Regular municipal election" means the election held 67401  
on the first Tuesday after the first Monday in November in each 67402  
odd-numbered year. 67403

(C) "Regular state election" means the election held on 67404  
the first Tuesday after the first Monday in November in each 67405  
even-numbered year. 67406

(D) "Special election" means any election other than those 67407  
elections defined in other divisions of this section. A special 67408  
election may be held only on the first Tuesday after the first 67409  
Monday in May or November, on the first Tuesday after the first 67410  
Monday in August in accordance with section 3501.022 of the 67411  
Revised Code, or on the day authorized by a particular municipal 67412  
or county charter for the holding of a primary election, except 67413  
that in any year in which a presidential primary election is 67414  
held, no special election shall be held in May, except as 67415  
authorized by a municipal or county charter, but may be held on 67416  
the third Tuesday after the first Monday in March. 67417

(E) (1) "Primary" or "primary election" means an election 67418  
held for the purpose of nominating persons as candidates of 67419  
political parties for election to offices, and for the purpose 67420  
of electing persons as members of the controlling committees of 67421  
political parties and as delegates and alternates to the 67422  
conventions of political parties. Primary elections shall be 67423  
held on the first Tuesday after the first Monday in May of each 67424  
year except in years in which a presidential primary election is 67425

held. 67426

(2) "Presidential primary election" means a primary 67427  
election as defined by division (E) (1) of this section at which 67428  
an election is held for the purpose of choosing delegates and 67429  
alternates to the national conventions of the major political 67430  
parties pursuant to section 3513.12 of the Revised Code. Unless 67431  
otherwise specified, presidential primary elections are included 67432  
in references to primary elections. In years in which a 67433  
presidential primary election is held, all primary elections 67434  
shall be held on the third Tuesday after the first Monday in 67435  
March except as otherwise authorized by a municipal or county 67436  
charter. 67437

(F) "Political party" means any group of voters meeting 67438  
the requirements set forth in section 3517.01 of the Revised 67439  
Code for the formation and existence of a political party. 67440

(1) "Major political party" means any political party 67441  
organized under the laws of this state whose candidate for 67442  
governor or nominees for presidential electors received not less 67443  
than twenty per cent of the total vote cast for such office at 67444  
the most recent regular state election. 67445

(2) "Minor political party" means any political party 67446  
organized under the laws of this state that meets either of the 67447  
following requirements: 67448

(a) Except as otherwise provided in this division, the 67449  
political party's candidate for governor or nominees for 67450  
presidential electors received less than twenty per cent but not 67451  
less than three per cent of the total vote cast for such office 67452  
at the most recent regular state election. A political party 67453  
that meets the requirements of this division remains a political 67454

party for a period of four years after meeting those 67455  
requirements. 67456

(b) The political party has filed with the secretary of 67457  
state, subsequent to its failure to meet the requirements of 67458  
division (F)(2)(a) of this section, a petition that meets the 67459  
requirements of section 3517.01 of the Revised Code. 67460

A newly formed political party shall be known as a minor 67461  
political party until the time of the first election for 67462  
governor or president which occurs not less than twelve months 67463  
subsequent to the formation of such party, after which election 67464  
the status of such party shall be determined by the vote for the 67465  
office of governor or president. 67466

(G) "Dominant party in a precinct" or "dominant political 67467  
party in a precinct" means that political party whose candidate 67468  
for election to the office of governor at the most recent 67469  
regular state election at which a governor was elected received 67470  
more votes than any other person received for election to that 67471  
office in such precinct at such election. 67472

(H) "Candidate" means any qualified person certified in 67473  
accordance with the provisions of the Revised Code for placement 67474  
on the official ballot of a primary, general, or special 67475  
election to be held in this state, or any qualified person who 67476  
claims to be a write-in candidate, or who knowingly assents to 67477  
being represented as a write-in candidate by another at either a 67478  
primary, general, or special election to be held in this state. 67479

(I) "Independent candidate" means any candidate who claims 67480  
not to be affiliated with a political party, and whose name has 67481  
been certified on the office-type ballot at a general or special 67482  
election through the filing of a statement of candidacy and 67483

nominating petition, as prescribed in section 3513.257 of the Revised Code. 67484  
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(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, ~~for member of any board of education,~~ for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices. 67486  
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(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code. 67495  
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(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party. 67503  
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(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state. 67509  
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- (N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote. 67513  
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- (O) "Voter" means an elector who votes at an election. 67515
- (P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote. 67516  
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- (Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place. 67519  
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- (R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote. 67523  
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- (S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code. 67526  
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- (T) "Political subdivision" means a county, township, city, village, or school district. 67529  
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- (U) "Election officer" or "election official" means any of the following: 67531  
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- (1) Secretary of state; 67533
- (2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor; 67534  
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- (3) Director of a board of elections; 67538
- (4) Deputy director of a board of elections; 67539

(5) Member of a board of elections;	67540
(6) Employees of a board of elections;	67541
(7) Precinct election officials;	67542
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	67543 67544
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	67545 67546 67547 67548 67549 67550 67551
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	67552 67553 67554 67555
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for	67556 67557 67558 67559 67560 67561 67562 67563 67564 67565 67566 67567 67568

Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA) (1) "Photo identification" means one of the following documents that includes the individual's name and photograph and is not expired:

(a) An Ohio driver's license, state identification card, or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code;

(b) A United States passport or passport card;

(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card.

(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA) (1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that includes the individual's name, photograph, and other identifying information and the passport's expiration date.

(BB) "Driver's license" means a license or permit issued

by the registrar or a deputy registrar under Chapter 4506. or 67597  
4507. of the Revised Code that authorizes an individual to 67598  
drive. "Driver's license" includes a driver's license, 67599  
commercial driver's license, probationary license, restricted 67600  
license, motorcycle operator's license, or temporary instruction 67601  
permit identification card. "Driver's license" does not include 67602  
a limited term license issued under section 4506.14 or 4507.09 67603  
of the Revised Code. 67604

(CC) "State identification card" means a card issued by 67605  
the registrar or a deputy registrar under sections 4507.50 to 67606  
4507.52 of the Revised Code. 67607

(DD) "Interim identification form" means the document 67608  
issued by the registrar or a deputy registrar to an applicant 67609  
for a driver's license or state identification card that 67610  
contains all of the information otherwise found on the license 67611  
or card and that an applicant may use as a form of 67612  
identification until the physical license or card arrives in the 67613  
mail. 67614

**Sec. 3501.05.** The secretary of state shall do all of the 67615  
following: 67616

(A) Appoint all members of boards of elections; 67617

(B) Issue instructions by directives and advisories in 67618  
accordance with section 3501.053 of the Revised Code to members 67619  
of the boards as to the proper methods of conducting elections. 67620

(C) Prepare rules and instructions for the conduct of 67621  
elections; 67622

(D) Publish and furnish to the boards from time to time a 67623  
sufficient number of indexed copies of all election laws then in 67624  
force; 67625

(E) Edit and issue all pamphlets concerning proposed laws	67626
or amendments required by law to be submitted to the voters;	67627
(F) Prescribe the form of registration cards, blanks, and	67628
records;	67629
(G) Determine and prescribe the forms of ballots and the	67630
forms of all blanks, cards of instructions, pollbooks, tally	67631
sheets, certificates of election, and forms and blanks required	67632
by law for use by candidates, committees, and boards;	67633
(H) Prepare the ballot title or statement to be placed on	67634
the ballot for any proposed law or amendment to the constitution	67635
to be submitted to the voters of the state;	67636
(I) Except as otherwise provided in section 3519.08 of the	67637
Revised Code, certify to the several boards the forms of ballots	67638
and names of candidates for state offices, and the form and	67639
wording of state referendum questions and issues, as they shall	67640
appear on the ballot;	67641
(J) Except as otherwise provided in division (I) (2) (b) of	67642
section 3501.38 of the Revised Code, give final approval to	67643
ballot language for any local question or issue approved and	67644
transmitted by boards of elections under section 3501.11 of the	67645
Revised Code;	67646
(K) Receive all initiative and referendum petitions on	67647
state questions and issues and determine and certify to the	67648
sufficiency of those petitions;	67649
(L) Require such reports from the several boards as are	67650
provided by law, or as the secretary of state considers	67651
necessary;	67652
(M) Compel the observance by election officers in the	67653

several counties of the requirements of the election laws; 67654

(N) (1) Except as otherwise provided in division (N) (2) of 67655  
this section, through the election integrity unit created under 67656  
section 3501.055 of the Revised Code, investigate the 67657  
administration of election laws, frauds, and irregularities in 67658  
elections in any county, and report violations of election laws 67659  
to the attorney general or prosecuting attorney, or both, for 67660  
prosecution; 67661

~~(2) On and after August 24, 1995, report a failure to~~ 67662  
~~comply with or a~~ Receive and process complaints regarding any 67663  
alleged violation of a provision in sections 3517.08 to 3517.13, 67664  
3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, 67665  
~~whenever the secretary of state has or should have knowledge of~~ 67666  
~~a failure to comply with or a violation of a provision in one of~~ 67667  
~~those sections, by filing a complaint with the Ohio elections~~ 67668  
~~commission under section 3517.153 of law over which the Ohio~~ 67669  
election integrity commission has jurisdiction, in accordance 67670  
with sections 3517.14 to 3517.18 of the Revised Code. 67671

(O) Make an annual report to the governor containing the 67672  
results of elections, the cost of elections in the various 67673  
counties, a tabulation of the votes in the several political 67674  
subdivisions, and other information and recommendations relative 67675  
to elections the secretary of state considers desirable; 67676

(P) Prescribe and distribute to boards of elections a list 67677  
of instructions indicating all legal steps necessary to petition 67678  
successfully for local option elections under sections 4301.32 67679  
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 67680

(Q) Adopt rules pursuant to Chapter 119. of the Revised 67681  
Code for the removal by boards of elections of ineligible voters 67682

from the statewide voter registration database and, if 67683  
applicable, from the poll list or signature pollbook used in 67684  
each precinct, which rules shall provide for all of the 67685  
following: 67686

(1) A process for the removal of voters who have changed 67687  
residence, which shall be uniform, nondiscriminatory, and in 67688  
compliance with the Voting Rights Act of 1965 and the National 67689  
Voter Registration Act of 1993, including a program that uses 67690  
the national change of address service provided by the United 67691  
States postal system through its licensees; 67692

(2) A process for the removal of ineligible voters under 67693  
section 3503.21 of the Revised Code; 67694

(3) A uniform system for marking or removing the name of a 67695  
voter who is ineligible to vote from the statewide voter 67696  
registration database and, if applicable, from the poll list or 67697  
signature pollbook used in each precinct and noting the reason 67698  
for that mark or removal. 67699

(R) (1) Prescribe a general program for registering voters 67700  
or updating voter registration information, such as name and 67701  
residence changes, by boards of elections, designated agencies, 67702  
public high schools and vocational schools, public libraries, 67703  
and offices of county treasurers consistent with the 67704  
requirements of section 3503.09 of the Revised Code; 67705

(2) Prescribe a general program for registering voters or 67706  
updating voter registration information through the registrar of 67707  
motor vehicles and deputy registrars, consistent with the 67708  
requirements of section 3503.11 of the Revised Code. 67709

(S) Prescribe a program of distribution of voter 67710  
registration forms through boards of elections, designated 67711

agencies, offices of the registrar and deputy registrars of 67712  
motor vehicles, public high schools and vocational schools, 67713  
public libraries, and offices of county treasurers; 67714

(T) To the extent feasible, provide copies, at no cost and 67715  
upon request, of the voter registration form in post offices in 67716  
this state; 67717

(U) Adopt rules pursuant to section 111.15 of the Revised 67718  
Code for the purpose of implementing the programs for 67719  
registering voters through boards of elections, designated 67720  
agencies, and the offices of the registrar and deputy registrars 67721  
of motor vehicles consistent with this chapter; 67722

(V) Establish the full-time position of Americans with 67723  
Disabilities Act coordinator within the office of the secretary 67724  
of state to do all of the following: 67725

(1) Assist the secretary of state with ensuring that there 67726  
is equal access to polling places for persons with disabilities; 67727

(2) Assist the secretary of state with ensuring that each 67728  
voter may cast the voter's ballot in a manner that provides the 67729  
same opportunity for access and participation, including privacy 67730  
and independence, as for other voters; 67731

(3) Advise the secretary of state in the development of 67732  
standards for the certification of voting machines, marking 67733  
devices, and automatic tabulating equipment. 67734

(W) Establish and maintain a computerized statewide 67735  
database of all legally registered voters under section 3503.15 67736  
of the Revised Code that complies with the requirements of the 67737  
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 67738  
1666, and provide training in the operation of that system; 67739

(X) Ensure that all directives, advisories, other 67740  
instructions, or decisions issued or made during or as a result 67741  
of any conference or teleconference call with a board of 67742  
elections to discuss the proper methods and procedures for 67743  
conducting elections, to answer questions regarding elections, 67744  
or to discuss the interpretation of directives, advisories, or 67745  
other instructions issued by the secretary of state are posted 67746  
on a web site of the office of the secretary of state as soon as 67747  
is practicable after the completion of the conference or 67748  
teleconference call, but not later than the close of business on 67749  
the same day as the conference or teleconference call takes 67750  
place. 67751

(Y) Publish a report on a web site of the office of the 67752  
secretary of state not later than one month after the completion 67753  
of the canvass of the election returns for each primary and 67754  
general election, identifying, by county, the number of absent 67755  
voter's ballots cast and the number of those ballots that were 67756  
counted, and the number of provisional ballots cast and the 67757  
number of those ballots that were counted, for that election. 67758  
The secretary of state shall maintain the information on the web 67759  
site in an archive format for each subsequent election. 67760

(Z) Conduct voter education outlining voter 67761  
identification, absent voters ballot, provisional ballot, and 67762  
other voting requirements; 67763

(AA) Establish a procedure by which a registered elector 67764  
may make available to a board of elections a more recent 67765  
signature to be used in the poll list or signature pollbook 67766  
produced by the board of elections of the county in which the 67767  
elector resides; 67768

(BB) Disseminate information, which may include all or 67769

part of the official explanations and arguments, by means of 67770  
direct mail or other written publication, broadcast, or other 67771  
means or combination of means, as directed by the Ohio ballot 67772  
board under division (F) of section 3505.062 of the Revised 67773  
Code, in order to inform the voters as fully as possible 67774  
concerning each proposed constitutional amendment, proposed law, 67775  
or referendum; 67776

(CC) Be the single state office responsible for the 67777  
implementation of the "Uniformed and Overseas Citizens Absentee 67778  
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 67779  
1973ff, et seq., as amended, in this state. The secretary of 67780  
state may delegate to the boards of elections responsibilities 67781  
for the implementation of that act, including responsibilities 67782  
arising from amendments to that act made by the "Military and 67783  
Overseas Voter Empowerment Act," Subtitle H of the "National 67784  
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 67785  
111-84, 123 Stat. 3190. 67786

(DD) Adopt rules, under Chapter 119. of the Revised Code, 67787  
to establish procedures and standards for determining when a 67788  
board of elections shall be placed under the official oversight 67789  
of the secretary of state, placing a board of elections under 67790  
the official oversight of the secretary of state, a board that 67791  
is under official oversight to transition out of official 67792  
oversight, and the secretary of state to supervise a board of 67793  
elections that is under official oversight of the secretary of 67794  
state. 67795

(EE) Perform other duties required by law. 67796

Whenever a primary election is held under section 3513.32 67797  
of the Revised Code or a special election is held under section 67798  
3521.03 of the Revised Code to fill a vacancy in the office of 67799

representative to congress, the secretary of state shall 67800  
establish a deadline, notwithstanding any other deadline 67801  
required under the Revised Code, by which any or all of the 67802  
following shall occur: the filing of a declaration of candidacy 67803  
and petitions or a statement of candidacy and nominating 67804  
petition together with the applicable filing fee; the filing of 67805  
protests against the candidacy of any person filing a 67806  
declaration of candidacy or nominating petition; the filing of a 67807  
declaration of intent to be a write-in candidate; the filing of 67808  
campaign finance reports; the preparation of, and the making of 67809  
corrections or challenges to, precinct voter registration lists; 67810  
the receipt of applications for absent voter's ballots or 67811  
uniformed services or overseas absent voter's ballots; the 67812  
supplying of election materials to precincts by boards of 67813  
elections; the holding of hearings by boards of elections to 67814  
consider challenges to the right of a person to appear on a 67815  
voter registration list; and the scheduling of programs to 67816  
instruct or reinstruct election officers. 67817

In the performance of the secretary of state's duties as 67818  
the chief election officer, the secretary of state may 67819  
administer oaths, issue subpoenas, summon witnesses, compel the 67820  
production of books, papers, records, and other evidence, and 67821  
fix the time and place for hearing any matters relating to the 67822  
administration and enforcement of the election laws, including 67823  
for the purposes described in division (N)(2) of this section. 67824

In any controversy involving or arising out of the 67825  
adoption of registration or the appropriation of funds for 67826  
registration, the secretary of state may, through the attorney 67827  
general, bring an action in the name of the state in the court 67828  
of common pleas of the county where the cause of action arose or 67829  
in an adjoining county, to adjudicate the question. 67830

In any action involving the laws in Title XXXV of the Revised Code wherein the interpretation of those laws is in issue in such a manner that the result of the action will affect the lawful duties of the secretary of state or of any board of elections, the secretary of state may, on the secretary of state's motion, be made a party.

The secretary of state may apply to any court that is hearing a case in which the secretary of state is a party, for a change of venue as a substantive right, and the change of venue shall be allowed, and the case removed to the court of common pleas of an adjoining county named in the application or, if there are cases pending in more than one jurisdiction that involve the same or similar issues, the court of common pleas of Franklin county.

Public high schools and vocational schools, public libraries, and the office of a county treasurer shall implement voter registration programs as directed by the secretary of state pursuant to this section.

Sec. 3501.055. (A) There is in the office of the secretary of state the election integrity unit.

(B) Under the direction of the secretary of state, the election integrity unit shall do all of the following:

(1) Investigate allegations of election fraud and voter suppression, including any alleged violation of Chapter 3599. of the Revised Code, other than an alleged violation of section 3599.03 or 3599.031 of the Revised Code, on the unit's own initiative or upon receiving a complaint;

(2) Allow the public to submit allegations of election fraud and voter suppression to the unit;

- (3) Submit a report to the governor and the general assembly not later than the fifteenth day of January of each year. The report shall include all of the following with respect to the previous calendar year: 67860  
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67863
- (a) The number of allegations the unit received from members of the public; 67864  
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- (b) The number of allegations the unit investigated on its own initiative; 67866  
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- (c) The number of allegations the unit referred to another agency for further investigation or prosecution; 67868  
67869
- (d) All of the following concerning each allegation: 67870
- (i) The general nature of the allegation; 67871
- (ii) The county in which the violation is alleged to have occurred; 67872  
67873
- (iii) Whether the allegation has been referred to another agency for further investigation or prosecution, and if so, to which agency; 67874  
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- (iv) The current status of the investigation or any resulting criminal or civil proceeding. 67877  
67878
- (C) In performing its duties, the election integrity unit may administer oaths, issue subpoenas, summon witnesses, compel the production of books, papers, records, and other evidence, and hold hearings. 67879  
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- (D) Within one year after receiving a referral for further investigation or prosecution from the election integrity unit, the prosecuting attorney shall either prosecute the violation or provide to the election integrity unit a written statement 67883  
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explaining the reason for declining to prosecute the referral or 67887  
requesting any additional evidence needed to meet the prima 67888  
facie standard established under section 3599.42 of the Revised 67889  
Code. If the prosecuting attorney declines to prosecute the 67890  
violation within one year after receiving the referral, the 67891  
election integrity unit may refer the violation to the attorney 67892  
general for further investigation or prosecution. If the 67893  
prosecuting attorney or the attorney general requests additional 67894  
evidence, the election integrity unit shall provide such 67895  
evidence, if available, within ninety days after receiving the 67896  
request. Within one hundred eighty days after receiving the 67897  
additional evidence, the prosecuting attorney either shall 67898  
prosecute the violation or provide a written statement to the 67899  
election integrity unit explaining a reason for declining to 67900  
prosecute. If the prosecuting attorney fails to provide this 67901  
statement or prosecute within one hundred eighty days after 67902  
receiving the additional evidence, the election integrity unit 67903  
may refer the violation to the attorney general for further 67904  
investigation or prosecution. 67905

**Sec. 3501.12.** (A) The annual compensation of members of 67906  
the board of elections shall be determined on the basis of the 67907  
population of the county according to the next preceding federal 67908  
census, and shall be paid monthly out of the appropriations made 67909  
to the board and upon vouchers or payrolls certified by the 67910  
chairperson, or a member of the board designated by it, and 67911  
countersigned by the director or in the director's absence by 67912  
the deputy director. Upon presentation of any such voucher or 67913  
payroll, the county auditor shall issue a warrant upon the 67914  
county treasurer for the amount thereof as in the case of 67915  
vouchers or payrolls for county offices and the treasurer shall 67916  
pay such warrant. 67917

(B) In calendar year 2018, the amount of annual compensation of each member of the board of elections shall be the greater of the following:

(1) The sum of the following:

(a) One hundred two dollars and forty-one cents for each full one thousand of the first one hundred thousand population;

(b) Forty-eight dollars and seventy-nine cents for each full one thousand of the second one hundred thousand population;

(c) Twenty-six dollars and fifty cents for each full one thousand of the third one hundred thousand population;

(d) Eight dollars and thirteen cents for each full one thousand above three hundred thousand population.

(2) Six thousand dollars.

(C) The annual compensation of each member of the board shall be computed after increasing the dollar amounts specified in divisions (B) (1) and (2) of this section as follows:

(1) In calendar year 2019 and in each calendar year thereafter through calendar year 2025, the annual compensation of each member of the board shall be computed after increasing the dollar amounts specified in divisions (B) (1) and (2) of this section by one and three-quarters per cent;

(2) In calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent.

(D) For the purposes of this section, members of boards of elections shall be deemed to be appointed and not elected, and therefore not subject to Section 20 of Article II of the Ohio Constitution.

**Sec. 3501.17.** (A) The expenses of the board of elections 67945  
shall be paid from the county treasury, in pursuance of 67946  
appropriations by the board of county commissioners, in the same 67947  
manner as other county expenses are paid. If the board of county 67948  
commissioners fails to appropriate an amount sufficient to 67949  
provide for the necessary and proper expenses of the board of 67950  
elections pertaining to the conduct of elections, the board of 67951  
elections may apply to the court of common pleas within the 67952  
county, which shall fix the amount necessary to be appropriated 67953  
and the amount shall be appropriated. Payments shall be made 67954  
upon vouchers of the board of elections certified to by its 67955  
chairperson or acting chairperson and the director or deputy 67956  
director, upon warrants of the county auditor. 67957

The board of elections shall not incur any obligation 67958  
involving the expenditure of money unless there are moneys 67959  
sufficient in the funds appropriated therefor to meet the 67960  
obligation. If the board of elections requests a transfer of 67961  
funds from one of its appropriation items to another, the board 67962  
of county commissioners shall adopt a resolution providing for 67963  
the transfer except as otherwise provided in section 5705.40 of 67964  
the Revised Code. The expenses of the board of elections shall 67965  
be apportioned among the county and the various subdivisions as 67966  
provided in this section, and the amount chargeable to each 67967  
subdivision shall be paid as provided in division (J) of this 67968  
section or withheld by the county auditor from the moneys 67969  
payable thereto at the time of the next tax settlement. At the 67970  
time of submitting budget estimates in each year, the board of 67971  
elections shall submit to the taxing authority of each 67972  
subdivision, upon the request of the subdivision, an estimate of 67973  
the amount to be paid or withheld from the subdivision during 67974  
the current or next fiscal year. 67975

A board of township trustees may, by resolution, request 67976  
that the county auditor withhold expenses charged to the 67977  
township from a specified township fund that is to be credited 67978  
with revenue at a tax settlement. The resolution shall specify 67979  
the tax levy ballot issue, the date of the election on the levy 67980  
issue, and the township fund from which the expenses the board 67981  
of elections incurs related to that ballot issue shall be 67982  
withheld. 67983

(B) Except as otherwise provided in division (F) of this 67984  
section, the compensation of the members of the board of 67985  
elections and of the director, deputy director, and regular 67986  
employees in the board's offices, other than compensation for 67987  
overtime worked; the expenditures for the rental, furnishing, 67988  
and equipping of the office of the board and for the necessary 67989  
office supplies for the use of the board; the expenditures for 67990  
the acquisition, repair, care, and custody of the polling 67991  
places, booths, guardrails, and other equipment for polling 67992  
places; the cost of tally sheets, maps, flags, ballot boxes, and 67993  
all other permanent records and equipment; the cost of all 67994  
elections held in and for the state and county; and all other 67995  
expenses of the board which are not chargeable to a political 67996  
subdivision in accordance with this section shall be paid in the 67997  
same manner as other county expenses are paid. 67998

(C) The compensation of precinct election officials and 67999  
intermittent employees in the board's offices; the cost of 68000  
renting, moving, heating, and lighting polling places and of 68001  
placing and removing ballot boxes and other fixtures and 68002  
equipment thereof, including voting machines, marking devices, 68003  
and automatic tabulating equipment; the cost of printing and 68004  
delivering ballots, cards of instructions, registration lists 68005  
required under section 3503.23 of the Revised Code, and other 68006

election supplies, including the supplies required to comply 68007  
with division (H) of section 3506.01 of the Revised Code; the 68008  
cost of contractors engaged by the board to prepare, program, 68009  
test, and operate voting machines, marking devices, and 68010  
automatic tabulating equipment; and all other expenses of 68011  
conducting primaries and elections in the odd-numbered years 68012  
shall be charged to the subdivisions in and for which such 68013  
primaries or elections are held. The charge for each primary or 68014  
general election in odd-numbered years for each subdivision 68015  
shall be determined in the following manner: first, the total 68016  
cost of all chargeable items used in conducting such elections 68017  
shall be ascertained; second, the total charge shall be divided 68018  
by the number of precincts participating in such election, in 68019  
order to fix the cost per precinct; third, the cost per precinct 68020  
shall be prorated by the board of elections to the subdivisions 68021  
conducting elections for the nomination or election of offices 68022  
in such precinct; fourth, the total cost for each subdivision 68023  
shall be determined by adding the charges prorated to it in each 68024  
precinct within the subdivision. 68025

~~(D) The~~ (D) (1) Except as otherwise provided in division 68026  
(D) (2) of this section, the entire cost of special elections 68027  
held on a day other than the day of a primary or general 68028  
election, both in odd-numbered or in even-numbered years, shall 68029  
be charged to the subdivision. Where a special election is held 68030  
on the same day as a primary or general election in an even- 68031  
numbered year, the subdivision submitting the special election 68032  
shall be charged only for the cost of ballots and advertising. 68033  
Where a special election is held on the same day as a primary or 68034  
general election in an odd-numbered year, the subdivision 68035  
submitting the special election shall be charged for the cost of 68036  
ballots and advertising for such special election, in addition 68037

to the charges prorated to such subdivision for the election or 68038  
nomination of candidates in each precinct within the 68039  
subdivision, as set forth in the preceding paragraph. 68040

(2) The entire cost of a local option election held 68041  
pursuant to sections 4301.32 to 4301.391 of the Revised Code on 68042  
a day other than the day of a primary or general election, both 68043  
in odd-numbered or in even-numbered years, or on a day other 68044  
than the day of a special election of a political subdivision 68045  
seeking to submit a question or issue, a nomination for office, 68046  
or an election to office, shall be charged to the petitioner. 68047

(E) Where a special election is held on the day specified 68048  
by division (E) of section 3501.01 of the Revised Code for the 68049  
holding of a primary election, for the purpose of submitting to 68050  
the voters of the state constitutional amendments proposed by 68051  
the general assembly, and a subdivision conducts a special 68052  
election on the same day, the entire cost of the special 68053  
election shall be divided proportionally between the state and 68054  
the subdivision based upon a ratio determined by the number of 68055  
issues placed on the ballot by each, except as otherwise 68056  
provided in division (G) of this section. Such proportional 68057  
division of cost shall be made only to the extent funds are 68058  
available for such purpose from amounts appropriated by the 68059  
general assembly to the secretary of state. If a primary 68060  
election is also being conducted in the subdivision, the costs 68061  
shall be apportioned as otherwise provided in this section. 68062

(F) When a precinct is open during a general, primary, or 68063  
special election solely for the purpose of submitting to the 68064  
voters a statewide ballot issue, the state shall bear the entire 68065  
cost of the election in that precinct and shall reimburse the 68066  
county for all expenses incurred in opening the precinct. 68067

(G) (1) The state shall bear the entire cost of advertising 68068  
in newspapers statewide ballot issues, explanations of those 68069  
issues, and arguments for or against those issues, as required 68070  
by Section 1g of Article II and Section 1 of Article XVI, Ohio 68071  
Constitution, and any other section of law. Appropriations made 68072  
to the controlling board shall be used to reimburse the 68073  
secretary of state for all expenses the secretary of state 68074  
incurs for such advertising under division (G) of section 68075  
3505.062 of the Revised Code. 68076

(2) There is hereby created in the state treasury the 68077  
statewide ballot advertising fund. The fund shall receive 68078  
transfers approved by the controlling board, and shall be used 68079  
by the secretary of state to pay the costs of advertising state 68080  
ballot issues as required under division (G) (1) of this section. 68081  
Any such transfers may be requested from and approved by the 68082  
controlling board prior to placing the advertising, in order to 68083  
facilitate timely provision of the required advertising. 68084

(H) The cost of renting, heating, and lighting 68085  
registration places; the cost of the necessary books, forms, and 68086  
supplies for the conduct of registration; and the cost of 68087  
printing and posting precinct registration lists shall be 68088  
charged to the subdivision in which such registration is held. 68089

(I) (1) (a) At the request of a majority of the members of 68090  
the board of elections, the board of county commissioners may, 68091  
by resolution, establish an elections revenue fund. Except as 68092  
otherwise provided in this division and in division (I) (2) of 68093  
this section, the purpose of the fund shall be to accumulate 68094  
revenue withheld by or paid to the county under this section for 68095  
the payment of any expense related to the duties of the board of 68096  
elections specified in section 3501.11 of the Revised Code, upon 68097

approval of a majority of the members of the board of elections. 68098  
The fund shall not accumulate any revenue withheld by or paid to 68099  
the county under this section for the compensation of the 68100  
members of the board of elections or of the director, deputy 68101  
director, or other regular employees in the board's offices, 68102  
other than compensation for overtime worked. 68103

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 68104  
of the Revised Code, the board of county commissioners may, by 68105  
resolution, transfer money to the elections revenue fund from 68106  
any other fund of the political subdivision from which such 68107  
payments lawfully may be made. Following an affirmative vote of 68108  
a majority of the members of the board of elections, the board 68109  
of county commissioners may, by resolution, rescind an elections 68110  
revenue fund established under this division. If an elections 68111  
revenue fund is rescinded, money that has accumulated in the 68112  
fund shall be transferred to the county general fund. 68113

(2) (a) The board of county commissioners of a county that 68114  
receives a payment from a political subdivision under division 68115  
(J) of this section shall, by resolution, establish a special 68116  
elections fund. The purpose of the fund shall be to accumulate 68117  
revenue paid to the county by political subdivisions under 68118  
division (J) of this section for the cost of preparing for and 68119  
conducting special elections. 68120

(b) If both of the following apply, the board of county 68121  
commissioners may, by resolution, rescind the special elections 68122  
fund and transfer any remaining money in the fund to the county 68123  
general fund or to the elections revenue fund: 68124

(i) All notifications and payments required under division 68125  
(J) (3) of this section have been made. 68126

(ii) The county has not received any payments from 68127  
political subdivisions under division (J) (2) of this section for 68128  
a future special election. 68129

(J) (1) Not less than fifteen business days before the 68130  
deadline for submitting a question or issue for placement on the 68131  
ballot at a special election, the board of elections shall 68132  
prepare and file with the board of county commissioners and the 68133  
office of the secretary of state the estimated cost, based on 68134  
the factors enumerated in this section, for preparing for and 68135  
conducting an election on one question or issue, one nomination 68136  
for office, or one election to office in each precinct in the 68137  
county at that special election and shall divide that cost by 68138  
the number of registered voters in the county. 68139

(2) The board of elections shall provide to a political 68140  
subdivision seeking to submit a question or issue, a nomination 68141  
for office, or an election to office for placement on the ballot 68142  
at a special election with the estimated cost for preparing for 68143  
and conducting that election, which shall be calculated either 68144  
by multiplying the number of registered voters in the political 68145  
subdivision with the cost calculated under division (J) (1) of 68146  
this section or by multiplying the cost per precinct with the 68147  
number or precincts in the political subdivision. A political 68148  
subdivision submitting a question or issue, a nomination for 68149  
office, or an election to office for placement on the ballot at 68150  
that special election shall pay to the county special elections 68151  
fund sixty-five per cent of the estimated cost of the election 68152  
not less than ten business days after the deadline for 68153  
submitting a question or issue for placement on the ballot for 68154  
that special election. 68155

(3) Not later than sixty days after the date of a special 68156

election, the board of elections shall provide to each political 68157  
subdivision the true and accurate cost for the question or 68158  
issue, nomination for office, or election to office that the 68159  
subdivision submitted to the voters on the special election 68160  
ballots. If the board of elections determines that a subdivision 68161  
paid less for the cost of preparing and conducting a special 68162  
election under division (J) (2) of this section than the actual 68163  
cost calculated under this division, the subdivision shall remit 68164  
to the county special elections fund the difference between the 68165  
payment made under division (J) (2) of this section and the final 68166  
cost calculated under this division within thirty days after 68167  
being notified of the final cost. If the board of elections 68168  
determines that a subdivision paid more for the cost of 68169  
preparing and conducting a special election under division (J) 68170  
(2) of this section than the actual cost calculated under this 68171  
division, the board of elections promptly shall notify the board 68172  
of county commissioners of that difference. The board of county 68173  
commissioners shall remit from the county special elections fund 68174  
to the political subdivision the difference between the payment 68175  
made under division (J) (2) of this section and the final cost 68176  
calculated under this division within thirty days after 68177  
receiving that notification. 68178

(K) As used in this section: 68179

(1) "Political subdivision" and "subdivision" mean any 68180  
board of county commissioners, board of township trustees, 68181  
legislative authority of a municipal corporation, board of 68182  
education, or any other board, commission, district, or 68183  
authority that is empowered to levy taxes or permitted to 68184  
receive the proceeds of a tax levy, regardless of whether the 68185  
entity receives tax settlement moneys as described in division 68186  
(A) of this section; 68187

(2) "Statewide ballot issue" means any ballot issue, 68188  
whether proposed by the general assembly or by initiative or 68189  
referendum, that is submitted to the voters throughout the 68190  
state. 68191

**Sec. 3501.28.** (A) As used in this section: 68192

(1) "Fair Labor Standards Act" or "Act" means the "Fair 68193  
Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 68194  
amended. 68195

(2) "Full election day" means the period of time between 68196  
the opening of the polls and the completion of the procedures 68197  
contained in section 3501.26 of the Revised Code. 68198

(3) "Services" means services at each general, primary, or 68199  
special election. 68200

(B) Beginning with calendar year 2004, each precinct 68201  
election official in a county shall be paid for the official's 68202  
services at the same hourly rate, which shall be not less than 68203  
the minimum hourly rate established by the Fair Labor Standards 68204  
Act and not more than ninety-five dollars per diem. 68205

(C) The secretary of state shall establish, by rule 68206  
adopted under section 111.15 of the Revised Code, the maximum 68207  
amount of per diem compensation that may be paid to precinct 68208  
election officials under this section each time the Fair Labor 68209  
Standards Act is amended to increase the minimum hourly rate 68210  
established by the act. Upon learning of such an increase, the 68211  
secretary of state shall determine by what percentage the 68212  
minimum hourly rate has been increased under the act and 68213  
establish a new maximum amount of per diem compensation that 68214  
precinct election officials may be paid under this section that 68215  
is increased by the same percentage that the minimum hourly rate 68216

has been increased under the act. 68217

(D) (1) (a) No board of elections shall increase the pay of 68218  
a precinct election official under this section during a 68219  
calendar year unless the board has given written notice of the 68220  
proposed increase to the board of county commissioners not later 68221  
than the first day of October of the preceding calendar year. 68222

(b) Except as otherwise provided in division (D) (2) of 68223  
this section, a board of elections may increase the pay of a 68224  
precinct election official during a calendar year by up to, but 68225  
not exceeding, nine per cent over the compensation paid to a 68226  
precinct election official in the county where the board is 68227  
located during the previous calendar year, if the compensation 68228  
so paid during the previous calendar year was eighty-five 68229  
dollars or less per diem. 68230

(c) Except as otherwise provided in division (D) (2) of 68231  
this section, a board of elections may increase the pay of a 68232  
precinct election official during a calendar year by up to, but 68233  
not exceeding, four and one-half per cent over the compensation 68234  
paid to a precinct election official in the county where the 68235  
board is located during the previous calendar year, if the 68236  
compensation so paid during the previous calendar year was more 68237  
than eighty-five but less than ninety-five dollars per diem. 68238

(2) The board of county commissioners may review and 68239  
comment upon a proposed increase and may enter into a written 68240  
agreement with a board of elections to permit an increase in the 68241  
compensation paid to precinct election officials for their 68242  
services during a calendar year that is greater than the 68243  
applicable percentage limitation described in division ~~(E) (1) (b)~~ 68244  
(D) (1) (b) or (c) of this section. 68245

(E) No precinct election official who works less than the full election day shall be paid the maximum amount allowed under this section or the maximum amount as set by the board of elections, whichever is less.

(F) (1) Except as otherwise provided in divisions (F) (4) to (6) of this section, any employee of the state or of any political subdivision of the state may serve as a precinct election official on the day of an election without loss of the employee's regular compensation for that day as follows:

(a) For employees of a county office, department, commission, board, or other entity, or of a court of common pleas, county court, or county-operated municipal court, as defined in section 1901.03 of the Revised Code, the employee's appointing authority may permit leave with pay for this service in accordance with a resolution setting forth the terms and conditions for that leave passed by the board of county commissioners.

(b) For all other employees of a political subdivision of the state, leave with pay for this service shall be subject to the terms and conditions set forth in an ordinance or a resolution passed by the legislative authority of the applicable political subdivision.

(c) For state employees, leave with pay for this service shall be subject to the terms and conditions set forth by the head of the state agency, as defined in section 1.60 of the Revised Code, by which the person is employed.

(2) Any terms and conditions set forth by a board of county commissioners, legislative authority of a political subdivision, or head of a state agency under division ~~(G) (1)~~ (F)

(1) of this section shall include a standard procedure for 68275  
deciding which employees are permitted to receive leave with pay 68276  
if multiple employees of an entity or court described in 68277  
division ~~(G) (1) (a)~~ (F) (1) (a) of this section, of an entity of a 68278  
political subdivision described in division ~~(G) (1) (b)~~ (F) (1) (b) 68279  
of this section, or of a state agency as defined in section 1.60 68280  
of the Revised Code apply to serve as a precinct election 68281  
official on the day of an election. This procedure shall be 68282  
applied uniformly to all similarly situated employees. 68283

(3) Any employee who is eligible for leave with pay under 68284  
division ~~(G) (1)~~ (F) (1) of this section shall receive, in addition 68285  
to the employee's regular compensation, the compensation paid to 68286  
the precinct election official under division (B) or (C) of this 68287  
section. 68288

(4) Division (F) (1) of this section does not apply to 68289  
either of the following: 68290

(a) Election officials; 68291

(b) Public school teachers. 68292

(5) Nothing in division (F) (1) of this section supersedes 68293  
or negates any provision of a collective bargaining agreement in 68294  
effect under Chapter 4117. of the Revised Code. 68295

(6) If a board of county commissioners, legislative 68296  
authority of a political subdivision, or head of a state agency 68297  
fails to set forth any terms and conditions under division (F) 68298  
(1) of this section, an employee of an entity or court described 68299  
in division (F) (1) (a) of this section, of an entity of a 68300  
political subdivision described in division (F) (1) (b) of this 68301  
section, or of a state agency as defined in section 1.60 of the 68302  
Revised Code may use personal leave, vacation leave, or 68303

compensatory time, or take unpaid leave, to serve as a precinct  
election official on the day of an election. 68304  
68305

(G) The board of elections may withhold the compensation 68306  
of any precinct election official for failure to obey the 68307  
instructions of the board or to comply with the law relating to 68308  
the duties of a precinct election official. Any payment a 68309  
precinct election official is entitled to receive under section 68310  
3501.36 of the Revised Code is in addition to the compensation 68311  
the official is entitled to receive under this section. 68312

**Sec. 3505.03.** (A) On the office type ballot shall be 68313  
printed the names of all candidates for election to offices, 68314  
except the office of judge of a municipal court, county court, 68315  
or court of common pleas, who were nominated at the most recent 68316  
primary election as candidates of a political party or who were 68317  
nominated in accordance with section 3513.02 of the Revised 68318  
Code, and the names of all candidates for election to offices 68319  
who were nominated by nominating petitions, except candidates 68320  
for the office of judge of a municipal court, county court, or 68321  
court of common pleas, ~~for member of the state board of~~ 68322  
~~education, for member of a board of education,~~ for municipal 68323  
offices, and for township offices. 68324

(B) The face of the ballot below the stub shall be 68325  
substantially in the following form: 68326

"OFFICIAL OFFICE TYPE BALLOT 68327

(1) To vote for a candidate record your vote in the manner 68328  
provided next to the name of such candidate. 68329

(2) If you tear, soil, deface, or erroneously mark this 68330  
ballot, return it to the precinct election officers or, if you 68331  
cannot return it, notify the precinct election officers, and 68332

obtain another ballot." 68333

(C) The order in which the offices shall be listed on the 68334  
ballot shall be prescribed by, and certified to each board of 68335  
elections by, the secretary of state; provided that for state, 68336  
district, and county offices the order from top to bottom shall 68337  
be as follows: governor and lieutenant governor, attorney 68338  
general, auditor of state, secretary of state, treasurer of 68339  
state, chief justice of the supreme court, justice of the 68340  
supreme court, United States senator, representative to 68341  
congress, state senator, state representative, judge of a court 68342  
of appeals, member of the state board of education, member of a 68343  
board of education, county commissioner, county auditor, 68344  
prosecuting attorney, clerk of the court of common pleas, 68345  
sheriff, county recorder, county treasurer, county engineer, and 68346  
coroner. The offices of governor and lieutenant governor shall 68347  
be printed on the ballot in a manner that requires a voter to 68348  
cast one vote jointly for the candidates who have been nominated 68349  
by the same political party or petition. 68350

(D) Within the rectangular space within which the title of 68351  
each judicial office listed in division (C) of this section is 68352  
printed on the ballot and immediately below the title shall be 68353  
printed the date of the commencement of the term of the office, 68354  
if it is a full term, as follows: "Full term commencing 68355  
\_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of the term of the 68356  
office, if it is an unexpired term, as follows: "Unexpired term 68357  
ending \_\_\_\_\_ (Date) \_\_\_\_\_" 68358

(E) (1) The names of all candidates for an office shall be 68359  
arranged in a group under the title of that office, and, except 68360  
for absentee ballots or when the number of candidates for a 68361  
particular office is the same as the number of candidates to be 68362

elected for that office, shall be rotated from one precinct to 68363  
another. On absentee ballots, the names of all candidates for an 68364  
office shall be arranged in a group under the title of that 68365  
office and shall be so alternated that each name shall appear, 68366  
insofar as may be reasonably possible, substantially an equal 68367  
number of times at the beginning, at the end, and in each 68368  
intermediate place, if any, of the group in which such name 68369  
belongs, unless the number of candidates for a particular office 68370  
is the same as the number of candidates to be elected for that 68371  
office. 68372

(2) The secretary of state shall prescribe the information 68373  
and directions to the voter to be printed on the ballot within 68374  
the rectangular space in which the title of office of member of 68375  
the state board of education appears. 68376

(3) Within the rectangular space within which the title of 68377  
each office for member of a board of education is printed on the 68378  
ballot shall be printed "For Member of Board of Education," and 68379  
the number to be elected, directions to the voter as to voting 68380  
for one, two, or more, and, if the office to be voted for is 68381  
member of a board of education of a city school district, words 68382  
shall be printed in said space on the ballot to indicate whether 68383  
candidates are to be elected from subdistricts or at large. 68384

(4) The method of printing the ballots to meet the 68385  
rotation requirement of this section shall be as follows: the 68386  
least common multiple of the number of names in each of the 68387  
several groups of candidates shall be used, and the number of 68388  
changes made in the printer's forms in printing the ballots 68389  
shall correspond with that multiple. The board of elections 68390  
shall number all precincts in regular serial sequence. In the 68391  
first precinct, the names of the candidates in each group shall 68392

be listed in alphabetical order. In each succeeding precinct, 68393  
the name in each group that is listed first in the preceding 68394  
precinct shall be listed last, and the name of each candidate 68395  
shall be moved up one place. In each precinct using paper 68396  
ballots, the printed ballots shall then be assembled in tablets. 68397

(F) Under the name of each candidate nominated at a 68398  
primary election, nominated by petition under section 3517.012 68399  
of the Revised Code, or certified by a party committee to fill a 68400  
vacancy under section 3513.31 of the Revised Code shall be 68401  
printed, in less prominent type face than that in which the 68402  
candidate's name is printed, the name of the political party by 68403  
which the candidate was nominated or certified. Under the name 68404  
of each candidate appearing on the ballot who filed a nominating 68405  
petition and requested a ballot designation as a nonparty 68406  
candidate under section 3513.257 of the Revised Code shall be 68407  
printed, in less prominent type face than that in which the 68408  
candidate's name is printed, the designation of "nonparty 68409  
candidate." Under the name of each candidate appearing on the 68410  
ballot who filed a nominating petition and requested a ballot 68411  
designation as an other-party candidate under section 3513.257 68412  
of the Revised Code shall be printed, in less prominent type 68413  
face than that in which the candidate's name is printed, the 68414  
designation of "other-party candidate." No designation shall 68415  
appear under the name of a candidate appearing on the ballot who 68416  
filed a nominating petition and requested that no ballot 68417  
designation appear under the candidate's name under section 68418  
3513.257 of the Revised Code, or who filed a nominating petition 68419  
and failed to request a ballot designation either as a nonparty 68420  
candidate or as an other-party candidate under that section. 68421

(G) Except as provided in this section, no words, 68422  
designations, or emblems descriptive of a candidate or the 68423

candidate's political affiliation, or indicative of the method 68424  
by which the candidate was nominated or certified, shall be 68425  
printed under or after a candidate's name that is printed on the 68426  
ballot. 68427

**Sec. 3505.04.** On the nonpartisan ballot shall be printed 68428  
the names of all nonpartisan candidates for election to the 68429  
office of judge of a municipal court, county court, or court of 68430  
common pleas, ~~the office of member of the state board of~~ 68431  
~~education, the office of member of a board of education,~~ 68432  
municipal or township offices for municipal corporations and 68433  
townships in which primary elections are not held for nomination 68434  
of candidates by political parties, and municipal offices of 68435  
municipal corporations having charters which provide for 68436  
separate ballots for elections for such municipal offices. 68437

Such ballots shall have printed across the top, and below 68438  
the stubs, "Official Nonpartisan Ballot." 68439

The order in which the offices are listed on the ballot 68440  
shall be prescribed by, and certified to each board of elections 68441  
by, the secretary of state; provided that ~~the office of member~~ 68442  
~~of the state board of education~~ county judicial offices shall be 68443  
listed first on the ballot, ~~then county judicial offices,~~ 68444  
followed by municipal and township offices, ~~and by offices of~~ 68445  
~~member of a board of education,~~ in the order stated. 68446

Within the rectangular space within which the title of 68447  
each judicial office is printed on the ballot and immediately 68448  
below such title shall be printed the date of the commencement 68449  
of the term of the office, if a full term, as follows: "Full 68450  
term commencing \_\_\_\_\_ (Date) \_\_\_\_\_," or the date of the end of 68451  
the term of the office, if an unexpired term, as follows: 68452  
"Unexpired term ending \_\_\_\_\_ (Date) \_\_\_\_\_" 68453

~~The secretary of state shall prescribe the information and directions to the voter to be printed on the ballot within the rectangular space in which the title of office of member of the state board of education appears.~~ 68454  
68455  
68456  
68457

~~Within the rectangular space within which the title of each office for member of a board of education is printed on the ballot shall be printed "For Member of Board of Education," and the number to be elected, directions to the voter as to voting for one, two, or more, and, if the office to be voted for is member of a board of education of a city school district, words shall be printed in said space on the ballot to indicate whether candidates are to be elected from subdistricts or at large.~~ 68458  
68459  
68460  
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68462  
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68465

The names of all nonpartisan candidates for an office shall be arranged in a group under the title of that office, and shall be rotated and printed on the ballot as provided in section 3505.03 of the Revised Code. 68466  
68467  
68468  
68469

No name or designation of any political party nor any words, designations, or emblems descriptive of a candidate or the candidate's political affiliation, or indicative of the method by which such candidate was nominated or certified, shall be printed under or after any nonpartisan candidate's name which is printed on the ballot. 68470  
68471  
68472  
68473  
68474  
68475

**Sec. 3505.06.** (A) On the questions and issues ballot shall be printed all questions and issues to be submitted at any one election together with the percentage of affirmative votes necessary for passage as required by law. Such ballot shall have printed across the top thereof, and below the stubs, "Official Questions and Issues Ballot." 68476  
68477  
68478  
68479  
68480  
68481

(B) (1) Questions and issues shall be grouped together on 68482

the ballot from top to bottom as provided in division (B)(1) of 68483  
this section, except as otherwise provided in division (B)(2) of 68484  
this section. State questions and issues shall always appear as 68485  
the top group of questions and issues. In calendar year 1997, 68486  
the following questions and issues shall be grouped together on 68487  
the ballot, in the following order from top to bottom, after the 68488  
state questions and issues: 68489

(a) County questions and issues; 68490

(b) Municipal questions and issues; 68491

(c) Township questions and issues; 68492

(d) School or other district questions and issues. 68493

In each succeeding calendar year after 1997, each group of 68494  
questions and issues described in division (B)(1)(a) to (d) of 68495  
this section shall be moved down one place on the ballot except 68496  
that the group that was last on the ballot during the 68497  
immediately preceding calendar year shall appear at the top of 68498  
the ballot after the state questions and issues. The rotation 68499  
shall be performed only once each calendar year, beginning with 68500  
the first election held during the calendar year. The rotation 68501  
of groups of questions and issues shall be performed during each 68502  
calendar year as required by division (B)(1) of this section, 68503  
even if no questions and issues from any one or more such groups 68504  
appear on the ballot at any particular election held during that 68505  
calendar year. 68506

(2) Questions and issues shall be grouped together on the 68507  
ballot, from top to bottom, in the following order when it is 68508  
not practicable to group them together as required by division 68509  
(B)(1) of this section because of the type of voting machines 68510  
used by the board of elections: state questions and issues, 68511

county questions and issues, municipal questions and issues, 68512  
township questions and issues, and school or other district 68513  
questions and issues. The particular order in which each of a 68514  
group of state questions or issues is placed on the ballot shall 68515  
be determined by, and certified to each board of elections by, 68516  
the secretary of state. 68517

(3) Failure of the board of elections to rotate questions 68518  
and issues as required by division (B) (1) of this section does 68519  
not affect the validity of the election at which the failure 68520  
occurred, and is not grounds for contesting an election under 68521  
section 3515.08 of the Revised Code. 68522

(C) The particular order in which each of a group of 68523  
county, municipal, township, or school district questions or 68524  
issues is placed on the ballot shall be determined by the board 68525  
providing the ballots. 68526

(D) The printed matter pertaining to each question or 68527  
issue on the ballot shall be enclosed at the top and bottom 68528  
thereof by a heavy horizontal line across the width of the 68529  
ballot. Immediately below such top line shall be printed a brief 68530  
title descriptive of the question or issue below it, such as 68531  
"Proposed Constitutional Amendment," "Proposed Bond Issue," 68532  
"Proposed Annexation of Territory," "Proposed Increase in Tax 68533  
Rate," or such other brief title as will be descriptive of the 68534  
question or issue to which it pertains, together with a brief 68535  
statement of the percentage of affirmative votes necessary for 68536  
passage, such as "A sixty-five per cent affirmative vote is 68537  
necessary for passage," "A majority vote is necessary for 68538  
passage," or such other brief statement as will be descriptive 68539  
of the percentage of affirmative votes required. 68540

(E) The questions and issues ballot need not contain the 68541

full text of the proposal to be voted upon. A condensed text 68542  
that will properly describe the question, issue, or an amendment 68543  
proposed by other than the general assembly shall be used as 68544  
prepared and certified by the secretary of state for state-wide 68545  
questions or issues or by the board for local questions or 68546  
issues. If other than a full text is used, the full text of the 68547  
proposed question, issue, or amendment together with the 68548  
percentage of affirmative votes necessary for passage as 68549  
required by law shall be posted in each polling place in some 68550  
spot that is easily accessible to the voters. 68551

(F) (1) Except as otherwise provided in division (F) (2) of 68552  
this section, each question and issue appearing on the questions 68553  
and issues ballot may be consecutively numbered. The question or 68554  
issue determined to appear at the top of the ballot may be 68555  
designated on the face thereof by the Arabic numeral "1" and all 68556  
questions and issues placed below on the ballot shall be 68557  
consecutively numbered. Such numeral shall be placed below the 68558  
heavy top horizontal line enclosing such question or issue and 68559  
to the left of the brief title thereof. 68560

(2) Beginning with the general election to be held on 68561  
November 5, 2024, a state question or issue determined to appear 68562  
at the top of the ballot shall be designated on the face thereof 68563  
by the Arabic numeral "1" and all state questions and issues 68564  
placed below on the ballot shall be consecutively numbered. For 68565  
elections occurring after the general election held on November 68566  
5, 2024, a state question or issue determined to appear at the 68567  
top of the ballot shall be designated on the face thereof by the 68568  
Arabic numeral that is consecutive to the Arabic numeral of the 68569  
last state question or issue that appeared on the ballot at the 68570  
immediately preceding election at which a state question or 68571  
issue appeared on the ballot and all state questions or issues 68572

placed below on the ballot shall be consecutively numbered. Such 68573  
numeral shall be placed below the heavy top horizontal line 68574  
enclosing such question or issue and to the left of the brief 68575  
title thereof. Once a state question or issue appears on the 68576  
ballot designated by the Arabic numeral "500," the state 68577  
question or issue appearing at the top of the ballot at the 68578  
immediately following election at which a state question or 68579  
issue appears on the ballot shall be designated by the Arabic 68580  
numeral "1." 68581

(G) No portion of a ballot question proposing to levy a 68582  
property tax in excess of the ten-mill limitation under any 68583  
section of the Revised Code, including the renewal ~~or~~ 68584  
~~replacement~~ of such a levy, may be printed in boldface type or 68585  
in a font size that is different from the font size of other 68586  
text in the ballot question. The prohibitions in division (G) of 68587  
this section do not apply to printed matter either described in 68588  
division (D) of this section related to such a ballot question 68589  
or located in the area of the ballot in which votes are 68590  
indicated for or against that question. 68591

**Sec. 3513.04.** Candidates for party nominations to state, 68592  
district, county, and municipal offices or positions, for which 68593  
party nominations are provided by law, and for election as 68594  
members of party controlling committees shall have their names 68595  
printed on the official primary ballot by filing a declaration 68596  
of candidacy and paying the fees specified for the office under 68597  
divisions (A) and (B) of section 3513.10 of the Revised Code, 68598  
except that the joint candidates for party nomination to the 68599  
offices of governor and lieutenant governor shall, for the two 68600  
of them, file one declaration of candidacy. The joint candidates 68601  
also shall pay the fees specified for the joint candidates under 68602  
divisions (A) and (B) of section 3513.10 of the Revised Code. 68603

The secretary of state shall not accept for filing the  
declaration of candidacy of a candidate for party nomination to  
the office of governor unless the declaration of candidacy also  
shows a joint candidate for the same party's nomination to the  
office of lieutenant governor, shall not accept for filing the  
declaration of candidacy of a candidate for party nomination to  
the office of lieutenant governor unless the declaration of  
candidacy also shows a joint candidate for the same party's  
nomination to the office of governor, and shall not accept for  
filing a declaration of candidacy that shows a candidate for  
party nomination to the office of governor or lieutenant  
governor who, for the same election, has already filed a  
declaration of candidacy or a declaration of intent to be a  
write-in candidate, or has become a candidate by the filling of  
a vacancy under section 3513.30 of the Revised Code for any  
other state office or any federal or county office.

No person who seeks party nomination for an office or  
position at a primary election by declaration of candidacy or by  
declaration of intent to be a write-in candidate and no person  
who is a first choice for president of candidates seeking  
election as delegates and alternates to the national conventions  
of the different major political parties who are chosen by  
direct vote of the electors as provided in this chapter shall be  
permitted to become a candidate by nominating petition,  
including a nominating petition filed under section 3517.012 of  
the Revised Code, by declaration of intent to be a write-in  
candidate, or by filling a vacancy under section 3513.31 of the  
Revised Code at the following general election for any office  
other than the ~~office of member of the state board of education,~~  
~~office of member of a city, local, or exempted village board of~~  
~~education, office of member of a governing board of an~~

~~educational service center, or~~ office of township trustee. 68635

**Sec. 3513.05.** (A) Each person desiring to become a 68636  
candidate for a party nomination at a primary election or for 68637  
election to an office or position to be voted for at a primary 68638  
election, except persons desiring to become joint candidates for 68639  
the offices of governor and lieutenant governor and except as 68640  
otherwise provided in section 3513.051 of the Revised Code, 68641  
shall, not later than four p.m. of the ninetieth day before the 68642  
day of the primary election, file a declaration of candidacy and 68643  
petition and pay the fees required under divisions (A) and (B) 68644  
of section 3513.10 of the Revised Code. The declaration of 68645  
candidacy and all separate petition papers shall be filed at the 68646  
same time as one instrument. When the offices are to be voted 68647  
for at a primary election, persons desiring to become joint 68648  
candidates for the offices of governor and lieutenant governor 68649  
shall, not later than four p.m. of the ninetieth day before the 68650  
day of the primary election, comply with section 3513.04 of the 68651  
Revised Code. The prospective joint candidates' declaration of 68652  
candidacy and all separate petition papers of candidacies shall 68653  
be filed at the same time as one instrument. The secretary of 68654  
state or a board of elections shall not accept for filing a 68655  
declaration of candidacy and petition of a person seeking to 68656  
become a candidate if that person, for the same election, has 68657  
already filed a declaration of candidacy or a declaration of 68658  
intent to be a write-in candidate, or has become a candidate by 68659  
the filling of a vacancy under section 3513.30 of the Revised 68660  
Code for any federal, state, or county office, if the 68661  
declaration of candidacy is for a state or county office, or for 68662  
any municipal or township office, if the declaration of 68663  
candidacy is for a municipal or township office. 68664

(B) If the declaration of candidacy declares a candidacy 68665

which is to be submitted to electors throughout the entire state, the petition, including a petition for joint candidates for the offices of governor and lieutenant governor, shall be signed by at least one thousand qualified electors who are members of the same political party as the candidate or joint candidates, and the declaration of candidacy and petition shall be filed with the secretary of state; provided that the secretary of state shall not accept or file any such petition appearing on its face to contain signatures of more than three thousand electors.

(C) (1) Except as otherwise provided in this ~~paragraph~~ section, if the declaration of candidacy is of one that is to be submitted only to electors within a district, political subdivision, or portion thereof, the petition shall be signed by not less than fifty qualified electors who are members of the same political party as the political party of which the candidate is a member. ~~If~~

(2) If the declaration of candidacy is for party nomination as a candidate for ~~member of the legislative authority of a municipal corporation elected by ward~~ any of the following, the petition shall be signed by not less than twenty-five qualified electors who are members of the political party of which the candidate is a member:

(a) Member of the legislative authority of a municipal corporation elected by ward;

(b) Member of a local or exempted village board of education;

(c) Member of a board of education of a city school district having a population of less than twenty thousand, as

determined by the most recent federal decennial census. 68695

(D) No such petition, except the petition for a candidacy 68696  
that is to be submitted to electors throughout the entire state, 68697  
shall be accepted for filing if it appears to contain on its 68698  
face signatures of more than three times the minimum number of 68699  
signatures. When a petition of a candidate has been accepted for 68700  
filing by a board of elections, the petition shall not be deemed 68701  
invalid if, upon verification of signatures contained in the 68702  
petition, the board of elections finds the number of signatures 68703  
accepted exceeds three times the minimum number of signatures 68704  
required. A board of elections may discontinue verifying 68705  
signatures on petitions when the number of verified signatures 68706  
equals the minimum required number of qualified signatures. 68707

(E) If the declaration of candidacy declares a candidacy 68708  
for party nomination or for election as a candidate of a minor 68709  
party, the minimum number of signatures on such petition is one- 68710  
half the minimum number provided in this section, except that, 68711  
when the candidacy is one for election as a member of the state 68712  
central committee or the county central committee of a political 68713  
party, the minimum number shall be the same for a minor party as 68714  
for a major party. 68715

(F) If a declaration of candidacy is one for election as a 68716  
member of the state central committee or the county central 68717  
committee of a political party, the petition shall be signed by 68718  
five qualified electors of the district, county, ward, township, 68719  
or precinct within which electors may vote for such candidate. 68720  
The electors signing such petition shall be members of the same 68721  
political party as the political party of which the candidate is 68722  
a member. 68723

(G) For purposes of signing or circulating a petition of 68724

candidacy for party nomination or election, an elector is 68725  
considered to be a member of a political party if the elector 68726  
voted in that party's primary election within the preceding two 68727  
calendar years, or if the elector did not vote in any other 68728  
party's primary election within the preceding two calendar 68729  
years. 68730

(H) If the declaration of candidacy is of one that is to 68731  
be submitted only to electors within a county, or within a 68732  
district or subdivision or part thereof smaller than a county, 68733  
the petition shall be filed with the board of elections of the 68734  
county. If the declaration of candidacy is of one that is to be 68735  
submitted only to electors of a district or subdivision or part 68736  
thereof that is situated in more than one county, the petition 68737  
shall be filed with the board of elections of the county within 68738  
which the major portion of the population thereof, as 68739  
ascertained by the next preceding federal census, is located. 68740

(I) A petition shall consist of separate petition papers, 68741  
each of which shall contain signatures of electors of only one 68742  
county. Petitions or separate petition papers containing 68743  
signatures of electors of more than one county shall not thereby 68744  
be declared invalid. In case petitions or separate petition 68745  
papers containing signatures of electors of more than one county 68746  
are filed, the board shall determine the county from which the 68747  
majority of signatures came, and only signatures from such 68748  
county shall be counted. Signatures from any other county shall 68749  
be invalid. 68750

(J) Each separate petition paper shall be circulated by 68751  
one person only, who shall be the candidate or a joint candidate 68752  
or a member of the same political party as the candidate or 68753  
joint candidates, and each separate petition paper shall be 68754

governed by the rules set forth in section 3501.38 of the Revised Code.

(K) The secretary of state shall promptly transmit to each board such separate petition papers of each petition accompanying a declaration of candidacy filed with the secretary of state as purport to contain signatures of electors of the county of such board. The board of the most populous county of a district shall promptly transmit to each board within such district such separate petition papers of each petition accompanying a declaration of candidacy filed with it as purport to contain signatures of electors of the county of each such board. The board of a county within which the major portion of the population of a subdivision, situated in more than one county, is located, shall promptly transmit to the board of each other county within which a portion of such subdivision is located such separate petition papers of each petition accompanying a declaration of candidacy filed with it as purport to contain signatures of electors of the portion of such subdivision in the county of each such board.

(L) All petition papers so transmitted to a board and all petitions accompanying declarations of candidacy filed with a board shall, under proper regulations, be open to public inspection until four p.m. of the eightieth day before the day of the next primary election. Each board shall, not later than the seventy-eighth day before the day of that primary election, examine and determine the validity or invalidity of the signatures on the petition papers so transmitted to or filed with it and shall return to the secretary of state all petition papers transmitted to it by the secretary of state, together with its certification of its determination as to the validity or invalidity of signatures thereon, and shall return to each

other board all petition papers transmitted to it by such board, 68786  
together with its certification of its determination as to the 68787  
validity or invalidity of the signatures thereon. All other 68788  
matters affecting the validity or invalidity of such petition 68789  
papers shall be determined by the secretary of state or the 68790  
board with whom such petition papers were filed. 68791

(M) (1) Protests against the candidacy of any person filing 68792  
a declaration of candidacy for party nomination or for election 68793  
to an office or position, as provided in this section, may be 68794  
filed by any qualified elector who is a member of the same 68795  
political party as the candidate and who is eligible to vote at 68796  
the primary election for the candidate whose declaration of 68797  
candidacy the elector objects to, or by the controlling 68798  
committee of that political party. The protest shall be in 68799  
writing, and shall be filed not later than four p.m. of the 68800  
seventy-fourth day before the day of the primary election. The 68801  
protest shall be filed with the election officials with whom the 68802  
declaration of candidacy and petition was filed. Upon the filing 68803  
of the protest, the election officials with whom it is filed 68804  
shall promptly fix the time for hearing it, and shall forthwith 68805  
mail notice of the filing of the protest and the time fixed for 68806  
hearing to the person whose candidacy is so protested. They 68807  
shall also forthwith mail notice of the time fixed for such 68808  
hearing to the person who filed the protest. At the time fixed, 68809  
such election officials shall hear the protest and determine the 68810  
validity or invalidity of the declaration of candidacy and 68811  
petition. If they find that such candidate is not an elector of 68812  
the state, district, county, or political subdivision in which 68813  
the candidate seeks a party nomination or election to an office 68814  
or position, or has not fully complied with this chapter, the 68815  
candidate's declaration of candidacy and petition shall be 68816

determined to be invalid and shall be rejected; otherwise, it 68817  
shall be determined to be valid. That determination shall be 68818  
final. 68819

(2) A protest against the candidacy of any persons filing 68820  
a declaration of candidacy for joint party nomination to the 68821  
offices of governor and lieutenant governor shall be filed, 68822  
heard, and determined in the same manner as a protest against 68823  
the candidacy of any person filing a declaration of candidacy 68824  
singly. 68825

(N) (1) The secretary of state shall, on the seventieth day 68826  
before the day of a primary election, certify to each board in 68827  
the state the forms of the official ballots to be used at the 68828  
primary election, together with the names of the candidates to 68829  
be printed on the ballots whose nomination or election is to be 68830  
determined by electors throughout the entire state and who filed 68831  
valid declarations of candidacy and petitions. 68832

(2) The board of the most populous county in a district 68833  
comprised of more than one county but less than all of the 68834  
counties of the state shall, on the seventieth day before the 68835  
day of a primary election, certify to the board of each county 68836  
in the district the names of the candidates to be printed on the 68837  
official ballots to be used at the primary election, whose 68838  
nomination or election is to be determined only by electors 68839  
within the district and who filed valid declarations of 68840  
candidacy and petitions. 68841

(3) The board of a county within which the major portion 68842  
of the population of a subdivision smaller than the county and 68843  
situated in more than one county is located shall, on the 68844  
seventieth day before the day of a primary election, certify to 68845  
the board of each county in which a portion of that subdivision 68846

is located the names of the candidates to be printed on the 68847  
official ballots to be used at the primary election, whose 68848  
nomination or election is to be determined only by electors 68849  
within that subdivision and who filed valid declarations of 68850  
candidacy and petitions. 68851

**Sec. 3513.052.** (A) No person shall seek nomination or 68852  
election to any of the following offices or positions at the 68853  
same election by filing a declaration of candidacy and petition, 68854  
a declaration of intent to be a write-in candidate, or a 68855  
nominating petition, or by becoming a candidate through party 68856  
nomination in a primary election, or by the filling of a vacancy 68857  
under section 3513.30 or 3513.31 of the Revised Code: 68858

(1) Two or more state offices; 68859

(2) Two or more county offices; 68860

(3) A state office and a county office; 68861

(4) A federal office and a state or county office; 68862

(5) Any combination of two or more municipal or township 68863  
offices, positions as a member of a city, local, or exempted 68864  
village board of education, or positions as a member of a 68865  
governing board of an educational service center. 68866

(B) The secretary of state or a board of elections shall 68867  
not accept for filing a declaration of candidacy and petition, a 68868  
declaration of intent to be a write-in candidate, or a 68869  
nominating petition of a person seeking to become a candidate if 68870  
that person, for the same election, has already filed a 68871  
declaration of candidacy, a declaration of intent to be a write- 68872  
in candidate, or a nominating petition, or has become a 68873  
candidate through party nomination at a primary election or by 68874  
the filling of a vacancy under section 3513.30 or 3513.31 of the 68875

Revised Code for: 68876

(1) Any federal, state, or county office, if the 68877  
declaration of candidacy, declaration of intent to be a write-in 68878  
candidate, or nominating petition is for a state or county 68879  
office; 68880

(2) Any municipal or township office, or for member of a 68881  
city, local, or exempted village board of education, or for 68882  
member of a governing board of an educational service center, if 68883  
the declaration of candidacy, declaration of intent to be a 68884  
write-in candidate, or nominating petition is for a municipal or 68885  
township office, or for member of a city, local, or exempted 68886  
village board of education, or for member of a governing board 68887  
of an educational service center. 68888

(C) (1) If the secretary of state determines, before the 68889  
day of the primary election, that a person is seeking nomination 68890  
to more than one office at that election in violation of 68891  
division (A) of this section, the secretary of state shall do 68892  
one of the following: 68893

(a) If each office or the district for each office for 68894  
which the person is seeking nomination is wholly within a single 68895  
county and none of those offices is a federal office, the 68896  
secretary of state shall notify the board of elections of that 68897  
county. The board then shall determine the date on which the 68898  
person first sought to become a candidate for each of those 68899  
offices by filing a declaration of candidacy or a declaration of 68900  
intent to be a write-in candidate or by the filling of a vacancy 68901  
under section 3513.30 of the Revised Code. The board shall vote 68902  
promptly to disqualify that person as a candidate for each 68903  
office for which the person sought to become a candidate after 68904  
the date on which the person first sought to become a candidate 68905

for any of those offices. If the board determines that the person sought to become a candidate for more than one of those offices on the same date, the board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking nomination is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking nomination is a federal office, the secretary of state shall determine the date on which the person first sought to become a candidate for each of those offices by filing a declaration of candidacy or a declaration of intent to be a write-in candidate or by the filling of a vacancy under section 3513.30 of the Revised Code. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office for which the person sought to become a candidate after the date on which the person first sought to become a candidate for any of those offices. If the secretary of state determines that the person sought to become a candidate for more than one of those offices on the same date, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks nomination, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance

with the order of the secretary of state. 68937

(c) If each office or the district for each office for 68938  
which the person is seeking nomination is wholly within a single 68939  
county and any of those offices is a federal office, the 68940  
secretary of state shall notify the board of elections of that 68941  
county. The board then shall vote promptly to disqualify that 68942  
person as a candidate for each office that is not a federal 68943  
office. 68944

(d) If one or more of the offices for which the person is 68945  
seeking nomination is a state office and any of the offices for 68946  
which the person is seeking nomination is a federal office, the 68947  
secretary of state shall order the board of elections of each 68948  
county in which the person is seeking to appear on the ballot to 68949  
disqualify that person as a candidate for each office that is 68950  
not a federal office. Each board of elections so notified shall 68951  
vote promptly to disqualify the person as a candidate in 68952  
accordance with the order of the secretary of state. 68953

(2) If a board of elections determines, before the day of 68954  
the primary election, that a person is seeking nomination to 68955  
more than one office at that election in violation of division 68956  
(A) of this section, the board shall do one of the following: 68957

(a) If each office or the district for each office for 68958  
which the person is seeking nomination is wholly within that 68959  
county and none of those offices is a federal office, the board 68960  
shall determine the date on which the person first sought to 68961  
become a candidate for each of those offices by filing a 68962  
declaration of candidacy or a declaration of intent to be a 68963  
write-in candidate or by the filling of a vacancy under section 68964  
3513.30 of the Revised Code. The board shall vote promptly to 68965  
disqualify that person as a candidate for each office for which 68966

the person sought to become a candidate after the date on which 68967  
the person first sought to become a candidate for any of those 68968  
offices. If the board determines that the person sought to 68969  
become a candidate for more than one of those offices on the 68970  
same date, the board shall vote promptly to disqualify that 68971  
person as a candidate for each office that would be listed on 68972  
the ballot below the highest office for which that person seeks 68973  
nomination, according to the ballot order prescribed under 68974  
section 3505.03 of the Revised Code. 68975

(b) If one or more of the offices for which the person is 68976  
seeking nomination is a state office or an office with a 68977  
district larger than a single county and none of the offices for 68978  
which the person is seeking nomination is a federal office, the 68979  
board shall notify the secretary of state. The secretary of 68980  
state then shall determine the date on which the person first 68981  
sought to become a candidate for each of those offices by filing 68982  
a declaration of candidacy or a declaration of intent to be a 68983  
write-in candidate or by the filling of a vacancy under section 68984  
3513.30 of the Revised Code. The secretary of state shall order 68985  
the board of elections of each county in which the person is 68986  
seeking to appear on the ballot to disqualify that person as a 68987  
candidate for each office for which the person sought to become 68988  
a candidate after the date on which the person first sought to 68989  
become a candidate for any of those offices. If the secretary of 68990  
state determines that the person sought to become a candidate 68991  
for more than one of those offices on the same date, the 68992  
secretary of state shall order the board of elections of each 68993  
county in which the person is seeking to appear on the ballot to 68994  
disqualify that person as a candidate for each office that would 68995  
be listed on the ballot below the highest office for which that 68996  
person seeks nomination, according to the ballot order 68997

prescribed under section 3505.03 of the Revised Code. Each board 68998  
of elections so notified shall vote promptly to disqualify the 68999  
person as a candidate in accordance with the order of the 69000  
secretary of state. 69001

(c) If each office or the district for each office for 69002  
which the person is seeking nomination is wholly within a single 69003  
county and any of those offices is a federal office, the board 69004  
shall vote promptly to disqualify that person as a candidate for 69005  
each office that is not a federal office. 69006

(d) If one or more of the offices for which the person is 69007  
seeking nomination is a state office and any of the offices for 69008  
which the person is seeking nomination is a federal office, the 69009  
board shall notify the secretary of state. The secretary of 69010  
state then shall order the board of elections of each county in 69011  
which the person is seeking to appear on the ballot to 69012  
disqualify that person as a candidate for each office that is 69013  
not a federal office. Each board of elections so notified shall 69014  
vote promptly to disqualify the person as a candidate in 69015  
accordance with the order of the secretary of state. 69016

(D) (1) If the secretary of state determines, after the day 69017  
of the primary election and before the day of the general 69018  
election, that a person is seeking election to more than one 69019  
office at that election in violation of division (A) of this 69020  
section, the secretary of state shall do one of the following: 69021

(a) If each office or the district for each office for 69022  
which the person is seeking election is wholly within a single 69023  
county and none of those offices is a federal office, the 69024  
secretary of state shall notify the board of elections of that 69025  
county. The board then shall determine the offices for which the 69026  
person seeks to appear as a candidate on the ballot. The board 69027

shall vote promptly to disqualify that person as a candidate for 69028  
each office that would be listed on the ballot below the highest 69029  
office for which that person seeks election, according to the 69030  
ballot order prescribed under section 3505.03 of the Revised 69031  
Code. If the person sought nomination at a primary election and 69032  
has not yet been issued a certificate of nomination, the board 69033  
shall not issue that certificate for that person for any office 69034  
that would be listed on the ballot below the highest office for 69035  
which that person seeks election, according to the ballot order 69036  
prescribed under section 3505.03 of the Revised Code. 69037

(b) If one or more of the offices for which the person is 69038  
seeking election is a state office or an office with a district 69039  
larger than a single county and none of the offices for which 69040  
the person is seeking election is a federal office, the 69041  
secretary of state shall promptly investigate and determine the 69042  
offices for which the person seeks to appear as a candidate on 69043  
the ballot. The secretary of state shall order the board of 69044  
elections of each county in which the person is seeking to 69045  
appear on the ballot to disqualify that person as a candidate 69046  
for each office that would be listed on the ballot below the 69047  
highest office for which that person seeks election, according 69048  
to the ballot order prescribed under section 3505.03 of the 69049  
Revised Code. Each board of elections so notified shall vote 69050  
promptly to disqualify the person as a candidate in accordance 69051  
with the order of the secretary of state. If the person sought 69052  
nomination at a primary election and has not yet been issued a 69053  
certificate of nomination, the board shall not issue that 69054  
certificate for that person for any office that would be listed 69055  
on the ballot below the highest office for which that person 69056  
seeks election, according to the ballot order prescribed under 69057  
section 3505.03 of the Revised Code. 69058

(c) If each office or the district for each office for which the person is seeking election is wholly within a single county and any of those offices is a federal office, the secretary of state shall notify the board of elections of that county. The board then shall vote promptly to disqualify that person as a candidate for each office that is not a federal office. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(d) If one or more of the offices for which the person is seeking election is a state office and any of the offices for which the person is seeking election is a federal office, the secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that is not a federal office. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that is not a federal office.

(2) If a board of elections determines, after the day of the primary election and before the day of the general election, that a person is seeking election to more than one office at that election in violation of division (A) of this section, the board of elections shall do one of the following:

(a) If each office or the district for each office for which the person is seeking election is wholly within that

county and none of those offices is a federal office, the board shall determine the offices for which the person seeks to appear as a candidate on the ballot. The board shall vote promptly to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that person for any office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code.

(b) If one or more of the offices for which the person is seeking election is a state office or an office with a district larger than a single county and none of the offices for which the person is seeking election is a federal office, the board shall notify the secretary of state. The secretary of state promptly shall investigate and determine the offices for which the person seeks to appear as a candidate on the ballot. The secretary of state shall order the board of elections of each county in which the person is seeking to appear on the ballot to disqualify that person as a candidate for each office that would be listed on the ballot below the highest office for which that person seeks election, according to the ballot order prescribed under section 3505.03 of the Revised Code. Each board of elections so notified shall vote promptly to disqualify the person as a candidate in accordance with the order of the secretary of state. If the person sought nomination at a primary election and has not yet been issued a certificate of nomination, the board shall not issue that certificate for that

person for any office that would be listed on the ballot below 69120  
the highest office for which that person seeks election, 69121  
according to the ballot order prescribed under section 3505.03 69122  
of the Revised Code. 69123

(c) If each office or the district for each office for 69124  
which the person is seeking election is wholly within that 69125  
county and any of those offices is a federal office, the board 69126  
shall vote promptly to disqualify that person as a candidate for 69127  
each office that is not a federal office. If the person sought 69128  
nomination at a primary election and has not yet been issued a 69129  
certificate of nomination, the board shall not issue that 69130  
certificate for that person for any office that is not a federal 69131  
office. 69132

(d) If one or more of the offices for which the person is 69133  
seeking election is a state office and any of the offices for 69134  
which the person is seeking election is a federal office, the 69135  
board shall notify the secretary of state. The secretary of 69136  
state shall order the board of elections of each county in which 69137  
the person is seeking to appear on the ballot to disqualify that 69138  
person as a candidate for each office that is not a federal 69139  
office. Each board of elections so notified shall vote promptly 69140  
to disqualify the person as a candidate in accordance with the 69141  
order of the secretary of state. If the person sought nomination 69142  
at a primary election and has not yet been issued a certificate 69143  
of nomination, the board shall not issue that certificate for 69144  
that person for any office that is not a federal office. 69145

(E) When a person is disqualified as a candidate under 69146  
division (C) or (D) of this section, on or before the seventieth 69147  
day before the day of the applicable election, the board of 69148  
elections shall remove the person's name from the ballot for any 69149

office for which that person has been disqualified as a 69150  
candidate according to the directions of the secretary of state. 69151  
When a person is disqualified as a candidate under division (C) 69152  
or (D) of this section after the seventieth day before the day 69153  
of the applicable election, the board of elections shall not 69154  
remove the person's name from the ballot for any office for 69155  
which that person has been disqualified as a candidate. The 69156  
board of elections shall post a notice at each polling location 69157  
on the day of the applicable election, and shall enclose with 69158  
each absent voter's ballot given or mailed after the candidate 69159  
is disqualified, a notice that votes for the person for the 69160  
office for which the person has been disqualified as a candidate 69161  
will be void and will not be counted. If the name is not removed 69162  
from the ballots before the day of the election, the votes for 69163  
the disqualified candidate are void and shall not be counted. 69164

(F) Any vacancy created by the disqualification of a 69165  
person as a candidate under division (C) or (D) of this section 69166  
may be filled in the manner provided for in sections 3513.30 and 69167  
3513.31 of the Revised Code. 69168

(G) Nothing in this section or section 3513.04, 3513.041, 69169  
3513.05, 3513.251, 3513.253, ~~3513.254~~, ~~3513.255~~, 3513.257, 69170  
~~3513.259~~, or 3513.261 of the Revised Code prohibits, and the 69171  
secretary of state or a board of elections shall not disqualify, 69172  
a person from being a candidate for an office, if that person 69173  
timely withdraws as a candidate for any offices specified in 69174  
division (A) of this section for which that person first sought 69175  
to become a candidate by filing a declaration of candidacy and 69176  
petition, a declaration of intent to be a write-in candidate, or 69177  
a nominating petition, by party nomination in a primary 69178  
election, or by the filling of a vacancy under section 3513.30 69179  
or 3513.31 of the Revised Code. 69180

(H) As used in this section: 69181

(1) "State office" means the offices of governor, 69182  
lieutenant governor, secretary of state, auditor of state, 69183  
treasurer of state, attorney general, member of the state board 69184  
of education, member of the general assembly, chief justice of 69185  
the supreme court, and justice of the supreme court. 69186

(2) "Timely withdraws" means either of the following: 69187

(a) Withdrawing as a candidate before the applicable 69188  
deadline for filing a declaration of candidacy, declaration of 69189  
intent to be a write-in candidate, or nominating petition for 69190  
the subsequent office for which the person is seeking to become 69191  
a candidate at the same election; 69192

(b) Withdrawing as a candidate before the applicable 69193  
deadline for the filling of a vacancy under section 3513.30 or 69194  
3513.31 of the Revised Code, if the person is seeking to become 69195  
a candidate for a subsequent office at the same election under 69196  
either of those sections. 69197

**Sec. 3513.10.** (A) At the time of filing a declaration of 69198  
candidacy for nomination for any office, or a declaration of 69199  
intent to be a write-in candidate, each candidate, except joint 69200  
candidates for governor and lieutenant governor, shall pay a fee 69201  
as follows: 69202  
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A	For statewide office	\$100
B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50

D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50
G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10
K	For member of state board of education	\$20
L	For member of local, city, or exempted village board of education or educational service center governing board	\$10

At the time of filing a declaration of candidacy or a declaration of intent to be a write-in candidate for the offices of governor and lieutenant governor, the joint candidates shall jointly pay to the secretary of state a fee of one hundred dollars.

(B) (1) At the same time the fee required under division (A) of this section is paid, each candidate shall pay an additional fee as follows:

A	For the joint candidates for governor and lieutenant governor	\$50
B	For statewide office	\$50
C	For district office, including member of the United States house of representatives and member of the general assembly	\$35
D	For member of state board of education	\$35
E	For court of appeals judge	\$30
F	For court of common pleas judge	\$30
G	For county court judge	\$30
H	For municipal court judge	\$30
I	For county office	\$30
J	For city office	\$25
K	For village office	\$20
L	For township office	\$20
M	For member of local, city, or exempted village board of education or educational service center governing board	\$20

(2) Whoever seeks to propose a ballot question or issue to	69213
be submitted to the electors shall pay the following fee at the	69214
time the petition proposing the question or issue is filed:	69215

- (a) If the question or issue is to be submitted to the electors throughout the entire state, twenty-five dollars; 69216  
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- (b) If the question or issue is to be submitted to the electors of a county or of a district that consists of all or part of two or more counties but less than the entire state, fifteen dollars; 69218  
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- (c) If the question or issue is to be submitted to the electors of a city, twelve dollars and fifty cents; 69222  
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- (d) If the question or issue is to be submitted to the electors of a village, a township, a local, city, county, or exempted village school district, a precinct, or another district consisting of less than an entire county, ten dollars. 69224  
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- (C) No fee shall be required of candidates filing for the office of delegate or alternate to the national convention of political parties, member of the state central committee of a political party, or member of the county central committee of a political party. 69228  
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- (D) All fees required under division (A) of this section immediately shall be paid by the officer receiving them into the state treasury to the credit of the general revenue fund, in the case of fees received by the secretary of state, and into the county treasury to the credit of the county general fund, in the case of fees received by a board of elections. 69233  
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- (E) The officer who receives a fee required under division (B) of this section immediately shall pay the fee to the credit of the Ohio ~~elections~~ election integrity commission fund created ~~by division (I) of under section 3517.152-111.29~~ of the Revised Code. 69239  
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- (F) (1) In no case shall a fee paid under this section be 69244

returned to a candidate. 69245

(2) Whenever a section of law refers to a filing fee to be 69246  
paid by a candidate or by a committee proposing a ballot 69247  
question or issue to be submitted to the electors, that fee 69248  
includes the fees required under divisions (A) and (B) of this 69249  
section. 69250

(G) As used in divisions (A) and (B) of this section, 69251  
"statewide office" means the office of secretary of state, 69252  
auditor of state, treasurer of state, attorney general, justice 69253  
and chief justice of the supreme court, and member of the United 69254  
States senate. 69255

**Sec. 3513.19.** (A) It is the duty of any precinct election 69256  
official, whenever any such official doubts that a person 69257  
attempting to vote at a primary election is legally entitled to 69258  
vote at that election, to challenge the right of that person to 69259  
vote. The right of a person to vote at a primary election may be 69260  
challenged upon the following grounds: 69261

(1) That the person whose right to vote is challenged is 69262  
not a legally qualified elector; 69263

(2) That the person has received or has been promised some 69264  
valuable reward or consideration for the person's vote; 69265

(3) That the person is not affiliated with or is not a 69266  
member of the political party whose ballot the person desires to 69267  
vote. Such party affiliation shall be determined by examining 69268  
the elector's voting record for the current year and the 69269  
immediately preceding two calendar years as shown on the voter's 69270  
registration card, using the standards of affiliation specified 69271  
in ~~the seventh paragraph~~ division (G) of section 3513.05 of the 69272  
Revised Code. Division (A) (3) of this section and ~~the seventh~~ 69273

~~paragraph~~ division (G) of section 3513.05 of the Revised Code do 69274  
not prohibit a person who holds an elective office for which 69275  
candidates are nominated at a party primary election from doing 69276  
any of the following: 69277

(a) If the person voted as a member of a different 69278  
political party at any primary election within the current year 69279  
and the immediately preceding two calendar years, being a 69280  
candidate for nomination at a party primary held during the 69281  
times specified in division (C) (2) of section 3513.191 of the 69282  
Revised Code provided that the person complies with the 69283  
requirements of that section; 69284

(b) Circulating the person's own petition of candidacy for 69285  
party nomination in the primary election. 69286

(B) When the right of a person to vote is challenged upon 69287  
the ground set forth in division (A) (3) of this section, 69288  
membership in or political affiliation with a political party 69289  
shall be determined by the person's statement, made under 69290  
penalty of election falsification, that the person desires to be 69291  
affiliated with and supports the principles of the political 69292  
party whose primary ballot the person desires to vote. 69293

**Sec. 3517.01.** (A) (1) A political party within the meaning 69294  
of Title XXXV of the Revised Code is any group of voters that 69295  
meets either of the following requirements: 69296

(a) Except as otherwise provided in this division, at the 69297  
most recent regular state election, the group polled for its 69298  
candidate for governor in the state or nominees for presidential 69299  
electors at least three per cent of the entire vote cast for 69300  
that office. A group that meets the requirements of this 69301  
division remains a political party for a period of four years 69302

after meeting those requirements. 69303

(b) The group filed with the secretary of state, 69304  
subsequent to its failure to meet the requirements of division 69305  
(A) (1) (a) of this section, a party formation petition that meets 69306  
all of the following requirements: 69307

(i) The petition is signed by qualified electors equal in 69308  
number to at least one per cent of the total vote for governor 69309  
or nominees for presidential electors at the most recent 69310  
election for such office. 69311

(ii) The petition is signed by not fewer than five hundred 69312  
qualified electors from each of at least a minimum of one-half 69313  
of the congressional districts in this state. If an odd number 69314  
of congressional districts exists in this state, the number of 69315  
districts that results from dividing the number of congressional 69316  
districts by two shall be rounded up to the next whole number. 69317

(iii) The petition declares the petitioners' intention of 69318  
organizing a political party, the name of which shall be stated 69319  
in the declaration, and of participating in the succeeding 69320  
general election, held in even-numbered years, that occurs more 69321  
than one hundred twenty-five days after the date of filing. 69322

(iv) The petition designates a committee of not less than 69323  
three nor more than five individuals of the petitioners, who 69324  
shall represent the petitioners in all matters relating to the 69325  
petition. Notice of all matters or proceedings pertaining to the 69326  
petition may be served on the committee, or any of them, either 69327  
personally or by registered mail, or by leaving such notice at 69328  
the usual place of residence of each of them. 69329

(2) No such group of electors shall assume a name or 69330  
designation that is similar, in the opinion of the secretary of 69331

state, to that of an existing political party as to confuse or 69332  
mislead the voters at an election. 69333

(B) A campaign committee shall be legally liable for any 69334  
debts, contracts, or expenditures incurred or executed in its 69335  
name. 69336

(C) Notwithstanding the definitions found in section 69337  
3501.01 of the Revised Code, as used in this section and 69338  
sections 3517.08 to ~~3517.14, 3517.99, and 3517.992~~ 3517.991 of 69339  
the Revised Code: 69340

(1) "Campaign committee" means a candidate or a 69341  
combination of two or more persons authorized by a candidate 69342  
under section 3517.081 of the Revised Code to receive 69343  
contributions and make expenditures. 69344

(2) "Campaign treasurer" means an individual appointed by 69345  
a candidate under section 3517.081 of the Revised Code. 69346

(3) "Candidate" has the same meaning as in division (H) of 69347  
section 3501.01 of the Revised Code and also includes any person 69348  
who, at any time before or after an election, receives 69349  
contributions or makes expenditures or other use of 69350  
contributions, has given consent for another to receive 69351  
contributions or make expenditures or other use of 69352  
contributions, or appoints a campaign treasurer, for the purpose 69353  
of bringing about the person's nomination or election to public 69354  
office. When two persons jointly seek the offices of governor 69355  
and lieutenant governor, "candidate" means the pair of 69356  
candidates jointly. "Candidate" does not include candidates for 69357  
election to the offices of member of a county or state central 69358  
committee, presidential elector, and delegate to a national 69359  
convention or conference of a political party. 69360

~~(4) "Continuing association" means an association, other than a campaign committee, political party, legislative campaign fund, political contributing entity, or labor organization, that is intended to be a permanent organization that has a primary purpose other than supporting or opposing specific candidates, political parties, or ballot issues, and that functions on a regular basis throughout the year. "Continuing association" includes organizations that are determined to be not organized for profit under subsection 501 and that are described in subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code.~~

~~(5) "Contribution" means a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election. Any loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or of anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any campaign committee, political action committee, legislative campaign fund, political party, political contributing entity, or person other than the person to whom the services are rendered for the personal services of another person, that is made, received, or used by a state or county political party, other than the moneys an entity may receive under sections 3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be considered to be a "contribution" for the purpose of section~~

3517.10 of the Revised Code and shall be included on a statement of contributions filed under that section.	69392 69393
"Contribution" does not include any of the following:	69394
(a) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a person;	69395 69396 69397
(b) Ordinary home hospitality;	69398
(c) The personal expenses of a volunteer paid for by that volunteer campaign worker;	69399 69400
(d) Any gift given to an entity pursuant to section 3517.101 of the Revised Code;	69401 69402
(e) Any contribution as defined in section 3517.1011 of the Revised Code that is made, received, or used to pay the direct costs of producing or airing an electioneering communication;	69403 69404 69405 69406
(f) Any gift given to a state or county political party for the party's restricted fund under division (A)(2) of section 3517.1012 of the Revised Code;	69407 69408 69409
(g) Any gift given to a state political party for deposit in a Levin account pursuant to section 3517.1013 of the Revised Code. As used in this division, "Levin account" has the same meaning as in that section.	69410 69411 69412 69413
(h) Any donation given to a transition fund under section 3517.1014 of the Revised Code.	69414 69415
<del>(6)</del> <u>(5)</u> "Expenditure" means the disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G)	69416 69417 69418

of section 3517.08 of the Revised Code. Any disbursement or use 69419  
of a contribution by a state or county political party is an 69420  
expenditure and shall be considered either to be made for the 69421  
purpose of influencing the results of an election or to be made 69422  
as a charitable donation under division (G) of section 3517.08 69423  
of the Revised Code and shall be reported on a statement of 69424  
expenditures filed under section 3517.10 of the Revised Code. 69425  
During the thirty days preceding a primary or general election, 69426  
any disbursement to pay the direct costs of producing or airing 69427  
a broadcast, cable, or satellite communication that refers to a 69428  
clearly identified candidate shall be considered to be made for 69429  
the purpose of influencing the results of that election and 69430  
shall be reported as an expenditure or as an independent 69431  
expenditure under section 3517.10 or 3517.105 of the Revised 69432  
Code, as applicable, except that the information required to be 69433  
reported regarding contributors for those expenditures or 69434  
independent expenditures shall be the same as the information 69435  
required to be reported under divisions (D) (1) and (2) of 69436  
section 3517.1011 of the Revised Code. 69437

As used in this division, "broadcast, cable, or satellite 69438  
communication" and "refers to a clearly identified candidate" 69439  
have the same meanings as in section 3517.1011 of the Revised 69440  
Code. 69441

~~(7)~~ (6) "Personal expenses" includes, but is not limited 69442  
to, ordinary expenses for accommodations, clothing, food, 69443  
personal motor vehicle or airplane, and home telephone. 69444

~~(8)~~ (7) "Political action committee" means a combination 69445  
of two or more persons, the primary or major purpose of which is 69446  
to support or oppose any candidate, political party, or issue, 69447  
or to influence the result of any election through express 69448

advocacy, and that is not a political party, a campaign  
committee, ~~a political contributing entity,~~ or a legislative  
campaign fund. "Political action committee" does not include  
~~either of the following:~~

~~(a) A continuing association that makes disbursements for  
the direct costs of producing or airing electioneering  
communications and that does not engage in express advocacy;~~

~~(b) A~~ a political club that is formed primarily for social  
purposes and that consists of one hundred members or less, has  
officers and periodic meetings, has less than two thousand five  
hundred dollars in its treasury at all times, and makes an  
aggregate total contribution of one thousand dollars or less per  
calendar year.

~~(9)~~ (8) "Public office" means any state, county,  
municipal, township, or district office, except an office of a  
political party, that is filled by an election and the offices  
of United States senator and representative.

~~(10)~~ (9) "Anything of value" has the same meaning as in  
section 1.03 of the Revised Code.

~~(11)~~ (10) "Beneficiary of a campaign fund" means a  
candidate, a public official or employee for whose benefit a  
campaign fund exists, and any other person who has ever been a  
candidate or public official or employee and for whose benefit a  
campaign fund exists.

~~(12)~~ (11) "Campaign fund" means money or other property,  
including contributions.

~~(13)~~ (12) "Public official or employee" has the same  
meaning as in section 102.01 of the Revised Code.

~~(14)~~ (13) "Caucus" means all of the members of the house 69477  
of representatives or all of the members of the senate of the 69478  
general assembly who are members of the same political party. 69479

~~(15)~~ (14) "Legislative campaign fund" means a fund that is 69480  
established as an auxiliary of a state political party and 69481  
associated with one of the houses of the general assembly. 69482

~~(16)~~ (15) "In-kind contribution" means anything of value 69483  
other than money that is used to influence the results of an 69484  
election or is transferred to or used in support of or in 69485  
opposition to a candidate, campaign committee, legislative 69486  
campaign fund, political party, political action committee, or 69487  
political contributing entity and that is made with the consent 69488  
of, in coordination, cooperation, or consultation with, or at 69489  
the request or suggestion of the benefited candidate, committee, 69490  
fund, party, or entity. The financing of the dissemination, 69491  
distribution, or republication, in whole or part, of any 69492  
broadcast or of any written, graphic, or other form of campaign 69493  
materials prepared by the candidate, the candidate's campaign 69494  
committee, or their authorized agents is an in-kind contribution 69495  
to the candidate and an expenditure by the candidate. 69496

~~(17)~~ (16) "Independent expenditure" means an expenditure 69497  
or other use of funds or anything of value by a person 69498  
advocating in support of or opposition to an identified ballot 69499  
issue or question or to advocate the election or defeat of an 69500  
identified candidate or candidates, that is not made with the 69501  
consent of, in coordination, cooperation, or consultation with, 69502  
or at the request or suggestion of any candidate or candidates 69503  
or of the campaign committee or agent of the candidate or 69504  
candidates. As used in division ~~(C) (17)~~ (C) (16) of this section: 69505

(a) "Person" means an individual, ~~partnership,~~ 69506

~~unincorporated business organization or association, political~~ 69507  
~~action committee, political contributing entity, separate~~ 69508  
~~segregated fund, association, or other organization or group of~~ 69509  
~~persons, but not a labor organization or a corporation unless~~ 69510  
~~the labor organization or corporation is a political~~ 69511  
~~contributing entity.~~ 69512

(b) ~~"Advocating"~~ "Advocate" means to make any 69513  
communication containing a message advocating the election or 69514  
defeat of an identified candidate or candidates. 69515

(c) "Identified candidate" means that the name of the 69516  
candidate appears, a photograph or drawing of the candidate 69517  
appears, or the identity of the candidate is otherwise apparent 69518  
by unambiguous reference. 69519

(d) "Made in coordination, cooperation, or consultation 69520  
with, or at the request or suggestion of, any candidate or the 69521  
campaign committee or agent of the candidate" means made 69522  
pursuant to any arrangement, coordination, or direction by the 69523  
candidate, the candidate's campaign committee, or the 69524  
candidate's agent prior to the publication, distribution, 69525  
display, or broadcast of the communication. An expenditure is 69526  
presumed to be so made when it is any of the following: 69527

(i) Based on information about the candidate's plans, 69528  
projects, or needs provided to the person making the expenditure 69529  
by the candidate, or by the candidate's campaign committee or 69530  
agent, with a view toward having an expenditure made; 69531

(ii) Made by or through any person who is, or has been, 69532  
authorized to raise or expend funds, who is, or has been, an 69533  
officer of the candidate's campaign committee, or who is, or has 69534  
been, receiving any form of compensation or reimbursement from 69535

the candidate or the candidate's campaign committee or agent; 69536

(iii) Except as otherwise provided in division (D) of 69537  
section 3517.105 of the Revised Code, made by a political party 69538  
in support of a candidate, unless the expenditure is made by a 69539  
political party to conduct voter registration or voter education 69540  
efforts. 69541

(e) "Agent" means any person who has actual oral or 69542  
written authority, either express or implied, to make or to 69543  
authorize the making of expenditures on behalf of a candidate, 69544  
or means any person who has been placed in a position with the 69545  
candidate's campaign committee or organization such that it 69546  
would reasonably appear that in the ordinary course of campaign- 69547  
related activities the person may authorize expenditures. 69548

~~(18)~~ (17) "Labor organization" means a labor union; an 69549  
employee organization; a federation of labor unions, groups, 69550  
locals, or other employee organizations; an auxiliary of a labor 69551  
union, employee organization, or federation of labor unions, 69552  
groups, locals, or other employee organizations; or any other 69553  
bona fide organization in which employees participate and that 69554  
exists for the purpose, in whole or in part, of dealing with 69555  
employers concerning grievances, labor disputes, wages, hours, 69556  
and other terms and conditions of employment. 69557

~~(19)~~ (18) "Separate segregated fund" means a separate 69558  
segregated fund established pursuant to the Federal Election 69559  
Campaign Act. 69560

~~(20)~~ (19) "Federal Election Campaign Act" means the 69561  
"Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 69562  
431, et seq., as amended. 69563

~~(21)~~ (20) "Restricted fund" means the fund a state or 69564

county political party must establish under division (A) (1) of section 3517.1012 of the Revised Code. 69565  
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~~(22)~~ (21) "Electioneering communication" has the same meaning as in section 3517.1011 of the Revised Code. 69567  
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~~(23)~~ (22) "Express advocacy" means a communication that contains express words advocating the nomination, election, or defeat of a candidate or that contains express words advocating the adoption or defeat of a question or issue, as determined by a final judgment of a court of competent jurisdiction. 69569  
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~~(24)~~ (23) "Political committee" has the same meaning as in section 3517.1011 of the Revised Code. 69574  
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~~(25)~~ "Political ~~(24) (a) Except as otherwise provided in division (C) (24) (b) of this section, "political contributing entity" means any entity, including a corporation ~~or~~, labor organization, partnership or other unincorporated business, or unincorporated association, that may lawfully make makes contributions ~~and or~~ expenditures and that is not an individual or a political action committee, ~~continuing association,~~ campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund. ~~For purposes of this division, "lawfully" means not prohibited by any section of the Revised Code, or authorized by a final judgment of a court of competent jurisdiction.~~ 69576  
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~~(26)~~ (b) A partnership or other unincorporated business that makes contributions only in the manner permitted under division (I) (1) (b) of section 3517.10 of the Revised Code, makes no other contributions or expenditures, and receives no contributions is not considered a political contributing entity. 69588  
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(25) "Internet identifier of record" has the same meaning 69593

as in section 9.312 of the Revised Code. 69594

(26) "Partnership or other unincorporated business" 69595  
includes a cooperative, a sole proprietorship, a general 69596  
partnership, a limited partnership, a limited partnership 69597  
association, a limited liability partnership, and a limited 69598  
liability company. 69599

**Sec. 3517.08.** (A) The personal expenses of a candidate 69600  
paid for by the candidate, from the candidate's personal funds, 69601  
shall not be considered as a contribution by or an expenditure 69602  
by the candidate and shall not be reported under section 3517.10 69603  
of the Revised Code. 69604

(B) (1) An expenditure by a political action committee or a 69605  
political contributing entity shall not be considered a 69606  
contribution by the political action committee or the political 69607  
contributing entity or an expenditure by or on behalf of the 69608  
candidate if the purpose of the expenditure is to inform only 69609  
its members by means of mailed publications of its activities or 69610  
endorsements. 69611

(2) An expenditure by a political party shall not be 69612  
considered a contribution by the political party or an 69613  
expenditure by or on behalf of the candidate if the purpose of 69614  
the expenditure is to inform predominantly the party's members 69615  
by means of mailed publications or other direct communication of 69616  
its activities or endorsements, or for voter contact such as 69617  
sample ballots, absent voter's ballots application mailings, 69618  
voter registration, or get-out-the-vote activities. 69619

(C) An expenditure by a ~~continuing association,~~ political 69620  
contributing entity, or political party shall not be considered 69621  
a contribution to any campaign committee or an expenditure by or 69622

on behalf of any campaign committee if the purpose of the 69623  
expenditure is for the staff and maintenance of the ~~continuing-~~ 69624  
~~association's,~~ political contributing entity's, or political 69625  
party's headquarters, or for a political poll, survey, index, or 69626  
other type of measurement not on behalf of a specific candidate. 69627

(D) The expenses of maintaining a constituent office paid 69628  
for, from the candidate's personal funds, by a candidate who is 69629  
a member of the general assembly at the time of the election 69630  
shall not be considered a contribution by or an expenditure by 69631  
or on behalf of the candidate, and shall not be reported, if the 69632  
constituent office is not used for any candidate's campaign 69633  
activities. 69634

(E) The net contribution of each social or fund-raising 69635  
activity shall be calculated by totaling all contributions to 69636  
the activity minus the expenditures made for the activity. 69637

(F) An expenditure that purchases goods or services shall 69638  
be attributed to an election when the disbursement of funds is 69639  
made, rather than at the time the goods or services are used. 69640  
The secretary of state, under the procedures of Chapter 119. of 69641  
the Revised Code, shall establish rules for the attribution of 69642  
expenditures to a candidate when the candidate is a candidate 69643  
for more than one office during a reporting period and for 69644  
expenditures made in a year in which no election is held. The 69645  
secretary of state shall further define by rule those 69646  
expenditures that are or are not by or on behalf of a candidate. 69647

(G) An expenditure for the purpose of a charitable 69648  
donation may be made if it is made to an organization that is 69649  
exempt from federal income taxation under subsection 501(a) and 69650  
described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c) 69651  
(10), or 501(c)(19) of the Internal Revenue Code or is approved 69652

by advisory opinion of the Ohio ~~elections~~election integrity 69653  
commission as a legitimate charitable organization. Each 69654  
expenditure under this division shall be separately itemized on 69655  
statements made pursuant to section 3517.10 of the Revised Code. 69656

**Sec. 3517.081.** (A) Each candidate shall have no more than 69657  
one campaign committee for purposes of receiving contributions 69658  
and making expenditures. No campaign committee shall receive any 69659  
contribution or make any expenditure other than through the 69660  
campaign treasurer. The campaign treasurer shall file all 69661  
statements required of a candidate or campaign committee under 69662  
section 3517.10 of the Revised Code. 69663

The candidate shall designate the candidate or a member of 69664  
the candidate's campaign committee as the candidate's campaign 69665  
treasurer as required by division (D) of section 3517.10 of the 69666  
Revised Code. The campaign treasurer may appoint deputy campaign 69667  
treasurers as required. Deputy campaign treasurers may exercise 69668  
any of the powers and duties of a campaign treasurer when 69669  
specifically authorized to do so by the campaign treasurer or 69670  
the candidate. 69671

Each candidate shall file a written statement, as required 69672  
by division (D) of section 3517.10 of the Revised Code, setting 69673  
forth the full name and address of the campaign treasurer and 69674  
also of each deputy treasurer. Each candidate shall file 69675  
supplemental statements giving the full name and address of each 69676  
deputy treasurer at the time of appointment. 69677

A candidate may remove the campaign treasurer or any 69678  
deputy campaign treasurer at any time. In the case of death, 69679  
resignation, or removal of the treasurer or deputy treasurer 69680  
before compliance with all obligations of a campaign treasurer, 69681  
the candidate shall fill the vacancy thus created in the same 69682

manner as provided in the case of an original appointment. 69683

(B) (1) Two or more candidates may be the beneficiaries of 69684  
a single campaign committee if all of the following apply: 69685

(a) Each candidate is seeking nomination or election to 69686  
the same office at the same election. 69687

(b) The office for which each candidate is seeking 69688  
nomination or election is the office of member of a board, 69689  
commission, or other similar body of elected officials to which 69690  
multiple members are nominated or elected at the same election. 69691

(c) The number of candidates who will be the beneficiaries 69692  
of the campaign committee does not exceed the number of open 69693  
positions on the board, commission, or other similar body of 69694  
elected officials to which the candidates are seeking nomination 69695  
or election. 69696

(d) The candidates jointly designate one of the candidates 69697  
or one member of the campaign committee as the treasurer of that 69698  
campaign committee as required under division (A) of this 69699  
section. 69700

(e) The candidates jointly file the written statements 69701  
required under division (A) of this section. 69702

(2) Except as otherwise provided in this division, any 69703  
penalty that may be imposed on a candidate ~~under section~~ 69704  
~~3517.992 of the Revised Code~~ for a violation of this chapter 69705  
shall be imposed jointly and severally on each beneficiary of a 69706  
multi-beneficiary campaign committee. If the ~~Ohio elections~~ 69707  
~~commission or the appropriate prosecutor~~ trier of fact is able 69708  
to determine that a specific beneficiary of a multi-beneficiary 69709  
campaign committee violated this chapter, the applicable penalty 69710  
~~under section 3517.992 of the Revised Code~~ shall be imposed only 69711

on that candidate and not on the other beneficiaries of that multi-beneficiary campaign committee.

(3) (a) If any of the following occur after a multi-beneficiary campaign committee is established, that campaign committee shall be terminated:

(i) The beneficiaries of the campaign committee disagree as to the designation or removal of a campaign treasurer.

(ii) Any beneficiary of the campaign committee desires to end the beneficiary's candidacy for the office for which the beneficiaries are seeking nomination or election.

(iii) Any beneficiary of the campaign committee desires to form an individual campaign committee.

(b) Prior to the termination of a multi-beneficiary campaign committee in accordance with division (B) (3) (a) of this section, any contributions received by that campaign committee that have not been expended shall be disposed of in the manner provided in division (C) of section 3517.109 of the Revised Code. No contributions from the multi-beneficiary campaign committee shall be contributed or transferred into any candidate's individual campaign committee.

(4) No candidate who has a campaign committee for which that candidate is the sole beneficiary shall become the beneficiary of a campaign committee with multiple beneficiaries under division (B) (1) of this section unless the candidate first terminates the candidate's individual campaign committee. Prior to the termination of that individual campaign committee, any contributions received by that campaign committee that have not been expended shall be disposed of in the manner provided in division (C) of section 3517.109 of the Revised Code. No

contributions from the candidate's individual campaign committee 69741  
shall be contributed or transferred into the multi-beneficiary 69742  
campaign committee. 69743

**Sec. 3517.10.** (A) Except as otherwise provided in this 69744  
division, every campaign committee, political action committee, 69745  
legislative campaign fund, political party, and political 69746  
contributing entity that made or received a contribution or made 69747  
an expenditure in connection with the nomination or election of 69748  
any candidate or in connection with any ballot issue or question 69749  
at any election held or to be held in this state shall file, on 69750  
a form prescribed under this section or by electronic means of 69751  
transmission as provided in this section and section 3517.106 of 69752  
the Revised Code, a full, true, and itemized statement, made 69753  
under penalty of election falsification, setting forth in detail 69754  
the contributions and expenditures, not later than four p.m. of 69755  
the following dates: 69756

(1) The twelfth day before the election to reflect 69757  
contributions received and expenditures made from the close of 69758  
business on the last day reflected in the last previously filed 69759  
statement, if any, to the close of business on the twentieth day 69760  
before the election; 69761

(2) The thirty-eighth day after the election to reflect 69762  
the contributions received and expenditures made from the close 69763  
of business on the last day reflected in the last previously 69764  
filed statement, if any, to the close of business on the seventh 69765  
day before the filing of the statement; 69766

(3) The last business day of January of every year to 69767  
reflect the contributions received and expenditures made from 69768  
the close of business on the last day reflected in the last 69769  
previously filed statement, if any, to the close of business on 69770

the last day of December of the previous year; 69771

(4) The last business day of July of every year to reflect 69772  
the contributions received and expenditures made from the close 69773  
of business on the last day reflected in the last previously 69774  
filed statement, if any, to the close of business on the last 69775  
day of June of that year. 69776

A campaign committee shall only be required to file the 69777  
statements prescribed under divisions (A) (1) and (2) of this 69778  
section in connection with the nomination or election of the 69779  
committee's candidate. 69780

The statement required under division (A) (1) of this 69781  
section shall not be required of any campaign committee, 69782  
political action committee, legislative campaign fund, political 69783  
party, or political contributing entity that has received 69784  
contributions of less than one thousand dollars and has made 69785  
expenditures of less than one thousand dollars at the close of 69786  
business on the twentieth day before the election. Those 69787  
contributions and expenditures shall be reported in the 69788  
statement required under division (A) (2) of this section. 69789

If an election to select candidates to appear on the 69790  
general election ballot is held within sixty days before a 69791  
general election, the campaign committee of a successful 69792  
candidate in the earlier election may file the statement 69793  
required by division (A) (1) of this section for the general 69794  
election instead of the statement required by division (A) (2) of 69795  
this section for the earlier election if the pregeneral election 69796  
statement reflects the status of contributions and expenditures 69797  
for the period twenty days before the earlier election to twenty 69798  
days before the general election. 69799

If a person becomes a candidate less than twenty days before an election, the candidate's campaign committee is not required to file the statement required by division (A) (1) of this section.

No statement under division (A) (3) of this section shall be required for any year in which a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file a postgeneral election statement under division (A) (2) of this section. However, a statement under division (A) (3) of this section may be filed, at the option of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity.

No campaign committee of a candidate for the office of chief justice or justice of the supreme court, and no campaign committee of a candidate for the office of judge of any court in this state, shall be required to file a statement under division (A) (4) of this section.

Except as otherwise provided in this paragraph and in the next paragraph of this section, the only campaign committees required to file a statement under division (A) (4) of this section are the campaign committee of a statewide candidate and the campaign committee of a candidate for county office. The campaign committee of a candidate for any other nonjudicial office is required to file a statement under division (A) (4) of this section if that campaign committee receives, during that period, contributions exceeding ten thousand dollars.

No statement under division (A) (4) of this section shall be required of a campaign committee, a political action committee, a legislative campaign fund, a political party, or a

political contributing entity for any year in which the campaign 69830  
committee, political action committee, legislative campaign 69831  
fund, political party, or political contributing entity is 69832  
required to file a postprimary election statement under division 69833  
(A) (2) of this section. However, a statement under division (A) 69834  
(4) of this section may be filed at the option of the campaign 69835  
committee, political action committee, legislative campaign 69836  
fund, political party, or political contributing entity. 69837

No statement under division (A) (3) or (4) of this section 69838  
shall be required if the campaign committee, political action 69839  
committee, legislative campaign fund, political party, or 69840  
political contributing entity has no contributions that it has 69841  
received and no expenditures that it has made since the last 69842  
date reflected in its last previously filed statement. However, 69843  
the campaign committee, political action committee, legislative 69844  
campaign fund, political party, or political contributing entity 69845  
shall file a statement to that effect, on a form prescribed 69846  
under this section and made under penalty of election 69847  
falsification, on the date required in division (A) (3) or (4) of 69848  
this section, as applicable. 69849

The campaign committee of a statewide candidate shall file 69850  
a monthly statement of contributions received during each of the 69851  
months of July, August, and September in the year of the general 69852  
election in which the candidate seeks office. The campaign 69853  
committee of a statewide candidate shall file the monthly 69854  
statement not later than three business days after the last day 69855  
of the month covered by the statement. During the period 69856  
beginning on the nineteenth day before the general election in 69857  
which a statewide candidate seeks election to office and 69858  
extending through the day of that general election, each time 69859  
the campaign committee of the joint candidates for the offices 69860

of governor and lieutenant governor or of a candidate for the 69861  
office of secretary of state, auditor of state, treasurer of 69862  
state, or attorney general receives a contribution from a 69863  
contributor that causes the aggregate amount of contributions 69864  
received from that contributor during that period to equal or 69865  
exceed ten thousand dollars and each time the campaign committee 69866  
of a candidate for the office of chief justice or justice of the 69867  
supreme court receives a contribution from a contributor that 69868  
causes the aggregate amount of contributions received from that 69869  
contributor during that period to exceed ten thousand dollars, 69870  
the campaign committee shall file a two-business-day statement 69871  
reflecting that contribution. Contributions reported on a two- 69872  
business-day statement required to be filed by a campaign 69873  
committee of a statewide candidate in a primary election shall 69874  
also be included in the postprimary election statement required 69875  
to be filed by that campaign committee under division (A) (2) of 69876  
this section. A two-business-day statement required by this 69877  
paragraph shall be filed not later than two business days after 69878  
receipt of the contribution. The statements required by this 69879  
paragraph shall be filed in addition to any other statements 69880  
required by this section. 69881

Subject to the secretary of state having implemented, 69882  
tested, and verified the successful operation of any system the 69883  
secretary of state prescribes pursuant to divisions (C) (6) (b) 69884  
and (D) (6) of this section and division (F) (1) of section 69885  
3517.106 of the Revised Code for the filing of campaign finance 69886  
statements by electronic means of transmission, a campaign 69887  
committee of a statewide candidate shall file a two-business-day 69888  
statement under the preceding paragraph by electronic means of 69889  
transmission if the campaign committee is required to file a 69890  
pre-election, postelection, or monthly statement of 69891

contributions and expenditures by electronic means of 69892  
transmission under this section or section 3517.106 of the 69893  
Revised Code. 69894

If a campaign committee or political action committee has 69895  
no balance on hand and no outstanding obligations and desires to 69896  
terminate itself, it shall file a statement to that effect, on a 69897  
form prescribed under this section and made under penalty of 69898  
election falsification, with the official with whom it files a 69899  
statement under division (A) of this section after filing a 69900  
final statement of contributions and a final statement of 69901  
expenditures, if contributions have been received or 69902  
expenditures made since the period reflected in its last 69903  
previously filed statement. 69904

(B) Except as otherwise provided in division (C) (7) of 69905  
this section, each statement required by division (A) of this 69906  
section shall contain the following information: 69907

(1) The full name and address of each campaign committee, 69908  
political action committee, legislative campaign fund, political 69909  
party, or political contributing entity, including any treasurer 69910  
of the committee, fund, party, or entity, filing a contribution 69911  
and expenditure statement; 69912

(2) (a) In the case of a campaign committee, the 69913  
candidate's full name and address; 69914

(b) In the case of a political action committee, the 69915  
registration number assigned to the committee under division (D) 69916  
(1) of this section. 69917

(3) The date of the election and whether it was or will be 69918  
a general, primary, or special election; 69919

(4) A statement of contributions received, which shall 69920

include the following information: 69921

(a) The month, day, and year of the contribution; 69922

(b) (i) The full name and address of each person, political 69923  
party, campaign committee, legislative campaign fund, political 69924  
action committee, or political contributing entity from whom 69925  
contributions are received and the registration number assigned 69926  
to the political action committee under division (D) (1) of this 69927  
section. The requirement of filing the full address does not 69928  
apply to any statement filed by a state or local committee of a 69929  
political party, to a finance committee of such committee, or to 69930  
a committee recognized by a state or local committee as its 69931  
fund-raising auxiliary. Notwithstanding division (F) of this 69932  
section, the requirement of filing the full address shall be 69933  
considered as being met if the address filed is the same address 69934  
the contributor provided under division (E) (1) of this section. 69935

(ii) If a political action committee, political 69936  
contributing entity, legislative campaign fund, or political 69937  
party that is required to file campaign finance statements by 69938  
electronic means of transmission under section 3517.106 of the 69939  
Revised Code or a campaign committee of a statewide candidate or 69940  
candidate for the office of member of the general assembly 69941  
receives a contribution from an individual that exceeds one 69942  
hundred dollars, the name of the individual's current employer, 69943  
if any, or, if the individual is self-employed, the individual's 69944  
occupation and the name of the individual's business, if any; 69945

(iii) If a campaign committee of a statewide candidate or 69946  
candidate for the office of member of the general assembly 69947  
receives a contribution transmitted pursuant to section 3599.031 69948  
of the Revised Code from amounts deducted from the wages and 69949  
salaries of two or more employees that exceeds in the aggregate 69950

one hundred dollars during any one filing period under division 69951  
(A) (1), (2), (3), or (4) of this section, the full name of the 69952  
employees' employer and the full name of the labor organization 69953  
of which the employees are members, if any. 69954

(c) A description of the contribution received, if other 69955  
than money; 69956

(d) The value in dollars and cents of the contribution; 69957

(e) A separately itemized account of all contributions and 69958  
expenditures regardless of the amount, except a receipt of a 69959  
contribution from a person in the sum of twenty-five dollars or 69960  
less at one social or fund-raising activity and a receipt of a 69961  
contribution transmitted pursuant to section 3599.031 of the 69962  
Revised Code from amounts deducted from the wages and salaries 69963  
of employees if the contribution from the amount deducted from 69964  
the wages and salary of any one employee is twenty-five dollars 69965  
or less aggregated in a calendar year. An account of the total 69966  
contributions from each social or fund-raising activity shall 69967  
include a description of and the value of each in-kind 69968  
contribution received at that activity from any person who made 69969  
one or more such contributions whose aggregate value exceeded 69970  
two hundred fifty dollars and shall be listed separately, 69971  
together with the expenses incurred and paid in connection with 69972  
that activity. A campaign committee, political action committee, 69973  
legislative campaign fund, political party, or political 69974  
contributing entity shall keep records of contributions from 69975  
each person in the amount of twenty-five dollars or less at one 69976  
social or fund-raising activity and contributions from amounts 69977  
deducted under section 3599.031 of the Revised Code from the 69978  
wages and salary of each employee in the amount of twenty-five 69979  
dollars or less aggregated in a calendar year. No ~~continuing~~ 69980

~~association~~ political action committee or political contributing 69981  
entity that is recognized by a state or local committee of a 69982  
political party as an auxiliary of the party and that makes a 69983  
contribution from funds derived solely from regular dues paid by 69984  
members of the auxiliary shall be required to list the name or 69985  
address of any members who paid those dues. 69986

Contributions that are other income shall be itemized 69987  
separately from all other contributions. The information 69988  
required under division (B)(4) of this section shall be provided 69989  
for all other income itemized. As used in this paragraph, "other 69990  
income" means a loan, investment income, or interest income. 69991

(f) In the case of a campaign committee of a state elected 69992  
officer, if a person doing business with the state elected 69993  
officer in the officer's official capacity makes a contribution 69994  
to the campaign committee of that officer, the information 69995  
required under division (B)(4) of this section in regard to that 69996  
contribution, which shall be filed together with and considered 69997  
a part of the committee's statement of contributions as required 69998  
under division (A) of this section but shall be filed on a 69999  
separate form provided by the secretary of state. As used in 70000  
this division: 70001

(i) "State elected officer" has the same meaning as in 70002  
section 3517.092 of the Revised Code. 70003

(ii) "Person doing business" means a person or an officer 70004  
of an entity who enters into one or more contracts with a state 70005  
elected officer or anyone authorized to enter into contracts on 70006  
behalf of that officer to receive payments for goods or 70007  
services, if the payments total, in the aggregate, more than 70008  
five thousand dollars during a calendar year. 70009

(5) A statement of expenditures which shall include the following information:	70010 70011
(a) The month, day, and year of the expenditure;	70012
(b) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity to whom the expenditure was made and the registration number assigned to the political action committee under division (D) (1) of this section;	70013 70014 70015 70016 70017 70018
(c) The object or purpose for which the expenditure was made;	70019 70020
(d) The amount of each expenditure.	70021
(C) (1) The statement of contributions and expenditures shall be signed by the person completing the form. If a statement of contributions and expenditures is filed by electronic means of transmission pursuant to this section or section 3517.106 of the Revised Code, the electronic signature of the person who executes the statement and transmits the statement by electronic means of transmission, as provided in division (F) of section 3517.106 of the Revised Code, shall be attached to or associated with the statement and shall be binding on all persons and for all purposes under the campaign finance reporting law as if the signature had been handwritten in ink on a printed form.	70022 70023 70024 70025 70026 70027 70028 70029 70030 70031 70032 70033
(2) The person filing the statement, under penalty of election falsification, shall include with it a list of each anonymous contribution, the circumstances under which it was received, and the reason it cannot be attributed to a specific donor.	70034 70035 70036 70037 70038

(3) Each statement of a campaign committee of a candidate who holds public office shall contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In a space provided in the statement, the person filing the statement shall affirm that each such contribution was voluntarily made.

(4) A campaign committee that did not receive contributions or make expenditures in connection with the nomination or election of its candidate shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A) (2) of this section.

(5) The campaign committee of any person who attempts to become a candidate and who, for any reason, does not become certified in accordance with Title XXXV of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, and who, at any time prior to or after an election, receives contributions or makes expenditures, or has given consent for another to receive contributions or make expenditures, for the purpose of bringing about the person's nomination or election to public office, shall file the statement or statements prescribed by this section and a termination statement, if applicable. Division (C) (5) of this section does not apply to any person with respect to an election to the offices of member of a county or state central committee, presidential elector, or delegate to a national convention or conference of a political party.

(6) (a) The statements required to be filed under this section shall specify the balance in the hands of the campaign committee, political action committee, legislative campaign

fund, political party, or political contributing entity and the 70069  
disposition intended to be made of that balance. 70070

(b) The secretary of state shall prescribe the form for 70071  
all statements required to be filed under this section and shall 70072  
furnish the forms to the boards of elections in the several 70073  
counties. The boards of elections shall supply printed copies of 70074  
those forms without charge. The secretary of state shall 70075  
prescribe the appropriate methodology, protocol, and data file 70076  
structure for statements required or permitted to be filed by 70077  
electronic means of transmission to the secretary of state or a 70078  
board of elections under division (A) of this section, division 70079  
(E) of section 3517.106, division (D) of section 3517.1011, 70080  
division (B) of section 3517.1012, division (C) of section 70081  
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 70082  
Revised Code. Subject to division (A) of this section, division 70083  
(E) of section 3517.106, division (D) of section 3517.1011, 70084  
division (B) of section 3517.1012, division (C) of section 70085  
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 70086  
Revised Code, the statements required to be stored on computer 70087  
by the secretary of state under division (B) of section 3517.106 70088  
of the Revised Code shall be filed in whatever format the 70089  
secretary of state considers necessary to enable the secretary 70090  
of state to store the information contained in the statements on 70091  
computer. Any such format shall be of a type and nature that is 70092  
readily available to whoever is required to file the statements 70093  
in that format. 70094

(c) The secretary of state shall assess the need for 70095  
training regarding the filing of campaign finance statements by 70096  
electronic means of transmission and regarding associated 70097  
technologies for candidates, campaign committees, political 70098  
action committees, legislative campaign funds, political 70099

parties, ~~or~~ political contributing entities, ~~for~~ individuals, 70100  
~~partnerships,~~ or other entities, for persons making 70101  
disbursements to pay the direct costs of producing or airing 70102  
electioneering communications, or for treasurers of transition 70103  
funds, required or permitted to file statements by electronic 70104  
means of transmission under this section or section 3517.105, 70105  
3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the 70106  
Revised Code. If, in the opinion of the secretary of state, 70107  
training in these areas is necessary, the secretary of state 70108  
shall arrange for the provision of voluntary training programs 70109  
for candidates, campaign committees, political action 70110  
committees, legislative campaign funds, political parties, ~~or~~ 70111  
political contributing entities, ~~for~~ individuals, ~~partnerships,~~ 70112  
~~and~~ other entities, ~~for~~ persons making disbursements to pay the 70113  
direct costs of producing or airing electioneering 70114  
communications, or ~~for~~ treasurers of transition funds, as 70115  
appropriate. 70116

(7) Each monthly statement and each two-business-day 70117  
statement required by division (A) of this section shall contain 70118  
the information required by divisions (B) (1) to (4), (C) (2), 70119  
and, if appropriate, (C) (3) of this section. Each statement 70120  
shall be signed as required by division (C) (1) of this section. 70121

(D) (1) (a) Prior to receiving a contribution or making an 70122  
expenditure, every campaign committee, political action 70123  
committee, legislative campaign fund, political party, or 70124  
political contributing entity shall appoint a treasurer and 70125  
shall file, on a form prescribed by the secretary of state, a 70126  
designation of that appointment, including the full name and 70127  
address of the treasurer and of the campaign committee, 70128  
political action committee, legislative campaign fund, political 70129  
party, or political contributing entity. That designation shall 70130

be filed with the official with whom the campaign committee, 70131  
political action committee, legislative campaign fund, political 70132  
party, or political contributing entity is required to file 70133  
statements under section 3517.11 of the Revised Code. The name 70134  
of a campaign committee shall include at least the last name of 70135  
the campaign committee's candidate. If two or more candidates 70136  
are the beneficiaries of a single campaign committee under 70137  
division (B) of section 3517.081 of the Revised Code, the name 70138  
of the campaign committee shall include at least the last name 70139  
of each candidate who is a beneficiary of that campaign 70140  
committee. The secretary of state shall assign a registration 70141  
number to each political action committee that files a 70142  
designation of the appointment of a treasurer under this 70143  
division if the political action committee is required by 70144  
division (A)(1) of section 3517.11 of the Revised Code to file 70145  
the statements prescribed by this section with the secretary of 70146  
state. 70147

(b) The secretary of state shall not accept for filing a 70148  
designation of treasurer of a political action committee or 70149  
political contributing entity if, in the opinion of the 70150  
secretary of state, the name of the political action committee 70151  
or political contributing entity would lead a reasonable person 70152  
to believe that the political action committee or political 70153  
contributing entity acts on behalf of or represents a county 70154  
political party, unless the designation is accompanied by a 70155  
written statement, signed by the chairperson of the county 70156  
political party's executive committee, granting the political 70157  
action committee or political contributing entity permission to 70158  
act on behalf of or represent the county political party. 70159

(2) The treasurer appointed under division (D)(1) of this 70160  
section shall keep a strict account of all contributions, from 70161

whom received and the purpose for which they were disbursed. 70162

(3) (a) Except as otherwise provided in section 3517.108 of 70163  
the Revised Code, a campaign committee shall deposit all 70164  
monetary contributions received by the committee into an account 70165  
separate from a personal or business account of the candidate or 70166  
campaign committee. 70167

(b) A political action committee shall deposit all 70168  
monetary contributions received by the committee into an account 70169  
separate from all other funds. 70170

(c) A state or county political party may establish a 70171  
state candidate fund that is separate from all other funds. A 70172  
state or county political party may deposit into its state 70173  
candidate fund any amounts of monetary contributions that are 70174  
made to or accepted by the political party subject to the 70175  
applicable limitations, if any, prescribed in section 3517.102 70176  
of the Revised Code. A state or county political party shall 70177  
deposit all other monetary contributions received by the party 70178  
into one or more accounts that are separate from its state 70179  
candidate fund. 70180

(d) Each state political party shall have only one 70181  
legislative campaign fund for each house of the general 70182  
assembly. Each such fund shall be separate from any other funds 70183  
or accounts of that state party. A legislative campaign fund is 70184  
authorized to receive contributions and make expenditures for 70185  
the primary purpose of furthering the election of candidates who 70186  
are members of that political party to the house of the general 70187  
assembly with which that legislative campaign fund is 70188  
associated. Each legislative campaign fund shall be administered 70189  
and controlled in a manner designated by the caucus. As used in 70190  
this division, "caucus" has the same meaning as in section 70191

3517.01 of the Revised Code and includes, as an ex officio member, the chairperson of the state political party with which the caucus is associated or that chairperson's designee.

(4) Every expenditure in excess of twenty-five dollars shall be vouched for by a receipted bill, stating the purpose of the expenditure, that shall be filed with the statement of expenditures. A canceled check with a notation of the purpose of the expenditure is a receipted bill for purposes of division (D) (4) of this section.

(5) The secretary of state or the board of elections, as the case may be, shall issue a receipt for each statement filed under this section and shall preserve a copy of the receipt for a period of at least six years. All statements filed under this section shall be open to public inspection in the office where they are filed and shall be carefully preserved for a period of at least six years after the year in which they are filed.

(6) The secretary of state, by rule adopted pursuant to section 3517.23 of the Revised Code, shall prescribe both of the following:

(a) The manner of immediately acknowledging, with date and time received, and preserving the receipt of statements that are transmitted by electronic means of transmission to the secretary of state or a board of elections pursuant to this section or section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code;

(b) The manner of preserving the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in the statements described in division

(D) (6) (a) of this section. The secretary of state shall preserve 70221  
the contribution and expenditure, contribution and disbursement, 70222  
deposit and disbursement, gift and disbursement, or donation and 70223  
disbursement information in those statements for at least ten 70224  
years after the year in which they are filed by electronic means 70225  
of transmission. 70226

(7) (a) The secretary of state, pursuant to division (G) of 70227  
section 3517.106 of the Revised Code, shall make available 70228  
online to the public through the internet the contribution and 70229  
expenditure, contribution and disbursement, deposit and 70230  
disbursement, gift and disbursement, or donation and 70231  
disbursement information in all of the following documents: 70232

(i) All statements, all addenda, amendments, or other 70233  
corrections to statements, and all amended statements filed with 70234  
the secretary of state by electronic or other means of 70235  
transmission under this section, division (B) (2) (b) or (C) (2) (b) 70236  
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 70237  
3517.1013, 3517.1014, or 3517.11 of the Revised Code; 70238

(ii) All statements filed with a board of elections by 70239  
electronic means of transmission, and all addenda, amendments, 70240  
corrections, and amended versions of those statements, filed 70241  
with the board under this section, division (B) (2) (b) or (C) (2) 70242  
(b) of section 3517.105, or section 3517.106, 3517.1012, or 70243  
3517.11 of the Revised Code. 70244

(b) The secretary of state may remove the information from 70245  
the internet after a reasonable period of time. 70246

(E) (1) Any person, political party, campaign committee, 70247  
legislative campaign fund, political action committee, or 70248  
political contributing entity that makes a contribution in 70249

connection with the nomination or election of any candidate or 70250  
in connection with any ballot issue or question at any election 70251  
held or to be held in this state shall provide its full name and 70252  
address to the recipient of the contribution at the time the 70253  
contribution is made. The political action committee also shall 70254  
provide the registration number assigned to the committee under 70255  
division (D) (1) of this section to the recipient of the 70256  
contribution at the time the contribution is made. 70257

(2) Any individual who makes a contribution that exceeds 70258  
one hundred dollars to a political action committee, political 70259  
contributing entity, legislative campaign fund, or political 70260  
party or to a campaign committee of a statewide candidate or 70261  
candidate for the office of member of the general assembly shall 70262  
provide the name of the individual's current employer, if any, 70263  
or, if the individual is self-employed, the individual's 70264  
occupation and the name of the individual's business, if any, to 70265  
the recipient of the contribution at the time the contribution 70266  
is made. Sections 3599.39 and 3599.40 of the Revised Code do not 70267  
apply to division (E) (2) of this section. 70268

(3) If a campaign committee shows that it has exercised 70269  
its best efforts to obtain, maintain, and submit the information 70270  
required under divisions (B) (4) (b) (ii) and (iii) of this 70271  
section, that committee is considered to have met the 70272  
requirements of those divisions. A campaign committee shall not 70273  
be considered to have exercised its best efforts unless, in 70274  
connection with written solicitations, it regularly includes a 70275  
written request for the information required under division (B) 70276  
(4) (b) (ii) of this section from the contributor or the 70277  
information required under division (B) (4) (b) (iii) of this 70278  
section from whoever transmits the contribution. 70279

(4) Any check that a political action committee uses to make a contribution or an expenditure shall contain the full name and address of the committee and the registration number assigned to the committee under division (D)(1) of this section.

(F) As used in this section:

(1)(a) Except as otherwise provided in division (F)(1) of this section, "address" means all of the following if they exist: apartment number, street, road, or highway name and number, rural delivery route number, city or village, state, and zip code as used in a person's post-office address, but not post-office box.

(b) Except as otherwise provided in division (F)(1) of this section, if an address is required in this section, a post-office box and office, room, or suite number may be included in addition to, but not in lieu of, an apartment, street, road, or highway name and number.

(c) If an address is required in this section, a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may use the business or residence address of its treasurer or deputy treasurer. The post-office box number of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may be used in addition to that address.

(d) For the sole purpose of a campaign committee's reporting of contributions on a statement of contributions received under division (B)(4) of this section, "address" has one of the following meanings at the option of the campaign committee:

- (i) The same meaning as in division (F)(1)(a) of this section; 70309  
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- (ii) All of the following, if they exist: the contributor's post-office box number and city or village, state, and zip code as used in the contributor's post-office address. 70311  
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- (e) As used with regard to the reporting under this section of any expenditure, "address" means all of the following if they exist: apartment number, street, road, or highway name and number, rural delivery route number, city or village, state, and zip code as used in a person's post-office address, or post-office box. If an address concerning any expenditure is required in this section, a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may use the business or residence address of its treasurer or deputy treasurer or its post-office box number. 70314  
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- (2) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, chief justice of the supreme court, or justice of the supreme court. 70325  
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- (3) "Candidate for county office" means a candidate for the office of county auditor, county treasurer, clerk of the court of common pleas, judge of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, or coroner. 70331  
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- (G) An independent expenditure shall be reported whenever and in the same manner that an expenditure is required to be 70336  
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reported under this section and shall be reported pursuant to 70338  
division (B) (2) (a) or (C) (2) (a) of section 3517.105 of the 70339  
Revised Code. 70340

(H) (1) Except as otherwise provided in division (H) (2) of 70341  
this section, if, during the combined pre-election and 70342  
postelection reporting periods for an election, a campaign 70343  
committee has received contributions of five hundred dollars or 70344  
less and has made expenditures in the total amount of five 70345  
hundred dollars or less, it may file a statement to that effect, 70346  
under penalty of election falsification, in lieu of the 70347  
statement required by division (A) (2) of this section. The 70348  
statement shall indicate the total amount of contributions 70349  
received and the total amount of expenditures made during those 70350  
combined reporting periods. 70351

(2) In the case of a successful candidate at a primary 70352  
election, if either the total contributions received by or the 70353  
total expenditures made by the candidate's campaign committee 70354  
during the preprimary, postprimary, pregeneral, and postgeneral 70355  
election periods combined equal more than five hundred dollars, 70356  
the campaign committee may file the statement under division (H) 70357  
(1) of this section only for the primary election. The first 70358  
statement that the campaign committee files in regard to the 70359  
general election shall reflect all contributions received and 70360  
all expenditures made during the preprimary and postprimary 70361  
election periods. 70362

(3) Divisions (H) (1) and (2) of this section do not apply 70363  
if a campaign committee receives contributions or makes 70364  
expenditures prior to the first day of January of the year of 70365  
the election at which the candidate seeks nomination or election 70366  
to office or if the campaign committee does not file a 70367

termination statement with its postprimary election statement in 70368  
the case of an unsuccessful primary election candidate or with 70369  
its postgeneral election statement in the case of other 70370  
candidates. 70371

~~(I) In the case of a contribution made by~~ (I) (1) If a 70372  
partner, owner, or member of a partnership or ~~an owner or a~~ 70373  
~~member of another other~~ unincorporated business makes a 70374  
contribution from any funds of the partnership or other 70375  
unincorporated business, all the partner, owner, or member may 70376  
do either of the following apply: 70377

~~(1) The recipient of~~ (a) Make the contribution shall 70378  
report in the contribution by listing both name of the 70379  
partnership or other unincorporated business as a political 70380  
contributing entity; 70381

(b) Make the contribution in the name of both the 70382  
partnership or other unincorporated business and the name of ~~the~~ 70383  
each individual who is a partner, owner, or member making 70384  
participating in the contribution and attribute the contribution 70385  
to each participating partner, owner, or member as an individual 70386  
for purposes of section 3517.102 of the Revised Code. 70387

(2) In ~~reporting the making a~~ contribution as described in 70388  
division (I) (1) (b) of this section, the partner, owner, or 70389  
member making the contribution shall include one of the 70390  
following along with all other required information, and the 70391  
recipient of the contribution shall be entitled to conclusively 70392  
rely upon ~~the that~~ information provided by the partnership or 70393  
~~other unincorporated business, provided that the information~~ 70394  
~~includes one of the following:~~ 70395

(a) The name of each individual who is a partner, owner, 70396

or member as of the date of the contribution or contributions, 70397  
and a statement that the total contributions are to be ~~allocated~~ 70398  
attributed equally among all to each of the partners, owners, or 70399  
members; or 70400

(b) The name of each individual who is a partner, owner, 70401  
or member as of the date of the contribution or contributions 70402  
who is participating in the contribution or contributions, and a 70403  
statement that the contribution or contributions are to be 70404  
~~allocated~~ attributed to those individuals in accordance with the 70405  
information provided by the partnership or other unincorporated 70406  
business to the recipient of the contribution. 70407

~~(3) For purposes of section 3517.102 of the Revised Code,~~ 70408  
~~the contribution shall be considered to have been made by the~~ 70409  
~~partner, owner, or member reported under division (I) (1) of this~~ 70410  
~~section.~~ 70411

~~(4) No contribution from a partner of a partnership or an~~ 70412  
~~owner or a member of another unincorporated business shall be~~ 70413  
~~accepted from any funds of the partnership or other~~ 70414  
~~unincorporated business unless the recipient reports the~~ 70415  
~~contribution under division (I) (1) of this section together with~~ 70416  
~~the information provided under division (I) (2) of this section.~~ 70417

~~(5) No partnership or other unincorporated business shall~~ 70418  
~~make a contribution or contributions solely in the name of the~~ 70419  
~~partnership or other unincorporated business.~~ 70420

~~(6) As used in division (I) of this section, "partnership~~ 70421  
~~or other unincorporated business" includes, but is not limited~~ 70422  
~~to, a cooperative, a sole proprietorship, a general partnership,~~ 70423  
~~a limited partnership, a limited partnership association, a~~ 70424  
~~limited liability partnership, and a limited liability company.~~ 70425

(J) A candidate shall have only one campaign committee at 70426  
any given time for all of the offices for which the person is a 70427  
candidate or holds office. 70428

(K) (1) In addition to filing a designation of appointment 70429  
of a treasurer under division (D) (1) of this section, the 70430  
campaign committee of any candidate for an elected municipal 70431  
office that pays an annual amount of compensation of five 70432  
thousand dollars or less, the campaign committee of any 70433  
candidate for member of a board of education except member of 70434  
the state board of education, or the campaign committee of any 70435  
candidate for township trustee or township fiscal officer may 70436  
sign, under penalty of election falsification, a certificate 70437  
attesting that the committee will not accept contributions 70438  
during an election period that exceed in the aggregate two 70439  
thousand dollars from all contributors and one hundred dollars 70440  
from any one individual, and that the campaign committee will 70441  
not make expenditures during an election period that exceed in 70442  
the aggregate two thousand dollars. 70443

The certificate shall be on a form prescribed by the 70444  
secretary of state and shall be filed not later than ten days 70445  
after the candidate files a declaration of candidacy and 70446  
petition, a nominating petition, or a declaration of intent to 70447  
be a write-in candidate. 70448

(2) Except as otherwise provided in division (K) (3) of 70449  
this section, a campaign committee that files a certificate 70450  
under division (K) (1) of this section is not required to file 70451  
the statements required by division (A) of this section. 70452

(3) If, after filing a certificate under division (K) (1) 70453  
of this section, a campaign committee exceeds any of the 70454  
limitations described in that division during an election 70455

period, the certificate is void and thereafter the campaign 70456  
committee shall file the statements required by division (A) of 70457  
this section. If the campaign committee has not previously filed 70458  
a statement, then on the first statement the campaign committee 70459  
is required to file under division (A) of this section after the 70460  
committee's certificate is void, the committee shall report all 70461  
contributions received and expenditures made from the time the 70462  
candidate filed the candidate's declaration of candidacy and 70463  
petition, nominating petition, or declaration of intent to be a 70464  
write-in candidate. 70465

(4) As used in division (K) of this section, "election 70466  
period" means the period of time beginning on the day a person 70467  
files a declaration of candidacy and petition, nominating 70468  
petition, or declaration of intent to be a write-in candidate 70469  
through the day of the election at which the person seeks 70470  
nomination to office if the person is not elected to office, or, 70471  
if the candidate was nominated in a primary election, the day of 70472  
the election at which the candidate seeks office. 70473

(L) A political contributing entity that receives 70474  
contributions from the dues, membership fees, or other 70475  
assessments of its members or from its officers, shareholders, 70476  
and employees may report the aggregate amount of contributions 70477  
received from those contributors and the number of individuals 70478  
making those contributions, for each filing period under 70479  
divisions (A) (1), (2), (3), and (4) of this section, rather than 70480  
reporting information as required under division (B) (4) of this 70481  
section, including, when applicable, the name of the current 70482  
employer, if any, of a contributor whose contribution exceeds 70483  
one hundred dollars or, if such a contributor is self-employed, 70484  
the contributor's occupation and the name of the contributor's 70485  
business, if any. Division (B) (4) of this section applies to a 70486

political contributing entity with regard to contributions it 70487  
receives from all other contributors. 70488

**Sec. 3517.102.** (A) Except as otherwise provided in section 70489  
3517.103 of the Revised Code, as used in this section and 70490  
sections 3517.103 and 3517.104 of the Revised Code: 70491

(1) "Candidate" has the same meaning as in section 3517.01 70492  
of the Revised Code but includes only candidates for the offices 70493  
of governor, lieutenant governor, secretary of state, auditor of 70494  
state, treasurer of state, attorney general, member of the state 70495  
board of education, member of the general assembly, chief 70496  
justice of the supreme court, and justice of the supreme court. 70497

(2) "Statewide candidate" or "any one statewide candidate" 70498  
means the joint candidates for the offices of governor and 70499  
lieutenant governor or a candidate for the office of secretary 70500  
of state, auditor of state, treasurer of state, attorney 70501  
general, member of the state board of education, chief justice 70502  
of the supreme court, or justice of the supreme court. 70503

(3) "Senate candidate" means a candidate for the office of 70504  
state senator. 70505

(4) "House candidate" means a candidate for the office of 70506  
state representative. 70507

(5) (a) "Primary election period" for a candidate begins on 70508  
the beginning date of the candidate's pre-filing period 70509  
specified in division (A) (9) of section 3517.109 of the Revised 70510  
Code and ends on the day of the primary election. 70511

(b) In regard to any candidate, the "general election 70512  
period" begins on the day after the primary election immediately 70513  
preceding the general election at which the candidate seeks an 70514  
office specified in division (A) (1) of this section and ends on 70515

the thirty-first day of December following that general 70516  
election. 70517

(6) "State candidate fund" means the state candidate fund 70518  
established by a state or county political party under division 70519  
(D) (3) (c) of section 3517.10 of the Revised Code. 70520

(7) "Postgeneral election statement" means the statement 70521  
filed under division (A) (2) of section 3517.10 of the Revised 70522  
Code by the campaign committee of a candidate after the general 70523  
election in which the candidate ran for office or filed by 70524  
legislative campaign fund after the general election in an even- 70525  
numbered year. 70526

(8) "Contribution" means any contribution that is required 70527  
to be reported in the statement of contributions under section 70528  
3517.10 of the Revised Code. 70529

(9) (a) Except as otherwise provided in division (A) (9) (b) 70530  
of this section, "designated state campaign committee" means: 70531

(i) In the case of contributions to or from a state 70532  
political party, a campaign committee of a statewide candidate, 70533  
statewide officeholder, senate candidate, house candidate, or 70534  
member of the general assembly. 70535

(ii) In the case of contributions to or from a county 70536  
political party, a campaign committee of a senate candidate or 70537  
house candidate whose candidacy is to be submitted to some or 70538  
all of the electors in that county, or member of the general 70539  
assembly whose district contains all or part of that county. 70540

(iii) In the case of contributions to or from a 70541  
legislative campaign fund, a campaign committee of any of the 70542  
following: 70543

(I) A senate or house candidate who, if elected, will be a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated;

(II) A state senator or state representative who is a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated.

(b) A campaign committee is no longer a "designated state campaign committee" after the campaign committee's candidate changes the designation of treasurer required to be filed under division (D) (1) of section 3517.10 of the Revised Code to indicate that the person intends to be a candidate for, or becomes a candidate for nomination or election to, any office that, if elected, would not qualify that candidate's campaign committee as a "designated state campaign committee" under division (A) (9) (a) of this section.

(B) (1) (a) No individual who is seven years of age or older shall make a contribution or contributions aggregating more than:

(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;

(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

(iv) Ten thousand dollars to a county political party of the county in which the individual's designated Ohio residence is located for the party's state candidate fund in a calendar year;	70573 70574 70575 70576
(v) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	70577 70578
(vi) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	70579 70580
(vii) Ten thousand dollars to any one political action committee in a calendar year;	70581 70582
(viii) Ten thousand dollars to any one political contributing entity in a calendar year.	70583 70584
(b) No individual shall make a contribution or contributions to the state candidate fund of a county political party of any county other than the county in which the individual's designated Ohio residence is located.	70585 70586 70587 70588
(c) No individual who is under seven years of age shall make any contribution.	70589 70590
(2) (a) Subject to division (D) (1) of this section, no political action committee shall make a contribution or contributions aggregating more than:	70591 70592 70593
(i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	70594 70595 70596
(ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;	70597 70598 70599

(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;	70600 70601 70602
(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;	70603 70604
(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;	70605 70606
(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, <del>continuing association,</del> or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, <del>continuing association,</del> or other person.	70607 70608 70609 70610 70611 70612 70613 70614 70615 70616 70617 70618 70619
(b) No political action committee shall make a contribution or contributions to a county political party for the party's state candidate fund.	70620 70621 70622
(3) No campaign committee shall make a contribution or contributions aggregating more than:	70623 70624
(a) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;	70625 70626 70627
(b) Ten thousand dollars to the campaign committee of any	70628

one senate candidate in a primary election period or in a  
general election period; 70629  
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(c) Ten thousand dollars to the campaign committee of any  
one house candidate in a primary election period or in a general  
election period; 70631  
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(d) Ten thousand dollars to any one political action  
committee in a calendar year; 70634  
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(e) Ten thousand dollars to any one political contributing  
entity in a calendar year. 70636  
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(4) (a) Subject to division (D) (3) of this section, no  
political party shall make a contribution or contributions  
aggregating more than ten thousand dollars to any one political  
action committee or to any one political contributing entity in  
a calendar year. 70638  
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(b) No county political party shall make a contribution or  
contributions to another county political party. 70643  
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(5) (a) Subject to division (B) (5) (b) of this section, no  
campaign committee, other than a designated state campaign  
committee, shall make a contribution or contributions  
aggregating in a calendar year more than: 70645  
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(i) Thirty thousand dollars to any one state political  
party for the party's state candidate fund; 70649  
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(ii) Fifteen thousand dollars to any one legislative  
campaign fund; 70651  
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(iii) Ten thousand dollars to any one county political  
party for the party's state candidate fund. 70653  
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(b) No campaign committee shall make a contribution or 70655

contributions to a county political party for the party's state candidate fund unless one of the following applies: 70656  
70657

(i) The campaign committee's candidate will appear on a ballot in that county. 70658  
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(ii) The campaign committee's candidate is the holder of an elected public office that represents all or part of the population of that county at the time the contribution is made. 70660  
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(6) (a) No state candidate fund of a county political party shall make a contribution or contributions, except a contribution or contributions to a designated state campaign committee, in a primary election period or a general election period, aggregating more than: 70663  
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(i) Two hundred fifty thousand dollars to the campaign committee of any one statewide candidate; 70668  
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(ii) Ten thousand dollars to the campaign committee of any one senate candidate; 70670  
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(iii) Ten thousand dollars to the campaign committee of any one house candidate. 70672  
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(b) (i) No state candidate fund of a state or county political party shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee in a primary election period or in a general election period aggregating more than: 70674  
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(I) Five hundred thousand dollars to the campaign committee of any one statewide candidate; 70679  
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(II) One hundred thousand dollars to the campaign committee of any one senate candidate; 70681  
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(III) Fifty thousand dollars to the campaign committee of any one house candidate.	70683 70684
(ii) No legislative campaign fund shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee aggregating more than:	70685 70686 70687 70688
(I) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period to the campaign committee of any one senate candidate;	70689 70690 70691
(II) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period to the campaign committee of any one house candidate.	70692 70693 70694
(iii) As used in divisions (B) (6) (b) and (C) (6) of this section, "transfer or contribution of cash or cash equivalents" does not include any in-kind contributions.	70695 70696 70697
(c) A county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand may make one or more contributions from other accounts to any one statewide candidate or to any one designated state campaign committee that do not exceed, in the aggregate, two thousand five hundred dollars in any primary election period or general election period.	70698 70699 70700 70701 70702 70703 70704
(d) No legislative campaign fund shall make a contribution, other than to a designated state campaign committee or to the state candidate fund of a political party.	70705 70706 70707
(7) (a) Subject to division (D) (1) of this section, no political contributing entity shall make a contribution or contributions aggregating more than:	70708 70709 70710

- (i) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period; 70711  
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- (ii) Ten thousand dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period; 70714  
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- (iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period; 70717  
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- (iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year; 70720  
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- (v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year; 70722  
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- (vi) Ten thousand dollars to another political contributing entity or to a political action committee in a calendar year. This division does not apply to a political contributing entity that makes a contribution to a political contributing entity or a political action committee affiliated with it. For purposes of this division, a political contributing entity is affiliated with another political contributing entity or with a political action committee if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, ~~continuing association,~~ or other person. 70724  
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- (b) No political contributing entity shall make a contribution or contributions to a county political party for 70738  
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the party's state candidate fund. 70740

(C) (1) (a) Subject to division (D) (1) of this section, no 70741  
campaign committee of a statewide candidate shall do any of the 70742  
following: 70743

(i) Knowingly accept a contribution or contributions from 70744  
any individual who is under seven years of age; 70745

(ii) Accept a contribution or contributions aggregating 70746  
more than ten thousand dollars from any one individual who is 70747  
seven years of age or older, from any one political action 70748  
committee, from any one political contributing entity, or from 70749  
any one other campaign committee in a primary election period or 70750  
in a general election period; 70751

(iii) Accept a contribution or contributions aggregating 70752  
more than two hundred fifty thousand dollars from any one or 70753  
combination of state candidate funds of county political parties 70754  
in a primary election period or in a general election period. 70755

(b) No campaign committee of a statewide candidate shall 70756  
accept a contribution or contributions aggregating more than two 70757  
thousand five hundred dollars in a primary election period or in 70758  
a general election period from a county political party that has 70759  
no state candidate fund and that is located in a county having a 70760  
population of less than one hundred fifty thousand. 70761

(2) (a) Subject to division (D) (1) of this section and 70762  
except for a designated state campaign committee, no campaign 70763  
committee of a senate candidate shall do either of the 70764  
following: 70765

(i) Knowingly accept a contribution or contributions from 70766  
any individual who is under seven years of age; 70767

(ii) Accept a contribution or contributions aggregating 70768  
more than ten thousand dollars from any one individual who is 70769  
seven years of age or older, from any one political action 70770  
committee, from any one political contributing entity, from any 70771  
one state candidate fund of a county political party, or from 70772  
any one other campaign committee in a primary election period or 70773  
in a general election period. 70774

(b) No campaign committee of a senate candidate shall 70775  
accept a contribution or contributions aggregating more than two 70776  
thousand five hundred dollars in a primary election period or in 70777  
a general election period from a county political party that has 70778  
no state candidate fund and that is located in a county having a 70779  
population of less than one hundred fifty thousand. 70780

(3) (a) Subject to division (D) (1) of this section and 70781  
except for a designated state campaign committee, no campaign 70782  
committee of a house candidate shall do either of the following: 70783

(i) Knowingly accept a contribution or contributions from 70784  
any individual who is under seven years of age; 70785

(ii) Accept a contribution or contributions aggregating 70786  
more than ten thousand dollars from any one individual who is 70787  
seven years of age or older, from any one political action 70788  
committee, from any one political contributing entity, from any 70789  
one state candidate fund of a county political party, or from 70790  
any one other campaign committee in a primary election period or 70791  
in a general election period. 70792

(b) No campaign committee of a house candidate shall 70793  
accept a contribution or contributions aggregating more than two 70794  
thousand five hundred dollars in a primary election period or in 70795  
a general election period from a county political party that has 70796

no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand. 70797  
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(4) (a) (i) Subject to division (C) (4) (a) (ii) of this section and except for a designated state campaign committee, no county political party shall knowingly accept a contribution or contributions from any individual who is under seven years of age, or accept a contribution or contributions for the party's state candidate fund aggregating more than ten thousand dollars from any one individual whose designated Ohio residence is located within that county and who is seven years of age or older or from any one campaign committee in a calendar year. 70799  
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(ii) Subject to division (D) (1) of this section, no county political party shall accept a contribution or contributions for the party's state candidate fund from any individual whose designated Ohio residence is located outside of that county and who is seven years of age or older, from any campaign committee unless the campaign committee's candidate will appear on a ballot in that county or unless the campaign committee's candidate is the holder of an elected public office that represents all or part of the population of that county at the time the contribution is accepted, or from any political action committee or any political contributing entity. 70808  
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(iii) No county political party shall accept a contribution or contributions from any other county political party. 70819  
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(b) Subject to division (D) (1) of this section, no state political party shall do either of the following: 70822  
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(i) Knowingly accept a contribution or contributions from any individual who is under seven years of age; 70824  
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(ii) Accept a contribution or contributions for the party's state candidate fund aggregating more than thirty thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(5) Subject to division (D)(1) of this section, no legislative campaign fund shall do either of the following:

(a) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(b) Accept a contribution or contributions aggregating more than fifteen thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(6) (a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than:

(i) Five hundred thousand dollars, in the case of a campaign committee of a statewide candidate;

(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;

(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.

(b) No designated state campaign committee shall accept a

transfer or contribution of cash or cash equivalents from a 70854  
legislative campaign fund aggregating more than: 70855

(i) Fifty thousand dollars in a primary election period or 70856  
one hundred thousand dollars in a general election period, in 70857  
the case of a campaign committee of a senate candidate; 70858

(ii) Twenty-five thousand dollars in a primary election 70859  
period or fifty thousand dollars in a general election period, 70860  
in the case of a campaign committee of a house candidate. 70861

(c) No campaign committee of a candidate for the office of 70862  
member of the general assembly, including a designated state 70863  
campaign committee, shall accept a transfer or contribution of 70864  
cash or cash equivalents from any one or combination of state 70865  
candidate funds of county political parties aggregating in a 70866  
primary election period or a general election period more than: 70867

(i) One hundred thousand dollars, in the case of a 70868  
campaign committee of a senate candidate; 70869

(ii) Fifty thousand dollars, in the case of a campaign 70870  
committee of a house candidate. 70871

(7) (a) Subject to division (D) (3) of this section, no 70872  
political action committee and no political contributing entity 70873  
shall do either of the following: 70874

(i) Knowingly accept a contribution or contributions from 70875  
any individual who is under seven years of age; 70876

(ii) Accept a contribution or contributions aggregating 70877  
more than ten thousand dollars from any one individual who is 70878  
seven years of age or older, from any one campaign committee, or 70879  
from any one political party in a calendar year. 70880

(b) Subject to division (D) (1) of this section, no 70881

political action committee shall accept a contribution or 70882  
contributions aggregating more than ten thousand dollars from 70883  
another political action committee or from a political 70884  
contributing entity in a calendar year. Subject to division (D) 70885  
(1) of this section, no political contributing entity shall 70886  
accept a contribution or contributions aggregating more than ten 70887  
thousand dollars from another political contributing entity or 70888  
from a political action committee in a calendar year. This 70889  
division does not apply to a political action committee or 70890  
political contributing entity that accepts a contribution from a 70891  
political action committee or political contributing entity 70892  
affiliated with it. For purposes of this division, a political 70893  
action committee is affiliated with another political action 70894  
committee or with a political contributing entity if they are 70895  
both established, financed, maintained, or controlled by the 70896  
same corporation, organization, labor organization, ~~continuing~~ 70897  
~~association,~~ or other person, including any parent, subsidiary, 70898  
division, or department of that corporation, organization, labor 70899  
organization, ~~continuing association,~~ or other person. 70900

(D) (1) (a) For purposes of the limitations prescribed in 70901  
division (B) (2) of this section and the limitations prescribed 70902  
in divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 70903  
section, whichever is applicable, all contributions made by and 70904  
all contributions accepted from political action committees that 70905  
are established, financed, maintained, or controlled by, or that 70906  
are, the same corporation, organization, labor organization, 70907  
~~continuing association,~~ or other person, including any parent, 70908  
subsidiary, division, or department of that corporation, 70909  
organization, labor organization, ~~continuing association,~~ or 70910  
other person, are considered to have been made by or accepted 70911  
from a single political action committee. 70912

(b) For purposes of the limitations prescribed in division 70913  
(B) (7) of this section and the limitations prescribed in 70914  
divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 70915  
section, whichever is applicable, all contributions made by and 70916  
all contributions accepted from political contributing entities 70917  
that are established, financed, maintained, or controlled by, or 70918  
that are, the same corporation, organization, labor 70919  
organization, ~~continuing association,~~ or other person, including 70920  
any parent, subsidiary, division, or department of that 70921  
corporation, organization, labor organization, ~~continuing~~ 70922  
~~association,~~ or other person, are considered to have been made 70923  
by or accepted from a single political contributing entity. 70924

(2) As used in divisions (B) (1) (a) (vii), (B) (3) (d), (B) (4) 70925  
(a), and (C) (7) of this section, "political action committee" 70926  
does not include a political action committee that ~~is organized~~ 70927  
~~to support or oppose a ballot issue or question and that makes~~ 70928  
~~no contributions to or only independent expenditures on behalf~~ 70929  
~~of a political party, campaign committee, legislative campaign~~ 70930  
~~fund, or contributions to political action committee, committees~~ 70931  
or political contributing ~~entity~~ entities that make only 70932  
independent expenditures. As used in divisions (B) (1) (a) (viii), 70933  
(B) (3) (e), (B) (4) (a), and (C) (7) of this section, "political 70934  
contributing entity" does not include a political contributing 70935  
entity that ~~is organized to support or oppose a ballot issue or~~ 70936  
~~question and that makes no contributions to or only independent~~ 70937  
~~expenditures on behalf of a political party, campaign committee,~~ 70938  
~~legislative campaign fund, or contributions to political action~~ 70939  
~~committee, committees~~ or political contributing ~~entity~~ entities 70940  
that make only independent expenditures. 70941

(3) For purposes of the limitations prescribed in 70942  
divisions (B) (4) and (C) (7) (a) of this section, all 70943

contributions made by and all contributions accepted from a 70944  
national political party, a state political party, and a county 70945  
political party are considered to have been made by or accepted 70946  
from a single political party and shall be combined with each 70947  
other to determine whether the limitations have been exceeded. 70948

(E) (1) If a legislative campaign fund has kept a total 70949  
amount of contributions exceeding one hundred fifty thousand 70950  
dollars at the close of business on the seventh day before the 70951  
postgeneral election statement is required to be filed under 70952  
section 3517.10 of the Revised Code, the legislative campaign 70953  
fund shall comply with division (E) (2) of this section. 70954

(2) (a) Any legislative campaign fund that has kept a total 70955  
amount of contributions in excess of the amount specified in 70956  
division (E) (1) of this section at the close of business on the 70957  
seventh day before the postgeneral election statement is 70958  
required to be filed under section 3517.10 of the Revised Code 70959  
shall dispose of the excess amount in the manner prescribed in 70960  
division (E) (2) (b) (i), (ii), or (iii) of this section not later 70961  
than ninety days after the day the postgeneral election 70962  
statement is required to be filed under section 3517.10 of the 70963  
Revised Code. Any legislative campaign fund that is required to 70964  
dispose of an excess amount of contributions under this division 70965  
shall file a statement on the ninetieth day after the 70966  
postgeneral election statement is required to be filed under 70967  
section 3517.10 of the Revised Code indicating the total amount 70968  
of contributions the fund has at the close of business on the 70969  
seventh day before the postgeneral election statement is 70970  
required to be filed under section 3517.10 of the Revised Code 70971  
and that the excess contributions were disposed of pursuant to 70972  
this division and division (E) (2) (b) of this section. The 70973  
statement shall be on a form prescribed by the secretary of 70974

state and shall contain any additional information the secretary 70975  
of state considers necessary. 70976

(b) Any legislative campaign fund that is required to 70977  
dispose of an excess amount of contributions under division (E) 70978  
(2) of this section shall dispose of that excess amount by doing 70979  
any of the following: 70980

(i) Giving the amount to the treasurer of state for 70981  
deposit into the state treasury to the credit of the Ohio 70982  
~~elections~~ election integrity commission fund created by ~~division~~ 70983  
~~(I) of section 3517.152-111.29~~ of the Revised Code; 70984

(ii) Giving the amount to individuals who made 70985  
contributions to that legislative campaign fund as a refund of 70986  
all or part of their contributions; 70987

(iii) Giving the amount to a corporation that is exempt 70988  
from federal income taxation under subsection 501(a) and 70989  
described in subsection 501(c) of the Internal Revenue Code. 70990

(F) (1) No legislative campaign fund shall fail to file a 70991  
statement required by division (E) of this section. 70992

(2) No legislative campaign fund shall fail to dispose of 70993  
excess contributions as required by division (E) of this 70994  
section. 70995

(G) Nothing in this section shall affect, be used in 70996  
determining, or supersede a limitation on campaign contributions 70997  
as provided for in the Federal Election Campaign Act. 70998

**Sec. 3517.105.** (A) (1) As used in this section, "public 70999  
political advertising" means advertising to the general public 71000  
through a broadcasting station, newspaper, magazine, poster, 71001  
yard sign, or outdoor advertising facility, by direct mail, or 71002

by any other means of advertising to the general public. 71003

(2) For purposes of this section and section 3517.20 of 71004  
the Revised Code, a person is a member of a political action 71005  
committee if the person makes one or more contributions to that 71006  
political action committee, and a person is a member of a 71007  
political contributing entity if the person makes one or more 71008  
contributions to, or pays dues, membership fees, or other 71009  
assessments to, that political contributing entity. 71010

(B)(1) Whenever a candidate, a campaign committee, a 71011  
political action committee or political contributing entity with 71012  
ten or more members, or a legislative campaign fund makes an 71013  
independent expenditure, or whenever a political action 71014  
committee or political contributing entity with fewer than ten 71015  
members makes an independent expenditure in excess of one 71016  
hundred dollars for a local candidate, in excess of two hundred 71017  
fifty dollars for a candidate for the office of member of the 71018  
general assembly, or in excess of five hundred dollars for a 71019  
statewide candidate, for the purpose of financing communications 71020  
advocating the election or defeat of an identified candidate or 71021  
solicits without the candidate's express consent a contribution 71022  
for or against an identified candidate through public political 71023  
advertising, a statement shall appear or be presented in a clear 71024  
and conspicuous manner in the advertising that does both of the 71025  
following: 71026

(a) Clearly indicates that the communication or public 71027  
political advertising is not authorized by the candidate or the 71028  
candidate's campaign committee; 71029

(b) Clearly identifies the candidate, campaign committee, 71030  
political action committee, political contributing entity, or 71031  
legislative campaign fund that has paid for the communication or 71032

public political advertising in accordance with section 3517.20 71033  
of the Revised Code. 71034

(2) (a) Whenever any campaign committee, legislative 71035  
campaign fund, political action committee, political 71036  
contributing entity, or political party makes an independent 71037  
expenditure in support of or opposition to any candidate, the 71038  
committee, entity, fund, or party shall report the independent 71039  
expenditure and identify the candidate on a statement prescribed 71040  
by the secretary of state and filed by the committee, entity, 71041  
fund, or party as part of its statement of contributions and 71042  
expenditures pursuant to division (A) of section 3517.10 and 71043  
division (A) of section 3517.11 of the Revised Code. 71044

(b) Whenever any individual, ~~partnership~~, or ~~other~~ entity, 71045  
except a ~~corporation~~, ~~labor organization~~, campaign committee, 71046  
legislative campaign fund, political action committee, political 71047  
contributing entity, or political party, makes one or more 71048  
independent expenditures in support of or opposition to any 71049  
candidate, the individual, ~~partnership~~, or ~~other~~ entity shall 71050  
file with the secretary of state in the case of a statewide 71051  
candidate, or with the board of elections in the county in which 71052  
the candidate files the candidate's petitions for nomination or 71053  
election for district or local office, not later than the dates 71054  
specified in divisions (A) (1), (2), (3), and (4) of section 71055  
3517.10 of the Revised Code, and, except as otherwise provided 71056  
in that section, a statement itemizing all independent 71057  
expenditures made during the period since the close of business 71058  
on the last day reflected in the last previously filed such 71059  
statement, if any. The statement shall be made on a form 71060  
prescribed by the secretary of state or shall be filed by 71061  
electronic means of transmission pursuant to division (E) of 71062  
section 3517.106 of the Revised Code as authorized or required 71063

by that division. The statement shall indicate the date and the amount of each independent expenditure and the candidate on whose behalf it was made and shall be made under penalty of election falsification.

(C) (1) Whenever a ~~corporation, labor organization,~~ campaign committee, political action committee or political contributing entity with ten or more members, or legislative campaign fund makes an independent expenditure, or whenever a political action committee or political contributing entity with fewer than ten members makes an independent expenditure in excess of one hundred dollars for a local ballot issue or question, or in excess of five hundred dollars for a statewide ballot issue or question, for the purpose of financing communications advocating support of or opposition to an identified ballot issue or question or solicits without the express consent of the ballot issue committee a contribution for or against an identified ballot issue or question through public political advertising, a statement shall appear or be presented in a clear and conspicuous manner in the advertising that does both of the following:

(a) Clearly indicates that the communication or public political advertising is not authorized by the identified ballot issue committee;

(b) Clearly identifies the ~~corporation, labor organization,~~ campaign committee, legislative campaign fund, ~~or~~ political action committee, or political contributing entity that has paid for the communication or public political advertising in accordance with section 3517.20 of the Revised Code.

(2) (a) Whenever any ~~corporation, labor organization,~~

campaign committee, legislative campaign fund, political party, 71094  
~~or political action committee, or political contributing entity~~ 71095  
makes an independent expenditure in support of or opposition to 71096  
any ballot issue or question, ~~the corporation or labor~~ 71097  
~~organization shall report the independent expenditure in~~ 71098  
~~accordance with division (C) of section 3599.03 of the Revised~~ 71099  
~~Code, and the~~ campaign committee, legislative campaign fund, 71100  
political party, ~~or political action committee, or political~~ 71101  
contributing entity shall report the independent expenditure and 71102  
identify the ballot issue or question on a statement prescribed 71103  
by the secretary of state and filed by the committee, fund, or 71104  
party as part of its statement of contributions and expenditures 71105  
pursuant to division (A) of section 3517.10 and division (A) of 71106  
section 3517.11 of the Revised Code. 71107

(b) Whenever any individual, ~~partnership,~~ or other entity, 71108  
except a ~~corporation, labor organization,~~ campaign committee, 71109  
legislative campaign fund, political action committee, political 71110  
contributing entity, or political party, makes one or more 71111  
independent expenditures in excess of one hundred dollars in 71112  
support of or opposition to any ballot issue or question, the 71113  
individual, ~~partnership,~~ or other entity shall file with the 71114  
secretary of state in the case of a statewide ballot issue or 71115  
question, or with the board of elections in the county that 71116  
certifies the issue or question for placement on the ballot in 71117  
the case of a district or local issue or question, not later 71118  
than the dates specified in divisions (A) (1), (2), (3), and (4) 71119  
of section 3517.10 of the Revised Code, and, except as otherwise 71120  
provided in that section, a statement itemizing all independent 71121  
expenditures made during the period since the close of business 71122  
on the last day reflected in the last previously filed such 71123  
statement, if any. The statement shall be made on a form 71124

prescribed by the secretary of state or shall be filed by 71125  
electronic means of transmission pursuant to division (E) of 71126  
section 3517.106 of the Revised Code as authorized or required 71127  
by that division. The statement shall indicate the date and the 71128  
amount of each independent expenditure and the ballot issue or 71129  
question in support of or opposition to which it was made and 71130  
shall be made under penalty of election falsification. 71131

(3) No person, campaign committee, legislative campaign 71132  
fund, political action committee, ~~corporation, labor~~ 71133  
~~organization, political contributing entity,~~ or other 71134  
organization or association shall use or cause to be used a 71135  
false or fictitious name in making an independent expenditure in 71136  
support of or opposition to any candidate or any ballot issue or 71137  
question. A name is false or fictitious if the person, campaign 71138  
committee, legislative campaign fund, political action 71139  
committee, ~~corporation, labor organization,~~ political 71140  
contributing entity, or other organization or association does 71141  
not actually exist or operate, if the ~~corporation, labor~~ 71142  
~~organization, or other~~ organization or association has failed to 71143  
file a fictitious name or other registration with the secretary 71144  
of state, if it is required to do so, or if the person, campaign 71145  
committee, legislative campaign fund, ~~or~~ political action 71146  
committee, or political contributing entity has failed to file a 71147  
designation of the appointment of a treasurer, if it is required 71148  
to do so by division (D) (1) of section 3517.10 of the Revised 71149  
Code. 71150

(D) Any expenditure by a political party for the purpose 71151  
of financing communications advocating the election or defeat of 71152  
a candidate for judicial office shall be deemed to be an 71153  
independent expenditure subject to the provisions of this 71154  
section. 71155

<b>Sec. 3517.106.</b> (A) As used in this section:	71156
(1) "Statewide office" means any of the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court, and justice of the supreme court.	71157 71158 71159 71160
(2) "Addendum to a statement" includes an amendment or other correction to that statement.	71161 71162
(B) The secretary of state shall store all of the following information on computer:	71163 71164
(1) The information contained in statements of contributions and expenditures and monthly statements required to be filed under section 3517.10 of the Revised Code and in statements of independent expenditures required to be filed under section 3517.105 of the Revised Code with the secretary of state and the information transmitted to the secretary of state by boards of elections under division (E) (2) of this section;	71165 71166 71167 71168 71169 71170 71171
(2) The information contained in disclosure of electioneering communications statements required to be filed under section 3517.1011 of the Revised Code;	71172 71173 71174
(3) The information contained in deposit and disbursement statements required to be filed with the office of the secretary of state under section 3517.1012 of the Revised Code;	71175 71176 71177
(4) The gift and disbursement information contained in statements required to be filed with the office of the secretary of state under section 3517.1013 of the Revised Code;	71178 71179 71180
(5) The information contained in donation and disbursement statements required to be filed with the office of the secretary of state under section 3517.1014 of the Revised Code.	71181 71182 71183

(C) (1) The secretary of state shall make available to the 71184  
campaign committees, political action committees, political 71185  
contributing entities, legislative campaign funds, political 71186  
parties, individuals, ~~partnerships, corporations, labor~~ 71187  
~~organizations,~~ treasurers of transition funds, and other 71188  
entities that are permitted or required to file statements by 71189  
electronic means of transmission, and to members of the news 71190  
media and other interested persons, for a reasonable fee, 71191  
computer programs that are compatible with the secretary of 71192  
state's method of storing the information contained in the 71193  
statements. 71194

(2) The secretary of state shall make the information 71195  
required to be stored under division (B) of this section 71196  
available on computer at the secretary of state's office so 71197  
that, to the maximum extent feasible, individuals may obtain at 71198  
the secretary of state's office any part or all of that 71199  
information for any given year, subject to the limitation 71200  
expressed in division (D) of this section. 71201

(D) The secretary of state shall keep the information 71202  
stored on computer under division (B) of this section for at 71203  
least six years. 71204

(E) (1) Subject to division (J) of this section and subject 71205  
to the secretary of state having implemented, tested, and 71206  
verified the successful operation of any system the secretary of 71207  
state prescribes pursuant to division (F) (1) of this section and 71208  
divisions (C) (6) (b) and (D) (6) of section 3517.10 of the Revised 71209  
Code for the filing of campaign finance statements by electronic 71210  
means of transmission, each of the following entities shall be 71211  
permitted or required to file statements by electronic means of 71212  
transmission, as applicable: 71213

(a) The campaign committee of each candidate for statewide office may file the statements prescribed by section 3517.10 of the Revised Code by electronic means of transmission or, if the total amount of the contributions received or the total amount of the expenditures made by the campaign committee for the applicable reporting period as specified in division (A) of section 3517.10 of the Revised Code exceeds ten thousand dollars, shall file those statements by electronic means of transmission.

(b) A campaign committee of a candidate for the office of member of the general assembly or a campaign committee of a candidate for the office of judge of a court of appeals may file the statements prescribed by section 3517.10 of the Revised Code in accordance with division (A) (2) of section 3517.11 of the Revised Code or by electronic means of transmission to the office of the secretary of state or, if the total amount of the contributions received by the campaign committee for the applicable reporting period as specified in division (A) of section 3517.10 of the Revised Code exceeds ten thousand dollars, shall file those statements by electronic means of transmission to the office of the secretary of state.

(c) A campaign committee of a candidate for an office other than a statewide office, the office of member of the general assembly, or the office of judge of a court of appeals may file the statements prescribed by section 3517.10 of the Revised Code by electronic means of transmission to the secretary of state or the board of elections, as applicable.

(d) A political action committee and a political contributing entity described in division (A) (1) of section 3517.11 of the Revised Code, a legislative campaign fund, and a

state political party may file the statements prescribed by 71244  
section 3517.10 of the Revised Code by electronic means of 71245  
transmission to the office of the secretary of state or, if the 71246  
total amount of the contributions received or the total amount 71247  
of the expenditures made by the political action committee, 71248  
political contributing entity, legislative campaign fund, or 71249  
state political party for the applicable reporting period as 71250  
specified in division (A) of section 3517.10 of the Revised Code 71251  
exceeds ten thousand dollars, shall file those statements by 71252  
electronic means of transmission. 71253

(e) A county political party shall file the statements 71254  
prescribed by section 3517.10 of the Revised Code with respect 71255  
to its state candidate fund by electronic means of transmission 71256  
to the office of the secretary of state. 71257

(f) A county political party may file all other statements 71258  
prescribed by section 3517.10 of the Revised Code by electronic 71259  
means of transmission to the board of elections. 71260

(g) A political action committee or political contributing 71261  
entity described in division (A) (3) of section 3517.11 of the 71262  
Revised Code may file the statements prescribed by section 71263  
3517.10 of the Revised Code by electronic means of transmission 71264  
to the board of elections. 71265

(h) Any individual, ~~partnership,~~ or ~~other~~ entity that 71266  
makes independent expenditures in support of or opposition to a 71267  
statewide candidate or a statewide ballot issue or question as 71268  
provided in division (B) (2) (b) or (C) (2) (b) of section 3517.105 71269  
of the Revised Code may file the statement specified in that 71270  
division by electronic means of transmission to the office of 71271  
the secretary of state or, if the total amount of independent 71272  
expenditures made during the reporting period under that 71273

division exceeds ten thousand dollars, shall file the statement 71274  
specified in that division by electronic means of transmission. 71275

(i) Any individual, ~~partnership~~, or ~~other~~ entity that 71276  
makes independent expenditures in support of or opposition to a 71277  
candidate or ballot issue other than a statewide candidate or a 71278  
statewide ballot issue as provided in division (B) (2) (b) or (C) 71279  
(2) (b) of section 3517.105 of the Revised Code may file the 71280  
statement specified in that division by electronic means of 71281  
transmission to the board of elections. 71282

(2) A board of elections that receives a statement by 71283  
electronic means of transmission shall transmit that statement 71284  
to the secretary of state within five business days after 71285  
receiving the statement. If the board receives an addendum or an 71286  
amended statement from an entity that filed a statement with the 71287  
board by electronic means of transmission, the board shall 71288  
transmit the addendum or amended statement to the secretary of 71289  
state not later than the close of business on the day the board 71290  
received the addendum or amended statement. 71291

(3) (a) Except as otherwise provided in division (E) (3) (b) 71292  
of this section, within five business days after a statement 71293  
filed under division (E) (1) of this section is received by the 71294  
secretary of state by electronic or other means of transmission, 71295  
the secretary of state shall make available online to the public 71296  
through the internet, as provided in division (G) of this 71297  
section, the contribution and expenditure information in that 71298  
statement. 71299

(b) The secretary of state shall not make available online 71300  
to the public through the internet any contribution or 71301  
expenditure information contained in a statement for any 71302  
candidate until the secretary of state is able to make available 71303

online to the public through the internet the contribution and 71304  
expenditure information for all candidates for a particular 71305  
office, or until the applicable filing deadline for that 71306  
statement has passed, whichever is sooner. As soon as the 71307  
secretary of state has available all of the contribution and 71308  
expenditure information for all candidates for a particular 71309  
office, or as soon as the applicable filing deadline for a 71310  
statement has passed, whichever is sooner, the secretary of 71311  
state shall simultaneously make available online to the public 71312  
through the internet the information for all candidates for that 71313  
office. 71314

(4) (a) If a statement filed by electronic means of 71315  
transmission is found to be incomplete or inaccurate after the 71316  
examination of the statement for completeness and accuracy 71317  
pursuant to division (B) (3) (a) of section 3517.11 of the Revised 71318  
Code, the entity that filed the statement shall file by 71319  
electronic means of transmission any addendum to the statement 71320  
that provides the information necessary to complete or correct 71321  
the statement or, if required under that division, an amended 71322  
statement. 71323

(b) Within five business days after the secretary of state 71324  
receives an addendum to the statement or an amended statement by 71325  
electronic or other means of transmission, the secretary of 71326  
state shall make the contribution and expenditure information in 71327  
the addendum or amended statement available online to the public 71328  
through the internet as provided in division (G) of this 71329  
section. 71330

(5) If a campaign committee for the office of member of 71331  
the general assembly or a campaign committee of a candidate for 71332  
the office of judge of a court of appeals files a statement, 71333

addendum, or amended statement by printed version only with the 71334  
appropriate board of elections, the campaign committee shall 71335  
file two copies of the printed version of the statement, 71336  
addendum, or amended statement with the board of elections. The 71337  
board of elections shall send one of those copies by certified 71338  
mail or an electronic copy to the secretary of state before the 71339  
close of business on the day the board of elections receives the 71340  
statement, addendum, or amended statement. 71341

(F) (1) The secretary of state, by rule adopted pursuant to 71342  
section 3517.23 of the Revised Code, shall prescribe one or more 71343  
techniques by which a person who executes and transmits to the 71344  
secretary of state or a board of elections by electronic means a 71345  
statement of contributions and expenditures, a statement of 71346  
independent expenditures, a disclosure of electioneering 71347  
communications statement, a deposit and disbursement statement, 71348  
a gift and disbursement statement, or a donation and 71349  
disbursement statement, an addendum to any of those statements, 71350  
an amended statement of contributions and expenditures, an 71351  
amended statement of independent expenditures, an amended 71352  
disclosure of electioneering communications statement, an 71353  
amended deposit and disbursement statement, an amended gift and 71354  
disbursement statement, or an amended donation and disbursement 71355  
statement, under this section or section 3517.10, 3517.105, 71356  
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised 71357  
Code shall electronically sign the statement, addendum, or 71358  
amended statement. Any technique prescribed by the secretary of 71359  
state pursuant to this division shall create an electronic 71360  
signature that satisfies all of the following: 71361

(a) It is unique to the signer. 71362

(b) It objectively identifies the signer. 71363

(c) It involves the use of a signature device or other 71364  
means or method that is under the sole control of the signer and 71365  
that cannot be readily duplicated or compromised. 71366

(d) It is created and linked to the electronic record to 71367  
which it relates in a manner that, if the record or signature is 71368  
intentionally or unintentionally changed after signing, the 71369  
electronic signature is invalidated. 71370

(2) An electronic signature prescribed by the secretary of 71371  
state under division (F)(1) of this section shall be attached to 71372  
or associated with the statement of contributions and 71373  
expenditures, the statement of independent expenditures, the 71374  
disclosure of electioneering communications statement, the 71375  
deposit and disbursement statement, the gift and disbursement 71376  
statement, or the donation and disbursement statement, the 71377  
addendum to any of those statements, the amended statement of 71378  
contributions and expenditures, the amended statement of 71379  
independent expenditures, the amended disclosure of 71380  
electioneering communications statement, the amended deposit and 71381  
disbursement statement, the amended gift and disbursement 71382  
statement, or the amended donation and disbursement statement 71383  
that is executed and transmitted by electronic means by the 71384  
person to whom the electronic signature is attributed. The 71385  
electronic signature that is attached to or associated with the 71386  
statement, addendum, or amended statement under this division 71387  
shall be binding on all persons and for all purposes under the 71388  
campaign finance reporting law as if the signature had been 71389  
handwritten in ink on a printed form. 71390

(G) The secretary of state shall make all of the following 71391  
information available online to the public by any means that are 71392  
searchable, viewable, and accessible through the internet: 71393

(1) The contribution and expenditure, the contribution and disbursement, the deposit and disbursement, the gift and disbursement, or the donation and disbursement information in all statements, all addenda to the statements, and all amended statements that are filed with the secretary of state by electronic or other means of transmission under this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, 3517.1014, or 3517.11 of the Revised Code;

(2) The contribution and expenditure or the deposit and disbursement information in all statements that are filed with a board of elections by electronic means of transmission, and in all addenda to those statements and all amended versions of those statements, under this section or section 3517.10, 3517.105, 3517.1012, or 3517.11 of the Revised Code.

(H) (1) As used in this division, "library" means a library that is open to the public and that is one of the following:

(a) A library that is maintained and regulated under section 715.13 of the Revised Code;

(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code.

(2) The secretary of state shall notify all libraries of the location on the internet at which the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in campaign finance statements required to be made available online to the public through the internet pursuant to division (G) of this section may be accessed.

If that location is part of the world wide web and if the secretary of state has notified a library of that world wide web

location as required by this division, the library shall include 71423  
a link to that world wide web location on each internet- 71424  
connected computer it maintains that is accessible to the 71425  
public. 71426

(3) If the system the secretary of state prescribes for 71427  
the filing of campaign finance statements by electronic means of 71428  
transmission pursuant to division (F)(1) of this section and 71429  
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 71430  
Code includes filing those statements through the internet via 71431  
the world wide web, the secretary of state shall notify all 71432  
libraries of the world wide web location at which those 71433  
statements may be filed. 71434

If those statements may be filed through the internet via 71435  
the world wide web and if the secretary of state has notified a 71436  
library of that world wide web location as required by this 71437  
division, the library shall include a link to that world wide 71438  
web location on each internet-connected computer it maintains 71439  
that is accessible to the public. 71440

(I) It is an affirmative defense to a complaint or charge 71441  
brought against any campaign committee, political action 71442  
committee, political contributing entity, legislative campaign 71443  
fund, ~~or~~ political party, ~~any~~ individual, ~~partnership~~, or other 71444  
entity, any person making disbursements to pay the direct costs 71445  
of producing or airing electioneering communications, or any 71446  
treasurer of a transition fund, for the failure to file by 71447  
electronic means of transmission a campaign finance statement as 71448  
required by this section or section 3517.10, 3517.105, 71449  
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised 71450  
Code that all of the following apply to the campaign committee, 71451  
political action committee, political contributing entity, 71452

legislative campaign fund, ~~or~~ political party, ~~the~~ individual, ~~partnership,~~ or other entity, the person making disbursements to pay the direct costs of producing or airing electioneering communications, or the treasurer of a transition fund that failed to so file:

(1) The campaign committee, political action committee, political contributing entity, legislative campaign fund, ~~or~~ political party, ~~the~~ individual, ~~partnership,~~ or other entity, the person making disbursements to pay the direct costs of producing or airing electioneering communications, or the treasurer of a transition fund attempted to file by electronic means of transmission the required statement prior to the deadline set forth in the applicable section.

(2) The campaign committee, political action committee, political contributing entity, legislative campaign fund, ~~or~~ political party, ~~the~~ individual, ~~partnership,~~ or other entity, the person making disbursements to pay the direct costs of producing or airing electioneering communications, or the treasurer of a transition fund was unable to file by electronic means of transmission due to an expected or unexpected shutdown of the whole or part of the electronic campaign finance statement-filing system, such as for maintenance or because of hardware, software, or network connection failure.

(3) The campaign committee, political action committee, political contributing entity, legislative campaign fund, ~~or~~ political party, ~~the~~ individual, ~~partnership,~~ or other entity, the person making disbursements to pay the direct costs of producing or airing electioneering communications, or the treasurer of a transition fund filed by electronic means of transmission the required statement within a reasonable period

of time after being unable to so file it under the circumstance 71483  
described in division (I) (2) of this section. 71484

(J) (1) The secretary of state shall adopt rules pursuant 71485  
to Chapter 119. of the Revised Code to permit a campaign 71486  
committee of a candidate for statewide office that makes 71487  
expenditures of less than twenty-five thousand dollars during 71488  
the filing period or a campaign committee for the office of 71489  
member of the general assembly or the office of judge of a court 71490  
of appeals that would otherwise be required to file campaign 71491  
finance statements by electronic means of transmission under 71492  
division (E) of this section to file those statements by paper 71493  
with the office of the secretary of state. Those rules shall 71494  
provide for all of the following: 71495

(a) An eligible campaign committee that wishes to file a 71496  
campaign finance statement by paper instead of by electronic 71497  
means of transmission shall file the statement on paper with the 71498  
office of the secretary of state not sooner than twenty-four 71499  
hours after the end of the filing period set forth in section 71500  
3517.10 of the Revised Code that is covered by the applicable 71501  
statement. 71502

(b) The statement shall be accompanied by a fee, the 71503  
amount of which the secretary of state shall determine by rule. 71504  
The amount of the fee established under this division shall not 71505  
exceed the data entry and data verification costs the secretary 71506  
of state will incur to convert the information on the statement 71507  
to an electronic format as required under division (G) of this 71508  
section. 71509

(c) The secretary of state shall arrange for the 71510  
information in campaign finance statements filed pursuant to 71511  
division (J) of this section to be made available online to the 71512

public through the internet in the same manner, and at the same 71513  
times, as information is made available under divisions (E) and 71514  
(G) of this section for candidates whose campaign committees 71515  
file those statements by electronic means of transmission. 71516

(d) The candidate of an eligible campaign committee that 71517  
intends to file a campaign finance statement pursuant to 71518  
division (J) of this section shall file a notice indicating that 71519  
the candidate's campaign committee intends to so file and 71520  
stating that filing the statement by electronic means of 71521  
transmission would constitute a hardship for the candidate or 71522  
for the eligible campaign committee. 71523

(e) An eligible campaign committee that files a campaign 71524  
finance statement on paper pursuant to division (J) of this 71525  
section shall review the contribution and information made 71526  
available online by the secretary of state with respect to that 71527  
paper filing and shall notify the secretary of state of any 71528  
errors with respect to that filing that appear in the data made 71529  
available on that web site. 71530

(f) If an eligible campaign committee whose candidate has 71531  
filed a notice in accordance with rules adopted under division 71532  
(J) (1) (d) of this section subsequently fails to file that 71533  
statement on paper by the applicable deadline established in 71534  
rules adopted under division (J) (1) (a) of this section, 71535  
penalties for the late filing of the campaign finance statement 71536  
shall apply to that campaign committee for each day after that 71537  
paper filing deadline, as if the campaign committee had filed 71538  
the statement after the applicable deadline set forth in 71539  
division (A) of section 3517.10 of the Revised Code. 71540

(2) The process for permitting campaign committees that 71541  
would otherwise be required to file campaign finance statements 71542

by electronic means of transmission to file those statements on 71543  
paper with the office of the secretary of state that is required 71544  
to be developed under division (J) (1) of this section shall be 71545  
in effect and available for use by eligible campaign committees 71546  
for all campaign finance statements that are required to be 71547  
filed on or after June 30, 2005. Notwithstanding any provision 71548  
of the Revised Code to the contrary, if the process the 71549  
secretary of state is required to develop under division (L) (1) 71550  
of this section is not in effect and available for use on and 71551  
after June 30, 2005, all penalties for the failure of campaign 71552  
committees to file campaign finance statements by electronic 71553  
means of transmission shall be suspended until such time as that 71554  
process is in effect and available for use. 71555

(3) Notwithstanding any provision of the Revised Code to 71556  
the contrary, any eligible campaign committee that files 71557  
campaign finance statements on paper with the office of the 71558  
secretary of state pursuant to division (J) (1) of this section 71559  
shall be deemed to have filed those campaign finance statements 71560  
by electronic means of transmission to the office of the 71561  
secretary of state. 71562

**Sec. 3517.107.** (A) As used in this section, "federal 71563  
political committee" means a political committee, as defined in 71564  
the Federal Election Campaign Act, that is registered with the 71565  
federal election commission under that act. 71566

(B) Any federal political committee may make 71567  
contributions, expenditures, or independent expenditures from 71568  
its federal account in connection with any state or local 71569  
election in Ohio. Prior to making any such contribution, 71570  
expenditure, or independent expenditure, the federal political 71571  
committee shall register with the secretary of state by filing a 71572

copy of its most recent federal statement of organization. A 71573  
federal political committee registered with the secretary of 71574  
state under this division shall file with the secretary of state 71575  
any amendment to its statement of organization that is required 71576  
under the Federal Election Campaign Act to be reported to the 71577  
federal election commission. 71578

(C) When, during any federal reporting period under the 71579  
Federal Election Campaign Act, a federal political committee 71580  
makes a contribution, expenditure, or independent expenditure 71581  
from its federal account in connection with a state or local 71582  
election in Ohio, the committee shall file with the secretary of 71583  
state not later than the date on which its report is required to 71584  
be filed with the appropriate federal office or officer under 71585  
the Federal Election Campaign Act, copies of the following pages 71586  
from that report: 71587

(1) The summary page; 71588

(2) The detailed summary page; 71589

(3) The page or pages that contain an itemized list of the 71590  
contributions, expenditures, and independent expenditures made 71591  
in connection with state and local elections in Ohio. 71592

The total amount of contributions, expenditures, and 71593  
independent expenditures made in connection with state and local 71594  
elections in Ohio shall be reflected on the summary page or on a 71595  
form that the secretary of state shall prescribe. 71596

(D) When, during any calendar year, a federal political 71597  
committee makes a contribution from its federal account in 71598  
connection with a state or local election in Ohio to a state or 71599  
local political action committee that is required under section 71600  
3517.11 of the Revised Code to file any statement prescribed by 71601

section 3517.10 of the Revised Code, and the federal political committee and state or local political action committee are established, financed, maintained, or controlled by the same corporation, organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, department, or unit of that corporation, organization, ~~continuing association,~~ or other person, the federal political committee shall file a statement with the secretary of state not later than the last business day of January of the next calendar year. The statement shall be on a form prescribed by the secretary of state and shall include a list of the names and addresses of contributors that are residents of Ohio that made contributions to the federal political committee during the calendar year covered by the statement and, for each name listed, the aggregate total amount contributed by each contributor during the reporting period.

**Sec. 3517.109.** (A) As used in this section:

(1) "Candidate" has the same meaning as in section 3517.01 of the Revised Code but includes only candidates for the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, and member of the general assembly.

(2) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, and member of the state board of education.

(3) "Senate candidate" means a candidate for the office of state senator.

- (4) "House candidate" means a candidate for the office of state representative. 71631  
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- (5) "State office" means the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, and member of the general assembly. 71633  
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- (6) "Aggregate contribution" means the total of all contributions from a contributor during the pre-filing period. 71637  
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- (7) "Allowable aggregate contribution" means all of the following: 71639  
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- (a) In the case of a contribution from a contributor whose contributions are subject to the contribution limits described in division (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 of the Revised Code, that portion of the amount of the contributor's aggregate contribution that does not exceed the preprimary contribution limit applicable to that contributor. 71641  
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- (b) In the case of a contribution or contributions from a contributor whose contributions are not subject to the contribution limits described in divisions (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 of the Revised Code, the total of the following: 71647  
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- (i) That portion of the aggregate contribution that was received as in-kind services; 71652  
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- (ii) That portion of the aggregate contribution that was received as cash and does not exceed the applicable preprimary cash transfer or contribution limits described in division (B) (6) (b) of section 3517.102 of the Revised Code. 71654  
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- (8) "Excess aggregate contribution" means, for each 71658

contributor, the amount by which that contributor's aggregate 71659  
contribution exceeds that contributor's allowable aggregate 71660  
contribution. 71661

(9) "Pre-filing period" means the period of time ending on 71662  
the day that the candidacy petitions are due for the state 71663  
office for which the candidate has filed and beginning on the 71664  
latest date of the following: 71665

(a) The first day of January of the year following the 71666  
general election in which that state office was last on the 71667  
ballot; 71668

(b) The first day of January of the year following the 71669  
general election in which the candidate was last a candidate for 71670  
any office; 71671

(c) The first day of the month following the primary 71672  
election in which the candidate was last a candidate for any 71673  
office. 71674

(10) "Filing date" means the last date on which a 71675  
candidacy petition may be filed for an office. 71676

(11) "Applicable carry-in limit" means thirty-five 71677  
thousand dollars if the candidate is a house candidate or a 71678  
candidate for the state board of education, one hundred thousand 71679  
dollars if the candidate is a senate candidate, and two hundred 71680  
thousand dollars if the candidate is a statewide candidate other 71681  
than a candidate for the state board of education. 71682

(12) "Campaign asset" means prepaid, purchased, or donated 71683  
assets available to the candidate on the date of the filing 71684  
deadline for the office the candidate is seeking that will be 71685  
consumed or depleted in the course of the candidate's election 71686  
campaign, including, but not limited to, postage, prepaid rent 71687

for campaign headquarters, prepaid radio, television, and 71688  
newspaper advertising, and other prepaid consulting and personal 71689  
services. 71690

(13) "Permitted funds" means the sum of the following: 71691

(a) The total of the allowable aggregate contribution of 71692  
each contributor; 71693

(b) The applicable carry-in limit. 71694

(14) "Excess funds" means the amount by which the sum of 71695  
the total cash on hand and total reported campaign assets 71696  
exceeds permitted funds. 71697

(15) "Covered candidate" means both of the following: 71698

(a) A candidate who, during the pre-filing period, accepts 71699  
or has a campaign committee that accepts contributions on the 71700  
candidate's behalf for the purpose of nominating or electing the 71701  
candidate to any office not subject to the contribution limits 71702  
prescribed in section 3517.102 of the Revised Code; 71703

(b) A person who, during the pre-filing period, accepts or 71704  
has a campaign committee that accepts contributions on the 71705  
person's behalf prior to the person deciding upon or announcing 71706  
the office for which the person will become a candidate for 71707  
nomination or election. 71708

(B) Each candidate who files for state office, not later 71709  
than the filing date for that office, shall dispose of any 71710  
excess funds. Each covered candidate who files for state office, 71711  
not later than the filing date for that office, shall dispose of 71712  
any excess aggregate contributions. 71713

(C) Any campaign committee that is required to dispose of 71714  
excess funds or excess aggregate contributions under division 71715

(B) of this section shall dispose of that excess amount or 71716  
amounts by doing any of the following: 71717

(1) Giving the amount to the treasurer of state for 71718  
deposit into the state treasury to the credit of the Ohio 71719  
~~elections~~ election integrity commission fund created ~~by division~~ 71720  
~~(I) of under~~ section 3517.152-111.29 of the Revised Code; 71721

(2) Giving the amount to individuals who made 71722  
contributions to that campaign committee as a refund of all or 71723  
part of their contributions; 71724

(3) Giving the amount to a corporation that is exempt from 71725  
federal income taxation under subsection 501(a) and described in 71726  
subsection 501(c) of the Internal Revenue Code. 71727

(D) (1) Subject to division (D) (2) of this section, no 71728  
candidate or covered candidate shall appear on the ballot, even 71729  
if certified to appear on the ballot, unless the candidate's or 71730  
covered candidate's campaign committee has disposed of excess 71731  
funds, excess aggregate contributions, or both as required by 71732  
divisions (B) and (C) of this section. 71733

(2) If the excess aggregate contributions accepted by a 71734  
covered candidate or a covered candidate's campaign committee 71735  
aggregate a total of less than five thousand dollars from all 71736  
contributors, that candidate shall not be prohibited from 71737  
appearing on the ballot under division (D) (1) of this section. 71738

(E) (1) The campaign committee of each candidate required 71739  
to dispose of excess funds under this section shall file a 71740  
report, on a form prescribed by the secretary of state, with the 71741  
official or board with which the candidate is required to file 71742  
statements under section 3517.11 of the Revised Code. The report 71743  
shall be filed by the seventh day following the filing deadline 71744

for the office the candidate is seeking, shall indicate the 71745  
amount of excess funds disposed of, and shall describe the 71746  
manner in which the campaign committee disposed of the excess 71747  
amount. 71748

(2) In addition to the information required to be included 71749  
in a report filed under division (E)(1) of this section, the 71750  
campaign committee of each covered candidate required to dispose 71751  
of excess aggregate contributions under this section shall 71752  
include in that report the source and amount of each excess 71753  
aggregate contribution disposed of and shall describe the manner 71754  
in which the campaign committee disposed of the excess amount. 71755

(F)(1) Each campaign committee of a candidate who has 71756  
filed a declaration of candidacy or a nominating petition for a 71757  
state office, not later than seven days after the filing date 71758  
for the office the candidate is seeking, shall file a 71759  
declaration of filing-day finances, on a form prescribed by the 71760  
secretary of state, with the official or board with which the 71761  
candidate is required to file statements under section 3517.11 71762  
of the Revised Code. 71763

(2) A declaration of filing-day finances shall list all of 71764  
the following: 71765

(a) The amount of cash on hand in the candidate's campaign 71766  
fund on the filing date for the office the candidate is seeking. 71767

(b) The value and description of all campaign assets worth 71768  
five hundred dollars or more available to the candidate on the 71769  
filing date. Assets purchased by the campaign shall be valued at 71770  
actual cost, and in-kind contributions shall be valued at market 71771  
value. 71772

(c) The total of all aggregate contributions; 71773

(d) The total of all allowable aggregate contributions;	71774
(e) The applicable carry-in limit, if any.	71775
(3) In addition to the information required to be included	71776
in a report of filing-day finances filed under division (F) (1)	71777
of this section, the campaign committee of each covered	71778
candidate shall include both of the following in that report:	71779
(a) The total of all excess aggregate contributions;	71780
(b) For each contributor, if any, for whom there is an	71781
excess aggregate contribution, the name, address, aggregate	71782
contribution, and excess aggregate contribution.	71783
(G) A campaign committee of a candidate is not required to	71784
file a declaration of filing-day finances under division (F) of	71785
this section if all of the following apply:	71786
(1) The campaign committee has not accepted, during the	71787
pre-filing period, any aggregate contribution greater than the	71788
applicable amount.	71789
(2) The campaign committee had less than the carry-in	71790
amount in cash on hand at the beginning of the pre-filing	71791
period.	71792
(3) The candidate files a declaration, on a form	71793
prescribed by the secretary of state, with the official or board	71794
with which the candidate is required to file statements under	71795
section 3517.11 of the Revised Code not later than seven days	71796
after the filing date for the office that candidate is seeking,	71797
stating that the candidate's campaign committee has not accepted	71798
aggregate contributions as described in division (G) (1) of this	71799
section and has less than the carry-in amount in cash on hand as	71800
described in division (G) (2) of this section.	71801

<b>Sec. 3517.1011.</b> (A) As used in this section:	71802
(1) "Address" has the same meaning as in section 3517.10 of the Revised Code.	71803 71804
(2) "Broadcast, cable, or satellite communication" means a communication that is publicly distributed by a television station, radio station, cable television system, or satellite system.	71805 71806 71807 71808
(3) "Candidate" has the same meaning as in section 3501.01 of the Revised Code.	71809 71810
(4) "Contribution" means any loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or of anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, that is made, received, or used to pay the direct costs of producing or airing electioneering communications.	71811 71812 71813 71814 71815 71816 71817 71818 71819
(5) (a) "Coordinated electioneering communication" means any electioneering communication that is made pursuant to any arrangement, coordination, or direction by a candidate or a candidate's campaign committee, by an officer, agent, employee, or consultant of a candidate or a candidate's campaign committee, or by a former officer, former agent, former employee, or former consultant of a candidate or a candidate's campaign committee prior to the airing, broadcasting, or cablecasting of the communication. An electioneering communication is presumed to be a "coordinated electioneering communication" when it is either of the following:	71820 71821 71822 71823 71824 71825 71826 71827 71828 71829 71830

(i) Based on information about a candidate's plans, 71831  
projects, or needs provided to the person making the 71832  
disbursement by the candidate or the candidate's campaign 71833  
committee, by an officer, agent, employee, or consultant of the 71834  
candidate or the candidate's campaign committee, or by a former 71835  
officer, former agent, former employee, or former consultant of 71836  
the candidate or the candidate's campaign committee, with a view 71837  
toward having the communication made; 71838

(ii) Made by or through any person who is, or has been, 71839  
authorized to raise or expend funds on behalf of a candidate or 71840  
the candidate's campaign committee, who is, or has been, an 71841  
officer, agent, employee, or consultant of the candidate or of 71842  
the candidate's campaign committee, or who is, or has been, 71843  
receiving any form of compensation or reimbursement from the 71844  
candidate or the candidate's campaign committee or from an 71845  
officer, agent, employee, or consultant of the candidate or of 71846  
the candidate's campaign committee. 71847

(b) An electioneering communication shall not be presumed 71848  
to be a "coordinated electioneering communication" under 71849  
division (A) (5) (a) (ii) of this section if the communication is 71850  
made through any person who provides a service that does not 71851  
affect the content of the communication, such as communications 71852  
placed through the efforts of a media buyer, unless that person 71853  
also affects the content of the communication. 71854

(6) "Disclosure date" means both of the following: 71855

(a) The first date during any calendar year by which a 71856  
person makes disbursements for the direct costs of producing or 71857  
airing electioneering communications aggregating in excess of 71858  
ten thousand dollars; 71859

(b) The same day of the week of each remaining week in the 71860  
same calendar year as the day of the week of the initial 71861  
disclosure date established under division (A)(6)(a) of this 71862  
section, if, during that remaining week, the person makes 71863  
disbursements for the direct costs of producing or airing 71864  
electioneering communications aggregating in excess of one 71865  
dollar. 71866

(7)(a) "Electioneering communication" means any broadcast, 71867  
cable, or satellite communication that refers to a clearly 71868  
identified candidate and that is made during either of the 71869  
following periods of time: 71870

(i) If the person becomes a candidate before the day of 71871  
the primary election at which candidates will be nominated for 71872  
election to that office, between the date that the person 71873  
becomes a candidate and the thirtieth day prior to that primary 71874  
election, and between the date of the primary election and the 71875  
thirtieth day prior to the general election at which a candidate 71876  
will be elected to that office; 71877

(ii) If the person becomes a candidate after the day of 71878  
the primary election at which candidates were nominated for 71879  
election to that office, between the date of the primary 71880  
election and the thirtieth day prior to the general election at 71881  
which a candidate will be elected to that office. 71882

(b) "Electioneering communication" does not include any of 71883  
the following: 71884

(i) A communication that is publicly disseminated through 71885  
a means of communication other than a broadcast, cable, or 71886  
satellite television or radio station. For example, 71887  
"electioneering communication" does not include communications 71888

appearing in print media, including a newspaper or magazine, 71889  
handbill, brochure, bumper sticker, yard sign, poster, 71890  
billboard, and other written materials, including mailings; 71891  
communications over the internet, including electronic mail; or 71892  
telephone communications. 71893

(ii) A communication that appears in a news story, 71894  
commentary, public service announcement, bona fide news 71895  
programming, or editorial distributed through the facilities of 71896  
any broadcast, cable, or satellite television or radio station, 71897  
unless those facilities are owned or controlled by any political 71898  
party, political committee, or candidate; 71899

(iii) A communication that constitutes an expenditure or 71900  
an independent expenditure under section 3517.01 of the Revised 71901  
Code; 71902

(iv) A communication that constitutes a candidate debate 71903  
or forum or that solely promotes a candidate debate or forum and 71904  
is made by or on behalf of the person sponsoring the debate or 71905  
forum. 71906

(8) "Filing date" has the same meaning as in section 71907  
3517.109 of the Revised Code. 71908

(9) "Immigration and Nationality Act" means the 71909  
Immigration and Nationality Act, 110 Stat. 309 (1996), 8 U.S.C. 71910  
1101 et seq., as amended. 71911

(10) "Person" has the same meaning as in section 1.59 of 71912  
the Revised Code and includes any political organization 71913  
considered exempt from income taxation under section 527 of the 71914  
Internal Revenue Code. 71915

(11) "Political committee" means any of the following: 71916

(a) Any committee, club, association, or other group of persons that receives contributions aggregating in excess of one thousand dollars during a calendar year or that makes expenditures aggregating in excess of one thousand dollars during a calendar year;	71917 71918 71919 71920 71921
(b) Any separate segregated fund;	71922
(c) Any state, county, or local committee of a political party that does any of the following:	71923 71924
(i) Receives contributions aggregating in excess of five thousand dollars during a calendar year;	71925 71926
(ii) Makes payments that do not constitute contributions or expenditures aggregating in excess of five thousand dollars during a calendar year;	71927 71928 71929
(iii) Makes contributions or expenditures aggregating in excess of one thousand dollars during a calendar year.	71930 71931
(12) "Publicly distributed" means aired, broadcast, cablecast, or otherwise disseminated for a fee.	71932 71933
(13) "Refers to a clearly identified candidate" means that the candidate's name, nickname, photograph, or drawing appears, or the identity of the candidate is otherwise apparent through an unambiguous reference to the person such as "the chief justice," "the governor," "member of the Ohio senate," "member of the Ohio house of representatives," "county auditor," "mayor," or "township trustee" or through an unambiguous reference to the person's status as a candidate.	71934 71935 71936 71937 71938 71939 71940 71941
(B) For the purposes of this section, a person shall be considered to have made a disbursement if the person has entered into a contract to make the disbursement.	71942 71943 71944

(C) Any person intending to make a disbursement or 71945  
disbursements for the direct costs of producing or airing 71946  
electioneering communications, prior to making the first 71947  
disbursement for the direct costs of producing or airing an 71948  
electioneering communication, shall file a notice with the 71949  
office of the secretary of state that the person is intending to 71950  
make such disbursements. 71951

(D) (1) Every person that makes a disbursement or 71952  
disbursements for the direct costs of producing and airing 71953  
electioneering communications aggregating in excess of ten 71954  
thousand dollars during any calendar year shall file, within 71955  
twenty-four hours of each disclosure date, a disclosure of 71956  
electioneering communications statement containing the following 71957  
information: 71958

(a) The full name and address of the person making the 71959  
disbursement, of any person sharing or exercising direction or 71960  
control over the activities of the person making the 71961  
disbursement, and of the custodian of the books and accounts of 71962  
the person making the disbursement; 71963

(b) The principal place of business of the person making 71964  
the disbursement, if not an individual; 71965

(c) The amount of each disbursement of more than one 71966  
dollar during the period covered by the statement and the 71967  
identity of the person to whom the disbursement was made; 71968

(d) The nominations or elections to which the 71969  
electioneering communications pertain and the names, if known, 71970  
of the candidates identified or to be identified; 71971

(e) If the disbursements were paid out of a segregated 71972  
bank account that consists of funds contributed solely by 71973

individuals who are United States citizens or nationals or 71974  
lawfully admitted for permanent residence as defined in section 71975  
101(a) (20) of the Immigration and Nationality Act directly to 71976  
the account for electioneering communications, the information 71977  
specified in division (D) (2) of this section for all 71978  
contributors who contributed an aggregate amount of two hundred 71979  
dollars or more to the segregated bank account and whose 71980  
contributions were used for making the disbursement or 71981  
disbursements required to be reported under division (D) of this 71982  
section during the period covered by the statement. Nothing in 71983  
this division prohibits or shall be construed to prohibit the 71984  
use of funds in such a segregated bank account for a purpose 71985  
other than electioneering communications. 71986

(f) If the disbursements were paid out of funds not 71987  
described in division (D) (1) (e) of this section, the information 71988  
specified in division (D) (2) of this section for all 71989  
contributors who contributed an aggregate amount of two hundred 71990  
dollars or more to the person making the disbursement and whose 71991  
contributions were used for making the disbursement or 71992  
disbursements required to be reported under division (D) of this 71993  
section during the period covered by the statement. 71994

(2) For each contributor for which information is required 71995  
to be reported under division (D) (1) (e) or (f) of this section, 71996  
all of the following shall be reported: 71997

(a) The month, day, and year that the contributor made the 71998  
contribution or contributions aggregating two hundred dollars or 71999  
more; 72000

(b) (i) The full name and address of the contributor, and, 72001  
if the contributor is a political action committee, the 72002  
registration number assigned to the political action committee 72003

under division (D) (1) of section 3517.10 of the Revised Code; 72004

(ii) If the contributor is an individual, the name of the 72005  
individual's current employer, if any, or, if the individual is 72006  
self-employed, the individual's occupation and the name of the 72007  
individual's business, if any; 72008

(iii) If the contribution is transmitted pursuant to 72009  
section 3599.031 of the Revised Code from amounts deducted from 72010  
the wages and salaries of two or more employees that exceed in 72011  
the aggregate one hundred dollars during the period specified in 72012  
division (D) (1) (e) or (f) of this section, as applicable, the 72013  
full name of the employees' employer and the full name of the 72014  
labor organization of which the employees are members, if any. 72015

(c) A description of the contribution, if other than 72016  
money; 72017

(d) The value in dollars and cents of the contribution. 72018

(3) Subject to the secretary of state having implemented, 72019  
tested, and verified the successful operation of any system the 72020  
secretary of state prescribes pursuant to divisions (C) (6) (b) 72021  
and (D) (6) of section 3517.10 and division (F) (1) of section 72022  
3517.106 of the Revised Code for the filing of campaign finance 72023  
statements by electronic means of transmission, a person shall 72024  
file the disclosure of electioneering communications statement 72025  
prescribed under divisions (D) (1) and (2) of this section by 72026  
electronic means of transmission to the office of the secretary 72027  
of state. 72028

Within five business days after the secretary of state 72029  
receives a disclosure of electioneering communications statement 72030  
under this division, the secretary of state shall make available 72031  
online to the public through the internet, as provided in 72032

division (G) of section 3517.106 of the Revised Code, the 72033  
contribution and disbursement information in that statement. 72034

If a filed disclosure of electioneering communications 72035  
statement is found to be incomplete or inaccurate after its 72036  
examination for completeness and accuracy pursuant to division 72037  
(B) (3) (a) of section 3517.11 of the Revised Code, the person 72038  
shall file by electronic means of transmission to the office of 72039  
the secretary of state any addendum, amendment, or other 72040  
correction to the statement that provides the information 72041  
necessary to complete or correct the statement or, if required 72042  
by the secretary of state under that division, an amended 72043  
statement. 72044

Within five business days after the secretary of state 72045  
receives an addendum, amendment, or other correction to a 72046  
disclosure of electioneering communications statement or an 72047  
amended statement by electronic means of transmission under this 72048  
division or division (B) (3) (a) of section 3517.11 of the Revised 72049  
Code, the secretary of state shall make the contribution and 72050  
disbursement information in the addendum, amendment, or other 72051  
correction to the statement or amended statement available 72052  
online to the public through the internet as provided in 72053  
division (G) of section 3517.106 of the Revised Code. 72054

(E) (1) Any person who makes a contribution for the purpose 72055  
of funding the direct costs of producing or airing an 72056  
electioneering communication under this section shall provide 72057  
the person's full name and address to the recipient of the 72058  
contribution at the time the contribution is made. 72059

(2) Any individual who makes a contribution or 72060  
contributions aggregating two hundred dollars or more for the 72061  
purpose of funding the direct costs of producing or airing an 72062

electioneering communication under this section shall provide 72063  
the name of the individual's current employer, if any, or, if 72064  
the individual is self-employed, the individual's occupation and 72065  
the name of the individual's business, if any, to the recipient 72066  
of the contribution at the time the contribution is made. 72067

(F) In each electioneering communication, a statement 72068  
shall appear or be presented in a clear and conspicuous manner 72069  
that does both of the following: 72070

(1) Clearly indicates that the electioneering 72071  
communication is not authorized by the candidate or the 72072  
candidate's campaign committee; 72073

(2) Clearly identifies the person making the disbursement 72074  
for the electioneering communication in accordance with section 72075  
3517.20 of the Revised Code. 72076

(G) Any coordinated electioneering communication is an in- 72077  
kind contribution, subject to the applicable contribution limits 72078  
prescribed in section 3517.102 of the Revised Code, to the 72079  
candidate by the person making disbursements to pay the direct 72080  
costs of producing or airing the communication. 72081

~~(H) No person shall make, during the thirty days preceding 72082  
a primary election or during the thirty days preceding a general 72083  
election, any broadcast, cable, or satellite communication that 72084  
refers to a clearly identified candidate using any contributions 72085  
received from a corporation or labor organization. 72086~~

**Sec. 3517.1012.** (A) (1) Each state and county political 72087  
party shall establish a restricted fund that is separate from 72088  
all other accounts of the political party. 72089

(2) A state or county political party shall deposit into 72090  
its restricted fund all gifts that are made to or accepted by 72091

the political party from a corporation or labor organization 72092  
subject to the applicable limitations prescribed in division (X) 72093  
of section 3517.13 of the Revised Code. A state or county 72094  
political party may deposit into its restricted fund any gifts 72095  
that are made to or accepted by the political party from a 72096  
source other than a corporation or labor organization. 72097

(3) Moneys in a state or county political party's 72098  
restricted fund may be disbursed to pay costs incurred for any 72099  
of the following purposes specified in division (A) of section 72100  
3517.18 of the Revised Code: 72101

(a) The defraying of operating and maintenance costs 72102  
associated with political party headquarters, including rental 72103  
or leasing costs, staff salaries, office equipment and supplies, 72104  
postage, and the purchase, lease, or maintenance of computer 72105  
hardware and software; 72106

(b) The organization of voter registration programs and 72107  
get-out-the-vote campaigns and the costs associated with voter 72108  
registration and get-out-the-vote activities, including, but not 72109  
limited to, rental costs for booth spaces at fairs, festivals, 72110  
or similar events if voter registration forms are available at 72111  
those booths, printing costs for registration forms, mailing 72112  
costs for communications soliciting voter registration, and 72113  
payments for the services of persons conducting voter 72114  
registration and get-out-the-vote activities; 72115

(c) The administration of party fund-raising drives; 72116

(d) Direct mail campaigns or other communications with the 72117  
registered voters of a party that are not related to any 72118  
particular candidate or election; 72119

(e) The preparation of reports required by law. 72120

(B) Except as otherwise provided in this division, a state or county political party shall file deposit and disbursement statements, in the same manner as the party is required to file statements of contributions and expenditures under section 3517.10 of the Revised Code, regarding all deposits made into, and all disbursements made from, the party's restricted fund. Deposit and disbursement statements filed in accordance with this division by a county political party shall be filed by electronic means of transmission to the office of the secretary of state at the times specified in division (A) of section 3517.10 of the Revised Code for the filing of statements of contributions and expenditures if the county political party accepts gifts from a corporation or labor organization under division (A)(2) of this section.

**Sec. 3517.11.** (A)(1) Campaign committees of candidates for statewide office or the state board of education, political action committees or political contributing entities that make contributions to campaign committees of candidates that are required to file the statements prescribed by section 3517.10 of the Revised Code with the secretary of state, political action committees or political contributing entities that make contributions to campaign committees of candidates for member of the general assembly, political action committees or political contributing entities that make contributions to state and national political parties and to legislative campaign funds, political action committees or political contributing entities that receive contributions or make expenditures in connection with a statewide ballot issue, political action committees or political contributing entities that make contributions to other political action committees or political contributing entities, political parties, and campaign committees, except as set forth

in division (A) (3) of this section, legislative campaign funds, 72152  
and state and national political parties shall file the 72153  
statements prescribed by section 3517.10 of the Revised Code 72154  
with the secretary of state. 72155

(2) (a) Except as otherwise provided in division (E) of 72156  
section 3517.106 of the Revised Code, campaign committees of 72157  
candidates for all other offices shall file the statements 72158  
prescribed by section 3517.10 of the Revised Code with the board 72159  
of elections where their candidates are required to file their 72160  
petitions or other papers for nomination or election. 72161

(b) A campaign committee of a candidate for office of 72162  
member of the general assembly or a campaign committee of a 72163  
candidate for the office of judge of a court of appeals shall 72164  
file two copies of the printed version of any statement, 72165  
addendum, or amended statement if the committee does not file 72166  
pursuant to division (E) or (J) of section 3517.106 of the 72167  
Revised Code but files by printed version only with the 72168  
appropriate board of elections. The board of elections shall 72169  
send one of those copies by certified mail or an electronic copy 72170  
to the secretary of state before the close of business on the 72171  
day the board of elections receives the statement, addendum, or 72172  
amended statement. 72173

(3) Political action committees or political contributing 72174  
entities that only contribute to a county political party, 72175  
contribute to campaign committees of candidates whose nomination 72176  
or election is to be submitted only to electors within a county, 72177  
subdivision, or district, excluding candidates for member of the 72178  
general assembly, and receive contributions or make expenditures 72179  
in connection with ballot questions or issues to be submitted 72180  
only to electors within a county, subdivision, or district shall 72181

file the statements prescribed by section 3517.10 of the Revised Code with the board of elections in that county or in the county contained in whole or part within the subdivision or district having a population greater than that of any other county contained in whole or part within that subdivision or district, as the case may be.

(4) Except as otherwise provided in division (E) (1) (e) of section 3517.106 of the Revised Code with respect to state candidate funds, county political parties shall file the statements prescribed by section 3517.10 of the Revised Code with the board of elections of their respective counties.

(B) (1) The official with whom petitions and other papers for nomination or election to public office are filed shall furnish each candidate at the time of that filing a copy of sections 3517.01, 3517.08 to 3517.11, 3517.13 to ~~3517.993~~3517.991, 3599.03, and 3599.031 of the Revised Code and any other materials that the secretary of state may require. Each candidate receiving the materials shall acknowledge their receipt in writing.

(2) On or before the tenth day before the dates on which statements are required to be filed by section 3517.10 of the Revised Code, the secretary of state shall notify every candidate subject to the provisions of this section and sections 3517.10 and 3517.106 of the Revised Code of the requirements and applicable penalties of those sections. The secretary of state shall notify all candidates required to file those statements with the secretary of state's office either by certified mail, or, if the secretary of state has record of an internet identifier of record associated with the candidate, by ordinary mail and by that internet identifier of record. The board of

elections of every county shall notify by first class mail any 72212  
candidate who has personally appeared at the office of the board 72213  
on or before the tenth day before the statements are required to 72214  
be filed and signed a form, to be provided by the secretary of 72215  
state, attesting that the candidate has been notified of the 72216  
candidate's obligations under the campaign finance law. The 72217  
board shall forward the completed form to the secretary of 72218  
state. The board shall notify all other candidates required to 72219  
file those statements with it either by certified mail, or, if 72220  
the secretary of state has record of an internet identifier of 72221  
record associated with the candidate, by ordinary mail and by 72222  
that internet identifier of record. 72223

(3) (a) Any statement required to be filed under sections 72224  
3517.081 to ~~3517.14~~3517.13 of the Revised Code that is found to 72225  
be incomplete or inaccurate by the officer to whom it is 72226  
submitted shall be accepted on a conditional basis, and the 72227  
person who filed it shall be notified by certified mail as to 72228  
the incomplete or inaccurate nature of the statement. The 72229  
secretary of state may examine statements filed for candidates 72230  
for the office of member of the general assembly and candidates 72231  
for the office of judge of a court of appeals for completeness 72232  
and accuracy. The secretary of state shall examine for 72233  
completeness and accuracy statements that campaign committees of 72234  
candidates for the office of member of the general assembly and 72235  
campaign committees of candidates for the office of judge of a 72236  
court of appeals file pursuant to division (E) or (J) of section 72237  
3517.106 of the Revised Code. If an officer at the board of 72238  
elections where a statement filed for a candidate for the office 72239  
of member of the general assembly or for a candidate for the 72240  
office of judge of a court of appeals was submitted finds the 72241  
statement to be incomplete or inaccurate, the officer shall 72242

immediately notify the secretary of state of its incomplete or 72243  
inaccurate nature. If either an officer at the board of 72244  
elections or the secretary of state finds a statement filed for 72245  
a candidate for the office of member of the general assembly or 72246  
for a candidate for the office of judge of a court of appeals to 72247  
be incomplete or inaccurate, only the secretary of state shall 72248  
send the notification as to the incomplete or inaccurate nature 72249  
of the statement. 72250

Within twenty-one days after receipt of the notice, in the 72251  
case of a pre-election statement, a postelection statement, a 72252  
monthly statement, an annual statement, or a semiannual 72253  
statement prescribed by section 3517.10, an annual statement 72254  
prescribed by section 3517.101, or a statement prescribed by 72255  
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 72256  
3517.107 of the Revised Code, the recipient shall file an 72257  
addendum, amendment, or other correction to the statement 72258  
providing the information necessary to complete or correct the 72259  
statement. The secretary of state may require that, in lieu of 72260  
filing an addendum, amendment, or other correction to a 72261  
statement that is filed by electronic means of transmission to 72262  
the office of the secretary of state or a board of elections 72263  
pursuant to section 3517.106 of the Revised Code, the recipient 72264  
of the notice described in this division file by electronic 72265  
means of transmission an amended statement that incorporates the 72266  
information necessary to complete or correct the statement. 72267

The secretary of state shall determine by rule when an 72268  
addendum, amendment, or other correction to any of the following 72269  
or when an amended statement of any of the following shall be 72270  
filed: 72271

(i) A two-business-day statement prescribed by section 72272

3517.10 of the Revised Code;	72273
(ii) A disclosure of electioneering communications	72274
statement prescribed by division (D) of section 3517.1011 of the	72275
Revised Code;	72276
(iii) A deposit and disbursement statement prescribed	72277
under division (B) of section 3517.1012 of the Revised Code;	72278
(iv) A gift and disbursement statement prescribed under	72279
section 3517.1013 of the Revised Code;	72280
(v) A donation and disbursement statement prescribed under	72281
section 3517.1014 of the Revised Code.	72282
An addendum, amendment, or other correction to a statement	72283
that is filed by electronic means of transmission pursuant to	72284
section 3517.106 of the Revised Code shall be filed in the same	72285
manner as the statement.	72286
The provisions of sections 3517.10, 3517.106, 3517.1011,	72287
3517.1012, 3517.1013, and 3517.1014 of the Revised Code	72288
pertaining to the filing of statements of contributions and	72289
expenditures, statements of independent expenditures, disclosure	72290
of electioneering communications statements, deposit and	72291
disbursement statements, gift and disbursement statements, and	72292
donation and disbursement statements by electronic means of	72293
transmission apply to the filing of addenda, amendments, or	72294
other corrections to those statements by electronic means of	72295
transmission and the filing of amended statements by electronic	72296
means of transmission.	72297
(b) Within five business days after the secretary of state	72298
receives, by electronic or other means of transmission, an	72299
addendum, amendment, or other correction to a statement or an	72300
amended statement under division (B) (3) (a) of this section, the	72301

secretary of state, pursuant to divisions (E) and (G) of section 72302  
3517.106 or division (D) of section 3517.1011 of the Revised 72303  
Code, shall make the contribution and expenditure, contribution 72304  
and disbursement, deposit and disbursement, gift and 72305  
disbursement, or donation and disbursement information in that 72306  
addendum, amendment, correction, or amended statement available 72307  
online to the public through the internet. 72308

(4) (a) The secretary of state or the board of elections 72309  
shall examine all statements for compliance with sections 72310  
3517.08 to ~~3517.14~~ 3517.13 of the Revised Code. 72311

(b) The secretary of state may contract with an individual 72312  
or entity not associated with the secretary of state and 72313  
experienced in interpreting the campaign finance law of this 72314  
state to conduct examinations of statements filed by any 72315  
statewide candidate, as defined in section 3517.103 of the 72316  
Revised Code. 72317

(c) The examination shall be conducted by a person or 72318  
entity qualified to conduct it. The results of the examination 72319  
shall be available to the public, and, when the examination is 72320  
conducted by an individual or entity not associated with the 72321  
secretary of state, the results of the examination shall be 72322  
reported to the secretary of state. 72323

(C) (1) In the event of a failure to file or a late filing 72324  
of a statement required to be filed under sections 3517.081 to 72325  
~~3517.14~~ 3517.13 of the Revised Code, or if a filed statement or 72326  
any addendum, amendment, or other correction to a statement or 72327  
any amended statement, if an addendum, amendment, or other 72328  
correction or an amended statement is required to be filed, is 72329  
incomplete or inaccurate or appears to disclose a failure to 72330  
comply with or a violation of law, the official whose duty it is 72331

to examine the statement shall promptly file a complaint with 72332  
~~the Ohio elections commission~~ under section ~~3517.153~~ 3517.16 of 72333  
the Revised Code if the law is ~~one over which the commission has~~ 72334  
~~jurisdiction to hear complaints~~ listed in division (A) of section 72335  
3517.15 of the Revised Code, or the official shall promptly 72336  
report the failure or violation to the board of elections and 72337  
the board shall promptly report it to the prosecuting attorney 72338  
in accordance with division (J) of section 3501.11 of the 72339  
Revised Code. ~~If the official files a complaint with the~~ 72340  
~~commission, the commission shall proceed in accordance with~~ 72341  
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 72342

(2) For purposes of division (C)(1) of this section, a 72343  
statement or an addendum, amendment, or other correction to a 72344  
statement or an amended statement required to be filed under 72345  
sections 3517.081 to ~~3517.14~~ 3517.13 of the Revised Code is 72346  
incomplete or inaccurate under this section if the statement, 72347  
addendum, amendment, other correction, or amended statement 72348  
fails to disclose substantially all contributions, gifts, or 72349  
donations that are received or deposits that are made that are 72350  
required to be reported under sections 3517.10, 3517.107, 72351  
3517.108, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the 72352  
Revised Code or if the statement, addendum, amendment, other 72353  
correction, or amended statement fails to disclose at least 72354  
ninety per cent of the total contributions, gifts, or donations 72355  
received or deposits made or of the total expenditures or 72356  
disbursements made during the reporting period. 72357

(D) No certificate of nomination or election shall be 72358  
issued to a person, and no person elected to an office shall 72359  
enter upon the performance of the duties of that office, until 72360  
that person or that person's campaign committee, as appropriate, 72361  
has fully complied with this section and sections 3517.08, 72362

3517.081, 3517.10, and 3517.13 of the Revised Code. 72363

**Sec. 3517.121.** Notwithstanding any contrary provision of 72364  
the Revised Code: 72365

(A) As used in this section: 72366

(1) "Electioneering communication" has the same meaning as 72367  
in section 3517.1011 of the Revised Code. 72368

(2) "Foreign national" means any of the following, as 72369  
applicable: 72370

(a) In the case of an individual, an individual who is not 72371  
a United States citizen or national; 72372

(b) A government of a foreign country or of a political 72373  
subdivision of a foreign country; 72374

(c) A foreign political party; 72375

(d) A person, other than an individual, that is organized 72376  
under the laws of, or has its principal place of business in, a 72377  
foreign country. 72378

~~(B)~~ (B) (1) No foreign national, other than an individual 72379  
who is lawfully admitted for permanent residence, as defined by 72380  
8 U.S.C. 1101(a) (20), shall, directly or indirectly through any 72381  
person or entity, do any of the following: 72382

~~(1) Make~~ make a contribution, expenditure, or independent 72383  
expenditure in support of or opposition to a candidate for any 72384  
elective office in this state, including an office of a 72385  
political party, ~~or~~ promise, either expressly or implicitly, to 72386  
make such a contribution, expenditure, or independent 72387  
expenditure. 72388

(2) ~~Make~~ No foreign national shall, directly or indirectly 72389

<u>through any person or entity, do any of the following:</u>	72390
<u>(a) Make a contribution, expenditure, or independent</u>	72391
expenditure in support of or opposition to a statewide ballot	72392
issue or question, regardless of whether the ballot issue or	72393
question has yet been certified to appear on the ballot;	72394
<del>(3)</del> <u>(b) Make a disbursement for the direct cost of</u>	72395
producing or airing an electioneering communication;	72396
<del>(4)</del> <u>(c) Make a contribution to a candidate, campaign</u>	72397
committee, political action committee, <del>political contributing</del>	72398
<del>entity,</del> legislative campaign fund, state candidate fund,	72399
political party, or separate segregated fund, to any committee	72400
created to support or oppose a ballot issue or question, or, to	72401
the maximum extent permitted by law and by the constitutions of	72402
the United States and of this state, to a <del>continuing association</del>	72403
<u>political contributing entity;</u>	72404
<del>(5)</del> <u>(d) Promise, either expressly or implicitly, to make a</u>	72405
contribution, expenditure, independent expenditure, or	72406
disbursement described in division <del>(B) (1), (2), (3), or (4)</del> <u>(B)</u>	72407
<u>(2) (a), (b), or (c) of this section.</u>	72408
(C) No individual, candidate, campaign committee,	72409
political action committee, <del>political contributing entity,</del>	72410
legislative campaign fund, state candidate fund, political	72411
party, separate segregated fund, or committee created to support	72412
or oppose a ballot issue or question and, to the maximum extent	72413
permitted by law and by the constitutions of the United States	72414
and of this state, no <del>continuing association</del> <u>political</u>	72415
<u>contributing entity shall, directly or indirectly through any</u>	72416
other person or entity, knowingly do either of the following:	72417
(1) Solicit, accept, or receive any funds <del>from a foreign</del>	72418

~~national for any purpose described~~ contributed or expended in 72419  
violation of division (B) of this section; 72420

(2) Make a contribution, expenditure, or independent 72421  
expenditure using any funds the person knows were ~~received from~~ 72422  
~~a foreign national for any purpose described~~ contributed or 72423  
expended in violation of division (B) of this section. 72424

(D) No person shall knowingly aid or facilitate a 72425  
violation of division (B) or (C) of this section. 72426

(E) Any complaint that alleges a violation of division (W) 72427  
of section 3517.13 of the Revised Code shall be treated as 72428  
instead alleging a violation of this section. 72429

(F) (1) Whoever knowingly violates division (B) of this 72430  
section is guilty of a misdemeanor of the first degree on a 72431  
first offense and is guilty of a felony of the fifth degree on a 72432  
second or subsequent offense. The violator also shall be fined 72433  
an amount equal to three times the amount involved in the 72434  
violation or ten thousand dollars, whichever amount is greater. 72435

(2) Whoever knowingly violates division (C) of this 72436  
section is guilty of a misdemeanor of the first degree on a 72437  
first offense and is guilty of a felony of the fifth degree on a 72438  
second or subsequent offense. The violator also shall be fined 72439  
an amount equal to three times the amount involved in the 72440  
violation or ten thousand dollars, whichever amount is greater, 72441  
and shall be required to return the total amount accepted in 72442  
violation of that division to the foreign national from whom it 72443  
was accepted. 72444

(3) Whoever knowingly violates division (D) of this 72445  
section is guilty of a misdemeanor of the first degree and shall 72446  
be fined one thousand dollars. 72447

(G) (1) (a) Except as otherwise provided in division (G) (1) 72448  
(b) of this section, the attorney general has exclusive 72449  
authority to prosecute a violation of this section and has 72450  
exclusive supervision and control of all investigations, 72451  
prosecutions, and enforcement proceedings under this section. 72452

(b) If the attorney general is a victim or witness or 72453  
otherwise involved in an alleged violation of this section, the 72454  
attorney general shall refer the matter to the appropriate 72455  
prosecutor, as determined under division ~~(A) (2)~~ (C) of section 72456  
~~3517.155~~ 3517.17 of the Revised Code, except that if applicable, 72457  
the attorney general shall make the determination described in 72458  
division ~~(A) (2) (b)~~ (B) (2) of that section instead of the Ohio 72459  
~~elections~~ election integrity commission. 72460

(2) Upon the occurrence of either of the following, the 72461  
attorney general shall investigate an alleged violation of this 72462  
section in consultation with the secretary of state: 72463

(a) The submission of a written request to the attorney 72464  
general by the governor, the secretary of state, the general 72465  
assembly, or the Ohio ~~elections~~ election integrity commission, 72466  
alleging a violation of this section; 72467

(b) The filing of a complaint with the attorney general by 72468  
an elector of this state, alleging a violation of this section. 72469

(3) If it appears to the attorney general, after 72470  
conducting an investigation under division (G) (2) of this 72471  
section, that there is probable cause to believe that a 72472  
violation of this section has occurred, the attorney general may 72473  
prosecute the violation in a court of competent jurisdiction. 72474

(H) When proceeding under this section, the attorney 72475  
general and any assistant or special counsel designated by the 72476

attorney general for that purpose have all the rights, 72477  
privileges, and powers conferred by law on prosecuting 72478  
attorneys, including the power to appear before grand juries and 72479  
to interrogate witnesses before such grand juries. These powers 72480  
of the attorney general are in addition to any other applicable 72481  
powers of the attorney general. 72482

**Sec. 3517.13.** (A) (1) No campaign committee of a statewide 72483  
candidate shall fail to file a complete and accurate statement 72484  
required under division (A) (1) of section 3517.10 of the Revised 72485  
Code. 72486

(2) No campaign committee of a statewide candidate shall 72487  
fail to file a complete and accurate monthly statement, and no 72488  
campaign committee of a statewide candidate or a candidate for 72489  
the office of chief justice or justice of the supreme court 72490  
shall fail to file a complete and accurate two-business-day 72491  
statement, as required under section 3517.10 of the Revised 72492  
Code. 72493

As used in this division, "statewide candidate" has the 72494  
same meaning as in division (F) (2) of section 3517.10 of the 72495  
Revised Code. 72496

(B) No campaign committee shall fail to file a complete 72497  
and accurate statement required under division (A) (1) of section 72498  
3517.10 of the Revised Code. 72499

(C) No campaign committee shall fail to file a complete 72500  
and accurate statement required under division (A) (2) of section 72501  
3517.10 of the Revised Code. 72502

(D) No campaign committee shall fail to file a complete 72503  
and accurate statement required under division (A) (3) or (4) of 72504  
section 3517.10 of the Revised Code. 72505

(E) No person other than a campaign committee shall 72506  
knowingly fail to file a statement required under section 72507  
3517.10 or 3517.107 of the Revised Code. 72508

(F) No person shall make cash contributions to any person 72509  
totaling more than one hundred dollars in each primary, special, 72510  
or general election. 72511

(G) (1) No person shall knowingly conceal or misrepresent 72512  
contributions given or received, expenditures made, or any other 72513  
information required to be reported by a provision in sections 72514  
3517.08 to 3517.13 of the Revised Code. 72515

(2) (a) No person shall make a contribution to a campaign 72516  
committee, political action committee, political contributing 72517  
entity, legislative campaign fund, political party, or person 72518  
making disbursements to pay the direct costs of producing or 72519  
airing electioneering communications in the name of another 72520  
person. 72521

(b) A person does not make a contribution in the name of 72522  
another when either of the following applies: 72523

(i) An individual makes a contribution from a partnership 72524  
or other unincorporated business account, ~~if the contribution is~~ 72525  
~~reported by listing both the name of the partnership or other~~ 72526  
~~unincorporated business and the name of the partner or owner~~ 72527  
~~making the contribution as required~~ permitted under division ~~(I)~~ 72528  
(I) (1) (b) of section 3517.10 of the Revised Code. 72529

(ii) A person makes a contribution in that person's 72530  
spouse's name or in both of their names. 72531

(H) No person within this state, publishing a newspaper or 72532  
other periodical, shall charge a campaign committee for 72533  
political advertising a rate in excess of the rate such person 72534

would charge if the campaign committee were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office that the candidate of the campaign committee is seeking. The rate shall take into account the amount of space used, as well as the type of advertising copy submitted by or on behalf of the campaign committee. All discount privileges otherwise offered by a newspaper or periodical to general rate advertisers shall be available upon equal terms to all campaign committees.

No person within this state, operating a radio or television station or network of stations in this state, shall charge a campaign committee for political broadcasts a rate that exceeds:

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which the candidate of the campaign committee is seeking office, the lowest unit charge of the station for the same class and amount of time for the same period;

(2) At any other time, the charges made for comparable use of that station by its other users.

(I) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional

association organized under Chapter 1785. of the Revised Code, 72565  
estate, or trust if the individual has made or the individual's 72566  
spouse has made, or any partner, shareholder, administrator, 72567  
executor, or trustee or the spouse of any of them has made, as 72568  
an individual, within the two previous calendar years, one or 72569  
more contributions totaling in excess of one thousand dollars to 72570  
the holder of the public office having ultimate responsibility 72571  
for the award of the contract or to the public officer's 72572  
campaign committee. 72573

(J) Subject to divisions (K), (L), (M), and (N) of this 72574  
section, no agency or department of this state or any political 72575  
subdivision shall award any contract, other than one let by 72576  
competitive bidding or a contract incidental to such contract or 72577  
which is by force account, for the purchase of goods costing 72578  
more than five hundred dollars or services costing more than 72579  
five hundred dollars to a corporation or business trust, except 72580  
a professional association organized under Chapter 1785. of the 72581  
Revised Code, if an owner of more than twenty per cent of the 72582  
corporation or business trust or the spouse of that person has 72583  
made, as an individual, within the two previous calendar years, 72584  
taking into consideration only owners for all of that period, 72585  
one or more contributions totaling in excess of one thousand 72586  
dollars to the holder of a public office having ultimate 72587  
responsibility for the award of the contract or to the public 72588  
officer's campaign committee. 72589

(K) For purposes of divisions (I) and (J) of this section, 72590  
if a public officer who is responsible for the award of a 72591  
contract is appointed by the governor, whether or not the 72592  
appointment is subject to the advice and consent of the senate, 72593  
excluding members of boards, commissions, committees, 72594  
authorities, councils, boards of trustees, task forces, and 72595

other such entities appointed by the governor, the office of the 72596  
governor is considered to have ultimate responsibility for the 72597  
award of the contract. 72598

(L) For purposes of divisions (I) and (J) of this section, 72599  
if a public officer who is responsible for the award of a 72600  
contract is appointed by the elected chief executive officer of 72601  
a municipal corporation, or appointed by the elected chief 72602  
executive officer of a county operating under an alternative 72603  
form of county government or county charter, excluding members 72604  
of boards, commissions, committees, authorities, councils, 72605  
boards of trustees, task forces, and other such entities 72606  
appointed by the chief executive officer, the office of the 72607  
chief executive officer is considered to have ultimate 72608  
responsibility for the award of the contract. 72609

(M) (1) Divisions (I) and (J) of this section do not apply 72610  
to contracts awarded by the board of commissioners of the 72611  
sinking fund, municipal legislative authorities, boards of 72612  
education, boards of county commissioners, boards of township 72613  
trustees, or other boards, commissions, committees, authorities, 72614  
councils, boards of trustees, task forces, and other such 72615  
entities created by law, by the supreme court or courts of 72616  
appeals, by county courts consisting of more than one judge, 72617  
courts of common pleas consisting of more than one judge, or 72618  
municipal courts consisting of more than one judge, or by a 72619  
division of any court if the division consists of more than one 72620  
judge. This division shall apply to the specified entity only if 72621  
the members of the entity act collectively in the award of a 72622  
contract for goods or services. 72623

(2) Divisions (I) and (J) of this section do not apply to 72624  
actions of the controlling board. 72625

(N) (1) Divisions (I) and (J) of this section apply to 72626  
contributions made to the holder of a public office having 72627  
ultimate responsibility for the award of a contract, or to the 72628  
public officer's campaign committee, during the time the person 72629  
holds the office and during any time such person was a candidate 72630  
for the office. Those divisions do not apply to contributions 72631  
made to, or to the campaign committee of, a candidate for or 72632  
holder of the office other than the holder of the office at the 72633  
time of the award of the contract. 72634

(2) Divisions (I) and (J) of this section do not apply to 72635  
contributions of a partner, shareholder, administrator, 72636  
executor, trustee, or owner of more than twenty per cent of a 72637  
corporation or business trust made before the person held any of 72638  
those positions or after the person ceased to hold any of those 72639  
positions in the partnership, association, estate, trust, 72640  
corporation, or business trust whose eligibility to be awarded a 72641  
contract is being determined, nor to contributions of the 72642  
person's spouse made before the person held any of those 72643  
positions, after the person ceased to hold any of those 72644  
positions, before the two were married, after the granting of a 72645  
decree of divorce, dissolution of marriage, or annulment, or 72646  
after the granting of an order in an action brought solely for 72647  
legal separation. Those divisions do not apply to contributions 72648  
of the spouse of an individual whose eligibility to be awarded a 72649  
contract is being determined made before the two were married, 72650  
after the granting of a decree of divorce, dissolution of 72651  
marriage, or annulment, or after the granting of an order in an 72652  
action brought solely for legal separation. 72653

(O) No beneficiary of a campaign fund or other person 72654  
shall convert for personal use, and no person shall knowingly 72655  
give to a beneficiary of a campaign fund or any other person, 72656

for the beneficiary's or any other person's personal use, 72657  
anything of value from the beneficiary's campaign fund, 72658  
including, without limitation, payments to a beneficiary for 72659  
services the beneficiary personally performs, except as 72660  
reimbursement for any of the following: 72661

(1) Legitimate and verifiable prior campaign expenses 72662  
incurred by the beneficiary; 72663

(2) Legitimate and verifiable ordinary and necessary prior 72664  
expenses incurred by the beneficiary in connection with duties 72665  
as the holder of a public office, including, without limitation, 72666  
expenses incurred through participation in nonpartisan or 72667  
bipartisan events if the participation of the holder of a public 72668  
office would normally be expected; 72669

(3) Legitimate and verifiable ordinary and necessary prior 72670  
expenses incurred by the beneficiary while doing any of the 72671  
following: 72672

(a) Engaging in activities in support of or opposition to 72673  
a candidate other than the beneficiary, political party, or 72674  
ballot issue; 72675

(b) Raising funds for a political party, political action 72676  
committee, political contributing entity, legislative campaign 72677  
fund, campaign committee, or other candidate; 72678

(c) Participating in the activities of a political party, 72679  
political action committee, political contributing entity, 72680  
legislative campaign fund, or campaign committee; 72681

(d) Attending a political party convention or other 72682  
political meeting. 72683

For purposes of this division, an expense is incurred 72684

whenever a beneficiary has either made payment or is obligated 72685  
to make payment, as by the use of a credit card or other credit 72686  
procedure or by the use of goods or services received on 72687  
account. 72688

(P) No beneficiary of a campaign fund shall knowingly 72689  
accept, and no person shall knowingly give to the beneficiary of 72690  
a campaign fund, reimbursement for an expense under division (O) 72691  
of this section to the extent that the expense previously was 72692  
reimbursed or paid from another source of funds. If an expense 72693  
is reimbursed under division (O) of this section and is later 72694  
paid or reimbursed, wholly or in part, from another source of 72695  
funds, the beneficiary shall repay the reimbursement received 72696  
under division (O) of this section to the extent of the payment 72697  
made or reimbursement received from the other source. 72698

(Q) No candidate or public official or employee shall 72699  
accept for personal or business use anything of value from a 72700  
political party, political action committee, political 72701  
contributing entity, legislative campaign fund, or campaign 72702  
committee other than the candidate's or public official's or 72703  
employee's own campaign committee, and no person shall knowingly 72704  
give to a candidate or public official or employee anything of 72705  
value from a political party, political action committee, 72706  
political contributing entity, legislative campaign fund, or 72707  
such a campaign committee, except for the following: 72708

(1) Reimbursement for legitimate and verifiable ordinary 72709  
and necessary prior expenses not otherwise prohibited by law 72710  
incurred by the candidate or public official or employee while 72711  
engaged in any legitimate activity of the political party, 72712  
political action committee, political contributing entity, 72713  
legislative campaign fund, or such campaign committee. Without 72714

limitation, reimbursable expenses under this division include 72715  
those incurred while doing any of the following: 72716

(a) Engaging in activities in support of or opposition to 72717  
another candidate, political party, or ballot issue; 72718

(b) Raising funds for a political party, legislative 72719  
campaign fund, campaign committee, or another candidate; 72720

(c) Attending a political party convention or other 72721  
political meeting. 72722

(2) Compensation not otherwise prohibited by law for 72723  
actual and valuable personal services rendered under a written 72724  
contract to the political party, political action committee, 72725  
political contributing entity, legislative campaign fund, or 72726  
such campaign committee for any legitimate activity of the 72727  
political party, political action committee, political 72728  
contributing entity, legislative campaign fund, or such campaign 72729  
committee. 72730

Reimbursable expenses under this division do not include, 72731  
and it is a violation of this division for a candidate or public 72732  
official or employee to accept, or for any person to knowingly 72733  
give to a candidate or public official or employee from a 72734  
political party, political action committee, political 72735  
contributing entity, legislative campaign fund, or campaign 72736  
committee other than the candidate's or public official's or 72737  
employee's own campaign committee, anything of value for 72738  
activities primarily related to the candidate's or public 72739  
official's or employee's own campaign for election, except for 72740  
contributions to the candidate's or public official's or 72741  
employee's campaign committee. 72742

For purposes of this division, an expense is incurred 72743

whenever a candidate or public official or employee has either  
made payment or is obligated to make payment, as by the use of a  
credit card or other credit procedure, or by the use of goods or  
services on account.

(R) (1) Division (O) or (P) of this section does not  
prohibit a campaign committee from making direct advance or post  
payment from contributions to vendors for goods and services for  
which reimbursement is permitted under division (O) of this  
section, except that no campaign committee shall pay its  
candidate or other beneficiary for services personally performed  
by the candidate or other beneficiary.

(2) If any expense that may be reimbursed under division  
(O), (P), or (Q) of this section is part of other expenses that  
may not be paid or reimbursed, the separation of the two types  
of expenses for the purpose of allocating for payment or  
reimbursement those expenses that may be paid or reimbursed may  
be by any reasonable accounting method, considering all of the  
surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this  
section, mileage allowance at a rate not greater than that  
allowed by the internal revenue service at the time the travel  
occurs may be paid instead of reimbursement for actual travel  
expenses allowable.

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

(a) "State elective office" has the same meaning as in  
section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in  
the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal

campaign committee or authorized committee as defined in the 72773  
Federal Election Campaign Act. 72774

(2) No person who is a candidate for state elective office 72775  
and who previously sought nomination or election to a federal 72776  
office shall transfer any funds or assets from that person's 72777  
federal campaign committee for nomination or election to the 72778  
federal office to that person's campaign committee as a 72779  
candidate for state elective office. 72780

(3) No campaign committee of a person who is a candidate 72781  
for state elective office and who previously sought nomination 72782  
or election to a federal office shall accept any funds or assets 72783  
from that person's federal campaign committee for that person's 72784  
nomination or election to the federal office. 72785

(T) (1) Except as otherwise provided in division (B) (6) (c) 72786  
of section 3517.102 of the Revised Code, a state or county 72787  
political party shall not disburse moneys from any account other 72788  
than a state candidate fund to make contributions to any of the 72789  
following: 72790

(a) A state candidate fund; 72791

(b) A legislative campaign fund; 72792

(c) A campaign committee of a candidate for the office of 72793  
governor, lieutenant governor, secretary of state, auditor of 72794  
state, treasurer of state, attorney general, member of the state 72795  
board of education, or member of the general assembly. 72796

(2) No state candidate fund, legislative campaign fund, or 72797  
campaign committee of a candidate for any office described in 72798  
division (T) (1) (c) of this section shall knowingly accept a 72799  
contribution in violation of division (T) (1) of this section. 72800

(U) No person shall fail to file a statement required 72801  
under section 3517.12 of the Revised Code. 72802

(V) No campaign committee shall fail to file a statement 72803  
required under division (K) (3) of section 3517.10 of the Revised 72804  
Code. 72805

(W) (1) No foreign national shall, directly or indirectly 72806  
through any other person or entity, make a contribution, 72807  
expenditure, or independent expenditure or promise, either 72808  
expressly or implicitly, to make a contribution, expenditure, or 72809  
independent expenditure in support of or opposition to a 72810  
candidate for any elective office in this state, including an 72811  
office of a political party. 72812

(2) No candidate, campaign committee, political action 72813  
committee, political contributing entity, legislative campaign 72814  
fund, state candidate fund, political party, or separate 72815  
segregated fund shall solicit or accept a contribution, 72816  
expenditure, or independent expenditure from a foreign national. 72817  
The secretary of state may direct any candidate, committee, 72818  
entity, fund, or party that accepts a contribution, expenditure, 72819  
or independent expenditure in violation of this division to 72820  
return the contribution, expenditure, or independent expenditure 72821  
or, if it is not possible to return the contribution, 72822  
expenditure, or independent expenditure, then to return instead 72823  
the value of it, to the contributor. 72824

(3) As used in division (W) of this section, 72825  
"foreignnational" has the same meaning as in section 441e(b) of 72826  
the Federal Election Campaign Act. 72827

(X) (1) No state or county political party shall transfer 72828  
any moneys from its restricted fund to any account of the 72829

political party into which contributions may be made or from 72830  
which contributions or expenditures may be made. 72831

(2) (a) No state or county political party shall deposit a 72832  
contribution or contributions that it receives into its 72833  
restricted fund. 72834

(b) No state or county political party shall make a 72835  
contribution or an expenditure from its restricted fund. 72836

(3) (a) No corporation or labor organization shall make a 72837  
gift or gifts from the corporation's or labor organization's 72838  
money or property aggregating more than ten thousand dollars to 72839  
any one state or county political party for the party's 72840  
restricted fund in a calendar year. 72841

(b) No state or county political party shall accept a gift 72842  
or gifts for the party's restricted fund aggregating more than 72843  
ten thousand dollars from any one corporation or labor 72844  
organization in a calendar year. 72845

(4) No state or county political party shall transfer any 72846  
moneys in the party's restricted fund to any other state or 72847  
county political party. 72848

(5) No state or county political party shall knowingly 72849  
fail to file a statement required under section 3517.1012 of the 72850  
Revised Code. 72851

~~(Y)~~(Y) (1) No political action committee or political 72852  
contributing entity that accepts a contribution from a 72853  
corporation or labor organization shall knowingly make a 72854  
contribution to a candidate, campaign committee, political 72855  
party, or legislative campaign fund. 72856

(2) No political action committee or political 72857

contributing entity that accepts a contribution from a 72858  
corporation or labor organization shall knowingly make a 72859  
contribution to a political action committee or political 72860  
contributing entity, other than to a political action committee 72861  
or political contributing entity that makes only independent 72862  
expenditures and contributions to political action committees or 72863  
political contributing entities that make only independent 72864  
expenditures. 72865

(3) No candidate, campaign committee, political party, 72866  
legislative campaign fund, political action committee, or 72867  
political contributing entity shall knowingly accept a 72868  
contribution in violation of division (Y)(1) or (2) of this 72869  
section. 72870

(Z) The administrator of workers' compensation and the 72871  
employees of the bureau of workers' compensation shall not 72872  
conduct any business with or award any contract, other than one 72873  
awarded by competitive bidding, for the purchase of goods 72874  
costing more than five hundred dollars or services costing more 72875  
than five hundred dollars to any individual, partnership, 72876  
association, including, without limitation, a professional 72877  
association organized under Chapter 1785. of the Revised Code, 72878  
estate, or trust, if the individual has made, or the 72879  
individual's spouse has made, or any partner, shareholder, 72880  
administrator, executor, or trustee, or the spouses of any of 72881  
those individuals has made, as an individual, within the two 72882  
previous calendar years, one or more contributions totaling in 72883  
excess of one thousand dollars to the campaign committee of the 72884  
governor or lieutenant governor or to the campaign committee of 72885  
any candidate for the office of governor or lieutenant governor. 72886

~~(Z)~~ (AA) The administrator of workers' compensation and 72887

the employees of the bureau of workers' compensation shall not 72888  
conduct business with or award any contract, other than one 72889  
awarded by competitive bidding, for the purchase of goods 72890  
costing more than five hundred dollars or services costing more 72891  
than five hundred dollars to a corporation or business trust, 72892  
except a professional association organized under Chapter 1785. 72893  
of the Revised Code, if an owner of more than twenty per cent of 72894  
the corporation or business trust, or the spouse of the owner, 72895  
has made, as an individual, within the two previous calendar 72896  
years, taking into consideration only owners for all of such 72897  
period, one or more contributions totaling in excess of one 72898  
thousand dollars to the campaign committee of the governor or 72899  
lieutenant governor or to the campaign committee of any 72900  
candidate for the office of governor or lieutenant governor. 72901

**Sec. ~~3517.152~~ 3517.14.** (A) (1) There is ~~hereby created in~~ 72902  
the office of the secretary of state the Ohio elections-election 72903  
integrity commission, consisting of ~~seven~~ the following five 72904  
members: 72905

(a) A chairperson appointed by the secretary of state; 72906

(b) One member appointed by the speaker of the house of 72907  
representatives; 72908

(c) One member appointed by the minority leader of the 72909  
house of representatives; 72910

(d) One member appointed by the president of the senate; 72911

(e) One member appointed by the senate minority leader. 72912

~~Not later than forty-five days after August 24, 1995, the~~ 72913  
~~speaker of the house of representatives and the leader in the~~ 72914  
~~senate of the political party of which the speaker is a member~~ 72915  
~~shall jointly submit to the governor a list of five persons who~~ 72916

~~are affiliated with that political party. Not later than forty-~~ 72917  
~~five days after August 24, 1995, the two legislative leaders in-~~ 72918  
~~the two houses of the general assembly of the major political-~~ 72919  
~~party of which the speaker is not a member shall jointly submit-~~ 72920  
~~to the governor a list of five persons who are affiliated with-~~ 72921  
~~the major political party of which the speaker is not a member.~~ 72922  
~~Not later than fifteen days after receiving each list, the-~~ 72923  
~~governor shall appoint three persons from each list to the-~~ 72924  
~~commission. The governor shall appoint one person from each list~~ 72925  
~~to a term that ends on December 31, 1996, one person from each-~~ 72926  
~~list to a term that ends on December 31, 1997, and one person-~~ 72927  
~~from each list to a term that ends on December 31, 1998.~~ 72928

~~Not later than thirty days after the governor appoints-~~ 72929  
~~these six members, they shall, by a majority vote, appoint to-~~ 72930  
~~the commission a seventh member, who shall not be affiliated-~~ 72931  
~~with a political party. If the six members fail to appoint the-~~ 72932  
~~seventh member within this thirty-day period, the chief justice-~~ 72933  
~~of the supreme court, not later than thirty days after the end-~~ 72934  
~~of the period during which the six members were required to-~~ 72935  
~~appoint a member, shall appoint the seventh member, who shall-~~ 72936  
~~not be affiliated with a political party. The seventh member-~~ 72937  
~~shall be appointed to a term that ends on December 31, 2001.-~~ 72938  
~~Terms of the initial members appointed under this division begin~~ 72939  
~~on January 1, 1996.~~ 72940

~~(2) (a) If a vacancy occurs in the position of the seventh-~~ 72941  
~~member, who is not affiliated with a political party, the six-~~ 72942  
~~remaining members by a majority vote shall appoint, not later-~~ 72943  
~~than forty-five days after the date of the vacancy, the seventh-~~ 72944  
~~member of the commission, who shall not be affiliated with a-~~ 72945  
~~political party. If these members fail to appoint the seventh-~~ 72946  
~~member within this forty-five-day period, the chief justice of-~~ 72947

~~the supreme court, within fifteen days after the end of this~~ 72948  
~~period, shall appoint the seventh member, who shall not be~~ 72949  
~~affiliated with a political party.~~ 72950

~~(b) If a vacancy occurs in any of the other six positions~~ 72951  
~~on the commission, the legislative leaders of the political~~ 72952  
~~party from whose list of persons the member being replaced was~~ 72953  
~~appointed shall submit to the governor, not later than thirty~~ 72954  
~~days after the date of the vacancy, a list of three persons who~~ 72955  
~~are affiliated with that political party. Not later than fifteen~~ 72956  
~~days after receiving the list, the governor, with the advice and~~ 72957  
~~consent of the senate, shall appoint one person from the list to~~ 72958  
~~the commission.~~ 72959

~~(3) (a) For the purpose of appointing alternates to the~~ 72960  
~~commission, not later than forty-five days after the effective~~ 72961  
~~date of this section, the speaker of the house of~~ 72962  
~~representatives and the leader in the senate of the political~~ 72963  
~~party of which the speaker is a member shall jointly submit to~~ 72964  
~~the governor a list of three persons who are affiliated with~~ 72965  
~~that political party. Not later than forty-five days after the~~ 72966  
~~effective date of this section, the two legislative leaders in~~ 72967  
~~the two houses of the general assembly of the major political~~ 72968  
~~party of which the speaker is not a member shall jointly submit~~ 72969  
~~to the governor a list of three persons who are affiliated with~~ 72970  
~~the major political party of which the speaker is not a member.~~ 72971  
~~Not later than fifteen days after receiving each list, the~~ 72972  
~~governor shall appoint one person from each list as an alternate~~ 72973  
~~to the commission to a term that ends on December 31, 2026. The~~ 72974  
~~initial term described in this division begins upon appointment~~ 72975  
~~by the governor. If a vacancy occurs in the position of~~ 72976  
~~alternate under this division, the vacancy shall be filled in~~ 72977  
~~the same manner as described in division (A) (2) (b) of this~~ 72978

~~section.~~ 72979

~~(b) For the purpose of appointing an alternate for the seventh member who is not affiliated with a political party, the six members who are affiliated with a political party by a majority vote shall appoint, not later than forty-five days after the effective date of this amendment, the alternate for the seventh member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the alternate for the seventh member within this forty-five-day period, the chief justice of the supreme court, within fifteen days after the end of that period, shall appoint the alternate for the seventh member, who shall not be affiliated with a political party. The seventh member shall be appointed to a term that ends on December 31, 2026. The initial term described in this division begins upon the appointment of the alternate. If a vacancy occurs in the position of alternate for the seventh member who is not affiliated with a political party, the vacancy shall be filled in the same manner as described in division (A) (2) (a) of this section.~~ 72980  
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~~(4) At no time shall more than six members of the commission be affiliated with a political party, and, of these six members, not more than three shall be affiliated with the same political party.~~ 72998  
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~~(5) In making appointments to the commission, including alternates, the governor shall take into consideration the various geographic areas of this state and shall appoint members and alternates so that those areas are represented on the commission in a balanced manner, to the extent feasible.~~ 73002  
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~~(6) Members and alternates~~ (2) (a) The chairperson of the commission shall be a registered elector to whom at least one of 73007  
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the following applies: 73009

(i) The person is an attorney in good standing before the 73010  
supreme court of Ohio. 73011

(ii) The person has at least four years of work experience 73012  
in election administration. 73013

(b) Each member of the commission appointed by a member of 73014  
the general assembly shall be a registered electors and shall be 73015  
of good moral character elector to whom at least one of the 73016  
following applies: 73017

(i) The person is an attorney in good standing before the 73018  
supreme court of Ohio. 73019

(ii) The person has at least four years of work experience 73020  
in election administration. 73021

(iii) The person has appeared on the ballot at a general 73022  
election as a candidate for election to an office, other than 73023  
the office of presidential elector. 73024

~~(7) Alternates shall serve on the commission when a member~~ 73025  
~~of the commission is recused from hearing a complaint or is~~ 73026  
~~otherwise unable to hear a complaint. Alternates shall serve on~~ 73027  
~~the commission during a vacancy until the vacancy is filled. An~~ 73028  
~~alternate may only serve in lieu of a member affiliated with the~~ 73029  
~~same political party as the alternate. The alternate for the~~ 73030  
~~unaffiliated seventh member of the commission may only serve in~~ 73031  
~~lieu of the unaffiliated seventh member of the commission. When~~ 73032  
~~serving in this capacity, alternates count as members of the~~ 73033  
~~commission for the purpose of constituting a quorum under~~ 73034  
~~division (C) (3) of this section.~~ 73035

(3) The members of the commission appointed under 73036

divisions (A) (1) (a), (c), and (d) of this section shall serve 73037  
initial terms of four years beginning on January 1, 2026, and 73038  
the members appointed under divisions (A) (1) (b) and (e) of this 73039  
section shall serve initial terms of two years beginning on 73040  
January 1, 2026. Thereafter, all terms shall be four years. 73041

(B) ~~Each member and alternate of the Ohio elections-~~ 73042  
~~commission shall hold office from the date of the member's~~ 73043  
~~appointment until the end of the term for which the member was~~ 73044  
~~appointed. A member appointed to fill a vacancy occurring prior~~ 73045  
~~to the expiration of the term for which the member's predecessor~~ 73046  
~~was appointed shall hold office for the remainder of that term.~~ 73047  
~~A member shall continue in office subsequent to the expiration~~ 73048  
~~date of the member's term until the member's successor takes~~ 73049  
~~office or until a period of sixty days has elapsed, whichever~~ 73050  
~~occurs first. After the initial terms of office provided for in-~~ 73051  
~~divisions (A) (1) and (3) of this section, terms of office shall-~~ 73052  
~~be for five years.~~ 73053

(C) A vacancy ~~in-on~~ the Ohio elections-commission may be 73054  
caused by death, or resignation, ~~or three absences from-~~ 73055  
~~commission meetings in a calendar year if those absences are-~~ 73056  
~~caused by reasons declared invalid by a vote of five members of-~~ 73057  
~~the remaining members of the commission~~ by removal under division 73058  
(I) of this section. Any vacancy shall be filled in the same 73059  
manner as for the original appointment. 73060

(D) Each member of the Ohio elections-commission while in 73061  
the performance of the business of the commission shall be 73062  
entitled to receive compensation at the rate of ~~twenty-five-five~~ 73063  
thousand dollars per year. Members shall be reimbursed for 73064  
expenses actually and necessarily incurred in the performance of 73065  
their duties. 73066

~~Each alternate of the Ohio elections commission, when  
serving on the commission as described in division (A) (7) of  
this section, shall be paid at the per diem rate of one hundred-  
fifty dollars, and shall be reimbursed for expenses actually and  
necessarily incurred in the performance of the alternate's  
duties.~~

(E) ~~No member of the Ohio elections commission shall serve  
for more than one full term unless the terms served are served  
noneconsecutively~~ two successive terms of four years. Terms are  
considered successive unless separated by a period of at least  
four years. In determining a person's eligibility to be a member  
of the commission, all of the following apply:

(1) Time spent as a member in fulfillment of a term to  
which another person was first appointed shall not be  
considered, provided that a period of at least four years has  
passed between the time, if any, when the person previously was  
a member and the time the person is appointed to fulfill the  
unexpired term.

(2) A person who is appointed to serve a full term and  
resigns before completing the term is considered to have served  
the full term.

(3) A two year term served under division (A) (3) of this  
section is considered a full term of four years.

(F) (1) ~~No member or alternate of the Ohio elections-  
election integrity commission shall do or be any of the  
following:~~

(a) Hold, or be a candidate for, a public office;

(b) Serve on a committee supporting or opposing a  
candidate or ballot question or issue;

(c) Be an officer of the state central committee, a county central committee, or a district, city, township, or other committee of a political party or an officer of the executive committee of the state central committee, a county central committee, or a district, city, township, or other committee of a political party; 73096  
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(d) Be a legislative agent as defined in section 101.70 of the Revised Code or an executive agency lobbyist as defined in section 121.60 of the Revised Code; 73102  
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(e) Solicit or be involved in soliciting contributions on behalf of a candidate, campaign committee, political party, political action committee, or political contributing entity; 73105  
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(f) Be in the unclassified service under section 124.11 of the Revised Code; 73108  
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(g) Be a person or employee who is excluded from the definition of public employee pursuant to division (C) of section 4117.01 of the Revised Code. 73110  
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(2) No member, alternate, or employee of the commission shall make a contribution to, or for the benefit of, a campaign committee or committee in support of or opposition to a ballot question or issue, a political party, a legislative campaign fund, a political action committee, or a political contributing entity. 73113  
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~~(G) (1) The members of the Ohio elections commission shall elect a chairperson and a vice-chairperson. At no time shall the chairperson and vice-chairperson be affiliated with the same political party. The chairperson shall serve in that capacity for one year and shall not serve as chairperson more than twice during a term as a member of the commission. No two successive~~ 73119  
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~~chairpersons shall be affiliated with the same political party.~~ 73125

~~(2)~~ The commission shall meet at the call of the 73126  
chairperson or upon the written request of a majority of the 73127  
members. The meetings and hearings of the commission ~~or a panel~~ 73128  
~~of the commission~~ under sections ~~3517.153 to 3517.157~~ 3517.15 to 73129  
3517.18 of the Revised Code are subject to section 121.22 of the 73130  
Revised Code. 73131

~~(3)~~ (2) The commission shall adopt rules for its 73132  
procedures in accordance with Chapter 119. of the Revised Code. 73133  
~~Five~~ Four of the ~~seven~~ five members constitute a quorum. Except 73134  
as otherwise provided in this section and in sections ~~3517.154-~~ 73135  
~~to 3517.157~~ 3517.15 to 3517.18 of the Revised Code, no action 73136  
shall be taken without the concurrence of a majority of the 73137  
members. 73138

~~(H)(1)~~ (H) The Ohio elections commission secretary of 73139  
state shall employ the technical, professional, and clerical 73140  
employees that are necessary for ~~it~~ the commission to carry out 73141  
its duties, and the attorney general shall provide legal counsel 73142  
to the commission upon the commission's request. 73143

~~(2)(a)~~ Notwithstanding ~~section 109.02~~ of the Revised Code, 73144  
the commission shall employ a full-time attorney, and, as 73145  
needed, one or more investigatory attorneys to conduct 73146  
~~investigations for the commission or a panel of the commission.~~ 73147  
~~The commission may employ or contract for the services of~~ 73148  
~~additional attorneys, as needed. The full-time attorney shall do~~ 73149  
~~all of the following:~~ 73150

~~(i)~~ Serve as the commission's attorney in regard to all 73151  
legal matters, including representing the commission at appeals 73152  
from a final determination of the commission, except that the 73153

~~full-time attorney shall not perform the duties that an  
investigatory attorney is required or requested to perform or  
that another attorney the commission employs or contracts with  
for services is required or requested to perform, and shall not  
represent the commission in any legal proceeding in which the  
commission is a named party;~~ 73154  
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~~(ii) At the request of the commission or a panel of the  
commission, be present at a hearing held under sections 3517.154  
to 3517.156 of the Revised Code to rule on the admissibility of  
evidence and to advise on the conduct of procedure;~~ 73160  
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~~(iii) Perform other duties as required by rule of the  
commission.~~ 73164  
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~~(b) An attorney employed by or under contract with the  
commission shall be licensed to practice law in this state.~~ 73166  
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~~(3) (a) Except as otherwise provided in division (H) (3) (b)  
of this section, at least five members of the commission shall  
agree on the employment of a person, a majority of the members  
shall agree on the discharge of an employee, and a person  
employed by the commission shall serve at the pleasure of the  
commission.~~ 73168  
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~~(b) At least five of the seven members shall agree on the  
discharge of an investigatory attorney.~~ 73174  
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~~(I) There is hereby created in the state treasury the Ohio  
elections commission fund. All moneys credited to the fund shall  
be used solely for the purpose of paying expenses related to the  
operation of the Ohio elections commission.~~ (I) (1) The secretary  
of state, the speaker or minority leader of the house of  
representatives, or the president or minority leader of the  
senate may file a complaint in the supreme court of Ohio, 73176  
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seeking the removal of a member of the commission on any of the 73183  
following grounds: 73184

(a) That the member does not meet the applicable 73185  
requirements of division (A) (2) of this section; 73186

(b) That the member has violated division (F) of this 73187  
section; 73188

(c) That the member has been absent from three or more 73189  
meetings of the commission in a calendar year; 73190

(d) That the member is guilty of misconduct in office, as 73191  
described in section 3.07 of the Revised Code. 73192

(2) The court shall hear a complaint filed with it under 73193  
division (I) (1) of this section on an expedited basis. If the 73194  
court determines that the charges in the complaint are true, the 73195  
court shall order the member removed from the commission, and 73196  
the seat shall be considered vacant. 73197

**Sec. ~~3517.153~~ 3517.15.** ~~(A) Upon the filing of a complaint~~ 73198  
~~with the Ohio elections commission, which shall be made by~~ 73199  
~~affidavit of any person, on personal knowledge, and subject to~~ 73200  
~~the penalties for perjury, or upon the filing of a complaint~~ 73201  
~~made by the secretary of state or an official at the board of~~ 73202  
~~elections, setting forth a failure to comply with or a violation~~ 73203  
~~of any provision in sections 3517.08 to 3517.13, 3517.20 to~~ 73204  
~~3517.22, 3599.03, or 3599.031 of the Revised Code, the~~ 73205  
~~commission shall proceed in accordance with sections 3517.154 to~~ 73206  
~~3517.157 of the Revised Code.~~ 73207

~~(B) The commission shall prescribe the form for complaints~~ 73208  
~~made under division (A) of this section. The secretary of state~~ 73209  
~~and boards of elections shall furnish the information that the~~ 73210  
~~commission requests. The commission or a member of the~~ 73211

~~commission may administer oaths, and the commission may issue  
subpoenas to any person in the state compelling the attendance  
of witnesses and the production of relevant papers, books,  
accounts, and reports. Section 101.42 of the Revised Code  
governs the issuance of subpoenas insofar as applicable. Upon  
the refusal of any person to obey a subpoena or to be sworn or  
to answer as a witness, the commission may apply to the court of  
common pleas of Franklin county under section 2705.03 of the  
Revised Code. The court shall hold proceedings in accordance  
with Chapter 2705. of the Revised Code.~~

~~(C)~~ No prosecution shall commence for a violation of a  
provision in sections 145.054, 742.043, 3307.073, 3309.073,  
3501.35, 3517.08 to 3517.12, 3517.13, 3517.17, 3517.18, 3517.20  
to 3517.22, 3599.03, ~~or~~ 3599.031, 3599.13, 3599.14, 3599.21, or  
5505.045, division (A) of section 3599.11, or division (A) (1) or  
(2) of section 3599.12 of the Revised Code unless a complaint  
has been filed with the ~~commission~~ secretary of state under ~~this~~  
section 3517.16 of the Revised Code and all proceedings ~~of the~~  
~~commission or a panel of the commission, as appropriate,~~ under  
sections ~~3517.154 to 3517.157~~ 3517.16 to 3517.18 of the Revised  
Code are completed.

~~(D)~~ (B) (1) The Ohio election integrity commission shall  
hear all matters referred to the commission by the secretary of  
state under division (E) (3) of section 3517.16 of the Revised  
Code.

(2) The commission may recommend legislation and render  
advisory opinions concerning ~~sections 3517.08, 3517.082,~~  
~~3517.092, 3517.102, 3517.105, 3517.1014, 3517.13, 3517.20 to~~  
~~3517.22, 3599.03, and 3599.031~~ the provisions of the Revised  
Code listed in division (A) of this section for persons over

whose acts ~~it~~ the commission has or may have jurisdiction. When 73242  
the commission renders an advisory opinion relating to a 73243  
specific set of circumstances involving any of those sections 73244  
stating that there is no violation of a provision in those 73245  
sections, the person to whom the opinion is directed or a person 73246  
who is similarly situated may reasonably rely on the opinion and 73247  
is immune from criminal prosecution and a civil action, 73248  
including, without limitation, a civil action for removal from 73249  
public office or employment, based on facts and circumstances 73250  
covered by the opinion. An advisory opinion issued by the Ohio 73251  
elections commission that is in effect as of the effective date 73252  
of this amendment is considered an advisory opinion of the Ohio 73253  
election integrity commission, unless and until the Ohio 73254  
election integrity commission amends or rescinds the advisory 73255  
opinion. 73256

~~(E)~~ 73257

(C) The secretary of state and the boards of elections 73258  
shall furnish the information that the commission requests. The 73259  
commission or a member of the commission may administer oaths, 73260  
and the commission may issue subpoenas to any person in the 73261  
state compelling the attendance of witnesses and the production 73262  
of relevant papers, books, accounts, and reports. Section 101.42 73263  
of the Revised Code governs the issuance of subpoenas insofar as 73264  
applicable. Upon the refusal of any person to obey a subpoena or 73265  
to be sworn or to answer as a witness, the commission may apply 73266  
to the court of common pleas of Franklin county under section 73267  
2705.03 of the Revised Code. The court shall hold proceedings in 73268  
accordance with Chapter 2705. of the Revised Code. 73269

(D) The Ohio election integrity commission shall establish 73270  
a web site on which it shall post, at a minimum, all decisions 73271

and advisory opinions issued by the commission, all decisions 73272  
and advisory opinions issued by the Ohio elections commission 73273  
before the effective date of this amendment, and copies of each 73274  
election law as it is amended by the general assembly. The Ohio 73275  
election integrity commission shall update the web site 73276  
regularly to reflect any changes to those decisions and advisory 73277  
opinions and any new decisions and advisory opinions. 73278

**Sec. ~~3517.154~~ 3517.16.** (A) (1) 73279

~~The full-time~~ Any person who has personal knowledge of a 73280  
violation of a provision of the Revised Code listed in division 73281  
(A) of section 3517.15 of the Revised Code may file a complaint 73282  
with the secretary of state, on a form prescribed by the 73283  
secretary of state and signed under penalty of perjury. 73284

(2) The secretary of state or an official at a board of 73285  
elections may file a complaint with the secretary of state, on a 73286  
form prescribed by the secretary of state and signed under 73287  
penalty of perjury, alleging a violation of a provision of the 73288  
Revised Code listed in division (A) of section 3517.15 of the 73289  
Revised Code. 73290

(B) Subject to division (G) of this section, the secretary 73291  
of state shall designate an attorney for in good standing before 73292  
the supreme court of Ohio elections commission shall to review 73293  
each complaint filed with the commission secretary of state 73294  
under division (A) of this section ~~3517.153~~ of the Revised Code, 73295  
shall determine the nature of the complaint, and, unless 73296  
division (A) (2) (a) of this section requires that the complaint 73297  
receive an automatic expedited hearing, shall make a 73298  
recommendation to the commission for its disposition, in 73299  
accordance with this section. The attorney shall make the 73300  
determination and the recommendation, if required, not later 73301

~~than one business day after the complaint is filed.~~ 73302

~~(2) (a) If the attorney determines that the complaint sets forth a violation of division (B) of section 3517.21 or division (B) of section 3517.22 of the Revised Code and that the complaint is filed during one of the periods of time specified in division (B) (1) of section 3517.156 of the Revised Code, the complaint shall receive an automatic expedited hearing under section 3517.156 of the Revised Code.~~ 73303  
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~~(b) If the attorney determines that the complaint sets forth a failure to comply with or a violation of division (C), (I), (J), (O), (P), or (Q) of section 3517.13, division (A) of section 3517.21, or division (A) of section 3517.22 of the Revised Code and that the complaint is filed during one of the periods of time specified in division (B) (1) of section 3517.156 of the Revised Code, the attorney shall recommend to the commission that the complaint receive an expedited hearing under section 3517.156 of the Revised Code, and the complaint shall receive such a hearing.~~ 73310  
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~~(c) If the attorney determines that the complaint sets forth a failure to comply with or a violation of a section of the Revised Code over which the commission has jurisdiction to hear complaints other than the sections described in divisions (A) (2) (a) and (b) of this section, and unless the attorney makes a determination as provided for in division (A) (3) of this section, the attorney shall recommend to the commission that the complaint be submitted to the commission under section 3517.155 of the Revised Code. After the attorney makes that recommendation, the attorney shall notify all parties to the complaint of the attorney's recommendation.~~ 73320  
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~~(3) (a) If a complaint sets forth a failure to comply with~~ 73331

~~or a violation of a section of the Revised Code over which the~~ 73332  
~~commission has jurisdiction to hear complaints other than the~~ 73333  
~~sections described in divisions (A) (2) (a) and (b) of this~~ 73334  
~~section and if the complaint is filed during one of the periods~~ 73335  
~~of time specified in division (B) (1) of section 3517.156 of the~~ 73336  
~~Revised Code, the attorney may determine that the complaint~~ 73337  
~~should receive an expedited hearing under that section. The~~ 73338  
~~attorney shall make that determination by considering one or~~ 73339  
~~more of the following:~~ 73340

~~(i) The number of prior failures to comply with or~~ 73341  
~~violations of Title XXXV of the Revised Code that the person or~~ 73342  
~~entity against whom the complaint has been brought has committed~~ 73343  
~~and any prior penalties the commission has imposed on the person~~ 73344  
~~or entity;~~ 73345

~~(ii) If the complaint involves a statement required to be~~ 73346  
~~filed under section 3517.10, division (E) of section 3517.102,~~ 73347  
~~or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011,~~ 73348  
~~3517.1012, or 3517.1014 of the Revised Code or an addendum~~ 73349  
~~required to be filed under section 3517.11 of the Revised Code~~ 73350  
~~that is filed late, how late the filing is and how much time has~~ 73351  
~~elapsed between the deadline for filing the statement or~~ 73352  
~~addendum and the filing of the complaint;~~ 73353

~~(iii) If the complaint involves contributions and~~ 73354  
~~expenditures, contributions and disbursements, deposits and~~ 73355  
~~disbursements, gifts and disbursements, or donations and~~ 73356  
~~disbursements required to be reported under section 3517.10,~~ 73357  
~~division (E) of section 3517.102, or section 3517.105, 3517.107,~~ 73358  
~~3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or~~ 73359  
~~3517.1014 of the Revised Code that are either not reported or~~ 73360  
~~reported late, the number of contributions and expenditures,~~ 73361

~~contributions and disbursements, deposits and disbursements, 73362  
gifts and disbursements, or donations and disbursements not 73363  
reported or how late they were reported; 73364~~

~~(iv) If the complaint involves contributions required to 73365  
be reported by a campaign committee under section 3517.10, 73366  
division (E) of section 3517.102, or section 3517.105, 3517.107, 73367  
3517.108, or 3517.109 of the Revised Code that are not reported, 73368  
whether any of the contributors of the contributions not 73369  
reported have a personal or professional relationship with the 73370  
campaign committee's candidate; 73371~~

~~(v) If the complaint involves a statement required to be 73372  
filed under section 3517.10, division (E) of section 3517.102, 73373  
or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 73374  
3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is 73375  
incomplete, the degree to which it is incomplete; 73376~~

~~(vi) If the complaint involves the receipt of 73377  
contributions in violation of section 3599.03 of the Revised 73378  
Code, the dollar amount and number of contributions received in 73379  
violation of that section; 73380~~

~~(vii) If the complaint involves a failure to make the 73381  
identification or a misstatement of the identification required 73382  
under section 3517.105 or 3517.20 of the Revised Code, whether 73383  
the failure or misstatement was purposely made; 73384~~

~~(viii) If the complaint sets forth a failure to comply 73385  
with or a violation of a section of the Revised Code described 73386  
in division (A) (2) (c) of this section, whether the person or 73387  
entity against whom the complaint has been made has committed 73388  
more than one such failure or violation within a reasonable 73389  
amount of time, or whether the cumulative nature of the failures 73390~~

~~or violations indicates a systematic disregard for the law.~~ 73391

~~(b) Prior to making a determination under division (A) (3) 73392  
(a) of this section that the complaint should receive an 73393  
expedited hearing under section 3517.156 of the Revised Code, 73394  
the attorney shall take into consideration the number of panels 73395  
of the commission that have cases pending before them and the 73396  
number of cases pending before the panels and shall not make a 73397  
determination that will place an undue burden on a panel of the 73398  
commission. 73399~~

~~(c) If the attorney determines that the complaint should 73400  
receive an expedited hearing under section 3517.156 of the 73401  
Revised Code, the attorney shall recommend to the commission 73402  
that the complaint receive an expedited hearing, and, if a 73403  
majority of the members of the commission agrees with the 73404  
recommendation, the complaint shall receive an expedited hearing 73405  
under that section. 73406~~

~~(4) (C) (1) Upon the filing of a complaint, the attorney 73407  
shall review the complaint. If the complaint does not allege a 73408  
violation of a provision of the Revised Code listed in division 73409  
(A) of section 3517.15 of the Revised Code or, in the case of a 73410  
complaint filed under division (A) (1) of this section, is not 73411  
based on personal knowledge, the secretary of state shall 73412  
dismiss the complaint. Except as otherwise provided in division 73413  
(C) (2) of this section, a dismissal under this division is 73414  
without prejudice. 73415~~

~~(2) After a complaint is dismissed under division (C) (1) 73416  
of this section on the ground that the complaint is not based on 73417  
personal knowledge, if the same person files another complaint 73418  
alleging the same or a substantially similar violation and the 73419  
complaint is not based on personal knowledge, the secretary of 73420~~

state shall dismiss the complaint with prejudice. 73421

(D) If the complaint is not dismissed under division (C) 73422  
of this section, the attorney shall notify the person who is 73423  
alleged to have committed the violation of the complaint and 73424  
afford the person an opportunity for a hearing in accordance 73425  
with Chapter 119. of the Revised Code. After holding any 73426  
hearing, the attorney shall draft a report and recommend that 73427  
the secretary of state make a finding and, if applicable, impose 73428  
a fine or refer the matter for prosecution, in accordance with 73429  
section 3517.17 of the Revised Code. 73430

(E) The attorney may join two or more complaints if the 73431  
attorney determines that the allegations in each complaint are 73432  
of the same or similar character, are based on the same act or 73433  
failure to act, or are based on two or more acts or failures to 73434  
act constituting parts of a common scheme or plan. If one 73435  
complaint contains two or more allegations, the attorney may 73436  
separate the allegations if they are not of the same or similar 73437  
character, if they are not based on the same act or failure to 73438  
act, or if they are not based on two or more acts or failures to 73439  
act constituting parts of a common scheme or plan. If the 73440  
attorney separates the allegations in a complaint, the attorney 73441  
may make separate recommendations under division (A) (2) or (3) 73442  
(D) of this section for each allegation. 73443

~~(B) Whenever a person or other entity files a complaint~~ 73444  
~~with the commission setting forth a failure to comply with or a~~ 73445  
~~violation of a section of the Revised Code as described in~~ 73446  
~~division (A) (2) (c) of this section and the complaint is filed~~ 73447  
~~during one of the periods of time specified in division (B) (1)~~ 73448  
~~of section 3517.156 of the Revised Code, the person or entity~~ 73449  
~~may request an expedited hearing under that section at the time~~ 73450

~~the complaint is filed. The attorney for the commission shall~~ 73451  
~~inform the members of the commission of that request at the time~~ 73452  
~~the attorney makes a recommendation under division (A) of this~~ 73453  
~~section. The commission may grant the request for an expedited~~ 73454  
~~hearing under this division if it determines that an expedited~~ 73455  
~~hearing is practicable.~~ (F) (1) Upon receiving the recommendation 73456  
of the attorney under division (D) of this section, the 73457  
secretary of state shall review the report and recommendation 73458  
and shall do one of the following: 73459

(a) Refer the matter back to the attorney for further 73460  
investigation and a revised recommendation under division (D) of 73461  
this section; 73462

(b) Make a finding in accordance with section 3517.17 of 73463  
the Revised Code, and, if applicable, impose a fine or refer the 73464  
matter for prosecution. 73465

(2) The secretary of state shall send notice of the 73466  
secretary of state's decision under division (F) (1) (b) of this 73467  
section to the person who is alleged to have committed the 73468  
violation by certified mail. 73469

(3) If, within fourteen days after receiving the notice, 73470  
the person objects to the secretary of state's decision, the 73471  
secretary of state shall not impose a fine or refer the matter 73472  
for prosecution, and shall refer the matter to the Ohio election 73473  
integrity commission for its determination under section 3517.17 73474  
of the Revised Code. 73475

(4) If the person does not object to the secretary of 73476  
state's decision within fourteen days after receiving the 73477  
notice, the secretary of state's decision is final and, if 73478  
applicable, the secretary of state shall impose a fine or refer 73479

<u>the matter for prosecution as determined under division (F) (1)</u>	73480
<u>(b) of this section.</u>	73481
<u>(G) (1) If any of the following apply to a complaint, the</u>	73482
<u>secretary of state shall proceed under division (G) (2) of this</u>	73483
<u>section:</u>	73484
<u>(a) The secretary of state is a party to the complaint.</u>	73485
<u>(b) A candidate for an office for which the secretary of</u>	73486
<u>state is also a candidate is a party to the complaint or is</u>	73487
<u>otherwise involved in the complaint.</u>	73488
<u>(c) The complaint involves a contribution, expenditure, or</u>	73489
<u>independent expenditure made to advocate the election or defeat</u>	73490
<u>of the secretary of state or a candidate for an office for which</u>	73491
<u>the secretary of state is also a candidate.</u>	73492
<u>(d) The secretary of state determines that the secretary</u>	73493
<u>of state otherwise has a conflict of interest with respect to</u>	73494
<u>the complaint or that the secretary of state should proceed</u>	73495
<u>under division (G) (2) of this section to avoid any appearance of</u>	73496
<u>impropriety.</u>	73497
<u>(2) Notwithstanding any contrary provision of divisions</u>	73498
<u>(B) to (F) of this section, when division (G) (1) of this section</u>	73499
<u>applies to a complaint, the secretary of state shall request the</u>	73500
<u>attorney general to appoint an attorney who is in good standing</u>	73501
<u>before the supreme court of Ohio to fulfill the duties of the</u>	73502
<u>attorney described in divisions (B) to (F) of this section. The</u>	73503
<u>attorney general shall appoint the attorney and shall fulfill</u>	73504
<u>the duties of the secretary of state under divisions (B) to (F)</u>	73505
<u>of this section.</u>	73506
<b>Sec. <del>3517.155</del> 3517.17.</b> (A) (1) Except as otherwise provided	73507
in division <del>(B)</del> <u>(A) (2)</u> of this section, upon the referral of a	73508

matter for a hearing under division (F) (3) of section 3517.16 of 73509  
the Revised Code, the Ohio elections—election integrity 73510  
commission shall hold its first hearing on a 73511  
appoint an attorney 73511  
in good standing before the supreme court of Ohio to review and 73512  
hear the complaint filed in accordance with it, other than a 73513  
complaint that receives an expedited hearing under section 73514  
3517.156 of the Revised Code, not later than ninety business 73515  
days after the complaint is filed unless the commission has good 73516  
cause to hold the hearing after that time, in which case it 73517  
shall hold the hearing not later than one hundred eighty 73518  
business days after the complaint is filedChapter 119. of the 73519  
Revised Code. At the hearing, the commissionThe attorney shall 73520  
draft a report and recommend that the commission make a finding 73521  
and, if applicable, impose a fine or refer the matter for 73522  
prosecution, in accordance with division (B) of this section. 73523

(2) Upon receiving the recommendation of the attorney 73524  
under division (A) (1) of this section, the commission shall 73525  
review the report and recommendation and shall do one of the 73526  
following: 73527

(a) Refer the matter back to the attorney for further 73528  
investigation and a revised recommendation under division (A) (1) 73529  
of this section; 73530

(b) Make a finding in accordance with division (B) of this 73531  
section and, if applicable, impose a fine or refer the matter 73532  
for prosecution. 73533

(B) (1) Except as otherwise provided in division (B) (2) of 73534  
this section, the secretary of state or the commission, as 73535  
applicable, shall determine by a preponderance of the evidence 73536  
whether or not the failure to act or the a violation alleged in 73537  
the a complaint has occurred and shall do only one of the 73538

following, ~~except as otherwise provided in division (B) of this~~ 73539  
~~section or in division (B) of section 3517.151 of the Revised~~ 73540  
Code: 73541

(a) ~~Enter a finding that good cause has been shown not to~~ 73542  
~~impose a fine or not to refer the matter to the appropriate~~ 73543  
~~prosecutor~~Find that no violation has occurred; 73544

(b) ~~Impose~~Find that a violation has occurred and impose a 73545  
fine under section ~~3517.993~~3517.171 of the Revised Code; 73546

(c) ~~Refer~~Find that a significant violation has occurred 73547  
or that repeated violations have occurred and refer the matter 73548  
to the appropriate prosecutor, ~~as determined under division (C)~~ 73549  
of this section. 73550

(2) ~~As used in~~In the case of a complaint that alleges a 73551  
violation of division (A) or (B) of section 3517.21 or division 73552  
(A) or (B) of section 3517.22 of the Revised Code, the secretary 73553  
of state or the commission, as applicable, shall determine by 73554  
clear and convincing evidence whether or not the violation has 73555  
occurred and shall do only one of the following: 73556

(a) Find that no violation has occurred; 73557

(b) Find that a violation has occurred and refer the 73558  
matter to the appropriate prosecutor, as determined under 73559  
division (C) of this section. 73560

(C) For purposes of division ~~(A)~~(B) of this section, "the 73561  
appropriate prosecutor" means is a prosecutor as defined in 73562  
section 2935.01 of the Revised Code and either of the following: 73563

~~(a)~~(1) In the case of a failure to comply with or a 73564  
violation of law involving a campaign committee or the 73565  
committee's candidate, a political party, a legislative campaign 73566

fund, a political action committee, or a political contributing 73567  
entity, that is required to file a statement of contributions 73568  
and expenditures with the secretary of state under division (A) 73569  
of section 3517.11 of the Revised Code, the prosecutor of 73570  
Franklin county; 73571

~~(b) (2) In the case of a failure to comply with or a 73572  
violation of law involving any other campaign committee or 73573  
committee's candidate, or any other political party, political 73574  
action committee, or political contributing entity either 73575  
person, one of the following as determined by the secretary of 73576  
state or the commission, as applicable: 73577~~

(i) The prosecutor of Franklin county; 73578

(ii) The prosecutor of the county in which the candidacy 73579  
or ballot question or issue, if applicable, is submitted to the 73580  
electors or, if it is submitted in more than one county, the 73581  
most populous of those counties; 73582

(iii) The prosecutor of the county in which the person 73583  
resides. 73584

~~(B) If the commission decides that the evidence is 73585  
insufficient for it to determine whether or not the failure to 73586  
act or the violation alleged in the complaint has occurred, the 73587  
commission, by the affirmative vote of five members, may request 73588  
that an investigatory attorney investigate the complaint. Upon 73589  
that request, an investigatory attorney shall make an 73590  
investigation in order to produce sufficient evidence for the 73591  
commission to decide the matter. If the commission requests an 73592  
investigation under this division, for good cause shown by the 73593  
investigatory attorney, the commission may extend by sixty days 73594  
the deadline for holding its first hearing on the complaint as 73595~~

~~required in division (A) of this section.~~ 73596

~~(C) The commission shall take one of the actions required under division (A) of this section not later than thirty days after the close of all the evidence presented.~~ 73597  
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~~(D) (1) The commission shall make any finding of a failure to comply with or a violation of law in regard to a complaint that alleges a violation of division (A) or (B) of section 3517.21, or division (A) or (B) of section 3517.22 of the Revised Code by clear and convincing evidence. The commission shall make any finding of a failure to comply with or a violation of law in regard to any other complaint by a preponderance of the evidence.~~ 73600  
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~~(2) If the commission finds a violation of division (B) of section 3517.21 or division (B) of section 3517.22 of the Revised Code, it shall refer the matter to the appropriate prosecutor under division (A) (1) (c) of this section and shall not impose a fine under division (A) (1) (b) of this section or section 3517.993 of the Revised Code.~~ 73608  
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~~(E) In an action before the commission or a panel of the commission, if (D) If the allegations of the complainant are not proved, and the secretary of state or the commission takes the action described in division (A) (1) (a) of this section or a panel of the commission takes the action described in division (C) (1) of section 3517.156 of the Revised Code, as applicable, determines that no violation has occurred, the secretary of state or the commission or a panel of the commission, as applicable, may find that the complaint is frivolous, and, if the commission or panel so finds, the commission shall order the complainant to pay reasonable attorney's fees and to pay the costs of the secretary of state or the commission or panel as~~ 73614  
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~~determined by a majority of the members of the commission, as~~ 73626  
~~applicable. The costs paid to the commission or panel under this~~ 73627  
~~division shall be deposited into the Ohio elections election~~ 73628  
~~integrity commission fund.~~ 73629

**Sec. ~~3517.993~~ 3517.171.** ~~This section authorizes the~~ 73630  
~~establishment of fines that may be imposed only with respect to~~ 73631  
~~acts or failures to act that occur on and after August 24, 1995.~~ 73632

(A) ~~Except as otherwise provided in division (D)(2) (D) of~~ 73633  
~~this section 3517.155 of the Revised Code, when section 3517.17~~ 73634  
~~of the Revised Code authorizes the imposition of an~~ 73635  
~~administrative fine, the secretary of state or the Ohio~~ 73636  
~~elections election integrity commission-, as applicable, may~~ 73637  
~~impose an administrative fines under division (A)(1)(b) of~~ 73638  
~~section 3517.155 of the Revised Code in accordance with the~~ 73639  
~~amounts set forth under sections 3517.992, 3599.03, and 3599.031~~ 73640  
~~of the Revised Code~~ fine of up to one thousand dollars for each 73641  
violation. 73642

~~(B) The commission may suspend all or part of a fine it~~ 73643  
~~imposes under this section upon whatever terms and conditions~~ 73644  
~~the commission considers just.~~ 73645

~~(C)(1) (B)(1) The secretary of state or the commission-,~~ 73646  
as applicable, shall consider any of the following circumstances 73647  
in determining whether to impose a maximum fine under division 73648  
(A) of this section: 73649

(a) Whether the violator has been found guilty of any 73650  
other violation of section 145.054, 742.043, 3307.073, 3309.073, 73651  
or 5505.045 or Title XXXV of the Revised Code; 73652

(b) Whether the violation was made knowingly or purposely; 73653

(c) Whether any relevant statements, addenda, or 73654

affidavits required to be filed have not been filed; 73655

(d) Whether the violator has any outstanding fines imposed 73656  
for a violation of section 145.054, 742.043, 3307.073, 3309.073, 73657  
or 5505.045 or Title XXXV of the Revised Code; 73658

(e) Whether the violation occurred during the course of a 73659  
campaign. 73660

(2) The secretary of state or the commission-, as 73661  
applicable, shall consider any of the following circumstances in 73662  
determining whether to impose a ~~minimal-lesser~~ fine ~~or no fine-~~ 73663  
under division (A) of this section: 73664

(a) Whether the violator previously has not been found 73665  
guilty of any other violation of section 145.054, 742.043, 73666  
3307.073, 3309.073, or 5505.045 or Title XXXV of the Revised 73667  
Code; 73668

(b) Whether the violator has promptly corrected the 73669  
violator's violation; 73670

(c) Whether the nature and circumstances of the violation 73671  
merit a ~~minimum-lesser~~ fine; 73672

(d) Whether there are substantial grounds tending to 73673  
excuse or justify the violation, although failing to establish a 73674  
defense to the violation; 73675

(e) Whether the violation was not purposely committed. 73676

(3) The circumstances set forth in divisions ~~(C)(1)-(B)(1)~~ 73677  
and (2) of this section shall be considered by, but shall not 73678  
control the decision of, the secretary of state or the 73679  
commission-, as applicable, in imposing a fine. 73680

(D) Notwithstanding divisions (A), (B), and (C) of this 73681

section, when section 3517.17 of the Revised Code authorizes the 73682  
imposition of an administrative fine with respect to an act or 73683  
failure to act that occurred before the effective date of this 73684  
section, the secretary of state or the commission, as 73685  
applicable, shall impose the fine authorized under the Revised 73686  
Code and, if applicable, under the rules of the Ohio elections 73687  
commission, as they existed at the time of the violation. 73688

(E) (1) Fines imposed by the ~~commission~~ under this section 73689  
shall be ~~paid~~ deposited into the Ohio ~~elections~~ election 73690  
integrity commission fund created by section 111.29 of the 73691  
Revised Code. 73692

(2) The secretary of state shall certify to the attorney 73693  
general for collection under section 131.02 of the Revised Code 73694  
the amount of any fine imposed by the secretary of state, by the 73695  
Ohio election integrity commission, or by the Ohio elections 73696  
commission under this section or under a former version of this 73697  
section that is not paid within forty-five days after it is 73698  
imposed. 73699

**Sec. ~~3517.157~~ 3517.18.** (A) A complaint shall be filed with 73700  
the ~~Ohio elections commission~~ secretary of state under section 73701  
3517.16 of the Revised Code within two years after the 73702  
occurrence of the act or failure to act that is the subject of 73703  
the complaint, except that if the act or failure to act involves 73704  
fraud, concealment, or misrepresentation and was not discovered 73705  
during that two-year period, a complaint may be filed within one 73706  
year after discovery of such act or failure to act. 73707

(B) Whoever files a complaint with the ~~commission~~ 73708  
secretary of state under section ~~3517.153~~ 3517.16 of the Revised 73709  
Code may withdraw it at ~~the following times:~~ 73710

~~(1) If the complaint receives an expedited hearing under section 3517.156 of the Revised Code, at any time prior to the hearing without the permission of the commission, or at any time after the hearing begins but only with the permission of the commission;~~ 73711  
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~~(2) If the complaint does not receive an expedited hearing, at any time.~~ 73716  
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~~(C) The commission may dismiss a complaint pending before it or before a panel of the commission.~~ 73718  
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~~(D) The commission or a panel of the commission shall conduct hearings in accordance with Chapter 119. of the Revised Code and the Rules of Civil Procedure, except as they are inconsistent with rules adopted by the commission. A party adversely affected by a final determination of the commission, including the secretary of state, may appeal from the determination under section 119.12 of the Revised Code.~~ 73720  
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~~(E) The privilege granted to an attorney under section 2317.02 of the Revised Code shall be granted to the full-time attorney employed by the commission under division (H) (2) of section 3517.152 of the Revised Code, and the commission or a panel of the commission shall be considered the client of that attorney for purposes of that privilege.~~ 73727  
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~~(F) (D) The members of the commission shall not do either of the following except at a meeting of the commission subject to section 121.22 of the Revised Code:~~ 73733  
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(1) Discuss among themselves a complaint pending before the commission ~~or a panel of the commission;~~ 73736  
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(2) Discuss a complaint pending before the commission ~~or a panel of the commission~~ with a party to the complaint, an 73738  
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attorney representing a party to the complaint, or an 73740  
~~investigatory attorney of the commission~~ appointed to hear the 73741  
complaint. 73742

**Sec. 3517.20.** (A) As used in this section: 73743

(1) "Political publication for or against a candidate" 73744  
means a notice, placard, advertisement, sample ballot, brochure, 73745  
flyer, direct mailer, or other form of general publication that 73746  
is designed to promote the nomination, election, or defeat of a 73747  
candidate. 73748

(2) "Political publication for or against an issue" means 73749  
a notice, placard, advertisement, sample ballot, brochure, 73750  
flyer, direct mailer, or other form of general publication that 73751  
is designed to promote the adoption or defeat of a ballot issue 73752  
or question or to influence the voters in an election. 73753

(3) "Public political advertising" means newspapers, 73754  
magazines, outdoor advertising facilities, direct mailings, or 73755  
other similar types of general public political advertising, or 73756  
flyers, handbills, or other nonperiodical printed matter. 73757

(4) "Statewide candidate" has the same meaning as in 73758  
section 3517.102 of the Revised Code. 73759

(5) "Legislative candidate" means a candidate for the 73760  
office of member of the general assembly. 73761

(6) "Local candidate" means a candidate for an elective 73762  
office of a political subdivision of this state. 73763

(7) "Legislative campaign fund" has the same meaning as in 73764  
section 3517.01 of the Revised Code. 73765

(8) "Limited political action committee" means a political 73766  
action committee of fewer than ten members. 73767

- (9) "Limited political contributing entity" means a political contributing entity of fewer than ten members. 73768  
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- (10) "Designated amount" means one hundred dollars in the case of a local candidate or a local ballot issue, two hundred fifty dollars in the case of a legislative candidate, or five hundred dollars in the case of a statewide candidate or a statewide ballot issue. 73770  
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- (11) "To issue" includes to print, post, distribute, reproduce for distribution, or cause to be issued, printed, posted, distributed, or reproduced for distribution. 73775  
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- (12) "Telephone bank" means more than five hundred telephone calls of an identical or substantially similar nature within any thirty-day period, whether those telephone calls are made by individual callers or by recording. 73778  
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- (B) (1) Except as otherwise provided in division (B) (2) of this section, no entity shall do any of the following unless the name of the entity appears in a conspicuous place on or is contained or included within the publication, communication, or telephone call: 73782  
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- (a) Issue a form of political publication in support of or opposition to a candidate or a ballot issue or question; 73787  
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- (b) Make an expenditure for the purpose of financing political communications in support of or opposition to a candidate or a ballot issue or question through public political advertising; 73789  
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- (c) Utter or cause to be uttered, over the broadcasting facilities of any radio or television station within this state, any communication in support of or opposition to a candidate or a ballot issue or question or any communication that is designed 73793  
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to influence the voters in an election; 73797

(d) Conduct a telephone bank for the purpose of supporting 73798  
or opposing a candidate or a ballot issue or question or for the 73799  
purpose of influencing the voters in an election. 73800

(2) A limited political action committee or limited 73801  
political contributing entity may do any of the following 73802  
without including its name in the publication or communication: 73803

(a) Issue a form of political publication in support of or 73804  
opposition to a candidate or a ballot issue or question that 73805  
does not cost in excess of the designated amount or that is not 73806  
issued in cooperation, consultation, or concert with, or at the 73807  
request or suggestion of, a candidate, a campaign committee, a 73808  
legislative campaign fund, a political party, a political action 73809  
committee with ten or more members, a political contributing 73810  
entity with ten or more members, or a limited political action 73811  
committee or limited political contributing entity that spends 73812  
in excess of the designated amount on a related or the same or 73813  
similar political publication in support of or opposition to a 73814  
candidate or a ballot issue or question; 73815

(b) Make an expenditure that is not in excess of the 73816  
designated amount in support of or opposition to a candidate or 73817  
a ballot issue or question or make an expenditure that is not 73818  
made in cooperation, consultation, or concert with, or at the 73819  
request or suggestion of, a candidate, a campaign committee, a 73820  
legislative campaign fund, a political party, a political action 73821  
committee with ten or more members, a political contributing 73822  
entity with ten or more members, or a limited political action 73823  
committee or limited political contributing entity that spends 73824  
in excess of the designated amount in support of or opposition 73825  
to the same candidate or a ballot issue or question, for the 73826

purpose of financing political communications in support of or 73827  
opposition to that candidate or a ballot issue or question 73828  
through public political advertising. 73829

(C) If more than one piece of printed matter or printed 73830  
political communications are mailed as a single packet, the 73831  
requirements of division (B) of this section are met if one of 73832  
the pieces of printed matter or printed political communications 73833  
in the packet contains the name of the organization or entity 73834  
that issues or is responsible for the printed matter or other 73835  
printed political communications. 73836

(D) This section does not apply to the transmittal of 73837  
personal correspondence that is not reproduced by machine for 73838  
general distribution. 73839

(E) The secretary of state, by rule, may exempt from the 73840  
requirements of this section, printed matter and certain other 73841  
kinds of printed communications such as campaign buttons, 73842  
balloons, pencils, or similar items, the size or nature of which 73843  
makes it unreasonable to add an identification or disclaimer. 73844

(F) The disclaimer or identification described in division 73845  
(B) of this section, when paid for by a candidate, legislative 73846  
campaign fund, or campaign committee, shall be identified by the 73847  
words "paid for by" followed by the name of the entity. The 73848  
identification or disclaimer may use reasonable abbreviations 73849  
for common terms such as "committee." 73850

The disclaimer "paid political advertisement" is not 73851  
sufficient to meet the requirements of this section. 73852

(G) (1) No person operating a broadcast station or an organ 73853  
of printed media shall broadcast or print a paid political 73854  
communication that does not contain the identification required 73855

by this section. 73856

(2) Division (B) (1) (c) of this section does not apply to 73857  
any communications made on behalf of a radio or television 73858  
station or network by any employee of such radio or television 73859  
station or network while acting in the course of the employee's 73860  
employment. 73861

(H) (1) No candidate or entity shall use or cause to be 73862  
used a false, fictitious, or fraudulent name or address in the 73863  
making or issuing of a publication or communication included 73864  
within the provisions of this section. 73865

(2) No political action committee or political 73866  
contributing entity shall use or cause to be used, in the making 73867  
or issuing of a publication or communication included within the 73868  
provisions of this section, a name or address that would lead a 73869  
reasonable person to believe that the publication or 73870  
communication is made by or on behalf of a county political 73871  
party, unless the political action committee or political 73872  
contributing ~~committee~~ entity has obtained a written statement, 73873  
signed by the chairperson of the county political party's 73874  
executive committee, granting the political action committee or 73875  
political contributing entity permission to act on behalf of or 73876  
represent the county political party. 73877

~~(I) Before a prosecution may commence under this section, 73878  
a complaint shall be filed with the Ohio elections commission 73879  
under section 3517.153 of the Revised Code. After the complaint 73880  
is filed, the commission shall proceed in accordance with 73881  
sections 3517.154 to 3517.157 of the Revised Code. 73882~~

**Sec. 3517.21.** (A) No person, during the course of any 73883  
campaign for nomination or election to public office or office 73884

of a political party, shall knowingly and with intent to affect 73885  
the outcome of such campaign do any of the following: 73886

(1) Serve, or place another person to serve, as an agent 73887  
or employee in the election campaign organization of a candidate 73888  
for the purpose of acting to impede the conduct of the 73889  
candidate's campaign for nomination or election or of reporting 73890  
information to the employee's employer or the agent's principal 73891  
without the knowledge of the candidate or the candidate's 73892  
organization; 73893

(2) Promise, offer, or give any valuable thing or valuable 73894  
benefit to any person who is employed by or is an agent of a 73895  
candidate or a candidate's election campaign organization for 73896  
the purpose of influencing the employee or agent with respect to 73897  
the improper discharge of the employee's or agent's campaign 73898  
duties or to obtain information about the candidate or the 73899  
candidate's campaign organization. 73900

(B) No person, during the course of any campaign for 73901  
nomination or election to public office or office of a political 73902  
party, by means of campaign materials, including sample ballots, 73903  
an advertisement on radio or television or in a newspaper or 73904  
periodical, a public speech, press release, or otherwise, shall 73905  
knowingly and with intent to affect the outcome of such campaign 73906  
do any of the following: 73907

(1) Use the title of an office not currently held by a 73908  
candidate in a manner that implies that the candidate does 73909  
currently hold that office or use the term "re-elect" when the 73910  
candidate has never been elected at a primary, general, or 73911  
special election to the office for which he or she is a 73912  
candidate; 73913

- (2) Make a false statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution; 73914  
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- (3) Make a false statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages; 73920  
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- (4) Make a false statement that a candidate or public official has been indicted or convicted of a theft offense, extortion, or other crime involving financial corruption or moral turpitude; 73924  
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- (5) Make a statement that a candidate has been indicted for any crime or has been the subject of a finding by the Ohio elections commission, the secretary of state, or the Ohio election integrity commission without disclosing the outcome of any legal proceedings resulting from the indictment or finding; 73928  
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- (6) Make a false statement that a candidate or official has a record of treatment or confinement for mental disorder; 73933  
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- (7) Make a false statement that a candidate or official has been subjected to military discipline for criminal misconduct or dishonorably discharged from the armed services; 73935  
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- (8) Falsely identify the source of a statement, issue statements under the name of another person without authorization, or falsely state the endorsement of or opposition to a candidate by a person or publication; 73938  
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- (9) Make a false statement concerning the voting record of 73942

a candidate or public official; 73943

(10) Post, publish, circulate, distribute, or otherwise 73944  
disseminate a false statement concerning a candidate, either 73945  
knowing the same to be false or with reckless disregard of 73946  
whether it was false or not, if the statement is designed to 73947  
promote the election, nomination, or defeat of the candidate. 73948

As used in this section, "voting record" means the 73949  
recorded "yes" or "no" vote on a bill, ordinance, resolution, 73950  
motion, amendment, or confirmation. 73951

~~(C) Before a prosecution may commence under this section,~~ 73952  
~~a complaint shall be filed with the Ohio elections commission~~ 73953  
~~under section 3517.153 of the Revised Code. After the complaint~~ 73954  
~~is filed, the commission shall proceed in accordance with~~ 73955  
~~sections 3517.154 to 3517.157 of the Revised Code.~~ 73956

**Sec. 3517.22.** (A) No person during the course of any 73957  
campaign in advocacy of or in opposition to the adoption of any 73958  
proposition or issue submitted to the voters shall knowingly and 73959  
with intent to affect the outcome of such campaign do any of the 73960  
following: 73961

(1) Serve, or place another person to serve, as an agent 73962  
or employee in the election campaign organization of a committee 73963  
which advocates or is in opposition to the adoption of any 73964  
ballot proposition or issue for the purpose of acting to impede 73965  
the conduct of the campaign on the proposition or issue or of 73966  
reporting information to the employee's employer or the agent's 73967  
principal without the knowledge of the committee; 73968

(2) Promise, offer, or give any valuable thing or valuable 73969  
benefit to any person who is employed by or is an agent of a 73970  
committee in advocacy of or in opposition to the adoption of any 73971

ballot proposition or issue, for the purpose of influencing the 73972  
employee or agent with respect to the improper discharge of the 73973  
employee's or agent's campaign duties or to obtain information 73974  
about the committee's campaign organization. 73975

(B) No person, during the course of any campaign in 73976  
advocacy of or in opposition to the adoption of any ballot 73977  
proposition or issue, by means of campaign material, including 73978  
sample ballots, an advertisement on radio or television or in a 73979  
newspaper or periodical, a public speech, a press release, or 73980  
otherwise, shall knowingly and with intent to affect the outcome 73981  
of such campaign do any of the following: 73982

(1) Falsely identify the source of a statement, issue 73983  
statements under the name of another person without 73984  
authorization, or falsely state the endorsement of or opposition 73985  
to a ballot proposition or issue by a person or publication; 73986

(2) Post, publish, circulate, distribute, or otherwise 73987  
disseminate, a false statement, either knowing the same to be 73988  
false or acting with reckless disregard of whether it was false 73989  
or not, that is designed to promote the adoption or defeat of 73990  
any ballot proposition or issue. 73991

~~(C) Before a prosecution may commence under this section, 73992  
a complaint shall be filed with the Ohio elections commission 73993  
under section 3517.153 of the Revised Code. After the complaint 73994  
is filed, the commission shall proceed in accordance with 73995  
sections 3517.154 to 3517.157 of the Revised Code. 73996~~

**Sec. 3517.23.** The secretary of state shall adopt rules in 73997  
accordance with Chapter 119. of the Revised Code that are 73998  
necessary for the administration and enforcement of sections 73999  
3517.08 to 3517.13, ~~3517.18,~~ 3517.20 to 3517.22, 3599.03, and 74000

3599.031 of the Revised Code and shall provide each candidate, 74001  
political action committee, political contributing entity, 74002  
legislative campaign fund, political party, and person making 74003  
disbursements to pay the direct costs of producing or airing 74004  
electioneering communications with written instructions and 74005  
explanations in order to ensure compliance with sections 3517.08 74006  
to 3517.13, 3517.20 to 3517.22, 3599.03, and 3599.031 of the 74007  
Revised Code. 74008

~~Sec. 3517.992 3517.99. This section establishes penalties~~ 74009  
~~only with respect to acts or failures to act that occur on and~~ 74010  
~~after August 24, 1995. Except as otherwise provided in section~~ 74011  
~~3517.991 of the Revised Code:~~ 74012

(A) (1) A candidate whose campaign committee violates 74013  
division (A), (B), (C), (D), or (V) of section 3517.13 of the 74014  
Revised Code, or a treasurer of a campaign committee who 74015  
violates any of those divisions, shall be fined not more than 74016  
one hundred dollars for each day of violation. 74017

(2) Whoever violates division (E) or (X) (5) of section 74018  
3517.13 or division (E) (1) of section 3517.1014 of the Revised 74019  
Code shall be fined not more than one hundred dollars for each 74020  
day of violation. 74021

(B) An entity that violates division (G) (1) of section 74022  
3517.101 of the Revised Code shall be fined not more than one 74023  
hundred dollars for each day of violation. 74024

(C) Whoever violates division (G) (2) of section 3517.101, 74025  
division (G) of section 3517.13, or division (E) (2) or (3) of 74026  
section 3517.1014 of the Revised Code shall be fined not more 74027  
than ten thousand dollars or, if the offender is a person who 74028  
was nominated or elected to public office, shall forfeit the 74029

nomination or the office to which the offender was elected, or 74030  
both. 74031

(D) Whoever violates division (F) or (Y) of section 74032  
3517.13 of the Revised Code shall be fined not more than three 74033  
times the amount contributed. 74034

(E) Whoever violates division (H) of section 3517.13 of 74035  
the Revised Code shall be fined not more than one hundred 74036  
dollars. 74037

(F) Whoever violates division (O), (P), or (Q) of section 74038  
3517.13 of the Revised Code is guilty of a misdemeanor of the 74039  
first degree. 74040

(G) A state or county committee of a political party that 74041  
violates division (B)(1) of section 3517.18 of the Revised Code 74042  
as that section existed before its repeal by H.B. 166 of the 74043  
133rd general assembly shall be fined not more than twice the 74044  
amount of the improper expenditure. 74045

(H) An entity that violates division (H) of section 74046  
3517.101 of the Revised Code shall be fined not more than twice 74047  
the amount of the improper expenditure or use. 74048

(I) (1) Any individual who violates division (B)(1) of 74049  
section 3517.102 of the Revised Code and knows that the 74050  
contribution the individual makes violates that division shall 74051  
be fined an amount equal to three times the amount contributed 74052  
in excess of the amount permitted by that division. 74053

(2) Any political action committee that violates division 74054  
(B)(2) of section 3517.102 of the Revised Code shall be fined an 74055  
amount equal to three times the amount contributed in excess of 74056  
the amount permitted by that division. 74057

(3) Any campaign committee that violates division (B) (3) 74058  
or (5) of section 3517.102 of the Revised Code shall be fined an 74059  
amount equal to three times the amount contributed in excess of 74060  
the amount permitted by that division. 74061

(4) (a) Any legislative campaign fund that violates 74062  
division (B) (6) of section 3517.102 of the Revised Code shall be 74063  
fined an amount equal to three times the amount transferred or 74064  
contributed in excess of the amount permitted by that division, 74065  
as applicable. 74066

(b) Any state political party, county political party, or 74067  
state candidate fund of a state political party or county 74068  
political party that violates division (B) (6) of section 74069  
3517.102 of the Revised Code shall be fined an amount equal to 74070  
three times the amount transferred or contributed in excess of 74071  
the amount permitted by that division, as applicable. 74072

(c) Any political contributing entity that violates 74073  
division (B) (7) of section 3517.102 of the Revised Code shall be 74074  
fined an amount equal to three times the amount contributed in 74075  
excess of the amount permitted by that division. 74076

(5) Any political party that violates division (B) (4) of 74077  
section 3517.102 of the Revised Code shall be fined an amount 74078  
equal to three times the amount contributed in excess of the 74079  
amount permitted by that division. 74080

(6) Notwithstanding divisions (I) (1), (2), (3), (4), and 74081  
(5) of this section, no violation of division (B) of section 74082  
3517.102 of the Revised Code occurs, and the secretary of state 74083  
shall not ~~refer parties to the Ohio elections commission~~ file a 74084  
complaint under section 3517.16 of the Revised Code, if the 74085  
amount transferred or contributed in excess of the amount 74086

permitted by that division meets either of the following 74087  
conditions: 74088

(a) It is completely refunded within five business days 74089  
after it is accepted. 74090

(b) It is completely refunded on or before the tenth 74091  
business day after notification to the recipient of the excess 74092  
transfer or contribution by the board of elections or the 74093  
secretary of state that a transfer or contribution in excess of 74094  
the permitted amount has been received. 74095

(J) (1) Any campaign committee that violates division (C) 74096  
(1), (2), (3), or (6) of section 3517.102 of the Revised Code 74097  
shall be fined an amount equal to three times the amount 74098  
accepted in excess of the amount permitted by that division. 74099

(2) (a) Any county political party that violates division 74100  
(C) (4) (a) (ii) or (iii) of section 3517.102 of the Revised Code 74101  
shall be fined an amount equal to three times the amount 74102  
accepted. 74103

(b) Any county political party that violates division (C) 74104  
(4) (a) (i) of section 3517.102 of the Revised Code shall be fined 74105  
an amount from its state candidate fund equal to three times the 74106  
amount accepted in excess of the amount permitted by that 74107  
division. 74108

(c) Any state political party that violates division (C) 74109  
(4) (b) of section 3517.102 of the Revised Code shall be fined an 74110  
amount from its state candidate fund equal to three times the 74111  
amount accepted in excess of the amount permitted by that 74112  
division. 74113

(3) Any legislative campaign fund that violates division 74114  
(C) (5) of section 3517.102 of the Revised Code shall be fined an 74115

amount equal to three times the amount accepted in excess of the 74116  
amount permitted by that division. 74117

(4) Any political action committee or political 74118  
contributing entity that violates division (C)(7) of section 74119  
3517.102 of the Revised Code shall be fined an amount equal to 74120  
three times the amount accepted in excess of the amount 74121  
permitted by that division. 74122

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 74123  
this section, no violation of division (C) of section 3517.102 74124  
of the Revised Code occurs, and the secretary of state shall not 74125  
~~refer parties to the Ohio elections commission~~ file a complaint 74126  
under section 3517.16 of the Revised Code, if the amount 74127  
transferred or contributed in excess of the amount permitted to 74128  
be accepted by that division meets either of the following 74129  
conditions: 74130

(a) It is completely refunded within five business days 74131  
after its acceptance. 74132

(b) It is completely refunded on or before the tenth 74133  
business day after notification to the recipient of the excess 74134  
transfer or contribution by the board of elections or the 74135  
secretary of state that a transfer or contribution in excess of 74136  
the permitted amount has been received. 74137

(K)(1) Any legislative campaign fund that violates 74138  
division (F)(1) of section 3517.102 of the Revised Code shall be 74139  
fined twenty-five dollars for each day of violation. 74140

(2) Any legislative campaign fund that violates division 74141  
(F)(2) of section 3517.102 of the Revised Code shall give to the 74142  
treasurer of state for deposit into the state treasury to the 74143  
credit of the Ohio ~~elections~~ election integrity commission fund 74144

all excess contributions not disposed of as required by division 74145  
(E) of section 3517.102 of the Revised Code. 74146

(L) Whoever violates section 3517.105 of the Revised Code 74147  
shall be fined one thousand dollars. 74148

(M) (1) Whoever solicits a contribution in violation of 74149  
section 3517.092 or violates division (B) of section 3517.09 of 74150  
the Revised Code is guilty of a misdemeanor of the first degree. 74151

(2) Whoever knowingly accepts a contribution in violation 74152  
of division (B) or (C) of section 3517.092 of the Revised Code 74153  
shall be fined an amount equal to three times the amount 74154  
accepted in violation of either of those divisions and shall 74155  
return to the contributor any amount so accepted. Whoever 74156  
unknowingly accepts a contribution in violation of division (B) 74157  
or (C) of section 3517.092 of the Revised Code shall return to 74158  
the contributor any amount so accepted. 74159

(N) Whoever violates division (S) of section 3517.13 of 74160  
the Revised Code shall be fined an amount equal to three times 74161  
the amount of funds transferred or three times the value of the 74162  
assets transferred in violation of that division. 74163

(O) Any campaign committee that accepts a contribution or 74164  
contributions in violation of section 3517.108 of the Revised 74165  
Code, uses a contribution in violation of that section, or fails 74166  
to dispose of excess contributions in violation of that section 74167  
shall be fined an amount equal to three times the amount 74168  
accepted, used, or kept in violation of that section. 74169

(P) Any political party, state candidate fund, legislative 74170  
candidate fund, or campaign committee that violates division (T) 74171  
of section 3517.13 of the Revised Code shall be fined an amount 74172  
equal to three times the amount contributed or accepted in 74173

violation of that section. 74174

(Q) A treasurer of a committee or another person who 74175  
violates division (U) of section 3517.13 of the Revised Code 74176  
shall be fined not more than two hundred fifty dollars. 74177

(R) Whoever violates division (I) or (J) of section 74178  
3517.13 of the Revised Code shall be fined not more than one 74179  
thousand dollars. Whenever a person is found guilty of violating 74180  
division (I) or (J) of section 3517.13 of the Revised Code, the 74181  
contract awarded in violation of either of those divisions shall 74182  
be rescinded if its terms have not yet been performed. 74183

(S) A candidate whose campaign committee violates or a 74184  
treasurer of a campaign committee who violates section 3517.081 74185  
of the Revised Code, and a candidate whose campaign committee 74186  
violates or a treasurer of a campaign committee or another 74187  
person who violates division (C) of section 3517.10 of the 74188  
Revised Code, shall be fined not more than five hundred dollars. 74189

(T) A candidate whose campaign committee violates or a 74190  
treasurer of a committee who violates division (B) of section 74191  
3517.09 of the Revised Code, or a candidate whose campaign 74192  
committee violates or a treasurer of a campaign committee or 74193  
another person who violates division (C) of section 3517.09 of 74194  
the Revised Code shall be fined not more than one thousand 74195  
dollars. 74196

(U) Whoever violates section 3517.20 of the Revised Code 74197  
shall be fined not more than five hundred dollars. 74198

(V) Whoever violates section 3517.21 or 3517.22 of the 74199  
Revised Code shall be imprisoned for not more than six months or 74200  
fined not more than five thousand dollars, or both. 74201

(W) ~~A campaign committee that is required to file a~~ 74202

~~declaration of no limits under division (D) (2) of section 3517.103 of the Revised Code that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in section 3517.102 of the Revised Code, shall return that contribution or those contributions to the contributor.~~

~~(X)~~ Any campaign committee that fails to file the declaration of filing-day finances required by division (F) of section 3517.109 of the Revised Code shall be fined twenty-five dollars for each day of violation.

~~(Y) (1)~~ (X) (1) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under division (B) of section 3517.109 of the Revised Code in the manner required by division (C) of that section shall give to the treasurer of state for deposit into the Ohio ~~elections~~ election integrity commission fund created under ~~division (I) of section 3517.152~~ 111.29 of the Revised Code all funds not disposed of pursuant to that division.

(2) Any treasurer of a transition fund that fails to dispose of assets remaining in the transition fund as required under division (H) (1) or (2) of section 3517.1014 of the Revised Code shall give to the treasurer of state for deposit into the Ohio ~~elections~~ election integrity commission fund all assets not disposed of pursuant to that division.

~~(Z)~~ (Y) Any individual, campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, treasurer of a transition fund, or other entity that violates any provision of sections 3517.09 to 3517.12 of the Revised Code for which no penalty is provided for under any other division of this section shall be fined not

more than one thousand dollars. 74233

~~(AA) (1)~~ (Z) (1) Whoever knowingly violates division (W) (1) 74234  
of section 3517.13 of the Revised Code shall be fined an amount 74235  
equal to three times the amount contributed, expended, or 74236  
promised in violation of that division or ten thousand dollars, 74237  
whichever amount is greater. 74238

(2) Whoever knowingly violates division (W) (2) of section 74239  
3517.13 of the Revised Code shall be fined an amount equal to 74240  
three times the amount solicited or accepted in violation of 74241  
that division or ten thousand dollars, whichever amount is 74242  
greater. 74243

~~(BB)~~ (AA) Whoever knowingly violates division (C) or (D) 74244  
of section 3517.1011 of the Revised Code shall be fined not more 74245  
than ten thousand dollars plus not more than one thousand 74246  
dollars for each day of violation. 74247

~~(CC) (1) Subject to division (CC) (2) of this section,~~ 74248  
~~whoever violates division (H) of section 3517.1011 of the~~ 74249  
~~Revised Code shall be fined an amount up to three times the~~ 74250  
~~amount disbursed for the direct costs of airing the~~ 74251  
~~communication made in violation of that division.~~ 74252

~~(2) Whoever has been ordered by the Ohio elections~~ 74253  
~~commission or by a court of competent jurisdiction to cease~~ 74254  
~~making communications in violation of division (H) of section~~ 74255  
~~3517.1011 of the Revised Code who again violates that division~~ 74256  
~~shall be fined an amount equal to three times the amount~~ 74257  
~~disbursed for the direct costs of airing the communication made~~ 74258  
~~in violation of that division.~~ 74259

~~(DD) (1)~~ (BB) (1) Any corporation or labor organization that 74260  
violates division (X) (3) (a) of section 3517.13 of the Revised 74261

Code shall be fined an amount equal to three times the amount 74262  
given in excess of the amount permitted by that division. 74263

(2) Any state or county political party that violates 74264  
division (X) (3) (b) of section 3517.13 of the Revised Code shall 74265  
be fined an amount equal to three times the amount accepted in 74266  
excess of the amount permitted by that division. 74267

~~(EE) (1)~~ (CC) (1) Any campaign committee or person who 74268  
violates division (C) (1) (b) or (c) of section 3517.1014 of the 74269  
Revised Code shall be fined an amount equal to three times the 74270  
amount donated in excess of the amount permitted by that 74271  
division. 74272

(2) Any officeholder or treasurer of a transition fund who 74273  
violates division (C) (3) (a) or (b) of section 3517.1014 of the 74274  
Revised Code shall be fined an amount equal to three times the 74275  
amount accepted in excess of the amount permitted by that 74276  
division. 74277

**Sec. 3517.991.** A person who is convicted of a violation of 74278  
this chapter or section 145.054, 742.043, 3307.073, 3309.073, 74279  
3599.03, 3599.031, or 5505.045 of the Revised Code shall be 74280  
sentenced under the law as it existed at the time the violation 74281  
occurred. 74282

**Sec. 3599.03.** (A) (1) Except to carry on activities 74283  
specified in sections 3517.082, 3517.101, 3517.105, and 74284  
3517.1011, division (A) (2) of section 3517.1012, division (B) of 74285  
section 3517.1013, division (C) (1) of section 3517.1014, and 74286  
section 3599.031 of the Revised Code and except as otherwise 74287  
provided in ~~divisions (D), (E), and (F) of this section,~~ no 74288  
corporation, no nonprofit corporation, and no labor 74289  
organization, directly or indirectly, shall pay or use, or 74290

offer, advise, consent, or agree to pay or use, the 74291  
corporation's money or property, or the labor organization's 74292  
money, including dues, initiation fees, or other assessments 74293  
paid by members, or property, for or in aid of or opposition to 74294  
a political party, a candidate for election or nomination to 74295  
public office, a political action committee including a 74296  
political action committee of the corporation or labor 74297  
organization, a legislative campaign fund, or any organization 74298  
that supports or opposes any such candidate, or for any partisan 74299  
political purpose, shall violate any law requiring the filing of 74300  
an affidavit or statement respecting such use of those funds, or 74301  
shall pay or use the corporation's or labor organization's money 74302  
for the expenses of a social fund-raising event for its 74303  
political action committee if an employee's or labor 74304  
organization member's right to attend such an event is 74305  
predicated on the employee's or member's contribution to the 74306  
corporation's or labor organization's political action 74307  
committee. 74308

(2) Whoever violates division (A) (1) of this section shall 74309  
be fined not less than five hundred nor more than five thousand 74310  
dollars. 74311

(B) (1) No officer, stockholder, attorney, or agent of a 74312  
corporation or nonprofit corporation, no member, including an 74313  
officer, attorney, or agent, of a labor organization, and no 74314  
candidate, political party official, or other individual shall 74315  
knowingly aid, advise, solicit, or receive money or other 74316  
property in violation of division (A) (1) of this section. 74317

(2) Whoever violates division (B) (1) of this section shall 74318  
be fined not more than one thousand dollars, or imprisoned not 74319  
more than one year, or both. 74320

(C) ~~A~~ Except as otherwise provided in section 3517.121 of 74321  
the Revised Code, a corporation, a nonprofit corporation, or a 74322  
labor organization may use its funds or property ~~for or in aid~~ 74323  
~~of or opposition to a proposed or certified ballot issue~~ to make 74324  
an independent expenditure or to make a contribution to a 74325  
political action committee or a political contributing entity 74326  
that makes only independent expenditures. A corporation, 74327  
nonprofit corporation, or labor organization that makes a 74328  
contribution or expenditure is considered a political 74329  
contributing entity. Such use of funds or property shall be 74330  
reported on a ~~form prescribed by the secretary of state.~~ Reports 74331  
~~of contributions in connection with statewide ballot issues~~ 74332  
~~shall be filed with the secretary of state.~~ Reports of 74333  
~~contributions in connection with local issues shall be filed~~ 74334  
~~with the board of elections of the most populous county of the~~ 74335  
~~district in which the issue is submitted or to be submitted to~~ 74336  
~~the electors.~~ Reports made pursuant to this division shall be 74337  
~~filed by the times specified in divisions (A) (1) and (2) of~~ 74338  
~~section~~ accordance with sections 3517.10 and 3517.105 of the 74339  
Revised Code. 74340

(D) A nonprofit corporation that is a membership 74341  
association and that is exempt from taxation under subsection 74342  
501(c) (6) of the Internal Revenue Code may transfer 74343  
contributions received as part of a regular dues payment from 74344  
member partnerships and other unincorporated businesses ~~as~~ 74345  
~~defined in division (I) (6) of section 3517.10 of the Revised~~ 74346  
~~Code~~ to its political action committee. ~~Contributions received~~ 74347  
~~under this division shall be itemized and allocated to~~ 74348  
~~individuals subject to contribution limits.~~ The political action 74349  
committee shall itemize and report those contributions in 74350  
accordance with division (I) (1) (a) or (b) of section 3517.10 of 74351

the Revised Code, as indicated by each partnership or other 74352  
unincorporated business. 74353

(E) (1) Any gift made pursuant to section 3517.101 of the 74354  
Revised Code does not constitute a violation of this section or 74355  
of any other section of the Revised Code. 74356

(2) Any gift made pursuant to division (A) (2) of section 74357  
3517.1012 of the Revised Code does not constitute a violation of 74358  
this section. 74359

(3) Any gift made pursuant to division (B) of section 74360  
3517.1013 of the Revised Code does not constitute a violation of 74361  
this section. 74362

(4) Any donation made pursuant to division (C) (1) of 74363  
section 3517.1014 of the Revised Code does not constitute a 74364  
violation of this section. 74365

(F) Any compensation or fees paid by a financial 74366  
institution to a state political party for services rendered 74367  
pursuant to division (B) of section 3517.19 of the Revised Code 74368  
do not constitute a violation of this section or of any other 74369  
section of the Revised Code. 74370

(G) (1) The use by a nonprofit corporation of its money or 74371  
property for communicating information for a purpose specified 74372  
in division (A) of this section is not a violation of that 74373  
division if the stockholders, members, donors, trustees, or 74374  
officers of the nonprofit corporation are the predominant 74375  
recipients of the communication. The nonprofit corporation is 74376  
not required to report that use of its money or property as an 74377  
independent expenditure. 74378

(2) The placement of a campaign sign on the property of a 74379  
corporation, nonprofit corporation, or labor organization is not 74380

a use of property in violation of division (A) of this section 74381  
by that corporation, nonprofit corporation, or labor 74382  
organization. 74383

(3) The use by a corporation or labor organization of its 74384  
money or property for communicating information for a purpose 74385  
specified in division (A) of this section is not a violation of 74386  
that division if it is not a communication made by mass 74387  
broadcast such as radio or television or made by advertising in 74388  
a newspaper of general circulation but is a communication sent 74389  
exclusively to members, employees, officers, or trustees of that 74390  
labor organization or shareholders, employees, officers, or 74391  
directors of that corporation or to members of the immediate 74392  
families of any such individuals or if the communication 74393  
intended to be so sent exclusively is unintentionally sent as 74394  
well to a de minimis number of other individuals. The 74395  
corporation or labor organization is not required to report that 74396  
use of its money or property as an independent expenditure. 74397

(H) In addition to the laws listed in division (A) of 74398  
section 4117.10 of the Revised Code that prevail over 74399  
conflicting agreements between employee organizations and public 74400  
employers, this section prevails over any conflicting provisions 74401  
of agreements between labor organizations and public employers 74402  
that are entered into on or after March 31, 2005, pursuant to 74403  
Chapter 4117. of the Revised Code. 74404

(I) As used in this section, "contribution," 74405  
"expenditure," "independent expenditure," "labor organization," 74406  
~~has~~ "political action committee," and "political contributing 74407  
entity" have the same meaning-meanings as in section 3517.01 of 74408  
the Revised Code. 74409

**Sec. 3701.021.** (A) The director of health shall adopt, in 74410

accordance with Chapter 119. of the Revised Code, such rules as	74411
are necessary to carry out sections 3701.021 to 3701.0210 of the	74412
Revised Code, including, but not limited to, rules to establish	74413
the following:	74414
(1) Subject to division (D) of this section, medical and	74415
financial eligibility requirements for the program for children	74416
and youth with special health care needs;	74417
(2) Subject to division (C) of this section, eligibility	74418
requirements for providers who provide goods and services for	74419
the program for children and youth with special health care	74420
needs;	74421
(3) Procedures to be followed by the department of health	74422
in disqualifying providers for violating requirements adopted	74423
under division (A) (2) of this section;	74424
(4) Procedures to be used by the department regarding	74425
application for diagnostic services under division (B) of	74426
section 3701.023 of the Revised Code and payment for those	74427
services under division (E) of that section;	74428
(5) Standards for the provision of service coordination by	74429
the department of health and city and general health districts;	74430
(6) Procedures for the department to use to determine the	74431
amount to be paid annually by each county for services for	74432
children and youth with special health care needs and to allow	74433
counties to retain funds under divisions (A) (2) and (3) of	74434
section 3701.024 of the Revised Code;	74435
(7) Financial eligibility requirements for services for	74436
Ohio residents twenty-one years of age or older who have cystic	74437
fibrosis;	74438

(8) Criteria for payment of approved providers who provide goods and services for children and youth with special health care needs;	74439 74440 74441
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for children and youth with special health care needs is cost-effective;	74442 74443 74444 74445
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	74446 74447 74448 74449
(11) Terms of appointment for members of the children and youth with special health care needs medical advisory council created in section 3701.025 of the Revised Code;	74450 74451 74452
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	74453 74454
(13) If a manufacturer discount program is established under division (J) (1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.	74455 74456 74457 74458 74459
(B) The department of health shall develop a manual of operational procedures and guidelines for the program for children and youth with special health care needs to implement sections 3701.021 to 3701.0210 of the Revised Code.	74460 74461 74462 74463
(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for children and youth with special health care needs that the provider is approved to provide for	74464 74465 74466 74467

the medicaid program and the director shall approve such a 74468  
provider for participation in the program for children and youth 74469  
with special health care needs. 74470

(D) In establishing medical and financial eligibility 74471  
requirements for the program for children and youth with special 74472  
health care needs, the director of health shall not specify an 74473  
age restriction that excludes from eligibility an individual who 74474  
is ~~either of the following:~~ 74475

~~(1) Beginning on July 1, 2021, less than twenty-two years~~ 74476  
~~of age;~~ 74477

~~(2) Beginning on July 1, 2022, less than twenty-three~~ 74478  
~~years of age;~~ 74479

~~(3) Beginning on July 1, 2023, less than twenty-four years~~ 74480  
~~of age;~~ 74481

~~(4) Beginning on July 1, 2024, less than twenty-five years~~ 74482  
~~of age~~ less than twenty-six years of age. 74483

**Sec. 3701.033.** (A) This section establishes the order of 74484  
priority to be followed by the department of health when 74485  
distributing funds for the purpose of providing family planning 74486  
services, including funds the department receives through the 74487  
"Maternal and Child Health Block Grant," Title V of the "Social 74488  
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 74489  
and funds the department receives through Title X of the "Public 74490  
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 74491  
amended. This section does not apply to grants awarded by the 74492  
department under section 3701.046 of the Revised Code. 74493

(B) With respect to each period during which funds from a 74494  
particular source are distributed for the purpose of providing 74495  
family planning services, the department is subject to both of 74496

the following when distributing the funds to applicants seeking 74497  
those funds: 74498

(1) Foremost priority shall be given to public entities 74499  
that are operated by state or local government entities and that 74500  
provide or are able to provide family planning services. 74501

(2) If any funds remain after the department distributes 74502  
funds to public entities under division (B) (1) of this section, 74503  
the department may distribute funds to nonpublic entities. If 74504  
funds are distributed to nonpublic entities, the department 74505  
shall distribute the funds in the following order of descending 74506  
priority: 74507

(a) Nonpublic entities that are federally qualified health 74508  
centers or federally qualified health center look-alikes, both 74509  
as defined in section 3701.047 of the Revised Code, or community 74510  
action agencies, as defined in section ~~122.66~~ 5101.311 of the 74511  
Revised Code; 74512

(b) Nonpublic entities that provide comprehensive primary 74513  
and preventive care services in addition to family planning 74514  
services; 74515

(c) Nonpublic entities that provide family planning 74516  
services, but do not provide comprehensive primary and 74517  
preventive care services. 74518

**Sec. 3701.045.** (A) The department of health, in 74519  
consultation with the ~~children's trust fund board established~~ 74520  
~~under section 3109.15 of the Revised Code~~ department of children 74521  
and youth and any bodies acting as child fatality review boards 74522  
on October 5, 2000, shall adopt rules in accordance with Chapter 74523  
119. of the Revised Code that establish a procedure for county 74524  
or regional child fatality review boards to follow in conducting 74525

a review of the death of a child. The rules shall do all of the following: 74526  
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(1) Establish the format for the annual reports required by section 307.626 of the Revised Code; 74528  
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(2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report; 74530  
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(3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures; 74535  
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(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained; 74540  
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(5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code. 74545  
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(B) On or before the thirtieth day of September of each year, the department of health and the ~~children's trust fund board~~ department of children and youth jointly shall prepare and publish a report organizing and setting forth the data from the 74551  
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department of health child death review database or the national 74555  
child death review database, data in all the reports provided by 74556  
county or regional child fatality review boards in their annual 74557  
reports for the previous calendar year, and recommendations for 74558  
any changes to law and policy that might prevent future deaths. 74559  
The department of health and the ~~children's trust fund board~~ 74560  
department of children and youth jointly shall provide a copy of 74561  
the report to the governor, the speaker of the house of 74562  
representatives, the president of the senate, the minority 74563  
leaders of the house of representatives and the senate, each 74564  
county or regional child fatality review board, and each county 74565  
or regional family and children first council. 74566

**Sec. 3701.511.** None of the funds appropriated to 74567  
administer the programs authorized by sections 3701.501 and 74568  
3701.502 of the Revised Code shall be used to counsel or refer 74569  
for abortion, ~~except in the case of a medical emergency.~~ 74570

**Sec. 3701.79.** (A) As used in this section and in sections 74571  
3701.791 and 3701.792 of the Revised Code: 74572

(1) "Abortion" has the same meaning as in section 2919.11 74573  
of the Revised Code. 74574

(2) "Abortion report" means a form completed pursuant to 74575  
division (C) of this section. 74576

(3) "Ambulatory surgical facility" has the same meaning as 74577  
in section 3702.30 of the Revised Code. 74578

(4) "Department" means the department of health. 74579

(5) "Hospital" means any building, structure, institution, 74580  
or place devoted primarily to the maintenance and operation of 74581  
facilities for the diagnosis, treatment, and medical or surgical 74582  
care for three or more unrelated individuals having illness, 74583

disease, injury, or deformity, and regularly making available at 74584  
least clinical laboratory services, diagnostic x-ray services, 74585  
treatment facilities for surgery or obstetrical care, or other 74586  
definitive medical treatment. "Hospital" does not include a 74587  
"home" as defined in section 3721.01 of the Revised Code. 74588

(6) "Physician's office" means an office or portion of an 74589  
office that is used to provide medical or surgical services to 74590  
the physician's patients. "Physician's office" does not mean an 74591  
ambulatory surgical facility, a hospital, or a hospital 74592  
emergency department. 74593

(7) "Postabortion care" means care given after the uterus 74594  
has been evacuated by abortion. 74595

(B) The department shall be responsible for collecting and 74596  
collating abortion data reported to the department as required 74597  
by this section. 74598

(C) The attending physician shall complete an individual 74599  
abortion report for the abortion, by surgical procedure or by 74600  
abortion-inducing drugs, of each zygote, blastocyte, embryo, or 74601  
fetus the physician performs. The report shall be confidential 74602  
and shall not contain the woman's name. The report shall 74603  
include, but is not limited to, all of the following, insofar as 74604  
the patient makes the data available that is not within the 74605  
physician's knowledge: 74606

(1) Patient number; 74607

(2) The name and address of the facility in which the 74608  
abortion was performed, and whether the facility is a hospital, 74609  
ambulatory surgical facility, physician's office, or other 74610  
facility; 74611

(3) The date of the abortion; 74612

(4) If a surgical abortion, the method of final disposition of the fetal remains under Chapter 3726. of the Revised Code;	74613 74614 74615
(5) All of the following regarding the woman on whom the abortion was performed:	74616 74617
(a) <del>Zip</del> <u>State and zip code</u> of residence;	74618
(b) Age;	74619
(c) Race;	74620
(d) Marital status;	74621
(e) Number of previous pregnancies;	74622
(f) Years of education;	74623
(g) Number of living children;	74624
(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	74625 74626
(i) Date of last induced abortion;	74627
(j) Date of last live birth;	74628
(k) Method of contraception at the time of conception;	74629
(l) Date of the first day of the last menstrual period;	74630
(m) Medical condition at the time of the abortion;	74631
(n) Rh-type;	74632
(o) The number of weeks of gestation at the time of the abortion.	74633 74634
(6) The type of abortion procedure performed;	74635
(7) Complications by type;	74636

(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:

(a) A test result indicating Down syndrome in an unborn child;

(b) A prenatal diagnosis of Down syndrome in an unborn child;

(c) Any other reason to believe that an unborn child has Down syndrome.

(9) Type of procedure performed after the abortion;

(10) Type of family planning recommended;

(11) Type of additional counseling given;

(12) Signature of attending physician.

(D) The physician who completed the abortion report under division (C) of this section shall submit the abortion report to the department within fifteen days after the woman is discharged.

(E) The appropriate vital records report or certificate shall be made out after the twentieth week of gestation.

(F) A copy of the abortion report shall be made part of the medical record of the patient of the facility in which the abortion was performed.

(G) Each hospital shall file monthly and annual reports listing the total number of women who have undergone a post-twelve-week-gestation abortion and received postabortion care. The reports also shall include the total number of Ohio residents and the total number of non-Ohio residents who have

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undergone a post-twelve-week gestation abortion and received 74664  
postabortion care. The annual report shall be filed following 74665  
the conclusion of the state's fiscal year. Each report shall be 74666  
filed within thirty days after the end of the applicable 74667  
reporting period. 74668

(H) Each case in which a physician treats a post abortion 74669  
complication shall be reported on a postabortion complication 74670  
form. The report shall be made upon a form prescribed by the 74671  
department, shall be signed by the attending physician, and 74672  
shall be confidential. 74673

(I) (1) Not later than the first day of ~~October~~ March of 74674  
each year, the department shall issue an annual report of the 74675  
abortion data reported to the department for the previous 74676  
calendar year as required by this section. The department shall 74677  
develop a public electronic dashboard to publish on a monthly 74678  
basis the abortion data reported to the department. The annual 74679  
report and monthly dashboard update shall include at least the 74680  
following information: 74681

(a) The total number of zygotes, blastocytes, embryos, or 74682  
fetuses that were aborted; 74683

(b) The number of abortions performed on Ohio residents 74684  
and the number performed on out-of-state residents, sorted by 74685  
the age of the woman on whom the abortion was performed, using 74686  
the following categories: under sixteen years of age, sixteen to 74687  
seventeen years of age, eighteen to twenty-four years of age, 74688  
twenty-five to twenty-nine years of age, thirty to thirty-four 74689  
years of age, thirty-five to thirty-nine years of age, forty to 74690  
forty-four years of age, forty-five years of age or older; 74691

(c) The number of abortions performed, sorted by each of 74692

the following: 74693

(i) The age of the woman on whom the abortion was 74694  
performed, using the following categories: under ~~fifteen~~sixteen 74695  
years of age, ~~fifteen~~sixteen to ~~nineteen~~seventeen years of 74696  
age, ~~twenty~~eighteen to twenty-four years of age, twenty-five to 74697  
twenty-nine years of age, thirty to thirty-four years of age, 74698  
thirty-five to thirty-nine years of age, forty to forty-four 74699  
years of age, forty-five years of age or older; 74700

(ii) The race and Hispanic ethnicity of the woman on whom 74701  
the abortion was performed; 74702

(iii) The education level of the woman on whom the 74703  
abortion was performed, using the following categories or their 74704  
equivalents: less than ninth grade, ninth through twelfth grade, 74705  
one or more years of college; 74706

(iv) The marital status of the woman on whom the abortion 74707  
was performed; 74708

(v) The number of living children of the woman on whom the 74709  
abortion was performed, using the following categories: none, 74710  
one, or two or more; 74711

(vi) The number of weeks of gestation of the woman at the 74712  
time the abortion was performed, using the following categories: 74713  
less than nine weeks, nine to twelve weeks, thirteen to nineteen 74714  
weeks, or twenty weeks or more; 74715

(vii) The county in which the abortion was performed; 74716

(viii) The type of abortion procedure performed; 74717

(ix) The number of zygotes, blastocytes, embryos, or 74718  
fetuses previously aborted by the woman on whom the abortion was 74719  
performed, sorted by the age of the woman on whom the abortion 74720

was performed, using the following categories: under sixteen 74721  
years of age, sixteen to seventeen years of age, eighteen to 74722  
twenty-four years of age, twenty-five to twenty-nine years of 74723  
age, thirty to thirty-four years of age, thirty-five to thirty- 74724  
nine years of age, forty to forty-four years of age, forty-five 74725  
years of age or older; 74726

(x) The type of facility in which the abortion was 74727  
performed; 74728

(xi) For Ohio residents, the county of residence of the 74729  
woman on whom the abortion was performed; 74730

(xii) The total number of abortions performed on minors by 74731  
each facility in the categories of under sixteen years of age 74732  
and sixteen to seventeen years of age. 74733

(2) The report also shall indicate the number and type of 74734  
the abortion complications reported to the department either on 74735  
the abortion report required under division (C) of this section 74736  
or the postabortion complication report required under division 74737  
(H) of this section. 74738

(3) In addition to the annual report required under 74739  
division (I)(1) of this section, the department shall make 74740  
available, on request, the number of abortions performed by zip 74741  
code of residence. 74742

(J) The director of health shall implement this section 74743  
and shall apply to the court of common pleas for temporary or 74744  
permanent injunctions restraining a violation or threatened 74745  
violation of its requirements. This action is an additional 74746  
remedy not dependent on the adequacy of the remedy at law. 74747

**Sec. 3701.841.** The tobacco use prevention fund is hereby 74748  
created in the state treasury. The fund shall consist of money 74749

deposited by the treasurer of state into the fund from the 74750  
liquidation, pursuant to Sub. H.B. 544 of the 127th general 74751  
assembly, of the former tobacco use prevention and control 74752  
endowment fund and any gifts, grants, or donations received by 74753  
the director of health for the purposes of the tobacco use 74754  
prevention fund. ~~All investment earnings of the fund shall be~~ 74755  
~~credited to the fund.~~ The treasurer, in consultation with the 74756  
director, may invest moneys in the fund in accordance with 74757  
section 135.143 of the Revised Code. Moneys in the fund shall be 74758  
used to pay outstanding expenses of the former tobacco use 74759  
prevention and control foundation at the discretion of the 74760  
director of health pursuant to Sub. H.B. 544 of the 127th 74761  
general assembly and shall be used in accordance with section 74762  
3701.84 of the Revised Code. 74763

Sec. 3701.88. (A) As used in this section: 74764

"340B covered entity" means an entity described in section 74765  
340B(a) (4) of the "Public Health Service Act," 42 U.S.C. 256b(a) 74766  
(4). 74767

"340B drug" means a covered outpatient drug that has been 74768  
subject to discount pricing under the 340B drug pricing program 74769  
and is purchased by a 340B covered entity. 74770

"340B drug pricing program" means the federal drug pricing 74771  
program established under 42 U.S.C. 256b. 74772

"Charity care" means free or discounted health care items 74773  
and services provided to an individual who meets the hospital's 74774  
financial assistance criteria and is unable to pay for the items 74775  
or services, as reported on the hospital's medicare cost report. 74776

"Contract pharmacy" means a retail pharmacy under contract 74777  
with a 340B covered entity to provide 340B drugs to patients on 74778

behalf of that covered entity under the 340B drug discount 74779  
program or contract pharmacy on behalf of the covered entity. 74780

"Hospital" has the same meaning as in section 3722.01 of 74781  
the Revised Code. 74782

"Low-income patient" means a patient with a household 74783  
income below two hundred per cent of the federal poverty line. 74784

"Nonprofit hospital" means a hospital that meets the 74785  
definition of covered entity in 42 U.S.C. 256b(a) (4) (L), (M), 74786  
(N), or (O). 74787

(B) Not later than July 1, 2026, and not later than the 74788  
first day of July in each year thereafter, each nonprofit 74789  
hospital participating as a covered entity in the 340B drug 74790  
pricing program shall submit a report to the department of 74791  
health. The report shall be submitted in the form and manner 74792  
specified by the department, in consultation with any other 74793  
agency the department of health determines appropriate. The 74794  
report shall contain all of the following information, for the 74795  
hospital and each offsite facility associated with it, from the 74796  
previous calendar year: 74797

(1) All of the following data, delineated by patient payor 74798  
type, including private insurance, medicare, medicaid, other 74799  
third-party payor, uninsured, or self-pay: 74800

(a) The aggregate acquisition cost for all 340B drugs 74801  
dispensed or administered by the nonprofit hospital, associated 74802  
facility, or contract pharmacy; 74803

(b) The aggregate payments received from third-party 74804  
payors, including insurers, for all 340B drugs dispensed or 74805  
administered by the nonprofit hospital, associated facility, or 74806  
contract pharmacy; 74807

(c) The total number of prescriptions dispensed or administered by the nonprofit hospital, associated facility, or contract pharmacy, and the percentage of that total number that were 340B drugs; 74808  
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(d) The percentage of patients served on a sliding fee scale for 340B drugs that were dispensed or administered at the nonprofit hospital, associated facility, or contract pharmacy. 74812  
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(2) The total operating cost of the nonprofit hospital, including an itemized cost report of all of the following: 74815  
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(a) Implementing a direct pass through of 340B profits to patients, in the form of lower cost-sharing for 340B drugs that are dispensed or administered by the nonprofit hospital, associated facility, or contracted pharmacy; 74817  
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(b) Implementing a sliding fee scale for low-income patients for 340B drugs that are dispensed or administered by the nonprofit hospital, associated facility, or contract pharmacy; 74821  
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(c) The nonprofit hospital's charity care costs. 74825

(3) In connection with administering and providing services under the 340B drug pricing program, the total payments made by the nonprofit hospital to contract pharmacies, third-party administrators, or any other party or entity. 74826  
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(4) Information regarding the nonprofit hospital's contract pharmacies, including all of the following: 74830  
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(a) The nonprofit hospital's total number of contract pharmacies; 74832  
74833

(b) The number of those contract pharmacies that are located outside of this state, including the state where each of 74834  
74835

those pharmacies are located; 74836

(c) The total number of the nonprofit hospital's 74837  
prescriptions that were filled at a contract pharmacy, the 74838  
percentage of that number that are contract pharmacies located 74839  
outside of this state, and the percentage of all of the 74840  
nonprofit hospital's prescriptions that were filled by contract 74841  
pharmacies; 74842

(d) The total reimbursements paid by the nonprofit 74843  
hospital to contract pharmacies or their affiliates for any 340B 74844  
drugs dispensed or administered on behalf of the nonprofit 74845  
hospital, and the percentage change in that amount compared to 74846  
the previous year. 74847

(5) A detailed, itemized accounting of the nonprofit 74848  
hospital's expenditures from 340B drug pricing program profits, 74849  
including all programs, services, and equipment funded or 74850  
purchased with those profits. 74851

(C) The department of health shall post the information in 74852  
the reports required under this section on its public web site. 74853

**Sec. 3704.0310.** (A) As used in this section: 74854

(1) "Air nuisance rule" means a rule adopted by the 74855  
director of environmental protection that declares any of the 74856  
following to be a public nuisance: 74857

(a) The emission or escape into the open air from any 74858  
source or sources whatsoever, of smoke, ashes, dust, dirt, 74859  
grime, acids, fumes, gases, vapors, or any other substances or 74860  
combinations of substances, in such manner or in such amounts as 74861  
to endanger the health, safety, or welfare of the public, or 74862  
cause unreasonable injury or damage to property; 74863

(b) The emission or escape into the open air from any 74864  
source or sources of odors whatsoever that is subject to 74865  
regulation under Chapter 3704. of the Revised Code and is 74866  
operated in such a manner to emit such amounts of odor as to 74867  
endanger the health, safety, or welfare of the public, or cause 74868  
unreasonable injury or damage to property; 74869

(c) Activities that are substantially similar to those 74870  
described in divisions (A) (1) (a) and (b) of this section. 74871

(2) "State implementation plan" means the state 74872  
implementation plan regarding national ambient air quality 74873  
standards required to be submitted under section 110 of the 74874  
"Clean Air Act," 42 U.S.C. 7410. 74875

(B) If the state implementation plan includes an air 74876  
nuisance rule, the director of environmental protection shall 74877  
remove the air nuisance rule from the plan and take such steps 74878  
as are necessary to do so. 74879

On and after the effective date of this section, the 74880  
director shall not include an air nuisance rule in the state 74881  
implementation plan or rely upon an air nuisance rule to 74882  
implement or enforce ambient air quality standards adopted 74883  
pursuant to the federal Clean Air Act. 74884

**Sec. 3704.14.** (A) (1) If the director of environmental 74885  
protection determines that implementation of a motor vehicle 74886  
inspection and maintenance program is necessary for the state to 74887  
effectively comply with the federal Clean Air Act after June 30, 74888  
~~2023~~2025, the director may provide for the implementation of the 74889  
program in those counties in this state in which such a program 74890  
is federally mandated. Upon making such a determination, the 74891  
director of environmental protection may request the director of 74892

administrative services to extend the terms of the contract that 74893  
was entered into under the authority of ~~Am. Sub. H.B. 64~~33 of 74894  
the ~~131st~~135th general assembly. Upon receiving the request, 74895  
the director of administrative services shall extend the 74896  
contract, beginning on July 1, ~~2023~~2025, in accordance with this 74897  
section. The contract shall be extended for a period of up to 74898  
twenty-four months with the contractor who conducted the motor 74899  
vehicle inspection and maintenance program under that contract. 74900

(2) Prior to the expiration of the contract extension that 74901  
~~is~~was authorized by division (A) (1) of this section under the 74902  
authority of H.B. 33 of the 135th general assembly, the director 74903  
of environmental protection shall request the director of 74904  
administrative services to enter into a contract with a vendor 74905  
to operate a decentralized motor vehicle inspection and 74906  
maintenance program in each county in this state in which such a 74907  
program is federally mandated through June 30, 2027, ~~with an~~ 74908  
~~option for the state to renew the contract for a period of up to~~ 74909  
~~twenty-four months through June 30, 2029~~. The contract shall 74910  
ensure that the decentralized motor vehicle inspection and 74911  
maintenance program achieves ~~at least the same~~ an equivalent 74912  
amount of emission reductions as achieved by the program 74913  
operated under the authority of the contract that was extended 74914  
under division (A) (1) of this section under the authority of 74915  
H.B. 33 of the 135th general assembly. The director of 74916  
administrative services shall select a vendor through a 74917  
competitive selection process in compliance with Chapter 125. of 74918  
the Revised Code. 74919

(3) Notwithstanding any law to the contrary, the director 74920  
of administrative services shall ensure that a competitive 74921  
selection process regarding a contract to operate a 74922  
decentralized motor vehicle inspection and maintenance program 74923

in this state incorporates the following, which shall be 74924  
included in the contract: 74925

(a) For purposes of expanding the number of testing 74926  
locations for consumer convenience, a requirement that the 74927  
vendor utilize established local businesses, auto repair 74928  
facilities, or leased properties to operate state-approved 74929  
inspection and maintenance testing facilities; 74930

(b) A requirement that the vendor selected to operate the 74931  
program provide notification of the program's requirements to 74932  
each owner of a motor vehicle that is required to be inspected 74933  
under the program. The contract shall require the notification 74934  
to be provided not later than sixty days prior to the date by 74935  
which the owner of the motor vehicle is required to have the 74936  
motor vehicle inspected. The director of environmental 74937  
protection and the vendor shall jointly agree on the content of 74938  
the notice. However, the notice shall include at a minimum the 74939  
locations of all inspection facilities within a specified 74940  
distance of the address that is listed on the owner's motor 74941  
vehicle registration. 74942

(c) A requirement that the vendor comply with testing 74943  
methodology and supply the required equipment approved by the 74944  
director of environmental protection as specified in the 74945  
competitive selection process in compliance with Chapter 125. of 74946  
the Revised Code. 74947

(4) A decentralized motor vehicle inspection and 74948  
maintenance program operated under this section shall comply 74949  
with division (B) of this section. The director of environmental 74950  
protection shall administer the decentralized motor vehicle 74951  
inspection and maintenance program operated under this section. 74952

(B) The director shall establish a decentralized motor vehicle inspection and maintenance program as authorized by this section and, at a minimum, the director shall ensure that the program does all of the following:

(1) Complies with the federal Clean Air Act;

(2) Provides for the issuance of inspection certificates and alternative emissions certificates as specified in rules adopted under division (C) (2) of this section;

(3) Provides for a new car exemption for motor vehicles six years old or newer and provides that a new motor vehicle is exempt for six years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provides for an exemption for battery electric motor vehicles;

(5) Provides for an exemption for hybrid motor vehicles seven years old or newer and provides that a hybrid motor vehicle is exempt for seven years regardless of whether legal title to the motor vehicle is transferred during that period.

(C) (1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(2) The rules adopted under division (C) (1) of this section shall provide for the issuance of inspections

certificates and alternative emissions certificates. Under the 74982  
rules, an inspection certificate shall be issued to the owner or 74983  
lessee of a motor vehicle when the motor vehicle passes an 74984  
emissions inspection conducted in accordance with the motor 74985  
vehicle inspection and maintenance program established under 74986  
this section. In lieu of obtaining an inspection certificate, 74987  
the rules shall establish a system by which the owner or lessee 74988  
of a motor vehicle may request an alternative emissions 74989  
certificate from the director. 74990

(a) The rules providing for the issuance of alternative 74991  
emissions certificates shall require an owner or lessee of a 74992  
motor vehicle to do the following in order to receive the 74993  
certificate: 74994

(i) Complete and submit an attestation form created by the 74995  
director that includes a statement that reads substantially as 74996  
follows: 74997

"I, \_\_\_\_\_, attest that, to the best of my knowledge, the 74998  
motor vehicle concerning which I am the owner or lessee complies 74999  
with all laws of Ohio and the United States governing motor 75000  
vehicle emissions. I, \_\_\_\_\_, am aware that a false statement on 75001  
this form is not permitted." 75002

(ii) Sign and date the form either manually or 75003  
electronically; 75004

(iii) Submit the form to the director either by regular 75005  
mail, certified mail, or electronically. 75006

(b) The rules shall require the director to include both 75007  
of the following additional information on the attestation form: 75008

(i) A provision that allows the owner or lessee of a motor 75009  
vehicle to specify one of the following methods by which the 75010

owner or lessee may request delivery of the alternative 75011  
emissions certificate: certified mail, noncertified mail, or 75012  
electronically; 75013

(ii) A provision that allows the owner or lessee of a 75014  
motor vehicle to specify the vehicle identification number, 75015  
make, model, and year of the relevant motor vehicle and the date 75016  
the attestation form is submitted to the director. 75017

(c) Subject to division (C)(2)(d) of this section, the 75018  
rules shall require the director to deliver an alternative 75019  
emission certificate to the owner or lessee of a motor vehicle 75020  
who complies with rules adopted under division (C)(2)(a) of this 75021  
section. The director shall deliver the certificate within 75022  
thirty business days after the director's receipt of the 75023  
attestation form or, if the owner or lessee submits the form 75024  
electronically, within five business days after receipt of the 75025  
form. The director shall confirm the receipt of the attestation 75026  
form if the director receives it by electronic means. 75027

(d) The rules shall require the director to reject an 75028  
attestation form for any of the following reasons: 75029

(i) The motor vehicle that is the subject of the 75030  
attestation form was in an accident or collision within the two 75031  
years prior to the date of submission of the form, and the 75032  
accident or collision caused substantial damage to the internal 75033  
structure of the motor vehicle. 75034

(ii) The owner or lessee of the motor vehicle that is the 75035  
subject of the attestation form has received a ticket, citation, 75036  
or summons with regard to that motor vehicle within the two 75037  
years prior to the date of submission of the form for a 75038  
violation of section 4513.22 of the Revised Code or 75039

substantially equivalent municipal ordinance. 75040

(iii) The information in the attestation form is 75041  
determined by the director to be false. 75042

If the director rejects an attestation form under division 75043  
(C) (2) (d) (iii) of this section, the director shall provide 75044  
notice to the owner or lessee that the attestation form was 75045  
determined to be false. The notice shall inform the owner or 75046  
lessee that the owner or lessee may submit a corrected form to 75047  
the director within thirty days of the receipt of the notice. If 75048  
the owner or lessee submits a corrected attestation form that 75049  
complies with rules adopted under division (C) (2) of this 75050  
section within that thirty-day period, the director shall issue 75051  
an alternative emissions certificate to the owner or lessee. If 75052  
the owner or lessee fails to correct the attestation form, the 75053  
director shall require the owner or lessee to complete an 75054  
emissions inspection and obtain an inspection certificate in 75055  
accordance with rules adopted under this section. 75056

If the director rejects an attestation form under division 75057  
(C) (2) (d) (i) or (ii) of this section, the director shall require 75058  
the owner or lessee to complete an emissions inspection and 75059  
obtain an inspection certificate in accordance with rules 75060  
adopted under this section. 75061

(e) In adopting rules under division (C) (2) of this 75062  
section, the director shall ensure that the owner or lessee of a 75063  
motor vehicle who falsifies an attestation form receives a 75064  
notice that includes a statement that reads substantially as 75065  
follows: "You have falsified an attestation form for your 75066  
vehicle under the E-Check/motor vehicle emissions testing 75067  
program. Your vehicle is registered in one of [insert the number 75068  
of counties] counties in this state that has federal emission 75069

mandates imposed on it that the State of Ohio is required, under 75070  
threat of penalty, to enforce. This letter serves as Ohio's only 75071  
penalty for falsification of an attestation form. You have 75072  
thirty days from the date of this notice to amend your 75073  
attestation form and submit the amended form to the 75074  
Environmental Protection Agency. However, if you choose not to 75075  
submit an amended attestation form, you must have a motor 75076  
vehicle emissions inspection conducted for your vehicle in 75077  
accordance with section 3704.14 of the Revised Code and rules 75078  
adopted under it." 75079

(f) No penalties apply to a person who the director has 75080  
determined to have falsified an attestation form, other than the 75081  
issuance of the notice required under division (C) (2) (e) of this 75082  
section. 75083

(D) There is hereby created in the state treasury the auto 75084  
emissions test fund, which shall consist of money received by 75085  
the director from any cash transfers, state and local grants, 75086  
and other contributions that are received for the purpose of 75087  
funding the program established under this section. The director 75088  
of environmental protection shall use money in the fund solely 75089  
for the implementation, supervision, administration, operation, 75090  
and enforcement of the motor vehicle inspection and maintenance 75091  
program established under this section. Money in the fund shall 75092  
not be used for either of the following: 75093

(1) To pay for the inspection costs incurred by a motor 75094  
vehicle dealer so that the dealer may provide inspection 75095  
certificates to an individual purchasing a motor vehicle from 75096  
the dealer when that individual resides in a county that is 75097  
subject to the motor vehicle inspection and maintenance program; 75098

(2) To provide payment for more than one free passing 75099

emissions inspection or a total of three emissions inspections 75100  
for a motor vehicle in any three-hundred-sixty-five-day period. 75101  
The owner or lessee of a motor vehicle is responsible for 75102  
inspection fees that are related to emissions inspections beyond 75103  
one free passing emissions inspection or three total emissions 75104  
inspections in any three-hundred-sixty-five-day period. 75105  
Inspection fees that are charged by a contractor conducting 75106  
emissions inspections under a motor vehicle inspection and 75107  
maintenance program shall be approved by the director of 75108  
environmental protection. 75109

(E) The motor vehicle inspection and maintenance program 75110  
established under this section expires upon the termination of 75111  
all contracts entered into under this section and shall not be 75112  
implemented beyond the final date on which termination occurs. 75113

(F) As used in this section "battery electric motor 75114  
vehicle" and "hybrid motor vehicle" have the same meanings as in 75115  
section 4501.01 of the Revised Code. 75116

(G) On ~~the effective date of this amendment~~ June 30, 2025, 75117  
the director shall immediately begin procedures to submit to the 75118  
United States environmental protection agency the alternative 75119  
emissions certification program for approval as part of the Ohio 75120  
state implementation plan. If the United States environmental 75121  
protection agency approves the modification of the decentralized 75122  
motor vehicle inspection and maintenance program as providing 75123  
sufficient air pollution reductions to meet the federal Clean 75124  
Air Act requirements for a vehicle inspection and maintenance 75125  
program and modifies the Ohio state implementation plan, the 75126  
director shall immediately begin to modify the Ohio 75127  
environmental protection agency rules to implement the 75128  
alternative emissions certification program. Nothing in this 75129

division requires the Ohio environmental protection agency to 75130  
take action to implement the alternative emissions certification 75131  
program until the United States environmental protection agency 75132  
approves the alternative program as part of the Ohio state 75133  
implementation plan. 75134

(H) If the United States environmental protection agency 75135  
determines that the motor vehicle inspection and maintenance 75136  
program implemented in accordance with this section is not 75137  
necessary for the state or any area of the state to comply with 75138  
the federal Clean Air Act, the director shall immediately 75139  
discontinue the program and take any actions necessary to 75140  
effectuate the termination of the program. 75141

**Sec. 3705.126.** The department of health shall neither open 75142  
an adoption file nor make its contents available except as 75143  
follows: 75144

(A) The department shall inspect the file to determine the 75145  
court involved for the purpose of division (D) of section 75146  
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 75147

(B) The department shall make the file's contents 75148  
available to an adopted person or lineal descendant of an 75149  
adopted person in accordance with section 3107.38 of the Revised 75150  
Code. 75151

(C) The department shall open the file to transfer 75152  
releases to the file in accordance with section 3107.381 of the 75153  
Revised Code. 75154

(D) The department shall open the file to file a contact 75155  
preference form from a biological parent pursuant to section 75156  
3107.39 of the Revised Code and remove any previously filed 75157  
contact preference form from the biological parent. 75158

(E) The department shall open the file to ~~file a~~ 75159  
~~biological parent's name redaction request form pursuant to~~ 75160  
~~division (C) of section 3107.391 of the Revised Code or to~~ 75161  
remove and destroy ~~the~~ a name redaction request form pursuant to 75162  
division ~~(D)~~ (A) of that section 3107.391 of the Revised Code. 75163

(F) The department shall open the file to file a denial of 75164  
release form under division (A) of section 3107.46 of the 75165  
Revised Code or an authorization of release form under division 75166  
(B) of that section. 75167

(G) The department shall make the file's contents 75168  
available to an adopted person or adoptive parent in accordance 75169  
with section 3107.47 of the Revised Code. 75170

(H) The department shall open the file to file a request 75171  
from an adopted person under division (A) of section 3107.48 of 75172  
the Revised Code or to remove and destroy the request pursuant 75173  
to division (B) of that section. 75174

(I) The department shall inspect the file to assist a 75175  
birth parent or birth sibling in finding the adopted person's 75176  
name by adoption in accordance with section 3107.49 of the 75177  
Revised Code. 75178

(J) The court that decreed the adoption may order that the 75179  
contents be made open for inspection or available for copying. 75180

**Sec. 3705.16.** (A) For purposes of this section 75181  
notwithstanding section 3705.01 of the Revised Code, "fetal 75182  
death" does not include death of the product of human conception 75183  
prior to twenty weeks of gestation. 75184

(B) Each death or fetal death that occurs in this state 75185  
shall be registered with the local registrar of vital statistics 75186  
of the district in which the death or fetal death occurred, by 75187

the funeral director or other person in charge of the final 75188  
disposition of the remains. The personal and statistical 75189  
information in the death or fetal death certificate shall be 75190  
obtained from the best qualified persons or sources available, 75191  
by the funeral director or other person in charge of the final 75192  
disposition of the remains. The statement of facts relating to 75193  
the disposition of the body and information relative to the 75194  
armed services referred to in section 3705.19 of the Revised 75195  
Code shall be signed by the funeral director or other person in 75196  
charge of the final disposition of the remains. 75197

~~(C) The~~ (1) For certification of the cause of death, the 75198  
funeral director or other person in charge of the final 75199  
disposition of the remains shall present the death or fetal 75200  
death certificate to one of the attending physician of the 75201  
~~decedent, the coroner, or the medical examiner, as appropriate~~ 75202  
~~for certification of the cause of death. If following~~ 75203  
individuals: 75204

(a) If a death or fetal death occurs under any 75205  
~~circumstances mentioned circumstance described~~ in section 313.12 75206  
of the Revised Code, the coroner in the county in which the 75207  
death occurs, ~~or a deputy coroner, the~~ medical examiner, ~~or~~ 75208  
~~deputy medical examiner serving in an equivalent capacity, shall~~ 75209  
~~certify the cause of death unless that death was reported to the~~ 75210  
~~coroner, deputy coroner, medical examiner, or deputy medical~~ 75211  
~~examiner and that person, after a preliminary examination,~~ 75212  
~~declined to assert jurisdiction with respect to the death or~~ 75213  
~~fetal death. A physician other than the coroner in the county in~~ 75214  
~~which a death or fetal death occurs, or a deputy coroner,~~ 75215  
~~medical examiner, or deputy medical examiner serving in an~~ 75216  
~~equivalent capacity, may certify only those deaths that occur~~ 75217  
~~under natural circumstances;~~ 75218

(b) If a death or fetal death occurs under a circumstance 75219  
other than as described in section 313.12 of the Revised Code, 75220  
the attending physician of the decedent, except that, in the 75221  
case of decedent who did not have an attending physician, the 75222  
physician who, either in person or through a means of 75223  
telehealth, last examined or treated the decedent for any 75224  
illness or condition. 75225

(2) After the death or fetal death certificate is 75226  
presented, the cause of death shall be certified and the medical 75227  
certificate of death shall be completed and signed as follows: 75228

(a) If the death or fetal death certificate is presented 75229  
to the coroner or medical examiner, the coroner, or a deputy 75230  
coroner, medical examiner, or deputy medical examiner serving in 75231  
an equivalent capacity, shall certify the cause of death. 75232

(b) If the death or fetal death certificate is presented 75233  
to the physician described in division (C) (1) (b) of this 75234  
section, that physician shall certify the cause of death. 75235

(3) The medical certificate of death shall be completed 75236  
and signed by the ~~physician who attended the decedent or by the~~ 75237  
coroner or medical examiner, physician who attended the 75238  
decedent, or physician who last examined or treated the 75239  
decedent, as appropriate, within forty-eight hours after 75240  
notification of the death or fetal death.-A- 75241

A coroner or medical examiner may satisfy the requirement 75242  
of signing a medical certificate showing the cause of death or 75243  
fetal death as pending ~~either by stamping it with a stamp of the~~ 75244  
~~coroner's or medical examiner's signature or by signing it in-~~ 75245  
~~the coroner's or medical examiner's own hand, but within forty-~~ 75246  
~~eight hours after notification of the death or fetal death,~~ 75247

provided that the coroner or medical examiner shall sign any 75248  
other medical certificate of death or supplementary medical 75249  
certification ~~in the coroner's or medical examiner's own~~ 75250  
~~hand~~ within forty-eight hours after the cause of death has been 75251  
determined. 75252

A physician described in division (C) (1) (b) of this 75253  
section may satisfy the requirement of signing a medical 75254  
certificate by signing with an electronic signature. 75255

(D) A coroner, medical examiner, or physician who acts in 75256  
good faith in accordance with this section, without fraud or 75257  
malice, and upon reasonable belief of the cause of death or 75258  
fetal death based on the information, if any, presented is not 75259  
subject to civil liability or professional disciplinary action 75260  
for any act or omission in certifying the cause of death or in 75261  
completing and signing the medical certificate of death. 75262

(E) Any death certificate registered pursuant to this 75263  
section shall contain the social security number of the 75264  
decedent, if available. A social security number obtained under 75265  
this section is a public record under section 149.43 of the 75266  
Revised Code. 75267

**Sec. 3705.17.** The body of a person whose death occurs in 75268  
this state shall not be interred, deposited in a vault or tomb, 75269  
cremated, or otherwise disposed of by a funeral director until a 75270  
burial permit is issued by a local registrar or sub-registrar of 75271  
vital statistics. No such permit shall be issued by a local 75272  
registrar or sub-registrar until a satisfactory death, fetal 75273  
death, or provisional death certificate is filed with the local 75274  
registrar or sub-registrar. When the medical certification as to 75275  
the cause of death cannot be provided by the attending physician 75276  
or coroner prior to burial, for sufficient cause, as determined 75277

by rule of the director of health, the funeral director may file 75278  
a provisional death certificate with the local registrar or sub- 75279  
registrar for the purpose of securing a burial or burial-transit 75280  
permit. When the funeral director files a provisional death 75281  
certificate to secure a burial or burial-transit permit, the 75282  
funeral director shall file a satisfactory and complete death 75283  
certificate within five days after the date of death. The 75284  
director of health, by rule, may provide additional time for 75285  
filing a satisfactory death certificate. A burial permit 75286  
authorizing cremation shall not be issued upon the filing of a 75287  
provisional certificate of death. 75288

When a funeral director or other person obtains a burial 75289  
permit from a local registrar or sub-registrar, the registrar or 75290  
sub-registrar shall charge a fee of ~~three~~ten dollars for the 75291  
issuance of the burial permit. ~~Two~~Nine dollars and fifty cents 75292  
of each fee collected for a burial permit shall be paid into the 75293  
state treasury to the credit of the cemetery registration fund 75294  
created under section 4767.03 of the Revised Code to be used by 75295  
the division of real estate and professional licensing in the 75296  
department of commerce in discharging its duties prescribed in 75297  
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 75298  
resolution commission created by section 4767.05 of the Revised 75299  
Code. A local registrar or sub-registrar shall transmit payments 75300  
of that portion of the amount of each fee collected under this 75301  
section to the treasurer of state on a quarterly basis or more 75302  
frequently, if possible. The director of health, by rule, shall 75303  
provide for the issuance of a burial permit without the payment 75304  
of the fee required by this section if the total cost of the 75305  
burial will be paid by an agency or instrumentality of the 75306  
United States, the state or a state agency, or a political 75307  
subdivision of the state. 75308

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection.

**Sec. 3706.01.** As used in this chapter:

(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency

thereof, and any agency, commission, or authority established 75339  
pursuant to an interstate compact or agreement. 75340

(B) "Person" means any individual, firm, partnership, 75341  
association, or corporation, or any combination thereof. 75342

(C) "Air contaminant" means particulate matter, dust, 75343  
fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, 75344  
radiation, or odorous substance, or any combination thereof. 75345

(D) "Air pollution" means the presence in the ambient air 75346  
of one or more air contaminants in sufficient quantity and of 75347  
such characteristics and duration as to injure human health or 75348  
welfare, plant or animal life, or property, or that unreasonably 75349  
interferes with the comfortable enjoyment of life or property. 75350

(E) "Ambient air" means that portion of the atmosphere 75351  
outside of buildings and other enclosures, stacks, or ducts that 75352  
surrounds human, plant, or animal life, or property. 75353

(F) "Emission" means the release into the outdoor 75354  
atmosphere of an air contaminant. 75355

(G) "Air quality facility" means any of the following: 75356

(1) Any method, modification or replacement of property, 75357  
process, device, structure, or equipment that removes, reduces, 75358  
prevents, contains, alters, conveys, stores, disperses, or 75359  
disposes of air contaminants or substances containing air 75360  
contaminants, or that renders less noxious or reduces the 75361  
concentration of air contaminants in the ambient air, including, 75362  
without limitation, facilities and expenditures that qualify as 75363  
air pollution control facilities under section 103 (C) (4) (F) of 75364  
the Internal Revenue Code of 1954, as amended, and regulations 75365  
adopted thereunder; 75366

(2) Motor vehicle inspection stations operated in accordance with, and any equipment used for motor vehicle inspections conducted under, section 3704.14 of the Revised Code and rules adopted under it;	75367 75368 75369 75370
(3) Ethanol or other biofuel facilities, including any equipment used at the ethanol or other biofuel facility for the production of ethanol or other biofuels;	75371 75372 75373
(4) Any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product or solid waste resulting from any method, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air;	75374 75375 75376 75377 75378 75379 75380 75381
(5) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through improvements in the efficiency of energy utilization or energy conservation;	75382 75383 75384 75385
(6) Any coal research and development project conducted under Chapter 1555. of the Revised Code;	75386 75387
(7) As determined by the director of the Ohio coal development office, any property or portion thereof that is used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product resulting from a coal research and development project as defined in section 1555.01 of the Revised Code or from the use of clean coal technology, excluding any property or portion thereof that is used primarily for other subsequent commercial purposes;	75388 75389 75390 75391 75392 75393 75394 75395

<del>(8) Any property or portion thereof that is part of the</del>	75396
<del>FutureGen project of the United States department of energy or</del>	75397
<del>related to the siting of the FutureGen project</del> <u>Any property,</u>	75398
<u>device, or equipment comprising a facility generating green</u>	75399
<u>energy;</u>	75400
(9) Any property, device, or equipment that promotes the	75401
reduction of emissions of air contaminants into the ambient air	75402
through the generation of clean, renewable energy with renewable	75403
energy resources or advanced energy resources as defined in	75404
section 3706.25 of the Revised Code;	75405
(10) Any property, device, structure, or equipment	75406
necessary for the manufacture and production of equipment	75407
described as an air quality facility under this chapter;	75408
(11) Any property, device, or equipment related to the	75409
recharging or refueling of vehicles that promotes the reduction	75410
of emissions of air contaminants into the ambient air through	75411
the use of an alternative fuel as defined in section 125.831 of	75412
the Revised Code or the use of a renewable energy resource as	75413
defined in section 3706.25 of the Revised Code;	75414
(12) Any special energy improvement project, as defined in	75415
section 1710.01 of the Revised Code, that promotes the reduction	75416
of emissions of air contaminants into the ambient air.	75417
"Air quality facility" further includes any property or	75418
system to be used in whole or in part for any of the purposes in	75419
divisions (G) (1) to (12) of this section, whether another	75420
purpose is also served, and any property or system incidental to	75421
or that has to do with, or the end purpose of which is, any of	75422
the foregoing. Air quality facilities that are defined in this	75423
division for industry, commerce, distribution, or research,	75424

including public utility companies, are hereby determined to be 75425  
those that qualify as facilities for the control of air 75426  
pollution and thermal pollution related to air under Section 13 75427  
of Article VIII, Ohio Constitution. 75428

(H) "Project" or "air quality project" means any air 75429  
quality facility, including undivided or other interests 75430  
therein, acquired or to be acquired or constructed or to be 75431  
constructed by the Ohio air quality development authority under 75432  
this chapter, or acquired or to be acquired or constructed or to 75433  
be constructed by a governmental agency or person with all or a 75434  
part of the cost thereof being paid from a loan or grant from 75435  
the authority under this chapter or otherwise paid from the 75436  
proceeds of air quality revenue bonds, including all buildings 75437  
and facilities that the authority determines necessary for the 75438  
operation of the project, together with all property, rights, 75439  
easements, and interests that may be required for the operation 75440  
of the project. 75441

(I) "Cost" as applied to an air quality project means the 75442  
cost of acquisition and construction, the cost of acquisition of 75443  
all land, rights-of-way, property rights, easements, franchise 75444  
rights, and interests required for such acquisition and 75445  
construction, the cost of demolishing or removing any buildings 75446  
or structures on land so acquired, including the cost of 75447  
acquiring any lands to which such buildings or structures may be 75448  
moved, the cost of acquiring or constructing and equipping a 75449  
principal office and sub-offices of the authority, the cost of 75450  
diverting highways, interchange of highways, and access roads to 75451  
private property, including the cost of land or easements for 75452  
such access roads, the cost of public utility and common carrier 75453  
relocation or duplication, the cost of all machinery, 75454  
furnishings, and equipment, financing charges, interest prior to 75455

and during construction and for no more than eighteen months 75456  
after completion of construction, engineering, expenses of 75457  
research and development with respect to air quality facilities, 75458  
the cost of any commodity contract, including fees and expenses 75459  
related thereto, legal expenses, plans, specifications, surveys, 75460  
studies, estimates of cost and revenues, working capital, other 75461  
expenses necessary or incident to determining the feasibility or 75462  
practicability of acquiring or constructing such project, 75463  
administrative expense, and such other expense as may be 75464  
necessary or incident to the acquisition or construction of the 75465  
project, the financing of such acquisition or construction, 75466  
including the amount authorized in the resolution of the 75467  
authority providing for the issuance of air quality revenue 75468  
bonds to be paid into any special funds from the proceeds of 75469  
such bonds, and the financing of the placing of such project in 75470  
operation. Any obligation, cost, or expense incurred by any 75471  
governmental agency or person for surveys, borings, preparation 75472  
of plans and specifications, and other engineering services, or 75473  
any other cost described above, in connection with the 75474  
acquisition or construction of a project may be regarded as a 75475  
part of the cost of that project and may be reimbursed out of 75476  
the proceeds of air quality revenue bonds as authorized by this 75477  
chapter. 75478

(J) "Owner" includes an individual, copartnership, 75479  
association, or corporation having any title or interest in any 75480  
property, rights, easements, or interests authorized to be 75481  
acquired by this chapter. 75482

(K) "Revenues" means all rentals and other charges 75483  
received by the authority for the use or services of any air 75484  
quality project, any gift or grant received with respect to any 75485  
air quality project, any moneys received with respect to the 75486

lease, sublease, sale, including installment sale or conditional 75487  
sale, or other disposition of an air quality project, moneys 75488  
received in repayment of and for interest on any loans made by 75489  
the authority to a person or governmental agency, whether from 75490  
the United States or any department, administration, or agency 75491  
thereof, or otherwise, proceeds of such bonds to the extent that 75492  
use thereof for payment of principal of, premium, if any, or 75493  
interest on the bonds is authorized by the authority, amounts 75494  
received or otherwise derived from a commodity contract or from 75495  
the sale of the related commodity under such a contract, 75496  
proceeds from any insurance, condemnation, or guaranty 75497  
pertaining to a project or property mortgaged to secure bonds or 75498  
pertaining to the financing of the project, and income and 75499  
profit from the investment of the proceeds of air quality 75500  
revenue bonds or of any revenues. 75501

(L) "Public roads" includes all public highways, roads, 75502  
and streets in the state, whether maintained by the state, 75503  
county, city, township, or other political subdivision. 75504

(M) "Public utility facilities" includes tracks, pipes, 75505  
mains, conduits, cables, wires, towers, poles, and other 75506  
equipment and appliances of any public utility. 75507

(N) "Construction," unless the context indicates a 75508  
different meaning or intent, includes reconstruction, 75509  
enlargement, improvement, or providing furnishings or equipment. 75510

(O) "Air quality revenue bonds," unless the context 75511  
indicates a different meaning or intent, includes air quality 75512  
revenue notes, air quality revenue renewal notes, and air 75513  
quality revenue refunding bonds, except that notes issued in 75514  
anticipation of the issuance of bonds shall have a maximum 75515  
maturity of five years as provided in section 3706.05 of the 75516

Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, other than a recyclable by-product, generated from a municipal, commercial, or industrial waste water treatment plant, water supply plant, or air pollution control facility or any other such wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from agricultural products, including potatoes, cereal, grains, cheese whey, and sugar beets; forest products; or other renewable or biomass resources, including residue and waste generated from the production, processing, and marketing of

agricultural products, forest products, and other renewable or biomass resources, that meets all of the specifications in the American society for testing and materials (ASTM) specification D 4806-88 and is denatured as specified in Parts 20 and 21 of Title 27 of the Code of Federal Regulations.

(T) "Biofuel" means any fuel that is made from cellulosic biomass resources, including renewable organic matter, crop waste residue, wood, aquatic plants and other crops, animal waste, solid waste, or sludge, and that is used for the production of energy for transportation or other purposes.

(U) "FutureGen project" means the buildings, equipment, and real property and functionally related buildings, equipment, and real property, including related research projects that support the development and operation of the buildings, equipment, and real property, designated by the United States department of energy and the FutureGen industrial alliance, inc., as the coal-fueled, zero-emissions power plant designed to prove the technical and economic feasibility of producing electricity and hydrogen from coal and nearly eliminating carbon dioxide emissions through capture and permanent storage.

(V) "Commodity contract" means a contract or series of contracts entered into in connection with the acquisition or construction of air quality facilities for the purchase or sale of a commodity that is eligible for prepayment with the proceeds of federally tax exempt bonds under sections 103, 141, and 148 of the Internal Revenue Code of 1986, as amended, and regulations adopted under it.

(W) "Green energy" has the same meaning as in section 4928.01 of the Revised Code.

**Sec. 3709.15.** The board of health of a city or general health district may appoint as many persons for sanitary duty as the public health and sanitary conditions of the district require, and such persons shall have general police powers and be known as "sanitarians." The board may also appoint as many registered nurses for public health nurse duty as the public health and sanitary conditions of the district require, who shall be known as "public health nurses," and where such are appointed, the board may appoint licensed practical nurses as defined by section ~~4723.15~~ 4723.02 of the Revised Code. The legislative authority of the city may determine the maximum number of sanitarians and public health nurses and licensed practical nurses to be appointed.

The board of health of a city or general health district may provide nursing care and other therapeutic and supportive care services to maintain an ill or infirm person in a place of residence used as such person's home or elsewhere. The board shall charge and collect reasonable fees not to exceed the cost of service for such care from patients financially able to pay, or may accept payment for such services from persons or public or private agencies on behalf of the recipient, either directly or by contract with such persons or agencies. The fees shall be retained by the board and placed in a special fund to be known as the home health services fund, and shall be used by the board only for defraying the cost of personnel, equipment, supplies, rental of physical facilities including real property, utilities, and administrative costs in providing services under this section. ~~The approval of the auditor of state referred to in section 5705.12 of the Revised Code shall not be required for the establishment of the fund.~~

The board, in addition, may contract with any individual

or a public or private agency to furnish services authorized by 75607  
this section on behalf of a city or general health district for 75608  
such time and for such compensation as may be agreed upon by the 75609  
board and the individual or agency. The compensation shall be 75610  
paid by the board from the home health services fund, or from 75611  
any other available fund of the board. 75612

**Sec. 3717.071.** (A) The director of agriculture and 75613  
director of health shall prescribe forms for use in calculating 75614  
the licensing fees that may be charged under sections 3717.25 75615  
and 3717.45 of the Revised Code. Each licensor that charges 75616  
licensing fees shall use the forms in calculating its costs 75617  
according to the uniform methodologies established in rules 75618  
adopted under section 3717.07 of the Revised Code. 75619

(B) (1) If the licensor is a board of health, the board 75620  
shall submit the form to the director of agriculture in the case 75621  
of fees being charged for retail food establishment licenses, 75622  
and to the director of health in the case of fees being charged 75623  
for food service operation licenses. The board shall submit the 75624  
form to the appropriate director not later than the first day of 75625  
the fiscal year in which the fees will apply. A form that is 75626  
mailed to the director shall be considered to have been 75627  
submitted on its postmark date. 75628

(2) On receipt of a form from a board of health, the 75629  
director of agriculture or director of health shall review the 75630  
form to determine if the board has calculated its fees in 75631  
accordance with the uniform methodologies. ~~The director may~~ 75632  
~~request that the auditor of state conduct an audit of the board~~ 75633  
~~to determine if the fees it established are appropriate. The~~ 75634  
~~audit is in addition to the annual or biennial audit conducted~~ 75635  
~~pursuant to division (A) of section 117.11 of the Revised Code,~~ 75636

~~and the cost of the audit is the responsibility of the board of health.~~ If at any time the director of agriculture or director of health has reasonable cause to believe that ~~a different~~ an audit of a board of health, in addition to the annual or biennial audit conducted pursuant to division (A) of section 117.11 of the Revised Code, is in the public interest, the director may request that the auditor of state conduct the audit. If the audit is conducted, the cost of the audit is the responsibility of the board of health.

(C) (1) If a board of health fails to submit the forms as required under division (B) (1) of this section and the failure has occurred not more than twice in the immediately preceding five-year period, the board is subject to the following penalties:

(a) If the form is late by one but not more than five working days, a fine of fifty dollars for each working day the form is late;

(b) If the form is late by six working days but not more than ten working days, a fine of one hundred dollars for each working day the form is late;

(c) If the form is late by more than ten working days, the board shall reduce by twenty per cent the fees it charges under section 3717.25 or 3717.45 of the Revised Code during the next succeeding fiscal year.

(2) If a board fails to submit the forms and the failure has occurred more than twice in the immediately preceding five-year period, the board shall reduce by twenty per cent the fees it charges under section 3717.25 or 3717.45 of the Revised Code during the next succeeding fiscal year.

(3) A board of health that is required to pay a fine or  
reduce its licensing fees shall not include any part of the cost  
of the penalty in the fees it charges under section 3717.25 or  
3717.45 of the Revised Code or the fees it charges in operating  
any other licensing program.

**Sec. 3718.02.** (A) The director of health, in accordance  
with Chapter 119. of the Revised Code, shall adopt, and  
subsequently may amend and rescind, rules of general application  
throughout the state to administer this chapter. Rules adopted  
under division (A) of this section shall do at least all of the  
following:

(1) Require that the appropriate board of health approve  
or disapprove the installation, operation, and alteration of a  
sewage treatment system if it is not connected to a sanitary  
sewerage system;

(2) Require a board of health, or other person as  
established by rule, to conduct a site evaluation for any  
proposed installation of a sewage treatment system;

(3) Prescribe standards for the siting, design,  
installation, operation, monitoring, maintenance, and  
abandonment of sewage treatment systems that may be used in this  
state and for the progressive or incremental alteration or  
repair of an existing sewage treatment system or the progressive  
or incremental installation of a new system to replace an  
existing sewage treatment system. The rules shall be adopted so  
as to establish a preference for the repair of an existing  
sewage treatment system, when technically and economically  
feasible, rather than its replacement with a new system. The  
standards shall include at a minimum all of the following:

(a) Soil absorption specifications and vertical separation distances. 75695  
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(i) Soil absorption specifications established in rules shall include standards regarding the sizing of sewage treatment systems in use in the state. 75697  
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(ii) In establishing soil absorption specifications and vertical separation distances, the rules shall identify those soil conditions that present a low or moderate risk of inadequate treatment or dispersal of sewage from sewage treatment systems. For low and moderate risk conditions, the required vertical separation distance shall not exceed eighteen inches except as authorized pursuant to rules adopted under divisions (A) (3) (a) (iii) and (iv) of this section. 75700  
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In addition, the rules shall identify those soil conditions that present a high risk of inadequate treatment or dispersal of sewage. For such high risk conditions, the vertical separation distance shall be set at a depth from twenty-four to thirty-six inches and shall not be lowered unless a reduction of vertical separation is granted in accordance with rules adopted under division (A) (3) (a) (iii) of this section. 75708  
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(iii) The rules shall establish options to be utilized by a board of health when approving the reductions of or compliance with vertical separation distances that are established in rules adopted under division (A) (3) (a) (ii) of this section. The options for a board of health in providing such approval shall include, but not be limited to: the use where deemed appropriate for a particular site of subsurface interceptor drains, perimeter drains, or engineered drainage; pretreatment of sewage; or soil elevation. 75715  
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(iv) The rules shall provide that a board of health may petition the director to increase the vertical separation distances required for sewage treatment systems in the applicable health district or a portion of the district when conditions present a high risk of inadequate treatment or dispersal of sewage. The rules also shall provide that the director may approve such a request upon a demonstration by the board of health that unusual or unique local conditions relating to terrain, bedrock, water table, soil fragments, or soil textures require the establishment of greater vertical separation distances within the jurisdiction of the board of health or a portion thereof. If, under the rules, the director of health approves a greater vertical separation distance, a board of health still may approve a reduction of that vertical separation distance for an individual sewage treatment system pursuant to rules adopted under division (A) (3) (a) (iii) of this section. Further, if, under the rules, the director approves a greater vertical separation distance, a person who is denied permission by a board of health to install or replace a sewage treatment system as a result of the director's approval may request a hearing in accordance with section 3718.11 of the Revised Code.

(b) Specifications for the quality of treated sewage effluent from household sewage treatment systems that is applied to soil on the property where a household sewage treatment system is located. The specifications established in the rules for the quality of effluent from discharging systems shall comply with discharge requirements imposed by the national pollutant discharge elimination system permit program established under section 6111.03 of the Revised Code and rules adopted under it.

(c) Requirements for the reasonable maintenance of a 75755  
system according to maintenance requirements approved by the 75756  
director of health as recommended by the sewage treatment system 75757  
technical advisory committee or according to accepted standards 75758  
and practices established in rules, as applicable. The 75759  
requirements may include standards for service contracts or 75760  
other arrangements that assure regular maintenance and upkeep of 75761  
the system. In determining the reasonableness of a maintenance 75762  
requirement, the director shall consider a manufacturer's 75763  
maintenance requirements as well as all other maintenance 75764  
alternatives. 75765

(4) Prescribe procedures for notification to boards of 75766  
health of the approval of a sewage treatment system or 75767  
components of a system by the director of health under section 75768  
3718.04 of the Revised Code; 75769

(5) Prescribe criteria and procedures under which boards 75770  
of health shall issue installation permits, operation permits, 75771  
and alteration permits for sewage treatment systems. The rules 75772  
shall require as a condition of an installation permit that the 75773  
installer of a system must warrant that the system was installed 75774  
in accordance with all applicable rules and design requirements. 75775  
In addition, the rules shall require a board of health, not 75776  
later than sixty days after the issuance of an installation, 75777  
operation, or alteration permit, to notify the director that the 75778  
permit was issued. The rules shall require the notification to 75779  
be in a format prescribed by the director and to include 75780  
information related to the issuance of the permit. With the 75781  
assistance of the department of health, a board of health, to 75782  
the extent practicable, shall computerize the process of the 75783  
issuance of permits for sewage treatment systems. 75784

(6) Require a board of health to inspect a sewage treatment system not later than twelve months after its installation to ensure that the system is operating properly. The rules shall require a board of health, not later than sixty days after the inspection, to certify to the director on a form provided by the director that the inspection was performed.

(7) Require each board of health to develop a program for the administration of maintenance requirements established in rules adopted under division (A) (3) (c) of this section. The rules shall include requirements and procedures under which a person may demonstrate the required maintenance of a system in lieu of having an inspection conducted when an inspection otherwise is required. The rules shall require a board of health to provide written notice to a person that is demonstrating maintenance of a system in lieu of an inspection that if proof of the required maintenance of the system is not provided as required by rules, the system is subject to inspection by the board and the reasonable cost of the inspection must be paid by the person. The rules shall authorize a board of health to inspect any sewage treatment system if there is a good-faith complaint regarding the system, there is probable cause for the inspection, or proof of the required maintenance of the system has not been provided as required by rules. In addition, the rules shall authorize a board of health to inspect a sewage treatment system without prior notice in any instance in which the board has probable cause to believe that the system is endangering or threatening to endanger public health. The rules shall require that the reasonable costs for sewage effluent testing or evaluation be paid by the owner of a sewage treatment system that is being investigated. Further, the rules shall establish a methodology for determining the reasonable costs of

an inspection in accordance with section 3709.09 of the Revised Code. The rules shall allow, but shall not require, a board of health to continue an inspection program that was established by the board prior to the effective date of the rules, provided that the program authorizes a person to demonstrate the required maintenance of a system in lieu of an inspection.

(8) Require a board of health to register installers, service providers, and septage haulers that perform work within the health district; prescribe criteria and procedures for the registration; and prescribe criteria for a demonstration of competency as a part of the registration. The rules shall establish uniform statewide bonding requirements or other financial security requirements for installers, service providers, and septage haulers as a condition of registration within any health district. The rules shall establish a methodology by which the required amount of a bond or other security may be calculated for each installer, service provider, and septage hauler. The methodology, at a minimum, shall consider the number of systems installed or serviced and the type of system installed or serviced by an installer, service provider, or septage hauler on an annual basis. The rules shall provide that no board of health shall require an additional or different bond or security requirement as a condition of registration beyond the bonding and security requirements established in the rules adopted under division (A) (8) of this section.

The rules shall establish a cost methodology for determining the fee for the registration of an installer, service provider, or septage hauler in any health district.

(9) Prescribe requirements for the collection,

transportation, disposal, and land application of domestic 75846  
septage in this state from a sewage treatment system; 75847

(10) Require boards of health to maintain records that are 75848  
determined necessary to ascertain compliance with this chapter 75849  
and the rules adopted under it; 75850

(11) Require the manufacturer of a sewage treatment system 75851  
that is authorized for use in this state in rules adopted under 75852  
this section or that is approved for use in this state under 75853  
section 3718.04 of the Revised Code to provide instructions for 75854  
the operation and maintenance of the system. The rules shall 75855  
provide that a board of health may require a copy of a 75856  
manufacturer's instructions for the operation and maintenance of 75857  
a system to be filed with the board prior to the installation 75858  
and use of the system in the health district in which the board 75859  
has jurisdiction. In addition, the rules shall require a board 75860  
of health and a manufacturer to provide a copy of the operation 75861  
and maintenance instructions, if available, when a board of 75862  
health or a manufacturer receives a written request for 75863  
instructions. 75864

(12) Prescribe criteria for the provision of written 75865  
evidence of compliance with rules pertaining to sewage treatment 75866  
for purposes of sections 711.05 and 711.10 of the Revised Code; 75867

(13) Pursuant to divisions (A) (1) and (3) of this section, 75868  
prescribe standards for the siting, design, installation, 75869  
operation, monitoring, maintenance, and abandonment of small 75870  
flow on-site sewage treatment systems that may be used in this 75871  
state; 75872

(14) Prescribe minimum criteria and procedures under which 75873  
boards of health may establish household sewage treatment 75874

district management programs for the purpose of providing a 75875  
responsive approach toward preventing or solving sewage 75876  
treatment problems resulting from household sewage treatment 75877  
systems within the districts established under the program. For 75878  
purposes of division (A) (14) of this section, a board of health 75879  
may enter into a contract with any entity to administer a 75880  
household sewage treatment district management program. 75881

(15) Prescribe standards for the use of subsurface 75882  
interceptor drains, perimeter drains, and engineered drainage to 75883  
remove or divert any subsurface water from an area to be used 75884  
for soil absorption of sewage in the soil of a sewage treatment 75885  
system; 75886

(16) Prescribe standards for the inspection of septage 75887  
hauling truck tanks by boards of health, including, but not 75888  
limited to, tank seal safety specifications; 75889

(17) Establish standards and testing methods to ensure 75890  
that all septic tanks, other disposal component tanks, dosing 75891  
tanks, pump vaults, household sewage treatment disposal system 75892  
holding tanks and privy vaults, or other applicable sewage 75893  
disposal system components manufactured after September 17, 75894  
2010, and used in this state are watertight and structurally 75895  
sound; 75896

(18) Require a board of health to give notice and an 75897  
opportunity for a hearing, pursuant to section 3718.11 of the 75898  
Revised Code, to an affected property owner regarding any of the 75899  
following: 75900

(a) The denial of an installation, operation, or 75901  
alteration permit for a sewage treatment system; 75902

(b) The imposition of a condition on the installation of a 75903

sewage treatment system;	75904
(c) The required replacement of a sewage treatment system;	75905
(d) Any other final order or decision of a board of health that is made under this chapter concerning which a property owner is claiming to be aggrieved or adversely affected.	75906 75907 75908
The rules also shall establish procedures for giving such notice and for conducting the hearing required in rules adopted under division (A) (18) of this section.	75909 75910 75911
(19) Prescribe standards for the regulation of gray water recycling systems;	75912 75913
(20) Prohibit a sewage treatment system from causing a public health nuisance;	75914 75915
(21) Define economic impact for purposes of division (B) of this section and section 3718.022 of the Revised Code;	75916 75917
<u>(22) Establish statistical methods for evaluating sewage treatment system compliance for a twelve inch soil depth credit relative to bacterial parameters, such as fecal coliform and E. coli., that are derived from a minimum of one hundred forty-four consecutive data points. Such statistical methods shall include one of the following:</u>	75918 75919 75920 75921 75922 75923
<u>(a) The upper confidence limit of the mean method using log-transformed data, with the upper confidence limit derived from one of the following:</u>	75924 75925 75926
<u>(i) A two-sided ninety-five per cent confidence interval for the mean and the maximum number of individual data points exceeding the treatment standard being five per cent;</u>	75927 75928 75929
<u>(ii) A two-sided ninety-nine per cent confidence interval</u>	75930

for the mean and the maximum number of individual data points 75931  
exceeding the treatment standard being ten per cent. 75932

(b) Any other statistical method that is equally 75933  
protective of public health and welfare. 75934

The rule also shall specify that a soil depth credit shall 75935  
be approved when the upper confidence limit of the mean using 75936  
log-transformed data is less than the applicable fecal coliform 75937  
or E. coli. treatment standard set forth in rules adopted in 75938  
accordance with this division. 75939

The director may adopt other rules under division (A) of 75940  
this section that the director determines are necessary to 75941  
implement this chapter and to protect the public health and 75942  
welfare. 75943

At least sixty days prior to adopting a rule under 75944  
division (A) of this section, the director shall provide boards 75945  
of health and any other interested parties an opportunity to 75946  
comment on the rule. 75947

(B) (1) In accordance with section 3709.20 or 3709.21 of 75948  
the Revised Code, as applicable, and subject to review by and 75949  
approval of the director under division (C) of section 3718.05 75950  
of the Revised Code, a board of health may adopt rules necessary 75951  
for the public health providing for more stringent standards 75952  
than those established in rules adopted by the director under 75953  
division (A) of this section. In proposing or adopting the 75954  
rules, a board of health shall consider and document the 75955  
economic impact of the rules on property owners within the 75956  
applicable health district. 75957

(2) A board that intends to adopt rules shall notify the 75958  
department of health of the proposed rules and submit a copy of 75959

the proposed rules and the documentation of the economic impact 75960  
of the rules at least ninety days prior to the proposed date of 75961  
adoption. The director shall approve or disapprove any such 75962  
proposed rule within ninety days after receiving a copy of the 75963  
proposed rule from the board of health. 75964

(3) In reviewing a proposed rule, the director shall 75965  
approve the rule if all of the following apply: 75966

(a) The proposed rule is not in conflict with this chapter 75967  
or rules adopted under it. 75968

(b) The proposed rule is authorized by division (B) of 75969  
this section. 75970

(c) The proposed rule is no less stringent than rules 75971  
adopted by the director. 75972

(d) Unless otherwise authorized by this chapter or rules 75973  
adopted under it, the proposed rule does not require design 75974  
changes to a sewage treatment system, or component thereof, that 75975  
differ from a design authorized in rules adopted under division 75976  
(A) of this section, including rules adopted under division (A) 75977  
(1) or (A) (3) (a) (iii) or (iv) of this section, or approved by 75978  
the director under section 3718.04 of the Revised Code. 75979

(e) The proposed rule does not require operation or 75980  
maintenance procedures for a sewage treatment system that 75981  
conflict with operation or maintenance procedures authorized in 75982  
rules adopted under division (A) of this section, including 75983  
rules adopted under division (A) (1) or (A) (3) (a) (iii) or (iv) of 75984  
this section, or approved by the director under section 3718.04 75985  
of the Revised Code. 75986

(4) If a board of health fails to submit a proposed rule 75987  
to the director or fails to demonstrate that the board has 75988

considered the economic impact of the proposed rule, the rule 75989  
shall have no force or effect and is not enforceable. 75990

**Sec. 3718.04.** (A) A manufacturer seeking approval for the 75991  
installation and use of a sewage treatment system or a component 75992  
of a system in this state that differs in design or function 75993  
from systems or components of systems the use of which is 75994  
authorized in rules adopted under section 3718.02 of the Revised 75995  
Code shall request an application form from the department of 75996  
health. The applicant shall complete the form and include with 75997  
it all of the information that is required by the department and 75998  
the sewage treatment system technical advisory committee. The 75999  
applicant shall submit a completed application and all required 76000  
information to the director of health. 76001

(B) Upon receipt of an application, the director shall 76002  
examine the application and all accompanying information to 76003  
determine if the application is complete. If the director 76004  
determines that the application is not complete, the director 76005  
shall notify the applicant not later than sixty days after 76006  
submission of the application that the application is not 76007  
complete, provide a description of the information that is 76008  
missing from the application, and return the application and all 76009  
accompanying information to the applicant. The applicant may 76010  
resubmit the application to the director if the application 76011  
includes the information that was identified by the director. 76012  
Not later than thirty days after receipt of a complete 76013  
application, the director shall notify the committee of the 76014  
complete application and send a copy of the complete application 76015  
and all accompanying information to the committee together with 76016  
a request that the committee recommend that the director approve 76017  
or disapprove the system. 76018

Not later than ninety days after receipt of a complete application, the committee shall recommend approval or disapproval of the application and submit its recommendation in writing to the director. The director shall approve or disapprove the application not later than sixty days after the committee submits its recommendation to the director or, if the committee fails to recommend approval or disapproval within the required time, not later than one hundred twenty days after the submission of a complete application. If the director fails to approve or disapprove an application within the required time, the application shall be deemed approved.

(C) In approving or disapproving an application, the director shall use the standards, guidelines, and protocols that the committee developed with the department for that purpose. The director shall not approve an application that fails to comply with those standards, guidelines, and protocols. If the committee recommends approval or disapproval of an application, the director shall consider the committee's recommendation before approving or disapproving the application. If the committee fails to provide advice or if the committee fails to recommend approval or disapproval of the application within the required time, the director may approve or disapprove the application without considering the advice of the committee. The director shall establish and include any appropriate terms and conditions with the approval of a sewage treatment system or component of a system for use in this state. For purposes of establishing soil absorption specifications for a sewage treatment system, the terms and conditions shall include standards regarding the sizing of the system.

(D) If the director approves an application under this section, the director shall notify the applicant in writing. The

director also shall notify boards of health in accordance with 76050  
the procedures established in rules adopted under section 76051  
3718.02 of the Revised Code that the sewage treatment system or 76052  
component of a system that is the subject of the application is 76053  
approved for statewide use. If the director disapproves an 76054  
application under this section, the director shall notify the 76055  
applicant in writing and provide a brief explanation for the 76056  
disapproval. 76057

(E) Decisions of the director approving or disapproving 76058  
applications under this section may be appealed in accordance 76059  
with Chapter 119. of the Revised Code. 76060

(F) No approval shall be required under this section with 76061  
respect to a sewage treatment system or component of a system 76062  
that has been approved by the director prior to ~~the effective~~ 76063  
~~date of this amendment~~ September 17, 2010, unless the 76064  
manufacturer of the system or component changes the design or 76065  
seeks modifications to any terms and conditions of the prior 76066  
approval. 76067

(G) The director may revoke the approval of a sewage 76068  
treatment system or component of a system if the director finds, 76069  
based on substantial evidence, that the system or component 76070  
fails to comply with applicable standards for the system or 76071  
component. The revocation of an approval under this division may 76072  
be appealed in accordance with Chapter 119. of the Revised Code. 76073

(H) (1) The director shall not implement or enforce any 76074  
special device approval or similar policy imposing additional 76075  
requirements or restrictions on a sewage treatment system or 76076  
component of a system that combines the treatment of effluent 76077  
with subsurface dispersal of treated effluent directly to the 76078  
soil, sand bed, or gravel for any approval in effect as of 76079

December 31, 2020. 76080

(2) If the director issued an approval for such a system 76081  
and the approval was in effect as of December 31, 2020, the 76082  
system may be modified upon request by the manufacturer if the 76083  
system meets the intent of applicable standards, guidelines, and 76084  
protocols. However, the system's approval otherwise remains 76085  
valid under the original terms and conditions and may not be 76086  
revoked or subjected to any new application or monitoring 76087  
requirements unless clear, independent statistically significant 76088  
evidence demonstrates that the system design consistently 76089  
underperforms relative to gravel distribution trenches. 76090

(3) Divisions (H) (1) and (2) of this section apply only to 76091  
subsurface dispersal systems or components of a system and do 76092  
not apply to effluent discharged into waters of the state. 76093

**Sec. 3719.04.** (A) ~~A person identified in division (B) (1)~~ 76094  
~~(a) of section 4729.52 of the Revised Code who holds a category~~ 76095  
~~III license issued under that section 4729.52 of the Revised~~ 76096  
Code granting authority with respect to controlled substances 76097  
may sell at wholesale controlled substances to any of the 76098  
following persons and is subject to the following conditions: 76099

(1) To another person who holds a ~~category III~~ license 76100  
issued under section 4729.52 of the Revised Code granting 76101  
authority with respect to controlled substances or to a terminal 76102  
distributor of dangerous drugs with a ~~category III~~ license 76103  
issued under section 4729.54 of the Revised Code granting 76104  
authority with respect to controlled substances; 76105

(2) To a person in the employ of the United States 76106  
government or of any state, territorial, district, county, 76107  
municipal, or insular government, purchasing, receiving, 76108

possessing, or dispensing controlled substances by reason of 76109  
official duties; 76110

(3) To a master of a ship or a person in charge of any 76111  
aircraft upon which no physician is regularly employed, for the 76112  
actual medical needs of persons on board the ship or aircraft, 76113  
when not in port; provided such controlled substances shall be 76114  
sold to the master of the ship or person in charge of the 76115  
aircraft only in pursuance of a special official written order 76116  
approved by a commissioned medical officer or acting assistant 76117  
surgeon of the United States public health service; 76118

(4) To a person in a foreign country, if the federal drug 76119  
abuse control laws are complied with. 76120

(B) An official written order for any schedule II 76121  
controlled substances shall comply with all requirements of the 76122  
federal drug abuse control laws and rules adopted by the state 76123  
board of pharmacy. Except as provided in section 3719.05 of the 76124  
Revised Code or as otherwise specified in rules adopted by the 76125  
board, each party engaged in the sale of schedule II controlled 76126  
substances shall maintain all records relating to the order for 76127  
a period of five years in such a way as to be readily accessible 76128  
for inspection by any public officer or employee engaged in the 76129  
enforcement of this chapter. 76130

**Sec. 3721.074.** (A) As used in this section: 76131

(1) "Independent living facility" has the same meaning as 76132  
in section 5709.12 of the Revised Code. 76133

(2) "Residential facility" has the same meaning as in 76134  
section 5119.34 of the Revised Code. 76135

(B) (1) Notwithstanding any provision of the Revised Code 76136  
to the contrary, an independent living facility or residential 76137

facility that applies to the director of health pursuant to 76138  
section 3721.07 of the Revised Code for a license as a 76139  
residential care facility may continue to operate as an 76140  
independent living facility or residential facility in 76141  
accordance with this section during the period of time that the 76142  
application is under consideration by the director. 76143

(2) An independent living facility or residential facility 76144  
shall not provide care to more than two residents while its 76145  
application under section 3721.07 of the Revised Code is 76146  
pending. 76147

**Sec. 3721.32.** (A) The director of health shall establish a 76148  
state nurse aide registry listing all individuals who have done 76149  
any of the following: 76150

(1) Were used by a long-term care facility as nurse aides 76151  
on a full-time, temporary, per diem, or other basis at any time 76152  
during the period commencing July 1, 1989, and ending January 1, 76153  
1990, and successfully completed, not later than October 1, 76154  
1990, a competency evaluation program approved by the director 76155  
under division (A) of section 3721.31 of the Revised Code or 76156  
conducted by the director under division (C) of that section; 76157

(2) Successfully completed a training and competency 76158  
evaluation program approved by the director under division (A) 76159  
of section 3721.31 of the Revised Code or met the conditions 76160  
specified in division (F) (1) or (2) of section 3721.28 of the 76161  
Revised Code, and, if the training and competency evaluation 76162  
program or the training, instruction, or education the 76163  
individual completed in meeting the conditions specified in 76164  
division (F) (1) of section 3721.28 of the Revised Code was 76165  
conducted in or by a long-term care facility, has successfully 76166  
completed a competency evaluation program conducted by the 76167

director; 76168

(3) Successfully completed a training and competency 76169  
evaluation program conducted by the director under division (C) 76170  
of section 3721.31 of the Revised Code; 76171

(4) Successfully completed, prior to July 1, 1989, a 76172  
program that the director has determined under division (B) (3) 76173  
of section 3721.28 of the Revised Code included a competency 76174  
evaluation component no less stringent than the competency 76175  
evaluation programs approved or conducted by the director under 76176  
section 3721.31 of the Revised Code, and was otherwise 76177  
comparable to the training and competency evaluation program 76178  
being approved by the director under section 3721.31 of the 76179  
Revised Code; 76180

(5) Are listed in a nurse aide registry maintained by 76181  
another state that certifies that its program for training and 76182  
evaluation of competency of nurse aides complies with Titles 76183  
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 76184  
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 76185

(6) Were found competent, as provided in division (B) (5) 76186  
of section 3721.28 of the Revised Code, prior to July 1, 1989, 76187  
after the completion of a course of nurse aide training of at 76188  
least one hundred hours' duration; 76189

(7) Are enrolled in a prelicensure program of nursing 76190  
education approved by the board of nursing or by an agency of 76191  
another state that regulates nursing education, have provided 76192  
the long-term care facility with a certificate from the program 76193  
indicating that the individual has successfully completed the 76194  
courses that teach basic nursing skills including infection 76195  
control, safety and emergency procedures, and personal care, and 76196

have successfully completed a competency evaluation program 76197  
conducted by the director under division (A) of section 3721.31 76198  
of the Revised Code; 76199

(8) Have the equivalent of twelve months or more of full- 76200  
time employment in the five years preceding listing in the 76201  
registry as a hospital aide or orderly and have successfully 76202  
completed a competency evaluation program conducted by the 76203  
director under division (C) of section 3721.31 of the Revised 76204  
Code; 76205

(9) Successfully completed a prelicensure program of 76206  
nursing education approved by the board of nursing under section 76207  
4723.06 of the Revised Code or by an agency of another state 76208  
that regulates nursing education and passed the examination 76209  
accepted by the board of nursing under section 4723.10 of the 76210  
Revised Code, which shall be deemed as successfully completing a 76211  
competency evaluation program conducted by the director under 76212  
division (C) of section 3721.31 of the Revised Code; 76213

(10) Successfully completed both of the following: 76214

(a) A training course provided by the United States 76215  
department of veterans affairs in a community living center 76216  
operated by the department of veterans affairs that the director 76217  
of health determines is similar to a training and competency 76218  
evaluation program conducted by the director under division (C) 76219  
of section 3721.31 of the Revised Code; 76220

(b) A competency evaluation program conducted by the 76221  
director of health under division (C) of section 3721.31 of the 76222  
Revised Code. 76223

(B) In addition to the list of individuals required by 76224  
division (A) of this section, the registry shall include both of 76225

the following: 76226

(1) The statement required by section 3721.23 of the Revised Code detailing findings by the director under that section regarding alleged abuse, neglect, or exploitation of a resident or misappropriation of resident property; 76227  
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(2) Any statement provided by an individual under section 3721.23 of the Revised Code disputing the director's findings. 76231  
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Whenever an inquiry is received as to the information contained in the registry concerning an individual about whom a statement required by section 3721.23 of the Revised Code is included in the registry, the director shall disclose the statement or a summary of the statement together with any statement provided by the individual under section 3721.23 or a clear and accurate summary of that statement. 76233  
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(C) The director may by rule specify additional information that must be provided to the registry by long-term care facilities and persons or government agencies conducting approved training and competency evaluation programs. 76240  
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(D) Information contained in the registry is a public record for the purposes of section 149.43 of the Revised Code, and is subject to inspection and copying under section 1347.08 of the Revised Code. 76244  
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(E) An individual who is listed on the registry in good standing shall be referred to as a certified nurse aide. Only individuals listed on the registry shall use the designation "certified nurse aide" or "CNA." 76248  
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76251

**Sec. 3727.46.** (A) As used in this section: 76252

(1) "Facility fee" means the portion of a bill for health 76253

care treatment that covers all the costs of delivering patient 76254  
care, except for those that are billed by one or more physicians 76255  
and other professionals. 76256

(2) "Governmental health plan" means a plan established or 76257  
maintained for its beneficiaries by the government of the United 76258  
States, the government of any state or political subdivision 76259  
thereof, or by any agency or instrumentality of the government 76260  
of the United States or the government of any state or political 76261  
subdivision thereof, including medicare and medicaid managed 76262  
care organization plans. 76263

(3) "Hospital" means an institution or facility licensed 76264  
under Chapter 3722. of the Revised Code. 76265

(4) "Physician" means an individual authorized under 76266  
Chapter 4731. of the Revised Code to practice medicine and 76267  
surgery, osteopathic medicine and surgery, or podiatric medicine 76268  
and surgery. 76269

(5) "Primary care services" means professional 76270  
comprehensive personal health services, which may include health 76271  
education and disease prevention, treatment of uncomplicated 76272  
health problems, diagnosis of chronic health problems, and 76273  
management of health care services for an individual. "Primary 76274  
care services" does not include imaging services or diagnostic 76275  
testing performed in a primary care setting. 76276

(6) "Third-party payor" means an entity, excluding any 76277  
governmental health plan, that is, by statute, contract, or 76278  
agreement, legally responsible for payment of a claim for a 76279  
health care service. 76280

(7) "Self-pay individual" means an individual who does not 76281  
have benefits for a health care service under a health plan 76282

offered by a third-party payor or who does not seek to have a 76283  
claim for that service submitted to the third-party payer for 76284  
payment. 76285

(B) (1) Beginning January 1, 2028, and subject to division 76286  
(B) (2) of this section, a medical practice specializing in 76287  
primary care that is owned or operated by a hospital or hospital 76288  
system shall not require a self-pay individual or third-party 76289  
payor to pay a facility fee in connection with any primary care 76290  
service provided to a patient at the practice. 76291

(2) The prohibition described in division (B) (1) of this 76292  
section applies only if both of the following are the case: 76293

(a) The medical practice was owned or operated solely by a 76294  
physician or group of physicians at the time of its purchase by 76295  
the hospital or hospital system; 76296

(b) The hospital or hospital system purchased the medical 76297  
practice after January 1, 2010. 76298

(C) This section shall not be construed to apply to a 76299  
medical practice specializing in primary care that is 76300  
established by a hospital or hospital system. 76301

**Sec. 3728.01.** As used in this chapter: 76302

(A) "Administer epinephrine" means to inject an individual 76303  
with epinephrine using an autoinjector in a manufactured dosage 76304  
form. 76305

(B) "Peace officer" has the same meaning as in section 76306  
109.71 of the Revised Code and also includes a sheriff. 76307

(C) "Prescriber" means an individual who is authorized by 76308  
law to prescribe drugs or dangerous drugs or drug therapy 76309  
related devices in the course of the individual's professional 76310

practice, including only the following: 76311

(1) A clinical nurse specialist, certified nurse-midwife, 76312  
or certified nurse practitioner who holds a certificate to 76313  
prescribe issued under section 4723.48 of the Revised Code; 76314

(2) A physician authorized under Chapter 4731. of the 76315  
Revised Code to practice medicine and surgery, osteopathic 76316  
medicine and surgery, or podiatric medicine and surgery; 76317

(3) A physician assistant who is licensed under Chapter 76318  
4730. of the Revised Code, holds a valid prescriber number 76319  
issued by the state medical board, and has been granted 76320  
physician-delegated prescriptive authority. 76321

(D) "Qualified entity" means either of the following: 76322

(1) Any public or private entity that is associated with a 76323  
location where allergens capable of causing anaphylaxis may be 76324  
present, including child care centers, colleges and 76325  
universities, places of employment, restaurants, amusement 76326  
parks, recreation camps, sports playing fields and arenas, and 76327  
other similar locations, except that "qualified entity" does not 76328  
include either of the following: 76329

(a) A chartered or nonchartered nonpublic school; 76330  
community school; science, technology, engineering, and 76331  
mathematics school; college-preparatory boarding school; or a 76332  
school operated by the board of education of a city, local, 76333  
exempted village, or joint vocational school district, as those 76334  
entities are otherwise authorized to procure epinephrine 76335  
autoinjectors pursuant to sections 3313.7110, 3313.7111, 76336  
3314.143, 3326.28, or 3328.29 of the Revised Code; 76337

(b) A camp described in section ~~5101.76~~ 5180.26 of the 76338  
Revised Code that is authorized to procure epinephrine 76339

autoinjectors pursuant to that section; 76340

(2) Either of the following served by a peace officer: a 76341  
law enforcement agency or other entity described in division (A) 76342  
of section 109.71 of the Revised Code. 76343

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, 76344  
managed, treated, and disposed of in accordance with rules 76345  
adopted under this section. 76346

(B) The director of environmental protection, in 76347  
accordance with Chapter 119. of the Revised Code, shall adopt 76348  
rules necessary or appropriate to protect human health or safety 76349  
or the environment that do both of the following: 76350

(1) Establish standards for generators of infectious 76351  
wastes that include, without limitation, the following 76352  
requirements and authorizations that: 76353

(a) All generators of infectious wastes: 76354

(i) Either treat all specimen cultures and cultures of 76355  
viable infectious agents on the premises where they are 76356  
generated to render them noninfectious by methods, techniques, 76357  
or practices prescribed by rules adopted under division (B) (2) 76358  
(a) of this section before they are transported off that 76359  
premises for disposal or ensure that such wastes are treated to 76360  
render them noninfectious at an infectious waste treatment 76361  
facility off that premises prior to disposal of the wastes; 76362

(ii) Transport and dispose of infectious wastes, if a 76363  
generator produces fewer than fifty pounds of infectious wastes 76364  
during any one month that are subject to and packaged and 76365  
labeled in accordance with federal requirements, in the same 76366  
manner as solid wastes. Such generators who treat specimen 76367  
cultures and cultures of viable infectious agents on the 76368

premises where they are generated shall not be considered 76369  
treatment facilities as "treatment" and "facility" are defined 76370  
in section 3734.01 of the Revised Code. 76371

(iii) Dispose of infectious wastes subject to and treated 76372  
in accordance with rules adopted under division (B) (1) (a) (i) of 76373  
this section in the same manner as solid wastes; 76374

(iv) May take wastes generated in providing care to a 76375  
patient by an emergency medical services organization, as 76376  
defined in section 4765.01 of the Revised Code, to and leave 76377  
them at a hospital, as defined in section 3727.01 of the Revised 76378  
Code, for treatment at a treatment facility owned or operated by 76379  
the hospital or, in conjunction with infectious wastes generated 76380  
by the hospital, at another treatment facility regardless of 76381  
whether the wastes were generated in providing care to the 76382  
patient at the scene of an emergency or during the 76383  
transportation of the patient to a hospital; 76384

(v) May take wastes generated by an individual for 76385  
purposes of the individual's own care or treatment to and leave 76386  
them at a hospital, as defined in section 3727.01 of the Revised 76387  
Code, for treatment at a treatment facility owned or operated by 76388  
the hospital or, in conjunction with infectious wastes generated 76389  
by the hospital, at another treatment facility. 76390

(b) Each generator of fifty pounds or more of infectious 76391  
wastes during any one month: 76392

(i) Register with the environmental protection agency as a 76393  
generator of infectious wastes and obtain a registration 76394  
certificate. ~~The fee for issuance of a generator registration~~ 76395  
~~certificate is one hundred forty dollars payable at the time of~~ 76396  
~~application.~~ The registration certificate applies to all the 76397

premises owned or operated by the generator in this state where 76398  
infectious wastes are generated and shall list the address of 76399  
each such premises. If a generator owns or operates facilities 76400  
for the treatment of infectious wastes it generates, the 76401  
certificate shall list the address and method of treatment used 76402  
at each such facility. 76403

A generator registration certificate is valid for three 76404  
years from the date of issuance and shall be renewed for a term 76405  
of three years upon the generator's submission of an application 76406  
for renewal ~~and payment of a one hundred forty dollar renewal~~ 76407  
~~fee.~~ 76408

The rules may establish a system of staggered renewal 76409  
dates with approximately one-third of such certificates subject 76410  
to renewal each year. The applicable renewal date shall be 76411  
prescribed on each registration certificate. ~~Registration fees~~ 76412  
~~shall be prorated according to the time remaining in the~~ 76413  
~~registration cycle to the nearest year.~~ 76414

~~The registration and renewal fees collected under division~~ 76415  
~~(B) (1) (b) (i) of this section shall be deposited in the state~~ 76416  
~~treasury to the credit of the waste management fund created in~~ 76417  
~~section 3734.061 of the Revised Code.~~ 76418

(ii) Segregate infectious wastes from other wastes at the 76419  
point of generation. Nothing in this section and rules adopted 76420  
under it prohibits a generator of infectious wastes from 76421  
designating and managing any wastes, in addition to those 76422  
defined as infectious wastes under section 3734.01 of the 76423  
Revised Code, as infectious wastes. After designating any such 76424  
other wastes as infectious, the generator shall manage those 76425  
wastes in compliance with the requirements of this chapter and 76426  
rules adopted under it applicable to the management of 76427

infectious wastes. 76428

(iii) Either treat the infectious wastes that it generates 76429  
at a facility owned or operated by the generator by methods, 76430  
techniques, or practices prescribed by rules adopted under 76431  
division (B) (2) (a) of this section to render them noninfectious, 76432  
or designate the wastes for treatment off that premises at an 76433  
infectious waste treatment facility holding a license issued 76434  
under division (B) of section 3734.05 of the Revised Code, at an 76435  
infectious waste treatment facility that is located in another 76436  
state that is in compliance with applicable state and federal 76437  
laws, or at a treatment facility authorized by rules adopted 76438  
under division (B) (2) (d) of this section, prior to disposal of 76439  
the wastes. After being treated to render them noninfectious, 76440  
the wastes shall be disposed of at a solid waste disposal 76441  
facility holding a license issued under division (A) of section 76442  
3734.05 of the Revised Code or at a disposal facility in another 76443  
state that is in compliance with applicable state and federal 76444  
laws. 76445

(iv) Not compact or grind any type of infectious wastes 76446  
prior to treatment in accordance with rules adopted under 76447  
division (B) (2) (a) of this section; 76448

(v) May discharge untreated liquid or semiliquid 76449  
infectious wastes consisting of blood, blood products, body 76450  
fluids, and excreta into a disposal system, as defined in 76451  
section 6111.01 of the Revised Code, unless the discharge of 76452  
those wastes into a disposal system is inconsistent with the 76453  
terms and conditions of the permit for the system issued under 76454  
Chapter 6111. of the Revised Code; 76455

(vi) May transport or cause to be transported infectious 76456  
wastes that have been treated to render them noninfectious in 76457

the same manner as solid wastes are transported. 76458

(2) Establish standards for owners and operators of 76459  
infectious waste treatment facilities that include, without 76460  
limitation, the following requirements and authorizations that: 76461

(a) Require treatment of all wastes received to be 76462  
performed in accordance with methods, techniques, and practices 76463  
approved by the director; 76464

(b) Govern the location, design, construction, and 76465  
operation of infectious waste treatment facilities. The rules 76466  
adopted under division (B) (2) (b) of this section shall require 76467  
that a new infectious waste incineration facility be located so 76468  
that the incinerator unit and all areas where infectious wastes 76469  
are handled on the premises where the facility is proposed to be 76470  
located are at least three hundred feet inside the property line 76471  
of the tract of land on which the facility is proposed to be 76472  
located and are at least one thousand feet from any domicile, 76473  
school, prison, or jail that is in existence on the date on 76474  
which the application for the permit to establish the 76475  
incinerator is submitted under division (B) (2) (b) of section 76476  
3734.05 of the Revised Code. 76477

(c) Establish quality control and testing procedures to 76478  
ensure compliance with the rules adopted under division (B) (2) 76479  
(b) of this section; 76480

(d) Authorize infectious wastes to be treated at a 76481  
facility that holds a license or renewal of a license to operate 76482  
a crematory facility issued under Chapter 4717., and a permit 76483  
issued under Chapter 3704., of the Revised Code to the extent 76484  
that the treatment of those wastes is consistent with that 76485  
permit and its terms and conditions. The rules adopted under 76486

divisions (B) (2) (b) and (c) of this section do not apply to a 76487  
facility holding such a license and permit. 76488

In adopting the rules required by divisions (B) (2) (a) to 76489  
(d) of this section, the director shall consider and, to the 76490  
maximum feasible extent, utilize existing standards and 76491  
guidelines established by professional and governmental 76492  
organizations having expertise in the fields of infection 76493  
control and infectious wastes management. 76494

(e) Require shipping papers to accompany shipments of 76495  
wastes that have been treated to render them noninfectious. The 76496  
shipping papers shall include only the following elements: 76497

(i) The name of the owner or operator of the facility 76498  
where the wastes were treated and the address of the treatment 76499  
facility; 76500

(ii) A certification by the owner or operator of the 76501  
treatment facility where the wastes were treated indicating that 76502  
the wastes have been treated by the methods, techniques, and 76503  
practices prescribed in rules adopted under division (B) (2) (a) 76504  
of this section. 76505

(C) This section and rules adopted under it do not apply 76506  
to the treatment or disposal of wastes consisting of dead 76507  
animals or parts thereof, or the blood of animals: 76508

(1) By the owner of the animal after slaughter by the 76509  
owner on the owner's premises to obtain meat for consumption by 76510  
the owner and the members of the owner's household; 76511

(2) In accordance with Chapter 941. of the Revised Code; 76512  
or 76513

(3) By persons who are subject to any of the following: 76514

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 76515  
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(b) Chapter 918. of the Revised Code; 76517

(c) Chapter 953. of the Revised Code. 76518

(D) As used in this section, "generator" means a person who produces infectious wastes at a specific premises. 76519  
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(E) Rules adopted under this section shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating infectious waste treatment facilities. 76521  
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(F) (1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance, modification, revocation, suspension, and denial of variances from the rules adopted under division (B) of this section. Variances shall be issued, modified, revoked, suspended, or denied in accordance with division (F) of this section, rules adopted under it, and Chapter 3745. of the Revised Code. 76525  
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(2) A person who desires to obtain a variance or renew a variance from the rules adopted under division (B) of this section shall submit to the director an application as prescribed by the director. The application shall contain detail plans, specifications, and information regarding objectives, procedures, controls, and any other information that the director may require. The director shall issue, renew, or deny a variance or renewal of a variance within six months of the date on which the director receives a complete application with all required information and data. 76532  
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(3) The director may hold a public hearing on an application submitted under division (F) of this section for a 76542  
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variance at a location in the county in which the operations 76544  
that are the subject of the application for a variance or 76545  
renewal of variance are conducted. Not less than twenty days 76546  
before the hearing, the director shall provide to the applicant 76547  
notice of the hearing by certified mail or by another type of 76548  
mail that is accompanied by a receipt and shall publish notice 76549  
of the hearing at least one time in a newspaper of general 76550  
circulation in the county in which the hearing is to be held or 76551  
may instead provide public notice by publication on the 76552  
environmental protection agency's web site. The director shall 76553  
make a complete stenographic record or electronic record of 76554  
testimony and other evidence submitted at the hearing. Not later 76555  
than ten days after the hearing, the director shall make a 76556  
written determination to issue, renew, or deny the variance and 76557  
shall enter the determination and the basis for it into the 76558  
record of the hearing. 76559

(4) A variance shall not be issued, modified, revoked, or 76560  
denied under division (F) of this section until the director has 76561  
considered the relative interests of the applicant, other 76562  
persons and property that will be affected by the variance, and 76563  
the general public. The director shall grant a variance only if 76564  
the applicant demonstrates to the director's satisfaction that 76565  
the requested action will not create a nuisance or a hazard to 76566  
the health or safety of the public or to the environment. In 76567  
granting a variance, the director shall state the specific 76568  
provision or provisions whose terms are to be varied and also 76569  
shall state specific terms or conditions imposed on the 76570  
applicant in place of the provision or provisions. 76571

(5) A variance granted under division (F) of this section 76572  
shall be for a period specified by the director and may be 76573  
renewed from time to time on terms and for periods that the 76574

director determines to be appropriate. The director may order 76575  
the person to whom a variance has been issued to take action 76576  
within the time that the director determines to be appropriate 76577  
and reasonable to prevent the creation of a nuisance or a hazard 76578  
to the health or safety of the public or to the environment. 76579

(6) An application submitted under division (F) of this 76580  
section shall not be denied and a variance shall not be revoked 76581  
or modified under that division without a written order of the 76582  
director stating the findings on which the denial, revocation, 76583  
or modification is based. A copy of the order shall be sent to 76584  
the applicant or holder of a variance by certified mail or by 76585  
another type of mail that is accompanied by a receipt. 76586

(7) The director shall make available for public 76587  
inspection at the principal office of the environmental 76588  
protection agency a current list of pending applications for 76589  
variances submitted under division (F) of this section and a 76590  
current schedule of pending variance hearings under it. 76591

**Sec. 3734.05.** (A) (1) Except as provided in divisions (A) 76592  
(6) and (7) of this section, no person shall operate or maintain 76593  
a solid waste facility without a license issued under this 76594  
division by the board of health of the health district in which 76595  
the facility is located or by the director of environmental 76596  
protection when the health district in which the facility is 76597  
located is not on the approved list under section 3734.08 of the 76598  
Revised Code. 76599

During the month of December, but before the first day of 76600  
January of the next year, every person proposing to continue to 76601  
operate an existing solid waste facility shall procure a license 76602  
under this division to operate the facility for that year from 76603  
the board of health of the health district in which the facility 76604

is located or, if the health district is not on the approved 76605  
list under section 3734.08 of the Revised Code, from the 76606  
director. The application for such a license shall be submitted 76607  
to the board of health or to the director, as appropriate, on or 76608  
before the last day of September of the year preceding that for 76609  
which the license is sought. In addition to the application fee 76610  
prescribed in division (A) (2) of this section, a person who 76611  
submits an application after that date shall pay an additional 76612  
ten per cent of the amount of the application fee for each week 76613  
that the application is late. Late payment fees accompanying an 76614  
application submitted to the board of health shall be credited 76615  
to the special fund of the health district created in division 76616  
(B) of section 3734.06 of the Revised Code, and late payment 76617  
fees accompanying an application submitted to the director shall 76618  
be credited to the general revenue fund. A person who has 76619  
received a license, upon sale or disposition of a solid waste 76620  
facility, and upon consent of the board of health and the 76621  
director, may have the license transferred to another person. 76622  
The board of health or the director may include such terms and 76623  
conditions in a license or revision to a license as are 76624  
appropriate to ensure compliance with this chapter and rules 76625  
adopted under it. The terms and conditions may establish the 76626  
authorized maximum daily waste receipts for the facility. 76627  
Limitations on maximum daily waste receipts shall be specified 76628  
in cubic yards of volume for the purpose of regulating the 76629  
design, construction, and operation of solid waste facilities. 76630  
Terms and conditions included in a license or revision to a 76631  
license by a board of health shall be consistent with, and 76632  
pertain only to the subjects addressed in, the rules adopted 76633  
under division (A) of section 3734.02 and division (D) of 76634  
section 3734.12 of the Revised Code. 76635

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 76636  
(7) of this section, each person proposing to open a new solid 76637  
waste facility or to modify an existing solid waste facility 76638  
shall submit an application for a permit with accompanying 76639  
detail plans and specifications to the environmental protection 76640  
agency for required approval under the rules adopted by the 76641  
director pursuant to division (A) of section 3734.02 of the 76642  
Revised Code and applicable rules adopted under division (D) of 76643  
section 3734.12 of the Revised Code at least two hundred seventy 76644  
days before proposed operation of the facility and shall 76645  
concurrently make application for the issuance of a license 76646  
under division (A) (1) of this section with the board of health 76647  
of the health district in which the proposed facility is to be 76648  
located. 76649

(b) On and after the effective date of the rules adopted 76650  
under division (A) of section 3734.02 of the Revised Code and 76651  
division (D) of section 3734.12 of the Revised Code governing 76652  
solid waste transfer facilities, each person proposing to open a 76653  
new solid waste transfer facility or to modify an existing solid 76654  
waste transfer facility shall submit an application for a permit 76655  
with accompanying engineering detail plans, specifications, and 76656  
information regarding the facility and its method of operation 76657  
to the environmental protection agency for required approval 76658  
under those rules at least two hundred seventy days before 76659  
commencing proposed operation of the facility and concurrently 76660  
shall make application for the issuance of a license under 76661  
division (A) (1) of this section with the board of health of the 76662  
health district in which the facility is located or proposed. 76663

(c) Each application for a permit under division (A) (2) (a) 76664  
or (b) of this section shall be accompanied by a nonrefundable 76665  
application fee of four hundred dollars that shall be credited 76666

to the general revenue fund. Each application for an annual license under division (A) (1) or (2) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division ~~(Q)~~(P) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A) (1), (2), (3), (4), or (5) of section 3734.06 of the Revised Code.

(d) As used in divisions (A) (2) (d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than forty-five days after submitting an application under division (A) (2) (a) or (b) of this section for

a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. ~~Not~~

Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. ~~Not~~

Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. ~~At~~

At the public meeting, the applicant shall provide information and describe the application and respond to comments or questions concerning the application, and the officer or employee of the agency shall describe the permit application process. At the public meeting, any person may submit written or oral comments on or objections to the application. ~~Not~~

Not more than thirty days after the public meeting, the

applicant shall provide the director with a copy of a transcript 76726  
of the full meeting, copies of any exhibits, displays, or other 76727  
materials presented by the applicant at the meeting, and the 76728  
original copy of any written comments submitted at the meeting. 76729

(e) Except as provided in division (A) (2) (f) of this 76730  
section, prior to taking an action, other than a proposed or 76731  
final denial, upon an application submitted under division (A) 76732  
(2) (a) of this section for a permit to open a new or modify an 76733  
existing solid waste facility, the director shall hold a public 76734  
information session and a public hearing on the application 76735  
within the county in which the new or modified solid waste 76736  
facility is or is proposed to be located or within a contiguous 76737  
county. If the application is for a permit to open a new solid 76738  
waste facility, the director shall hold the hearing not less 76739  
than fourteen days after the information session. If the 76740  
application is for a permit to modify an existing solid waste 76741  
facility, the director may hold both the information session and 76742  
the hearing on the same day unless any individual affected by 76743  
the application requests in writing that the information session 76744  
and the hearing not be held on the same day, in which case the 76745  
director shall hold the hearing not less than fourteen days 76746  
after the information session. The director shall publish notice 76747  
of the public information session or public hearing not less 76748  
than thirty days before holding the information session or 76749  
hearing, as applicable. The notice shall be published in each 76750  
newspaper of general circulation that is published in the county 76751  
in which the facility is or is proposed to be located. ~~If no~~ 76752  
~~newspaper of general circulation is published in the county, the~~ 76753  
~~director shall publish the notice in a newspaper of general~~ 76754  
~~circulation in the county or by publication on the environmental~~ 76755  
protection agency's official web site. The notice shall contain 76756

the date, time, and location of the information session or 76757  
hearing, as applicable, and a general description of the 76758  
proposed new or modified facility. At the public information 76759  
session, an officer or employee of the environmental protection 76760  
agency shall describe the status of the permit application and 76761  
be available to respond to comments or questions concerning the 76762  
application. At the public hearing, any person may submit 76763  
written or oral comments on or objections to the approval of the 76764  
application. The applicant, or a representative of the applicant 76765  
who has knowledge of the location, construction, and operation 76766  
of the facility, shall attend the information session and public 76767  
hearing to respond to comments or questions concerning the 76768  
facility directed to the applicant or representative by the 76769  
officer or employee of the environmental protection agency 76770  
presiding at the information session and hearing. 76771

(f) The solid waste management policy committee of a 76772  
county or joint solid waste management district may adopt a 76773  
resolution requesting expeditious consideration of a specific 76774  
application submitted under division (A) (2) (a) of this section 76775  
for a permit to modify an existing solid waste facility within 76776  
the district. The resolution shall make the finding that 76777  
expedited consideration of the application without the public 76778  
information session and public hearing under division (A) (2) (e) 76779  
of this section is in the public interest and will not endanger 76780  
human health, as determined by the director by rules adopted in 76781  
accordance with Chapter 119. of the Revised Code. Upon receiving 76782  
such a resolution, the director, at the director's discretion, 76783  
may issue a final action upon the application without holding a 76784  
public information session or public hearing pursuant to 76785  
division (A) (2) (e) of this section. 76786

(3) The director may issue an order in accordance with 76787

Chapter 3745. of the Revised Code to the owner or operator of a 76788  
solid waste facility requiring the person to submit to the 76789  
director updated engineering detail plans, specifications, and 76790  
information regarding the facility and its method of operation 76791  
for approval under rules adopted under division (A) of section 76792  
3734.02 of the Revised Code and applicable rules adopted under 76793  
division (D) of section 3734.12 of the Revised Code if, in the 76794  
director's judgment, conditions at the facility constitute a 76795  
substantial threat to public health or safety or are causing or 76796  
contributing to or threatening to cause or contribute to air or 76797  
water pollution or soil contamination. Any person who receives 76798  
such an order shall submit the updated engineering detail plans, 76799  
specifications, and information to the director within one 76800  
hundred eighty days after the effective date of the order. 76801

(4) The director shall act upon any updated engineering 76802  
plans, specifications, and information submitted under division 76803  
(A) (3) of this section within one hundred eighty days after 76804  
receiving them. If the director issues an order disapproving the 76805  
plans, specifications, and information submitted under division 76806  
(A) (3) of this section, the order shall include all of the 76807  
following requirements: 76808

(a) That the owner or operator submit a plan for closure 76809  
and post-closure care of the facility to the director for 76810  
approval within six months after issuance of the order; 76811

(b) That the owner or operator cease accepting solid 76812  
wastes for disposal or transfer at the facility; and 76813

(c) The owner or operator commence closure of the facility 76814  
not later than one year after issuance of the order. 76815

If the director determines that closure of the facility 76816

within that one-year period would result in the unavailability 76817  
of sufficient solid waste management facility capacity within 76818  
the county or joint solid waste management district in which the 76819  
facility is located to dispose of or transfer the solid waste 76820  
generated within the district, the director in the order of 76821  
disapproval may postpone commencement of closure of the facility 76822  
for such period of time as the director finds necessary for the 76823  
board of county commissioners or directors of the district to 76824  
secure access to or for there to be constructed within the 76825  
district sufficient solid waste management facility capacity to 76826  
meet the needs of the district, provided that the director shall 76827  
certify in the director's order that postponing the date for 76828  
commencement of closure will not endanger ground water or any 76829  
property surrounding the facility, allow methane gas migration 76830  
to occur, or cause or contribute to any other type of 76831  
environmental damage. 76832

If an emergency need for disposal capacity that may affect 76833  
public health and safety exists as a result of closure of a 76834  
facility under division (A)(4) of this section, the director may 76835  
issue an order designating another solid waste facility to 76836  
accept the wastes that would have been disposed of at the 76837  
facility to be closed. 76838

(5) If the director determines that standards more 76839  
stringent than those applicable in rules adopted under division 76840  
(A) of section 3734.02 of the Revised Code and division (D) of 76841  
section 3734.12 of the Revised Code, or standards pertaining to 76842  
subjects not specifically addressed by those rules, are 76843  
necessary to ensure that a solid waste facility constructed at 76844  
the proposed location will not cause a nuisance, cause or 76845  
contribute to water pollution, or endanger public health or 76846  
safety, the director may issue a permit for the facility with 76847

such terms and conditions as the director finds necessary to 76848  
protect public health and safety and the environment. If a 76849  
permit is issued, the director shall state in the order issuing 76850  
it the specific findings supporting each such term or condition. 76851

(6) Divisions (A) (1) and (2) (a) of this section do not 76852  
apply to a solid waste compost facility that accepts exclusively 76853  
source separated yard wastes and that is registered under 76854  
division (C) of section 3734.02 of the Revised Code or, unless 76855  
otherwise provided in rules adopted under division (N) (3) of 76856  
section 3734.02 of the Revised Code, to a solid waste compost 76857  
facility if the director has adopted rules establishing an 76858  
alternative system for authorizing the establishment, operation, 76859  
or modification of a solid waste compost facility under that 76860  
division. 76861

(7) Divisions (A) (1) to (5) of this section do not apply 76862  
to scrap tire collection, storage, monocell, monofill, and 76863  
recovery facilities. The approval of plans and specifications, 76864  
as applicable, and the issuance of registration certificates, 76865  
permits, and licenses for those facilities are subject to 76866  
sections 3734.75 to 3734.78 of the Revised Code, as applicable, 76867  
and section 3734.81 of the Revised Code. 76868

(B) (1) No person shall operate or maintain an infectious 76869  
waste treatment facility without a license issued by the board 76870  
of health of the health district in which the facility is 76871  
located or by the director when the health district in which the 76872  
facility is located is not on the approved list under section 76873  
3734.08 of the Revised Code. 76874

(2) (a) During the month of December, but before the first 76875  
day of January of the next year, every person proposing to 76876  
continue to operate an existing infectious waste treatment 76877

facility shall procure a license to operate the facility for 76878  
that year from the board of health of the health district in 76879  
which the facility is located or, if the health district is not 76880  
on the approved list under section 3734.08 of the Revised Code, 76881  
from the director. The application for such a license shall be 76882  
submitted to the board of health or to the director, as 76883  
appropriate, on or before the last day of September of the year 76884  
preceding that for which the license is sought. In addition to 76885  
the application fee prescribed in division (B) (2) (c) of this 76886  
section, a person who submits an application after that date 76887  
shall pay an additional ten per cent of the amount of the 76888  
application fee for each week that the application is late. Late 76889  
payment fees accompanying an application submitted to the board 76890  
of health shall be credited to the special infectious waste fund 76891  
of the health district created in division (C) of section 76892  
3734.06 of the Revised Code, and late payment fees accompanying 76893  
an application submitted to the director shall be credited to 76894  
the general revenue fund. A person who has received a license, 76895  
upon sale or disposition of an infectious waste treatment 76896  
facility and upon consent of the board of health and the 76897  
director, may have the license transferred to another person. 76898  
The board of health or the director may include such terms and 76899  
conditions in a license or revision to a license as are 76900  
appropriate to ensure compliance with the infectious waste 76901  
provisions of this chapter and rules adopted under them. 76902

(b) Each person proposing to open a new infectious waste 76903  
treatment facility or to modify an existing infectious waste 76904  
treatment facility shall submit an application for a permit with 76905  
accompanying detail plans and specifications to the 76906  
environmental protection agency for required approval under the 76907  
rules adopted by the director pursuant to section 3734.021 of 76908

the Revised Code two hundred seventy days before proposed 76909  
operation of the facility and concurrently shall make 76910  
application for a license with the board of health of the health 76911  
district in which the facility is or is proposed to be located. 76912  
Not later than ninety days after receiving a complete 76913  
application under division (B) (2) (b) of this section for a 76914  
permit to open a new infectious waste treatment facility or 76915  
modify an existing infectious waste treatment facility to expand 76916  
its treatment capacity, or receiving a complete application 76917  
under division (A) (2) (a) of this section for a permit to open a 76918  
new solid waste incineration facility, or modify an existing 76919  
solid waste incineration facility to also treat infectious 76920  
wastes or to increase its infectious waste treatment capacity, 76921  
that pertains to a facility for which a notation authorizing 76922  
infectious waste treatment is included or proposed to be 76923  
included in the solid waste incineration facility's license 76924  
pursuant to division (B) (3) of this section, the director shall 76925  
hold a public hearing on the application within the county in 76926  
which the new or modified infectious waste or solid waste 76927  
facility is or is proposed to be located or within a contiguous 76928  
county. Not less than thirty days before holding the public 76929  
hearing on the application, the director shall publish notice of 76930  
the hearing in each newspaper that has general circulation and 76931  
that is published in the county in which the facility is or is 76932  
proposed to be located. ~~If there is no newspaper that has~~ 76933  
~~general circulation and that is published in the county, the~~ 76934  
~~director shall publish the notice in a newspaper of general~~ 76935  
~~circulation in the county~~ or by publication on the environmental 76936  
protection agency's official web site. The notice shall contain 76937  
the date, time, and location of the public hearing and a general 76938  
description of the proposed new or modified facility. At the 76939  
public hearing, any person may submit written or oral comments 76940

on or objections to the approval or disapproval of the 76941  
application. The applicant, or a representative of the applicant 76942  
who has knowledge of the location, construction, and operation 76943  
of the facility, shall attend the public hearing to respond to 76944  
comments or questions concerning the facility directed to the 76945  
applicant or representative by the officer or employee of the 76946  
environmental protection agency presiding at the hearing. 76947

(c) Each application for a permit under division (B) (2) (b) 76948  
of this section shall be accompanied by a nonrefundable 76949  
application fee of four hundred dollars that shall be credited 76950  
to the general revenue fund. Each application for an annual 76951  
license under division (B) (2) (a) of this section shall be 76952  
accompanied by a nonrefundable application fee of one hundred 76953  
dollars. If the application for an annual license is submitted 76954  
to a board of health on the approved list under section 3734.08 76955  
of the Revised Code, the application fee shall be credited to 76956  
the special infectious waste fund of the health district created 76957  
in division (C) of section 3734.06 of the Revised Code. If the 76958  
application for an annual license is submitted to the director, 76959  
the application fee shall be credited to the general revenue 76960  
fund. If a permit or license is issued, the amount of the 76961  
application fee paid shall be deducted from the amount of the 76962  
permit fee due under division ~~(Q)~~ (P) of section 3745.11 of the 76963  
Revised Code or the amount of the license fee due under division 76964  
(C) of section 3734.06 of the Revised Code. 76965

(d) The director may issue an order in accordance with 76966  
Chapter 3745. of the Revised Code to the owner or operator of an 76967  
infectious waste treatment facility requiring the person to 76968  
submit to the director updated engineering detail plans, 76969  
specifications, and information regarding the facility and its 76970  
method of operation for approval under rules adopted under 76971

section 3734.021 of the Revised Code if, in the director's 76972  
judgment, conditions at the facility constitute a substantial 76973  
threat to public health or safety or are causing or contributing 76974  
to or threatening to cause or contribute to air or water 76975  
pollution or soil contamination. Any person who receives such an 76976  
order shall submit the updated engineering detail plans, 76977  
specifications, and information to the director within one 76978  
hundred eighty days after the effective date of the order. 76979

(e) The director shall act on any updated engineering 76980  
plans, specifications, and information submitted under division 76981  
(B) (2) (d) of this section within one hundred eighty days after 76982  
receiving them. If the director disapproves any such updated 76983  
engineering plans, specifications, and information, the director 76984  
shall include in the order disapproving the plans the 76985  
requirement that the owner or operator cease accepting 76986  
infectious wastes for treatment at the facility. 76987

(3) Division (B) of this section does not apply to a 76988  
generator of infectious wastes that meets any of the following 76989  
conditions: 76990

(a) Treats, by methods, techniques, and practices 76991  
established by rules adopted under division (B) (2) (a) of section 76992  
3734.021 of the Revised Code, any of the following wastes: 76993

(i) Infectious wastes that are generated on any premises 76994  
that are owned or operated by the generator; 76995

(ii) Infectious wastes that are generated by a generator 76996  
who has staff privileges at a hospital as defined in section 76997  
3727.01 of the Revised Code; 76998

(iii) Infectious wastes that are generated in providing 76999  
care to a patient by an emergency medical services organization 77000

as defined in section 4765.01 of the Revised Code. 77001

(b) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code; 77002  
77003  
77004

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 77005  
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(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 77007  
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(ii) Chapter 918. of the Revised Code; 77009

(iii) Chapter 953. of the Revised Code. 77010

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes. 77011  
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The director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in rules adopted under division (B) (2) (b) of section 3734.021 of the Revised Code. 77019  
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(C) Except for a facility or activity described in division (E) (3) of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit a complete application for a hazardous waste 77025  
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facility installation and operation permit and accompanying 77029  
detail plans, specifications, and such information as the 77030  
director may require to the environmental protection agency at 77031  
least one hundred eighty days before the proposed beginning of 77032  
operation of the facility. The applicant shall notify by 77033  
certified mail the legislative authority of each municipal 77034  
corporation, township, and county in which the facility is 77035  
proposed to be located of the submission of the application 77036  
within ten days after the submission or at such earlier time as 77037  
the director may establish by rule. If the application is for a 77038  
proposed new hazardous waste disposal or thermal treatment 77039  
facility, the applicant also shall give actual notice of the 77040  
general design and purpose of the facility to the legislative 77041  
authority of each municipal corporation, township, and county in 77042  
which the facility is proposed to be located at least ninety 77043  
days before the permit application is submitted to the 77044  
environmental protection agency. 77045

In accordance with rules adopted under section 3734.12 of 77046  
the Revised Code, prior to the submission of a complete 77047  
application for a hazardous waste facility installation and 77048  
operation permit, the applicant shall hold at least one meeting 77049  
in the township or municipal corporation in which the facility 77050  
is proposed to be located, whichever is geographically closer to 77051  
the proposed location of the facility. The meeting shall be open 77052  
to the public and shall be held to inform the community of the 77053  
proposed hazardous waste management activities and to solicit 77054  
questions from the community concerning the activities. 77055

(D) (1) Except as provided in section 3734.123 of the 77056  
Revised Code, upon receipt of a complete application for a 77057  
hazardous waste facility installation and operation permit under 77058  
division (C) of this section, the director shall consider the 77059

application and accompanying information to determine whether 77060  
the application complies with agency rules and the requirements 77061  
of division (D) (2) of this section. After making a 77062  
determination, the director shall issue either a draft permit or 77063  
a notice of intent to deny the permit. The director, in 77064  
accordance with rules adopted under section 3734.12 of the 77065  
Revised Code or with rules adopted to implement Chapter 3745. of 77066  
the Revised Code, shall provide public notice of the application 77067  
and the draft permit or the notice of intent to deny the permit, 77068  
provide an opportunity for public comments, and, if significant 77069  
interest is shown, schedule a public meeting in the county in 77070  
which the facility is proposed to be located and give public 77071  
notice of the date, time, and location of the public meeting in 77072  
a newspaper of general circulation in that county. 77073

(2) The director shall not approve an application for a 77074  
hazardous waste facility installation and operation permit or an 77075  
application for a modification under division (I) (3) of this 77076  
section unless the director finds and determines as follows: 77077

(a) The nature and volume of the waste to be treated, 77078  
stored, or disposed of at the facility; 77079

(b) That the facility complies with the director's 77080  
hazardous waste standards adopted pursuant to section 3734.12 of 77081  
the Revised Code; 77082

(c) That the facility represents the minimum adverse 77083  
environmental impact, considering the state of available 77084  
technology and the nature and economics of various alternatives, 77085  
and other pertinent considerations; 77086

(d) That the facility represents the minimum risk of all 77087  
of the following: 77088

(i) Fires or explosions from treatment, storage, or disposal methods;	77089 77090
(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;	77091 77092
(iii) Adverse impact on the public health and safety.	77093
(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;	77094 77095 77096
(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney	77097 77098 77099 77100 77101 77102 77103 77104 77105 77106 77107 77108 77109 77110 77111 77112 77113 77114 77115 77116 77117 77118

general prepared pursuant to section 3734.42 of the Revised Code 77119  
as a basis for making a finding and determination under division 77120  
(D) (2) (f) of this section. 77121

(g) That the active areas within a new hazardous waste 77122  
facility where acute hazardous waste as listed in 40 C.F.R. 77123  
261.33 (e), as amended, or organic waste that is toxic and is 77124  
listed under 40 C.F.R. 261, as amended, is being stored, 77125  
treated, or disposed of and where the aggregate of the storage 77126  
design capacity and the disposal design capacity of all 77127  
hazardous waste in those areas is greater than two hundred fifty 77128  
thousand gallons, are not located or operated within any of the 77129  
following: 77130

(i) Two thousand feet of any residence, school, hospital, 77131  
jail, or prison; 77132

(ii) Any naturally occurring wetland; 77133

(iii) Any flood hazard area if the applicant cannot show 77134  
that the facility will be designed, constructed, operated, and 77135  
maintained to prevent washout by a one-hundred-year flood. 77136

Division (D) (2) (g) of this section does not apply to the 77137  
facility of any applicant who demonstrates to the director that 77138  
the limitations specified in that division are not necessary 77139  
because of the nature or volume of the waste and the manner of 77140  
management applied, the facility will impose no substantial 77141  
danger to the health and safety of persons occupying the 77142  
structures listed in division (D) (2) (g) (i) of this section, and 77143  
the facility is to be located or operated in an area where the 77144  
proposed hazardous waste activities will not be incompatible 77145  
with existing land uses in the area. 77146

(h) That the facility will not be located within the 77147

boundaries of a state park established or dedicated under 77148  
Chapter 1546. of the Revised Code, a state park purchase area 77149  
established under section 1546.06 of the Revised Code, any unit 77150  
of the national park system, or any property that lies within 77151  
the boundaries of a national park or recreation area, but that 77152  
has not been acquired or is not administered by the secretary of 77153  
the United States department of the interior, located in this 77154  
state, or any candidate area located in this state identified 77155  
for potential inclusion in the national park system in the 77156  
edition of the "national park system plan" submitted under 77157  
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 77158  
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 77159  
filing of the application for the permit, unless the facility 77160  
will be used exclusively for the storage of hazardous waste 77161  
generated within the park or recreation area in conjunction with 77162  
the operation of the park or recreation area. Division (D) (2) (h) 77163  
of this section does not apply to the facility of any applicant 77164  
for modification of a permit unless the modification application 77165  
proposes to increase the land area included in the facility or 77166  
to increase the quantity of hazardous waste that will be 77167  
treated, stored, or disposed of at the facility. 77168

(3) Not later than one hundred eighty days after the end 77169  
of the public comment period, the director, without prior 77170  
hearing, shall issue or deny the permit in accordance with 77171  
Chapter 3745. of the Revised Code. If the director approves an 77172  
application for a hazardous waste facility installation and 77173  
operation permit, the director shall issue the permit, upon such 77174  
terms and conditions as the director finds are necessary to 77175  
ensure the construction and operation of the hazardous waste 77176  
facility in accordance with the standards of this section. 77177

(E) No political subdivision of this state shall require 77178

any additional zoning or other approval, consent, permit, 77179  
certificate, or condition for the construction or operation of a 77180  
hazardous waste facility authorized by a hazardous waste 77181  
facility installation and operation permit issued pursuant to 77182  
this chapter, nor shall any political subdivision adopt or 77183  
enforce any law, ordinance, or rule that in any way alters, 77184  
impairs, or limits the authority granted in the permit. 77185

(F) The director may issue a single hazardous waste 77186  
facility installation and operation permit to a person who 77187  
operates two or more adjoining facilities where hazardous waste 77188  
is stored, treated, or disposed of if the application includes 77189  
detail plans, specifications, and information on all facilities. 77190  
For the purposes of this section, "adjoining" means sharing a 77191  
common boundary, separated only by a public road, or in such 77192  
proximity that the director determines that the issuance of a 77193  
single permit will not create a hazard to the public health or 77194  
safety or the environment. 77195

(G) No person shall falsify or fail to keep or submit any 77196  
plans, specifications, data, reports, records, manifests, or 77197  
other information required to be kept or submitted to the 77198  
director by this chapter or the rules adopted under it. 77199

(H) (1) Each person who holds an installation and operation 77200  
permit issued under this section and who wishes to obtain a 77201  
permit renewal shall submit a completed application for an 77202  
installation and operation permit renewal and any necessary 77203  
accompanying general plans, detail plans, specifications, and 77204  
such information as the director may require to the director no 77205  
later than one hundred eighty days prior to the expiration date 77206  
of the existing permit or upon a later date prior to the 77207  
expiration of the existing permit if the permittee can 77208

demonstrate good cause for the late submittal. The director 77209  
shall consider the application and accompanying information, 77210  
inspection reports of the facility, results of performance 77211  
tests, a report regarding the facility's compliance or 77212  
noncompliance with the terms and conditions of its permit and 77213  
rules adopted by the director under this chapter, and such other 77214  
information as is relevant to the operation of the facility and 77215  
shall issue a draft renewal permit or a notice of intent to deny 77216  
the renewal permit. The director, in accordance with rules 77217  
adopted under this section or with rules adopted to implement 77218  
Chapter 3745. of the Revised Code, shall give public notice of 77219  
the application and draft renewal permit or notice of intent to 77220  
deny the renewal permit, provide for the opportunity for public 77221  
comments within a specified time period, schedule a public 77222  
meeting in the county in which the facility is located if 77223  
significant interest is shown, and give public notice of the 77224  
public meeting. 77225

(2) Within sixty days after the public meeting or close of 77226  
the public comment period, the director, without prior hearing, 77227  
shall issue or deny the renewal permit in accordance with 77228  
Chapter 3745. of the Revised Code. The director shall not issue 77229  
a renewal permit unless the director determines that the 77230  
facility under the existing permit has a history of compliance 77231  
with this chapter, rules adopted under it, the existing permit, 77232  
or orders entered to enforce such requirements that demonstrates 77233  
sufficient reliability, expertise, and competency to operate the 77234  
facility henceforth under this chapter, rules adopted under it, 77235  
and the renewal permit. If the director approves an application 77236  
for a renewal permit, the director shall issue the permit 77237  
subject to the payment of the annual permit fee required under 77238  
division (E) of section 3734.02 of the Revised Code and upon 77239

such terms and conditions as the director finds are reasonable 77240  
to ensure that continued operation, maintenance, closure, and 77241  
post-closure care of the hazardous waste facility are in 77242  
accordance with the rules adopted under section 3734.12 of the 77243  
Revised Code. 77244

(3) An installation and operation permit renewal 77245  
application submitted to the director that also contains or 77246  
would constitute an application for a modification shall be 77247  
acted upon by the director in accordance with division (I) of 77248  
this section in the same manner as an application for a 77249  
modification. In approving or disapproving the renewal portion 77250  
of a permit renewal application containing an application for a 77251  
modification, the director shall apply the criteria established 77252  
under division (H) (2) of this section. 77253

(4) An application for renewal or modification of a permit 77254  
that does not contain an application for a modification as 77255  
described in divisions (I) (3) (a) to (d) of this section shall 77256  
not be subject to division (D) (2) of this section. 77257

(I) (1) As used in this section, "modification" means a 77258  
change or alteration to a hazardous waste facility or its 77259  
operations that is inconsistent with or not authorized by its 77260  
existing permit or authorization to operate. Modifications shall 77261  
be classified as Class 1, 2, or 3 modifications in accordance 77262  
with rules adopted under division (K) of this section. 77263  
Modifications classified as Class 3 modifications, in accordance 77264  
with rules adopted under that division, shall be further 77265  
classified by the director as either Class 3 modifications that 77266  
are to be approved or disapproved by the director under 77267  
divisions (I) (3) (a) to (d) of this section or as Class 3 77268  
modifications that are to be approved or disapproved by the 77269

director under division (I) (5) of this section. Not later than 77270  
thirty days after receiving a request for a modification under 77271  
division (I) (4) of this section that is not listed in Appendix I 77272  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of 77273  
this section, the director shall classify the modification and 77274  
shall notify the owner or operator of the facility requesting 77275  
the modification of the classification. Notwithstanding any 77276  
other law to the contrary, a modification that involves the 77277  
transfer of a hazardous waste facility installation and 77278  
operation permit to a new owner or operator for any off-site 77279  
facility as defined in section 3734.41 of the Revised Code shall 77280  
be classified as a Class 3 modification. The transfer of a 77281  
hazardous waste facility installation and operation permit to a 77282  
new owner or operator for a facility that is not an off-site 77283  
facility shall be classified as a Class 1 modification requiring 77284  
prior approval of the director. 77285

(2) Except as provided in section 3734.123 of the Revised 77286  
Code, a hazardous waste facility installation and operation 77287  
permit may be modified at the request of the director or upon 77288  
the written request of the permittee only if any of the 77289  
following applies: 77290

(a) The permittee desires to accomplish alterations, 77291  
additions, or deletions to the permitted facility or to 77292  
undertake alterations, additions, deletions, or activities that 77293  
are inconsistent with or not authorized by the existing permit; 77294

(b) New information or data justify permit conditions in 77295  
addition to or different from those in the existing permit; 77296

(c) The standards, criteria, or rules upon which the 77297  
existing permit is based have been changed by new, amended, or 77298  
rescinded standards, criteria, or rules, or by judicial decision 77299

after the existing permit was issued, and the change justifies 77300  
permit conditions in addition to or different from those in the 77301  
existing permit; 77302

(d) The permittee proposes to transfer the permit to 77303  
another person. 77304

(3) The director shall approve or disapprove an 77305  
application for a modification in accordance with division (D) 77306  
(2) of this section and rules adopted under division (K) of this 77307  
section for all of the following categories of Class 3 77308  
modifications: 77309

(a) Authority to conduct treatment, storage, or disposal 77310  
at a site, location, or tract of land that has not been 77311  
authorized for the proposed category of treatment, storage, or 77312  
disposal activity by the facility's permit; 77313

(b) Modification or addition of a hazardous waste 77314  
management unit, as defined in rules adopted under section 77315  
3734.12 of the Revised Code, that results in an increase in a 77316  
facility's storage capacity of more than twenty-five per cent 77317  
over the capacity authorized by the facility's permit, an 77318  
increase in a facility's treatment rate of more than twenty-five 77319  
per cent over the rate so authorized, or an increase in a 77320  
facility's disposal capacity over the capacity so authorized. 77321  
The authorized disposal capacity for a facility shall be 77322  
calculated from the approved design plans for the disposal units 77323  
at that facility. In no case during a five-year period shall a 77324  
facility's storage capacity or treatment rate be modified to 77325  
increase by more than twenty-five per cent in the aggregate 77326  
without the director's approval in accordance with division (D) 77327  
(2) of this section. Notwithstanding any provision of division 77328  
(I) of this section to the contrary, a request for modification 77329

of a facility's annual total waste receipt limit shall be 77330  
classified and approved or disapproved by the director under 77331  
division (I) (5) of this section. 77332

(c) Authority to add any of the following categories of 77333  
regulated activities not previously authorized at a facility by 77334  
the facility's permit: storage at a facility not previously 77335  
authorized to store hazardous waste, treatment at a facility not 77336  
previously authorized to treat hazardous waste, or disposal at a 77337  
facility not previously authorized to dispose of hazardous 77338  
waste; or authority to add a category of hazardous waste 77339  
management unit not previously authorized at the facility by the 77340  
facility's permit. Notwithstanding any provision of division (I) 77341  
of this section to the contrary, a request for authority to add 77342  
or to modify an activity or a hazardous waste management unit 77343  
for the purposes of performing a corrective action shall be 77344  
classified and approved or disapproved by the director under 77345  
division (I) (5) of this section. 77346

(d) Authority to treat, store, or dispose of waste types 77347  
listed or characterized as reactive or explosive, in rules 77348  
adopted under section 3734.12 of the Revised Code, or any acute 77349  
hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a 77350  
facility not previously authorized to treat, store, or dispose 77351  
of those types of wastes by the facility's permit unless the 77352  
requested authority is limited to wastes that no longer exhibit 77353  
characteristics meeting the criteria for listing or 77354  
characterization as reactive or explosive wastes, or for listing 77355  
as acute hazardous waste, but still are required to carry those 77356  
waste codes as established in rules adopted under section 77357  
3734.12 of the Revised Code because of the requirements 77358  
established in 40 C.F.R. 261(a) and (e), as amended, that is, 77359  
the "mixture," "derived-from," or "contained-in" regulations. 77360

(4) A written request for a modification from the 77361  
permittee shall be submitted to the director and shall contain 77362  
such information as is necessary to support the request. 77363  
Requests for modifications shall be acted upon by the director 77364  
in accordance with this section and rules adopted under it. 77365

(5) Class 1 modification applications that require prior 77366  
approval of the director, as provided in division (I)(1) of this 77367  
section or as determined in accordance with rules adopted under 77368  
division (K) of this section, Class 2 modification applications, 77369  
and Class 3 modification applications that are not described in 77370  
divisions (I)(3)(a) to (d) of this section shall be approved or 77371  
disapproved by the director in accordance with rules adopted 77372  
under division (K) of this section. The board of county 77373  
commissioners of the county, the board of township trustees of 77374  
the township, and the city manager or mayor of the municipal 77375  
corporation in which a hazardous waste facility is located shall 77376  
receive notification of any application for a modification for 77377  
that facility and shall be considered as interested persons with 77378  
respect to the director's consideration of the application. 77379

As used in division (I) of this section: 77380

(a) "Owner" means the person who owns a majority or 77381  
controlling interest in a facility. 77382

(b) "Operator" means the person who is responsible for the 77383  
overall operation of a facility. 77384

The director shall approve or disapprove an application 77385  
for a Class 1 modification that requires the director's approval 77386  
within sixty days after receiving the request for modification. 77387  
The director shall approve or disapprove an application for a 77388  
Class 2 modification within three hundred days after receiving 77389

the request for modification. The director shall approve or 77390  
disapprove an application for a Class 3 modification within 77391  
three hundred sixty-five days after receiving the request for 77392  
modification. 77393

(6) The approval or disapproval by the director of a Class 77394  
1 modification application is not a final action that is 77395  
appealable under Chapter 3745. of the Revised Code. The approval 77396  
or disapproval by the director of a Class 2 modification or a 77397  
Class 3 modification is a final action that is appealable under 77398  
that chapter. In approving or disapproving a request for a 77399  
modification, the director shall consider all comments 77400  
pertaining to the request that are received during the public 77401  
comment period and the public meetings. The administrative 77402  
record for appeal of a final action by the director in approving 77403  
or disapproving a request for a modification shall include all 77404  
comments received during the public comment period relating to 77405  
the request for modification, written materials submitted at the 77406  
public meetings relating to the request, and any other documents 77407  
related to the director's action. 77408

(7) Notwithstanding any other provision of law to the 77409  
contrary, a change or alteration to a hazardous waste facility 77410  
described in division (E) (3) (a) or (b) of section 3734.02 of the 77411  
Revised Code, or its operations, is a modification for the 77412  
purposes of this section. An application for a modification at 77413  
such a facility shall be submitted, classified, and approved or 77414  
disapproved in accordance with divisions (I) (1) to (6) of this 77415  
section in the same manner as a modification to a hazardous 77416  
waste facility installation and operation permit. 77417

(J) (1) Except as provided in division (J) (2) of this 77418  
section, an owner or operator of a hazardous waste facility that 77419

is operating in accordance with a permit by rule under rules 77420  
adopted by the director under division (E) (3) (b) of section 77421  
3734.02 of the Revised Code shall submit either a hazardous 77422  
waste facility installation and operation permit application for 77423  
the facility or a modification application, whichever is 77424  
required under division (J) (1) (a) or (b) of this section, within 77425  
one hundred eighty days after the director has requested the 77426  
application or upon a later date if the owner or operator 77427  
demonstrates to the director good cause for the late submittal. 77428

(a) If the owner or operator does not have a hazardous 77429  
waste facility installation and operation permit for any 77430  
hazardous waste treatment, storage, or disposal activities at 77431  
the facility, the owner or operator shall submit an application 77432  
for such a permit to the director for the activities authorized 77433  
by the permit by rule. Notwithstanding any other provision of 77434  
law to the contrary, the director shall approve or disapprove 77435  
the application for the permit in accordance with the procedures 77436  
governing the approval or disapproval of permit renewals under 77437  
division (H) of this section. 77438

(b) If the owner or operator has a hazardous waste 77439  
facility installation and operation permit for hazardous waste 77440  
treatment, storage, or disposal activities at the facility other 77441  
than those authorized by the permit by rule, the owner or 77442  
operator shall submit to the director a request for modification 77443  
in accordance with division (I) of this section. Notwithstanding 77444  
any other provision of law to the contrary, the director shall 77445  
approve or disapprove the modification application in accordance 77446  
with division (I) (5) of this section. 77447

(2) The owner or operator of a boiler or industrial 77448  
furnace that is conducting thermal treatment activities in 77449

accordance with a permit by rule under rules adopted by the 77450  
director under division (E) (3) (b) of section 3734.02 of the 77451  
Revised Code shall submit a hazardous waste facility 77452  
installation and operation permit application if the owner or 77453  
operator does not have such a permit for any hazardous waste 77454  
treatment, storage, or disposal activities at the facility or, 77455  
if the owner or operator has such a permit for hazardous waste 77456  
treatment, storage, or disposal activities at the facility other 77457  
than thermal treatment activities authorized by the permit by 77458  
rule, a modification application to add those activities 77459  
authorized by the permit by rule, whichever is applicable, 77460  
within one hundred eighty days after the director has requested 77461  
the submission of the application or upon a later date if the 77462  
owner or operator demonstrates to the director good cause for 77463  
the late submittal. The application shall be accompanied by 77464  
information necessary to support the request. The director shall 77465  
approve or disapprove an application for a hazardous waste 77466  
facility installation and operation permit in accordance with 77467  
division (D) of this section and approve or disapprove an 77468  
application for a modification in accordance with division (I) 77469  
(3) of this section, except that the director shall not 77470  
disapprove an application for the thermal treatment activities 77471  
on the basis of the criteria set forth in division (D) (2) (g) or 77472  
(h) of this section. 77473

(3) As used in division (J) of this section: 77474

(a) "Modification application" means a request for a 77475  
modification submitted in accordance with division (I) of this 77476  
section. 77477

(b) "Thermal treatment," "boiler," and "industrial 77478  
furnace" have the same meanings as in rules adopted under 77479

section 3734.12 of the Revised Code. 77480

(K) The director shall adopt, and may amend, suspend, or 77481  
rescind, rules in accordance with Chapter 119. of the Revised 77482  
Code in order to implement divisions (H) and (I) of this 77483  
section. Except when in actual conflict with this section, rules 77484  
governing the classification of and procedures for the 77485  
modification of hazardous waste facility installation and 77486  
operation permits shall be substantively and procedurally 77487  
identical to the regulations governing hazardous waste facility 77488  
permitting and permit modifications adopted under the "Resource 77489  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 77490  
U.S.C.A. 6921, as amended. 77491

**Sec. 3734.57.** (A) The following fees are hereby levied on 77492  
the transfer or disposal of solid wastes in this state: 77493

(1) Seventy-one cents per ton through June 30, ~~2026~~2028, 77494  
eleven cents of the proceeds of which shall be deposited in the 77495  
state treasury to the credit of the hazardous waste facility 77496  
management fund created in section 3734.18 of the Revised Code 77497  
and sixty cents of the proceeds of which shall be deposited in 77498  
the state treasury to the credit of the hazardous waste clean-up 77499  
fund created in section 3734.28 of the Revised Code; 77500

(2) An additional ninety cents per ton through June 30, 77501  
~~2026~~2028, the proceeds of which shall be deposited in the state 77502  
treasury to the credit of the waste management fund created in 77503  
section 3734.061 of the Revised Code; 77504

(3) An additional two dollars and eighty-one cents per ton 77505  
through June 30, ~~2026~~2028, the proceeds of which shall be 77506  
deposited in the state treasury to the credit of the 77507  
environmental protection fund created in section 3745.015 of the 77508

Revised Code; 77509

(4) An additional twenty-five cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code; 77510  
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(5) An additional eight cents per ton through June 30, ~~2026~~2028, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code. 77515  
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In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for 77519  
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recycling by a generator or materials removed from the solid 77539  
waste stream through recycling, as "recycling" is defined in 77540  
rules adopted under section 3734.02 of the Revised Code. 77541

The owner or operator of a solid waste transfer facility 77542  
or disposal facility, as applicable, shall prepare and file with 77543  
the director of environmental protection each month a return 77544  
indicating the total tonnage of solid wastes received at the 77545  
facility during that month and the total amount of the fees 77546  
required to be collected under this division during that month. 77547  
In addition, the owner or operator of a solid waste disposal 77548  
facility shall indicate on the return the total tonnage of solid 77549  
wastes received from transfer facilities located in this state 77550  
during that month for which the fees were required to be 77551  
collected by the transfer facilities. The monthly returns shall 77552  
be filed on a form prescribed by the director. Not later than 77553  
thirty days after the last day of the month to which a return 77554  
applies, the owner or operator shall mail to the director the 77555  
return for that month together with the fees required to be 77556  
collected under this division during that month as indicated on 77557  
the return or may submit the return and fees electronically in a 77558  
manner approved by the director. If the return is filed and the 77559  
amount of the fees due is paid in a timely manner as required in 77560  
this division, the owner or operator may retain a discount of 77561  
three-fourths of one per cent of the total amount of the fees 77562  
that are required to be paid as indicated on the return. 77563

The owner or operator may request an extension of not more 77564  
than thirty days for filing the return and remitting the fees, 77565  
provided that the owner or operator has submitted such a request 77566  
in writing to the director together with a detailed description 77567  
of why the extension is requested, the director has received the 77568  
request not later than the day on which the return is required 77569

to be filed, and the director has approved the request. If the 77570  
fees are not remitted within thirty days after the last day of 77571  
the month to which the return applies or are not remitted by the 77572  
last day of an extension approved by the director, the owner or 77573  
operator shall not retain the three-fourths of one per cent 77574  
discount and shall pay an additional ten per cent of the amount 77575  
of the fees for each month that they are late. For purposes of 77576  
calculating the late fee, the first month in which fees are late 77577  
begins on the first day after the deadline has passed for timely 77578  
submitting the return and fees, and one additional month shall 77579  
be counted every thirty days thereafter. 77580

The owner or operator of a solid waste facility may 77581  
request a refund or credit of fees levied under this division 77582  
and remitted to the director that have not been paid to the 77583  
owner or operator. Such a request shall be made only if the fees 77584  
have not been collected by the owner or operator, have become a 77585  
debt that has become worthless or uncollectable for a period of 77586  
six months or more, and may be claimed as a deduction, including 77587  
a deduction claimed if the owner or operator keeps accounts on 77588  
an accrual basis, under the "Internal Revenue Code of 1954," 68A 77589  
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 77590  
under it. Prior to making a request for a refund or credit, an 77591  
owner or operator shall make reasonable efforts to collect the 77592  
applicable fees. A request for a refund or credit shall not 77593  
include any costs resulting from those efforts to collect unpaid 77594  
fees. 77595

A request for a refund or credit of fees shall be made in 77596  
writing, on a form prescribed by the director, and shall be 77597  
supported by evidence that may be required in rules adopted by 77598  
the director under this chapter. After reviewing the request, 77599  
and if the request and evidence submitted with the request 77600

indicate that a refund or credit is warranted, the director 77601  
shall grant a refund to the owner or operator or shall permit a 77602  
credit to be taken by the owner or operator on a subsequent 77603  
monthly return submitted by the owner or operator. The amount of 77604  
a refund or credit shall not exceed an amount that is equal to 77605  
ninety days' worth of fees owed to an owner or operator by a 77606  
particular debtor of the owner or operator. A refund or credit 77607  
shall not be granted by the director to an owner or operator 77608  
more than once in any twelve-month period for fees owed to the 77609  
owner or operator by a particular debtor. 77610

If, after receiving a refund or credit from the director, 77611  
an owner or operator receives payment of all or part of the 77612  
fees, the owner or operator shall remit the fees with the next 77613  
monthly return submitted to the director together with a written 77614  
explanation of the reason for the submittal. 77615

For purposes of computing the fees levied under this 77616  
division or division (B) of this section, any solid waste 77617  
transfer or disposal facility that does not use scales as a 77618  
means of determining gate receipts shall use a conversion factor 77619  
of three cubic yards per ton of solid waste or one cubic yard 77620  
per ton for baled waste, as applicable. 77621

The fees levied under this division and divisions (B) and 77622  
(C) of this section are in addition to all other applicable fees 77623  
and taxes and shall be paid by the customer or a political 77624  
subdivision to the owner or operator of a solid waste transfer 77625  
or disposal facility. In the alternative, the fees shall be paid 77626  
by a customer or political subdivision to a transporter of waste 77627  
who subsequently transfers the fees to the owner or operator of 77628  
such a facility. The fees shall be paid notwithstanding the 77629  
existence of any provision in a contract that the customer or a 77630

political subdivision may have with the owner or operator or 77631  
with a transporter of waste to the facility that would not 77632  
require or allow such payment regardless of whether the contract 77633  
was entered prior to or after October 16, 2009. For those 77634  
purposes, "customer" means a person who contracts with, or 77635  
utilizes the solid waste services of, the owner or operator of a 77636  
solid waste transfer or disposal facility or a transporter of 77637  
solid waste to such a facility. 77638

(B) For the purposes specified in division (G) of this 77639  
section, the solid waste management policy committee of a county 77640  
or joint solid waste management district may levy fees upon the 77641  
following activities: 77642

(1) The disposal at a solid waste disposal facility 77643  
located in the district of solid wastes generated within the 77644  
district; 77645

(2) The disposal at a solid waste disposal facility within 77646  
the district of solid wastes generated outside the boundaries of 77647  
the district, but inside this state; 77648

(3) The disposal at a solid waste disposal facility within 77649  
the district of solid wastes generated outside the boundaries of 77650  
this state. 77651

The solid waste management plan of the county or joint 77652  
district approved under section 3734.521 or 3734.55 of the 77653  
Revised Code and any amendments to it, or the resolution adopted 77654  
under this division, as appropriate, shall establish the rates 77655  
of the fees levied under divisions (B) (1), (2), and (3) of this 77656  
section, if any, and shall specify whether the fees are levied 77657  
on the basis of tons or cubic yards as the unit of measurement. 77658  
A solid waste management district that levies fees under this 77659

division on the basis of cubic yards shall do so in accordance 77660  
with division (A) of this section. 77661

The fee levied under division (B) (1) of this section shall 77662  
be not less than one dollar per ton nor more than two dollars 77663  
per ton, the fee levied under division (B) (2) of this section 77664  
shall be not less than two dollars per ton nor more than four 77665  
dollars per ton, and the fee levied under division (B) (3) of 77666  
this section shall be not more than the fee levied under 77667  
division (B) (1) of this section. 77668

Prior to the approval of the solid waste management plan 77669  
of a district under section 3734.55 of the Revised Code, the 77670  
solid waste management policy committee of a district may levy 77671  
fees under this division by adopting a resolution establishing 77672  
the proposed amount of the fees. Upon adopting the resolution, 77673  
the committee shall deliver a copy of the resolution to the 77674  
board of county commissioners of each county forming the 77675  
district and to the legislative authority of each municipal 77676  
corporation and township under the jurisdiction of the district 77677  
and shall prepare and publish the resolution and a notice of the 77678  
time and location where a public hearing on the fees will be 77679  
held. Upon adopting the resolution, the committee shall deliver 77680  
written notice of the adoption of the resolution; of the amount 77681  
of the proposed fees; and of the date, time, and location of the 77682  
public hearing to the director and to the fifty industrial, 77683  
commercial, or institutional generators of solid wastes within 77684  
the district that generate the largest quantities of solid 77685  
wastes, as determined by the committee, and to their local trade 77686  
associations. The committee shall make good faith efforts to 77687  
identify those generators within the district and their local 77688  
trade associations, but the nonprovision of notice under this 77689  
division to a particular generator or local trade association 77690

does not invalidate the proceedings under this division. The 77691  
publication shall occur at least thirty days before the hearing. 77692  
After the hearing, the committee may make such revisions to the 77693  
proposed fees as it considers appropriate and thereafter, by 77694  
resolution, shall adopt the revised fee schedule. Upon adopting 77695  
the revised fee schedule, the committee shall deliver a copy of 77696  
the resolution doing so to the board of county commissioners of 77697  
each county forming the district and to the legislative 77698  
authority of each municipal corporation and township under the 77699  
jurisdiction of the district. Within sixty days after the 77700  
delivery of a copy of the resolution adopting the proposed 77701  
revised fees by the policy committee, each such board and 77702  
legislative authority, by ordinance or resolution, shall approve 77703  
or disapprove the revised fees and deliver a copy of the 77704  
ordinance or resolution to the committee. If any such board or 77705  
legislative authority fails to adopt and deliver to the policy 77706  
committee an ordinance or resolution approving or disapproving 77707  
the revised fees within sixty days after the policy committee 77708  
delivered its resolution adopting the proposed revised fees, it 77709  
shall be conclusively presumed that the board or legislative 77710  
authority has approved the proposed revised fees. The committee 77711  
shall determine if the resolution has been ratified in the same 77712  
manner in which it determines if a draft solid waste management 77713  
plan has been ratified under division (B) of section 3734.55 of 77714  
the Revised Code. 77715

The committee may amend the schedule of fees levied 77716  
pursuant to a resolution adopted and ratified under this 77717  
division by adopting a resolution establishing the proposed 77718  
amount of the amended fees. The committee may repeal the fees 77719  
levied pursuant to such a resolution by adopting a resolution 77720  
proposing to repeal them. Upon adopting such a resolution, the 77721

committee shall proceed to obtain ratification of the resolution 77722  
in accordance with this division. 77723

Not later than fourteen days after declaring the new fees 77724  
to be ratified or the fees to be repealed under this division, 77725  
the committee shall notify by certified mail the owner or 77726  
operator of each solid waste disposal facility that is required 77727  
to collect the fees of the ratification and the amount of the 77728  
fees or of the repeal of the fees. Collection of any fees shall 77729  
commence or collection of repealed fees shall cease on the first 77730  
day of the second month following the month in which 77731  
notification is sent to the owner or operator. 77732

Fees levied under this division also may be established, 77733  
amended, or repealed by a solid waste management policy 77734  
committee through the adoption of a new district solid waste 77735  
management plan, the adoption of an amended plan, or the 77736  
amendment of the plan or amended plan in accordance with 77737  
sections 3734.55 and 3734.56 of the Revised Code or the adoption 77738  
or amendment of a district plan in connection with a change in 77739  
district composition under section 3734.521 of the Revised Code. 77740

Not later than fourteen days after the director issues an 77741  
order approving a district's solid waste management plan, 77742  
amended plan, or amendment to a plan or amended plan that 77743  
establishes, amends, or repeals a schedule of fees levied by the 77744  
district, the committee shall notify by certified mail the owner 77745  
or operator of each solid waste disposal facility that is 77746  
required to collect the fees of the approval of the plan or 77747  
amended plan, or the amendment to the plan, as appropriate, and 77748  
the amount of the fees, if any. In the case of an initial or 77749  
amended plan approved under section 3734.521 of the Revised Code 77750  
in connection with a change in district composition, other than 77751

one involving the withdrawal of a county from a joint district, 77752  
the committee, within fourteen days after the change takes 77753  
effect pursuant to division (G) of that section, shall notify by 77754  
certified mail the owner or operator of each solid waste 77755  
disposal facility that is required to collect the fees that the 77756  
change has taken effect and of the amount of the fees, if any. 77757  
Collection of any fees shall commence or collection of repealed 77758  
fees shall cease on the first day of the second month following 77759  
the month in which notification is sent to the owner or 77760  
operator. 77761

If, in the case of a change in district composition 77762  
involving the withdrawal of a county from a joint district, the 77763  
director completes the actions required under division (G)(1) or 77764  
(3) of section 3734.521 of the Revised Code, as appropriate, 77765  
forty-five days or more before the beginning of a calendar year, 77766  
the policy committee of each of the districts resulting from the 77767  
change that obtained the director's approval of an initial or 77768  
amended plan in connection with the change, within fourteen days 77769  
after the director's completion of the required actions, shall 77770  
notify by certified mail the owner or operator of each solid 77771  
waste disposal facility that is required to collect the 77772  
district's fees that the change is to take effect on the first 77773  
day of January immediately following the issuance of the notice 77774  
and of the amount of the fees or amended fees levied under 77775  
divisions (B)(1) to (3) of this section pursuant to the 77776  
district's initial or amended plan as so approved or, if 77777  
appropriate, the repeal of the district's fees by that initial 77778  
or amended plan. Collection of any fees set forth in such a plan 77779  
or amended plan shall commence on the first day of January 77780  
immediately following the issuance of the notice. If such an 77781  
initial or amended plan repeals a schedule of fees, collection 77782

of the fees shall cease on that first day of January. 77783

If, in the case of a change in district composition 77784  
involving the withdrawal of a county from a joint district, the 77785  
director completes the actions required under division (G)(1) or 77786  
(3) of section 3734.521 of the Revised Code, as appropriate, 77787  
less than forty-five days before the beginning of a calendar 77788  
year, the director, on behalf of each of the districts resulting 77789  
from the change that obtained the director's approval of an 77790  
initial or amended plan in connection with the change 77791  
proceedings, shall notify by certified mail the owner or 77792  
operator of each solid waste disposal facility that is required 77793  
to collect the district's fees that the change is to take effect 77794  
on the first day of January immediately following the mailing of 77795  
the notice and of the amount of the fees or amended fees levied 77796  
under divisions (B)(1) to (3) of this section pursuant to the 77797  
district's initial or amended plan as so approved or, if 77798  
appropriate, the repeal of the district's fees by that initial 77799  
or amended plan. Collection of any fees set forth in such a plan 77800  
or amended plan shall commence on the first day of the second 77801  
month following the month in which notification is sent to the 77802  
owner or operator. If such an initial or amended plan repeals a 77803  
schedule of fees, collection of the fees shall cease on the 77804  
first day of the second month following the month in which 77805  
notification is sent to the owner or operator. 77806

If the schedule of fees that a solid waste management 77807  
district is levying under divisions (B)(1) to (3) of this 77808  
section is amended or repealed, the fees in effect immediately 77809  
prior to the amendment or repeal shall continue to be collected 77810  
until collection of the amended fees commences or collection of 77811  
the repealed fees ceases, as applicable, as specified in this 77812  
division. In the case of a change in district composition, money 77813

so received from the collection of the fees of the former 77814  
districts shall be divided among the resulting districts in 77815  
accordance with division (B) of section 343.012 of the Revised 77816  
Code and the agreements entered into under division (B) of 77817  
section 343.01 of the Revised Code to establish the former and 77818  
resulting districts and any amendments to those agreements. 77819

For the purposes of the provisions of division (B) of this 77820  
section establishing the times when newly established or amended 77821  
fees levied by a district are required to commence and the 77822  
collection of fees that have been amended or repealed is 77823  
required to cease, "fees" or "schedule of fees" includes, in 77824  
addition to fees levied under divisions (B)(1) to (3) of this 77825  
section, those levied under section 3734.573 or 3734.574 of the 77826  
Revised Code. 77827

(C) For the purposes of defraying the added costs to a 77828  
municipal corporation or township of maintaining roads and other 77829  
public facilities and of providing emergency and other public 77830  
services, and compensating a municipal corporation or township 77831  
for reductions in real property tax revenues due to reductions 77832  
in real property valuations resulting from the location and 77833  
operation of a solid waste disposal facility within the 77834  
municipal corporation or township, a municipal corporation or 77835  
township in which such a solid waste disposal facility is 77836  
located may levy a fee of not more than twenty-five cents per 77837  
ton on the disposal of solid wastes at a solid waste disposal 77838  
facility located within the boundaries of the municipal 77839  
corporation or township regardless of where the wastes were 77840  
generated. 77841

The legislative authority of a municipal corporation or 77842  
township may levy fees under this division by enacting an 77843

ordinance or adopting a resolution establishing the amount of 77844  
the fees. Upon so doing the legislative authority shall mail a 77845  
certified copy of the ordinance or resolution to the board of 77846  
county commissioners or directors of the county or joint solid 77847  
waste management district in which the municipal corporation or 77848  
township is located or, if a regional solid waste management 77849  
authority has been formed under section 343.011 of the Revised 77850  
Code, to the board of trustees of that regional authority, the 77851  
owner or operator of each solid waste disposal facility in the 77852  
municipal corporation or township that is required to collect 77853  
the fee by the ordinance or resolution, and the director of 77854  
environmental protection. Although the fees levied under this 77855  
division are levied on the basis of tons as the unit of 77856  
measurement, the legislative authority, in its ordinance or 77857  
resolution levying the fees under this division, may direct that 77858  
the fees be levied on the basis of cubic yards as the unit of 77859  
measurement based upon a conversion factor of three cubic yards 77860  
per ton generally or one cubic yard per ton for baled wastes. 77861

Not later than five days after enacting an ordinance or 77862  
adopting a resolution under this division, the legislative 77863  
authority shall so notify by certified mail the owner or 77864  
operator of each solid waste disposal facility that is required 77865  
to collect the fee. Collection of any fee levied on or after 77866  
March 24, 1992, shall commence on the first day of the second 77867  
month following the month in which notification is sent to the 77868  
owner or operator. 77869

(D) (1) The fees levied under divisions (A), (B), and (C) 77870  
of this section do not apply to the disposal of solid wastes 77871  
that: 77872

(a) Are disposed of at a facility owned by the generator 77873

of the wastes when the solid waste facility exclusively disposes 77874  
of solid wastes generated at one or more premises owned by the 77875  
generator regardless of whether the facility is located on a 77876  
premises where the wastes are generated; 77877

(b) Are generated from the combustion of coal, or from the 77878  
combustion of primarily coal, regardless of whether the disposal 77879  
facility is located on the premises where the wastes are 77880  
generated; 77881

(c) Are asbestos or asbestos-containing materials or 77882  
products disposed of at a construction and demolition debris 77883  
facility that is licensed under Chapter 3714. of the Revised 77884  
Code or at a solid waste facility that is licensed under this 77885  
chapter. 77886

(2) Except as provided in section 3734.571 of the Revised 77887  
Code, any fees levied under division (B)(1) of this section 77888  
apply to solid wastes originating outside the boundaries of a 77889  
county or joint district that are covered by an agreement for 77890  
the joint use of solid waste facilities entered into under 77891  
section 343.02 of the Revised Code by the board of county 77892  
commissioners or board of directors of the county or joint 77893  
district where the wastes are generated and disposed of. 77894

(3) When solid wastes, other than solid wastes that 77895  
consist of scrap tires, are burned in a disposal facility that 77896  
is an incinerator or energy recovery facility, the fees levied 77897  
under divisions (A), (B), and (C) of this section shall be 77898  
levied upon the disposal of the fly ash and bottom ash remaining 77899  
after burning of the solid wastes and shall be collected by the 77900  
owner or operator of the sanitary landfill where the ash is 77901  
disposed of. 77902

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an

order exempting from the fees levied under this section solid 77933  
wastes, including, but not limited to, scrap tires, that are 77934  
generated, transferred, or disposed of as a result of a contract 77935  
providing for the expenditure of public funds entered into by 77936  
the administrator or regional administrator of the United States 77937  
environmental protection agency, the director of environmental 77938  
protection, or the director of administrative services on behalf 77939  
of the director of environmental protection for the purpose of 77940  
remediating conditions at a hazardous waste facility, solid 77941  
waste facility, or other location at which the administrator or 77942  
regional administrator or the director of environmental 77943  
protection has reason to believe that there is a substantial 77944  
threat to public health or safety or the environment or that the 77945  
conditions are causing or contributing to air or water pollution 77946  
or soil contamination. An order issued by the director of 77947  
environmental protection under division (D) (8) of this section 77948  
shall include a determination that the amount of the fees not 77949  
received by a solid waste management district as a result of the 77950  
order will not adversely impact the implementation and financing 77951  
of the district's approved solid waste management plan and any 77952  
approved amendments to the plan. Such an order is a final action 77953  
of the director of environmental protection. 77954

(E) The fees levied under divisions (B) and (C) of this 77955  
section shall be collected by the owner or operator of the solid 77956  
waste disposal facility where the wastes are disposed of as a 77957  
trustee for the county or joint district and municipal 77958  
corporation or township where the wastes are disposed of. Moneys 77959  
from the fees levied under division (B) of this section shall be 77960  
forwarded to the board of county commissioners or board of 77961  
directors of the district in accordance with rules adopted under 77962  
division (H) of this section. Moneys from the fees levied under 77963

division (C) of this section shall be forwarded to the treasurer 77964  
or such other officer of the municipal corporation as, by virtue 77965  
of the charter, has the duties of the treasurer or to the fiscal 77966  
officer of the township, as appropriate, in accordance with 77967  
those rules. 77968

(F) Moneys received by the treasurer or other officer of 77969  
the municipal corporation under division (E) of this section 77970  
shall be paid into the general fund of the municipal 77971  
corporation. Moneys received by the fiscal officer of the 77972  
township under that division shall be paid into the general fund 77973  
of the township. The treasurer or other officer of the municipal 77974  
corporation or the township fiscal officer, as appropriate, 77975  
shall maintain separate records of the moneys received from the 77976  
fees levied under division (C) of this section. 77977

(G) Moneys received by the board of county commissioners 77978  
or board of directors under division (E) of this section or 77979  
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 77980  
Code shall be paid to the county treasurer, or other official 77981  
acting in a similar capacity under a county charter, in a county 77982  
district or to the county treasurer or other official designated 77983  
by the board of directors in a joint district and kept in a 77984  
separate and distinct fund to the credit of the district. If a 77985  
regional solid waste management authority has been formed under 77986  
section 343.011 of the Revised Code, moneys received by the 77987  
board of trustees of that regional authority under division (E) 77988  
of this section shall be kept by the board in a separate and 77989  
distinct fund to the credit of the district. Moneys in the 77990  
special fund of the county or joint district arising from the 77991  
fees levied under division (B) of this section and the fee 77992  
levied under division (A) of section 3734.573 of the Revised 77993  
Code shall be expended by the board of county commissioners or 77994

directors of the district in accordance with the district's 77995  
solid waste management plan or amended plan approved under 77996  
section 3734.521, 3734.55, or 3734.56 of the Revised Code 77997  
exclusively for the following purposes: 77998

(1) Preparation of the solid waste management plan of the 77999  
district under section 3734.54 of the Revised Code, monitoring 78000  
implementation of the plan, and conducting the periodic review 78001  
and amendment of the plan required by section 3734.56 of the 78002  
Revised Code by the solid waste management policy committee; 78003

(2) Implementation of the approved solid waste management 78004  
plan or amended plan of the district, including, without 78005  
limitation, the development and implementation of solid waste 78006  
recycling or reduction programs; 78007

(3) Providing financial assistance to boards of health 78008  
within the district, if solid waste facilities are located 78009  
within the district, for enforcement of this chapter and rules, 78010  
orders, and terms and conditions of permits, licenses, and 78011  
variances adopted or issued under it, other than the hazardous 78012  
waste provisions of this chapter and rules adopted and orders 78013  
and terms and conditions of permits issued under those 78014  
provisions; 78015

(4) Providing financial assistance to each county within 78016  
the district to defray the added costs of maintaining roads and 78017  
other public facilities and of providing emergency and other 78018  
public services resulting from the location and operation of a 78019  
solid waste facility within the county under the district's 78020  
approved solid waste management plan or amended plan; 78021

(5) Pursuant to contracts entered into with boards of 78022  
health within the district, if solid waste facilities contained 78023

in the district's approved plan or amended plan are located 78024  
within the district, for paying the costs incurred by those 78025  
boards of health for collecting and analyzing samples from 78026  
public or private water wells on lands adjacent to those 78027  
facilities; 78028

(6) Developing and implementing a program for the 78029  
inspection of solid wastes generated outside the boundaries of 78030  
this state that are disposed of at solid waste facilities 78031  
included in the district's approved solid waste management plan 78032  
or amended plan; 78033

(7) Providing financial assistance to boards of health 78034  
within the district for the enforcement of section 3734.03 of 78035  
the Revised Code or to local law enforcement agencies having 78036  
jurisdiction within the district for enforcing anti-littering 78037  
laws and ordinances; 78038

(8) Providing financial assistance to boards of health of 78039  
health districts within the district that are on the approved 78040  
list under section 3734.08 of the Revised Code to defray the 78041  
costs to the health districts for the participation of their 78042  
employees responsible for enforcement of the solid waste 78043  
provisions of this chapter and rules adopted and orders and 78044  
terms and conditions of permits, licenses, and variances issued 78045  
under those provisions in the training and certification program 78046  
as required by rules adopted under division (L) of section 78047  
3734.02 of the Revised Code; 78048

(9) Providing financial assistance to individual municipal 78049  
corporations and townships within the district to defray their 78050  
added costs of maintaining roads and other public facilities and 78051  
of providing emergency and other public services resulting from 78052  
the location and operation within their boundaries of a 78053

composting, energy or resource recovery, incineration, or 78054  
recycling facility that either is owned by the district or is 78055  
furnishing solid waste management facility or recycling services 78056  
to the district pursuant to a contract or agreement with the 78057  
board of county commissioners or directors of the district; 78058

(10) Payment of any expenses that are agreed to, awarded, 78059  
or ordered to be paid under section 3734.35 of the Revised Code 78060  
and of any administrative costs incurred pursuant to that 78061  
section. In the case of a joint solid waste management district, 78062  
if the board of county commissioners of one of the counties in 78063  
the district is negotiating on behalf of affected communities, 78064  
as defined in that section, in that county, the board shall 78065  
obtain the approval of the board of directors of the district in 78066  
order to expend moneys for administrative costs incurred. 78067

Prior to the approval of the district's solid waste 78068  
management plan under section 3734.55 of the Revised Code, 78069  
moneys in the special fund of the district arising from the fees 78070  
shall be expended for those purposes in the manner prescribed by 78071  
the solid waste management policy committee by resolution. 78072

Notwithstanding division (G) (6) of this section as it 78073  
existed prior to October 29, 1993, or any provision in a 78074  
district's solid waste management plan prepared in accordance 78075  
with division (B) (2) (e) of section 3734.53 of the Revised Code 78076  
as it existed prior to that date, any moneys arising from the 78077  
fees levied under division (B) (3) of this section prior to 78078  
January 1, 1994, may be expended for any of the purposes 78079  
authorized in divisions (G) (1) to (10) of this section. 78080

(H) The director shall adopt rules in accordance with 78081  
Chapter 119. of the Revised Code prescribing procedures for 78082  
collecting and forwarding the fees levied under divisions (B) 78083

and (C) of this section to the boards of county commissioners or 78084  
directors of county or joint solid waste management districts 78085  
and to the treasurers or other officers of municipal 78086  
corporations and the fiscal officers of townships. The rules 78087  
also shall prescribe the dates for forwarding the fees to the 78088  
boards and officials and may prescribe any other requirements 78089  
the director considers necessary or appropriate to implement and 78090  
administer divisions (A), (B), and (C) of this section. 78091

**Sec. 3734.79.** (A) Except as provided in division (B) of 78092  
this section, each application for a permit submitted under 78093  
sections 3734.76 to 3734.78 of the Revised Code shall be 78094  
accompanied by a nonrefundable application fee of four hundred 78095  
dollars that shall be credited to the scrap tire management fund 78096  
created in section 3734.82 of the Revised Code. If a permit is 78097  
issued, the amount of the application fee paid shall be deducted 78098  
from the amount of the applicable permit fee due under division 78099  
~~(R)~~(Q) of section 3745.11 of the Revised Code. 78100

(B) Division (A) of this section does not apply to an 78101  
application for a permit for a scrap tire storage facility 78102  
submitted under section 3734.76 of the Revised Code if the owner 78103  
or operator of the facility or proposed facility is a motor 78104  
vehicle salvage dealer licensed under Chapter 4738. of the 78105  
Revised Code. 78106

**Sec. 3734.901.** (A) (1) For the purpose of providing revenue 78107  
to defray the cost of administering and enforcing the scrap tire 78108  
provisions of this chapter, rules adopted under those 78109  
provisions, and terms and conditions of orders, variances, and 78110  
licenses issued under those provisions; to abate accumulations 78111  
of scrap tires; to make grants supporting market development 78112  
activities for scrap tires and synthetic rubber from tire 78113

manufacturing processes and tire recycling processes and to 78114  
support scrap tire amnesty and cleanup events; to make loans to 78115  
promote the recycling or recovery of energy from scrap tires; 78116  
and to defray the costs of administering and enforcing sections 78117  
3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents 78118  
per tire is hereby levied on the sale of tires. The proceeds of 78119  
the fee shall be deposited in the state treasury to the credit 78120  
of the scrap tire management fund created in section 3734.82 of 78121  
the Revised Code. The fee is levied from the first day of the 78122  
calendar month that begins next after thirty days from October 78123  
29, 1993, through June 30, ~~2026~~2028. 78124

(2) Beginning on July 1, 2011, and ending on June 30, 78125  
~~2026~~2028, there is hereby levied an additional fee of fifty 78126  
cents per tire on the sale of tires the proceeds of which shall 78127  
be deposited in the state treasury to the credit of the soil and 78128  
water conservation district assistance fund created in section 78129  
940.15 of the Revised Code. 78130

(B) Only one sale of the same article shall be used in 78131  
computing the amount of the fee due. 78132

**Sec. 3734.907.** (A) Any person required to pay the fee 78133  
imposed by section 3734.901 of the Revised Code is personally 78134  
liable for the fee. The tax commissioner may make an assessment, 78135  
based upon any information in the commissioner's possession, 78136  
against any person who fails to file a return or pay any fee, 78137  
interest, or additional charge as required by sections 3734.90 78138  
to 3734.9014 of the Revised Code. The commissioner shall give 78139  
the person assessed written notice of the assessment in the 78140  
manner provided in section 5703.37 of the Revised Code. With the 78141  
notice, the commissioner shall provide instructions on how to 78142  
petition for reassessment and request a hearing on the petition. 78143

(B) When the information in the possession of the tax commissioner indicates that a person liable for the fee imposed by section 3734.901 of the Revised Code has not paid the full amount of fee due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on the audit.

(C) A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The commissioner may adopt rules providing for the imposition and remission of the penalties.

(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. The petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person's business is conducted. If the person assessed maintains no place of business in this state and

is not a resident of this state, the certified copy of the entry 78174  
may be filed in the office of the clerk of the court of common 78175  
pleas of Franklin county. 78176

Immediately upon the filing of the entry, the clerk shall 78177  
enter a judgment for the state against the person assessed in 78178  
the amount shown on the entry. The judgment may be filed by the 78179  
clerk in a loose-leaf book entitled "special judgments for state 78180  
tire fee," and shall have the same effect as other judgments. 78181  
Execution shall issue upon the judgment upon the request of the 78182  
tax commissioner, and all laws applicable to sales on execution 78183  
shall apply to sales made under the judgment. 78184

If the assessment is not paid in its entirety within sixty 78185  
days after the day the assessment was issued, the portion of the 78186  
assessment consisting of the fee due shall bear interest at the 78187  
rate per annum prescribed by section 5703.47 of the Revised Code 78188  
from the day the commissioner issues the assessment until the 78189  
day the assessment is paid or until it is certified to the 78190  
attorney general for collection under section 131.02 of the 78191  
Revised Code, whichever comes first. If the unpaid portion of 78192  
the assessment is certified to the attorney general for 78193  
collection, the entire unpaid portion of the assessment shall 78194  
bear interest at the rate per annum prescribed by section 78195  
5703.47 of the Revised Code from the date of certification until 78196  
the date it is paid in its entirety. Interest shall be paid in 78197  
the same manner as the fee and may be collected by the issuance 78198  
of an assessment under this section. 78199

(F) If the tax commissioner believes that collection of 78200  
the fee will be jeopardized unless proceedings to collect or 78201  
secure collection of the fee are instituted without delay, the 78202  
commissioner may issue a jeopardy assessment against the person 78203

liable for the fee. Immediately upon the issuance of the 78204  
jeopardy assessment, the commissioner shall file an entry with 78205  
the clerk of the court of common pleas in the manner prescribed 78206  
by division (E) of this section. Notice of the jeopardy 78207  
assessment shall be served on the person assessed or the 78208  
person's legal representative, as provided in section 5703.37 of 78209  
the Revised Code, within five days of the filing of the entry 78210  
with the clerk. The total amount assessed is immediately due and 78211  
payable, unless the person assessed files a petition for 78212  
reassessment in accordance with division (D) of this section and 78213  
provides security in a form satisfactory to the commissioner and 78214  
in an amount sufficient to satisfy the unpaid balance of the 78215  
assessment. Full or partial payment of the assessment does not 78216  
prejudice the commissioner's consideration of the petition for 78217  
reassessment. 78218

(G) All money collected by the tax commissioner under this 78219  
section shall be paid to the treasurer of state as revenue 78220  
arising from the fee imposed by section 3734.901 of the Revised 78221  
Code. 78222

**Sec. 3735.67.** (A) The owner of real property located in a 78223  
community reinvestment area and eligible for exemption from 78224  
taxation under a resolution adopted pursuant to section 3735.66 78225  
of the Revised Code may file an application for an exemption 78226  
from real property taxation of a percentage of the assessed 78227  
valuation of a new structure, or of the increased assessed 78228  
valuation of an existing structure after remodeling began, if 78229  
the new structure or remodeling is completed after the effective 78230  
date of the resolution adopted pursuant to section 3735.66 of 78231  
the Revised Code. The application shall be filed with the 78232  
housing officer designated for the community reinvestment area 78233  
in which the property is located. If any part of the new 78234

structure or remodeled structure that would be exempted is of 78235  
real property to be used for commercial or industrial purposes, 78236  
the legislative authority and the owner of the property shall 78237  
enter into a written agreement pursuant to section 3735.671 of 78238  
the Revised Code prior to commencement of construction or 78239  
remodeling; if such an agreement is subject to approval by the 78240  
board of education of the school district within the territory 78241  
of which the property is or will be located, the agreement shall 78242  
not be formally approved by the legislative authority until the 78243  
board of education approves the agreement in the manner 78244  
prescribed by that section. If a structure is already subject to 78245  
a written agreement pursuant to section 3735.671 of the Revised 78246  
Code, is on the site of a proposed megaproject, and is expected 78247  
to be owned or occupied by a megaproject operator as defined in 78248  
division (A) (12) of section 122.17 of the Revised Code, or is 78249  
not situated on the site of a proposed megaproject but is 78250  
expected to be owned or occupied by a megaproject supplier that 78251  
meets the requirements described in division (A) (13) (b) of 78252  
section 122.17 of the Revised Code, the legislative authority 78253  
may amend the agreement to cause the exemption for the structure 78254  
to continue for a maximum amended term not exceeding thirty 78255  
years by following the process for approving an agreement 78256  
described in section 3735.671 of the Revised Code. 78257

(B) The housing officer shall verify the construction of 78258  
the new structure or the cost of the remodeling of the existing 78259  
structure and the facts asserted in the application. The housing 78260  
officer shall determine whether the construction or remodeling 78261  
meets the requirements for an exemption under this section. In 78262  
cases involving a structure of historical or architectural 78263  
significance, the housing officer shall not determine whether 78264  
the remodeling meets the requirements for a tax exemption unless 78265

the appropriateness of the remodeling has been certified, in 78266  
writing, by the society, association, agency, or legislative 78267  
authority that has designated the structure or by any 78268  
organization or person authorized, in writing, by such society, 78269  
association, agency, or legislative authority to certify the 78270  
appropriateness of the remodeling. 78271

(C) If the construction or remodeling meets the 78272  
requirements for exemption, the housing officer shall forward 78273  
the application to the county auditor with a certification as to 78274  
the division of this section under which the exemption is 78275  
granted, and the period and percentage of the exemption as 78276  
determined by the legislative authority pursuant to that 78277  
division. If the construction or remodeling is of commercial or 78278  
industrial property and the legislative authority is not 78279  
required to certify a copy of a resolution under section 78280  
3735.671 of the Revised Code, the housing officer shall comply 78281  
with the notice requirements prescribed under section 5709.83 of 78282  
the Revised Code, unless the board has adopted a resolution 78283  
under that section waiving its right to receive such a notice. 78284

(D) Except as provided in division (F) of this section, 78285  
the tax exemption shall first apply in the year the construction 78286  
or remodeling would first be taxable but for this section. In 78287  
the case of remodeling that qualifies for exemption, a 78288  
percentage, not to exceed one hundred per cent, of the increased 78289  
assessed valuation of an existing structure after remodeling 78290  
began shall be exempted from real property taxation. In the case 78291  
of construction of a structure that qualifies for exemption, a 78292  
percentage, not to exceed one hundred per cent, of the assessed 78293  
value of the structure shall be exempted from real property 78294  
taxation. In either case, the percentage shall be the percentage 78295  
set forth in the agreement if the structure or remodeling is to 78296

be used for commercial or industrial purposes, or the percentage 78297  
set forth in the resolution describing the community 78298  
reinvestment area if the structure or remodeling is to be used 78299  
for residential purposes. 78300

The construction of new structures and the remodeling of 78301  
existing structures are hereby declared to be a public purpose 78302  
for which exemptions from real property taxation may be granted 78303  
for the following periods: 78304

(1) For every dwelling and commercial or industrial 78305  
properties, located within the same community reinvestment area, 78306  
upon which the cost of remodeling is at least two thousand five 78307  
hundred dollars in the case of a dwelling containing not more 78308  
than two family units or at least five thousand dollars in the 78309  
case of all other property, a period to be determined by the 78310  
legislative authority adopting the resolution, but not exceeding 78311  
fifteen years. The period of exemption for a dwelling described 78312  
in division (D) (1) of this section may be extended by a 78313  
legislative authority for up to an additional ten years if the 78314  
dwelling is a structure of historical or architectural 78315  
significance, is a certified historic structure that has been 78316  
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 78317  
and units within the structure have been leased to individual 78318  
tenants for five consecutive years; 78319

(2) Except as provided in division (F) of this section, 78320  
for construction of every dwelling, and commercial or industrial 78321  
structure located within the same community reinvestment area, a 78322  
period to be determined by the legislative authority adopting 78323  
the resolution, but not exceeding one of the following: 78324

(a) Thirty years, if the commercial or industrial 78325  
structure is situated on the site of a megaproject and is owned 78326

~~and or~~ occupied by a megaproject operator as defined in division 78327  
(A) (12) of section 122.17 of the Revised Code, or is not 78328  
situated on the site of a megaproject but is owned ~~and or~~ 78329  
occupied by a megaproject supplier that meets the requirements 78330  
described in division (A) (13) (b) of section 122.17 of the 78331  
Revised Code; 78332

(b) Fifteen years, for any other dwelling or commercial or 78333  
industrial structure. 78334

(E) Any person, board, or officer authorized by section 78335  
5715.19 of the Revised Code to file complaints with the county 78336  
board of revision may file a complaint with the housing officer 78337  
challenging the continued exemption of any property granted an 78338  
exemption under this section. A complaint against exemption 78339  
shall be filed prior to the thirty-first day of December of the 78340  
tax year for which taxation of the property is requested. The 78341  
housing officer shall determine whether the property continues 78342  
to meet the requirements for exemption and shall certify the 78343  
housing officer's findings to the complainant. If the housing 78344  
officer determines that the property does not meet the 78345  
requirements for exemption, the housing officer shall notify the 78346  
county auditor, who shall correct the tax list and duplicate 78347  
accordingly. 78348

(F) The owner of a dwelling constructed in a community 78349  
reinvestment area may file an application for an exemption after 78350  
the year the construction first became subject to taxation. The 78351  
application shall be processed in accordance with the procedures 78352  
prescribed under this section and shall be granted if the 78353  
construction that is the subject of the application otherwise 78354  
meets the requirements for an exemption under this section. If 78355  
approved, the exemption sought in the application first applies 78356

in the year the application is filed. An exemption approved 78357  
pursuant to this division continues only for those years 78358  
remaining in the period described in division (D) (2) of this 78359  
section. No exemption may be claimed for any year in that period 78360  
that precedes the year in which the application is filed. 78361

**Sec. 3735.671.** (A) If construction or remodeling of 78362  
commercial or industrial property is to be exempted from 78363  
taxation pursuant to section 3735.67 of the Revised Code, the 78364  
legislative authority and the owner of the property, prior to 78365  
the commencement of construction or remodeling, shall enter into 78366  
a written agreement, binding on both parties for a period of 78367  
time that does not end prior to the end of the period of the 78368  
exemption, that includes all of the information and statements 78369  
described in divisions (B) (1) to (8) of this section. Agreements 78370  
may include terms not described in those divisions or otherwise 78371  
prescribed by the model agreement adopted by the director of 78372  
development under division (B) of this section, but such terms 78373  
shall in no way derogate from the information and statements 78374  
described in divisions (B) (1) to (8) of this section. 78375

(1) Except as otherwise provided in division (A) (2) or (3) 78376  
of this section, an agreement entered into under this section 78377  
shall not be approved by the legislative authority unless the 78378  
board of education of the city, local, or exempted village 78379  
school district within the territory of which the property is or 78380  
will be located approves the agreement. For the purpose of 78381  
obtaining such approval, the legislative authority shall certify 78382  
a copy of the agreement to the board of education not later than 78383  
forty-five days prior to approving the agreement, excluding 78384  
Saturday, Sunday, and a legal holiday as defined in section 1.14 78385  
of the Revised Code. The board of education, by resolution 78386  
adopted by a majority of the board, shall approve or disapprove 78387

the agreement and certify a copy of the resolution to the 78388  
legislative authority not later than fourteen days prior to the 78389  
date stipulated by the legislative authority as the date upon 78390  
which approval of the agreement is to be formally considered by 78391  
the legislative authority. The board of education may include in 78392  
the resolution conditions under which the board would approve 78393  
the agreement. The legislative authority may approve an 78394  
agreement at any time after the board of education certifies its 78395  
resolution approving the agreement to the legislative authority, 78396  
or, if the board approves the agreement conditionally, at any 78397  
time after the conditions are agreed to by the board and the 78398  
legislative authority. 78399

(2) Approval of an agreement by the board of education is 78400  
not required under division (A)(1) of this section if, for each 78401  
tax year the real property is exempted from taxation, the sum of 78402  
the following quantities, as estimated at or prior to the time 78403  
the agreement is formally approved by the legislative authority, 78404  
equals or exceeds twenty-five per cent of the amount of taxes, 78405  
as estimated at or prior to that time, that would have been 78406  
charged and payable that year upon the real property had that 78407  
property not been exempted from taxation: 78408

(a) The amount of taxes charged and payable on any portion 78409  
of the assessed valuation of the new structure or of the 78410  
increased assessed valuation of an existing structure after 78411  
remodeling began that will not be exempted from taxation under 78412  
the agreement; 78413

(b) The amount of taxes charged and payable on tangible 78414  
personal property located on the premises of the new structure 78415  
or of the structure to be remodeled under the agreement, whether 78416  
payable by the owner of the structure or by a related member, as 78417

defined in section 5733.042 of the Revised Code without regard 78418  
to division (B) of that section. 78419

(c) The amount of any cash payment by the owner of the new 78420  
structure or structure to be remodeled to the school district, 78421  
the dollar value, as mutually agreed to by the owner and the 78422  
board of education, of any property or services provided by the 78423  
owner of the property to the school district, whether by gift, 78424  
loan, or otherwise, and any payment by the legislative authority 78425  
to the school district pursuant to section 5709.82 of the 78426  
Revised Code. 78427

The estimates of quantities used for purposes of division 78428  
(A) (2) of this section shall be estimated by the legislative 78429  
authority. The legislative authority shall certify to the board 78430  
of education that the estimates have been made in good faith. 78431  
Departures of the actual quantities from the estimates 78432  
subsequent to approval of the agreement by the board of 78433  
education do not invalidate the agreement. 78434

(3) If a board of education has adopted a resolution 78435  
waiving its right to approve agreements and the resolution 78436  
remains in effect, approval of an agreement by the board is not 78437  
required under division (A) (1) of this section. If a board of 78438  
education has adopted a resolution allowing a legislative 78439  
authority to deliver the notice required under this division 78440  
fewer than forty-five business days prior to the legislative 78441  
authority's execution of the agreement, the legislative 78442  
authority shall deliver the notice to the board not later than 78443  
the number of days prior to such execution as prescribed by the 78444  
board in its resolution. If a board of education adopts a 78445  
resolution waiving its right to approve agreements or shortening 78446  
the notification period, the board shall certify a copy of the 78447

resolution to the legislative authority. If the board of 78448  
education rescinds such a resolution, it shall certify notice of 78449  
the rescission to the legislative authority. 78450

(4) If the owner of the property or the legislative 78451  
authority agree to make any payment to the school district as 78452  
described in division (A) (2) (c) of this section, the owner or 78453  
legislative authority shall agree to make payments to the joint 78454  
vocational school district within which the property is located 78455  
at the same rate or amount and under the same terms received by 78456  
the city, local, or exempted village school district. 78457

(B) The director of development shall adopt rules in 78458  
accordance with Chapter 119. of the Revised Code prescribing the 78459  
form of a model agreement that a legislative authority may, in 78460  
its discretion, use as the basis for an agreement to be executed 78461  
under this section. The model agreement may include any term 78462  
necessary for the administration and enforcement of such 78463  
agreements by the director and legislative authority, but must 78464  
include all of the following: 78465

(1) A space to include the description of real property to 78466  
be exempted from taxation under the agreement and to identify 78467  
the property's owners; 78468

(2) A space to denote the percentage of the assessed 78469  
valuation of real property exempted from taxation and the period 78470  
for which the exemption is granted; 78471

(3) A statement requiring the owner to pay real property 78472  
taxes not exempted under the agreement, as required by law, and 78473  
requiring rescission of the agreement if the owner fails to pay 78474  
those taxes beginning in and after the year any such taxes are 78475  
charged; 78476

(4) A statement that the owner certifies, at the time the agreement is executed, that the owner does not owe any delinquent property taxes or taxes for which the owner is liable under Chapter 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, that the owner is paying the delinquent taxes pursuant to an undertaking enforceable by the state or an agent or instrumentality thereof, has filed a petition in bankruptcy, or has had a bankruptcy petition filed against the owner;

(5) A statement requiring the owner to provide to the property tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement;

(6) A statement that the agreement is not transferable or assignable without the approval of the legislative authority;

(7) A statement describing the circumstances under which the legislative authority may revoke an agreement for noncompliance;

(8) A statement requiring the owner to provide an estimate of the following for each agreement:

(a) The number of employment opportunities created due to the remodeling or construction, as well as the payroll attributable to those opportunities;

(b) The number of employment opportunities retained due to the remodeling or construction, as well as the payroll attributable to those opportunities.

The model agreement shall also provide that a legislative authority may, but is not required to, include a statement describing the manner by which the legislative authority may

recover already-received benefits, which may include an action 78506  
brought in law or equity, a lien on the exempted property in the 78507  
amount to be recovered, or other means. In the case of a lien on 78508  
the exempted property, the lien shall attach, and may be 78509  
perfected, collected, and enforced, in the same manner as a 78510  
mortgage lien on real property, and otherwise has the same force 78511  
and effect as a mortgage lien on real property. 78512

Once the director adopts rules prescribing a model 78513  
agreement under this division, the model agreement may not be 78514  
changed unless the director adopts, amends, or rescinds those 78515  
rules in accordance with Chapter 119. of the Revised Code. 78516

(C) If any person that is party to an agreement granting 78517  
an exemption from taxation discontinues operations at the 78518  
structure to which that exemption applies prior to the 78519  
expiration of the term of the agreement, that person, any 78520  
successor to that person, and any related member shall not enter 78521  
into an agreement under this section or section 5709.62, 78522  
5709.63, or 5709.632 of the Revised Code, and no legislative 78523  
authority shall enter into such an agreement with such a person, 78524  
successor, or related member prior to the expiration of three 78525  
years after the person's discontinuation of operations. As used 78526  
in this division, "successor" means a person to which the assets 78527  
or equity of another person has been transferred, which transfer 78528  
resulted in the full or partial nonrecognition of gain or loss, 78529  
or resulted in a carryover basis, both as determined by rule 78530  
adopted by the tax commissioner. "Related member" has the same 78531  
meaning as defined in section 5733.042 of the Revised Code 78532  
without regard to division (B) of that section. 78533

The director of development shall review all agreements 78534  
submitted to the director under section 3735.672 of the Revised 78535

Code for the purpose of enforcing this division. If the director 78536  
determines there has been a violation of this division, the 78537  
director shall notify the legislative authority of such 78538  
violation, and the legislative authority immediately shall 78539  
revoke the exemption granted under the agreement. 78540

(D) A political subdivision other than the legislative 78541  
authority is not required to be a party to an agreement 78542  
authorized under this section unless the political subdivision 78543  
is a fee simple owner of real property subject to an exemption 78544  
pursuant to section 3735.67 of the Revised Code that would 78545  
otherwise be obligated to pay real property taxes for such real 78546  
property. 78547

**Sec. 3737.83.** The state fire marshal shall, as part of the 78548  
state fire code, adopt rules to: 78549

(A) Establish minimum standards of performance for fire 78550  
protection equipment and fire fighting equipment; 78551

(B) Establish minimum standards of training, fix minimum 78552  
qualifications, and require certificates for all persons who 78553  
engage in the business for profit of installing, testing, 78554  
repairing, or maintaining fire protection equipment; 78555

(C) Provide for the issuance of certificates required 78556  
under division (B) of this section and establish the fees to be 78557  
charged for such certificates. A certificate shall be granted, 78558  
renewed, or revoked according to rules the state fire marshal 78559  
shall adopt, except that the state fire marshal shall grant a 78560  
certificate in accordance with Chapter 4796. of the Revised Code 78561  
to an applicant if either of the following applies: 78562

(1) The applicant holds a license or certificate in 78563  
another state. 78564

(2) The applicant has satisfactory work experience, a 78565  
government certification, or a private certification as 78566  
described in that chapter as a person engaged in the business of 78567  
installing, testing, repairing, or maintaining fire protection 78568  
equipment in a state that does not issue that certificate. 78569

(D) Establish minimum standards of flammability for 78570  
consumer goods in any case where the federal government or any 78571  
department or agency thereof has established, or may from time 78572  
to time establish standards of flammability for consumer goods. 78573  
The standards established by the state fire marshal shall be 78574  
identical to the minimum federal standards. 78575

In any case where the federal government or any department 78576  
or agency thereof, establishes standards of flammability for 78577  
consumer goods subsequent to the adoption of a flammability 78578  
standard by the state fire marshal, standards previously adopted 78579  
by the state fire marshal shall not continue in effect to the 78580  
extent such standards are not identical to the minimum federal 78581  
standards. 78582

With respect to the adoption of minimum standards of 78583  
flammability, this division shall supersede any authority 78584  
granted a political subdivision by any other section of the 78585  
Revised Code. 78586

(E) Establish minimum standards pursuant to section 78587  
5104.05 of the Revised Code for fire prevention and fire safety 78588  
in child care centers and in type A family child care homes, as 78589  
defined in section 5104.01 of the Revised Code. 78590

(F) Establish minimum standards for fire prevention and 78591  
safety in a residential facility licensed under section 5119.34 78592  
of the Revised Code that provides accommodations, supervision, 78593

and personal care services for three to sixteen unrelated 78594  
adults. The state fire marshal shall adopt the rules under this 78595  
division in consultation with the director of mental health and 78596  
addiction services and interested parties designated by the 78597  
director of mental health and addiction services. 78598

(G) (1) Establish that, for buildings and structures 78599  
incident to the agricultural purposes of the land and determined 78600  
to be exempt from the rules of the board of building standards 78601  
pursuant to division (B) (1) of section 3781.06 or section 78602  
3781.061 of the Revised Code, the occupant load of a covered 78603  
patio and its area are not to be included in the fire area 78604  
calculation of the building for the determination of sprinkler 78605  
thresholds, if all the following apply: 78606

(a) The building or structure would be classified as an 78607  
assembly occupancy. 78608

(b) The covered patio is completely open to the atmosphere 78609  
without enclosing walls on at least three sides all year with 78610  
accessible means of egress on each side. 78611

(c) The occupant load of the covered patio does not exceed 78612  
one hundred occupants. 78613

(d) The floor area of the covered patio is at the level of 78614  
exit discharge. 78615

(e) If the patio is constructed on or after the effective 78616  
date of this amendment, the horizontal assembly or roof and 78617  
columns are constructed of materials that are non-combustible, 78618  
limited-combustible, or fire-retardant treated wood. 78619

(2) If a building or zoning official makes a determination 78620  
pursuant to division (B) (1) of section 3781.06 or section 78621  
3781.061 of the Revised Code that results in a building or 78622

structure being exempt from the rules of the board of building standards, such official shall provide a written notification to the affected party that the state fire code applies to the exempt location, including as specified in this section. 78623  
78624  
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(3) Nothing in division (G) of this section shall be construed to limit or restrict the scope of application of the state fire code, except as expressly provided in division (G) (1) of this section, including the distinct hazard or serious hazard standards specified in the state fire code. 78627  
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(4) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G) (1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code. 78632  
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**Sec. 3742.32.** (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members: 78636  
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(1) A representative of the department of medicaid; 78641

~~(2) A representative of the bureau of child care in the department of job and family services;~~ 78642  
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~~(3) A representative of the department of environmental protection;~~ 78644  
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~~(4)~~ (3) A representative of the department of education and workforce; 78646  
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~~(5)~~ (4) A representative of the department of development; 78648

~~(6)~~ (5) A representative of the department of children and youth; 78649  
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~~(7)~~(6) A representative of the Ohio apartment owner's association; 78651  
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~~(8)~~(7) A representative of the Ohio healthy homes network; 78653

~~(9)~~(8) A representative of the Ohio environmental health association; 78654  
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~~(10)~~(9) An Ohio representative of the American coatings association; 78656  
78657

~~(11)~~(10) A representative from Ohio realtors; 78658

~~(12)~~(11) A representative of the Ohio housing finance agency; 78659  
78660

~~(13)~~(12) A physician knowledgeable in the field of lead poisoning prevention; 78661  
78662

~~(14)~~(13) A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner knowledgeable in the field of lead poisoning prevention; 78663  
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~~(15)~~(14) A representative of the public. 78666

(B) The advisory council shall do both of the following: 78667

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation; 78668  
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(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year. 78672  
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(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code. 78675  
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**Sec. 3743.04.** (A) The license of a manufacturer of fireworks is effective for one year beginning on the first day of December, and the state fire marshal shall issue or renew a license only on that date and at no other time. If a manufacturer of fireworks wishes to continue manufacturing fireworks at the designated fireworks plant after its then effective license expires, it shall apply no later than the first day of October for a new license pursuant to section 3743.02 of the Revised Code. The state fire marshal shall send a written notice of the expiration of its license to a licensed manufacturer at least three months before the expiration date.

(B) If, during the effective period of its licensure, a licensed manufacturer of fireworks wishes to construct, locate, or relocate any buildings or other structures on the premises of its fireworks plant, to make any structural change or renovation in any building or other structure on the premises of its fireworks plant, to change the nature of its manufacturing of fireworks so as to include the processing of fireworks, or to relocate its fireworks plant to a new licensed premises, the manufacturer shall notify the state fire marshal in writing. The state fire marshal may require a licensed manufacturer also to submit documentation, including, but not limited to, plans covering the proposed construction, location, relocation, structural change or renovation, change in manufacturing of fireworks, or new licensed premises, if the state fire marshal determines the documentation is necessary for evaluation purposes in light of the proposed construction, location, relocation, structural change or renovation, change in manufacturing of fireworks, or new licensed premises.

Upon receipt of the notification and additional documentation required by the state fire marshal, the state fire

marshal shall inspect the existing premises of the fireworks 78708  
plant, or proposed new licensed premises, to determine if the 78709  
proposed construction, location, relocation, structural change 78710  
or renovation, change in manufacturing of fireworks, or new 78711  
licensed premises conform to sections 3743.02 to 3743.08 of the 78712  
Revised Code and the rules adopted by the state fire marshal 78713  
pursuant to section 3743.05 of the Revised Code. The state fire 78714  
marshal shall issue a written authorization to the manufacturer 78715  
for the construction, location, relocation, structural change or 78716  
renovation, change in manufacturing of fireworks, or new 78717  
licensed premises, if the state fire marshal determines, upon 78718  
the inspection and a review of submitted documentation, that the 78719  
construction, location, relocation, structural change or 78720  
renovation, change in manufacturing of fireworks, or new 78721  
licensed premises conform to those sections and rules. Upon 78722  
authorizing a change in manufacturing of fireworks to include 78723  
the processing of fireworks, the state fire marshal shall make 78724  
notations on the manufacturer's license and in the list of 78725  
licensed manufacturers in accordance with section 3743.03 of the 78726  
Revised Code. 78727

On or before June 1, 1998, a licensed manufacturer shall 78728  
install, in every licensed building in which fireworks are 78729  
manufactured, stored, or displayed and to which the public has 78730  
access, interlinked fire detection, smoke exhaust, and smoke 78731  
evacuation systems that are approved by the superintendent of 78732  
industrial compliance, and shall comply with floor plans showing 78733  
occupancy load limits and internal circulation and egress 78734  
patterns that are approved by the state fire marshal and 78735  
superintendent, and that are submitted under seal as required by 78736  
section 3791.04 of the Revised Code. Notwithstanding section 78737  
3743.59 of the Revised Code, the construction and safety 78738

requirements established in this division are not subject to any 78739  
variance, waiver, or exclusion. 78740

(C) The license of a manufacturer of fireworks authorizes 78741  
the manufacturer to engage only in the following activities: 78742

(1) The manufacturing of fireworks on the premises of the 78743  
fireworks plant as described in the application for licensure or 78744  
in the notification submitted under division (B) of this 78745  
section, except that a licensed manufacturer shall not engage in 78746  
the processing of fireworks unless authorized to do so by its 78747  
license. 78748

(2) To possess for sale at wholesale and sell at wholesale 78749  
the fireworks manufactured by the manufacturer, to persons who 78750  
are licensed wholesalers of fireworks, to persons in accordance 78751  
with sections 3743.44 to 3743.46 of the Revised Code, or to 78752  
persons located in another state provided the fireworks are 78753  
shipped directly out of this state to them by the manufacturer. 78754  
A person who is licensed as a manufacturer of fireworks on June 78755  
14, 1988, also may possess for sale and sell pursuant to 78756  
division (C)(2) of this section fireworks other than those the 78757  
person manufactures. The possession for sale shall be on the 78758  
premises of the fireworks plant described in the application for 78759  
licensure or in the notification submitted under division (B) of 78760  
this section, and the sale shall be from the inside of a 78761  
licensed building and from no other structure or device outside 78762  
a licensed building. At no time shall a licensed manufacturer 78763  
sell any class of fireworks outside a licensed building. 78764

(3) Possess for sale at retail and sell at retail the 78765  
fireworks manufactured by the manufacturer, other than 1.4G 78766  
fireworks as designated by the state fire marshal in rules 78767  
adopted pursuant to division (A) of section 3743.05 of the 78768

Revised Code, to licensed exhibitors in accordance with sections 78769  
3743.50 to 3743.55 of the Revised Code, and possess for sale at 78770  
retail and sell at retail the fireworks manufactured by the 78771  
manufacturer, including 1.4G fireworks, to persons in accordance 78772  
with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or 78773  
to persons located in another state provided the fireworks are 78774  
shipped directly out of this state to them by the manufacturer. 78775  
A person who is licensed as a manufacturer of fireworks on June 78776  
14, 1988, may also possess for sale and sell pursuant to 78777  
division (C) (3) of this section fireworks other than those the 78778  
person manufactures. The possession for sale shall be on the 78779  
premises of the fireworks plant described in the application for 78780  
licensure or in the notification submitted under division (B) of 78781  
this section, and, except as otherwise provided in section 78782  
3743.48 of the Revised Code, the sale shall be from the inside 78783  
of a licensed building and from no other structure or device 78784  
outside a licensed building. ~~At no time shall~~ Except as 78785  
otherwise provided in section 3743.48 of the Revised Code, a 78786  
licensed manufacturer shall not sell any class of fireworks 78787  
outside a licensed building. 78788

A licensed manufacturer of fireworks shall sell under 78789  
division (C) of this section only fireworks that meet the 78790  
standards set by the consumer product safety commission or by 78791  
the American fireworks standard laboratories or that have 78792  
received an EX number from the United States department of 78793  
transportation. 78794

(D) The license of a manufacturer of fireworks shall be 78795  
protected under glass and posted in a conspicuous place on the 78796  
premises of the fireworks plant. Except as otherwise provided in 78797  
this division, the license is not transferable or assignable. 78798

(1) The ownership of a manufacturer of fireworks license 78799  
may be transferred to another person for the same fireworks 78800  
plant for which the license was issued, or approved pursuant to 78801  
division (B) of this section, if the assets of the plant are 78802  
transferred to that person by inheritance or by a sale approved 78803  
by the state fire marshal. 78804

(2) The license of a manufacturer of fireworks may be 78805  
geographically relocated in accordance with division (D) of 78806  
section 3743.75 of the Revised Code. 78807

(3) The license is subject to revocation in accordance 78808  
with section 3743.08 of the Revised Code. 78809

(E) The state fire marshal shall not place the license of 78810  
a manufacturer of fireworks in a temporarily inactive status 78811  
while the holder of the license is attempting to qualify to 78812  
retain the license. 78813

(F) Each licensed manufacturer of fireworks that possesses 78814  
fireworks for sale and sells fireworks under division (C) of 78815  
section 3743.04 of the Revised Code, or a designee of the 78816  
manufacturer, whose identity is provided to the state fire 78817  
marshal by the manufacturer, annually shall attend a continuing 78818  
education program. The state fire marshal shall develop the 78819  
program and the state fire marshal or a person or public agency 78820  
approved by the state fire marshal shall conduct it. A licensed 78821  
manufacturer or the manufacturer's designee who attends a 78822  
program as required under this division, within one year after 78823  
attending the program, shall conduct in-service training as 78824  
approved by the state fire marshal for other employees of the 78825  
licensed manufacturer regarding the information obtained in the 78826  
program. A licensed manufacturer shall provide the state fire 78827  
marshal with notice of the date, time, and place of all in- 78828

service training. For any program conducted under this division, 78829  
the state fire marshal shall, in accordance with rules adopted 78830  
by the state fire marshal under Chapter 119. of the Revised 78831  
Code, establish the subjects to be taught, the length of 78832  
classes, the standards for approval, and time periods for 78833  
notification by the licensee to the state fire marshal of any 78834  
in-service training. 78835

(G) A licensed manufacturer shall maintain comprehensive 78836  
general liability insurance coverage in the amount and type 78837  
specified under division (B) (2) of section 3743.02 of the 78838  
Revised Code at all times. Each policy of insurance required 78839  
under this division shall contain a provision requiring the 78840  
insurer to give not less than fifteen days' prior written notice 78841  
to the state fire marshal before termination, lapse, or 78842  
cancellation of the policy, or any change in the policy that 78843  
reduces the coverage below the minimum required under this 78844  
division. Prior to canceling or reducing the amount of coverage 78845  
of any comprehensive general liability insurance coverage 78846  
required under this division, a licensed manufacturer shall 78847  
secure supplemental insurance in an amount and type that 78848  
satisfies the requirements of this division so that no lapse in 78849  
coverage occurs at any time. A licensed manufacturer who secures 78850  
supplemental insurance shall file evidence of the supplemental 78851  
insurance with the state fire marshal prior to canceling or 78852  
reducing the amount of coverage of any comprehensive general 78853  
liability insurance coverage required under this division. 78854

(H) The state fire marshal shall adopt rules for the 78855  
expansion or contraction of a licensed premises and for approval 78856  
of such expansions or contractions. The boundaries of a licensed 78857  
premises, including any geographic expansion or contraction of 78858  
those boundaries, shall be approved by the state fire marshal in 78859

accordance with rules the state fire marshal adopts. If the 78860  
licensed premises consists of more than one parcel of real 78861  
estate, those parcels shall be contiguous unless an exception is 78862  
allowed pursuant to division (I) of this section. 78863

(I) (1) A licensed manufacturer may expand its licensed 78864  
premises within this state to include not more than two storage 78865  
locations that are located upon one or more real estate parcels 78866  
that are noncontiguous to the licensed premises as that licensed 78867  
premises exists on the date a licensee submits an application as 78868  
described below, if all of the following apply: 78869

(a) The licensee submits an application to the state fire 78870  
marshal and an application fee of one hundred dollars per 78871  
storage location for which the licensee is requesting approval. 78872

(b) The identity of the holder of the license remains the 78873  
same at the storage location. 78874

(c) The storage location has received a valid certificate 78875  
of zoning compliance as applicable and a valid certificate of 78876  
occupancy for each building or structure at the storage location 78877  
issued by the authority having jurisdiction to issue the 78878  
certificate for the storage location, and those certificates 78879  
permit the distribution and storage of fireworks regulated under 78880  
this chapter at the storage location and in the buildings or 78881  
structures. The storage location shall be in compliance with all 78882  
other applicable federal, state, and local laws and regulations. 78883

(d) Every building or structure located upon the storage 78884  
location is separated from occupied residential and 78885  
nonresidential buildings or structures, railroads, highways, or 78886  
any other buildings or structures on the licensed premises in 78887  
accordance with the distances specified in the rules adopted by 78888

the state fire marshal pursuant to section 3743.05 of the Revised Code. 78889  
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(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a felony under the laws of this state, any other state, or the United States, after September 29, 2005. 78891  
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(f) The state fire marshal approves the application for expansion. 78896  
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(2) The state fire marshal shall approve an application for expansion requested under division (I) (1) of this section if the state fire marshal receives the application fee and proof that the requirements of divisions (I) (1) (b) to (e) of this section are satisfied. The storage location shall be considered part of the original licensed premises and shall use the same distinct number assigned to the original licensed premises with any additional designations as the state fire marshal deems necessary in accordance with section 3743.03 of the Revised Code. 78898  
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(J) (1) A licensee who obtains approval for the use of a storage location in accordance with division (I) of this section shall use the storage location exclusively for the following activities, in accordance with division (C) of this section: 78908  
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(a) The packaging, assembling, or storing of fireworks, which shall only occur in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not 78912  
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subject to regulation by the building code adopted in accordance 78918  
with Chapter 3781. of the Revised Code. All such storage shall 78919  
be in accordance with the rules adopted by the state fire 78920  
marshal under division (G) of section 3743.05 of the Revised 78921  
Code for the packaging, assembling, and storage of fireworks. 78922

(b) Distributing fireworks to other parcels of real estate 78923  
located on the manufacturer's licensed premises, to licensed 78924  
wholesalers or other licensed manufacturers in this state or to 78925  
similarly licensed persons located in another state or country; 78926

(c) Distributing fireworks to a licensed exhibitor of 78927  
fireworks pursuant to a properly issued permit in accordance 78928  
with section 3743.54 of the Revised Code. 78929

(2) A licensed manufacturer shall not engage in any sales 78930  
activity, including the retail sale of fireworks otherwise 78931  
permitted under division (C) (2) or (C) (3) of this section, or 78932  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 78933  
the storage location approved under this section. 78934

(3) A storage location may not be relocated for a minimum 78935  
period of five years after the storage location is approved by 78936  
the state fire marshal in accordance with division (I) of this 78937  
section. 78938

(K) The licensee shall prohibit public access to the 78939  
storage location. The state fire marshal shall adopt rules to 78940  
describe the acceptable measures a manufacturer shall use to 78941  
prohibit access to the storage site. 78942

**Sec. 3743.06.** In addition to conforming to the rules of 78943  
the fire marshal adopted pursuant to section 3743.05 of the 78944  
Revised Code, licensed manufacturers of fireworks shall operate 78945  
their fireworks plants in accordance with the following: 78946

(A) Signs indicating that smoking is generally forbidden 78947  
and trespassing is prohibited on the premises of a fireworks 78948  
plant shall be posted on the premises in a manner determined by 78949  
the fire marshal. 78950

(B) Reasonable precautions shall be taken to protect the 78951  
premises of a fireworks plant from trespass, loss, theft, or 78952  
destruction. Only persons employed by the manufacturer, 78953  
authorized governmental personnel, and persons who have obtained 78954  
permission from a member of the manufacturer's office to be on 78955  
the premises, are to be allowed to enter and remain on the 78956  
premises. 78957

(C) Smoking or the carrying of pipes, cigarettes, or 78958  
cigars, matches, lighters, other flame-producing items, or open 78959  
flame on, or the carrying of a concealed source of ignition 78960  
into, the premises of a fireworks plant is prohibited, except 78961  
that a manufacturer may permit smoking in specified lunchrooms 78962  
or restrooms in buildings or other structures in which no 78963  
manufacturing, handling, sales, or storage of fireworks takes 78964  
place. "NO SMOKING" signs shall be posted on the premises as 78965  
required by the fire marshal. 78966

(D) Fire and explosion prevention and other reasonable 78967  
safety measures and precautions shall be implemented by a 78968  
manufacturer. 78969

(E) Persons shall not be permitted to have in their 78970  
possession or under their control, while they are on the 78971  
premises of the fireworks plant, any intoxicating liquor, beer, 78972  
or controlled substance, and they shall not be permitted to 78973  
enter or remain on the premises if they are found to be under 78974  
the influence of any intoxicating liquor, beer, or controlled 78975  
substance. 78976

(F) A manufacturer shall conform to all building, safety, 78977  
and zoning statutes, ordinances, rules, or other enactments that 78978  
apply to the premises of its fireworks plant. 78979

(G) Each fireworks plant shall have at least one class 1 78980  
magazine that is approved by the bureau of alcohol, tobacco, and 78981  
firearms of the United States department of the treasury and 78982  
that is otherwise in conformity with federal law. This division 78983  
does not apply to fireworks plants existing on or before August 78984  
3, 1931. 78985

(H) Awnings, tents, and canopies shall not be used as 78986  
facilities for the sale or storage of fireworks, except as 78987  
expressly permitted by section 3743.48 of the Revised Code. This 78988  
division does not prohibit the use of an awning or canopy 78989  
attached to a public access showroom for storing nonflammable 78990  
shopping convenience items such as shopping carts or baskets or 78991  
providing a shaded area for patrons waiting to enter the public 78992  
sales area. 78993

(I) Fireworks may be stored in trailers if the trailers 78994  
are properly enclosed, secured, and grounded and are separated 78995  
from any structure to which the public is admitted by a distance 78996  
that will, in the fire marshal's judgment, allow fire-fighting 78997  
equipment to have full access to the structures on the licensed 78998  
premises. Such trailers may be moved into closer proximity to 78999  
any structure only to accept or discharge cargo for a period not 79000  
to exceed forty-eight hours. Only two such trailers may be 79001  
placed in such closer proximity at any one time. At no time may 79002  
trailers be used for conducting sales of any class of fireworks, 79003  
nor may members of the public have access to the trailers. 79004

Storage areas for fireworks that are in the same building 79005  
where fireworks are displayed and sold to the public shall be 79006

separated from the areas to which the public has access by an 79007  
appropriately rated fire wall. 79008

(J) A fire suppression system as defined in section 79009  
3781.108 of the Revised Code may be turned off only for repair, 79010  
drainage of the system to prevent damage by freezing during the 79011  
period of time, approved by the fire marshal, that the facility 79012  
is closed to all public access during winter months, or 79013  
maintenance of the system. If any repair or maintenance is 79014  
necessary during times when the facility is open for public 79015  
access and business as approved by the fire marshal, the 79016  
licensed manufacturer shall notify in advance the appropriate 79017  
insurance company and fire chief or fire prevention officer 79018  
regarding the nature of the maintenance or repair and the time 79019  
when it will be performed. 79020

(K) If any fireworks item is removed from its original 79021  
package or is manufactured with any fuse other than a safety 79022  
fuse approved by the consumer product safety commission, then 79023  
the item shall be covered completely by repackaging or bagging 79024  
or it shall otherwise be covered so as to prevent ignition prior 79025  
to sale. 79026

(L) A safety officer shall be present during regular 79027  
business hours at a building open to the public during the 79028  
period commencing fourteen days before, and ending two days 79029  
after, each fourth day of July. The officer shall be highly 79030  
visible, enforce this chapter and any applicable building codes 79031  
to the extent the officer is authorized by law, and be one of 79032  
the following: 79033

(1) A deputy sheriff; 79034

(2) A law enforcement officer of a municipal corporation, 79035

township, or township or joint police district; 79036

(3) A private uniformed security guard registered under 79037  
section 4749.06 of the Revised Code. 79038

(M) All doors of all buildings on the licensed premises 79039  
shall swing outward. 79040

(N) All wholesale and commercial sales of fireworks shall 79041  
be packaged, shipped, placarded, and transported in accordance 79042  
with United States department of transportation regulations 79043  
applicable to the transportation, and the offering for 79044  
transportation, of hazardous materials. For purposes of this 79045  
division, "wholesale and commercial sales" includes all sales 79046  
for resale and any nonretail sale made in furtherance of a 79047  
commercial enterprise. For purposes of enforcement of these 79048  
regulations under section 4923.99 of the Revised Code, any sales 79049  
transaction exceeding one thousand pounds shall be rebuttably 79050  
presumed to be a wholesale or commercial sale. 79051

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks 79052  
is effective for one year beginning on the first day of 79053  
December, and the state fire marshal shall issue or renew a 79054  
license only on that date and at no other time. If a wholesaler 79055  
of fireworks wishes to continue engaging in the wholesale sale 79056  
of fireworks at the particular location after its then effective 79057  
license expires, it shall apply not later than the first day of 79058  
October for a new license pursuant to section 3743.15 of the 79059  
Revised Code. The state fire marshal shall send a written notice 79060  
of the expiration of its license to a licensed wholesaler at 79061  
least three months before the expiration date. 79062

(B) If, during the effective period of its licensure, a 79063  
licensed wholesaler of fireworks wishes to perform any 79064

construction, or make any structural change or renovation, on 79065  
the premises on which the fireworks are sold, or to relocate its 79066  
sales operations to a new licensed premises, the wholesaler 79067  
shall notify the state fire marshal in writing. The state fire 79068  
marshal may require a licensed wholesaler also to submit 79069  
documentation, including, but not limited to, plans covering the 79070  
proposed construction or structural change or renovation, or 79071  
proposed new licensed premises, if the state fire marshal 79072  
determines the documentation is necessary for evaluation 79073  
purposes in light of the proposed construction, structural 79074  
change or renovation, or relocation. 79075

Upon receipt of the notification and additional 79076  
documentation required by the state fire marshal, the state fire 79077  
marshal shall inspect the premises on which the fireworks are 79078  
sold, or the proposed new licensed premises, to determine if the 79079  
proposed construction, structural change or renovation, or 79080  
relocation conforms to sections 3743.15 to 3743.21 of the 79081  
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 79082  
Revised Code, and the rules adopted by the state fire marshal 79083  
pursuant to section 3743.18 of the Revised Code. The state fire 79084  
marshal shall issue a written authorization to the wholesaler 79085  
for the construction, structural change or renovation, or new 79086  
licensed premises if the state fire marshal determines, upon the 79087  
inspection and a review of submitted documentation, that the 79088  
construction, structural change or renovation, or new licensed 79089  
premises conform to those sections and rules. 79090

(C) The license of a wholesaler of fireworks authorizes 79091  
the wholesaler to engage only in the following activities: 79092

(1) Possess for sale at wholesale and sell at wholesale 79093  
fireworks to persons who are licensed wholesalers of fireworks, 79094

to persons in accordance with sections 3743.44 to 3743.46 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed wholesaler sell any class of fireworks outside a licensed building.

(2) Possess for sale at retail and sell at retail fireworks, other than 1.4G fireworks as designated by the state fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail fireworks, including 1.4G fireworks, to persons in accordance with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and, except as otherwise provided in section 3743.48 of the Revised Code, the sale shall be from the inside of the licensed building and from no other structure or device outside this licensed building. ~~At no time shall~~ Except as otherwise provided in section 3743.48 of the Revised Code, a licensed wholesaler shall not sell any class of fireworks outside a licensed building.

A licensed wholesaler of fireworks shall sell under division (C) of this section only fireworks that meet the

standards set by the consumer product safety commission or by 79126  
the American fireworks standard laboratories or that have 79127  
received an EX number from the United States department of 79128  
transportation. 79129

(D) The license of a wholesaler of fireworks shall be 79130  
protected under glass and posted in a conspicuous place at the 79131  
location described in the application for licensure or in the 79132  
notification submitted under division (B) of this section. 79133  
Except as otherwise provided in this section, the license is not 79134  
transferable or assignable. 79135

(1) The ownership of a wholesaler of fireworks license may 79136  
be transferred to another person for the same location for which 79137  
the license was issued, or approved pursuant to division (B) of 79138  
this section, if the assets of the wholesaler are transferred to 79139  
that person by inheritance or by a sale approved by the state 79140  
fire marshal. 79141

(2) The license of a wholesaler of fireworks may be 79142  
geographically relocated in accordance with division (D) of 79143  
section 3743.75 of the Revised Code. 79144

(3) The license is subject to revocation in accordance 79145  
with section 3743.21 of the Revised Code. 79146

(E) The state fire marshal shall adopt rules for the 79147  
expansion or contraction of a licensed premises and for the 79148  
approval of an expansion or contraction. The boundaries of a 79149  
licensed premises, including any geographic expansion or 79150  
contraction of those boundaries, shall be approved by the state 79151  
fire marshal in accordance with rules the state fire marshal 79152  
adopts. If the licensed premises of a licensed wholesaler from 79153  
which the wholesaler operates consists of more than one parcel 79154

of real estate, those parcels must be contiguous, unless an 79155  
exception is allowed pursuant to division (F) of this section. 79156

(F) (1) A licensed wholesaler may expand its licensed 79157  
premises within this state to include not more than two storage 79158  
locations that are located upon one or more real estate parcels 79159  
that are noncontiguous to the licensed premises as that licensed 79160  
premises exists on the date a licensee submits an application as 79161  
described below, if all of the following apply: 79162

(a) The licensee submits an application to the state fire 79163  
marshal requesting the expansion and an application fee of one 79164  
hundred dollars per storage location for which the licensee is 79165  
requesting approval. 79166

(b) The identity of the holder of the license remains the 79167  
same at the storage location. 79168

(c) The storage location has received a valid certificate 79169  
of zoning compliance, as applicable, and a valid certificate of 79170  
occupancy for each building or structure at the storage location 79171  
issued by the authority having jurisdiction to issue the 79172  
certificate for the storage location, and those certificates 79173  
permit the distribution and storage of fireworks regulated under 79174  
this chapter at the storage location and in the buildings or 79175  
structures. The storage location shall be in compliance with all 79176  
other applicable federal, state, and local laws and regulations. 79177

(d) Every building or structure located upon the storage 79178  
location is separated from occupied residential and 79179  
nonresidential buildings or structures, railroads, highways, and 79180  
any other buildings or structures on the licensed premises in 79181  
accordance with the distances specified in the rules adopted by 79182  
the state fire marshal pursuant to section 3743.18 of the 79183

Revised Code. 79184

(e) Neither the licensee nor any person holding, owning, 79185  
or controlling a five per cent or greater beneficial or equity 79186  
interest in the licensee has been convicted of or pleaded guilty 79187  
to a felony under the laws of this state, any other state, or 79188  
the United States, after September 29, 2005. 79189

(f) The state fire marshal approves the application for 79190  
expansion. 79191

(2) The state fire marshal shall approve an application 79192  
for expansion requested under division (F) (1) of this section if 79193  
the state fire marshal receives the application fee and proof 79194  
that the requirements of divisions (F) (1) (b) to (e) of this 79195  
section are satisfied. The storage location shall be considered 79196  
part of the original licensed premises and shall use the same 79197  
distinct number assigned to the original licensed premises with 79198  
any additional designations as the state fire marshal deems 79199  
necessary in accordance with section 3743.16 of the Revised 79200  
Code. 79201

(G) (1) A licensee who obtains approval for use of a 79202  
storage location in accordance with division (F) of this section 79203  
shall use the site exclusively for the following activities, in 79204  
accordance with division (C) (1) of this section: 79205

(a) Packaging, assembling, or storing fireworks, which 79206  
shall occur only in buildings or structures approved for such 79207  
hazardous uses by the building code official having jurisdiction 79208  
for the storage location or, for 1.4G fireworks, in containers 79209  
or trailers approved for such hazardous uses by the state fire 79210  
marshal if such containers or trailers are not subject to 79211  
regulation by the building code adopted in accordance with 79212

Chapter 3781. of the Revised Code. All such storage shall be in 79213  
accordance with the rules adopted by the state fire marshal 79214  
under division (B) (4) of section 3743.18 of the Revised Code for 79215  
the packaging, assembling, and storage of fireworks. 79216

(b) Distributing fireworks to other parcels of real estate 79217  
located on the wholesaler's licensed premises, to licensed 79218  
manufacturers or other licensed wholesalers in this state or to 79219  
similarly licensed persons located in another state or country; 79220

(c) Distributing fireworks to a licensed exhibitor of 79221  
fireworks pursuant to a properly issued permit in accordance 79222  
with section 3743.54 of the Revised Code. 79223

(2) A licensed wholesaler shall not engage in any sales 79224  
activity, including the retail sale of fireworks otherwise 79225  
permitted under division (C) (2) of this section or pursuant to 79226  
section 3743.44 or 3743.45 of the Revised Code, at a storage 79227  
location approved under this section. 79228

(3) A storage location may not be relocated for a minimum 79229  
period of five years after the storage location is approved by 79230  
the state fire marshal in accordance with division (F) of this 79231  
section. 79232

(H) A licensee shall prohibit public access to all storage 79233  
locations it uses. The state fire marshal shall adopt rules 79234  
establishing acceptable measures a wholesaler shall use to 79235  
prohibit access to storage sites. 79236

(I) The state fire marshal shall not place the license of 79237  
a wholesaler of fireworks in temporarily inactive status while 79238  
the holder of the license is attempting to qualify to retain the 79239  
license. 79240

(J) Each licensed wholesaler of fireworks or a designee of 79241

the wholesaler, whose identity is provided to the state fire marshal by the wholesaler, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed wholesaler or the wholesaler's designee who attends a program as required under this division, within one year after attending the program, shall conduct in-service training as approved by the state fire marshal for other employees of the licensed wholesaler regarding the information obtained in the program. A licensed wholesaler shall provide the state fire marshal with notice of the date, time, and place of all in-service training. For any program conducted under this division, the state fire marshal shall, in accordance with rules adopted by the state fire marshal under Chapter 119. of the Revised Code, establish the subjects to be taught, the length of classes, the standards for approval, and time periods for notification by the licensee to the state fire marshal of any in-service training.

(K) A licensed wholesaler shall maintain comprehensive general liability insurance coverage in the amount and type specified under division (B) (2) of section 3743.15 of the Revised Code at all times. Each policy of insurance required under this division shall contain a provision requiring the insurer to give not less than fifteen days' prior written notice to the state fire marshal before termination, lapse, or cancellation of the policy, or any change in the policy that reduces the coverage below the minimum required under this division. Prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division, a licensed wholesaler shall secure supplemental insurance in an amount and type that satisfies the

requirements of this division so that no lapse in coverage 79273  
occurs at any time. A licensed wholesaler who secures 79274  
supplemental insurance shall file evidence of the supplemental 79275  
insurance with the state fire marshal prior to canceling or 79276  
reducing the amount of coverage of any comprehensive general 79277  
liability insurance coverage required under this division. 79278

**Sec. 3743.19.** In addition to conforming to the rules of 79279  
the fire marshal adopted pursuant to section 3743.18 of the 79280  
Revised Code, licensed wholesalers of fireworks shall conduct 79281  
their business operations in accordance with the following: 79282

(A) A-Except as otherwise provided in section 3743.48 of 79283  
the Revised Code, a wholesaler shall conduct its business 79284  
operations from the location described in its application for 79285  
licensure or in a notification submitted under division (B) of 79286  
section 3743.17 of the Revised Code. 79287

(B) Signs indicating that smoking is generally forbidden 79288  
and trespassing is prohibited on the premises of a wholesaler 79289  
shall be posted on the premises as determined by the fire 79290  
marshal. 79291

(C) Reasonable precautions shall be taken to protect the 79292  
premises of a wholesaler from trespass, loss, theft, or 79293  
destruction. 79294

(D) Smoking or the carrying of pipes, cigarettes, or 79295  
cigars, matches, lighters, other flame-producing items, or open 79296  
flame on, or the carrying of a concealed source of ignition 79297  
into, the premises of a wholesaler is prohibited, except that a 79298  
wholesaler may permit smoking in specified lunchrooms or 79299  
restrooms in buildings or other structures in which no sales, 79300  
handling, or storage of fireworks takes place. "NO SMOKING" 79301

signs shall be posted on the premises as required by the fire marshal. 79302  
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(E) Fire and explosion prevention and other reasonable safety measures and precautions shall be implemented by a wholesaler. 79304  
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(F) Persons shall not be permitted to have in their possession or under their control, while they are on the premises of a wholesaler, any intoxicating liquor, beer, or controlled substance, and they shall not be permitted to enter or remain on the premises if they are found to be under the influence of any intoxicating liquor, beer, or controlled substance. 79307  
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(G) A wholesaler shall conform to all building, safety, and zoning statutes, ordinances, rules, or other enactments that apply to its premises. 79314  
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(H) Each building used in the sale of fireworks shall be kept open to the public for at least four hours each day between the hours of eight a.m. and five p.m., five days of each week, every week of the year. Upon application from a licensed wholesaler, the fire marshal may waive any of the requirements of this division. 79317  
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(I) Awnings, tents, or canopies shall not be used as facilities for the storage or sale of fireworks, except as expressly permitted by section 3743.48 of the Revised Code. This division does not prohibit the use of an awning or canopy attached to a public access showroom for storing nonflammable shopping convenience items such as shopping carts or baskets or providing a shaded area for patrons waiting to enter the public sales area. 79323  
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(J) 1.4G fireworks may be stored in trailers if the trailers are properly enclosed, secured, and grounded and are separated from any structure to which the public is admitted by a distance that will, in the fire marshal's judgment, allow fire-fighting equipment to have full access to the structures on the licensed premises. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of any class of fireworks nor may members of the public have access to the trailers.

Storage areas for fireworks that are in the same building where fireworks are displayed and sold to the public shall be separated from the areas to which the public has access by an appropriately rated fire wall. If the licensee installs and properly maintains an early suppression fast response sprinkler system or equivalent fire suppression system as described in the fire code adopted by the fire marshal in accordance with section 3737.82 of the Revised Code throughout the structure, a fire barrier wall may be substituted for a fire wall between the areas to which the public has access and the storage portions of the structure.

(K) A fire suppression system as defined in section 3781.108 of the Revised Code may be turned off only for repair, drainage of the system to prevent damage by freezing during the period of time, approved by the fire marshal under division (I) of this section, that the facility is closed to public access during winter months, or maintenance of the system. If any repair or maintenance is necessary during times when the facility is open for public access and business, the licensed

wholesaler shall notify in advance the appropriate insurance 79362  
company and fire chief or fire prevention officer regarding the 79363  
nature of the maintenance or repair and the time when it will be 79364  
performed. 79365

(L) If any fireworks item is removed from its original 79366  
package or is manufactured with any fuse other than a fuse 79367  
approved by the consumer product safety commission, then the 79368  
item shall be covered completely by repackaging or bagging or it 79369  
shall otherwise be covered so as to prevent ignition prior to 79370  
sale. 79371

(M) A safety officer shall be present during regular 79372  
business hours at a building open to the public during the 79373  
period commencing fourteen days before, and ending two days 79374  
after, each fourth day of July. The officer shall be highly 79375  
visible, enforce this chapter and any applicable building codes 79376  
to the extent the officer is authorized by law, and be one of 79377  
the following: 79378

(1) A deputy sheriff; 79379

(2) A law enforcement officer of a municipal corporation, 79380  
township, or township or joint police district; 79381

(3) A private uniformed security guard registered under 79382  
section 4749.06 of the Revised Code. 79383

(N) All doors of all buildings on the licensed premises 79384  
shall swing outward. 79385

(O) All wholesale and commercial sales of fireworks shall 79386  
be packaged, shipped, placarded, and transported in accordance 79387  
with United States department of transportation regulations 79388  
applicable to the transportation, and the offering for 79389  
transportation, of hazardous materials. For purposes of this 79390

division, "wholesale and commercial sales" includes all sales 79391  
for resale and any nonretail sale made in furtherance of a 79392  
commercial enterprise. For purposes of enforcement of these 79393  
regulations under section 4923.99 of the Revised Code, any sales 79394  
transaction exceeding one thousand pounds shall be rebuttably 79395  
presumed to be a wholesale or commercial sale. 79396

**Sec. 3743.25.** (A) (1) Except as described in division (A) 79397  
(2) of this section and in section 3743.48 of the Revised Code, 79398  
all retail sales of 1.4G fireworks by a licensed manufacturer or 79399  
wholesaler shall only occur from an approved retail sales 79400  
showroom on a licensed premises or from a representative sample 79401  
showroom as described in this section on a licensed premises. 79402  
For the purposes of this section, a retail sale includes the 79403  
transfer of the possession of the 1.4G fireworks from the 79404  
licensed manufacturer or wholesaler to the purchaser of the 79405  
fireworks. 79406

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 79407  
properly permitted exhibition shall occur in accordance with the 79408  
provisions of the Revised Code and rules adopted by the state 79409  
fire marshal under Chapter 119. of the Revised Code. Such rules 79410  
shall specify, at a minimum, that the licensed exhibitor holds a 79411  
license under section 3743.51 of the Revised Code, that the 79412  
exhibitor possesses a valid exhibition permit issued in 79413  
accordance with section 3743.54 of the Revised Code, and that 79414  
the fireworks shipped are to be used at the specifically 79415  
permitted exhibition. 79416

(B) All wholesale sales of fireworks by a licensed 79417  
manufacturer or wholesaler shall only occur from a licensed 79418  
premises to persons who intend to resell the fireworks purchased 79419  
at wholesale. A wholesale sale by a licensed manufacturer or 79420

wholesaler may occur as follows: 79421

(1) The direct sale and shipment of fireworks to a person 79422  
outside of this state; 79423

(2) From an approved retail sales showroom as described in 79424  
this section; 79425

(3) From a representative sample showroom as described in 79426  
this section; 79427

(4) By delivery of wholesale fireworks to a purchaser at a 79428  
licensed premises outside of a structure or building on that 79429  
premises. All other portions of the wholesale sales transaction 79430  
may occur at any location on a licensed premises. 79431

(5) Any other method as described in rules adopted by the 79432  
state fire marshal under Chapter 119. of the Revised Code. 79433

(C) A-Except as otherwise provided in section 3743.48 of 79434  
the Revised Code, a licensed manufacturer or wholesaler shall 79435  
only sell 1.4G fireworks from a representative sample showroom 79436  
or a retail sales showroom. Each licensed premises shall only 79437  
contain one sales structure. 79438

A representative sample showroom shall consist of a 79439  
structure constructed and maintained in accordance with the 79440  
nonresidential building code adopted under Chapter 3781. of the 79441  
Revised Code and the fire code adopted under section 3737.82 of 79442  
the Revised Code for a use and occupancy group that permits 79443  
mercantile sales. A representative sample showroom shall not 79444  
contain any pyrotechnics, pyrotechnic materials, fireworks, 79445  
explosives, explosive materials, or any similar hazardous 79446  
materials or substances. A representative sample showroom shall 79447  
be used only for the public viewing of fireworks product 79448  
representations, including paper materials, packaging materials, 79449

catalogs, photographs, or other similar product depictions. The 79450  
delivery of product to a purchaser of fireworks at a licensed 79451  
premises that has a representative sample structure shall not 79452  
occur inside any structure on a licensed premises. Such product 79453  
delivery shall occur on the licensed premises in a manner 79454  
prescribed by rules adopted by the state fire marshal pursuant 79455  
to Chapter 119. of the Revised Code. 79456

If a manufacturer or wholesaler elects to conduct sales 79457  
from a retail sales showroom, the showroom structures, to which 79458  
the public may have any access and in which employees are 79459  
required to work, on all licensed premises, shall comply with 79460  
the following safety requirements: 79461

(1) A fireworks showroom that is constructed or upon which 79462  
expansion is undertaken on and after June 30, 1997, shall be 79463  
equipped with interlinked fire detection, fire suppression, 79464  
smoke exhaust, and smoke evacuation systems that are approved by 79465  
the superintendent of industrial compliance in the department of 79466  
commerce. 79467

(2) (a) A fireworks showroom that first begins to operate 79468  
on or after June 30, 1997, or that resumes operations at any 79469  
time after a period of inactive status of licensure greater than 79470  
one year, and to which the public has access for retail purposes 79471  
shall not exceed seven thousand five hundred square feet in 79472  
floor area. 79473

(b) A fireworks showroom that, through construction of a 79474  
new showroom, expansion of an existing showroom, or similar 79475  
means, first exceeds five thousand square feet, to which the 79476  
public has access for retail purposes, after ~~the effective date~~ 79477  
~~of this amendment~~ February 7, 2022, shall be equipped with a 79478  
sprinkler system that meets the criteria for sprinkler systems 79479

in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)." 79480  
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(c) Notwithstanding division (D) of this section, the state fire marshal may provide a variance to the requirements of division (C)(2)(b) of this section pursuant to section 3743.59 of the Revised Code for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)." 79482  
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(3) A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent. 79490  
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(4) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent, and that are submitted under seal as required by section 3791.04 of the Revised Code. 79502  
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(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or 79508  
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exclusion pursuant to this chapter or any applicable building 79510  
code. 79511

Sec. 3743.48. (A) For the purposes of this section, 79512  
"online sale" means a retail sale through an internet web site 79513  
or other digital platform. 79514

(B) A licensed manufacturer or licensed wholesaler may 79515  
conduct online sales of 1.4G fireworks in accordance with this 79516  
section. A licensed manufacturer or licensed wholesaler shall 79517  
ensure that all selection, ordering, payment, and delivery is 79518  
carried out in accordance with the procedures and requirements 79519  
of this chapter and all rules adopted thereunder, except to the 79520  
extent that those procedures, requirements, and rules directly 79521  
conflict with this section. 79522

(C) Each online sale of 1.4G fireworks shall be 79523  
specifically associated with a single licensed manufacturer or 79524  
licensed wholesaler, identified by license identification number 79525  
and the address of the licensed premises. A licensed 79526  
manufacturer or licensed wholesaler shall transfer possession of 79527  
1.4G fireworks purchased in an online sale only in the retail 79528  
showroom of the licensed premises or via curbside delivery made 79529  
in accordance with all of the following: 79530

(1) The delivery is made to the verified purchaser of the 79531  
1.4G fireworks. 79532

(2) The delivery occurs on the licensed premises 79533  
associated with sale. 79534

(3) The delivery occurs in a designated customer pick-up 79535  
zone which may be accessible by motor vehicles. 79536

(4) The purchaser is provided a safety pamphlet, in 79537  
accordance with section 3743.47 of the Revised Code, at the 79538

point of delivery. 79539

(5) The purchaser is offered safety glasses for a nominal fee at the point of delivery in accordance section 3743.47 of the Revised Code. 79540  
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(D) A licensed manufacturer or licensed wholesaler may construct a tent or other temporary structure on a licensed premises to provide shelter for employees and purchasers at the point of curbside delivery, provided that such structures are approved by the state fire marshal and are in compliance with all state and local laws, including the state building code, the state fire code, and any applicable zoning requirements. 79543  
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(E) A licensed manufacturer or licensed wholesaler shall not transfer possession of 1.4G fireworks purchased in an online sale to any person other than the verified purchaser. Before transferring possession, the licensed manufacturer or licensed wholesaler shall verify all of the following: 79550  
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(1) The number and types of items included in the order; 79555

(2) That the purchaser is at least eighteen years of age; 79556

(3) That the purchaser's name is the same name associated with the credit or debit card with which the order was placed; 79557  
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(4) That the purchaser attests to understanding and agrees to comply with all applicable federal, state, and local laws regarding consumer fireworks storage and use; 79559  
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(5) That the purchaser signs all forms required by law; 79562

(6) That the purchaser pays the fee imposed by section 3743.22 of the Revised Code. 79563  
79564

(F) A licensed manufacturer or licensed wholesaler that 79565

conducts online sales of 1.4G fireworks shall do all of the 79566  
following: 79567

(1) Comply with all applicable state and local laws, 79568  
including the state building code, state fire code, and zoning 79569  
requirements; 79570

(2) Implement reasonable traffic control measures for 79571  
curbside deliveries; 79572

(3) Maintain all regular fireworks sales records, 79573  
including any records necessary to demonstrate compliance with 79574  
this section, and make those records available upon request of 79575  
the state fire marshal or any law enforcement officer, fire code 79576  
official, or building code official with jurisdiction. 79577

(G) A licensed manufacturer or licensed wholesaler shall 79578  
not do any of the following: 79579

(1) Deliver fireworks via mail order, parcel service, or 79580  
any other delivery process that occurs outside of the licensed 79581  
premises; 79582

(2) Sell or offer for sale fireworks or other items 79583  
outside of the licensed retail showroom except as expressly 79584  
authorized by this section; 79585

(3) Display fireworks for sale outside of a retail 79586  
showroom; 79587

(4) Permit any member of the public to access any areas on 79588  
the licensed premises other than the retail showroom and the 79589  
designated area for curbside delivery. 79590

(H) Nothing in this section shall be construed to do any 79591  
of the following: 79592

<u>(1) Reduce, waive, or otherwise eliminate any licensure or safety requirements in this chapter or the rules adopted thereunder;</u>	79593
	79594
	79595
<u>(2) Exempt any retail sales of 1.4G fireworks from the fee imposed by section 3743.22 of the Revised Code;</u>	79596
	79597
<u>(3) Reduce, waive, or otherwise eliminate any of a licensed manufacturer's or licensed wholesaler's liability, insurance, workers compensation, or other legal obligations.</u>	79598
	79599
	79600
<u>(I) (1) A licensed wholesaler or licensed manufacturer is not required to conduct online sales of fireworks.</u>	79601
	79602
<u>(2) A licensed wholesaler or licensed manufacturer may implement a hybrid firework purchase and delivery system composed of one or more of the following:</u>	79603
	79604
	79605
<u>(a) Standard retail showroom sales;</u>	79606
<u>(b) Online selection of, or payment for, 1.4G fireworks products and in-store showroom delivery of those products;</u>	79607
	79608
<u>(c) Online selection of, or payment for, 1.4G fireworks products and curb-side delivery of those products;</u>	79609
	79610
<u>(d) Retail showroom-based product selection and payment, and curb-side delivery of those products;</u>	79611
	79612
<u>(e) Other similar purchase and delivery systems approved in writing by the state fire marshal in accordance with division (J) of this section.</u>	79613
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	79615
<u>(J) A licensed wholesaler or licensed manufacturer may submit to the state fire marshal proposals for alternative 1.4G firework purchase and delivery systems that satisfy the requirements of this section. The state fire marshal shall</u>	79616
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review each such proposal and, if the alternative firework 79620  
purchase and delivery system satisfies the requirements of this 79621  
section, may approve that firework purchase and delivery system 79622  
for use by the licensed wholesaler or licensed manufacturer. 79623

(K) This section does not apply to 1.3G fireworks or 79624  
wholesale sales. 79625

(L) The state fire marshal shall adopt rules and standards 79626  
in accordance with Chapter 119. of the Revised Code as necessary 79627  
to implement and enforce this section. 79628

**Sec. 3743.60.** (A) No person shall manufacture fireworks in 79629  
this state unless it is a licensed manufacturer of fireworks, 79630  
and no person shall operate a fireworks plant in this state 79631  
unless it has been issued a license as a manufacturer of 79632  
fireworks for the particular fireworks plant. 79633

(B) No person shall operate a fireworks plant in this 79634  
state after its license as a manufacturer of fireworks for the 79635  
particular fireworks plant has expired, is suspended, has been 79636  
denied renewal, or has been revoked, unless a new license has 79637  
been obtained or the suspension lifted. 79638

(C) No licensed manufacturer of fireworks, during the 79639  
effective period of its licensure, shall construct, locate, or 79640  
relocate any buildings or other structures on the premises of 79641  
its fireworks plant, make any structural change or renovation in 79642  
any building or other structure on the premises of its fireworks 79643  
plant, or change the nature of its manufacturing of fireworks so 79644  
as to include the processing of fireworks without first 79645  
obtaining a written authorization from the state fire marshal 79646  
pursuant to division (B) of section 3743.04 of the Revised Code. 79647

(D) No licensed manufacturer of fireworks shall 79648

manufacture fireworks, possess fireworks for sale at wholesale 79649  
or retail, or sell fireworks at wholesale or retail, in a manner 79650  
not authorized by division (C) of section 3743.04 of the Revised 79651  
Code. 79652

(E) No licensed manufacturer of fireworks shall knowingly 79653  
fail to comply with the rules adopted by the state fire marshal 79654  
pursuant to ~~section~~ sections 3743.05 and 3743.48 of the Revised 79655  
Code or the requirements of ~~section~~ sections 3743.06 and 3743.48 79656  
of the Revised Code. 79657

(F) No licensed manufacturer of fireworks shall fail to 79658  
maintain complete inventory, wholesale sale, and retail records 79659  
as required by section 3743.07 of the Revised Code, or to permit 79660  
inspection of these records or the premises of a fireworks plant 79661  
pursuant to section 3743.08 of the Revised Code. 79662

(G) No licensed manufacturer of fireworks shall fail to 79663  
comply with an order of the state fire marshal issued pursuant 79664  
to division (B) (1) of section 3743.08 of the Revised Code, 79665  
within the specified period of time. 79666

(H) No licensed manufacturer of fireworks shall fail to 79667  
comply with an order of the state fire marshal issued pursuant 79668  
to division (B) (2) of section 3743.08 of the Revised Code until 79669  
the nonconformities are eliminated, corrected, or otherwise 79670  
remedied or the seventy-two hour period specified in that 79671  
division has expired, whichever first occurs. 79672

(I) No person shall smoke or shall carry a pipe, 79673  
cigarette, or cigar, or a match, lighter, other flame-producing 79674  
item, or open flame on, or shall carry a concealed source of 79675  
ignition into, the premises of a fireworks plant, except as 79676  
smoking is authorized in specified lunchrooms or restrooms by a 79677

manufacturer pursuant to division (C) of section 3743.06 of the Revised Code. 79678  
79679

(J) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance, while on the premises of a fireworks plant. 79680  
79681  
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(K) No licensed manufacturer of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by division (A) of section 3743.47 of the Revised Code. 79684  
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(L) No licensed manufacturer of fireworks shall negligently fail to have safety glasses available for sale as required by division (B) of section 3743.47 of the Revised Code. 79688  
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**Sec. 3743.61.** (A) No person, except a licensed manufacturer of fireworks engaging in the wholesale sale of fireworks as authorized by division (C) (2) of section 3743.04 of the Revised Code, shall operate as a wholesaler of fireworks in this state unless it is a licensed wholesaler of fireworks, or shall operate as a wholesaler of fireworks at any location in this state unless it has been issued a license as a wholesaler of fireworks for the particular location. 79691  
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(B) No person shall operate as a wholesaler of fireworks at a particular location in this state after its license as a wholesaler of fireworks for the particular location has expired, is suspended, has been denied renewal, or has been revoked, unless a new license has been obtained or the suspension lifted. 79699  
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(C) No licensed wholesaler of fireworks, during the effective period of its licensure, shall perform any construction, or make any structural change or renovation, on 79704  
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the premises on which the fireworks are sold without first 79707  
obtaining a written authorization from the state fire marshal 79708  
pursuant to division (B) of section 3743.17 of the Revised Code. 79709

(D) No licensed wholesaler of fireworks shall possess 79710  
fireworks for sale at wholesale or retail, or sell fireworks at 79711  
wholesale or retail, in a manner not authorized by division (C) 79712  
of section 3743.17 of the Revised Code. 79713

(E) No licensed wholesaler of fireworks shall knowingly 79714  
fail to comply with the rules adopted by the state fire marshal 79715  
pursuant to ~~section~~sections 3743.18 and 3743.48 or the 79716  
requirements of ~~section~~sections 3743.19 and 3743.48 of the 79717  
Revised Code. 79718

(F) No licensed wholesaler of fireworks shall fail to 79719  
maintain complete inventory, wholesale sale, and retail records 79720  
as required by section 3743.20 of the Revised Code, or to permit 79721  
inspection of these records or the premises of the wholesaler 79722  
pursuant to section 3743.21 of the Revised Code. 79723

(G) No licensed wholesaler of fireworks shall fail to 79724  
comply with an order of the state fire marshal issued pursuant 79725  
to division (B) (1) of section 3743.21 of the Revised Code, 79726  
within the specified period of time. 79727

(H) No licensed wholesaler of fireworks shall fail to 79728  
comply with an order of the state fire marshal issued pursuant 79729  
to division (B) (2) of section 3743.21 of the Revised Code until 79730  
the nonconformities are eliminated, corrected, or otherwise 79731  
remedied or the seventy-two hour period specified in that 79732  
division has expired, whichever first occurs. 79733

(I) No person shall smoke or shall carry a pipe, 79734  
cigarette, or cigar, or a match, lighter, other flame-producing 79735

item, or open flame on, or shall carry a concealed source of 79736  
ignition into, the premises of a wholesaler of fireworks, except 79737  
as smoking is authorized in specified lunchrooms or restrooms by 79738  
a wholesaler pursuant to division (D) of section 3743.19 of the 79739  
Revised Code. 79740

(J) No person shall have possession or control of, or be 79741  
under the influence of, any intoxicating liquor, beer, or 79742  
controlled substance, while on the premises of a wholesaler of 79743  
fireworks. 79744

(K) No licensed wholesaler of fireworks shall negligently 79745  
fail to furnish a safety pamphlet to a purchaser of 1.4G 79746  
fireworks as required by division (A) of section 3743.47 of the 79747  
Revised Code. 79748

(L) No licensed wholesaler of fireworks shall negligently 79749  
fail to have safety glasses available for sale as required by 79750  
division (B) of section 3743.47 of the Revised Code. 79751

**Sec. 3743.63.** (A) No person who purchases fireworks in 79752  
this state shall obtain possession of the fireworks in this 79753  
state unless the person complies with sections 3743.44 to 79754  
~~3743.46~~3743.48 of the Revised Code. 79755

(B) Except for the purchase of 1.4G fireworks made under 79756  
section 3743.45 of the Revised Code, no person who resides in 79757  
another state and who purchases fireworks in this state shall 79758  
obtain possession of fireworks in this state other than from a 79759  
licensed manufacturer or wholesaler, or fail, when transporting 79760  
1.3G fireworks, to transport them directly out of this state 79761  
within seventy-two hours after the time of their purchase. 79762

(C) No person who purchases fireworks in this state under 79763  
section 3743.45 of the Revised Code shall give or sell to any 79764

other person in this state fireworks that the person has 79765  
acquired in this state. 79766

**Sec. 3743.65.** (A) No person shall possess fireworks in 79767  
this state or shall possess for sale or sell fireworks in this 79768  
state, except a licensed manufacturer of fireworks as authorized 79769  
by sections 3743.02 to 3743.08 and 3743.48 of the Revised Code, 79770  
a licensed wholesaler of fireworks as authorized by sections 79771  
3743.15 to 3743.21 and 3743.48 of the Revised Code, a shipping 79772  
permit holder as authorized by section 3743.40 of the Revised 79773  
Code, a licensed fountain device retailer as authorized by 79774  
section 3743.27 of the Revised Code, a person as authorized by 79775  
sections 3743.44~~and~~, 3743.45, and 3743.48 of the Revised Code, 79776  
or a licensed exhibitor of fireworks as authorized by sections 79777  
3743.50 to 3743.55 of the Revised Code, and except as provided 79778  
in section 3743.80 of the Revised Code. 79779

(B) Except as provided in sections 3743.45 and 3743.80 of 79780  
the Revised Code and except for licensed exhibitors of fireworks 79781  
authorized to conduct a fireworks exhibition pursuant to 79782  
sections 3743.50 to 3743.55 of the Revised Code, no person shall 79783  
discharge, ignite, or explode any fireworks in this state. 79784

(C) No person shall use in a theater or public hall, what 79785  
is technically known as fireworks showers, or a mixture 79786  
containing potassium chlorate and sulphur. 79787

(D) No person shall sell fireworks of any kind to a person 79788  
under eighteen years of age. No person under eighteen years of 79789  
age shall enter a fireworks sales showroom unless that person is 79790  
accompanied by a parent, legal guardian, or other responsible 79791  
adult. No person under eighteen years of age shall touch or 79792  
possess fireworks on a licensed premises without the consent of 79793  
the licensee. A licensee may eject any person from a licensed 79794

premises that is in any way disruptive to the safe operation of 79795  
the premises. 79796

(E) Except as otherwise provided in section 3743.44 of the 79797  
Revised Code, no person, other than a licensed manufacturer, 79798  
licensed wholesaler, licensed exhibitor, or shipping permit 79799  
holder, shall possess 1.3G fireworks in this state. 79800

(F) Except as otherwise provided in division (J) of 79801  
section 3743.06 and division (K) of section 3743.19 of the 79802  
Revised Code, no person shall knowingly disable a fire 79803  
suppression system as defined in section 3781.108 of the Revised 79804  
Code on the premises of a fireworks plant of a licensed 79805  
manufacturer of fireworks or on the premises of the business 79806  
operations of a licensed wholesaler of fireworks. 79807

(G) No person shall negligently discharge, ignite, or 79808  
explode fireworks while in possession or control of, or under 79809  
the influence of, any intoxicating liquor, beer, or controlled 79810  
substance. 79811

(H) No person shall negligently discharge, ignite, or 79812  
explode fireworks on the property of another person without that 79813  
person's permission to use fireworks on that property. 79814

**Sec. 3745.11.** (A) Applicants for and holders of permits, 79815  
licenses, variances, plan approvals, and certifications issued 79816  
by the director of environmental protection pursuant to Chapters 79817  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 79818  
fee to the environmental protection agency for each such 79819  
issuance and each application for an issuance as provided by 79820  
this section. No fee shall be charged for any issuance for which 79821  
no application has been submitted to the director. 79822

(B) Except as otherwise provided in division (C) (2) of 79823

this section, beginning July 1, 1994, each person who owns or 79824  
operates an air contaminant source and who is required to apply 79825  
for and obtain a Title V permit under section 3704.036 of the 79826  
Revised Code shall pay an annual fee of five thousand dollars in 79827  
addition to the fees set forth in this division. For the 79828  
purposes of this division, total emissions of air contaminants 79829  
may be calculated using engineering calculations, emissions 79830  
factors, material balance calculations, or performance testing 79831  
procedures, as authorized by the director. 79832

The following fees shall be assessed on the total actual 79833  
emissions from a source in tons per year of the regulated 79834  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 79835  
organic compounds, and lead: 79836

(1) Fifteen dollars per ton on the total actual emissions 79837  
of each such regulated pollutant during the period July through 79838  
December 1993, to be collected no sooner than July 1, 1994; 79839

(2) Twenty dollars per ton on the total actual emissions 79840  
of each such regulated pollutant during calendar year 1994, to 79841  
be collected no sooner than April 15, 1995; 79842

(3) Twenty-five dollars per ton on the total actual 79843  
emissions of each such regulated pollutant in calendar year 79844  
1995, and each subsequent calendar year, to be collected no 79845  
sooner than the fifteenth day of April of the year next 79846  
succeeding the calendar year in which the emissions occurred. 79847

The fees levied under this division do not apply to that 79848  
portion of the emissions of a regulated pollutant at a facility 79849  
that exceed four thousand tons during a calendar year. 79850

(C) (1) The fees assessed under division (B) of this 79851  
section are for the purpose of providing funding for the Title V 79852

permit program. 79853

(2) The fees assessed under division (B) of this section 79854  
do not apply to emissions from any electric generating unit 79855  
designated as a Phase I unit under Title IV of the federal Clean 79856  
Air Act prior to calendar year 2000. Those fees shall be 79857  
assessed on the emissions from such a generating unit commencing 79858  
in calendar year 2001 based upon the total actual emissions from 79859  
the generating unit during calendar year 2000 and shall continue 79860  
to be assessed each subsequent calendar year based on the total 79861  
actual emissions from the generating unit during the preceding 79862  
calendar year. 79863

(3) The director shall issue invoices to owners or 79864  
operators of air contaminant sources who are required to pay a 79865  
fee assessed under division (B) or (D) of this section. Any such 79866  
invoice shall be issued no sooner than the applicable date when 79867  
the fee first may be collected in a year under the applicable 79868  
division, shall identify the nature and amount of the fee 79869  
assessed, and shall indicate that the fee is required to be paid 79870  
within thirty days after the issuance of the invoice. 79871

(D) (1) Except as provided in division (D) (2) of this 79872  
section, beginning January 1, 2004, each person who owns or 79873  
operates an air contaminant source; who is required to apply for 79874  
a permit to operate pursuant to rules adopted under division 79875  
(G), or a variance pursuant to division (H), of section 3704.03 79876  
of the Revised Code; and who is not required to apply for and 79877  
obtain a Title V permit under section 3704.03 of the Revised 79878  
Code shall pay a single fee based upon the sum of the actual 79879  
annual emissions from the facility of the regulated pollutants 79880  
particulate matter, sulfur dioxide, nitrogen oxides, organic 79881  
compounds, and lead in accordance with the following schedule: 79882

79883

	1	2	
A	Total tons per year of regulated pollutants emitted	Annual fee per facility	
B	More than 0, but less than 10		\$100
C	10 or more, but less than 50	200	
D	50 or more, but less than 100	300	
E	100 or more	700	

(2) (a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) ~~Beginning January 1, 2000, through June 30, 2026, each~~  
Each person who owns or operates a synthetic minor facility\_ shall pay an annual fee of five thousand dollars in addition to a fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

79898

A	Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
B	Less than 10	<del>\$170</del> <u>\$255</u>
C	10 or more, but less than 20	<del>340</del> <u>510</u>
D	20 or more, but less than 30	<del>670</del> <u>1,005</u>
E	30 or more, but less than 40	<del>1,010</del> <u>1,515</u>
F	40 or more, but less than 50	<del>1,340</del> <u>2,010</u>
G	50 or more, but less than 60	<del>1,680</del> <u>2,520</u>
H	60 or more, but less than 70	<del>2,010</del> <u>3,015</u>
I	70 or more, but less than 80	<del>2,350</del> <u>3,525</u>
J	80 or more, but less than 90	<del>2,680</del> <u>4,020</u>
K	90 or more, but less than 100	<del>3,020</del> <u>4,530</u>
L	100 or more	<del>3,350</del> <u>5,025</u>

(3) The fees assessed under division (D) (1) of this	79899
section shall be collected annually no sooner than the fifteenth	79900
day of April, commencing in 2005. The fees assessed under	79901
division (D) (2) of this section shall be collected no sooner	79902
than the fifteenth day of April, commencing in 2000. The fees	79903
assessed under division (D) of this section in a calendar year	79904

shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E) (1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees assessed on emissions prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E) (1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E) (1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

	1	2
A	Input capacity (maximum)  (million British thermal units per hour)	Permit to install
B	Greater than 0, but less than 10	<del>\$200</del> <u>\$300</u>
C	10 or more, but less than 100	<del>400</del> <u>600</u>
D	100 or more, but less than 300	<del>1000</del> <u>1,500</u>
E	300 or more, but less than 500	<del>2250</del> <u>3,375</u>
F	500 or more, but less than 1000	<del>3750</del> <u>5,625</u>
G	1000 or more, but less than 5000	<del>6000</del> <u>9,000</u>
H	5000 or more	<del>9000</del> <u>13,500</u>

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion

engines designed to generate electricity 79947  
79948

	1	2	
A	Generating capacity (mega watts)	Permit to install	
B	0 or more, but less than 10	<del>\$25</del>	
		<u>\$37.50</u>	
C	10 or more, but less than 25	<del>150</del> <u>225</u>	
D	25 or more, but less than 50	<del>300</del> <u>450</u>	
E	50 or more, but less than 100	<del>500</del> <u>750</u>	
F	100 or more, but less than 250	<del>1000</del> <u>1,500</u>	
G	250 or more	<del>2000</del> <u>3,000</u>	
	(3) Incinerators		79949
			79950

	1	2	
A	Input capacity (pounds per hour)	Permit to install	
B	0 to 100	<del>\$100</del>	
		<u>\$150</u>	
C	101 to 500	<del>500</del> <u>750</u>	
D	501 to 2000	<del>1000</del> <u>1,500</u>	
E	2001 to 20,000	<del>1500</del> <u>2,250</u>	

F	more than 20,000		<del>3750</del> <u>5,625</u>	
	(4) (a) Process			79951
				79952

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A	Process weight rate (pounds per hour)	Permit to install	
B	0 to 1000		\$ <u>200</u>
			\$ <u>300</u>
C	1001 to 5000		<del>500</del> <u>750</u>
D	5001 to 10,000		<del>750</del> <u>1,125</u>
E	10,001 to 50,000		<del>1000</del> <u>1,500</u>
F	more than 50,000		<del>1250</del> <u>1,875</u>

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F) (4) (a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F) (2) of this section.

(b) Notwithstanding division (F) (4) (a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F) (4) (c) of this section for

a process used in any of the following industries, as identified	79966
by the applicable two-digit, three-digit, or four-digit standard	79967
industrial classification code according to the Standard	79968
Industrial Classification Manual published by the United States	79969
office of management and budget in the executive office of the	79970
president, 1987, as revised:	79971
Major group 10, metal mining;	79972
Major group 12, coal mining;	79973
Major group 14, mining and quarrying of nonmetallic	79974
minerals;	79975
Industry group 204, grain mill products;	79976
2873 Nitrogen fertilizers;	79977
2874 Phosphatic fertilizers;	79978
3281 Cut stone and stone products;	79979
3295 Minerals and earth, ground or otherwise treated;	79980
4221 Grain elevators (storage only);	79981
5159 Farm related raw materials;	79982
5261 Retail nurseries and lawn and garden supply stores.	79983
(c) The fees set forth in the following schedule apply to	79984
the issuance of a permit to install pursuant to rules adopted	79985
under division (F) of section 3704.03 of the Revised Code for a	79986
process identified in division (F) (4) (b) of this section:	79987
	79988

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A Process weight rate (pounds per hour)

Permit to install

B	0 to 10,000		\$200
			<u>\$300</u>
C	10,001 to 50,000		<del>400</del> <u>600</u>
D	50,001 to 100,000		<del>500</del> <u>750</u>
E	100,001 to 200,000		<del>600</del> <u>900</u>
F	200,001 to 400,000		<del>750</del> <u>1,125</u>
G	400,001 or more		<del>900</del> <u>1,350</u>
	(5) Storage tanks		79989
			79990

1

2

A	Gallons (maximum useful capacity)	Permit to install	
B	0 to 20,000		\$100
			<u>\$150</u>
C	20,001 to 40,000		<del>150</del> <u>225</u>
D	40,001 to 100,000		<del>250</del> <u>375</u>
E	100,001 to 500,000		<del>400</del> <u>600</u>
F	500,001 or greater		<del>750</del> <u>1,125</u>
	(6) Gasoline/fuel dispensing facilities		79991
			79992

1

2

A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install <del>\$100</del> <u>\$150</u>	
	(7) Dry cleaning facilities		79993 79994
	1	2	
A	For each dry cleaning facility (includes all units at the facility)	Permit to install <del>\$100</del> <u>\$150</u>	
	(8) Registration status		79995 79996
	1	2	
A	For each source covered by registration status	Permit to install <del>\$75</del> <u>\$112.50</u>	
	(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:		79997 79998 79999 80000 80001 80002
	1	2	
A	Action	Fee	
B	Each notification		\$75
C	Asbestos removal	\$3/unit	



division does not preclude the director from taking any 80031  
administrative or judicial enforcement action under this 80032  
chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised 80033  
Code, or a rule adopted under any of them, in connection with a 80034  
violation of rules adopted under division (F) of section 3704.03 80035  
of the Revised Code. 80036

As used in this division, "actual construction of the 80037  
source" means the initiation of physical on-site construction 80038  
activities in connection with improvements to the source that 80039  
are permanent in nature, including, without limitation, the 80040  
installation of building supports and foundations and the laying 80041  
of underground pipework. 80042

(K) (1) Money received under division (B) of this section 80043  
shall be deposited in the state treasury to the credit of the 80044  
Title V clean air fund created in section 3704.035 of the 80045  
Revised Code. Annually, not more than fifty cents per ton of 80046  
each fee assessed under division (B) of this section on actual 80047  
emissions from a source and received by the environmental 80048  
protection agency pursuant to that division may be transferred 80049  
by the director using an interstate transfer voucher to the 80050  
state treasury to the credit of the small business assistance 80051  
fund created in section 3706.19 of the Revised Code. In 80052  
addition, annually, the amount of money necessary for the 80053  
operation of the office of ombudsperson as determined under 80054  
division (B) of that section shall be transferred to the state 80055  
treasury to the credit of the small business ombudsperson fund 80056  
created by that section. 80057

(2) Money received by the agency pursuant to divisions 80058  
(D), (F), (G), (H), (I), and (J) of this section shall be 80059  
deposited in the state treasury to the credit of the non-Title V 80060

clean air fund created in section 3704.035 of the Revised Code. 80061

(L) (1) A person applying for a plan approval for a 80062  
wastewater treatment works pursuant to section 6111.44, 6111.45, 80063  
or 6111.46 of the Revised Code shall pay a nonrefundable fee of 80064  
one hundred dollars plus sixty-five one-hundredths of one per 80065  
cent of the estimated project cost through June 30, ~~2026~~2028, 80066  
and a nonrefundable application fee of one hundred dollars plus 80067  
two-tenths of one per cent of the estimated project cost on and 80068  
after July 1, ~~2026~~2028, except that the total fee shall not 80069  
exceed fifteen thousand dollars through June 30, ~~2026~~2028, and 80070  
five thousand dollars on and after July 1, ~~2026~~2028. The fee 80071  
shall be paid at the time the application is submitted. 80072

(2) A person who has entered into an agreement with the 80073  
director under section 6111.14 of the Revised Code shall pay an 80074  
administrative service fee for each plan submitted under that 80075  
section for approval that shall not exceed the minimum amount 80076  
necessary to pay administrative costs directly attributable to 80077  
processing plan approvals. The director annually shall calculate 80078  
the fee and shall notify all persons who have entered into 80079  
agreements under that section, or who have applied for 80080  
agreements, of the amount of the fee. 80081

(3) (a) (i) Not later than January 30, ~~2024~~2026, and January 80082  
30, ~~2025~~2027, a person holding an NPDES discharge permit issued 80083  
pursuant to Chapter 6111. of the Revised Code with an average 80084  
daily discharge flow of five thousand gallons or more shall pay 80085  
a nonrefundable annual discharge fee. Any person who fails to 80086  
pay the fee at that time shall pay an additional amount that 80087  
equals ten per cent of the required annual discharge fee. 80088

(ii) The billing year for the annual discharge fee 80089  
established in division (L) (3) (a) (i) of this section shall 80090



~~2024~~2026, and January  
 30, ~~2025~~2027

B	5,000 to 49,999		\$200
C	50,000 to 100,000	500	
D	100,001 to 250,000	1,050	
E	250,001 to 1,000,000	2,600	
F	1,000,001 to 5,000,000	5,200	
G	5,000,001 to 10,000,000	10,350	
H	10,000,001 to 20,000,000	15,550	
I	20,000,001 to 50,000,000	25,900	
J	50,000,001 to 100,000,000	41,400	
K	100,000,001 or more	62,100	

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L) (3) (b) (i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) (i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number,

80119  
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 80122  
 80123  
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shall pay the fee specified in the following schedule: 80130  
80131

	1	2	
A	Average daily discharge flow	Fee due by January 30, <del>2024</del> <u>2026</u> , and January 30, <del>2025</del> <u>2027</u>	
B	5,000 to 49,999		\$250
C	50,000 to 250,000	1,200	
D	250,001 to 1,000,000	2,950	
E	1,000,001 to 5,000,000	5,850	
F	5,000,001 to 10,000,000	8,800	
G	10,000,001 to 20,000,000	11,700	
H	20,000,001 to 100,000,000	14,050	
I	100,000,001 to 250,000,000	16,400	
J	250,000,001 or more	18,700	

(ii) In addition to the fee specified in the above 80132  
schedule, an NPDES permit holder that is an industrial 80133  
discharger classified as a major discharger during all or part 80134  
of the annual discharge fee billing year specified in division 80135  
(L) (3) (a) (ii) of this section shall pay a nonrefundable annual 80136  
surcharge of seven thousand five hundred dollars not later than 80137  
January 30, ~~2024~~2026, and not later than January 30, ~~2025~~2027. 80138  
Any person who fails to pay the surcharge at that time shall pay 80139  
an additional amount that equals ten per cent of the amount of 80140

the surcharge. 80141

(d) Notwithstanding divisions (L) (3) (b) and (c) of this 80142  
section, a public discharger, that is not a separate municipal 80143  
storm sewer system, identified by I in the third character of 80144  
the permittee's NPDES permit number and an industrial discharger 80145  
identified by I, J, L, V, W, X, Y, or Z in the third character 80146  
of the permittee's NPDES permit number shall pay a nonrefundable 80147  
annual discharge fee of one hundred eighty dollars not later 80148  
than January 30, ~~2024~~ 2026, and not later than January 30, 80149  
~~2025~~ 2027. Any person who fails to pay the fee at that time shall 80150  
pay an additional amount that equals ten per cent of the 80151  
required fee. 80152

(4) Each person obtaining an NPDES permit for municipal 80153  
storm water discharge shall pay a nonrefundable storm water 80154  
annual discharge fee of ten dollars per one-tenth of a square 80155  
mile of area permitted. The fee shall not exceed ten thousand 80156  
dollars and shall be payable on or before January 30, 2004, and 80157  
the thirtieth day of January of each year thereafter. Any person 80158  
who fails to pay the fee on the date specified in division (L) 80159  
(4) of this section shall pay an additional amount per year 80160  
equal to ten per cent of the annual fee that is unpaid. 80161

(5) The director shall transmit all moneys collected under 80162  
division (L) of this section to the treasurer of state for 80163  
deposit into the state treasury to the credit of the surface 80164  
water protection fund created in section 6111.038 of the Revised 80165  
Code. 80166

(6) As used in this section: 80167

(a) "NPDES" means the federally approved national 80168  
pollutant discharge elimination system individual and general 80169

program for issuing, modifying, revoking, reissuing, 80170  
terminating, monitoring, and enforcing permits and imposing and 80171  
enforcing pretreatment requirements under Chapter 6111. of the 80172  
Revised Code and rules adopted under it. 80173

(b) "Public discharger" means any holder of an NPDES 80174  
permit identified by P in the second character of the NPDES 80175  
permit number assigned by the director. 80176

(c) "Industrial discharger" means any holder of an NPDES 80177  
permit identified by I in the second character of the NPDES 80178  
permit number assigned by the director. 80179

(d) "Major discharger" means any holder of an NPDES permit 80180  
classified as major by the regional administrator of the United 80181  
States environmental protection agency in conjunction with the 80182  
director. 80183

(M) Through June 30, ~~2026~~2028, a person applying for a 80184  
license or license renewal to operate a public water system 80185  
under section 6109.21 of the Revised Code shall pay the 80186  
appropriate fee established under this division at the time of 80187  
application to the director. Any person who fails to pay the fee 80188  
at that time shall pay an additional amount that equals ten per 80189  
cent of the required fee. The director shall transmit all moneys 80190  
collected under this division to the treasurer of state for 80191  
deposit into the drinking water protection fund created in 80192  
section 6109.30 of the Revised Code. 80193

Except as provided in divisions (M) (4) and (5) of this 80194  
section, fees required under this division shall be calculated 80195  
and paid in accordance with the following schedule: 80196

(1) For the initial license required under section 6109.21 80197  
of the Revised Code for any public water system that is a 80198

community water system as defined in section 6109.01 of the	80199
Revised Code, and for each license renewal required for such a	80200
system prior to January 31, <del>2026</del> <u>2028</u> , the fee is:	80201
	80202

	1	2
A	Number of service connections	Fee amount
B	Not more than 49	\$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	\$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04
L	50,000 to 99,999	.92
M	100,000 to 149,999	.86
N	150,000 to 199,999	.80



H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430
K	30,000 or more	16,820

As used in division (M) (2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2026~~2028, the fee is:

	1	2
A	Number of wells or sources, other than surface water, supplying system	Fee amount
B	1	\$112
C	2	112
D	3	176
E	4	278

F		5	568
G	System designated as using a surface water source		792

As used in division (M) (3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M) (1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N) (1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2026~~2028, and fifteen thousand dollars on and after July 1, ~~2026~~2028. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A) (2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs

directly attributable to processing plan approvals. The director 80254  
annually shall calculate the fee and shall notify all persons 80255  
that have entered into agreements under that division, or who 80256  
have applied for agreements, of the amount of the fee. 80257

(3) Through June 30, ~~2026~~2028, the following fee, on a per 80258  
survey basis, shall be charged any person for services rendered 80259  
by the state in the evaluation of laboratories and laboratory 80260  
personnel for compliance with accepted analytical techniques and 80261  
procedures established pursuant to Chapter 6109. of the Revised 80262  
Code for determining the qualitative characteristics of water: 80263  
80264

	1	2	
A	microbiological		
B	MMO-MUG		\$2,000
C	MF	2,100	
D	MMO-MUG and MF	2,550	
E	organic chemical	5,400	
F	trace metals	5,400	
G	standard chemistry	2,800	
H	limited chemistry	1,550	

On and after July 1, ~~2026~~2028, the following fee, on a per 80265  
survey basis, shall be charged any such person: 80266  
80267

A	microbiological		\$1,650
B	organic chemicals	3,500	
C	trace metals	3,500	
D	standard chemistry	1,800	
E	limited chemistry	1,000	

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2026~~2028, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay five hundred dollars for each additional survey requested.

As used in division (N) (3) of this section:

(a) "MF" means membrane filtration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time

the application is submitted, shall pay a fee in accordance with 80288  
the following schedule through November 30, ~~2026~~2028: 80289  
80290

	1	2	
A	Class A operator		\$80
B	Class I operator	105	
C	Class II operator	120	
D	Class III operator	130	
E	Class IV operator	145	

On and after December 1, ~~2026~~2028, the applicant shall pay 80291  
a fee in accordance with the following schedule: 80292  
80293

	1	2	
A	Class A operator		\$50
B	Class I operator	70	
C	Class II operator	80	
D	Class III operator	90	
E	Class IV operator	100	

Any person applying to the director for certification as 80294  
an operator of a water supply system or wastewater system who 80295  
has passed an examination administered by an examination 80296  
provider approved by the director shall pay a certification fee 80297  
of forty-five dollars. 80298

A person shall pay a biennial certification renewal fee 80299  
for each applicable class of certification in accordance with 80300  
the following schedule: 80301  
80302

	1	2	
A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director 80303  
more than thirty days, but not more than one year, after the 80304  
expiration date of the certification, the person shall pay a 80305  
certification renewal fee in accordance with the following 80306  
schedule: 80307  
80308

	1	2	
A	Class A operator		\$45
B	Class I operator	55	
C	Class II operator	65	
D	Class III operator	75	
E	Class IV operator	85	

A person who requests a replacement certificate shall pay 80309

a fee of twenty-five dollars at the time the request is made. 80310

Any person applying to be a water supply system or 80311  
wastewater treatment system examination provider shall pay an 80312  
application fee of five hundred dollars. Any person approved by 80313  
the director as a water supply system or wastewater treatment 80314  
system examination provider shall pay an annual fee that is 80315  
equal to ten per cent of the fees that the provider assesses and 80316  
collects for administering water supply system or wastewater 80317  
treatment system certification examinations in this state for 80318  
the calendar year. The fee shall be paid not later than forty- 80319  
five days after the end of a calendar year. 80320

The director shall transmit all moneys collected under 80321  
this division to the treasurer of state for deposit into the 80322  
drinking water protection fund created in section 6109.30 of the 80323  
Revised Code. 80324

~~(P) Any person submitting an application for an industrial 80325  
water pollution control certificate under section 6111.31 of the 80326  
Revised Code, as that section existed before its repeal by H.B. 80327  
95 of the 125th general assembly, shall pay a nonrefundable fee 80328  
of five hundred dollars at the time the application is 80329  
submitted. The director shall transmit all moneys collected 80330  
under this division to the treasurer of state for deposit into 80331  
the surface water protection fund created in section 6111.038 of 80332  
the Revised Code. A person paying a certificate fee under this 80333  
division shall not pay an application fee under division (S)(1) 80334  
of this section. On and after June 26, 2003, persons shall file 80335  
such applications and pay the fee as required under sections 80336  
5709.20 to 5709.27 of the Revised Code, and proceeds from the 80337  
fee shall be credited as provided in section 5709.212 of the 80338  
Revised Code. 80339~~

~~(Q)~~—Except as otherwise provided in division ~~(R)~~ (Q) of 80340  
this section, a person issued a permit by the director for a new 80341  
solid waste disposal facility other than an incineration or 80342  
composting facility, a new infectious waste treatment facility 80343  
other than an incineration facility, or a modification of such 80344  
an existing facility that includes an increase in the total 80345  
disposal or treatment capacity of the facility pursuant to 80346  
Chapter 3734. of the Revised Code shall pay a fee of ten dollars 80347  
per thousand cubic yards of disposal or treatment capacity, or 80348  
one thousand dollars, whichever is greater, except that the 80349  
total fee for any such permit shall not exceed eighty thousand 80350  
dollars. A person issued a modification of a permit for a solid 80351  
waste disposal facility or an infectious waste treatment 80352  
facility that does not involve an increase in the total disposal 80353  
or treatment capacity of the facility shall pay a fee of one 80354  
thousand dollars. A person issued a permit to install a new, or 80355  
modify an existing, solid waste transfer facility under that 80356  
chapter shall pay a fee of two thousand five hundred dollars. A 80357  
person issued a permit to install a new or to modify an existing 80358  
solid waste incineration or composting facility, or an existing 80359  
infectious waste treatment facility using incineration as its 80360  
principal method of treatment, under that chapter shall pay a 80361  
fee of one thousand dollars. The increases in the permit fees 80362  
under this division resulting from the amendments made by 80363  
Amended Substitute House Bill 592 of the 117th general assembly 80364  
do not apply to any person who submitted an application for a 80365  
permit to install a new, or modify an existing, solid waste 80366  
disposal facility under that chapter prior to September 1, 1987; 80367  
any such person shall pay the permit fee established in this 80368  
division as it existed prior to June 24, 1988. In addition to 80369  
the applicable permit fee under this division, a person issued a 80370  
permit to install or modify a solid waste facility or an 80371

infectious waste treatment facility under that chapter who fails 80372  
to pay the permit fee to the director in compliance with 80373  
division ~~(V)~~(U) of this section shall pay an additional ten per 80374  
cent of the amount of the fee for each week that the permit fee 80375  
is late. 80376

Permit and late payment fees paid to the director under 80377  
this division shall be credited to the general revenue fund. 80378

~~(R)~~(1)(Q) (1) A person issued a registration certificate 80379  
for a scrap tire collection facility under section 3734.75 of 80380  
the Revised Code shall pay a fee of two hundred dollars, except 80381  
that if the facility is owned or operated by a motor vehicle 80382  
salvage dealer licensed under Chapter 4738. of the Revised Code, 80383  
the person shall pay a fee of twenty-five dollars. 80384

(2) A person issued a registration certificate for a new 80385  
scrap tire storage facility under section 3734.76 of the Revised 80386  
Code shall pay a fee of three hundred dollars, except that if 80387  
the facility is owned or operated by a motor vehicle salvage 80388  
dealer licensed under Chapter 4738. of the Revised Code, the 80389  
person shall pay a fee of twenty-five dollars. 80390

(3) A person issued a permit for a scrap tire storage 80391  
facility under section 3734.76 of the Revised Code shall pay a 80392  
fee of one thousand dollars, except that if the facility is 80393  
owned or operated by a motor vehicle salvage dealer licensed 80394  
under Chapter 4738. of the Revised Code, the person shall pay a 80395  
fee of fifty dollars. 80396

(4) A person issued a permit for a scrap tire monocell or 80397  
monofill facility under section 3734.77 of the Revised Code 80398  
shall pay a fee of ten dollars per thousand cubic yards of 80399  
disposal capacity or one thousand dollars, whichever is greater, 80400

except that the total fee for any such permit shall not exceed 80401  
eighty thousand dollars. 80402

(5) A person issued a registration certificate for a scrap 80403  
tire recovery facility under section 3734.78 of the Revised Code 80404  
shall pay a fee of one hundred dollars. 80405

(6) A person issued a permit for a scrap tire recovery 80406  
facility under section 3734.78 of the Revised Code shall pay a 80407  
fee of one thousand dollars. 80408

(7) In addition to the applicable registration certificate 80409  
or permit fee under divisions ~~(R) (1)~~ (Q) (1) to (6) of this 80410  
section, a person issued a registration certificate or permit 80411  
for any such scrap tire facility who fails to pay the 80412  
registration certificate or permit fee to the director in 80413  
compliance with division ~~(V)~~ (U) of this section shall pay an 80414  
additional ten per cent of the amount of the fee for each week 80415  
that the fee is late. 80416

(8) The registration certificate, permit, and late payment 80417  
fees paid to the director under divisions ~~(R) (1)~~ (Q) (1) to (7) of 80418  
this section shall be credited to the scrap tire management fund 80419  
created in section 3734.82 of the Revised Code. 80420

~~(S) (1) (a)~~ (R) (1) (a) Except as otherwise provided, any 80421  
person applying for a permit, variance, or plan approval under 80422  
Chapter 6109. or 6111. of the Revised Code shall pay a 80423  
nonrefundable application fee of one hundred dollars at the time 80424  
the application is submitted through June 30, ~~2026~~ 2028, and a 80425  
nonrefundable application fee of fifteen dollars at the time the 80426  
application is submitted on and after July 1, ~~2026~~ 2028. 80427

(b) (i) Except as otherwise provided in divisions ~~(S) (1) (b)~~ 80428  
~~(iii)~~ (R) (1) (b) (iii) and (iv) of this section, through June 30, 80429

~~2026~~2028, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2026~~2028, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

	1	2
A	Design flow discharge (gallons per day)	Fee
B	0 to 1,000	\$0
C	1,001 to 5,000	100
D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(c) In addition to the application fee established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) of this section, any person applying for an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(d) The director shall transmit all moneys collected under division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(e) The director shall transmit all moneys collected under division ~~(S) (1)~~ (R) (1) of this section pursuant to Chapter 6111. of the Revised Code and under division ~~(S) (2)~~ (R) (2) of this

section to the treasurer of state for deposit into the surface 80477  
water protection fund created in section 6111.038 of the Revised 80478  
Code. 80479

(f) If a person submits an electronic application for a 80480  
registration certificate, permit, variance, or plan approval for 80481  
which an application fee is established under division ~~(S)(1)~~(R) 80482  
(1) of this section, the person shall pay all applicable fees as 80483  
expeditiously as possible after the submission of the electronic 80484  
application. An application for a registration certificate, 80485  
permit, variance, or plan approval for which an application fee 80486  
is established under division ~~(S)(1)~~(R) (1) of this section shall 80487  
not be reviewed or processed until the applicable application 80488  
fee, and any other fees established under this division, are 80489  
paid. 80490

(2) A person applying for coverage under an NPDES general 80491  
discharge permit for household sewage treatment systems shall 80492  
pay a nonrefundable fee of two hundred dollars at the time of 80493  
application for initial permit coverage. No fee is required for 80494  
an application for permit coverage renewal. 80495

~~(T)~~(S) The director may adopt, amend, and rescind rules in 80496  
accordance with Chapter 119. of the Revised Code that do all of 80497  
the following: 80498

(1) Prescribe fees to be paid by applicants for and 80499  
holders of any license, permit, variance, plan approval, or 80500  
certification required or authorized by Chapter 3704., 3734., 80501  
6109., or 6111. of the Revised Code that are not specifically 80502  
established in this section. The fees shall be designed to 80503  
defray the cost of processing, issuing, revoking, modifying, 80504  
denying, and enforcing the licenses, permits, variances, plan 80505  
approvals, and certifications. 80506

The director shall transmit all moneys collected under 80507  
rules adopted under division ~~(T)(1)~~(S)(1) of this section 80508  
pursuant to Chapter 6109. of the Revised Code to the treasurer 80509  
of state for deposit into the drinking water protection fund 80510  
created in section 6109.30 of the Revised Code. 80511

The director shall transmit all moneys collected under 80512  
rules adopted under division ~~(T)(1)~~(S)(1) of this section 80513  
pursuant to Chapter 6111. of the Revised Code to the treasurer 80514  
of state for deposit into the surface water protection fund 80515  
created in section 6111.038 of the Revised Code. 80516

(2) Exempt the state and political subdivisions thereof, 80517  
including education facilities or medical facilities owned by 80518  
the state or a political subdivision, or any person exempted 80519  
from taxation by section 5709.07 or 5709.12 of the Revised Code, 80520  
from any fee required by this section; 80521

(3) Provide for the waiver of any fee, or any part 80522  
thereof, otherwise required by this section whenever the 80523  
director determines that the imposition of the fee would 80524  
constitute an unreasonable cost of doing business for any 80525  
applicant, class of applicants, or other person subject to the 80526  
fee; 80527

(4) Prescribe measures that the director considers 80528  
necessary to carry out this section. 80529

~~(U)~~(T) When the director reasonably demonstrates that the 80530  
direct cost to the state associated with the issuance of a 80531  
permit, license, variance, plan approval, or certification 80532  
exceeds the fee for the issuance or review specified by this 80533  
section, the director may condition the issuance or review on 80534  
the payment by the person receiving the issuance or review of, 80535

in addition to the fee specified by this section, the amount, or 80536  
any portion thereof, in excess of the fee specified under this 80537  
section. The director shall not so condition issuances for which 80538  
a fee is prescribed in division ~~(S) (1) (b) (iii)~~ (R) (1) (b) (iii) of 80539  
this section. 80540

~~(V)~~ (U) Except as provided in divisions (L), (M), ~~(P)~~, and 80541  
~~(S)~~ (R) of this section or unless otherwise prescribed by a rule 80542  
of the director adopted pursuant to Chapter 119. of the Revised 80543  
Code, all fees required by this section are payable within 80544  
thirty days after the issuance of an invoice for the fee by the 80545  
director or the effective date of the issuance of the license, 80546  
permit, variance, plan approval, or certification. If payment is 80547  
late, the person responsible for payment of the fee shall pay an 80548  
additional ten per cent of the amount due for each month that it 80549  
is late. 80550

~~(W)~~ (V) As used in this section, "fuel-burning equipment," 80551  
"fuel-burning equipment input capacity," "incinerator," 80552  
"incinerator input capacity," "process," "process weight rate," 80553  
"storage tank," "gasoline dispensing facility," "dry cleaning 80554  
facility," "design flow discharge," and "new source treatment 80555  
works" have the meanings ascribed to those terms by applicable 80556  
rules or standards adopted by the director under Chapter 3704. 80557  
or 6111. of the Revised Code. 80558

~~(X)~~ (W) As used in divisions (B), (D), (E), (F), (H), (I), 80559  
and (J) of this section, and in any other provision of this 80560  
section pertaining to fees paid pursuant to Chapter 3704. of the 80561  
Revised Code: 80562

(1) "Facility," "federal Clean Air Act," "person," and 80563  
"Title V permit" have the same meanings as in section 3704.01 of 80564  
the Revised Code. 80565

(2) "Title V permit program" means the following 80566  
activities as necessary to meet the requirements of Title V of 80567  
the federal Clean Air Act and 40 C.F.R. part 70, including at 80568  
least: 80569

(a) Preparing and adopting, if applicable, generally 80570  
applicable rules or guidance regarding the permit program or its 80571  
implementation or enforcement; 80572

(b) Reviewing and acting on any application for a Title V 80573  
permit, permit revision, or permit renewal, including the 80574  
development of an applicable requirement as part of the 80575  
processing of a permit, permit revision, or permit renewal; 80576

(c) Administering the permit program, including the 80577  
supporting and tracking of permit applications, compliance 80578  
certification, and related data entry; 80579

(d) Determining which sources are subject to the program 80580  
and implementing and enforcing the terms of any Title V permit, 80581  
not including any court actions or other formal enforcement 80582  
actions; 80583

(e) Emission and ambient monitoring; 80584

(f) Modeling, analyses, or demonstrations; 80585

(g) Preparing inventories and tracking emissions; 80586

(h) Providing direct and indirect support to small 80587  
business stationary sources to determine and meet their 80588  
obligations under the federal Clean Air Act pursuant to the 80589  
small business stationary source technical and environmental 80590  
compliance assistance program required by section 507 of that 80591  
act and established in sections 3704.18, 3704.19, and 3706.19 of 80592  
the Revised Code. 80593

(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

~~(Y) (1)~~ (X) (1) Except as provided in divisions ~~(Y) (2)~~ (X) (2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2) (a) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division ~~(Y) (1)~~ (X) (1) of this section, subject to the following exceptions:

(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the

annual sludge fee for treatment or disposal in this state of 80623  
exceptional quality sludge generated outside of this state and 80624  
contained in bags or other containers not greater than one 80625  
hundred pounds in capacity. 80626

A thirty-five per cent reduction for exceptional quality 80627  
sludge applies to the maximum annual fees established under 80628  
division ~~(Y)~~~~(3)~~(X) (3) of this section. 80629

(c) A sewage sludge facility that transfers sewage sludge 80630  
to another sewage sludge facility in this state for further 80631  
treatment prior to disposal in this state shall not be required 80632  
to pay the annual sludge fee for the tons of sewage sludge that 80633  
have been transferred. In such a case, the sewage sludge 80634  
facility that disposes of the sewage sludge shall pay the annual 80635  
sludge fee. However, the facility transferring the sewage sludge 80636  
shall pay the one-hundred-dollar minimum fee required under 80637  
division ~~(Y)~~~~(2)~~~~(a)~~(X) (2) (a) of this section. 80638

In the case of a sewage sludge facility that treats sewage 80639  
sludge in this state and transfers it out of this state to 80640  
another entity for disposal, the sewage sludge facility in this 80641  
state shall be required to pay the annual sludge fee for the 80642  
tons of sewage sludge that have been transferred. 80643

(d) A sewage sludge facility that generates sewage sludge 80644  
resulting from an average daily discharge flow of less than five 80645  
thousand gallons per day is not subject to the fees assessed 80646  
under division ~~(Y)~~(X) of this section. 80647

(3) No sewage sludge facility required to pay the annual 80648  
sludge fee shall be required to pay more than the maximum annual 80649  
fee for each disposal method that the sewage sludge facility 80650  
uses. The maximum annual fee does not include the additional 80651

amount that may be charged under division ~~(Y) (5)~~ (X) (5) of this 80652  
section for late payment of the annual sludge fee. The maximum 80653  
annual fee for the following methods of disposal of sewage 80654  
sludge is as follows: 80655

(a) Incineration: five thousand dollars; 80656

(b) Preexisting land reclamation project or disposal in a 80657  
landfill: five thousand dollars; 80658

(c) Land application, land reclamation, surface disposal, 80659  
or any other disposal method not specified in division ~~(Y) (3) (a)~~ 80660  
(X) (3) (a) or (b) of this section: twenty thousand dollars. 80661

(4) (a) In the case of an entity that generates sewage 80662  
sludge or a sewage sludge facility that treats sewage sludge and 80663  
transfers the sewage sludge to an incineration facility for 80664  
disposal, the incineration facility, and not the entity 80665  
generating the sewage sludge or the sewage sludge facility 80666  
treating the sewage sludge, shall pay the annual sludge fee for 80667  
the tons of sewage sludge that are transferred. However, the 80668  
entity or facility generating or treating the sewage sludge 80669  
shall pay the one-hundred-dollar minimum fee required under 80670  
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section. 80671

(b) In the case of an entity that generates sewage sludge 80672  
and transfers the sewage sludge to a landfill for disposal or to 80673  
a sewage sludge facility for land reclamation or surface 80674  
disposal, the entity generating the sewage sludge, and not the 80675  
landfill or sewage sludge facility, shall pay the annual sludge 80676  
fee for the tons of sewage sludge that are transferred. 80677

(5) Not later than the first day of April of the calendar 80678  
year following March 17, 2000, and each first day of April 80679  
thereafter, the director shall issue invoices to persons who are 80680

required to pay the annual sludge fee. The invoice shall 80681  
identify the nature and amount of the annual sludge fee assessed 80682  
and state the first day of May as the deadline for receipt by 80683  
the director of objections regarding the amount of the fee and 80684  
the first day of July as the deadline for payment of the fee. 80685

Not later than the first day of May following receipt of 80686  
an invoice, a person required to pay the annual sludge fee may 80687  
submit objections to the director concerning the accuracy of 80688  
information regarding the number of dry tons of sewage sludge 80689  
used to calculate the amount of the annual sludge fee or 80690  
regarding whether the sewage sludge qualifies for the 80691  
exceptional quality sludge discount established in division ~~(Y)~~ 80692  
~~(2) (b)~~ (X) (2) (b) of this section. The director may consider the 80693  
objections and adjust the amount of the fee to ensure that it is 80694  
accurate. 80695

If the director does not adjust the amount of the annual 80696  
sludge fee in response to a person's objections, the person may 80697  
appeal the director's determination in accordance with Chapter 80698  
119. of the Revised Code. 80699

Not later than the first day of June, the director shall 80700  
notify the objecting person regarding whether the director has 80701  
found the objections to be valid and the reasons for the 80702  
finding. If the director finds the objections to be valid and 80703  
adjusts the amount of the annual sludge fee accordingly, the 80704  
director shall issue with the notification a new invoice to the 80705  
person identifying the amount of the annual sludge fee assessed 80706  
and stating the first day of July as the deadline for payment. 80707

Not later than the first day of July, any person who is 80708  
required to do so shall pay the annual sludge fee. Any person 80709  
who is required to pay the fee, but who fails to do so on or 80710

before that date shall pay an additional amount that equals ten 80711  
per cent of the required annual sludge fee. 80712

(6) The director shall transmit all moneys collected under 80713  
division ~~(Y)~~(X) of this section to the treasurer of state for 80714  
deposit into the surface water protection fund created in 80715  
section 6111.038 of the Revised Code. The moneys shall be used 80716  
to defray the costs of administering and enforcing provisions in 80717  
Chapter 6111. of the Revised Code and rules adopted under it 80718  
that govern the use, storage, treatment, or disposal of sewage 80719  
sludge. 80720

(7) Beginning in fiscal year 2001, and every two years 80721  
thereafter, the director shall review the total amount of moneys 80722  
generated by the annual sludge fees to determine if that amount 80723  
exceeded six hundred thousand dollars in either of the two 80724  
preceding fiscal years. If the total amount of moneys in the 80725  
fund exceeded six hundred thousand dollars in either fiscal 80726  
year, the director, after review of the fee structure and 80727  
consultation with affected persons, shall issue an order 80728  
reducing the amount of the fees levied under division ~~(Y)~~(X) of 80729  
this section so that the estimated amount of moneys resulting 80730  
from the fees will not exceed six hundred thousand dollars in 80731  
any fiscal year. 80732

If, upon review of the fees under division ~~(Y)~~(7) ~~(X)~~ (7) of 80733  
this section and after the fees have been reduced, the director 80734  
determines that the total amount of moneys collected and 80735  
accumulated is less than six hundred thousand dollars, the 80736  
director, after review of the fee structure and consultation 80737  
with affected persons, may issue an order increasing the amount 80738  
of the fees levied under division ~~(Y)~~(X) of this section so that 80739  
the estimated amount of moneys resulting from the fees will be 80740

approximately six hundred thousand dollars. Fees shall never be 80741  
increased to an amount exceeding the amount specified in 80742  
division ~~(Y)~~~~(7)~~(X) (7) of this section. 80743

Notwithstanding section 119.06 of the Revised Code, the 80744  
director may issue an order under division ~~(Y)~~~~(7)~~(X) (7) of this 80745  
section without the necessity to hold an adjudicatory hearing in 80746  
connection with the order. The issuance of an order under this 80747  
division is not an act or action for purposes of section 3745.04 80748  
of the Revised Code. 80749

(8) As used in division ~~(Y)~~(X) of this section: 80750

(a) "Sewage sludge facility" means an entity that performs 80751  
treatment on or is responsible for the disposal of sewage 80752  
sludge. 80753

(b) "Sewage sludge" means a solid, semi-solid, or liquid 80754  
residue generated during the treatment of domestic sewage in a 80755  
treatment works as defined in section 6111.01 of the Revised 80756  
Code. "Sewage sludge" includes, but is not limited to, scum or 80757  
solids removed in primary, secondary, or advanced wastewater 80758  
treatment processes. "Sewage sludge" does not include ash 80759  
generated during the firing of sewage sludge in a sewage sludge 80760  
incinerator, grit and screenings generated during preliminary 80761  
treatment of domestic sewage in a treatment works, animal 80762  
manure, residue generated during treatment of animal manure, or 80763  
domestic septage. 80764

(c) "Exceptional quality sludge" means sewage sludge that 80765  
meets all of the following qualifications: 80766

(i) Satisfies the class A pathogen standards in 40 C.F.R. 80767  
503.32(a); 80768

(ii) Satisfies one of the vector attraction reduction 80769

requirements in 40 C.F.R. 503.33(b) (1) to (b) (8); 80770

(iii) Does not exceed the ceiling concentration 80771  
limitations for metals listed in table one of 40 C.F.R. 503.13; 80772

(iv) Does not exceed the concentration limitations for 80773  
metals listed in table three of 40 C.F.R. 503.13. 80774

(d) "Treatment" means the preparation of sewage sludge for 80775  
final use or disposal and includes, but is not limited to, 80776  
thickening, stabilization, and dewatering of sewage sludge. 80777

(e) "Disposal" means the final use of sewage sludge, 80778  
including, but not limited to, land application, land 80779  
reclamation, surface disposal, or disposal in a landfill or an 80780  
incinerator. 80781

(f) "Land application" means the spraying or spreading of 80782  
sewage sludge onto the land surface, the injection of sewage 80783  
sludge below the land surface, or the incorporation of sewage 80784  
sludge into the soil for the purposes of conditioning the soil 80785  
or fertilizing crops or vegetation grown in the soil. 80786

(g) "Land reclamation" means the returning of disturbed 80787  
land to productive use. 80788

(h) "Surface disposal" means the placement of sludge on an 80789  
area of land for disposal, including, but not limited to, 80790  
monofills, surface impoundments, lagoons, waste piles, or 80791  
dedicated disposal sites. 80792

(i) "Incinerator" means an entity that disposes of sewage 80793  
sludge through the combustion of organic matter and inorganic 80794  
matter in sewage sludge by high temperatures in an enclosed 80795  
device. 80796

(j) "Incineration facility" includes all incinerators 80797

owned or operated by the same entity and located on a contiguous 80798  
tract of land. Areas of land are considered to be contiguous 80799  
even if they are separated by a public road or highway. 80800

(k) "Annual sludge fee" means the fee assessed under 80801  
division ~~(Y)~~~~(1)~~(X) (1) of this section. 80802

(l) "Landfill" means a sanitary landfill facility, as 80803  
defined in rules adopted under section 3734.02 of the Revised 80804  
Code, that is licensed under section 3734.05 of the Revised 80805  
Code. 80806

(m) "Preexisting land reclamation project" means a 80807  
property-specific land reclamation project that has been in 80808  
continuous operation for not less than five years pursuant to 80809  
approval of the activity by the director and includes the 80810  
implementation of a community outreach program concerning the 80811  
activity. 80812

**Sec. 3745.21.** (A) There is hereby created within the 80813  
environmental protection agency the Ohio environmental education 80814  
fund advisory council consisting of the directors of 80815  
environmental protection, natural resources, and education and 80816  
workforce, or their designees, as members ex officio, one member 80817  
of the house of representatives to be appointed by the speaker 80818  
of the house of representatives or the member's designee, ~~one~~ 80819  
~~member of the senate to be appointed by the president of the~~ 80820  
~~senate or the member's designee,~~ one member to be appointed by 80821  
the chancellor of higher education who shall have experience in 80822  
providing environmental education at the university or college 80823  
level, and six members to be appointed by the governor with the 80824  
advice and consent of the senate. Of the members appointed by 80825  
the governor, two shall be from statewide environmental advocacy 80826  
organizations, one shall represent the interests of the 80827

industrial community in this state, one shall represent the 80828  
interests of employers in this state with one hundred fifty or 80829  
fewer employees, one shall represent municipal corporations, and 80830  
one shall represent the interests of elementary and secondary 80831  
school teachers in this state. Within thirty days after October 80832  
1, 1990, the appointing authorities shall make their initial 80833  
appointments to the council. The initial appointment to the 80834  
council by the chancellor shall be for a term ending two years 80835  
after October 1, 1990. Of the initial appointments made to the 80836  
council by the governor, three shall be for a term ending one 80837  
year after October 1, 1990, and three shall be for a term ending 80838  
two years after October 1, 1990. Thereafter, the terms of office 80839  
of the members appointed by the chancellor and the governor 80840  
shall be for two years, with each term ending on the same day of 80841  
the same month as the term that it succeeds. Each member shall 80842  
hold office from the date of appointment until the end of the 80843  
term for which the member was appointed. Members may be 80844  
reappointed. Vacancies shall be filled in the manner provided 80845  
for original appointments. Any member appointed to fill a 80846  
vacancy occurring prior to the expiration date of the term for 80847  
which the member's predecessor was appointed shall hold office 80848  
as a member of the board of trustees for the remainder of that 80849  
term. A member of the council appointed by the chancellor or the 80850  
governor shall continue in office subsequent to the expiration 80851  
date of the member's term until the member's successor takes 80852  
office or until a period of sixty days has elapsed, whichever 80853  
occurs first. 80854

The council shall hold at least two regular, semiannual 80855  
meetings each year. Special meetings may be held at the behest 80856  
of the chairperson or a majority of the members. The director of 80857  
environmental protection shall serve as the chairperson of the 80858

council. The council annually shall select from among its 80859  
members a vice-chairperson and a secretary to keep a record of 80860  
its proceedings. A majority vote of the members of the council 80861  
is necessary to take action on any matter. 80862

Serving as a member of the council does not constitute 80863  
holding a public office or a position of employment under the 80864  
laws of this state and does not constitute grounds for the 80865  
removal of public officers or employees from their offices or 80866  
positions of employment. The chancellor may at any time remove a 80867  
member of the council appointed by the chancellor for 80868  
misfeasance, malfeasance, or nonfeasance in office. The governor 80869  
may at any time remove a member of the council appointed by the 80870  
governor for misfeasance, malfeasance, or nonfeasance in office. 80871

Members of the council appointed by the chancellor and the 80872  
governor shall serve without compensation. Members of the 80873  
council shall be reimbursed for their actual and necessary 80874  
expenses incurred in the performance of their duties as members 80875  
of the council from moneys credited to the environmental 80876  
education fund created in section 3745.22 of the Revised Code. 80877

(B) The council shall advise and assist the director of 80878  
environmental protection in the implementation and 80879  
administration of section 3745.22 of the Revised Code and shall 80880  
review and comment on all expenditures from the fund proposed by 80881  
the director. 80882

(C) The council may adopt bylaws for the regulation and 80883  
conduct of the council's affairs and may propose to the director 80884  
of environmental protection expenditures from the fund. 80885

**Sec. 3748.13.** (A) The director of health shall inspect 80886  
sources of radiation for which licensure or registration by the 80887

handler is required, and the sources' shielding and 80888  
surroundings, according to the schedule established in rules 80889  
adopted under division (D) of section 3748.04 of the Revised 80890  
Code. In accordance with rules adopted under section 3748.04 of 80891  
the Revised Code, the director shall inspect all records and 80892  
operating procedures of handlers that install or service sources 80893  
of radiation and all sources of radiation for which licensure of 80894  
radioactive material or registration of radiation-generating 80895  
equipment by the handler is required. The director may make 80896  
other inspections upon receiving complaints or other evidence of 80897  
a violation of this chapter or rules adopted under it. 80898

The director shall require any hospital registered under 80899  
division (A) of section 3701.07 of the Revised Code to develop 80900  
and maintain a quality assurance program for all sources of 80901  
radiation-generating equipment. A certified radiation expert 80902  
shall conduct oversight and maintenance of the program and shall 80903  
file a report of audits of the program with the director on 80904  
forms prescribed by the director. The audit reports shall become 80905  
part of the inspection record. 80906

(B) (1) Except as provided in division (B) (2) of this 80907  
section, a facility shall pay inspection fees for radioactive 80908  
material and radiation-generating equipment according to the 80909  
schedule and categories established in rules adopted under 80910  
division (A) (9) of section 3748.04 of the Revised Code. 80911

(2) A facility that is, or is operated by, a medical 80912  
practitioner or medical-practitioner group shall pay inspection 80913  
fees for radiation-generating equipment according to the 80914  
following schedule and categories: 80915  
80916

A	First dental x-ray tube	\$155.00
		<u>\$310.00</u>
B	Each additional dental x-ray tube at the same location	\$77.00
		<u>\$154.00</u>
C	First medical x-ray tube	\$307.00
		<u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	\$163.00
		<u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$610.00
		<u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	\$307.00
		<u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	\$163.00
		<u>\$326.00</u>

(C) (1) Except as provided in division (C) (2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is four hundred seventy-four dollars plus the applicable fee specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.	80917 80918 80919 80920 80921 80922 80923 80924
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(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred seventy-four dollars plus the fee applicable under the schedule in division (B) (2) of this section.

(D) (1) Except as provided in division (D) (2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the applicable fee under the schedule in division (B) (2) of this section.

(E) The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary.

(1) Except as provided in division (E) (2) of this section, the fee for the review is the applicable amount specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical

practitioner or medical-practitioner group and handles or 80954  
proposes to handle radiation-generating equipment, the fee for 80955  
the review is seven hundred sixty-two dollars for each room 80956  
where a source of radiation is used and is in addition to any 80957  
other fee applicable under the schedule in division (B) (2) of 80958  
this section. 80959

(F) All fees shall be paid to the department of health no 80960  
later than thirty days after the invoice for the fee is mailed. 80961  
Fees shall be deposited in the general operations fund created 80962  
in section 3701.83 of the Revised Code. The fees shall be used 80963  
solely to administer and enforce this chapter and rules adopted 80964  
under it. 80965

(G) Any fee required under this section that remains 80966  
unpaid on the ninety-first day after the original invoice date 80967  
shall be assessed an additional amount equal to ten per cent of 80968  
the original fee. 80969

(H) If the director determines that a board of health of a 80970  
city or general health district is qualified to conduct 80971  
inspections of radiation-generating equipment, the director may 80972  
delegate to the board, by contract, the authority to conduct 80973  
such inspections. In making a determination of the 80974  
qualifications of a board of health to conduct those 80975  
inspections, the director shall evaluate the credentials of the 80976  
individuals who are to conduct the inspections of radiation- 80977  
generating equipment and the radiation detection and measuring 80978  
equipment available to them for that purpose. If a contract is 80979  
entered into, the board shall have the same authority to make 80980  
inspections of radiation-generating equipment as the director 80981  
has under this chapter and rules adopted under it. The contract 80982  
shall stipulate that only individuals approved by the director 80983

as qualified shall be permitted to inspect radiation-generating 80984  
equipment under the contract's provisions. The contract shall 80985  
provide for such compensation for services as is agreed to by 80986  
the director and the board of health of the contracting health 80987  
district. The director may reevaluate the credentials of the 80988  
inspection personnel and their radiation detecting and measuring 80989  
equipment as often as the director considers necessary and may 80990  
terminate any contract with the board of health of any health 80991  
district that, in the director's opinion, is not satisfactorily 80992  
performing the terms of the contract. 80993

(I) The director may enter at all reasonable times upon 80994  
any public or private property to determine compliance with this 80995  
chapter and rules adopted under it. 80996

**Sec. 3750.02.** (A) There is hereby created the emergency 80997  
response commission consisting of the directors of environmental 80998  
protection ~~and, health, and administrative services,~~ the 80999  
chairperson of the public utilities commission, the fire 81000  
marshal, the director of public safety, the director of 81001  
transportation, the director of natural resources, the 81002  
superintendent of the highway patrol, and the attorney general 81003  
as members ex officio, or their designees; notwithstanding 81004  
section 101.26 of the Revised Code, ~~the chairpersons of the~~ 81005  
~~respective standing committees of the senate and house of~~ 81006  
~~representatives that are primarily responsible for considering~~ 81007  
~~environmental issues~~ a member of the house of representatives 81008  
appointed by the speaker of the house of representatives and a 81009  
member of the senate appointed by the president of the senate, 81010  
who may participate fully in all the commission's deliberations 81011  
and activities, except that they shall serve as nonvoting 81012  
members; and ten members to be appointed by the governor with 81013  
the advice and consent of the senate. The appointed members, to 81014

the extent practicable, shall have technical expertise in the 81015  
field of emergency response. Of the appointed members, two shall 81016  
represent environmental advocacy organizations, one shall 81017  
represent the interests of petroleum refiners or marketers or 81018  
chemical manufacturers, one shall represent the interests of 81019  
another industry subject to this chapter, one shall represent 81020  
the interests of municipal corporations, one shall represent the 81021  
interests of counties, one shall represent the interests of 81022  
chiefs of fire departments, one shall represent the interests of 81023  
professional firefighters, one shall represent the interests of 81024  
volunteer firefighters, and one shall represent the interests of 81025  
local emergency management agencies. 81026

An appointed member of the commission also may serve as a 81027  
member of the local emergency planning committee of an emergency 81028  
planning district. An appointed member of the commission who is 81029  
also a member of a local emergency planning committee shall not 81030  
participate as a member of the commission in the appointment of 81031  
members of the local emergency planning committee of which the 81032  
member is a member, in the review of the chemical emergency 81033  
response and preparedness plan submitted by the local emergency 81034  
planning committee of which the member is a member, in any vote 81035  
to approve a grant to the member's district, or in any vote of 81036  
the commission on any motion or resolution pertaining 81037  
specifically to the member's district or the local emergency 81038  
planning committee on which the member serves. A commission 81039  
member who is also a member of a local emergency planning 81040  
committee shall not lobby or otherwise act as an advocate for 81041  
the member's district to other members of the commission to 81042  
obtain from the commission anything of value for the member's 81043  
district or the local emergency planning committee of which the 81044  
member is a member. A member of the commission who is also a 81045

member of a local emergency planning committee may vote on 81046  
resolutions of the commission that apply uniformly to all local 81047  
emergency planning committees and districts in the state and do 81048  
not provide a grant or other pecuniary benefit to the member's 81049  
district or the committee of which the member is a member. 81050

The governor shall make the initial appointments to the 81051  
commission within thirty days after December 14, 1988. Of the 81052  
initial appointments to the commission, five shall be for a term 81053  
of two years and five shall be for a term of one year. 81054  
Thereafter, terms of office of the appointed members of the 81055  
commission shall be for two years, with each term ending on the 81056  
same day of the same month as did the term that it succeeds. 81057  
Each member shall hold office from the date of appointment until 81058  
the end of the term for which the member was appointed. Members 81059  
may be reappointed. Vacancies shall be filled in the manner 81060  
provided for original appointments. Any member appointed to fill 81061  
a vacancy occurring prior to the expiration of the term for 81062  
which the member's predecessor was appointed shall hold office 81063  
for the remainder of that term. A member shall continue in 81064  
office subsequent to the expiration date of the member's term 81065  
until the member's successor takes office or until a period of 81066  
sixty days has elapsed, whichever occurs first. The commission 81067  
may at any time by a vote of two-thirds of all the members 81068  
remove any appointed member of the commission for misfeasance, 81069  
nonfeasance, or malfeasance. Members of the commission shall 81070  
serve without compensation, but shall be reimbursed for the 81071  
reasonable expenses incurred by them in the discharge of their 81072  
duties as members of the commission. 81073

The commission shall meet at least annually and shall hold 81074  
such additional meetings as are necessary to implement and 81075  
administer this chapter. Additional meetings may be held at the 81076

behest of either a co-chairperson or a majority of the members. 81077  
The commission shall, by adoption of internal management rules 81078  
under division (B) (9) of this section, establish an executive 81079  
committee and delegate to it the performance of such of the 81080  
commission's duties and powers under this chapter as are 81081  
required or authorized to be so delegated by that division. The 81082  
commission may organize itself into such additional committees 81083  
as it considers necessary or convenient to implement and 81084  
administer this chapter. The director of environmental 81085  
protection and the director of public safety or their designees 81086  
shall serve as co-chairpersons of the commission and the 81087  
executive committee. Except as otherwise provided in this 81088  
chapter, a majority of the voting members of the commission 81089  
constitutes a quorum and the affirmative vote of a majority of 81090  
the voting members of the commission is necessary for any action 81091  
taken by the commission. Meetings of the executive committee 81092  
conducted for the purpose of determining whether to issue an 81093  
enforcement order or request that a civil action, civil penalty 81094  
action, or criminal action be brought to enforce this chapter or 81095  
rules adopted or orders issued under it are not subject to 81096  
section 121.22 of the Revised Code pursuant to division (D) of 81097  
that section. 81098

Except for the purposes of Chapters 102. and 2921. and 81099  
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 81100  
as an appointed member of the commission does not constitute 81101  
holding a public office or position of employment under the laws 81102  
of this state and does not constitute grounds for removal of 81103  
public officers or employees from their offices or positions of 81104  
employment. 81105

(B) The commission shall: 81106

(1) Adopt rules in accordance with Chapter 119. of the Revised Code that are consistent with and equivalent in scope, content, and coverage to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and establishing a threshold planning quantity for each such substance. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold planning quantities based upon classes of those substances or categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold quantities for those chemicals, establishing categories of health and physical hazards of those chemicals, establishing criteria or procedures for identifying those chemicals and the appropriate hazard categories of those chemicals, and establishing ranges of quantities for those chemicals to be used in preparing emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code. To the extent consistent with that act and applicable regulations adopted under it, the rules may establish threshold quantities based upon classes of those chemicals or categories of facilities where those chemicals are present.

To the extent consistent with that act, the threshold quantities for purposes of the submission of lists of hazardous chemicals under section 3750.07 and the submission of emergency and hazardous chemical inventory forms under section 3750.08 of the Revised Code may differ.

(c) Identifying or listing hazardous substances and establishing reportable quantities of each of those substances

and each extremely hazardous substance. In addition to being 81137  
consistent with and equivalent in scope, content, and coverage 81138  
to that act and applicable regulations adopted under it, the 81139  
rules shall be consistent with and equivalent in scope, content, 81140  
and coverage to regulations identifying or listing hazardous 81141  
substances and reportable quantities of those substances adopted 81142  
under the "Comprehensive Environmental Response, Compensation, 81143  
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 81144  
amended. 81145

(d) Prescribing the information to be included in the 81146  
lists of hazardous chemicals required to be submitted under 81147  
section 3750.07 of the Revised Code; 81148

(e) Prescribing the information to be included in the 81149  
emergency and hazardous chemical inventory forms required to be 81150  
submitted under section 3750.08 of the Revised Code. If the 81151  
commission establishes its own emergency and hazardous chemical 81152  
inventory form, the rules shall authorize owners and operators 81153  
of facilities who also have one or more facilities located 81154  
outside the state for which they are required to submit 81155  
inventory forms under the federal act and regulations adopted 81156  
under it to submit their annual inventories on forms prescribed 81157  
by the administrator of the United States environmental 81158  
protection agency under that act instead of on forms prescribed 81159  
by the commission and shall require those owners or operators to 81160  
submit any additional information required by the commission's 81161  
inventory form on an attachment to the federal form. 81162

(f) Establishing procedures for giving verbal notice of 81163  
releases under section 3750.06 of the Revised Code and 81164  
prescribing the information to be provided in such a notice and 81165  
in the follow-up written notice required by that section; 81166

(g) Establishing standards for determining valid needs for the release of tier II information under division (B) (4) of section 3750.10 of the Revised Code;	81167 81168 81169
(h) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;	81170 81171 81172
(i) Establishing criteria and procedures to protect trade secret and confidential business information from unauthorized disclosure;	81173 81174 81175
(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter.	81176 81177 81178
(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. Rules adopted under division (B) (2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall:	81179 81180 81181 81182 81183 81184 81185
(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code;	81186 81187 81188 81189
(b) Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall include,	81190 81191 81192 81193 81194 81195

without limitation, the requirement that each exercise of a 81196  
committee's plan involve, in addition to local emergency 81197  
response and medical personnel, either a facility that is 81198  
subject to the plan or a transporter of materials that are 81199  
identified or listed as hazardous materials by regulations 81200  
adopted under the "Hazardous Materials Transportation Act," 88 81201  
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 81202

(c) Establish policies and procedures for maintaining 81203  
information submitted to the commission and local emergency 81204  
planning committees under this chapter, and for receiving and 81205  
fulfilling requests from the public for access to review and to 81206  
obtain copies of that information. The criteria and procedures 81207  
shall include the following requirements and authorizations 81208  
regarding that information and access to it: 81209

(i) Information that is protected as trade secret 81210  
information or confidential business information under this 81211  
chapter and rules adopted under it shall be kept in files that 81212  
are separate from those containing information that is not so 81213  
protected. 81214

(ii) The original copies of information submitted to the 81215  
commission or committee shall not be removed from the custody 81216  
and control of the commission or committee. 81217

(iii) A person who, either in person or by mail, requests 81218  
to obtain a copy of a material safety data sheet submitted under 81219  
this chapter by a facility owner or operator shall submit a 81220  
separate application for each facility for which a material 81221  
safety data sheet is being requested. 81222

(iv) A person who requests to receive by mail a copy of 81223  
information submitted under this chapter by a facility owner or 81224

operator shall submit a separate application for each facility 81225  
for which information is being requested and shall specify both 81226  
the facility for which information is being requested and the 81227  
particular types of documents requested. 81228

(v) Only employees of the commission or committee shall 81229  
copy information in the files of the commission or committee. 81230

(vi) The commission or committee may require any person 81231  
who requests to review or obtain a copy of information in its 81232  
files to schedule an appointment for that purpose with the 81233  
information coordinator of the commission or committee at least 81234  
twenty-four hours before arriving at the office of the 81235  
commission or committee for the review or copy. 81236

(vii) Any person who seeks access to information in the 81237  
files of the commission or a local emergency planning committee 81238  
shall submit a written application, either in person or by mail, 81239  
to the information coordinator on a form provided by the 81240  
commission or committee. The person also shall provide the 81241  
person's name and current mailing address on the application and 81242  
may be requested by the commission or committee to provide basic 81243  
demographic information on the form to assist in the evaluation 81244  
of the information access provisions of this chapter and rules 81245  
adopted under it. Application forms may be obtained by mail or 81246  
in person or by request by telephone at the office of the 81247  
commission or committee during regular business hours. Upon 81248  
receipt of a request for an application by telephone or mail, 81249  
the information coordinator shall promptly mail an application 81250  
to the person who requested it. 81251

(viii) The application form shall provide the applicant 81252  
with a means of indicating that the applicant's name and address 81253  
are to be kept confidential. If the applicant so indicates, that 81254

information is not a public record under section 149.43 of the Revised Code and shall not be disclosed to any person who is not a member or employee of the commission or committee or an employee of the environmental protection agency. When a name and address are to be kept confidential, they also shall be deleted from the copy of the application required to be placed in the file of the facility under division (B)(2)(c)(xii) of this section and shall be withheld from any log of information requests kept by the commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning committee shall charge any fee for access to review information in its files when no copies or computer searches of that information are requested.

(x) An applicant shall be informed of the cost of copying, mailing, or conducting a computer search of information on file with the commission or committee before such a copy or search is made, and the commission or committee shall collect the appropriate fees as established under section 3750.13 of the Revised Code. Each applicant shall acknowledge on the application form that the applicant is aware that the applicant will be charged for copies and computer searches of that information the applicant requests and for the costs of mailing copies of the information to the applicant.

(xi) The commission or committee may require a person requesting copies of information on file with it to take delivery of them in the office of the commission or committee whenever it considers the volume of the information to be large enough to make mailing or delivery by a parcel or package delivery service impractical.

(xii) When the commission or committee receives a request 81285  
for access to review or obtain copies of information in its 81286  
files, it shall not routinely notify the owner or operator of 81287  
the facility involved, but instead shall either keep a log or 81288  
file of requests for the information or shall place a copy of 81289  
each completed application form in the file for the facility to 81290  
which the application pertains. Such a log or file shall be 81291  
available for review by the public and by the owners and 81292  
operators of facilities required to submit information to the 81293  
commission or committee under this chapter and rules adopted 81294  
under it. 81295

(d) Require that claims for the protection, as a trade 81296  
secret, of information obtained under this chapter regarding 81297  
extremely hazardous substances identified or listed in rules 81298  
adopted under division (B) (1) (a) of this section and hazardous 81299  
chemicals identified or listed in rules adopted under division 81300  
(B) (1) (b) of this section be submitted to the administrator of 81301  
the United States environmental protection agency for 81302  
determination under section 322 of the the "Emergency Planning 81303  
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 81304  
U.S.C.A. 11042, and regulations adopted under that section; 81305

(e) Establish criteria and procedures for the issuance of 81306  
variances under divisions (B) and (C) of section 3750.11 of the 81307  
Revised Code. The rules shall require that, before approval of 81308  
an application for a variance, the commission or committee find 81309  
by a preponderance of the scientific evidence based upon 81310  
generally accepted scientific principles or laboratory tests 81311  
that the extremely hazardous substances, hazardous chemicals, or 81312  
hazardous substances that would be subject to the reporting 81313  
requirement pose a substantial risk of catastrophic injury to 81314  
public health or safety or to the environment, or pose an 81315

extraordinary risk of injury to emergency management personnel 81316  
responding to a release of the chemicals or substances, when the 81317  
substances or chemicals are present at a facility in an amount 81318  
equal to or exceeding the quantity for which reporting would be 81319  
required under the reporting requirement for which the variance 81320  
is sought. The rules shall also require that before approval of 81321  
an application for a variance, the commission or committee find 81322  
by a preponderance of the evidence that the development and 81323  
implementation of a local emergency response plan for releases 81324  
of the substances or chemicals covered by the reporting 81325  
requirement will reduce the risk of catastrophic injury to 81326  
public health or safety or to the environment, or will reduce 81327  
the extraordinary risk of injury to responding emergency 81328  
management personnel, in the event of a release of the 81329  
substances or chemicals and find by a preponderance of the 81330  
evidence that the reporting requirement is necessary for the 81331  
development of such a local emergency response plan. The rules 81332  
shall require that when determining whether the substances or 81333  
chemicals that would be subject to the reporting requirement 81334  
pose a substantial risk of catastrophic injury to public health 81335  
or safety or to the environment, or pose an extraordinary risk 81336  
of injury to emergency management personnel responding to a 81337  
release of the substance or chemical, the commission or 81338  
committee consider all of the following factors: 81339

(i) The specific characteristics and degree and nature of 81340  
the hazards posed by a release of the extremely hazardous 81341  
substances, hazardous chemicals, or hazardous substances; 81342

(ii) The proximity of the facilities that would be subject 81343  
to the reporting requirement to residential areas, to areas 81344  
where significantly large numbers of people are employed or 81345  
otherwise congregate, and to environmental resources that are 81346

subject to injury; 81347

(iii) The quantities of the extremely hazardous 81348  
substances, hazardous chemicals, or hazardous substances that 81349  
are routinely present at facilities that would be subject to the 81350  
reporting requirement; 81351

(iv) The frequency with which the extremely hazardous 81352  
substances, hazardous chemicals, or hazardous substances are 81353  
present at the facilities that would be subject to the reporting 81354  
requirement in quantities for which reporting would be required 81355  
thereunder. 81356

(f) Establish criteria and procedures for the issuance of 81357  
orders under division (D) of section 3750.11 of the Revised Code 81358  
requiring the placement of emergency response lock box units. 81359  
The rules shall require that before approval of an application 81360  
for issuance of such an order, the commission or committee find 81361  
by a preponderance of the scientific evidence based upon 81362  
generally accepted scientific principles or laboratory tests 81363  
that the presence of the extremely hazardous substances, 81364  
hazardous chemicals, or hazardous substances in the quantities 81365  
in which they are routinely or intermittently present at the 81366  
facility for which the order is sought pose a substantial risk 81367  
of catastrophic injury to public health or safety or to the 81368  
environment, or pose an extraordinary risk of injury to 81369  
responding emergency management personnel, in the event of a 81370  
release of any of those substances or chemicals from the 81371  
facility. The rules shall require that before approval of an 81372  
application for issuance of such an order, the commission or 81373  
committee also find by a preponderance of the evidence that the 81374  
placement of an emergency response lock box unit at the facility 81375  
is necessary to protect against the substantial risk of 81376

catastrophic injury to public health or safety or the 81377  
environment, or to protect against an extraordinary risk of 81378  
injury to responding emergency management personnel, in the 81379  
event of a release of any of the extremely hazardous substances, 81380  
hazardous chemicals, or hazardous substances routinely or 81381  
intermittently present at the facility. The rules shall require 81382  
that when determining whether the extremely hazardous 81383  
substances, hazardous chemicals, or hazardous substances present 81384  
at the facility pose a substantial risk of catastrophic injury 81385  
to public health or safety or to the environment, or pose an 81386  
extraordinary risk of injury to responding emergency management 81387  
personnel, in the event of a release of any of those substances 81388  
or chemicals from the facility, the commission or committee 81389  
consider all of the following factors: 81390

(i) The specific characteristics and the degree and nature 81391  
of the hazards posed by a release of the extremely hazardous 81392  
substances, hazardous chemicals, or hazardous substances present 81393  
at the facility; 81394

(ii) The proximity of the facility to residential areas, 81395  
to areas where significantly large numbers of people are 81396  
employed or otherwise congregate, and to environmental resources 81397  
that are subject to injury; 81398

(iii) The quantities of the extremely hazardous 81399  
substances, hazardous chemicals, or hazardous substances that 81400  
are routinely present at the facility; 81401

(iv) The frequency with which the extremely hazardous 81402  
substances, hazardous chemicals, or hazardous substances are 81403  
present at the facility. 81404

(g) Establish procedures to be followed by the commission 81405

and the executive committee of the commission for the issuance 81406  
of orders under this chapter. 81407

(3) In accordance with Chapter 119. of the Revised Code 81408  
adopt rules establishing reportable quantities for releases of 81409  
oil that are consistent with and equivalent in scope, content, 81410  
and coverage to section 311 of the "Federal Water Pollution 81411  
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 81412  
as amended, and applicable regulations adopted under it; 81413

(4) Adopt rules in accordance with Chapter 119. of the 81414  
Revised Code establishing criteria and procedures for 81415  
identifying or listing extremely hazardous substances in 81416  
addition to those identified or listed in rules adopted under 81417  
division (B)(1)(a) of this section and for establishing 81418  
threshold planning quantities and reportable quantities for the 81419  
added extremely hazardous substances; for identifying or listing 81420  
hazardous chemicals in addition to those identified or listed in 81421  
rules adopted under division (B)(1)(b) of this section and for 81422  
establishing threshold quantities and categories of health and 81423  
physical hazards for the added hazardous chemicals; and for 81424  
identifying or listing hazardous substances in addition to those 81425  
identified or listed in rules adopted under division (B)(1)(c) 81426  
of this section and for establishing reportable quantities for 81427  
the added hazardous substances. The criteria for identifying or 81428  
listing additional extremely hazardous substances and 81429  
establishing threshold planning quantities and reportable 81430  
quantities therefor and for identifying or listing additional 81431  
hazardous chemicals and establishing threshold quantities and 81432  
categories of health and physical hazards for the added 81433  
hazardous chemicals shall be consistent with and equivalent to 81434  
applicable criteria therefor under the "Emergency Planning and 81435  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 81436

U.S.C.A. 11001, and regulations adopted under it. The criteria 81437  
for identifying additional hazardous substances and for 81438  
establishing reportable quantities of the added hazardous 81439  
substances shall be consistent with and equivalent to the 81440  
applicable criteria for identifying or listing hazardous 81441  
substances and establishing reportable quantities therefor under 81442  
the "Comprehensive Environmental Response, Compensation, and 81443  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 81444  
amended, and regulations adopted under it. 81445

The rules shall require that, before identifying or 81446  
listing any such additional extremely hazardous substance, 81447  
hazardous chemical, or hazardous substance and establishing a 81448  
threshold planning quantity, threshold quantity, or reportable 81449  
quantity therefor, the commission find by a preponderance of the 81450  
scientific evidence based on generally accepted scientific 81451  
principles or laboratory tests that the substance or chemical 81452  
poses a substantial risk of catastrophic injury to public health 81453  
or safety or to the environment, or poses an extraordinary risk 81454  
of injury to emergency management personnel responding to a 81455  
release of the chemical or substance, when the chemical or 81456  
substance is present at a facility in an amount equal to the 81457  
proposed threshold planning quantity or threshold quantity or, 81458  
in the instance of a proposed additional extremely hazardous 81459  
substance or hazardous substance, poses a substantial risk of 81460  
catastrophic injury to public health or safety or to the 81461  
environment if a release of the proposed reportable quantity of 81462  
the substance occurs. The rules shall further require that, 81463  
before so identifying or listing a substance or chemical, the 81464  
commission find by a preponderance of the evidence that the 81465  
development and implementation of state or local emergency 81466  
response plans for releases of the substance or chemical will 81467

reduce the risk of a catastrophic injury to public health or 81468  
safety or to the environment, or will reduce the extraordinary 81469  
risk of injury to responding emergency response personnel, in 81470  
the event of a release of the substance or chemical and find by 81471  
a preponderance of the evidence that the identification or 81472  
listing of the substance or chemical is necessary for the 81473  
development of state or local emergency response plans for 81474  
releases of the substance or chemical. The rules shall require 81475  
that the commission consider the toxicity of the substance or 81476  
chemical in terms of both the short-term and long-term health 81477  
effects resulting from exposure to it and its reactivity, 81478  
volatility, dispersibility, combustibility, and flammability 81479  
when determining the risks posed by a release of the substance 81480  
or chemical and, as appropriate, when establishing a threshold 81481  
planning quantity, threshold quantity, reportable quantity, or 81482  
category of health or physical hazard for it. 81483

(5) Adopt rules in accordance with Chapter 119. of the 81484  
Revised Code establishing criteria and procedures for receiving 81485  
and deciding claims for protection of information as a trade 81486  
secret that are applicable only to extremely hazardous 81487  
substances and hazardous chemicals identified or listed in rules 81488  
adopted under division (C) (5) of this section. The rules shall 81489  
be equivalent in scope, content, and coverage to section 322 of 81490  
the "Emergency Planning and Community Right-To-Know Act of 81491  
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 81492  
adopted under it. 81493

(6) (a) After consultation with the fire marshal, adopt 81494  
rules in accordance with Chapter 119. of the Revised Code 81495  
establishing standards for the construction, placement, and use 81496  
of emergency response lock box units at facilities that are 81497  
subject to this chapter. The rules shall establish all of the 81498

following: 81499

(i) Specific standards of construction for lock box units; 81500

(ii) The specific types of information that shall be 81501  
placed in the lock box units required to be placed at a facility 81502  
by an order issued under division (D) of section 3750.11 of the 81503  
Revised Code, which shall include the location of on-site 81504  
emergency fire-fighting and spill cleanup equipment; a diagram 81505  
of the public and private water supply and sewage systems 81506  
serving the facility that are known to the owner or operator of 81507  
the facility; a copy of the emergency and hazardous chemical 81508  
inventory form for the facility most recently required to be 81509  
submitted under section 3750.08 of the Revised Code from which 81510  
the owner or operator may withhold information claimed or 81511  
determined to be trade secret information pursuant to rules 81512  
adopted under division (B) (2) (d) of this section, or pursuant to 81513  
division (B) (14) of this section and rules adopted under 81514  
division (B) (5) of this section, and confidential business 81515  
information identified in rules adopted under division (B) (1) (h) 81516  
of this section; a copy of the local fire department's and 81517  
facility's emergency management plans for the facility, if any; 81518  
a current list of the names, positions, addresses, and telephone 81519  
numbers of all key facility personnel knowledgeable in facility 81520  
safety procedures and the locations at the facility where 81521  
extremely hazardous substances, hazardous chemicals, and 81522  
hazardous substances are produced, used, or stored. The rules 81523  
shall stipulate that, in the instance of lock box units placed 81524  
voluntarily at facilities by the owners or operators of the 81525  
facilities, such information shall be maintained in them as is 81526  
prescribed by agreement by the owner or operator and the fire 81527  
department having jurisdiction over the facility. 81528

(iii) The conditions that shall be met in order to provide 81529  
safe and expedient access to a lock box unit during a release or 81530  
threatened release of an extremely hazardous substance, 81531  
hazardous chemical, or hazardous substance. 81532

(b) Unless the owner or operator of a facility is issued 81533  
an order under division (D) of section 3750.11 of the Revised 81534  
Code requiring the owner or operator to place a lock box unit at 81535  
the facility, the owner or operator may place a lock box unit at 81536  
the facility at the owner's or operator's discretion. If the 81537  
owner or operator chooses to place a lock box unit at the 81538  
facility, the responsibility to deposit information in the lock 81539  
box unit is in addition to any other obligations established in 81540  
this chapter. 81541

(c) Any costs associated with the purchase, construction, 81542  
or placement of a lock box unit shall be paid by the owner or 81543  
operator of the facility. 81544

(7) In accordance with Chapter 119. of the Revised Code, 81545  
adopt rules governing the application for and awarding of grants 81546  
under division (C) of section 3750.14 and division (B) of 81547  
section 3750.15 of the Revised Code; 81548

(8) Adopt rules in accordance with Chapter 119. of the 81549  
Revised Code establishing reasonable maximum fees that may be 81550  
charged by the commission and local emergency planning 81551  
committees for copying information in the commission's or 81552  
committee's files to fulfill requests from the public for that 81553  
information; 81554

(9) Adopt internal management rules governing the 81555  
operations of the commission. The internal management rules 81556  
shall establish an executive committee of the commission 81557

consisting of the director of environmental protection or the 81558  
director's designee, the director of public safety or the 81559  
director's designee, the attorney general or the attorney 81560  
general's designee, one of the appointed members of the 81561  
commission representing industries subject to this chapter to be 81562  
appointed by the commission, one of the appointed members of the 81563  
commission representing the interests of environmental advocacy 81564  
organizations to be appointed by the commission, and one other 81565  
appointed member or member ex officio of the commission to be 81566  
appointed by the commission. The executive committee has 81567  
exclusive authority to issue enforcement orders under section 81568  
3750.18 of the Revised Code and to request the attorney general 81569  
to bring a civil action, civil penalty action, or criminal 81570  
action under section 3750.20 of the Revised Code in the name of 81571  
the commission regarding violations of this chapter, rules 81572  
adopted under it, or orders issued under it. The internal 81573  
management rules may set forth the other specific powers and 81574  
duties of the commission that the executive committee may 81575  
exercise and carry out and the conditions under which the 81576  
executive committee may do so. The internal management rules 81577  
shall not authorize the executive committee to issue variances 81578  
under division (B) or (C) of section 3750.11 of the Revised Code 81579  
or orders under division (D) of that section. 81580

(10) Oversee and coordinate the implementation and 81581  
enforcement of this chapter and make such recommendations to the 81582  
director of environmental protection and the director of public 81583  
safety as it considers necessary or appropriate to improve the 81584  
implementation and enforcement of this chapter; 81585

(11) Make allocations of moneys under division (B) of 81586  
section 3750.14 of the Revised Code and make grants under 81587  
division (C) of section 3750.14 and division (B) of section 81588

3750.15 of the Revised Code; 81589

(12) Designate an officer of the environmental protection 81590  
agency to serve as the commission's information coordinator 81591  
under this chapter; 81592

(13) Not later than December 14, 1989, develop and 81593  
distribute a state emergency response plan that defines the 81594  
emergency response roles and responsibilities of the state 81595  
agencies that are represented on the commission and that 81596  
provides appropriate coordination with the national contingency 81597  
plan and the regional contingency plan required by section 105 81598  
of the "Comprehensive Environmental Response, Compensation, and 81599  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 81600  
amended. The plan shall ensure a well-coordinated response by 81601  
state agencies that may be involved in assisting local emergency 81602  
responders during a major release of oil or a major sudden and 81603  
accidental release of a hazardous substance or extremely 81604  
hazardous substance. The plan may incorporate existing state 81605  
emergency response plans by reference. At least annually, the 81606  
commission and the state agencies that are represented on it 81607  
shall jointly exercise the state plan in conjunction with the 81608  
exercise of a local emergency response plan by a local emergency 81609  
planning committee under section 3750.04 of the Revised Code. 81610  
After any such exercise, the commission shall review the state 81611  
plan and make such revisions in it as the commission considers 81612  
necessary or appropriate. 81613

(14) Receive and decide claims for the protection of 81614  
information as a trade secret that pertain only to extremely 81615  
hazardous substances and hazardous chemicals identified or 81616  
listed by rules adopted under division (C)(5) of this section. 81617  
If the commission determines that the claim meets the criteria 81618

established in rules adopted under division (B) (5) of this 81619  
section, it shall issue an order to that effect in accordance 81620  
with section 3750.18 of the Revised Code. If the commission 81621  
determines that the claim does not meet the criteria established 81622  
in those rules, it shall issue an order to that effect in 81623  
accordance with section 3750.18 of the Revised Code. 81624

(15) Annually compile, make available to the public, and 81625  
submit to the president of the senate and the speaker of the 81626  
house of representatives a summary report on the number of 81627  
facilities estimated to be subject to regulation under sections 81628  
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 81629  
facilities reporting to the commission, an estimate of the 81630  
percentage of facilities in compliance with those sections, and 81631  
recommendations regarding the types of activities the commission 81632  
considers necessary to improve such compliance. The commission 81633  
shall base its estimate of the number of facilities that are 81634  
subject to regulation under those sections on the current 81635  
estimates provided by the local emergency planning committees 81636  
under division (D) (6) of section 3750.03 of the Revised Code. 81637

(C) The commission may: 81638

(1) Procure by contract the temporary or intermittent 81639  
services of experts or consultants when those services are to be 81640  
performed on a part-time or fee-for-service basis and do not 81641  
involve the performance of administrative duties; 81642

(2) Enter into contracts or agreements with political 81643  
subdivisions or emergency planning districts for the purposes of 81644  
this chapter; 81645

(3) Accept on behalf of the state any gift, grant, or 81646  
contribution from any governmental or private source for the 81647

purposes of this chapter; 81648

(4) Enter into contracts, agreements, or memoranda of 81649  
understanding with any state department, agency, board, 81650  
commission, or institution to obtain the services of personnel 81651  
thereof or utilize resources thereof for the purposes of this 81652  
chapter. Employees of a state department, agency, board, 81653  
commission, or institution providing services to the commission 81654  
under any such contract, agreement, or memorandum shall perform 81655  
only those functions and provide only the services provided for 81656  
in the contract, agreement, or memorandum. 81657

(5) Identify or list extremely hazardous substances in 81658  
addition to those identified or listed in rules adopted under 81659  
division (B)(1)(a) of this section and establish threshold 81660  
planning quantities and reportable quantities for the additional 81661  
extremely hazardous substances, identify or list hazardous 81662  
chemicals in addition to those identified or listed in rules 81663  
adopted under division (B)(1)(b) of this section and establish 81664  
threshold quantities and categories or health and physical 81665  
hazards for the added chemicals, and identify or list hazardous 81666  
substances in addition to those identified or listed in rules 81667  
adopted under division (B)(1)(c) of this section and establish 81668  
reportable quantities for the added hazardous substances. The 81669  
commission may establish threshold planning quantities for the 81670  
additional extremely hazardous substances based upon classes of 81671  
those substances or categories of facilities at which they are 81672  
present and may establish threshold quantities for the 81673  
additional hazardous chemicals based upon classes of those 81674  
chemicals or categories of facilities where they are present. 81675  
The commission shall identify or list such additional substances 81676  
or chemicals and establish threshold planning quantities, 81677  
threshold quantities, reportable quantities, and hazard 81678

categories therefor in accordance with the criteria and 81679  
procedures established in rules adopted under division (B) (4) of 81680  
this section and, after compliance with those criteria and 81681  
procedures, by the adoption of rules in accordance with Chapter 81682  
119. of the Revised Code. The commission shall not adopt rules 81683  
under division (C) (5) of this section modifying any threshold 81684  
planning quantity established in rules adopted under division 81685  
(B) (1) (a) of this section, any threshold quantity established in 81686  
rules adopted under division (B) (1) (b) of this section, or any 81687  
reportable quantity established in rules adopted under division 81688  
(B) (1) (c) of this section. 81689

If, after the commission has adopted rules under division 81690  
(C) (5) of this section identifying or listing an extremely 81691  
hazardous substance, hazardous chemical, or hazardous substance, 81692  
the administrator of the United States environmental protection 81693  
agency identifies or lists the substance or chemical as an 81694  
extremely hazardous substance or hazardous chemical under the 81695  
"Emergency Planning and Community Right-To-Know Act of 1986," 81696  
100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a 81697  
substance as a hazardous substance under the "Comprehensive 81698  
Environmental Response, Compensation, and Liability Act of 81699  
1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the 81700  
commission shall rescind its rules adopted under division (C) (5) 81701  
of this section pertaining to the substance or chemical and 81702  
adopt the appropriate rules under division (B) (1) (a), (b), or 81703  
(c) of this section. 81704

(6) From time to time, request the director of 81705  
environmental protection and the executive director of the 81706  
emergency management agency to review implementation, 81707  
administration, and enforcement of the chemical emergency 81708  
response planning and reporting programs created by this chapter 81709

and rules adopted under it regarding their effectiveness in 81710  
preparing for response to releases of extremely hazardous 81711  
substances, hazardous chemicals, and hazardous substances. After 81712  
completion of any such review, the director of environmental 81713  
protection and the director of public safety shall report their 81714  
findings to the commission. Upon receipt of their findings, the 81715  
commission may make such recommendations for legislative and 81716  
administrative action as the commission finds necessary or 81717  
appropriate to promote achievement of the purposes of this 81718  
chapter. 81719

(D) Except as provided in section 3750.06 of the Revised 81720  
Code, nothing in this chapter applies to the transportation, 81721  
including the storage incident to transportation, of any 81722  
substance or chemical subject to the requirements of this 81723  
chapter, including the transportation and distribution of 81724  
natural gas. 81725

(E) This chapter authorizes the state, through the 81726  
emergency response commission, the department of public safety, 81727  
and the environmental protection agency, to establish and 81728  
maintain chemical emergency response planning and preparedness, 81729  
community right-to-know, and hazardous substance and extremely 81730  
hazardous substance release reporting programs that are 81731  
consistent with and equivalent in scope, coverage, and content 81732  
to the "Emergency Planning and Community Right-To-Know Act of 81733  
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 81734  
adopted under it, except as otherwise specifically required or 81735  
authorized in this chapter. The commission, department, and 81736  
agencies may do all things necessary, incidental, or appropriate 81737  
to implement, administer, and enforce this chapter and to 81738  
perform the duties and exercise the powers of the state 81739  
emergency response commission under that act and regulations 81740

adopted under it and under this chapter. 81741

**Sec. 3769.088.** (A) (1) If any permit holder required by 81742  
this chapter to pay the taxes levied by sections 3769.08, 81743  
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 81744  
the taxes as required, the tax commissioner may make an 81745  
assessment against the permit holder based upon any information 81746  
in the commissioner's possession. 81747

(2) If a permit holder required to remit taxes or file a 81748  
report electronically in the manner prescribed under section 81749  
3769.103 of the Revised Code fails to do so, the tax 81750  
commissioner may impose an additional penalty of fifty dollars 81751  
or ten per cent of the tax due as shown on the report, whichever 81752  
is greater. 81753

(3) A penalty of up to fifteen per cent may be added to 81754  
the amount of every assessment made under this section. 81755

(4) The commissioner may adopt rules providing for the 81756  
imposition and remission of penalties added to assessments made 81757  
under this section. 81758

(5) The commissioner shall give the party assessed written 81759  
notice of the assessment in the manner provided in section 81760  
5703.37 of the Revised Code. With the notice, the commissioner 81761  
shall provide instructions on how to petition for reassessment 81762  
and request a hearing on the petition. 81763

(B) Unless the party assessed files with the tax 81764  
commissioner within sixty days after service of the notice of 81765  
assessment, ~~either personally or by certified mail,~~ a written 81766  
petition for reassessment signed by the party assessed or that 81767  
party's authorized agent having knowledge of the facts, the 81768  
assessment becomes final and the amount of the assessment is due 81769

and payable from the party assessed to the commissioner. The 81770  
petition shall indicate the objections of the party assessed, 81771  
but additional objections may be raised in writing if received 81772  
by the commissioner prior to the date shown on the final 81773  
determination. If the petition has been properly filed, the 81774  
commissioner shall proceed under section 5703.60 of the Revised 81775  
Code. 81776

(C) After an assessment becomes final, if any portion of 81777  
the assessment remains unpaid, including accrued interest, a 81778  
certified copy of the tax commissioner's entry making the 81779  
assessment final may be filed in the office of the clerk of the 81780  
court of common pleas in the county in which the place, track, 81781  
or enclosure for which the permit was issued is located or the 81782  
county in which the party assessed resides or has its principal 81783  
place of business. If the party assessed maintains no place of 81784  
business in this state and is not a resident of this state, the 81785  
certified copy of the entry may be filed in the office of the 81786  
clerk of the court of common pleas of Franklin county. 81787

Immediately upon the filing of the entry, the clerk shall 81788  
enter a judgment for the state against the party assessed in the 81789  
amount shown on the entry. The judgment may be filed by the 81790  
clerk in a loose-leaf book entitled "special judgments for state 81791  
horse racing tax," and shall have the same effect as other 81792  
judgments. Execution shall issue upon the judgment upon the 81793  
request of the tax commissioner, and all laws applicable to 81794  
sales on execution shall apply to sales made under the judgment. 81795

If the assessment is not paid in its entirety within sixty 81796  
days after the day the assessment was issued, the portion of the 81797  
assessment consisting of tax due shall bear interest at the rate 81798  
per annum prescribed by section 5703.47 of the Revised Code from 81799

the day the tax commissioner issues the assessment until the day 81800  
the assessment is paid or until it is certified to the attorney 81801  
general for collection under section 131.02 of the Revised Code, 81802  
whichever comes first. If the unpaid portion of the assessment 81803  
is certified to the attorney general for collection, the entire 81804  
unpaid portion of the assessment shall bear interest at the rate 81805  
per annum prescribed by section 5703.47 of the Revised Code from 81806  
the date of certification until the date it is paid in its 81807  
entirety. Interest shall be paid in the same manner as the tax 81808  
and may be collected by the issuance of an assessment under this 81809  
section. 81810

(D) All money collected by the tax commissioner under this 81811  
section shall be treated as revenue arising from the taxes 81812  
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 81813  
the Revised Code. 81814

**Sec. 3770.06.** (A) There is hereby created the state 81815  
lottery gross revenue fund, which shall be in the custody of the 81816  
treasurer of state but shall not be part of the state treasury. 81817  
All gross revenues received from sales of lottery tickets, 81818  
fines, fees, and related proceeds in connection with the 81819  
statewide lottery, all gross proceeds of lottery sports gaming 81820  
described in sections 3770.23 to 3770.25 of the Revised Code, 81821  
and all gross proceeds from statewide joint lottery games shall 81822  
be deposited into the fund. The treasurer of state shall invest 81823  
any portion of the fund not needed for immediate use in the same 81824  
manner as, and subject to all provisions of law with respect to 81825  
the investment of, state funds. The treasurer of state shall 81826  
disburse money from the fund on order of the director of the 81827  
state lottery commission or the director's designee. 81828

Except for gross proceeds from statewide joint lottery 81829

games, all revenues of the state lottery gross revenue fund that 81830  
are not paid to holders of winning lottery tickets, that are not 81831  
required to meet short-term prize liabilities, that are not 81832  
credited to lottery sales agents in the form of bonuses, 81833  
commissions, or reimbursements, that are not paid to financial 81834  
institutions to reimburse those institutions for sales agent 81835  
nonsufficient funds, and that are collected from sales agents 81836  
for remittance to insurers under contract to provide sales agent 81837  
bonding services shall be transferred to the state lottery fund, 81838  
which is hereby created in the state treasury. In addition, all 81839  
revenues of the state lottery gross revenue fund that represent 81840  
the gross proceeds from the statewide joint lottery games and 81841  
that are not paid to holders of winning lottery tickets, that 81842  
are not required to meet short-term prize liabilities, that are 81843  
not credited to lottery sales agents in the form of bonuses, 81844  
commissions, or reimbursements, and that are not necessary to 81845  
cover operating expenses associated with those games or to 81846  
otherwise comply with the agreements signed by the governor that 81847  
the director enters into under division (J) of section 3770.02 81848  
of the Revised Code or the rules the commission adopts under 81849  
division (B) (5) of section 3770.03 of the Revised Code shall be 81850  
transferred to the state lottery fund. All investment earnings 81851  
of the fund shall be credited to the fund. Moneys shall be 81852  
disbursed from the fund pursuant to vouchers approved by the 81853  
director. Total disbursements for monetary prize awards to 81854  
holders of winning lottery tickets in connection with the 81855  
statewide lottery, other than lottery sports gaming, and 81856  
purchases of goods and services awarded as prizes to holders of 81857  
winning lottery tickets shall be of an amount equal to at least 81858  
fifty per cent of the total revenue accruing from the sale of 81859  
lottery tickets. 81860

(B) Pursuant to Section 6 of Article XV, Ohio 81861  
Constitution, there is hereby established in the state treasury 81862  
the lottery profits education fund. Whenever, in the judgment of 81863  
the director of the state lottery commission, the amount to the 81864  
credit of the state lottery fund that does not represent 81865  
proceeds from statewide joint lottery games is in excess of that 81866  
needed to meet the maturing obligations of the commission and as 81867  
working capital for its further operations, the director of the 81868  
state lottery commission shall recommend the amount of the 81869  
excess to be transferred to the lottery profits education fund, 81870  
and the director of budget and management may transfer the 81871  
excess to the lottery profits education fund in connection with 81872  
the statewide lottery. In addition, whenever, in the judgment of 81873  
the director of the state lottery commission, the amount to the 81874  
credit of the state lottery fund that represents proceeds from 81875  
statewide joint lottery games equals the entire net proceeds of 81876  
those games as described in division (B) (5) of section 3770.03 81877  
of the Revised Code and the rules adopted under that division, 81878  
the director of the state lottery commission shall recommend the 81879  
amount of the proceeds to be transferred to the lottery profits 81880  
education fund, and the director of budget and management may 81881  
transfer those proceeds to the lottery profits education fund. 81882  
~~Investment earnings of the lottery profits education fund shall~~ 81883  
~~be credited to the fund.~~ 81884

The lottery profits education fund shall be used solely 81885  
for the support of elementary, secondary, vocational, and 81886  
special education programs as determined in appropriations made 81887  
by the general assembly, or as provided in applicable bond 81888  
proceedings for the payment of debt service on obligations 81889  
issued to pay costs of capital facilities, including those for a 81890  
system of common schools throughout the state pursuant to 81891

section 2n of Article VIII, Ohio Constitution. When determining 81892  
the availability of money in the lottery profits education fund, 81893  
the director of budget and management may consider all balances 81894  
and estimated revenues of the fund. 81895

(C) There is hereby established in the state treasury the 81896  
deferred prizes trust fund. With the approval of the director of 81897  
budget and management, an amount sufficient to fund annuity 81898  
prizes shall be transferred from the state lottery fund and 81899  
credited to the trust fund. The treasurer of state shall credit 81900  
all earnings arising from investments purchased under this 81901  
division to the trust fund. Within sixty days after the end of 81902  
each fiscal year, the treasurer of state shall certify to the 81903  
director of budget and management whether the actuarial amount 81904  
of the trust fund is sufficient over the fund's life for 81905  
continued funding of all remaining deferred prize liabilities as 81906  
of the last day of the fiscal year just ended. Also, within that 81907  
sixty days, the director of budget and management shall certify 81908  
the amount of investment earnings necessary to have been 81909  
credited to the trust fund during the fiscal year just ending to 81910  
provide for such continued funding of deferred prizes. Any 81911  
earnings credited in excess of the latter certified amount shall 81912  
be transferred to the lottery profits education fund. 81913

To provide all or a part of the amounts necessary to fund 81914  
deferred prizes awarded by the commission in connection with the 81915  
statewide lottery, the treasurer of state, in consultation with 81916  
the commission, may invest moneys contained in the deferred 81917  
prizes trust fund which represents proceeds from the statewide 81918  
lottery in obligations of the type permitted for the investment 81919  
of state funds but whose maturities are thirty years or less. 81920  
Notwithstanding the requirements of any other section of the 81921  
Revised Code, to provide all or part of the amounts necessary to 81922

fund deferred prizes awarded by the commission in connection 81923  
with statewide joint lottery games, the treasurer of state, in 81924  
consultation with the commission, may invest moneys in the trust 81925  
fund which represent proceeds derived from the statewide joint 81926  
lottery games in accordance with the rules the commission adopts 81927  
under division (B) (5) of section 3770.03 of the Revised Code. 81928  
Investments of the trust fund are not subject to the provisions 81929  
of division (A) (11) of section 135.143 of the Revised Code 81930  
limiting to twenty-five per cent the amount of the state's total 81931  
average portfolio that may be invested in debt interests other 81932  
than commercial paper and limiting to five per cent the amount 81933  
that may be invested in debt interests, including commercial 81934  
paper, of a single issuer. 81935

All purchases made under this division shall be effected 81936  
on a delivery versus payment method and shall be in the custody 81937  
of the treasurer of state. 81938

The treasurer of state may retain an investment advisor, 81939  
if necessary. The commission shall pay any costs incurred by the 81940  
treasurer of state in retaining an investment advisor. 81941

(D) The auditor of state shall conduct annual audits of 81942  
all funds and any other audits as the auditor of state or the 81943  
general assembly considers necessary. The auditor of state may 81944  
examine all records, files, and other documents of the 81945  
commission, and records of lottery sales agents that pertain to 81946  
their activities as agents, for purposes of conducting 81947  
authorized audits. 81948

(E) The state lottery commission shall establish an 81949  
internal audit plan before the beginning of each fiscal year, 81950  
subject to the approval of the office of internal audit in the 81951  
office of budget and management. At the end of each fiscal year, 81952

the commission shall prepare and submit an annual report to the 81953  
office of internal audit for the office's review and approval, 81954  
specifying the internal audit work completed by the end of that 81955  
fiscal year and reporting on compliance with the annual internal 81956  
audit plan. 81957

(F) Whenever, in the judgment of the director of budget 81958  
and management, an amount of net state lottery proceeds is 81959  
necessary to be applied to the payment of debt service on 81960  
obligations, all as defined in sections 151.01 and 151.03 of the 81961  
Revised Code, the director shall transfer that amount directly 81962  
from the state lottery fund or from the lottery profits 81963  
education fund to the bond service fund defined in those 81964  
sections. The provisions of this division are subject to any 81965  
prior pledges or obligation of those amounts to the payment of 81966  
bond service charges as defined in division (C) of section 81967  
3318.21 of the Revised Code, as referred to in division (B) of 81968  
this section. 81969

**Sec. 3770.071.** (A) As used in this section, "lottery prize 81970  
award" does not include a prize award from a video lottery 81971  
terminal and does not include winnings from lottery sports 81972  
gaming, except that "lottery prize award" includes winnings from 81973  
lottery sports gaming wagers placed through a terminal described 81974  
in division (B) (3) of section 3770.24 of the Revised Code. 81975

(B) If the amount of the prize money or the cost of goods 81976  
or services awarded as a lottery prize award meets or exceeds 81977  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 81978  
subsequent analogous section of the Internal Revenue Code, the 81979  
director of the state lottery commission or the director's 81980  
designee shall consult the data match program established under 81981  
section 3123.89 of the Revised Code to determine whether the 81982

person is subject to a final and enforceable determination of 81983  
default made under sections 3123.01 to 3123.07 of the Revised 81984  
Code. If so, the director or the director's designee shall 81985  
withhold an amount from the prize award in accordance with 81986  
section 3123.89 of the Revised Code. 81987

**Sec. 3770.072.** (A) As used in this section, "prize 81988  
winner," and "transferee," and "transferor" have the same 81989  
meanings as in section 3770.10 of the Revised Code. 81990

(B) The state lottery commission shall deduct amounts from 81991  
lottery prize awards and file returns in accordance with 81992  
~~sections~~ section 5747.062 and ~~5747.064~~ of the Revised Code and 81993  
any rules adopted by the tax commissioner pursuant to ~~these~~ 81994  
~~sections~~ that section. This division also applies to lottery 81995  
prize award payments the commission remits to transferees. 81996

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 81997  
from each gross amount payable to each prize winner four per 81998  
cent of the gross amount payable prior to making any other 81999  
reduction required by this chapter. 82000

~~(b) Subject to division (C) (1) (c) of this section, each~~ 82001  
~~transferee, including any transferee that is a related member,~~ 82002  
~~as defined in section 5733.042 of the Revised Code, to the~~ 82003  
~~transferor, shall deduct and withhold from each amount payable~~ 82004  
~~to a transferor that is not a prize winner four per cent of the~~ 82005  
~~portion of the payment representing gain or income the~~ 82006  
~~transferor will recognize in connection with the payment.~~ 82007

~~(c) For purposes of division (C) (1) (b) of this section,~~ 82008  
~~the portion of any payment representing gain or income~~ 82009  
~~recognized by the transferor shall be computed in accordance~~ 82010  
~~with the Internal Revenue Code. The transferor shall prepare a~~ 82011

~~written statement setting forth that amount and sign the~~ 82012  
~~statement under penalty of perjury. Within five days before the~~ 82013  
~~date on which the payment is to be made, the transferor shall~~ 82014  
~~deliver the written statement to the transferee and deliver a~~ 82015  
~~copy of the written statement to the tax commissioner. If the~~ 82016  
~~transferee does not receive the written statement by the time~~ 82017  
~~the payment is made, the transferee shall withhold four per cent~~ 82018  
~~of the entire amount of the payment. If the tax commissioner~~ 82019  
~~notifies the transferee that the transferor has erroneously~~ 82020  
~~computed the amount of gain or income recognized, the transferee~~ 82021  
~~shall withhold four per cent of the entire amount of each~~ 82022  
~~payment to be made after the transferee receives the notice.~~ 82023

~~(d) The tax commissioner may impose a penalty of up to one~~ 82024  
~~thousand dollars for any person failing to timely deliver to the~~ 82025  
~~tax commissioner the copy of the written statement as required~~ 82026  
~~by division (C) (1) (c) of this section. Proceeds from the~~ 82027  
~~imposition of the penalty shall be considered as revenue arising~~ 82028  
~~from the tax imposed under section 5733.06 or 5747.02 of the~~ 82029  
~~Revised Code, as applicable.~~ 82030

(2) With respect to amounts deducted and withheld pursuant 82031  
to division (C) (1) of this section, each transferee shall comply 82032  
with divisions (A) (2) to (4) of section 5747.062 of the Revised 82033  
Code. 82034

(3) An employee of a corporation, limited liability 82035  
company, or business trust having control or supervision of or 82036  
charged with the responsibility of filing the report and making 82037  
the payment required by division (C) of this section and section 82038  
5747.062 of the Revised Code, or an officer, member, manager, or 82039  
trustee of a corporation, limited liability company, or business 82040  
trust who is responsible for the execution of the corporation's, 82041

limited liability company's, or business trust's fiscal 82042  
responsibilities, shall be personally liable for failure to file 82043  
the report or pay the amount due as required by division (C) of 82044  
this section and section 5747.062 of the Revised Code. The 82045  
dissolution, termination, or bankruptcy of a corporation, 82046  
limited liability company, or business trust does not discharge 82047  
a responsible officer's, member's, manager's, employee's, or 82048  
trustee's liability for a failure of the corporation, limited 82049  
liability company, or business trust to file returns or pay the 82050  
amount due. 82051

(4) (a) The tax commissioner may make an assessment against 82052  
any person listed in division (C) (1) or (3) of this section for 82053  
any deficiency for any period. Section 5747.13 of the Revised 82054  
Code shall apply with respect to issuing assessments, filing 82055  
petitions for reassessments, conducting hearings, issuing final 82056  
determinations, making the assessment final, and filing the 82057  
entry that makes the assessment final. Section 5717.02 of the 82058  
Revised Code shall apply to appeals of the commissioner's final 82059  
decision in connection with assessments issued pursuant to 82060  
division (C) (4) of this section. 82061

(b) An assessment issued against any person listed in 82062  
division (C) (1) or (3) of this section shall not be considered 82063  
an election of remedies or a bar to an assessment against any 82064  
other person for the failure to comply with division (C) (1) of 82065  
this section. No assessment shall be issued against any person 82066  
who is so listed if the amount required to be withheld has been 82067  
paid by another. 82068

(c) The assessment shall include interest at the rate per 82069  
annum prescribed by section 5703.47 of the Revised Code on 82070  
liability from the time the payment is due until the date of 82071

assessment. Interest shall continue to accrue from the date of 82072  
assessment until the date the assessment is paid in full. Any 82073  
interest accruing subsequent to the date of the issuance of the 82074  
assessment shall be considered to be an additional deficiency 82075  
for which the tax commissioner may issue subsequent assessments. 82076  
The initial assessment and any subsequent assessments may 82077  
include a penalty in an amount not to exceed twice the 82078  
applicable interest charged under this division. 82079

**Sec. 3770.073.** (A) As used in this section, "lottery prize 82080  
award" does not include a prize award from a video lottery 82081  
terminal and does not include winnings from lottery sports 82082  
gaming, except that "lottery prize award" includes winnings from 82083  
lottery sports gaming wagers placed through a terminal described 82084  
in division (B) (3) of section 3770.24 of the Revised Code. 82085

(B) The attorney general shall provide the state lottery 82086  
commission or its designee with access to the real time data 82087  
match program described in sections 3772.37 and 3775.16 of the 82088  
Revised Code for the purpose of identifying prize winners who 82089  
owe amounts to the state or a political subdivision. 82090

(C) If a person is entitled to a lottery prize award and 82091  
is indebted to the state for the payment of any tax, workers' 82092  
compensation premium, unemployment contribution, payment in lieu 82093  
of unemployment contribution, or certified claim under section 82094  
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 82095  
political subdivision that has a certified claim under section 82096  
131.02 of the Revised Code, owes lottery sales receipts held in 82097  
trust on behalf of the state lottery commission as described in 82098  
division (H) (4) of section 3770.05 of the Revised Code, or owes 82099  
any charge, penalty, or interest arising from ~~these~~ any of those 82100  
debts and if the amount of the prize money or the cost of goods 82101

or services awarded as a lottery prize award meets or exceeds 82102  
the reportable winnings amount set by 26 U.S.C. 6041, the 82103  
director of the state lottery commission, or the director's 82104  
designee, shall do either of the following: 82105

(1) If the prize award will be paid in a lump sum, deduct 82106  
from the prize award and pay to the attorney general an amount 82107  
in satisfaction of the debt and pay any remainder to that 82108  
person. If the amount of the prize award is less than the amount 82109  
of the debt, the entire amount of the prize award shall be 82110  
deducted and paid in partial satisfaction of the debt. 82111

(2) If the prize award will be paid in annual 82112  
installments, on the date the initial installment payment is 82113  
due, deduct from that installment and pay to the attorney 82114  
general an amount in satisfaction of the debt and, if necessary 82115  
to collect the full amount of the debt, do the same for any 82116  
subsequent annual installments, at the time the installments 82117  
become due and owing to the person, until the debt is fully 82118  
satisfied. 82119

~~(B)~~ (D) If a person entitled to a lottery prize award owes 82120  
more than one debt, any debt owed to the state shall be 82121  
satisfied first, subject to both section 5739.33 and division 82122  
(G) of section 5747.07 of the Revised Code having first 82123  
priority, and subject to division ~~(C)~~ (E) of this section. 82124

~~(C)~~ (E) Any debt owed under section 3770.071 of the 82125  
Revised Code shall be satisfied with first priority over debts 82126  
owed under this section. 82127

~~(D)~~ (F) Except as provided in section 131.021 of the 82128  
Revised Code, this section applies only to debts that have 82129  
become final. 82130

Sec. 3770.074. If the amount of a prize award from a video lottery terminal meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041, the video lottery sales agent shall consult the data match program established under section 3123.89 of the Revised Code to determine whether the person is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If so, the video lottery sales agent shall withhold an amount from the prize award in accordance with section 3123.89 of the Revised Code.

Sec. 3770.075. (A) The attorney general shall provide each video lottery sales agent with access to the real time data match program described in sections 3772.37 and 3775.16 of the Revised Code for the purpose of identifying prize winners who owe amounts to the state or a political subdivision.

(B) If a person is entitled to a prize award from a video lottery terminal that meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041 and the person is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, or certified claim under section 131.02 or 131.021 of the Revised Code, is indebted to a political subdivision that has a certified claim under section 131.02 of the Revised Code, owes lottery sales receipts held in trust on behalf of the state lottery commission as described in division (H) (4) of section 3770.05 of the Revised Code, or owes any charge, penalty, or interest arising from any of those debts, the video lottery sales agent shall deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the

prize award shall be deducted and paid in partial satisfaction 82162  
of the debt. 82163

(C) If a person entitled to a prize award from a video 82164  
lottery terminal owes more than one debt, any debt owed to the 82165  
state shall be satisfied first, subject to both section 5739.33 82166  
and division (G) of section 5747.07 of the Revised Code having 82167  
first priority, and subject to division (D) of this section. 82168

(D) Any debt owed under section 3770.074 of the Revised 82169  
Code shall be satisfied with first priority over debts owed 82170  
under this section. 82171

(E) Except as provided in section 131.021 of the Revised 82172  
Code, this section applies only to debts that have become final. 82173

**Sec. 3770.10.** As used in sections 3770.07 to ~~3770.073~~ 82174  
3770.075 and 3770.10 to 3770.14 of the Revised Code: 82175

(A) "Court of competent jurisdiction" means either the 82176  
general division or the probate division of the court of common 82177  
pleas of the county in which the prize winner ~~or transferor~~ 82178  
resides, or, if the prize winner ~~or transferor~~ is not a resident 82179  
of this state, either the general division or the probate 82180  
division of the court of common pleas of Franklin county or a 82181  
federal court having jurisdiction over the lottery prize award. 82182

(B) "Discounted present value" means the present value of 82183  
the future payments of a lottery prize award that is determined 82184  
by discounting those payments to the present, using the most 82185  
recently published applicable federal rate for determining the 82186  
present value of an annuity as issued by the United States 82187  
internal revenue service and assuming daily compounding. 82188

(C) "Independent professional advice" means the advice of 82189  
~~an attorney, a certified public accountant, an actuary, or any~~ 82190

<del>either</del> a licensed professional adviser if all of the following	82191
apply:	82192
(1) The prize winner has engaged the services of the	82193
licensed professional adviser to render advice concerning the	82194
legal, <u>financial</u> , and other implications of a transfer of the	82195
lottery prize award.	82196
(2) The licensed professional adviser is not affiliated in	82197
any manner with or compensated in any manner by the transferee	82198
of the lottery prize award.	82199
(3) The compensation of the licensed professional adviser	82200
is not affected by whether or not a transfer of a lottery prize	82201
award occurs.	82202
(D) "Prize winner" means any person that holds the right	82203
to receive all or any part of a lottery prize award as a result	82204
of being any of the following:	82205
(1) A person who is a claimant under division (A) of	82206
section 3770.07 of the Revised Code;	82207
(2) A person who is entitled to a prize award and who is	82208
under a legal disability as described in division (B) of section	82209
3770.07 of the Revised Code;	82210
(3) A person who was awarded a prize award to which	82211
another has claimed title by a federal bankruptcy court order or	82212
other court order referred to in division (D) of section 3770.07	82213
of the Revised Code;	82214
(4) A person who is receiving payments upon the death of a	82215
prize winner as provided in division (D) of section 3770.07 of	82216
the Revised Code.	82217
(E) "Transfer" means any form of sale, assignment, or	82218

redirection of payment of ~~all or any part~~ the remainder of a lottery prize award for consideration. 82219  
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(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of ~~all or any part~~ the remainder of a lottery prize award from a ~~transferor prize winner~~ to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following: 82221  
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(1) A statement, signed by the ~~transferor prize winner~~ under penalties of perjury, that the ~~transferor prize winner~~ irrevocably agrees that the ~~transferor prize winner~~ is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the ~~transferor prize winner~~ will recognize in connection with the transfer. ~~If the transferor is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.~~ 82227  
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(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and that the transferee is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee will recognize in connection with a lottery prize award ~~awards~~ award to be received as a result of the transfer. If the transferee is a pass-through entity, as defined in section 5733.04 of the 82240  
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Revised Code, each investor in the pass-through entity shall 82249  
also sign under penalties of perjury a statement setting forth 82250  
that the investor irrevocably agrees that the investor is 82251  
subject to the withholding requirements imposed by division (C) 82252  
of section 3770.072 of the Revised Code and is subject to the 82253  
tax imposed by Chapter 5733. or 5747. of the Revised Code with 82254  
respect to gain or income which the transferee and the investor 82255  
will recognize in connection with a lottery prize awards-award 82256  
to be received as a result of the transfer. 82257

(G) "Transferee" means a party acquiring or proposing to 82258  
acquire ~~all or any part~~ the remainder of a lottery prize award 82259  
from a prize winner through a transfer. 82260

(H) ~~"Transferor" means either a prize winner or a~~ 82261  
~~transferee in an earlier transfer whose interest is acquired by~~ 82262  
~~or is sought to be acquired by a transferee or a new transferee~~ 82263  
~~through a transfer.~~ "Licensed professional adviser" means any of 82264  
the following: 82265

(1) An attorney; 82266

(2) A certified public accountant; 82267

(3) An actuary; 82268

(4) A financial planner who is accredited by a nationally 82269  
recognized accreditation agency. 82270

(I) "Lottery prize award" includes winnings from lottery 82271  
sports gaming, except as otherwise specified in the applicable 82272  
section of the Revised Code. 82273

(J) "Video lottery terminal" has the same meaning as in 82274  
section 3770.21 of the Revised Code. 82275

(K) "Video lottery sales agent" means an agent of the 82276

state lottery authorized to operate video lottery terminals 82277  
under section 3770.21 of the Revised Code. 82278

**Sec. 3770.12.** A court of competent jurisdiction shall 82279  
approve a transfer of a lottery prize award only in a final 82280  
order that is based on express findings of the court. The court 82281  
shall approve the transfer if each of the following conditions 82282  
that applies is met and is included in the court's express 82283  
findings: 82284

(A) ~~If the transferor is a prize winner, the~~ The 82285  
transferee has provided to the prize winner a disclosure 82286  
statement that complies with section 3770.11 of the Revised 82287  
Code, and the prize winner has confirmed the prize winner's 82288  
receipt of the disclosure statement, as evidenced by the prize 82289  
winner's notarized signature on a copy of the disclosure 82290  
statement. 82291

(B) ~~If the transferor is a~~ The prize winner, ~~the prize~~ 82292  
~~winner~~ has received independent professional advice regarding 82293  
the legal, financial, and other implications of the transfer, as 82294  
evidenced by a statement signed under penalty of perjury by the 82295  
prize winner and the licensed professional adviser. 82296

(C) The transferee has given written notice of the 82297  
transferee's name, address, and taxpayer identification number 82298  
to the state lottery commission and has filed a copy of that 82299  
notice with the court in which the application for approval of 82300  
the transfer was filed. 82301

(D) The transferee is a trust, limited partnership, 82302  
general partnership, corporation, professional association, 82303  
limited liability company, or other entity that is qualified to 82304  
do business in this state and meets the registration 82305

requirements for that type of entity under Title XVII of the Revised Code. 82306  
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(E) The transfer complies with all applicable requirements of the Revised Code and does not contravene any applicable statute or court order. 82308  
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(F) The transfer does not include or cover the amounts of the lottery prize award that are required to be withheld or deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 3770.072 of the Revised Code. 82311  
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(G) Any amounts described in division (F) of this section that are required to be withheld or deducted, as of the date of the court order, will be offset by the commission first against remaining payments due the ~~transferor~~ prize winner and then against payments due the transferee. 82315  
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(H) Except as provided in divisions (F) and (G) of this section, that the ~~transferor's~~ prize winner's interest in each and all of the future payments from a particular lottery prize award is to be paid to a single transferee, ~~or, if the payments from the lottery prize award are to be directed from the state lottery commission to multiple transferees, the commission has promulgated rules under section 3770.03 of the Revised Code permitting transfers to multiple transferees, and the transfer is consistent with those rules.~~ 82320  
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~~(I) If the lottery prize award has been transferred within twelve months immediately preceding the effective date of the proposed transfer, the state lottery commission has not objected to the proposed transfer. The court shall presume that the requirements of this division are met unless the commission notifies the court in writing before the hearing on the~~ 82329  
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~~application for transfer, or through counsel at that hearing,~~ 82335  
~~that a transfer of the same lottery prize award has been made~~ 82336  
~~within that twelve-month period and that the commission objects~~ 82337  
~~to a subsequent transfer within that twelve-month period. The~~ 82338  
~~court shall find that the requirements of this division are not~~ 82339  
~~met if the commission provides notice of a prior transfer of the~~ 82340  
~~same lottery prize award within that twelve-month period and its~~ 82341  
~~objection to the proposed transfer, unless the transferor or~~ 82342  
~~transferee shows by clear and convincing evidence that no~~ 82343  
~~previous transfer of the same lottery prize award occurred~~ 82344  
~~within that twelve-month period. For purposes of this division,~~ 82345  
~~any of a series of transfers of a lottery prize award that occur~~ 82346  
~~simultaneously as part of a single transaction shall not be~~ 82347  
~~considered to be a prior transfer of the lottery prize award~~ 82348  
~~within the twelve-month period immediately preceding the~~ 82349  
~~effective date of the proposed transfer, provided that the~~ 82350  
~~condition set forth in division (C) of this section is met.~~ 82351

If the court determines that all of the conditions in 82352  
divisions (A) to ~~(I)~~ (H) of this section that apply are met, the 82353  
transfer of the lottery prize award shall be presumed to be fair 82354  
and reasonable and in the best interests of the prize winner. 82355

**Sec. 3770.121.** Any state lottery commission rules allowing 82356  
lottery prize awards to be paid in installments also shall allow 82357  
a prize winner who is being paid a prize award in that manner to 82358  
transfer ~~all or a portion of~~ the remainder of the prize award, 82359  
subject to each of the following conditions: 82360

(A) ~~If each transfer is for less than one hundred per cent~~ 82361  
~~of the remainder of the prize award, the remainder of the prize~~ 82362  
~~award for each transfer must be five hundred thousand dollars or~~ 82363  
~~greater at the time of the transfer. If the lottery prize award~~ 82364

~~is a lifetime prize, for each transfer the remainder of the~~ 82365  
~~minimum guaranteed prize to which the prize winner is entitled~~ 82366  
~~must be five hundred thousand dollars or greater at the time of~~ 82367  
~~the transfer.~~ 82368

~~(B)~~ Payments of the prize award transferred shall be 82369  
subject to the withholding or deduction of any amounts that are 82370  
required to be withheld or deducted under section 3119.80, 82371  
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the 82372  
Revised Code. 82373

~~(C) The maximum number of transfers~~ (B) Only one transfer 82374  
is permitted under this section with respect to any single prize 82375  
award ~~shall not exceed three unless a greater number of~~ 82376  
permitted transfers has been specified by the commission in the 82377  
rules. 82378

**Sec. 3770.13.** (A) A transferee shall file an application 82379  
under sections 3770.10 to 3770.14 of the Revised Code for the 82380  
approval in advance of a transfer of a lottery prize award in a 82381  
court of competent jurisdiction. 82382

(B) The following procedures shall apply to an application 82383  
for the approval in advance by a court of a transfer of a 82384  
lottery prize award under division (A) of this section: 82385

(1) Upon the filing of the application, the court shall 82386  
set a date, time, and place for a hearing on the application and 82387  
shall notify the transferee and ~~transferor~~ the prize winner of 82388  
the date, time, and place of the hearing. 82389

(2) Not less than thirty days prior to the date set by the 82390  
court for the hearing on an application filed pursuant to this 82391  
section, the transferee shall file with the court and shall 82392  
serve on the state lottery commission, in the manner prescribed 82393

in the Rules of Civil Procedure for the service of process, a 82394  
notice of the proposed transfer and the application for its 82395  
approval in advance. The notice shall include all of the 82396  
following: 82397

(a) A copy of the application; 82398

(b) A copy of the transfer agreement ~~or, if the transferor~~ 82399  
~~is not a prize winner, a redacted copy of the transfer agreement~~ 82400  
~~that discloses sufficient information to allow the commission~~ 82401  
~~and the court to determine the validity of the transfer~~ 82402  
~~agreement;~~ 82403

(c) ~~If the transferor is a prize winner, a~~ A copy of the 82404  
disclosure statement provided by the transferee pursuant to 82405  
section 3770.11 of the Revised Code and signed by the prize 82406  
winner pursuant to division (A) of section 3770.12 of the 82407  
Revised Code; 82408

(d) A statement, signed under penalty of perjury by the 82409  
prize winner and a licensed professional adviser, that the prize 82410  
winner has received independent professional advice regarding 82411  
the legal, financial, and other implications of the transfer; 82412

(e) The amounts and due dates of the lottery prize award 82413  
payments that will be transferred under the transfer agreement; 82414

~~(e)~~ (f) Notification of the date, time, and place of the 82415  
hearing on the application; 82416

~~(f)~~ (g) The complete name, address, and taxpayer 82417  
identification number of the transferee. 82418

(3) The commission shall not be required to appear in or 82419  
be named as a party to a hearing on the application, but may 82420  
intervene as of right in the proceeding. 82421

(4) At the conclusion of the hearing on an application 82422  
under this section, the court may grant or deny the approval of 82423  
the transfer. The court shall enter its order accordingly. If 82424  
the court grants the approval of the transfer, it shall include 82425  
in its order all of the express findings specified in section 82426  
3770.12 of the Revised Code. If the court denies the approval of 82427  
the transfer, it shall include in its order the reasons for the 82428  
denial. 82429

(5) An order of the court made under division (B) (4) of 82430  
this section is a final and appealable order. 82431

**Sec. 3770.25.** (A) The state lottery commission shall offer 82432  
lottery sports gaming only at type C sports gaming hosts' 82433  
facilities on self-service or clerk-operated terminals, and only 82434  
to individuals who are at least twenty-one years of age and who 82435  
are physically present on the premises of the facility. 82436

(B) All of the following apply concerning lottery sports 82437  
gaming: 82438

(1) If a type C sports gaming proprietor intends to 82439  
install more than two terminals in any type C sports gaming 82440  
host's facility, the type C sports gaming proprietor shall 82441  
notify the Ohio casino control commission of that fact not later 82442  
than seven days before installing the additional terminals. The 82443  
commission may disallow the installation of more than two 82444  
terminals in the facility, in accordance with the commission's 82445  
rules. 82446

(2) The self-service terminal or the clerk, as applicable, 82447  
shall verify that the lottery sports gaming participant is at 82448  
least twenty-one years of age. 82449

(3) A type C sports gaming proprietor may offer only the 82450

following types of wagers on sporting events, as approved by the Ohio casino control commission:

(a) Spread wagers;

(b) Over-under wagers;

(c) Moneyline wagers;

(d) Parlay wagers that are based on not more than four component wagers.

(4) A self-service terminal or clerk shall accept wagers only by cash, credit card, debit card, or electronic payment account. As used in this section, "electronic payment account" means an account maintained with a third party for purposes of making electronic payments, such as paypal, google pay, or apple pay, that is intended for general use and not only for sports gaming purposes.

(5) A self-service terminal or clerk shall not accept wagers aggregating more than seven hundred dollars in a calendar week from any one participant.

(6) The rules of the Ohio casino control commission and the state lottery commission concerning lottery sports gaming shall apply identically in all applicable respects to lottery sports gaming offered on a self-service terminal and to lottery sports gaming offered on a clerk-operated terminal.

(C) (1) A participant whose winnings from lottery sports gaming are of an amount that ~~is not subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code~~ does not meet or exceed the reportable winnings amount set by 26 U.S.C. 6041 may receive the participant's winnings by any of the following methods:

- (a) As a credit to the participant's credit card, debit card, or electronic payment account-; 82479  
82480
- (b) In cash from any type C sports gaming host; 82481
- (c) By any additional method permitted by the state lottery commission by rule. 82482  
82483
- (2) A participant whose winnings from lottery sports gaming are of an amount that ~~is subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code~~ meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041 may receive the participant's winnings in the ~~same manner as any other determined by the state lottery prize award of an amount that is subject to~~ commission, subject to withholding by the sports gaming proprietor under these sections 718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or subject to withholding by the state lottery commission under sections 718.031, 3770.071, 3770.073, and 5747.062 of the Revised Code, as applicable. 82484  
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- Sec. 3772.02.** (A) There is hereby created the Ohio casino control commission described in Section 6(C)(4) of Article XV, Ohio Constitution. 82496  
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- (B) The commission shall consist of seven members appointed within one month of September 10, 2010, by the governor with the advice and consent of the senate. The governor shall forward all appointments to the senate within twenty-four hours. 82499  
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- (1) Each commission member is eligible for reappointment at the discretion of the governor. No commission member shall be appointed for more than three terms in total. 82504  
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- (2) Each commission member shall be a resident of Ohio. 82507

(3) At least one commission member shall be experienced in law enforcement and criminal investigation. 82508  
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(4) At least one commission member shall be a certified public accountant experienced in accounting and auditing. 82510  
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(5) At least one commission member shall be an attorney admitted to the practice of law in Ohio. 82512  
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(6) At least one commission member shall be a resident of a county where one of the casino facilities is located. 82514  
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(7) Not more than four commission members shall be of the same political party. 82516  
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(8) No commission member shall have any affiliation with an Ohio casino operator or facility or with a sports gaming proprietor, mobile management services provider, or management services provider licensed under Chapter 3775. of the Revised Code. 82518  
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(C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party. 82523  
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(D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after 82531  
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the expiration date of the member's term until the member's 82537  
successor takes office, or until a period of sixty days has 82538  
elapsed, whichever occurs first. A vacancy in the commission 82539  
membership shall be filled in the same manner as the original 82540  
appointment. 82541

(E) The governor shall select one member to serve as 82542  
chairperson and the commission members shall select one member 82543  
from a different party than the chairperson to serve as vice- 82544  
chairperson. The governor may remove and replace the chairperson 82545  
at any time. No such member shall serve as chairperson for more 82546  
than six successive years. The vice-chairperson shall assume the 82547  
duties of the chairperson in the absence of the chairperson. The 82548  
chairperson and vice-chairperson shall perform but shall not be 82549  
limited to additional duties as are prescribed by commission 82550  
rule. 82551

(F) A commission member is not required to devote the 82552  
member's full time to membership on the commission. Beginning on 82553  
September 29, 2015, each member of the commission shall receive 82554  
compensation of fifty thousand dollars per year. Beginning July 82555  
1, 2016, each member of the commission shall receive 82556  
compensation of forty thousand dollars per year. Beginning July 82557  
1, 2017, each member of the commission shall receive 82558  
compensation of thirty thousand dollars per year. Each member 82559  
shall receive the member's actual and necessary expenses 82560  
incurred in the discharge of the member's official duties. 82561

(G) The governor shall not appoint an individual to the 82562  
commission, and an individual shall not serve on the commission, 82563  
if the individual is ineligible to be appointed or retained 82564  
under section 3772.07 of the Revised Code. A member who comes 82565  
under indictment or bill of information of an offense that, if 82566

the member were convicted of the offense, would make the member 82567  
ineligible to be appointed or retained under that section shall 82568  
resign from the commission immediately upon indictment. 82569

(H) At least five commission members shall be present for 82570  
the commission to meet. The concurrence of four members is 82571  
necessary for the commission to take any action. All members 82572  
shall vote on the adoption of rules, and the approval of, and 82573  
the suspension or revocation of, the licenses of casino 82574  
operators or management companies, unless a member has a written 82575  
leave of absence filed with and approved by the chairperson. 82576

(I) A commission member may be removed or suspended from 82577  
office in accordance with section 3.04 of the Revised Code. 82578

(J) Each commission member, before entering upon the 82579  
discharge of the member's official duties, shall make an oath to 82580  
uphold the Ohio Constitution and laws of the state of Ohio and 82581  
shall give a bond, payable by the commission, to the treasurer 82582  
of state, in the sum of ten thousand dollars with sufficient 82583  
sureties to be approved by the treasurer of state, which bond 82584  
shall be filed with the secretary of state. 82585

(K) The commission shall hold one regular meeting each 82586  
month and shall convene other meetings at the request of the 82587  
chairperson or a majority of the members. A member who fails to 82588  
attend at least three-fifths of the regular and special meetings 82589  
of the commission during any two-year period forfeits membership 82590  
on the commission. All meetings of the commission shall be open 82591  
meetings under section 121.22 of the Revised Code except as 82592  
otherwise allowed by law. 82593

(L) ~~Pursuant to divisions (A) (3) and (9) of section 101.82~~ 82594  
~~of the Revised Code, the~~ The commission is exempt from the 82595

requirements of sections 101.82 to 101.87 of the Revised Code. 82596

**Sec. 3775.16.** (A) Pursuant to section 131.02 of the 82597  
Revised Code, the attorney general shall develop and implement a 82598  
real time data match program and make it available to each 82599  
sports gaming proprietor to identify patrons who owe amounts to 82600  
the state or a political subdivision. 82601

(B) (1) ~~Before~~ Subject to division (E) of this section, 82602  
before disbursing any sports gaming winnings to a patron in an 82603  
amount for which reporting to the internal revenue service of 82604  
the amount is required by section 6041 of the Internal Revenue 82605  
Code, as amended, a sports gaming proprietor shall consult the 82606  
data match program to determine whether the patron owes any 82607  
amounts to the state or a political subdivision. If the data 82608  
match program indicates that the patron owes any amounts to the 82609  
state or a political subdivision, the sports gaming proprietor 82610  
shall withhold from the patron's winnings an amount sufficient 82611  
to satisfy those amounts, up to the amount of the winnings. 82612

(2) If the data match program described in section 3123.90 82613  
of the Revised Code indicates that the patron also is in default 82614  
under a support order, the sports gaming proprietor shall 82615  
transmit to the department of job and family services an amount 82616  
sufficient to satisfy any past due support owed by the patron, 82617  
up to the amount of the winnings, before transmitting any 82618  
remaining amount to the attorney general under division (C) of 82619  
this section. 82620

(C) (1) Not later than fourteen days after withholding an 82621  
amount under division (B) of this section, the sports gaming 82622  
proprietor shall transmit to the attorney general any amount 82623  
withheld and not already disbursed to the department of job and 82624  
family services under section 3123.90 of the Revised Code as 82625

payment on the amount owed. 82626

(2) If the patron owes more than one amount to the state 82627  
or a political subdivision as identified by the data match 82628  
program described in this section, the amount owed to the state 82629  
shall be satisfied first, except that any amounts owed under 82630  
section 5739.33 and division (G) of section 5747.07 of the 82631  
Revised Code shall have first priority. 82632

(D) Except as otherwise provided in section 131.021 of the 82633  
Revised Code, this section applies only to amounts owed that 82634  
have become final. 82635

(E) A sports gaming proprietor that offers lottery sports 82636  
gaming through a terminal described in division (B) (3) of 82637  
section 3770.24 of the Revised Code shall not withhold amounts 82638  
under this section from winnings from wagers placed through that 82639  
terminal. The state lottery commission shall withhold amounts 82640  
from those winnings under section 3770.073 of the Revised Code. 82641

(F) The attorney general, in consultation with the 82642  
commission, may adopt rules under Chapter 119. of the Revised 82643  
Code as necessary to implement this section. 82644

**Sec. 3780.02. Authorization and purpose.** 82645

(A) Controlled and regulated sales and use of adult use cannabis 82646  
shall be permitted under this chapter for the following public 82647  
purposes: 82648

(1) Reducing illegal marijuana sales and providing for a safer 82649  
and regulated cannabis product; 82650

(2) Limiting the transportation of out-of-state cannabis into 82651  
the state; 82652

(3) Providing key funding to ~~support social equity, job~~ 82653

~~creation, host communities that have adult use dispensaries,~~ 82654  
~~cannabis research, and proper oversight and regulation of the~~ 82655  
~~adult cannabis industry; and~~ 82656

~~(4) Improving social equity issues to address the state's~~ 82657  
~~compelling interest to redress past and present effects of~~ 82658  
~~discrimination and economic disadvantage for individuals in the~~ 82659  
~~state~~fund the needs of the state. 82660

(B) Adult use cannabis shall only be sold to, or used by, an 82661  
adult use consumer pursuant to this chapter unless otherwise 82662  
authorized pursuant to the Revised Code. 82663

(C) Nothing in this chapter shall limit any sale, use, 82664  
possession, or any other activity authorized by Chapter 3796. of 82665  
the Revised Code. 82666

**Sec. 3780.03. Establishment and authority of division of** 82667  
**cannabis control; adoption of rules.** 82668

(A) There is hereby established a division of cannabis control 82669  
within the department of commerce. 82670

(B) To ensure the proper oversight and control of the adult use 82671  
cannabis industry, the division of cannabis control shall have 82672  
the authority to license, regulate, investigate, and penalize 82673  
adult use cannabis operators, adult use testing laboratories, 82674  
and individuals required to be licensed under this chapter. 82675

(C) The division of cannabis control shall adopt, and as 82676  
advisable and necessary shall amend or repeal, rules on the 82677  
following: 82678

(1) Prevention of practices detrimental to the public interest 82679  
consistent with this chapter, and also ways to educate the 82680  
public about this chapter; 82681

(2) Establishing application, licensure, and renewal standards	82682
and procedures for license applicants or license holders related	82683
to adult use cannabis operators, adult use testing laboratories,	82684
and individuals required to be licensed, including any	82685
additional background check requirements, the disqualifying	82686
offenses under section 3780.01 of the Revised Code that prohibit	82687
licensure, and any exemption criteria from licensing	82688
requirements for institutional or private investors who do not	82689
have significant control or influence over a license applicant	82690
or license holder, and whose ownership in a license is for	82691
investment purposes only;	82692
(3) Establishing reasonable application, licensure, and renewal	82693
fees amounts to ensure license applicants and license holders	82694
under this chapter pay for the actual costs for administration	82695
and licensure for the division of cannabis control;	82696
(4) Establishing standards for provisional licenses for an	82697
individual who is required to be licensed and who has exigent	82698
circumstances. Such standards for provisional licenses must	82699
include submission of a complete application and compliance with	82700
a required background check. A provisional license shall be	82701
valid not longer than three months. A provisional license may be	82702
renewed, at the division of cannabis control's discretion, for	82703
an additional three months. In establishing standards with	82704
regard to instant background checks the division of cannabis	82705
control may use all available resources.	82706
(5) Specifying the process and reasons for which a license	82707
holder may be fined, suspended either with or without a prior	82708
hearing, revoked, or not renewed or issued;	82709
(6) The process and requirements for division of cannabis	82710
control approval of any requested change in ownership or	82711

transfer of control of an adult use cannabis operator or adult use testing laboratory; 82712  
82713

(7) Establishing ~~process~~ processes and standards for expanding the size of the cultivation area for a cultivation facility; 82714  
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(8) Establishing standards and procedures for the testing of adult use cannabis by an adult use testing laboratory licensed under this chapter. When establishing standards and procedures for the testing of cannabis, the division of cannabis control shall do all of the following: 82716  
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(a) Specify when testing must be conducted; 82721

(b) Determine the minimum amount of adult use cannabis that must be tested; 82722  
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(c) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of cannabis products processed ~~for~~ and dispensed; and 82724  
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(d) Specify the manner in which test results are provided. 82727

(9) The minimum amount of insurance or surety bond that must be maintained by an adult use cannabis operator and adult use testing laboratory; 82728  
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(10) Requiring the division of cannabis control to adopt reasonable standards for any adult use cannabis samples, and advertising as prescribed in section 3780.21 of the Revised Code; 82731  
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82733  
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(11) Requiring that the records, including financial statements, of an adult use cannabis operator or adult use testing laboratory be maintained in the manner up to two years as prescribed by the division of cannabis control and which shall be made available for inspection upon demand by the division of 82735  
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cannabis control, but shall be subject to section 3780.31 of the Revised Code;	82740 82741
(12) Prescribing technical standards and requirements consistent with industry standards that must be met for security and surveillance equipment necessary for the provision of security and surveillance of adult use cannabis operators and adult use testing laboratories;	82742 82743 82744 82745 82746
(13) Prescribing requirements for a license holder's provision of security services for an adult use cannabis operator and adult use testing laboratories which shall include the license holder's option to use armed or unarmed services including through agents of the license holder;	82747 82748 82749 82750 82751
(14) Prescribing standards according to which license holders shall keep accounts and standards according to which adult use cannabis operators and adult use testing laboratories accounts shall be audited, and establish guidance for assisting the department of taxation in levying and collecting the adult use tax levied under section 3780.22 of the Revised Code;	82752 82753 82754 82755 82756 82757
(15) Determining penalties for violation of division of cannabis control rules or this chapter, and a process for imposing such penalties;	82758 82759 82760
(16) Training requirements for employees and agents of adult use cannabis operators and adult use laboratories;	82761 82762
(17) Prescribing standards and procedures to allow for adult use cannabis delivery to adult use consumers, and online and mobile ordering procedures, which may only be conducted by an adult use dispensary or their agent;	82763 82764 82765 82766
(18) Prescribing cannabis inventory requirements to be maintained in an electronic database consistent with section	82767 82768

3780.05 of the Revised Code; 82769

(19) Prescribing standards and procedures for product packaging 82770  
and labeling of adult use cannabis products; 82771

~~(20) Prescribing standards and procedures in coordination with~~ 82772  
~~the department of development to administer and enforce the~~ 82773  
~~cannabis social equity and jobs program as prescribed under~~ 82774  
~~3780.19 of the Revised Code;~~ 82775

~~(21)~~ Establishing a tetrahydrocannabinol content limit for adult 82776  
use cannabis, which for plant material the content limit shall 82777  
be ~~no~~ not less than thirty-five per cent and for extracts the 82778  
content limit shall be ~~no~~ not less than ninety per cent, but 82779  
that such content limits may be increased or eliminated by the 82780  
division of cannabis control; and 82781

~~(22)~~ (21) Prescribing duty to update requirements for license 82782  
holders. 82783

(D) All rules adopted under this section and chapter shall be 82784  
adopted in accordance with Chapter 119. of the Revised Code. 82785

(E) In addition to the rules described in division (C) of this 82786  
section, the division of cannabis control may adopt any other 82787  
rules it considers necessary for the administration, 82788  
implementation, and enforcement of this chapter consistent with 82789  
this chapter. 82790

(F) When adopting rules under this section, the division of 82791  
cannabis control shall consider standards and procedures that 82792  
have been found to be best practices relative to the use and 82793  
regulation of adult use cannabis and shall harmonize any rules 82794  
with the rules adopted pursuant to sections 3796.03 and 3796.04 82795  
of the Revised Code to minimize duplication of operational 82796  
requirements and fees as much as possible. If there is a 82797

conflict with Chapter 3796. of the Revised Code and related 82798  
rules, and ~~chapter~~Chapter 3780. of the Revised Code and related 82799  
rules, then ~~chapter~~Chapter 3780. of the Revised Code and 82800  
related rules shall govern. 82801

**Sec. 3780.06. Information provided by the department of 82802**  
**taxation. 82803**

(A) (1) Notwithstanding section 149.43 of the Revised Code or any 82804  
other public records law to the contrary or any law relating to 82805  
the confidentiality of tax return information, upon the request 82806  
of the division of cannabis control, the department of taxation 82807  
shall provide to the division of cannabis control all of the 82808  
following information: 82809

(a) Whether an applicant for license or licensee under this 82810  
chapter follows the applicable tax laws of this state; 82811

(b) Any past or pending violation by the applicant or licensee 82812  
of those tax laws, and any penalty imposed on the applicant or 82813  
licensee for such a violation. 82814

(2) The division of cannabis control shall request the 82815  
information only as it pertains to an application for license 82816  
that the division of cannabis control is reviewing or a licensee 82817  
operating under this chapter. 82818

(3) The department of taxation may charge the division of 82819  
cannabis control a reasonable fee to cover the administrative 82820  
cost of providing the information. 82821

(B) Information received under this section is confidential. 82822  
Except as otherwise permitted by other state law or federal law, 82823  
the division of cannabis control shall not make the information 82824  
available to any person other than the applicant for licensure\_ 82825  
or the licensee to whom the information applies. 82826

<b>Sec. 3780.10. Adult use cannabis operator and adult use testing laboratory licenses.</b>	82827
	82828
(A) No person shall operate as an adult use cannabis operator or adult use testing laboratory without a license issued pursuant to this chapter.	82829
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(B) The following licenses shall be issued by the division of cannabis control within nine months of <del>the effective date of this section</del> <u>December 7, 2023</u> , if the license applicant is in compliance with section 3780.11 of the Revised Code and this chapter, and the license applicant <u>has</u> , or the same owners of the license applicant <del>have</del> , <u>a</u> certificate of operation or medical provisional license issued as of <del>the effective date of this section</del> <u>December 7, 2023</u> :	82832
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(1) A dispensary issued a certificate of operation or medical provisional license shall be issued an adult use dispensary license under this chapter for the current location of the dispensary;	82840
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(2) A level I cultivator issued a certificate of operation or medical provisional license shall be issued under this chapter three adult use dispensary licenses at locations designated in a license application, and one level I adult use cultivator license for the current location of the level I cultivation facility;	82844
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(3) A level II cultivator issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use dispensary license at a location designated in the license application, and one level II adult use cultivator license for the current location of the level II cultivation facility;	82850
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(4) A dispensary issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use dispensary license at a different location as designated in the license application if the dispensary does not have any common ownership or control with any level I adult use cultivator, level II adult use cultivator, or adult use processor license applicant or licensee;

(5) A processor issued a certificate of operation or medical provisional license shall be issued under this chapter one adult use processor license for the current location of the processor; and

(6) A testing laboratory issued a certificate of operation shall be issued under this chapter one adult use testing laboratory license for the current location of the testing laboratory.

Notwithstanding anything in this section, a license shall not be issued pursuant to division (B) of this section to a license applicant holding only a related medical provisional license unless the medical provisional license holder is issued a certificate of operation within two years of ~~the effective date of this section~~ December 7, 2023.

(C) The division of cannabis control shall issue up to forty level III adult use cultivator licenses consistent with this chapter ~~with preference provided to applicants who have been certified as cannabis social equity and jobs program participants under the cannabis social equity and jobs program pursuant to 3780.19 of this chapter~~. No person may have any ownership or control in more than one level III adult use cultivator license under this chapter. No adult use cultivator or adult use processor may have any ownership or control in a level III adult use cultivator license.

(D) The division of cannabis control shall issue up to fifty 82886  
additional adult use dispensary licenses in conformity with this 82887  
chapter ~~with preference provided to applicants who have been~~ 82888  
~~certified as cannabis social equity and jobs program~~ 82889  
~~participants under the cannabis social equity and jobs program.~~ 82890

(E) Following twenty-four months from the first date of issuance 82891  
of an adult use operator license, the division of cannabis 82892  
control shall review the number of adult use cannabis operator 82893  
licenses on a biannual basis and may authorize additional 82894  
licenses after considering: 82895

(1) The current and anticipated market growth and consumer 82896  
demand, including the number of adult use consumers seeking 82897  
adult use cannabis; 82898

(2) The current and projected supply of adult use cannabis 82899  
produced by licensed adult use cultivators, level III adult use 82900  
cultivators, and adult use processors; and 82901

(3) The geographic distribution of adult use dispensary sites in 82902  
an effort to ensure adult use customer access to adult use 82903  
cannabis. 82904

(F) (1) The division of cannabis control shall provide a report 82905  
and recommendation within ninety days of the conclusion of the 82906  
requirements in division (E) of this section to the director for 82907  
consideration. 82908

(2) The division of cannabis control may adopt rules as 82909  
necessary to implement this division. 82910

(3) The division of cannabis control shall adopt a rule 82911  
regarding the number of licenses a license holder may hold for 82912  
each type of license consistent with this chapter. As of ~~the~~ 82913  
~~effective date of this section~~ December 7, 2023, and 82914

notwithstanding any other provision of this chapter, no person 82915  
shall be issued more than eight adult use dispensary licenses, 82916  
~~and~~ not more than one adult use cultivator license, and not more 82917  
than one adult use processor license at any time, unless 82918  
authorized by the division of cannabis control after an analysis 82919  
supporting the licensing pursuant to rule. 82920

(G) The division of cannabis control may authorize additional 82921  
adult use testing laboratory licenses at any time. 82922

Sec. 3780.22. (A) Terms used in this section have the same 82923  
meanings as in section 5739.01 of the Revised Code. As used in 82924  
this section, "adult use marijuana" means marijuana that is 82925  
cultivated, processed, dispensed, or tested for, or possessed or 82926  
used by, an adult use consumer, in accordance with this chapter. 82927

(B) For the purpose of funding the needs of the state and 82928  
providing funding for certain dispensary host communities, an 82929  
excise tax is levied on the retail sale of adult use marijuana. 82930  
The rate of the tax shall equal ten per cent of the price of 82931  
adult use marijuana and is in addition to other taxes levied 82932  
under Chapters 5739. and 5741. of the Revised Code. 82933

(C) The tax shall be paid by the consumer to the vendor at 82934  
the time of the sale, and the vendor shall report and remit the 82935  
tax to the state in the same manner and at the same time the 82936  
vendor reports and remits the tax levied under section 5739.02 82937  
of the Revised Code. The return required under this division 82938  
shall be filed on a form prescribed by the tax commissioner, 82939  
which shall be separate from the return required to be filed 82940  
under section 5739.12 of the Revised Code. A vendor with no 82941  
sales of adult use marijuana for a reporting period is not 82942  
required to file this separate return. For all purposes of the 82943  
Revised Code, the tax levied under this section shall be 82944

considered a tax levied under section 5739.02 of the Revised Code. 82945  
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(D) For the same purpose as the tax levied under division (B) of this section, a tax is levied on a vendor that sells any marijuana other than adult use marijuana or medical marijuana to a consumer. That tax equals ten per cent of the price of such marijuana, and the consumer and vendor are liable for any amounts, including tax, interest, and penalties, imposed under this section and chapter in the same manner as a vendor subject to the tax imposed under division (B) of this section. 82947  
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(E) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by this section, and any civil penalty paid under division (B)(4) of section 3780.26 of the Revised Code, the adult use tax fund and host community cannabis fund are created in the state treasury. All moneys collected from that tax and civil penalty shall be deposited into the adult use tax fund, which is created in the state treasury, to be distributed as follows: 82955  
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(1) Beginning in fiscal year 2026, and for the following four fiscal years, the director of budget and management shall transfer twenty per cent of funds from the adult use tax fund to the host community cannabis fund, which is created in the state treasury, for the benefit of municipal corporations or townships that have, as of June 30, 2025, and at all times since, at least one adult use dispensary or location for which a provisional dispensary license has been issued under this chapter, and the municipal corporations or townships may use such funds for any approved purpose. Distributions to municipal corporations or townships shall be based on the percentage of adult use tax attributable to each municipal corporation or township. 82963  
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(2) All other revenue shall be credited to the general revenue fund. 82975  
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**Sec. 3780.24. Tax administration and enforcement.** 82977

The tax commissioner shall administer and enforce ~~sections~~ 82978  
section 3780.22 through 3780.23 of this chapter the Revised 82979  
Code. In addition to any other powers conferred upon the tax 82980  
commissioner by law, the tax commissioner may: 82981

(A) Prescribe all forms that are required to be filed under 82982  
~~sections~~ section 3780.22 through 3780.23 of this chapter the 82983  
Revised Code; 82984

(B) Adopt rules that are necessary and proper to carry out 82985  
section 3780.22 ~~through 3780.23 of this chapter~~ the Revised 82986  
Code; and 82987

(C) Appoint professional, technical, and clerical employees as 82988  
are necessary to carry out the tax commissioner's duties under 82989  
~~sections~~ section 3780.22 through 3780.23 of this chapter the 82990  
Revised Code. 82991

**Sec. 3780.26. Enforcement authority of the division of** 82992  
**cannabis control.** 82993

(A) The division of cannabis control shall enforce, or cause to 82994  
be enforced, all sections of this chapter and the rules adopted 82995  
thereunder. If the division of cannabis control has information 82996  
that any provision of this chapter or that any rule adopted 82997  
thereunder has been violated, it may investigate the matter and 82998  
take any reasonable action as it considers appropriate. 82999

(B) The division of cannabis control may do any of the following 83000  
for any reason specified in rules adopted under section 3780.03 83001  
of the Revised Code: 83002

(1) Suspend, suspend without prior hearing upon finding clear and convincing evidence that continued distribution of adult use cannabis presents a danger of immediate and serious harm to others, revoke, restrict, or refuse to renew a license it issued under this chapter; 83003  
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(2) Refuse to issue a license unless a license is required in accordance with this chapter; 83008  
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(3) Inspect the premises of an adult use cannabis operator or an adult use testing laboratory without prior notice; or 83010  
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(4) Impose on a provisional license holder or license holder a civil penalty in an amount to be determined by the division of cannabis control through rule to be paid into the ~~division of cannabis control and tax commissioner fund~~ adult use tax fund created under section 3780.22 of the Revised Code. 83012  
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(C) If the division of cannabis control suspends, revokes, or refuses to renew any license issued under this chapter or determines that there is clear and convincing evidence of a danger of immediate and serious harm to any individual, the division of cannabis control may place under seal all adult use cannabis owned by or in the possession, custody, or control of the affected license holder. Except as provided in this section, the division of cannabis control shall not dispose of the adult use cannabis sealed under this section until the license holder exhausts all of the license holder's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the division of cannabis control, during the pendency of the appeal, to sell cannabis that is perishable. The division of cannabis control shall deposit the proceeds of the sale with the court. 83017  
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(D) The division of cannabis control's enforcement actions under this section shall be taken in accordance with Chapter 119. of the Revised Code.

(E) Nothing in this chapter shall be construed to require the division of cannabis control to enforce minor violations of this chapter if the division of cannabis control determines that the public interest is adequately served by a notice or warning to the alleged offender.

**Sec. 3780.30. Cannabis addiction services; toll-free telephone numbers.**

(A) The division of cannabis control shall enter into an agreement with the department of mental health and addiction services under which the department shall provide a program for cannabis addiction services to be implemented on behalf of the division of cannabis control, which includes best practices for education and treatment for individuals with addiction issues related to cannabis or other controlled substances, including opioids.

(B) The department of mental health and addiction services shall establish, operate, and publicize an in-state, toll-free telephone number Ohio residents may call to obtain basic information about addiction services available to ~~consumer~~ consumers, and options for an addicted consumer to obtain help. The telephone number shall be staffed twenty-four hours per day, seven days a week in order to respond to inquiries and provide that information. ~~The costs of establishing, operating, and publicizing the telephone number shall be paid for with money in the substance abuse and addiction fund.~~

~~(C) The director of mental health and addiction services shall~~

~~administer the substance abuse and addiction fund.~~ The director 83061  
shall ~~use the money in the fund to~~ support addiction services or 83062  
other services that relate to addiction and substance abuse, and 83063  
research that relates to addiction and substance abuse. 83064  
Treatment and prevention services supported ~~by money in the fund~~ 83065  
~~under this section~~ shall be services that are certified by the 83066  
department of mental health and addiction services. 83067

~~(D) The director mental health and addiction services shall~~ 83068  
~~prepare an annual report describing the use of the fund for~~ 83069  
~~these purposes. The director shall submit the report to the~~ 83070  
~~director of the department of commerce, the speaker and minority~~ 83071  
~~leader of the house of representatives, the president and~~ 83072  
~~minority leader of the senate, and the governor.~~ 83073

~~(E)~~ License holders shall provide informational resources for 83074  
patrons related to cannabis addiction issues and services. 83075

~~(F)~~ (E) License holders shall provide training for their 83076  
employees regarding the cannabis addiction services resources 83077  
for patrons related to this section. 83078

**Sec. 3781.10.** (A) (1) The board of building standards shall 83079  
formulate and adopt rules governing the erection, construction, 83080  
repair, alteration, and maintenance of all buildings or classes 83081  
of buildings specified in section 3781.06 of the Revised Code, 83082  
including land area incidental to those buildings, the 83083  
construction of industrialized units, the installation of 83084  
equipment, and the standards or requirements for materials used 83085  
in connection with those buildings. The board shall incorporate 83086  
those rules into separate residential and nonresidential 83087  
building codes. The standards shall relate to the conservation 83088  
of energy and the safety and sanitation of those buildings. 83089

~~(2)~~ (2) (a) The rules governing nonresidential buildings are 83090  
the lawful minimum requirements specified for those buildings 83091  
and industrialized units, except that no rule other than as 83092  
provided in division (C) of section 3781.108 of the Revised Code 83093  
that specifies a higher requirement than is imposed by any 83094  
section of the Revised Code is enforceable. 83095

(b) The rules governing residential buildings are uniform 83096  
requirements ~~for residential buildings~~ in any area with a 83097  
building department certified to enforce the state residential 83098  
building code in accordance with division (E) of this section, 83099  
for both of the following: 83100

(i) The erection and construction of new residential 83101  
buildings; 83102

(ii) The repair and alteration of existing residential 83103  
buildings. 83104

(c) In no case shall any local code or regulation differ 83105  
from the state residential building code for either the erection 83106  
and construction of new residential buildings or for the repair 83107  
and alteration of existing residential buildings unless that 83108  
code or regulation addresses subject matter not addressed by the 83109  
state residential building code or is adopted pursuant to 83110  
section 3781.01 of the Revised Code. 83111

(3) The rules adopted pursuant to this section are 83112  
complete, lawful alternatives to any requirements specified for 83113  
buildings or industrialized units in any section of the Revised 83114  
Code. Except as otherwise provided in division (I) of this 83115  
section, the board shall, on its own motion or on application 83116  
made under sections 3781.12 and 3781.13 of the Revised Code, 83117  
formulate, propose, adopt, modify, amend, or repeal the rules to 83118

the extent necessary or desirable to effectuate the purposes of 83119  
sections 3781.06 to 3781.18 of the Revised Code. 83120

(B) The board shall report to the general assembly 83121  
proposals for amendments to existing statutes relating to the 83122  
purposes declared in section 3781.06 of the Revised Code that 83123  
public health and safety and the development of the arts require 83124  
and shall recommend any additional legislation to assist in 83125  
carrying out fully, in statutory form, the purposes declared in 83126  
that section. The board shall prepare and submit to the general 83127  
assembly a summary report of the number, nature, and disposition 83128  
of the petitions filed under sections 3781.13 and 3781.14 of the 83129  
Revised Code. 83130

(C) On its own motion or on application made under 83131  
sections 3781.12 and 3781.13 of the Revised Code, and after 83132  
thorough testing and evaluation, the board shall determine by 83133  
rule that any particular fixture, device, material, process of 83134  
manufacture, manufactured unit or component, method of 83135  
manufacture, system, or method of construction complies with 83136  
performance standards adopted pursuant to section 3781.11 of the 83137  
Revised Code. The board shall make its determination with regard 83138  
to adaptability for safe and sanitary erection, use, or 83139  
construction, to that described in any section of the Revised 83140  
Code, wherever the use of a fixture, device, material, method of 83141  
manufacture, system, or method of construction described in that 83142  
section of the Revised Code is permitted by law. The board shall 83143  
amend or annul any rule or issue an authorization for the use of 83144  
a new material or manufactured unit on any like application. No 83145  
department, officer, board, or commission of the state other 83146  
than the board of building standards or the board of building 83147  
appeals shall permit the use of any fixture, device, material, 83148  
method of manufacture, newly designed product, system, or method 83149

of construction at variance with what is described in any rule 83150  
the board of building standards adopts or issues or that is 83151  
authorized by any section of the Revised Code. Nothing in this 83152  
section shall be construed as requiring approval, by rule, of 83153  
plans for an industrialized unit that conforms with the rules 83154  
the board of building standards adopts pursuant to section 83155  
3781.11 of the Revised Code. 83156

(D) The board shall recommend rules, codes, and standards 83157  
to help carry out the purposes of section 3781.06 of the Revised 83158  
Code and to help secure uniformity of state administrative 83159  
rulings and local legislation and administrative action to the 83160  
bureau of workers' compensation, the director of commerce, any 83161  
other department, officer, board, or commission of the state, 83162  
and to legislative authorities and building departments of 83163  
counties, townships, and municipal corporations, and shall 83164  
recommend that they audit those recommended rules, codes, and 83165  
standards by any appropriate action that they are allowed 83166  
pursuant to law or the constitution. 83167

(E) (1) The board shall certify municipal, township, and 83168  
county building departments, the personnel of those building 83169  
departments, persons described in division (E) (7) of this 83170  
section, and employees of individuals, firms, the state, or 83171  
corporations described in division (E) (7) of this section to 83172  
exercise enforcement authority, to accept and approve plans and 83173  
specifications, and to make inspections, pursuant to sections 83174  
3781.03, 3791.04, and 4104.43 of the Revised Code. 83175

(2) The board shall certify departments, personnel, and 83176  
persons to enforce the state residential building code for the 83177  
erection and construction of new residential buildings, to 83178  
enforce the nonresidential building code, or to enforce both the 83179

residential and the nonresidential building codes. A department 83180  
certified to enforce the state residential building code for the 83181  
erection and construction of new residential buildings may also 83182  
enforce the state residential building code for the repair and 83183  
alteration of existing residential buildings upon obtaining the 83184  
appropriate certification from the board, in accordance with 83185  
this section, for the department and its personnel. Any 83186  
department, personnel, or person may enforce only the type of 83187  
building code for which certified. 83188

(3) The board shall not require a building department, its 83189  
personnel, or any persons that it employs to be certified for 83190  
residential building code enforcement if that building 83191  
department does not enforce the state residential building code. 83192  
The board shall specify, in rules adopted pursuant to Chapter 83193  
119. of the Revised Code, the requirements for certification for 83194  
residential and nonresidential building code enforcement, which 83195  
shall be consistent with this division. The requirements for 83196  
residential and nonresidential certification may differ. Except 83197  
as otherwise provided in this division, the requirements shall 83198  
include, but are not limited to, the satisfactory completion of 83199  
an initial examination and, to remain certified, the completion 83200  
of a specified number of hours of continuing building code 83201  
education within each three-year period following the date of 83202  
certification which shall be not less than thirty hours. The 83203  
rules shall provide that continuing education credits and 83204  
certification issued by the council of American building 83205  
officials, national model code organizations, and agencies or 83206  
entities the board recognizes are acceptable for purposes of 83207  
this division. The rules shall specify requirements that are 83208  
consistent with the provisions of section 5903.12 of the Revised 83209  
Code relating to active duty military service and are 83210

compatible, to the extent possible, with requirements the 83211  
council of American building officials and national model code 83212  
organizations establish. 83213

(4) The board shall establish and collect a certification 83214  
and renewal fee for building department personnel, and persons 83215  
and employees of persons, firms, or corporations as described in 83216  
this section, who are certified pursuant to this division. 83217

(5) Any individual certified pursuant to this division 83218  
shall complete the number of hours of continuing building code 83219  
education that the board requires or, for failure to do so, 83220  
forfeit certification. 83221

(6) This division does not require or authorize the board 83222  
to certify personnel of municipal, township, and county building 83223  
departments, and persons and employees of persons, firms, or 83224  
corporations as described in this section, whose 83225  
responsibilities do not include the exercise of enforcement 83226  
authority, the approval of plans and specifications, or making 83227  
inspections under the state residential and nonresidential 83228  
building codes. 83229

(7) Enforcement authority for approval of plans and 83230  
specifications and enforcement authority for inspections may be 83231  
exercised, and plans and specifications may be approved and 83232  
inspections may be made on behalf of a municipal corporation, 83233  
township, or county, by any of the following who the board of 83234  
building standards certifies: 83235

(a) Officers or employees of the municipal corporation, 83236  
township, or county; 83237

(b) Persons, or employees of persons, firms, or 83238  
corporations, pursuant to a contract to furnish architectural, 83239

engineering, or other services to the municipal corporation,	83240
township, or county;	83241
(c) Officers or employees of, and persons under contract	83242
with, a municipal corporation, township, county, health	83243
district, or other political subdivision, pursuant to a contract	83244
to furnish architectural, engineering, or other services;	83245
(d) Officers or employees of the division of industrial	83246
compliance in the department of commerce pursuant to a contract	83247
authorized by division (B) of section 121.083 of the Revised	83248
Code.	83249
(8) Municipal, township, and county building departments	83250
have jurisdiction within the meaning of sections 3781.03,	83251
3791.04, and 4104.43 of the Revised Code, only with respect to	83252
the types of buildings and subject matters for which they are	83253
certified under this section.	83254
(9) A certified municipal, township, or county building	83255
department may exercise enforcement authority, accept and	83256
approve plans and specifications, and make inspections pursuant	83257
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code	83258
for a park district created pursuant to Chapter 1545. of the	83259
Revised Code upon the approval, by resolution, of the board of	83260
park commissioners of the park district requesting the	83261
department to exercise that authority and conduct those	83262
activities, as applicable.	83263
(10) Certification shall be granted upon application by	83264
the municipal corporation, the board of township trustees, or	83265
the board of county commissioners and approval of that	83266
application by the board of building standards. The application	83267
shall set forth:	83268

(a) Whether the certification is requested for residential or nonresidential buildings, or both;	83269 83270
(b) <u>If the certification is requested for residential buildings, whether the requested certification is for only the erection and construction of new residential buildings or also the repair and alteration of existing residential buildings;</u>	83271 83272 83273 83274
(c) <u>The number and qualifications of the staff composing the building department;</u>	83275 83276
<del>(e)</del> (d) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E) (7) (b) of this section;	83277 83278 83279
<del>(d)</del> (e) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E) (7) of this section;	83280 83281 83282 83283
<del>(e)</del> (f) The proposed budget for the operation of the building department.	83284 83285
(11) The board of building standards shall adopt rules governing all of the following:	83286 83287
(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of	83288 83289 83290 83291 83292 83293 83294 83295 83296 83297

working drawings or specifications for work within the 83298  
jurisdictional area of the department. The department shall 83299  
provide other similarly qualified personnel to enforce the 83300  
residential and nonresidential building codes as they pertain to 83301  
that work. 83302

(b) The minimum services to be provided by a certified 83303  
building department. 83304

(12) The board of building standards may revoke or suspend 83305  
certification to enforce the residential and nonresidential 83306  
building codes, on petition to the board by any person affected 83307  
by that enforcement or approval of plans, or by the board on its 83308  
own motion. Hearings shall be held and appeals permitted on any 83309  
proceedings for certification or revocation or suspension of 83310  
certification in the same manner as provided in section 3781.101 83311  
of the Revised Code for other proceedings of the board of 83312  
building standards. 83313

(13) Upon certification, and until that authority is 83314  
revoked, any county or township building department shall 83315  
enforce the residential and nonresidential building codes for 83316  
which it is certified without regard to limitation upon the 83317  
authority of boards of county commissioners under Chapter 307. 83318  
of the Revised Code or boards of township trustees under Chapter 83319  
505. of the Revised Code. 83320

(14) The board shall certify a person to exercise 83321  
enforcement authority, to accept and approve plans and 83322  
specifications, or to make inspections in this state in 83323  
accordance with Chapter 4796. of the Revised Code if either of 83324  
the following applies: 83325

(a) The person holds a license or certificate in another 83326

state. 83327

(b) The person has satisfactory work experience, a 83328  
government certification, or a private certification as 83329  
described in that chapter in the same profession, occupation, or 83330  
occupational activity as the profession, occupation, or 83331  
occupational activity for which the certificate is required in 83332  
this state in a state that does not issue that license or 83333  
certificate. 83334

(F) In addition to hearings sections 3781.06 to 3781.18 83335  
and 3791.04 of the Revised Code require, the board of building 83336  
standards shall make investigations and tests, and require from 83337  
other state departments, officers, boards, and commissions 83338  
information the board considers necessary or desirable to assist 83339  
it in the discharge of any duty or the exercise of any power 83340  
mentioned in this section or in sections 3781.06 to 3781.18, 83341  
3791.04, and 4104.43 of the Revised Code. 83342

(G) The board shall adopt rules and establish reasonable 83343  
fees for the review of all applications submitted where the 83344  
applicant applies for authority to use a new material, assembly, 83345  
or product of a manufacturing process. The fee shall bear some 83346  
reasonable relationship to the cost of the review or testing of 83347  
the materials, assembly, or products and for the notification of 83348  
approval or disapproval as provided in section 3781.12 of the 83349  
Revised Code. 83350

(H) The residential construction advisory committee shall 83351  
provide the board with a proposal for a state residential 83352  
building code that the committee recommends pursuant to division 83353  
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 83354  
recommendation from the committee that is acceptable to the 83355  
board, the board shall adopt rules establishing that code as the 83356

state residential building code. 83357

(I) (1) The committee may provide the board with proposed 83358  
rules to update or amend the state residential building code 83359  
that the committee recommends pursuant to division (E) of 83360  
section 4740.14 of the Revised Code. 83361

(2) If the board receives a proposed rule to update or 83362  
amend the state residential building code as provided in 83363  
division (I) (1) of this section, the board either may accept or 83364  
reject the proposed rule for incorporation into the residential 83365  
building code. If the board does not act to either accept or 83366  
reject the proposed rule within ninety days after receiving the 83367  
proposed rule from the committee as described in division (I) (1) 83368  
of this section, the proposed rule shall become part of the 83369  
residential building code. 83370

(J) The board shall cooperate with the director of 83371  
children and youth when the director promulgates rules pursuant 83372  
to section 5104.05 of the Revised Code regarding safety and 83373  
sanitation in type A family child care homes. 83374

(K) The board shall adopt rules to implement the 83375  
requirements of section 3781.108 of the Revised Code. 83376

**Sec. 3781.102.** (A) Any county or municipal building 83377  
department certified pursuant to division (E) of section 3781.10 83378  
of the Revised Code as of September 14, 1970, and that, as of 83379  
that date, was inspecting single-family, two-family, and three- 83380  
family residences, and any township building department 83381  
certified pursuant to division (E) of section 3781.10 of the 83382  
Revised Code, is hereby declared to be certified to inspect 83383  
single-family, two-family, and three-family residences 83384  
containing industrialized units, and shall inspect the buildings 83385

or classes of buildings subject to division (E) of section 83386  
3781.10 of the Revised Code. 83387

(B) Each board of county commissioners may adopt, by 83388  
resolution, rules establishing standards and providing for the 83389  
licensing of electrical and heating, ventilating, and air 83390  
conditioning contractors who are not required to hold a valid 83391  
and unexpired license pursuant to Chapter 4740. of the Revised 83392  
Code. 83393

Rules adopted by a board of county commissioners pursuant 83394  
to this division may be enforced within the unincorporated areas 83395  
of the county and within any municipal corporation where the 83396  
legislative authority of the municipal corporation has 83397  
contracted with the board for the enforcement of the county 83398  
rules within the municipal corporation pursuant to section 83399  
307.15 of the Revised Code. The rules shall not conflict with 83400  
rules adopted by the board of building standards pursuant to 83401  
section 3781.10 of the Revised Code or by the department of 83402  
commerce pursuant to Chapter 3703. of the Revised Code. This 83403  
division does not impair or restrict the power of municipal 83404  
corporations under Section 3 of Article XVIII, Ohio 83405  
Constitution, to adopt rules concerning the erection, 83406  
construction, repair, alteration, and maintenance of buildings 83407  
and structures or of establishing standards and providing for 83408  
the licensing of specialty contractors pursuant to section 83409  
715.27 of the Revised Code. 83410

A board of county commissioners, pursuant to this 83411  
division, may require all electrical contractors and heating, 83412  
ventilating, and air conditioning contractors, other than those 83413  
who hold a valid and unexpired license issued pursuant to 83414  
Chapter 4740. of the Revised Code, to successfully complete an 83415

examination, test, or demonstration of technical skills, and may 83416  
impose a fee and additional requirements for a license to engage 83417  
in their respective occupations within the jurisdiction of the 83418  
board's rules under this division. 83419

(C) No board of county commissioners shall require any 83420  
specialty contractor who holds a valid and unexpired license 83421  
issued pursuant to Chapter 4740. of the Revised Code to 83422  
successfully complete an examination, test, or demonstration of 83423  
technical skills in order to engage in the type of contracting 83424  
for which the license is held, within the unincorporated areas 83425  
of the county and within any municipal corporation whose 83426  
legislative authority has contracted with the board for the 83427  
enforcement of county regulations within the municipal 83428  
corporation, pursuant to section 307.15 of the Revised Code. 83429

(D) A board may impose a fee for registration of a 83430  
specialty contractor who holds a valid and unexpired license 83431  
issued pursuant to Chapter 4740. of the Revised Code before that 83432  
specialty contractor may engage in the type of contracting for 83433  
which the license is held within the unincorporated areas of the 83434  
county and within any municipal corporation whose legislative 83435  
authority has contracted with the board for the enforcement of 83436  
county regulations within the municipal corporation, pursuant to 83437  
section 307.15 of the Revised Code, provided that the fee is the 83438  
same for all specialty contractors who wish to engage in that 83439  
type of contracting. If a board imposes such a fee, the board 83440  
immediately shall permit a specialty contractor who presents 83441  
proof of holding a valid and unexpired license and pays the 83442  
required fee to engage in the type of contracting for which the 83443  
license is held within the unincorporated areas of the county 83444  
and within any municipal corporation whose legislative authority 83445  
has contracted with the board for the enforcement of county 83446

regulations within the municipal corporation, pursuant to 83447  
section 307.15 of the Revised Code. 83448

(E) The political subdivision associated with each 83449  
municipal, township, and county building department the board of 83450  
building standards certifies pursuant to division (E) of section 83451  
3781.10 of the Revised Code may prescribe fees to be paid by 83452  
persons, political subdivisions, or any department, agency, 83453  
board, commission, or institution of the state, for the 83454  
acceptance and approval of plans and specifications, and for the 83455  
making of inspections, pursuant to sections 3781.03 and 3791.04 83456  
of the Revised Code. 83457

(F) Each political subdivision that prescribes fees 83458  
pursuant to division (E) of this section shall collect, on 83459  
behalf of the board of building standards, fees equal to the 83460  
following: 83461

(1) Three per cent of the fees the political subdivision 83462  
collects in connection with nonresidential buildings; 83463

(2) One per cent of the fees the political subdivision 83464  
collects in connection with the erection of and construction of 83465  
new residential buildings and, if the political subdivision 83466  
elects under division (E) of section 3781.10 of the Revised Code 83467  
to enforce the state residential building code for the repair 83468  
and alteration of existing residential buildings, one per cent 83469  
of the fees the political subdivision collects in connection 83470  
with the repair and alteration of existing residential 83471  
buildings. 83472

(G) (1) The board shall adopt rules, in accordance with 83473  
Chapter 119. of the Revised Code, specifying the manner in which 83474  
the fee assessed pursuant to division (F) of this section shall 83475

be collected and remitted monthly to the board. The board shall 83476  
pay the fees into the state treasury to the credit of the 83477  
industrial compliance operating fund created in section 121.084 83478  
of the Revised Code. 83479

(2) All money credited to the industrial compliance 83480  
operating fund under this division shall be used exclusively for 83481  
the following: 83482

(a) Operating costs of the board; 83483

(b) Providing services, including educational programs, 83484  
for the building departments that are certified by the board 83485  
pursuant to division (E) of section 3781.10 of the Revised Code; 83486

(c) Paying the expenses of the residential construction 83487  
advisory committee, including the expenses of committee members 83488  
as provided in section 4740.14 of the Revised Code. 83489

(H) A board of county commissioners that adopts rules 83490  
providing for the licensing of electrical and heating, 83491  
ventilating, and air conditioning contractors, pursuant to 83492  
division (B) of this section, may accept, for purposes of 83493  
satisfying the requirements of rules adopted under that 83494  
division, a valid and unexpired license issued pursuant to 83495  
Chapter 4740. of the Revised Code that is held by an electrical 83496  
or heating, ventilating, and air conditioning contractor, for 83497  
the construction, replacement, maintenance, or repair of one- 83498  
family, two-family, or three-family dwelling houses or accessory 83499  
structures incidental to those dwelling houses. 83500

(I) A board of county commissioners shall not register a 83501  
specialty contractor who is required to hold a license under 83502  
Chapter 4740. of the Revised Code but does not hold a valid 83503  
license issued under that chapter. 83504

(J) If a board of county commissioners regulates a profession, occupation, or occupational activity under this section, the board shall comply with Chapter 4796. of the Revised Code.

(K) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

**Sec. 3781.1011.** (A) As used in this section:

(1) "Alarm system" means a device or system that transmits a signal intended to summon law enforcement to a county, township, or municipal corporation in response to an alleged violation of an offense under Chapter 2911. of the Revised Code occurring in a nonresidential zone of the applicable county, township, or municipal corporation. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle or an alarm designed to alert only the inhabitants within the premises. The term includes an alarm system for which a permit may be issued under any applicable section of the Revised Code or Ohio Constitution.

(2) "Battery-charged fence" means a fence connected to system, including integrated components or equipment, that satisfies all of the following:

(a) Functions with a battery-operated energizer that is intended to periodically to deliver voltage impulses to the fence, system with an impulse repetition rate that does not exceed one hertz and an impulse duration that does not exceed

<u>ten milliseconds;</u>	83534
<u>(b) Exclusively uses a battery charging device used</u>	83535
<u>exclusively to charge the battery, and any other ancillary</u>	83536
<u>components or equipment attached to such a system;</u>	83537
<u>(c) Interfaces with a monitored alarm system;</u>	83538
<u>(d) Has a battery-operated energizer that is powered by a</u>	83539
<u>commercial storage battery that is not more than twelve volts of</u>	83540
<u>direct current;</u>	83541
<u>(e) Is four to twelve inches behind a non-battery-charged</u>	83542
<u>perimeter fence, wall, or structure that is not less than five</u>	83543
<u>feet in height;</u>	83544
<u>(f) Is ten feet in height, or two feet higher than the</u>	83545
<u>height of the non-battery-charged perimeter fence, wall, or</u>	83546
<u>structure, whichever is higher;</u>	83547
<u>(g) Is marked with conspicuous warning signs that are</u>	83548
<u>located on the battery-charged fence at not more than thirty-</u>	83549
<u>foot intervals and that read: "WARNING-SHOCK HAZARD" or a</u>	83550
<u>similar warning message.</u>	83551
(3) "Permit" means a certificate, license, permit, or	83552
other form of permission that authorizes a person to engage in	83553
an action.	83554
(B) <u>A-Subject to division (D) of this section, a person</u>	83555
<u>may install, operate, and use a battery-charged fence installed-</u>	83556
<u>on private, nonresidential property within a county, township,</u>	83557
<u>or municipal corporation shall satisfy all of the following:</u>	83558
<u>(1) Interface with a monitored alarm system;</u>	83559
<u>(2) Have a battery-operated energizer that is powered by a</u>	83560

~~commercial storage battery that is not more than twelve volts of 83561  
direct current, and that meets the standards set forth by the 83562  
international electrotechnical commission 60335-02-76 current- 83563  
edition; 83564~~

~~(3) Be completely surrounded by a nonelectric perimeter 83565  
fence or wall that is not less than five feet in height; 83566~~

~~(4) Be not more than the higher of ten feet in height, or 83567  
two feet higher than the height of the nonelectric perimeter 83568  
fence or wall; and 83569~~

~~(5) Be marked with conspicuous warning signs that are 83570  
located on the battery-charged fence at not more than forty-foot 83571  
intervals and that read: "WARNING--ELECTRIC FENCE." 83572~~

(C) Division (B) of this section does not apply to any of 83573  
the following fences, regardless of whether such fences are 83574  
battery-charged fences under division (A) (2) of this section: 83575

(1) Fences that are required to be constructed by persons 83576  
or corporations owning, controlling, or managing a railroad 83577  
pursuant to Chapter 4959. of the Revised Code; 83578

(2) Partition fences constructed in accordance with 83579  
Chapter 971. of the Revised Code; 83580

(3) Fences constructed or installed by the state or a 83581  
political subdivision, or by the federal government; 83582

(4) Fences installed at a facility that is an accredited 83583  
member of the association of zoos and aquariums or the 83584  
zoological association of America and that is licensed by the 83585  
United States department of agriculture under the federal animal 83586  
welfare act; 83587

(5) Fences installed at a wildlife sanctuary; 83588

(6) Fences constructed and used for agricultural purposes, 83589  
as agriculture is defined in either section 303.01 or 519.01 of 83590  
the Revised Code. 83591

(D) ~~Notwithstanding any other section of the Revised Code,~~ 83592  
~~a~~A county, township, or municipal corporation may adopt and 83593  
enforce an ordinance, order, resolution, or regulation that does 83594  
any of the following: 83595

(1) Imposes installation ~~or~~, operational, or use 83596  
requirements for battery-charged fences in nonresidential 83597  
properties that ~~are do not in conflict with the requirements and~~ 83598  
~~standards set forth in~~ expressly, implicitly, or functionally 83599  
prohibit the installation, operation, or use of such fences, as 83600  
authorized under division (B) of this section; 83601

(2) Requires a permit or fee for the installation,  83602  
operation, or use of a battery-charged fence to which this 83603  
section applies in accordance with a permit or fee for an alarm 83604  
system issued or charged by the county, township, or municipal 83605  
corporation; 83606

(3) ~~Prohibits~~ Completely prohibits or imposes generally 83607  
applicable requirements on the installation, operation, or use 83608  
of a ~~battery-charged fence non-battery-charged perimeter fence,~~ 83609  
wall, or structure or any system that does not constitute a 83610  
battery-charged fence under division (A) (2) of this section in a 83611  
nonresidential zone ~~that does not meet the requirements and~~ 83612  
~~standards set forth in division (B) of this section.~~ 83613

**Sec. 3901.3815.** (A) As used in this section: 83614

(1) "Health plan issuer" has the same meaning as in 83615  
section 3922.01 of the Revised Code, except that the term also 83616  
includes any vendor contracted by a health plan issuer, as 83617

defined in that section. 83618

(2) "Health care provider" has the same meaning as in section 3701.74 of the Revised Code. 83619  
83620

(3) "Credit card" means a single-use or virtual payment card provided in an electronic, digital, facsimile, physical, or paper format. 83621  
83622  
83623

(4) "Business day" has the same meaning as in section 3901.81 of the Revised Code. 83624  
83625

(B) A health plan issuer shall offer all reasonably available methods of payment to a health care provider, which shall include payment by check and electronic funds transfer. A health plan issuer shall not charge a health care provider a fee for delivering payment by check or electronic funds transfer, either directly or indirectly through an agent, affiliate, or third party contracted by the health plan issuer in connection with the method of payment. 83626  
83627  
83628  
83629  
83630  
83631  
83632  
83633

(C) A health plan issuer that offers payment by credit card shall provide a process by which a health care provider may opt out of that method of payment and select another method of payment. 83634  
83635  
83636  
83637

(D) If a health plan issuer or an agent, affiliate, or third party contracted by a health plan issuer in connection with one of the available payment methods, other than payment by check or electronic funds transfer, charges a fee, the health plan issuer shall, prior to initiating the first payment to a health care provider or upon changing the payment methods available to a health care provider, do both of the following: 83638  
83639  
83640  
83641  
83642  
83643  
83644

(1) Notify the provider about potential fees associated with a particular payment method, disclose any charges by the 83645  
83646

health plan issuer, and advise the provider to contact the 83647  
provider's financial institution, credit card issuer, or payment 83648  
processor for information about other fees that may apply; 83649

(2) Provide the health care provider with clear 83650  
instructions as to how to select each payment method either on 83651  
the health plan issuer's web site or through a means other than 83652  
the contract offered to the health care provider. 83653

(E) (1) If a health care provider requests a change in the 83654  
available payment method, the health plan issuer shall implement 83655  
the change to the payment method selected by the health care 83656  
provider within thirty-one business days. 83657

(2) The payment method selected by the health care 83658  
provider shall remain in effect until either the health care 83659  
provider requests a different payment method or the health plan 83660  
issuer has not generated a payment to the provider for more than 83661  
one year. 83662

(3) The health plan issuer shall not charge a fee for a 83663  
change in payment method. 83664

**Sec. 3902.51.** (A) (1) (a) A health plan issuer shall 83665  
reimburse an out-of-network provider for unanticipated out-of- 83666  
network care when both of the following apply: 83667

(i) The services are provided to a covered person at an 83668  
in-network facility. 83669

(ii) The services would be covered if provided by an in- 83670  
network provider. 83671

(b) A health plan issuer shall reimburse both of the 83672  
following for emergency services provided to a covered person at 83673  
an out-of-network emergency facility: 83674

(i) An out-of-network provider;	83675
(ii) The out-of-network emergency facility.	83676
(c) A health plan issuer shall reimburse both of the	83677
following for emergency services provided to a covered person by	83678
an out-of-network ambulance:	83679
(i) An out-of-network provider;	83680
(ii) The out-of-network ambulance.	83681
(2) In the case of clinical laboratory services provided	83682
in connection with care described in division (A)(1) of this	83683
section, a health plan issuer shall reimburse any out-of-network	83684
provider and any out-of-network facility that provided the	83685
clinical laboratory services.	83686
(3) For purposes of sections 3902.50 to 3902.54 of the	83687
Revised Code:	83688
(a) In the request for reimbursement, the provider,	83689
facility, emergency facility, or ambulance shall include the	83690
proper billing code for the service for which reimbursement is	83691
requested.	83692
(b) The health plan issuer shall send the provider,	83693
facility, emergency facility, or ambulance its intended	83694
reimbursement as described in division (B)(1) of this section.	83695
(c) Within the period of time specified by the	83696
superintendent of insurance in rule, the provider, facility,	83697
emergency facility, or ambulance shall either notify the health	83698
plan issuer of its acceptance of the reimbursement or seek to	83699
negotiate reimbursement under division (B)(2) of this section.	83700
Failure to timely notify the issuer of an intent to negotiate	83701
shall be considered acceptance of the issuer's reimbursement.	83702

(B) (1) Unless the provider, facility, emergency facility, 83703  
or ambulance wishes to negotiate reimbursement under division 83704  
(B) (2) of this section, the reimbursement required to be paid to 83705  
the provider, facility, emergency facility, or ambulance under 83706  
division (A) of this section shall be the greatest of the 83707  
following amounts: 83708

(a) The amount negotiated with in-network providers, 83709  
facilities, emergency facilities, or ambulances for the service 83710  
in question in that geographic region under that health benefit 83711  
plan, excluding any in-network cost sharing imposed under the 83712  
health benefit plan. If there is more than one such amount, the 83713  
relevant amount shall be the median of those amounts, excluding 83714  
any in-network cost sharing imposed under the health benefit 83715  
plan. In determining the median amount, the amount negotiated 83716  
with each in-network provider, facility, emergency facility, or 83717  
ambulance shall be treated as a separate amount even if the same 83718  
amount is paid to more than one provider. If there is no per- 83719  
service amount, such as under a capitation or similar payment 83720  
arrangement, the amount described in division (B) (1) (a) of this 83721  
section shall be disregarded. 83722

(b) The amount for the service in question calculated 83723  
using the same method the health benefit plan generally uses to 83724  
determine payments for out-of-network health care services, such 83725  
as the usual, customary, and reasonable amount, excluding any 83726  
in-network cost sharing imposed under the health benefit plan. 83727  
This amount shall be determined with the reduction for cost 83728  
sharing that generally applies under the health benefit plan 83729  
with respect to out-of-network health care services. 83730

(c) ~~The~~ Whichever of the following amounts apply to the 83731  
service in question, calculated according to the amount that 83732

would be paid under the medicare program, part A or part B of 83733  
Title XVIII of the "Social Security Act," 42 U.S.C. 1395, as 83734  
amended, for the service in question, excluding any in-network 83735  
cost sharing imposed under the health benefit plan: 83736

(i) One hundred per cent of the medicare payment amount, 83737  
in the case of a provider, facility, or emergency facility; 83738

(ii) Two hundred fifty per cent of the medicare payment 83739  
amount, in the case of an ambulance. 83740

(2) In lieu of accepting reimbursement under division (B) 83741  
(1) of this section, a provider, facility, emergency facility, 83742  
or ambulance may notify the health plan issuer that the 83743  
provider, facility, emergency facility, or ambulance wishes to 83744  
negotiate reimbursement. Upon receipt of such notice, the health 83745  
plan issuer shall attempt a good faith negotiation with the 83746  
provider, facility, emergency facility, or ambulance. 83747

(C) (1) For unanticipated out-of-network care provided at 83748  
an in-network facility in this state, a provider shall not bill 83749  
a covered person for the difference between the health plan 83750  
issuer's reimbursement and the provider's charge for the 83751  
services. 83752

(2) For emergency services provided at an out-of-network 83753  
emergency facility in this state, neither the emergency facility 83754  
nor an out-of-network provider shall bill a covered person for 83755  
the difference between the health plan issuer's reimbursement 83756  
and the emergency facility's or the provider's charge for the 83757  
services. 83758

(3) For emergency services provided by an out-of-network 83759  
ambulance in this state, neither the ambulance nor an out-of- 83760  
network provider shall bill a covered person for the difference 83761

between the health plan issuer's reimbursement and the 83762  
ambulance's or provider's charge for the services. 83763

(4) In the case of clinical laboratory services provided 83764  
in this state in connection with care described in division (A) 83765  
(1) of this section, no out-of-network provider or out-of- 83766  
network facility shall bill a covered person for the difference 83767  
between the health plan issuer's reimbursement and the 83768  
provider's or facility's charge for the clinical laboratory 83769  
services. 83770

(D) A health plan issuer shall not require cost sharing 83771  
for any service described in division (A) of this section from 83772  
the covered person at a rate higher than if the services were 83773  
provided in network. 83774

(E) For health care services, other than those described 83775  
in division (A) of this section, that are covered under a health 83776  
benefit plan but are provided to a covered person by an out-of- 83777  
network provider at an in-network facility, both of the 83778  
following apply: 83779

(1) For services provided in this state, the provider 83780  
shall not bill the covered person for the difference between the 83781  
health plan issuer's out-of-network reimbursement and the 83782  
provider's charge for the services unless all of the following 83783  
conditions are met: 83784

(a) The provider informs the covered person that the 83785  
provider is not in the covered person's health benefit plan 83786  
network. 83787

(b) The provider provides to the covered person a good 83788  
faith estimate of the cost of the services, including the 83789  
provider's charge, the estimated reimbursement by the health 83790

plan issuer, and the covered person's responsibility. The 83791  
estimate shall contain a disclaimer that the covered person is 83792  
not required to obtain the health care service at that location 83793  
or from that provider. 83794

(c) The covered person affirmatively consents to receive 83795  
the services. 83796

(2) The health plan issuer may reimburse the provider at 83797  
either the in-network or out-of-network rate as described in the 83798  
covered person's health benefit plan. 83799

(F) Nothing in this section is subject to section 3901.71 83800  
of the Revised Code. 83801

**Sec. 3902.70.** As used in this section and section 3902.71 83802  
of the Revised Code: 83803

(A) "340B covered entity" and ~~"third-party administrator"~~ 83804  
~~have the same meanings as in section 5167.01 of the Revised~~ 83805  
~~Code~~ means an entity described in section 340B(a)(4) of the 83806  
"Public Health Service Act," 42 U.S.C. 256b(a)(4) and includes 83807  
any pharmacy under contract with the entity to dispense drugs on 83808  
behalf of the entity. 83809

(B) "Terminal distributor of dangerous drugs" has the same 83810  
meaning as in section 4729.01 of the Revised Code. 83811

(C) "Third-party administrator" has the same meaning as in 83812  
section 5167.01 of the Revised Code. 83813

**Sec. 3905.426.** (A) As used in this section: 83814

(1) "Contract holder" means the person who purchased a 83815  
motor vehicle ancillary product protection contract, any 83816  
authorized transferee or assignee of the purchaser, or any other 83817  
person assuming the purchaser's rights under the motor vehicle 83818

ancillary product protection contract. 83819

(2) "Finance agreement" means a loan or retail installment contract secured by a motor vehicle or a lease contract for the use of a motor vehicle. 83820  
83821  
83822

~~(2)~~(3) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code and also includes utility vehicles\_ and under-speed vehicles as defined in that section. 83823  
83824  
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~~(3)(a)~~(4)(a) "Motor vehicle ancillary product protection contract" means a contract or agreement that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle, or its parts or equipment, to perform any one or more of the following services: 83826  
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(i) Repair or replacement of glass on a motor vehicle necessitated by wear and tear or damage caused by a road hazard; 83831  
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(ii) Removal of a dent, ding, or crease without affecting the existing paint finish using paintless dent removal techniques but which expressly excludes replacement of vehicle body panels, sanding, bonding, or painting; 83833  
83834  
83835  
83836

(iii) Repair to the interior components of a motor vehicle necessitated by wear and tear but which expressly excludes replacement of any part or component of a motor vehicle's interior; 83837  
83838  
83839  
83840

(iv) Repair or replacement of tires or wheels damaged because of a road hazard; 83841  
83842

(v) Replacement of a lost, stolen, or inoperable key or key fob; 83843  
83844

(vi) In conjunction with a motor vehicle leased for use, the repair, replacement, or maintenance of property, or 83845  
83846

indemnification for repair, replacement, or maintenance, due to 83847  
excess wear and use, damage for items such as tires, paint 83848  
cracks or chips, missing interior or exterior parts, or excess 83849  
mileage that results in a lease-end charge, or any other charge 83850  
for damage that is deemed as excess wear and use by a lessor 83851  
under a motor vehicle lease, provided any such charge shall not 83852  
exceed the purchase price of the vehicle at the end of the lease 83853  
term; 83854

(vii) Provide a benefit under a vehicle value protection 83855  
agreement. 83856

(b) A motor vehicle ancillary product protection contract 83857  
may, but is not required to, provide for incidental payment of 83858  
indemnity under limited circumstances, including, without 83859  
limitation, towing, rental, and emergency road services. 83860

(c) "Motor vehicle ancillary product protection contract" 83861  
does not include any of the following: 83862

(i) A motor vehicle service contract; 83863

(ii) A vehicle protection product warranty as defined in 83864  
section 3905.421 of the Revised Code; 83865

(iii) A home service contract as defined in section 83866  
3905.422 of the Revised Code; 83867

(iv) A consumer goods service contract as defined in 83868  
section 3905.423 of the Revised Code; 83869

(v) A contract for prepaid routine, scheduled maintenance 83870  
only. 83871

~~(4)~~ (5) "Motor vehicle service contract" means a contract 83872  
or agreement to perform or pay for the repair, replacement, or 83873  
maintenance of a motor vehicle due to defect in materials or 83874

workmanship, normal wear and tear, mechanical or electrical 83875  
breakdown, or failure of parts or equipment of a motor vehicle, 83876  
with or without additional provisions for incidental payment of 83877  
indemnity under limited circumstances, including, without 83878  
limitation, towing, rental, and emergency road services, that is 83879  
effective for a specified duration and paid for by means other 83880  
than the purchase of a motor vehicle. 83881

~~(5)~~ (6) "Provider" means a person who is contractually 83882  
obligated to a contract holder under the terms of a motor 83883  
vehicle ancillary product protection contract. 83884

~~(6)~~ (7) "Road hazard" means a condition that may cause 83885  
damage or wear and tear to a tire or wheel on a public or 83886  
private roadway, roadside, driveway, or parking lot or garage, 83887  
including potholes, nails, glass, road debris, and curbs. "Road 83888  
hazard" does not include fire, theft, vandalism or malicious 83889  
mischief, or other perils normally covered by automobile 83890  
physical damage insurance. 83891

~~(7)~~ (8) "Reimbursement insurance policy" means a policy of 83892  
insurance issued by an insurer authorized or eligible to do 83893  
business in this state to a provider to pay, on behalf of the 83894  
provider in the event of the provider's nonperformance, all 83895  
covered contractual obligations incurred by the provider under 83896  
the terms and conditions of the motor vehicle ancillary product 83897  
protection contract. 83898

~~(8)~~ (9) "Supplier" has the same meaning as in section 83899  
1345.01 of the Revised Code. 83900

(10) "Vehicle value protection agreement" includes a 83901  
contractual agreement that provides a benefit towards either the 83902  
reduction of some or all of the contract holder's current 83903

finance agreement deficiency balance, or towards the purchase or 83904  
lease of a replacement motor vehicle or motor vehicle services, 83905  
upon the occurrence of an adverse event to the motor vehicle, 83906  
including loss, theft, damage, obsolescence, diminished value, 83907  
or depreciation. "Vehicle value protection agreement" includes 83908  
trade-in-credit agreements, diminished value agreements, 83909  
depreciation benefit agreements, or other similar agreements. 83910  
"Vehicle value protection agreement" does not include a debt 83911  
suspension or debt cancellation product. 83912

(B) All motor vehicle ancillary product protection 83913  
contracts issued in this state shall be covered by a 83914  
reimbursement insurance policy. 83915

(C) A motor vehicle ancillary product protection contract 83916  
issued by a provider that is required to be covered by a 83917  
reimbursement insurance policy under division (B) of this 83918  
section shall conspicuously state all of the following: 83919

(1) "This contract is not insurance and is not subject to 83920  
the insurance laws of this state." 83921

(2) That the obligations of the provider are guaranteed 83922  
under a reimbursement insurance policy; 83923

(3) That if a provider fails to perform or make payment 83924  
due under the terms of the contract within sixty days after the 83925  
contract holder requests performance or payment pursuant to the 83926  
terms of the contract, the contract holder may request 83927  
performance or payment directly from the provider's 83928  
reimbursement insurance policy insurer, including any obligation 83929  
in the contract by which the provider must refund the contract 83930  
holder upon cancellation of a contract; 83931

(4) The name, address, and telephone number of the 83932

provider's reimbursement insurance policy insurer. 83933

(D) A motor vehicle ancillary product protection contract 83934  
that includes repair or replacement of glass on a motor vehicle 83935  
as provided in division ~~(A) (3) (a) (i)~~ (A) (4) (a) (i) of this 83936  
section, shall conspicuously state: "This contract may provide a 83937  
duplication of coverage already provided by your automobile 83938  
physical damage insurance policy." 83939

(E) A vehicle value protection agreement may be canceled 83940  
by the contract holder within thirty days of the effective date 83941  
of the agreement, and the contract holder shall be entitled to a 83942  
full refund of the purchase price paid by the contract holder, 83943  
if any, so long as no benefits have been provided under the 83944  
contract. 83945

(F) A vehicle value protection agreement that, under the 83946  
terms of the agreement, may be canceled by the contract holder 83947  
more than thirty days after the effective date of the agreement 83948  
must state the conditions under which it may be canceled, 83949  
including the procedures for requesting any refund of the 83950  
purchase price paid by the contract holder and the methodology 83951  
for calculating any refund of the purchase price. 83952

(G) The contract provider of the vehicle value protection 83953  
agreement shall mail a written notice to the contract holder at 83954  
the last known address of the contract holder contained in the 83955  
records of the contract provider at least five days prior to 83956  
cancellation by the contract provider. Prior notice is not 83957  
required if the reason for cancellation is nonpayment of the 83958  
provider fee, a material misrepresentation by the contract 83959  
holder to the contract provider or administrator, or a 83960  
substantial breach of duties by the contract holder relating to 83961  
the covered product or the use of the covered product. The 83962

notice shall state the effective date of the cancellation and 83963  
the reason for the cancellation. If a vehicle value protection 83964  
agreement is canceled by the contract provider for a reason 83965  
other than nonpayment of the provider fee, the provider shall 83966  
refund to the contract holder one hundred per cent of the 83967  
unearned provider fee paid by the contract holder, if any. If 83968  
coverage under the vehicle value protection agreement continues 83969  
after a claim, then all claims paid may be deducted from any 83970  
refund required by this division. A reasonable administrative 83971  
fee of up to seventy-five dollars may be charged by the contract 83972  
provider and deducted from any refund due under this division or 83973  
division (F) of this section. 83974

(H) Any refund under divisions (E) and (F) of this section 83975  
shall be paid to the seller or assignee of a retail installment 83976  
contract or lease agreement unless otherwise agreed to by the 83977  
contract holder and the seller or assignee. 83978

(I) A reimbursement insurance policy that is required to 83979  
be issued under this section shall contain: 83980

(1) A statement that if a provider fails to perform or 83981  
make payment due under the terms of the motor vehicle ancillary 83982  
product protection contract within sixty days after the contract 83983  
holder requests performance or payment pursuant to the terms of 83984  
the contract, the contract holder may request performance or 83985  
payment directly from the provider's reimbursement insurance 83986  
policy insurer, including any obligation in the contract by 83987  
which the provider must refund the contract holder upon 83988  
cancellation of a contract. 83989

(2) A statement that in the event of cancellation of the 83990  
provider's reimbursement insurance policy, insurance coverage 83991  
will continue for all contract holders whose motor vehicle 83992

ancillary product protection contracts were issued by the 83993  
provider and reported to the insurer for coverage during the 83994  
term of the reimbursement insurance policy. 83995

~~(F)~~ (J) The sale or issuance of a motor vehicle ancillary 83996  
product protection contract is a consumer transaction for 83997  
purposes of sections 1345.01 to 1345.13 of the Revised Code. The 83998  
provider is the supplier and the contract holder is the consumer 83999  
for purposes of those sections. 84000

~~(G)~~ (K) Unless issued by an insurer authorized or eligible 84001  
to do business in this state, a motor vehicle ancillary product 84002  
protection contract does not constitute a contract substantially 84003  
amounting to insurance, or the contract's issuance the business 84004  
of insurance, under section 3905.42 of the Revised Code. 84005

~~(H)~~ (L) Unless issued by an insurer authorized or eligible 84006  
to do business in this state, a contract identified in division 84007  
~~(A) (3) (e) (i)~~ (A) (4) (c) (i) or (v) of this section does not 84008  
constitute a contract substantially amounting to insurance, or 84009  
the contract's issuance the business of insurance, under section 84010  
3905.42 of the Revised Code. 84011

~~(I)~~ (M) The rights of a contract holder against a 84012  
provider's reimbursement insurance policy insurer as provided in 84013  
this section apply only in regard to a reimbursement insurance 84014  
policy issued under this section. This section does not create 84015  
any contractual rights in favor of a person that does not 84016  
qualify as an insured under any other type of insurance policy 84017  
described in Title XXXIX of the Revised Code. This section does 84018  
not prohibit the insurer of a provider's reimbursement insurance 84019  
policy from assuming liability for contracts issued prior to the 84020  
effective date of the policy or July 1, 2009. 84021

~~(J)~~ (N) A contract or agreement described in division ~~(A)~~ 84022  
~~(3)~~ ~~(a)~~ ~~(iv)~~ (A) (4) (a) (iv) of this section in which the provider is 84023  
a tire manufacturer shall be exempt from the requirements of 84024  
division (B) of this section if the contract or agreement 84025  
conspicuously states all of the following: 84026

(1) That the contract or agreement is not an insurance 84027  
contract; 84028

(2) That any covered obligations or claims under the 84029  
contract or agreement are the responsibility of the provider; 84030

(3) The name, address, and telephone number of any 84031  
administrator responsible for the administration of the contract 84032  
or agreement, the provider obligated to perform under the 84033  
contract or agreement, and the contract seller; 84034

(4) The procedure for making a claim under the contract or 84035  
agreement, including a toll-free telephone number for claims 84036  
service and a procedure for obtaining emergency repairs or 84037  
replacements performed outside normal business hours. 84038

**Sec. 3905.72.** (A) (1) No person shall act as a managing 84039  
general agent representing an insurer licensed in this state 84040  
with respect to risks located in this state unless the person is 84041  
licensed as a managing general agent pursuant to division (C) or 84042  
(D) of this section. 84043

(2) No person shall act as a managing general agent 84044  
representing an insurer organized under the laws of this state 84045  
with respect to risks located outside this state unless the 84046  
person is licensed as a managing general agent pursuant to 84047  
division (C) of this section. 84048

(B) Every person that seeks to act as a managing general 84049  
agent as described in division (A) of this section shall apply 84050

to the superintendent of insurance for a license. Except as 84051  
otherwise provided in division (D) of this section, the 84052  
application shall be in writing on a form provided by the 84053  
superintendent ~~and shall be sworn or affirmed before a notary-~~ 84054  
~~public or other person empowered to administer oaths.~~ The 84055  
application shall be kept on file by the superintendent and 84056  
shall include all of the following: 84057

(1) The name and principal business address of the 84058  
applicant; 84059

(2) If the applicant is an individual, the applicant's 84060  
current occupation; 84061

(3) If the applicant is an individual, the applicant's 84062  
occupation or occupations during the five-year period prior to 84063  
applying for the license to act as a managing general agent; 84064

(4) A copy of the contract between the applicant and the 84065  
insurer as required by, and in compliance with, section 3905.73 84066  
of the Revised Code; 84067

(5) A copy of a certified resolution of the board of 84068  
directors of the insurer on whose behalf the applicant will act, 84069  
appointing the applicant as a managing general agent and agent 84070  
of the insurer, specifying the duties the applicant is expected 84071  
to perform on behalf of the insurer and the lines of insurance 84072  
the applicant will manage, and authorizing the insurer to enter 84073  
into a contract with the applicant as required by section 84074  
3905.73 of the Revised Code; 84075

(6) A statement that the applicant submits to the 84076  
jurisdiction of the superintendent and the courts of this state; 84077

(7) Any other information required by the superintendent. 84078

(C) The superintendent shall issue to a resident of this state or a business entity organized under the laws of this state a license to act as a managing general agent representing an insurer licensed to do business in this state with respect to risks located in this state or a license to act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state, and shall renew such a license, if the superintendent is satisfied that all of the following conditions are met:

(1) The applicant is a suitable person and intends to hold self out in good faith as a managing general agent.

(2) The applicant understands the duties and obligations of a managing general agent.

(3) The applicant has filed a completed application that complies with division (B) of this section.

(4) The applicant has paid a fee in the amount of twenty dollars.

(5) The applicant maintains a bond in the amount of not less than fifty thousand dollars for the protection of the insurer.

(6) The applicant maintains an errors and omissions policy of insurance.

(7) The applicant is not, and has never been, under an order of suspension or revocation under section 3905.77 of the Revised Code or under any other law of this state, or any other state, relating to insurance, and is otherwise in compliance with sections 3905.71 to 3905.79 of the Revised Code and all other laws of this state relating to insurance.

(D) If the applicant is a resident of another state or a business entity organized under the laws of another state, the applicant shall submit a request for licensure, along with a fee of twenty dollars, to the superintendent. The superintendent shall issue a license to act as a managing general agent if the request for licensure includes proof that the applicant is licensed and in good standing as a managing general agent in the applicant's home state and either a copy of the application for licensure the applicant submitted to the applicant's home state or the application described in division (B) of this section.

If the applicant's home state does not license managing general agents under provisions similar to those in sections 3905.71 to 3905.79 of the Revised Code, or if the applicant's home state does not grant licenses to residents of this state on the same reciprocal basis, the applicant shall comply with divisions (B) and (C) of this section.

(E) Unless suspended or revoked by an order of the superintendent pursuant to section 3905.77 of the Revised Code and except as provided in division (F) of this section, any license issued or renewed pursuant to division (C) or (D) of this section shall expire on the last day of February next after its issuance or renewal.

(F) If the appointment of a managing general agent is terminated by the insurer, the license of the managing general agent shall expire on the date of the termination.

(G) A license shall be renewed in accordance with the standard renewal procedure specified in Chapter 4745. of the Revised Code.

(H) All license fees collected pursuant to this section

shall be paid into the state treasury to the credit of the 84136  
department of insurance operating fund. 84137

**Sec. 3921.22.** (A) A fraternal benefit society shall hold, 84138  
invest, and disburse all assets for the use and benefit of the 84139  
society. No member or beneficiary shall have or acquire 84140  
individual rights to the assets, or be entitled to any 84141  
apportionment on the surrender of any part of the assets, except 84142  
as provided in the benefit contract. 84143

(B) A society may create, maintain, invest, disburse, and 84144  
apply any special fund or funds necessary to carry out any 84145  
purpose permitted by the laws of the society. No society shall, 84146  
directly or indirectly, pay or use, or offer, consent, or agree 84147  
to pay or use, any of its funds, money, or property for or in 84148  
aid of any political party, campaign committee, political action 84149  
committee, ~~continuing association,~~ political contributing 84150  
entity, or any other political organization. 84151

(C) A society may, pursuant to resolution of its supreme 84152  
governing body, establish and operate one or more separate 84153  
accounts and issue contracts on a variable basis, subject to the 84154  
provisions of law regulating life insurers that establish such 84155  
accounts and issue such contracts including those described in 84156  
section 3911.011 of the Revised Code. To the extent the society 84157  
considers it necessary in order to comply with any applicable 84158  
federal or state law, or any rule issued under that law, the 84159  
society may do any of the following: 84160

(1) Adopt special procedures for the conduct of the 84161  
business and affairs of a separate account; 84162

(2) For persons having beneficial interests in the 84163  
account, provide special voting and other rights, including 84164

special rights and procedures relating to investment policy, 84165  
investment advisory services, selection of certified public 84166  
accountants, and selection of a committee to manage the business 84167  
and affairs of the account; 84168

(3) Issue contracts on a variable basis to which divisions 84169  
(B) and (D) of section 3921.19 of the Revised Code do not apply. 84170

**Sec. 3923.443.** (A) (1) No agent shall sell, solicit, or 84171  
negotiate long-term care insurance ~~on or after September 1,~~ 84172  
~~2008,~~ without first completing an initial eight-hour partnership 84173  
program training course as described in division (B) of this 84174  
section. 84175

(2) (a) Any agent that sells, solicits, or negotiates any 84176  
long-term care insurance shall complete at least four hours of 84177  
continuing education in every ~~twenty-four-month period~~ 84178  
~~commencing on the first day of January of the year immediately~~ 84179  
~~following the year of the issuance of the agent's license~~license 84180  
renewal period beginning with the first license renewal period 84181  
following the agent's completion of the partnership training 84182  
course described in division (A) (1) of this section. 84183

(b) ~~No~~An agent ~~shall fail who fails~~ to complete the 84184  
continuing education requirements in division (A) (2) (a) of this 84185  
section ~~in the twenty-four-month period described in that~~ 84186  
~~division~~before the end of a license renewal period shall not 84187  
sell, solicit, or negotiate long-term care insurance until such 84188  
requirements have been met. 84189

(B) The initial training course and continuing education 84190  
required under division (A) of this section may be approved by 84191  
the superintendent of insurance as continuing education courses 84192  
under sections 3905.481 to 3905.486 of the Revised Code and 84193

shall consist of combined topics related to long-term care	84194
insurance, long-term care services, and state long-term care	84195
insurance partnership programs, including all of the following:	84196
(1) State and federal regulations and requirements and the	84197
relationship between state long-term care insurance partnership	84198
programs and other public and private coverage of long-term care	84199
services, including medicaid;	84200
(2) Available long-term care services and providers;	84201
(3) Changes or improvements in long-term care services or	84202
providers;	84203
(4) Alternatives to the purchase of private long-term care	84204
insurance;	84205
(5) The effect of inflation on benefits and the importance	84206
of inflation protection;	84207
(6) Consumer suitability standards and guidelines;	84208
(7) Any other topics required by the superintendent.	84209
(C) The initial training and continuing education required	84210
by division (A) of this section shall not include training that	84211
is specific to a particular insurer or company product or that	84212
includes any sales or marketing information, materials, or	84213
training other than those required by state or federal law.	84214
(D) A resident agent shall satisfy the <u>initial training</u>	84215
and continuing education required by division (A) of this	84216
section by completing long-term care courses that are approved	84217
by the superintendent. A nonresident agent may satisfy the	84218
training and continuing education required by division (A) of	84219
this section by completing the training requirements in any	84220
other state, provided that the course is approved for credit by	84221

the insurance department of that state prior to the agent taking 84222  
the course. 84223

(E) Each insurer shall obtain records of the initial 84224  
training and continuing education completed by agents of that 84225  
insurer pursuant to division (A) of this section as well as the 84226  
training completed by the insurer's agents concerning the 84227  
distribution of the insurer's partnership program policies and 84228  
shall make those records available to the superintendent upon 84229  
request. 84230

(F) Each insurer shall maintain records with respect to 84231  
the training of its agents concerning the distribution of the 84232  
insurer's partnership program policies. Each insurer shall 84233  
provide documentation to the superintendent that will allow the 84234  
superintendent to provide assurance to the medicaid director 84235  
that agents have received the training required by this section 84236  
and that agents have demonstrated an understanding of the 84237  
partnership program policies and their relationship to public 84238  
and private coverage of long-term care in this state, including 84239  
medicaid. The superintendent may audit each insurer's records 84240  
annually to verify that the insurer is maintaining the records 84241  
required by this division. The superintendent shall make the 84242  
records provided to the superintendent pursuant to division (E) 84243  
of this section available to the director. 84244

**Sec. 3951.03.** (A) Before any certificate of authority 84245  
shall be issued by the superintendent of insurance there shall 84246  
be filed in the superintendent's office a written application 84247  
therefor. Such application shall be in the form or forms and 84248  
supplements thereto prescribed by the superintendent and shall 84249  
set forth: 84250

(1) The name and address of the applicant, and if the 84251

applicant be a firm, association, or partnership, the name and 84252  
address of each member thereof, and if the applicant be a 84253  
corporation, the name and address of each of its officers and 84254  
directors; 84255

(2) Whether any license or certificate of authority as 84256  
agent, broker, or public insurance adjuster has been issued 84257  
previously by the superintendent of this state or by the 84258  
insurance department of any state to the individual applicant, 84259  
and, if the applicant be an individual, whether any such 84260  
certificate has been issued previously to any firm, association, 84261  
or partnership of which the individual was or is an officer or 84262  
director, and, if the applicant be a firm, association, or 84263  
partnership, whether any such certificate has been issued 84264  
previously to any member thereof, and, if the applicant be a 84265  
corporation, whether any such certificate has been issued 84266  
previously to any officer or director of such corporation; 84267

(3) The business or employment in which the applicant has 84268  
been engaged for the five years next preceding the date of the 84269  
application, and the name and address of such business and the 84270  
name or names and addresses of his employer or employers; 84271

(4) Such information as the superintendent may require of 84272  
applicants in order to determine their trustworthiness and 84273  
competency to transact the business of public insurance 84274  
adjusters, in such manner as to safeguard the interest of the 84275  
public; 84276

(B) Except as provided in division (C) of this section, 84277  
the superintendent shall issue a public insurance adjuster agent 84278  
certificate to a person, who is a bona fide employee of a public 84279  
insurance adjuster without examination, provided said 84280  
application is made by a person, partnership, association, or 84281

corporation engaged in the public insurance adjusting business. 84282  
The fee to be paid by the applicant for such a license at the 84283  
time the application is made, and annually thereafter for the 84284  
renewal thereof according to the standard renewal procedure of 84285  
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 84286  
shall be fifty dollars, and such applicant shall be bonded in 84287  
the amount of one thousand dollars as provided for in division 84288  
(D) of section 3951.06 of the Revised Code. 84289

(C) The superintendent shall issue a public insurance 84290  
adjuster agent certificate in accordance with Chapter 4796. of 84291  
the Revised Code to an applicant if either of the following 84292  
applies: 84293

(1) The applicant holds a license or certificate in 84294  
another state. 84295

(2) The applicant has satisfactory work experience, a 84296  
government certification, or a private certification as 84297  
described in that chapter as a public insurance adjuster agent 84298  
in a state that does not issue that license or certificate. 84299

(D) An application for any certificate of authority shall 84300  
be signed ~~and verified under oath~~ by the applicant and, if made 84301  
by a firm, association, partnership, or corporation, by each 84302  
member or officer and director thereof to be authorized thereby 84303  
to act as a public insurance adjuster. 84304

**Sec. 3959.01.** As used in this chapter: 84305

(A) "Administration fees" means any amount charged a 84306  
covered person for services rendered. "Administration fees" 84307  
includes commissions earned or paid by any person relative to 84308  
services performed by an administrator. 84309

(B) "Administrator" means any person who adjusts or 84310

settles claims on, residents of this state in connection with 84311  
life, dental, health, prescription drugs, or disability 84312  
insurance or self-insurance programs. "Administrator" includes a 84313  
pharmacy benefit manager. "Administrator" does not include any 84314  
of the following: 84315

(1) An insurance agent or solicitor licensed in this state 84316  
whose activities are limited exclusively to the sale of 84317  
insurance and who does not provide any administrative services; 84318

(2) Any person who administers or operates the workers' 84319  
compensation program of a self-insuring employer under Chapter 84320  
4123. of the Revised Code; 84321

(3) Any person who administers pension plans for the 84322  
benefit of the person's own members or employees or administers 84323  
pension plans for the benefit of the members or employees of any 84324  
other person; 84325

(4) Any person that administers an insured plan or a self- 84326  
insured plan that provides life, dental, health, or disability 84327  
benefits exclusively for the person's own members or employees; 84328

(5) Any health insuring corporation holding a certificate 84329  
of authority under Chapter 1751. of the Revised Code or an 84330  
insurance company that is authorized to write life or sickness 84331  
and accident insurance in this state. 84332

(C) "Aggregate excess insurance" means that type of 84333  
coverage whereby the insurer agrees to reimburse the insured 84334  
employer or trust for all benefits or claims paid during an 84335  
agreement period on behalf of all covered persons under the plan 84336  
or trust which exceed a stated deductible amount and subject to 84337  
a stated maximum. 84338

(D) "Contracted pharmacy" or "pharmacy" means a pharmacy 84339

located in this state participating in either the network of a 84340  
pharmacy benefit manager or in a health care or pharmacy benefit 84341  
plan through a direct contract or through a contract with a 84342  
pharmacy services administration organization, group purchasing 84343  
organization, or another contracting agent. 84344

(E) "Contributions" means any amount collected from a 84345  
covered person to fund the self-insured portion of any plan in 84346  
accordance with the plan's provisions, summary plan 84347  
descriptions, and contracts of insurance. 84348

(F) "Drug product reimbursement" means the amount paid by 84349  
a pharmacy benefit manager to a contracted pharmacy for the cost 84350  
of the drug dispensed to a patient and does not include a 84351  
dispensing or professional fee. 84352

(G) "Fiduciary" has the meaning set forth in section 84353  
1002(21) (A) of the "Employee Retirement Income Security Act of 84354  
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 84355

(H) "Fiscal year" means the twelve-month accounting period 84356  
commencing on the date the plan is established and ending twelve 84357  
months following that date, and each corresponding twelve-month 84358  
accounting period thereafter as provided for in the summary plan 84359  
description. 84360

(I) "Insurer" means an entity authorized to do the 84361  
business of insurance in this state or, for the purposes of this 84362  
section, a health insuring corporation authorized to issue 84363  
health care plans in this state. 84364

(J) "Managed care organization" means an entity that 84365  
provides medical management and cost containment services and 84366  
includes a medicaid managed care organization, as defined in 84367  
section 5167.01 of the Revised Code. 84368

(K) "Maximum allowable cost" means a maximum drug product reimbursement for an individual drug or for a group of therapeutically and pharmaceutically equivalent multiple source drugs that are listed in the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, commonly referred to as the orange book.

(L) "Maximum allowable cost list" means a list of the drugs for which a pharmacy benefit manager imposes a maximum allowable cost, either directly or by setting forth a method for how the maximum allowable cost is calculated.

(M) "Multiple employer welfare arrangement" has the same meaning as in section 1739.01 of the Revised Code.

(N) "Ohio pharmacy" means a pharmacy, including an independent pharmacy, that is incorporated or organized in this state under Title XVII of the Revised Code.

(O) "Pharmacy benefit manager" means an entity that contracts with pharmacies on behalf of an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer to provide pharmacy health benefit services or administration. "Pharmacy benefit manager" includes the state pharmacy benefit manager selected under section 5167.24 of the Revised Code.

~~(O)~~ (P) "Plan" means any arrangement in written form for the payment of life, dental, health, or disability benefits to covered persons defined by the summary plan description and includes a drug benefit plan administered by a pharmacy benefit manager.

~~(P)~~ (Q) "Plan sponsor" means the person who establishes the plan. 84398  
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~~(Q)~~ (R) "Self-insurance program" means a program whereby an employer provides a plan of benefits for its employees without involving an intermediate insurance carrier to assume risk or pay claims. "Self-insurance program" includes but is not limited to employer programs that pay claims up to a prearranged limit beyond which they purchase insurance coverage to protect against unpredictable or catastrophic losses. 84400  
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~~(R)~~ (S) "Specific excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of a covered person in excess of a stated deductible amount and subject to a stated maximum. 84407  
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~~(S)~~ (T) "Summary plan description" means the written document adopted by the plan sponsor which outlines the plan of benefits, conditions, limitations, exclusions, and other pertinent details relative to the benefits provided to covered persons thereunder. 84412  
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~~(T)~~ (U) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 84417  
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**Sec. 3959.111.** (A) (1) (a) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy benefit manager shall be obligated to update and implement the pricing information at least every seven days and 84419  
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provide a means by which contracted pharmacies may promptly 84427  
review maximum allowable cost pricing updates in an electronic 84428  
format that is readily available, accessible, and secure and 84429  
that can be easily searched. 84430

Subject to division (A) (1) of this section, a pharmacy 84431  
benefit manager shall utilize the most up-to-date pricing data 84432  
when calculating drug product reimbursements for all contracting 84433  
pharmacies within one business day of any price update or 84434  
modification. 84435

(b) A pharmacy benefit manager shall maintain a written 84436  
procedure to eliminate products from the list of drugs subject 84437  
to maximum allowable cost pricing in a timely manner. The 84438  
written procedure, and any updates, shall promptly be made 84439  
available to a pharmacy upon request. 84440

(2) In each contract between a pharmacy benefit manager 84441  
and a pharmacy, a pharmacy benefit manager shall be obligated to 84442  
ensure that all of the following conditions are met prior to 84443  
placing a prescription drug on a maximum allowable cost list: 84444

(a) The drug is listed as "A" or "B" rated in the most 84445  
recent version of the United States food and drug 84446  
administration's approved drug products with therapeutic 84447  
equivalence evaluations, or has an "NR" or "NA" rating or 84448  
similar rating by nationally recognized reference. 84449

(b) The drug is generally available for purchase by 84450  
pharmacies in this state from a national or regional wholesaler 84451  
and is not obsolete. 84452

(3) Each contract between a pharmacy benefit manager and a 84453  
pharmacy shall include an electronic process to appeal, 84454  
investigate, and resolve disputes regarding maximum allowable 84455

cost pricing that includes all of the following: 84456

(a) A twenty-one-day limit on the right to appeal 84457  
following the initial claim; 84458

(b) A requirement that the appeal be investigated and 84459  
resolved within twenty-one days after the appeal; 84460

(c) A telephone number at which the pharmacy may contact 84461  
the pharmacy benefit manager to speak to a person responsible 84462  
for processing appeals; 84463

(d) A requirement that a pharmacy benefit manager provide 84464  
a reason for any appeal denial, including the national drug code 84465  
and the identity of the national or regional wholesalers from 84466  
whom the drug was generally available for purchase at or below 84467  
the benchmark price determined by the pharmacy benefit manager; 84468

(e) A requirement that if the appeal is upheld or granted, 84469  
then the pharmacy benefit manager shall adjust the drug product 84470  
reimbursement to the pharmacy's upheld appeal price; 84471

(f) A requirement that a pharmacy benefit manager make an 84472  
adjustment not later than one day after the date of 84473  
determination of the appeal. The adjustment shall be retroactive 84474  
to the date the appeal was made and shall apply to all situated 84475  
pharmacies as determined by the pharmacy benefit manager. This 84476  
requirement does not prohibit a pharmacy benefit manager from 84477  
retroactively adjusting a claim for the appealing pharmacy or 84478  
for any other similarly situated pharmacies. 84479

(B) (1) (a) A pharmacy benefit manager shall disclose to the 84480  
plan sponsor whether or not the pharmacy benefit manager uses 84481  
the same maximum allowable cost list when billing a plan sponsor 84482  
as it does when reimbursing a pharmacy. 84483

(b) If a pharmacy benefit manager uses multiple maximum allowable cost lists, the pharmacy benefit manager shall disclose in the aggregate to a plan sponsor any differences between the amount paid to a pharmacy and the amount charged to a plan sponsor.

(2) The disclosures required under division (B) (1) of this section shall be made within ten days of a pharmacy benefit manager and a plan sponsor signing a contract or on a quarterly basis.

(3) (a) Division (B) of this section does not apply to plans governed by the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. or medicare part D.

(b) As used in this division, "medicare part D" means the voluntary prescription drug benefit program established under Part D of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-101, et seq.

(C) Except as otherwise provided in division (E) of this section, a pharmacy benefit manager shall reimburse an Ohio pharmacy for drug products dispensed on or after the ninety-first day following the effective date of this amendment not less than the amount that the pharmacy benefit manager reimburses an affiliated pharmacy for providing the same drug product.

(D) An Ohio pharmacy may decline to provide a drug product to an individual or pharmacy benefit manager if the Ohio pharmacy would be paid less than the amount required by division (C) of this section.

(E) (1) Division (C) of this section does not apply to the extent that it conflicts with a contract or agreement entered

into before the effective date of this amendment except that, if 84513  
such a contract or agreement is amended or renewed after the 84514  
effective date of this amendment, the contract or agreement 84515  
shall conform to the requirements of that division. Division (C) 84516  
of this section does not prohibit a pharmacy benefit manager 84517  
from paying drug product reimbursements or dispensing 84518  
reimbursements in excess of the amount required by that 84519  
division. 84520

(2) Divisions (C) and (D) of this section do not apply 84521  
with respect to the state pharmacy benefit manager established 84522  
pursuant to section 5167.12 of the Revised Code. 84523

(F) Notwithstanding division (B) (5) of section 3959.01 of 84524  
the Revised Code, a health insuring corporation or a sickness 84525  
and accident insurer shall comply with the requirements of this 84526  
section and is subject to the penalties under section 3959.12 of 84527  
the Revised Code if the corporation or insurer is a pharmacy 84528  
benefit manager, as defined in section 3959.01 of the Revised 84529  
Code. 84530

~~(D)~~ (G) No pharmacy benefit manager shall retaliate 84531  
against an Ohio pharmacy that reports an alleged violation of, 84532  
or exercises a right or remedy under, this section by doing any 84533  
of the following: 84534

(1) Terminating or refusing to renew a contract with the 84535  
Ohio pharmacy without providing notice to the Ohio pharmacy at 84536  
least ninety days in advance; 84537

(2) Subjecting the Ohio pharmacy to increased audits 84538  
without providing notice to the Ohio pharmacy and a detailed 84539  
description of the reason for the audit at least ninety days in 84540  
advance; 84541

(3) Failing to promptly pay the Ohio pharmacy in accordance with sections 3901.381 to 3901.3814 of the Revised Code. 84542  
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(H) If an Ohio pharmacy believes that a pharmacy benefit manager has violated this section, in addition to any other remedies provided by law, the Ohio pharmacy may file a formal complaint and provide evidence related to the complaint to the superintendent of insurance. 84545  
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(I) The superintendent of insurance shall adopt rules as necessary to implement the requirements of this section in accordance with Chapter 119. of the Revised Code for the purposes of implementing and administering this section. 84550  
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**Sec. 3959.121.** (A) The superintendent of insurance shall evaluate any complaint filed by an Ohio pharmacy pursuant to section 3959.111 of the Revised Code. 84554  
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(B) (1) If the superintendent determines, based on a complaint filed by an Ohio pharmacy or other information available to the superintendent, that a pharmacy benefit manager has violated section 3959.111 of the Revised Code, the superintendent shall do both of the following: 84557  
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(a) Issue a notice of violation to the pharmacy benefit manager that clearly explains the violation; 84562  
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(b) Impose an administrative penalty on the pharmacy benefit manager of one thousand dollars for each violation. 84564  
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(2) Each day that a violation continues after the pharmacy benefit manager receives notice of the violation under division (B) (1) (a) of this section is considered a separate violation for the purposes of the administrative penalty under division (B) (1) (b) of this section. 84566  
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(C) Before imposing an administrative penalty under this section, the superintendent shall afford the pharmacy benefit manager an opportunity for an adjudication hearing under Chapter 119. of the Revised Code. At the hearing, the pharmacy benefit manager may challenge the superintendent's determination that a violation occurred, the superintendent's imposition of an administrative penalty, or both. The pharmacy benefit manager may appeal the superintendent's determination and the imposition of the administrative penalty in accordance with section 119.12 of the Revised Code. 84571  
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(D) An administrative penalty collected under this section shall be deposited into the state treasury to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code. 84581  
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**Sec. 4113.31.** (A) As used in this section: 84585

(1) "Employer," "mass layoff," and "plant closing" have the same meanings as in the WARN Act and 20 C.F.R. 639.3. 84586  
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(2) "WARN Act" means the "Worker Adjustment and Retraining Notification (WARN) Act," 29 U.S.C. 2101, et seq. 84588  
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(B) An employer in this state shall comply with all requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The requirements specified in this section do not establish a different standard than that established by federal statutes and regulations. 84590  
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(C) In accordance with 29 U.S.C 2101(a) (1) (B), an employer must provide the notice required by 29 U.S.C. 2102(a) if both of the following apply: 84595  
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(1) The employer employs one hundred or more employees who in the aggregate work at least four thousand hours a week. 84598  
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(2) The employer lays off fifty or more employees at a 84600  
single site of employment during any thirty-day period. 84601

(D) An employer is not required to provide the notice 84602  
described in 29 U.S.C. 2102(a) when a plant closing or mass 84603  
layoff constitutes a strike or constitutes a lockout as 84604  
described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d). 84605

(E) In accordance with 29 U.S.C 2102(a) (1), not less than 84606  
sixty days before the date a plant closing or mass layoff 84607  
begins, an employer shall provide written notice of the closing 84608  
or layoff to affected employees' authorized representatives or, 84609  
if there are no such representatives at the time, to each 84610  
affected employee. 84611

(1) The employer shall include all of the following in a 84612  
notice provided to affected employees' authorized 84613  
representatives: 84614

(a) The location of the facility affected by the plant 84615  
closing or mass layoff; 84616

(b) A detailed statement explaining the reason for the 84617  
plant closing or mass layoff and whether it will be permanent or 84618  
temporary; 84619

(c) The expected date when the plant closing or mass 84620  
layoff will commence and the anticipated date on which the 84621  
employees' employment will cease; 84622

(d) The total number of employees affected by the plant 84623  
closing or mass layoff, including the employees' job titles or 84624  
positions and any department or division impacted. 84625

(2) The employer shall include all of the following in a 84626  
notice provided to affected employees' who do not have an 84627

authorized representative at the time the notice is sent: 84628

(a) A detailed statement explaining the reason for the 84629  
plant closing or mass layoff and whether it will be permanent or 84630  
temporary; 84631

(b) The expected date when the plant closing or mass 84632  
layoff will commence and the anticipated date on which the 84633  
employees' employment will cease; 84634

(c) An indication as to whether an affected employee has 84635  
bumping rights or other reemployment rights under a collective 84636  
bargaining agreement or a company policy, including any 84637  
procedures for exercising those rights; 84638

(d) Information on how affected employees can access 84639  
unemployment insurance benefits and other assistance programs; 84640

(e) The name, title, and contact information of an 84641  
employer representative who can answer questions about the plant 84642  
closing or mass layoff; 84643

(f) Information about any available services for an 84644  
affected employee, including job placement assistance, 84645  
retraining programs, or counseling services. 84646

(F) In accordance with 29 U.S.C 2102(a)(2), an employer 84647  
shall provide written notice of a plant closing or mass layoff 84648  
to the director of job and family services and to the chief 84649  
elected official of the municipal corporation and the county 84650  
where the plant closing or mass layoff is to occur. The written 84651  
notice shall include the same information required under 84652  
division (E) of this section and all of the following: 84653

(1) A description of any action taken or planned to 84654  
mitigate the impact of the plant closing or mass layoff, 84655

including any efforts to secure alternative employment or 84656  
training for affected employees; 84657

(2) The name of each employee organization representing 84658  
affected employees, and the name and address of the chief 84659  
elected officer of each organization; 84660

(3) A copy of the notice provided to affected employees or 84661  
their representatives, as applicable. 84662

(G) The period within which an employer shall provide 84663  
notice may be reduced or waived under the circumstances 84664  
described in 29 U.S.C. 2102(b). 84665

(H) The director of job and family services may issue 84666  
guidance and procedures for the submission and review of notices 84667  
by employers. 84668

(I) When an employer fails to comply with the WARN Act, an 84669  
affected employee may seek the remedies specified in 29 U.S.C. 84670  
2104. 84671

**Sec. 4115.04.** (A) (1) Every public authority authorized to 84672  
contract for or construct with its own forces a public 84673  
improvement, before advertising for bids or undertaking such 84674  
construction with its own forces, shall have the director of 84675  
commerce determine the prevailing rates of wages of mechanics 84676  
and laborers in accordance with section 4115.05 of the Revised 84677  
Code for the class of work called for by the public improvement, 84678  
in the locality where the work is to be performed. Except as 84679  
provided in division (A) (2) of this section, that schedule of 84680  
wages shall be attached to and made part of the specifications 84681  
for the work, and shall be printed on the bidding blanks where 84682  
the work is done by contract. A copy of the bidding blank shall 84683  
be filed with the director before the contract is awarded. A 84684

minimum rate of wages for common laborers, on work coming under 84685  
the jurisdiction of the department of transportation, shall be 84686  
fixed in each county of the state by the department of 84687  
transportation, in accordance with section 4115.05 of the 84688  
Revised Code. 84689

(2) In the case of contracts that are administered by the 84690  
department of natural resources, the director of natural 84691  
resources or the director's designee shall include language in 84692  
the contracts requiring wage rate determinations and updates to 84693  
be obtained directly from the department of commerce through 84694  
electronic or other means as appropriate. Contracts that include 84695  
this requirement are exempt from the requirements established in 84696  
division (A)(1) of this section that involve attaching the 84697  
schedule of wages to the specifications for the work, making the 84698  
schedule part of those specifications, and printing the schedule 84699  
on the bidding blanks where the work is done by contract. 84700

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 84701  
apply to: 84702

(1) Public improvements in any case where the federal 84703  
government or any of its agencies furnishes by loan or grant all 84704  
or any part of the funds used in constructing such improvements, 84705  
provided that the federal government or any of its agencies 84706  
prescribes predetermined minimum wages to be paid to mechanics 84707  
and laborers employed in the construction of such improvements; 84708

(2) A participant in a work activity, developmental 84709  
activity, or an alternative work activity under sections 5107.40 84710  
to 5107.69 of the Revised Code when a public authority directly 84711  
uses the labor of the participant to construct a public 84712  
improvement if the participant is not engaged in paid employment 84713  
or subsidized employment pursuant to the activity; 84714

(3) Public improvements undertaken by, or under contract for, the board of education of any school district or the governing board of any educational service center;

(4) Public improvements undertaken by, or under contract for, a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code if none of the funds used in constructing the improvements are the proceeds of bonds or other obligations that are secured by the full faith and credit of the state, a county, a township, or a municipal corporation and none of the funds used in constructing the improvements, including funds used to repay any amounts borrowed to construct the improvements, are funds that have been appropriated for that purpose by the state, a board of county commissioners, a township, or a municipal corporation from funds generated by the levy of a tax, provided that a county hospital or municipal hospital may elect to apply sections 4115.03 to 4115.16 of the Revised Code to a public improvement undertaken by, or under contract for, the hospital;

(5) Any project described in divisions (D) (1) (a) to ~~(D) (1)~~ ~~(e)~~ (D) (1) (f) of section 176.05 of the Revised Code;

(6) Public improvements undertaken by, or under contract for, a port authority as defined in section 4582.01 or 4582.21 of the Revised Code;

(7) Any portion of a public improvement undertaken and completed solely with labor donated by the individuals performing the labor, by a labor organization and its members, or by a contractor or subcontractor that donates all labor and materials for that portion of the public improvement project.

(C) Under no circumstances shall a public authority apply the prevailing wage requirements of this chapter to a public improvement that is exempt under division (B) (3) of this section.

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 of the Revised Code.

(B) Neither of the following are appropriate subjects for collective bargaining:

(1) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists ~~are not appropriate subjects for collective bargaining;~~

(2) For collective bargaining agreements that are entered into on or after the effective date of this amendment, the ability of state employees to perform their duties at a location designated as a worksite under division (B) (2) of section 124.184 of the Revised Code or other location designated under division (D) of section 124.184 of the Revised Code.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

(1) Determine matters of inherent managerial policy which

include, but are not limited to, areas of discretion or policy 84773  
such as the functions and programs of the public employer, 84774  
standards of services, its overall budget, utilization of 84775  
technology, and organizational structure; 84776

(2) Direct, supervise, evaluate, or hire employees; 84777

(3) Maintain and improve the efficiency and effectiveness 84778  
of governmental operations; 84779

(4) Determine the overall methods, process, means, or 84780  
personnel by which governmental operations are to be conducted; 84781

(5) Suspend, discipline, demote, or discharge for just 84782  
cause, or lay off, transfer, assign, schedule, promote, or 84783  
retain employees; 84784

(6) Determine the adequacy of the work force; 84785

(7) Determine the overall mission of the employer as a 84786  
unit of government; 84787

(8) Effectively manage the work force; 84788

(9) Take actions to carry out the mission of the public 84789  
employer as a governmental unit. 84790

The employer is not required to bargain on subjects 84791  
reserved to the management and direction of the governmental 84792  
unit except as affect wages, hours, terms and conditions of 84793  
employment, and the continuation, modification, or deletion of 84794  
an existing provision of a collective bargaining agreement. A 84795  
public employee or exclusive representative may raise a 84796  
legitimate complaint or file a grievance based on the collective 84797  
bargaining agreement. 84798

**Sec. 4117.10.** (A) An agreement between a public employer 84799

and an exclusive representative entered into pursuant to this 84800  
chapter governs the wages, hours, and terms and conditions of 84801  
public employment covered by the agreement. If the agreement 84802  
provides for a final and binding arbitration of grievances, 84803  
public employers, employees, and employee organizations are 84804  
subject solely to that grievance procedure and the state 84805  
personnel board of review or civil service commissions have no 84806  
jurisdiction to receive and determine any appeals relating to 84807  
matters that were the subject of a final and binding grievance 84808  
procedure. Where no agreement exists or where an agreement makes 84809  
no specification about a matter, the public employer and public 84810  
employees are subject to all applicable state or local laws or 84811  
ordinances pertaining to the wages, hours, and terms and 84812  
conditions of employment for public employees. All of the 84813  
following prevail over conflicting provisions of agreements 84814  
between employee organizations and public employers: 84815

(1) Laws pertaining to any of the following subjects: 84816

(a) Civil rights; 84817

(b) Affirmative action; 84818

(c) Unemployment compensation; 84819

(d) Workers' compensation; 84820

(e) The retirement of public employees; 84821

(f) Residency requirements; 84822

(g) The minimum educational requirements contained in the 84823  
Revised Code pertaining to public education including the 84824  
requirement of a certificate by the fiscal officer of a school 84825  
district pursuant to section 5705.41 of the Revised Code; 84826

(h) The provisions of division (A) of section 124.34 of 84827

the Revised Code governing the disciplining of officers and 84828  
employees who have been convicted of a felony; 84829

(i) The minimum standards promulgated by the director of 84830  
education and workforce pursuant to division (D) of section 84831  
3301.07 of the Revised Code. 84832

(2) The law pertaining to the leave of absence and 84833  
compensation provided under section 5923.05 of the Revised Code, 84834  
if the terms of the agreement contain benefits which are less 84835  
than those contained in that section or the agreement contains 84836  
no such terms and the public authority is the state or any 84837  
agency, authority, commission, or board of the state or if the 84838  
public authority is another entity listed in division (B) of 84839  
section 4117.01 of the Revised Code that elects to provide leave 84840  
of absence and compensation as provided in section 5923.05 of 84841  
the Revised Code; 84842

(3) The law pertaining to the leave established under 84843  
section 5906.02 of the Revised Code, if the terms of the 84844  
agreement contain benefits that are less than those contained in 84845  
section 5906.02 of the Revised Code; 84846

(4) The law pertaining to excess benefits prohibited under 84847  
section 3345.311 of the Revised Code with respect to an 84848  
agreement between an employee organization and a public employer 84849  
entered into on or after September 29, 2015; 84850

(5) The law pertaining to state employee work location 84851  
policies under section 124.184 of the Revised Code with respect 84852  
to an agreement between an employee organization and a public 84853  
employer entered into on or after the effective date of this 84854  
amendment. 84855

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 84856

the Revised Code and arrangements entered into thereunder, and 84857  
section 4981.21 of the Revised Code as necessary to comply with 84858  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 84859  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 84860  
entered into thereunder, this chapter prevails over any and all 84861  
other conflicting laws, resolutions, provisions, present or 84862  
future, except as otherwise specified in this chapter or as 84863  
otherwise specified by the general assembly. Nothing in this 84864  
section prohibits or shall be construed to invalidate the 84865  
provisions of an agreement establishing supplemental workers' 84866  
compensation or unemployment compensation benefits or exceeding 84867  
minimum requirements contained in the Revised Code pertaining to 84868  
public education or the minimum standards promulgated by the 84869  
director of education and workforce pursuant to division (D) of 84870  
section 3301.07 of the Revised Code. 84871

(B) The public employer shall submit a request for funds 84872  
necessary to implement an agreement and for approval of any 84873  
other matter requiring the approval of the appropriate 84874  
legislative body to the legislative body within fourteen days of 84875  
the date on which the parties finalize the agreement, unless 84876  
otherwise specified, but if the appropriate legislative body is 84877  
not in session at the time, then within fourteen days after it 84878  
convenes. The legislative body must approve or reject the 84879  
submission as a whole, and the submission is deemed approved if 84880  
the legislative body fails to act within thirty days after the 84881  
public employer submits the agreement. The parties may specify 84882  
that those provisions of the agreement not requiring action by a 84883  
legislative body are effective and operative in accordance with 84884  
the terms of the agreement, provided there has been compliance 84885  
with division (C) of this section. If the legislative body 84886  
rejects the submission of the public employer, either party may 84887

reopen all or part of the entire agreement. 84888

As used in this section, "legislative body" includes the 84889  
governing board of a municipal corporation, school district, 84890  
college or university, village, township, or board of county 84891  
commissioners or any other body that has authority to approve 84892  
the budget of their public jurisdiction and, with regard to the 84893  
state, "legislative body" means the controlling board. 84894

(C) The chief executive officer, or the chief executive 84895  
officer's representative, of each municipal corporation, the 84896  
designated representative of the board of education of each 84897  
school district, college or university, or any other body that 84898  
has authority to approve the budget of their public 84899  
jurisdiction, the designated representative of the board of 84900  
county commissioners and of each elected officeholder of the 84901  
county whose employees are covered by the collective 84902  
negotiations, and the designated representative of the village 84903  
or the board of township trustees of each township is 84904  
responsible for negotiations in the collective bargaining 84905  
process; except that the legislative body may accept or reject a 84906  
proposed collective bargaining agreement. When the matters about 84907  
which there is agreement are reduced to writing and approved by 84908  
the employee organization and the legislative body, the 84909  
agreement is binding upon the legislative body, the employer, 84910  
and the employee organization and employees covered by the 84911  
agreement. 84912

(D) There is hereby established an office of collective 84913  
bargaining in the department of administrative services for the 84914  
purpose of negotiating with and entering into written agreements 84915  
between state agencies, departments, boards, and commissions and 84916  
the exclusive representative on matters of wages, hours, terms 84917

and other conditions of employment and the continuation, 84918  
modification, or deletion of an existing provision of a 84919  
collective bargaining agreement. Nothing in any provision of law 84920  
to the contrary shall be interpreted as excluding the bureau of 84921  
workers' compensation and the industrial commission from the 84922  
preceding sentence. This office shall not negotiate on behalf of 84923  
other statewide elected officials or boards of trustees of state 84924  
institutions of higher education who shall be considered as 84925  
separate public employers for the purposes of this chapter; 84926  
however, the office may negotiate on behalf of these officials 84927  
or trustees where authorized by the officials or trustees. The 84928  
staff of the office of collective bargaining are in the 84929  
unclassified service. The director of administrative services 84930  
shall fix the compensation of the staff. 84931

The office of collective bargaining shall: 84932

(1) Assist the director in formulating management's 84933  
philosophy for public collective bargaining as well as planning 84934  
bargaining strategies; 84935

(2) Conduct negotiations with the exclusive 84936  
representatives of each employee organization; 84937

(3) Coordinate the state's resources in all mediation, 84938  
fact-finding, and arbitration cases as well as in all labor 84939  
disputes; 84940

(4) Conduct systematic reviews of collective bargaining 84941  
agreements for the purpose of contract negotiations; 84942

(5) Coordinate the systematic compilation of data by all 84943  
agencies that is required for negotiating purposes; 84944

(6) Prepare and submit an annual report and other reports 84945  
as requested to the governor and the general assembly on the 84946

implementation of this chapter and its impact upon state government. 84947  
84948

**Sec. 4123.442.** When developing the investment policy for the investment of the assets of the funds specified in this chapter and Chapters 4121., 4127., and 4131. of the Revised Code, the workers' compensation investment committee shall do all of the following: 84949  
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(A) Specify the asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, and performance evaluation guidelines; 84954  
84955  
84956

(B) Prohibit investing the assets of those funds, directly or indirectly, in vehicles that target any of the following: 84957  
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(1) Coins; 84959

(2) Artwork; 84960

(3) Horses; 84961

(4) Jewelry or gems; 84962

(5) Stamps; 84963

(6) Antiques; 84964

(7) Artifacts; 84965

(8) Collectibles; 84966

(9) Memorabilia; 84967

(10) Similar unregulated investments that are not commonly part of an institutional portfolio, that lack liquidity, and that lack readily determinable valuation. 84968  
84969  
84970

(C) Specify that the administrator of workers' compensation may invest in an investment class only if the 84971  
84972

bureau of workers' compensation board of directors, by a 84973  
majority vote, opens that class; 84974

(D) Prohibit investing the assets of those funds in any 84975  
class of investments the board, by majority vote, closed, or any 84976  
specific investment in which the board prohibits the 84977  
administrator from investing; 84978

(E) Prohibit investing the assets of those funds with the 84979  
primary purpose of influencing any social or environmental 84980  
policy or attempting to influence the governance of any 84981  
corporation; 84982

(F) Not specify in the investment policy that the 84983  
administrator or employees of the bureau of workers' 84984  
compensation are prohibited from conducting business with an 84985  
investment management firm, any investment management 84986  
professional associated with that firm, any third party 84987  
solicitor associated with that firm, or any political action 84988  
committee controlled by that firm or controlled by an investment 84989  
management professional of that firm based on criteria that are 84990  
more restrictive than the restrictions described in divisions 84991  
~~(Y) and (Z)~~ and (AA) of section 3517.13 of the Revised Code. 84992

**Sec. 4141.01.** As used in this chapter, unless the context 84993  
otherwise requires: 84994

(A) (1) "Employer" means the any of the following, provided 84995  
the individual or entity is subject to this chapter under 84996  
section 4141.011 of the Revised Code: any state, its 84997  
instrumentalities, its political subdivisions and their 84998  
instrumentalities, Indian tribes, and any individual or type of 84999  
organization including any partnership, limited liability 85000  
company, association, trust, estate, joint-stock company, 85001

insurance company, or corporation, whether domestic or foreign, 85002  
or the receiver, trustee in bankruptcy, trustee, or the 85003  
successor thereof, or the legal representative of a deceased 85004  
person who subsequent to December 31, 1971, or in the case of 85005  
political subdivisions or their instrumentalities, subsequent to 85006  
December 31, 1973: 85007

~~(a) Had in employment at least one individual, or in the 85008  
case of a nonprofit organization, subsequent to December 31, 85009  
1973, had not less than four individuals in employment for some 85010  
portion of a day in each of twenty different calendar weeks, in 85011  
either the current or the preceding calendar year whether or not 85012  
the same individual was in employment in each such day; or 85013~~

~~(b) Except for a nonprofit organization, had paid for 85014  
service in employment wages of fifteen hundred dollars or more 85015  
in any calendar quarter in either the current or preceding 85016  
calendar year; or 85017~~

~~(c) Had paid, subsequent to December 31, 1977, for 85018  
employment in domestic service in a local college club, or local 85019  
chapter of a college fraternity or sorority, cash remuneration 85020  
of one thousand dollars or more in any calendar quarter in the 85021  
current calendar year or the preceding calendar year, or had 85022  
paid subsequent to December 31, 1977, for employment in domestic 85023  
service in a private home cash remuneration of one thousand 85024  
dollars in any calendar quarter in the current calendar year or 85025  
the preceding calendar year:— 85026~~

~~(i) For the purposes of divisions (A) (1) (a) and (b) of 85027  
this section, there shall not be taken into account any wages 85028  
paid to, or employment of, an individual performing domestic 85029  
service as described in this division. 85030~~

~~(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A) (1) (a), (b), or (d) of this section.~~ 85031  
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~~(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and~~ 85035  
85036  
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~~(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or~~ 85038  
85039  
85040

~~(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or~~ 85041  
85042  
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~~(e) Is not otherwise an employer as defined under division (A) (1) (a) or (b) of this section; and~~ 85050  
85051

~~(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;~~ 85052  
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85058

~~(ii) Which, as a condition for approval of this chapter~~ 85059

~~for full tax credit against the tax imposed by the "Federal- 85060  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 85061  
is required, pursuant to such act to be an employer under this 85062  
chapter; or 85063~~

~~(iii) Who became an employer by election under division 85064  
(A) (4) or (5) of this section and for the duration of such 85065  
election; or 85066~~

~~(f) In the case of the state, its instrumentalities, its 85067  
political subdivisions, and their instrumentalities, and Indian 85068  
tribes, had in employment, as defined in divisions (B) (2) (a) and 85069  
(B) (2) (1) of this section, at least one individual; 85070~~

~~(g) For the purposes of division (A) (1) (a) of this 85071  
section, if any week includes both the thirty-first day of 85072  
December and the first day of January, the days of that week 85073  
before the first day of January shall be considered one calendar 85074  
week and the days beginning the first day of January another 85075  
week. 85076~~

(2) Each individual employed to perform or to assist in 85077  
performing the work of any agent or employee of an employer is 85078  
employed by such employer for all the purposes of this chapter, 85079  
whether such individual was hired or paid directly by such 85080  
employer or by such agent or employee, provided the employer had 85081  
actual or constructive knowledge of the work. All individuals 85082  
performing services for an employer of any person in this state 85083  
who maintains two or more establishments within this state are 85084  
employed by a single employer for the purposes of this chapter. 85085

~~(3) An employer subject to this chapter within any 85086  
calendar year is subject to this chapter during the whole of 85087  
such year and during the next succeeding calendar year. 85088~~

~~(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.~~

~~(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.~~

~~(6) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that~~

~~is not customarily exercised by a franchisor for the purpose of~~ 85120  
~~protecting the franchisor's trademark, brand, or both. For~~ 85121  
~~purposes of this division, "franchisor" and "franchisee" have~~ 85122  
~~the same meanings as in 16 C.F.R. 436.1.~~ 85123

(B) (1) "Employment" means service performed by an 85124  
individual for remuneration under any contract of hire, written 85125  
or oral, express or implied, including service performed in 85126  
interstate commerce and service performed by an officer of a 85127  
corporation, without regard to whether such service is 85128  
executive, managerial, or manual in nature, and without regard 85129  
to whether such officer is a stockholder or a member of the 85130  
board of directors of the corporation, unless it is shown to the 85131  
satisfaction of the director that such individual has been and 85132  
will continue to be free from direction or control over the 85133  
performance of such service, both under a contract of service 85134  
and in fact. The director of job and family services shall adopt 85135  
rules to define "direction or control." 85136

(2) "Employment" includes: 85137

(a) Service performed after December 31, 1977, by an 85138  
individual in the employ of the state or any of its 85139  
instrumentalities, or any political subdivision thereof or any 85140  
of its instrumentalities or any instrumentality of more than one 85141  
of the foregoing or any instrumentality of any of the foregoing 85142  
and one or more other states or political subdivisions and 85143  
without regard to ~~divisions~~ division (A) (1) (a) and (b) of this 85144  
section 4141.011 of the Revised Code, provided that such service 85145  
is excluded from employment as defined in the "Federal 85146  
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 85147  
(7) and is not excluded under division (B) (3) of this section; 85148  
or the services of employees covered by voluntary election, as 85149

provided under divisions ~~(A) (4)~~ (H) and ~~(5)~~ (I) of ~~this~~ section 4141.011 of the Revised Code; 85150  
85151

(b) Service performed after December 31, 1971, by an 85152  
individual in the employ of a religious, charitable, 85153  
educational, or other organization which is excluded from the 85154  
term "employment" as defined in the "Federal Unemployment Tax 85155  
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 85156  
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 85157  
excluded under division (B) (3) of this section; 85158

(c) Domestic service performed after December 31, 1977, 85159  
for an employer, as provided in division ~~(A) (1) (e)~~ (C) of ~~this~~ 85160  
section 4141.011 of the Revised Code; 85161

(d) Agricultural labor performed after December 31, 1977, 85162  
for a farm operator or a crew leader, as provided in division 85163  
~~(A) (1) (d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code; 85164

(e) Subject to division (B) (2) (m) of this section, service 85165  
not covered under division (B) (1) of this section which is 85166  
performed after December 31, 1971: 85167

(i) As an agent-driver or commission-driver engaged in 85168  
distributing meat products, vegetable products, fruit products, 85169  
bakery products, beverages other than milk, laundry, or dry- 85170  
cleaning services, for the individual's employer or principal; 85171

(ii) As a traveling or city salesperson, other than as an 85172  
agent-driver or commission-driver, engaged on a full-time basis 85173  
in the solicitation on behalf of and in the transmission to the 85174  
salesperson's employer or principal except for sideline sales 85175  
activities on behalf of some other person of orders from 85176  
wholesalers, retailers, contractors, or operators of hotels, 85177  
restaurants, or other similar establishments for merchandise for 85178

resale, or supplies for use in their business operations, 85179  
provided that for the purposes of division (B) (2) (e) (ii) of this 85180  
section, the services shall be deemed employment if the contract 85181  
of service contemplates that substantially all of the services 85182  
are to be performed personally by the individual and that the 85183  
individual does not have a substantial investment in facilities 85184  
used in connection with the performance of the services other 85185  
than in facilities for transportation, and the services are not 85186  
in the nature of a single transaction that is not a part of a 85187  
continuing relationship with the person for whom the services 85188  
are performed. 85189

(f) An individual's entire service performed within or 85190  
both within and without the state if: 85191

(i) The service is localized in this state. 85192

(ii) The service is not localized in any state, but some 85193  
of the service is performed in this state and either the base of 85194  
operations, or if there is no base of operations then the place 85195  
from which such service is directed or controlled, is in this 85196  
state or the base of operations or place from which such service 85197  
is directed or controlled is not in any state in which some part 85198  
of the service is performed but the individual's residence is in 85199  
this state. 85200

(g) Service not covered under division (B) (2) (f) (ii) of 85201  
this section and performed entirely without this state, with 85202  
respect to no part of which contributions are required and paid 85203  
under an unemployment compensation law of any other state, the 85204  
Virgin Islands, Canada, or of the United States, if the 85205  
individual performing such service is a resident of this state 85206  
and the director approves the election of the employer for whom 85207  
such services are performed; or, if the individual is not a 85208

resident of this state but the place from which the service is 85209  
directed or controlled is in this state, the entire services of 85210  
such individual shall be deemed to be employment subject to this 85211  
chapter, provided service is deemed to be localized within this 85212  
state if the service is performed entirely within this state or 85213  
if the service is performed both within and without this state 85214  
but the service performed without this state is incidental to 85215  
the individual's service within the state, for example, is 85216  
temporary or transitory in nature or consists of isolated 85217  
transactions; 85218

(h) Service of an individual who is a citizen of the 85219  
United States, performed outside the United States except in 85220  
Canada after December 31, 1971, or the Virgin Islands, after 85221  
December 31, 1971, and before the first day of January of the 85222  
year following that in which the United States secretary of 85223  
labor approves the Virgin Islands law for the first time, in the 85224  
employ of an American employer, other than service which is 85225  
"employment" under divisions (B) (2) (f) and (g) of this section 85226  
or similar provisions of another state's law, if: 85227

(i) The employer's principal place of business in the 85228  
United States is located in this state; 85229

(ii) The employer has no place of business in the United 85230  
States, but the employer is an individual who is a resident of 85231  
this state; or the employer is a corporation which is organized 85232  
under the laws of this state, or the employer is a partnership 85233  
or a trust and the number of partners or trustees who are 85234  
residents of this state is greater than the number who are 85235  
residents of any other state; or 85236

(iii) None of the criteria of divisions (B) (2) (f) (i) and 85237  
(ii) of this section is met but the employer has elected 85238

coverage in this state or the employer having failed to elect 85239  
coverage in any state, the individual has filed a claim for 85240  
benefits, based on such service, under this chapter. 85241

(i) For the purposes of division (B)(2)(h) of this 85242  
section, the term "American employer" means an employer who is 85243  
an individual who is a resident of the United States; or a 85244  
partnership, if two-thirds or more of the partners are residents 85245  
of the United States; or a trust, if all of the trustees are 85246  
residents of the United States; or a corporation organized under 85247  
the laws of the United States or of any state, provided the term 85248  
"United States" includes the states, the District of Columbia, 85249  
the Commonwealth of Puerto Rico, and the Virgin Islands. 85250

(j) Notwithstanding any other provisions of divisions (B) 85251  
(1) and (2) of this section, service, except for domestic 85252  
service in a private home not covered under division ~~(A)(1)(e)~~ 85253  
(C) of this section 4141.011 of the Revised Code, with respect 85254  
to which a tax is required to be paid under any federal law 85255  
imposing a tax against which credit may be taken for 85256  
contributions required to be paid into a state unemployment 85257  
fund, or service, except for domestic service in a private home 85258  
not covered under division ~~(A)(1)(e)~~ (C) of this section 4141.011 85259  
of the Revised Code, which, as a condition for full tax credit 85260  
against the tax imposed by the "Federal Unemployment Tax Act," 85261  
84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be 85262  
covered under this chapter. 85263

(k) Construction services performed by any individual 85264  
under a construction contract, as defined in section 4141.39 of 85265  
the Revised Code, if the director determines that the employer 85266  
for whom services are performed has the right to direct or 85267  
control the performance of the services and that the individuals 85268

who perform the services receive remuneration for the services 85269  
performed. The director shall presume that the employer for whom 85270  
services are performed has the right to direct or control the 85271  
performance of the services if ten or more of the following 85272  
criteria apply: 85273

(i) The employer directs or controls the manner or method 85274  
by which instructions are given to the individual performing 85275  
services; 85276

(ii) The employer requires particular training for the 85277  
individual performing services; 85278

(iii) Services performed by the individual are integrated 85279  
into the regular functioning of the employer; 85280

(iv) The employer requires that services be provided by a 85281  
particular individual; 85282

(v) The employer hires, supervises, or pays the wages of 85283  
the individual performing services; 85284

(vi) A continuing relationship between the employer and 85285  
the individual performing services exists which contemplates 85286  
continuing or recurring work, even if not full-time work; 85287

(vii) The employer requires the individual to perform 85288  
services during established hours; 85289

(viii) The employer requires that the individual 85290  
performing services be devoted on a full-time basis to the 85291  
business of the employer; 85292

(ix) The employer requires the individual to perform 85293  
services on the employer's premises; 85294

(x) The employer requires the individual performing 85295

services to follow the order of work established by the employer;	85296 85297
(xi) The employer requires the individual performing services to make oral or written reports of progress;	85298 85299
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	85300 85301
(xiii) The employer pays expenses for the individual performing services;	85302 85303
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	85304 85305
(xv) The individual performing services has not invested in the facilities used to perform services;	85306 85307
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	85308 85309 85310
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	85311 85312
(xviii) The individual performing services does not make the services available to the general public;	85313 85314
(xix) The employer has a right to discharge the individual performing services;	85315 85316
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	85317 85318 85319 85320
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-	85321 85322

Determination and Education Assistance Act," 88 Stat. 2204 85323  
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 85324  
subsidiary, or business enterprise wholly owned by an Indian 85325  
tribe provided that the service is excluded from employment as 85326  
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 85327  
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 85328  
under division (B)(3) of this section. 85329

(m) Service performed by an individual for or on behalf of 85330  
a motor carrier transporting property as an operator of a 85331  
vehicle or vessel, unless all of the following factors apply to 85332  
the individual and the motor carrier has not elected to consider 85333  
the individual's service as employment: 85334

(i) The individual owns the vehicle or vessel that is used 85335  
in performing the services for or on behalf of the carrier, or 85336  
the individual leases the vehicle or vessel under a bona fide 85337  
lease agreement that is not a temporary replacement lease 85338  
agreement. For purposes of this division, a bona fide lease 85339  
agreement does not include an agreement between the individual 85340  
and the motor carrier transporting property for which, or on 85341  
whose behalf, the individual provides services. 85342

(ii) The individual is responsible for supplying the 85343  
necessary personal services to operate the vehicle or vessel 85344  
used to provide the service. 85345

(iii) The compensation paid to the individual is based on 85346  
factors related to work performed, including on a mileage-based 85347  
rate or a percentage of any schedule of rates, and not solely on 85348  
the basis of the hours or time expended. 85349

(iv) The individual substantially controls the means and 85350  
manner of performing the services, in conformance with 85351

regulatory requirements and specifications of the shipper. 85352

(v) The individual enters into a written contract with the 85353  
carrier for whom the individual is performing the services that 85354  
describes the relationship between the individual and the 85355  
carrier to be that of an independent contractor and not that of 85356  
an employee. 85357

(vi) The individual is responsible for substantially all 85358  
of the principal operating costs of the vehicle or vessel and 85359  
equipment used to provide the services, including maintenance, 85360  
fuel, repairs, supplies, vehicle or vessel insurance, and 85361  
personal expenses, except that the individual may be paid by the 85362  
carrier the carrier's fuel surcharge and incidental costs, 85363  
including tolls, permits, and lumper fees. 85364

(vii) The individual is responsible for any economic loss 85365  
or economic gain from the arrangement with the carrier. 85366

(viii) The individual is not performing services described 85367  
in 26 U.S.C. 3306(c) (7) or (8). 85368

(3) "Employment" does not include the following services 85369  
if they are found not subject to the "Federal Unemployment Tax 85370  
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 85371  
services are not required to be included under division (B) (2) 85372  
(j) of this section: 85373

(a) Service performed after December 31, 1977, in 85374  
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 85375  
of ~~this~~ section 4141.011 of the Revised Code; 85376

(b) Domestic service performed after December 31, 1977, in 85377  
a private home, local college club, or local chapter of a 85378  
college fraternity or sorority except as provided in division 85379  
~~(A) (1) (e)~~ (C) of ~~this~~ section 4141.011 of the Revised Code; 85380

(c) Service performed after December 31, 1977, for this	85381
state or a political subdivision as described in division (B) (2)	85382
(a) of this section when performed:	85383
(i) As a publicly elected official;	85384
(ii) As a member of a legislative body, or a member of the	85385
judiciary;	85386
(iii) As a military member of the Ohio national guard;	85387
(iv) As an employee, not in the classified service as	85388
defined in section 124.11 of the Revised Code, serving on a	85389
temporary basis in case of fire, storm, snow, earthquake, flood,	85390
or similar emergency;	85391
(v) In a position which, under or pursuant to law, is	85392
designated as a major nontenured policymaking or advisory	85393
position, not in the classified service of the state, or a	85394
policymaking or advisory position the performance of the duties	85395
of which ordinarily does not require more than eight hours per	85396
week.	85397
(d) In the employ of any governmental unit or	85398
instrumentality of the United States;	85399
(e) Service performed after December 31, 1971:	85400
(i) Service in the employ of an educational institution or	85401
institution of higher education, including those operated by the	85402
state or a political subdivision, if such service is performed	85403
by a student who is enrolled and is regularly attending classes	85404
at the educational institution or institution of higher	85405
education; or	85406
(ii) By an individual who is enrolled at a nonprofit or	85407
public educational institution which normally maintains a	85408

regular faculty and curriculum and normally has a regularly 85409  
organized body of students in attendance at the place where its 85410  
educational activities are carried on as a student in a full- 85411  
time program, taken for credit at the institution, which 85412  
combines academic instruction with work experience, if the 85413  
service is an integral part of the program, and the institution 85414  
has so certified to the employer, provided that this subdivision 85415  
shall not apply to service performed in a program established 85416  
for or on behalf of an employer or group of employers. 85417

(f) Service performed by an individual in the employ of 85418  
the individual's son, daughter, or spouse and service performed 85419  
by a child under the age of eighteen in the employ of the 85420  
child's father or mother; 85421

(g) Service performed for one or more principals by an 85422  
individual who is compensated on a commission basis, who in the 85423  
performance of the work is master of the individual's own time 85424  
and efforts, and whose remuneration is wholly dependent on the 85425  
amount of effort the individual chooses to expend, and which 85426  
service is not subject to the "Federal Unemployment Tax Act," 53 85427  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 85428  
after December 31, 1971: 85429

(i) By an individual for an employer as an insurance agent 85430  
or as an insurance solicitor, if all this service is performed 85431  
for remuneration solely by way of commission; 85432

(ii) As a home worker performing work, according to 85433  
specifications furnished by the employer for whom the services 85434  
are performed, on materials or goods furnished by such employer 85435  
which are required to be returned to the employer or to a person 85436  
designated for that purpose. 85437

(h) Service performed after December 31, 1971:	85438
(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;	85439 85440 85441 85442 85443
(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or	85444 85445 85446 85447
(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental disability or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.	85448 85449 85450 85451 85452 85453 85454
(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;	85455 85456 85457 85458
(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order,	85459 85460 85461 85462 85463 85464 85465 85466

or association; 85467

(k) Casual labor not in the course of an employer's trade 85468  
or business; incidental service performed by an officer, 85469  
appraiser, or member of a finance committee of a bank, building 85470  
and loan association, savings and loan association, or savings 85471  
association when the remuneration for such incidental service 85472  
exclusive of the amount paid or allotted for directors' fees 85473  
does not exceed sixty dollars per calendar quarter is casual 85474  
labor; 85475

(l) Service performed in the employ of a voluntary 85476  
employees' beneficial association providing for the payment of 85477  
life, sickness, accident, or other benefits to the members of 85478  
such association or their dependents or their designated 85479  
beneficiaries, if admission to a membership in such association 85480  
is limited to individuals who are officers or employees of a 85481  
municipal or public corporation, of a political subdivision of 85482  
the state, or of the United States and no part of the net 85483  
earnings of such association inures, other than through such 85484  
payments, to the benefit of any private shareholder or 85485  
individual; 85486

(m) Service performed by an individual in the employ of a 85487  
foreign government, including service as a consular or other 85488  
officer or employee or of a nondiplomatic representative; 85489

(n) Service performed in the employ of an instrumentality 85490  
wholly owned by a foreign government if the service is of a 85491  
character similar to that performed in foreign countries by 85492  
employees of the United States or of an instrumentality thereof 85493  
and if the director finds that the secretary of state of the 85494  
United States has certified to the secretary of the treasury of 85495  
the United States that the foreign government, with respect to 85496

whose instrumentality exemption is claimed, grants an equivalent 85497  
exemption with respect to similar service performed in the 85498  
foreign country by employees of the United States and of 85499  
instrumentalities thereof; 85500

(o) Service with respect to which unemployment 85501  
compensation is payable under an unemployment compensation 85502  
system established by an act of congress; 85503

(p) Service performed as a student nurse in the employ of 85504  
a hospital or a nurses' training school by an individual who is 85505  
enrolled and is regularly attending classes in a nurses' 85506  
training school chartered or approved pursuant to state law, and 85507  
service performed as an intern in the employ of a hospital by an 85508  
individual who has completed a four years' course in a medical 85509  
school chartered or approved pursuant to state law; 85510

(q) Service performed by an individual under the age of 85511  
eighteen in the delivery or distribution of newspapers or 85512  
shopping news, not including delivery or distribution to any 85513  
point for subsequent delivery or distribution; 85514

(r) Service performed in the employ of the United States 85515  
or an instrumentality of the United States immune under the 85516  
Constitution of the United States from the contributions imposed 85517  
by this chapter, except that to the extent that congress permits 85518  
states to require any instrumentalities of the United States to 85519  
make payments into an unemployment fund under a state 85520  
unemployment compensation act, this chapter shall be applicable 85521  
to such instrumentalities and to services performed for such 85522  
instrumentalities in the same manner, to the same extent, and on 85523  
the same terms as to all other employers, individuals, and 85524  
services, provided that if this state is not certified for any 85525  
year by the proper agency of the United States under section 85526

3304 of the "Internal Revenue Code of 1954," the payments 85527  
required of such instrumentalities with respect to such year 85528  
shall be refunded by the director from the fund in the same 85529  
manner and within the same period as is provided in division (E) 85530  
of section 4141.09 of the Revised Code with respect to 85531  
contributions erroneously collected; 85532

(s) Service performed by an individual as a member of a 85533  
band or orchestra, provided such service does not represent the 85534  
principal occupation of such individual, and which service is 85535  
not subject to or required to be covered for full tax credit 85536  
against the tax imposed by the "Federal Unemployment Tax Act," 85537  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 85538

(t) Service performed in the employ of a day camp whose 85539  
camping season does not exceed twelve weeks in any calendar 85540  
year, and which service is not subject to the "Federal 85541  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 85542  
3311. Service performed after December 31, 1971: 85543

(i) In the employ of a hospital, if the service is 85544  
performed by a patient of the hospital, as defined in division 85545  
(W) of this section; 85546

(ii) For a prison or other correctional institution by an 85547  
inmate of the prison or correctional institution; 85548

(iii) Service performed after December 31, 1977, by an 85549  
inmate of a custodial institution operated by the state, a 85550  
political subdivision, or a nonprofit organization. 85551

(u) Service that is performed by a nonresident alien 85552  
individual for the period the individual temporarily is present 85553  
in the United States as a nonimmigrant under division (F), (J), 85554  
(M), or (Q) of section 101(a)(15) of the "Immigration and 85555

Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 85556  
that is excluded under section 3306(c)(19) of the "Federal 85557  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 85558  
3311. 85559

(v) Notwithstanding any other provisions of division (B) 85560  
(3) of this section, services that are excluded under divisions 85561  
(B)(3)(g), (j), (k), and (l) of this section shall not be 85562  
excluded from employment when performed for a nonprofit 85563  
organization, as defined in division (X) of this section, or for 85564  
this state or its instrumentalities, or for a political 85565  
subdivision or its instrumentalities or for Indian tribes; 85566

(w) Service that is performed by an individual working as 85567  
an election official or election worker if the amount of 85568  
remuneration received by the individual during the calendar year 85569  
for services as an election official or election worker is less 85570  
than one thousand dollars; 85571

(x) Service performed for an elementary or secondary 85572  
school that is operated primarily for religious purposes, that 85573  
is described in subsection 501(c)(3) and exempt from federal 85574  
income taxation under subsection 501(a) of the Internal Revenue 85575  
Code, 26 U.S.C.A. 501; 85576

(y) Service performed by a person committed to a penal 85577  
institution. 85578

(z) Service performed for an Indian tribe as described in 85579  
division (B)(2)(1) of this section when performed in any of the 85580  
following manners: 85581

(i) As a publicly elected official; 85582

(ii) As a member of an Indian tribal council; 85583

(iii) As a member of a legislative or judiciary body;	85584
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	85585 85586 85587 85588 85589
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	85590 85591 85592
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.	85593 85594 85595 85596 85597 85598 85599 85600
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	85601 85602
(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B) (4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which	85603 85604 85605 85606 85607 85608 85609 85610 85611 85612

payment of remuneration is ordinarily made to the employee by 85613  
the person employing that employee. Division (B) (4) of this 85614  
section does not apply to services performed in a pay period by 85615  
an employee for the person employing that employee, if any of 85616  
such service is excepted by division (B) (3) (o) of this section. 85617

(C) "Benefits" means money payments payable to an 85618  
individual who has established benefit rights, as provided in 85619  
this chapter, for loss of remuneration due to the individual's 85620  
unemployment. 85621

(D) "Benefit rights" means the weekly benefit amount and 85622  
the maximum benefit amount that may become payable to an 85623  
individual within the individual's benefit year as determined by 85624  
the director. 85625

(E) "Claim for benefits" means a claim for waiting period 85626  
or benefits for a designated week. 85627

(F) "Additional claim" means the first claim for benefits 85628  
filed following any separation from employment during a benefit 85629  
year; "continued claim" means any claim other than the first 85630  
claim for benefits and other than an additional claim. 85631

(G) "Wages" means remuneration paid to an employee by each 85632  
of the employee's employers with respect to employment; except 85633  
that wages shall not include that part of remuneration paid 85634  
during any calendar year to an individual by an employer or such 85635  
employer's predecessor in interest in the same business or 85636  
enterprise, which in any calendar year is in excess of nine 85637  
thousand dollars on and after January 1, 1995; nine thousand 85638  
five hundred dollars on and after January 1, 2018; and nine 85639  
thousand dollars on and after January 1, 2020. Remuneration in 85640  
excess of such amounts shall be deemed wages subject to 85641

contribution to the same extent that such remuneration is 85642  
defined as wages under the "Federal Unemployment Tax Act," 84 85643  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 85644  
remuneration paid an employee by an employer with respect to 85645  
employment in another state, upon which contributions were 85646  
required and paid by such employer under the unemployment 85647  
compensation act of such other state, shall be included as a 85648  
part of remuneration in computing the amount specified in this 85649  
division. 85650

(H) (1) "Remuneration" means all compensation for personal 85651  
services, including commissions and bonuses and the cash value 85652  
of all compensation in any medium other than cash, except that 85653  
in the case of agricultural or domestic service, "remuneration" 85654  
includes only cash remuneration. Gratuities customarily received 85655  
by an individual in the course of the individual's employment 85656  
from persons other than the individual's employer and which are 85657  
accounted for by such individual to the individual's employer 85658  
are taxable wages. 85659

The reasonable cash value of compensation paid in any 85660  
medium other than cash shall be estimated and determined in 85661  
accordance with rules prescribed by the director, provided that 85662  
"remuneration" does not include: 85663

(a) Payments as provided in divisions (b) (2) to (b) (20) of 85664  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 85665  
713, 26 U.S.C.A. 3301 to 3311, as amended; 85666

(b) The payment by an employer, without deduction from the 85667  
remuneration of the individual in the employer's employ, of the 85668  
tax imposed upon an individual in the employer's employ under 85669  
section 3101 of the "Internal Revenue Code of 1954," with 85670  
respect to services performed after October 1, 1941. 85671

(2) "Cash remuneration" means all remuneration paid in 85672  
cash, including commissions and bonuses, but not including the 85673  
cash value of all compensation in any medium other than cash. 85674

(I) "Interested party" means the director and any party to 85675  
whom notice of a determination of an application for benefit 85676  
rights or a claim for benefits is required to be given under 85677  
section 4141.28 of the Revised Code. 85678

(J) "Annual payroll" means the total amount of wages 85679  
subject to contributions during a twelve-month period ending 85680  
with the last day of the second calendar quarter of any calendar 85681  
year. 85682

(K) "Average annual payroll" means the average of the last 85683  
three annual payrolls of an employer, provided that if, as of 85684  
any computation date, the employer has had less than three 85685  
annual payrolls in such three-year period, such average shall be 85686  
based on the annual payrolls which the employer has had as of 85687  
such date. 85688

(L) (1) "Contributions" means the money payments to the 85689  
state unemployment compensation fund required of employers by 85690  
section 4141.25 of the Revised Code and of the state and any of 85691  
its political subdivisions electing to pay contributions under 85692  
section 4141.242 of the Revised Code. Employers paying 85693  
contributions shall be described as "contributory employers." 85694

(2) "Payments in lieu of contributions" means the money 85695  
payments to the state unemployment compensation fund required of 85696  
reimbursing employers under sections 4141.241 and 4141.242 of 85697  
the Revised Code. 85698

(M) An individual is "totally unemployed" in any week 85699  
during which the individual performs no services and with 85700

respect to such week no remuneration is payable to the individual. 85701  
85702

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount. 85703  
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(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director. 85707  
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(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter. 85710  
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(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar. 85719  
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(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment. 85725  
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(Q) (1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day 85728  
85729

of an individual's benefit year, except as provided in division 85730  
(Q) (2) of this section. 85731

(2) If an individual does not have sufficient qualifying 85732  
weeks and wages in the base period to qualify for benefit 85733  
rights, the individual's base period shall be the four most 85734  
recently completed calendar quarters preceding the first day of 85735  
the individual's benefit year. Such base period shall be known 85736  
as the "alternate base period." If information as to weeks and 85737  
wages for the most recent quarter of the alternate base period 85738  
is not available to the director from the regular quarterly 85739  
reports of wage information, which are systematically 85740  
accessible, the director may, consistent with the provisions of 85741  
section 4141.28 of the Revised Code, base the determination of 85742  
eligibility for benefits on the affidavit of the claimant with 85743  
respect to weeks and wages for that calendar quarter. The 85744  
claimant shall furnish payroll documentation, where available, 85745  
in support of the affidavit. The determination based upon the 85746  
alternate base period as it relates to the claimant's benefit 85747  
rights, shall be amended when the quarterly report of wage 85748  
information from the employer is timely received and that 85749  
information causes a change in the determination. As provided in 85750  
division (B) of section 4141.28 of the Revised Code, any 85751  
benefits paid and charged to an employer's account, based upon a 85752  
claimant's affidavit, shall be adjusted effective as of the 85753  
beginning of the claimant's benefit year. No calendar quarter in 85754  
a base period or alternate base period shall be used to 85755  
establish a subsequent benefit year. 85756

(3) The "base period" of a combined wage claim, as 85757  
described in division (H) of section 4141.43 of the Revised 85758  
Code, shall be the base period prescribed by the law of the 85759  
state in which the claim is allowed. 85760

(4) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

(R) (1) "Benefit year" with respect to an individual means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for determination of benefit rights, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application for determination of benefit rights after the termination of the individual's last preceding benefit year, except that the application shall not be considered valid unless the individual has had employment in six weeks that is subject to this chapter or the unemployment compensation act of another state, or the United States, and has, since the beginning of the individual's previous benefit year, in the employment earned three times the average weekly wage determined for the previous benefit year. The "benefit year" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the benefit year prescribed by the law of the state in which the claim is allowed. Any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual filing such application is unemployed, has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period, and has earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for such weeks. For purposes of determining whether an individual has had sufficient employment

since the beginning of the individual's previous benefit year to 85792  
file a valid application, "employment" means the performance of 85793  
services for which remuneration is payable. 85794

(2) Effective for benefit years beginning on and after 85795  
December 26, 2004, but before July 1, 2022, any application for 85796  
determination of benefit rights made in accordance with section 85797  
4141.28 of the Revised Code is valid if the individual satisfies 85798  
the criteria described in division (R) (1) of this section, and 85799  
if the reason for the individual's separation from employment is 85800  
not disqualifying pursuant to division (D) (2) of section 4141.29 85801  
or section 4141.291 of the Revised Code. A disqualification 85802  
imposed pursuant to division (D) (2) of section 4141.29 or 85803  
section 4141.291 of the Revised Code must be removed as provided 85804  
in those sections as a requirement of establishing a valid 85805  
application for benefit years beginning on and after December 85806  
26, 2004, but before July 1, 2022. Effective for benefit years 85807  
beginning on and after July 1, 2022, any application for 85808  
determination of benefit rights made in accordance with section 85809  
4141.28 of the Revised Code is valid if the individual satisfies 85810  
the criteria described in division (R) (1) of this section. A 85811  
disqualification imposed pursuant to division (D) (2) of section 85812  
4141.29 or section 4141.291 of the Revised Code does not affect 85813  
the validity of an application. 85814

(3) The statewide average weekly wage shall be calculated 85815  
by the director once a year based on the twelve-month period 85816  
ending the thirtieth day of June, as set forth in division (B) 85817  
(3) of section 4141.30 of the Revised Code, rounded down to the 85818  
nearest dollar. Increases or decreases in the amount of 85819  
remuneration required to have been earned or paid in order for 85820  
individuals to have filed valid applications shall become 85821  
effective on Sunday of the calendar week in which the first day 85822

of January occurs that follows the twelve-month period ending 85823  
the thirtieth day of June upon which the calculation of the 85824  
statewide average weekly wage was based. 85825

(4) As used in this division, an individual is 85826  
"unemployed" if, with respect to the calendar week in which such 85827  
application is filed, the individual is "partially unemployed" 85828  
or "totally unemployed" as defined in this section or if, prior 85829  
to filing the application, the individual was separated from the 85830  
individual's most recent work for any reason which terminated 85831  
the individual's employee-employer relationship, or was laid off 85832  
indefinitely or for a definite period of seven or more days. 85833

(S) "Calendar quarter" means the period of three 85834  
consecutive calendar months ending on the thirty-first day of 85835  
March, the thirtieth day of June, the thirtieth day of 85836  
September, and the thirty-first day of December, or the 85837  
equivalent thereof as the director prescribes by rule. 85838

(T) "Computation date" means the first day of the third 85839  
calendar quarter of any calendar year. 85840

(U) "Contribution period" means the calendar year 85841  
beginning on the first day of January of any year. 85842

(V) "Agricultural labor," for the purpose of this 85843  
division, means any service performed prior to January 1, 1972, 85844  
which was agricultural labor as defined in this division prior 85845  
to that date, and service performed after December 31, 1971: 85846

(1) On a farm, in the employ of any person, in connection 85847  
with cultivating the soil, or in connection with raising or 85848  
harvesting any agricultural or horticultural commodity, 85849  
including the raising, shearing, feeding, caring for, training, 85850  
and management of livestock, bees, poultry, and fur-bearing 85851

animals and wildlife; 85852

(2) In the employ of the owner or tenant or other operator 85853  
of a farm in connection with the operation, management, 85854  
conservation, improvement, or maintenance of such farm and its 85855  
tools and equipment, or in salvaging timber or clearing land of 85856  
brush and other debris left by hurricane, if the major part of 85857  
such service is performed on a farm; 85858

(3) In connection with the production or harvesting of any 85859  
commodity defined as an agricultural commodity in section 15 (g) 85860  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 85861  
U.S.C. 1141j, as amended, or in connection with the ginning of 85862  
cotton, or in connection with the operation or maintenance of 85863  
ditches, canals, reservoirs, or waterways, not owned or operated 85864  
for profit, used exclusively for supplying and storing water for 85865  
farming purposes; 85866

(4) In the employ of the operator of a farm in handling, 85867  
planting, drying, packing, packaging, processing, freezing, 85868  
grading, storing, or delivering to storage or to market or to a 85869  
carrier for transportation to market, in its unmanufactured 85870  
state, any agricultural or horticultural commodity, but only if 85871  
the operator produced more than one half of the commodity with 85872  
respect to which such service is performed; 85873

(5) In the employ of a group of operators of farms, or a 85874  
cooperative organization of which the operators are members, in 85875  
the performance of service described in division (V) (4) of this 85876  
section, but only if the operators produced more than one-half 85877  
of the commodity with respect to which the service is performed; 85878

(6) Divisions (V) (4) and (5) of this section shall not be 85879  
deemed to be applicable with respect to service performed: 85880

(a) In connection with commercial canning or commercial 85881  
freezing or in connection with any agricultural or horticultural 85882  
commodity after its delivery to a terminal market for 85883  
distribution for consumption; or 85884

(b) On a farm operated for profit if the service is not in 85885  
the course of the employer's trade or business. 85886

As used in division (V) of this section, "farm" includes 85887  
stock, dairy, poultry, fruit, fur-bearing animal, and truck 85888  
farms, plantations, ranches, nurseries, ranges, greenhouses, or 85889  
other similar structures used primarily for the raising of 85890  
agricultural or horticultural commodities and orchards. 85891

(W) "Hospital" means an institution which has been 85892  
registered or licensed by the Ohio department of health as a 85893  
hospital. 85894

(X) "Nonprofit organization" means an organization, or 85895  
group of organizations, described in section 501(c)(3) of the 85896  
"Internal Revenue Code of 1954," and exempt from income tax 85897  
under section 501(a) of that code. 85898

(Y) "Institution of higher education" means a public or 85899  
nonprofit educational institution, including an educational 85900  
institution operated by an Indian tribe, which: 85901

(1) Admits as regular students only individuals having a 85902  
certificate of graduation from a high school, or the recognized 85903  
equivalent; 85904

(2) Is legally authorized in this state or by the Indian 85905  
tribe to provide a program of education beyond high school; and 85906

(3) Provides an educational program for which it awards a 85907  
bachelor's or higher degree, or provides a program which is 85908

acceptable for full credit toward such a degree, a program of 85909  
post-graduate or post-doctoral studies, or a program of training 85910  
to prepare students for gainful employment in a recognized 85911  
occupation. 85912

For the purposes of this division, all colleges and 85913  
universities in this state are institutions of higher education. 85914

(Z) For the purposes of this chapter, "states" includes 85915  
the District of Columbia, the Commonwealth of Puerto Rico, and 85916  
the Virgin Islands. 85917

(AA) "Alien" means, for the purposes of division ~~(A)(1)(d)~~ 85918  
(D) of this section 4141.011 of the Revised Code, an individual 85919  
who is an alien admitted to the United States to perform service 85920  
in agricultural labor pursuant to sections 214 (c) and 101 (a) 85921  
(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 85922  
8 U.S.C.A. 1101. 85923

(BB)(1) "Crew leader" means an individual who furnishes 85924  
individuals to perform agricultural labor for any other employer 85925  
or farm operator, and: 85926

(a) Pays, either on the individual's own behalf or on 85927  
behalf of the other employer or farm operator, the individuals 85928  
so furnished by the individual for the service in agricultural 85929  
labor performed by them; 85930

(b) Has not entered into a written agreement with the 85931  
other employer or farm operator under which the agricultural 85932  
worker is designated as in the employ of the other employer or 85933  
farm operator. 85934

(2) For the purposes of this chapter, any individual who 85935  
is a member of a crew furnished by a crew leader to perform 85936  
service in agricultural labor for any other employer or farm 85937

operator shall be treated as an employee of the crew leader if: 85938

(a) The crew leader holds a valid certificate of 85939  
registration under the "Farm Labor Contractor Registration Act 85940  
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 85941

(b) Substantially all the members of the crew operate or 85942  
maintain tractors, mechanized harvesting or crop-dusting 85943  
equipment, or any other mechanized equipment, which is provided 85944  
by the crew leader; and 85945

(c) If the individual is not in the employment of the 85946  
other employer or farm operator within the meaning of division 85947  
(B) (1) of this section. 85948

(3) For the purposes of this division, any individual who 85949  
is furnished by a crew leader to perform service in agricultural 85950  
labor for any other employer or farm operator and who is not 85951  
treated as in the employment of the crew leader under division 85952  
(BB) (2) of this section shall be treated as the employee of the 85953  
other employer or farm operator and not of the crew leader. The 85954  
other employer or farm operator shall be treated as having paid 85955  
cash remuneration to the individual in an amount equal to the 85956  
amount of cash remuneration paid to the individual by the crew 85957  
leader, either on the crew leader's own behalf or on behalf of 85958  
the other employer or farm operator, for the service in 85959  
agricultural labor performed for the other employer or farm 85960  
operator. 85961

(CC) "Educational institution" means an institution other 85962  
than an institution of higher education as defined in division 85963  
(Y) of this section, including an educational institution 85964  
operated by an Indian tribe, which: 85965

(1) Offers participants, trainees, or students an 85966

organized course of study or training designed to transfer to 85967  
them knowledge, skills, information, doctrines, attitudes, or 85968  
abilities from, by, or under the guidance of an instructor or 85969  
teacher; and 85970

(2) Is approved, chartered, or issued a permit to operate 85971  
as a school by the director of education and workforce, other 85972  
government agency, or Indian tribe that is authorized within the 85973  
state to approve, charter, or issue a permit for the operation 85974  
of a school. 85975

For the purposes of this division, the courses of study or 85976  
training which the institution offers may be academic, 85977  
technical, trade, or preparation for gainful employment in a 85978  
recognized occupation. 85979

(DD) "Cost savings day" means any unpaid day off from work 85980  
in which employees continue to accrue employee benefits which 85981  
have a determinable value including, but not limited to, 85982  
vacation, pension contribution, sick time, and life and health 85983  
insurance. 85984

(EE) "Motor carrier" has the same meaning as in section 85985  
4923.01 of the Revised Code. 85986

Sec. 4141.011. (A) (1) Except as provided in this section, 85987  
an employer is subject to this chapter if either of the 85988  
following apply: 85989

(a) The employer had at least one individual in employment 85990  
for some portion of a day in each of twenty different calendar 85991  
weeks, in either the current or the preceding calendar year, 85992  
whether or not the same individual was in employment in each 85993  
such day; 85994

(b) The employer paid for service in employment wages of 85995

fifteen hundred dollars or more in any calendar quarter in 85996  
either the current or preceding calendar year. 85997

(2) For purposes of division (A) (1) (a) of this section, if 85998  
any week includes both the thirty-first day of December and the 85999  
first day of January, the days of that week before the first day 86000  
of January shall be considered one calendar week and the days to 86001  
beginning the first day of January another week. 86002

(B) If an employer is a nonprofit organization, the 86003  
employer is subject to this chapter if the employer had at least 86004  
four individuals in employment for some portion of a day in each 86005  
of twenty different calendar weeks, in either the current or the 86006  
preceding calendar year, whether or not the same individual was 86007  
in employment in each such day. 86008

(C) (1) An employer is subject to this chapter with respect 86009  
to employment in domestic service in a local college club, local 86010  
chapter of a college fraternity or sorority, or a private home 86011  
if the employer paid cash remuneration for such employment of at 86012  
least one thousand dollars in any calendar quarter in the 86013  
current calendar year or the preceding calendar year. 86014

(2) Wages paid to, or employment of, an individual 86015  
performing domestic service as described in division (C) (1) of 86016  
this section do not apply to employment or wages for purposes of 86017  
divisions (A) and (B) of this section. 86018

(3) An employer subject to this chapter under division (C) 86019  
(1) of this section is not subject to this chapter with respect 86020  
to wages paid for any services other than domestic service 86021  
unless the employer is also found to be subject to this chapter 86022  
under division (A), (B), or (D) of this section. 86023

(D) If an employer is a farm operator or a crew leader, 86024

the employer is subject to this chapter if the employer had 86025  
individuals in employment in agricultural labor and either of 86026  
the following apply: 86027

(1) The employer paid cash remuneration of twenty thousand 86028  
dollars or more for the agricultural labor during any calendar 86029  
quarter in the current calendar year or the preceding calendar 86030  
year; 86031

(2) The employer had at least ten individuals in 86032  
employment in agricultural labor, not including agricultural 86033  
workers who are aliens admitted to the United States to perform 86034  
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 86035  
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 86036  
(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 86037  
the twenty different calendar weeks, in either the current or 86038  
preceding calendar year whether or not the same individual was 86039  
in employment in each day. 86040

(E) An employer who is not subject to this chapter under 86041  
division (A) of this section is subject to this chapter if any 86042  
of the following apply: 86043

(1) Service, except for domestic service in a private home 86044  
not covered under division (C) of this section, is or was 86045  
performed within either the current or preceding calendar year, 86046  
and with respect to which such employer is liable for any 86047  
federal tax against which credit may be taken for contributions 86048  
required to be paid into a state unemployment fund; 86049

(2) As a condition for approval of this chapter for full 86050  
tax credit against the tax imposed by the "Federal Unemployment 86051  
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 86052  
act to be an employer subject to this chapter; 86053

(3) The employer became subject to this chapter by election under division (H) or (I) of this section and for the duration of such election. 86054  
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(F) If an employer is any state, its instrumentalities, its political subdivisions, their instrumentalities, or an Indian tribe, the employer is subject to this chapter if the employer had at least one individual in employment, as defined in divisions (B) (2) (a) and (B) (2) (1) of section 4141.01 of the Revised Code. 86057  
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(G) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year. 86063  
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(H) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect. 86066  
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(I) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, 86077  
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such services shall be deemed to constitute employment subject 86084  
to this chapter from and after the date stated in such approval. 86085  
Such services shall cease to be employment subject to this 86086  
chapter as of the first day of January of any calendar year 86087  
subsequent to such two calendar years only if at least thirty 86088  
days prior to such first day of January such employer has filed 86089  
with the director a written notice to that effect. 86090

(J) An employer who is a franchisor is not subject to this 86091  
chapter with respect to the franchisor's relationship with a 86092  
franchisee or an employee of a franchisee, unless the franchisor 86093  
agrees to assume that role in writing or a court of competent 86094  
jurisdiction determines that the franchisor exercises a type or 86095  
degree of control over the franchisee or the franchisee's 86096  
employees that is not customarily exercised by a franchisor for 86097  
the purpose of protecting the franchisor's trademark, brand, or 86098  
both. For purposes of this division, "franchisor" and 86099  
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 86100

**Sec. 4141.02.** ~~A nonprofit organization that does not meet~~ 86101  
~~the definition of employer for purposes of that is not subject~~ 86102  
to this chapter pursuant to division (A)(1)(a)(B) of section 86103  
4141.01-4141.011 of the Revised Code, and that does not elect to 86104  
become an employer subject to this chapter pursuant to division 86105  
(A)(4)(H) of section 4141.01-4141.011 of the Revised Code, shall 86106  
notify the organization's employees upon hiring that the 86107  
organization, and the employee's employment with the 86108  
organization, are exempt from this chapter. 86109

**Sec. 4141.08.** (A) The unemployment compensation integrity 86110  
board is created. The board may advise and consult the director 86111  
of job and family services in the administration and enforcement 86112  
of this chapter and rules adopted under it, including making 86113

<u>recommendations to the director regarding proposed rules or</u>	86114
<u>public private partnerships. The board consists of the following</u>	86115
<u>members:</u>	86116
<u>(1) The director of job and family services, or the</u>	86117
<u>director's authorized representative;</u>	86118
<u>(2) One member of the house of representative appointed by</u>	86119
<u>the speaker of the house of representatives;</u>	86120
<u>(3) One member of the senate appointed by the president of</u>	86121
<u>the senate;</u>	86122
<u>(4) The following members to be appointed by the director:</u>	86123
<u>(a) A representative from the Ohio chamber of commerce or</u>	86124
<u>its successor organization;</u>	86125
<u>(b) A representative from the national federation of</u>	86126
<u>independent business or its successor organization;</u>	86127
<u>(c) A third-party administrator that is a third-party</u>	86128
<u>commercial consumer reporting agency, in accordance with the</u>	86129
<u>"Fair Credit Reporting Act," 15 U.S.C. 1681 et seq.;</u>	86130
<u>(d) A representative from the Ohio federation of labor or</u>	86131
<u>its successor organization;</u>	86132
<u>(e) A representative from the affiliated construction</u>	86133
<u>trades of Ohio or its successor organization;</u>	86134
<u>(f) A representative from the Ohio conference of teamsters</u>	86135
<u>or its successor organization.</u>	86136
<u>(B) The director of job and family services, or the</u>	86137
<u>director's authorized representative, shall serve as chairperson</u>	86138
<u>of the board.</u>	86139
<u>(C) The board shall meet at least two times each calendar</u>	86140

year. 86141

(D) Each member appointed by the director shall serve 86142  
three year terms that expire on the thirty-first day of 86143  
December. 86144

(E) Each member appointed by the director shall hold 86145  
office from the date of appointment until the end of the term 86146  
for which the member was appointed. A member appointed by the 86147  
director to fill a vacancy occurring before the expiration of 86148  
the term for which the member's predecessor was appointed shall 86149  
hold office for the remainder of the term. A member appointed by 86150  
the director shall continue in office subsequent to the 86151  
expiration date of the member's term until the member's 86152  
successor takes office or a period of sixty days has elapsed, 86153  
whichever occurs first. A member appointed by the director shall 86154  
continue in office for the entirety of the member's term unless 86155  
removed for misfeasance, malfeasance, or nonfeasance. 86156

(F) The members of the board who are appointed from the 86157  
membership of the senate and the house of representatives shall 86158  
serve during their terms as members of the general assembly and 86159  
until their successors are appointed and qualified, 86160  
notwithstanding the adjournment of the general assembly of which 86161  
they are members or the expiration of their terms as members of 86162  
such general assembly. 86163

(G) All meetings of the unemployment compensation 86164  
integrity board shall comply with section 121.22 of the Revised 86165  
Code. 86166

(H) All members of the unemployment compensation integrity 86167  
board shall comply with Chapter 102. of the Revised Code, as 86168  
applicable. 86169

**Sec. 4141.162.** (A) The director of job and family services 86170  
shall establish an income and eligibility verification system 86171  
that complies with section 1137 of the "Social Security Act." 86172  
The programs included in the system are all of the following: 86173

(1) Unemployment compensation pursuant to section 3304 of 86174  
the "Internal Revenue Code of 1954"; 86175

(2) The state programs funded in part under part A of 86176  
Title IV of the "Social Security Act" and administered under 86177  
Chapters 5107. and 5108. of the Revised Code; 86178

(3) The medicaid program; 86179

(4) The supplemental nutrition assistance program pursuant 86180  
to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); 86181

(5) Any Ohio program under a plan approved under Title I, 86182  
X, XIV, or XVI of the "Social Security Act." 86183

(B) Wage information provided by employers to the director 86184  
shall be furnished to the income and eligibility verification 86185  
system. Such information shall be used by the director to 86186  
determine eligibility of individuals for unemployment 86187  
compensation benefits and the amount of those benefits and used 86188  
by the agencies that administer the programs identified in 86189  
divisions (A) (2) to (5) of this section to determine or verify 86190  
eligibility for or the amount of benefits under those programs. 86191

(C) The director shall, on request, disclose wage and 86192  
claim information to any state or local agency administering a 86193  
program identified in division (A) of this section that has 86194  
entered into a written data sharing agreement with the director 86195  
that meets the standards specified in federal law, including the 86196  
requirements in 20 C.F.R. 603.10. 86197

~~The director shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.~~ 86198  
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(D) Information furnished under the system shall also be made available to the appropriate state or local child support enforcement agency for the purposes of an approved plan under Title IV-D of the "Social Security Act" and to the appropriate federal agency for the purposes of Titles II and XVI of the "Social Security Act." 86201  
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~~(B) The director shall adopt rules as necessary under which the department of job and family services and other state agencies that the director determines must participate in order to ensure compliance with section 1137 of the "Social Security Act" exchange information with each other or authorized federal agencies about individuals who are applicants for or recipients of benefits under any of the programs enumerated in division (A) of this section. The rules shall extend to all of the following:~~ 86207  
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~~(1) A requirement for standardized formats and procedures for a participating agency to request and receive information about an individual, which information shall include the individual's social security number;~~ 86215  
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~~(2) A requirement that all applicants for and recipients of benefits under any program enumerated in division (A) of this section be notified at the time of application, and periodically thereafter, that information available through the system may be shared with agencies that administer other benefit programs and utilized in establishing or verifying eligibility or benefit amounts under the other programs enumerated in division (A) of this section;~~ 86219  
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~~(3) A requirement that information is made available only to the extent necessary to assist in the valid administrative needs of the program receiving the information and is targeted for use in ways which are most likely to be productive in identifying and preventing ineligibility and incorrect payments;~~

~~(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the programs enumerated in division (A) of this section;~~

~~(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the director be reimbursed by the participating programs for any actual costs incurred in operating the system;~~

~~(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the director determines must be addressed in order to ensure compliance with the requirements of section 1137 of the "Social Security Act."~~

~~(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the director, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."~~

~~(D) Notwithstanding the information disclosure requirements of this section and section 4141.21 and division (A) of section 4141.284 of the Revised Code, the director shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."~~

~~(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.~~ 86256  
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~~(F) The director of job and family services shall consult with the medicaid director and the director of administrative services regarding the implementation of this section.~~ 86262  
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**Sec. 4141.23.** (A) Contributions shall accrue and become payable by each employer for each calendar year or other period as prescribed by this chapter. Such contributions become due and shall be paid by each employer to the director of job and family services for the unemployment compensation fund in accordance with such regulations as the director prescribes, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employer's employ. 86265  
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In the payment of any contributions, a fractional part of a dollar may be disregarded unless it amounts to fifty cents or more, in which case it may be increased to the next higher dollar. 86273  
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~~(B) (1) Any contribution or payment in lieu of contribution, due from an employer on or before December 31, 1992, shall, if not paid when due, bear interest at the rate of ten per cent per annum. In such computation any fraction of a month shall be considered as a full month.~~ 86277  
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~~(2) Any contribution, payment in lieu of contribution, interest, forfeiture, or fine due from an employer on or after January 1, 1993~~before December 31, 2025, shall, if not paid when 86282  
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due, bear interest at the annual rate of fourteen per cent 86285  
compounded monthly on the aggregate receivable balance due. In 86286  
such computation any fraction of a month shall be considered as 86287  
a full month. 86288

(2) Any contribution, payment in lieu of contribution, 86289  
interest, forfeiture, or fine due from an employer on or after 86290  
January 1, 2026, shall, if not paid when due, bear interest at 86291  
the interest rate established by the state tax commissioner 86292  
pursuant to section 5703.47 of the Revised Code, not exceeding 86293  
fifteen per cent. In such computation any fraction of a month 86294  
shall be considered as a full month. 86295

(C) The director may waive the interest assessed under 86296  
division ~~(B)~~ ~~(2)~~ (B) of this section if the employer meets all of 86297  
the following conditions within thirty days after the date the 86298  
director mails or delivers the notice of assessment of interest: 86299

(1) Provides to the director a written request for a 86300  
waiver of interest clearly demonstrating that the employer's 86301  
failure to timely pay contributions, payments in lieu of 86302  
contributions, interest, forfeiture, and fines was a result of 86303  
circumstances beyond the control of the employer or the 86304  
employer's agent, except that negligence on the part of the 86305  
employer or the employer's agent shall not be considered beyond 86306  
the control of the employer or the employer's agent; 86307

(2) Furnishes to the director all quarterly reports 86308  
required under section 4141.20 of the Revised Code; 86309

(3) Pays in full all contributions, payments in lieu of 86310  
contributions, interest, forfeiture, and fines for each quarter 86311  
for which such payments are due. 86312

The director shall deny an employer's request for a waiver 86313

of interest after finding that the employer's failure to timely 86314  
furnish reports or make payments as required under this chapter 86315  
was due to an attempt to evade payment. 86316

(D) Any contribution, interest, forfeiture, or fine 86317  
required to be paid under this chapter by any employer shall, if 86318  
not paid when due, become a lien upon the real and personal 86319  
property of such employer. Upon failure of such employer to pay 86320  
the contributions, interest, forfeiture, or fine required to be 86321  
paid under this chapter, the director shall file notice of such 86322  
lien, for which there shall be no charge, in the office of the 86323  
county recorder of the county in which it is ascertained that 86324  
such employer owns real estate or personal property. The 86325  
director shall notify the employer by mail of the lien. The 86326  
absence of proof that the notice was sent does not affect the 86327  
validity of the lien. Such lien shall not be valid as against 86328  
the claim of any mortgagee, pledgee, purchaser, judgment 86329  
creditor, or other lienholder of record at the time such notice 86330  
is filed. 86331

If the employer acquires real or personal property after 86332  
notice of lien is filed, such lien shall not be valid as against 86333  
the claim of any mortgagee, pledgee, subsequent bona fide 86334  
purchaser for value, judgment creditor, or other lienholder of 86335  
record to such after-acquired property, unless the notice of 86336  
lien is refiled after such property was acquired by the employer 86337  
and before the competing lien attached to such after-acquired 86338  
property or before the conveyance to such subsequent bona fide 86339  
purchaser for value. 86340

Such a notice shall be recorded in the county recorder's 86341  
official records and indexed in the direct and reverse indexes 86342  
under the name of the employer. When such unpaid contributions, 86343

interest, forfeiture, or fines have been paid, the employer may 86344  
record with the county recorder of the county in which such 86345  
notice of lien has been filed and recorded, notice of such 86346  
payment, and the notice of payment shall be recorded in the 86347  
county recorder's official records and indexed in the direct and 86348  
reverse indexes. For recording the notice of payment, the county 86349  
recorder shall charge and receive from the employer a base fee 86350  
of two dollars for services and a housing trust fund fee of two 86351  
dollars pursuant to section 317.36 of the Revised Code. 86352

(E) Notwithstanding other provisions in this section, the 86353  
director may reduce, in whole or in part, the amount of 86354  
interest, forfeiture, or fines required to be paid under this 86355  
chapter if the director determines that the reduction is in the 86356  
best interest of the unemployment compensation fund. 86357

(F) Assessment of contributions shall not be made after 86358  
four years from the date on which such contributions became 86359  
payable, and no action in court for the collection of 86360  
contributions without assessment of such contributions shall be 86361  
begun after the expiration of five years from the date such 86362  
contributions became payable. In case of a false or fraudulent 86363  
report or of a willful attempt in any manner to evade 86364  
contributions, such contributions may be assessed or a 86365  
proceeding in court for the collection of such contributions may 86366  
be begun without assessment at any time. When the assessment of 86367  
contributions has been made within such four-year period 86368  
provided, action in court to collect such contributions may be 86369  
begun within, but not later than, six years after such 86370  
assessment. 86371

(G) In the event of a distribution of an employer's 86372  
assets, pursuant to an order of any court under the law of this 86373

state, including any receivership, assignment for benefit of 86374  
creditors, adjudicated insolvency, or similar proceedings, 86375  
contributions, interest, forfeiture, or fine then or thereafter 86376  
due have the same priority as provided by law for the payment of 86377  
taxes due the state and shall be paid out of the trust fund in 86378  
the same manner as provided for other claims for unpaid taxes 86379  
due the state. 86380

(H) If the attorney general finds after investigation that 86381  
any claim for delinquent contributions, interest, forfeitures, 86382  
or fines owing to the director is uncollectible, in whole or in 86383  
part, the attorney general shall recommend to the director the 86384  
cancellation of such claim or any part thereof. The director may 86385  
thereupon effect such cancellation. 86386

**Sec. 4141.281. APPEALS** 86387

(A) APPEAL FILED 86388

Any party notified of a determination of benefit rights or 86389  
a claim for benefits determination may appeal within twenty-one 86390  
calendar days after the written determination was sent to the 86391  
party or within an extended period as provided under division 86392  
(D) (9) of this section. 86393

(B) REDETERMINATION 86394

Within twenty-one days after receipt of the appeal, the 86395  
director of job and family services shall issue a 86396  
redetermination or transfer the appeal to the unemployment 86397  
compensation review commission. A redetermination under this 86398  
section is appealable in the same manner as an initial 86399  
determination by the director. 86400

(C) REVIEW COMMISSION 86401

(1) JURISDICTION 86402

The commission shall provide an opportunity for a fair 86403  
hearing to the interested parties of appeals over which the 86404  
commission has jurisdiction. The commission has jurisdiction 86405  
over an appeal on transfer or on direct appeal to the 86406  
commission. If the commission concludes that a pending appeal 86407  
does not warrant a hearing, the commission may remand the appeal 86408  
to the director for redetermination. The commission retains 86409  
jurisdiction until the appeal is remanded to the director or a 86410  
final decision is issued and appealed to court, or the time to 86411  
request a review or to appeal a decision of a hearing officer or 86412  
the commission is expired. 86413

(2) CONDUCT OF HEARINGS 86414

Hearings before the commission are held at the hearing 86415  
officer level and the review level. Unless otherwise provided in 86416  
this chapter, initial hearings involving claims for compensation 86417  
and other unemployment compensation issues are conducted at the 86418  
hearing officer level by hearing officers appointed by the 86419  
commission. Hearings at the review level are conducted by 86420  
hearing officers appointed by the commission, by members of the 86421  
commission acting either individually or collectively, and by 86422  
members of the commission and hearing officers acting jointly. 86423  
In all hearings conducted at the review level, the commission 86424  
shall designate the hearing officer or officers who are to 86425  
conduct the hearing. When the term "hearing officer" is used in 86426  
reference to hearings conducted at the review level, the term 86427  
includes members of the commission. All decisions issued at the 86428  
review level are issued by the commission. 86429

Provisions contained in the remainder of this paragraph 86430  
apply to hearings at both the hearing officer level and the 86431

review level. The principles of due process in administrative 86432  
hearings shall be applied to all hearings conducted under the 86433  
authority of the commission. In conducting hearings, all hearing 86434  
officers shall control the conduct of the hearing, exclude 86435  
irrelevant or cumulative evidence, and give weight to the kind 86436  
of evidence on which reasonably prudent persons are accustomed 86437  
to rely in the conduct of serious affairs. Hearing officers have 86438  
an affirmative duty to question parties and witnesses in order 86439  
to ascertain the relevant facts and to fully and fairly develop 86440  
the record. Hearing officers are not bound by common law or 86441  
statutory rules of evidence or by technical or formal rules of 86442  
procedure. No person shall impose upon the claimant or the 86443  
employer any burden of proof as is required in a court of law. 86444  
The proceedings at hearings shall be recorded by mechanical 86445  
means or otherwise as may be prescribed by the commission. In 86446  
the absence of further proceedings, the record need not be 86447  
transcribed. After considering all of the evidence, a hearing 86448  
officer shall issue a written decision that sets forth the facts 86449  
as the hearing officer finds them to be, cites the applicable 86450  
law, and gives the reasoning for the decision. 86451

(3) HEARING OFFICER LEVEL 86452

When an appeal is transferred to the commission by the 86453  
director, the commission shall notify all interested parties of 86454  
the time and place of the hearing and assign the appeal for a 86455  
hearing by a hearing officer. The hearings shall be de novo, 86456  
except that the director's file pertaining to a case shall be 86457  
included in the record to be considered. 86458

Following a hearing, the hearing officer shall affirm, 86459  
modify, or reverse the determination of the director in the 86460  
manner that appears just and proper. The hearing officer's 86461

written decision shall be sent to all interested parties. The 86462  
decision shall state the right of an interested party to request 86463  
a review by the commission. 86464

A request for review shall be filed within twenty-one days 86465  
after the decision was sent to the party, or within an extended 86466  
period as provided under division (D) (9) of this section. The 86467  
hearing officer's decision shall become final unless a request 86468  
for review is filed and allowed or the commission removes the 86469  
appeal to itself within twenty-one days after the hearing 86470  
officer's decision is sent. 86471

(4) REVIEW LEVEL 86472

At the review level, the commission may affirm, modify, or 86473  
reverse previous determinations by the director or at the 86474  
hearing officer level. At the review level, the commission may 86475  
affirm, modify, or reverse a hearing officer's decision or 86476  
remand the decision to the hearing officer level for further 86477  
hearing. The commission shall consider an appeal at the review 86478  
level under the following circumstances: when an appeal is 86479  
required to be heard initially at the review level under this 86480  
chapter; when the commission on its own motion removes an appeal 86481  
to itself within twenty-one days after the hearing officer's 86482  
decision is sent; when the assigned hearing officer refers an 86483  
appeal to the commission before the hearing officer's decision 86484  
is sent; or when an interested party files a request for review 86485  
with the commission within twenty-one days after the hearing 86486  
officer's decision is sent. 86487

(5) COMMISSION EXAMINATION 86488

The commission shall consider a request for review by an 86489  
interested party, including the reasons for the request. The 86490

commission may adopt rules prescribing the methods for 86491  
requesting a review. The commission may allow or disallow the 86492  
request for review. The disallowance of a request for review 86493  
constitutes a final decision by the commission. 86494

(6) REVIEW PROCEDURE 86495

If the commission allows a request for review, the 86496  
commission shall notify all interested parties of that fact and 86497  
provide a reasonable period of time, as the commission defines 86498  
by rule, in which interested parties may file a response. After 86499  
that period of time, the commission, based on the record before 86500  
it, may do one of the following: affirm the decision of the 86501  
hearing officer; provide for the appeal to be heard or reheard 86502  
at the hearing officer or review level; provide for the appeal 86503  
to be heard at the review level as a potential precedential 86504  
decision; or provide for the decision to be rewritten without 86505  
further hearing at the review level. When a further hearing is 86506  
provided or the decision is rewritten, the commission may 86507  
affirm, modify, or reverse the previous decision. 86508

If a member of the commission is unable or unavailable to 86509  
consider an appeal allowed by the commission, the other members 86510  
of the commission may appoint a hearing officer as a temporary 86511  
commissioner to fulfill the unable or unavailable commissioner's 86512  
duties with respect to the appeal. The members of the commission 86513  
may not appoint the hearing officer who decided the appeal at 86514  
the hearing officer level. 86515

(7) NOTICES 86516

The commission shall send written notice to all interested 86517  
parties when it orders an appeal to be heard or reheard. The 86518  
notice shall include the reasons for the hearing or rehearing. 86519

(8) PRECEDENTIAL 86520

An appeal the commission identifies as potentially 86521  
precedential shall be heard at the review level. In the notice 86522  
for that type of hearing, the commission shall notify the 86523  
director, all interested parties, and any other parties, as the 86524  
commission determines appropriate, that the appeal is designated 86525  
as potentially precedential. After the hearing, parties shall be 86526  
given the opportunity to submit briefs on the issue or issues 86527  
involved. The commission may designate a decision as 86528  
precedential after issuing the decision or at any point in the 86529  
appeal process, even if the commission does not initially 86530  
identify the appeal as potentially precedential. 86531

(9) MASS APPEALS 86532

When the commission determines that it has five appeals 86533  
pending that have common facts or common issues, the commission 86534  
may transfer the appeals to the review level on its own motion 86535  
to be heard as a mass appeal, including appeals from claimants 86536  
separated due to a labor dispute, on the condition that there 86537  
are fewer than twenty-five claimants involved. 86538

To facilitate a mass hearing, the commission may allow an 86539  
authorized agent to accept notice of hearing on behalf of 86540  
claimants. An authorized agent may waive this notice of hearing 86541  
and also the sending of decisions to individual claimants 86542  
represented by the agent. 86543

(D) SPECIAL PROVISIONS 86544

(1) TIMELINESS OF APPEALS 86545

The date of the mailing provided by the director or the 86546  
commission is sufficient evidence upon which to conclude that a 86547  
determination, redetermination, or decision was sent to the 86548

party on that date. Appeals may be filed with the director, 86549  
commission, with an employee of another state or federal agency 86550  
charged with the duty of accepting claims, or with the 86551  
unemployment insurance commission of Canada. Any timely written 86552  
notice by an interested party indicating a desire to appeal 86553  
shall be accepted. 86554

The director, commission, or authorized agent must receive 86555  
the appeal within the specified appeal period in order for the 86556  
appeal to be deemed timely filed, except that: if the United 86557  
States postal service is used as the means of delivery, the 86558  
enclosing envelope must have a postmark date or postal meter 86559  
postmark that is on or before the last day of the specified 86560  
appeal period; and where the postmark is illegible or missing, 86561  
the appeal is timely filed if received not later than the end of 86562  
the fifth calendar day following the last day of the specified 86563  
appeal period. 86564

The director and the commission may adopt rules pertaining 86565  
to alternate methods of filing appeals under this section. 86566

(2) WAIVER 86567

Interested parties may waive, in writing, a hearing at 86568  
either the hearing officer or review level. If the parties waive 86569  
a hearing, the hearing officer shall issue a decision based on 86570  
the evidence of record. 86571

(3) TELEPHONE HEARINGS 86572

Hearing officers may conduct hearings at either the 86573  
hearing officer or review level in person or by telephone or 86574  
interactive video conference. The commission shall adopt rules 86575  
that designate the circumstances under which hearing officers 86576  
may conduct a hearing by telephone or interactive video 86577

conference or grant a party to the hearing the opportunity to 86578  
object to a hearing by telephone or interactive video 86579  
conference. An interested party whose hearing would be by 86580  
telephone or interactive video conference may elect to have an 86581  
in-person hearing, provided that the party agrees to have the 86582  
hearing at the time and place the commission determines pursuant 86583  
to rule. 86584

(4) EVENING HEARINGS 86585

Unless the commission grants a request for an evening 86586  
telephone or interactive video conference hearing, hearing 86587  
officers shall conduct hearings at the hearing officer and 86588  
review level during normal business hours. An interested party 86589  
who is regularly employed throughout those hours may request to 86590  
have a hearing by telephone or interactive video conference 86591  
during the evening. The commission shall grant or deny a request 86592  
for an evening telephone or interactive video conference 86593  
hearing. If a conflict concerning a request for an evening 86594  
hearing and an in-person hearing arises, the commission shall 86595  
schedule the hearing by telephone or interactive video 86596  
conference during evening hours. 86597

(5) NO APPEARANCE -- APPELLANT 86598

For hearings at either the hearing officer or review 86599  
level, if the appealing party fails to appear at the hearing, 86600  
the hearing officer shall dismiss the appeal. The commission 86601  
shall vacate the dismissal upon a showing that written notice of 86602  
the hearing was not sent to that party's last known address, or 86603  
good cause for the appellant's failure to appear is shown to the 86604  
commission within fourteen days after the hearing date. 86605

If the commission finds that the appealing party's reason 86606

for failing to appear does not constitute good cause for failing 86607  
to appear, the commission shall send written notice of that 86608  
finding, and the appealing party may request a hearing to 86609  
present testimony on the issue of good cause for failing to 86610  
appear. The appealing party shall file a request for a hearing 86611  
on the issue of good cause for failing to appear within ten days 86612  
after the commission sends written notice indicating a finding 86613  
of no good cause for failing to appear. 86614

(6) NO APPEARANCE -- APPELLEE 86615

For hearings at either the hearing officer or review 86616  
level, if the appellee fails to appear at the hearing, the 86617  
hearing officer shall proceed with the hearing and shall issue a 86618  
decision based on the evidence of record. The commission shall 86619  
vacate the decision upon a showing that written notice of the 86620  
hearing was not sent to the appellee's last known address, or 86621  
good cause for the appellee's failure to appear is shown to the 86622  
commission within fourteen days after the hearing date. 86623

(7) AGENT 86624

Any appeal or request for review may be executed on behalf 86625  
of any party or any group of claimants by an agent. 86626

(8) COLLATERAL ESTOPPEL 86627

No finding of fact or law, decision, or order of the 86628  
director, hearing officer, the commission, or a reviewing court 86629  
under this section or section 4141.28 of the Revised Code shall 86630  
be given collateral estoppel or res judicata effect in any 86631  
separate or subsequent judicial, administrative, or arbitration 86632  
proceeding, other than a proceeding arising under this chapter. 86633

(9) EXTENSION OF APPEAL PERIODS 86634

The time for filing an appeal or a request for review 86635  
under this section or a court appeal under section 4141.282 of 86636  
the Revised Code shall be extended in the manner described in 86637  
the following four sentences. When the last day of an appeal 86638  
period is a Saturday, Sunday, or legal holiday, the appeal 86639  
period is extended to the next work day after the Saturday, 86640  
Sunday, or legal holiday. When an interested party provides 86641  
certified medical evidence stating that the interested party's 86642  
physical condition or mental capacity prevented the interested 86643  
party from filing an appeal or request for review under this 86644  
section within the appropriate twenty-one-day period, the appeal 86645  
period is extended to twenty-one days after the end of the 86646  
physical or mental condition, and the appeal or request for 86647  
review is considered timely filed if filed within that extended 86648  
period. When an interested party provides evidence, which 86649  
evidence may consist of testimony from the interested party, 86650  
that is sufficient to establish that the party did not actually 86651  
receive the determination or decision within the applicable 86652  
appeal period under this section, and the director or the 86653  
commission finds that the interested party did not actually 86654  
receive the determination or decision within the applicable 86655  
appeal period, then the appeal period is extended to twenty-one 86656  
days after the interested party actually receives the 86657  
determination or decision. When an interested party provides 86658  
evidence, which evidence may consist of testimony from the 86659  
interested party, that is sufficient to establish that the party 86660  
did not actually receive a decision within the thirty-day appeal 86661  
period provided in section 4141.282 of the Revised Code, and a 86662  
court of common pleas finds that the interested party did not 86663  
actually receive the decision within that thirty-day appeal 86664  
period, then the appeal period is extended to thirty days after 86665  
the interested party actually receives the decision. 86666

Sec. 4141.29. Each eligible individual shall receive 86667  
benefits as compensation for loss of remuneration due to 86668  
involuntary total or partial unemployment in the amounts and 86669  
subject to the conditions stipulated in this chapter. 86670

(A) No individual is entitled to a waiting period or 86671  
benefits for any week unless the individual: 86672

(1) Has filed a valid application for determination of 86673  
benefit rights in accordance with section 4141.28 of the Revised 86674  
Code; 86675

(2) Has made a claim for benefits in accordance with 86676  
section 4141.28 of the Revised Code; 86677

(3) (a) Has registered for work and thereafter continues to 86678  
report to an employment office or other registration place 86679  
maintained or designated by the director of job and family 86680  
services. Registration shall be made in accordance with the time 86681  
limits, frequency, and manner prescribed by the director. 86682

(b) For purposes of division (A) (3) of this section, an 86683  
individual has "registered" upon doing any of the following: 86684

(i) Filing an application for benefit rights; 86685

(ii) Making a weekly claim for benefits; 86686

(iii) Reopening an existing claim following a period of 86687  
employment or nonreporting. 86688

(c) After an applicant is registered, that registration 86689  
continues for a period of three calendar weeks, including the 86690  
week during which the applicant registered. However, an 86691  
individual is not registered for purposes of division (A) (3) of 86692  
this section during any period in which the individual fails to 86693  
report, as instructed by the director, or fails to reopen an 86694

existing claim following a period of employment. 86695

(d) The director may, for good cause, extend the period of registration. 86696  
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(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director. 86698  
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(4) (a) (i) Is able to work and available for suitable work and, except as provided in division (A) (4) (a) (ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed. 86701  
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(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five calendar days following the last day the individual worked. In the event the individual is not recalled within the specified period, this waiver shall cease to be operative with respect to that layoff. 86708  
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(iii) The director may waive the requirement that a claimant be actively seeking work if the director determines that the individual has been laid off and the employer who laid the individual off has notified the director in accordance with division (C) of section 4141.28 of the Revised Code that the employer has closed the employer's entire plant or part of the 86718  
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employer's plant for a purpose other than inventory or vacation 86724  
that will cause unemployment for a definite period not exceeding 86725  
twenty-six weeks beginning on the date the employer notifies the 86726  
director, for the period of the specific shutdown, if all of the 86727  
following apply: 86728

(I) The employer and the individuals affected by the 86729  
layoff who are claiming benefits under this chapter jointly 86730  
request the exemption. 86731

(II) The employer provides that the affected individuals 86732  
shall return to work for the employer within twenty-six weeks 86733  
after the date the employer notifies the director. 86734

(III) The director determines that the waiver of the 86735  
active search for work requirement will promote productivity and 86736  
economic stability within the state. 86737

(iv) Division (A) (4) (a) (iii) of this section does not 86738  
exempt an individual from meeting the other requirements 86739  
specified in division (A) (4) (a) (i) of this section to be able to 86740  
work and otherwise fully be available for work. An exemption 86741  
granted under division (A) (4) (a) (iii) of this section may be 86742  
granted only with respect to a specific plant closing. 86743

(b) (i) The individual shall be instructed as to the 86744  
efforts that the individual must make in the search for suitable 86745  
work, including that, within six months after October 11, 2013, 86746  
the individual shall register with the OhioMeansJobs web site, 86747  
except in any of the following circumstances: 86748

(I) The individual is an individual described in division 86749  
(A) (4) (b) (iii) of this section; 86750

(II) Where the active search for work requirement has been 86751  
waived under division (A) (4) (a) of this section; 86752

(III) Where the active search for work requirement is considered to be met under division (A) (4) (c), (d), or (e) of this section. 86753  
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(ii) An individual who is registered with the OhioMeansJobs web site shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search efforts and shall produce that record in the manner and means prescribed by the director. 86756  
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(iii) No individual shall be required to register with the OhioMeansJobs web site if the individual is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available. 86763  
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(iv) As used in division (A) (4) (b) of this section: 86769

(I) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code. 86770  
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(II) "Registration" includes the creation, electronic posting, and maintenance of an active, searchable resume. 86772  
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(c) An individual who is attending a training course approved by the director meets the requirement of this division, if attendance was recommended by the director and the individual is regularly attending the course and is making satisfactory progress. An individual also meets the requirements of this division if the individual is participating and advancing in a training program, as defined in division (P) of section 5709.61 of the Revised Code, and if an enterprise, defined in division 86774  
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(B) of section 5709.61 of the Revised Code, is paying all or 86782  
part of the cost of the individual's participation in the 86783  
training program with the intention of hiring the individual for 86784  
employment as a new employee, as defined in division (L) of 86785  
section 5709.61 of the Revised Code, for at least ninety days 86786  
after the individual's completion of the training program. 86787

(d) An individual who becomes unemployed while attending a 86788  
regularly established school and whose base period qualifying 86789  
weeks were earned in whole or in part while attending that 86790  
school, meets the availability and active search for work 86791  
requirements of division (A) (4) (a) of this section if the 86792  
individual regularly attends the school during weeks with 86793  
respect to which the individual claims unemployment benefits and 86794  
makes self available on any shift of hours for suitable 86795  
employment with the individual's most recent employer or any 86796  
other employer in the individual's base period, or for any other 86797  
suitable employment to which the individual is directed, under 86798  
this chapter. 86799

(e) An individual who is a member in good standing with a 86800  
labor organization that refers individuals to jobs meets the 86801  
active search for work requirement specified in division (A) (4) 86802  
(a) of this section if the individual provides documentation 86803  
that the individual is eligible for a referral or placement upon 86804  
request and in a manner prescribed by the director. 86805

(f) Notwithstanding any other provisions of this section, 86806  
no otherwise eligible individual shall be denied benefits for 86807  
any week because the individual is in training approved under 86808  
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 86809  
U.S.C.A. 2296, nor shall that individual be denied benefits by 86810  
reason of leaving work to enter such training, provided the work 86811

left is not suitable employment, or because of the application 86812  
to any week in training of provisions in this chapter, or any 86813  
applicable federal unemployment compensation law, relating to 86814  
availability for work, active search for work, or refusal to 86815  
accept work. 86816

For the purposes of division (A) (4) (f) of this section, 86817  
"suitable employment" means with respect to an individual, work 86818  
of a substantially equal or higher skill level than the 86819  
individual's past adversely affected employment, as defined for 86820  
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 86821  
U.S.C.A. 2101, and wages for such work at not less than eighty 86822  
per cent of the individual's average weekly wage as determined 86823  
for the purposes of that federal act. 86824

(5) ~~Is unable to obtain suitable work. An individual who 86825  
is provided temporary work assignments by the individual's 86826  
employer under agreed terms and conditions of employment, and 86827  
who is required pursuant to those terms and conditions to 86828  
inquire with the individual's employer for available work 86829  
assignments upon the conclusion of each work assignment, is not 86830  
considered unable to obtain suitable employment if suitable work 86831  
assignments are available with the employer but the individual 86832  
fails to contact the employer to inquire about work assignments. 86833~~

(6) Participates in reemployment services, such as job 86834  
search assistance services, if the individual has been 86835  
determined to be likely to exhaust benefits under this chapter, 86836  
including compensation payable pursuant to 5 U.S.C.A. Chapter 86837  
85, other than extended compensation, and needs reemployment 86838  
services pursuant to the profiling system established by the 86839  
director under division (K) of this section, unless the director 86840  
determines that: 86841

(a) The individual has completed such services; or	86842
(b) There is justifiable cause for the claimant's failure to participate in such services.	86843 86844
Ineligibility for failure to participate in reemployment services as described in division (A)(6) of this section shall be for the week or weeks in which the claimant was scheduled and failed to participate without justifiable cause.	86845 86846 86847 86848
(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A)(7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.	86849 86850 86851 86852 86853 86854
(a) For purposes of division (A)(7) of this section, participation is required unless the director determines that either of the following circumstances applies to the individual:	86855 86856 86857
(i) The individual has completed similar services.	86858
(ii) Justifiable cause exists for the failure of the individual to participate in those services.	86859 86860
(b) Within six months after October 11, 2013, notwithstanding any earlier contact an individual may have had with a local OhioMeansJobs center, as defined in section 6301.01 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local OhioMeansJobs center for reemployment services in the manner prescribed by the director.	86861 86862 86863 86864 86865 86866 86867 86868 86869

(c) An individual whose active search for work requirement has been waived under division (A) (4) (a) of this section or is considered to be satisfied under division (A) (4) (c), (d), or (e) of this section is exempt from the requirements of division (A) (7) of this section.

(B) An individual suffering total or partial unemployment is eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable during this required waiting period. Not more than one week of waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for total or partial unemployment benefits.

(C) The waiting period for total or partial unemployment shall commence on the first day of the first week with respect to which the individual first files a claim for benefits at an employment office or other place of registration maintained or designated by the director or on the first day of the first week with respect to which the individual has otherwise filed a claim for benefits in accordance with the rules of the department of job and family services, provided such claim is allowed by the director.

(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions:

(1) For any week with respect to which the director finds that:

(a) The individual's unemployment was due to a labor dispute other than a lockout at any factory, establishment, or other premises located in this or any other state and owned or

operated by the employer by which the individual is or was last 86899  
employed; and for so long as the individual's unemployment is 86900  
due to such labor dispute. No individual shall be disqualified 86901  
under this provision if either of the following applies: 86902

(i) The individual's employment was with such employer at 86903  
any factory, establishment, or premises located in this state, 86904  
owned or operated by such employer, other than the factory, 86905  
establishment, or premises at which the labor dispute exists, if 86906  
it is shown that the individual is not financing, participating 86907  
in, or directly interested in such labor dispute; 86908

(ii) The individual's employment was with an employer not 86909  
involved in the labor dispute but whose place of business was 86910  
located within the same premises as the employer engaged in the 86911  
dispute, unless the individual's employer is a wholly owned 86912  
subsidiary of the employer engaged in the dispute, or unless the 86913  
individual actively participates in or voluntarily stops work 86914  
because of such dispute. If it is established that the claimant 86915  
was laid off for an indefinite period and not recalled to work 86916  
prior to the dispute, or was separated by the employer prior to 86917  
the dispute for reasons other than the labor dispute, or that 86918  
the individual obtained a bona fide job with another employer 86919  
while the dispute was still in progress, such labor dispute 86920  
shall not render the employee ineligible for benefits. 86921

(b) The individual has been given a disciplinary layoff 86922  
for misconduct in connection with the individual's work. 86923

(2) For the duration of the individual's unemployment if 86924  
the director finds that: 86925

(a) The individual quit work without just cause or has 86926  
been discharged for just cause in connection with the 86927

individual's work, provided division (D) (2) of this section does 86928  
not apply to the separation of a person under any of the 86929  
following circumstances: 86930

(i) Separation from employment for the purpose of entering 86931  
the armed forces of the United States if the individual is 86932  
inducted into the armed forces within one of the following 86933  
periods: 86934

(I) Thirty days after separation; 86935

(II) One hundred eighty days after separation if the 86936  
individual's date of induction is delayed solely at the 86937  
discretion of the armed forces. 86938

(ii) Separation from employment pursuant to a labor- 86939  
management contract or agreement, or pursuant to an established 86940  
employer plan, program, or policy, which permits the employee, 86941  
because of lack of work, to accept a separation from employment; 86942

(iii) The individual has left employment to accept a 86943  
recall from a prior employer or, except as provided in division 86944  
(D) (2) (a) (iv) of this section, to accept other employment as 86945  
provided under section 4141.291 of the Revised Code, or left or 86946  
was separated from employment that was concurrent employment at 86947  
the time of the most recent separation or within six weeks prior 86948  
to the most recent separation where the remuneration, hours, or 86949  
other conditions of such concurrent employment were 86950  
substantially less favorable than the individual's most recent 86951  
employment and where such employment, if offered as new work, 86952  
would be considered not suitable under the provisions of 86953  
divisions (E) and (F) of this section. Any benefits that would 86954  
otherwise be chargeable to the account of the employer from whom 86955  
an individual has left employment or was separated from 86956

employment that was concurrent employment under conditions 86957  
described in division (D) (2) (a) (iii) of this section, shall 86958  
instead be charged to the mutualized account created by division 86959  
(B) of section 4141.25 of the Revised Code, except that any 86960  
benefits chargeable to the account of a reimbursing employer 86961  
under division (D) (2) (a) (iii) of this section shall be charged 86962  
to the account of the reimbursing employer and not to the 86963  
mutualized account, except as provided in division (D) (2) of 86964  
section 4141.24 of the Revised Code. 86965

(iv) When an individual has been issued a definite layoff 86966  
date by the individual's employer and before the layoff date, 86967  
the individual quits to accept other employment, the provisions 86968  
of division (D) (2) (a) (iii) of this section apply and no 86969  
disqualification shall be imposed under division (D) of this 86970  
section. However, if the individual fails to meet the employment 86971  
and earnings requirements of division (A) (2) of section 4141.291 86972  
of the Revised Code, then the individual, pursuant to division 86973  
(A) (5) of this section, shall be ineligible for benefits for any 86974  
week of unemployment that occurs prior to the layoff date. 86975

(v) The individual's spouse is a member of the armed 86976  
forces of the United States who is on active duty or a member of 86977  
the commissioned corps of the national oceanic and atmospheric 86978  
administration or public health service, the spouse is the 86979  
subject of a transfer, the individual left employment to 86980  
accompany the individual's spouse to a location from which it is 86981  
impractical to commute to the individual's place of employment, 86982  
and upon arrival at the new place of residence, the individual 86983  
is in all respects able and available for suitable work. For- 86984  
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 86985  
"active duty" and "armed forces" have the same meanings as in 10 86986  
U.S.C. 101. 86987

(b) The individual has refused without good cause to accept an offer of suitable work when made by an employer either in person or to the individual's last known address, or has refused or failed to investigate a referral to suitable work when directed to do so by a local employment office of this state or another state, provided that this division shall not cause a disqualification for a waiting week or benefits under the following circumstances:

(i) When work is offered by the individual's employer and the individual is not required to accept the offer pursuant to the terms of the labor-management contract or agreement; or

(ii) When the individual is attending a training course pursuant to division (A) (4) of this section except, in the event of a refusal to accept an offer of suitable work or a refusal or failure to investigate a referral, benefits thereafter paid to such individual shall not be charged to the account of any employer and, except as provided in division (B) (1) (b) of section 4141.241 of the Revised Code, shall be charged to the mutualized account as provided in division (B) of section 4141.25 of the Revised Code.

(c) Such individual quit work to marry or because of marital, parental, filial, or other domestic obligations.

(d) The individual became unemployed by reason of commitment to any correctional institution.

(e) The individual became unemployed because of dishonesty in connection with the individual's most recent or any base period work. Remuneration earned in such work shall be excluded from the individual's total base period remuneration and qualifying weeks that otherwise would be credited to the

individual for such work in the individual's base period shall 87017  
not be credited for the purpose of determining the total 87018  
benefits to which the individual is eligible and the weekly 87019  
benefit amount to be paid under section 4141.30 of the Revised 87020  
Code. Such excluded remuneration and noncredited qualifying 87021  
weeks shall be excluded from the calculation of the maximum 87022  
amount to be charged, under division (D) of section 4141.24 and 87023  
section 4141.33 of the Revised Code, against the accounts of the 87024  
individual's base period employers. In addition, no benefits 87025  
shall thereafter be paid to the individual based upon such 87026  
excluded remuneration or noncredited qualifying weeks. 87027

For purposes of division (D) (2) (e) of this section, 87028  
"dishonesty" means the commission of substantive theft, fraud, 87029  
or deceitful acts. 87030

(3) For purposes of division (D) (2) (a) of this section, an 87031  
individual shall be considered to have quit work without just 87032  
cause if all of the following apply: 87033

(a) The individual is provided temporary work assignments 87034  
by the individual's employer under agreed terms and conditions 87035  
of employment. 87036

(b) The individual is required pursuant to those terms and 87037  
conditions to inquire with the individual's employer for 87038  
available work assignments upon the conclusion of each work 87039  
assignment. 87040

(c) Suitable work assignments are available with the 87041  
employer, but the individual fails to contact the employer to 87042  
inquire about work assignments. 87043

(E) No individual otherwise qualified to receive benefits 87044  
shall lose the right to benefits by reason of a refusal to 87045

accept new work if: 87046

(1) As a condition of being so employed the individual 87047  
would be required to join a company union, or to resign from or 87048  
refrain from joining any bona fide labor organization, or would 87049  
be denied the right to retain membership in and observe the 87050  
lawful rules of any such organization. 87051

(2) The position offered is vacant due directly to a 87052  
strike, lockout, or other labor dispute. 87053

(3) The work is at an unreasonable distance from the 87054  
individual's residence, having regard to the character of the 87055  
work the individual has been accustomed to do, and travel to the 87056  
place of work involves expenses substantially greater than that 87057  
required for the individual's former work, unless the expense is 87058  
provided for. 87059

(4) The remuneration, hours, or other conditions of the 87060  
work offered are substantially less favorable to the individual 87061  
than those prevailing for similar work in the locality. 87062

(F) Subject to the special exceptions contained in 87063  
division (A) (4) (f) of this section and section 4141.301 of the 87064  
Revised Code, in determining whether any work is suitable for a 87065  
claimant in the administration of this chapter, the director, in 87066  
addition to the determination required under division (E) of 87067  
this section, shall consider the degree of risk to the 87068  
claimant's health, safety, and morals, the individual's physical 87069  
fitness for the work, the individual's prior training and 87070  
experience, the length of the individual's unemployment, the 87071  
distance of the available work from the individual's residence, 87072  
and the individual's prospects for obtaining local work. 87073

(G) The "duration of unemployment" as used in this section 87074

means the full period of unemployment next ensuing after a 87075  
separation from any base period or subsequent work and until an 87076  
individual has become reemployed in employment subject to this 87077  
chapter, or the unemployment compensation act of another state, 87078  
or of the United States, and until such individual has worked 87079  
six weeks and for those weeks has earned or been paid 87080  
remuneration equal to six times an average weekly wage of not 87081  
less than: eighty-five dollars and ten cents per week beginning 87082  
on June 26, 1990; and beginning on and after January 1, 1992, 87083  
twenty-seven and one-half per cent of the statewide average 87084  
weekly wage as computed each first day of January under division 87085  
(B) (3) of section 4141.30 of the Revised Code, rounded down to 87086  
the nearest dollar, except for purposes of division (D) (2) (c) of 87087  
this section, such term means the full period of unemployment 87088  
next ensuing after a separation from such work and until such 87089  
individual has become reemployed subject to the terms set forth 87090  
above, and has earned wages equal to one-half of the 87091  
individual's average weekly wage or sixty dollars, whichever is 87092  
less. 87093

(H) If a claimant is disqualified under division (D) (2) 87094  
(a), (c), or (d) of this section or found to be qualified under 87095  
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 87096  
or (v) of this section or division (A) (2) of section 4141.291 of 87097  
the Revised Code, then benefits that may become payable to such 87098  
claimant, which are chargeable to the account of the employer 87099  
from whom the individual was separated under such conditions, 87100  
shall be charged to the mutualized account provided in section 87101  
4141.25 of the Revised Code, provided that no charge shall be 87102  
made to the mutualized account for benefits chargeable to a 87103  
reimbursing employer, except as provided in division (D) (2) of 87104  
section 4141.24 of the Revised Code. In the case of a 87105

reimbursing employer, the director shall refund or credit to the 87106  
account of the reimbursing employer any over-paid benefits that 87107  
are recovered under division (B) of section 4141.35 of the 87108  
Revised Code. Amounts chargeable to other states, the United 87109  
States, or Canada that are subject to agreements and 87110  
arrangements that are established pursuant to section 4141.43 of 87111  
the Revised Code shall be credited or reimbursed according to 87112  
the agreements and arrangements to which the chargeable amounts 87113  
are subject. 87114

(I) (1) Benefits based on service in employment as provided 87115  
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 87116  
Code shall be payable in the same amount, on the same terms, and 87117  
subject to the same conditions as benefits payable on the basis 87118  
of other service subject to this chapter; except that after 87119  
December 31, 1977: 87120

(a) Benefits based on service in an instructional, 87121  
research, or principal administrative capacity in an institution 87122  
of higher education, as defined in division (Y) of section 87123  
4141.01 of the Revised Code; or for an educational institution 87124  
as defined in division (CC) of section 4141.01 of the Revised 87125  
Code, shall not be paid to any individual for any week of 87126  
unemployment that begins during the period between two 87127  
successive academic years or terms, or during a similar period 87128  
between two regular but not successive terms or during a period 87129  
of paid sabbatical leave provided for in the individual's 87130  
contract, if the individual performs such services in the first 87131  
of those academic years or terms and has a contract or a 87132  
reasonable assurance that the individual will perform services 87133  
in any such capacity for any such institution in the second of 87134  
those academic years or terms. 87135

(b) Benefits based on service for an educational 87136  
institution or an institution of higher education in other than 87137  
an instructional, research, or principal administrative 87138  
capacity, shall not be paid to any individual for any week of 87139  
unemployment which begins during the period between two 87140  
successive academic years or terms of the employing educational 87141  
institution or institution of higher education, provided the 87142  
individual performed those services for the educational 87143  
institution or institution of higher education during the first 87144  
such academic year or term and, there is a reasonable assurance 87145  
that such individual will perform those services for any 87146  
educational institution or institution of higher education in 87147  
the second of such academic years or terms. 87148

If compensation is denied to any individual for any week 87149  
under division (I) (1) (b) of this section and the individual was 87150  
not offered an opportunity to perform those services for an 87151  
institution of higher education or for an educational 87152  
institution for the second of such academic years or terms, the 87153  
individual is entitled to a retroactive payment of compensation 87154  
for each week for which the individual timely filed a claim for 87155  
compensation and for which compensation was denied solely by 87156  
reason of division (I) (1) (b) of this section. An application for 87157  
retroactive benefits shall be timely filed if received by the 87158  
director or the director's deputy within or prior to the end of 87159  
the fourth full calendar week after the end of the period for 87160  
which benefits were denied because of reasonable assurance of 87161  
employment. The provision for the payment of retroactive 87162  
benefits under division (I) (1) (b) of this section is applicable 87163  
to weeks of unemployment beginning on and after November 18, 87164  
1983. The provisions under division (I) (1) (b) of this section 87165  
shall be retroactive to September 5, 1982, only if, as a 87166

condition for full tax credit against the tax imposed by the 87167  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 87168  
3301 to 3311, the United States secretary of labor determines 87169  
that retroactivity is required by federal law. 87170

(c) With respect to weeks of unemployment beginning after 87171  
December 31, 1977, benefits shall be denied to any individual 87172  
for any week which commences during an established and customary 87173  
vacation period or holiday recess, if the individual performs 87174  
any services described in divisions (I)(1)(a) and (b) of this 87175  
section in the period immediately before the vacation period or 87176  
holiday recess, and there is a reasonable assurance that the 87177  
individual will perform any such services in the period 87178  
immediately following the vacation period or holiday recess. 87179

(d) With respect to any services described in division (I) 87180  
(1)(a), (b), or (c) of this section, benefits payable on the 87181  
basis of services in any such capacity shall be denied as 87182  
specified in division (I)(1)(a), (b), or (c) of this section to 87183  
any individual who performs such services in an educational 87184  
institution or institution of higher education while in the 87185  
employ of an educational service agency. For this purpose, the 87186  
term "educational service agency" means a governmental agency or 87187  
governmental entity that is established and operated exclusively 87188  
for the purpose of providing services to one or more educational 87189  
institutions or one or more institutions of higher education. 87190

(e) Any individual employed by a county board of 87191  
developmental disabilities shall be notified by the thirtieth 87192  
day of April each year if the individual is not to be reemployed 87193  
the following academic year. 87194

(f) Any individual employed by a school district, other 87195  
than a municipal school district as defined in section 3311.71 87196

of the Revised Code, shall be notified by the first day of June 87197  
each year if the individual is not to be reemployed the 87198  
following academic year. 87199

(2) No disqualification will be imposed, between academic 87200  
years or terms or during a vacation period or holiday recess 87201  
under this division, unless the director or the director's 87202  
deputy has received a statement in writing from the educational 87203  
institution or institution of higher education that the claimant 87204  
has a contract for, or a reasonable assurance of, reemployment 87205  
for the ensuing academic year or term. 87206

(3) If an individual has employment with an educational 87207  
institution or an institution of higher education and employment 87208  
with a noneducational employer, during the base period of the 87209  
individual's benefit year, then the individual may become 87210  
eligible for benefits during the between-term, or vacation or 87211  
holiday recess, disqualification period, based on employment 87212  
performed for the noneducational employer, provided that the 87213  
employment is sufficient to qualify the individual for benefit 87214  
rights separately from the benefit rights based on school 87215  
employment. The weekly benefit amount and maximum benefits 87216  
payable during a disqualification period shall be computed based 87217  
solely on the nonschool employment. 87218

(J) Benefits shall not be paid on the basis of employment 87219  
performed by an alien, unless the alien had been lawfully 87220  
admitted to the United States for permanent residence at the 87221  
time the services were performed, was lawfully present for 87222  
purposes of performing the services, or was otherwise 87223  
permanently residing in the United States under color of law at 87224  
the time the services were performed, under section 212(d)(5) of 87225  
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 87226

1101:	87227
(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.	87228 87229 87230 87231
(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence that the individual had not, in fact, been lawfully admitted to the United States.	87232 87233 87234 87235 87236 87237
(K) The director shall establish and utilize a system of profiling all new claimants under this chapter that:	87238 87239
(1) Identifies which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment;	87240 87241 87242
(2) Refers claimants identified pursuant to division (K) (1) of this section to reemployment services, such as job search assistance services, available under any state or federal law;	87243 87244 87245
(3) Collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimant's subsequent to receiving such services and utilizes such information in making identifications pursuant to division (K) (1) of this section; and	87246 87247 87248 87249 87250
(4) Meets such other requirements as the United States secretary of labor determines are appropriate.	87251 87252
(L) Except as otherwise provided in division (A) (6) of this section, ineligibility pursuant to division (A) of this	87253 87254

section shall begin on the first day of the week in which the  
claimant becomes ineligible for benefits and shall end on the  
last day of the week preceding the week in which the claimant  
satisfies the eligibility requirements.

(M) The director may adopt rules that the director  
considers necessary for the administration of division (A) of  
this section.

**Sec. 4141.33.** (A) As used in this section:

(1) "Reasonable assurance" means a written, verbal, or  
implied agreement that the individual will perform services in  
the same or similar capacity during the ensuing sports season or  
seasonal period.

(2) "Seasonal employment" means employment of individuals  
hired primarily to perform services in an industry which because  
of climatic conditions or because of the seasonal nature of such  
industry it is customary to operate only during regularly  
recurring periods of forty weeks or less in any consecutive  
fifty-two weeks.

(3) "Seasonal employer" means an employer determined by  
the director of job and family services to be an employer whose  
operations and business, with the exception of certain  
administrative and maintenance operations, are substantially all  
in a seasonal industry.

(4) "Significantly" means forty per cent or more of an  
individual's base period consists of services performed in  
seasonal employment.

(B) Any employer who claims to have seasonal employment in  
a seasonal industry may file with the director a written  
application for classification of such employment as seasonal.

Whenever in any industry it is customary to operate because of 87284  
climatic conditions or because of the seasonal nature of such 87285  
industry only during regularly recurring periods of forty weeks 87286  
or less duration, benefits shall be payable only during the 87287  
longest seasonal periods which the best practice of such 87288  
industry will reasonably permit. The director shall determine, ~~after~~ 87289  
~~investigation, hearing, and due notice,~~ whether the 87290  
industry is seasonal and, if seasonal, establish seasonal 87291  
periods for such seasonal employer. The director shall make the 87292  
determination based on the application for classification filed 87293  
under this section and any other relevant information available. 87294  
Until such determination by the director, no industry or 87295  
employment shall be deemed seasonal. 87296

(C) When the director has determined such seasonal 87297  
periods, the director shall also establish the proportionate 87298  
number of weeks of employment and earnings required to qualify 87299  
for seasonal benefit rights in place of the weeks of employment 87300  
and earnings requirement stipulated in division (R) of section 87301  
4141.01 and section 4141.30 of the Revised Code, and the 87302  
proportionate number of weeks for which seasonal benefits may be 87303  
paid. An individual whose base period employment consists of 87304  
only seasonal employment for a single seasonal employer and who 87305  
meets the employment and earnings requirements determined by the 87306  
director pursuant to this division will have benefit rights 87307  
determined in accordance with this division, except benefits 87308  
shall not be paid for any week between two successive seasonal 87309  
periods. Benefit charges for such seasonal employment shall be 87310  
computed and charged in accordance with division (D) of section 87311  
4141.24 of the Revised Code. The director may adopt rules for 87312  
implementation of this section. 87313

(D) An individual whose base period employment consists of 87314

either seasonal employment with two or more seasonal employers 87315  
or both seasonal employment and nonseasonal employment with 87316  
employers subject to this chapter, will have benefit rights 87317  
determined in accordance with division (R) of section 4141.01 87318  
and section 4141.30 of the Revised Code. Benefit charges for 87319  
both seasonal and nonseasonal employment shall be computed and 87320  
charged in accordance with division (D) of section 4141.24 of 87321  
the Revised Code. The total seasonal and nonseasonal benefits 87322  
during a benefit year cannot exceed twenty-six times the weekly 87323  
benefit amount. Effective October 30, 2011, an individual who 87324  
performs services that significantly consist of services 87325  
performed in seasonal employment shall not be paid benefits for 87326  
those services for any week in the period between two successive 87327  
seasonal periods if the individual performed those services in 87328  
the first of the seasonal periods and there is reasonable 87329  
assurance that the individual will perform those services in the 87330  
later of the seasonal periods. The director shall adopt rules 87331  
for the implementation of this division. 87332

(E) Benefits shall not be paid to any individual on the 87333  
basis of any services, substantially all of which consist of 87334  
participating in sports or athletic events or training or 87335  
preparing to so participate, for any week which commences during 87336  
the period between two successive sport seasons, or similar 87337  
periods, if the individual performed services in the first of 87338  
the seasons, or similar periods, and there is a reasonable 87339  
assurance that the individual will perform services in the later 87340  
of the seasons, or similar periods. 87341

(F) The director shall adopt rules concerning the 87342  
eligibility for benefits of individuals under divisions (D) and 87343  
(E) of this section. 87344

~~Sec. 4141.56. Beginning one year after the effective date~~ 87345  
~~of this section, and every year thereafter, the~~ 87346  
The director of 87347  
job and family services annually shall prepare a report and 87348  
submit ~~a report~~ it by the first day of August to the governor, 87349  
the president and minority leader of the senate, and the speaker 87350  
and the minority leader of the house of representatives ~~that~~ 87351  
~~discusses~~. The report shall discuss the utilization of the 87352  
SharedWork Ohio program created under section 4141.50 of the 87353  
Revised Code. The director shall include in that report the 87354  
number of employers and employees participating in the program, 87355  
the amount of shared work compensation paid under the program 87356  
during the immediately preceding year, and any other information 87357  
the director considers to be relevant.

~~Sec. 4141.60. (A) Beginning on the last day of February~~ 87358  
~~that occurs after the effective date of this section, and~~ 87359  
~~annually thereafter, the~~ The director of job and family services 87360  
annually shall prepare a report and submit ~~a report~~ it by the 87361  
first day of August to the persons listed in division (B) of 87362  
this section. The director shall include all of the following 87363  
information in the report with respect to the calendar year 87364  
preceding the date the report is submitted: 87365

(1) The number of calls received from applicants for and 87366  
recipients of benefits under this chapter at all call centers 87367  
operated by the director; 87368

(2) The total number of claims for benefits filed under 87369  
this chapter; 87370

(3) The number of claims for benefits marked as 87371  
potentially fraudulent; 87372

(4) The number of complaints submitted by applicants for 87373

and recipients of benefits under this chapter through the 87374  
uniform process created by the director under section 4141.13 of 87375  
the Revised Code; 87376

(5) A summary of updates or changes to the technology the 87377  
director uses to administer this chapter that have occurred 87378  
during the calendar year covered by the report. 87379

(B) The director shall submit the report required under 87380  
division (A) of this section to the speaker of the house of 87381  
representatives, the president of the senate, and the governor, 87382  
~~and the members of the unemployment compensation modernization-~~ 87383  
~~and improvement council.~~ 87384

**Sec. 4301.12.** (A) The division of liquor control shall 87385  
provide for the custody, safekeeping, and deposit of all moneys, 87386  
checks, and drafts received by it or any of its employees or 87387  
agents prior to paying them to the treasurer of state as 87388  
provided by section 113.08 of the Revised Code. 87389

(B) A sum equal to three dollars and thirty-eight cents 87390  
for each gallon of spirituous liquor sold by the division, 87391  
JobsOhio, or a designee of JobsOhio during the period covered by 87392  
the payment shall be paid into the state treasury to the credit 87393  
of the general revenue fund. All moneys Except as provided in 87394  
division (G) of section 4301.30 of the Revised Code, all money 87395  
received from permit fees, ~~except B-2a, S-1, and S-2 permit fees~~ 87396  
~~from B-2a, S-1, and S-2 permit holders who do not also hold A-2-~~ 87397  
~~or A-2f permits,~~ shall be paid to the credit of the undivided 87398  
liquor permit fund established by section 4301.30 of the Revised 87399  
Code. 87400

(C) Except as otherwise provided by law, the division 87401  
shall deposit all moneys collected under Chapters 4301. and 87402

4303. of the Revised Code into the state treasury to the credit 87403  
of the state liquor regulatory fund created in section 4301.30 87404  
of the Revised Code. In addition, revenue resulting from any 87405  
contracts with the department of commerce pertaining to the 87406  
responsibilities and operations described in this chapter may be 87407  
credited to the fund. 87408

(D) Whenever, in the judgment of the director of budget 87409  
and management, the amount in the liquor control fund is in 87410  
excess of that needed to meet the maturing obligations of the 87411  
division, as working capital for its further operations, to pay 87412  
the operating expenses of the commission, and for the alcohol 87413  
testing program under section 3701.143 of the Revised Code, the 87414  
director shall transfer the excess to the credit of the general 87415  
revenue fund. If the director determines that the amount in the 87416  
liquor control fund is insufficient, the director may transfer 87417  
money from the general revenue fund to the liquor control fund. 87418

**Sec. 4301.19.** The division of liquor control shall sell 87419  
spirituous liquor only, whether from a warehouse ~~or from~~, a 87420  
state liquor store ~~or~~, an agency store, or an A-3a permit 87421  
premises. All sales shall be in sealed containers and for resale 87422  
as authorized by this chapter and Chapter 4303. of the Revised 87423  
Code or for consumption off the premises only. Except as 87424  
otherwise provided in this section, sale of containers holding 87425  
one-half pint or less of spirituous liquor by the division shall 87426  
be made at retail only, and not for the purpose of resale by any 87427  
purchaser, by special order placed with a state liquor store or 87428  
agency store and subject to rules established by the 87429  
superintendent of liquor control. The division may sell at 87430  
wholesale spirituous liquor in fifty milliliter sealed 87431  
containers to any holder of a permit issued under Chapter 4303. 87432  
of the Revised Code that authorizes the sale of spirituous 87433

liquor for consumption on the premises where sold. A person 87434  
appointed by the division to act as an agent for the sale of 87435  
spirituous liquor pursuant to section 4301.17 of the Revised 87436  
Code may provide and accept gift certificates and may accept 87437  
credit cards and debit cards for the retail purchase of 87438  
spirituous liquor. Deliveries shall be made in the manner the 87439  
superintendent determines by rule. 87440

Subject to division (A) (3) of section 4301.10 and division 87441  
(A) of section 4301.14 of the Revised Code, if any person 87442  
desires to purchase any variety or brand of spirituous liquor 87443  
which is not in stock at the state liquor store or agency store 87444  
where the variety or brand is ordered, the division shall 87445  
immediately procure the variety or brand. The purchaser shall be 87446  
immediately notified upon the arrival of the spirituous liquor 87447  
at the store at which it was ordered. Unless the purchaser pays 87448  
for the variety or brand and accepts delivery within five days 87449  
after the giving of the notice, the division may place the 87450  
spirituous liquor in stock for general sale. 87451

**Sec. 4301.30.** (A) All—Except as provided in division (G) 87452  
of this section, all fees collected by the division of liquor 87453  
control shall be deposited in the state treasury to the credit 87454  
of the undivided liquor permit fund, which is hereby created, at 87455  
the time prescribed under section 4301.12 of the Revised Code. 87456  
Each payment shall be accompanied by a statement showing 87457  
separately the amount collected for each class of permits in 87458  
each municipal corporation and in each township outside the 87459  
limits of any municipal corporation in such township. 87460

(B) (1) An amount equal to forty-five per cent of the fund 87461  
shall be paid from the fund into the state liquor regulatory 87462  
fund, which is hereby created in the state treasury. The state 87463

liquor regulatory fund shall be used to pay the operating 87464  
expenses of the division of liquor control in administering and 87465  
enforcing Title XLIII of the Revised Code and the operating 87466  
expenses of the liquor control commission. ~~Investment earnings~~ 87467  
~~of the fund shall be credited to the fund.~~ 87468

(2) Whenever, in the judgment of the director of budget 87469  
and management, the amount of money that is in the state liquor 87470  
regulatory fund is in excess of the amount that is needed to pay 87471  
the operating expenses of the division in administering and 87472  
enforcing Title XLIII of the Revised Code and the operating 87473  
expenses of the commission, the director shall credit the excess 87474  
amount to the general revenue fund. 87475

(C) Twenty per cent of the undivided liquor permit fund 87476  
shall be paid into the statewide treatment and prevention fund, 87477  
which is hereby created in the state treasury. This amount shall 87478  
be appropriated by the general assembly, together with an amount 87479  
equal to one and one-half per cent of the gross profit of the 87480  
division of liquor control derived under division (B) (4) of 87481  
section 4301.10 of the Revised Code, to the department of mental 87482  
health and addiction services. In planning for the allocation of 87483  
and in allocating these amounts for the purposes of Chapter 87484  
5119. of the Revised Code, the department shall comply with the 87485  
nondiscrimination provisions of Title VI of the Civil Rights Act 87486  
of 1964, and any rules adopted under that act. 87487

(D) Thirty-five per cent of the undivided liquor permit 87488  
fund shall be distributed by the superintendent of liquor 87489  
control at quarterly calendar periods as follows: 87490

(1) To each municipal corporation, the aggregate amount 87491  
shown by the statements to have been collected from permits in 87492  
the municipal corporation, for the use of the general fund of 87493

the municipal corporation; 87494

(2) To each township, the aggregate amount shown by the 87495  
statements to have been collected from permits in its territory, 87496  
outside the limits of any municipal corporation located in the 87497  
township, for the use of the general fund of the township, or 87498  
for fire protection purposes, including buildings and equipment 87499  
in the township or in an established fire district within the 87500  
township, to the extent that the funds are derived from liquor 87501  
permits within the territory comprising such fire district. 87502

(E) For the purpose of the distribution required by this 87503  
section, E, H, and D permits covering boats or vessels are 87504  
deemed to have been issued in the municipal corporation or 87505  
township wherein the owner or operator of the vehicle, boat, 87506  
vessel, or dining car equipment to which the permit relates has 87507  
the owner's or operator's principal office or place of business 87508  
within the state. 87509

(F) If the division determines that the police or other 87510  
officers of any municipal corporation or township entitled to 87511  
share in distributions under this section are refusing or 87512  
culpably neglecting to enforce this chapter and Chapter 4303. of 87513  
the Revised Code, or the penal laws of this state relating to 87514  
the manufacture, importation, transportation, distribution, and 87515  
sale of beer and intoxicating liquors, or if the prosecuting 87516  
officer of a municipal corporation or a municipal court fails to 87517  
comply with the request of the division authorized by division 87518  
(A) (4) of section 4301.10 of the Revised Code, the division, by 87519  
certified mail or by electronic means as determined by the 87520  
superintendent to provide proper notice under the laws of this 87521  
state, may notify the chief executive officer of the municipal 87522  
corporation or the board of township trustees of the township of 87523

the failure and require the immediate cooperation of the 87524  
responsible officers of the municipal corporation or township 87525  
with the division in the enforcement of those chapters and penal 87526  
laws. Within thirty days after the notice is served, the 87527  
division shall determine whether the requirement has been 87528  
complied with. If the division determines that the requirement 87529  
has not been complied with, it may withhold the distributive 87530  
share of the municipal corporation or township. This action of 87531  
the division is reviewable within thirty days thereafter in the 87532  
court of common pleas of Franklin county. 87533

(G) All fees collected by the division of liquor control 87534  
from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and~~ 87535  
~~paid by B-2a, S-1, and S-2 permit holders who do not also hold~~ 87536  
~~A-1 or A-1c permits or A-2 or A-2f permits,~~the following permits 87537  
shall be deposited in the state treasury to the credit of the 87538  
state liquor regulatory fund: 87539

(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 87540  
permit holders who do not also hold A-1 or A-1c permits or A-2 87541  
or A-2f permits; 87542

(2) H permits where the permit premises are located 87543  
outside of this state. ~~Once~~ 87544

Once during each fiscal year, an amount equal to fifty per 87545  
cent of the fees collected shall be paid from the state liquor 87546  
regulatory fund into the general revenue fund. 87547

**Sec. 4301.421.** (A) For the purposes of section 307.696 of 87548  
the Revised Code, to pay the expenses of administering the tax, 87549  
and to pay any or all of the charge the board of elections makes 87550  
against the county to hold the election on the question of 87551  
levying the tax, or for those purposes and to provide revenues 87552

to the county for permanent improvements, the board of county 87553  
commissioners may levy a tax on the sale of beer at a rate not 87554  
to exceed sixteen cents per gallon, on the sale of cider at a 87555  
rate not to exceed twenty-four cents per gallon, and on the sale 87556  
of wine and mixed beverages at a rate not to exceed thirty-two 87557  
cents per gallon. The tax shall be imposed on all beer, cider, 87558  
wine, and mixed beverages sold for resale at retail in the 87559  
county, and on all beer, cider, wine, and mixed beverages sold 87560  
at retail in the county by the manufacturer, bottler, importer, 87561  
or other person upon which the tax has not been paid. The tax 87562  
shall not be levied on the sale of wine to be used for known 87563  
sacramental purposes. The tax may be levied for any number of 87564  
years not exceeding twenty. The tax shall be in addition to the 87565  
taxes imposed by sections 4301.42, 4301.43, 4301.432, and 87566  
4305.01 of the Revised Code. The tax shall not be considered a 87567  
cost in any computation required under rules of the liquor 87568  
control commission regulating minimum prices or mark-ups. 87569

Only one sale of the same article shall be used in 87570  
computing, reporting, and paying the amount of tax due. 87571

The tax shall be levied pursuant to a resolution of the 87572  
county commissioners approved by a majority of the electors in 87573  
the county voting on the question of levying the tax, which 87574  
resolution shall specify the rate of the tax, the number of 87575  
years the tax will be levied, and the purposes for which the tax 87576  
is levied. The election may be held on the date of a general 87577  
election or special election held not sooner than ninety days 87578  
after the date the board certifies its resolution to the board 87579  
of elections. If approved by the electors, the tax shall take 87580  
effect on the first day of the month specified in the resolution 87581  
but not sooner than the first day of the month that is at least 87582  
sixty days after the certification of the election results by 87583

the board of elections. A copy of the resolution levying the tax 87584  
and the certification of the board of elections shall be 87585  
certified to the tax commissioner at least sixty days prior to 87586  
the date on which the tax is to become effective. 87587

A resolution under this section may be joined on the 87588  
ballot as a single question with a resolution adopted under 87589  
section 307.697 or 5743.024 of the Revised Code to levy a tax 87590  
for the same purposes and for the purpose of paying the expenses 87591  
of administering the tax. The form of the ballot in an election 87592  
held pursuant to this section shall be as prescribed in section 87593  
307.697 of the Revised Code. 87594

(B) The board of county commissioners of a county in which 87595  
a tax is imposed under this section on the effective date of the 87596  
amendment of this section by H.B. 59 of the 130th general 87597  
assembly, September 29, 2013, may levy a tax for the purpose of 87598  
section 307.673 of the Revised Code regardless of whether or not 87599  
the cooperative agreement authorized under that section has been 87600  
entered into prior to the day the resolution adopted under 87601  
division (B)(1) or (2) of this section is adopted, for the 87602  
purpose of reimbursing a county for costs incurred in the 87603  
construction of a sports facility pursuant to an agreement 87604  
entered into by the county under section 307.696 of the Revised 87605  
Code, or for the purpose of paying the costs of capital repairs 87606  
of and improvements to a sports facility. The tax shall be 87607  
levied and approved in one of the manners prescribed by division 87608  
(B)(1) or (2) of this section. 87609

(1) The tax may be levied pursuant to a resolution adopted 87610  
by a majority of the members of the board of county 87611  
commissioners not later than September 2, 1995. A board of 87612  
county commissioners approving a tax under division (B)(1) of 87613

this section may approve a tax under division (D) (1) of section 87614  
307.697 or division (C) (1) of section 5743.024 of the Revised 87615  
Code at the same time. Subject to the resolution being submitted 87616  
to a referendum under sections 305.31 to 305.41 of the Revised 87617  
Code, the resolution shall take effect immediately, but the tax 87618  
levied pursuant to the resolution shall not be levied prior to 87619  
the day following the last day that any tax previously levied 87620  
pursuant to this division may be levied. 87621

(2) The tax may be levied pursuant to a resolution adopted 87622  
by a majority of the members of the board of county 87623  
commissioners not later than September 1, 2015, and approved by 87624  
a majority of the electors of the county voting on the question 87625  
of levying the tax. The board of county commissioners shall 87626  
certify a copy of the resolution to the board of elections 87627  
immediately upon adopting a resolution under division (D) (2) of 87628  
this section. The election may be held on the date of a general 87629  
or special election held not sooner than ninety days after the 87630  
date the board certifies its resolution to the board of 87631  
elections. The form of the ballot shall be as prescribed by 87632  
division (C) of section 307.697 of the Revised Code, except that 87633  
the phrase "paying not more than one-half of the costs of 87634  
providing a sports facility together with related redevelopment 87635  
and economic development projects" shall be replaced by the 87636  
phrase "paying the costs of constructing, renovating, improving, 87637  
or repairing a sports facility and reimbursing a county for 87638  
costs incurred by the county in the construction of a sports 87639  
facility," and the phrase ", beginning \_\_\_\_\_ (here insert 87640  
the earliest date the tax would take effect)" shall be appended 87641  
after "years." A board of county commissioners submitting the 87642  
question of a tax under division (B) (2) of this section may 87643  
submit the question of a tax under division (D) (2) of section 87644

307.697 or division (C) (2) of section 5743.024 of the Revised Code as a single question, and the form of the ballot shall include each of the proposed taxes.

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

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

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

(C) The board of county commissioners of a county whose population is greater than one million one hundred thousand but less than one million three hundred thousand may levy a tax under this division for the purpose of section 307.673 of the Revised Code regardless of whether or not the cooperative agreement authorized under that section has been entered into prior to the day the resolution adopted under division (C) of this section is adopted, for the purpose of reimbursing a county for costs incurred in the construction of a sports facility pursuant to an agreement entered into by the county under section 307.696 of the Revised Code, or for the purpose of paying the costs of constructing, equipping, furnishing, maintaining, renovating, improving, or repairing a sports

facility. The tax may be levied for any number of years or for a continuing period of time. 87675  
 87676

The tax may be levied pursuant to a resolution adopted by the board of county commissioners and approved by a majority of the electors of the county voting on the question of levying the tax. The board of county commissioners shall certify a copy of the resolution to the board of elections immediately upon adopting a resolution under division (C) of this section. The election may be held on the date of a general or special election held not sooner than ninety days after the date the board certifies its resolution to the board of elections. The form of the ballot shall be as follows or in any other form acceptable to the secretary of state: 87677  
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 87687

"For the purpose of \_\_\_\_\_ (state the purpose or purposes), shall an excise tax be levied by \_\_\_\_\_ county at the rate of \_\_\_\_\_ cents per gallon on the sale of beer at wholesale in the county, \_\_\_\_\_ cents per gallon on the sale of wine and mixed beverages at wholesale in the county, and \_\_\_\_\_ cents per gallon on the sale of cider at wholesale in the county for \_\_\_\_\_ (number of years or a continuing period of time), the tax beginning on \_\_\_\_\_ (the earliest date the tax would take effect)?" 87688  
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 87697

	<u>Yes</u>
	<u>No</u>

A board of county commissioners submitting the question of a tax under division (C) of this section may submit the question of a tax under section 5743.511, division (E) of section 307.697, or division (D) of section 5743.024 of the Revised 87698  
 87699  
 87700  
 87701

Code, or all, as a single question, provided that each tax is 87702  
for the same purpose and period of time and the form of the 87703  
ballot states the rate of each of the proposed taxes. 87704

If approved by a majority of electors voting on the 87705  
question, the tax shall take effect on the date specified in the 87706  
resolution but not sooner than the first day of the month that 87707  
is at least sixty days after the certification of the election 87708  
results by the board of elections. The tax levied under division 87709  
(C) of this section may be approved and take effect before the 87710  
expiration of the tax levied under division (B) of this section. 87711  
The tax levied under division (C) of this section shall 87712  
supersede and replace any tax levied under division (B) of this 87713  
section, and the tax levied under division (B) of this section 87714  
shall no longer be levied once the tax levied under division (C) 87715  
of this section takes effect. 87716

The rate of tax levied pursuant to division (C) of this 87717  
section on the sale of beer shall not exceed thirty-two cents 87718  
per gallon, on the sale of cider shall not exceed forty-eight 87719  
cents per gallon, and on the sale of wine and mixed beverages 87720  
shall not exceed sixty-four cents per gallon. The tax levied 87721  
pursuant to division (C) of this section shall be imposed on all 87722  
beer, cider, wine, and mixed beverages sold for resale at retail 87723  
in the county, and on all beer, cider, wine, and mixed beverages 87724  
sold at retail in the county by the bottler, importer, or other 87725  
person upon which the tax has not been paid. The tax levied 87726  
pursuant to division (C) of this section shall not be levied on 87727  
the sale of wine to be used for known sacramental purposes. 87728

The tax levied pursuant to division (C) of this section 87729  
shall be in addition to the taxes imposed by sections 4301.42, 87730  
4301.43, 4301.432, and 4305.01 of the Revised Code. The tax 87731

levied pursuant to division (C) of this section shall not be 87732  
considered a cost in any computation required under rules of the 87733  
liquor control commission regulating minimum prices or mark-ups. 87734  
Only one sale of the same article shall be used in computing, 87735  
reporting, and paying the amount of tax due. 87736

A board of county commissioners adopting a resolution 87737  
under division (C) of this section shall certify a copy of the 87738  
resolution to the tax commissioner immediately upon adoption of 87739  
the resolution. 87740

(D) No tax shall be levied under division (A) of this 87741  
section on or after September 23, 2008. This division does not 87742  
apply to a tax levied under division (B) or (C) of this section, 87743  
and does not prevent the collection of any tax levied under this 87744  
section before September 23, 2008, so long as that tax remains 87745  
effective. 87746

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 87747  
owner or operator of a hotel or motel that is required to be 87748  
licensed under section 3731.03 of the Revised Code, that 87749  
contains at least fifty rooms for registered transient guests or 87750  
is owned by a state institution of higher education as defined 87751  
in section 3345.011 of the Revised Code or a private college or 87752  
university, and that qualifies under the other requirements of 87753  
this section, or to the owner or operator of a restaurant 87754  
specified under this section, to sell beer and any intoxicating 87755  
liquor at retail, only by the individual drink in glass and from 87756  
the container, for consumption on the premises where sold, and 87757  
to registered guests in their rooms, which may be sold by means 87758  
of a controlled access alcohol and beverage cabinet in 87759  
accordance with division (B) of section 4301.21 of the Revised 87760  
Code; and to sell the same products in the same manner and 87761

amounts not for consumption on the premises as may be sold by 87762  
holders of D-1 and D-2 permits. The premises of the hotel or 87763  
motel shall include a retail food establishment or a food 87764  
service operation licensed pursuant to Chapter 3717. of the 87765  
Revised Code that operates as a restaurant for purposes of this 87766  
chapter and that is affiliated with the hotel or motel and 87767  
within or contiguous to the hotel or motel, and that serves food 87768  
within the hotel or motel, but the principal business of the 87769  
owner or operator of the hotel or motel shall be the 87770  
accommodation of transient guests. In addition to the privileges 87771  
authorized in this division, the holder of a D-5a permit may 87772  
exercise the same privileges, and shall observe the same hours 87773  
of operation, as the holder of a D-5 permit. 87774

The owner or operator of a hotel, motel, or restaurant who 87775  
qualified for and held a D-5a permit on August 4, 1976, may, if 87776  
the owner or operator held another permit before holding a D-5a 87777  
permit, either retain a D-5a permit or apply for the permit 87778  
formerly held, and the division of liquor control shall issue 87779  
the permit for which the owner or operator applies and formerly 87780  
held, notwithstanding any quota. 87781

A D-5a permit shall not be transferred to another 87782  
location. No quota restriction shall be placed on the number of 87783  
D-5a permits that may be issued. 87784

The fee for this permit is two thousand three hundred 87785  
forty-four dollars. 87786

(B) Permit D-5b may be issued to the owner, operator, 87787  
tenant, lessee, or occupant of an enclosed shopping center to 87788  
sell beer and intoxicating liquor at retail, only by the 87789  
individual drink in glass and from the container, for 87790  
consumption on the premises where sold; and to sell the same 87791

products in the same manner and amount not for consumption on 87792  
the premises as may be sold by holders of D-1 and D-2 permits. 87793  
In addition to the privileges authorized in this division, the 87794  
holder of a D-5b permit may exercise the same privileges, and 87795  
shall observe the same hours of operation, as a holder of a D-5 87796  
permit. 87797

A D-5b permit shall not be transferred to another 87798  
location. 87799

One D-5b permit may be issued at an enclosed shopping 87800  
center containing at least two hundred twenty-five thousand, but 87801  
less than four hundred thousand, square feet of floor area. 87802

Two D-5b permits may be issued at an enclosed shopping 87803  
center containing at least four hundred thousand square feet of 87804  
floor area. No more than one D-5b permit may be issued at an 87805  
enclosed shopping center for each additional two hundred 87806  
thousand square feet of floor area or fraction of that floor 87807  
area, up to a maximum of five D-5b permits for each enclosed 87808  
shopping center. The number of D-5b permits that may be issued 87809  
at an enclosed shopping center shall be determined by 87810  
subtracting the number of D-3 and D-5 permits issued in the 87811  
enclosed shopping center from the number of D-5b permits that 87812  
otherwise may be issued at the enclosed shopping center under 87813  
the formulas provided in this division. Except as provided in 87814  
this section, no quota shall be placed on the number of D-5b 87815  
permits that may be issued. Notwithstanding any quota provided 87816  
in this section, the holder of any D-5b permit first issued in 87817  
accordance with this section is entitled to its renewal in 87818  
accordance with section 4303.271 of the Revised Code. 87819

The holder of a D-5b permit issued before April 4, 1984, 87820  
whose tenancy is terminated for a cause other than nonpayment of 87821

rent, may return the D-5b permit to the division of liquor 87822  
control, and the division shall cancel that permit. Upon 87823  
cancellation of that permit and upon the permit holder's payment 87824  
of taxes, contributions, premiums, assessments, and other debts 87825  
owing or accrued upon the date of cancellation to this state and 87826  
its political subdivisions and a filing with the division of a 87827  
certification of that payment, the division shall issue to that 87828  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 87829  
as that person requests. The division shall issue the D-5 87830  
permit, or the D-1, D-2, and D-3 permits, even if the number of 87831  
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 87832  
corporation or in the unincorporated area of the township where 87833  
that person's proposed premises is located equals or exceeds the 87834  
maximum number of such permits that can be issued in that 87835  
municipal corporation or in the unincorporated area of that 87836  
township under the population quota restrictions contained in 87837  
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 87838  
permit so issued shall not be transferred to another location. 87839  
If a D-5b permit is canceled under the provisions of this 87840  
paragraph, the number of D-5b permits that may be issued at the 87841  
enclosed shopping center for which the D-5b permit was issued, 87842  
under the formula provided in this division, shall be reduced by 87843  
one if the enclosed shopping center was entitled to more than 87844  
one D-5b permit under the formula. 87845

The fee for this permit is two thousand three hundred 87846  
forty-four dollars. 87847

(C) Permit D-5c may be issued to the owner or operator of 87848  
a retail food establishment or a food service operation licensed 87849  
pursuant to Chapter 3717. of the Revised Code that operates as a 87850  
restaurant for purposes of this chapter and that qualifies under 87851  
the other requirements of this section to sell beer and any 87852

intoxicating liquor at retail, only by the individual drink in 87853  
glass and from the container, for consumption on the premises 87854  
where sold, and to sell the same products in the same manner and 87855  
amounts not for consumption on the premises as may be sold by 87856  
holders of D-1 and D-2 permits. In addition to the privileges 87857  
authorized in this division, the holder of a D-5c permit may 87858  
exercise the same privileges, and shall observe the same hours 87859  
of operation, as the holder of a D-5 permit. 87860

To qualify for a D-5c permit, the owner or operator of a 87861  
retail food establishment or a food service operation licensed 87862  
pursuant to Chapter 3717. of the Revised Code that operates as a 87863  
restaurant for purposes of this chapter, shall have operated the 87864  
restaurant at the proposed premises for not less than twenty- 87865  
four consecutive months immediately preceding the filing of the 87866  
application for the permit, have applied for a D-5 permit no 87867  
later than December 31, 1988, and appear on the division's quota 87868  
waiting list for not less than six months immediately preceding 87869  
the filing of the application for the permit. In addition to 87870  
these requirements, the proposed D-5c permit premises shall be 87871  
located within a municipal corporation and further within an 87872  
election precinct that, at the time of the application, has no 87873  
more than twenty-five per cent of its total land area zoned for 87874  
residential use. 87875

A D-5c permit shall not be transferred to another 87876  
location. No quota restriction shall be placed on the number of 87877  
such permits that may be issued. 87878

Any person who has held a D-5c permit for at least two 87879  
years may apply for a D-5 permit, and the division of liquor 87880  
control shall issue the D-5 permit notwithstanding the quota 87881  
restrictions contained in section 4303.29 of the Revised Code or 87882

in any rule of the liquor control commission. 87883

The fee for this permit is one thousand five hundred 87884  
sixty-three dollars. 87885

(D) (1) Permit D-5d may be issued to the owner or operator 87886  
of a retail food establishment or a food service operation 87887  
licensed pursuant to Chapter 3717. of the Revised Code that 87888  
operates as a restaurant for purposes of this chapter and that 87889  
is located at an airport operated by a municipal corporation, at 87890  
an airport operated by a board of county commissioners pursuant 87891  
to section 307.20 of the Revised Code, at an airport operated by 87892  
a port authority pursuant to Chapter 4582. of the Revised Code, 87893  
or at an airport operated by a regional airport authority 87894  
pursuant to Chapter 308. of the Revised Code. 87895

(2) The holder of a D-5d permit may sell either of the 87896  
following: 87897

(a) Beer and any intoxicating liquor at retail, only by 87898  
the individual drink in glass and from the container, for 87899  
consumption on the premises where sold. In addition, such 87900  
consumption may occur in the area of the airport terminal that 87901  
is restricted to persons taking flights to and from the airport, 87902  
provided all of the following apply: 87903

(i) The airport's governing body authorizes the 87904  
consumption of beer and intoxicating liquor in that area. 87905

(ii) The D-5d permit holder is located in that area. 87906

(iii) The airport is a public-use airport, as defined in 87907  
section 4563.30 of the Revised Code, that has commercial flight 87908  
activity and has one or more passenger or property screening 87909  
checkpoints or restricted areas used as security measures. 87910

(iv) The beer or intoxicating liquor is served solely in plastic bottles or other plastic containers that clearly identify the D-5d permit holder.

(b) The same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits.

In addition to the privileges authorized in division (D) of this section, the holder of a D-5d permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

(3) A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

(4) The fee for the D-5d permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

(1) Is permanently docked at one location;

(2) Is designated as an historical riverboat by the Ohio history connection;

(3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

In addition to the privileges authorized in this division, the holder of a D-5e permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats. 87967

(4) It provides entertainment and recreation, provided 87968  
that not less than fifty per cent of the business on the permit 87969  
premises shall be preparing and serving meals for a 87970  
consideration. 87971

In addition, each application for a D-5f permit shall be 87972  
accompanied by a certification from the local legislative 87973  
authority that the issuance of the D-5f permit is not 87974  
inconsistent with that political subdivision's comprehensive 87975  
development plan or other economic development goal as 87976  
officially established by the local legislative authority. 87977

The holder of a D-5f permit may sell beer and intoxicating 87978  
liquor at retail, only by the individual drink in glass and from 87979  
the container, for consumption on the premises where sold. 87980

A D-5f permit shall not be transferred to another 87981  
location. 87982

The division of liquor control shall not issue a D-5f 87983  
permit if the permit premises or proposed permit premises are 87984  
located within an area in which the sale of spirituous liquor by 87985  
the glass is prohibited. In addition to the privileges 87986  
authorized in this division, the holder of a D-5f permit may 87987  
exercise the same privileges, and shall observe the same hours 87988  
of operation, as the holder of a D-5 permit. 87989

A fee for this permit is two thousand three hundred forty- 87990  
four dollars. 87991

As used in this division, "navigable river" means a river 87992  
that is also a "navigable water" as defined in the "Federal 87993  
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 87994

(G) Permit D-5g may be issued to a nonprofit corporation 87995  
that is either the owner or the operator of a national 87996  
professional sports museum. The holder of a D-5g permit may sell 87997  
beer and any intoxicating liquor at retail, only by the 87998  
individual drink in glass and from the container, for 87999  
consumption on the premises where sold. The holder of a D-5g 88000  
permit shall sell no beer or intoxicating liquor for consumption 88001  
on the premises where sold after two-thirty a.m. A D-5g permit 88002  
shall not be transferred to another location. No quota 88003  
restrictions shall be placed on the number of D-5g permits that 88004  
may be issued. In addition to the privileges authorized in this 88005  
division, the holder of a D-5g permit may exercise the same 88006  
privileges, and shall observe the same hours of operation, as 88007  
the holder of a D-5 permit. 88008

The fee for this permit is one thousand eight hundred 88009  
seventy-five dollars. 88010

(H) (1) Permit D-5h may be issued to any nonprofit 88011  
organization that is exempt from federal income taxation under 88012  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 88013  
501(c) (3), as amended, that owns or operates any of the 88014  
following: 88015

(a) A fine arts museum, provided that the nonprofit 88016  
organization has no less than one thousand five hundred bona 88017  
fide members possessing full membership privileges; 88018

(b) A community arts center. As used in division (H) (1) (b) 88019  
of this section, "community arts center" means a facility that 88020  
provides arts programming to the community in more than one arts 88021  
discipline, including, but not limited to, exhibits of works of 88022  
art and performances by both professional and amateur artists. 88023

(c) A community theater, provided that the nonprofit organization is a member of the Ohio arts council and the American community theatre association and has been in existence for not less than ten years. As used in division (H) (1) (c) of this section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) In addition to the privileges authorized in this division, the holder of a D-5h permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

(4) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following requirements:

(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.

(2) It has inside seating capacity for at least one hundred forty persons.

(3) It has at least four thousand square feet of floor area. 88053  
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(4) It offers full-course meals, appetizers, and sandwiches. 88055  
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(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts. 88057  
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(6) It has at least one of the following characteristics: 88060

(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars. 88061  
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(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit. 88063  
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The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 88067  
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A D-5i permit shall not be transferred to another location. The division of liquor control shall not renew a D-5i permit unless the retail food establishment or food service operation for which it is issued continues to meet the requirements described in divisions (I) (1) to (6) of this section. No quota restrictions shall be placed on the number of 88076  
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D-5i permits that may be issued. The fee for the D-5i permit is 88082  
two thousand three hundred forty-four dollars. 88083

(J) Permit D-5j may be issued to the owner or the operator 88084  
of a retail food establishment or a food service operation 88085  
licensed under Chapter 3717. of the Revised Code to sell beer 88086  
and intoxicating liquor at retail, only by the individual drink 88087  
in glass and from the container, for consumption on the premises 88088  
where sold and to sell beer and intoxicating liquor in the same 88089  
manner and amounts not for consumption on the premises where 88090  
sold as may be sold by the holders of D-1 and D-2 permits. The 88091  
holder of a D-5j permit may exercise the same privileges, and 88092  
shall observe the same hours of operation, as the holder of a D- 88093  
5 permit. 88094

The D-5j permit shall be issued only within a community 88095  
entertainment district that is designated under section 4301.80 88096  
of the Revised Code. The permit shall not be issued to a 88097  
community entertainment district that is designated under 88098  
divisions (B) and (C) of section 4301.80 of the Revised Code if 88099  
the district does not meet one of the following qualifications: 88100

(1) It is located in a municipal corporation with a 88101  
population of at least one hundred thousand. 88102

(2) It is located in a municipal corporation with a 88103  
population of at least twenty thousand, and either of the 88104  
following applies: 88105

(a) It contains an amusement park the rides of which have 88106  
been issued a permit by the department of agriculture under 88107  
Chapter 1711. of the Revised Code. 88108

(b) Not less than fifty million dollars will be invested 88109  
in development and construction in the community entertainment 88110

district's area located in the municipal corporation. 88111

(3) It is located in a township with a population of at 88112  
least forty thousand. 88113

(4) It is located in a township with a population of at 88114  
least twenty thousand, and not less than seventy million dollars 88115  
will be invested in development and construction in the 88116  
community entertainment district's area located in the township. 88117

(5) It is located in a municipal corporation with a 88118  
population between seven thousand and twenty thousand, and both 88119  
of the following apply: 88120

(a) The municipal corporation ~~was incorporated as a~~ 88121  
~~village prior to calendar year 1880 and~~ currently has a historic 88122  
downtown business district. 88123

(b) The municipal corporation is located in the same 88124  
county as another municipal corporation with at least one 88125  
community entertainment district. 88126

(6) It is located in a municipal corporation with a 88127  
population of at least ten thousand, and not less than seventy 88128  
million dollars will be invested in development and construction 88129  
in the community entertainment district's area located in the 88130  
municipal corporation. 88131

(7) It is located in a municipal corporation with a 88132  
population of at least three thousand, and not less than one 88133  
hundred fifty million dollars will be invested in development 88134  
and construction in the community entertainment district's area 88135  
located in the municipal corporation. 88136

The location of a D-5j permit may be transferred only 88137  
within the geographic boundaries of the community entertainment 88138

district in which it was issued and shall not be transferred 88139  
outside the geographic boundaries of that district. 88140

Not more than one D-5j permit shall be issued within each 88141  
community entertainment district for each five acres of land 88142  
located within the district. Not more than fifteen D-5j permits 88143  
may be issued within a single community entertainment district. 88144  
Except as otherwise provided in division (J)(4) of this section, 88145  
no quota restrictions shall be placed upon the number of D-5j 88146  
permits that may be issued. 88147

The fee for a D-5j permit is two thousand three hundred 88148  
forty-four dollars. 88149

(K) (1) Permit D-5k may be issued to any nonprofit 88150  
organization that is exempt from federal income taxation under 88151  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 88152  
501(c)(3), as amended, that is the owner or operator of a 88153  
botanical garden recognized by the American association of 88154  
botanical gardens and arboreta, and that has not less than 88155  
twenty-five hundred bona fide members. 88156

(2) The holder of a D-5k permit may sell beer and any 88157  
intoxicating liquor at retail, only by the individual drink in 88158  
glass and from the container, on the premises where sold. 88159

(3) In addition to the privileges authorized in this 88160  
division, the holder of a D-5k permit may exercise the same 88161  
privileges, and shall observe the same hours of operation, as 88162  
the holder of a D-5 permit. 88163

(4) A D-5k permit shall not be transferred to another 88164  
location. 88165

(5) No quota restrictions shall be placed on the number of 88166  
D-5k permits that may be issued. 88167

(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars. 88168  
88169

(L) (1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5l permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 88170  
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(2) The D-5l permit shall be issued only to a premises to which all of the following apply: 88181  
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(a) The premises has gross annual receipts from the sale of food and meals that constitute not less than seventy-five per cent of its total gross annual receipts. 88183  
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(b) The premises is located within a revitalization district that is designated under section 4301.81 of the Revised Code. 88186  
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(c) The premises is located in a municipal corporation or township in which the number of D-5 permits issued equals or exceeds the number of those permits that may be issued in that municipal corporation or township under section 4303.29 of the Revised Code. 88189  
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(d) The premises meets any of the following qualifications: 88194  
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(i) It is located in a county with a population of one 88196

hundred twenty-five thousand or less according to the population 88197  
estimates certified by the department of development ~~services-~~ 88198  
~~agency~~ for calendar year 2006. 88199

(ii) It is located in the municipal corporation that has 88200  
the largest population in a county when the county has a 88201  
population between two hundred fifteen thousand and two hundred 88202  
twenty-five thousand according to the population estimates 88203  
certified by the department of development ~~services agency~~ for 88204  
calendar year 2006. Division (L) (2) (d) (ii) of this section 88205  
applies only to a municipal corporation that is wholly located 88206  
in a county. 88207

(iii) It is located in the municipal corporation that has 88208  
the largest population in a county when the county has a 88209  
population between one hundred forty thousand and one hundred 88210  
forty-one thousand according to the population estimates 88211  
certified by the department of development ~~services agency~~ for 88212  
calendar year 2006. Division (L) (2) (d) (iii) of this section 88213  
applies only to a municipal corporation that is wholly located 88214  
in a county. 88215

(iv) It is located in a township with a population density 88216  
of less than four hundred fifty people per square mile. For 88217  
purposes of division (L) (2) (d) (iv) of this section, the 88218  
population of a township is considered to be the population 88219  
shown by the most recent regular federal decennial census. 88220

(v) It is located in a municipal corporation that is 88221  
wholly located within the geographic boundaries of a township, 88222  
provided that the municipal corporation and the unincorporated 88223  
portion of the township have a combined population density of 88224  
less than four hundred fifty people per square mile. For 88225  
purposes of division (L) (2) (d) (v) of this section, the 88226

population of a municipal corporation and unincorporated portion 88227  
of a township is the population shown by the most recent federal 88228  
decennial census. 88229

(vi) It is located in a county with a population of not 88230  
less than one hundred seventy-two thousand and not more than one 88231  
hundred ninety-five thousand. For purposes of division (L) (2) (d) 88232  
(vi) of this section, the population of a county is the 88233  
population shown by the most recent decennial census. 88234

(vii) It is located in a municipal corporation with a 88235  
population of less than ten thousand and the municipal 88236  
corporation is located in a county with a population of more 88237  
than one million. For purposes of division (L) (2) (d) (vii) of 88238  
this section, the population of a municipal corporation and a 88239  
county is the population shown by the most recent decennial 88240  
census. 88241

(3) The location of a D-51 permit may be transferred only 88242  
within the geographic boundaries of the revitalization district 88243  
in which it was issued and shall not be transferred outside the 88244  
geographic boundaries of that district. 88245

(4) Not more than one D-51 permit shall be issued within 88246  
each revitalization district for each five acres of land located 88247  
within the district. Not more than fifteen D-51 permits may be 88248  
issued within a single revitalization district. Except as 88249  
otherwise provided in division (L) (4) of this section, no quota 88250  
restrictions shall be placed upon the number of D-51 permits 88251  
that may be issued. 88252

(5) No D-51 permit shall be issued to an adult 88253  
entertainment establishment as defined in section 2907.39 of the 88254  
Revised Code. 88255

(6) The fee for a D-5l permit is two thousand three hundred forty-four dollars. 88256  
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(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5m permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 88258  
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A D-5m permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5m permits that may be issued. The fee for a permit D-5m is two thousand three hundred forty-four dollars. 88272  
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(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n permit may exercise the same 88276  
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privileges, and shall observe the same hours for beer and 88286  
intoxicating liquor sales, as the holder of a D-5 permit. A D-5n 88287  
permit shall not be transferred to another location. Only one D- 88288  
5n permit may be issued per casino facility and not more than 88289  
four D-5n permits shall be issued in this state. The fee for a 88290  
permit D-5n shall be twenty thousand dollars. The holder of a D- 88291  
5n permit may conduct casino gaming on the permit premises 88292  
notwithstanding any provision of the Revised Code or 88293  
Administrative Code. 88294

(O) Permit D-5o may be issued to the owner or operator of 88295  
a retail food establishment or a food service operation licensed 88296  
under Chapter 3717. of the Revised Code that operates as a 88297  
restaurant for purposes of this chapter and that is located 88298  
within a casino facility for which a D-5n permit has been 88299  
issued. The holder of a D-5o permit may sell beer and any 88300  
intoxicating liquor at retail, only by the individual drink in 88301  
glass and from the container, for consumption on the premises 88302  
where sold, and may sell the same products in the same manner 88303  
and amounts not for consumption on the premises where sold as 88304  
may be sold by the holders of D-1 and D-2 permits. In addition 88305  
to the privileges authorized by this division, the holder of a 88306  
D-5o permit may exercise the same privileges, and shall observe 88307  
the same hours for beer and intoxicating liquor sales, as the 88308  
holder of a D-5 permit. A D-5o permit shall not be transferred 88309  
to another location. No quota restrictions shall be placed on 88310  
the number of such permits that may be issued. The fee for this 88311  
permit is two thousand three hundred forty-four dollars. 88312

**Sec. 4303.183.** Permit D-7 may be issued to the holder of 88313  
any D-2 permit issued by the division of liquor control, or if 88314  
there is an insufficient number of D-2 permit holders to fill 88315  
the resort quota, to the operator of a retail food establishment 88316

or a food service operation required to be licensed under 88317  
Chapter 3717. of the Revised Code that operates as a restaurant 88318  
for purposes of this chapter and which qualifies under the other 88319  
requirements of this section, to sell beer and any intoxicating 88320  
liquor at retail, only by the individual drink in glass and from 88321  
the container, for consumption on the premises where sold. Not 88322  
less than fifty per cent of the business on the permit premises 88323  
shall be preparing and serving meals for a consideration in 88324  
order to qualify for and continue to hold such D-7 permit. The 88325  
permit premises shall be located in a resort area. 88326

"Resort area" means a municipal corporation, township, 88327  
county, or any combination thereof, which provides 88328  
entertainment, recreation, and transient housing facilities 88329  
specifically intended to provide leisure time activities for 88330  
persons other than those whose permanent residence is within the 88331  
"resort area" and who increase the population of the "resort 88332  
area" on a seasonal basis, and which experiences seasonal peaks 88333  
of employment and governmental services as a direct result of 88334  
population increase generated by the transient, recreating 88335  
public. A resort season shall begin on the first day of May and 88336  
end on the last day of October. Notwithstanding section 4303.27 88337  
of the Revised Code, such permits may be issued for resort 88338  
seasons without regard to the calendar year or permit year. 88339  
Quota restrictions on the number of such permits shall take into 88340  
consideration the transient population during the resort season, 88341  
the custom and habits of visitors and tourists, and the 88342  
promotion of the resort and tourist industry. The fee for this 88343  
permit is ~~four hundred sixty-nine dollars per month~~ two thousand 88344  
eight hundred fourteen dollars. 88345

Any suspension of a D-7 permit shall be satisfied during 88346  
the resort season in which such suspension becomes final. If 88347

such suspension becomes final during the off-season, or if the 88348  
period of the suspension extends beyond the last day of October, 88349  
the suspension or remainder thereof shall be satisfied during 88350  
the next resort season. 88351

The ownership of a D-7 permit may be transferred from one 88352  
permit holder to another. The holder of a D-7 permit may file an 88353  
application to transfer such permit to a new location within the 88354  
same resort area, provided that such permit holder shall be the 88355  
owner or operator of a retail food establishment or a food 88356  
service operation, required to be licensed under Chapter 3717. 88357  
of the Revised Code, that operates as a restaurant for purposes 88358  
of this chapter, at such new location. 88359

**Sec. 4303.204.** (A) The division of liquor control may 88360  
issue an F-4 permit to an organization or corporation organized 88361  
not-for-profit in this state to conduct an event that includes 88362  
the introduction, showcasing, or promotion of Ohio wines, if the 88363  
event has all of the following characteristics: 88364

(1) It is coordinated by that organization or corporation, 88365  
and the organization or corporation is responsible for the 88366  
activities at it. 88367

(2) It has as one of its purposes the intent to introduce, 88368  
showcase, or promote Ohio wines to persons who attend it. 88369

(3) It includes the sale of food for consumption on the 88370  
premises where sold. 88371

(4) It features any combination of at least three A-2 or 88372  
A-2f permit holders who sell Ohio wine at it. 88373

(B) The holder of an F-4 permit may furnish, with or 88374  
without charge, wine that it has obtained from the A-2 or A-2f 88375  
permit holders that are participating in the event for which the 88376

F-4 permit is issued, in two-ounce samples for consumption on 88377  
the premises where furnished and may sell such wine by the glass 88378  
for consumption on the premises where sold. The holder of an A-2 88379  
or A-2f permit that is participating in the event for which the 88380  
F-4 permit is issued may sell wine that it has manufactured, in 88381  
sealed containers for consumption off the premises where sold. 88382  
Wine may be furnished or sold on the premises of the event for 88383  
which the F-4 permit is issued only where and when the sale of 88384  
wine is otherwise permitted by law. 88385

(C) The premises of the event for which the F-4 permit is 88386  
issued shall be clearly defined and sufficiently restricted to 88387  
allow proper enforcement of the permit by state and local law 88388  
enforcement officers. If an F-4 permit is issued for all or a 88389  
portion of the same premises for which another class of permit 88390  
is issued, that permit holder's privileges will be suspended in 88391  
that portion of the premises in which the F-4 permit is in 88392  
effect. 88393

(D) No F-4 permit shall be effective for more than 88394  
seventy-two consecutive hours. No sales or furnishing of wine 88395  
shall take place under an F-4 permit after one a.m. 88396

(E) The division shall not issue more than six F-4 permits 88397  
to the same not-for-profit organization or corporation in any 88398  
one calendar year. 88399

(F) An applicant for an F-4 permit shall apply for the 88400  
permit not later than thirty days prior to the first day of the 88401  
event for which the permit is sought. The application for the 88402  
permit shall list all of the A-2 and A-2f permit holders that 88403  
will participate in the event for which the F-4 permit is 88404  
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 88405  
hundred eighty dollars. 88406

The division shall prepare and make available an F-4 permit application form and may require applicants for and holders of the F-4 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(G) (1) The holder of an F-4 permit is responsible for, and is subject to penalties for, any violations of this chapter or Chapter 4301. of the Revised Code or the rules adopted under this and that chapter.

(2) An F-4 permit holder shall not allow an A-2 or A-2f permit holder to participate in the event for which the F-4 permit is issued if the A-2 or A-2f or the A-1-A permit of that A-2 or A-2f permit holder is under suspension.

(3) The division may refuse to issue an F-4 permit to an applicant who has violated any provision of this chapter or Chapter 4301. of the Revised Code during the applicant's previous operation under an F-4 permit, for a period of up to two years after the date of the violation.

(H) (1) Notwithstanding division (D) of section 4301.22 of the Revised Code, an A-2 or A-2f permit holder that participates in an event for which an F-4 permit is issued may donate wine that it has manufactured to the holder of that F-4 permit. The holder of an F-4 permit may return unused and sealed containers of wine to the A-2 or A-2f permit holder that donated the wine at the conclusion of the event for which the F-4 permit was issued.

(2) The participation by an A-2 or A-2f permit holder or its employees in an event for which an F-4 permit is issued does not violate section 4301.24 of the Revised Code.

**Sec. 4303.2011.** (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that:

(1) Is exempt from federal income taxation;

(2) Has a membership of two hundred fifty or more persons.

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has all of the following characteristics:

(1) The event is coordinated by the nonprofit organization and the nonprofit organization is responsible for the activities at the event.

(2) One of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in this state.

(3) The event includes the sale of food for consumption on the premises where sold.

(4) The event features at least twenty A-1c permit holders, who are members of the nonprofit organization that has organized the event, as participants. The nonprofit organization may allow any number of A-1 permit holders to participate in the event.

(C) An F-11 permit holder may sell, at the event, beer that it has purchased from the A-1 or A-1c permit holders that are participating in the event or from the participating A-1 or A-1c permit holder's assigned B-1 permit holder. The F-11 permit holder may sell the beer in four-ounce samples or in containers not exceeding sixteen ounces for consumption on the premises where sold.

The F-11 permit holder may sell beer on the F-11 permit premises only where and when the sale of beer is otherwise permitted by law.

(D) The F-11 permit holder shall clearly define and sufficiently restrict the premises of the event to allow proper enforcement of the permit by state and local law enforcement officers. If an F-11 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges are suspended in that portion of the premises in which the F-11 permit is in effect.

(E) (1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition.

(2) No sales of beer shall take place under an F-11 permit after one a.m.

(F) The division shall not issue more than six F-11 permits to the same nonprofit organization in any one calendar year.

(G) An applicant for an F-11 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. In the application, the applicant shall list all of the A-1 and A-1c permit holders that will participate in the event. The fee for the F-11 permit is ~~sixty dollars for each day of the event~~ one hundred eighty dollars.

The division shall prepare and make available an F-11 permit application form and may require applicants for and holders of the F-11 permit to provide information that is in

addition to that required by this section and that is necessary 88493  
for the administration of this section. 88494

(H) (1) An F-11 permit holder is responsible, and is 88495  
subject to penalties, for any violations of this chapter or 88496  
Chapter 4301. of the Revised Code that occur during the event. 88497

(2) An F-11 permit holder shall not allow an A-1 or A-1c 88498  
permit holder to participate in the event if the A-1 or A-1c 88499  
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 88500  
permit holder is under suspension. 88501

(3) The division may refuse to issue an F-11 permit to an 88502  
applicant if both of the following apply: 88503

(a) The applicant has pleaded guilty to or has been 88504  
convicted of violating this chapter or Chapter 4301. of the 88505  
Revised Code while operating under a previously issued F-11 88506  
permit. 88507

(b) The violation occurred within the two years preceding 88508  
the filing of the new F-11 permit application. 88509

(I) Notwithstanding any provision of section 4301.24 of 88510  
the Revised Code or any rule adopted by the liquor control 88511  
commission to the contrary, employees of an A-1 or A-1c permit 88512  
holder or B-1 permit holder, or employees or agents of a B-1 88513  
permit holder may assist an F-11 permit holder in serving beer 88514  
at an event for which an F-11 permit is issued. 88515

**Sec. 4303.233.** (A) As used in this section, "personal 88516  
consumer" means an individual who is at least twenty-one years 88517  
of age, is a resident of this state, does not hold a permit 88518  
issued under this chapter, and intends to use wine purchased in 88519  
accordance with this section for personal consumption only and 88520  
not for resale or other commercial purposes. 88521

(B) (1) The division of liquor control may issue an S-2 88522  
permit to a person that manufactures two hundred fifty thousand 88523  
gallons or more of wine per year. If the person resides outside 88524  
this state, the person shall comply with the requirements 88525  
governing the issuance of licenses or permits that authorize the 88526  
sale of beer or intoxicating liquor by the appropriate authority 88527  
of the state in which the person resides and by the alcohol and 88528  
tobacco tax and trade bureau of the United States department of 88529  
the treasury. 88530

(2) An S-2 permit holder may sell wine to a personal 88531  
consumer by receiving and filling orders that the personal 88532  
consumer submits to the permit holder. The permit holder shall 88533  
sell only wine that the permit holder has manufactured to a 88534  
personal consumer. An S-2 permit holder may use a fulfillment 88535  
warehouse registered under section 4303.234 of the Revised Code 88536  
to send a shipment of wine to a personal consumer. A fulfillment 88537  
warehouse is an agent of an S-2 permit holder and an S-2 permit 88538  
holder is liable for violations of this chapter and Chapter 88539  
4301. of the Revised Code that are committed by the fulfillment 88540  
warehouse regarding wine shipped on behalf of the S-2 permit 88541  
holder. 88542

(C) An S-2 permit holder shall collect and pay the taxes 88543  
relating to the delivery of wine to a personal consumer that are 88544  
levied under sections 4301.421, 4301.43, and 4301.432 and 88545  
Chapters 5739. and 5741. of the Revised Code. 88546

(D) (1) An S-2 permit holder shall send a shipment of wine 88547  
that has been paid for by a personal consumer to that personal 88548  
consumer via an H permit holder. Prior to sending a shipment of 88549  
wine to a personal consumer, the S-2 permit holder, or an 88550  
employee of the permit holder, shall make a bona fide effort to 88551

ensure that the personal consumer is at least twenty-one years of age. The shipment of wine shall be shipped in a package that clearly states that it contains alcohol. No person shall fail to comply with division (D) (1) of this section.

(2) Upon delivering a shipment of wine to a personal consumer, an H permit holder, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) An S-2 permit holder shall keep a record of each shipment of wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section and any other information required by the tax commissioner.

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. If the S-2 permit holder uses a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine on behalf of the S-2 permit holder, the S-2 permit holder need not include the personal consumer information for that shipment in the report. The division shall prescribe and provide an

electronic form for the report and shall determine the specific 88582  
electronic means that the S-2 permit holder must use to submit 88583  
the report. 88584

(c) To notify a personal consumer of any health or welfare 88585  
recalls of the wine that has been purchased by the personal 88586  
consumer. 88587

(E) An S-2 permit holder shall comply with this chapter, 88588  
Chapter 4301. of the Revised Code, and any rules adopted by the 88589  
liquor control commission under section 4301.03 of the Revised 88590  
Code. 88591

(F) (1) An S-2 permit holder shall renew the permit in 88592  
accordance with section 4303.271 of the Revised Code, except 88593  
that the renewal shall not be subject to the notice and hearing 88594  
requirements established in division (B) of that section. 88595

(2) The division may refuse to renew an S-2 permit for any 88596  
of the reasons specified in section 4303.292 of the Revised Code 88597  
or if the permit holder fails to do any of the following: 88598

(a) Collect and pay all applicable taxes specified in 88599  
division (C) of this section; 88600

(b) Pay the permit fee; 88601

(c) Comply with this section or any rules adopted by the 88602  
liquor control commission under section 4301.03 of the Revised 88603  
Code. 88604

(G) The ~~initial~~ fee for the S-2 permit is two hundred 88605  
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~ 88606  
~~dollars.~~ 88607

**Sec. 4305.131.** (A) If any permit holder fails to pay the 88608  
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 88609

of the Revised Code in the manner prescribed by section 4303.33 88610  
of the Revised Code, or by section 4301.421 or 4301.424 of the 88611  
Revised Code in the manner prescribed in section 4301.422 of the 88612  
Revised Code, and by the rules of the tax commissioner, the 88613  
commissioner may make an assessment against the permit holder 88614  
based upon any information in the commissioner's possession. 88615

No assessment shall be made against any permit holder for 88616  
any taxes imposed by section 4301.42, 4301.421, 4301.424, 88617  
4301.43, 4301.432, or 4305.01 of the Revised Code more than 88618  
three years after the last day of the calendar month in which 88619  
the sale was made or more than three years after the return for 88620  
that period is filed, whichever is later. This section does not 88621  
bar an assessment against any permit holder or registrant as 88622  
provided in section 4303.331 of the Revised Code who fails to 88623  
file a return as required by section 4301.422 or 4303.33 of the 88624  
Revised Code, or who files a fraudulent return. 88625

A penalty of up to thirty per cent may be added to the 88626  
amount of every assessment made under this section. The 88627  
commissioner may adopt rules providing for the imposition and 88628  
remission of penalties added to assessments made under this 88629  
section. 88630

The commissioner shall give the party assessed written 88631  
notice of the assessment in the manner provided in section 88632  
5703.37 of the Revised Code. With the notice, the commissioner 88633  
shall provide instructions on how to petition for reassessment 88634  
and request a hearing on the petition. 88635

(B) Unless the party assessed files with the tax 88636  
commissioner within sixty days after service of the notice of 88637  
assessment, ~~either personally or by certified mail,~~ a written 88638  
petition for reassessment, signed by the party assessed or that 88639

party's authorized agent having knowledge of the facts, the 88640  
assessment becomes final and the amount of the assessment is due 88641  
and payable from the party assessed to the treasurer of state. 88642  
The petition shall indicate the objections of the party 88643  
assessed, but additional objections may be raised in writing if 88644  
received by the commissioner prior to the date shown on the 88645  
final determination. If the petition has been properly filed, 88646  
the commissioner shall proceed under section 5703.60 of the 88647  
Revised Code. 88648

(C) After an assessment becomes final, if any portion of 88649  
the assessment remains unpaid, including accrued interest, a 88650  
certified copy of the tax commissioner's entry making the 88651  
assessment final may be filed in the office of the clerk of the 88652  
court of common pleas in the county in which the permit holder's 88653  
place of business is located or the county in which the party 88654  
assessed resides. If the party assessed maintains no place of 88655  
business in this state and is not a resident of this state, the 88656  
certified copy of the entry may be filed in the office of the 88657  
clerk of the court of common pleas of Franklin county. 88658

Immediately upon the filing of the entry, the clerk shall 88659  
enter a judgment for the state against the party assessed in the 88660  
amount shown on the entry. The judgment may be filed by the 88661  
clerk in a loose-leaf book entitled "special judgments for state 88662  
beer and liquor sales taxes," and shall have the same effect as 88663  
other judgments. Execution shall issue upon the judgment upon 88664  
the request of the commissioner, and all laws applicable to 88665  
sales on execution shall apply to sales made under the judgment, 88666  
except as otherwise provided in this chapter and Chapters 4301. 88667  
and 4307. of the Revised Code. 88668

If the assessment is not paid in its entirety within sixty 88669

days after the day the assessment was issued, the portion of the 88670  
assessment consisting of tax due shall bear interest at the rate 88671  
per annum prescribed by section 5703.47 of the Revised Code from 88672  
the day the commissioner issues the assessment until it is paid 88673  
or until it is certified to the attorney general for collection 88674  
under section 131.02 of the Revised Code, whichever comes first. 88675  
If the unpaid portion of the assessment is certified to the 88676  
attorney general for collection, the entire unpaid portion of 88677  
the assessment shall bear interest at the rate per annum 88678  
prescribed by section 5703.47 of the Revised Code from the date 88679  
of certification until the date it is paid in its entirety. 88680  
Interest shall be paid in the same manner as the tax and may be 88681  
collected by the issuance of an assessment under this section. 88682

(D) All money collected under this section shall be 88683  
considered as revenue arising from the taxes imposed by sections 88684  
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of 88685  
the Revised Code. 88686

**Sec. 4501.027.** (A) Notwithstanding any provision of law to 88687  
the contrary, the registrar of motor vehicles may conduct, or 88688  
authorize a deputy registrar to conduct, any service or 88689  
transaction authorized or required by law in an electronic or 88690  
online format rather than in person. The registrar or deputy 88691  
registrar also may accept electronically any documents required 88692  
to accompany such service or transaction or any documents 88693  
approved by the registrar for electronic or online submission 88694  
and acceptance. 88695

(B) The registrar or deputy registrar shall charge the 88696  
same amount for the electronic or online service or transaction 88697  
as the registrar or deputy registrar charges for the associated 88698  
in-person transaction. The registrar or deputy registrar may 88699

accept payment for any such service or transaction by a 88700  
financial transaction device. The registrar or deputy registrar 88701  
may charge a person who tenders payment for an online service or 88702  
transaction by means of a financial transaction device any costs 88703  
the registrar or deputy registrar incurs from accepting payment 88704  
by the financial transaction device. 88705

**Sec. 4501.21.** (A) There is hereby created in the state 88706  
treasury the license plate contribution fund. The fund shall 88707  
consist of all contributions for specialty license plates paid 88708  
by motor vehicle registrants and collected by the registrar of 88709  
motor vehicles pursuant to the Revised Code sections referenced 88710  
in division (B) of this section. 88711

(B) The registrar shall pay the contributions the 88712  
registrar collects in the fund as follows: 88713

The registrar shall pay the contributions received 88714  
pursuant to section 4503.491 of the Revised Code to the breast 88715  
cancer fund of Ohio, which shall use that money only to pay for 88716  
programs that provide assistance and education to Ohio breast 88717  
cancer patients and that improve access for such patients to 88718  
quality health care and clinical trials and shall not use any of 88719  
the money for abortion information, counseling, services, or 88720  
other abortion-related activities. 88721

The registrar shall pay the contributions the registrar 88722  
receives pursuant to section 4503.492 of the Revised Code to the 88723  
organization cancer support community central Ohio, which shall 88724  
deposit the money into the Sheryl L. Kraner Fund of that 88725  
organization. Cancer support community central Ohio shall expend 88726  
the money it receives pursuant to this division only in the same 88727  
manner and for the same purposes as that organization expends 88728  
other money in that fund. 88729

The registrar shall pay the contributions received 88730  
pursuant to section 4503.493 of the Revised Code to the autism 88731  
society of Ohio, which shall use the contributions for programs 88732  
and autism awareness efforts throughout the state. 88733

The registrar shall pay the contributions the registrar 88734  
receives pursuant to section 4503.494 of the Revised Code to the 88735  
national multiple sclerosis society for distribution in equal 88736  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 88737  
chapters of the national multiple sclerosis society. These 88738  
chapters shall use the money they receive under this section to 88739  
assist in paying the expenses they incur in providing services 88740  
directly to their clients. 88741

The registrar shall pay the contributions the registrar 88742  
receives pursuant to section 4503.495 of the Revised Code to the 88743  
national pancreatic cancer foundation, which shall use the money 88744  
it receives under this section to assist those who have 88745  
pancreatic cancer and their families. 88746

The registrar shall pay the contributions the registrar 88747  
receives pursuant to section 4503.496 of the Revised Code to the 88748  
Ohio sickle cell and health association, which shall use the 88749  
contributions to help support educational, clinical, and social 88750  
support services for adults who have sickle cell disease. 88751

The registrar shall pay the contributions the registrar 88752  
receives pursuant to section 4503.497 of the Revised Code to the 88753  
St. Baldrick's foundation, which shall use the contributions for 88754  
its research and other programs. 88755

The registrar shall pay the contributions the registrar 88756  
receives pursuant to section 4503.498 of the Revised Code to 88757  
special olympics Ohio, inc., which shall use the contributions 88758

for its programs, charitable efforts, and other activities. 88759

The registrar shall pay the contributions the registrar 88760  
receives pursuant to section 4503.499 of the Revised Code to the 88761  
children's glioma cancer foundation, which shall use the 88762  
contributions for its research and other programs. 88763

The registrar shall pay the contributions the registrar 88764  
receives pursuant to section 4503.4910 of the Revised Code to 88765  
the KylerStrong foundation, which shall use the contributions to 88766  
raise awareness of brain cancer caused by diffuse intrinsic 88767  
pontine glioma and to fund research for the cure of such cancer. 88768

The registrar shall pay the contributions the registrar 88769  
receives pursuant to section 4503.4911 of the Revised Code to 88770  
the research institution for childhood cancer at nationwide 88771  
children's hospital, which shall use the contributions to fund 88772  
research for the cure of childhood cancers. 88773

The registrar shall pay the contributions the registrar 88774  
receives pursuant to section 4503.4912 of the Revised Code to 88775  
the Ben Morrison memorial fund, which shall use the 88776  
contributions for scholarships and other programs that support 88777  
mental health. 88778

The registrar shall pay the contributions the registrar 88779  
receives pursuant to section 4503.50 of the Revised Code to the 88780  
future farmers of America foundation, which shall deposit the 88781  
contributions into its general account to be used for 88782  
educational and scholarship purposes of the future farmers of 88783  
America foundation. 88784

The registrar shall pay the contributions the registrar 88785  
receives pursuant to section 4503.501 of the Revised Code to the 88786  
4-H youth development program of the Ohio state university 88787

extension program, which shall use those contributions to pay 88788  
the expenses it incurs in conducting its educational activities. 88789

The registrar shall pay the contributions received 88790  
pursuant to section 4503.502 of the Revised Code to the Ohio 88791  
cattlemen's foundation, which shall use those contributions for 88792  
scholarships and other educational activities. 88793

The registrar shall pay the contributions received 88794  
pursuant to section 4503.505 of the Revised Code to the 88795  
organization Ohio region phi theta kappa, which shall use those 88796  
contributions for scholarships for students who are members of 88797  
that organization. 88798

The registrar shall pay the contributions the registrar 88799  
receives pursuant to section 4503.506 of the Revised Code to 88800  
Ohio demolay, which shall use the contributions for 88801  
scholarships, educational programs, and any other programs or 88802  
events the organization holds or sponsors in this state. 88803

The registrar shall pay the contributions received 88804  
pursuant to section 4503.507 of the Revised Code to the Ohio 88805  
aerospace institute, which shall use those contributions to 88806  
facilitate student internships in aerospace and educational 88807  
programming. 88808

The registrar shall pay the contributions received 88809  
pursuant to section 4503.508 of the Revised Code to the 88810  
organization bottoms up diaper drive to provide funding for that 88811  
organization for collecting and delivering diapers to parents in 88812  
need. 88813

The registrar shall pay the contributions the registrar 88814  
receives pursuant to section 4503.509 of the Revised Code to a 88815  
kid again, incorporated for distribution in equal amounts to the 88816

Ohio chapters of a kid again. 88817

The registrar shall pay each contribution the registrar 88818  
receives pursuant to section 4503.51 of the Revised Code to the 88819  
university or college whose name or marking or design appears on 88820  
collegiate license plates that are issued to a person under that 88821  
section. A university or college that receives contributions 88822  
from the fund shall deposit the contributions into its general 88823  
scholarship fund. 88824

The registrar shall pay each contribution the registrar 88825  
receives pursuant to section 4503.512 of the Revised Code to the 88826  
Iota Phi Theta Fraternity, Incorporated Delta Theta Omega 88827  
chapter in Ohio. The Iota Phi Theta Fraternity, Incorporated 88828  
Delta Theta Omega chapter shall use the contributions for the 88829  
development and perpetuation of scholarship, leadership, 88830  
citizenship, fidelity, and brotherhood among men and youth in 88831  
this state. 88832

The registrar shall pay the contributions the registrar 88833  
receives pursuant to section 4503.514 of the Revised Code to the 88834  
university of Notre Dame in South Bend, Indiana, for purposes of 88835  
awarding grants or scholarships to residents of Ohio who attend 88836  
the university. The university shall not use any of the funds it 88837  
receives for purposes of administering the scholarship program. 88838  
The registrar shall enter into appropriate agreements with the 88839  
university of Notre Dame to effectuate the distribution of such 88840  
funds as provided in this section. 88841

The registrar shall pay the contributions the registrar 88842  
receives pursuant to section 4503.516 of the Revised Code to 88843  
Marshall university in Huntington, West Virginia, for purposes 88844  
of awarding grants or scholarships to residents of Ohio who 88845  
attend the university. The university shall not use any of the 88846

funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with Marshall university to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.517 of the Revised Code to the university of Alabama in Tuscaloosa, Alabama, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with the university of Alabama to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.518 of the Revised Code to the Nationwide children's hospital, which shall use the contributions for the "On Our Sleeves" campaign.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.519 of the Revised Code equally to NAMI Ohio (national alliance on mental illness of Ohio), Ohio peer recovery organizations, and OCAAR (Ohio citizen advocates for addiction recovery).

The registrar shall pay the contributions the registrar receives pursuant to section 4503.520 of the Revised Code to Purdue university in West Lafayette, Indiana, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with Purdue university to effectuate the distribution of such funds

as provided in this section. 88877

The registrar shall pay the contributions the registrar 88878  
receives pursuant to section 4503.521 of the Revised Code to the 88879  
Ohio bicycle federation to assist that organization in paying 88880  
for the educational programs it sponsors in support of Ohio 88881  
cyclists of all ages. 88882

The registrar shall pay the contributions the registrar 88883  
receives pursuant to section 4503.522 of the Revised Code to the 88884  
"friends of Perry's victory and international peace memorial, 88885  
incorporated," a nonprofit corporation organized under the laws 88886  
of this state, to assist that organization in paying the 88887  
expenses it incurs in sponsoring or holding charitable, 88888  
educational, and cultural events at the monument. 88889

The registrar shall pay the contributions the registrar 88890  
receives pursuant to section 4503.523 of the Revised Code to the 88891  
fairport lights foundation, which shall use the money to pay for 88892  
the restoration, maintenance, and preservation of the 88893  
lighthouses of fairport harbor. 88894

The registrar shall pay the contributions the registrar 88895  
receives pursuant to section 4503.524 of the Revised Code to the 88896  
Massillon tiger football booster club, which shall use the 88897  
contributions only to promote and support the football team of 88898  
Washington high school of the Massillon city school district. 88899

The registrar shall pay the contributions the registrar 88900  
receives pursuant to section 4503.525 of the Revised Code to the 88901  
United States power squadron district seven which shall annually 88902  
distribute the contributions in equal amounts to all United 88903  
States power squadrons located in the state. Each power squadron 88904  
district shall use the money it receives under this section to 88905

pay for the educational boating programs each district holds or 88906  
sponsors within this state. 88907

The registrar shall pay the contributions the registrar 88908  
receives pursuant to section 4503.526 of the Revised Code to the 88909  
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 88910  
international, which shall use the money it receives under this 88911  
section to pay the costs of its educational and humanitarian 88912  
activities. 88913

The registrar shall pay the contributions the registrar 88914  
receives pursuant to section 4503.528 of the Revised Code to the 88915  
Ohio children's alliance, which shall use the money it receives 88916  
under this section to pay the expenses it incurs in advancing 88917  
its mission of sustainably improving the provision of services 88918  
to children, young adults, and families in this state. 88919

The registrar shall pay the contributions the registrar 88920  
receives pursuant to section 4503.529 of the Revised Code to the 88921  
Ohio nurses foundation. The foundation shall use the money it 88922  
receives under this section to provide educational scholarships 88923  
to assist individuals who aspire to join the nursing profession, 88924  
to assist nurses in the nursing profession who seek to advance 88925  
their education, and to support persons conducting nursing 88926  
research concerning the evidence-based practice of nursing and 88927  
the improvement of patient outcomes. 88928

The registrar shall pay the contributions the registrar 88929  
receives pursuant to section 4503.53 of the Revised Code to the 88930  
Indiana Kentucky Ohio regional council of carpenters. The 88931  
council shall use the money it receives to assist its members 88932  
who are experiencing financial hardship. 88933

The registrar shall pay the contributions the registrar 88934

receives pursuant to section 4503.531 of the Revised Code to the 88935  
thank you foundation, incorporated, a nonprofit corporation 88936  
organized under the laws of this state, to assist that 88937  
organization in paying for the charitable activities and 88938  
programs it sponsors in support of United States military 88939  
personnel, veterans, and their families. 88940

The registrar shall pay the contributions the registrar 88941  
receives pursuant to section 4503.532 of the Revised Code to the 88942  
Ohio history connection, which shall use the contributions for 88943  
the benefit of the Paul Laurence Dunbar house. 88944

The registrar shall pay the contributions the registrar 88945  
receives pursuant to section 4503.533 of the Revised Code to the 88946  
nonprofit organization Ohio conference of teamsters and industry 88947  
health and welfare fund, which shall use the contributions to 88948  
further the nonprofit's mission. 88949

The registrar shall pay the contributions the registrar 88950  
receives pursuant to section 4503.534 of the Revised Code to the 88951  
disabled American veterans department of Ohio, to be used for 88952  
programs that serve disabled American veterans and their 88953  
families. 88954

The registrar shall pay the contributions the registrar 88955  
receives pursuant to section 4503.536 of the Revised Code to 88956  
save a warrior, incorporated, which shall use the contributions 88957  
to prevent suicide by active members of the armed forces of the 88958  
United States, veterans of those armed forces, and first 88959  
responders. 88960

The registrar shall pay the contributions the registrar 88961  
receives pursuant to section 4503.542 of the Revised Code to the 88962  
Ohio craft brewers association. 88963

The registrar shall pay the contributions the registrar receives pursuant to section 4503.541 of the Revised Code to Dolly Parton's imagination library of Ohio. The library shall use the money it receives under this section for operational costs, including the distribution of books.

The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs the foundation holds or sponsors in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay to the Ohio pet fund the contributions the registrar receives pursuant to section 4503.551 of the Revised Code and any other money from any other source, including donations, gifts, and grants, that is designated by the source to be paid to the Ohio pet fund. The Ohio pet fund shall use the moneys it receives under this section to support programs for the sterilization of dogs and cats and for educational programs concerning the proper veterinary care of those animals, and for expenses of the Ohio pet fund that are reasonably necessary for it to obtain and maintain its tax-exempt status and to perform its duties.

The registrar shall pay the contributions the registrar

receives pursuant to section 4503.552 of the Revised Code to the 88994  
rock and roll hall of fame and museum, incorporated. 88995

The registrar shall pay the contributions the registrar 88996  
receives pursuant to section 4503.553 of the Revised Code to the 88997  
Ohio coalition for animals, incorporated, a nonprofit 88998  
corporation. Except as provided in division (B) of this section, 88999  
the coalition shall distribute the money to its members, and the 89000  
members shall use the money only to pay for educational, 89001  
charitable, and other programs of each coalition member that 89002  
provide care for unwanted, abused, and neglected horses. The 89003  
Ohio coalition for animals may use a portion of the money to pay 89004  
for reasonable marketing costs incurred in the design and 89005  
promotion of the license plate and for administrative costs 89006  
incurred in the disbursement and management of funds received 89007  
under this section. 89008

The registrar shall pay the contributions the registrar 89009  
receives pursuant to section 4503.554 of the Revised Code to the 89010  
Ohio state council of the knights of Columbus, which shall use 89011  
the contributions to pay for its charitable activities and 89012  
programs. 89013

The registrar shall pay the contributions the registrar 89014  
receives pursuant to section 4503.555 of the Revised Code to the 89015  
western reserve historical society, which shall use the 89016  
contributions to fund the Crawford auto aviation museum. 89017

The registrar shall pay the contributions the registrar 89018  
receives pursuant to section 4503.556 of the Revised Code to the 89019  
Erica J. Holloman foundation, inc., for the awareness of triple 89020  
negative breast cancer. The foundation shall use the 89021  
contributions for charitable and educational purposes. 89022

The registrar shall pay each contribution the registrar receives pursuant to section 4503.557 of the Revised Code to the central Ohio chapter of the Ronald McDonald house charities, which shall distribute the contribution to the chapter of the Ronald McDonald house charities in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.559 of the Revised Code to playhouse square, located in Cleveland, Ohio, which shall use the contributions to further its mission of presenting and producing a wide variety of quality performing arts, advancing arts education, and creating a superior destination for entertainment, business, and residential living.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to the Glen Helen association to pay expenses related to the Glen Helen nature preserve. 89053  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.565 of the Revised Code to the conservancy for Cuyahoga valley national park, which shall use the money in support of the park. 89057  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.566 of the Revised Code to the Ottawa national wildlife refuge, which shall use the contributions for wildlife preservation purposes. 89061  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.567 of the Revised Code to the girls on the run of Franklin county, inc., which shall use the contributions to support the activities of the organization. 89065  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.569 of the Revised Code to the Ohio bird sanctuary, located in Mansfield, Ohio, which shall use the contributions for purposes of its operations, bird care and rehabilitation, and educational programs. 89069  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.576 of the Revised Code to the Ohio state beekeepers association, which shall use those contributions to promote beekeeping, provide educational information about beekeeping, and to support other state and local beekeeping programs. 89074  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.577 of the Revised Code to the 89080  
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national aviation hall of fame, which shall use the 89082  
contributions to fulfill its mission of honoring aerospace 89083  
legends to inspire future leaders. 89084

The registrar shall pay the contributions the registrar 89085  
receives pursuant to section 4503.578 of the Revised Code to 89086  
keep Ohio beautiful, incorporated, which shall use the 89087  
contributions towards its mission of empowering Ohio communities 89088  
to take greater responsibility for improving the local 89089  
environment through litter prevention, beautification, community 89090  
greening, waste reduction, and recycling. 89091

The registrar shall pay the contributions the registrar 89092  
receives pursuant to section 4503.579 of the Revised Code to the 89093  
~~national~~Ohio state coalition-national council of negro women, 89094  
incorporated, which shall use the contributions for educational 89095  
purposes. 89096

The registrar shall pay the contributions the registrar 89097  
receives pursuant to section 4503.581 of the Revised Code to the 89098  
Ohio past detachment commander's club, inc., which shall use the 89099  
contributions to support the activities of the organization. 89100

The registrar shall pay the contributions the registrar 89101  
receives pursuant to section 4503.582 of the Revised Code to the 89102  
progressive animal welfare society adoption center, inc., which 89103  
shall use the contributions to support the activities of the 89104  
center. 89105

The registrar shall pay the contributions the registrar 89106  
receives pursuant to section 4503.583 of the Revised Code to the 89107  
American legion, department of Ohio, inc., which shall use the 89108  
contributions to support the activities of the organization. 89109

The registrar shall pay the contributions the registrar 89110

receives, or has received, pursuant to section 4503.584 of the Revised Code to the Ohio natural energy foundation to fund scholarships for students pursuing careers in the oil and natural gas industry.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.585 of the Revised Code to the Terrace Park recreation committee, inc. to offer scholarships to young athletes of, and maintain athletic facilities in, the municipal corporation of Terrace Park.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.586 of the Revised Code to the Ohio mountain bike alliance.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.588 of the Revised Code to the Ohio grange patrons of husbandry foundation, which shall use the contributions to support the activities of the organization.

The registrar shall pay to a sports commission created pursuant to section 4503.591 of the Revised Code each contribution the registrar receives under that section that an applicant pays to obtain license plates that bear the logo of a professional sports team located in the county of that sports commission and that is participating in the license plate program pursuant to division (E) of that section, irrespective of the county of residence of an applicant.

The registrar shall pay to a community charity each contribution the registrar receives under section 4503.591 of the Revised Code that an applicant pays to obtain license plates that bear the logo of a professional sports team that is participating in the license plate program pursuant to division

(G) of that section. 89140

The registrar shall pay the contributions the registrar 89141  
receives pursuant to section 4503.592 of the Revised Code to 89142  
pollinator partnership's monarch wings across Ohio program, 89143  
which shall use the contributions for the protection and 89144  
preservation of the monarch butterfly and pollinator corridor in 89145  
Ohio and for educational programs. 89146

The registrar shall pay the contributions the registrar 89147  
receives pursuant to section 4503.594 of the Revised Code to 89148  
pelotonia, which shall use the contributions for the purpose of 89149  
supporting cancer research. 89150

The registrar shall pay the contributions the registrar 89151  
receives pursuant to section 4503.595 of the Revised Code to the 89152  
Stan Hywet hall and gardens. 89153

The registrar shall pay the contributions the registrar 89154  
receives pursuant to section 4503.596 of the Revised Code to the 89155  
Cuyahoga valley scenic railroad. 89156

The registrar shall pay the contributions the registrar 89157  
receives pursuant to section 4503.597 of the Revised Code to the 89158  
Circleville pumpkin show, incorporated, which shall use the 89159  
contributions to promote good will surrounding the Circleville 89160  
pumpkin show as a nonprofit annual event. 89161

The registrar shall pay the contributions the registrar 89162  
receives pursuant to section 4503.598 of the Revised Code 89163  
equally to the Jackson local schools foundation and the Jackson 89164  
high school alumni association. The foundation and alumni 89165  
association shall use the contributions for the foundation's and 89166  
alumni association's purposes. 89167

The registrar shall pay the contributions the registrar 89168

receives pursuant to section 4503.67 of the Revised Code to the 89169  
Dan Beard council of the boy scouts of America. The council 89170  
shall distribute all contributions in an equitable manner 89171  
throughout the state to regional councils of the boy scouts. 89172

The registrar shall pay the contributions the registrar 89173  
receives pursuant to section 4503.68 of the Revised Code to the 89174  
girl scouts of Ohio's heartland. The girl scouts of Ohio's 89175  
heartland shall distribute all contributions in an equitable 89176  
manner throughout the state to regional councils of the girl 89177  
scouts. 89178

The registrar shall pay the contributions the registrar 89179  
receives pursuant to section 4503.69 of the Revised Code to the 89180  
Dan Beard council of the boy scouts of America. The council 89181  
shall distribute all contributions in an equitable manner 89182  
throughout the state to regional councils of the boy scouts. 89183

The registrar shall pay the contributions the registrar 89184  
receives pursuant to section 4503.70 of the Revised Code to the 89185  
charitable foundation of the grand lodge of Ohio, f. & a. m., 89186  
which shall use the contributions for scholarship purposes. 89187

The registrar shall pay the contributions the registrar 89188  
receives pursuant to section 4503.701 of the Revised Code to the 89189  
Prince Hall grand lodge of free and accepted masons of Ohio, 89190  
which shall use the contributions for scholarship purposes. 89191

The registrar shall pay the contributions the registrar 89192  
receives pursuant to section 4503.702 of the Revised Code to the 89193  
Ohio Association of the Improved Benevolent and Protective Order 89194  
of the Elks of the World, which shall use the funds for 89195  
charitable purposes. 89196

The registrar shall pay the contributions the registrar 89197

receives pursuant to section 4503.703 of the Revised Code to the 89198  
Ohio state moose association. 89199

The registrar shall pay the contributions the registrar 89200  
receives pursuant to section 4503.704 of the Revised Code to the 89201  
Antioch shrine foundation located in the municipal corporation 89202  
of Dayton. 89203

The registrar shall pay the contributions the registrar 89204  
receives pursuant to section 4503.71 of the Revised Code to the 89205  
fraternal order of police of Ohio, incorporated, which shall 89206  
deposit the fees into its general account to be used for 89207  
purposes of the fraternal order of police of Ohio, incorporated. 89208

The registrar shall pay the contributions the registrar 89209  
receives pursuant to section 4503.711 of the Revised Code to the 89210  
fraternal order of police of Ohio, incorporated, which shall 89211  
deposit the contributions into an account that it creates to be 89212  
used for the purpose of advancing and protecting the law 89213  
enforcement profession, promoting improved law enforcement 89214  
methods, and teaching respect for law and order. 89215

The registrar shall pay the contributions received 89216  
pursuant to section 4503.712 of the Revised Code to Ohio 89217  
concerns of police survivors, which shall use those 89218  
contributions to provide whatever assistance may be appropriate 89219  
to the families of Ohio law enforcement officers who are killed 89220  
in the line of duty. 89221

The registrar shall pay the contributions received 89222  
pursuant to section 4503.713 of the Revised Code to the greater 89223  
Cleveland peace officers memorial society, which shall use those 89224  
contributions to honor law enforcement officers who have died in 89225  
the line of duty and support its charitable purposes. 89226

The registrar shall pay the contributions received 89227  
pursuant to section 4503.714 of the Revised Code to the Ohio 89228  
association of chiefs of police. 89229

The registrar shall pay the contributions the registrar 89230  
receives, or has received, pursuant to section 4503.715 of the 89231  
Revised Code to the community foundation of Ohio's electric 89232  
cooperatives, which shall use the contributions to recognize and 89233  
memorialize fallen or injured lineworkers and support their 89234  
families. 89235

The registrar shall pay the contributions the registrar 89236  
receives pursuant to section 4503.716 of the Revised Code to the 89237  
fallen timbers battlefield preservation commission, which shall 89238  
use the contributions to further the mission of the commission. 89239

The registrar shall pay the contributions the registrar 89240  
receives pursuant to section 4503.72 of the Revised Code to the 89241  
organization known on March 31, 2003, as the Ohio CASA/GAL 89242  
association, a private, nonprofit corporation organized under 89243  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 89244  
shall use these contributions to pay the expenses it incurs in 89245  
administering a program to secure the proper representation in 89246  
the courts of this state of abused, neglected, and dependent 89247  
children, and for the training and supervision of persons 89248  
participating in that program. 89249

The registrar shall pay the contributions the registrar 89250  
receives pursuant to section 4503.722 of the Revised Code to the 89251  
Down Syndrome Association of Central Ohio, which shall use the 89252  
contributions for advocacy purposes throughout the state. 89253

The registrar shall pay the contributions the registrar 89254  
receives pursuant to section 4503.724 of the Revised Code to the 89255

Ohio Chapter of the American Foundation for Suicide Prevention, 89256  
which shall use the contributions for programs, education, and 89257  
advocacy purposes throughout the state. 89258

The registrar shall pay the contributions the registrar 89259  
receives pursuant to section 4503.726 of the Revised Code to the 89260  
Ohio suicide prevention foundation, which shall use the 89261  
contributions for suicide prevention programs, education, and 89262  
advocacy. 89263

The registrar shall pay the contributions the registrar 89264  
receives, or has received, pursuant to section 4503.725 of the 89265  
Revised Code to the ALS united Ohio, incorporated, which shall 89266  
split the contributions between that organization and the ALS 89267  
association in accordance with any agreement between the two 89268  
organizations. The contributions shall be used to discover 89269  
treatments and a cure for ALS, and to serve, advocate for, and 89270  
empower people affected by ALS to live their lives to the 89271  
fullest. 89272

The registrar shall pay the contributions the registrar 89273  
receives pursuant to section 4503.73 of the Revised Code to 89274  
Wright B. Flyer, incorporated, which shall deposit the 89275  
contributions into its general account to be used for purposes 89276  
of Wright B. Flyer, incorporated. 89277

The registrar shall pay the contributions the registrar 89278  
receives pursuant to section 4503.732 of the Revised Code to the 89279  
Siegel Shuster society, a nonprofit organization dedicated to 89280  
commemorating and celebrating the creation of Superman in 89281  
Cleveland, Ohio. 89282

The registrar shall pay the contributions the registrar 89283  
receives pursuant to section 4503.733 of the Revised Code to the 89284

central Ohio chapter of the juvenile diabetes research 89285  
foundation, which shall distribute the contributions to the 89286  
chapters of the juvenile diabetes research foundation in whose 89287  
geographic territory the person who paid the contribution 89288  
resides. 89289

The registrar shall pay the contributions the registrar 89290  
receives pursuant to section 4503.734 of the Revised Code to the 89291  
Ohio highway patrol auxiliary foundation, which shall use the 89292  
contributions to fulfill the foundation's mission of supporting 89293  
law enforcement education and assistance. 89294

The registrar shall pay the contributions the registrar 89295  
receives pursuant to section 4503.735 of the Revised Code to the 89296  
heart4seniors/healthcare evolution alert response technology 89297  
foundation, inc., which shall use the contributions for purposes 89298  
of the foundation's mission. 89299

The registrar shall pay the contributions the registrar 89300  
receives pursuant to section 4503.74 of the Revised Code to the 89301  
Columbus zoological park association, which shall disburse the 89302  
moneys to Ohio's major metropolitan zoos, as defined in section 89303  
4503.74 of the Revised Code, in accordance with a written 89304  
agreement entered into by the major metropolitan zoos. 89305

The registrar shall pay the contributions the registrar 89306  
receives pursuant to section 4503.741 of the Revised Code to the 89307  
Ohio house rabbit rescue, which shall use the contributions for 89308  
its rescue, adoption, and educational programs. 89309

The registrar shall pay the contributions the registrar 89310  
receives pursuant to section 4503.75 of the Revised Code to the 89311  
rotary foundation, located on March 31, 2003, in Evanston, 89312  
Illinois, to be placed in a fund known as the permanent fund and 89313

used to endow educational and humanitarian programs of the 89314  
rotary foundation. 89315

The registrar shall pay the contributions the registrar 89316  
receives pursuant to section 4503.751 of the Revised Code to the 89317  
Ohio association of realtors, which shall deposit the 89318  
contributions into a property disaster relief fund maintained 89319  
under the Ohio realtors charitable and education foundation. 89320

The registrar shall pay the contributions the registrar 89321  
receives pursuant to section 4503.752 of the Revised Code to 89322  
buckeye corvettes, incorporated, which shall use the 89323  
contributions to pay for its charitable activities and programs. 89324

The registrar shall pay the contributions the registrar 89325  
receives pursuant to section 4503.754 of the Revised Code to the 89326  
municipal corporation of Twinsburg. 89327

The registrar shall pay the contributions the registrar 89328  
receives pursuant to section 4503.755 of the Revised Code to the 89329  
little brown jug society to assist the society in maintaining, 89330  
promulgating, and operating the little brown jug as part of 89331  
Ohio's rich harness racing history. 89332

The registrar shall pay the contributions the registrar 89333  
receives pursuant to section 4503.763 of the Revised Code to the 89334  
Ohio history connection to be used solely to build, support, and 89335  
maintain the Ohio battleflag collection within the Ohio history 89336  
connection. 89337

The registrar shall pay the contributions the registrar 89338  
receives pursuant to section 4503.764 of the Revised Code to the 89339  
Medina county historical society, which shall use those 89340  
contributions to distribute between the various historical 89341  
societies and museums in Medina county. 89342

The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.766 of the Revised Code to the Ohio society daughters of the American revolution, which shall deposit the contributions into its general account to be used for continuing the organization's endeavors in service, historic preservation, education, and patriotism.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to folds of honor of central Ohio, which shall use the contributions to provide scholarships to spouses and children either of disabled veterans or of members of any branch of the armed forces who died during their service.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the Ohio sea grant college program to be used for Lake Erie area research projects.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.851 of the Revised Code to West Virginia university in Morgantown, West Virginia for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with West Virginia university to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.86 of the Revised Code to the Ohio Lincoln highway historic byway, which shall use those contributions solely to promote and support the historical preservation and advertisement of the Lincoln highway in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.87 of the Revised Code to the Grove City little league dream field fund, which shall use those contributions solely to build, maintain, and improve youth baseball fields within the municipal corporation of Grove City.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.871 of the Revised Code to the Solon city school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt

from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.872 of the Revised Code to the Canton city school district. The district may use the contributions for student welfare, but shall not use the contributions for any political purpose or to pay salaries of district employees.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.873 of the Revised Code to Padua Franciscan high school located in the municipal corporation of Parma. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other

purpose. 89435

The registrar shall pay the contributions the registrar 89436  
receives pursuant to section 4503.874 of the Revised Code to St. 89437  
Edward high school located in the municipal corporation of 89438  
Lakewood. The school shall use fifty per cent of the 89439  
contributions it receives to provide tuition assistance to its 89440  
students. The school shall use the remaining fifty per cent to 89441  
pay the expenses it incurs in providing services to the school's 89442  
students that assist in developing or maintaining the mental and 89443  
emotional well-being of the students. The services provided may 89444  
include bereavement counseling, instruction in defensive driving 89445  
techniques, sensitivity training, and the counseling and 89446  
education of students regarding bullying, dating violence, drug 89447  
abuse, suicide prevention, and human trafficking. As a part of 89448  
providing such services, the school may pay for members of the 89449  
faculty of the school to receive training in providing those 89450  
services. The school principal or, in the school principal's 89451  
discretion, appropriate school counselors shall determine any 89452  
charitable organizations that the school hires to provide those 89453  
services. The school shall ensure that any such charitable 89454  
organization is exempt from federal income taxation under 89455  
subsection 501(c)(3) of the Internal Revenue Code. The school 89456  
shall not use the contributions it receives for any other 89457  
purpose. 89458

The registrar shall pay the contributions the registrar 89459  
receives pursuant to section 4503.875 of the Revised Code to 89460  
Walsh Jesuit high school located in the municipal corporation of 89461  
Cuyahoga Falls. The school shall use fifty per cent of the 89462  
contributions it receives to provide tuition assistance to its 89463  
students. The school shall use the remaining fifty per cent to 89464  
pay the expenses it incurs in providing services to the school's 89465

students that assist in developing or maintaining the mental and 89466  
emotional well-being of the students. The services provided may 89467  
include bereavement counseling, instruction in defensive driving 89468  
techniques, sensitivity training, and the counseling and 89469  
education of students regarding bullying, dating violence, drug 89470  
abuse, suicide prevention, and human trafficking. As a part of 89471  
providing such services, the school may pay for members of the 89472  
faculty of the school to receive training in providing those 89473  
services. The school principal or, in the school principal's 89474  
discretion, appropriate school counselors shall determine any 89475  
charitable organizations that the school hires to provide those 89476  
services. The school shall ensure that any such charitable 89477  
organization is exempt from federal income taxation under 89478  
subsection 501(c)(3) of the Internal Revenue Code. The school 89479  
shall not use the contributions it receives for any other 89480  
purpose. 89481

The registrar shall pay the contributions the registrar 89482  
receives pursuant to section 4503.876 of the Revised Code to the 89483  
North Royalton city school district. The school district shall 89484  
use the contributions it receives to pay the expenses it incurs 89485  
in providing services to the school district's students that 89486  
assist in developing or maintaining the mental and emotional 89487  
well-being of the students. The services provided may include 89488  
bereavement counseling, instruction in defensive driving 89489  
techniques, sensitivity training, and the counseling and 89490  
education of students regarding bullying, dating violence, drug 89491  
abuse, suicide prevention, and human trafficking. The school 89492  
district superintendent or, in the school district 89493  
superintendent's discretion, the appropriate school principal or 89494  
appropriate school counselors shall determine any charitable 89495  
organizations that the school district hires to provide those 89496

services. The school district also may use the contributions it 89497  
receives to pay for members of the faculty of the school 89498  
district to receive training in providing such services to the 89499  
students of the school district. The school district shall 89500  
ensure that any charitable organization that is hired by the 89501  
district is exempt from federal income taxation under subsection 89502  
501(c)(3) of the Internal Revenue Code. The school district 89503  
shall not use the contributions it receives for any other 89504  
purpose. 89505

The registrar shall pay the contributions the registrar 89506  
receives pursuant to section 4503.877 of the Revised Code to the 89507  
Independence local school district. The school district shall 89508  
use the contributions it receives to pay the expenses it incurs 89509  
in providing services to the school district's students that 89510  
assist in developing or maintaining the mental and emotional 89511  
well-being of the students. The services provided may include 89512  
bereavement counseling, instruction in defensive driving 89513  
techniques, sensitivity training, and the counseling and 89514  
education of students regarding bullying, dating violence, drug 89515  
abuse, suicide prevention, and human trafficking. The school 89516  
district superintendent or, in the school district 89517  
superintendent's discretion, the appropriate school principal or 89518  
appropriate school counselors shall determine any charitable 89519  
organizations that the school district hires to provide those 89520  
services. The school district also may use the contributions it 89521  
receives to pay for members of the faculty of the school 89522  
district to receive training in providing such services to the 89523  
students of the school district. The school district shall 89524  
ensure that any charitable organization that is hired by the 89525  
district is exempt from federal income taxation under subsection 89526  
501(c)(3) of the Internal Revenue Code. The school district 89527

shall not use the contributions it receives for any other 89528  
purpose. 89529

The registrar shall pay the contributions the registrar 89530  
receives pursuant to section 4503.878 of the Revised Code to the 89531  
Cuyahoga Heights local school district. The school district 89532  
shall use the contributions it receives to pay the expenses it 89533  
incurs in providing services to the school district's students 89534  
that assist in developing or maintaining the mental and 89535  
emotional well-being of the students. The services provided may 89536  
include bereavement counseling, instruction in defensive driving 89537  
techniques, sensitivity training, and the counseling and 89538  
education of students regarding bullying, dating violence, drug 89539  
abuse, suicide prevention, and human trafficking. The school 89540  
district superintendent or, in the school district 89541  
superintendent's discretion, the appropriate school principal or 89542  
appropriate school counselors, shall determine any charitable 89543  
organizations that the school district hires to provide those 89544  
services. The school district also may use the contributions it 89545  
receives to pay for members of the faculty of the school 89546  
district to receive training in providing such services to the 89547  
students of the school district. The school district shall 89548  
ensure that any charitable organization that is hired by the 89549  
district is exempt from federal income taxation under subsection 89550  
501(c)(3) of the Internal Revenue Code. The school district 89551  
shall not use the contributions it receives for any other 89552  
purpose. 89553

The registrar shall pay the contributions the registrar 89554  
receives pursuant to section 4503.879 of the Revised Code to the 89555  
west technical high school alumni association, which shall use 89556  
the contributions for activities sponsored by the association. 89557

The registrar shall pay the contributions the registrar receives pursuant to section 4503.88 of the Revised Code to the Kenston local school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services that assist in developing or maintaining a culture of environmental responsibility and an innovative science, technology, engineering, art, and math (S.T.E.A.M.) curriculum to the school district's students. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.881 of the Revised Code to La Salle high school in the municipal corporation of Cincinnati. The high school shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.882 of the Revised Code to St. John's Jesuit high school and academy located in the municipal corporation of Toledo. The school shall use the contributions it receives to provide tuition assistance for students attending the school.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.883 of the Revised Code to St. Charles preparatory school located in the municipal corporation of Columbus, which shall use the contributions for the school's alumni association and the alumni association's purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.884 of the Revised Code to Archbishop Moeller high school located in the municipal corporation of Cincinnati. The high school shall not use the

contributions it receives for any political purpose. 89588

The registrar shall pay the contributions the registrar 89589  
receives pursuant to section 4503.885 of the Revised Code to the 89590  
Revere schools foundation. The foundation shall use the 89591  
contributions to promote its mission, including awarding 89592  
scholarships to honor young people who are meaningfully engaged 89593  
in their school or community. The foundation shall not use the 89594  
contributions for any political purpose. 89595

The registrar shall pay the contributions the registrar 89596  
receives pursuant to section 4503.886 of the Revised Code to 89597  
Stephen T. Badin high school in the municipal corporation of 89598  
Hamilton. 89599

The registrar shall pay the contributions the registrar 89600  
receives pursuant to section 4503.887 of the Revised Code to 89601  
Bishop Hartley high school located in the municipal corporation 89602  
of Columbus, which shall use the contributions for the school's 89603  
alumni association and the alumni association's purposes. 89604

The registrar shall pay the contributions the registrar 89605  
receives pursuant to section 4503.888 of the Revised Code to St. 89606  
Vincent-St. Mary high school located in the municipal 89607  
corporation of Akron. 89608

The registrar shall pay the contributions the registrar 89609  
receives pursuant to section 4503.89 of the Revised Code to the 89610  
American red cross of greater Columbus on behalf of the Ohio 89611  
chapters of the American red cross, which shall use the 89612  
contributions for disaster readiness, preparedness, and response 89613  
programs on a statewide basis. 89614

The registrar shall pay the contributions the registrar 89615  
receives pursuant to section 4503.891 of the Revised Code to the 89616

Ohio lions foundation. The foundation shall use the 89617  
contributions for charitable and educational purposes. 89618

The registrar shall pay the contributions the registrar 89619  
receives pursuant to section 4503.892 of the Revised Code to the 89620  
Hudson city school district. The school district shall not use 89621  
the contributions it receives for any political purpose. 89622

The registrar shall pay the contributions the registrar 89623  
receives pursuant to section 4503.893 of the Revised Code to the 89624  
Harrison Central jr./sr. high school located in the municipal 89625  
corporation of Cadiz. 89626

The registrar shall pay the contributions the registrar 89627  
receives pursuant to section 4503.894 of the Revised Code to the 89628  
Blanchester schools foundation for funding student scholarships 89629  
and for funding activities and programs for at-risk students. 89630

The registrar shall pay the contributions the registrar 89631  
receives pursuant to section 4503.895 of the Revised Code to the 89632  
Lakeside Chautauqua foundation. The foundation shall use the 89633  
contributions it receives for conservation and preservation of 89634  
Lake Erie and the surrounding ecosystem. 89635

The registrar shall pay the contributions the registrar 89636  
receives pursuant to section 4503.896 of the Revised Code to the 89637  
American legion auxiliary department of Ohio. The auxiliary 89638  
department shall use the contributions it receives to support 89639  
the American legion, current and former military members, and 89640  
their families. 89641

The registrar shall pay the contributions the registrar 89642  
receives pursuant to section 4503.899 of the Revised Code to the 89643  
Cleveland clinic foundation, which shall use the contributions 89644  
to support Cleveland clinic children's education, research, and 89645

patient services. 89646

The registrar shall pay the contributions the registrar 89647  
receives pursuant to section 4503.90 of the Revised Code to the 89648  
nationwide children's hospital foundation. 89649

The registrar shall pay the contributions the registrar 89650  
receives pursuant to section 4503.901 of the Revised Code to the 89651  
Ohio association for pupil transportation, which shall use the 89652  
money to support transportation programs, provide training to 89653  
school transportation professionals, and support other 89654  
initiatives for school transportation safety. 89655

The registrar shall pay the contributions the registrar 89656  
receives pursuant to section 4503.902 of the Revised Code to St. 89657  
Ignatius high school located in the municipal corporation of 89658  
Cleveland. The school shall use fifty per cent of the 89659  
contributions it receives to provide tuition assistance to its 89660  
students. The school shall use the remaining fifty per cent to 89661  
pay the expenses it incurs in providing services to the school's 89662  
students that assist in developing or maintaining the mental and 89663  
emotional well-being of the students. The services provided may 89664  
include bereavement counseling, instruction in defensive driving 89665  
techniques, sensitivity training, and the counseling and 89666  
education of students regarding bullying, dating violence, drug 89667  
abuse, suicide prevention, and human trafficking. As a part of 89668  
providing such services, the school may pay for members of the 89669  
faculty of the school to receive training in providing those 89670  
services. The school principal or, in the school principal's 89671  
discretion, appropriate school counselors shall determine any 89672  
charitable organizations that the school hires to provide those 89673  
services. The school shall ensure that any such charitable 89674  
organization is exempt from federal income taxation under 89675

subsection 501(c)(3) of the Internal Revenue Code. The school 89676  
shall not use the contributions it receives for any other 89677  
purpose. 89678

The registrar shall pay the contributions the registrar 89679  
receives pursuant to section 4503.903 of the Revised Code to the 89680  
Brecksville-Broadview Heights city school district. The school 89681  
district shall use the contributions it receives to pay the 89682  
expenses it incurs in providing services to the school 89683  
district's students that assist in developing or maintaining the 89684  
mental and emotional well-being of the students. The services 89685  
provided may include bereavement counseling, instruction in 89686  
defensive driving techniques, sensitivity training, and the 89687  
counseling and education of students regarding bullying, dating 89688  
violence, drug abuse, suicide prevention, and human trafficking. 89689  
The school district superintendent or, in the school district 89690  
superintendent's discretion, the appropriate school principal or 89691  
appropriate school counselors shall determine any charitable 89692  
organizations that the school district hires to provide those 89693  
services. The school district also may use the contributions it 89694  
receives to pay for members of the faculty of the school 89695  
district to receive training in providing such services to the 89696  
students of the school district. The school district shall 89697  
ensure that any charitable organization that is hired by the 89698  
district is exempt from federal income taxation under subsection 89699  
501(c)(3) of the Internal Revenue Code. The school district 89700  
shall not use the contributions it receives for any other 89701  
purpose. 89702

The registrar shall pay the contributions the registrar 89703  
receives pursuant to section 4503.904 of the Revised Code to the 89704  
Chagrin Falls exempted village school district. The school 89705  
district shall use the contributions it receives to pay the 89706

expenses it incurs in providing services to the school 89707  
district's students that assist in developing or maintaining the 89708  
mental and emotional well-being of the students. The services 89709  
provided may include bereavement counseling, instruction in 89710  
defensive driving techniques, sensitivity training, and the 89711  
counseling and education of students regarding bullying, dating 89712  
violence, drug abuse, suicide prevention, and human trafficking. 89713  
The school district superintendent or, in the school district 89714  
superintendent's discretion, the appropriate school principal or 89715  
appropriate school counselors shall determine any charitable 89716  
organizations that the school district hires to provide those 89717  
services. The school district also may use the contributions it 89718  
receives to pay for members of the faculty of the school 89719  
district to receive training in providing such services to the 89720  
students of the school district. The school district shall 89721  
ensure that any charitable organization that is hired by the 89722  
district is exempt from federal income taxation under subsection 89723  
501(c)(3) of the Internal Revenue Code. The school district 89724  
shall not use the contributions it receives for any other 89725  
purpose. 89726

The registrar shall pay the contributions the registrar 89727  
receives pursuant to section 4503.905 of the Revised Code to the 89728  
Cuyahoga valley career center. The career center shall use the 89729  
contributions it receives to pay the expenses it incurs in 89730  
providing services to the career center's students that assist 89731  
in developing or maintaining the mental and emotional well-being 89732  
of the students. The services provided may include bereavement 89733  
counseling, instruction in defensive driving techniques, 89734  
sensitivity training, and the counseling and education of 89735  
students regarding bullying, dating violence, drug abuse, 89736  
suicide prevention, and human trafficking. The career center's 89737

superintendent or in the career center's superintendent's 89738  
discretion, the school board or appropriate school counselors 89739  
shall determine any charitable organizations that the career 89740  
center hires to provide those services. The career center also 89741  
may use the contributions it receives to pay for members of the 89742  
faculty of the career center to receive training in providing 89743  
such services to the students of the career center. The career 89744  
center shall ensure that any charitable organization that is 89745  
hired by the career center is exempt from federal income 89746  
taxation under subsection 501(c)(3) of the Internal Revenue 89747  
Code. The career center shall not use the contributions it 89748  
receives for any other purpose. 89749

The registrar shall pay the contributions the registrar 89750  
receives pursuant to section 4503.906 of the Revised Code to the 89751  
Stow-Munroe Falls city school district. The school district 89752  
shall not use the contributions it receives for any political 89753  
purpose. 89754

The registrar shall pay the contributions the registrar 89755  
receives pursuant to section 4503.907 of the Revised Code to the 89756  
Twinsburg city school district. The school district shall not 89757  
use the contributions it receives for any political purpose. 89758

The registrar shall pay the contributions the registrar 89759  
receives pursuant to section 4503.908 of the Revised Code to St. 89760  
Xavier high school located in Springfield township in Hamilton 89761  
county. The school shall use fifty per cent of the contributions 89762  
it receives to provide tuition assistance to its students. The 89763  
school shall use the remaining fifty per cent to pay the 89764  
expenses it incurs in providing services to the school's 89765  
students that assist in developing or maintaining the mental and 89766  
emotional well-being of the students. The services provided may 89767

include bereavement counseling, instruction in defensive driving 89768  
techniques, sensitivity training, and the counseling and 89769  
education of students regarding bullying, dating violence, drug 89770  
abuse, suicide prevention, and human trafficking. As a part of 89771  
providing such services, the school may pay for members of the 89772  
faculty of the school to receive training in providing those 89773  
services. The school principal or, in the school principal's 89774  
discretion, appropriate school counselors shall determine any 89775  
charitable organizations that the school hires to provide those 89776  
services. The school shall ensure that any such charitable 89777  
organization is exempt from federal income taxation under 89778  
subsection 501(c)(3) of the Internal Revenue Code. The school 89779  
shall not use the contributions it receives for any other 89780  
purpose. 89781

The registrar shall pay the contributions the registrar 89782  
receives pursuant to section 4503.909 of the Revised Code to the 89783  
Grandview Heights city school district, which shall use the 89784  
contributions for its gifted programs and special education and 89785  
related services. 89786

The registrar shall pay the contributions received 89787  
pursuant to section 4503.92 of the Revised Code to support our 89788  
troops, incorporated, a national nonprofit corporation, which 89789  
shall use those contributions in accordance with its articles of 89790  
incorporation and for the benefit of servicemembers of the armed 89791  
forces of the United States and their families when they are in 89792  
financial need. 89793

The registrar shall pay the contributions received 89794  
pursuant to section 4503.931 of the Revised Code to healthy New 89795  
Albany, which shall use the contributions for its community 89796  
programs, events, and other activities. 89797

The registrar shall pay the contributions the registrar receives pursuant to section 4503.932 of the Revised Code to habitat for humanity of Ohio, inc., which shall use the contributions for its projects related to building affordable houses. 89798  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.933 of the Revised Code to Ohio citizens for the arts foundation, which shall use the contributions for advocacy, education, and professional development programs. 89803  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.934 of the Revised Code to Ohio society for respiratory care of the American association for respiratory care, incorporated, which shall use the contributions to benefit the Ohio society for respiratory care student scholarship fund. 89808  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.935 of the Revised Code to Jesup W. Scott high school's principal activities fund. The high school shall use the contributions to enhance learning opportunities for the high school's students. 89814  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.936 of the Revised Code to the Hilliard Davidson baseball club, which shall use the contributions to support the team. 89819  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.94 of the Revised Code to the Michelle's leading star foundation, which shall use the money solely to fund the rental, lease, or purchase of the simulated 89823  
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driving curriculum of the Michelle's leading star foundation by 89827  
boards of education of city, exempted village, local, and joint 89828  
vocational school districts. 89829

The registrar shall pay the contributions the registrar 89830  
receives pursuant to section 4503.941 of the Revised Code to the 89831  
Ohio chapter international society of arboriculture, which shall 89832  
use the money to increase consumer awareness on the importance 89833  
of proper tree care and to raise funds for the chapter's 89834  
educational efforts. 89835

The registrar shall pay the contributions received 89836  
pursuant to section 4503.942 of the Revised Code to zero, the 89837  
end of prostate cancer, incorporated, a nonprofit organization, 89838  
which shall use those contributions to raise awareness of 89839  
prostate cancer, to support research to end prostate cancer, and 89840  
to support prostate cancer patients and their families. 89841

The registrar shall pay the contributions the registrar 89842  
receives pursuant to section 4503.943 of the Revised Code to the 89843  
nonprofit organization weirdo cat lovers of Cleveland, which 89844  
shall use the contributions to further its mission of assisting 89845  
pet parents with emergency veterinary bills for their feline 89846  
companions, providing food and litter to those in economic need, 89847  
and controlling feral cat populations through the process of 89848  
trap-neuter-return to the community. 89849

The registrar shall pay the contributions the registrar 89850  
receives pursuant to section 4503.944 of the Revised Code to the 89851  
eastern European congress of Ohio, which shall use the 89852  
contributions for charitable and educational purposes. 89853

The registrar shall pay the contributions the registrar 89854  
receives pursuant to section 4503.945 of the Revised Code to the 89855

Summit metro parks foundation, which shall use the money in 89856  
support of the Summit county metro parks. 89857

The registrar shall pay the contributions the registrar 89858  
receives pursuant to section 4503.946 of the Revised Code to the 89859  
Ohio society, sons of the American revolution, which shall use 89860  
the contributions for special projects related to historical 89861  
education. 89862

The registrar shall pay the contributions the registrar 89863  
receives pursuant to section 4503.951 of the Revised Code to the 89864  
Cincinnati city school district. 89865

The registrar shall pay the contributions the registrar 89866  
receives pursuant to section 4503.952 of the Revised Code to 89867  
Hawken school located in northeast Ohio. The school shall use 89868  
fifty per cent of the contributions it receives to provide 89869  
tuition assistance to its students. The school shall use the 89870  
remaining fifty per cent to pay the expenses it incurs in 89871  
providing services to the school's students that assist in 89872  
developing or maintaining the mental and emotional well-being of 89873  
the students. The services provided may include bereavement 89874  
counseling, instruction in defensive driving techniques, 89875  
sensitivity training, and the counseling and education of 89876  
students regarding bullying, dating violence, drug abuse, 89877  
suicide prevention, and human trafficking. As a part of 89878  
providing such services, the school may pay for members of the 89879  
faculty of the school to receive training in providing those 89880  
services. The school principal or, in the school principal's 89881  
discretion, appropriate school counselors shall determine any 89882  
charitable organizations that the school hires to provide those 89883  
services. The school shall ensure that any such charitable 89884  
organization is exempt from federal income taxation under 89885

subsection 501(c)(3) of the Internal Revenue Code. The school 89886  
shall not use the contributions it receives for any other 89887  
purpose. 89888

The registrar shall pay the contributions the registrar 89889  
receives pursuant to section 4503.953 of the Revised Code to 89890  
Gilmour academy located in the municipal corporation of Gates 89891  
Mills. The school shall use fifty per cent of the contributions 89892  
it receives to provide tuition assistance to its students. The 89893  
school shall use the remaining fifty per cent to pay the 89894  
expenses it incurs in providing services to the school's 89895  
students that assist in developing or maintaining the mental and 89896  
emotional well-being of the students. The services provided may 89897  
include bereavement counseling, instruction in defensive driving 89898  
techniques, sensitivity training, and the counseling and 89899  
education of students regarding bullying, dating violence, drug 89900  
abuse, suicide prevention, and human trafficking. As a part of 89901  
providing such services, the school may pay for members of the 89902  
faculty of the school to receive training in providing those 89903  
services. The school principal or, in the school principal's 89904  
discretion, appropriate school counselors shall determine any 89905  
charitable organizations that the school hires to provide those 89906  
services. The school shall ensure that any such charitable 89907  
organization is exempt from federal income taxation under 89908  
subsection 501(c)(3) of the Internal Revenue Code. The school 89909  
shall not use the contributions it receives for any other 89910  
purpose. 89911

The registrar shall pay the contributions the registrar 89912  
receives pursuant to section 4503.954 of the Revised Code to 89913  
University school located in the suburban area near the 89914  
municipal corporation of Cleveland. The school shall use fifty 89915  
per cent of the contributions it receives to provide tuition 89916

assistance to its students. The school shall use the remaining 89917  
fifty per cent to pay the expenses it incurs in providing 89918  
services to the school's students that assist in developing or 89919  
maintaining the mental and emotional well-being of the students. 89920  
The services provided may include bereavement counseling, 89921  
instruction in defensive driving techniques, sensitivity 89922  
training, and the counseling and education of students regarding 89923  
bullying, dating violence, drug abuse, suicide prevention, and 89924  
human trafficking. As a part of providing such services, the 89925  
school may pay for members of the faculty of the school to 89926  
receive training in providing those services. The school 89927  
principal or, in the school principal's discretion, appropriate 89928  
school counselors shall determine any charitable organizations 89929  
that the school hires to provide those services. The school 89930  
shall ensure that any such charitable organization is exempt 89931  
from federal income taxation under subsection 501(c)(3) of the 89932  
Internal Revenue Code. The school shall not use the 89933  
contributions it receives for any other purpose. 89934

The registrar shall pay the contributions the registrar 89935  
receives pursuant to section 4503.955 of the Revised Code to 89936  
Saint Albert the Great school located in North Royalton. The 89937  
school shall use fifty per cent of the contributions it receives 89938  
to provide tuition assistance to its students. The school shall 89939  
use the remaining fifty per cent to pay the expenses it incurs 89940  
in providing services to the school's students that assist in 89941  
developing or maintaining the mental and emotional well-being of 89942  
the students. The services provided may include bereavement 89943  
counseling, instruction in defensive driving techniques, 89944  
sensitivity training, and the counseling and education of 89945  
students regarding bullying, dating violence, drug abuse, 89946  
suicide prevention, and human trafficking. As a part of 89947

providing such services, the school may pay for members of the 89948  
faculty of the school to receive training in providing those 89949  
services. The school principal or, in the school principal's 89950  
discretion, appropriate school counselors shall determine any 89951  
charitable organizations that the school hires to provide those 89952  
services. The school shall ensure that any such charitable 89953  
organization is exempt from federal income taxation under 89954  
subsection 501(c)(3) of the Internal Revenue Code. The school 89955  
shall not use the contributions it receives for any other 89956  
purpose. 89957

The registrar shall pay the contributions the registrar 89958  
receives pursuant to section 4503.956 of the Revised Code to the 89959  
Liberty Center local school district, which shall use the 89960  
contributions for its gifted programs and special education and 89961  
related services. 89962

The registrar shall pay the contributions the registrar 89963  
receives pursuant to section 4503.957 of the Revised Code to 89964  
John F. Kennedy Catholic school located in Warren. The school 89965  
shall not use the contributions it receives for any political 89966  
purpose. 89967

The registrar shall pay the contributions the registrar 89968  
receives pursuant to section 4503.958 of the Revised Code to 89969  
Elder high school located in the municipal corporation of 89970  
Cincinnati. The school shall use fifty per cent of the 89971  
contributions it receives to provide tuition assistance to its 89972  
students, twenty-five per cent of the contributions to benefit 89973  
arts and enrichment at the school, and twenty-five per cent of 89974  
the contributions to benefit athletics at the school. 89975

The registrar shall pay the contributions the registrar 89976  
receives pursuant to section 4503.959 of the Revised Code to the 89977

Dublin food pantry, which shall use the contributions to provide 89978  
food, hygiene products, and other resources to individuals and 89979  
families experiencing food insecurity. 89980

The registrar shall pay the contributions the registrar 89981  
receives pursuant to section 4503.961 of the Revised Code to 89982  
Fairfield senior high school located in the municipal 89983  
corporation of Fairfield. The high school shall not use the 89984  
contributions for any political purpose. 89985

The registrar shall pay the contributions the registrar 89986  
receives pursuant to section 4503.962 of the Revised Code to 89987  
Hamilton high school located in the municipal corporation of 89988  
Hamilton. The high school shall not use the contributions for 89989  
any political purpose. 89990

The registrar shall pay the contributions the registrar 89991  
receives pursuant to section 4503.963 of the Revised Code to 89992  
Ross high school located in Ross township in Butler county. The 89993  
high school shall not use the contributions for any political 89994  
purpose. 89995

The registrar shall pay the contributions the registrar 89996  
receives pursuant to section 4503.964 of the Revised Code to 89997  
Chardon hilltopper gridiron club. The club shall use 89998  
contributions to fund college and career technical training 89999  
scholarships for students. 90000

The registrar shall pay the contributions the registrar 90001  
receives pursuant to section 4503.965 of the Revised Code to the 90002  
Norton music boosters association. The association shall use the 90003  
contributions to provide financial assistance to the Norton high 90004  
school music boosters for equipment, travel, and programming 90005  
expenses. 90006

The registrar shall pay the contributions the registrar receives pursuant to section 4503.97 of the Revised Code to the friends of united Hatzalah of Israel, which shall use the money to support united Hatzalah of Israel, which provides free emergency medical first response throughout Israel.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.98 of the Revised Code to the Westerville parks foundation to support the programs and activities of the foundation and its mission of pursuing the city of Westerville's vision of becoming "A City Within A Park."

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(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall distribute to each entity described in division (B) of this section the investment income the fund earned the previous calendar year. The amount of such a distribution paid to an entity shall be proportionate to the amount of money the entity received from the fund during the previous calendar year.

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**Sec. 4501.29.** The department of administrative services shall collect user fees from participants in the multi-agency radio communications system (MARCS). The director of administrative services, with ~~the advice of the MARCS steering committee and~~ the consent of the director of budget and management, shall determine the amount of the user fees and the manner by which the fees shall be collected. All moneys from user fees shall be deposited in the MARCS administration fund, which is hereby created in the state treasury. All investment earnings on moneys in the fund shall be credited to the fund.

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**Sec. 4501.30.** As used in sections 4501.30 to 4501.303 of the Revised Code:

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"MARCS" means the multi-agency radio communications system. 90037  
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"P25 standards" means standards for digital radio communications for use by federal, state, provincial, and local public safety agencies in North America to enable communications with other agencies and mutual aid response teams in emergencies. "P25 standards" are the standards produced through the joint efforts of the association of public-safety communications officials, the national association of state technology directors, selected federal agencies, and the national communications system. 90039  
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"P25 system" means a communications system that meets P25 standards and fosters interoperability in mission critical communications ~~as certified by the MARCS steering committee.~~ 90048  
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**Sec. 4501.302.** (A) The multi-agency radio communications system (MARCS) steering committee is established consisting of the following members: 90051  
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(1) The directors, or designees thereof, of administrative services, public safety, natural resources, transportation, rehabilitation and correction, and budget and management, and the state fire marshal or the state fire marshal's designee; 90054  
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(2) The following members appointed by the governor: 90058

(a) One representative of the Ohio chapter of the association of public safety communications officials or its successor organization; 90059  
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(b) One representative of the buckeye state sheriff's association or its successor organization; 90062  
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(c) One representative of the Ohio association of chiefs 90064

of police or its successor organization; 90065

(d) One representative of the Ohio fire chiefs' 90066  
association or its successor organization. 90067

(3) Two members of the house of representatives appointed 90068  
by the speaker of the house of representatives, one from the 90069  
majority party and one from the minority party; 90070

(4) Two members of the senate appointed by the president 90071  
of the senate, one from the majority party and one from the 90072  
minority party. 90073

(B) The director of administrative services or the 90074  
director's designee shall chair the committee. 90075

(C) The committee shall provide assistance to the director 90076  
of administrative services for effective and efficient 90077  
implementation of MARCS as well as develop policies for the 90078  
ongoing management of the system. Upon dates prescribed by the 90079  
directors of administrative services and budget and management, 90080  
the MARCS steering committee shall report to the directors on 90081  
the progress of MARCS implementation and the development of 90082  
policies related to the system. 90083

(D) The committee shall establish a subcommittee to 90084  
represent MARCS users on the local government level. The 90085  
chairperson of the subcommittee shall serve as a member of the 90086  
MARCS steering committee. 90087

(E) Divisions (A) to (D) of this section represent the 90088  
codification of the existing MARCS steering committee and 90089  
subcommittee. Upon the effective date of this amendment, members 90090  
of the MARCS steering committee and the subcommittee may 90091  
continue service on these committees, their terms unaffected by 90092  
the codification. 90093

(F) The MARCS steering committee shall certify that the P25 system complies with P25 standards based on business planning documents it approves. The planning documents shall outline the various end user costs for monthly access to the system depending on the number of MARCS users and including adequate funding for future repairs, maintenance, and upgrades of MARCS statewide.

**Sec. 4503.03.** (A) (1) (a) Except as provided in division (B) of this section, the registrar of motor vehicles may designate one or more of the following persons to act as a deputy registrar in each county:

(i) The county auditor in any county;

(ii) The clerk of a court of common pleas in any county;

(iii) An individual;

(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.

All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.

(b) As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract pursuant to division (A) (1) of this section.

(2) Deputy registrars shall accept applications for the annual license tax for any vehicle not taxed under section 4503.63 of the Revised Code and shall assign distinctive numbers

in the same manner as the registrar. Such deputies shall be 90122  
located in such locations as the registrar sees fit. Except as 90123  
provided in division (A) (3) of this section, there shall be at 90124  
least one deputy registrar in each county. 90125

(3) The registrar need not appoint a deputy registrar in a 90126  
county to which all of the following apply: 90127

(a) No individual, nonprofit corporation, or, where 90128  
applicable, clerk of court of common pleas participates in the 90129  
competitive selection process to be designated as a deputy 90130  
registrar; 90131

(b) Neither the county auditor nor the clerk of court of 90132  
common pleas agrees to be designated as a deputy registrar; 90133

(c) No individual or nonprofit corporation agrees to be 90134  
designated as a deputy registrar; 90135

(d) No deputy registrar operating an existing deputy 90136  
registrar agency in another county agrees to be designated as 90137  
the deputy registrar for that county. 90138

(4) The registrar may reestablish a deputy registrar in 90139  
any county without a deputy registrar if any of the following 90140  
apply: 90141

(a) The county auditor requests to be designated as a 90142  
deputy registrar; 90143

(b) The clerk of court of common pleas requests to be 90144  
designated as a deputy registrar; 90145

(c) A deputy registrar operating an existing deputy 90146  
registrar agency in another county requests to be designated as 90147  
a deputy registrar for that county; 90148

(d) A qualified individual or nonprofit corporation 90149  
requests to be designated as a deputy registrar. In the event 90150  
that two or more qualified individuals, nonprofit corporations, 90151  
or a combination thereof, request to be designated as a deputy 90152  
registrar, the registrar may make the designation through the 90153  
competitive selection process. 90154

Deputy registrar contracts are subject to the provisions 90155  
of division (B) of section 125.081 of the Revised Code. 90156

(B) (1) The registrar shall not designate any person to act 90157  
as a deputy registrar under division (A) (1) of this section if 90158  
the person or, where applicable, the person's spouse or a member 90159  
of the person's immediate family has made, within the current 90160  
calendar year or any one of the previous three calendar years, 90161  
one or more contributions totaling in excess of one hundred 90162  
dollars to any person or entity included in division (A) (2) of 90163  
section 4503.033 of the Revised Code. As used in this division, 90164  
"immediate family" has the same meaning as in division (D) of 90165  
section 102.01 of the Revised Code, and "entity" includes any 90166  
political party and any ~~"continuing association"~~ "political 90167  
contributing entity" as defined in ~~division (C) (4) of~~ section 90168  
3517.01 of the Revised Code or "political action committee" as 90169  
defined in ~~division (C) (8) of~~ that section that is primarily 90170  
associated with that political party. For purposes of this 90171  
division, contributions to any ~~continuing association~~ political 90172  
contributing entity or any political action committee that is 90173  
primarily associated with a political party shall be aggregated 90174  
with contributions to that political party. 90175

The contribution limitations contained in this division do 90176  
not apply to any county auditor or clerk of a court of common 90177  
pleas. A county auditor or clerk of a court of common pleas is 90178

not required to file the disclosure statement or pay the filing fee required under section 4503.033 of the Revised Code. The limitations of this division also do not apply to a deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision.

(2) The registrar shall not designate either of the following to act as a deputy registrar:

(a) Any elected public official other than a county auditor or, as authorized by division (A)(1) of this section, a clerk of a court of common pleas, acting in an official capacity, except that, the registrar shall continue and may renew a contract with any deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision;

(b) Any person holding a current, valid contract to conduct motor vehicle inspections under section 3704.14 of the Revised Code.

(3) As used in division (B) of this section, "political subdivision" has the same meaning as in section 3501.01 of the Revised Code.

(C)(1) Except as provided in division (C)(2) of this section, deputy registrars are independent contractors and neither they nor their employees are employees of this state, except that nothing in this section shall affect the status of county auditors or clerks of courts of common pleas as public officials, nor the status of their employees as employees of any of the counties of this state, which are political subdivisions of this state. Each deputy registrar shall be responsible for the payment of all unemployment compensation premiums, all

workers' compensation premiums, social security contributions, 90208  
and any and all taxes for which the deputy registrar is legally 90209  
responsible. Each deputy registrar shall comply with all 90210  
applicable federal, state, and local laws requiring the 90211  
withholding of income taxes or other taxes from the compensation 90212  
of the deputy registrar's employees. Each deputy registrar shall 90213  
maintain during the entire term of the deputy registrar's 90214  
contract a policy of business liability insurance satisfactory 90215  
to the registrar and shall hold the department of public safety, 90216  
the director of public safety, the bureau of motor vehicles, and 90217  
the registrar harmless upon any and all claims for damages 90218  
arising out of the operation of the deputy registrar agency. 90219

(2) For purposes of Chapter 4141. of the Revised Code, 90220  
determinations concerning the employment of deputy registrars 90221  
and their employees shall be made under Chapter 4141. of the 90222  
Revised Code. 90223

(D) (1) With the approval of the director, the registrar 90224  
shall adopt rules governing deputy registrars. The rules shall 90225  
do all of the following: 90226

(a) Establish requirements governing the terms of the 90227  
contract between the registrar and each deputy registrar and the 90228  
services to be performed; 90229

(b) Establish requirements governing the amount of bond to 90230  
be given as provided in this section; 90231

(c) Establish requirements governing the size and location 90232  
of the deputy's office; 90233

(d) Establish requirements governing the leasing of 90234  
equipment necessary to conduct the vision screenings required 90235  
under section 4507.12 of the Revised Code and training in the 90236

use of the equipment; 90237

(e) Encourage every deputy registrar to inform the public 90238  
of the location of the deputy registrar's office and hours of 90239  
operation by means of public service announcements; 90240

(f) Allow any deputy registrar to advertise in regard to 90241  
the operation of the deputy registrar's office, including 90242  
allowing nonprofit corporations operating as a deputy registrar 90243  
to advertise that a specified amount of proceeds collected by 90244  
the nonprofit corporation are directed to a specified charitable 90245  
organization or philanthropic cause; 90246

(g) Specify the hours the deputy's office is to be open to 90247  
the public and require as a minimum that one deputy's office in 90248  
each county be open to the public for at least four hours each 90249  
weekend, provided that if only one deputy's office is located 90250  
within the boundary of the county seat, that office is the 90251  
office that shall be open for the four-hour period each weekend; 90252

(h) Specify that every deputy registrar, upon request, 90253  
provide any person with information about the location and 90254  
office hours of all deputy registrars in the county; 90255

(i) Allow a deputy registrar contract to be awarded to a 90256  
nonprofit corporation formed under the laws of this state; 90257

(j) Establish procedures for a deputy registrar to request 90258  
the authority to collect reinstatement fees under sections 90259  
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 90260  
4510.72, and 4511.191 of the Revised Code and to transmit the 90261  
reinstatement fees and two dollars of the service fee collected 90262  
under those sections. The registrar shall ensure that at least 90263  
one deputy registrar in each county has the necessary equipment 90264  
and is able to accept reinstatement fees. The registrar shall 90265

deposit the service fees received from a deputy registrar under 90266  
those sections into the public safety - highway purposes fund 90267  
created in section 4501.06 of the Revised Code and shall use the 90268  
money for deputy registrar equipment necessary in connection 90269  
with accepting reinstatement fees. 90270

(k) Establish standards for a deputy registrar, when the 90271  
deputy registrar is not a county auditor or a clerk of a court 90272  
of common pleas, to sell advertising rights to third party 90273  
businesses to be placed in the deputy registrar's office; 90274

(l) Allow any deputy registrar that is not a county 90275  
auditor or a clerk of a court of common pleas to operate a 90276  
vending machine; 90277

(m) Establish such other requirements as the registrar and 90278  
director consider necessary to provide a high level of service. 90279

(2) The rules may allow both of the following: 90280

(a) The registrar to award a contract to a deputy 90281  
registrar to operate more than one deputy registrar's office if 90282  
determined by the registrar to be practical; 90283

(b) A nonprofit corporation formed for the purposes of 90284  
providing automobile-related services to its members or the 90285  
public and that provides such services from more than one 90286  
location in this state to operate a deputy registrar office at 90287  
any location. 90288

(3) As a daily adjustment, the bureau of motor vehicles 90289  
shall credit to a deputy registrar the amount established under 90290  
section 4503.038 of the Revised Code for each damaged license 90291  
plate or validation sticker the deputy registrar replaces as a 90292  
service to a member of the public. 90293

(4) (a) With the prior approval of the registrar, each deputy registrar may conduct at the location of the deputy registrar's office any business that is consistent with the functions of a deputy registrar and that is not specifically mandated or authorized by this or another chapter of the Revised Code or by implementing rules of the registrar.

(b) In accordance with guidelines the director of public safety shall establish, a deputy registrar may operate or contract for the operation of a vending machine at a deputy registrar location if products of the vending machine are consistent with the functions of a deputy registrar.

(c) A deputy registrar may enter into an agreement with the Ohio turnpike and infrastructure commission pursuant to division (A) (11) of section 5537.04 of the Revised Code for the purpose of allowing the general public to acquire from the deputy registrar the electronic toll collection devices that are used under the multi-jurisdiction electronic toll collection agreement between the Ohio turnpike and infrastructure commission and any other entities or agencies that participate in such an agreement. The approval of the registrar is not necessary if a deputy registrar engages in this activity.

(5) As used in this section and in section 4507.01 of the Revised Code, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code.

(E) (1) Unless otherwise terminated and except for interim contracts lasting not longer than one year, contracts with deputy registrars shall be entered into through a competitive selection process and shall be limited in duration as follows:

(a) For contracts entered into between July 1, 1996 and

June 29, 2014, for a period of not less than two years, but not 90323  
more than three years; 90324

(b) For contracts entered into on or after June 29, 2014, 90325  
for a period of five years, unless the registrar determines that 90326  
a shorter contract term is appropriate for a particular deputy 90327  
registrar. 90328

(2) All contracts with deputy registrars shall expire on 90329  
the last Saturday of June in the year of their expiration. Prior 90330  
to the expiration of any deputy registrar contract, the 90331  
registrar, with the approval of the director, may award a one- 90332  
year contract extension to any deputy registrar who has provided 90333  
exemplary service based upon objective performance evaluations. 90334

(3) (a) The auditor of state may examine the accounts, 90335  
reports, systems, and other data of each deputy registrar at 90336  
least every two years. The registrar, with the approval of the 90337  
director, shall immediately remove a deputy who violates any 90338  
provision of the Revised Code related to the duties as a deputy, 90339  
any rule adopted by the registrar, or a term of the deputy's 90340  
contract with the registrar. The registrar also may remove a 90341  
deputy who, in the opinion of the registrar, has engaged in any 90342  
conduct that is either unbecoming to one representing this state 90343  
or is inconsistent with the efficient operation of the deputy's 90344  
office. 90345

(b) If the registrar, with the approval of the director, 90346  
determines that there is good cause to believe that a deputy 90347  
registrar or a person proposing for a deputy registrar contract 90348  
has engaged in any conduct that would require the denial or 90349  
termination of the deputy registrar contract, the registrar may 90350  
require the production of books, records, and papers as the 90351  
registrar determines are necessary, and may take the depositions 90352

of witnesses residing within or outside the state in the same 90353  
manner as is prescribed by law for the taking of depositions in 90354  
civil actions in the court of common pleas, and for that purpose 90355  
the registrar may issue a subpoena for any witness or a subpoena 90356  
duces tecum to compel the production of any books, records, or 90357  
papers, directed to the sheriff of the county where the witness 90358  
resides or is found. Such a subpoena shall be served and 90359  
returned in the same manner as a subpoena in a criminal case is 90360  
served and returned. The fees of the sheriff shall be the same 90361  
as that allowed in the court of common pleas in criminal cases. 90362  
Witnesses shall be paid the fees and mileage provided for under 90363  
section 119.094 of the Revised Code. The fees and mileage shall 90364  
be paid from the fund in the state treasury for the use of the 90365  
agency in the same manner as other expenses of the agency are 90366  
paid. 90367

In any case of disobedience or neglect of any subpoena 90368  
served on any person or the refusal of any witness to testify to 90369  
any matter regarding which the witness lawfully may be 90370  
interrogated, the court of common pleas of any county where the 90371  
disobedience, neglect, or refusal occurs or any judge of that 90372  
court, on application by the registrar, shall compel obedience 90373  
by attachment proceedings for contempt, as in the case of 90374  
disobedience of the requirements of a subpoena issued from that 90375  
court, or a refusal to testify in that court. 90376

(4) Nothing in division (E) of this section shall be 90377  
construed to require a hearing of any nature prior to the 90378  
termination of any deputy registrar contract by the registrar, 90379  
with the approval of the director, for cause. 90380

(F) Except as provided in section 2743.03 of the Revised 90381  
Code, no court, other than the court of common pleas of Franklin 90382

county, has jurisdiction of any action against the department of 90383  
public safety, the director, the bureau, or the registrar to 90384  
restrain the exercise of any power or authority, or to entertain 90385  
any action for declaratory judgment, in the selection and 90386  
appointment of, or contracting with, deputy registrars. Neither 90387  
the department, the director, the bureau, nor the registrar is 90388  
liable in any action at law for damages sustained by any person 90389  
because of any acts of the department, the director, the bureau, 90390  
or the registrar, or of any employee of the department or 90391  
bureau, in the performance of official duties in the selection 90392  
and appointment of, and contracting with, deputy registrars. 90393

(G) The registrar shall assign to each deputy registrar a 90394  
series of numbers sufficient to supply the demand at all times 90395  
in the area the deputy registrar serves, and the registrar shall 90396  
keep a record in the registrar's office of the numbers within 90397  
the series assigned. Except as otherwise provided in section 90398  
3.061 of the Revised Code, each deputy shall be required to give 90399  
bond in the amount of at least twenty-five thousand dollars, or 90400  
in such higher amount as the registrar determines necessary, 90401  
based on a uniform schedule of bond amounts established by the 90402  
registrar and determined by the volume of registrations handled 90403  
by the deputy. The form of the bond shall be prescribed by the 90404  
registrar. The bonds required of deputy registrars, in the 90405  
discretion of the registrar, may be individual or schedule bonds 90406  
or may be included in any blanket bond coverage carried by the 90407  
department. 90408

(H) Each deputy registrar shall keep a file of each 90409  
application received by the deputy and shall register that motor 90410  
vehicle with the name and address of its owner. 90411

(I) Upon request, a deputy registrar shall make the 90412

physical inspection of a motor vehicle and issue the physical 90413  
inspection certificate required in section 4505.061 of the 90414  
Revised Code. 90415

(J) Each deputy registrar shall file a report semiannually 90416  
with the registrar of motor vehicles listing the number of 90417  
applicants for licenses the deputy has served, the number of 90418  
voter registration applications the deputy has completed and 90419  
transmitted to the board of elections, and the number of voter 90420  
registration applications declined. 90421

**Sec. 4503.038.** (A) ~~Not later than ninety days after July~~ 90422  
~~3, 2019, the~~ The registrar of motor vehicles shall ~~adopt rules~~ 90423  
~~in accordance with Chapter 119. of the Revised Code establishing~~ 90424  
establish a service fee that applies for purposes of sections 90425  
4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 90426  
4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24, 90427  
4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, 90428  
and 4519.69 of the Revised Code. The service fee shall be ~~five~~ 90429  
eight dollars. 90430

(B) ~~Not later than ninety days after July 3, 2019, the~~ The 90431  
registrar shall ~~adopt rules in accordance with Chapter 119. of~~ 90432  
~~the Revised Code establishing~~ establish prorated service fees 90433  
that apply for purposes of multi-year registrations authorized 90434  
under section 4503.103 of the Revised Code. 90435

(C) When a service fee is collected by the registrar, the 90436  
following portion of the service fee that is not allocated to a 90437  
deputy registrar but instead is deposited into the public safety 90438  
- highway purposes fund created in section 4501.06 of the 90439  
Revised Code shall be used exclusively for the state highway 90440  
patrol for the enforcement of the motor vehicle and traffic laws 90441  
of Ohio: 90442

(1) The three-dollar increase in the service fee under 90443  
division (A) of this section that is effective on and after the 90444  
date of this amendment; 90445

(2) Any increase in the service fee under division (B) of 90446  
this section that is effective on and after the effective date 90447  
of this amendment. 90448

**Sec. 4503.06.** (A) The owner of each manufactured or mobile 90449  
home that has acquired situs in this state shall pay either a 90450  
real property tax pursuant to Title LVII of the Revised Code or 90451  
a manufactured home tax pursuant to division (C) of this 90452  
section. 90453

(B) The owner of a manufactured or mobile home shall pay 90454  
real property taxes if either of the following applies: 90455

(1) The manufactured or mobile home acquired situs in the 90456  
state or ownership in the home was transferred on or after 90457  
January 1, 2000, and all of the following apply: 90458

(a) The home is affixed to a permanent foundation as 90459  
defined in division (C)(5) of section 3781.06 of the Revised 90460  
Code. 90461

(b) The home is located on land that is owned by the owner 90462  
of the home. 90463

(c) The certificate of title has been inactivated by the 90464  
clerk of the court of common pleas that issued it, pursuant to 90465  
division (H) of section 4505.11 of the Revised Code. 90466

(2) The manufactured or mobile home acquired situs in the 90467  
state or ownership in the home was transferred before January 1, 90468  
2000, and all of the following apply: 90469

(a) The home is affixed to a permanent foundation as 90470

defined in division (C) (5) of section 3781.06 of the Revised Code. 90471  
90472

(b) The home is located on land that is owned by the owner of the home. 90473  
90474

(c) The owner of the home has elected to have the home taxed as real property and, pursuant to section 4505.11 of the Revised Code, has surrendered the certificate of title to the auditor of the county containing the taxing district in which the home has its situs, together with proof that all taxes have been paid. 90475  
90476  
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90480

(d) The county auditor has placed the home on the real property tax list and delivered the certificate of title to the clerk of the court of common pleas that issued it and the clerk has inactivated the certificate. 90481  
90482  
90483  
90484

(C) (1) Any mobile or manufactured home that is not taxed as real property as provided in division (B) of this section is subject to an annual manufactured home tax, payable by the owner, for locating the home in this state. The tax as levied in this section is for the purpose of supplementing the general revenue funds of the local subdivisions in which the home has its situs pursuant to this section. 90485  
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90491

(2) The year for which the manufactured home tax is levied commences on the first day of January and ends on the following thirty-first day of December. The state shall have the first lien on any manufactured or mobile home on the list for the amount of taxes, penalties, and interest charged against the owner of the home under this section. The lien of the state for the tax for a year shall attach on the first day of January to a home that has acquired situs on that date. The lien for a home 90492  
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that has not acquired situs on the first day of January, but 90500  
that acquires situs during the year, shall attach on the next 90501  
first day of January. The lien shall continue until the tax, 90502  
including any penalty or interest, is paid. 90503

(3) (a) The situs of a manufactured or mobile home located 90504  
in this state on the first day of January is the local taxing 90505  
district in which the home is located on that date. 90506

(b) The situs of a manufactured or mobile home not located 90507  
in this state on the first day of January, but located in this 90508  
state subsequent to that date, is the local taxing district in 90509  
which the home is located thirty days after it is acquired or 90510  
first enters this state. 90511

(4) The tax is collected by and paid to the county 90512  
treasurer of the county containing the taxing district in which 90513  
the home has its situs. 90514

(D) The manufactured home tax shall be computed and 90515  
assessed by the county auditor of the county containing the 90516  
taxing district in which the home has its situs as follows: 90517

(1) On a home that acquired situs in this state prior to 90518  
January 1, 2000: 90519

(a) By multiplying the assessable value of the home by the 90520  
tax rate of the taxing district in which the home has its situs, 90521  
and deducting from the product thus obtained any reduction 90522  
authorized under section 4503.065 of the Revised Code. The tax 90523  
levied under this formula shall not be less than thirty-six 90524  
dollars, unless the home qualifies for a reduction in assessable 90525  
value under section 4503.065 of the Revised Code, in which case 90526  
there shall be no minimum tax and the tax shall be the amount 90527  
calculated under this division. 90528

(b) The assessable value of the home shall be forty per cent of the amount arrived at by the following computation:

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	80%
B	2nd calendar year	x	75%
C	3rd "	x	70%
D	4th "	x	65%
E	5th "	x	60%
F	6th "	x	55%
G	7th "	x	50%
H	8th "	x	45%
I	9th "	x	40%
J	10th and each year thereafter	x	35%

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year.

(ii) If the cost to the owner, or market value at the time

of purchase, whichever is greater, of the home does not include 90540  
the furnishings and equipment, such cost or market value shall 90541  
be multiplied according to the following schedule: 90542  
90543

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	95%
B	2nd calendar year	x	90%
C	3rd "	x	85%
D	4th "	x	80%
E	5th "	x	75%
F	6th "	x	70%
G	7th "	x	65%
H	8th "	x	60%
I	9th "	x	55%
J	10th and each year thereafter	x	50%

The first calendar year means any period between the first 90544  
day of January and the thirty-first day of December of the first 90545  
year. 90546

(2) On a home in which ownership was transferred or that 90547  
first acquired situs in this state on or after January 1, 2000: 90548

(a) By multiplying the assessable value of the home by the 90549  
effective tax rate, as defined in section 323.08 of the Revised 90550

Code, for residential real property of the taxing district in 90551  
which the home has its situs, and deducting from the product 90552  
thus obtained the reductions required or authorized under 90553  
section 319.302, division (B) of section 323.152, or section 90554  
4503.065 of the Revised Code. 90555

(b) The assessable value of the home shall be thirty-five 90556  
per cent of its true value as determined under division (L) of 90557  
this section. 90558

(3) On or before the fifteenth day of January each year, 90559  
the county auditor shall record the assessable value and the 90560  
amount of tax on the manufactured or mobile home on the tax list 90561  
and deliver a duplicate of the list to the county treasurer. In 90562  
the case of an emergency as defined in section 323.17 of the 90563  
Revised Code, the tax commissioner, by journal entry, may extend 90564  
the times for delivery of the duplicate for an additional 90565  
fifteen days upon receiving a written application from the 90566  
county auditor regarding an extension for the delivery of the 90567  
duplicate, or from the county treasurer regarding an extension 90568  
of the time for the billing and collection of taxes. The 90569  
application shall contain a statement describing the emergency 90570  
that will cause the unavoidable delay and must be received by 90571  
the tax commissioner on or before the last day of the month 90572  
preceding the day delivery of the duplicate is otherwise 90573  
required. When an extension is granted for delivery of the 90574  
duplicate, the time period for payment of taxes shall be 90575  
extended for a like period of time. When a delay in the closing 90576  
of a tax collection period becomes unavoidable, the tax 90577  
commissioner, upon application by the county auditor and county 90578  
treasurer, may order the time for payment of taxes to be 90579  
extended if the tax commissioner determines that penalties have 90580  
accrued or would otherwise accrue for reasons beyond the control 90581

of the taxpayers of the county. The order shall prescribe the 90582  
final extended date for payment of taxes for that collection 90583  
period. 90584

(4) After January 1, 1999, the owner of a manufactured or 90585  
mobile home taxed pursuant to division (D)(1) of this section 90586  
may elect to have the home taxed pursuant to division (D)(2) of 90587  
this section by filing a written request with the county auditor 90588  
of the taxing district in which the home is located on or before 90589  
the first day of December of any year. Upon the filing of the 90590  
request, the county auditor shall determine whether all taxes 90591  
levied under division (D)(1) of this section have been paid, and 90592  
if those taxes have been paid, the county auditor shall tax the 90593  
manufactured or mobile home pursuant to division (D)(2) of this 90594  
section commencing in the next tax year. 90595

(5) A manufactured or mobile home that acquired situs in 90596  
this state prior to January 1, 2000, shall be taxed pursuant to 90597  
division (D)(2) of this section if no manufactured home tax had 90598  
been paid for the home and the home was not exempted from 90599  
taxation pursuant to division (E) of this section for the year 90600  
for which the taxes were not paid. 90601

(6) (a) Immediately upon receipt of any manufactured home 90602  
tax duplicate from the county auditor, but not less than twenty 90603  
days prior to the last date on which the first one-half taxes 90604  
may be paid without penalty as prescribed in division (F) of 90605  
this section, the county treasurer shall cause to be prepared 90606  
and mailed or delivered to each person charged on that duplicate 90607  
with taxes, or to an agent designated by such person, the tax 90608  
bill prescribed by the tax commissioner under division (D)(7) of 90609  
this section. When taxes are paid by installments, the county 90610  
treasurer shall mail or deliver to each person charged on such 90611

duplicate or the agent designated by that person a second tax 90612  
bill showing the amount due at the time of the second tax 90613  
collection. The second half tax bill shall be mailed or 90614  
delivered at least twenty days prior to the close of the second 90615  
half tax collection period. A change in the mailing address, 90616  
electronic mail address, or telephone number of any tax bill 90617  
shall be made in writing to the county treasurer. Failure to 90618  
receive a bill required by this section does not excuse failure 90619  
or delay to pay any taxes shown on the bill or, except as 90620  
provided in division (B)(1) of section 5715.39 of the Revised 90621  
Code, avoid any penalty, interest, or charge for such delay. 90622

A policy adopted by a county treasurer under division (A) 90623  
(2) of section 323.13 of the Revised Code shall also allow any 90624  
person required to receive a tax bill under division (D)(6)(a) 90625  
of this section to request electronic delivery of that tax bill 90626  
in the same manner. A person may rescind such a request in the 90627  
same manner as a request made under division (A)(2) of section 90628  
323.13 of the Revised Code. The request shall terminate upon a 90629  
change in the name of the person charged with the taxes pursuant 90630  
to section 4503.061 of the Revised Code. 90631

(b) After delivery of the copy of the delinquent 90632  
manufactured home tax list under division (H) of this section, 90633  
the county treasurer may prepare and mail to each person in 90634  
whose name a home is listed an additional tax bill showing the 90635  
total amount of delinquent taxes charged against the home as 90636  
shown on the list. The tax bill shall include a notice that the 90637  
interest charge prescribed by division (G) of this section has 90638  
begun to accrue. 90639

(7) Each tax bill prepared and mailed or delivered under 90640  
division (D)(6) of this section shall be in the form and contain 90641

the information required by the tax commissioner. The 90642  
commissioner may prescribe different forms for each county and 90643  
may authorize the county auditor to make up tax bills and tax 90644  
receipts to be used by the county treasurer. The tax bill shall 90645  
not contain or be mailed or delivered with any information or 90646  
material that is not required by this section or that is not 90647  
authorized by section 321.45 of the Revised Code or by the tax 90648  
commissioner. In addition to the information required by the 90649  
commissioner, each tax bill shall contain the following 90650  
information: 90651

(a) The taxes levied and the taxes charged and payable 90652  
against the manufactured or mobile home; 90653

(b) The following notice: "Notice: If the taxes are not 90654  
paid within sixty days after the county auditor delivers the 90655  
delinquent manufactured home tax list to the county treasurer, 90656  
you and your home may be subject to collection proceedings for 90657  
tax delinquency." Failure to provide such notice has no effect 90658  
upon the validity of any tax judgment to which a home may be 90659  
subjected. 90660

(c) In the case of manufactured or mobile homes taxed 90661  
under division (D) (2) of this section, the following additional 90662  
information: 90663

(i) The effective tax rate. The words "effective tax rate" 90664  
shall appear in boldface type. 90665

(ii) The following notice: "Notice: If the taxes charged 90666  
against this home have been reduced by the 2-1/2 per cent tax 90667  
reduction for residences occupied by the owner but the home is 90668  
not a residence occupied by the owner, the owner must notify the 90669  
county auditor's office not later than March 31 of the year for 90670

which the taxes are due. Failure to do so may result in the owner being convicted of a fourth degree misdemeanor, which is punishable by imprisonment up to 30 days, a fine up to \$250, or both, and in the owner having to repay the amount by which the taxes were erroneously or illegally reduced, plus any interest that may apply.

If the taxes charged against this home have not been reduced by the 2-1/2 per cent tax reduction and the home is a residence occupied by the owner, the home may qualify for the tax reduction. To obtain an application for the tax reduction or further information, the owner may contact the county auditor's office at \_\_\_\_\_ (insert the address and telephone number of the county auditor's office)."

(d) For a manufactured or mobile home, the tax liability of which has been reduced under section 5705.316 of the Revised Code for the current tax year, the following notice: "Notice: The school district taxes shown due on this bill are reduced only for the current year due to the school district's excess carry-over balance."

(E) (1) A manufactured or mobile home is not subject to this section when any of the following applies:

(a) It is taxable as personal property pursuant to section 5709.01 of the Revised Code. Any manufactured or mobile home that is used as a residence shall be subject to this section and shall not be taxable as personal property pursuant to section 5709.01 of the Revised Code.

(b) It bears a license plate issued by any state other than this state unless the home is in this state in excess of an accumulative period of thirty days in any calendar year.

(c) The annual tax has been paid on the home in this state 90700  
for the current year. 90701

(d) The tax commissioner has determined, pursuant to 90702  
section 5715.27 of the Revised Code, that the property is exempt 90703  
from taxation, or would be exempt from taxation under Chapter 90704  
5709. of the Revised Code if it were classified as real 90705  
property. 90706

(2) A travel trailer or park trailer, as these terms are 90707  
defined in section 4501.01 of the Revised Code, is not subject 90708  
to this section if it is unused or unoccupied and stored at the 90709  
owner's normal place of residence or at a recognized storage 90710  
facility. 90711

(3) A travel trailer or park trailer, as these terms are 90712  
defined in section 4501.01 of the Revised Code, is subject to 90713  
this section and shall be taxed as a manufactured or mobile home 90714  
if it has a situs longer than thirty days in one location and is 90715  
connected to existing utilities, unless either of the following 90716  
applies: 90717

(a) The situs is in a state facility or a camping or park 90718  
area as defined in division (C), (Q), (S), or (V) of section 90719  
3729.01 of the Revised Code. 90720

(b) The situs is in a camping or park area that is a tract 90721  
of land that has been limited to recreational use by deed or 90722  
zoning restrictions and subdivided for sale of five or more 90723  
individual lots for the express or implied purpose of occupancy 90724  
by either self-contained recreational vehicles as defined in 90725  
division (T) of section 3729.01 of the Revised Code or by 90726  
dependent recreational vehicles as defined in division (D) of 90727  
section 3729.01 of the Revised Code. 90728

(F) Except as provided in division (D) (3) of this section, 90729  
the manufactured home tax is due and payable as follows: 90730

(1) When a manufactured or mobile home has a situs in this 90731  
state, as provided in this section, on the first day of January, 90732  
one-half of the amount of the tax is due and payable on or 90733  
before the first day of March and the balance is due and payable 90734  
on or before the thirty-first day of July. At the option of the 90735  
owner of the home, the tax for the entire year may be paid in 90736  
full on the first day of March. 90737

(2) When a manufactured or mobile home first acquires a 90738  
situs in this state after the first day of January, no tax is 90739  
due and payable for that year. 90740

(G) (1) (a) Except as otherwise provided in division (G) (1) 90741  
(b) of this section, if one-half of the current taxes charged 90742  
under this section against a manufactured or mobile home, 90743  
together with the full amount of any delinquent taxes, are not 90744  
paid on or before the first day of March in that year, or on or 90745  
before the last day for such payment as extended pursuant to 90746  
section 4503.063 of the Revised Code, a penalty of ten per cent 90747  
shall be charged against the unpaid balance of such half of the 90748  
current taxes. If the total amount of all such taxes is not paid 90749  
on or before the thirty-first day of July, next thereafter, or 90750  
on or before the last day for payment as extended pursuant to 90751  
section 4503.063 of the Revised Code, a like penalty shall be 90752  
charged on the balance of the total amount of the unpaid current 90753  
taxes. 90754

(b) After a valid delinquent tax contract that includes 90755  
unpaid current taxes from a first-half collection period 90756  
described in division (F) of this section has been entered into 90757  
under section 323.31 of the Revised Code, no ten per cent 90758

penalty shall be charged against such taxes after the second- 90759  
half collection period while the delinquent tax contract remains 90760  
in effect. On the day a delinquent tax contract becomes void, 90761  
the ten per cent penalty shall be charged against such taxes and 90762  
shall equal the amount of penalty that would have been charged 90763  
against unpaid current taxes outstanding on the date on which 90764  
the second-half penalty would have been charged thereon under 90765  
division (G) (1) (a) of this section if the contract had not been 90766  
in effect. 90767

(2) (a) On the first day of the month following the last 90768  
day the second installment of taxes may be paid without penalty 90769  
beginning in 2000, interest shall be charged against and 90770  
computed on all delinquent taxes other than the current taxes 90771  
that became delinquent taxes at the close of the last day such 90772  
second installment could be paid without penalty. The charge 90773  
shall be for interest that accrued during the period that began 90774  
on the preceding first day of December and ended on the last day 90775  
of the month that included the last date such second installment 90776  
could be paid without penalty. The interest shall be computed at 90777  
the rate per annum prescribed by section 5703.47 of the Revised 90778  
Code and shall be entered as a separate item on the delinquent 90779  
manufactured home tax list compiled under division (H) of this 90780  
section. 90781

(b) On the first day of December beginning in 2000, the 90782  
interest shall be charged against and computed on all delinquent 90783  
taxes. The charge shall be for interest that accrued during the 90784  
period that began on the first day of the month following the 90785  
last date prescribed for the payment of the second installment 90786  
of taxes in the current year and ended on the immediately 90787  
preceding last day of November. The interest shall be computed 90788  
at the rate per annum prescribed by section 5703.47 of the 90789

Revised Code and shall be entered as a separate item on the 90790  
delinquent manufactured home tax list. 90791

(c) After a valid undertaking has been entered into for 90792  
the payment of any delinquent taxes, no interest shall be 90793  
charged against such delinquent taxes while the undertaking 90794  
remains in effect in compliance with section 323.31 of the 90795  
Revised Code. If a valid undertaking becomes void, interest 90796  
shall be charged against the delinquent taxes for the periods 90797  
that interest was not permitted to be charged while the 90798  
undertaking was in effect. The interest shall be charged on the 90799  
day the undertaking becomes void and shall equal the amount of 90800  
interest that would have been charged against the unpaid 90801  
delinquent taxes outstanding on the dates on which interest 90802  
would have been charged thereon under divisions (G) (1) and (2) 90803  
of this section had the undertaking not been in effect. 90804

(3) If the full amount of the taxes due at either of the 90805  
times prescribed by division (F) of this section is paid within 90806  
ten days after such time, the county treasurer shall waive the 90807  
collection of and the county auditor shall remit one-half of the 90808  
penalty provided for in this division for failure to make that 90809  
payment by the prescribed time. 90810

(4) The treasurer shall compile and deliver to the county 90811  
auditor a list of all tax payments the treasurer has received as 90812  
provided in division (G) (3) of this section. The list shall 90813  
include any information required by the auditor for the 90814  
remission of the penalties waived by the treasurer. The taxes so 90815  
collected shall be included in the settlement next succeeding 90816  
the settlement then in process. 90817

(H) (1) The county auditor shall compile annually a 90818  
"delinquent manufactured home tax list" consisting of homes the 90819

county treasurer's records indicate have taxes that were not 90820  
paid within the time prescribed by divisions (D) (3) and (F) of 90821  
this section, have taxes that remain unpaid from prior years, or 90822  
have unpaid tax penalties or interest that have been assessed. 90823

(2) Within thirty days after the settlement under division 90824  
(H) (2) of section 321.24 of the Revised Code, the county auditor 90825  
shall deliver a copy of the delinquent manufactured home tax 90826  
list to the county treasurer. The auditor shall update and 90827  
publish the delinquent manufactured home tax list annually in 90828  
the same manner as delinquent real property tax lists are 90829  
published. The county auditor may apportion the cost of 90830  
publishing the list among taxing districts in proportion to the 90831  
amount of delinquent manufactured home taxes so published that 90832  
each taxing district is entitled to receive upon collection of 90833  
those taxes, or the county auditor may charge the owner of a 90834  
home on the list a flat fee established under section 319.54 of 90835  
the Revised Code for the cost of publishing the list and, if the 90836  
fee is not paid, may place the fee upon the delinquent 90837  
manufactured home tax list as a lien on the listed home, to be 90838  
collected as other manufactured home taxes. 90839

(3) When taxes, penalties, or interest are charged against 90840  
a person on the delinquent manufactured home tax list and are 90841  
not paid within sixty days after the list is delivered to the 90842  
county treasurer, the county treasurer shall, in addition to any 90843  
other remedy provided by law for the collection of taxes, 90844  
penalties, and interest, enforce collection of such taxes, 90845  
penalties, and interest by civil action in the name of the 90846  
treasurer against the owner for the recovery of the unpaid taxes 90847  
following the procedures for the recovery of delinquent real 90848  
property taxes in sections 323.25 to 323.28 of the Revised Code. 90849  
The action may be brought in municipal or county court, provided 90850

the amount charged does not exceed the monetary limitations for 90851  
original jurisdiction for civil actions in those courts. 90852

It is sufficient, having made proper parties to the suit, 90853  
for the county treasurer to allege in the treasurer's bill of 90854  
particulars or petition that the taxes stand chargeable on the 90855  
books of the county treasurer against such person, that they are 90856  
due and unpaid, and that such person is indebted in the amount 90857  
of taxes appearing to be due the county. The treasurer need not 90858  
set forth any other matter relating thereto. If it is found on 90859  
the trial of the action that the person is indebted to the 90860  
state, judgment shall be rendered in favor of the county 90861  
treasurer prosecuting the action. The judgment debtor is not 90862  
entitled to the benefit of any law for stay of execution or 90863  
exemption of property from levy or sale on execution in the 90864  
enforcement of the judgment. 90865

Upon the filing of an entry of confirmation of sale or an 90866  
order of forfeiture in a proceeding brought under this division, 90867  
title to the manufactured or mobile home shall be in the 90868  
purchaser. The clerk of courts shall issue a certificate of 90869  
title to the purchaser upon presentation of proof of filing of 90870  
the entry of confirmation or order and, in the case of a 90871  
forfeiture, presentation of the county auditor's certificate of 90872  
sale. 90873

(I) The total amount of taxes collected shall be 90874  
distributed in the following manner: four per cent shall be 90875  
allowed as compensation to the county auditor for the county 90876  
auditor's service in assessing the taxes; two per cent shall be 90877  
allowed as compensation to the county treasurer for the services 90878  
the county treasurer renders as a result of the tax levied by 90879  
this section. Such amounts shall be paid into the county 90880

treasury, to the credit of the county general revenue fund, on 90881  
the warrant of the county auditor. Fees to be paid to the credit 90882  
of the real estate assessment fund shall be collected pursuant 90883  
to division (C) of section 319.54 of the Revised Code and paid 90884  
into the county treasury, on the warrant of the county auditor. 90885  
The balance of the taxes collected shall be distributed among 90886  
the taxing subdivisions of the county in which the taxes are 90887  
collected and paid in the same proportions that the amount of 90888  
manufactured home tax levied by each taxing subdivision of the 90889  
county in the current tax year bears to the amount of such tax 90890  
levied by all such subdivisions in the county in the current tax 90891  
year. The taxes levied and revenues collected under this section 90892  
shall be in lieu of any general property tax and any tax levied 90893  
with respect to the privilege of using or occupying a 90894  
manufactured or mobile home in this state except as provided in 90895  
sections 4503.04 and 5741.02 of the Revised Code. 90896

(J) An agreement to purchase or a bill of sale for a 90897  
manufactured home shall show whether or not the furnishings and 90898  
equipment are included in the purchase price. 90899

(K) If the county treasurer and the county prosecuting 90900  
attorney agree that an item charged on the delinquent 90901  
manufactured home tax list is uncollectible, they shall certify 90902  
that determination and the reasons to the county board of 90903  
revision. If the board determines the amount is uncollectible, 90904  
it shall certify its determination to the county auditor, who 90905  
shall strike the item from the list. 90906

(L) (1) The county auditor shall appraise at its true value 90907  
any manufactured or mobile home in which ownership is 90908  
transferred or which first acquires situs in this state on or 90909  
after January 1, 2000, and any manufactured or mobile home the 90910

owner of which has elected, under division (D) (4) of this 90911  
section, to have the home taxed under division (D) (2) of this 90912  
section. The true value shall include the value of the home, any 90913  
additions, and any fixtures, but not any furnishings in the 90914  
home. In determining the true value of a manufactured or mobile 90915  
home, the auditor shall consider all facts and circumstances 90916  
relating to the value of the home, including its age, its 90917  
capacity to function as a residence, any obsolete 90918  
characteristics, and other factors that may tend to prove its 90919  
true value. 90920

(2) (a) If a manufactured or mobile home has been the 90921  
subject of an arm's length sale between a willing seller and a 90922  
willing buyer within a reasonable length of time prior to the 90923  
determination of true value, the county auditor shall consider 90924  
the sale price of the home to be the true value for taxation 90925  
purposes. 90926

(b) The sale price in an arm's length transaction between 90927  
a willing seller and a willing buyer shall not be considered the 90928  
true value of the home if either of the following occurred after 90929  
the sale: 90930

(i) The home has lost value due to a casualty. 90931

(ii) An addition or fixture has been added to the home. 90932

(3) The county auditor shall have each home viewed and 90933  
appraised at least once in each six-year period in the same year 90934  
in which real property in the county is appraised pursuant to 90935  
Chapter 5713. of the Revised Code, and shall update the 90936  
appraised values in the third calendar year following the 90937  
appraisal. The person viewing or appraising a home may enter the 90938  
home to determine by actual view any additions or fixtures that 90939

have been added since the last appraisal. In conducting the 90940  
appraisals and establishing the true value, the auditor shall 90941  
follow the procedures set forth for appraising real property in 90942  
sections 5713.01 and 5713.03 of the Revised Code. 90943

(4) The county auditor shall place the true value of each 90944  
home on the manufactured home tax list upon completion of an 90945  
appraisal. 90946

(5) (a) If the county auditor changes the true value of a 90947  
home, the auditor shall notify the owner of the home in writing, 90948  
delivered by mail or in person. The notice shall be given at 90949  
least thirty days prior to the issuance of any tax bill that 90950  
reflects the change. Failure to receive the notice does not 90951  
invalidate any proceeding under this section. 90952

(b) Any owner of a home or any other person or party that 90953  
would be authorized to file a complaint under division (A) of 90954  
section 5715.19 of the Revised Code if the home was real 90955  
property may file a complaint against the true value of the home 90956  
as appraised under this section. The complaint shall be filed 90957  
with the county auditor on or before the thirty-first day of 90958  
March of the current tax year or the date of closing of the 90959  
collection for the first half of manufactured home taxes for the 90960  
current tax year, whichever is later. The auditor shall present 90961  
to the county board of revision all complaints filed with the 90962  
auditor under this section. The board shall hear and investigate 90963  
the complaint and may take action on it as provided under 90964  
sections 5715.11 to 5715.19 of the Revised Code. 90965

(c) If the county board of revision determines, pursuant 90966  
to a complaint against the valuation of a manufactured or mobile 90967  
home filed under this section, that the amount of taxes, 90968  
assessments, or other charges paid was in excess of the amount 90969

due based on the valuation as finally determined, then the 90970  
overpayment shall be refunded in the manner prescribed in 90971  
section 5715.22 of the Revised Code. 90972

(d) Payment of all or part of a tax under this section for 90973  
any year for which a complaint is pending before the county 90974  
board of revision does not abate the complaint or in any way 90975  
affect the hearing and determination thereof. 90976

(M) If the county auditor determines that any tax or other 90977  
charge or any part thereof has been erroneously charged as a 90978  
result of a clerical error as defined in section 319.35 of the 90979  
Revised Code, the county auditor shall call the attention of the 90980  
county board of revision to the erroneous charges. If the board 90981  
finds that the taxes or other charges have been erroneously 90982  
charged or collected, it shall certify the finding to the 90983  
auditor. Upon receipt of the certification, the auditor shall 90984  
remove the erroneous charges on the manufactured home tax list 90985  
or delinquent manufactured home tax list in the same manner as 90986  
is prescribed in section 319.35 of the Revised Code for 90987  
erroneous charges against real property, and refund any 90988  
erroneous charges that have been collected, with interest, in 90989  
the same manner as is prescribed in section 319.36 of the 90990  
Revised Code for erroneous charges against real property. 90991

(N) As used in this section and section 4503.061 of the 90992  
Revised Code: 90993

(1) "Manufactured home taxes" includes taxes, penalties, 90994  
and interest charged under division (C) or (G) of this section 90995  
and any penalties charged under division (G) or (H) (5) of 90996  
section 4503.061 of the Revised Code. 90997

(2) "Current taxes" means all manufactured home taxes 90998

charged against a manufactured or mobile home that have not 90999  
appeared on the manufactured home tax list for any prior year. 91000  
Current taxes become delinquent taxes if they remain unpaid 91001  
after the last day prescribed for payment of the second 91002  
installment of current taxes without penalty, whether or not 91003  
they have been certified delinquent. 91004

(3) "Delinquent taxes" means: 91005

(a) Any manufactured home taxes that were charged against 91006  
a manufactured or mobile home for a prior year, including any 91007  
penalties or interest charged for a prior year and the costs of 91008  
publication under division (H) (2) of this section, and that 91009  
remain unpaid; 91010

(b) Any current manufactured home taxes charged against a 91011  
manufactured or mobile home that remain unpaid after the last 91012  
day prescribed for payment of the second installment of current 91013  
taxes without penalty, whether or not they have been certified 91014  
delinquent, including any penalties or interest and the costs of 91015  
publication under division (H) (2) of this section. 91016

**Sec. 4503.065.** (A) (1) Division (A) of this section applies 91017  
to any of the following persons: 91018

(a) An individual who is permanently and totally disabled; 91019

(b) An individual who is sixty-five years of age or older; 91020

(c) An individual who is the surviving spouse of a 91021  
deceased person who was permanently and totally disabled or 91022  
sixty-five years of age or older and who applied and qualified 91023  
for a reduction in assessable value under this section in the 91024  
year of death, provided the surviving spouse is at least fifty- 91025  
nine but not sixty-five or more years of age on the date the 91026  
deceased spouse dies. 91027

(2) The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which an application for such reduction has been approved, provided the individual did not acquire ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes a settlor of a revocable or irrevocable inter vivos trust holding the title to a manufactured or mobile home occupied by the settlor as of right under the trust.

(a) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal one of the following amounts, as applicable to the person:

(i) If the person received a reduction under this section for tax year 2007, the greater of the reduction for that tax year or the amount computed under division (A)(2)(b) of this section;

(ii) If the person received, for any homestead, a reduction under division (A) of this section for tax year 2014 or under division (A)(1) of section 323.152 of the Revised Code for tax year 2013 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (A)(2)(b) of this section.

(iii) If the person is not described in division (A)(2)(a)(i) or (ii) of this section and the person's total income does not exceed ~~thirty~~forty-two thousand five hundred dollars, as

adjusted under division (A) (2) (e) of this section, the amount 91058  
computed under division (A) (2) (b) of this section. 91059

(b) The amount of the reduction under division (A) (2) (b) 91060  
of this section equals the product of the following: 91061

(i) ~~Twenty-five~~ Thirty-two thousand dollars of the true 91062  
value of the property in money, as adjusted under division (A) 91063  
(2) (e) of this section; 91064

(ii) The assessment percentage established by the tax 91065  
commissioner under division (B) of section 5715.01 of the 91066  
Revised Code, not to exceed thirty-five per cent; 91067

(iii) The effective tax rate used to calculate the taxes 91068  
charged against the property for the current year, where 91069  
"effective tax rate" is defined as in section 323.08 of the 91070  
Revised Code; 91071

(iv) The quantity equal to one minus the sum of the 91072  
percentage reductions in taxes received by the property for the 91073  
current tax year under section 319.302 of the Revised Code and 91074  
division (B) of section 323.152 of the Revised Code. 91075

(c) For manufactured and mobile homes for which the tax 91076  
imposed by section 4503.06 of the Revised Code is computed under 91077  
division (D) (1) of that section, the reduction shall equal one 91078  
of the following amounts, as applicable to the person: 91079

(i) If the person received a reduction under this section 91080  
for tax year 2007, the greater of the reduction for that tax 91081  
year or the amount computed under division (A) (2) (d) of this 91082  
section; 91083

(ii) If the person received, for any homestead, a 91084  
reduction under division (A) of this section for tax year 2014 91085

or under division (A) (1) of section 323.152 of the Revised Code 91086  
for tax year 2013 or the person is the surviving spouse of such 91087  
a person and the surviving spouse is at least fifty-nine years 91088  
of age on the date the deceased spouse dies, the amount computed 91089  
under division (A) (2) (d) of this section. 91090

(iii) If the person is not described in division (A) (2) (c) 91091  
(i) or (ii) of this section and the person's total income does 91092  
not exceed ~~thirty-four~~thirty-two thousand five hundred dollars, as 91093  
adjusted under division (A) (2) (e) of this section, the amount 91094  
computed under division (A) (2) (d) of this section. 91095

(d) The amount of the reduction under division (A) (2) (d) 91096  
of this section equals the product of the following: 91097

(i) ~~Twenty-five~~Thirty-two thousand dollars of the cost to 91098  
the owner, or the market value at the time of purchase, 91099  
whichever is greater, as those terms are used in division (D) (1) 91100  
of section 4503.06 of the Revised Code, and as adjusted under 91101  
division (A) (2) (e) of this section; 91102

(ii) The percentage from the appropriate schedule in 91103  
division (D) (1) (b) of section 4503.06 of the Revised Code; 91104

(iii) The assessment percentage of forty per cent used in 91105  
division (D) (1) (b) of section 4503.06 of the Revised Code; 91106

(iv) The tax rate of the taxing district in which the home 91107  
has its situs. 91108

(e) The tax commissioner shall adjust the income threshold 91109  
described in divisions (A) (2) (a) (iii) and (A) (2) (c) (iii) and the 91110  
reduction amounts described in divisions (A) (2) (b) (i), (A) (2) (d) 91111  
(i), (B) (1), (B) (2), (C) (1), and (C) (2) of this section by 91112  
completing the following calculations in September of each year: 91113

(i) Determine the percentage increase in the gross 91114  
domestic product deflator determined by the bureau of economic 91115  
analysis of the United States department of commerce from the 91116  
first day of January of the preceding calendar year to the last 91117  
day of December of the preceding calendar year; 91118

(ii) Multiply that percentage increase by the total income 91119  
threshold or reduction amount for the ensuing tax year, as 91120  
applicable; 91121

(iii) Add the resulting product to the total income 91122  
threshold or reduction amount, as applicable for the ensuing tax 91123  
year; 91124

(iv) Round the resulting sum to the nearest multiple of 91125  
one hundred dollars. 91126

The commissioner shall certify the amount resulting from 91127  
each adjustment to each county auditor not later than the first 91128  
day of December each year. The certified amount applies to the 91129  
second ensuing tax year. The commissioner shall not make the 91130  
applicable adjustment in any calendar year in which the amount 91131  
resulting from the adjustment would be less than the total 91132  
income threshold or the reduction amount for the ensuing tax 91133  
year. 91134

(B) (1) The manufactured home tax levied pursuant to 91135  
division (C) of section 4503.06 of the Revised Code on a 91136  
manufactured or mobile home that is owned and occupied by a 91137  
disabled veteran shall be reduced for any tax year for which an 91138  
application for such reduction has been approved, provided the 91139  
disabled veteran did not acquire ownership from a person, other 91140  
than the disabled veteran's spouse, related by consanguinity or 91141  
affinity for the purpose of qualifying for the reduction. An 91142

owner includes an owner within the meaning of division (A) (2) of this section. 91143  
91144

(a) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D) (2) of that section, the reduction shall equal the product obtained by multiplying ~~fifty-fifty-nine~~ thousand dollars of the true value of the property in money, as adjusted under division (A) (2) (e) of this section, by the amounts described in divisions (A) (2) (b) (ii) to (iv) of this section. 91145  
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(b) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D) (1) of that section, the reduction shall equal the product obtained by multiplying ~~fifty-fifty-nine~~ thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D) (1) of section 4503.06 of the Revised Code, as adjusted under division (A) (2) (e) of this section, by the amounts described in divisions (A) (2) (d) (ii) to (iv) of this section. 91152  
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The reduction is in lieu of any reduction under section 4503.0610 of the Revised Code or division (A), (B) (2), or (C) of this section. The reduction applies to only one manufactured or mobile home owned and occupied by a disabled veteran. 91162  
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(2) The manufactured home tax levied pursuant to division (C) of section 4503.06 of the Revised Code on a manufactured or mobile home that is owned and occupied by the surviving spouse of a disabled veteran shall be reduced for each tax year for which an application for such reduction has been approved. The reduction shall equal the amount of the reduction authorized under division (B) (1) (a) or (b) of this section, as applicable. 91166  
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An owner includes an owner within the meaning of division (A) (2) 91173  
of this section. 91174

The reduction is in lieu of any reduction under section 91175  
4503.0610 of the Revised Code or division (A), (B) (1), or (C) of 91176  
this section. The reduction applies to only one manufactured or 91177  
mobile home owned and occupied by the surviving spouse of a 91178  
disabled veteran. A manufactured or mobile home qualifies for a 91179  
reduction in taxes under division (B) (2) of this section 91180  
beginning in one of the following tax years: 91181

(a) For a surviving spouse described in division (H) (1) of 91182  
section 4503.064 of the Revised Code, the year the disabled 91183  
veteran dies; 91184

(b) For a surviving spouse described in division (H) (2) of 91185  
section 4503.064 of the Revised Code, the first year on the 91186  
first day of January of which the total disability rating 91187  
described in division (F) of section 323.151 of the Revised Code 91188  
has been received for the deceased spouse. 91189

In either case, the reduction shall continue through the 91190  
tax year in which the surviving spouse dies or remarries. 91191

(C) The manufactured home tax levied pursuant to division 91192  
(C) of section 4503.06 of the Revised Code on a manufactured or 91193  
mobile home that is owned and occupied by the surviving spouse 91194  
of a public service officer killed in the line of duty shall be 91195  
reduced for any tax year for which an application for such 91196  
reduction has been approved, provided the surviving spouse did 91197  
not acquire ownership from a person, other than the surviving 91198  
spouse's deceased public service officer spouse, related by 91199  
consanguinity or affinity for the purpose of qualifying for the 91200  
reduction. An owner includes an owner within the meaning of 91201

division (A) (2) of this section. 91202

(1) For manufactured and mobile homes for which the tax 91203  
imposed by section 4503.06 of the Revised Code is computed under 91204  
division (D) (2) of that section, the reduction shall equal the 91205  
product obtained by multiplying ~~fifty~~fifty-nine thousand 91206  
dollars of the true value of the property in money, as adjusted 91207  
under division (A) (2) (e) of this section, by the amounts 91208  
described in divisions (A) (2) (b) (ii) to (iv) of this section. 91209

(2) For manufactured and mobile homes for which the tax 91210  
imposed by section 4503.06 of the Revised Code is computed under 91211  
division (D) (1) of that section, the reduction shall equal the 91212  
product obtained by multiplying ~~fifty~~fifty-nine thousand 91213  
dollars of the cost to the owner, or the market value at the 91214  
time of purchase, whichever is greater, as those terms are used 91215  
in division (D) (1) of section 4503.06 of the Revised Code, as 91216  
adjusted under division (A) (2) (e) of this section, by the 91217  
amounts described in divisions (A) (2) (d) (ii) to (iv) of this 91218  
section. 91219

The reduction is in lieu of any reduction under section 91220  
4503.0610 of the Revised Code or division (A) or (B) of this 91221  
section. The reduction applies to only one manufactured or 91222  
mobile home owned and occupied by such a surviving spouse. A 91223  
manufactured or mobile home qualifies for a reduction in taxes 91224  
under this division for the tax year in which the public service 91225  
officer dies through the tax year in which the surviving spouse 91226  
dies or remarries. 91227

(D) If the owner or the spouse of the owner of a 91228  
manufactured or mobile home is eligible for a homestead 91229  
exemption on the land upon which the home is located, the 91230  
reduction to which the owner or spouse is entitled under this 91231

section shall not exceed the difference between the reduction to 91232  
which the owner or spouse is entitled under division (A), (B), 91233  
or (C) of this section and the amount of the reduction under the 91234  
homestead exemption. 91235

(E) No reduction shall be made with respect to the home of 91236  
any person convicted of violating division (C) or (D) of section 91237  
4503.066 of the Revised Code for a period of three years 91238  
following the conviction. 91239

**Sec. 4503.10.** (A) The owner of every snowmobile, off- 91240  
highway motorcycle, and all-purpose vehicle required to be 91241  
registered under section 4519.02 of the Revised Code shall file 91242  
an application for registration under section 4519.03 of the 91243  
Revised Code. The owner of a motor vehicle, other than a 91244  
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 91245  
is not designed and constructed by the manufacturer for 91246  
operation on a street or highway may not register it under this 91247  
chapter except upon certification of inspection pursuant to 91248  
section 4513.02 of the Revised Code by the sheriff, or the chief 91249  
of police of the municipal corporation or township, with 91250  
jurisdiction over the political subdivision in which the owner 91251  
of the motor vehicle resides. Except as provided in sections 91252  
4503.103 and 4503.107 of the Revised Code, every owner of every 91253  
other motor vehicle not previously described in this section and 91254  
every person mentioned as owner in the last certificate of title 91255  
of a motor vehicle that is operated or driven upon the public 91256  
roads or highways shall cause to be filed each year, by mail or 91257  
otherwise, in the office of the registrar of motor vehicles or a 91258  
deputy registrar, a written or electronic application or a 91259  
preprinted registration renewal notice issued under section 91260  
4503.102 of the Revised Code, the form of which shall be 91261  
prescribed by the registrar, for registration for the following 91262

registration year, which shall begin on the first day of January 91263  
of every calendar year and end on the thirty-first day of 91264  
December in the same year. Applications for registration and 91265  
registration renewal notices shall be filed at the times 91266  
established by the registrar pursuant to section 4503.101 of the 91267  
Revised Code. A motor vehicle owner also may elect to apply for 91268  
or renew a motor vehicle registration by electronic means using 91269  
electronic signature in accordance with rules adopted by the 91270  
registrar. Except as provided in division (J) of this section, 91271  
applications for registration shall be made on blanks furnished 91272  
by the registrar for that purpose, containing the following 91273  
information: 91274

(1) A brief description of the motor vehicle to be 91275  
registered, including the year, make, model, and vehicle 91276  
identification number, and, in the case of commercial cars, the 91277  
gross weight of the vehicle fully equipped computed in the 91278  
manner prescribed in section 4503.08 of the Revised Code; 91279

(2) The name and residence address of the owner, and the 91280  
township and municipal corporation in which the owner resides; 91281

(3) The district of registration, which shall be 91282  
determined as follows: 91283

(a) In case the motor vehicle to be registered is used for 91284  
hire or principally in connection with any established business 91285  
or branch business, conducted at a particular place, the 91286  
district of registration is the municipal corporation in which 91287  
that place is located or, if not located in any municipal 91288  
corporation, the county and township in which that place is 91289  
located. 91290

(b) In case the vehicle is not so used, the district of 91291

registration is the municipal corporation or county in which the owner resides at the time of making the application. 91292  
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(4) Whether the motor vehicle is a new or used motor vehicle; 91294  
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(5) The date of purchase of the motor vehicle; 91296

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required. 91297  
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(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration. 91308  
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(8) Whether the applicant wishes to certify willingness to make an anatomical gift if an applicant has not so certified under section 2108.05 of the Revised Code. The applicant's response shall not be considered in the decision of whether to approve the application for registration. 91316  
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(B) (1) When an applicant first registers a motor vehicle 91321  
in the applicant's name, the applicant shall provide proof of 91322  
ownership of that motor vehicle. Proof of ownership may include 91323  
any of the following: 91324

(a) The applicant may present for inspection a physical 91325  
certificate of title or memorandum certificate showing title to 91326  
the motor vehicle to be registered in the name of the applicant. 91327

(b) The applicant may present for inspection an electronic 91328  
certificate of title for the applicant's motor vehicle in a 91329  
manner prescribed by rules adopted by the registrar. 91330

(c) The registrar or deputy registrar may electronically 91331  
confirm the applicant's ownership of the motor vehicle. 91332

An applicant is not required to present a certificate of 91333  
title to an electronic motor vehicle dealer acting as a limited 91334  
authority deputy registrar in accordance with rules adopted by 91335  
the registrar. 91336

(2) When a motor vehicle inspection and maintenance 91337  
program is in effect under section 3704.14 of the Revised Code 91338  
and rules adopted under it, each application for registration 91339  
for a vehicle required to be inspected under that section and 91340  
those rules shall be accompanied by an inspection certificate or 91341  
alternative emissions certificate for the motor vehicle issued 91342  
in accordance with that section. 91343

(3) An application for registration shall be refused if 91344  
any of the following applies: 91345

(a) The application is not in proper form. 91346

(b) The application is prohibited from being accepted by 91347  
division (D) of section 2935.27, division (A) of section 91348

4503.13, division (B) of section 4510.22, division (D) of 91349  
section 4503.234, division (B) (1) of section 4521.10, or 91350  
division (B) of section 5537.041 of the Revised Code. 91351

(c) Proof of ownership is required but is not presented or 91352  
confirmed in accordance with division (B) (1) of this section. 91353

(d) All registration and transfer fees for the motor 91354  
vehicle, for the preceding year or the preceding period of the 91355  
current registration year, have not been paid. 91356

(e) The owner or lessee does not have an inspection 91357  
certificate or alternative emissions certificate for the motor 91358  
vehicle as provided in section 3704.14 of the Revised Code, and 91359  
rules adopted under it, if that section is applicable. 91360

(4) This section does not require the payment of license 91361  
or registration taxes on a motor vehicle for any preceding year, 91362  
or for any preceding period of a year, if the motor vehicle was 91363  
not taxable for that preceding year or period under sections 91364  
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 91365  
of the Revised Code. 91366

(5) When a certificate of registration is issued upon the 91367  
first registration of a motor vehicle by or on behalf of the 91368  
owner, the official issuing the certificate shall indicate the 91369  
issuance with a stamp on the certificate of title or memorandum 91370  
certificate or, in the case of an electronic certificate of 91371  
title or electronic verification of ownership, an electronic 91372  
stamp or other notation as specified in rules adopted by the 91373  
registrar, and with a stamp on the inspection certificate for 91374  
the motor vehicle, if any. 91375

(6) The official also shall indicate, by a stamp or by 91376  
other means the registrar prescribes, on the registration 91377

certificate issued upon the first registration of a motor 91378  
vehicle by or on behalf of the owner the odometer reading of the 91379  
motor vehicle as shown in the odometer statement included in or 91380  
attached to the certificate of title. Upon each subsequent 91381  
registration of the motor vehicle by or on behalf of the same 91382  
owner, the official also shall so indicate the odometer reading 91383  
of the motor vehicle as shown on the immediately preceding 91384  
certificate of registration. 91385

(7) The registrar shall include in the permanent 91386  
registration record of any vehicle required to be inspected 91387  
under section 3704.14 of the Revised Code the inspection 91388  
certificate number from the inspection certificate or the 91389  
alternative emissions certificate number from the alternative 91390  
emissions certificate that is presented at the time of 91391  
registration of the vehicle as required under this division. 91392

~~(C) (1) Except as otherwise provided in division (C) (1) of~~ 91393  
~~this section, the~~ The registrar and each deputy registrar shall 91394  
~~collect an~~ the following additional ~~fee of eleven dollars~~ fees 91395  
for each application for registration and registration renewal 91396  
received. 91397

(a) Except as provided in division (C) (1) (b) of this 91398  
section, a fee of eleven dollars on or before December 31, 2025, 91399  
and a fee of sixteen dollars on and after January 1, 2026; 91400

(b) For vehicles specified in divisions (A) (1) to (21) of 91401  
section 4503.042 of the Revised Code, the registrar and deputy 91402  
registrar shall collect an additional a fee of thirty dollars 91403  
for each application for registration and registration renewal 91404  
received on or before December 31, 2025, and a fee of thirty-five 91405  
dollars on and after January 1, 2026. 91406

No additional fee shall be charged for vehicles registered 91407  
under section 4503.65 of the Revised Code. ~~The~~ Each additional 91408  
fee is for the purpose of defraying the department of public 91409  
safety's costs associated with the administration and 91410  
enforcement of the motor vehicle and traffic laws of Ohio. Each 91411  
deputy registrar shall transmit the fees collected under 91412  
divisions (C) (1) and (3) of this section in the time and manner 91413  
provided in this section. The registrar shall deposit all moneys 91414  
received under division (C) (1) of this section into the public 91415  
safety - highway purposes fund established in section 4501.06 of 91416  
the Revised Code. 91417

(2) In addition, a charge of twenty-five cents shall be 91418  
made for each reflectorized safety license plate issued, and a 91419  
single charge of twenty-five cents shall be made for each county 91420  
identification sticker or each set of county identification 91421  
stickers issued, as the case may be, to cover the cost of 91422  
producing the license plates and stickers, including material, 91423  
manufacturing, and administrative costs. Those fees shall be in 91424  
addition to the license tax. If the total cost of producing the 91425  
plates is less than twenty-five cents per plate, or if the total 91426  
cost of producing the stickers is less than twenty-five cents 91427  
per sticker or per set issued, any excess moneys accruing from 91428  
the fees shall be distributed in the same manner as provided by 91429  
section 4501.04 of the Revised Code for the distribution of 91430  
license tax moneys. If the total cost of producing the plates 91431  
exceeds twenty-five cents per plate, or if the total cost of 91432  
producing the stickers exceeds twenty-five cents per sticker or 91433  
per set issued, the difference shall be paid from the license 91434  
tax moneys collected pursuant to section 4503.02 of the Revised 91435  
Code. 91436

(3) The registrar and each deputy registrar shall collect 91437

the following additional fee, as applicable, for each 91438  
application for registration or registration renewal received 91439  
for any hybrid motor vehicle, plug-in hybrid electric motor 91440  
vehicle, or battery electric motor vehicle: 91441

(a) One hundred dollars for a hybrid motor vehicle; 91442

(b) One hundred fifty dollars for a plug-in hybrid 91443  
electric motor vehicle; 91444

(c) Two hundred dollars for a battery electric motor 91445  
vehicle. 91446

Each fee imposed under this division shall be prorated 91447  
based on the number of months for which the vehicle is 91448  
registered. The registrar shall transmit all money arising from 91449  
each fee to the treasurer of state for distribution in 91450  
accordance with division (E) of section 5735.051 of the Revised 91451  
Code, subject to division (D) of section 5735.05 of the Revised 91452  
Code. 91453

(D) Each deputy registrar shall be allowed a fee equal to 91454  
the amount established under section 4503.038 of the Revised 91455  
Code for each application for registration and registration 91456  
renewal notice the deputy registrar receives, which shall be for 91457  
the purpose of compensating the deputy registrar for the deputy 91458  
registrar's services, and such office and rental expenses, as 91459  
may be necessary for the proper discharge of the deputy 91460  
registrar's duties in the receiving of applications and renewal 91461  
notices and the issuing of registrations. 91462

(E) Upon the certification of the registrar, the county 91463  
sheriff or local police officials shall recover license plates 91464  
erroneously or fraudulently issued. 91465

(F) Each deputy registrar, upon receipt of any application 91466

for registration or registration renewal notice, together with 91467  
the license fee and any local motor vehicle license tax levied 91468  
pursuant to Chapter 4504. of the Revised Code, shall transmit 91469  
that fee and tax, if any, in the manner provided in this 91470  
section, together with the original and duplicate copy of the 91471  
application, to the registrar. The registrar, subject to the 91472  
approval of the director of public safety, may deposit the funds 91473  
collected by those deputies in a local bank or depository to the 91474  
credit of the "state of Ohio, bureau of motor vehicles." Where a 91475  
local bank or depository has been designated by the registrar, 91476  
each deputy registrar shall deposit all moneys collected by the 91477  
deputy registrar into that bank or depository not more than one 91478  
business day after their collection and shall make reports to 91479  
the registrar of the amounts so deposited, together with any 91480  
other information, some of which may be prescribed by the 91481  
treasurer of state, as the registrar may require and as 91482  
prescribed by the registrar by rule. The registrar, within three 91483  
days after receipt of notification of the deposit of funds by a 91484  
deputy registrar in a local bank or depository, shall draw on 91485  
that account in favor of the treasurer of state. The registrar, 91486  
subject to the approval of the director and the treasurer of 91487  
state, may make reasonable rules necessary for the prompt 91488  
transmittal of fees and for safeguarding the interests of the 91489  
state and of counties, townships, municipal corporations, and 91490  
transportation improvement districts levying local motor vehicle 91491  
license taxes. The registrar may pay service charges usually 91492  
collected by banks and depositories for such service. If deputy 91493  
registrars are located in communities where banking facilities 91494  
are not available, they shall transmit the fees forthwith, by 91495  
money order or otherwise, as the registrar, by rule approved by 91496  
the director and the treasurer of state, may prescribe. The 91497  
registrar may pay the usual and customary fees for such service. 91498

(G) This section does not prevent any person from making 91499  
an application for a motor vehicle license directly to the 91500  
registrar by mail, by electronic means, or in person at any of 91501  
the registrar's offices, upon payment of a service fee equal to 91502  
the amount established under section 4503.038 of the Revised 91503  
Code for each application. 91504

(H) No person shall make a false statement as to the 91505  
district of registration in an application required by division 91506  
(A) of this section. Violation of this division is falsification 91507  
under section 2921.13 of the Revised Code and punishable as 91508  
specified in that section. 91509

(I) (1) Where applicable, the requirements of division (B) 91510  
of this section relating to the presentation of an inspection 91511  
certificate issued under section 3704.14 of the Revised Code and 91512  
rules adopted under it for a motor vehicle, the refusal of a 91513  
license for failure to present an inspection certificate or 91514  
alternative emissions certificate, and the stamping of the 91515  
inspection certificate or alternative emissions certificate by 91516  
the official issuing the certificate of registration apply to 91517  
the registration of and issuance of license plates for a motor 91518  
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 91519  
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 91520  
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 91521  
Code. 91522

(2) (a) The registrar shall adopt rules ensuring that each 91523  
owner registering a motor vehicle in a county where a motor 91524  
vehicle inspection and maintenance program is in effect under 91525  
section 3704.14 of the Revised Code and rules adopted under it 91526  
receives information about the requirements established in that 91527  
section and those rules and about the need in those counties to 91528

present an inspection certificate or an alternative emissions 91529  
certificate with an application for registration or 91530  
preregistration. 91531

(b) Upon request, the registrar shall provide the director 91532  
of environmental protection, or any person that has been awarded 91533  
a contract under section 3704.14 of the Revised Code, an on-line 91534  
computer data link to registration information for all passenger 91535  
cars, noncommercial motor vehicles, and commercial cars that are 91536  
subject to that section. The registrar also shall provide to the 91537  
director of environmental protection a magnetic data tape 91538  
containing registration information regarding passenger cars, 91539  
noncommercial motor vehicles, and commercial cars for which a 91540  
multi-year registration is in effect under section 4503.103 of 91541  
the Revised Code or rules adopted under it, including, without 91542  
limitation, the date of issuance of the multi-year registration, 91543  
the registration deadline established under rules adopted under 91544  
section 4503.101 of the Revised Code that was applicable in the 91545  
year in which the multi-year registration was issued, and the 91546  
registration deadline for renewal of the multi-year 91547  
registration. 91548

(J) Subject to division (K) of this section, application 91549  
for registration under the international registration plan, as 91550  
set forth in sections 4503.60 to 4503.66 of the Revised Code, 91551  
shall be made to the registrar on forms furnished by the 91552  
registrar. In accordance with international registration plan 91553  
guidelines and pursuant to rules adopted by the registrar, the 91554  
forms shall include the following: 91555

(1) A uniform mileage schedule; 91556

(2) The gross vehicle weight of the vehicle or combined 91557  
gross vehicle weight of the combination vehicle as declared by 91558

the registrant; 91559

(3) Any other information the registrar requires by rule. 91560

(K) The registrar shall determine the feasibility of 91561  
implementing an electronic commercial fleet licensing and 91562  
management program that will enable the owners of commercial 91563  
tractors, commercial trailers, and commercial semitrailers to 91564  
conduct electronic transactions by July 1, 2010, or sooner. If 91565  
the registrar determines that implementing such a program is 91566  
feasible, the registrar shall adopt new rules under this 91567  
division or amend existing rules adopted under this division as 91568  
necessary in order to respond to advances in technology. 91569

If international registration plan guidelines and 91570  
provisions allow member jurisdictions to permit applications for 91571  
registrations under the international registration plan to be 91572  
made via the internet, the rules the registrar adopts under this 91573  
division shall permit such action. 91574

**Sec. 4503.102.** ~~(A)~~ (A) (1) The registrar of motor vehicles 91575  
~~shall may~~ adopt rules to establish a centralized system of motor 91576  
vehicle registration for initial registration, registration 91577  
renewal, and transfer of registration, by mail or by electronic 91578  
means. ~~Any~~ 91579

(2) Any person applying electronically for initial 91580  
registration or for transfer of registration may submit all 91581  
associated documents electronically through the centralized 91582  
system of motor vehicle registration established under this 91583  
section. The registrar or a deputy registrar shall verify and 91584  
authenticate such documents. 91585

(3) Any person owning a motor vehicle that was registered 91586  
in the person's name during the preceding registration year 91587

shall renew the registration of the motor vehicle not more than 91588  
ninety days prior to the expiration date of the registration 91589  
~~either by~~ through one of the following: 91590

(a) By mail or by electronic means through the centralized 91591  
system of registration established under this section, ~~or in~~; 91592

(b) In person at any office of the registrar or at a 91593  
deputy registrar's office. 91594

(B) (1) Except as provided in division (B) (2) of this 91595  
section, no less than forty-five days prior to the expiration 91596  
date of any motor vehicle registration, the registrar shall mail 91597  
a renewal notice to the person in whose name the motor vehicle 91598  
is registered. The renewal notice shall clearly state that the 91599  
registration of the motor vehicle may be renewed by mail or 91600  
electronic means through the centralized system of registration 91601  
or in person at any office of the registrar or at a deputy 91602  
registrar's office and shall be preprinted with information 91603  
including, but not limited to, the owner's name and residence 91604  
address as shown in the records of the bureau of motor vehicles, 91605  
a brief description of the motor vehicle to be registered, 91606  
notice of the license taxes and fees due on the motor vehicle, 91607  
the toll-free telephone number of the registrar as required 91608  
under division (D) (1) of section 4503.031 of the Revised Code, a 91609  
~~statement that payment for a renewal may be made by financial-~~ 91610  
~~transaction device using the toll-free telephone number,~~ and any 91611  
additional information the registrar may require by rule. The 91612  
renewal notice shall not include the social security number of 91613  
either the owner of the motor vehicle or the person in whose 91614  
name the motor vehicle is registered. The renewal notice shall 91615  
be sent by regular mail to the owner's last known address as 91616  
shown in the records of the bureau of motor vehicles. 91617

(2) The registrar is not required to mail a renewal notice 91618  
if either of the following applies: 91619

(a) The owner of the vehicle has consented to receiving 91620  
the renewal notice by electronic means only. 91621

(b) The application for renewal of the registration of a 91622  
motor vehicle is prohibited from being accepted by the registrar 91623  
or a deputy registrar by division (D) of section 2935.27, 91624  
division (A) of section 4503.13, division (B) of section 91625  
4510.22, division (D) of section 4503.234, division (B) (1) of 91626  
section 4521.10, or division (B) of section 5537.041 of the 91627  
Revised Code. 91628

(3) If the owner of a motor vehicle has consented to 91629  
receiving a renewal notice by electronic means only, the 91630  
registrar shall send an electronic renewal notice to the owner 91631  
that contains the information specified in division (B) (1) of 91632  
this section at the time specified under that division. 91633

(C) The owner of the motor vehicle shall verify the 91634  
information contained in the notice, sign it either manually or 91635  
by electronic means, and return it, either by mail or electronic 91636  
means, or the owner may take it in person to any office of the 91637  
registrar or of a deputy registrar. The owner shall include with 91638  
the notice a financial transaction device number when renewing 91639  
in person or by electronic means but not by mail, check, or 91640  
money order in the amount of the registration taxes and fees 91641  
payable on the motor vehicle and a service fee equal to the 91642  
amount established under section 4503.038 of the Revised Code, 91643  
plus postage as indicated on the notice if the registration is 91644  
renewed or fulfilled by mail, and an inspection certificate or 91645  
alternative emissions certificate for the motor vehicle as 91646  
provided in section 3704.14 of the Revised Code. ~~For purposes of~~ 91647

~~the centralized system of motor vehicle registration, the~~ 91648  
~~registrar shall accept payments via the toll-free telephone~~ 91649  
~~number established under division (D) (1) of section 4503.031 of~~ 91650  
~~the Revised Code for renewals made by mail.~~ If the motor vehicle 91651  
owner chooses to renew the motor vehicle registration by 91652  
electronic means, the owner shall proceed in accordance with the 91653  
rules the registrar adopts. 91654

(D) If all registration and transfer fees for the motor 91655  
vehicle for the preceding year or the preceding period of the 91656  
current registration year have not been paid, if division (D) of 91657  
section 2935.27, division (A) of section 4503.13, division (B) 91658  
of section 4510.22, division (D) of section 4503.234, division 91659  
(B) (1) of section 4521.10, or division (B) of section 5537.041 91660  
of the Revised Code prohibits acceptance of the renewal notice, 91661  
or if the owner or lessee does not have an inspection 91662  
certificate or alternative emissions certificate for the motor 91663  
vehicle as provided in section 3704.14 of the Revised Code, if 91664  
that section is applicable, the license shall be refused, and 91665  
the registrar or deputy registrar shall so notify the owner. 91666  
This section does not require the payment of license or 91667  
registration taxes on a motor vehicle for any preceding year, or 91668  
for any preceding period of a year, if the motor vehicle was not 91669  
taxable for that preceding year or period under section 4503.02, 91670  
4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the 91671  
Revised Code. 91672

(E) (1) Failure to receive a renewal notice does not 91673  
relieve a motor vehicle owner from the responsibility to renew 91674  
the registration for the motor vehicle. Any person who has a 91675  
motor vehicle registered in this state and who does not receive 91676  
a renewal notice as provided in division (B) of this section 91677  
prior to the expiration date of the registration shall request 91678

an application for registration from the registrar or a deputy registrar and sign the application manually or by electronic means and submit the application and pay any applicable license taxes and fees to the registrar or deputy registrar.

(2) If the owner of a motor vehicle submits an application for registration and the registrar is prohibited by division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code from accepting the application, the registrar shall return the application and the payment to the owner. If the owner of a motor vehicle submits a registration renewal application to the registrar by electronic means and the registrar is prohibited from accepting the application as provided in this division, the registrar shall notify the owner of this fact and deny the application and return the payment or give a credit on the financial transaction device account of the owner in the manner the registrar prescribes by rule adopted pursuant to division (A) of this section.

(F) Every deputy registrar shall post in a prominent place at the deputy's office a notice informing the public of the mail registration system required by this section and also shall post a notice that every owner of a motor vehicle and every chauffeur holding a certificate of registration is required to notify the registrar in writing of any change of residence within ten days after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

~~(G)~~ (G) (1) The service fee equal to the amount established under section 4503.038 of the Revised Code that is collected from a person who renews a motor vehicle registration by

electronic means or by mail, plus postage collected by the registrar and any financial transaction device surcharge collected by the registrar, shall be paid to the credit of the public safety - highway purposes fund established by section 4501.06 of the Revised Code.

(2) A person who submits an initial registration or a transfer of registration by electronic means under this section shall pay a service fee equal to the amount established under section 4503.038 of the Revised Code, any necessary postage costs, and any financial transaction device surcharge, as applicable. The service fee collected shall be paid to the credit of the public safety - highway purposes fund established by section 4501.06 of the Revised Code. If the registrar authorizes a deputy registrar to mail the certificate of registration and any associated license plate to the applicant, the postage costs shall be paid to that deputy registrar.

(H) (1) Pursuant to section 113.40 of the Revised Code, the registrar shall implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a financial transaction device for transactions occurring online, at any office of the registrar, and at all deputy registrar locations. The program shall take effect not later than July 1, 2016. The registrar shall adopt rules as necessary for this purpose, but all such rules are subject to any action, policy, or procedure of the board of deposit or treasurer of state taken or adopted under section 113.40 of the Revised Code.

(2) The rules adopted under division (H) (1) of this section shall require a deputy registrar to accept payments by

means of a financial transaction device beginning on the 91739  
effective date of the rules unless the deputy registrar contract 91740  
entered into by the deputy registrar prohibits the acceptance of 91741  
such payments by financial transaction device. However, 91742  
commencing with deputy registrar contract awards that have a 91743  
start date of July 1, 2016, and for all contract awards 91744  
thereafter, the registrar shall require that the proposer accept 91745  
payment by means of a financial transaction device, including 91746  
credit cards and debit cards, for all department of public 91747  
safety transactions conducted at that deputy registrar location. 91748

The bureau and deputy registrars are not required to pay 91749  
any costs that result from accepting payment by means of a 91750  
financial transaction device. A deputy registrar may charge a 91751  
person who tenders payment for a department transaction by means 91752  
of a financial transaction device any cost the deputy registrar 91753  
incurs from accepting payment by the financial transaction 91754  
device, but the deputy registrar shall not require the person to 91755  
pay any additional fee of any kind in connection with the use by 91756  
the person of the financial transaction device. 91757

(3) In accordance with division (H) (1) of this section and 91758  
rules adopted by the registrar under that division, a county 91759  
auditor or clerk of a court of common pleas that is designated a 91760  
deputy registrar shall accept payment by means of a financial 91761  
transaction device, including credit cards and debit cards, for 91762  
all department transactions conducted at the office of the 91763  
county auditor or clerk in the county auditor's or clerk's 91764  
capacity as deputy registrar. The bureau is not required to pay 91765  
any costs incurred by a county auditor or clerk that result from 91766  
accepting payment by means of a financial transaction device for 91767  
any department transaction. 91768

(I) For persons who reside in counties where tailpipe emissions inspections are required under the motor vehicle inspection and maintenance program, the notice required by division (B) of this section shall also include the toll-free telephone number maintained by the Ohio environmental protection agency to provide information concerning the locations of emissions testing centers. The registrar also shall include a statement in the notice that a battery electric motor vehicle is not required to undergo emissions inspection under the motor vehicle inspection and maintenance program established under section 3704.14 of the Revised Code.

**Sec. 4503.29.** (A) The director of veterans services in conjunction with the registrar of motor vehicles shall develop and maintain a program to establish and issue specialty license plates recognizing military service and military honors pertaining to valor and service.

(B) The director and the registrar shall jointly adopt rules in accordance with Chapter 119. of the Revised Code for purposes of establishing the program under this section. The director and registrar shall adopt the rules as soon as possible after June 29, 2018, but not later than nine months after June 29, 2018. The rules shall do all of the following:

(1) Establish specialty license plates recognizing military service;

(2) Establish specialty license plates recognizing military honors pertaining to valor and service;

(3) Establish eligibility criteria that apply to each specialty license plate issued under this section;

(4) Establish requirements governing any necessary

documentary evidence required to be presented by an applicant 91798  
for a specialty license plate issued under this section. The 91799  
rules shall allow an applicant to present a veterans 91800  
identification card issued in accordance with section 317.241 of 91801  
the Revised Code in lieu of a copy of the applicant's DD-214 or 91802  
an equivalent document. An applicant may be required to present 91803  
additional evidence if the veterans identification card does not 91804  
show all of the information needed for issuance of the specific 91805  
nonstandard license plate requested by the applicant. 91806

(5) Establish guidelines for the designs, markings, and 91807  
inscriptions on a specialty license plate established under this 91808  
section; 91809

(6) Establish procedures for altering the designs, 91810  
markings, or inscriptions on a specialty license plate 91811  
established under this section; 91812

(7) Prohibit specialty license plates established under 91813  
this section from recognizing achievement awards or unit awards; 91814

(8) Establish any other procedures or requirements that 91815  
are necessary for the implementation and administration of this 91816  
section. 91817

(C) The rules adopted under division (B) of this section 91818  
shall provide for the establishment of the military specialty 91819  
license plates created prior to June 29, 2018, that are no 91820  
longer codified in the Revised Code. 91821

(D) (1) Any person who meets the applicable qualifications 91822  
for the issuance of a specialty license plate established by 91823  
rule adopted under division (B) of this section may apply to the 91824  
registrar of motor vehicles for the registration of any 91825  
passenger car, noncommercial motor vehicle, recreational 91826

vehicle, or other vehicle the person owns or leases of a class 91827  
approved by the registrar. The application may be combined with 91828  
a request for a special reserved license plate under section 91829  
4503.40 or 4503.42 of the Revised Code. 91830

(2) (a) Except as provided in division (D) (2) (b) of this 91831  
section, upon receipt of an application for registration of a 91832  
motor vehicle under this section and the required taxes and 91833  
fees, compliance with all applicable laws relating to the 91834  
registration of a motor vehicle, and, if necessary, upon 91835  
presentation of the required documentary evidence, the registrar 91836  
shall issue to the applicant the appropriate motor vehicle 91837  
registration and a set of license plates and a validation 91838  
sticker, or a validation sticker alone when required by section 91839  
4503.191 of the Revised Code. 91840

(b) Any disabled veteran who qualifies to apply to the 91841  
registrar for the registration of a motor vehicle under section 91842  
4503.41 of the Revised Code without the payment of any 91843  
registration taxes or fees, may apply instead for registration 91844  
of the motor vehicle under this section. The disabled veteran 91845  
applying for registration under this section is not required to 91846  
pay any registration taxes or fees as required by sections 91847  
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 91848  
Revised Code, any local motor vehicle tax levied under Chapter 91849  
4504. of the Revised Code, ~~or~~ any fee charged under section 91850  
4503.19 of the Revised Code for up to two motor vehicles, 91851  
including any motor vehicle registered under section 4503.41 of 91852  
the Revised Code, or any fees associated with transferring a 91853  
registration under section 4503.12 of the Revised Code. Upon 91854  
receipt of an application for registration of the motor vehicle 91855  
and presentation of any documentation the registrar may require 91856  
by rule, the registrar shall issue to the applicant the 91857

appropriate motor vehicle registration and a set of license 91858  
plates authorized under this section and a validation sticker, 91859  
or a validation sticker alone when required by section 4503.191 91860  
of the Revised Code. 91861

(3) The license plates shall display county identification 91862  
stickers that identify the county of registration as required 91863  
under section 4503.19 of the Revised Code. 91864

**Sec. 4503.41.** (A) Any disabled veteran who, because of a 91865  
service-connected disability, has been or is awarded funds for 91866  
the purchase of a motor vehicle under the "Disabled Veterans' 91867  
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 91868  
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 91869  
veteran having a service-connected disability either rated or 91870  
compensated at one hundred per cent by the veterans' 91871  
administration, may apply to the registrar for the registration 91872  
of the disabled veteran's personal motor vehicle. Except as 91873  
provided in division (C) of this section, a disabled veteran is 91874  
not required to pay any registration fee and service fee as 91875  
required by sections 4503.038, 4503.04, 4503.10, 4503.102, and 91876  
4503.103 of the Revised Code, any local motor vehicle tax levied 91877  
under Chapter 4504. of the Revised Code, ~~or~~ any fee charged 91878  
under section 4503.19 of the Revised Code, or any fees 91879  
associated with transferring a registration under section 91880  
4503.12 of the Revised Code. The application for registration 91881  
shall be accompanied by such documentary evidence of disability 91882  
as the registrar may require by rule. 91883

(B) Upon the receipt of an application for registration of 91884  
a motor vehicle under this section, and presentation of 91885  
satisfactory evidence of disability, the registrar or deputy 91886  
registrar shall issue to the applicant a set of license plates, 91887

which shall be red, white, and blue in color and shall, in 91888  
addition to the letters and numbers ordinarily inscribed 91889  
thereon, be inscribed with the word "veteran" and imprinted with 91890  
the international wheelchair symbol. 91891

(C) A disabled veteran who is eligible to register a motor 91892  
vehicle under this section may register as many vehicles as are 91893  
titled and registered in that disabled veteran's name. For each 91894  
additional registration after the first registration, the 91895  
registrar or deputy registrar shall collect any applicable fee 91896  
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 91897  
4503.103, and 4503.19 of the Revised Code, and any local motor 91898  
vehicle tax levied under Chapter 4504. of the Revised Code. 91899

**Sec. 4503.579.** (A) The owner or lessee of any passenger 91900  
car, noncommercial motor vehicle, recreational vehicle, or other 91901  
vehicle of a class approved by the registrar of motor vehicles 91902  
may apply to the registrar for the registration of the vehicle 91903  
and issuance of "National Council of Negro Women" license 91904  
plates. The application may be combined with a request for a 91905  
special reserved license plate under section 4503.40 or 4503.42 91906  
of the Revised Code. Upon receipt of the completed application 91907  
and compliance by the applicant with divisions (B) and (C) of 91908  
this section, the registrar shall issue to the applicant the 91909  
appropriate vehicle registration and a set of "National Council 91910  
of Negro Women" license plates and a validation sticker, or a 91911  
validation sticker alone when required by section 4503.191 of 91912  
the Revised Code. 91913

In addition to the letters and numbers ordinarily 91914  
inscribed on the license plates, "National Council of Negro 91915  
Women" license plates shall display an appropriate logo and 91916  
words selected by representatives of the ~~national~~ Ohio state 91917

coalition-national council of negro women, incorporated, and 91918  
that are approved by the registrar. "National Council of Negro 91919  
Women" license plates shall display county identification 91920  
stickers that identify the county of registration as required 91921  
under section 4503.19 of the Revised Code. 91922

(B) "National Council of Negro Women" license plates and a 91923  
validation sticker, or validation sticker alone, shall be issued 91924  
upon receipt of an application for registration of a motor 91925  
vehicle under this section; payment of the regular license tax 91926  
as prescribed under section 4503.04 of the Revised Code, any 91927  
applicable motor vehicle license tax levied under Chapter 4504. 91928  
of the Revised Code, any applicable additional fee prescribed by 91929  
section 4503.40 or 4503.42 of the Revised Code, an additional 91930  
administrative fee of ten dollars, and a contribution as 91931  
provided in division (C) (1) of this section; and compliance with 91932  
all other applicable laws relating to the registration of motor 91933  
vehicles. 91934

(C) (1) For each application for registration and 91935  
registration renewal notice the registrar receives under this 91936  
section, the registrar shall collect a contribution of twenty- 91937  
five dollars. The registrar shall deposit this contribution into 91938  
the state treasury to the credit of the license plate 91939  
contribution fund created in section 4501.21 of the Revised 91940  
Code. 91941

(2) The registrar shall deposit the administrative fee of 91942  
ten dollars, the purpose of which is to compensate the bureau of 91943  
motor vehicles for additional services required in the issuing 91944  
of "National Council of Negro Women" license plates, into the 91945  
state treasury to the credit of the public safety - highway 91946  
purposes fund created in section 4501.06 of the Revised Code. 91947

**Sec. 4503.91.** (A) The owner or lessee of any passenger 91948  
car, noncommercial motor vehicle, recreational vehicle, or other 91949  
vehicle of a class approved by the registrar of motor vehicles 91950  
may apply to the registrar for the registration of the vehicle 91951  
and issuance of "choose life" license plates. The application 91952  
for "choose life" license plates may be combined with a request 91953  
for a special reserved license plate under section 4503.40 or 91954  
4503.42 of the Revised Code. Upon receipt of the completed 91955  
application and compliance with divisions (B) and (C) of this 91956  
section, the registrar shall issue to the applicant the 91957  
appropriate vehicle registration and a set of "choose life" 91958  
license plates with a validation sticker or a validation sticker 91959  
alone when required by section 4503.191 of the Revised Code. 91960

In addition to the letters and numbers ordinarily 91961  
inscribed on license plates, "choose life" license plates shall 91962  
be inscribed with the words "choose life" and a marking designed 91963  
by "choose life, inc.," a private, nonprofit corporation 91964  
incorporated in the state of Florida. The registrar shall review 91965  
the design and approve it if the design is feasible. If the 91966  
design is not feasible, the registrar shall notify "choose life, 91967  
inc." and the organization may resubmit designs until a feasible 91968  
one is approved. "Choose life" license plates shall bear county 91969  
identification stickers that identify the county of registration 91970  
as required under section 4503.19 of the Revised Code. 91971

(B) "Choose life" license plates and a validation sticker, 91972  
or a validation sticker alone, shall be issued upon receipt of a 91973  
contribution as provided in division (C) of this section and 91974  
upon payment of the regular license tax prescribed in section 91975  
4503.04 of the Revised Code, any applicable motor vehicle tax 91976  
levied under Chapter 4504. of the Revised Code, any applicable 91977  
additional fee prescribed by section 4503.40 or 4503.42 of the 91978

Revised Code, a fee of ten dollars for the purpose of 91979  
compensating the bureau of motor vehicles for additional 91980  
services required in the issuing of "choose life" license 91981  
plates, and compliance with all other applicable laws relating 91982  
to the registration of motor vehicles. 91983

(C) (1) For each application for registration and 91984  
registration renewal received under this section, the registrar 91985  
shall collect a contribution of twenty dollars. The registrar 91986  
shall transmit this contribution to the treasurer of state for 91987  
deposit in the "choose life" fund created in section ~~3701.65~~ 91988  
5180.72 of the Revised Code. 91989

(2) The registrar shall deposit the additional fee of ten 91990  
dollars specified in division (B) of this section for the 91991  
purpose of compensating the bureau for the additional services 91992  
required in issuing "choose life" license plates in the public 91993  
safety - highway purposes fund created in section 4501.06 of the 91994  
Revised Code. 91995

**Sec. 4505.07.** (A) A physical certificate of title shall be 91996  
printed upon a special paper with a secure printing process or 91997  
other secure process, for the printing of motor vehicle titles, 91998  
as required by section 2 of the "Truth in Mileage Act of 1986," 91999  
100 Stat. 3309, 15 U.S.C.A. 1901 et seq. 92000

An electronic certificate of title is an electronic record 92001  
stored in the automated title processing system that established 92002  
ownership of a motor vehicle, as well as any security interests 92003  
that exist in that motor vehicle. 92004

(B) Every certificate of title shall bear the 92005  
distinguishing number assigned to the title, and shall contain, 92006  
on the front of the certificate, the following information: 92007

- |  |   |
|--|---|
| (1) An indication that the certificate is issued in this state;  | 92008<br>92009                            |
| (2) The county in which the certificate is issued;   | 92010                                     |
| (3) An indication that the certificate is an original, memorandum, duplicate, or salvage certificate;  | 92011<br>92012                            |
| (4) The date of issuance of the certificate;   | 92013                                     |
| (5) The name and address of the owner, in full;  | 92014                                     |
| (6) The name and address of the previous owner, in full;   | 92015                                     |
| (7) The previous certificate of title number;  | 92016                                     |
| (8) The state in which the vehicle previously was titled;  | 92017                                     |
| (9) The make, body type, year, model, and vehicle identification number of the vehicle;  | 92018<br>92019                            |
| (10) First and second lien notation information, including the name and address of the lienholder in full and the date of the lien notation;   | 92020<br>92021<br>92022                   |
| (11) For discharging and canceling the lien notation, a notice that states: "lien discharge," a space for the signature of the lienholder, the discharge date, a space for the signature of the clerk of the court of common pleas, the cancellation date, and a space for the notation of the deputy clerk; | 92023<br>92024<br>92025<br>92026<br>92027 |
| (12) The purchase price of the motor vehicle and the amount of Ohio sales or use tax paid;   | 92028<br>92029                            |
| (13) The mileage registered on the odometer and the status of the odometer of the vehicle at the time the previous title was assigned;   | 92030<br>92031<br>92032                   |
| (14) A space for the seal of the clerk;  | 92033                                     |

- (15) The signature of the clerk; 92034
- (16) A space for the notation of the deputy clerk; 92035
- (17) A space for other pertinent information as may be required by the registrar of motor vehicles; 92036  
92037
- (18) A consecutive number for control purposes; 92038
- (19) In the case of a vehicle last previously registered in another state, a space to be used for recording any notation applicable to the vehicle and the abbreviation of the state in which the vehicle was last registered, as required by divisions (B) (1) and (2) of section 4505.08 of the Revised Code; 92039  
92040  
92041  
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92043
- (20) In the case of a vehicle last previously registered in this state, a space to be used for recording any information applicable to the vehicle as required by division (C) of section 4505.08 of the Revised Code or by rule of the registrar of motor vehicles adopted under that division. 92044  
92045  
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92048
- (C) If the certificate of title is a duplicate certificate, that fact and the original title number must be stated on the front of the duplicate certificate. 92049  
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92051
- (D) If the certificate of title is a memorandum certificate, that fact and the original title number must be stated on the front of the memorandum certificate. 92052  
92053  
92054
- (E) If the certificate of title is a salvage certificate, that fact and the original title number must be stated on the front of the salvage certificate. 92055  
92056  
92057
- (F) The following information shall appear on the reverse side of each certificate of title: 92058  
92059
- (1) A notice in bold lettering that states: "ERASURES AND 92060

ALTERATIONS VOID THIS TITLE ASSIGNMENT. (Type or print in ink.)";	92061 92062
(2) The total consideration of the vehicle;	92063
(3) A disclosure that states: "I (we) certify the vehicle described in this title was transferred for the price of \$_____ to:" and the printed name and address of the buyer in full;	92064 92065 92066 92067
(4) An odometer certification statement that states: "Federal and state laws require that you state the mileage in connection with transfer of ownership. Failure to complete or providing false information may result in fines and imprisonment."	92068 92069 92070 92071 92072
The odometer certification language as required by federal law and division (C) of section 4505.06 of the Revised Code.	92073 92074
(5) A disclosure that states: "I (we) warrant the title to be free of all liens."	92075 92076
(6) A space for the signature of the transferor and the transferor's printed name and address in full;	92077 92078
(7) A space for the seal of the clerk or a notary;	92079
(8) The acknowledgment statement of the clerk, the deputy clerk, or a notary;	92080 92081
(9) A space for the signature of the clerk, the deputy clerk, or a notary;	92082 92083
(10) The buyer's odometer acknowledgment statement, with a space for the buyer's printed name and address;	92084 92085
(11) A notice in bold lettering that states: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required	92086 92087

by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation.

The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

(12) An application for a certificate of title, memorandum certificate of title, or salvage certificate of title, as prescribed by the registrar, which shall include all of the following:

(a) A disclosure that states: "Application for certificate of title (type or print in ink)";

(b) A disclosure that states: "Fee of \$5.00 for failure to apply for title within 30 days of assignment.";

(c) A space for the applicant's printed name and address;

(d) A space for the applicant's social security number or employer's identification number. The last four digits of the applicant's social security number is sufficient if the application for title is for a salvage certificate of title for an owner-retained vehicle or if the application is accompanied by an application to transfer title to an insurance company or a nonprofit corporation.

(e) A space for the purchase price, tax paid, or tax exemption reason, or dealer's permit number, and vendor's number, and condition of the vehicle;

(f) A disclosure statement that states: "Lien information:

If no lien state "none." If more than one lien, attach statement of all additional liens.";	92116
	92117
(g) A space for the lienholder's name and address;	92118
(h) A disclosure statement that states: "I (we) state that all information contained in this application is true and correct.";	92119
	92120
	92121
(i) A space for the applicant's signature;	92122
(j) A space for the acknowledgment statement of the clerk, the deputy clerk, or a notary;	92123
	92124
(k) A space for the seal of the clerk or a notary;	92125
(l) A space for the signature of the clerk, the deputy clerk, or a notary;	92126
	92127
(m) Any other pertinent information as may be required by the registrar.	92128
	92129
<b>Sec. 4505.09.</b> (A) (1) The clerk of a court of common pleas shall charge and retain fees as follows:	92130
	92131
(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.	92132
	92133
	92134
	92135
(b) Fifteen dollars, <u>or twenty dollars if a board of county commissioners adopts a resolution authorizing the increased fee for that county,</u> for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence	92136
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of ownership printed by the clerk under division (H) of that 92143  
section, and notation of any lien on a certificate of title that 92144  
is applied for at the same time as the certificate of title. The 92145  
clerk shall retain eleven dollars and fifty cents of that fee 92146  
for each certificate of title when there is a notation of a lien 92147  
or security interest on the certificate of title, twelve dollars 92148  
and twenty-five cents when there is no lien or security interest 92149  
noted on the certificate of title, and eleven dollars and fifty 92150  
cents for each duplicate certificate of title. If a board of 92151  
county commissioners adopts a resolution authorizing a twenty- 92152  
dollar fee, the clerk shall retain the additional five dollars 92153  
of that fee. 92154

(c) Four dollars and fifty cents for each certificate of 92155  
title with no security interest noted that is issued to a 92156  
licensed motor vehicle dealer for resale purposes and, in 92157  
addition, a separate fee of fifty cents. The clerk shall retain 92158  
two dollars and twenty-five cents of that fee. 92159

(d) Five dollars for each memorandum certificate of title 92160  
or non-negotiable evidence of ownership that is applied for 92161  
separately. The clerk shall retain that entire fee. 92162

(2) The fees that are not retained by the clerk shall be 92163  
paid to the registrar of motor vehicles by monthly returns, 92164  
which shall be forwarded to the registrar not later than the 92165  
fifth day of the month next succeeding that in which the 92166  
certificate is issued or that in which the registrar is notified 92167  
of a lien or cancellation of a lien. 92168

(B) (1) The registrar shall pay twenty-five cents of the 92169  
amount received for each certificate of title issued to a motor 92170  
vehicle dealer for resale, one dollar for certificates of title 92171  
issued with a lien or security interest noted on the certificate 92172

of title, and twenty-five cents for each certificate of title 92173  
with no lien or security interest noted on the certificate of 92174  
title into the public safety - highway purposes fund established 92175  
in section 4501.06 of the Revised Code. 92176

(2) Fifty cents of the amount received for each 92177  
certificate of title shall be paid by the registrar as follows: 92178

(a) Four cents shall be paid into the state treasury to 92179  
the credit of the motor vehicle dealers board fund, which is 92180  
hereby created. All investment earnings of the fund shall be 92181  
credited to the fund. The moneys in the motor vehicle dealers 92182  
board fund shall be used by the motor vehicle dealers board 92183  
created under section 4517.30 of the Revised Code, together with 92184  
other moneys appropriated to it, in the exercise of its powers 92185  
and the performance of its duties under Chapter 4517. of the 92186  
Revised Code, except that the director of budget and management 92187  
may transfer excess money from the motor vehicle dealers board 92188  
fund to the public safety - highway purposes fund if the 92189  
registrar determines that the amount of money in the motor 92190  
vehicle dealers board fund, together with other moneys 92191  
appropriated to the board, exceeds the amount required for the 92192  
exercise of its powers and the performance of its duties under 92193  
Chapter 4517. of the Revised Code and requests the director to 92194  
make the transfer. 92195

(b) Thirty-one cents shall be paid into the highway 92196  
operating fund created by section 5735.051 of the Revised Code. 92197

(c) Fifteen cents shall be paid into the state treasury to 92198  
the credit of the motor vehicle sales audit fund, which is 92199  
hereby created. The moneys in the fund shall be used by the tax 92200  
commissioner together with other funds available to the 92201  
commissioner to conduct a continuing investigation of sales and 92202

use tax returns filed for motor vehicles in order to determine 92203  
if sales and use tax liability has been satisfied. The 92204  
commissioner shall refer cases of apparent violations of section 92205  
2921.13 of the Revised Code made in connection with the titling 92206  
or sale of a motor vehicle and cases of any other apparent 92207  
violations of the sales or use tax law to the appropriate county 92208  
prosecutor whenever the commissioner considers it advisable. 92209

(3) Two dollars of the amount received by the registrar 92210  
under divisions (A) (1) (a), (b), and (d) of this section and one 92211  
dollar and fifty cents of the amount received by the registrar 92212  
under division (A) (1) (c) of this section for each certificate of 92213  
title shall be paid into the state treasury to the credit of the 92214  
automated title processing fund, which is hereby created and 92215  
which shall consist of moneys collected under division (B) (3) of 92216  
this section and under sections 1548.10 and 4519.59 of the 92217  
Revised Code. All investment earnings of the fund shall be 92218  
credited to the fund. The moneys in the fund shall be used as 92219  
follows: 92220

(a) Except for moneys collected under section 1548.10 of 92221  
the Revised Code, moneys collected under division (B) (3) of this 92222  
section shall be used to implement and maintain an automated 92223  
title processing system for the issuance of motor vehicle, off- 92224  
highway motorcycle, and all-purpose vehicle certificates of 92225  
title in the offices of the clerks of the courts of common 92226  
pleas. Those moneys also shall be used to pay expenses that 92227  
arise as a result of enabling electronic motor vehicle dealers 92228  
to directly transfer applications for certificates of title 92229  
under division (A) (3) of section 4505.06 of the Revised Code. 92230

(b) Moneys collected under section 1548.10 of the Revised 92231  
Code shall be used to issue marine certificates of title in the 92232

offices of the clerks of the courts of common pleas as provided 92233  
in Chapter 1548. of the Revised Code. 92234

(4) The registrar shall pay the fifty-cent separate fee 92235  
collected from a licensed motor vehicle dealer under division 92236  
(A) (1) (c) of this section into the title defect recision fund 92237  
created by section 1345.52 of the Revised Code. 92238

(C) (1) The automated title processing board is hereby 92239  
created consisting of the registrar or the registrar's 92240  
representative, a person selected by the registrar, the 92241  
president of the Ohio clerks of court association or the 92242  
president's representative, the president of the Ohio automobile 92243  
dealers association or the president's representative, and two- 92244  
three clerks of courts of common pleas appointed by the 92245  
governor. The ~~director of budget and management or the~~ 92246  
~~director's designee, the~~ chief of the division of parks and 92247  
watercraft in the department of natural resources or the chief's 92248  
designee, and the tax commissioner or the commissioner's 92249  
designee shall be nonvoting members of the board. The purpose of 92250  
the board is to facilitate the operation and maintenance of an 92251  
automated title processing system and approve the procurement of 92252  
automated title processing system equipment and ribbons, 92253  
cartridges, or other devices necessary for the operation of that 92254  
equipment. Voting members of the board, excluding the registrar 92255  
or the registrar's representative, shall serve without 92256  
compensation, but shall be reimbursed for travel and other 92257  
necessary expenses incurred in the conduct of their official 92258  
duties. The registrar or the registrar's representative shall 92259  
receive neither compensation nor reimbursement as a board 92260  
member. 92261

(2) The automated title processing board shall determine 92262

each of the following:	92263
(a) The automated title processing equipment and	92264
certificates of title requirements for each county;	92265
(b) The payment of expenses that may be incurred by the	92266
counties in implementing an automated title processing system;	92267
(c) The repayment to the counties for existing title	92268
processing equipment;	92269
(d) With the approval of the director of public safety,	92270
the award of grants from the automated title processing fund to	92271
the clerk of courts of any county who employs a person who	92272
assists with the design of, updates to, tests of, installation	92273
of, or any other activity related to, an automated title	92274
processing system. Any grant awarded under division (C) (2) (d) of	92275
this section shall be deposited into the appropriate county	92276
certificate of title administration fund created under section	92277
325.33 of the Revised Code and shall not be used to supplant any	92278
other funds.	92279
(3) The registrar shall purchase, lease, or otherwise	92280
acquire any automated title processing equipment and	92281
certificates of title that the board determines are necessary	92282
from moneys in the automated title processing fund established	92283
by division (B) (3) of this section.	92284
(D) All counties shall conform to the requirements of the	92285
registrar regarding the operation of their automated title	92286
processing system for motor vehicle titles, certificates of	92287
title for off-highway motorcycles and all-purpose vehicles, and	92288
certificates of title for watercraft and outboard motors.	92289
<b>Sec. 4506.01.</b> As used in this chapter:	92290

(A) "Alcohol concentration" means the concentration of	92291
alcohol in a person's blood, breath, or urine. When expressed as	92292
a percentage, it means grams of alcohol per the following:	92293
(1) One hundred milliliters of whole blood, blood serum,	92294
or blood plasma;	92295
(2) Two hundred ten liters of breath;	92296
(3) One hundred milliliters of urine.	92297
(B) "Commercial driver's license" means a license issued	92298
in accordance with this chapter that authorizes an individual to	92299
drive a commercial motor vehicle.	92300
(C) "Commercial driver's license information system" means	92301
the information system established pursuant to the requirements	92302
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat.	92303
3207-171, 49 U.S.C.A. App. 2701.	92304
(D) Except when used in section 4506.25 of the Revised	92305
Code, "commercial motor vehicle" means any motor vehicle	92306
designed or used to transport persons or property that meets any	92307
of the following qualifications:	92308
(1) Any combination of vehicles with a gross vehicle	92309
weight or combined gross vehicle weight rating of twenty-six	92310
thousand one pounds or more, provided the gross vehicle weight	92311
or gross vehicle weight rating of the vehicle or vehicles being	92312
towed is in excess of ten thousand pounds;	92313
(2) Any single vehicle with a gross vehicle weight or	92314
gross vehicle weight rating of twenty-six thousand one pounds or	92315
more;	92316
(3) Any single vehicle or combination of vehicles that is	92317
not a class A or class B vehicle, but is designed to transport	92318

sixteen or more passengers including the driver; 92319

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver; 92320  
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(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended; 92324  
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(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane. 92327  
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(E) "Controlled substance" means all of the following: 92333

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended; 92334  
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(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended; 92337  
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(3) Any drug of abuse. 92339

(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a 92340  
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condition of release without bail, regardless of whether or not 92347  
the penalty is rebated, suspended, or probated. 92348

(G) "Disqualification" means any of the following: 92349

(1) The suspension, revocation, or cancellation of a 92350  
person's privileges to operate a commercial motor vehicle; 92351

(2) Any withdrawal of a person's privileges to operate a 92352  
commercial motor vehicle as the result of a violation of state 92353  
or local law relating to motor vehicle traffic control other 92354  
than parking, vehicle weight, or vehicle defect violations; 92355

(3) A determination by the federal motor carrier safety 92356  
administration that a person is not qualified to operate a 92357  
commercial motor vehicle under 49 C.F.R. 391. 92358

(H) "Domiciled" means having a true, fixed, principal, and 92359  
permanent residence to which an individual intends to return. 92360

(I) "Downgrade" means any of the following, as applicable: 92361

(1) A change in the commercial driver's license, or 92362  
commercial driver's license temporary instruction permit, 92363  
holder's self-certified status as described in division (A) (1) 92364  
of section 4506.10 of the Revised Code; 92365

(2) A change to a lesser class of vehicle; 92366

(3) Removal of commercial driver's license privileges from 92367  
the individual's driver's license; 92368

(4) A change in the commercial driver's license, or 92369  
commercial driver's license temporary instruction permit, 92370  
holder's privileges as described in division (F) (1) of section 92371  
4506.13 of the Revised Code. 92372

(J) "Drive" means to drive, operate, or be in physical 92373

control of a motor vehicle. 92374

(K) "Driver" means any person who drives, operates, or is 92375  
in physical control of a commercial motor vehicle or is required 92376  
to have a commercial driver's license. 92377

(L) "Driver's license" means a license issued by the 92378  
bureau of motor vehicles that authorizes an individual to drive. 92379

(M) "Drug of abuse" means any controlled substance, 92380  
dangerous drug as defined in section 4729.01 of the Revised 92381  
Code, harmful intoxicant as defined in section 2925.01 of the 92382  
Revised Code, or over-the-counter medication that, when taken in 92383  
quantities exceeding the recommended dosage, can result in 92384  
impairment of judgment or reflexes. 92385

(N) "Electronic device" includes a cellular telephone, a 92386  
personal digital assistant, a pager, a computer, and any other 92387  
device used to input, write, send, receive, or read text. 92388

(O) "Eligible unit of local government" means a village, 92389  
township, or county that has a population of not more than three 92390  
thousand persons according to the most recent federal census. 92391

(P) "Employer" means any person, including the federal 92392  
government, any state, and a political subdivision of any state, 92393  
that owns or leases a commercial motor vehicle or assigns a 92394  
person to drive such a motor vehicle. 92395

(Q) "Endorsement" means an authorization on a person's 92396  
commercial driver's license that is required to permit the 92397  
person to operate a specified type of commercial motor vehicle. 92398

(R) "Farm truck" means a truck controlled and operated by 92399  
a farmer for use in the transportation to or from a farm, for a 92400  
distance of not more than one hundred fifty miles, of products 92401

of the farm, including livestock and its products, poultry and 92402  
its products, floricultural and horticultural products, and in 92403  
the transportation to the farm, from a distance of not more than 92404  
one hundred fifty miles, of supplies for the farm, including 92405  
tile, fence, and every other thing or commodity used in 92406  
agricultural, floricultural, horticultural, livestock, and 92407  
poultry production, and livestock, poultry, and other animals 92408  
and things used for breeding, feeding, or other purposes 92409  
connected with the operation of the farm, when the truck is 92410  
operated in accordance with this division and is not used in the 92411  
operations of a motor carrier, as defined in section 4923.01 of 92412  
the Revised Code. 92413

(S) "Fatality" means the death of a person as the result 92414  
of a motor vehicle accident occurring not more than three 92415  
hundred sixty-five days prior to the date of death. 92416

(T) "Felony" means any offense under federal or state law 92417  
that is punishable by death or specifically classified as a 92418  
felony under the law of this state, regardless of the penalty 92419  
that may be imposed. 92420

(U) "Foreign jurisdiction" means any jurisdiction other 92421  
than a state. 92422

(V) "Gross vehicle weight rating" means the value 92423  
specified by the manufacturer as the maximum loaded weight of a 92424  
single or a combination vehicle. The gross vehicle weight rating 92425  
of a combination vehicle is the gross vehicle weight rating of 92426  
the power unit plus the gross vehicle weight rating of each 92427  
towed unit. 92428

(W) "Hazardous materials" means any material that has been 92429  
designated as hazardous under 49 U.S.C. 5103 and is required to 92430

be placarded under subpart F of 49 C.F.R. part 172 or any 92431  
quantity of a material listed as a select agent or toxin in 42 92432  
C.F.R. part 73, as amended. 92433

(X) "Imminent hazard" means the existence of a condition 92434  
that presents a substantial likelihood that death, serious 92435  
illness, severe personal injury, or a substantial endangerment 92436  
to health, property, or the environment may occur before the 92437  
reasonably foreseeable completion date of a formal proceeding 92438  
begun to lessen the risk of that death, illness, injury, or 92439  
endangerment. 92440

(Y) "Medical variance" means one of the following received 92441  
by a driver from the federal motor carrier safety administration 92442  
that allows the driver to be issued a medical certificate: 92443

(1) An exemption letter permitting operation of a 92444  
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 92445  
C.F.R. 391.64; 92446

(2) A skill performance evaluation certificate permitting 92447  
operation of a commercial motor vehicle pursuant to 49 C.F.R. 92448  
391.49. 92449

(Z) "Mobile telephone" means a mobile communication device 92450  
that falls under or uses any commercial mobile radio service as 92451  
defined in 47 C.F.R. 20, except that mobile telephone does not 92452  
include two-way or citizens band radio services. 92453

(AA) "Motor vehicle" means a vehicle, machine, tractor, 92454  
trailer, or semitrailer propelled or drawn by mechanical power 92455  
used on highways, except that such term does not include a 92456  
vehicle, machine, tractor, trailer, or semitrailer operated 92457  
exclusively on a rail. 92458

(BB) "Out-of-service order" means a declaration by an 92459

authorized enforcement officer of a federal, state, local, 92460  
Canadian, or Mexican jurisdiction declaring that a driver, 92461  
commercial motor vehicle, or commercial motor carrier operation 92462  
is out of service as defined in 49 C.F.R. 390.5. 92463

(CC) "Peace officer" has the same meaning as in section 92464  
2935.01 of the Revised Code. 92465

(DD) "Portable tank" means a liquid or gaseous packaging 92466  
designed primarily to be loaded onto or temporarily attached to 92467  
a vehicle and equipped with skids, mountings, or accessories to 92468  
facilitate handling of the tank by mechanical means. 92469

(EE) "Public safety vehicle" has the same meaning as in 92470  
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 92471

(FF) "Recreational vehicle" includes every vehicle that is 92472  
defined as a recreational vehicle in section 4501.01 of the 92473  
Revised Code and is used exclusively for purposes other than 92474  
engaging in business for profit. 92475

(GG) "Residence" means any person's residence determined 92476  
in accordance with standards prescribed in rules adopted by the 92477  
registrar. 92478

(HH) "School bus" has the same meaning as in section 92479  
4511.01 of the Revised Code. 92480

(II) "Serious traffic violation" means any of the 92481  
following: 92482

(1) A conviction arising from a single charge of operating 92483  
a commercial motor vehicle in violation of any provision of 92484  
section 4506.03 of the Revised Code; 92485

(2) (a) Except as provided in division (II) (2) (b) of this 92486  
section, a violation while operating a commercial motor vehicle 92487

of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:

(i) Texting while driving;

(ii) Using a handheld mobile telephone.

(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:

(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;

(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;

(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of

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cargo being transported;	92516
(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;	92517 92518 92519 92520 92521 92522
(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;	92523 92524 92525 92526 92527
(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:	92528 92529 92530 92531
(i) It relates to traffic control, other than a parking violation;	92532 92533
(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated by the director as such by rule.	92534 92535 92536
(JJ) "State" means a state of the United States and includes the District of Columbia.	92537 92538
(KK) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons	92539 92540 92541 92542 92543 92544

or more. "Tank vehicle" does not include a commercial motor 92545  
vehicle transporting an empty storage container tank that is not 92546  
designed for transportation, has a rated capacity of one 92547  
thousand gallons or more, and is temporarily attached to a 92548  
flatbed trailer. 92549

(LL) "Tester" means a person or entity acting pursuant to 92550  
a valid agreement entered into pursuant to division (B) of 92551  
section 4506.09 of the Revised Code. 92552

(MM) "Texting" means manually entering alphanumeric text 92553  
into, or reading text from, an electronic device. Texting 92554  
includes short message service, e-mail, instant messaging, a 92555  
command or request to access a world wide web page, pressing 92556  
more than a single button to initiate or terminate a voice 92557  
communication using a mobile telephone, or engaging in any other 92558  
form of electronic text retrieval or entry, for present or 92559  
future communication. Texting does not include the following: 92560

(1) Using voice commands to initiate, receive, or 92561  
terminate a voice communication using a mobile telephone; 92562

(2) Inputting, selecting, or reading information on a 92563  
global positioning system or navigation system; 92564

(3) Pressing a single button to initiate or terminate a 92565  
voice communication using a mobile telephone; or 92566

(4) Using, for a purpose that is not otherwise prohibited 92567  
by law, a device capable of performing multiple functions, such 92568  
as a fleet management system, a dispatching device, a mobile 92569  
telephone, a citizens band radio, or a music player. 92570

(NN) "Texting while driving" means texting while operating 92571  
a commercial motor vehicle, with the motor running, including 92572  
while temporarily stationary because of traffic, a traffic 92573

control device, or other momentary delays. Texting while driving 92574  
does not include operating a commercial motor vehicle with or 92575  
without the motor running when the driver has moved the vehicle 92576  
to the side of, or off, a highway and is stopped in a location 92577  
where the vehicle can safely remain stationary. 92578

(OO) "United States" means the fifty states and the 92579  
District of Columbia. 92580

(PP) "Upgrade" means a change in the class of vehicles, 92581  
endorsements, or self-certified status as described in division 92582  
(A) (1) of section 4506.10 of the Revised Code, that expands the 92583  
ability of a current commercial driver's license holder to 92584  
operate commercial motor vehicles under this chapter. 92585

(QQ) "Use of a handheld mobile telephone" means: 92586

(1) Using at least one hand to hold a mobile telephone to 92587  
conduct a voice communication; 92588

(2) Dialing or answering a mobile telephone by pressing 92589  
more than a single button; or 92590

(3) Reaching for a mobile telephone in a manner that 92591  
requires a driver to maneuver so that the driver is no longer in 92592  
a seated driving position, or restrained by a seat belt that is 92593  
installed in accordance with 49 C.F.R. 393.93 and adjusted in 92594  
accordance with the vehicle manufacturer's instructions. 92595

(RR) "Vehicle" has the same meaning as in section 4511.01 92596  
of the Revised Code. 92597

**Sec. 4506.05.** (A) Notwithstanding any other provision of 92598  
law, a person may drive a commercial motor vehicle on a highway 92599  
in this state if all of the following conditions are met: 92600

(1) The person has a valid commercial driver's license or 92601

commercial driver's license temporary instruction permit issued 92602  
by any state or jurisdiction in accordance with the minimum 92603  
standards adopted by the federal motor carrier safety 92604  
administration under the "Commercial Motor Vehicle Safety Act of 92605  
1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of 92606  
commercial driver's licenses; 92607

(2) The person's commercial driver's license or temporary 92608  
instruction permit is not suspended, revoked, or canceled, and 92609  
the person has the appropriate endorsements for the vehicle that 92610  
is being driven; 92611

(3) The person is not disqualified from driving a 92612  
commercial motor vehicle; 92613

(4) The person is not subject to an out-of-service order; 92614

(5) The person is medically certified as physically 92615  
qualified to operate a commercial motor vehicle in accordance 92616  
with this chapter. 92617

(a) A person who submitted a medical examiner's 92618  
certificate to the registrar in accordance with division (A)(1) 92619  
of section 4506.10 of the Revised Code and whose medical 92620  
certification information is maintained in the commercial 92621  
driver's license information system is not required to have the 92622  
medical examiner's certificate in the person's possession when 92623  
on duty. 92624

(b) A person whose medical certification information is 92625  
not maintained in the commercial driver's license information 92626  
system shall have in the person's possession when on duty the 92627  
original or a copy of the current medical examiner's certificate 92628  
that was submitted to the registrar. However, the person may 92629  
operate a commercial motor vehicle with such proof of medical 92630

certification for not more than fifteen days after the date the 92631  
current medical examiner's certificate was issued to the person. 92632

(c) A person who has a medical variance shall have in the 92633  
person's possession the original or copy of the medical variance 92634  
documentation at all times while on duty. 92635

(6) The person is not prohibited from operating a 92636  
commercial motor vehicle because the person violated 49 C.F.R. 92637  
382, subpart B. 92638

(B) No person shall drive a commercial motor vehicle on a 92639  
highway in this state if the person does not meet the conditions 92640  
specified in division (A) of this section. 92641

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 92642  
391.62, 391.67, and 391.68, no person holding a commercial 92643  
driver's license temporary instruction permit or a commercial 92644  
driver's license issued under this chapter may drive a 92645  
commercial motor vehicle in interstate commerce until the person 92646  
is at least twenty-one years of age. 92647

(D) (1) Whoever violates this section is guilty of a 92648  
misdemeanor of the first degree. 92649

(2) The offenses established under this section are strict 92650  
liability offenses and section 2901.20 of the Revised Code does 92651  
not apply. The designation of these offenses as strict liability 92652  
offenses shall not be construed to imply that any other offense, 92653  
for which there is no specified degree of culpability, is not a 92654  
strict liability offense. 92655

**Sec. 4506.07.** (A) An applicant for a commercial driver's 92656  
license, restricted commercial driver's license, or a commercial 92657  
driver's license temporary instruction permit, or a duplicate of 92658  
such a license or permit, shall submit an application upon a 92659

form approved and furnished by the registrar of motor vehicles. 92660  
Except as provided in section 4506.24 of the Revised Code in 92661  
regard to a restricted commercial driver's license, the 92662  
applicant shall sign the application which shall contain the 92663  
following information: 92664

(1) The applicant's name, date of birth, social security 92665  
account number, sex, general description including height, 92666  
weight, and color of hair and eyes, current residence, duration 92667  
of residence in this state, state of domicile, country of 92668  
citizenship, and occupation; 92669

(2) Whether the applicant previously has been licensed to 92670  
operate a commercial motor vehicle or any other type of motor 92671  
vehicle in another state or a foreign jurisdiction and, if so, 92672  
when, by what state, and whether the license or driving 92673  
privileges currently are suspended or revoked in any 92674  
jurisdiction, or the applicant otherwise has been disqualified 92675  
from operating a commercial motor vehicle, or is subject to an 92676  
out-of-service order issued under this chapter or any similar 92677  
law of another state or a foreign jurisdiction and, if so, the 92678  
date of, locations involved, and reason for the suspension, 92679  
revocation, disqualification, or out-of-service order; 92680

(3) Whether the applicant has any physical or mental 92681  
disability or disease that prevents the applicant from 92682  
exercising reasonable and ordinary control over a motor vehicle 92683  
while operating it upon a highway or is or has been subject to 92684  
any condition resulting in episodic impairment of consciousness 92685  
or loss of muscular control and, if so, the nature and extent of 92686  
the disability, disease, or condition, and the names and 92687  
addresses of the physicians, certified nurse-midwives if 92688  
authorized as described in section 4723.438 of the Revised Code, 92689

clinical nurse specialists, or certified nurse practitioners 92690  
attending the applicant; 92691

(4) Whether the applicant has obtained a medical 92692  
examiner's certificate as required by this chapter and, 92693  
beginning January 30, 2012, the applicant, prior to or at the 92694  
time of applying, has self-certified to the registrar the 92695  
applicable status of the applicant under division (A) (1) of 92696  
section 4506.10 of the Revised Code; 92697

(5) Whether the applicant has pending a citation for 92698  
violation of any motor vehicle law or ordinance except a parking 92699  
violation and, if so, a description of the citation, the court 92700  
having jurisdiction of the offense, and the date when the 92701  
offense occurred; 92702

(6) If an applicant has not certified the applicant's 92703  
willingness to make an anatomical gift under section 2108.05 of 92704  
the Revised Code, whether the applicant wishes to certify 92705  
willingness to make such an anatomical gift, which shall be 92706  
given no consideration in the issuance of a license; 92707

(7) Whether the applicant has executed a valid durable 92708  
power of attorney for health care pursuant to sections 1337.11 92709  
to 1337.17 of the Revised Code or has executed a declaration 92710  
governing the use or continuation, or the withholding or 92711  
withdrawal, of life-sustaining treatment pursuant to sections 92712  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 92713  
executed either type of instrument, whether the applicant wishes 92714  
the license issued to indicate that the applicant has executed 92715  
the instrument; 92716

(8) Whether the applicant is a veteran, active duty, or 92717  
reservist of the armed forces of the United States and, if the 92718

applicant is such, whether the applicant wishes the license 92719  
issued to indicate that the applicant is a veteran, active duty, 92720  
or reservist of the armed forces of the United States by a 92721  
military designation on the license; 92722

(9) Whether the applicant currently is prohibited by the 92723  
federal motor carrier safety administration from operating a 92724  
commercial motor vehicle because the applicant violated 49 92725  
C.F.R. 382, subpart B. 92726

(B) Every applicant shall certify, on a form approved and 92727  
furnished by the registrar, all of the following: 92728

(1) That the motor vehicle in which the applicant intends 92729  
to take the driving skills test is representative of the type of 92730  
motor vehicle that the applicant expects to operate as a driver; 92731

(2) That the applicant is not subject to any 92732  
disqualification or out-of-service order, or license suspension, 92733  
revocation, or cancellation, under the laws of this state, of 92734  
another state, or of a foreign jurisdiction and does not have 92735  
more than one driver's license issued by this or another state 92736  
or a foreign jurisdiction; 92737

(3) Any additional information, certification, or evidence 92738  
that the registrar requires by rule in order to ensure that the 92739  
issuance of a commercial driver's license or commercial driver's 92740  
license temporary instruction permit to the applicant is in 92741  
compliance with the law of this state and with federal law. 92742

(C) Every applicant shall execute a form, approved and 92743  
furnished by the registrar, under which the applicant consents 92744  
to the release by the registrar of information from the 92745  
applicant's driving record. 92746

(D) The registrar or a deputy registrar, in accordance 92747

with section 3503.11 of the Revised Code, shall register as an 92748  
elector any applicant for a commercial driver's license or for a 92749  
renewal or duplicate of such a license under this chapter, if 92750  
the applicant is eligible and wishes to be registered as an 92751  
elector. The decision of an applicant whether to register as an 92752  
elector shall be given no consideration in the decision of 92753  
whether to issue the applicant a license or a renewal or 92754  
duplicate. 92755

(E) The registrar or a deputy registrar, in accordance 92756  
with section 3503.11 of the Revised Code, shall offer the 92757  
opportunity of completing a notice of change of residence or 92758  
change of name to any applicant for a commercial driver's 92759  
license or for a renewal or duplicate of such a license who is a 92760  
resident of this state, if the applicant is a registered elector 92761  
who has changed the applicant's residence or name and has not 92762  
filed such a notice. 92763

(F) In considering any application submitted pursuant to 92764  
this section, the bureau of motor vehicles may conduct any 92765  
inquiries necessary to ensure that issuance or renewal of a 92766  
commercial driver's license would not violate any provision of 92767  
the Revised Code or federal law. 92768

(G) In addition to any other information it contains, the 92769  
form approved and furnished by the registrar of motor vehicles 92770  
for an application for a commercial driver's license, restricted 92771  
commercial driver's license, or a commercial driver's license 92772  
temporary instruction permit or an application for a duplicate 92773  
of such a license or permit shall inform applicants that the 92774  
applicant must present a copy of the applicant's DD-214 or an 92775  
equivalent document in order to qualify to have the license, or 92776  
permit, or duplicate indicate that the applicant is a veteran, 92777

active duty, or reservist of the armed forces of the United 92778  
States based on a request made pursuant to division (A) (8) of 92779  
this section. 92780

**Sec. 4506.13.** (A) The registrar of motor vehicles may 92781  
authorize the highway patrol or any other employee of the 92782  
department of public safety to issue an examiner's commercial 92783  
examinations passed form to an applicant who has passed the 92784  
required examinations. The examiner's commercial examinations 92785  
passed form shall be used to indicate the examinations taken and 92786  
passed by the commercial driver's license applicant. 92787

(B) (1) Before issuing, renewing, transferring, or 92788  
upgrading a commercial driver's license temporary instruction 92789  
permit or a commercial driver's license, the registrar of motor 92790  
vehicles shall obtain information about the applicant's driving 92791  
record, whether the applicant was previously issued a commercial 92792  
driver's license in another state, or whether the applicant is 92793  
disqualified or prohibited from operating a commercial motor 92794  
vehicle through the commercial driver's license information 92795  
system, the drug and alcohol clearinghouse, the applicant's 92796  
state of licensure, and when available, the national driver 92797  
register. In addition, before initially issuing a class A or 92798  
class B commercial driver's license, a passenger endorsement, a 92799  
school bus endorsement, or a hazardous materials endorsement, 92800  
the registrar shall verify that the applicant completed the 92801  
training required under 49 C.F.R. 380, subpart F, through the 92802  
federal motor carrier safety administration's training provider 92803  
registry. The registrar also shall check the applicant's driver 92804  
record to ensure that an applicant who self-certified under 92805  
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 92806  
that the applicant's operation of a commercial motor vehicle is 92807  
non-excepted interstate, is medically certified. 92808

(2) The registrar shall not issue, renew, upgrade, or transfer the applicant's commercial driver's license temporary instruction permit or commercial driver's license if any of the following apply:

(a) The registrar obtains adverse information regarding the applicant's driving record.

(b) There is no information regarding the driver's self-certification type as required by division (A)(1) of section 4506.10 of the Revised Code.

(c) The applicant's medical status is not certified, when required to be certified under division (A)(1)(a)(i) of section 4506.10 of the Revised Code.

(d) The applicant is prohibited from operating a commercial motor vehicle because the applicant violated the drug and alcohol use and testing provisions of 49 C.F.R. 382, subpart B;

(e) If required, the applicant did not successfully complete the training required by 49 C.F.R. 380, subpart F, as documented in the federal motor carrier safety administration's training provider registry.

(3) If the record check reveals information that the applicant claims is outdated, contested, or invalid, the registrar shall deny the application until the applicant can resolve the conflict.

(C) The registrar shall do all of the following:

(1) Within ten days after issuing a commercial driver's license temporary instruction permit or commercial driver's license, notify the commercial driver's license information

system, when available, of that fact and provide all information 92837  
required to ensure identification of the licensee. If the 92838  
registrar is notified that driver has been issued a medical 92839  
variance, the registrar shall indicate the existence of the 92840  
medical variance on the ~~commercial driver's license holder's~~ 92841  
commercial driver's license information system driver record. 92842

(2) For those drivers self-certifying under division (A) 92843  
(1) (a) (i) of section 4506.10 of the Revised Code as non-excepted 92844  
interstate, post the applicant's medical status as certified or 92845  
non-certified on the applicant's commercial driver's license 92846  
information system driver record upon receiving a valid original 92847  
or copy of the medical examiner's certificate; 92848

(3) Post the driver's self-certification type as set forth 92849  
in division (A) (1) of section 4506.10 of the Revised Code; 92850

(4) Post information from the medical examiner's 92851  
certificate, if applicable, on the ~~commercial driver's license~~ 92852  
~~holder's~~ commercial driver's license information system driver 92853  
record within ten calendar days of receipt of the medical 92854  
examiner's certificate; 92855

(5) Retain the original or a copy of the commercial 92856  
driver's license temporary instruction permit or commercial 92857  
driver's license holder's medical certificate for a minimum of 92858  
three years after the date the certificate was issued; 92859

(6) Post and maintain as part of the commercial driver's 92860  
license information system driver record all convictions, 92861  
disqualifications, and other licensing actions for violations of 92862  
any state or municipal ordinances related to motor vehicle 92863  
traffic control, other than parking violations for all persons 92864  
who hold a commercial driver's license temporary instruction 92865

permit or commercial driver's license or operate a motor vehicle 92866  
for which a commercial driver's license is required; 92867

(7) Post an applicant's status of medically non-certified 92868  
on the applicant's commercial driver's license information 92869  
system driver record and downgrade the applicant's commercial 92870  
driver's license temporary instruction permit or commercial 92871  
driver's license in accordance with division (D) of this section 92872  
if either of the following applies: 92873

(a) The commercial driver's license temporary instruction 92874  
permit or commercial driver's license holder fails to provide 92875  
the driver's self-certification type as required by division (A) 92876  
(1) of section 4506.10 of the Revised Code. 92877

(b) The commercial driver's license temporary instruction 92878  
permit or commercial driver's license holder self-certifying 92879  
under division (A) (1) (a) (i) of section 4506.10 of the Revised 92880  
Code as non-excepted interstate fails to provide the registrar 92881  
with a current medical examiner's certificate. 92882

(8) Mark the commercial driver's license information 92883  
system driver record as non-certified for any commercial 92884  
driver's license temporary instruction permit or commercial 92885  
driver's license holder who has not self-certified under 92886  
division (A) (1) of section 4506.10 of the Revised Code by 92887  
January 30, 2014 and initiate the ~~commercial driver's license~~ 92888  
commercial driver's license downgrade procedures described in 92889  
division (D) of this section; 92890

(9) Within ten days after a commercial driver's license 92891  
temporary instruction permit or commercial driver's license 92892  
holder's medical certification status expires or a medical 92893  
variance expires or is rescinded, update the person's medical 92894

certification status to non-certified; 92895

(10) Within ten calendar days after receiving information 92896  
from the federal motor carrier safety administration regarding 92897  
issuance or renewal of a medical variance for a driver, update 92898  
the driver's commercial driver's license information system 92899  
driver record to include the medical variance information 92900  
provided by the federal motor carrier safety administration; 92901

(11) Within ten calendar days after receiving information 92902  
from the federal motor carrier safety administration that a 92903  
commercial driver's license temporary instruction permit or 92904  
commercial driver's license holder is prohibited from operating 92905  
a commercial motor vehicle because of a violation of the drug 92906  
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 92907  
B, initiate the commercial driver's license downgrade procedures 92908  
described in division (F) (1) of this section; 92909

(12) Within ten calendar days after receiving information 92910  
from the federal motor carrier safety administration that a 92911  
commercial driver's license temporary instruction permit or 92912  
commercial driver's license holder is no longer prohibited or 92913  
was erroneously identified as prohibited from operating a 92914  
commercial motor vehicle because of a violation of the drug and 92915  
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 92916  
initiate the reinstatement procedures described in division (F) 92917  
(2) of this section. 92918

(D) If a driver's medical certification or medical 92919  
variance expires or the federal motor carrier safety 92920  
administration notifies the registrar that a medical variance 92921  
was removed or rescinded, the registrar shall do the following: 92922

(1) Send notice to the commercial driver's license holder 92923

of the holder's medically not certified status. The notice shall 92924  
inform the driver that the driver's commercial driver's license 92925  
privileges will be removed unless the driver resolves the 92926  
medical certification or medical variance defect by submitting a 92927  
current medical certificate or medical variance, as applicable, 92928  
or changing the driver's self-certification under division (A) 92929  
(1) of section 4506.10 of the Revised Code to driving only in 92930  
excepted interstate or excepted intrastate commerce within sixty 92931  
days. 92932

(2) Sixty days after the change to a medically not 92933  
certified status, if the commercial driver's license holder has 92934  
not resolved the medical certification or medical variance 92935  
defect as described in division (D)(1) of this section, the 92936  
registrar shall change the person's commercial driver's license 92937  
status to reflect no commercial driver's license privileges and 92938  
shall send the person a second notice informing the person that 92939  
the commercial driver's license privilege has been removed from 92940  
the driver's license. 92941

(E) To the extent permitted by federal and state law, the 92942  
registrar shall provide records from the commercial driver's 92943  
license information system regarding a commercial driver's 92944  
license holder or commercial motor vehicle operator to the 92945  
following individuals and entities or their authorized agents 92946  
within ten days of the receipt of conviction or disqualification 92947  
information concerning the holder or operator from another state 92948  
or within ten days of the date of conviction or disqualification 92949  
of the holder or operator if it occurred in this state, as 92950  
applicable: 92951

(1) Other states; 92952

(2) The secretary of the United States department of 92953

transportation; 92954

(3) The commercial driver's license holder or commercial 92955  
motor vehicle operator referenced in the records; 92956

(4) A motor carrier that is a current or prospective 92957  
employer of the commercial driver's license holder or commercial 92958  
motor vehicle operator referenced in the records. 92959

(F) (1) If the registrar receives information in accordance 92960  
with division (C) (11) of this section, the registrar shall 92961  
notify the subject commercial driver's license temporary 92962  
instruction permit or commercial driver's license holder. The 92963  
notice shall inform the driver that the driver's commercial 92964  
driver's license privileges will be downgraded unless the driver 92965  
resolves the prohibition in accordance with the federal 92966  
requirements within thirty days. If the driver does not resolve 92967  
the prohibition within the thirty days, the registrar shall do 92968  
all of the following: 92969

(a) Downgrade the driver's commercial driver's license 92970  
temporary instruction permit or commercial driver's license to 92971  
prohibit the driver from operating a commercial motor vehicle; 92972

(b) Send a second notice to the driver specifying that the 92973  
driver's license has been downgraded and that the driver is 92974  
prohibited from operating a commercial motor vehicle until the 92975  
driver takes the steps necessary to reinstate commercial 92976  
driver's license privileges; 92977

(c) Record the downgrade on the driver's commercial 92978  
driver's license information system driver record not later than 92979  
sixty days after the original notification to the registrar from 92980  
the federal motor carrier safety administration. 92981

(2) If the registrar receives information in accordance 92982

with division (C) (12) of this section, the registrar shall do 92983  
one of the following, as applicable: 92984

(a) If the registrar receives the information before the 92985  
registrar has downgraded a driver's commercial driver's license 92986  
privileges in accordance with division (F) (1) of this section, 92987  
the registrar shall terminate the downgrade process and notify 92988  
the applicable driver of the termination; 92989

(b) If the registrar receives the information after the 92990  
registrar has downgraded a driver's commercial driver's license 92991  
privileges in accordance with division (F) (1) of this section, 92992  
the registrar shall reinstate the driver's commercial driver's 92993  
license, provided that the driver is otherwise eligible for 92994  
reinstatement and such commercial driving privileges. 92995

(3) If the registrar receives information in accordance 92996  
with division (C) (12) of this section that the driver was 92997  
erroneously identified as prohibited from operating a commercial 92998  
motor vehicle, in addition to the reinstatement procedures under 92999  
division (F) (2) of this section, the registrar shall remove any 93000  
record of the downgrade from the driver's commercial driver's 93001  
license information system driver record and motor vehicle 93002  
driving record. 93003

**Sec. 4506.131.** ~~(A)~~ (A) (1) The registrar of motor vehicles 93004  
shall not issue, renew, upgrade, or transfer a hazardous 93005  
materials endorsement for a commercial driver's license to any 93006  
individual authorizing that individual to operate a commercial 93007  
motor vehicle transporting a hazardous material in commerce 93008  
unless the registrar has received from the transportation 93009  
security administration a determination indicating that the 93010  
individual does not pose a security risk warranting denial of 93011  
the endorsement. 93012

(2) The registrar may issue, renew, upgrade, or transfer a hazardous materials endorsement for a commercial driver's license to an individual who is under twenty-one years of age if both of the following apply: 93013  
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(a) The individual uses the endorsement for purposes of intrastate commerce of hazardous materials only; 93017  
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(b) The individual meets all other federal and state requirements for issuance of the endorsement. 93019  
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(B) (1) Immediately upon receiving a determination from the transportation security administration that an individual poses a security risk warranting denial of a hazardous materials endorsement, the registrar shall revoke any existing hazardous materials endorsement and shall refuse to issue a hazardous materials endorsement for the individual named as a security risk. 93021  
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(2) Within fifteen days of receiving any determination from the transportation security administration indicating the status of an individual's security risk, the registrar shall notify the commercial driver license information system of the results of the security assessment. 93028  
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(C) The registrar shall order any revocation under division (B) of this section without a hearing. Any person adversely affected by the order may request an administrative hearing before the registrar. The scope of the hearing shall be limited to whether the bureau of motor vehicles properly revoked the hazardous material endorsement after receiving notification from the transportation security administration and shall not include consideration of whether the transportation security administration acted properly in sending the notification. 93033  
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Sec. 4506.14. (A) Commercial driver's licenses shall 93042  
expire as follows: 93043

(1) Except as provided in division (A) (3) or (4) of this 93044  
section, each such license issued to replace an operator's or 93045  
chauffeur's license shall expire on the original expiration date 93046  
of the operator's or chauffeur's license and, upon renewal, 93047  
shall expire on the licensee's birthday in the fourth or eighth 93048  
year after the date of issuance, based on the period of renewal 93049  
requested by the applicant. A person who is sixty-five years of 93050  
age or older may only apply for a commercial driver's license 93051  
that expires on the birthday of the applicant in the fourth year 93052  
after the date it is issued. 93053

(2) (a) Except as provided in division (A) (3) or (4) of 93054  
this section, each such license issued as an original license to 93055  
a person whose residence is in this state shall expire on the 93056  
licensee's birthday in the fourth or eighth year after the date 93057  
of issuance, based on the period of renewal requested by the 93058  
applicant. A person who is sixty-five years of age or older may 93059  
only apply for a commercial driver's license that expires on the 93060  
birthday of the applicant in the fourth year after the date it 93061  
is issued. 93062

(b) Each such license issued to a person whose temporary 93063  
residence is in this state shall expire in accordance with rules 93064  
adopted by the registrar of motor vehicles. A license issued to 93065  
a person with a temporary residence in this state is 93066  
~~nonrenewable, but may be replaced with a new license within~~ 93067  
~~ninety days prior to its expiration upon the applicant's~~ 93068  
~~compliance with all applicable requirements~~ a limited term 93069  
license and may be renewed in accordance with division (C) of 93070  
this section. 93071

(3) The registrar or a deputy registrar may issue a license that expires on a date earlier than the licensee's birthday in the fourth year after the date of issuance if the licensee has undergone a security threat assessment required by federal law to obtain a hazardous materials endorsement and the assessment will expire before that date. No commercial driver's license shall be issued under division (A)(3) of this section for a period longer than four years and one hundred eighty days.

(4) Each such license issued to replace the operator's or chauffeur's license of a person who is less than twenty-one years of age, and each such license issued as an original license to a person who is less than twenty-one years of age, shall expire on the licensee's twenty-first birthday.

(B) No commercial driver's license shall be issued for a period longer than eight years. Except as provided in section 4507.12 of the Revised Code, the registrar may waive the examination of any person applying for the renewal of a commercial driver's license issued under this chapter, provided that the applicant presents either an unexpired commercial driver's license or a commercial driver's license that has expired not more than six months prior to the date of application.

~~(C)~~(C)(1) Subject to the requirements of this chapter and except as provided in division ~~(A)(2)~~(C)(2) of this section in regard to a person whose temporary residence is in this state, every commercial driver's license shall be renewable one hundred eighty days before its expiration upon payment of the fees required by section 4506.08 of the Revised Code. Each person applying for renewal or transfer of a commercial driver's license shall complete the application form prescribed by

section 4506.07 of the Revised Code and shall provide all 93102  
certifications required. 93103

(2) (a) Except as provided in division (C) (2) (b) of this 93104  
section, a limited term commercial driver's license shall not be 93105  
issued to a temporary resident for a period longer than the 93106  
expiration date of the temporary resident's authorized stay in 93107  
the United States, or for four years from the date of issuance, 93108  
whichever date is earliest. 93109

(b) If there is no expiration date for a temporary 93110  
resident's authorized stay in the United States, a limited term 93111  
commercial driver's license shall not be issued to the temporary 93112  
resident for a period longer than one year from the date of 93113  
issuance. 93114

(c) A limited term commercial driver's license may be 93115  
renewed within one hundred eighty days prior to its expiration 93116  
upon the applicant's presentation of documentation verifying the 93117  
applicant's legal presence or continued temporary lawful status 93118  
in the United States. 93119

(3) Prior to applying for renewal of a commercial driver's 93120  
license, each applicant shall submit a new copy or original 93121  
medical examiner's certificate required by section 4506.10 of 93122  
the Revised Code; if the person's medical status has changed, 93123  
the registrar shall take the appropriate action to address the 93124  
change in medical status. If the person wishes to retain an 93125  
endorsement authorizing the person to transport hazardous 93126  
materials, the person shall take and successfully complete the 93127  
written test for the endorsement and shall submit to any 93128  
background check required by federal law. 93129

(D) Each person licensed as a driver under this chapter 93130

shall notify the registrar of any change in the person's address 93131  
within ten days following that change. The notification shall be 93132  
in writing on a form provided by the registrar and shall include 93133  
the full name, date of birth, license number, county of 93134  
residence, social security number, and new address of the 93135  
person. 93136

(E) Whoever violates division (D) of this section is 93137  
guilty of a minor misdemeanor. 93138

**Sec. 4507.061.** (A) The registrar of motor vehicles may 93139  
authorize the online renewal of a driver's license, commercial 93140  
driver's license, or identification card issued by the bureau of 93141  
motor vehicles for eligible applicants. An applicant is eligible 93142  
for online renewal if all of the following apply: 93143

(1) The applicant's current driver's license, commercial 93144  
driver's license, or identification card was processed in person 93145  
at a deputy registrar office. 93146

(2) The applicant has a photo on file with the bureau of 93147  
motor vehicles from the applicant's current driver's license, 93148  
commercial driver's license, or identification card. 93149

(3) The applicant's current driver's license, commercial 93150  
driver's license, or identification card expires on the birthday 93151  
of the applicant in the fourth year after the date it was 93152  
issued. 93153

(4) The applicant is applying for a driver's license, 93154  
commercial driver's license, or identification card that expires 93155  
on the birthday of the applicant in the fourth year after the 93156  
date it is issued. 93157

(5) The applicant's current driver's license, commercial 93158  
driver's license, or identification card is unexpired or expired 93159

not more than six months prior to the date of the application. 93160

(6) The applicant is a citizen or a permanent resident of 93161  
the United States and a permanent resident of this state. 93162

(7) The applicant's current driver's license, commercial 93163  
driver's license, or identification card was issued when the 93164  
applicant was twenty-one years of age or older. 93165

(8) If the applicant is renewing a driver's license or 93166  
commercial driver's license, the applicant is less than sixty- 93167  
five years of age. 93168

(9) The applicant's current driver's license, commercial 93169  
driver's license, or driving privileges are not suspended, 93170  
canceled, revoked, or restricted, and the applicant is not 93171  
otherwise prohibited by law from obtaining a driver's license, 93172  
commercial driver's license, or identification card. 93173

(10) The applicant has no changes to the applicant's name 93174  
or personal information, other than a change of address. 93175

(11) The applicant has no medical restrictions that would 93176  
require the applicant to apply for a driver's license, 93177  
commercial driver's license, or identification card in person at 93178  
a deputy registrar office. The registrar shall determine the 93179  
medical restrictions that require in person applications. 93180

(12) For a commercial driver's license, the applicant 93181  
complies with all the requirements of Chapter 4506. of the 93182  
Revised Code, including self-certification and medical 93183  
certificate requirements. 93184

(13) For a commercial driver's license, the applicant is 93185  
not under any restriction specified by any federal regulation. 93186

(B) An applicant may not submit an application online for 93187

any of the following:	93188
(1) A temporary instruction permit;	93189
(2) A commercial driver's license temporary instruction permit;	93190 93191
(3) An initial issuance of an Ohio driver's license, commercial driver's license, or identification card;	93192 93193
(4) An initial issuance of a federally compliant driver's license, <u>commercial driver's license</u> , or identification card;	93194 93195
(5) An ignition interlock license;	93196
(6) A limited term driver's license or <del>nonrenewable</del> <u>limited term commercial driver's license issued to a temporary resident</u> .	93197 93198 93199
(C) The registrar may require an applicant to provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements.	93200 93201 93202 93203
(D) Except as otherwise provided, an applicant shall comply with all other applicable laws related to the issuance of a driver's license, commercial driver's license, or identification card in order to renew a driver's license, commercial driver's license, or identification card under this section.	93204 93205 93206 93207 93208 93209
(E) The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this section.	93210 93211 93212
<b>Sec. 4507.08.</b> (A) No probationary license shall be issued to any person under the age of eighteen who has been adjudicated	93213 93214

an unruly or delinquent child or a juvenile traffic offender for 93215  
having committed any act that if committed by an adult would be 93216  
a drug abuse offense, as defined in section 2925.01 of the 93217  
Revised Code, a violation of division (B) of section 2917.11, or 93218  
a violation of division (A) of section 4511.19 of the Revised 93219  
Code, unless the person has been required by the court to attend 93220  
a drug abuse or alcohol abuse education, intervention, or 93221  
treatment program specified by the court and has satisfactorily 93222  
completed the program. 93223

(B) No temporary instruction permit or driver's license 93224  
shall be issued to any person whose license has been suspended, 93225  
during the period for which the license was suspended, nor to 93226  
any person whose license has been canceled, under Chapter 4510. 93227  
or any other provision of the Revised Code. 93228

(C) No temporary instruction permit or driver's license 93229  
shall be issued to any person whose commercial driver's license 93230  
is suspended under Chapter 4510. or any other provision of the 93231  
Revised Code during the period of the suspension. 93232

No temporary instruction permit or driver's license shall 93233  
be issued to any person when issuance is prohibited by division 93234  
(A) of section 4507.091 of the Revised Code. 93235

(D) No temporary instruction permit or driver's license 93236  
shall be issued to, or retained by, any of the following 93237  
persons: 93238

(1) Any person who has alcoholism, or is addicted to the 93239  
use of controlled substances to the extent that the use 93240  
constitutes an impairment to the person's ability to operate a 93241  
motor vehicle with the required degree of safety; 93242

(2) Any person who is under the age of eighteen and has 93243

been adjudicated an unruly or delinquent child or a juvenile 93244  
traffic offender for having committed any act that if committed 93245  
by an adult would be a drug abuse offense, as defined in section 93246  
2925.01 of the Revised Code, a violation of division (B) of 93247  
section 2917.11, or a violation of division (A) of section 93248  
4511.19 of the Revised Code, unless the person has been required 93249  
by the court to attend a drug abuse or alcohol abuse education, 93250  
intervention, or treatment program specified by the court and 93251  
has satisfactorily completed the program; 93252

(3) Any person who, in the opinion of the registrar, has a 93253  
physical or mental disability or disease that prevents the 93254  
person from exercising reasonable and ordinary control over a 93255  
motor vehicle while operating the vehicle upon the highways, 93256  
except that a restricted license ~~effective for six months~~ may be 93257  
issued to any person otherwise qualified who is or has been 93258  
subject to any condition resulting in episodic impairment of 93259  
consciousness or loss of muscular control and whose condition, 93260  
in the opinion of the registrar, is dormant or is sufficiently 93261  
under medical control that the person is capable of exercising 93262  
reasonable and ordinary control over a motor vehicle. A 93263  
restricted license ~~effective for six months~~ shall be issued to 93264  
any person who otherwise is qualified and who is subject to any 93265  
condition that causes episodic impairment of consciousness or a 93266  
loss of muscular control if the person presents a statement from 93267  
a licensed physician, certified nurse-midwife if authorized as 93268  
described in section 4723.438 of the Revised Code, clinical 93269  
nurse specialist, or certified nurse practitioner that the 93270  
person's condition is under effective medical control and the 93271  
period of time for which the control has been continuously 93272  
maintained, unless, thereafter, a medical examination is ordered 93273  
and, pursuant thereto, cause for denial is found. 93274

A person to whom a ~~six-month~~ restricted license has been issued shall give notice of the person's medical condition to the registrar on forms provided by the registrar and signed by the licensee's physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner at intervals required by the registrar. The ~~notice shall be sent to the registrar six months after the issuance of the license.~~ Subsequent restricted licenses issued to the same individual shall ~~be effective for six months~~ determine the validity period of the restricted license.

(4) Any person who is unable to understand highway warnings or traffic signs or directions given in the English language;

(5) Any person making an application whose driver's license or driving privileges are under cancellation, revocation, or suspension in the jurisdiction where issued or any other jurisdiction, until the expiration of one year after the license was canceled or revoked or until the period of suspension ends. Any person whose application is denied under this division may file a petition in the municipal court or county court in whose jurisdiction the person resides agreeing to pay the cost of the proceedings and alleging that the conduct involved in the offense that resulted in suspension, cancellation, or revocation in the foreign jurisdiction would not have resulted in a suspension, cancellation, or revocation had the offense occurred in this state. If the petition is granted, the petitioner shall notify the registrar by a certified copy of the court's findings and a license shall not be denied under this division.

(6) Any person who is under a class one or two suspension

imposed for a violation of section 2903.01, 2903.02, 2903.04, 93305  
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 93306  
Code or whose driver's or commercial driver's license or permit 93307  
was permanently revoked prior to January 1, 2004, for a 93308  
substantially equivalent violation pursuant to section 4507.16 93309  
of the Revised Code; 93310

(7) Any person who is not a resident or temporary resident 93311  
of this state. 93312

(E) No person whose driver's license or permit has been 93313  
suspended under Chapter 4510. of the Revised Code or any other 93314  
provision of the Revised Code shall have driving privileges 93315  
reinstated if the registrar determines that a warrant has been 93316  
issued in this state or any other state for the person's arrest 93317  
and that warrant is an active warrant. 93318

**Sec. 4507.09.** (A) (1) Except as provided in division (B) of 93319  
this section, every driver's license issued to a resident of 93320  
this state expires on the birthday of the applicant in the 93321  
fourth or eighth year after the date it is issued, based on the 93322  
period of renewal requested by the applicant. A resident who is 93323  
sixty-five years of age or older may only apply for a driver's 93324  
license that expires on the birthday of the applicant in the 93325  
fourth year after the date it is issued. In no event shall any 93326  
license be issued for a period longer than eight years and 93327  
ninety days. 93328

Subject to the requirements of section 4507.12 of the 93329  
Revised Code, every driver's license issued to a resident is 93330  
renewable at any time prior to its expiration. 93331

(2) A driver's license issued to a temporary resident 93332  
shall expire in accordance with rules adopted by the registrar 93333

of motor vehicles. A driver's license issued to a temporary 93334  
resident is a limited term license, but may be renewed within 93335  
ninety days prior to its expiration in accordance with division 93336  
(E) of this section. 93337

(3) No refund shall be made or credit given for the 93338  
unexpired portion of the driver's license that is renewed. The 93339  
registrar shall notify each person whose driver's license has 93340  
expired within forty-five days after the date of expiration. 93341  
Notification shall be made by regular mail sent to the person's 93342  
last known address as shown in the records of the bureau of 93343  
motor vehicles. Failure to provide such notification shall not 93344  
be construed as a renewal or extension of any license. 93345

(4) For the purposes of this section, the date of birth of 93346  
any applicant born on the twenty-ninth day of February shall be 93347  
deemed to be the first day of March in any year in which there 93348  
is no twenty-ninth day of February. 93349

(B) Every driver's license or renewal of a driver's 93350  
license issued to a resident applicant who is sixteen years of 93351  
age or older, but less than twenty-one years of age, expires on 93352  
the twenty-first birthday of the applicant, except that an 93353  
applicant who applies no more than thirty days before the 93354  
applicant's twenty-first birthday shall be issued a license in 93355  
accordance with division (A) of this section. 93356

(C) Each person licensed as a driver under this chapter 93357  
shall notify the registrar of any change in the person's address 93358  
within ten days following that change. The notification shall be 93359  
in writing on a form provided by the registrar and shall include 93360  
the full name, date of birth, license number, county of 93361  
residence, social security number, and new address of the 93362  
person. The registrar shall offer the person the opportunity to 93363

submit a notice of change of address for voter registration 93364  
purposes by electronic means in conjunction with the person's 93365  
transaction with the registrar, in accordance with section 93366  
3503.11 of the Revised Code. 93367

(D) No driver's license shall be renewed when renewal is 93368  
prohibited by division (A) of section 4507.091 of the Revised 93369  
Code. 93370

(E) (1) Except as provided in division (E) (2) of this 93371  
section, a limited term license shall not be issued to a 93372  
temporary resident for a period longer than the expiration date 93373  
of the temporary resident's authorized stay in the United 93374  
States, or for four years from the date of issuance, whichever 93375  
date is earliest. 93376

(2) If there is no expiration date for a temporary 93377  
resident's authorized stay in the United States, a limited term 93378  
license shall not be issued to the temporary resident for a 93379  
period longer than one year from the date of issuance. 93380

(3) A limited term license may be renewed within ninety 93381  
days prior to its expiration upon the applicant's presentation 93382  
of documentation verifying the applicant's legal presence or 93383  
continued temporary lawful status in the United States. 93384

~~(3) A limited term license is not transferable, and the 93385  
applicant may not rely on it to obtain a driver's license in 93386  
another state. 93387~~

(4) In accordance with Chapter 119. of the Revised Code, 93388  
the registrar shall adopt rules governing limited term licenses 93389  
for temporary residents. 93390

**Sec. 4507.40.** (A) As used in this section, "Ohio 93391  
credential" means a temporary instruction permit identification 93392

card, driver's license, commercial driver's license, motorcycle operator's license, motorized bicycle license, or identification card issued by the Ohio bureau of motor vehicles. 93393  
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(B) Any valid holder of an Ohio credential issued after July 2, 2018, may apply online to obtain an exact reprint of that Ohio credential. Not more than one hundred eighty days after ~~the effective date of this section~~ April 12, 2021, the registrar of motor vehicles shall make the reprint application process available through electronic means on the bureau of motor vehicle's web site. A reprint of an Ohio credential shall be available only through the online process. 93396  
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(C) An applicant may obtain not more than ~~one reprint~~ two reprints between the initial issuance and renewal of an Ohio credential or between renewals of an Ohio credential. A reprint shall be an exact copy of the last-issued Ohio credential that it replaces. A reprint expires on the same date as the Ohio credential it replaces. 93404  
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(D) The applicant shall do all of the following in the application: 93410  
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(1) Certify that the current Ohio credential is lost, destroyed, or mutilated; 93412  
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(2) Provide identifying information, as required by the registrar, in order to confirm the applicant's identity; 93414  
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(3) Include with the application a financial transaction device number to pay the applicable fees for the reprint of the Ohio credential, and a service fee equal to the amount established under section 4503.038 of the Revised Code. 93416  
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(E) Upon receipt of a completed application, the registrar shall issue a reprint Ohio credential to the applicant, if the 93420  
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applicant is eligible for the reprint. If the applicant does not 93422  
qualify for a reprint, the registrar shall notify the applicant 93423  
why the application was denied. 93424

(F) The fees that are collected from a person who applies 93425  
for a reprint of an Ohio credential shall be paid to the credit 93426  
of the public safety - highway purposes fund established by 93427  
section 4501.06 of the Revised Code. 93428

**Sec. 4507.53.** Digitalized photographic records of the 93429  
department of public safety may be released only to the 93430  
following: 93431

(A) State, local, or federal governmental agencies for 93432  
criminal justice purposes; 93433

(B) Any court; 93434

(C) The American association of motor vehicle 93435  
administrators to allow state department of motor vehicles 93436  
participating in the association's state-to-state verification 93437  
services and digital image access and exchange program to use 93438  
the photographic records for identity verification purposes; 93439

(D) The department of job and family services or the 93440  
unemployment compensation review commission for the purpose of 93441  
carrying out the department's or commission's functions under 93442  
Chapter 4141. of the Revised Code. 93443

**Sec. 4509.06.** (A) ~~The driver of any motor vehicle which~~ 93444  
Any person who is in any manner involved in a motor vehicle 93445  
accident within six months of the accident, including as the 93446  
driver of a motor vehicle, the owner of property, or any person 93447  
sustaining bodily injury or property damage, may, within six 93448  
months after the accident, forward a written report of the 93449  
accident to the registrar of motor vehicles on a form prescribed 93450

by the registrar alleging that a driver or owner of any ~~other~~ vehicle involved in the accident was uninsured at the time of the accident. 93451  
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(B) Upon receipt of the accident report, the registrar shall send a notice by regular mail to the driver and owner alleged to be uninsured requiring the person to give evidence that the person had proof of financial responsibility in effect at the time of the accident. 93454  
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(C) Within thirty days after the mailing of the notice by the registrar, the driver of the vehicle alleged to be uninsured shall forward a report together with acceptable proof of financial responsibility to the registrar in a form prescribed by the registrar. The forwarding of the report by the owner of the motor vehicle involved in the accident is deemed compliance with this section by the driver. This section does not change or modify the duties of the driver or operator of a motor vehicle as set forth in section 4549.02 of the Revised Code. 93459  
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**Sec. 4509.07.** The report prescribed by the registrar of motor vehicles shall request only information sufficient to enable the registrar to administer and enforce the provisions of sections 4509.01 to 4509.78, inclusive, of the Revised Code. 93468  
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The ~~driver or owner of a motor vehicle~~ person involved in an accident who submits or is the subject of a report submitted in accordance with section 4509.06 of the Revised Code shall furnish such additional relevant information as the registrar requires. 93472  
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**Sec. 4509.101.** (A) (1) No person shall operate, or permit the operation of, a motor vehicle in this state, unless proof of financial responsibility is maintained continuously throughout 93477  
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the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that driver's operation of that vehicle.

(2) Whoever violates division (A)(1) of this section shall be subject to the following civil penalties:

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class (F) suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(6) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person, but only if the person presents proof of financial responsibility and is enrolled in a reinstatement fee payment plan pursuant to section 4510.10 of the Revised Code.

(b) If, within one year of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within one year of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1)

of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, except that no court may grant limited driving privileges for the first thirty days of the suspension.

The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(4) An order of the registrar that suspends a license 93540  
shall state the date on or before which the person is required 93541  
to surrender the person's license. The person is deemed to have 93542  
surrendered the license, in compliance with the order, if the 93543  
person does either of the following: 93544

(a) On or before the date specified in the order, delivers 93545  
the license to the registrar; 93546

(b) Mails the license to the registrar in an envelope or 93547  
container bearing a postmark showing a date no later than the 93548  
date specified in the order. 93549

(5) Except as provided in division (L) of this section, 93550  
the registrar shall not restore any operating privileges 93551  
suspended under this section, return any license surrendered 93552  
under this section, or reissue a license under section 4510.52 93553  
of the Revised Code, if the registrar destroyed the suspended 93554  
license under that section, unless the rights are not subject to 93555  
suspension or revocation under any other law and unless the 93556  
person, in addition to complying with all other conditions 93557  
required by law for reinstatement of the operating privileges, 93558  
complies with all of the following: 93559

(a) Pays to the registrar or an eligible deputy registrar 93560  
a financial responsibility reinstatement fee of forty dollars 93561  
for the first violation of division (A)(1) of this section, 93562  
three hundred dollars for a second violation of that division, 93563  
and six hundred dollars for a third or subsequent violation of 93564  
that division; 93565

(b) Files and continuously maintains proof of financial 93566  
responsibility in accordance with sections 4509.44 to 4509.65 of 93567  
the Revised Code; 93568

(c) Pays a deputy registrar a service fee of ten dollars 93569  
to compensate the deputy registrar for services performed under 93570  
this section. The deputy registrar shall retain eight dollars of 93571  
the service fee and shall transmit the reinstatement fee and two 93572  
dollars of the service fee to the registrar in the manner the 93573  
registrar shall determine. 93574

(B) (1) Every party required to file an accident report 93575  
under section 4509.06 of the Revised Code also shall include 93576  
with the report a document described in division (G) (1) (a) of 93577  
this section or shall present proof of financial responsibility 93578  
through use of an electronic wireless communications device as 93579  
permitted by division (G) (1) (b) of this section. 93580

If the registrar determines, within forty-five days after 93581  
the report is filed, that an operator or owner has violated 93582  
division (A) (1) of this section, the registrar shall do all of 93583  
the following: 93584

(a) Order the suspension required under division (A) (2) 93585  
(a), (b), or (c) of this section of the license of any operator 93586  
or owner who has violated division (A) (1) of this section; 93587

(b) Record the name and address of the person whose 93588  
license has been suspended or is under an order of suspension, 93589  
the serial number of the person's license, and the person's 93590  
social security account number, if assigned, or, where the motor 93591  
vehicle that is the subject of the violation is used for hire or 93592  
principally in connection with any established business, the 93593  
person's federal taxpayer identification number. The information 93594  
shall be recorded in such a manner that it becomes a part of the 93595  
person's permanent record, and assists the registrar in 93596  
monitoring compliance with the orders of suspension. 93597

(c) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) of this section without a hearing. Any person adversely affected by the order, within ~~ten~~fifteen days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension is upheld.

(C) Any order of suspension issued under this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor

vehicle inspection, or accident that resulted in the order 93629  
against the person. A determination may be made without a 93630  
hearing. This division does not apply unless the person shows 93631  
good cause for the person's failure to present satisfactory 93632  
proof of financial responsibility to the registrar prior to the 93633  
issuance of the order. 93634

(D) (1) (a) For the purpose of enforcing this section, every 93635  
peace officer is deemed an agent of the registrar. 93636

(b) Any peace officer who, in the performance of the peace 93637  
officer's duties as authorized by law, becomes aware of a person 93638  
whose license is under an order of suspension, pursuant to this 93639  
section, may confiscate the license and return it to the 93640  
registrar. 93641

(2) A peace officer shall request the owner or operator of 93642  
a motor vehicle to produce proof of financial responsibility in 93643  
a manner described in division (G) of this section at the time 93644  
the peace officer acts to enforce the traffic laws of this state 93645  
and during motor vehicle inspections conducted pursuant to 93646  
section 4513.02 of the Revised Code. 93647

(3) A peace officer shall indicate on every traffic ticket 93648  
whether the person receiving the traffic ticket produced proof 93649  
of the maintenance of financial responsibility in response to 93650  
the officer's request under division (D) (2) of this section. The 93651  
peace officer shall inform every person who receives a traffic 93652  
ticket and who has failed to produce proof of the maintenance of 93653  
financial responsibility that the person must submit proof to 93654  
the traffic violations bureau with any payment of a fine and 93655  
costs for the ticketed violation or, if the person is to appear 93656  
in court for the violation, the person must submit proof to the 93657  
court. 93658

(4) (a) If a person who has failed to produce proof of the 93659  
maintenance of financial responsibility appears in court for a 93660  
ticketed violation, the court may permit the defendant to 93661  
present evidence of proof of financial responsibility to the 93662  
court at such time and in such manner as the court determines to 93663  
be necessary or appropriate. In a manner prescribed by the 93664  
registrar, the clerk of courts shall provide the registrar with 93665  
the identity of any person who fails to submit proof of the 93666  
maintenance of financial responsibility pursuant to division (D) 93667  
(3) of this section. 93668

(b) If a person who has failed to produce proof of the 93669  
maintenance of financial responsibility also fails to submit 93670  
that proof to the traffic violations bureau with payment of a 93671  
fine and costs for the ticketed violation, the traffic 93672  
violations bureau, in a manner prescribed by the registrar, 93673  
shall notify the registrar of the identity of that person. 93674

(5) (a) Upon receiving notice from a clerk of courts or 93675  
traffic violations bureau pursuant to division (D) (4) of this 93676  
section, the registrar shall order the suspension of the license 93677  
of the person required under division (A) (2) (a), (b), or (c) of 93678  
this section, effective forty-five days after the date of the 93679  
mailing of notification. The registrar also shall notify the 93680  
person that the person must present the registrar with proof of 93681  
financial responsibility in accordance with this section, 93682  
surrender to the registrar the person's license, or submit a 93683  
statement subject to section 2921.13 of the Revised Code that 93684  
the person did not operate or permit the operation of the motor 93685  
vehicle at the time of the offense. Notification shall be in 93686  
writing and shall be sent to the person at the person's last 93687  
known address as shown on the records of the bureau of motor 93688  
vehicles. The person, within forty-five days after the date of 93689

the mailing of notification, shall present proof of financial 93690  
responsibility, surrender the license to the registrar in a 93691  
manner set forth in division (A) (4) of this section, or submit 93692  
the statement required under this section together with other 93693  
information the person considers appropriate. 93694

If the registrar does not receive proof or the person does 93695  
not surrender the license, in accordance with this division, the 93696  
registrar shall permit the order for the suspension of the 93697  
license of the person to take effect. 93698

(b) In the case of a person who presents, within the 93699  
forty-five-day period, proof of financial responsibility, the 93700  
registrar shall terminate the order of suspension and shall send 93701  
written notification to the person, at the person's last known 93702  
address as shown on the records of the bureau. 93703

(c) Any person adversely affected by the order of the 93704  
registrar under division (D) (5) (a) or (b) of this section, 93705  
within ~~ten~~ fifteen days after the issuance of the order, may 93706  
request an administrative hearing before the registrar, who 93707  
shall provide the person with an opportunity for a hearing in 93708  
accordance with this paragraph. A request for a hearing does not 93709  
operate as a suspension of the order. The scope of the hearing 93710  
shall be limited to whether, at the time of the hearing, the 93711  
person presents proof of financial responsibility covering the 93712  
vehicle and whether the person is eligible for an exemption in 93713  
accordance with this section or any rule adopted under it. The 93714  
registrar shall determine the date, time, and place of any 93715  
hearing; provided, that the hearing shall be held, and an order 93716  
issued or findings made, within thirty days after the registrar 93717  
receives a request for a hearing. If requested by the person, 93718  
the hearing may be held remotely by electronic means. If 93719

requested by the person in writing, the registrar may designate 93720  
as the place of hearing the county seat of the county in which 93721  
the person resides or a place within fifty miles of the person's 93722  
residence. Such person shall pay the cost of the hearing before 93723  
the registrar, if the registrar's order of suspension under 93724  
division (D) (5) (a) or (b) of this section is upheld. 93725

(6) Any forms used by law enforcement agencies in 93726  
administering this section shall be prescribed, supplied, and 93727  
paid for by the registrar. 93728

(7) No peace officer, law enforcement agency employing a 93729  
peace officer, or political subdivision or governmental agency 93730  
that employs a peace officer shall be liable in a civil action 93731  
for damages or loss to persons arising out of the performance of 93732  
any duty required or authorized by this section. 93733

(8) As used in this section, "peace officer" has the 93734  
meaning set forth in section 2935.01 of the Revised Code. 93735

(E) All fees, except court costs, fees paid to a deputy 93736  
registrar, and those portions of the financial responsibility 93737  
reinstatement fees as otherwise specified in this division, 93738  
collected under this section shall be paid into the state 93739  
treasury to the credit of the public safety - highway purposes 93740  
fund established in section 4501.06 of the Revised Code and used 93741  
to cover costs incurred by the bureau in the administration of 93742  
this section and sections 4503.20, 4507.212, and 4509.81 of the 93743  
Revised Code, and by any law enforcement agency employing any 93744  
peace officer who returns any license to the registrar pursuant 93745  
to division (C) of this section. 93746

Of each financial responsibility reinstatement fee the 93747  
registrar collects pursuant to division (A) (5) (a) of this 93748

section or receives from a deputy registrar under division (A) 93749  
(5) (c) of this section, the registrar shall deposit ten dollars 93750  
of each forty-dollar reinstatement fee, fifty dollars of each 93751  
three-hundred-dollar reinstatement fee, and one hundred dollars 93752  
of each six-hundred-dollar reinstatement fee into the state 93753  
treasury to the credit of the indigent defense support fund 93754  
created by section 120.08 of the Revised Code. 93755

(F) Chapter 119. of the Revised Code applies to this 93756  
section only to the extent that any provision in that chapter is 93757  
not clearly inconsistent with this section. 93758

(G) (1) (a) The registrar, court, traffic violations bureau, 93759  
or peace officer may require proof of financial responsibility 93760  
to be demonstrated by use of a standard form prescribed by the 93761  
registrar. If the use of a standard form is not required, a 93762  
person may demonstrate proof of financial responsibility under 93763  
this section by presenting to the traffic violations bureau, 93764  
court, registrar, or peace officer any of the following 93765  
documents or a copy of the documents: 93766

(i) A financial responsibility identification card as 93767  
provided in section 4509.103 of the Revised Code; 93768

(ii) A certificate of proof of financial responsibility on 93769  
a form provided and approved by the registrar for the filing of 93770  
an accident report required to be filed under section 4509.06 of 93771  
the Revised Code; 93772

(iii) A policy of liability insurance, a declaration page 93773  
of a policy of liability insurance, or liability bond, if the 93774  
policy or bond complies with section 4509.20 or sections 4509.49 93775  
to 4509.61 of the Revised Code; 93776

(iv) A bond or certification of the issuance of a bond as 93777

provided in section 4509.59 of the Revised Code; 93778

(v) A certificate of deposit of money or securities as 93779  
provided in section 4509.62 of the Revised Code; 93780

(vi) A certificate of self-insurance as provided in 93781  
section 4509.72 of the Revised Code. 93782

(b) A person also may present proof of financial 93783  
responsibility under this section to the traffic violations 93784  
bureau, court, registrar, or peace officer through use of an 93785  
electronic wireless communications device as specified under 93786  
section 4509.103 of the Revised Code. 93787

(2) If a person fails to demonstrate proof of financial 93788  
responsibility in a manner described in division (G)(1) of this 93789  
section, the person may demonstrate proof of financial 93790  
responsibility under this section by any other method that the 93791  
court or the bureau, by reason of circumstances in a particular 93792  
case, may consider appropriate. 93793

(3) A motor carrier certificated by the interstate 93794  
commerce commission or by the public utilities commission may 93795  
demonstrate proof of financial responsibility by providing a 93796  
statement designating the motor carrier's operating authority 93797  
and averring that the insurance coverage required by the 93798  
certificating authority is in full force and effect. 93799

(4) (a) A finding by the registrar or court that a person 93800  
is covered by proof of financial responsibility in the form of 93801  
an insurance policy or surety bond is not binding upon the named 93802  
insurer or surety or any of its officers, employees, agents, or 93803  
representatives and has no legal effect except for the purpose 93804  
of administering this section. 93805

(b) The preparation and delivery of a financial 93806

responsibility identification card or any other document 93807  
authorized to be used as proof of financial responsibility and 93808  
the generation and delivery of proof of financial responsibility 93809  
to an electronic wireless communications device that is 93810  
displayed on the device as text or images does not do any of the 93811  
following: 93812

(i) Create any liability or estoppel against an insurer or 93813  
surety, or any of its officers, employees, agents, or 93814  
representatives; 93815

(ii) Constitute an admission of the existence of, or of 93816  
any liability or coverage under, any policy or bond; 93817

(iii) Waive any defenses or counterclaims available to an 93818  
insurer, surety, agent, employee, or representative in an action 93819  
commenced by an insured or third-party claimant upon a cause of 93820  
action alleged to have arisen under an insurance policy or 93821  
surety bond or by reason of the preparation and delivery of a 93822  
document for use as proof of financial responsibility or the 93823  
generation and delivery of proof of financial responsibility to 93824  
an electronic wireless communications device. 93825

(c) Whenever it is determined by a final judgment in a 93826  
judicial proceeding that an insurer or surety, which has been 93827  
named on a document or displayed on an electronic wireless 93828  
communications device accepted by a court or the registrar as 93829  
proof of financial responsibility covering the operation of a 93830  
motor vehicle at the time of an accident or offense, is not 93831  
liable to pay a judgment for injuries or damages resulting from 93832  
such operation, the registrar, notwithstanding any previous 93833  
contrary finding, shall forthwith suspend the operating 93834  
privileges and registration rights of the person against whom 93835  
the judgment was rendered as provided in division (A) (2) of this 93836

section. 93837

(H) In order for any document or display of text or images 93838  
on an electronic wireless communications device described in 93839  
division (G)(1) of this section to be used for the demonstration 93840  
of proof of financial responsibility under this section, the 93841  
document or words or images shall state the name of the insured 93842  
or obligor, the name of the insurer or surety company, and the 93843  
effective and expiration dates of the financial responsibility, 93844  
and designate by explicit description or by appropriate 93845  
reference all motor vehicles covered which may include a 93846  
reference to fleet insurance coverage. 93847

(I) For purposes of this section, "owner" does not include 93848  
a licensed motor vehicle leasing dealer as defined in section 93849  
4517.01 of the Revised Code, but does include a motor vehicle 93850  
renting dealer as defined in section 4549.65 of the Revised 93851  
Code. Nothing in this section or in section 4509.51 of the 93852  
Revised Code shall be construed to prohibit a motor vehicle 93853  
renting dealer from entering into a contractual agreement with a 93854  
person whereby the person renting the motor vehicle agrees to be 93855  
solely responsible for maintaining proof of financial 93856  
responsibility, in accordance with this section, with respect to 93857  
the operation, maintenance, or use of the motor vehicle during 93858  
the period of the motor vehicle's rental. 93859

(J) The purpose of this section is to require the 93860  
maintenance of proof of financial responsibility with respect to 93861  
the operation of motor vehicles on the highways of this state, 93862  
so as to minimize those situations in which persons are not 93863  
compensated for injuries and damages sustained in motor vehicle 93864  
accidents. The general assembly finds that this section contains 93865  
reasonable civil penalties and procedures for achieving this 93866

purpose. 93867

(K) Nothing in this section shall be construed to be 93868  
subject to section 4509.78 of the Revised Code. 93869

(L) (1) The registrar may terminate any suspension imposed 93870  
under this section and not require the owner to comply with 93871  
division (A) (5) of this section if the registrar with or without 93872  
a hearing determines that the owner of the vehicle has 93873  
established by clear and convincing evidence that all of the 93874  
following apply: 93875

(a) The owner customarily maintains proof of financial 93876  
responsibility. 93877

(b) Proof of financial responsibility was not in effect 93878  
for the vehicle on the date in question for one of the following 93879  
reasons: 93880

(i) The vehicle was inoperable. 93881

(ii) The vehicle is operated only seasonally, and the date 93882  
in question was outside the season of operation. 93883

(iii) A person other than the vehicle owner or driver was 93884  
at fault for the lapse of proof of financial responsibility 93885  
through no fault of the owner or driver. 93886

(iv) The lapse of proof of financial responsibility was 93887  
caused by excusable neglect under circumstances that are not 93888  
likely to recur and do not suggest a purpose to evade the 93889  
requirements of this chapter. 93890

(2) The registrar may grant an owner or driver relief for 93891  
a reason specified in division (L) (1) (b) (iii) or (iv) of this 93892  
section only if the owner or driver has not previously been 93893  
granted relief under division (L) (1) (b) (iii) or (iv) of this 93894

section. 93895

(M) The registrar shall adopt rules in accordance with 93896  
Chapter 119. of the Revised Code that are necessary to 93897  
administer and enforce this section. The rules shall include 93898  
provisions relating to acceptable forms of proof of financial 93899  
responsibility, the use of an electronic wireless communications 93900  
device to present proof of financial responsibility, and 93901  
verification of the existence of financial responsibility during 93902  
the period of registration. 93903

(N) (1) When a person utilizes an electronic wireless 93904  
communications device to present proof of financial 93905  
responsibility, only the evidence of financial responsibility 93906  
displayed on the device shall be viewed by the registrar, peace 93907  
officer, employee or official of the traffic violations bureau, 93908  
or the court. No other content of the device shall be viewed for 93909  
purposes of obtaining proof of financial responsibility. 93910

(2) When a person provides an electronic wireless 93911  
communications device to the registrar, a peace officer, an 93912  
employee or official of a traffic violations bureau, or the 93913  
court, the person assumes the risk of any resulting damage to 93914  
the device unless the registrar, peace officer, employee, or 93915  
official, or court personnel purposely, knowingly, or recklessly 93916  
commits an action that results in damage to the device. 93917

**Sec. 4509.70.** (A) After consultation with the insurance 93918  
companies authorized to issue automobile liability or physical 93919  
damage policies, or both, in this state, the superintendent of 93920  
insurance shall approve a reasonable plan, fair and equitable to 93921  
the insurers and to their policyholders, for the apportionment 93922  
among such companies of applicants for such policies and for 93923  
motor-vehicle liability policies who are in good faith entitled 93924

to but are unable to procure such policies through ordinary 93925  
methods. When any such plan has been approved by the 93926  
superintendent, all such insurance companies shall subscribe and 93927  
participate. Any applicant for such policy, any person insured 93928  
under such plan of operation, and any insurance company 93929  
affected, may appeal to the superintendent of insurance from any 93930  
ruling or decision of the manager or committee designated in the 93931  
plan to operate the assigned risk insurance plan. Any order or 93932  
act of the superintendent under this section is subject to 93933  
review as provided in sections 119.01 to 119.13 of the Revised 93934  
Code, at the instance of any party in interest. 93935

(B) The plan described in division (A) of this section may 93936  
permit the assigned risk insurance plan to directly issue and 93937  
process claims arising from such policies described in division 93938  
(A) of this section to applicants of automobile insurance 93939  
policies who are in good faith entitled to but are unable to 93940  
procure such policies through ordinary methods. 93941

(C) Every form of a policy, endorsement, rider, manual of 93942  
classifications, rules, and rates, every rating plan, and every 93943  
modification of any of them proposed to be used by the assigned 93944  
risk insurance plan shall be filed, or the plan may satisfy its 93945  
obligation to make such filings, as described in section 3937.03 93946  
of the Revised Code. 93947

(D) Any automobile insurance policy issued by the assigned 93948  
risk insurance plan under division (B) of this section: 93949

(1) Shall be recognized as if issued by an insurance 93950  
company authorized to do business in this state; 93951

(2) Shall meet all requirements of proof of financial 93952  
responsibility as described in division (K) of section 4509.01 93953

of the Revised Code. 93954

(E) Proof of financial responsibility provided by the 93955  
assigned risk insurance plan to an automobile insurance 93956  
policyholder that meets the requirements described in division 93957  
(G) (1) (a) or (b) of section 4509.101 of the Revised Code shall 93958  
be recognized as if issued by an insurance company authorized to 93959  
do business in this state to demonstrate proof of financial 93960  
responsibility under section 4509.101 of the Revised Code. 93961

(F) The assigned risk insurance plan designated in 93962  
division (A) of this section shall do both of the following: 93963

(1) Make annual audited financial reports available to the 93964  
superintendent of insurance promptly upon the completion of such 93965  
audit; 93966

(2) Upon reasonable notice, make available to the 93967  
superintendent of insurance all books and records relating to 93968  
the insurance transactions of the assigned risk insurance plan. 93969

(G) (1) Except as provided in division (G) (2) of this 93970  
section, records created, held by, or pertaining to the assigned 93971  
risk insurance plan are not public records under section 149.43 93972  
of the Revised Code, are confidential, and are not subject to 93973  
inspection or disclosure. 93974

(2) Division (G) (1) of this section does not apply to the 93975  
plan of operation and other information required to be filed 93976  
under this section with the superintendent unless otherwise 93977  
prohibited from release by law. 93978

(H) (1) For the purposes of division (H) of this section, 93979  
"insurance agent" has the same meaning as in section 3905.01 of 93980  
the Revised Code. 93981

(2) Provided that the assigned risk insurance plan 93982  
establishes registration procedures for insurance agents under 93983  
division (H) (3) of this section, the plan shall not accept an 93984  
application for an automobile insurance policy issued under 93985  
division (B) of this section unless that application is 93986  
submitted through an insurance agent registered in accordance 93987  
with those procedures. 93988

(3) The plan may do all of the following: 93989

(a) Establish procedures to register insurance agents; 93990

(b) Establish separate registrations for commercial and 93991  
personal insurance agents, or one registration for both; 93992

(c) Empower the manager of the plan to make determinations 93993  
on registration status, including by revoking an insurance 93994  
agent's registration. 93995

(4) If an insurance agent is denied registration with the 93996  
plan, or the insurance agent's registration is revoked, the plan 93997  
may notify the superintendent of the plan's decision. The plan 93998  
and manager are immune from civil liability for any decision to 93999  
deny or revoke registration and from any decision to report 94000  
denials or revocations to the superintendent. 94001

(5) All insurance agents submitting applications to the 94002  
plan for automobile insurance coverage have an affirmative duty 94003  
to ensure that all information included in the application and 94004  
any supporting materials is true and accurate. 94005

(6) (a) An insurance agent shall not submit an application 94006  
to the plan for automobile insurance coverage unless the agent 94007  
exercises due diligence in confirming that the person seeking 94008  
insurance is unable to obtain coverage through an insurer 94009  
authorized to do business in this state. 94010

(b) For the purposes of this section, due diligence 94011  
requires an insurance agent to contact at least five of the 94012  
authorized insurers the agent represents or, if the agent does 94013  
not represent five authorized insurers that customarily write 94014  
automobile insurance coverage, as many of such insurers as the 94015  
agent represents. 94016

(c) An insurance agent may assume that insurance coverage 94017  
cannot be procured for the applicant through ordinary methods 94018  
after each insurer contacted under division (H) (6) (b) of this 94019  
section declines to provide coverage. 94020

(d) An insurance agent may assume that an authorized 94021  
insurer declines to provide coverage to the applicant seeking 94022  
insurance upon either of the following: 94023

(i) Receiving notice from the insurer declining coverage; 94024

(ii) Receiving no response from the insurer within ten 94025  
days after the date the insurance agent initially makes contact 94026  
with the insurer. 94027

(e) The determination of whether an insurance agent has 94028  
adequately complied with the due diligence requirements is at 94029  
the discretion of the manager of the plan. 94030

(f) An agent shall not submit an application on behalf of 94031  
an applicant to the plan for any automobile insurance policy if 94032  
any insurer admitted, authorized, or otherwise eligible to do 94033  
business in this state has in any way communicated a willingness 94034  
to insure the applicant, even if coverage provided by the plan 94035  
costs less than other insurers. 94036

(g) The manager of the plan may revoke the registration of 94037  
an insurance agent who fails to comply with division (H) (6) of 94038  
this section. 94039

Sec. 4511.01. As used in this chapter and in Chapter 4513. 94040  
of the Revised Code: 94041

(A) "Vehicle" means every device, including a bicycle, 94042  
motorized bicycle, and an electric bicycle, in, upon, or by 94043  
which any person or property may be transported or drawn upon a 94044  
highway. "Vehicle" does not include any motorized wheelchair, 94045  
any electric personal assistive mobility device, any low-speed 94046  
micromobility device, any personal delivery device as defined in 94047  
section 4511.513 of the Revised Code, any device that is moved 94048  
by power collected from overhead electric trolley wires or that 94049  
is used exclusively upon stationary rails or tracks, or any 94050  
device that is moved by human power. 94051

(B) "Motor vehicle" means every vehicle propelled or drawn 94052  
by power other than muscular power or power collected from 94053  
overhead electric trolley wires, except motorized bicycles, 94054  
electric bicycles, road rollers, traction engines, power 94055  
shovels, power cranes, and other equipment used in construction 94056  
work and not designed for or employed in general highway 94057  
transportation, hole-digging machinery, well-drilling machinery, 94058  
ditch-digging machinery, farm machinery, and trailers designed 94059  
and used exclusively to transport a boat between a place of 94060  
storage and a marina, or in and around a marina, when drawn or 94061  
towed on a street or highway for a distance of no more than ten 94062  
miles and at a speed of twenty-five miles per hour or less. 94063

(C) "Motorcycle" means every motor vehicle, other than a 94064  
tractor, having a seat or saddle for the use of the operator and 94065  
designed to travel on not more than three wheels in contact with 94066  
the ground, including, but not limited to, motor vehicles known 94067  
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 94068  
enclosed motorcycle," or "motorcycle" without regard to weight 94069

or brake horsepower. 94070

(D) "Emergency vehicle" means emergency vehicles of 94071  
municipal, township, or county departments or public utility 94072  
corporations when identified as such as required by law, the 94073  
director of public safety, or local authorities, and motor 94074  
vehicles when commandeered by a police officer. 94075

(E) "Public safety vehicle" means any of the following: 94076

(1) Ambulances, including private ambulance companies 94077  
under contract to a municipal corporation, township, or county, 94078  
and private ambulances and nontransport vehicles bearing license 94079  
plates issued under section 4503.49 of the Revised Code; 94080

(2) Motor vehicles used by public law enforcement officers 94081  
or other persons sworn to enforce the criminal and traffic laws 94082  
of the state; 94083

(3) Any motor vehicle when properly identified as required 94084  
by the director of public safety, when used in response to fire 94085  
emergency calls or to provide emergency medical service to ill 94086  
or injured persons, and when operated by a duly qualified person 94087  
who is a member of a volunteer rescue service or a volunteer 94088  
fire department, and who is on duty pursuant to the rules or 94089  
directives of that service. The state fire marshal shall be 94090  
designated by the director of public safety as the certifying 94091  
agency for all public safety vehicles described in division (E) 94092  
(3) of this section. 94093

(4) Vehicles used by fire departments, including motor 94094  
vehicles when used by volunteer fire fighters responding to 94095  
emergency calls in the fire department service when identified 94096  
as required by the director of public safety. 94097

Any vehicle used to transport or provide emergency medical 94098

service to an ill or injured person, when certified as a public 94099  
safety vehicle, shall be considered a public safety vehicle when 94100  
transporting an ill or injured person to a hospital regardless 94101  
of whether such vehicle has already passed a hospital. 94102

(5) Vehicles used by the motor carrier enforcement unit 94103  
for the enforcement of orders and rules of the public utilities 94104  
commission as specified in section 5503.34 of the Revised Code. 94105

(F) "School bus" means every bus designed for carrying 94106  
more than nine passengers that is owned by a public, private, or 94107  
governmental agency or institution of learning and operated for 94108  
the transportation of children to or from a school session or a 94109  
school function, or owned by a private person and operated for 94110  
compensation for the transportation of children to or from a 94111  
school session or a school function. "School bus" does not 94112  
include any of the following: 94113

(1) A bus operated by a municipally owned transportation 94114  
system, a mass transit company operating exclusively within the 94115  
territorial limits of a municipal corporation, or within such 94116  
limits and the territorial limits of municipal corporations 94117  
immediately contiguous to such municipal corporation, nor a 94118  
common passenger carrier certified by the public utilities 94119  
commission unless such bus is devoted exclusively to the 94120  
transportation of children to and from a school session or a 94121  
school function; 94122

(2) A van or bus used by a licensed child care center or 94123  
type A family child care home to transport children from the 94124  
child care center or type A family child care home to a school 94125  
if the van or bus does not have more than fifteen children in 94126  
the van or bus at any time; 94127

(3) An alternative vehicle as defined in section 4511.76	94128
of the Revised Code.	94129
(G) "Bicycle" means a pedal-powered vehicle upon which a	94130
human operator sits, including an electric bicycle.	94131
(H) "Motorized bicycle" or "moped" means any vehicle	94132
having either two tandem wheels or one wheel in the front and	94133
two wheels in the rear, that may be pedaled, and that is	94134
equipped with a helper motor of not more than fifty cubic	94135
centimeters piston displacement that produces not more than one	94136
brake horsepower and is capable of propelling the vehicle at a	94137
speed of not greater than twenty miles per hour on a level	94138
surface. "Motorized bicycle" or "moped" does not include an	94139
electric bicycle.	94140
(I) "Commercial tractor" means every motor vehicle having	94141
motive power designed or used for drawing other vehicles and not	94142
so constructed as to carry any load thereon, or designed or used	94143
for drawing other vehicles while carrying a portion of such	94144
other vehicles, or load thereon, or both.	94145
(J) "Agricultural tractor" and "traction engine" mean	94146
every self-propelling vehicle designed or used for drawing other	94147
vehicles or wheeled machinery but having no provision for	94148
carrying loads independently of such other vehicles, and used	94149
principally for agricultural purposes.	94150
(K) "Truck" means every motor vehicle, except trailers and	94151
semitrailers, designed and used to carry property.	94152
(L) "Bus" means every motor vehicle designed for carrying	94153
more than nine passengers and used for the transportation of	94154
persons other than in a ridesharing arrangement, and every motor	94155
vehicle, automobile for hire, or funeral car, other than a	94156

taxicab or motor vehicle used in a ridesharing arrangement, 94157  
designed and used for the transportation of persons for 94158  
compensation. 94159

(M) "Trailer" means every vehicle designed or used for 94160  
carrying persons or property wholly on its own structure and for 94161  
being drawn by a motor vehicle, including any such vehicle when 94162  
formed by or operated as a combination of a "semitrailer" and a 94163  
vehicle of the dolly type, such as that commonly known as a 94164  
"trailer dolly," a vehicle used to transport agricultural 94165  
produce or agricultural production materials between a local 94166  
place of storage or supply and the farm when drawn or towed on a 94167  
street or highway at a speed greater than twenty-five miles per 94168  
hour, and a vehicle designed and used exclusively to transport a 94169  
boat between a place of storage and a marina, or in and around a 94170  
marina, when drawn or towed on a street or highway for a 94171  
distance of more than ten miles or at a speed of more than 94172  
twenty-five miles per hour. 94173

(N) "Semitrailer" means every vehicle designed or used for 94174  
carrying persons or property with another and separate motor 94175  
vehicle so that in operation a part of its own weight or that of 94176  
its load, or both, rests upon and is carried by another vehicle. 94177

(O) "Pole trailer" means every trailer or semitrailer 94178  
attached to the towing vehicle by means of a reach, pole, or by 94179  
being boomed or otherwise secured to the towing vehicle, and 94180  
ordinarily used for transporting long or irregular shaped loads 94181  
such as poles, pipes, or structural members capable, generally, 94182  
of sustaining themselves as beams between the supporting 94183  
connections. 94184

(P) "Railroad" means a carrier of persons or property 94185  
operating upon rails or tracks placed principally on a private 94186

right-of-way. 94187

(Q) "Train" means one or more locomotives coupled, with or 94188  
without cars, that operates on rails or tracks and to which all 94189  
other traffic is required by law to yield the right-of-way at 94190  
highway-rail grade crossings. 94191

(R) "Streetcar" means a car, other than a train, for 94192  
transporting persons or property, operated upon rails 94193  
principally within a street or highway. 94194

(S) "Trackless trolley" means every car that collects its 94195  
power from overhead electric trolley wires and that is not 94196  
operated upon rails or tracks. 94197

(T) "Explosives" means any chemical compound or mechanical 94198  
mixture that is intended for the purpose of producing an 94199  
explosion that contains any oxidizing and combustible units or 94200  
other ingredients in such proportions, quantities, or packing 94201  
that an ignition by fire, by friction, by concussion, by 94202  
percussion, or by a detonator of any part of the compound or 94203  
mixture may cause such a sudden generation of highly heated 94204  
gases that the resultant gaseous pressures are capable of 94205  
producing destructive effects on contiguous objects, or of 94206  
destroying life or limb. Manufactured articles shall not be held 94207  
to be explosives when the individual units contain explosives in 94208  
such limited quantities, of such nature, or in such packing, 94209  
that it is impossible to procure a simultaneous or a destructive 94210  
explosion of such units, to the injury of life, limb, or 94211  
property by fire, by friction, by concussion, by percussion, or 94212  
by a detonator, such as fixed ammunition for small arms, 94213  
firecrackers, or safety fuse matches. 94214

(U) "Flammable liquid" means any liquid that has a flash 94215

point of seventy degrees fahrenheit, or less, as determined by a 94216  
tagliabue or equivalent closed cup test device. 94217

(V) "Gross weight" means the weight of a vehicle plus the 94218  
weight of any load thereon. 94219

(W) "Person" means every natural person, firm, co- 94220  
partnership, association, or corporation. 94221

(X) "Pedestrian" means any person on foot, in a motorized 94222  
or non-motorized wheelchair, or using another equivalent device, 94223  
such as skates or a skateboard. "Pedestrian" includes a personal 94224  
delivery device as defined in section 4511.513 of the Revised 94225  
Code unless the context clearly suggests otherwise. 94226

(Y) "Driver or operator" means every person who drives or 94227  
is in actual physical control of a vehicle, trackless trolley, 94228  
or streetcar. 94229

(Z) "Police officer" means every officer authorized to 94230  
direct or regulate traffic, or to make arrests for violations of 94231  
traffic regulations. 94232

(AA) "Local authorities" means every county, municipal, 94233  
and other local board or body having authority to adopt police 94234  
regulations under the constitution and laws of this state. 94235

(BB) "Street" or "highway" means a general term for 94236  
denoting a public way for purposes of travel by vehicles, 94237  
streetcars, trackless trolleys, and vulnerable road users, 94238  
including the entire area within the right-of-way. 94239

(CC) "Controlled-access highway" means every street or 94240  
highway in respect to which owners or occupants of abutting 94241  
lands and other persons have no legal right of access to or from 94242  
the same except at such points only and in such manner as may be 94243

determined by the public authority having jurisdiction over such street or highway.	94244
	94245
(DD) "Private road" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	94246
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(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel and parking lanes, not including the berm, sidewalk, or shoulder, even if the berm, sidewalk, or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.	94250
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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines or easements of private property, that is paved or improved, and is intended for the use of pedestrians.	94257
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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.	94261
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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.	94264
	94265
(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code.	94266
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(JJ) "State route" means every highway that is designated with an official state route number and so marked.	94273 94274
(KK) "Intersection" means:	94275
(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley, driveway, or site roadway open to public travel with a public roadway or highway does not constitute an intersection, unless the public roadway or highway at the junction is controlled by a traffic control device.	94276 94277 94278 94279 94280 94281 94282 94283 94284 94285
(2) If a highway includes two roadways separated by a median, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection if the opposing left-turn paths cross and there is sufficient interior storage for the design vehicle. As used in this division, "design vehicle" means the longest vehicle authorized under section 5577.05 of the Revised Code to operate on that roadway without a permit.	94286 94287 94288 94289 94290 94291 94292 94293
(3) At a location controlled by a highway traffic signal, regardless of the distance between the separate intersections as described in division (KK) (2) of this section:	94294 94295 94296
(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.	94297 94298 94299 94300
(b) Where a stop line, yield line, or crosswalk is	94301

designated on the roadway on the intersection approach, the area 94302  
within the crosswalk and any area beyond the designated stop 94303  
line or yield line constitute part of the intersection. 94304

(c) Where a crosswalk is designated on a roadway on the 94305  
departure from the intersection, the intersection includes the 94306  
area that extends to the far side of the crosswalk. 94307

(LL) "Crosswalk" means: 94308

(1) That part of a roadway at an intersection included 94309  
within the connections of the lateral lines of the sidewalks on 94310  
opposite sides of the highway measured from the curbs, or, in 94311  
the absence of curbs, from the edges of the traversable roadway, 94312  
and in the absence of a sidewalk on one side of the roadway, the 94313  
part of a roadway included within the extension of the lateral 94314  
lines of the sidewalk at right angles to the center line; 94315

(2) Any portion of a roadway at an intersection or 94316  
elsewhere, distinctly indicated for pedestrian crossing by lines 94317  
or other markings on the surface, which might be supplemented by 94318  
contrasting pavement texture, style, or color; 94319

(3) Notwithstanding divisions (LL) (1) and (2) of this 94320  
section, "crosswalk" does not include an area where local 94321  
authorities have placed signs indicating no crossing. 94322

(MM) "Safety zone" means the area or space officially set 94323  
apart within a roadway for the exclusive use of pedestrians and 94324  
protected or marked or indicated by adequate signs as to be 94325  
plainly visible at all times. 94326

(NN) "Business district" means the territory fronting upon 94327  
a street or highway, including the street or highway, between 94328  
successive intersections within municipal corporations where 94329  
fifty per cent or more of the frontage between such successive 94330

intersections is occupied by buildings in use for business, or 94331  
within or outside municipal corporations where fifty per cent or 94332  
more of the frontage for a distance of three hundred feet or 94333  
more is occupied by buildings in use for business, and the 94334  
character of such territory is indicated by official traffic 94335  
control devices. 94336

(OO) "Residence district" means the territory, not 94337  
comprising a business district, fronting on a street or highway, 94338  
including the street or highway, where, for a distance of three 94339  
hundred feet or more, the frontage is improved with residences 94340  
or residences and buildings in use for business. 94341

(PP) "Urban district" means the territory contiguous to 94342  
and including any street or highway which is built up with 94343  
structures devoted to business, industry, or dwelling houses 94344  
situated at intervals of less than one hundred feet for a 94345  
distance of a quarter of a mile or more, and the character of 94346  
such territory is indicated by official traffic control devices. 94347

(QQ) "Traffic control device" means a flagger, sign, 94348  
signal, marking, channelization device, or other device that 94349  
uses colors, shapes, symbols, words, sounds, or tactile 94350  
information for the primary purpose of communicating a 94351  
regulatory, warning, or guidance message to road users on a 94352  
street, highway, site roadway open to public travel, pedestrian 94353  
facility, bikeway, or pathway. 94354

(RR) "Traffic control signal" means a highway traffic 94355  
signal placed at an intersection, movable bridge, fire station, 94356  
midblock crosswalk, alternating one-way sections of a single 94357  
lane road, private driveway, or other location that requires 94358  
conflicting traffic to be directed to stop and permitted to 94359  
proceed in an orderly manner. "Traffic control signal" includes 94360

a vehicular signal indication, a pedestrian signal indication, 94361  
and a bicycle symbol signal indication. "Traffic control signal" 94362  
does not include an emergency-vehicle hybrid beacon or a 94363  
pedestrian hybrid beacon. 94364

(SS) "Railroad sign or signal" means any sign, signal, or 94365  
device erected by authority of a public body or official or by a 94366  
railroad and intended to give notice of the presence of railroad 94367  
tracks or the approach of a train. 94368

(TT) "Traffic" means pedestrians, ridden or herded 94369  
animals, vehicles, streetcars, trackless trolleys, and other 94370  
devices, either singly or together, while using for purposes of 94371  
travel any highway or site roadway open to public travel. 94372

(UU) "Right-of-way" means either of the following, as the 94373  
context requires: 94374

(1) The right of a vehicle, streetcar, trackless trolley, 94375  
or pedestrian to proceed uninterruptedly in a lawful manner in 94376  
the direction in which it or the individual is moving in 94377  
preference to another vehicle, streetcar, trackless trolley, or 94378  
pedestrian approaching from a different direction into its or 94379  
the individual's path; 94380

(2) A general term denoting land, property, or the 94381  
interest therein, usually in the configuration of a strip, 94382  
acquired for or devoted to transportation purposes. When used in 94383  
this context, right-of-way includes the roadway, shoulders or 94384  
berm, ditch, and slopes extending to the right-of-way limits 94385  
under the control of the state or local authority. 94386

(VV) "Rural mail delivery vehicle" means every vehicle 94387  
used to deliver United States mail on a rural mail delivery 94388  
route. 94389

(WW) "Funeral escort vehicle" means any motor vehicle, 94390  
including a funeral hearse, while used to facilitate the 94391  
movement of a funeral procession. 94392

(XX) "Alley" means a street or highway intended to provide 94393  
access to the rear or side of lots or buildings in urban 94394  
districts and not intended for the purpose of through vehicular 94395  
traffic, and includes any street or highway that has been 94396  
declared an "alley" by the legislative authority of the 94397  
municipal corporation in which such street or highway is 94398  
located. 94399

(YY) "Freeway" means a divided multi-lane highway for 94400  
through traffic with all crossroads separated in grade and with 94401  
full control of access. 94402

(ZZ) "Expressway" means a divided arterial street or 94403  
highway for through traffic with full or partial control of 94404  
access with an excess of fifty per cent of all crossroads 94405  
separated in grade. 94406

(AAA) "Thruway" means a through highway whose entire 94407  
roadway is reserved for through traffic and on which roadway 94408  
parking is prohibited. 94409

(BBB) "Stop intersection" means any intersection at one or 94410  
more entrances of which stop signs are erected. 94411

(CCC) "Arterial street or highway" means a street or 94412  
highway primarily used by through traffic, usually on a 94413  
continuous route or a street or highway designated as part of an 94414  
arterial system. 94415

(DDD) "Ridesharing arrangement" means the transportation 94416  
of persons in a motor vehicle where such transportation is 94417  
incidental to another purpose of a volunteer driver and includes 94418

ridesharing arrangements known as carpools, vanpools, and 94419  
buspools. 94420

(EEE) "Motorized wheelchair" means any self-propelled 94421  
vehicle designed for, and used by, a person with a disability 94422  
and that is incapable of a speed in excess of eight miles per 94423  
hour. 94424

(FFF) "Child care center" and "type A family child care 94425  
home" have the same meanings as in section 5104.01 of the 94426  
Revised Code. 94427

(GGG) "Multi-wheel agricultural tractor" means a type of 94428  
agricultural tractor that has two or more wheels or tires on 94429  
each side of one axle at the rear of the tractor, is designed or 94430  
used for drawing other vehicles or wheeled machinery, has no 94431  
provision for carrying loads independently of the drawn vehicles 94432  
or machinery, and is used principally for agricultural purposes. 94433

(HHH) "Operate" means to cause or have caused movement of 94434  
a vehicle, streetcar, or trackless trolley. 94435

(III) "Predicate motor vehicle or traffic offense" means 94436  
any of the following: 94437

(1) A violation of section 4511.03, 4511.051, 4511.12, 94438  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 94439  
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 94440  
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 94441  
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 94442  
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 94443  
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 94444  
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 94445  
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 94446  
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 94447

4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or	94448
4511.84 of the Revised Code;	94449
(2) A violation of division (A)(2) of section 4511.17,	94450
divisions (A) to (D) of section 4511.51, or division (A) of	94451
section 4511.74 of the Revised Code;	94452
(3) A violation of any provision of sections 4511.01 to	94453
4511.76 of the Revised Code for which no penalty otherwise is	94454
provided in the section that contains the provision violated;	94455
(4) A violation of section 4511.214 of the Revised Code;	94456
(5) A violation of a municipal ordinance that is	94457
substantially similar to any section or provision set forth or	94458
described in division (III)(1), (2), (3), or (4) of this	94459
section.	94460
(JJJ) "Road service vehicle" means wreckers, utility	94461
repair vehicles, and state, county, and municipal service	94462
vehicles equipped with visual signals by means of flashing,	94463
rotating, or oscillating lights.	94464
(KKK) "Beacon" means a highway traffic signal with one or	94465
more signal sections that operate in a flashing mode.	94466
(LLL) "Hybrid beacon" means a special type of beacon that	94467
is intentionally placed in a dark mode where no indications are	94468
displayed between periods of operation and, when operated,	94469
displays both steady and flashing highway traffic signal	94470
indications. "Hybrid beacon" includes both of the following:	94471
(1) An emergency-vehicle hybrid beacon used to warn and	94472
control traffic at an otherwise unsignalized location to assist	94473
authorized emergency vehicles in entering or crossing a street	94474
or highway;	94475

(2) A pedestrian hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk.

(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" includes a beacon, an in-road warning light, a lane-use control signal, and a traffic control signal. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, gate, flashing light signal, warning light, or steady burning electric lamp.

(NNN) "Median" means the portion of a highway separating opposing directions of the traveled way or the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way. The median excludes turn lanes. The width of a median may be different between intersections, interchanges, and at opposite approaches of the same intersection.

(OOO) "Site roadway open to public travel" means a roadway or bikeway on site of a shopping center, office park, airport, school, university, sports arena, recreational park, or other similar business, government, or recreation facility that is publicly or privately owned but where the public is allowed to travel without full-time access restrictions. "Site roadway open to public travel" does not include a roadway where access is restricted at all times by gates or guards to residents, employees, or other specifically authorized persons, a parking area, a driving aisle within a parking area, or a private highway-rail grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

(RRR) "Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(SSS) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.

(TTT) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(UUU) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of

less than seven hundred fifty watts that may provide assistance 94535  
regardless of whether the rider is pedaling and is not capable 94536  
of providing assistance when the bicycle reaches the speed of 94537  
twenty miles per hour. 94538

(VVV) "Class 3 electric bicycle" means a bicycle that is 94539  
equipped with fully operable pedals and an electric motor of 94540  
less than seven hundred fifty watts that provides assistance 94541  
only when the rider is pedaling and ceases to provide assistance 94542  
when the bicycle reaches the speed of twenty-eight miles per 94543  
hour. 94544

(WWW) "Low-speed micromobility device" means a device 94545  
weighing less than one hundred pounds that has handlebars, is 94546  
propelled by an electric motor or human power, and has an 94547  
attainable speed on a paved level surface of not more than 94548  
twenty miles per hour when propelled by the electric motor. 94549

(XXX) "Natural resources officer" means an officer 94550  
appointed pursuant to section 1501.24 of the Revised Code. 94551

(YYY) "Wildlife officer" means an officer designated 94552  
pursuant to section 1531.13 of the Revised Code. 94553

(ZZZ) "In-road warning light" means a special type of 94554  
highway traffic signal that is installed in the roadway surface 94555  
to warn road users that they are approaching a condition on or 94556  
adjacent to the roadway that might not be readily apparent and 94557  
might require the road users to reduce speed or come to a 94558  
complete stop. 94559

(AAAA) "Lane-use control signal" means a signal face or 94560  
comparable display on a full-matrix changeable message sign that 94561  
displays indications to permit or prohibit the use of specific 94562  
lanes of a roadway or a shoulder where driving is sometimes 94563

authorized or to indicate the impending prohibition of such use. 94564

(BBBB) "Bicycle box" means a designated area on the 94565  
approach to a signalized intersection, between an advance 94566  
motorist stop line and the crosswalk or intersection, that is 94567  
intended to provide bicyclists a visible location to wait in 94568  
front of stopped motorists during the red signal phase. 94569

(CCCC) "Two-stage bicycle turn box" means a designated 94570  
area at an intersection that is intended to provide bicyclists a 94571  
place to wait for traffic to clear before proceeding in a 94572  
different direction of travel. 94573

(DDDD) "Bicycle lane" means a portion of a roadway that 94574  
has been designated for preferential or exclusive use by 94575  
bicyclists and is often delineated from the adjacent general- 94576  
purpose lanes by longitudinal pavement markings and either a 94577  
bicycle lane symbol, words, or signs. "Bicycle lane" includes 94578  
all of the following: 94579

(1) A buffer-separated bicycle lane, which is separated 94580  
from the adjacent general-purpose lanes by a pattern of standard 94581  
longitudinal pavement markings that are wider than a normal or 94582  
wide-lane pavement marking; 94583

(2) A counter-flow bicycle lane, which is a one- 94584  
directional bicycle lane that provides a lawful path of travel 94585  
for bicycles in the opposite direction from the general traffic 94586  
on a roadway that otherwise requires the general traffic to 94587  
travel in only one direction. A counter-flow bicycle lane is 94588  
designated by the traffic control devices used for other bicycle 94589  
lanes; 94590

(3) A separated bicycle lane, which is an exclusive 94591  
facility for bicyclists that is located within or directly 94592

adjacent to the roadway and is physically separated from the 94593  
motor vehicle traffic with a vertical element. 94594

(EEEE) "Bicycle signal face" means a signal face that 94595  
displays only bicycle symbol signal indications in accordance 94596  
with section 4511.15 of the Revised Code, that exclusively 94597  
controls a bicyclist's movement from a designated bicycle lane 94598  
or from a separate facility, and that displays signal 94599  
indications that are applicable only to a bicyclist's movement. 94600

(FFFF) "Bicycle signal sign" means a sign meant to inform 94601  
road users that the signal indications in the bicycle signal 94602  
face are intended only for bicyclists, and to inform bicyclists 94603  
which bicyclist movements are controlled by that bicycle signal 94604  
face. 94605

(GGGG) "Bikeway" means any road, street, path, or way that 94606  
in some manner is specifically designated for bicycle travel, 94607  
regardless of whether the facility is designated for the 94608  
exclusive use of bicycles or if it is shared with other modes of 94609  
transportation. 94610

(HHHH) "Busway" means a traveled way that is used 94611  
exclusively by buses. 94612

(IIII) "Driveway" means an access from a roadway to a 94613  
building, site, or abutting property. 94614

(JJJJ) "Roundabout" means a circular intersection with a 94615  
yield control at each entry, which permits a vehicle on the 94616  
circulatory roadway to proceed, with deflection of the 94617  
approaching vehicles counter-clockwise around a central island. 94618

(KKKK) "Shoulder" means a longitudinal area contiguous 94619  
with the traveled way that is used for accommodating vehicles 94620  
that are stopped for an emergency and for lateral support of 94621

base and surface courses; graded for emergency stopping; either 94622  
paved or unpaved; and when paved, may be open for part-time 94623  
travel by some or all vehicles or may also be available for use 94624  
by pedestrians or bicycles in the absence of other pedestrian or 94625  
bicycle facilities. 94626

(LLLL) "Autocycle," "cab-enclosed motorcycle," 94627  
"electronic," "farm machinery," "motor-driven cycle or motor 94628  
scooter," "limited driving privileges," and "state" have the 94629  
same meanings as in section 4501.01 of the Revised Code. 94630

(MMMM) "Multifunction school activity bus" means a school 94631  
bus whose purposes do not include transporting children to and 94632  
from home or school bus stops. 94633

**Sec. 4511.213.** (A) The driver of a motor vehicle, upon 94634  
approaching a stationary vehicle in distress or upon approaching 94635  
a stationary public safety vehicle, emergency vehicle, road 94636  
service vehicle, waste collection vehicle, vehicle used by the 94637  
public utilities commission to conduct motor vehicle inspections 94638  
in accordance with sections 4923.04 and 4923.06 of the Revised 94639  
Code, or a highway maintenance vehicle that is displaying the 94640  
appropriate visual signals by means of flashing, oscillating, or 94641  
rotating lights, as prescribed in section 4513.17 of the Revised 94642  
Code, shall do either of the following: 94643

(1) If the driver of the motor vehicle is traveling on a 94644  
highway that consists of at least two lanes that carry traffic 94645  
in the same direction of travel as that of the driver's motor 94646  
vehicle, the driver shall proceed with due caution and, if 94647  
possible and with due regard to the road, weather, and traffic 94648  
conditions, shall change lanes into a lane that is not adjacent 94649  
to that of the stationary vehicle in distress, public safety 94650  
vehicle, emergency vehicle, road service vehicle, waste 94651

collection vehicle, vehicle used by the public utilities 94652  
commission to conduct motor vehicle inspections in accordance 94653  
with sections 4923.04 and 4923.06 of the Revised Code, or a 94654  
highway maintenance vehicle. 94655

(2) If the driver is not traveling on a highway of a type 94656  
described in division (A)(1) of this section, or if the driver 94657  
is traveling on a highway of that type but it is not possible to 94658  
change lanes or if to do so would be unsafe, the driver shall 94659  
proceed with due caution, reduce the speed of the motor vehicle, 94660  
and maintain a safe speed for the road, weather, and traffic 94661  
conditions. 94662

(B) This section does not relieve the driver of a vehicle 94663  
in distress, public safety vehicle, emergency vehicle, road 94664  
service vehicle, waste collection vehicle, vehicle used by the 94665  
public utilities commission to conduct motor vehicle inspections 94666  
in accordance with sections 4923.04 and 4923.06 of the Revised 94667  
Code, or a highway maintenance vehicle from the duty to drive 94668  
with due regard for the safety of all persons and property upon 94669  
the highway. 94670

(C) No person shall fail to drive a motor vehicle in 94671  
compliance with division (A)(1) or (2) of this section when so 94672  
required by division (A) of this section. 94673

(D)(1) Except as otherwise provided in this division and 94674  
division (F) of this section, whoever violates this section is 94675  
guilty of a minor misdemeanor. If, within one year of the 94676  
offense, the offender previously has been convicted of or 94677  
pleaded guilty to one predicate motor vehicle or traffic 94678  
offense, whoever violates this section is guilty of a 94679  
misdemeanor of the fourth degree. If, within one year of the 94680  
offense, the offender previously has been convicted of two or 94681

more predicate motor vehicle or traffic offenses, whoever 94682  
violates this section is guilty of a misdemeanor of the third 94683  
degree. 94684

(2) Notwithstanding section 2929.28 of the Revised Code\_ 94685  
and except as provided in division (F) of this section, upon a 94686  
finding that a person operated a motor vehicle in violation of 94687  
division (C) of this section, the court, in addition to all 94688  
other penalties provided by law, shall impose a fine of two 94689  
times the usual amount imposed for the violation. 94690

(3) If the offender commits the offense while distracted 94691  
and the distracting activity is a contributing factor to the 94692  
commission of the offense, the offender is subject to the 94693  
additional fine established under section 4511.991 of the 94694  
Revised Code. Division (D) (3) of this section does not apply to 94695  
an offense when the stationary vehicle is a vehicle in distress. 94696

(E) ~~The~~ Except as otherwise provided in division (F) of 94697  
this section, the offense established under this section is a 94698  
strict liability offense and section 2901.20 of the Revised Code 94699  
does not apply. The designation of this offense as a strict 94700  
liability offense shall not be construed to imply that any other 94701  
offense, for which there is no specified degree of culpability, 94702  
is not a strict liability offense. 94703

(F) (1) Whoever knowingly violates this section when the 94704  
stationary vehicle is a vehicle in distress is guilty of a minor 94705  
misdemeanor. 94706

(2) An arrest or conviction for an offender under division 94707  
(F) (1) of this section does not constitute a criminal record and 94708  
need not be reported by the person so arrested or convicted in 94709  
response to any inquiries contained in any application for 94710

employment, license, or other right or privilege, or made in 94711  
connection with the person's appearance as a witness. 94712

(G) As used in this section, "vehicle in distress" 94713  
includes all of the following: 94714

(1) Any disabled vehicle indicating its disability as 94715  
required under section 4513.28 of the Revised Code; 94716

(2) Any vehicle that is not subject to section 4513.28 of 94717  
the Revised Code near which a fusee, flare, or other emergency 94718  
sign is displayed; 94719

(3) Any vehicle that is displaying flashing emergency 94720  
lights or hazard lights. 94721

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or 94722  
trackless trolley upon meeting or overtaking from either 94723  
direction any school bus stopped for the purpose of receiving or 94724  
discharging any school child, person attending programs offered 94725  
by community boards of mental health and county boards of 94726  
developmental disabilities, or child attending a program offered 94727  
by a head start agency, shall stop at least ten feet from the 94728  
front or rear of the school bus and shall not proceed until such 94729  
school bus resumes motion, or until signaled by the school bus 94730  
driver to proceed. 94731

It is no defense to a charge under this division that the 94732  
school bus involved failed to display or be equipped with an 94733  
automatically extended stop warning sign as required by division 94734  
(B) of this section. 94735

(B) Every school bus shall be equipped with amber and red 94736  
visual signals meeting the requirements of section 4511.771 of 94737  
the Revised Code, and an automatically extended stop warning 94738  
sign of a type approved by the department of education and 94739

workforce, which shall be actuated by the driver of the bus 94740  
whenever but only whenever the bus is stopped or stopping on the 94741  
roadway for the purpose of receiving or discharging school 94742  
children, persons attending programs offered by community boards 94743  
of mental health and county boards of developmental 94744  
disabilities, or children attending programs offered by head 94745  
start agencies. A school bus driver shall not actuate the visual 94746  
signals or the stop warning sign in designated school bus 94747  
loading areas where the bus is entirely off the roadway or at 94748  
school buildings when children or persons attending programs 94749  
offered by community boards of mental health and county boards 94750  
of developmental disabilities are loading or unloading at 94751  
curbside or at buildings when children attending programs 94752  
offered by head start agencies are loading or unloading at 94753  
curbside. The visual signals and stop warning sign shall be 94754  
synchronized or otherwise operated as required by rule of the 94755  
board. 94756

(C) Where a highway has been divided into four or more 94757  
traffic lanes, a driver of a vehicle, streetcar, or trackless 94758  
trolley need not stop for a school bus approaching from the 94759  
opposite direction which has stopped for the purpose of 94760  
receiving or discharging any school child, persons attending 94761  
programs offered by community boards of mental health and county 94762  
boards of developmental disabilities, or children attending 94763  
programs offered by head start agencies. The driver of any 94764  
vehicle, streetcar, or trackless trolley overtaking the school 94765  
bus shall comply with division (A) of this section. 94766

(D) School buses operating on divided highways or on 94767  
highways with four or more traffic lanes shall receive and 94768  
discharge all school children, persons attending programs 94769  
offered by community boards of mental health and county boards 94770

of developmental disabilities, and children attending programs 94771  
offered by head start agencies on their residence side of the 94772  
highway. 94773

(E) No school bus driver shall start the driver's bus 94774  
until after any child, person attending programs offered by 94775  
community boards of mental health and county boards of 94776  
developmental disabilities, or child attending a program offered 94777  
by a head start agency who may have alighted therefrom has 94778  
reached a place of safety on the child's or person's residence 94779  
side of the road. 94780

(F) (1) Whoever violates division (A) of this section may 94781  
be fined an amount not to exceed five hundred dollars. A person 94782  
who is issued a citation for a violation of division (A) of this 94783  
section is not permitted to enter a written plea of guilty and 94784  
waive the person's right to contest the citation in a trial but 94785  
instead must appear in person in the proper court to answer the 94786  
charge. 94787

(2) In addition to and independent of any other penalty 94788  
provided by law, the court or mayor may impose upon an offender 94789  
who violates this section a class seven suspension of the 94790  
offender's driver's license, commercial driver's license, 94791  
temporary instruction permit, probationary license, or 94792  
nonresident operating privilege from the range specified in 94793  
division (A) (7) of section 4510.02 of the Revised Code. When a 94794  
license is suspended under this section, the court or mayor 94795  
shall cause the offender to deliver the license to the court, 94796  
and the court or clerk of the court immediately shall forward 94797  
the license to the registrar of motor vehicles, together with 94798  
notice of the court's action. 94799

(G) As used in this section: 94800

(1) "Head start agency" has the same meaning as in section 3301.32 of the Revised Code. 94801  
94802

(2) "School bus," as used in relation to children who 94803  
attend a program offered by a head start agency, means a bus 94804  
that is owned and operated by a head start agency, is equipped 94805  
with an automatically extended stop warning sign of a type 94806  
approved by the department, is painted the color and displays 94807  
the markings described in section 4511.77 of the Revised Code, 94808  
and is equipped with amber and red visual signals meeting the 94809  
requirements of section 4511.771 of the Revised Code, 94810  
irrespective of whether or not the bus has fifteen or more 94811  
children aboard at any time. "School bus" does not include a van 94812  
owned and operated by a head start agency, irrespective of its 94813  
color, lights, or markings, or a multifunction school activity 94814  
bus. 94815

**Sec. 4511.76.** (A) The department of public safety, by and 94816  
with the advice of the department of education and workforce, 94817  
shall adopt and enforce rules relating to the construction, 94818  
design, and equipment, including lighting equipment required by 94819  
section 4511.771 of the Revised Code, of all school buses both 94820  
publicly and privately owned and operated in this state. 94821

(B) The department of education and workforce, by and with 94822  
the advice of the director of public safety, shall adopt and 94823  
enforce rules relating to the operation of all vehicles used for 94824  
pupil transportation. 94825

(C) No person shall operate a vehicle used for pupil 94826  
transportation within this state in violation of the rules of 94827  
the department of education and workforce or the department of 94828  
public safety. No person, being the owner thereof or having the 94829  
supervisory responsibility therefor, shall permit the operation 94830

of a vehicle used for pupil transportation within this state in 94831  
violation of the rules of the department of education and 94832  
workforce or the department of public safety. 94833

(D) The department of public safety shall adopt and 94834  
enforce rules relating to the issuance of a license under 94835  
section 4511.763 of the Revised Code. The rules may relate to 94836  
the condition of the equipment to be operated; the liability and 94837  
property damage insurance carried by the applicant; the posting 94838  
of satisfactory and sufficient bond; and such other rules as the 94839  
director of public safety determines reasonably necessary for 94840  
the safety of the pupils to be transported. 94841

(E) A chartered nonpublic school or a community school may 94842  
own and operate, or contract with a vendor that supplies, 94843  
alternative vehicles to transport students to and from regularly 94844  
scheduled school sessions, school-related activities, and 94845  
school-sanctioned events when one of the following applies: 94846

(1) A student's school district of residence has declared 94847  
the transportation of the student impractical pursuant to 94848  
section 3327.02 of the Revised Code; 94849

(2) A student does not live within thirty minutes of the 94850  
chartered nonpublic school or the community school, as 94851  
applicable, and the student's school district is not required to 94852  
transport the student under section 3327.01 of the Revised Code; 94853

(3) The governing authority of the chartered nonpublic 94854  
school or the community school has offered to provide the 94855  
transportation for its students in lieu of the students being 94856  
transported by their school district of residence. 94857

(F) A school district may own and operate, or contract 94858  
with a vendor that supplies, alternative vehicles to transport 94859

students to and from regularly scheduled school sessions, 94860  
school-related activities, and school-sanctioned events. 94861

(G) A school district or the governing authority of a 94862  
chartered nonpublic school or community school that uses an 94863  
alternative vehicle in accordance with division (E) or (F) of 94864  
this section, shall ensure that all of the following apply to 94865  
the operation of that vehicle: 94866

(1) A qualified mechanic inspects the vehicle not fewer 94867  
than two times each year and determines that it is safe for 94868  
pupil transportation; 94869

(2) The driver of the vehicle does not stop on the roadway 94870  
to load or unload passengers; 94871

(3) The driver of the vehicle meets the requirements 94872  
specified for a driver of a school bus or motor van under 94873  
section 3327.10 of the Revised Code and any corresponding rules 94874  
adopted by the department of education and workforce. 94875  
Notwithstanding that section or any department rules to the 94876  
contrary, the driver is not required to have a commercial 94877  
driver's license but shall have a current, valid driver's 94878  
license, and shall be accustomed to operating the vehicle used 94879  
to transport the students. 94880

(4) The driver and all passengers in the vehicle comply 94881  
with the requirements of sections 4511.81 and 4513.263 of the 94882  
Revised Code, as applicable. 94883

~~(H)~~ (H) (1) A school district, a chartered nonpublic school, 94884  
or a community school may own and operate, or contract with a 94885  
vendor that supplies, a multifunction school activity bus to 94886  
transport students between school and school functions or 94887  
activities. 94888

(2) A multifunction school activity bus shall not be used 94889  
to transport students between school and home or between school 94890  
and designated school bus stops. 94891

(I) As used in this section: 94892

(1) "Alternative vehicle" means a motor vehicle originally 94893  
manufactured and designed for not more than twelve passengers, 94894  
not including the driver. 94895

(2) "Vehicle used for pupil transportation" means any 94896  
vehicle that is identified as such by the department of 94897  
education and workforce by rule and that is subject to Chapter 94898  
3301-83 of the Administrative Code. 94899

~~(I)~~(J) Except as otherwise provided in this division, 94900  
whoever violates this section is guilty of a minor misdemeanor. 94901  
If the offender previously has been convicted of or pleaded 94902  
guilty to one or more violations of this section or section 94903  
4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of 94904  
the Revised Code or a municipal ordinance that is substantially 94905  
similar to any of those sections, whoever violates this section 94906  
is guilty of a misdemeanor of the fourth degree. 94907

**Sec. 4511.77.** (A) No person shall operate, nor shall any 94908  
person being the owner thereof or having supervisory 94909  
responsibility therefor permit the operation of, a school bus 94910  
within this state unless it is painted national school bus 94911  
yellow and is marked on both front and rear with the words 94912  
"school bus" in black lettering not less than eight inches in 94913  
height and on the rear of the bus with the word "stop" in black 94914  
lettering not less than ten inches in height. 94915

(B) Except as otherwise provided in this division, whoever 94916  
violates this section is guilty of a minor misdemeanor. If the 94917

offender previously has been convicted of or pleaded guilty to 94918  
one or more violations of this section or section 4511.63, 94919  
4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised 94920  
Code or a municipal ordinance that is substantially similar to 94921  
any of those sections, whoever violates this section is guilty 94922  
of a misdemeanor of the fourth degree. 94923

(C) Whenever a person is found guilty in a court of record 94924  
of a violation of this section, the trial judge, in addition to 94925  
or independent of all other penalties provided by law, may 94926  
suspend for any period of time not exceeding three years, or 94927  
cancel the license of any person, partnership, association, or 94928  
corporation, issued under section 4511.763 of the Revised Code. 94929

(D) This section does not apply to a multifunction school 94930  
activity bus. 94931

**Sec. 4511.771.** (A) Every school bus shall, in addition to 94932  
any other equipment and distinctive markings required pursuant 94933  
to sections 4511.76, 4511.761, 4511.764, and 4511.77 of the 94934  
Revised Code, be equipped with signal lamps mounted as high as 94935  
practicable, which shall display to the front two alternately 94936  
flashing red lights and two alternately flashing amber lights 94937  
located at the same level and to the rear two alternately 94938  
flashing red lights and two alternately flashing amber lights 94939  
located at the same level, and these lights shall be visible at 94940  
five hundred feet in normal sunlight. The alternately flashing 94941  
red lights shall be spaced as widely as practicable, and the 94942  
alternately flashing amber lights shall be located next to them. 94943

(B) Except as otherwise provided in this division, whoever 94944  
violates this section is guilty of a minor misdemeanor. If, 94945  
within one year of the offense, the offender previously has been 94946  
convicted of or pleaded guilty to one predicate motor vehicle or 94947

traffic offense, whoever violates this section is guilty of a 94948  
misdemeanor of the fourth degree. If, within one year of the 94949  
offense, the offender previously has been convicted of two or 94950  
more predicate motor vehicle or traffic offenses, whoever 94951  
violates this section is guilty of a misdemeanor of the third 94952  
degree. 94953

(C) This section does not apply to a multifunction school 94954  
activity bus. 94955

**Sec. 4511.78.** (A) As used in this section: 94956

(1) "Mass transit system" means any county transit system, 94957  
regional transit authority, regional transit commission, 94958  
municipally owned transportation system, mass transit company 94959  
operating exclusively within the territorial limits of a 94960  
municipal corporation, or within such limits and the territorial 94961  
limits of municipal corporations immediately contiguous to such 94962  
municipal corporation, and any common passenger carrier, that 94963  
provides transportation for children to or from a school session 94964  
or a school function. 94965

(2) "Bus" means every motor vehicle designed for carrying 94966  
more than nine passengers and used for the transportation of 94967  
persons, but does not mean any school bus or a multifunction 94968  
school activity bus as defined in section 4511.01 of the Revised 94969  
Code. 94970

(B) Whenever a mass transit system transports children to 94971  
or from a school session or school function, the mass transit 94972  
system shall provide for: 94973

(1) Periodic safety inspections of all buses used to 94974  
provide transportation service. The inspections shall be based 94975  
on rules adopted by the public utilities commission under 94976

Chapters 4921. and 4923. of the Revised Code to ensure the 94977  
safety of operation of motor carriers. 94978

(2) The safety training of all drivers operating buses 94979  
used to provide transportation service; 94980

(3) The equipping of every bus with outside rear-view 94981  
mirrors meeting the motor carrier regulations for bus equipment 94982  
adopted by the federal highway administration. No exclusions 94983  
from this requirement granted under the federal regulations 94984  
shall be considered exclusions for the purposes of this 94985  
division. 94986

(C) Except as otherwise provided in this division, whoever 94987  
violates this section is guilty of a minor misdemeanor. If, 94988  
within one year of the offense, the offender previously has been 94989  
convicted of or pleaded guilty to one predicate motor vehicle or 94990  
traffic offense, whoever violates this section is guilty of a 94991  
misdemeanor of the fourth degree. If, within one year of the 94992  
offense, the offender previously has been convicted of two or 94993  
more predicate motor vehicle or traffic offenses, whoever 94994  
violates this section is guilty of a misdemeanor of the third 94995  
degree. 94996

**Sec. 4517.01.** As used in sections 4517.01 to 4517.65 of 94997  
the Revised Code: 94998

(A) "Persons" includes individuals, partnerships, 94999  
associations, joint stock companies, corporations, sole 95000  
proprietorships, limited liability companies, limited liability 95001  
partnerships, business trusts, and any other legally recognized 95002  
business entities or any combinations of individuals. 95003

(B) "Motor vehicle" means motor vehicle as defined in 95004  
section 4501.01 of the Revised Code and also includes "all- 95005

purpose vehicle" and "off-highway motorcycle" as those terms are 95006  
defined in section 4519.01 of the Revised Code. "Motor vehicle" 95007  
does not include a snowmobile as defined in section 4519.01 of 95008  
the Revised Code or manufactured and mobile homes. "Motor 95009  
vehicle" includes a "fifth wheel trailer," "park trailer," 95010  
"travel trailer," "tent-type fold-out camping trailer," and a 95011  
"semitrailer" but does not otherwise include trailers as defined 95012  
in section 4501.01 of the Revised Code. 95013

(C) "New motor vehicle" means a motor vehicle, the legal 95014  
title to which has never been transferred by a manufacturer, 95015  
remanufacturer, distributor, or dealer to an ultimate purchaser. 95016

(D) "Ultimate purchaser" means, with respect to any new 95017  
motor vehicle, the first person, other than a dealer purchasing 95018  
in the capacity of a dealer, who in good faith purchases such 95019  
new motor vehicle for purposes other than resale. 95020

(E) "Business" includes any activities engaged in by any 95021  
person for the object of gain, benefit, or advantage either 95022  
direct or indirect, including activities conducted through the 95023  
internet or another computer network. 95024

(F) "Engaging in business" means commencing, conducting, 95025  
or continuing in business, or liquidating a business when the 95026  
liquidator thereof holds self out to be conducting such 95027  
business; making a casual sale or otherwise making transfers in 95028  
the ordinary course of business when the transfers are made in 95029  
connection with the disposition of all or substantially all of 95030  
the transferor's assets is not engaging in business. 95031

(G) "Retail sale" or "selling at retail" means the act or 95032  
attempted act of selling, bartering, exchanging, or otherwise 95033  
disposing of a motor vehicle, including through use of the 95034

internet or another computer network, to an ultimate purchaser. 95035

(H) "Retail installment contract" includes any contract in 95036  
the form of a note, chattel mortgage, conditional sales 95037  
contract, lease, agreement, or other instrument payable in one 95038  
or more installments over a period of time and arising out of 95039  
the retail sale of a motor vehicle. 95040

(I) "Farm machinery" means all machines and tools used in 95041  
the production, harvesting, and care of farm products. 95042

(J) "Dealer" or "motor vehicle dealer" means any new motor 95043  
vehicle dealer, any motor vehicle leasing dealer, any adaptive 95044  
mobility dealer, and any used motor vehicle dealer. 95045

(K) "New motor vehicle dealer" means any person engaged in 95046  
the business of selling at retail, displaying, offering for 95047  
sale, or dealing in new motor vehicles pursuant to a contract or 95048  
agreement entered into with the manufacturer, remanufacturer, or 95049  
distributor of the motor vehicles. 95050

(L) "Used motor vehicle dealer" means any person engaged 95051  
in the business of selling, displaying, offering for sale, or 95052  
dealing in used motor vehicles, at retail or wholesale, but does 95053  
not mean any new motor vehicle dealer selling, displaying, 95054  
offering for sale, or dealing in used motor vehicles 95055  
incidentally to engaging in the business of selling, displaying, 95056  
offering for sale, or dealing in new motor vehicles, any person 95057  
engaged in the business of dismantling, salvaging, or rebuilding 95058  
motor vehicles by means of using used parts, or any public 95059  
officer performing official duties. 95060

(M) "Motor vehicle leasing dealer" means any person 95061  
engaged in the business of regularly making available, offering 95062  
to make available, or arranging for another person to use a 95063

motor vehicle pursuant to a bailment, lease, sublease, or other 95064  
contractual arrangement under which a charge is made for its use 95065  
at a periodic rate for a term of thirty days or more, and title 95066  
to the motor vehicle is in and remains in the motor vehicle 95067  
leasing dealer who originally leases it, irrespective of whether 95068  
or not the motor vehicle is the subject of a later sublease, and 95069  
not in the user, including any financial institution acting as a 95070  
lessor for a lease or sublease. "Motor vehicle leasing dealer" 95071  
does not include a new motor vehicle dealer that is not the 95072  
lessor and that only assists in arranging a lease on the 95073  
lessor's behalf or a manufacturer or its affiliate leasing to 95074  
its employees or to dealers. 95075

(N) "Salesperson" means any person employed by a dealer to 95076  
sell, display, and offer for sale, or deal in motor vehicles for 95077  
a commission, compensation, or other valuable consideration, but 95078  
does not mean any public officer performing official duties. 95079

(O) "Casual sale" means any transfer of a motor vehicle by 95080  
a person other than a new motor vehicle dealer, used motor 95081  
vehicle dealer, adaptive mobility dealer, motor vehicle salvage 95082  
dealer, as defined in division (A) of section 4738.01 of the 95083  
Revised Code, salesperson, motor vehicle auction owner, 95084  
manufacturer, or distributor acting in the capacity of a dealer, 95085  
salesperson, auction owner, manufacturer, or distributor, to a 95086  
person who purchases the motor vehicle for use as a consumer. 95087

(P) "Motor vehicle auction owner" means any person who is 95088  
engaged wholly or in part in the business of auctioning motor 95089  
vehicles, but does not mean a construction equipment auctioneer 95090  
or a construction equipment auction licensee. 95091

(Q) "Manufacturer" means a person who manufactures, 95092  
assembles, or imports motor vehicles, including motor homes, but 95093

does not mean a person who only assembles or installs a body, 95094  
special equipment unit, finishing trim, or accessories on a 95095  
motor vehicle chassis supplied by a manufacturer or distributor. 95096

(R) "Tent-type fold-out camping trailer" means any vehicle 95097  
intended to be used, when stationary, as a temporary shelter 95098  
with living and sleeping facilities, and that is subject to the 95099  
following properties and limitations: 95100

(1) A minimum of twenty-five per cent of the fold-out 95101  
portion of the top and sidewalls combined must be constructed of 95102  
canvas, vinyl, or other fabric, and form an integral part of the 95103  
shelter. 95104

(2) When folded, the unit must not exceed: 95105

(a) Fifteen feet in length, exclusive of bumper and 95106  
tongue; 95107

(b) Sixty inches in height from the point of contact with 95108  
the ground; 95109

(c) Eight feet in width; 95110

(d) One ton gross weight at time of sale. 95111

(S) "Distributor" means any person authorized by a motor 95112  
vehicle manufacturer to distribute new motor vehicles to 95113  
licensed new motor vehicle dealers, but does not mean a person 95114  
who only assembles or installs a body, special equipment unit, 95115  
finishing trim, or accessories on a motor vehicle chassis 95116  
supplied by a manufacturer or distributor. 95117

(T) "Flea market" means a market place, other than a 95118  
dealer's location licensed under this chapter, where a space or 95119  
location is provided for a fee or compensation to a seller to 95120  
exhibit and offer for sale or trade, motor vehicles to the 95121

general public. 95122

(U) "Franchise" means any written agreement, contract, or 95123  
understanding between any motor vehicle manufacturer or 95124  
remanufacturer engaged in commerce and any new motor vehicle 95125  
dealer that purports to fix the legal rights and liabilities of 95126  
the parties to such agreement, contract, or understanding. 95127

(V) "Franchisee" means a person who receives new motor 95128  
vehicles from the franchisor under a franchise agreement and who 95129  
offers, sells, and provides service for such new motor vehicles 95130  
to the general public. 95131

(W) "Franchisor" means a new motor vehicle manufacturer, 95132  
remanufacturer, or distributor who supplies new motor vehicles 95133  
under a franchise agreement to a franchisee. 95134

(X) "Dealer organization" means a state or local trade 95135  
association the membership of which is comprised predominantly 95136  
of new motor vehicle dealers. 95137

(Y) "Factory representative" means a representative 95138  
employed by a manufacturer, remanufacturer, or by a factory 95139  
branch primarily for the purpose of promoting the sale of its 95140  
motor vehicles, parts, or accessories to dealers or for 95141  
supervising or contacting its dealers or prospective dealers. 95142

(Z) "Administrative or executive management" means those 95143  
individuals who are not subject to federal wage and hour laws. 95144

(AA) "Good faith" means honesty in the conduct or 95145  
transaction concerned and the observance of reasonable 95146  
commercial standards of fair dealing in the trade as is defined 95147  
in section 1301.201 of the Revised Code, including, but not 95148  
limited to, the duty to act in a fair and equitable manner so as 95149  
to guarantee freedom from coercion, intimidation, or threats of 95150

coercion or intimidation; provided however, that recommendation, 95151  
endorsement, exposition, persuasion, urging, or argument shall 95152  
not be considered to constitute a lack of good faith. 95153

(BB) "Coerce" means to compel or attempt to compel by 95154  
failing to act in good faith or by threat of economic harm, 95155  
breach of contract, or other adverse consequences. Coerce does 95156  
not mean to argue, urge, recommend, or persuade. 95157

(CC) "Relevant market area" means any area within a radius 95158  
of ten miles from the site of a potential new dealership, except 95159  
that for manufactured home or recreational vehicle dealerships 95160  
the radius shall be twenty-five miles. The ten-mile radius shall 95161  
be measured from the dealer's established place of business that 95162  
is used exclusively for the purpose of selling, displaying, 95163  
offering for sale, or dealing in motor vehicles. 95164

(DD) "Wholesale" or "at wholesale" means the act or 95165  
attempted act of selling, bartering, exchanging, or otherwise 95166  
disposing of a motor vehicle to a transferee for the purpose of 95167  
resale and not for ultimate consumption by that transferee. 95168

(EE) "Motor vehicle wholesaler" means any person licensed 95169  
as a dealer under the laws of another state and engaged in the 95170  
business of selling, displaying, or offering for sale used motor 95171  
vehicles, at wholesale, but does not mean any motor vehicle 95172  
dealer as defined in this section. 95173

(FF) (1) "Remanufacturer" means a person who assembles or 95174  
installs passenger seating, walls, a roof elevation, or a body 95175  
extension on a conversion van with the motor vehicle chassis 95176  
supplied by a manufacturer or distributor, a person who modifies 95177  
a truck chassis supplied by a manufacturer or distributor for 95178  
use as a public safety or public service vehicle, a person who 95179

modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, a roof elevation, or a body extension on a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) An adaptive mobility dealer.

(2) For the purposes of division (FF)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (FF)(1) of this section, "limousine" means a motor vehicle, designed only for the purpose of carrying nine or fewer passengers, that a person modifies by cutting the original chassis, lengthening the wheelbase by forty inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces limousines unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the limousines to complete properly the remanufacture of the chassis into limousines.

(4) For the purposes of division (FF)(1) of this section, "hearse" means a motor vehicle, designed only for the purpose of

transporting a single casket, that is equipped with a 95209  
compartment designed specifically to carry a single casket that 95210  
a person modifies by cutting the original chassis, lengthening 95211  
the wheelbase by ten inches or more, and reinforcing the chassis 95212  
in such a way that all modifications comply with all applicable 95213  
federal motor vehicle safety standards. No person shall qualify 95214  
as or be deemed to be a remanufacturer who produces hearses 95215  
unless the person has a written agreement with the manufacturer 95216  
of the chassis the person utilizes to produce the hearses to 95217  
complete properly the remanufacture of the chassis into hearses. 95218

(5) For the purposes of division (FF)(1) of this section, 95219  
"mobile self-contained facility vehicle" means a mobile 95220  
classroom vehicle, mobile laboratory vehicle, bookmobile, 95221  
bloodmobile, testing laboratory, and mobile display vehicle, 95222  
each of which is designed for purposes other than for passenger 95223  
transportation and other than the transportation or displacement 95224  
of cargo, freight, materials, or merchandise. A vehicle is 95225  
remanufactured into a mobile self-contained facility vehicle in 95226  
part by the addition of insulation to the body shell, and 95227  
installation of all of the following: a generator, electrical 95228  
wiring, plumbing, holding tanks, doors, windows, cabinets, 95229  
shelving, and heating, ventilating, and air conditioning 95230  
systems. 95231

(6) For the purposes of division (FF)(1) of this section, 95232  
"tow truck" means both of the following: 95233

(a) An incomplete cab and chassis that are purchased by a 95234  
remanufacturer from a new motor vehicle dealer or distributor of 95235  
the cab and chassis and on which the remanufacturer then 95236  
installs in a permanent manner a wrecker body it purchases from 95237  
a manufacturer or distributor of wrecker bodies, installs an 95238

emergency flashing light pylon and emergency lights upon the 95239  
mast of the wrecker body or rooftop, and installs such other 95240  
related accessories and equipment, including push bumpers, front 95241  
grille guards with pads and other custom-ordered items such as 95242  
painting, special lettering, and safety striping so as to create 95243  
a complete motor vehicle capable of lifting and towing another 95244  
motor vehicle. 95245

(b) An incomplete cab and chassis that are purchased by a 95246  
remanufacturer from a new motor vehicle dealer or distributor of 95247  
the cab and chassis and on which the remanufacturer then 95248  
installs in a permanent manner a car carrier body it purchases 95249  
from a manufacturer or distributor of car carrier bodies, 95250  
installs an emergency flashing light pylon and emergency lights 95251  
upon the rooftop, and installs such other related accessories 95252  
and equipment, including push bumpers, front grille guards with 95253  
pads and other custom-ordered items such as painting, special 95254  
lettering, and safety striping. 95255

As used in division (FF) (6) (b) of this section, "car 95256  
carrier body" means a mechanical or hydraulic apparatus capable 95257  
of lifting and holding a motor vehicle on a flat level surface 95258  
so that one or more motor vehicles can be transported, once the 95259  
car carrier is permanently installed upon an incomplete cab and 95260  
chassis. 95261

(GG) "Operate as a new motor vehicle dealership" means 95262  
engaging in activities such as displaying, offering for sale, 95263  
and selling new motor vehicles at retail, operating a service 95264  
facility to perform repairs and maintenance on motor vehicles, 95265  
offering for sale and selling motor vehicle parts at retail, and 95266  
conducting all other acts that are usual and customary to the 95267  
operation of a new motor vehicle dealership. For the purposes of 95268

this chapter only, possession of either a valid new motor vehicle dealer franchise agreement or a new motor vehicle dealers license, or both of these items, is not evidence that a person is operating as a new motor vehicle dealership.

(HH) "Outdoor power equipment" means garden and small utility tractors, walk-behind and riding mowers, chainsaws, and tillers.

(II) "Remote service facility" means premises that are separate from a licensed new motor vehicle dealer's sales facility by not more than one mile and that are used by the dealer to perform repairs, warranty work, recall work, and maintenance on motor vehicles pursuant to a franchise agreement entered into with a manufacturer of motor vehicles. A remote service facility shall be deemed to be part of the franchise agreement and is subject to all the rights, duties, obligations, and requirements of Chapter 4517. of the Revised Code that relate to the performance of motor vehicle repairs, warranty work, recall work, and maintenance work by new motor vehicle dealers.

(JJ) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(KK) "Construction equipment auctioneer" means a person who holds both a valid auction firm license issued under Chapter 4707. of the Revised Code and a valid construction equipment auction license issued under this chapter.

(LL) "Large construction or transportation equipment" means vehicles having a gross vehicle weight rating of more than ten thousand pounds and includes road rollers, traction engines, power shovels, power cranes, commercial cars and trucks, or farm

trucks, and other similar vehicles obtained primarily from the	95298
construction, mining, transportation or farming industries.	95299
(MM) "Local market conditions" includes, but is not	95300
limited to:	95301
(1) Demographics in the franchisee's area;	95302
(2) Geographical and market characteristics in the	95303
franchisee's area;	95304
(3) Local economic circumstances;	95305
(4) The proximity of other motor vehicle dealers of the	95306
same line-make;	95307
(5) The proximity of motor vehicle manufacturing	95308
facilities;	95309
(6) The buying patterns of motor vehicle purchasers;	95310
(7) Customer drive time and drive distance.	95311
(NN) "Established place of business" means a permanent,	95312
enclosed building or structure that meets all of the following	95313
requirements:	95314
(1) It is either owned, leased, or rented by the motor	95315
vehicle dealer.	95316
(2) It meets local zoning or municipal requirements.	95317
(3) It is regularly occupied by at least one person.	95318
(4) It is easily accessible to the public.	95319
(5) The records and files necessary to conduct the	95320
business are generally kept and maintained at the location or	95321
are readily accessible and available for reasonable inspection	95322
from the location.	95323

"Established place of business" does not mean a residence, 95324  
tent, temporary stand, storage shed, lot, or any temporary 95325  
quarters, unless authorized by the registrar of motor vehicles. 95326

(OO) "Adaptive mobility dealer" means any person engaged 95327  
in the business of all of the following: 95328

(1) Selling at retail, displaying, offering for sale, 95329  
delivering, and dealing in adaptive mobility vehicles; 95330

(2) Selling and installing adaptive mobility equipment, 95331  
related accessories, and other goods and services to meet the 95332  
automotive adaptive mobility needs of drivers and passengers 95333  
with disabilities; 95334

(3) Providing maintenance and repair services for adaptive 95335  
mobility vehicles and adaptive mobility equipment. 95336

(PP) "Adaptive mobility equipment" means the mechanical or 95337  
electronic devices or parts that are designed to facilitate the 95338  
use of a motor vehicle by a person who is aging or a person with 95339  
disabilities, in accordance with 49 C.F.R. part 571, and that 95340  
are permanently attached to or incorporated into the motor 95341  
vehicle. 95342

**Sec. 4517.52.** (A) Each franchisor shall fulfill warranty 95343  
and recall obligations of diagnosing, repairing, and servicing 95344  
motor vehicles, including all parts and components manufactured 95345  
for installation in any motor vehicle. 95346

(B) Each franchisor shall compensate each of its 95347  
franchisees for labor and parts used to fulfill warranty and 95348  
recall obligations of diagnostic, repair-and, servicing, 95349  
updates to vehicle accessories or functions, and initialization 95350  
or repair of vehicle parts, systems, accessories, or functions 95351  
at rates not less than the rates charged by the franchisee to 95352

its retail customers for warranty-like diagnosis, labor, and 95353  
parts for nonwarranty work. A—Diagnostic work includes the time 95354  
spent by a technician, who meets the franchisor's qualifications 95355  
and requirements for the repair work, communicating with the 95356  
franchisor's technical assistance or external franchisor source 95357  
in order to complete a warranty repair. 95358

A franchisee, other than a franchisee that deals in 95359  
recreational vehicles, may establish rates of compensation for 95360  
labor performed and parts used by the franchisee for purposes of 95361  
this section if all of the following apply: 95362

(1) The franchisee submits to the franchisor either of the 95363  
following: 95364

(a) One hundred sequential nonwarranty service repair 95365  
orders for warranty-like repairs that have been paid by a 95366  
customer and closed by the time of submission; 95367

(b) All service repair orders for warranty-like repairs, 95368  
that have been paid by a customer and closed by the time of 95369  
submission, for a period of ninety consecutive days. 95370

A franchisee either may submit a set of repair orders for 95371  
purposes of calculating both its retail labor rate and its 95372  
retail parts markup percentage, or may submit separate sets of 95373  
repair orders for purposes of calculating its retail labor rate 95374  
and its retail parts markup percentage separately. The repair 95375  
orders submitted under division (B) (1) (a) or (b) of this section 95376  
must be from a period occurring not more than one hundred eighty 95377  
days before the submission. 95378

Subject to division (C) (3) of this section, if a 95379  
franchisor determines from any set of repair orders submitted 95380  
under this section that the retail labor rate or parts markup 95381

percentage calculated under division (B) (2) or (3) of this 95382  
section is substantially higher or lower than the rate currently 95383  
on record with the franchisor for labor or parts, the franchisor 95384  
may request additional documentation for a period of either 95385  
~~ninety-sixty~~ days prior to or ~~ninety-sixty~~ days subsequent to 95386  
the time period for which the repair orders were submitted for 95387  
purposes of an alteration. 95388

(2) The franchisee calculates its retail labor rate by 95389  
determining the franchisee's total labor sales from the service 95390  
repair orders submitted under division (B) (1) of this section 95391  
and dividing that amount by the total number of labor hours that 95392  
generated those sales. 95393

(3) The franchisee calculates its retail parts markup 95394  
percentage by determining the franchisee's total parts sales 95395  
from the service repair orders submitted under division (B) (1) 95396  
of this section and dividing that amount by the franchisee's 95397  
total cost for the purchase of those parts, subtracting one from 95398  
that amount, and then multiplying the amount by one hundred. 95399

(4) In calculating the retail labor rate in division (B) 95400  
(2) of this section and the retail parts markup percentage in 95401  
division (B) (3) of this section, the franchisee omits charges 95402  
for any of the following from the calculation: 95403

(a) Manufacturer or distributor special events, specials, 95404  
or promotional discounts for retail customer repairs; 95405

(b) Parts sold, or repairs performed, at wholesale; 95406

(c) Routine maintenance that is not covered under a retail 95407  
customer warranty, including the replacement of fluids, filters, 95408  
and belts that are not provided in the course of other repairs; 95409

(d) Items that do not have individual part numbers, such 95410

as nuts, bolts, and fasteners;	95411
(e) Vehicle reconditioning;	95412
(f) Accessories;	95413
(g) Repairs of damage caused by a collision, a road hazard, the force of the elements, vandalism, theft, or operator negligence;	95414 95415 95416
(h) Parts sold or repairs performed for insurance carriers;	95417 95418
(i) Vehicle emission or safety inspections required by law;	95419 95420
(j) Goodwill or policy repairs or replacements;	95421
(k) Repairs for which volume discounts have been negotiated with government agencies or insurance carriers;	95422 95423
(l) Repairs performed on vehicles from a different line- make;	95424 95425
(m) Replacement of tires or related elements.	95426
(5) The franchisee provides notice of its retail labor rate and retail parts markup percentage calculated in accordance with this section to the franchisor.	95427 95428 95429
(C) (1) A franchisor may contest the retail labor rate or retail parts markup percentage that was calculated by the franchisee under division (B) of this section within thirty days after receiving notice from the franchisee. If the franchisor seeks to contest the retail labor rate or retail parts markup percentage, the franchisor shall notify the franchisee that the franchisor believes the rate or markup percentage is materially inaccurate or substantially different than that of other	95430 95431 95432 95433 95434 95435 95436 95437

~~similarly situated, same line make new motor vehicle dealers in~~ 95438  
~~the vicinity,~~ provide a full explanation of the reasons the 95439  
franchisor disagrees with the rate or markup percentage, provide 95440  
evidence substantiating the franchisor's position, and propose 95441  
an adjustment of the contested rate or markup percentage. The 95442  
franchisor shall not modify its notice to the franchisee or its 95443  
grounds for contesting the rate or markup percentage after 95444  
submitting a notice to the franchisee under division (C) (1) of 95445  
this section. 95446

(2) If the franchisor does not contest the rate or markup 95447  
percentage that was calculated by the franchisee under division 95448  
(B) of this section within thirty days after receiving notice of 95449  
the rate or markup percentage from the franchisee, the 95450  
uncontested rate or markup percentage takes effect. The 95451  
franchisor then shall use the rate and markup percentage to 95452  
determine compensation for any warranty and recall work and 95453  
service performed by the franchisee until the rate or markup 95454  
percentage is modified. 95455

(3) If the franchisor contests a rate or markup percentage 95456  
established by the franchisee under division (B) of this 95457  
section, the franchisor and franchisee shall resolve the 95458  
disagreement through the franchisor's internal dispute 95459  
resolution process. However, the franchisee may appeal a 95460  
determination made as part of the dispute resolution process to 95461  
a court of competent jurisdiction. Any rate or markup percentage 95462  
established either through an internal dispute resolution 95463  
process or by a court as part of an appeal under this section 95464  
shall be applied retroactively to govern reimbursement for labor 95465  
or parts, as applicable, beginning thirty days after the date 95466  
the franchisee submitted the disputed rate or markup percentage 95467  
under division (B) of this section. 95468

(4) A franchisee shall not establish or modify a retail labor rate or retail parts markup percentage more frequently than once per calendar year.

(D) When calculating the compensation that must be provided to a franchisee for labor and parts used to fulfill warranty and recall obligations under this section, all of the following apply:

(1) The franchisor shall use time allowances for the diagnosis and performance of the warranty and recall work and service that are reasonable and adequate for the work or services to be performed by a qualified technician.

(2) The franchisor shall use any retail labor rate and any retail parts markup percentage established in accordance with this section in calculating the compensation.

(3) If the franchisor provided a part or component to the franchisee at a reduced cost or no cost to use in performing repairs under a recall, campaign service action, or warranty repair, the franchisor shall provide to the franchisee an amount equal to the retail parts markup for that part or component, which shall be calculated by multiplying the dealer cost for the part or component as listed in the franchisor's price schedule by the retail parts markup percentage.

(4) A franchisor shall not assess penalties, surcharges, or similar costs to a franchisee, transfer or shift any costs to a franchisee, limit allocation of vehicles or parts to a franchisee, or otherwise take retaliatory action against a franchisee based on any franchisee's exercise of its rights under this section. It is the burden of the franchisee to prove any claims under division (D) (4) of this section by a

preponderance of the evidence. Nothing in this section prohibits 95498  
a franchisor from increasing the price of a vehicle or part in 95499  
the normal course of business. 95500

(5) A franchisor shall fully reimburse a franchisee for 95501  
the cost of any rental vehicle provided to a customer when the 95502  
rental is required, offered, advertised as available, or 95503  
otherwise agreed to by the franchisor. The franchisor shall not 95504  
deny or reduce the reimbursement to the franchisee because the 95505  
franchisee is unable to provide a specific type of vehicle, 95506  
including a particular line-make, size, or category of vehicle. 95507

(E) A franchisor shall not require a franchisee to 95508  
establish a retail labor rate or retail parts markup percentage 95509  
using any method that is unduly burdensome or time consuming, or 95510  
require the use of information that is unduly burdensome or time 95511  
consuming to obtain, including part-by-part or transaction-by- 95512  
transaction calculations or utilization of the franchisee's 95513  
financial statement. Further, no franchisor shall unilaterally 95514  
calculate a retail labor rate or retail parts markup percentage 95515  
for a franchisee. 95516

Divisions (A), (C), (D), and (E) of this section do not 95517  
apply to franchisors or franchisees who deal in recreational 95518  
vehicles. Division (B) of this section as it pertains to 95519  
diagnostic work does not apply to franchisors or franchisees who 95520  
deal in recreational vehicles. 95521

**Sec. 4517.521.** (A) As used in this section: 95522

(1) "Stop-sale or do-not-drive order" means a notification 95523  
issued by a motor vehicle manufacturer to its franchised motor 95524  
vehicle dealers stating that certain used motor vehicles in 95525  
inventory shall not be sold, either at retail or wholesale, 95526

leased, or driven due to a federal safety recall or a federal or 95527  
state emissions recall. 95528

(2) "Average trade-in value" means the approximate 95529  
monetary value for a used motor vehicle that is indicated in an 95530  
independent third-party guide, based on the year, make, and 95531  
model of a vehicle. 95532

(B) (1) Pursuant to division (B) (2) of this section, a 95533  
franchisor shall compensate a franchisee of not less than one 95534  
and twenty-five hundredths per cent of the average trade-in 95535  
value for a used motor vehicle that is the subject of a stop- 95536  
sale or do-not-drive order if both of the following apply: 95537

(a) The franchisee is authorized to sell or perform recall 95538  
repairs on motor vehicles that are the same line-make as the 95539  
subject motor vehicle; 95540

(b) The parts or remedy that are necessary to perform the 95541  
recall service or repair on the subject motor vehicle are not 95542  
reasonably available to perform that service or repair within 95543  
thirty days of the franchisor issuing the recall notice and 95544  
associated stop-sale or do-not-drive order. 95545

(2) The compensation described in division (B) (1) of this 95546  
section shall be paid per month, or prorated for a portion of 95547  
the month. The compensation shall commence on the thirtieth day 95548  
after the recall notice and stop-sale or do-not-drive order was 95549  
issued. The compensation shall end on the earlier of the 95550  
following dates: 95551

(a) The date that the remedy or repair parts that are 95552  
necessary to resolve the recall notice and stop-sale or do-not- 95553  
drive order are available to the franchisee for the subject 95554  
motor vehicle; 95555

(b) The franchisee sells, trades, or otherwise disposes of 95556  
the subject motor vehicle. 95557

(3) A franchisor is not required to compensate a 95558  
franchisee for more than the total average trade-in value of the 95559  
subject motor vehicle. 95560

(C) Division (B) of this section does not apply to motor 95561  
vehicles purchased by a franchisee after the date the recall 95562  
notice or stop-sale or do-not-drive order was issued or to motor 95563  
vehicles that were purchased outside of the ordinary course of 95564  
business. 95565

(D) A franchisor may compensate a franchisee under a 95566  
national recall compensation program if the compensation under 95567  
that program equals or exceeds the compensation specified in 95568  
division (B) of this section or per any agreement between the 95569  
franchisor and franchisee. 95570

(E) A franchisor shall not attempt to recover all or any 95571  
other portion of its costs for compensating a franchisee in 95572  
accordance with this section either through a reduction in the 95573  
amount due to a franchisee or through a separate charge, 95574  
surcharge, or other imposition related to the costs of recalled 95575  
vehicles, parts, diagnostic work, or other services. Nothing in 95576  
division (E) of this section prohibits a franchisor from 95577  
changing its prices in the ordinary course of business or 95578  
prohibits a franchisor from charging back a franchisee for an 95579  
unnecessary or improperly performed repair. 95580

(F) A franchisor may determine the manner and method in 95581  
which a franchisee demonstrates the inventory status of a motor 95582  
vehicle that is eligible for compensation in accordance with 95583  
this section. The manner, method, and type of information 95584

required shall not be unduly burdensome for the franchisee. 95585

(G) Any remedy provided to a franchisee in accordance with 95586  
this section shall be the exclusive remedy provided to that 95587  
franchisee for compensation related to a used motor vehicle that 95588  
is the subject of a stop-sale or do-not-drive order. A remedy 95589  
provided in accordance with this section shall not be combined 95590  
with any other state or federal recall compensation remedy for 95591  
used motor vehicles subject to a stop-sale or do-not-drive 95592  
order. 95593

(H) This section does not apply to franchisors or 95594  
franchisees who deal in recreational vehicles. 95595

**Sec. 4517.60.** Notwithstanding the terms, conditions, or 95596  
provisions of any franchise, or the date such franchise was 95597  
executed, each franchisor shall indemnify and hold harmless its 95598  
franchisees against any losses, including, but not limited to, 95599  
court costs and attorney fees reasonably incurred, or damages 95600  
arising out of complaints, claims, or suits, whether or not 95601  
meritorious, relating in whole or in part to claims under 95602  
section 1345.72 of the Revised Code, or to the manufacture, 95603  
assembly, or design of motor vehicles, parts, or accessories, to 95604  
damage corrected by the franchisor prior to receipt of a motor 95605  
vehicle by the franchisee, or relating to other functions of the 95606  
franchisor beyond the control of the franchisee, including, but 95607  
not limited to, the selection by the franchisor of parts or 95608  
components for the motor vehicle, the franchisor's designation 95609  
of features or equipment as optional, and any damage to 95610  
merchandise occurring in transit to the franchisee where the 95611  
carrier is designated by the franchisor. The franchisee shall 95612  
give notice to the franchisor within twenty-eight days of 95613  
service of summons on the franchisee of pending suits in which 95614

allegations are made that come within this section and shall 95615  
cooperate with the franchisor in the defense of such suits. 95616

**Sec. 4519.59.** (A) (1) The clerk of a court of common pleas 95617  
shall charge and retain fees as follows: 95618

(a) Fifteen dollars, or twenty dollars if a board of 95619  
county commissioners adopts a resolution authorizing the 95620  
increased fee for that county, for each certificate of title or 95621  
duplicate certificate of title including the issuance of a 95622  
memorandum certificate of title, authorization to print a non- 95623  
negotiable evidence of ownership described in division (D) of 95624  
section 4519.58 of the Revised Code, non-negotiable evidence of 95625  
ownership printed by the clerk under division (E) of that 95626  
section, and notation of any lien on a certificate of title that 95627  
is applied for at the same time as the certificate of title. The 95628  
clerk shall retain eleven dollars and fifty cents of that fee 95629  
for each certificate of title when there is a notation of a lien 95630  
or security interest on the certificate of title, twelve dollars 95631  
and twenty-five cents when there is no lien or security interest 95632  
noted on the certificate of title, and eleven dollars and fifty 95633  
cents for each duplicate certificate of title. If a board of 95634  
county commissioners adopts a resolution authorizing a twenty- 95635  
dollar fee, the clerk shall retain the additional five dollars 95636  
of that fee. 95637

(b) Five dollars for each certificate of title with no 95638  
security interest noted that is issued to a licensed motor 95639  
vehicle dealer for resale purposes. The clerk shall retain two 95640  
dollars and twenty-five cents of that fee. 95641

(c) Five dollars for each memorandum certificate of title 95642  
or non-negotiable evidence of ownership that is applied for 95643  
separately. The clerk shall retain that entire fee. 95644

(2) The fees that are not retained by the clerk shall be 95645  
paid to the registrar of motor vehicles by monthly returns, 95646  
which shall be forwarded to the registrar not later than the 95647  
fifth day of the month next succeeding that in which the 95648  
certificate is forwarded or that in which the registrar is 95649  
notified of a lien or cancellation of a lien. 95650

(B) (1) The registrar shall pay twenty-five cents of the 95651  
amount received for each certificate of title that is issued to 95652  
a motor vehicle dealer for resale, one dollar for certificates 95653  
of title issued with a lien or security interest noted on the 95654  
certificate of title, and twenty-five cents for each certificate 95655  
of title with no lien or security interest noted on the 95656  
certificate of title into the public safety - highway purposes 95657  
fund established in section 4501.06 of the Revised Code. 95658

(2) Fifty cents of the amount received for each 95659  
certificate of title shall be paid by the registrar as follows: 95660

(a) Four cents shall be paid into the state treasury to 95661  
the credit of the motor vehicle dealers board fund created in 95662  
section 4505.09 of the Revised Code, for use as described in 95663  
division (B) (2) (a) of that section. 95664

(b) Twenty-one cents shall be paid into the highway 95665  
operating fund. 95666

(c) Twenty-five cents shall be paid into the state 95667  
treasury to the credit of the motor vehicle sales audit fund 95668  
created in section 4505.09 of the Revised Code, for use as 95669  
described in division (B) (2) (c) of that section. 95670

(3) Two dollars of the amount received by the registrar 95671  
for each certificate of title shall be paid into the state 95672  
treasury to the credit of the automated title processing fund 95673

created in section 4505.09 of the Revised Code, for use as 95674  
described in divisions (B) (3) (a) and (c) of that section. 95675

**Sec. 4582.024.** After a port authority has been created, 95676  
any municipal corporation, township, or county, acting by 95677  
ordinance, resolution of the township trustees, or resolution of 95678  
the county commissioners, respectively, which is contiguous to 95679  
such port authority, or to any municipal corporation, township, 95680  
or county which proposes to join such port authority at the same 95681  
time and is contiguous to such port authority, or any county 95682  
within which such port authority is situated, may join such port 95683  
authority and thereupon the jurisdiction and territory of such 95684  
port authority shall include such municipal corporation, county, 95685  
or township. If more than one such political subdivision is to 95686  
be joined to the port authority at the same time, then each such 95687  
ordinance or resolution shall designate the political 95688  
subdivisions which are to be so joined. Any territory or 95689  
municipal corporation not included in a port authority and which 95690  
is annexed to a municipal corporation included within the 95691  
jurisdiction and territory of a port authority shall, on such 95692  
annexation and without further proceedings, be annexed to and be 95693  
included in the jurisdiction and territory of such port 95694  
authority. Before such political subdivision or subdivisions are 95695  
joined to a port authority, other than by annexation to a 95696  
municipality, the political subdivision or subdivisions 95697  
thereof comprising such port authority shall agree upon the 95698  
terms and conditions pursuant to which such political 95699  
subdivision or subdivisions are to be joined. For all purposes 95700  
of sections 4582.01 to 4582.20, inclusive, of the Revised Code, 95701  
such political subdivision or subdivisions shall be considered 95702  
to have participated in the creation of such port authority, 95703  
except that the initial term of any director of the port 95704

authority appointed by such a political subdivision shall be 95705  
four years. After each ordinance or resolution proposing joinder 95706  
to the port authority has become effective and the terms and 95707  
conditions of joinder have been agreed to, the board of 95708  
directors of the port authority shall by resolution either 95709  
accept or reject such joinder. Such joinder shall be effective 95710  
on adoption of the resolution accepting such joinder, unless the 95711  
port authority to which a political subdivision or subdivisions 95712  
including a county within which such port authority is located, 95713  
are to be joined has authority under section 4582.14 of the 95714  
Revised Code to levy a tax on property within its jurisdiction, 95715  
then such joinder shall not be effective until approved by the 95716  
affirmative vote of a majority of the electors voting on the 95717  
question of such joinder. If more than one political subdivision 95718  
is to be joined to the port authority, then the electors of such 95719  
subdivision shall vote as a district and the majority 95720  
affirmative vote shall be determined by the vote cast in such 95721  
district as a whole. 95722

If a tax on property is to be levied, the board of 95723  
directors of the port authority and the county auditor shall 95724  
proceed in the same manner as required for a tax levy under 95725  
section 5705.03 of the Revised Code, except that the levy's 95726  
annual collections shall be estimated assuming that the 95727  
additional subdivision or subdivisions have joined the port 95728  
authority. 95729

The election shall be called by the board of directors of 95730  
the port authority and shall be held, canvassed, and certified 95731  
in the manner provided for the submission of tax levies under 95732  
section 5705.191 of the Revised Code except that the question 95733  
appearing on the ballot shall read: 95734

"Shall \_\_\_\_\_ 95735  
(name or names of political subdivisions to be joined) 95736  
be joined to \_\_\_\_\_ (name) port authority and the 95737  
existing tax levy (levies) of such port authority, that the 95738  
county auditor estimates will collect \$\_\_\_\_\_ annually, at a rate 95739  
not exceeding 95740  
\_\_\_\_\_ mill(s) for each \$1 of taxable value, which amounts to 95741  
\$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county~~ 95742  
~~auditor's appraised market~~ value, be authorized to be 95743  
levied against properties within 95744  
\_\_\_\_\_ " 95745  
(name or names of political subdivisions to be joined) 95746

If the question is approved such joinder shall be 95747  
immediately effective and the port authority shall be authorized 95748  
to extend the levy of such tax against all the taxable property 95749  
within the political subdivision or political subdivisions which 95750  
have been joined. If such question is approved at a general 95751  
election then the port authority may amend its budget and 95752  
resolution adopted pursuant to section 5705.34 of the Revised 95753  
Code and such levy shall be placed on the current tax list and 95754  
duplicate and collected as other taxes are collected from all 95755  
taxable property within the port authority including the 95756  
political subdivision or political subdivisions joined as a 95757  
result of such election. 95758

As used in this section, "~~the county auditor's appraised~~ 95759  
market value" and "effective rate" have the same meanings as in 95760  
section 5705.01 of the Revised Code. 95761

**Sec. 4582.26.** After a port authority has been created, any 95762  
municipal corporation, township, county, or other political 95763  
subdivision, acting by ordinance or resolution, which is 95764  
contiguous to any municipal corporation, township, county, or 95765  
other political subdivision which participated in the creation 95766  
of such port authority or to any municipal corporation, 95767  
township, county, or other political subdivision which proposes 95768  
to join the port authority at the same time and is contiguous to 95769  
any municipal corporation, township, county, or other political 95770  
subdivision which participated in the creation of such port 95771  
authority, may join such port authority, and thereupon the 95772  
jurisdiction and territory of the port authority includes the 95773  
municipal corporation, county, township, or other political 95774  
subdivision so joining. If more than one such political 95775  
subdivision is to be joined to the port authority at the same 95776  
time, then each such ordinance or resolution shall designate the 95777  
political subdivisions which are to be so joined. Any territory 95778  
or municipal corporation not included in a port authority and 95779  
which is annexed to a municipal corporation included within the 95780  
jurisdiction and territory of a port authority shall, on such 95781  
annexation and without further proceedings, be annexed to and be 95782  
included in the jurisdiction and territory of the port 95783  
authority. Before such political subdivision or subdivisions are 95784  
joined to a port authority, other than by annexation to a 95785  
municipal corporation, the political subdivision or subdivisions 95786  
theretofore comprising such port authority shall agree upon the 95787  
terms and conditions pursuant to which such political 95788  
subdivision or subdivisions are to be joined. For all purposes 95789  
of sections 4582.21 to 4582.59 of the Revised Code, such 95790  
political subdivision or subdivisions shall be considered to 95791  
have participated in the creation of such port authority, except 95792  
that the initial term of any director of the port authority 95793

appointed by such a political subdivision shall be four years. 95794  
After each ordinance or resolution proposing joinder to the port 95795  
authority has become effective and the terms and conditions of 95796  
joinder have been agreed to, the board of directors of the port 95797  
authority shall by resolution either accept or reject such 95798  
joinder. Such joinder shall be effective upon adoption of the 95799  
resolution accepting such joinder, unless the port authority to 95800  
which a political subdivision or subdivisions, including a 95801  
county within which such port authority is located, are to be 95802  
joined, has authority under section 4582.40 of the Revised Code 95803  
to levy a tax on property within its jurisdiction, then such 95804  
joinder shall not be effective until approved by the affirmative 95805  
vote of a majority of the electors voting on the question of the 95806  
joinder. If more than one political subdivision is to be joined 95807  
to the port authority, then the electors of such subdivisions 95808  
shall vote as a district and the majority affirmative vote shall 95809  
be determined by the vote cast in such district as a whole. 95810

If a tax on property is to be levied, the board of 95811  
directors of the port authority and the county auditor shall 95812  
proceed in the manner as required for a tax levy under section 95813  
5705.03 of the Revised Code, except that the levy's annual 95814  
collections shall be estimated assuming that the additional 95815  
subdivision or subdivisions have joined the port authority. 95816

The election shall be called by the board of directors of 95817  
the port authority and shall be held, canvassed, and certified 95818  
in the manner provided for the submission of tax levies under 95819  
section 5705.191 of the Revised Code except that the question 95820  
appearing on the ballot shall read: 95821

"Shall \_\_\_\_\_ 95822

(Name or names of political subdivisions to be joined) 95823

\_\_\_\_\_ 95824

be joined to \_\_\_\_\_ (Name) port authority 95825

and the existing tax levy (levies) of such port authority, that 95826

the county auditor estimates will collect \$\_\_\_\_\_ annually, at a 95827

rate not exceeding \_\_\_\_\_ mill(s) for each \$1 of 95828

taxable value, which amounts to \$\_\_\_\_\_ (effective rate) for 95829

each \$100,000 of ~~the county auditor's appraised market~~ value, 95830

be authorized to be levied against properties within 95831

\_\_\_\_\_?" 95832

(Name or names of political subdivisions to be joined) 95833

If the question is approved the joinder becomes 95834

immediately effective and the port authority is authorized to 95835

extend the levy of such tax against all the taxable property 95836

within the political subdivision or political subdivisions which 95837

have been joined. If such question is approved at a general 95838

election, then the port authority may amend its budget and 95839

resolution adopted pursuant to section 5705.34 of the Revised 95840

Code and such levy shall be placed on the current tax list and 95841

duplicate and collected as other taxes are collected from all 95842

taxable property within the port authority including the 95843

political subdivision or political subdivisions joined as a 95844

result of the election. 95845

As used in this section, "~~the county auditor's appraised-~~ 95846

market value" and "effective rate" have the same meanings as in 95847

section 5705.01 of the Revised Code. 95848

**Sec. 4582.61.** (A) As used in this section, "capital 95849

leaseback agreement" means the sale or transfer of property by a 95850

port authority to another person contemporaneously followed by 95851

the leasing of the property to the port authority. 95852

(B) On and after the effective date of this section and 95853  
notwithstanding any other provision in this chapter to the 95854  
contrary, no port authority shall enter into a capital leaseback 95855  
agreement with a non-public entity, concerning property located 95856  
outside of the port authority's jurisdiction, without approval 95857  
from the board of county commissioners in which the applicable 95858  
property is located or, if the property is located in more than 95859  
one county, from the board of county commissioners of each 95860  
county in which the property is located. 95861

Sec. 4582.72. Notwithstanding any other provision of this 95862  
chapter, no port authority created under section 4582.02 or 95863  
4582.22 of the Revised Code shall enter an agreement providing 95864  
for the construction or renovation of improvements to real 95865  
property located outside of the port authority's jurisdiction to 95866  
which all of the following applies without first obtaining 95867  
approval from the board of county commissioners in the county 95868  
where the property is located or, if the property is located in 95869  
more than one county, from the board of county commissioners of 95870  
each county in which the property is located: 95871

(A) The agreement is with a non-public entity. 95872

(B) The majority of the floor space of the improvements 95873  
that are the subject of the agreement will not be occupied by 95874  
the port authority upon completion of the construction or 95875  
renovation. 95876

(C) Building materials purchased for the renovation or 95877  
construction will qualify for the exemption authorized by 95878  
division (B) (13) of section 5739.02 of the Revised Code. 95879

Sec. 4582.73. (A) As used in this section: 95880

- (1) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code. 95881  
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- (2) "Common bond fund program" means any program authorized by a port authority for the purpose of financing port authority facilities and enhancing the credit of port authority obligations using credit enhancement facilities, cash reserves, or other moneys available for such purpose. 95883  
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- (3) "Obligations" means bonds, notes, or other forms or evidences of obligation constituting revenue bonds as that term is used in division (A) (4) of section 4582.06 of the Revised Code, or port authority revenue bonds as that term is used in section 4582.48 and division (A) (8) of section 4582.31 of the Revised Code, issued by a port authority. 95888  
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- (4) "Port authority" means a body corporate and politic created pursuant to the authority of this chapter. 95894  
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- (5) "Port authority facilities" and "port authority facility" have the same meaning as in division (D) of section 4582.01 or in division (E) of section 4582.21 of the Revised Code, as applicable. 95896  
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- (B) A port authority may, by one or more resolutions of its board of directors, establish and maintain a common bond fund program. A port authority that has established a common bond fund program may operate and manage such program, authorize agreements and other documents for such program, and appropriate funds of the port authority for the support of such program. A port authority, as part of a common bond fund program, may authorize the use of one or more credit enhancement facilities and cash reserves or other money available for the purpose of financing port authority facilities, all as authorized in the 95900  
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bond proceedings associated with the obligations issued as part 95910  
of the common bond fund program. 95911

Any obligations issued by a port authority and secured by 95912  
a trust agreement between the port authority and a corporate 95913  
trustee under division (A) (4) of section 4582.06 or section 95914  
4582.50 may, in the discretion of the port authority, be issued 95915  
as part of a common bond fund program. Any trust agreement used 95916  
in a common bond fund program, and the establishment, deposit, 95917  
investment and application of special funds, and the 95918  
safeguarding of money, shall be governed by the bond proceedings 95919  
associated with the obligations and by this chapter. More than 95920  
one obligation may be secured by a trust agreement used in a 95921  
common bond fund program. 95922

(C) All terms, provisions, and authorizations in this 95923  
chapter as applicable to a port authority, and the terms, 95924  
provisions, and authorizations of sections 9.96, 9.98, 9.981, 95925  
9.982, and 9.983 of the Revised Code, apply to obligations 95926  
issued as part of a common bond fund program and the associated 95927  
bond proceedings, except as otherwise provided in this section, 95928  
or except as otherwise provided in those obligations and 95929  
associated bond proceedings. 95930

(D) This section shall be liberally construed to effect 95931  
the purpose of authorizing common bond fund programs. The powers 95932  
and authorizations granted in this section may be exercised 95933  
jointly or separately by one or more port authorities and are in 95934  
addition to and supplemental to the powers and authorizations 95935  
otherwise granted to port authorities under the applicable 95936  
provisions of this chapter and shall not be construed as a 95937  
limitation on any such powers or authorizations. 95938

(E) This section provides additional optional authority 95939

for the establishment of a common bond fund program. Nothing in 95940  
this section shall impair or affect any common bond fund program 95941  
created prior to the effective date of this section. This 95942  
section does not apply to any common bond fund program created 95943  
prior to the effective date of this section unless the port 95944  
authority elects to apply this section to its common bond fund 95945  
program by one or more resolutions of its board of directors. 95946

**Sec. 4701.01.** As used in this chapter: 95947

(A) "Practice of public accounting" means performing or 95948  
offering to perform any engagement that will result in the 95949  
issuance of an attest report and, with respect to a person who 95950  
holds a CPA certificate, PA registration, foreign certificate, 95951  
or firm registration, any other services involving the use of 95952  
accounting or auditing skills as established by rules adopted by 95953  
the accountancy board. 95954

(B) "Public accounting firm" means a sole proprietorship, 95955  
a partnership, a limited liability company, a professional 95956  
association, a corporation-for-profit, or any other business 95957  
organization that is engaged in the practice of public 95958  
accounting in this state. 95959

(C) "Opinion report" means any opinion on a financial 95960  
statement that is expressed in accordance with generally 95961  
accepted auditing standards as to the fairness of presentation 95962  
of information and that is used for guidance in financial 95963  
transactions, for accounting, or for assessing the status or 95964  
performance of commercial and noncommercial enterprises, whether 95965  
public, private, or governmental. 95966

(D) "Peer review" means a study, appraisal, or review of 95967  
one or more aspects of the professional work of a public 95968

accounting firm that meets the standards and requirements set forth by the accountancy board. 95969  
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(E) "Review report" means either of the following: 95971

(1) Any review report on a financial statement that is issued with respect to any of the following: 95972  
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(a) Interim financial information in accordance with generally accepted auditing standards; 95974  
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(b) The financial information of a nonpublic entity in accordance with statements on standards for accounting and review services; 95976  
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(c) The reliability of another party's written assertion in accordance with statements on standards for attestation engagements. 95979  
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(2) Any other review report on a financial statement that is not described in division (E) (1) of this section and that is issued in accordance with standards promulgated by the American institute of certified public accountants. 95982  
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(F) "Compilation report" means any compilation report on a financial statement that is issued with respect to financial information of a nonpublic entity in accordance with statements on standards for accounting and review services as promulgated by the American institute of certified public accountants. 95986  
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(G) "Examination report" means any examination report on a financial statement that is issued with respect to another party's written assertion in accordance with statements on standards for attestation engagements as promulgated by the American institute of certified public accountants. 95991  
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(H) "Agreed-upon procedures report" means any report that 95996

is on a financial statement and that is based on agreed-upon 95997  
procedures issued with respect to another party's written 95998  
assertion in accordance with statements on standards for 95999  
attestation engagements as promulgated by the American institute 96000  
of certified public accountants. 96001

(I) "Qualified firm" means a sole proprietorship, 96002  
partnership, professional association, corporation-for-profit, 96003  
limited liability company, or other business organization in 96004  
which the individuals who own a majority of the business 96005  
organization interests in the business organization and control 96006  
the business organization hold an Ohio permit or a foreign 96007  
certificate. 96008

(J) "Own" means any direct or indirect ownership of an 96009  
equity interest or shares in a public accounting firm or 96010  
qualified firm. 96011

(K) "Control" or "controlled" means the right to exercise 96012  
the majority of the voting equity interests or shares in a 96013  
public accounting firm or qualified firm with respect to any 96014  
matter. 96015

(L) "Equity interest" means any capital interest or profit 96016  
interest in a sole proprietorship, partnership, professional 96017  
association, corporation-for-profit, limited liability company, 96018  
or other business organization. 96019

(M) "Ohio permit" means a permit to practice public 96020  
accounting issued under division (A) of section 4701.10 of the 96021  
Revised Code that is not revoked or suspended. 96022

(N) "Ohio registration" means the registration under 96023  
division (B) of section 4701.10 of the Revised Code of a holder 96024  
of a CPA certificate or PA registration who is not in the 96025

practice of public accounting in this state. 96026

(O) "Firm registration" or "registered firm" means 96027  
registration as a public accounting firm under section 4701.04 96028  
of the Revised Code. 96029

(P) "PA registration" means registration as a public 96030  
accountant under section 4701.07 of the Revised Code that is not 96031  
revoked or suspended. 96032

(Q) "CPA certificate" means a certificate issued under 96033  
section 4701.06 or 4701.061 of the Revised Code that is not 96034  
revoked or suspended. 96035

(R) "Foreign certificate" means a license, permit, 96036  
certificate, or registration issued to a certified public 96037  
accountant under the laws of another state that authorizes the 96038  
holder to practice public accounting in that state, is valid, is 96039  
in good standing, and has not expired. 96040

(S) "Attest report" means an opinion report, review 96041  
report, compilation report, examination report, agreed-upon 96042  
procedures report, or any similar report prepared in accordance 96043  
with standards established by the American institute of 96044  
certified public accountants with respect to a financial 96045  
statement or other financial information. 96046

(T) "Person" means any individual, corporation-for-profit, 96047  
business trust, estate, partnership, limited liability company, 96048  
professional association, or other business organization. 96049

(U) Technical terms that define specific public accounting 96050  
engagements have the same meanings as in the professional 96051  
standards promulgated by the American institute of certified 96052  
public accountants. 96053

Sec. 4701.04. (A) No public accounting firm located in 96054  
this state shall engage in the practice of public accounting in 96055  
this state unless it registers with the accountancy board and 96056  
pays a registration fee set by the board. 96057

(B) Public accounting firms shall apply for initial 96058  
registration within ninety days after formation or within ninety 96059  
days after the commencement of practicing public accounting in 96060  
this state. All public accounting firms shall renew their 96061  
registration triennially. All public accounting firms shall 96062  
submit with their initial and renewal registration applications 96063  
all of the following: 96064

(1) A list of the names, addresses, and certificate or 96065  
registration numbers of all individuals who hold an Ohio permit 96066  
and who own an equity interest or shares in the public 96067  
accounting firm or are employed by the public accounting firm; 96068

(2) A list of the names and addresses of each person who 96069  
does not hold an Ohio permit or a foreign certificate and who 96070  
owns an equity interest or shares in the public accounting firm 96071  
if the person's principal place of business is located in this 96072  
state; 96073

(3) A statement that the public accounting firm and each 96074  
person who owns an equity interest or shares in the public 96075  
accounting firm or is employed by the public accounting firm and 96076  
who does not hold an Ohio permit or a foreign certificate is in 96077  
compliance with divisions (C) and (D) of this section. 96078

(C) A public accounting firm shall satisfy all of the 96079  
following requirements in order to register: 96080

(1) Except as provided in division ~~(C) (5)~~ (C) (7) of this 96081  
section, ~~each partner, shareholder, member, or other person who~~ 96082

~~owns an~~ more than fifty per cent of the total equity interest or 96083  
shares in the public accounting firm shall be owned by 96084  
individuals who hold an Ohio permit or a foreign certificate. 96085

(2) If a public accounting firm has a board of directors, 96086  
more than fifty per cent of the directors shall hold an Ohio 96087  
permit or a foreign certificate. 96088

(3) If a public accounting firm has an employee stock 96089  
ownership plan, more than fifty per cent of the trustees of the 96090  
employee stock ownership plan shall hold an Ohio permit or a 96091  
foreign certificate. 96092

(4) The public accounting firm shall designate an 96093  
individual who holds an Ohio permit who shall be responsible for 96094  
the proper registration of the firm. The public accounting firm 96095  
shall identify this individual to the board. 96096

~~(3)~~ (5) Each individual in a public accounting firm who 96097  
signs any attest report issued from an office of the public 96098  
accounting firm located in this state shall hold an Ohio permit. 96099

~~(4)~~ (6) An individual who owns an equity interest or shares 96100  
in the public accounting firm or is employed by the public 96101  
accounting firm and who holds an Ohio permit or a foreign 96102  
certificate, or a qualified firm that owns an equity interest or 96103  
shares in the public accounting firm, shall assume ultimate 96104  
responsibility for any attest report issued from an office of 96105  
the public accounting firm located in this state. 96106

~~(5)~~ (7) Any person who does not hold an Ohio permit or a 96107  
foreign certificate and who holds an equity interest or shares 96108  
in the public accounting firm shall satisfy the conditions set 96109  
forth in division (D) of this section. 96110

~~(6)~~ (8) The public accounting firm shall provide for the 96111

transfer of the equity interest or shares owned by persons who 96112  
do not hold an Ohio permit or a foreign certificate to either 96113  
the public accounting firm or to another person who owns an 96114  
equity interest or shares in the firm if a person who does not 96115  
hold an Ohio permit or a foreign certificate withdraws from or 96116  
ceases to be employed by the public accounting firm. The public 96117  
accounting firm may make payments in connection with the 96118  
person's withdrawal from the firm to that person or, if that 96119  
person is deceased or dissolved, to the person's estate or 96120  
successor in interest. 96121

(D) A person who does not hold an Ohio permit or a foreign 96122  
certificate may own an equity interest or shares in a public 96123  
accounting firm if all of the following conditions are met: 96124

(1) All of the individuals who hold an Ohio permit or a 96125  
foreign certificate and who own equity interests or shares in 96126  
the public accounting firm, and qualified firms that own equity 96127  
interests or shares in the public accounting firm, own, in the 96128  
aggregate, a majority of the equity interests or shares in the 96129  
public accounting firm and control the public accounting firm. 96130

(2) The person does not assume or use any titles or 96131  
designations specified in division (A) of section 4701.14 of the 96132  
Revised Code. The person may designate or refer to the person as 96133  
a shareholder, partner, member, principal, owner, or officer of 96134  
the public accounting firm and also may use any other title that 96135  
the board authorizes by rule. 96136

(3) The person is not in violation of any standard 96137  
regarding the character or conduct of that person that the board 96138  
establishes by rule. 96139

(4) The person's participation in the business of the 96140

public accounting firm is the person's principal occupation and 96141  
consists of providing services to or on behalf of the public 96142  
accounting firm, and the person is not functioning solely or 96143  
predominately as a passive investor in the public accounting 96144  
firm. 96145

(5) The person meets or exceeds the continuing education 96146  
requirements that the board establishes by rule. 96147

(6) A person who holds a professional license, 96148  
registration, or certification issued by this state or another 96149  
state complies with the requirements of that license, 96150  
registration, or certification. 96151

(7) The person abides by the code of conduct of the 96152  
American institute of certified public accountants or a 96153  
comparable code of professional conduct that the board adopts by 96154  
rule. 96155

(8) The person complies with all applicable provisions of 96156  
this chapter and the rules adopted by the board. 96157

(E) A person who owns a voting equity interest or shares 96158  
in a public accounting firm may not delegate, by proxy or 96159  
otherwise, the duty to exercise any voting rights to a person 96160  
that does not hold an Ohio permit or a foreign certificate or to 96161  
a person that is not a qualified firm. 96162

(F) As a condition for initial or renewal registration of 96163  
a public accounting firm on and after January 1, 1993, the 96164  
board, by rule, shall require that each public accounting firm 96165  
undergo a peer review to determine the public accounting firm's 96166  
degree of compliance in the practice of public accounting with 96167  
generally accepted accounting principles, generally accepted 96168  
auditing standards, and other generally accepted technical 96169

standards as defined by the board in rule, unless the public 96170  
accounting firm meets one of the exceptions in division (J) of 96171  
this section. 96172

(G) The board shall adopt rules establishing guidelines 96173  
for peer reviews, and may authorize an agent to administer all 96174  
or part of the board's peer review program and to assess a 96175  
reasonable fee to firms to cover the costs incurred by the agent 96176  
for program administration. The rules shall do all of the 96177  
following: 96178

(1) Designate a peer review committee consisting of 96179  
accounting professionals to serve as advisors to the board and 96180  
to ensure that the board's guidelines are followed. 96181

(2) Require that the peer review be conducted by a 96182  
reviewer that is both independent of the public accounting firm 96183  
reviewed and qualified pursuant to board rules; 96184

(3) Require that the standards and practices applied by 96185  
the reviewer be at least as stringent as those applied by the 96186  
American institute of certified public accountants; 96187

(4) Prohibit the use or disclosure of information obtained 96188  
by members of the board or a committee of peer reviewers during 96189  
or in connection with the peer review process for purposes other 96190  
than those related to determining the degree of compliance by 96191  
the public accounting firm with generally accepted accounting 96192  
principles, generally accepted auditing standards, and other 96193  
generally accepted technical standards as defined by the board 96194  
in rule. Division (G)(4) of this section does not apply to the 96195  
use or disclosure of information that is described in division 96196  
(K)(3) of this section or that is necessary to comply with any 96197  
provision of law. 96198

(H) (1) If a peer review report indicates that a public accounting firm does not comply with standards and practices set forth in the rules adopted by the board, the board, in its discretion, may review the results of the peer review report. If the board, or its authorized peer review program administrator, determines that the public accounting firm does not comply with the standards and practices, it may require both of the following:

(a) Remedial action, which may include any of the following:

(i) Requiring employees of the public accounting firm to complete general or specific continuing professional education courses;

(ii) Requiring the public accounting firm to undergo peer review more frequently than triennially and peer review that is conducted in whole or part under the direct supervision of the board or its designee;

(iii) Any other remedial action specified by the board.

(b) An affidavit and supporting documentation from the public accounting firm submitted within the time specified by the board indicating completion of required remedial actions.

(2) If the board, or its authorized peer review program administrator, determines that a public accounting firm has not complied with any requirement ordered under division (H) of this section, or if the board determines, after the review of a peer review report, that the public accounting firm has a history of noncompliance with standards and practices set forth in board rules, the board may hold a hearing to determine the extent of the firm's noncompliance. If the board, after conducting the

hearing, determines that the public accounting firm does not 96228  
comply with appropriate standards and practices, the board may 96229  
issue an order that imposes any disciplinary measure set forth 96230  
in division (B) of section 4701.16 of the Revised Code. 96231

(3) Notwithstanding divisions (K) (1) and (2) of this 96232  
section, all matters relating to the procedures for determining 96233  
compliance with the standards and practices under division (H) 96234  
(2) of this section are subject to Chapter 119. of the Revised 96235  
Code, including the notice and conduct of any hearing and the 96236  
issuance and appeal of any order. Remedial orders made under 96237  
division (H) (1) of this section are not subject to Chapter 119. 96238  
of the Revised Code. 96239

(I) The public accounting firm reviewed shall pay for any 96240  
peer review performed. 96241

(J) The board may exempt a public accounting firm from the 96242  
requirement to undergo a peer review if the public accounting 96243  
firm submits to the board a written and notarized statement that 96244  
the public accounting firm meets at least one of the following 96245  
grounds for exemption identified in the statement: 96246

(1) Within three years of the date of application for 96247  
initial or renewal registration, the public accounting firm has 96248  
completed a peer review acceptable to the board and conducted 96249  
pursuant to standards not less stringent than the peer review 96250  
standards promulgated by the American institute of certified 96251  
public accountants. A peer review that does not comply with 96252  
standards and practices set forth in the rules adopted by the 96253  
board and that may subject a public accounting firm to remedial 96254  
or disciplinary action pursuant to division (H) of this section, 96255  
does not qualify as an acceptable peer review. The public 96256  
accounting firm shall submit to the board a copy of the results 96257

of the peer review and any additional documentation required by 96258  
the board. The board shall not require submittal of the working 96259  
papers related to the peer review process. 96260

(2) Within three years of the date of application for 96261  
initial or renewal registration, the public accounting firm has 96262  
completed a peer review acceptable to the board that was 96263  
conducted in another state or foreign country. The public 96264  
accounting firm shall submit to the board a copy of the results 96265  
of the peer review and any additional documentation required by 96266  
the board, including a detailed report of the procedures and 96267  
standards applied by the reviewer. 96268

(3) The public accounting firm has never practiced public 96269  
accounting in this state or any other state or foreign country, 96270  
will complete a peer review acceptable to the board within 96271  
eighteen months of initial registration, and will review its 96272  
registration with the board two years after initial registration 96273  
as specified in rules the board adopts. 96274

(4) The public accounting firm, on a schedule as required 96275  
by rule adopted by the board, submits a report to the board that 96276  
states all of the following: 96277

(a) The public accounting firm does not undertake any 96278  
engagement that will result in the issuance of an attest report 96279  
or other engagement that is subject to peer review in accordance 96280  
with division (F) of this section. 96281

(b) The public accounting firm agrees to notify the board 96282  
within ninety days after accepting any engagement that will 96283  
result in the issuance of any attest report or other engagement 96284  
that is subject to peer review in accordance with division (F) 96285  
of this section and will complete a peer review acceptable to 96286

the board within one year after the acceptance of an engagement 96287  
of that nature. 96288

(5) Subject to the board's approval and for good cause as 96289  
defined in rules the board adopts, the public accounting firm is 96290  
entitled to an exemption. 96291

(K) In any civil action, arbitration, or administrative 96292  
proceeding involving a public accounting firm, all of the 96293  
following shall apply: 96294

(1) The proceedings, records, and work papers of any 96295  
reviewer, including board members and review committee members, 96296  
involved in the peer review process are privileged and not 96297  
subject to discovery, subpoena, or other means of legal process 96298  
and may not be introduced into evidence. 96299

(2) No reviewer, including board members and review 96300  
committee members, involved in the peer review process shall be 96301  
permitted or required to testify as to any matters produced, 96302  
presented, disclosed, or discussed during or in connection with 96303  
the peer review process or shall be required to testify to any 96304  
finding, recommendation, evaluation, opinion, or other actions 96305  
of those committees or their members. 96306

(3) No privilege exists under this section for either of 96307  
the following: 96308

(a) Information presented or considered in the peer review 96309  
process that was otherwise available to the public; 96310

(b) Materials prepared in connection with a particular 96311  
engagement merely because they subsequently are presented or 96312  
considered as part of the peer review process. 96313

(L) (1) If a peer review report indicates that a public 96314

accounting firm complies with standards and practices set forth 96315  
in rules adopted by the board, the board shall destroy all 96316  
documents and reports related to the peer review within thirty 96317  
days after the board completes its review of the report. 96318

(2) If a peer review report indicates that a public 96319  
accounting firm does not comply with those standards and 96320  
practices set forth in rules adopted by the board, the board 96321  
shall retain all documents and reports related to the peer 96322  
review until completion of the next peer review that complies 96323  
with standards and practices set forth in rules adopted by the 96324  
board pursuant to division (G) of this section. The board also 96325  
may use these documents to determine a history of noncompliance 96326  
with standards and practices in any proceeding held under 96327  
division (H) (2) of this section. 96328

**Sec. 4701.16.** (A) After notice and hearing as provided in 96329  
Chapter 119. of the Revised Code, the accountancy board may 96330  
discipline as described in division (B) of this section a person 96331  
holding an Ohio permit, an Ohio registration, a firm 96332  
registration, a CPA certificate, or a PA registration or any 96333  
other person whose activities are regulated by the board for any 96334  
one or any combination of the following causes: 96335

(1) Fraud or deceit in obtaining a firm registration or in 96336  
obtaining a CPA certificate, a PA registration, an Ohio permit, 96337  
or an Ohio registration; 96338

(2) Dishonesty, fraud, or gross negligence in the practice 96339  
of public accounting; 96340

(3) Violation of any of the provisions of section 4701.14 96341  
of the Revised Code; 96342

(4) Violation of a rule of professional conduct 96343

promulgated by the board under the authority granted by this chapter; 96344  
96345

(5) Conviction of a felony under the laws of any state or of the United States; 96346  
96347

(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States; 96348  
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96350

(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state; 96351  
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(8) Suspension or revocation of the right to practice before any state or federal agency; 96356  
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(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration; 96358  
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(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate; 96362  
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(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code. 96365  
96366

(B) For any of the reasons specified in division (A) of this section, the board may do any of the following: 96367  
96368

(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration; 96369  
96370  
96371

(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest\_ or shares in a public accounting firm or qualified firm;

(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;

(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.

(5) In the case of violations of division (A) (2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code;

(6) In the case of violations of division (A) (2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards;

(7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate.

(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for

a violation of division (A) (2) or (4) of this section, it may 96401  
waive all or any portion of the fine or suspension if the holder 96402  
of the CPA certificate, PA registration, or firm registration 96403  
complies fully with division (B) (5) or (6) of this section. 96404

(D) A person engaged in the practice of public accounting 96405  
shall not be subject to discipline by the accountancy board 96406  
solely because the person provided professional accounting 96407  
services to the holder of a license under Chapter 3796. of the 96408  
Revised Code. 96409

**Sec. 4707.024.** (A) Not later than seventy-two hours after 96410  
the end of an auction, a person licensed under this chapter 96411  
shall deposit in one or more trust or escrow accounts all money 96412  
received from the sale of an owner's or consignee's personal 96413  
property at auction unless the licensee pays the money to the 96414  
owner or consignee immediately after the end of the auction. 96415

(B) For purposes of this section, a person licensed under 96416  
this chapter shall designate a trust or escrow account that 96417  
contains an owner's or consignee's money as "client trust 96418  
account" or with words of similar meaning. In addition, a trust 96419  
or escrow account only shall contain money received from the 96420  
sale of personal property at auction that has not been disbursed 96421  
and money for expenses regarding the auction, including 96422  
commission and advertisement fees, that are specifically 96423  
delineated in the auction contract. 96424

~~(C)~~ (C) (1) Except for the payment of money to the owner or 96425  
consignee immediately after the end of the auction, a person 96426  
licensed under this chapter shall pay the owner or consignee 96427  
with money from the client's trust or escrow account. In 96428  
addition, the licensee may pay expenses, including commission 96429  
and advertisement fees, that are specifically delineated in the 96430

auction contract with money from the trust or escrow account. 96431  
Money in the trust or escrow account shall not be disbursed for 96432  
any purpose that is inconsistent with this section. In addition, 96433  
except as provided in division (C) (2) of this section, the money 96434  
shall not be commingled with the licensee's personal or business 96435  
money. In administering the trust or escrow account, the 96436  
licensee shall keep detailed records that show deposits, 96437  
withdrawals, and interest accrued, if applicable. 96438

Unless otherwise agreed to by the parties in the auction 96439  
contract or by the direction of a court of law or as otherwise 96440  
provided in division (C) (2) of this section, all money deposited 96441  
into a trust or escrow account shall be disbursed to the seller 96442  
not later than fifteen days after the auction. 96443

(2) Notwithstanding division (C) (1) of this section, a 96444  
licensee may deposit money into a trust or escrow account, and 96445  
retain that money in the account, to pay expenses related to 96446  
bank charges necessary to maintain the account. A licensee shall 96447  
not utilize any of the owner's or consignee's money to pay such 96448  
expenses. 96449

(D) Money from the sale of personal property at auction 96450  
may be deposited in an interest bearing account if the parties 96451  
to the auction contract specifically agree to such a deposit. 96452  
Interest earned in the account shall be credited to the seller 96453  
unless otherwise agreed to by the parties in the auction listing 96454  
contract. The interest credited to the account may remain in the 96455  
account for a period of sixty days after the seller receives the 96456  
money from the account. The interest money then shall be 96457  
disbursed according to the terms of the auction contract. 96458

(E) All money received in connection with the sale of real 96459  
property at auction shall be deposited in a broker's special or 96460

trust bank account in a depository located in this state that is 96461  
described in division (A) (26) of section 4735.18 of the Revised 96462  
Code. 96463

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 96464  
quorum, may impose one or more of the following sanctions if it 96465  
finds that a person committed fraud in passing an examination 96466  
required to obtain a license or dialysis technician certificate 96467  
issued by the board or to have committed fraud, 96468  
misrepresentation, or deception in applying for or securing any 96469  
nursing license or dialysis technician certificate issued by the 96470  
board: deny, revoke, suspend, or place restrictions on any 96471  
nursing license or dialysis technician certificate issued by the 96472  
board; reprimand or otherwise discipline a holder of a nursing 96473  
license or dialysis technician certificate; or impose a fine of 96474  
not more than five hundred dollars per violation. 96475

(B) Except as provided in section 4723.092 of the Revised 96476  
Code, the board of nursing, by a vote of a quorum, may impose 96477  
one or more of the following sanctions: deny, revoke, suspend, 96478  
or place restrictions on any nursing license or dialysis 96479  
technician certificate issued by the board; reprimand or 96480  
otherwise discipline a holder of a nursing license or dialysis 96481  
technician certificate; or impose a fine of not more than five 96482  
hundred dollars per violation. The sanctions may be imposed for 96483  
any of the following: 96484

(1) Denial, revocation, suspension, or restriction of 96485  
authority to engage in a licensed profession or practice a 96486  
health care occupation, including nursing or practice as a 96487  
dialysis technician, for any reason other than a failure to 96488  
renew, in Ohio or another state or jurisdiction; 96489

(2) Engaging in the practice of nursing or engaging in 96490

practice as a dialysis technician, having failed to renew a 96491  
nursing license or dialysis technician certificate issued under 96492  
this chapter, or while a nursing license or dialysis technician 96493  
certificate is under suspension; 96494

(3) Conviction of, a plea of guilty to, a judicial finding 96495  
of guilt of, a judicial finding of guilt resulting from a plea 96496  
of no contest to, or a judicial finding of eligibility for a 96497  
pretrial diversion or similar program or for intervention in 96498  
lieu of conviction for, a misdemeanor committed in the course of 96499  
practice; 96500

(4) Conviction of, a plea of guilty to, a judicial finding 96501  
of guilt of, a judicial finding of guilt resulting from a plea 96502  
of no contest to, or a judicial finding of eligibility for a 96503  
pretrial diversion or similar program or for intervention in 96504  
lieu of conviction for, any felony or of any crime involving 96505  
gross immorality or moral turpitude; 96506

(5) Selling, giving away, or administering drugs or 96507  
therapeutic devices for other than legal and legitimate 96508  
therapeutic purposes; or conviction of, a plea of guilty to, a 96509  
judicial finding of guilt of, a judicial finding of guilt 96510  
resulting from a plea of no contest to, or a judicial finding of 96511  
eligibility for a pretrial diversion or similar program or for 96512  
intervention in lieu of conviction for, violating any municipal, 96513  
state, county, or federal drug law; 96514

(6) Conviction of, a plea of guilty to, a judicial finding 96515  
of guilt of, a judicial finding of guilt resulting from a plea 96516  
of no contest to, or a judicial finding of eligibility for a 96517  
pretrial diversion or similar program or for intervention in 96518  
lieu of conviction for, an act in another jurisdiction that 96519  
would constitute a felony or a crime of moral turpitude in Ohio; 96520

(7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;

(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;

(9) Habitual or excessive use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to provide safe nursing care or safe dialysis care;

(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances;

(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;

(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;

(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;

(14) Adjudication by a probate court of being mentally ill

or mentally incompetent. The board may reinstate the person's 96550  
nursing license or dialysis technician certificate upon 96551  
adjudication by a probate court of the person's restoration to 96552  
competency or upon submission to the board of other proof of 96553  
competency. 96554

(15) The suspension or termination of employment by the 96555  
United States department of defense or department of veterans 96556  
affairs for any act that violates or would violate this chapter; 96557

(16) Violation of this chapter or any rules adopted under 96558  
it; 96559

(17) Violation of any restrictions placed by the board on 96560  
a nursing license or dialysis technician certificate; 96561

(18) Failure to use universal and standard precautions 96562  
established by rules adopted under section 4723.07 of the 96563  
Revised Code; 96564

(19) Failure to practice in accordance with acceptable and 96565  
prevailing standards of safe nursing care or safe dialysis care; 96566

(20) In the case of a registered nurse, engaging in 96567  
activities that exceed the practice of nursing as a registered 96568  
nurse; 96569

(21) In the case of a licensed practical nurse, engaging 96570  
in activities that exceed the practice of nursing as a licensed 96571  
practical nurse; 96572

(22) In the case of a dialysis technician, engaging in 96573  
activities that exceed those permitted under section 4723.72 of 96574  
the Revised Code; 96575

(23) Aiding and abetting a person in that person's 96576  
practice of nursing without a license or practice as a dialysis 96577

technician without a certificate issued under this chapter; 96578

(24) In the case of an advanced practice registered nurse, 96579  
except as provided in division (M) of this section, either of 96580  
the following: 96581

(a) Waiving the payment of all or any part of a deductible 96582  
or copayment that a patient, pursuant to a health insurance or 96583  
health care policy, contract, or plan that covers such nursing 96584  
services, would otherwise be required to pay if the waiver is 96585  
used as an enticement to a patient or group of patients to 96586  
receive health care services from that provider; 96587

(b) Advertising that the nurse will waive the payment of 96588  
all or any part of a deductible or copayment that a patient, 96589  
pursuant to a health insurance or health care policy, contract, 96590  
or plan that covers such nursing services, would otherwise be 96591  
required to pay. 96592

(25) Failure to comply with the terms and conditions of 96593  
participation in the safe haven program conducted under sections 96594  
4723.35 and 4723.351 of the Revised Code; 96595

(26) Failure to comply with the terms and conditions 96596  
required under the practice intervention and improvement program 96597  
established under section 4723.282 of the Revised Code; 96598

(27) In the case of an advanced practice registered nurse: 96599

(a) Engaging in activities that exceed those permitted for 96600  
the nurse's nursing specialty under section 4723.43 of the 96601  
Revised Code; 96602

(b) Failure to meet the quality assurance standards 96603  
established under section 4723.07 of the Revised Code. 96604

(28) In the case of an advanced practice registered nurse 96605

other than a certified registered nurse anesthetist, failure to	96606
maintain a standard care arrangement in accordance with section	96607
4723.431 of the Revised Code or to practice in accordance with	96608
the standard care arrangement;	96609
(29) In the case of an advanced practice registered nurse	96610
who is designated as a clinical nurse specialist, certified	96611
nurse-midwife, or certified nurse practitioner, failure to	96612
prescribe drugs and therapeutic devices in accordance with	96613
section 4723.481 of the Revised Code;	96614
(30) Prescribing any drug or device to perform or induce	96615
an abortion, or otherwise performing or inducing an abortion;	96616
(31) Failure to establish and maintain professional	96617
boundaries with a patient, as specified in rules adopted under	96618
section 4723.07 of the Revised Code;	96619
(32) Regardless of whether the contact or verbal behavior	96620
is consensual, engaging with a patient other than the spouse of	96621
the registered nurse, licensed practical nurse, or dialysis	96622
technician in any of the following:	96623
(a) Sexual contact, as defined in section 2907.01 of the	96624
Revised Code;	96625
(b) Verbal behavior that is sexually demeaning to the	96626
patient or may be reasonably interpreted by the patient as	96627
sexually demeaning.	96628
(33) Assisting suicide, as defined in section 3795.01 of	96629
the Revised Code;	96630
(34) Failure to comply with the requirements in section	96631
3719.061 of the Revised Code before issuing for a minor a	96632
prescription for an opioid analgesic, as defined in section	96633

3719.01 of the Revised Code; 96634

(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 96635  
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(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 96639  
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(37) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 96645  
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(38) Violation of section 4723.93 of the Revised Code; 96650

(39) Failure to cooperate with an investigation conducted by the board under this chapter, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, in an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation does not constitute grounds for discipline if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold testimony or evidence at issue. 96651  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to 96661  
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an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the

action was based. If the board determines on the basis of the 96693  
adjudication that the registered nurse, licensed practical 96694  
nurse, or dialysis technician committed the act, or if the 96695  
registered nurse, licensed practical nurse, or dialysis 96696  
technician fails to participate in the adjudication, the board 96697  
may take action as though the registered nurse, licensed 96698  
practical nurse, or dialysis technician had been convicted of 96699  
the act. 96700

If the board takes action on the basis of a conviction, 96701  
plea, or a judicial finding as described in divisions (B) (3) to 96702  
(7) of this section that is overturned on appeal, the registered 96703  
nurse, licensed practical nurse, or dialysis technician may, on 96704  
exhaustion of the appeal process, petition the board for 96705  
reconsideration of its action. On receipt of the petition and 96706  
supporting court documents, the board shall temporarily rescind 96707  
its action. If the board determines that the decision on appeal 96708  
was a decision on the merits, it shall permanently rescind its 96709  
action. If the board determines that the decision on appeal was 96710  
not a decision on the merits, it shall conduct an adjudication 96711  
to determine whether the registered nurse, licensed practical 96712  
nurse, or dialysis technician committed the act on which the 96713  
original conviction, plea, or judicial finding was based. If the 96714  
board determines on the basis of the adjudication that the 96715  
registered nurse, licensed practical nurse, or dialysis 96716  
technician committed such act, or if the registered nurse, 96717  
licensed practical nurse, or dialysis technician does not 96718  
request an adjudication, the board shall reinstate its action; 96719  
otherwise, the board shall permanently rescind its action. 96720

Notwithstanding the provision of division (D) (2) of 96721  
section 2953.32 or division (F) (1) of section 2953.39 of the 96722  
Revised Code specifying that if records pertaining to a criminal 96723

case are sealed or expunged under that section the proceedings 96724  
in the case shall be deemed not to have occurred, sealing or 96725  
expungement of the following records on which the board has 96726  
based an action under this section shall have no effect on the 96727  
board's action or any sanction imposed by the board under this 96728  
section: records of any conviction, guilty plea, judicial 96729  
finding of guilt resulting from a plea of no contest, or a 96730  
judicial finding of eligibility for a pretrial diversion program 96731  
or intervention in lieu of conviction. 96732

The board shall not be required to seal, destroy, redact, 96733  
or otherwise modify its records to reflect the court's sealing 96734  
or expungement of conviction records. 96735

(F) The board may investigate an individual's criminal 96736  
background in performing its duties under this section. As part 96737  
of such investigation, the board may order the individual to 96738  
submit, at the individual's expense, a request to the bureau of 96739  
criminal identification and investigation for a criminal records 96740  
check and check of federal bureau of investigation records in 96741  
accordance with the procedure described in section 4723.091 of 96742  
the Revised Code. 96743

(G) During the course of an investigation conducted under 96744  
this section, the board may compel any registered nurse, 96745  
licensed practical nurse, or dialysis technician or applicant 96746  
under this chapter to submit to a mental or physical 96747  
examination, or both, as required by the board and at the 96748  
expense of the individual, if the board finds reason to believe 96749  
that the individual under investigation may have a physical or 96750  
mental impairment that may affect the individual's ability to 96751  
provide safe nursing care. 96752

The board shall not compel an individual who has been 96753

referred to the safe haven program as described in sections 96754  
4723.35 and 4723.351 of the Revised Code to submit to a mental 96755  
or physical examination. 96756

Failure of any individual to submit to a mental or 96757  
physical examination when directed constitutes an admission of 96758  
the allegations, unless the failure is due to circumstances 96759  
beyond the individual's control, and a default and final order 96760  
may be entered without the taking of testimony or presentation 96761  
of evidence. 96762

If the board finds that an individual is impaired, the 96763  
board shall require the individual to submit to care, 96764  
counseling, or treatment approved or designated by the board, as 96765  
a condition for initial, continued, reinstated, or renewed 96766  
authority to practice. The individual shall be afforded an 96767  
opportunity to demonstrate to the board that the individual can 96768  
begin or resume the individual's occupation in compliance with 96769  
acceptable and prevailing standards of care under the provisions 96770  
of the individual's authority to practice. 96771

For purposes of this division, any registered nurse, 96772  
licensed practical nurse, or dialysis technician or applicant 96773  
under this chapter shall be deemed to have given consent to 96774  
submit to a mental or physical examination when directed to do 96775  
so in writing by the board, and to have waived all objections to 96776  
the admissibility of testimony or examination reports that 96777  
constitute a privileged communication. 96778

(H) The board shall investigate evidence that appears to 96779  
show that any person has violated any provision of this chapter 96780  
or any rule of the board. Any person may report to the board any 96781  
information the person may have that appears to show a violation 96782  
of any provision of this chapter or rule of the board. In the 96783

absence of bad faith, any person who reports such information or 96784  
who testifies before the board in any adjudication conducted 96785  
under Chapter 119. of the Revised Code shall not be liable for 96786  
civil damages as a result of the report or testimony. 96787

(I) All of the following apply under this chapter with 96788  
respect to the confidentiality of information: 96789

(1) Information received by the board pursuant to a 96790  
complaint or an investigation is confidential and not subject to 96791  
discovery in any civil action, except that the board may 96792  
disclose information to law enforcement officers and government 96793  
entities for purposes of an investigation of either a licensed 96794  
health care professional, including a registered nurse, licensed 96795  
practical nurse, or dialysis technician, or a person who may 96796  
have engaged in the unauthorized practice of nursing or dialysis 96797  
care. No law enforcement officer or government entity with 96798  
knowledge of any information disclosed by the board pursuant to 96799  
this division shall divulge the information to any other person 96800  
or government entity except for the purpose of a government 96801  
investigation, a prosecution, or an adjudication by a court or 96802  
government entity. 96803

(2) If an investigation requires a review of patient 96804  
records, the investigation and proceeding shall be conducted in 96805  
such a manner as to protect patient confidentiality. 96806

(3) All adjudications and investigations of the board 96807  
shall be considered civil actions for the purposes of section 96808  
2305.252 of the Revised Code. 96809

(4) Any board activity that involves continued monitoring 96810  
of an individual as part of or following any disciplinary action 96811  
taken under this section shall be conducted in a manner that 96812

maintains the individual's confidentiality. Information received 96813  
or maintained by the board with respect to the board's 96814  
monitoring activities is not subject to discovery in any civil 96815  
action and is confidential, except that the board may disclose 96816  
information to law enforcement officers and government entities 96817  
for purposes of an investigation of a licensee or certificate 96818  
holder. 96819

(J) Any action taken by the board under this section 96820  
resulting in a suspension from practice shall be accompanied by 96821  
a written statement of the conditions under which the person may 96822  
be reinstated to practice. 96823

(K) When the board refuses to grant a license or 96824  
certificate to an applicant, revokes a license or certificate, 96825  
or refuses to reinstate a license or certificate, the board may 96826  
specify that its action is permanent. An individual subject to 96827  
permanent action taken by the board is forever ineligible to 96828  
hold a license or certificate of the type that was refused or 96829  
revoked and the board shall not accept from the individual an 96830  
application for reinstatement of the license or certificate or 96831  
for a new license or certificate. 96832

(L) No unilateral surrender of a nursing license or 96833  
dialysis technician certificate issued under this chapter shall 96834  
be effective unless accepted by majority vote of the board. No 96835  
application for a nursing license or dialysis technician 96836  
certificate issued under this chapter may be withdrawn without a 96837  
majority vote of the board. The board's jurisdiction to take 96838  
disciplinary action under this section is not removed or limited 96839  
when an individual has a license or certificate classified as 96840  
inactive or fails to renew a license or certificate. 96841

(M) Sanctions shall not be imposed under division (B) (24) 96842

of this section against any licensee who waives deductibles and 96843  
copayments as follows: 96844

(1) In compliance with the health benefit plan that 96845  
expressly allows such a practice. Waiver of the deductibles or 96846  
copayments shall be made only with the full knowledge and 96847  
consent of the plan purchaser, payer, and third-party 96848  
administrator. Documentation of the consent shall be made 96849  
available to the board upon request. 96850

(2) For professional services rendered to any other person 96851  
licensed pursuant to this chapter to the extent allowed by this 96852  
chapter and the rules of the board. 96853

**Sec. 4723.483.** (A) (1) Subject to division (A) (2) of this 96854  
section, and notwithstanding any provision of this chapter or 96855  
rule adopted by the board of nursing, a clinical nurse 96856  
specialist, certified nurse-midwife, or certified nurse 96857  
practitioner who holds a certificate to prescribe issued under 96858  
section 4723.48 of the Revised Code may do either of the 96859  
following without having examined an individual to whom 96860  
epinephrine may be administered: 96861

(a) Personally furnish a supply of epinephrine 96862  
autoinjectors for use in accordance with sections 3313.7110, 96863  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 96864  
~~5101.76~~5180.26 of the Revised Code; 96865

(b) Issue a prescription for epinephrine autoinjectors for 96866  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 96867  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~5180.26 of the 96868  
Revised Code. 96869

(2) An epinephrine autoinjector personally furnished or 96870  
prescribed under division (A) (1) of this section must be 96871

furnished or prescribed in such a manner that it may be 96872  
administered only in a manufactured dosage form. 96873

(B) A nurse who acts in good faith in accordance with this 96874  
section is not liable for or subject to any of the following for 96875  
any action or omission of an entity to which an epinephrine 96876  
autoinjector is furnished or a prescription is issued: damages 96877  
in any civil action, prosecution in any criminal proceeding, or 96878  
professional disciplinary action. 96879

**Sec. 4723.4811.** (A) (1) Subject to division (A) (2) of this 96880  
section, and notwithstanding any provision of this chapter or 96881  
rule adopted by the board of nursing, a clinical nurse 96882  
specialist, certified nurse-midwife, or certified nurse 96883  
practitioner licensed as an advanced practice registered nurse 96884  
under Chapter 4723. of the Revised Code may do either of the 96885  
following without having examined an individual to whom glucagon 96886  
may be administered: 96887

(a) Personally furnish a supply of injectable or nasally 96888  
administered glucagon for use in accordance with sections 96889  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 96890  
5180.262 of the Revised Code; 96891

(b) Issue a prescription for injectable or nasally 96892  
administered glucagon for use in accordance with sections 96893  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 96894  
5180.262 of the Revised Code. 96895

(2) Injectable or nasally administered glucagon personally 96896  
furnished or prescribed under division (A) (1) of this section 96897  
must be furnished or prescribed in such a manner that it may be 96898  
administered only in a manufactured dosage form. 96899

(B) A nurse who acts in good faith in accordance with this 96900

section is not liable for or subject to any of the following for 96901  
any action or omission of an entity to which injectable or 96902  
nasally administered glucagon is furnished or a prescription is 96903  
issued: damages in any civil action, prosecution in any criminal 96904  
proceeding, or professional disciplinary action. 96905

**Sec. 4725.48.** (A) Any person who desires to engage in 96906  
optical dispensing shall file a properly completed application 96907  
for an examination with the state vision professionals board or 96908  
with the testing service the board has contracted with pursuant 96909  
to section 4725.49 of the Revised Code. The application for 96910  
examination shall be made using a form provided by the board and 96911  
shall be accompanied by an examination fee the board shall 96912  
establish by rule. 96913

(B) Any person who desires to engage in optical dispensing 96914  
shall file a properly completed application for a license with 96915  
the board ~~with~~. The application for licensure shall be 96916  
accompanied by a licensure application fee of one hundred 96917  
ninety-five dollars. 96918

No person shall be eligible to apply for a license under 96919  
this division, unless the person is at least eighteen years of 96920  
age, is free of contagious or infectious disease, has received a 96921  
passing score, as determined by the board, on the examination 96922  
administered under division (A) of this section, is a graduate 96923  
of an accredited high school of any state, or has received an 96924  
equivalent education and has successfully completed one of the 96925  
following: 96926

(1) For a spectacle dispensing optician license, one 96927  
thousand hours of supervised experience under a licensed 96928  
dispensing optician, optometrist, or physician engaged in the 96929  
practice of ophthalmology; 96930

(2) For a spectacle-contact lens dispensing optician 96931  
license, one thousand five hundred hours of supervised 96932  
experience under a licensed dispensing optician, optometrist, or 96933  
physician engaged in the practice of ophthalmology; 96934

(3) A two-year college level program in optical dispensing 96935  
that has been approved by the board and that includes, but is 96936  
not limited to, courses of study in mathematics, science, 96937  
English, anatomy and physiology of the eye, applied optics, 96938  
ophthalmic optics, measurement and inspection of lenses, lens 96939  
grinding and edging, ophthalmic lens design, keratometry, and 96940  
the fitting and adjusting of spectacle lenses and frames and 96941  
contact lenses, including methods of fitting contact lenses and 96942  
post-fitting care. 96943

~~(C) The board shall issue a license to practice as an 96944  
ocularist in accordance with Chapter 4796. of the Revised Code 96945  
to an applicant if either of the following applies: 96946~~

~~(1) The applicant holds a license in another state. 96947~~

~~(2) The applicant has satisfactory work experience, a 96948  
government certification, or a private certification as 96949  
described in that chapter as an ocularist in a state that does 96950  
not issue that license. 96951~~

~~(D) (1) (C) (1) Subject to divisions ~~(D) (3) (C) (3)~~ and (4) of 96952  
this section, the board shall not adopt, maintain, renew, or 96953  
enforce any rule that precludes an individual from renewing a 96954  
license as a dispensing optician issued under sections 4725.40 96955  
to 4725.59 of the Revised Code due to any past criminal activity 96956  
or interpretation of moral character, unless the individual has 96957  
committed a crime of moral turpitude or a disqualifying offense 96958  
as those terms are defined in section 4776.10 of the Revised 96959~~

Code. 96960

If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing. 96961  
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(2) The board may refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code. 96963  
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(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal. 96967  
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(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed. 96973  
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~~(E)~~(D) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent. 96977  
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**Sec. 4729.01.** As used in this chapter: 96982

(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted. 96983  
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(B) "Practice of pharmacy" means providing pharmacist care 96987

requiring specialized knowledge, judgment, and skill derived 96988  
from the principles of biological, chemical, behavioral, social, 96989  
pharmaceutical, and clinical sciences. As used in this division, 96990  
"pharmacist care" includes the following: 96991

(1) Interpreting prescriptions; 96992

(2) Dispensing drugs and drug therapy related devices; 96993

(3) Compounding drugs; 96994

(4) Counseling individuals with regard to their drug 96995  
therapy, recommending drug therapy related devices, and 96996  
assisting in the selection of drugs and appliances for treatment 96997  
of common diseases and injuries and providing instruction in the 96998  
proper use of the drugs and appliances; 96999

(5) Performing drug regimen reviews with individuals by 97000  
discussing all of the drugs that the individual is taking and 97001  
explaining the interactions of the drugs; 97002

(6) Performing drug utilization reviews with licensed 97003  
health professionals authorized to prescribe drugs when the 97004  
pharmacist determines that an individual with a prescription has 97005  
a drug regimen that warrants additional discussion with the 97006  
prescriber; 97007

(7) Advising an individual and the health care 97008  
professionals treating an individual with regard to the 97009  
individual's drug therapy; 97010

(8) Acting pursuant to a consult agreement, if an 97011  
agreement has been established; 97012

(9) Engaging in the administration of immunizations to the 97013  
extent authorized by section 4729.41 of the Revised Code; 97014

(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code. 97015  
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(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances: 97017  
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(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs; 97020  
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(2) Pursuant to the modification of a prescription made in accordance with a consult agreement; 97022  
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(3) As an incident to research, teaching activities, or chemical analysis; 97024  
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(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns; 97026  
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(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply: 97029  
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(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer. 97034  
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(b) A limited quantity of the drug is compounded and provided to the professional. 97039  
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(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice 97041  
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of dispensing drugs pursuant to patient-specific prescriptions. 97043

(D) "Consult agreement" means an agreement that has been 97044  
entered into under section 4729.39 of the Revised Code. 97045

(E) "Drug" means: 97046

(1) Any article recognized in the United States 97047  
pharmacopoeia and national formulary, or any supplement to them, 97048  
intended for use in the diagnosis, cure, mitigation, treatment, 97049  
or prevention of disease in humans or animals; 97050

(2) Any other article intended for use in the diagnosis, 97051  
cure, mitigation, treatment, or prevention of disease in humans 97052  
or animals; 97053

(3) Any article, other than food, intended to affect the 97054  
structure or any function of the body of humans or animals; 97055

(4) Any article intended for use as a component of any 97056  
article specified in division (E) (1), (2), or (3) of this 97057  
section; but does not include devices or their components, 97058  
parts, or accessories. 97059

"Drug" does not include "hemp" or a "hemp product" as 97060  
those terms are defined in section 928.01 of the Revised Code. 97061

(F) "Dangerous drug" means any of the following: 97062

(1) Any drug to which either of the following applies: 97063

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 97064  
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 97065  
required to bear a label containing the legend "Caution: Federal 97066  
law prohibits dispensing without prescription" or "Caution: 97067  
Federal law restricts this drug to use by or on the order of a 97068  
licensed veterinarian" or any similar restrictive statement, or 97069

the drug may be dispensed only upon a prescription; 97070

(b) Under Chapter 3715. or 3719. of the Revised Code, the 97071  
drug may be dispensed only upon a prescription. 97072

(2) Any drug that contains a schedule V controlled 97073  
substance and that is exempt from Chapter 3719. of the Revised 97074  
Code or to which that chapter does not apply; 97075

(3) Any drug intended for administration by injection into 97076  
the human body other than through a natural orifice of the human 97077  
body; 97078

(4) Any drug that is a biological product, as defined in 97079  
section 3715.01 of the Revised Code. 97080

(G) "Federal drug abuse control laws" has the same meaning 97081  
as in section 3719.01 of the Revised Code. 97082

(H) "Prescription" means all of the following: 97083

(1) A written, electronic, or oral order for drugs or 97084  
combinations or mixtures of drugs to be used by a particular 97085  
individual or for treating a particular animal, issued by a 97086  
licensed health professional authorized to prescribe drugs; 97087

(2) For purposes of sections 4723.4810, 4729.282, 97088  
4730.432, and 4731.93 of the Revised Code, a written, 97089  
electronic, or oral order for a drug to treat chlamydia, 97090  
gonorrhoea, or trichomoniasis issued to and in the name of a 97091  
patient who is not the intended user of the drug but is the 97092  
sexual partner of the intended user; 97093

(3) For purposes of sections 3313.7110, 3313.7111, 97094  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 97095  
4731.96, and ~~5101.76~~5180.26 of the Revised Code, a written, 97096  
electronic, or oral order for an epinephrine autoinjector issued 97097

to and in the name of a school, school district, or camp; 97098

(4) For purposes of Chapter 3728. and sections 4723.483, 97099  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 97100  
electronic, or oral order for an epinephrine autoinjector issued 97101  
to and in the name of a qualified entity, as defined in section 97102  
3728.01 of the Revised Code; 97103

(5) For purposes of sections 3313.7115, 3313.7116, 97104  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 97105  
~~5101.78~~ 5180.262 of the Revised Code, a written, electronic, or 97106  
oral order for injectable or nasally administered glucagon in 97107  
the name of a school, school district, or camp. 97108

(I) "Licensed health professional authorized to prescribe 97109  
drugs" or "prescriber" means an individual who is authorized by 97110  
law to prescribe drugs or dangerous drugs or drug therapy 97111  
related devices in the course of the individual's professional 97112  
practice, including only the following: 97113

(1) A dentist licensed under Chapter 4715. of the Revised 97114  
Code; 97115

(2) A clinical nurse specialist, certified nurse-midwife, 97116  
or certified nurse practitioner who holds a current, valid 97117  
license issued under Chapter 4723. of the Revised Code to 97118  
practice nursing as an advanced practice registered nurse; 97119

(3) A certified registered nurse anesthetist who holds a 97120  
current, valid license issued under Chapter 4723. of the Revised 97121  
Code to practice nursing as an advanced practice registered 97122  
nurse, but only to the extent of the nurse's authority under 97123  
sections 4723.43 and 4723.434 of the Revised Code; 97124

(4) An optometrist licensed under Chapter 4725. of the 97125  
Revised Code to practice optometry; 97126

(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

(7) A veterinarian licensed under Chapter 4741. of the Revised Code;

(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control

or establish responsibility. 97156

(N) "Price information" means the price charged for a 97157  
prescription for a particular drug product and, in an easily 97158  
understandable manner, all of the following: 97159

(1) The proprietary name of the drug product; 97160

(2) The established (generic) name of the drug product; 97161

(3) The strength of the drug product if the product 97162  
contains a single active ingredient or if the drug product 97163  
contains more than one active ingredient and a relevant strength 97164  
can be associated with the product without indicating each 97165  
active ingredient. The established name and quantity of each 97166  
active ingredient are required if such a relevant strength 97167  
cannot be so associated with a drug product containing more than 97168  
one ingredient. 97169

(4) The dosage form; 97170

(5) The price charged for a specific quantity of the drug 97171  
product. The stated price shall include all charges to the 97172  
consumer, including, but not limited to, the cost of the drug 97173  
product, professional fees, handling fees, if any, and a 97174  
statement identifying professional services routinely furnished 97175  
by the pharmacy. Any mailing fees and delivery fees may be 97176  
stated separately without repetition. The information shall not 97177  
be false or misleading. 97178

(O) "Wholesale distributor of dangerous drugs" or 97179  
"wholesale distributor" means a person engaged in the sale of 97180  
dangerous drugs at wholesale and includes any agent or employee 97181  
of such a person authorized by the person to engage in the sale 97182  
of dangerous drugs at wholesale. 97183

(P) "Manufacturer of dangerous drugs" or "manufacturer" 97184  
means a person, other than a pharmacist or prescriber, who 97185  
manufactures dangerous drugs and who is engaged in the sale of 97186  
those dangerous drugs. 97187

(Q) "Terminal distributor of dangerous drugs" or "terminal 97188  
distributor" means a person who is engaged in the sale of 97189  
dangerous drugs at retail, or any person, other than a 97190  
manufacturer, repackager, outsourcing facility, third-party 97191  
logistics provider, wholesale distributor, or pharmacist, who 97192  
has possession, custody, or control of dangerous drugs for any 97193  
purpose other than for that person's own use and consumption. 97194  
"Terminal distributor" includes pharmacies, hospitals, nursing 97195  
homes, and laboratories and all other persons who procure 97196  
dangerous drugs for sale or other distribution by or under the 97197  
supervision of a pharmacist, licensed health professional 97198  
authorized to prescribe drugs, or other person authorized by the 97199  
state board of pharmacy. 97200

(R) "Promote to the public" means disseminating a 97201  
representation to the public in any manner or by any means, 97202  
other than by labeling, for the purpose of inducing, or that is 97203  
likely to induce, directly or indirectly, the purchase of a 97204  
dangerous drug at retail. 97205

(S) "Person" includes any individual, partnership, 97206  
association, limited liability company, or corporation, the 97207  
state, any political subdivision of the state, and any district, 97208  
department, or agency of the state or its political 97209  
subdivisions. 97210

(T) (1) "Animal shelter" means a facility operated by a 97211  
humane society or any society organized under Chapter 1717. of 97212  
the Revised Code or a dog pound operated pursuant to Chapter 97213

955. of the Revised Code. 97214

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code. 97215  
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(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 97218  
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 97220  
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 97222  
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 97227  
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 97230  
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 97235  
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(Z) "Repackager of dangerous drugs" or "repackager" means 97242

a person that repacks and relabels dangerous drugs for sale or distribution. 97243  
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(AA) "Outsourcing facility" means a facility that is 97245  
engaged in the compounding and sale of sterile drugs and is 97246  
registered as an outsourcing facility with the United States 97247  
food and drug administration. 97248

(BB) "Laboratory" means a laboratory licensed under this 97249  
chapter as a terminal distributor of dangerous drugs and 97250  
entrusted to have custody of any of the following drugs and to 97251  
use the drugs for scientific and clinical purposes and for 97252  
purposes of instruction: dangerous drugs that are not controlled 97253  
substances, as defined in section 3719.01 of the Revised Code; 97254  
dangerous drugs that are controlled substances, as defined in 97255  
that section; and controlled substances in schedule I, as 97256  
defined in that section. 97257

(CC) "Overdose reversal drug" means both of the following: 97258

(1) Naloxone; 97259

(2) Any other drug that the state board of pharmacy, 97260  
through rules adopted in accordance with Chapter 119. of the 97261  
Revised Code, designates as a drug that is approved by the 97262  
federal food and drug administration for the reversal of a known 97263  
or suspected opioid-related overdose. 97264

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of 97265  
section 2925.14 of the Revised Code, and subject to division (B) 97266  
of this section, the state board of pharmacy shall adopt rules 97267  
establishing standards and procedures for its approval of types 97268  
of instruments that are not to be considered drug paraphernalia 97269  
because they demonstrate efficacy in reducing drug poisoning by 97270  
determining the presence of a specific compound or group of 97271

compounds. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 97272  
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(B) Under this section, the board shall not approve any type of instrument to the extent that the instrument is intended to measure the purity of a mixture. 97274  
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**Sec. 4729.49.** (A) As used in this section:7 97277

(1) "340B covered entity" "medicaid has the same meaning as in section 3902.70 of the Revised Code. 97278  
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(2) "Medicaid managed care organization," and "third-party administrator" have the same meanings as in section 5167.01 of the Revised Code. 97280  
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(B) A contract between a terminal distributor of dangerous drugs and a 340B covered entity shall require the terminal distributor to comply with division (C) of this section. 97283  
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(C) When paying a 340B covered entity for a dangerous drug dispensed to a patient, a terminal distributor shall pay to the 340B covered entity the full reimbursement amount the terminal distributor receives from the patient and the patient's health insurer, including a third-party administrator or medicaid managed care organization, except that the terminal distributor may deduct from the full reimbursement amount a fee agreed on in writing by the terminal distributor and the 340B covered entity. 97286  
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**Sec. 4729.52.** (A) As used in this section: 97294

(1) "Category II" means any dangerous drug that is not included in category III. 97295  
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(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 97297  
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(3) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 97299  
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97301

(B) (1) (a) The state board of pharmacy shall license persons seeking to operate as any of the following ~~persons,~~ whether located within or outside this state: 97302  
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(i) Wholesale distributors of dangerous drugs; 97305

(ii) Manufacturers of dangerous drugs; 97306

(iii) Outsourcing facilities; 97307

(iv) Third-party logistics providers; 97308

(v) Repackagers of dangerous drugs. 97309

(b) ~~There shall be two categories for the licenses~~ When the board issues a license to a person identified in division (B) (1) (a) of this section. The, the license shall be issued according to one of the following categories ~~are as follows,~~ as the case may be for the person's business operations: 97310  
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(i) Category II license. A category II license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute, only the dangerous drugs described in category II. 97315  
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(ii) Category III license. A category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute, the dangerous drugs described in category II and the controlled substances described in category III. 97320  
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(iii) Nonresident license. A nonresident license applies 97326  
to a person whose business operations are located outside this 97327  
state. One of the following subcategories shall be designated by 97328  
the board on the license, based on the license holder's business 97329  
operations: wholesale distributor of dangerous drugs, 97330  
manufacturer of dangerous drugs, outsourcing facility, third- 97331  
party logistics provider, or repackager of dangerous drugs. A 97332  
person who obtains a nonresident license may possess, have 97333  
custody or control of, and distribute the dangerous drugs 97334  
described in category II and the controlled substances described 97335  
in category III. 97336

(c) The board may adopt rules under section 4729.26 of the 97337  
Revised Code to create classification types of any license 97338  
issued pursuant to this section. Persons who meet the 97339  
definitions of the classification types shall comply with all 97340  
requirements for the specific license classification specified 97341  
in rule. 97342

(C) A person seeking a license ~~identified in division (B)~~ 97343  
~~(1)(a) of issued under~~ this section shall file with the 97344  
executive director of the board a verified application 97345  
containing such information as the board requires of the 97346  
applicant relative to the licensure qualifications set forth in 97347  
section 4729.53 of the Revised Code and the rules adopted under 97348  
that section. 97349

(D) (1) The board shall ~~license as~~ issue a category II or 97350  
category III license, designated for a manufacturer, outsourcing 97351  
facility, third-party logistics provider, repackager, or 97352  
wholesale distributor as the case may be, to each applicant ~~who~~ 97353  
~~has paid~~ whose business operations are located within this 97354  
state, if the applicant pays the required license fee, ~~if~~ and 97355

the board determines that the applicant meets the licensure 97356  
qualifications set forth in section 4729.53 of the Revised Code 97357  
and the rules adopted under that section. 97358

~~(D)(2)~~ The board may shall issue a nonresident license 97359  
with the appropriate subcategory designation to a person who 97360  
does not reside in an applicant whose business operations are 97361  
located outside this state a license identified in division (B) 97362  
(1)(a) of this section, if the person applicant pays the 97363  
required licensure license fee and meets the board determines 97364  
either of the following: 97365

~~(1) Possesses~~ (a) That the applicant possesses a current 97366  
and valid manufacturer, outsourcing facility, third-party 97367  
logistics provider, repackager, or wholesale distributor 97368  
license, or its equivalent, issued by another state in which 97369  
that ~~person is~~ person's business operations are physically 97370  
located, but only if that state has qualifications for licensure 97371  
comparable to the licensure requirements in this state; 97372

~~(2) Meets~~ (b) That the applicant meets the requirements 97373  
set forth by the board for issuance of a nonresident license- 97374  
identified in division (B)(1)(a) of this section, as verified by 97375  
a state, federal, or other entity recognized by the board to 97376  
perform such verification. 97377

(E) All licenses issued or renewed pursuant to this 97378  
section are effective for a period specified by the board in 97379  
rules adopted under section 4729.26 of the Revised Code. The 97380  
effective period for an initial or renewed license shall not 97381  
exceed twenty-four months unless the board extends the period in 97382  
rules to adjust license renewal schedules. A license shall be 97383  
renewed by the board pursuant to this section, the standard 97384  
renewal procedure of Chapter 4745. of the Revised Code, and 97385

rules adopted by the board under section 4729.26 of the Revised Code. A person seeking to renew a license shall submit an application for renewal and pay the required renewal fee before the date specified in the rules adopted by the board.

(F) Each license issued under this section shall describe not more than one establishment or place where the license holder may engage in the activities authorized by the license. No license shall authorize or permit the person named therein to engage in the sale or distribution of drugs at wholesale or to maintain possession, custody, or control of dangerous drugs for any purpose other than for the licensee's own use and consumption at any establishment or place other than that described in the license.

~~(G) (1) (a)~~ (G) (1) The category II license fee is one thousand nine hundred dollars and shall accompany each application for licensure. The license renewal fee is one thousand nine hundred dollars and shall accompany each renewal application.

~~(b) (2)~~ The category III license fee is two thousand dollars and shall accompany each application for licensure. The license renewal fee is two thousand dollars and shall accompany each renewal application.

~~(e) (i)~~ (3) The nonresident license fee is two thousand dollars and shall accompany each application for licensure. The license renewal fee is two thousand dollars and shall accompany each renewal application.

(H) (1) Subject to division ~~(G) (1) (e) (ii)~~ (H) (2) of this section, a license issued pursuant to this section that has not been renewed by the date specified in rules adopted by the board

may be reinstated upon payment of the renewal fee and a penalty 97415  
of three hundred dollars. 97416

~~(ii)~~(2) If a complete application for renewal has not been 97417  
submitted by the sixty-first day after the renewal date 97418  
specified in rules adopted by the board, the license is 97419  
considered void and cannot be renewed, but the license holder 97420  
may reapply for licensure. 97421

~~(2)~~(I) Renewal fees and penalties assessed under division 97422  
~~(G)(1)~~(G) or (H) of this section shall not be returned if the 97423  
applicant fails to qualify for renewal. 97424

~~(3)~~(J) A person licensed pursuant to this section that 97425  
fails to renew licensure in accordance with this section and 97426  
rules adopted by the board is prohibited from engaging in 97427  
manufacturing, repackaging, or compounding drugs, or 97428  
distributing drugs as a third-party logistics provider or 97429  
wholesale distributor, until a valid license is issued by the 97430  
board. 97431

~~(H)~~(K) Holding a license issued pursuant to this section 97432  
subjects the holder and the holder's agents and employees to the 97433  
jurisdiction of the board and to the laws of this state for the 97434  
purpose of the enforcement of this chapter and the rules of the 97435  
board. However, the filing of an application for licensure under 97436  
this section by or on behalf of any person, or the issuance of a 97437  
license pursuant to this section to or on behalf of any person, 97438  
shall not of itself constitute evidence that the person is doing 97439  
business within this state. 97440

~~(I)~~(L) A person holding a license issued under this 97441  
section shall designate, and shall have available at all times, 97442  
a person to serve for the licensed location in a position to be 97443

known as "responsible person." A person may be designated and 97444  
serve as a responsible person only if the person meets the 97445  
requirements established in rules the board shall adopt under 97446  
section 4729.26 of the Revised Code. Along with the license 97447  
holder, a responsible person shall accept responsibility for the 97448  
operation of the licensed location in accordance with all 97449  
applicable state and federal laws and rules. 97450

A license holder shall notify the board of the person who 97451  
is designated to serve as the responsible person and, 97452  
thereafter, shall notify the board each time a change is made in 97453  
the designation. Notice to the board shall be provided in 97454  
accordance with procedures established in rules that the board 97455  
shall adopt under section 4729.26 of the Revised Code. For any 97456  
change of responsible person, the board shall assess a fee of 97457  
fifteen dollars. 97458

(M) The board may enter into agreements with other states, 97459  
federal agencies, and other entities to exchange information 97460  
concerning licensing and inspection of any manufacturer, 97461  
outsourcing facility, third-party logistics provider, 97462  
repackager, or wholesale distributor located within or outside 97463  
this state and to investigate alleged violations of the laws and 97464  
rules governing distribution of drugs by such persons. Any 97465  
information received pursuant to such an agreement is subject to 97466  
the same confidentiality requirements applicable to the agency 97467  
or entity from which it was received and shall not be released 97468  
without prior authorization from that agency or entity. Any 97469  
information received is also subject to section 4729.23 of the 97470  
Revised Code. 97471

**Sec. 4729.53.** (A) The state board of pharmacy shall not 97472  
license any person as a manufacturer of dangerous drugs, 97473

outsourcing facility, third-party logistics provider, repackager 97474  
of dangerous drugs, or wholesale distributor of dangerous drugs 97475  
unless the applicant for licensure furnishes satisfactory proof 97476  
to the board that all of the following conditions are met: 97477

(1) If the applicant has committed acts that the board 97478  
finds violate any federal, state, or local law, regulation, or 97479  
rule relating to drug samples, manufacturing, compounding, 97480  
repackaging, wholesale or retail drug distribution, or 97481  
distribution of dangerous drugs, including controlled 97482  
substances, or if the applicant has committed acts that the 97483  
board finds constitute a felony, or if a federal, state, or 97484  
local governmental entity has suspended or revoked any current 97485  
or prior license of the applicant for the manufacture, 97486  
compounding, repackaging, distribution, or sale of any dangerous 97487  
drugs, including controlled substances, the applicant, to the 97488  
satisfaction of the board, assures that the applicant has in 97489  
place adequate safeguards to prevent the recurrence of any such 97490  
violations, felonies, or license suspensions or revocations. 97491

(2) The applicant's past experience in the manufacture, 97492  
compounding, repackaging, or distribution of dangerous drugs, 97493  
including controlled substances, is acceptable to the board. 97494

(3) The applicant is properly equipped as to land, 97495  
buildings, equipment, and personnel to properly carry on its 97496  
business, including providing adequate security for and proper 97497  
storage conditions and handling for dangerous drugs, and is 97498  
complying with the requirements under this chapter and the rules 97499  
adopted pursuant thereto for maintaining and making available 97500  
records to properly identified board officials and federal, 97501  
state, and local law enforcement agencies. 97502

(4) Personnel employed by the applicant have the 97503

appropriate education or experience, as determined by the board, 97504  
to assume responsibility for positions related to compliance 97505  
with this chapter and the rules adopted pursuant thereto. 97506

(5) The applicant has designated the name and address of a 97507  
person to whom communications from the board may be directed and 97508  
upon whom the notices and citations provided for in section 97509  
4729.56 of the Revised Code may be served. 97510

(6) Adequate safeguards are assured to prevent the sale of 97511  
dangerous drugs other than in accordance with section 4729.51 of 97512  
the Revised Code. 97513

(7) With respect to criminal records checks, the applicant 97514  
has done both of the following, and the board has decided that 97515  
the results of the criminal records checks do not make the 97516  
applicant ineligible for a license issued pursuant to section 97517  
4729.52 of the Revised Code: 97518

(a) ~~Complied~~ The applicant has complied with sections 97519  
4776.01 to 4776.04 of the Revised Code~~r~~. 97520

(b) ~~Required any~~ The applicant has required each of the 97521  
following to submit to a criminal records check in accordance 97522  
with section 4776.02 of the Revised Code and send the results of 97523  
the criminal records check directly to the board: 97524

(i) Any person who is seeking to serve as the responsible 97525  
person on the license, as required by section 4729.52 of the 97526  
Revised Code; 97527

(2) Any person who has an ownership interest, or who is a 97528  
corporate officer, as set forth in rules adopted under division 97529  
(C) of this section, ~~to submit to a criminal records check in~~ 97530  
~~accordance with section 4776.02 of the Revised Code and send the~~ 97531  
~~results of the criminal records check directly to the board.~~ 97532

(8) The applicant meets any other requirement or 97533  
qualification the board, by rule adopted under division (C) of 97534  
this section, considers relevant to and consistent with the 97535  
public safety and health. 97536

(B) In addition to the causes described in section 4729.56 97537  
of the Revised Code for refusing to grant or renew a license, 97538  
the board may refuse to grant or renew a license if the board 97539  
determines that the granting of the license or its renewal is 97540  
not in the public interest. 97541

(C) The board shall adopt rules in accordance with Chapter 97542  
119. of the Revised Code that do all of the following: 97543

(1) For purposes of division (A) (7) (b) of this section, 97544  
~~define "responsible person" and specify the persons with~~ 97545  
ownership interests and the corporate officers who are required 97546  
to submit to criminal records checks; 97547

(2) For purposes of division (A) (8) of this section, 97548  
specify other requirements or qualifications, if any, that an 97549  
applicant must meet to receive a license; 97550

(3) Address any other matter the board considers 97551  
appropriate to implement this section. 97552

**Sec. 4729.54.** (A) As used in this section: 97553

(1) "Category II" means any dangerous drug that is not 97554  
included in category III. 97555

(2) "Category III" means any controlled substance that is 97556  
contained in schedule I, II, III, IV, or V. 97557

(3) "Emergency medical service organization" has the same 97558  
meaning as in section 4765.01 of the Revised Code. 97559

(4) "Emergency medical service organization satellite" 97560  
means a location where dangerous drugs are stored that is 97561  
separate from, but associated with, the headquarters of an 97562  
emergency medical service organization. "Emergency medical 97563  
service organization satellite" does not include the units under 97564  
the control of the emergency medical service organization. 97565

(5) "Person" includes an emergency medical service 97566  
organization or an emergency medical service organization 97567  
satellite. 97568

(6) "Schedule I," "schedule II," "schedule III," "schedule 97569  
IV," and "schedule V" have the same meanings as in section 97570  
3719.01 of the Revised Code. 97571

(B) (1) The state board of pharmacy shall license persons 97572  
seeking to operate as terminal distributors of dangerous drugs, 97573  
whether located within or outside this state. 97574

A person seeking to be licensed as a terminal distributor 97575  
of dangerous drugs shall file with the executive director of the 97576  
~~state board of pharmacy~~ a verified application. After it is 97577  
filed, the application may not be withdrawn without approval of 97578  
the board. 97579

(2) An application shall contain all the following that 97580  
apply in the applicant's case: 97581

(a) Information that the board requires relative to the 97582  
qualifications of a terminal distributor of dangerous drugs set 97583  
forth in section 4729.55 of the Revised Code; 97584

(b) A statement as to whether the category of licensure, 97585  
identified under division (E) of this section, that the person 97586  
is seeking to be licensed as a category II, category III, 97587  
limited category II, or limited category III terminal 97588

~~distributor of dangerous drugs;~~ 97589

(c) If the person is seeking to be licensed as a limited 97590  
category II or limited category III terminal distributor of 97591  
dangerous drugs, a list of the dangerous drugs described in 97592  
category II or the controlled substances described in category 97593  
III that the person is seeking to possess, have custody or 97594  
control of, and distribute, which list shall also specify the 97595  
purpose for which those drugs will be used and their source; 97596

(d) If the person is an emergency medical service 97597  
organization, the information that is specified in divisions (C) 97598  
(1) and (2) of this section, and if the person is an emergency 97599  
medical service organization satellite, the information required 97600  
under division (D) of this section; 97601

(e) Except with respect to the units under the control of 97602  
an emergency medical service organization, the identity of the 97603  
one establishment or place at which the person intends to engage 97604  
in the sale or other distribution of dangerous drugs at retail, 97605  
and maintain possession, custody, or control of dangerous drugs 97606  
for purposes other than the person's own use or consumption; 97607

(f) If the application pertains to a pain management 97608  
clinic, information that demonstrates, to the satisfaction of 97609  
the board, compliance with division (A) of section 4729.552 of 97610  
the Revised Code. 97611

(C) (1) Each emergency medical service organization that 97612  
applies for a terminal distributor of dangerous drugs license 97613  
shall submit with its application all of the following: 97614

(a) A copy of its standing orders or protocol, which 97615  
orders or protocol shall be signed by a physician; 97616

(b) A list of the dangerous drugs that the units under its 97617

control may carry, expressed in standard dose units, which shall 97618  
be signed by a physician; 97619

(c) A list of the personnel employed or used by the 97620  
organization to provide emergency medical services in accordance 97621  
with Chapter 4765. of the Revised Code. 97622

In accordance with Chapter 119. of the Revised Code, the 97623  
board shall adopt rules specifying when an emergency medical 97624  
service organization that is licensed as a terminal distributor 97625  
must notify the board of any changes in its documentation 97626  
submitted pursuant to division (C)(1) of this section. 97627

(2) An emergency medical service organization seeking to 97628  
be licensed as a terminal distributor of dangerous drugs shall 97629  
list in its application for licensure the following additional 97630  
information: 97631

(a) The units under its control that the organization 97632  
determines will possess dangerous drugs for the purpose of 97633  
administering emergency medical services in accordance with 97634  
Chapter 4765. of the Revised Code; 97635

(b) With respect to each such unit, whether the dangerous 97636  
drugs that the organization determines the unit will possess are 97637  
in category II or III. 97638

(3) An emergency medical service organization that is 97639  
licensed as a terminal distributor of dangerous drugs shall file 97640  
a new application for such licensure if there is any change in 97641  
the number or location of any of its units or if there is any 97642  
change in the category of the dangerous drugs that any unit will 97643  
possess. 97644

(4) A unit listed in an application for licensure pursuant 97645  
to division (C)(2) of this section may obtain the dangerous 97646

drugs it is authorized to possess from its emergency medical 97647  
service organization or, on a replacement basis, from a hospital 97648  
pharmacy. If units will obtain dangerous drugs from a hospital 97649  
pharmacy, the organization shall file, and maintain in current 97650  
form, the following items with the pharmacist who is responsible 97651  
for the hospital's terminal distributor of dangerous drugs 97652  
license: 97653

(a) A copy of its standing orders or protocol; 97654

(b) A list of the personnel employed or used by the 97655  
organization to provide emergency medical services in accordance 97656  
with Chapter 4765. of the Revised Code, who are authorized to 97657  
possess the drugs, which list also shall indicate the personnel 97658  
who are authorized to administer the drugs. 97659

(D) Each emergency medical service organization satellite 97660  
that applies for a terminal distributor of dangerous drugs 97661  
license shall submit with its application all of the information 97662  
that the board requires to be submitted with the application, as 97663  
specified in rules the board shall adopt in accordance with 97664  
Chapter 119. of the Revised Code. 97665

(E) ~~There shall be four categories of terminal distributor~~ 97666  
~~of dangerous drugs licenses. The~~ When the board issues a license 97667  
to a person seeking to operate as a terminal distributor of 97668  
dangerous drugs, the board shall issue the license according to 97669  
one of the following categories—~~are as follows~~, as the case may 97670  
be for the person's business operations: 97671

(1) Category II license. A category II license applies to 97672  
a person whose business operations are located within this 97673  
state. A person who obtains this license may possess, have 97674  
custody or control of, and distribute only the dangerous drugs 97675

described in category II. 97676

(2) Limited category II license. A limited category II license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II that were listed in the application for licensure. 97677  
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(3) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category II and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic. 97683  
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(4) Limited category III license. A limited category III license applies to a person whose business operations are located within this state. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category II or the controlled substances described in category III that were listed in the application for licensure. 97692  
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(5) Nonresident license. A nonresident license applies to a person whose business operations are located outside this state. A person who obtains a nonresident license may possess, have custody or control of, and distribute the dangerous drugs described in category II and the controlled substances described in category III. 97699  
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(F) Except for an application made by a county dog warden or on behalf of an animal shelter, if an applicant for a limited category II license or limited category III license intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a copy of its protocol or standing orders. The protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state.

An application made by a county dog warden or on behalf of an animal shelter shall include a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code.

In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when a licensee must notify the board of any changes in its documentation submitted pursuant to this division.

(G) (1) Except as provided in division (G) (3) of this section, each applicant for licensure as a terminal distributor of dangerous drugs shall submit, with the application, a license fee in the amount that applies to the category of licensure being sought. The amount assessed shall not be returned to the applicant if the applicant fails to qualify for the license.

(2) The following fees apply under division (G) (1) of this section:

(a) Except as provided in division (G) (2) (b) of this section:

(i) Three hundred ~~twenty~~sixty dollars for a category II or limited category II license; 97734  
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(ii) Four hundred ~~forty~~sixty dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license; 97736  
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(iii) Five hundred dollars for a nonresident license. 97740

(b) One hundred ~~twenty~~sixty dollars for all of the following whose business operations are located within this state: 97741  
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(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (C) of section 4729.541 of the Revised Code; 97744  
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(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G) (2) (b) (i) of this section; 97747  
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(iii) An emergency medical service organization satellite. 97751

(3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code. 97752  
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(H) (1) The board shall issue a terminal distributor of dangerous drugs license, in the appropriate category, to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other 97756  
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applicable requirements of this section. 97762

(2) Except for the license of a county dog warden, the 97763  
license shall describe the one establishment or place at which 97764  
the licensee may engage in the sale or other distribution of 97765  
dangerous drugs at retail and maintain possession, custody, or 97766  
control of dangerous drugs for purposes other than the 97767  
licensee's own use or consumption. The one establishment or 97768  
place shall be that which is identified in the application for 97769  
licensure. 97770

No such license shall authorize or permit the terminal 97771  
distributor of dangerous drugs named in it to engage in the sale 97772  
or other distribution of dangerous drugs at retail or to 97773  
maintain possession, custody, or control of dangerous drugs for 97774  
any purpose other than the distributor's own use or consumption, 97775  
at any establishment or place other than that described in the 97776  
license, except that an agent or employee of an animal shelter 97777  
or county dog warden may possess and use dangerous drugs in the 97778  
course of business as provided in section 4729.532 of the 97779  
Revised Code. 97780

(3) The license of an emergency medical service 97781  
organization shall cover the organization's headquarters and, in 97782  
addition, shall cover and describe all the units of the 97783  
organization listed in its application for licensure. 97784

(I) (1) All licenses issued or renewed pursuant to this 97785  
section shall be effective for a period specified by the board 97786  
in rules adopted under section 4729.26 of the Revised Code. The 97787  
effective period for an initial or renewed license shall not 97788  
exceed twenty-four months unless the board extends the period in 97789  
rules to adjust license renewal schedules. A license shall be 97790  
renewed by the board according to the provisions of this 97791

section, the standard renewal procedure of Chapter 4745. of the 97792  
Revised Code, and rules adopted by the board under section 97793  
4729.26 of the Revised Code. A person seeking to renew a license 97794  
shall submit an application for renewal and pay the required fee 97795  
on or before the date specified in the rules adopted by the 97796  
board. The fee required for the renewal of a license shall be 97797  
the same as the license fee that applies under division (G) (2) 97798  
of this section. 97799

(2) (a) Subject to division (I) (2) (b) of this section, a 97800  
license that has not been renewed by the date specified in rules 97801  
adopted by the board may be reinstated only upon payment of the 97802  
required renewal fee and a penalty fee of one hundred ten 97803  
dollars. 97804

(b) If an application for renewal has not been submitted 97805  
by the sixty-first day after the renewal date specified in rules 97806  
adopted by the board, the license is considered void and cannot 97807  
be renewed, but the license holder may reapply for licensure. 97808

(3) A terminal distributor of dangerous drugs that fails 97809  
to renew licensure in accordance with this section and rules 97810  
adopted by the board is prohibited from engaging in the retail 97811  
sale, possession, or distribution of dangerous drugs until a 97812  
valid license is issued by the board. 97813

(J) (1) No emergency medical service organization that is 97814  
licensed as a terminal distributor of dangerous drugs shall fail 97815  
to comply with division (C) (1), (3), or (4) of this section. 97816

(2) No licensed terminal distributor of dangerous drugs 97817  
shall possess, have custody or control of, or distribute 97818  
dangerous drugs that the terminal distributor is not entitled to 97819  
possess, have custody or control of, or distribute by virtue of 97820

its category of licensure. 97821

(3) No licensee that is required by division (F) of this 97822  
section to notify the board of changes in its protocol or 97823  
standing orders, or in personnel, shall fail to comply with that 97824  
division. 97825

(K) A person holding a license issued under this section 97826  
shall designate, and shall have available at all times, a person 97827  
to serve for the licensed location in a position to be known as 97828  
"responsible person." A person may be designated and serve as a 97829  
responsible person only if the person meets the requirements 97830  
established in rules that the board shall adopt under section 97831  
4729.26 of the Revised Code. Along with the license holder, a 97832  
responsible person shall accept responsibility for the operation 97833  
of the licensed location in accordance with all applicable state 97834  
and federal laws and rules. 97835

A license holder shall notify the board of the person who 97836  
is designated to serve as the responsible person and, 97837  
thereafter, shall notify the board each time a change is made in 97838  
the designation. Notice to the board shall be provided in 97839  
accordance with procedures established in rules that the board 97840  
shall adopt under section 4729.26 of the Revised Code. For any 97841  
change of responsible person, the board shall assess a fee of 97842  
fifteen dollars. 97843

(L) The board may enter into agreements with other states, 97844  
federal agencies, and other entities to exchange information 97845  
concerning licensing and inspection of terminal distributors of 97846  
dangerous drugs located within or outside this state and to 97847  
investigate alleged violations of the laws and rules governing 97848  
distribution of drugs by terminal distributors. Any information 97849  
received pursuant to such an agreement is subject to the same 97850

confidentiality requirements applicable to the agency or entity 97851  
from which it was received and shall not be released without 97852  
prior authorization from that agency or entity. Any information 97853  
received is also subject to section 4729.23 of the Revised Code. 97854

**Sec. 4729.541.** (A) Except as provided in divisions (B) and 97855  
(C) of this section, all of the following are exempt from 97856  
licensure as a terminal distributor of dangerous drugs: 97857

(1) A licensed health professional authorized to prescribe 97858  
drugs; 97859

(2) A business entity that is a corporation formed under 97860  
division (B) of section 1701.03 of the Revised Code, a limited 97861  
liability company formed under former Chapter 1705. of the 97862  
Revised Code as that chapter existed prior to February 11, 2022, 97863  
or Chapter 1706. of the Revised Code, or a professional 97864  
association formed under Chapter 1785. of the Revised Code if 97865  
the entity has a sole shareholder who is a prescriber and is 97866  
authorized to provide the professional services being offered by 97867  
the entity; 97868

(3) A business entity that is a corporation formed under 97869  
division (B) of section 1701.03 of the Revised Code, a limited 97870  
liability company formed under former Chapter 1705. of the 97871  
Revised Code as that chapter existed prior to February 11, 2022, 97872  
or Chapter 1706. of the Revised Code, a partnership or a limited 97873  
liability partnership formed under Chapter 1775. of the Revised 97874  
Code, or a professional association formed under Chapter 1785. 97875  
of the Revised Code, if, to be a shareholder, member, or 97876  
partner, an individual is required to be licensed, certified, or 97877  
otherwise legally authorized under Title XLVII of the Revised 97878  
Code to perform the professional service provided by the entity 97879  
and each such individual is a prescriber; 97880

(4) An individual who holds a current license, 97881  
certificate, or registration issued under Title XLVII of the 97882  
Revised Code and has been certified to conduct diabetes 97883  
education by a national certifying body specified in rules 97884  
adopted by the state board of pharmacy under section 4729.68 of 97885  
the Revised Code, but only with respect to insulin that will be 97886  
used for the purpose of diabetes education and only if diabetes 97887  
education is within the individual's scope of practice under 97888  
statutes and rules regulating the individual's profession; 97889

(5) An individual who holds a valid certificate issued by 97890  
a nationally recognized S.C.U.B.A. diving certifying 97891  
organization approved by the state board of pharmacy under rules 97892  
adopted by the board, but only with respect to medical oxygen 97893  
that will be used for the purpose of emergency care or treatment 97894  
at the scene of a diving emergency; 97895

(6) With respect to epinephrine autoinjectors that may be 97896  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 97897  
or 3328.29 of the Revised Code, any of the following: the board 97898  
of education of a city, local, exempted village, or joint 97899  
vocational school district; a chartered or nonchartered 97900  
nonpublic school; a community school established under Chapter 97901  
3314. of the Revised Code; a STEM school established under 97902  
Chapter 3326. of the Revised Code; or a college-preparatory 97903  
boarding school established under Chapter 3328. of the Revised 97904  
Code; 97905

(7) With respect to epinephrine autoinjectors that may be 97906  
possessed under section ~~5101.76~~5180.26 of the Revised Code, any 97907  
of the following: a residential camp, as defined in section 97908  
2151.011 of the Revised Code; a child day camp, as defined in 97909  
section 5104.01 of the Revised Code; or a child day camp 97910

operated by any county, township, municipal corporation, 97911  
township park district created under section 511.18 of the 97912  
Revised Code, park district created under section 1545.04 of the 97913  
Revised Code, or joint recreation district established under 97914  
section 755.14 of the Revised Code; 97915

(8) With respect to epinephrine autoinjectors that may be 97916  
possessed under Chapter 3728. of the Revised Code, a qualified 97917  
entity, as defined in section 3728.01 of the Revised Code; 97918

(9) With respect to inhalers that may be possessed under 97919  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 97920  
the Revised Code, any of the following: the board of education 97921  
of a city, local, exempted village, or joint vocational school 97922  
district; a chartered or nonchartered nonpublic school; a 97923  
community school established under Chapter 3314. of the Revised 97924  
Code; a STEM school established under Chapter 3326. of the 97925  
Revised Code; or a college-preparatory boarding school 97926  
established under Chapter 3328. of the Revised Code; 97927

(10) With respect to inhalers that may be possessed under 97928  
section ~~5101.77~~5180.261 of the Revised Code, any of the 97929  
following: a residential camp, as defined in section 2151.011 of 97930  
the Revised Code; a child day camp, as defined in section 97931  
5104.01 of the Revised Code; or a child day camp operated by any 97932  
county, township, municipal corporation, township park district 97933  
created under section 511.18 of the Revised Code, park district 97934  
created under section 1545.04 of the Revised Code, or joint 97935  
recreation district established under section 755.14 of the 97936  
Revised Code; 97937

(11) With respect to overdose reversal drugs that may be 97938  
possessed for the purposes described in section 3715.50 of the 97939  
Revised Code, any person or government entity exercising the 97940

authority conferred by that section; 97941

(12) With respect to overdose reversal drugs that may be 97942  
possessed for use in personally furnishing supplies of the drug 97943  
pursuant to a protocol established under section 3715.503 of the 97944  
Revised Code, any individual exercising the authority conferred 97945  
by that section; 97946

(13) With respect to injectable or nasally administered 97947  
glucagon that may be possessed under sections 3313.7115, 97948  
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, 97949  
any of the following: the board of education of a city, local, 97950  
exempted village, or joint vocational school district; a 97951  
chartered or nonchartered nonpublic school; a community school 97952  
established under Chapter 3314. of the Revised Code; a STEM 97953  
school established under Chapter 3326. of the Revised Code; or a 97954  
college-preparatory boarding school established under Chapter 97955  
3328. of the Revised Code; 97956

(14) With respect to injectable or nasally administered 97957  
glucagon that may be possessed under section ~~5101.78~~ 5180.262 of 97958  
the Revised Code, any of the following: a residential camp, as 97959  
defined in section 2151.011 of the Revised Code; a child day 97960  
camp, as defined in section 5104.01 of the Revised Code; or a 97961  
child day camp operated by any county, township, municipal 97962  
corporation, township park district created under section 511.18 97963  
of the Revised Code, park district created under section 1545.04 97964  
of the Revised Code, or joint recreation district established 97965  
under section 755.14 of the Revised Code; 97966

(15) A person who possesses nitrous oxide for use as a 97967  
direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for 97968  
testing or maintaining a plumbing or heating, ventilation, and 97969  
air conditioning system; 97970

(16) A person who possesses medical oxygen, sterile water, 97971  
or sterile saline for direct administration to patients or for 97972  
the purpose of installation or maintenance of home medical 97973  
equipment, as defined in section 4752.01 of the Revised Code; 97974

(17) A facility that is owned and operated by the United 97975  
States department of defense, the United States department of 97976  
veterans affairs, or any other federal agency. 97977

(B) If a person described in division (A) of this section 97978  
is a pain management clinic or is operating a pain management 97979  
clinic, the person shall hold a license as a terminal 97980  
distributor of dangerous drugs with a pain management clinic 97981  
classification issued under section 4729.552 of the Revised 97982  
Code. 97983

(C) Any of the persons described in divisions (A) (1) to 97984  
(16) of this section shall hold a license as a terminal 97985  
distributor of dangerous drugs in order to possess, have custody 97986  
or control of, and distribute any of the following: 97987

(1) Dangerous drugs that are compounded or used for the 97988  
purpose of compounding; 97989

(2) A schedule I, II, III, IV, or V controlled substance, 97990  
as defined in section 3719.01 of the Revised Code. 97991

**Sec. 4729.56.** (A) (1) The state board of pharmacy, in 97992  
accordance with Chapter 119. of the Revised Code, may impose any 97993  
one or more of the following sanctions on a person licensed 97994  
under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code 97995  
for any of the causes set forth in division (A) (2) of this 97996  
section: 97997

(a) Suspend, revoke, restrict, limit, or refuse to grant 97998  
or renew a license; 97999

(b) Reprimand or place the license holder on probation;	98000
(c) Impose a monetary penalty or forfeiture not to exceed	98001
in severity any fine designated under the Revised Code for a	98002
similar offense or two thousand five hundred dollars if the acts	98003
committed are not classified as an offense by the Revised Code;	98004
(2) The board may impose the sanctions set forth in	98005
division (A)(1) of this section for any of the following:	98006
(a) Making any false material statements in an application	98007
for licensure under section 4729.52 of the Revised Code;	98008
(b) Violating any federal, state, or local drug law; any	98009
provision of this chapter or Chapter 2925., 3715., or 3719. of	98010
the Revised Code; or any rule of the board;	98011
(c) A conviction of a felony;	98012
(d) Failing to satisfy the qualifications for licensure	98013
under section 4729.53 of the Revised Code or the rules of the	98014
board or ceasing to satisfy the qualifications after the	98015
registration is granted or renewed;	98016
(e) Falsely or fraudulently promoting to the public a drug	98017
that is a controlled substance included in schedule I, II, III,	98018
IV, or V, except that nothing in this division prohibits a	98019
manufacturer, outsourcing facility, third-party logistics	98020
provider, repackager, or wholesale distributor of dangerous	98021
drugs from furnishing information concerning a controlled	98022
substance to a health care provider or licensed terminal	98023
distributor;	98024
(f) Violating any provision of the "Federal Food, Drug,	98025
and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or	98026
Chapter 3715. of the Revised Code;	98027

(g) Any other cause for which the board may impose 98028  
sanctions as set forth in rules adopted under section 4729.26 of 98029  
the Revised Code. 98030

(B) Upon the suspension or revocation of any license 98031  
~~identified in division (B)(1)(a) of~~ issued under section 4729.52 98032  
of the Revised Code, the licensee shall immediately surrender 98033  
the license to the board. 98034

(C) If the board suspends, revokes, or refuses to renew 98035  
any license ~~identified in division (B)(1)(a) of~~ issued under 98036  
section 4729.52 of the Revised Code and determines that there is 98037  
clear and convincing evidence of a danger of immediate and 98038  
serious harm to any person, the board may place under seal all 98039  
dangerous drugs owned by or in the possession, custody, or 98040  
control of the affected licensee. Except as provided in this 98041  
division, the board shall not dispose of the dangerous drugs 98042  
sealed under this division until the licensee exhausts all of 98043  
the licensee's appeal rights under Chapter 119. of the Revised 98044  
Code. The court involved in such an appeal may order the board, 98045  
during the pendency of the appeal, to sell sealed dangerous 98046  
drugs that are perishable. The board shall deposit the proceeds 98047  
of the sale with the court. 98048

(D) If the board is required under Chapter 119. of the 98049  
Revised Code to give notice of an opportunity for a hearing and 98050  
the license holder does not make a timely request for a hearing 98051  
in accordance with section 119.07 of the Revised Code, the board 98052  
is not required to hold a hearing, but may adopt a final order 98053  
that contains the board's findings. In the final order, the 98054  
board may impose any of the sanctions listed in division (A) of 98055  
this section. 98056

(E) Notwithstanding division (D)(2) of section 2953.32 or 98057

division (F) (1) of section 2953.39 of the Revised Code 98058  
specifying that if records pertaining to a criminal case are 98059  
sealed or expunged under that section the proceedings in the 98060  
case must be deemed not to have occurred, sealing or expungement 98061  
of the following records on which the board has based an action 98062  
under this section shall have no effect on the board's action or 98063  
any sanction imposed by the board under this section: records of 98064  
any conviction, guilty plea, judicial finding of guilt resulting 98065  
from a plea of no contest, or a judicial finding of eligibility 98066  
for a pretrial diversion program or intervention in lieu of 98067  
conviction. The board is not required to seal, destroy, redact, 98068  
or otherwise modify its records to reflect the court's sealing 98069  
or expungement of conviction records. 98070

**Sec. 4729.561.** If the state board of pharmacy determines 98071  
that there is clear and convincing evidence that the method used 98072  
~~by a licensed manufacturer of dangerous drugs, outsourcing~~ 98073  
~~facility, third-party logistics provider, repackager of~~ 98074  
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 98075  
possess or distribute dangerous drugs by a person licensed under 98076  
section 4729.52 of the Revised Code presents a danger of 98077  
immediate and serious harm to others, the board may suspend 98078  
without a hearing the person's license issued pursuant to that 98079  
~~section 4729.52 of the Revised Code~~. The board shall follow the 98080  
procedure for suspension without a prior hearing in section 98081  
119.07 of the Revised Code. The suspension shall remain in 98082  
effect, unless removed by the board, until the board's final 98083  
adjudication order becomes effective, except that if the board 98084  
does not issue its final adjudication order within one hundred 98085  
twenty days after the suspension, the suspension shall be void 98086  
on the one hundred twenty-first day after the suspension. 98087

**Sec. 4729.60.** (A) (1) Before a ~~licensee identified in~~ 98088

~~division (B) (1) (a) of person licensed under~~ section 4729.52 of 98089  
the Revised Code may sell or distribute dangerous drugs at 98090  
wholesale to any person, except as provided in division (A) (2) 98091  
of this section, the licensee shall query the roster established 98092  
pursuant to section 4729.59 of the Revised Code to determine 98093  
whether the purchaser is a licensed terminal distributor of 98094  
dangerous drugs. 98095

If no documented query is conducted before a sale is made, 98096  
it shall be presumed that the sale of dangerous drugs by the 98097  
licensee is in violation of division (B) of section 4729.51 of 98098  
the Revised Code and the purchase of dangerous drugs by the 98099  
purchaser is in violation of division (E) of section 4729.51 of 98100  
the Revised Code. If a licensee conducts a documented query and 98101  
relies on the results of the query in selling or distributing 98102  
dangerous drugs at wholesale to the terminal distributor of 98103  
dangerous drugs, the licensee shall be deemed not to have 98104  
violated division (B) of section 4729.51 of the Revised Code in 98105  
making the sale. 98106

(2) Division (A) (1) of this section does not apply when a 98107  
~~licensee identified in division (B) (1) (a) of person licensed~~ 98108  
~~under~~ section 4729.52 of the Revised Code sells or distributes 98109  
dangerous drugs at wholesale to any of the following: 98110

(a) A person specified in division (B) (4) of section 98111  
4729.51 of the Revised Code; 98112

(b) A person exempt from licensure as a terminal 98113  
distributor of dangerous drugs under section 4729.541 of the 98114  
Revised Code. 98115

(B) Before a licensed terminal distributor of dangerous 98116  
drugs may purchase dangerous drugs at wholesale, the terminal 98117

distributor shall query the roster established pursuant to 98118  
section 4729.59 of the Revised Code to confirm the seller is 98119  
licensed to engage in the sale or distribution of dangerous 98120  
drugs at wholesale. 98121

If no documented query is conducted before a purchase is 98122  
made, it shall be presumed that the purchase of dangerous drugs 98123  
by the terminal distributor is in violation of division (F) of 98124  
section 4729.51 of the Revised Code and the sale of dangerous 98125  
drugs by the seller is in violation of division (A) of section 98126  
4729.51 of the Revised Code. If a licensed terminal distributor 98127  
of dangerous drugs conducts a documented query at least annually 98128  
and relies on the results of the query in purchasing dangerous 98129  
drugs at wholesale, the terminal distributor shall be deemed not 98130  
to have violated division (F) of section 4729.51 of the Revised 98131  
Code in making the purchase. 98132

**Sec. 4729.80.** (A) If the state board of pharmacy 98133  
establishes and maintains a drug database pursuant to section 98134  
4729.75 of the Revised Code, the board is authorized or required 98135  
to provide information from the database only as follows: 98136

(1) On receipt of a request from a designated 98137  
representative of a government entity responsible for the 98138  
licensure, regulation, or discipline of health care 98139  
professionals with authority to prescribe, administer, or 98140  
dispense drugs, the board may provide to the representative 98141  
information from the database relating to the professional who 98142  
is the subject of an active investigation being conducted by the 98143  
government entity or relating to a professional who is acting as 98144  
an expert witness for the government entity in such an 98145  
investigation. 98146

(2) On receipt of a request from a federal officer, or a 98147

state or local officer of this or any other state, whose duties 98148  
include enforcing laws relating to drugs, the board shall 98149  
provide to the officer information from the database relating to 98150  
the person who is the subject of an active investigation of a 98151  
drug abuse offense, as defined in section 2925.01 of the Revised 98152  
Code, being conducted by the officer's employing government 98153  
entity. 98154

(3) Pursuant to a subpoena issued by a grand jury, the 98155  
board shall provide to the grand jury information from the 98156  
database relating to the person who is the subject of an 98157  
investigation being conducted by the grand jury. 98158

(4) Pursuant to a subpoena, search warrant, or court order 98159  
in connection with the investigation or prosecution of a 98160  
possible or alleged criminal offense, the board shall provide 98161  
information from the database as necessary to comply with the 98162  
subpoena, search warrant, or court order. 98163

(5) On receipt of a request from a prescriber or the 98164  
prescriber's delegate approved by the board, the board shall 98165  
provide to the prescriber a report of information from the 98166  
database relating to a patient who is either a current patient 98167  
of the prescriber or a potential patient of the prescriber based 98168  
on a referral of the patient to the prescriber, if all of the 98169  
following conditions are met: 98170

(a) The prescriber certifies in a form specified by the 98171  
board that it is for the purpose of providing medical treatment 98172  
to the patient who is the subject of the request; 98173

(b) The prescriber has not been denied access to the 98174  
database by the board. 98175

(6) On receipt of a request from a pharmacist or the 98176

pharmacist's delegate approved by the board, the board shall 98177  
provide to the pharmacist information from the database relating 98178  
to a current patient of the pharmacist, if the pharmacist 98179  
certifies in a form specified by the board that it is for the 98180  
purpose of the pharmacist's practice of pharmacy involving the 98181  
patient who is the subject of the request and the pharmacist has 98182  
not been denied access to the database by the board. 98183

(7) On receipt of a request from an individual seeking the 98184  
individual's own database information in accordance with the 98185  
procedure established in rules adopted under section 4729.84 of 98186  
the Revised Code, the board may provide to the individual the 98187  
individual's own prescription history. 98188

(8) On receipt of a request from a medical director or a 98189  
pharmacy director of a managed care organization that has 98190  
entered into a contract with the department of medicaid under 98191  
section 5167.10 of the Revised Code and a data security 98192  
agreement with the board required by section 5167.14 of the 98193  
Revised Code, the board shall provide to the medical director or 98194  
the pharmacy director information from the database relating to 98195  
a medicaid recipient enrolled in the managed care organization, 98196  
including information in the database related to prescriptions 98197  
for the recipient that were not covered or reimbursed under a 98198  
program administered by the department of medicaid. 98199

(9) On receipt of a request from the medicaid director, 98200  
the board shall provide to the director information from the 98201  
database relating to a recipient of a program administered by 98202  
the department of medicaid, including information in the 98203  
database related to prescriptions for the recipient that were 98204  
not covered or paid by a program administered by the department. 98205

(10) On receipt of a request from a medical director of a 98206

managed care organization that has entered into a contract with 98207  
the administrator of workers' compensation under division (B) (4) 98208  
of section 4121.44 of the Revised Code and a data security 98209  
agreement with the board required by section 4121.447 of the 98210  
Revised Code, the board shall provide to the medical director 98211  
information from the database relating to a claimant under 98212  
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 98213  
assigned to the managed care organization, including information 98214  
in the database related to prescriptions for the claimant that 98215  
were not covered or reimbursed under Chapter 4121., 4123., 98216  
4127., or 4131. of the Revised Code, if the administrator of 98217  
workers' compensation confirms, upon request from the board, 98218  
that the claimant is assigned to the managed care organization. 98219

(11) On receipt of a request from the administrator of 98220  
workers' compensation, the board shall provide to the 98221  
administrator information from the database relating to a 98222  
claimant under Chapter 4121., 4123., 4127., or 4131. of the 98223  
Revised Code, including information in the database related to 98224  
prescriptions for the claimant that were not covered or 98225  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 98226  
Revised Code. 98227

(12) On receipt of a request from a prescriber or the 98228  
prescriber's delegate approved by the board, the board shall 98229  
provide to the prescriber information from the database relating 98230  
to a patient's mother, if the prescriber certifies in a form 98231  
specified by the board that it is for the purpose of providing 98232  
medical treatment to a newborn or infant patient diagnosed as 98233  
opioid dependent and the prescriber has not been denied access 98234  
to the database by the board. 98235

(13) On receipt of a request from the director of health, 98236

the board shall provide to the director information from the 98237  
database relating to the duties of the director or the 98238  
department of health in implementing the Ohio violent death 98239  
reporting system established under section 3701.93 of the 98240  
Revised Code. 98241

(14) On receipt of a request from a requestor described in 98242  
division (A)(1), (2), (5), or (6) of this section who is from or 98243  
participating with another state's prescription monitoring 98244  
program, the board may provide to the requestor information from 98245  
the database, but only if there is a written agreement under 98246  
which the information is to be used and disseminated according 98247  
to the laws of this state. 98248

(15) On receipt of a request from a delegate of a retail 98249  
dispensary licensed under Chapter 3796. of the Revised Code who 98250  
is approved by the board to serve as the dispensary's delegate, 98251  
the board shall provide to the delegate a report of information 98252  
from the database pertaining only to a patient's use of medical 98253  
marijuana, if both of the following conditions are met: 98254

(a) The delegate certifies in a form specified by the 98255  
board that it is for the purpose of dispensing medical marijuana 98256  
for use in accordance with Chapter 3796. of the Revised Code. 98257

(b) The retail dispensary or delegate has not been denied 98258  
access to the database by the board. 98259

(16) On receipt of a request from a judge of a program 98260  
certified by the Ohio supreme court as a specialized docket 98261  
program for drugs, the board shall provide to the judge, or an 98262  
employee of the program who is designated by the judge to 98263  
receive the information, information from the database that 98264  
relates specifically to a current or prospective program 98265

participant. 98266

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation. 98267  
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(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter. 98272  
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~~(19)(a)~~ (19) On receipt of a request from a pharmacy's responsible person designated under section 4729.54 of the Revised Code, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter. 98277  
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~~(b) As used in division (A) (19) (a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.~~ 98283  
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(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter. 98286  
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(21) (a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the 98289  
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information is to be used for one of those purposes. The board 98295  
shall provide only information that it determines, in accordance 98296  
with rules adopted under section 4729.84 of the Revised Code, is 98297  
appropriate to be provided to the committee. 98298

(b) As used in division (A) (21) (a) of this section, "peer 98299  
review committee" has the same meaning as in section 2305.25 of 98300  
the Revised Code, except that it includes only a peer review 98301  
committee of a hospital or a peer review committee of a 98302  
nonprofit health care corporation that is a member of the 98303  
hospital or of which the hospital is a member. 98304

(22) On receipt of a request from a requestor described in 98305  
division (A) (5) or (6) of this section who is from or 98306  
participating with a prescription monitoring program that is 98307  
operated by a federal agency and approved by the board, the 98308  
board may provide to the requestor information from the 98309  
database, but only if there is a written agreement under which 98310  
the information is to be used and disseminated according to the 98311  
laws of this state. 98312

(23) Any personal health information submitted to the 98313  
board pursuant to section 4729.772 of the Revised Code may be 98314  
provided by the board only as authorized by the submitter of the 98315  
information and in accordance with rules adopted under section 98316  
4729.84 of the Revised Code. 98317

(24) On receipt of a request from a person described in 98318  
division (A) (5), (6), or (17) of this section who is 98319  
participating in a drug overdose fatality review committee 98320  
described in section 307.631 of the Revised Code, the board may 98321  
provide to the requestor information from the database, but only 98322  
if there is a written agreement under which the information is 98323  
to be used and disseminated according to the laws of this state. 98324

(25) On receipt of a request from a person described in 98325  
division (A) (5), (6), or (17) of this section who is 98326  
participating in a suicide fatality review committee described 98327  
in section 307.641 of the Revised Code, the board may provide to 98328  
the requestor information from the database, but only if there 98329  
is a written agreement under which the information is to be used 98330  
and disseminated according to the laws of this state. 98331

(26) On receipt of a request from a designated 98332  
representative of the division of marijuana control in the 98333  
department of commerce, the board shall provide to the 98334  
representative information from the database relating to an 98335  
individual who, or entity that, is the subject of an active 98336  
investigation being conducted by the division. 98337

(B) The state board of pharmacy shall maintain a record of 98338  
each individual or entity that requests information from the 98339  
database pursuant to this section. In accordance with rules 98340  
adopted under section 4729.84 of the Revised Code, the board may 98341  
use the records to document and report statistics and law 98342  
enforcement outcomes. 98343

The board may provide records of an individual's requests 98344  
for database information only to the following: 98345

(1) A designated representative of a government entity 98346  
that is responsible for the licensure, regulation, or discipline 98347  
of health care professionals with authority to prescribe, 98348  
administer, or dispense drugs who is involved in an active 98349  
criminal or disciplinary investigation being conducted by the 98350  
government entity of the individual who submitted the requests 98351  
for database information; 98352

(2) A federal officer, or a state or local officer of this 98353

or any other state, whose duties include enforcing laws relating 98354  
to drugs and who is involved in an active investigation being 98355  
conducted by the officer's employing government entity of the 98356  
individual who submitted the requests for database information; 98357

(3) A designated representative of the department of 98358  
medicaid regarding a prescriber who is treating or has treated a 98359  
recipient of a program administered by the department and who 98360  
submitted the requests for database information. 98361

(C) Information contained in the database and any 98362  
information obtained from it is confidential and is not a public 98363  
record. Information contained in the records of requests for 98364  
information from the database is confidential and is not a 98365  
public record. Information contained in the database that does 98366  
not identify a person, including any licensee or registrant of 98367  
the board or other entity, may be released in summary, 98368  
statistical, or aggregate form. 98369

(D) A pharmacist or prescriber shall not be held liable in 98370  
damages to any person in any civil action for injury, death, or 98371  
loss to person or property on the basis that the pharmacist or 98372  
prescriber did or did not seek or obtain information from the 98373  
database. 98374

**Sec. 4729.901.** (A) An applicant for registration under 98375  
section 4729.90 of the Revised Code shall file with the state 98376  
board of pharmacy an application in the form and manner 98377  
prescribed in rules adopted under section 4729.94 of the Revised 98378  
Code. The application shall be accompanied by an application fee 98379  
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 98380  
applicant fails to qualify for registration. 98381

(B) If the board is satisfied that the applicant meets the 98382

requirements of section 4729.90 of the Revised Code and any 98383  
additional requirements established by the board and determines 98384  
that the results of a criminal records check do not make the 98385  
applicant ineligible, the board shall register the applicant as 98386  
a registered pharmacy technician or certified pharmacy 98387  
technician, as applicable. 98388

(C) The board shall register as a registered pharmacy 98389  
technician or certified pharmacy technician, as applicable, in 98390  
accordance with Chapter 4796. of the Revised Code an applicant 98391  
if either of the following applies: 98392

(1) The applicant holds a license or is registered in 98393  
another state. 98394

(2) The applicant has satisfactory work experience, a 98395  
government certification, or a private certification as 98396  
described in that chapter as a pharmacy technician in a state 98397  
that does not issue that license or registration. 98398

(D) ~~Registration under division (B) or (C) of this section~~ 98399  
as a registered pharmacy technician or certified pharmacy 98400  
technician is valid for the a two-year period, unless a 98401  
different period is specified by the board in rules adopted 98402  
under section 4729.94 of the Revised Code. ~~The period shall not~~ 98403  
~~exceed twenty-four months unless the board extends the period in~~ 98404  
~~the rules to account for initial registration, adjust license~~ 98405  
registration renewal schedules, or to accommodate other matters 98406  
the board considers appropriate. 98407

**Sec. 4729.902.** (A) A registered pharmacy technician or 98408  
certified pharmacy technician shall file an application for\_ 98409  
biennial registration renewal in the form and manner prescribed 98410  
by the state board of pharmacy in rules adopted under section 98411

4729.94 of the Revised Code. Registrations shall be renewed in 98412  
accordance with the rules and the standard renewal procedure set 98413  
forth in Chapter 4745. of the Revised Code. The biennial renewal 98414  
fee is ~~twenty-five~~ sixty-five dollars ~~per year~~. 98415

(B) (1) A registered pharmacy technician or certified 98416  
pharmacy technician who fails to renew registration in 98417  
accordance with division (A) of this section is prohibited from 98418  
engaging in the activities authorized by section 4729.91 of the 98419  
Revised Code. 98420

(2) (a) A registration that is not renewed by a date 98421  
determined under division (A) of this section but has not lapsed 98422  
for more than ninety days may be reinstated if the applicant 98423  
does both of the following: 98424

(i) Submits a renewal application in a form prescribed by 98425  
the board in rules adopted under section 4729.94 of the Revised 98426  
Code; 98427

(ii) Pays the renewal fee and a late fee of fifty dollars. 98428

(b) A registration that has lapsed for more than ninety 98429  
days cannot be renewed, but the registration holder may reapply 98430  
for registration. 98431

**Sec. 4729.921.** (A) An applicant for registration as a 98432  
pharmacy technician trainee shall file with the state board of 98433  
pharmacy an application in the form and manner prescribed in 98434  
rules adopted under section 4729.94 of the Revised Code. The 98435  
application shall be accompanied by an application fee of 98436  
~~twenty-five~~ forty dollars, which shall not be returned if the 98437  
applicant fails to qualify for registration. 98438

If the board is satisfied that an applicant meets the 98439  
requirements of section 4729.92 of the Revised Code and any 98440

additional requirements established by the board and determines 98441  
that the results of a criminal records check do not make the 98442  
applicant ineligible, the board shall register the applicant as 98443  
a pharmacy technician trainee. 98444

(B) (1) The board shall register as a pharmacy technician 98445  
trainee in accordance with Chapter 4796. of the Revised Code an 98446  
applicant who either holds a license or is registered in another 98447  
state or has satisfactory work experience, a government 98448  
certification, or a private certification as described in that 98449  
chapter as a pharmacy technician trainee in a state that does 98450  
not issue that license or registration. 98451

(2) The board may register as a pharmacy technician 98452  
trainee an applicant who is seventeen years of age if either of 98453  
the following apply: 98454

(a) The applicant possesses a high school diploma or 98455  
certificate of high school equivalence; 98456

(b) The applicant does not possess a high school diploma 98457  
or certificate of high school equivalence but is enrolled in a 98458  
career-technical school program that is approved by the board 98459  
and conducted by a city, exempted village, local, or joint 98460  
vocational school district. 98461

(C) The board shall not refuse to register an applicant as 98462  
a pharmacy technician trainee because of a conviction for an 98463  
offense unless the refusal is in accordance with section 9.79 of 98464  
the Revised Code. 98465

(D) Registration is valid for ~~one year~~ eighteen months 98466  
from the date of registration, except that the board may extend 98467  
the time period for which registration is valid. Registration is 98468  
not renewable, but an individual may reapply for registration if 98469

the individual's previous registration has lapsed for more than 98470  
five years or the board grants its approval. 98471

**Sec. 4730.25.** (A) The state medical board, by an 98472  
affirmative vote of not fewer than six members, may refuse to 98473  
grant a license to practice as a physician assistant to, or may 98474  
revoke the license held by, an individual found by the board to 98475  
have committed fraud, misrepresentation, or deception in 98476  
applying for or securing the license. 98477

(B) Except as provided in division (N) of this section, 98478  
the board, by an affirmative vote of not fewer than six members, 98479  
shall, to the extent permitted by law, limit, revoke, or suspend 98480  
an individual's license to practice as a physician assistant or 98481  
prescriber number, refuse to issue a license to an applicant, 98482  
refuse to renew a license, refuse to reinstate a license, or 98483  
reprimand or place on probation the holder of a license for any 98484  
of the following reasons: 98485

(1) Failure to practice in accordance with the supervising 98486  
physician's supervision agreement with the physician assistant, 98487  
including, if applicable, the policies of the health care 98488  
facility in which the supervising physician and physician 98489  
assistant are practicing; 98490

(2) Failure to comply with the requirements of this 98491  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 98492  
by the board; 98493

(3) Violating or attempting to violate, directly or 98494  
indirectly, or assisting in or abetting the violation of, or 98495  
conspiring to violate, any provision of this chapter, Chapter 98496  
4731. of the Revised Code, or the rules adopted by the board; 98497

(4) Inability to practice according to acceptable and 98498

prevailing standards of care by reason of mental illness or 98499  
physical illness, including physical deterioration that 98500  
adversely affects cognitive, motor, or perceptive skills; 98501

(5) Impairment of ability to practice according to 98502  
acceptable and prevailing standards of care because of substance 98503  
use disorder or excessive use or abuse of drugs, alcohol, or 98504  
other substances that may impair ability to practice; 98505

(6) Administering drugs for purposes other than those 98506  
authorized under this chapter; 98507

(7) Willfully betraying a professional confidence; 98508

(8) Making a false, fraudulent, deceptive, or misleading 98509  
statement in soliciting or advertising for employment as a 98510  
physician assistant; in connection with any solicitation or 98511  
advertisement for patients; in relation to the practice of 98512  
medicine as it pertains to physician assistants; or in securing 98513  
or attempting to secure a license to practice as a physician 98514  
assistant. 98515

As used in this division, "false, fraudulent, deceptive, 98516  
or misleading statement" means a statement that includes a 98517  
misrepresentation of fact, is likely to mislead or deceive 98518  
because of a failure to disclose material facts, is intended or 98519  
is likely to create false or unjustified expectations of 98520  
favorable results, or includes representations or implications 98521  
that in reasonable probability will cause an ordinarily prudent 98522  
person to misunderstand or be deceived. 98523

(9) Representing, with the purpose of obtaining 98524  
compensation or other advantage personally or for any other 98525  
person, that an incurable disease or injury, or other incurable 98526  
condition, can be permanently cured; 98527

- (10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 98528  
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 98531  
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- (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 98534  
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 98537  
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- (14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 98541  
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- (15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 98544  
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- (16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 98547  
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- (17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 98550  
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- (18) Any of the following actions taken by the state 98555

agency responsible for regulating the practice of physician 98556  
assistants in another state, for any reason other than the 98557  
nonpayment of fees: the limitation, revocation, or suspension of 98558  
an individual's license to practice; acceptance of an 98559  
individual's license surrender; denial of a license; refusal to 98560  
renew or reinstate a license; imposition of probation; or 98561  
issuance of an order of censure or other reprimand; 98562

(19) A departure from, or failure to conform to, minimal 98563  
standards of care of similar physician assistants under the same 98564  
or similar circumstances, regardless of whether actual injury to 98565  
a patient is established; 98566

(20) Violation of the conditions placed by the board on a 98567  
license to practice as a physician assistant; 98568

(21) Failure to use universal blood and body fluid 98569  
precautions established by rules adopted under section 4731.051 98570  
of the Revised Code; 98571

(22) Failure to cooperate in an investigation conducted by 98572  
the board under section 4730.26 of the Revised Code, including 98573  
failure to comply with a subpoena or order issued by the board 98574  
or failure to answer truthfully a question presented by the 98575  
board at a deposition or in written interrogatories, except that 98576  
failure to cooperate with an investigation shall not constitute 98577  
grounds for discipline under this section if a court of 98578  
competent jurisdiction has issued an order that either quashes a 98579  
subpoena or permits the individual to withhold the testimony or 98580  
evidence in issue; 98581

(23) Assisting suicide, as defined in section 3795.01 of 98582  
the Revised Code; 98583

(24) Prescribing any drug or device to perform or induce 98584

an abortion, or otherwise performing or inducing an abortion; 98585

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 98586  
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(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 98589  
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(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked; 98593  
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(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice; 98596  
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(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 98602  
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(30) Violation of section 4730.57 of the Revised Code. 98605

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, 98606  
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shall constitute the findings and order of the board with 98614  
respect to the matter addressed in the agreement. If the board 98615  
refuses to ratify a consent agreement, the admissions and 98616  
findings contained in the consent agreement shall be of no force 98617  
or effect. 98618

(D) For purposes of divisions (B) (12), (15), and (16) of 98619  
this section, the commission of the act may be established by a 98620  
finding by the board, pursuant to an adjudication under Chapter 98621  
119. of the Revised Code, that the applicant or license holder 98622  
committed the act in question. The board shall have no 98623  
jurisdiction under these divisions in cases where the trial 98624  
court renders a final judgment in the license holder's favor and 98625  
that judgment is based upon an adjudication on the merits. The 98626  
board shall have jurisdiction under these divisions in cases 98627  
where the trial court issues an order of dismissal upon 98628  
technical or procedural grounds. 98629

(E) The sealing or expungement of conviction records by 98630  
any court shall have no effect upon a prior board order entered 98631  
under the provisions of this section or upon the board's 98632  
jurisdiction to take action under the provisions of this section 98633  
if, based upon a plea of guilty, a judicial finding of guilt, or 98634  
a judicial finding of eligibility for intervention in lieu of 98635  
conviction, the board issued a notice of opportunity for a 98636  
hearing prior to the court's order to seal or expunge the 98637  
records. The board shall not be required to seal, destroy, 98638  
redact, or otherwise modify its records to reflect the court's 98639  
sealing or expungement of conviction records. 98640

(F) For purposes of this division, any individual who 98641  
holds a license issued under this chapter, or applies for a 98642  
license issued under this chapter, shall be deemed to have given 98643

consent to submit to a mental or physical examination when 98644  
directed to do so in writing by the board and to have waived all 98645  
objections to the admissibility of testimony or examination 98646  
reports that constitute a privileged communication. 98647

(1) In enforcing division (B)(4) of this section, the 98648  
board, upon a showing of a possible violation, shall refer any 98649  
individual who holds, or has applied for, a license issued under 98650  
this chapter to the monitoring organization that conducts the 98651  
confidential monitoring program established under section 98652  
4731.25 of the Revised Code. The board also may compel the 98653  
individual to submit to a mental examination, physical 98654  
examination, including an HIV test, or both a mental and 98655  
physical examination. The expense of the examination is the 98656  
responsibility of the individual compelled to be examined. 98657  
Failure to submit to a mental or physical examination or consent 98658  
to an HIV test ordered by the board constitutes an admission of 98659  
the allegations against the individual unless the failure is due 98660  
to circumstances beyond the individual's control, and a default 98661  
and final order may be entered without the taking of testimony 98662  
or presentation of evidence. If the board finds a physician 98663  
assistant unable to practice because of the reasons set forth in 98664  
division (B)(4) of this section, the board shall require the 98665  
physician assistant to submit to care, counseling, or treatment 98666  
by physicians approved or designated by the board, as a 98667  
condition for an initial, continued, reinstated, or renewed 98668  
license. An individual affected under this division shall be 98669  
afforded an opportunity to demonstrate to the board the ability 98670  
to resume practicing in compliance with acceptable and 98671  
prevailing standards of care. 98672

(2) For purposes of division (B)(5) of this section, if 98673  
the board has reason to believe that any individual who holds a 98674

license issued under this chapter or any applicant for a license 98675  
suffers such impairment, the board shall refer the individual to 98676  
the monitoring organization that conducts the confidential 98677  
monitoring program established under section 4731.25 of the 98678  
Revised Code. The board also may compel the individual to submit 98679  
to a mental or physical examination, or both. The expense of the 98680  
examination is the responsibility of the individual compelled to 98681  
be examined. Any mental or physical examination required under 98682  
this division shall be undertaken by a treatment provider or 98683  
physician qualified to conduct such examination and approved 98684  
under section 4731.251 of the Revised Code. 98685

Failure to submit to a mental or physical examination 98686  
ordered by the board constitutes an admission of the allegations 98687  
against the individual unless the failure is due to 98688  
circumstances beyond the individual's control, and a default and 98689  
final order may be entered without the taking of testimony or 98690  
presentation of evidence. If the board determines that the 98691  
individual's ability to practice is impaired, the board shall 98692  
suspend the individual's license or deny the individual's 98693  
application and shall require the individual, as a condition for 98694  
initial, continued, reinstated, or renewed licensure, to submit 98695  
to treatment. 98696

Before being eligible to apply for reinstatement of a 98697  
license suspended under this division, the physician assistant 98698  
shall demonstrate to the board the ability to resume practice or 98699  
prescribing in compliance with acceptable and prevailing 98700  
standards of care. The demonstration shall include the 98701  
following: 98702

(a) Certification from a treatment provider approved under 98703  
section 4731.251 of the Revised Code that the individual has 98704

successfully completed any required inpatient treatment; 98705

(b) Evidence of continuing full compliance with an 98706  
aftercare contract or consent agreement; 98707

(c) Two written reports indicating that the individual's 98708  
ability to practice has been assessed and that the individual 98709  
has been found capable of practicing according to acceptable and 98710  
prevailing standards of care. The reports shall be made by 98711  
individuals or providers approved by the board for making such 98712  
assessments and shall describe the basis for their 98713  
determination. 98714

The board may reinstate a license suspended under this 98715  
division after such demonstration and after the individual has 98716  
entered into a written consent agreement. 98717

When the impaired physician assistant resumes practice or 98718  
prescribing, the board shall require continued monitoring of the 98719  
physician assistant. The monitoring shall include compliance 98720  
with the written consent agreement entered into before 98721  
reinstatement or with conditions imposed by board order after a 98722  
hearing, and, upon termination of the consent agreement, 98723  
submission to the board for at least two years of annual written 98724  
progress reports made under penalty of falsification stating 98725  
whether the physician assistant has maintained sobriety. 98726

(G) (1) If either of the following circumstances occur, the 98727  
secretary and supervising member may recommend that the board 98728  
suspend the individual's license without a prior hearing: 98729

(a) The secretary and supervising member determine that 98730  
there is clear and convincing evidence that a physician 98731  
assistant has violated division (B) of this section and that the 98732  
individual's continued practice or prescribing presents a danger 98733

of immediate and serious harm to the public. 98734

(b) The board receives verifiable information that a 98735  
licensee has been charged in any state or federal court with a 98736  
crime classified as a felony under the charging court's law and 98737  
the conduct charged constitutes a violation of division (B) of 98738  
this section. 98739

(2) If a recommendation is made to suspend without a prior 98740  
hearing pursuant to division (G)(1) of this section, written 98741  
allegations shall be prepared for consideration by the board. 98742

The board, upon review of those allegations and by an 98743  
affirmative vote of not fewer than six of its members, excluding 98744  
the secretary and supervising member, may suspend a license 98745  
without a prior hearing. A telephone conference call may be 98746  
utilized for reviewing the allegations and taking the vote on 98747  
the summary suspension. 98748

The board shall serve a written order of suspension in 98749  
accordance with sections 119.05 and 119.07 of the Revised Code. 98750  
~~The order shall not be subject to suspension by the court during~~ 98751  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 98752  
~~Code.~~ If the physician assistant requests an adjudicatory 98753  
hearing by the board, the date set for the hearing shall be 98754  
within fifteen days, but not earlier than seven days, after the 98755  
physician assistant requests the hearing, unless otherwise 98756  
agreed to by both the board and the license holder. 98757

(3) A summary suspension imposed under ~~this~~ division (G) 98758  
(2) of this section is not a final appealable order and is not 98759  
an adjudication that may be appealed under section 119.12 of the 98760  
Revised Code. The summary suspension shall remain in effect, 98761  
~~unless reversed on appeal,~~ until a final adjudicative order 98762

issued by the board pursuant to this section and Chapter 119. of 98763  
the Revised Code becomes effective. Once a final adjudicative 98764  
order has been issued by the board, any party adversely affected 98765  
by it may file an appeal in accordance with the requirements of 98766  
Chapter 119. of the Revised Code. ~~The~~ 98767

The board shall issue its final adjudicative order within 98768  
seventy-five days after completion of its hearing. Failure to 98769  
issue the order within seventy-five days shall result in 98770  
dissolution of the summary suspension order, but shall not 98771  
invalidate any subsequent, final adjudicative order. 98772

(H) If the board takes action under division (B) (11), 98773  
(13), or (14) of this section, and the judicial finding of 98774  
guilt, guilty plea, or judicial finding of eligibility for 98775  
intervention in lieu of conviction is overturned on appeal, upon 98776  
exhaustion of the criminal appeal, a petition for 98777  
reconsideration of the order may be filed with the board along 98778  
with appropriate court documents. Upon receipt of a petition and 98779  
supporting court documents, the board shall reinstate the 98780  
individual's license. The board may then hold an adjudication 98781  
under Chapter 119. of the Revised Code to determine whether the 98782  
individual committed the act in question. Notice of opportunity 98783  
for hearing shall be given in accordance with Chapter 119. of 98784  
the Revised Code. If the board finds, pursuant to an 98785  
adjudication held under this division, that the individual 98786  
committed the act, or if no hearing is requested, it may order 98787  
any of the sanctions identified under division (B) of this 98788  
section. 98789

(I) The license to practice issued to a physician 98790  
assistant and the physician assistant's practice in this state 98791  
are automatically suspended as of the date the physician 98792

assistant pleads guilty to, is found by a judge or jury to be 98793  
guilty of, or is subject to a judicial finding of eligibility 98794  
for intervention in lieu of conviction in this state or 98795  
treatment or intervention in lieu of conviction in another state 98796  
for any of the following criminal offenses in this state or a 98797  
substantially equivalent criminal offense in another 98798  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 98799  
felonious assault, trafficking in persons, kidnapping, rape, 98800  
sexual battery, gross sexual imposition, aggravated arson, 98801  
aggravated robbery, or aggravated burglary. Continued practice 98802  
after the suspension shall be considered practicing without a 98803  
license. 98804

The board shall notify the individual subject to the 98805  
suspension in accordance with sections 119.05 and 119.07 of the 98806  
Revised Code. If an individual whose license is suspended under 98807  
this division fails to make a timely request for an adjudication 98808  
under Chapter 119. of the Revised Code, the board shall enter a 98809  
final order permanently revoking the individual's license to 98810  
practice. 98811

(J) In any instance in which the board is required by 98812  
Chapter 119. of the Revised Code to give notice of opportunity 98813  
for hearing and the individual subject to the notice does not 98814  
timely request a hearing in accordance with section 119.07 of 98815  
the Revised Code, the board is not required to hold a hearing, 98816  
but may adopt, by an affirmative vote of not fewer than six of 98817  
its members, a final order that contains the board's findings. 98818  
In that final order, the board may order any of the sanctions 98819  
identified under division (A) or (B) of this section. 98820

(K) Any action taken by the board under division (B) of 98821  
this section resulting in a suspension shall be accompanied by a 98822

written statement of the conditions under which the physician 98823  
assistant's license may be reinstated. The board shall adopt 98824  
rules in accordance with Chapter 119. of the Revised Code 98825  
governing conditions to be imposed for reinstatement. 98826  
Reinstatement of a license suspended pursuant to division (B) of 98827  
this section requires an affirmative vote of not fewer than six 98828  
members of the board. 98829

(L) When the board refuses to grant or issue to an 98830  
applicant a license to practice as a physician assistant, 98831  
revokes an individual's license, refuses to renew an 98832  
individual's license, or refuses to reinstate an individual's 98833  
license, the board may specify that its action is permanent. An 98834  
individual subject to a permanent action taken by the board is 98835  
forever thereafter ineligible to hold the license and the board 98836  
shall not accept an application for reinstatement of the license 98837  
or for issuance of a new license. 98838

(M) Notwithstanding any other provision of the Revised 98839  
Code, all of the following apply: 98840

(1) The surrender of a license issued under this chapter 98841  
is not effective unless or until accepted by the board. 98842  
Reinstatement of a license surrendered to the board requires an 98843  
affirmative vote of not fewer than six members of the board. 98844

(2) An application made under this chapter for a license 98845  
may not be withdrawn without approval of the board. 98846

(3) Failure by an individual to renew a license in 98847  
accordance with section 4730.14 of the Revised Code does not 98848  
remove or limit the board's jurisdiction to take disciplinary 98849  
action under this section against the individual. 98850

(4) The placement of an individual's license on retired 98851

status, as described in section 4730.141 of the Revised Code, 98852  
does not remove or limit the board's jurisdiction to take any 98853  
disciplinary action against the individual with regard to the 98854  
license as it existed before being placed on retired status. 98855

(N) The board shall not refuse to issue a license to an 98856  
applicant because of a conviction, plea of guilty, judicial 98857  
finding of guilt, judicial finding of eligibility for 98858  
intervention in lieu of conviction, or the commission of an act 98859  
that constitutes a criminal offense, unless the refusal is in 98860  
accordance with section 9.79 of the Revised Code. 98861

**Sec. 4730.433.** (A) (1) Subject to division (A) (2) of this 98862  
section, and notwithstanding any provision of this chapter or 98863  
rule adopted by the state medical board, a physician assistant 98864  
who holds a license issued under this chapter and a valid 98865  
prescriber number issued by the state medical board and has been 98866  
granted physician-delegated prescriptive authority may do either 98867  
of the following without having examined an individual to whom 98868  
epinephrine may be administered: 98869

(a) Personally furnish a supply of epinephrine 98870  
autoinjectors for use in accordance with sections 3313.7110, 98871  
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 98872  
~~5101.76~~ 5180.26 of the Revised Code; 98873

(b) Issue a prescription for epinephrine autoinjectors for 98874  
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 98875  
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 98876  
Revised Code. 98877

(2) An epinephrine autoinjector personally furnished or 98878  
prescribed under division (A) (1) of this section must be 98879  
furnished or prescribed in such a manner that it may be 98880

administered only in a manufactured dosage form. 98881

(B) A physician assistant who acts in good faith in 98882  
accordance with this section is not liable for or subject to any 98883  
of the following for any action or omission of an entity to 98884  
which an epinephrine autoinjector is furnished or a prescription 98885  
is issued: damages in any civil action, prosecution in any 98886  
criminal proceeding, or professional disciplinary action. 98887

**Sec. 4730.437.** (A) (1) Subject to division (A) (2) of this 98888  
section and notwithstanding any provision of this chapter or 98889  
rule adopted by the state medical board, a physician assistant 98890  
who holds a valid prescriber number issued by the board and has 98891  
been granted physician-delegated prescriptive authority may do 98892  
either of the following without having examined an individual to 98893  
whom glucagon may be administered: 98894

(a) Personally furnish a supply of injectable or nasally 98895  
administered glucagon for use in accordance with section 98896  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 98897  
5180.262 of the Revised Code; 98898

(b) Issue a prescription for injectable or nasally 98899  
administered glucagon in accordance with section 3313.7115, 98900  
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of 98901  
the Revised Code. 98902

(2) Injectable or nasally administered glucagon personally 98903  
furnished or prescribed under division (A) (1) of this section 98904  
must be furnished or prescribed in such a manner that it may be 98905  
administered only in a manufactured dosage form. 98906

(B) A physician assistant who acts in good faith in 98907  
accordance with this section is not liable for or subject to any 98908  
of the following for any action or omission of an entity to 98909

which injectable or nasally administered glucagon is furnished 98910  
or a prescription is issued: damages in any civil action, 98911  
prosecution in any criminal proceeding, or professional 98912  
disciplinary action. 98913

**Sec. 4730.99.** (A) Whoever violates section 4730.02 of the 98914  
Revised Code is guilty of a misdemeanor of the first degree on a 98915  
first offense; on each subsequent offense, the person is guilty 98916  
of a felony of the fourth degree. 98917

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 98918  
(D), or (E) of section 4730.32 of the Revised Code is guilty of 98919  
a minor misdemeanor on a first offense; on each subsequent 98920  
offense the person is guilty of a misdemeanor of the fourth 98921  
degree, except that an individual guilty of a subsequent offense 98922  
shall not be subject to imprisonment, but to a fine alone of up 98923  
to one thousand dollars for each offense. 98924

(2) Whoever violates division (B) (2) or (C) (3) of section 98925  
4730.32 of the Revised Code is guilty of ~~failure to report~~ 98926  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 98927  
fourth degree. ~~If the offender has previously been convicted of~~ 98928  
~~a violation of this division, the failure to report on a first~~ 98929  
offense; on each subsequent offense, the person is guilty of a 98930  
misdemeanor of the first degree. 98931

(C) Whoever violates division (F) of section 4730.26 of 98932  
the Revised Code is guilty of ~~disclosing confidential~~ 98933  
~~investigatory information,~~ a misdemeanor of the first degree. 98934

**Sec. 4731.22.** (A) The state medical board, by an 98935  
affirmative vote of not fewer than six of its members, may 98936  
limit, revoke, or suspend a license or certificate to practice 98937  
or certificate to recommend, refuse to grant a license or 98938

certificate, refuse to renew a license or certificate, refuse to 98939  
reinstate a license or certificate, or reprimand or place on 98940  
probation the holder of a license or certificate if the 98941  
individual applying for or holding the license or certificate is 98942  
found by the board to have committed fraud during the 98943  
administration of the examination for a license or certificate 98944  
to practice or to have committed fraud, misrepresentation, or 98945  
deception in applying for, renewing, or securing any license or 98946  
certificate to practice or certificate to recommend issued by 98947  
the board. 98948

(B) Except as provided in division (P) of this section, 98949  
the board, by an affirmative vote of not fewer than six members, 98950  
shall, to the extent permitted by law, limit, revoke, or suspend 98951  
a license or certificate to practice or certificate to 98952  
recommend, refuse to issue a license or certificate, refuse to 98953  
renew a license or certificate, refuse to reinstate a license or 98954  
certificate, or reprimand or place on probation the holder of a 98955  
license or certificate for one or more of the following reasons: 98956

(1) Permitting one's name or one's license or certificate 98957  
to practice to be used by a person, group, or corporation when 98958  
the individual concerned is not actually directing the treatment 98959  
given; 98960

(2) Failure to maintain minimal standards applicable to 98961  
the selection or administration of drugs, or failure to employ 98962  
acceptable scientific methods in the selection of drugs or other 98963  
modalities for treatment of disease; 98964

(3) Except as provided in section 4731.97 of the Revised 98965  
Code, selling, giving away, personally furnishing, prescribing, 98966  
or administering drugs for other than legal and legitimate 98967  
therapeutic purposes or a plea of guilty to, a judicial finding 98968

of guilt of, or a judicial finding of eligibility for 98969  
intervention in lieu of conviction of, a violation of any 98970  
federal or state law regulating the possession, distribution, or 98971  
use of any drug; 98972

(4) Willfully betraying a professional confidence. 98973

For purposes of this division, "willfully betraying a 98974  
professional confidence" does not include providing any 98975  
information, documents, or reports under sections 307.621 to 98976  
307.629 of the Revised Code to a child fatality review board; 98977  
does not include providing any information, documents, or 98978  
reports under sections 307.631 to 307.6410 of the Revised Code 98979  
to a drug overdose fatality review committee, a suicide fatality 98980  
review committee, or hybrid drug overdose fatality and suicide 98981  
fatality review committee; does not include providing any 98982  
information, documents, or reports under sections 307.651 to 98983  
307.659 of the Revised Code to a domestic violence fatality 98984  
review board; does not include providing any information, 98985  
documents, or reports to the director of health pursuant to 98986  
guidelines established under section 3701.70 of the Revised 98987  
Code; does not include written notice to a mental health 98988  
professional under section 4731.62 of the Revised Code; does not 98989  
include making a report as described in division (F) of section 98990  
2921.22 and section 4731.224 of the Revised Code; and does not 98991  
include the making of a report of an employee's use of a drug of 98992  
abuse, or a report of a condition of an employee other than one 98993  
involving the use of a drug of abuse, to the employer of the 98994  
employee as described in division (B) of section 2305.33 of the 98995  
Revised Code. Nothing in this division affects the immunity from 98996  
civil liability conferred by section 2305.33 or 4731.62 of the 98997  
Revised Code upon a physician who makes a report in accordance 98998  
with section 2305.33 or notifies a mental health professional in 98999

accordance with section 4731.62 of the Revised Code. As used in 99000  
this division, "employee," "employer," and "physician" have the 99001  
same meanings as in section 2305.33 of the Revised Code. 99002

(5) Making a false, fraudulent, deceptive, or misleading 99003  
statement in the solicitation of or advertising for patients; in 99004  
relation to the practice of medicine and surgery, osteopathic 99005  
medicine and surgery, podiatric medicine and surgery, or a 99006  
limited branch of medicine; or in securing or attempting to 99007  
secure any license or certificate to practice issued by the 99008  
board. 99009

As used in this division, "false, fraudulent, deceptive, 99010  
or misleading statement" means a statement that includes a 99011  
misrepresentation of fact, is likely to mislead or deceive 99012  
because of a failure to disclose material facts, is intended or 99013  
is likely to create false or unjustified expectations of 99014  
favorable results, or includes representations or implications 99015  
that in reasonable probability will cause an ordinarily prudent 99016  
person to misunderstand or be deceived. 99017

(6) A departure from, or the failure to conform to, 99018  
minimal standards of care of similar practitioners under the 99019  
same or similar circumstances, whether or not actual injury to a 99020  
patient is established; 99021

(7) Representing, with the purpose of obtaining 99022  
compensation or other advantage as personal gain or for any 99023  
other person, that an incurable disease or injury, or other 99024  
incurable condition, can be permanently cured; 99025

(8) The obtaining of, or attempting to obtain, money or 99026  
anything of value by fraudulent misrepresentations in the course 99027  
of practice; 99028

- (9) A plea of guilty to, a judicial finding of guilt of, 99029  
or a judicial finding of eligibility for intervention in lieu of 99030  
conviction for, a felony; 99031
- (10) Commission of an act that constitutes a felony in 99032  
this state, regardless of the jurisdiction in which the act was 99033  
committed; 99034
- (11) A plea of guilty to, a judicial finding of guilt of, 99035  
or a judicial finding of eligibility for intervention in lieu of 99036  
conviction for, a misdemeanor committed in the course of 99037  
practice; 99038
- (12) Commission of an act in the course of practice that 99039  
constitutes a misdemeanor in this state, regardless of the 99040  
jurisdiction in which the act was committed; 99041
- (13) A plea of guilty to, a judicial finding of guilt of, 99042  
or a judicial finding of eligibility for intervention in lieu of 99043  
conviction for, a misdemeanor involving moral turpitude; 99044
- (14) Commission of an act involving moral turpitude that 99045  
constitutes a misdemeanor in this state, regardless of the 99046  
jurisdiction in which the act was committed; 99047
- (15) Violation of the conditions of limitation placed by 99048  
the board upon a license or certificate to practice; 99049
- (16) Failure to pay license renewal fees specified in this 99050  
chapter; 99051
- (17) Except as authorized in section 4731.31 of the 99052  
Revised Code, engaging in the division of fees for referral of 99053  
patients, or the receiving of a thing of value in return for a 99054  
specific referral of a patient to utilize a particular service 99055  
or business; 99056

(18) Subject to section 4731.226 of the Revised Code, 99057  
violation of any provision of a code of ethics of the American 99058  
medical association, the American osteopathic association, the 99059  
American podiatric medical association, or any other national 99060  
professional organizations that the board specifies by rule. The 99061  
state medical board shall obtain and keep on file current copies 99062  
of the codes of ethics of the various national professional 99063  
organizations. The individual whose license or certificate is 99064  
being suspended or revoked shall not be found to have violated 99065  
any provision of a code of ethics of an organization not 99066  
appropriate to the individual's profession. 99067

For purposes of this division, a "provision of a code of 99068  
ethics of a national professional organization" does not include 99069  
any provision that would preclude the making of a report by a 99070  
physician of an employee's use of a drug of abuse, or of a 99071  
condition of an employee other than one involving the use of a 99072  
drug of abuse, to the employer of the employee as described in 99073  
division (B) of section 2305.33 of the Revised Code. Nothing in 99074  
this division affects the immunity from civil liability 99075  
conferred by that section upon a physician who makes either type 99076  
of report in accordance with division (B) of that section. As 99077  
used in this division, "employee," "employer," and "physician" 99078  
have the same meanings as in section 2305.33 of the Revised 99079  
Code. 99080

(19) Inability to practice according to acceptable and 99081  
prevailing standards of care by reason of mental illness or 99082  
physical illness, including, but not limited to, physical 99083  
deterioration that adversely affects cognitive, motor, or 99084  
perceptive skills. 99085

In enforcing this division, the board, upon a showing of a 99086

possible violation, shall refer any individual who is authorized 99087  
to practice by this chapter or who has submitted an application 99088  
pursuant to this chapter to the monitoring organization that 99089  
conducts the confidential monitoring program established under 99090  
section 4731.25 of the Revised Code. The board also may compel 99091  
the individual to submit to a mental examination, physical 99092  
examination, including an HIV test, or both a mental and a 99093  
physical examination. The expense of the examination is the 99094  
responsibility of the individual compelled to be examined. 99095  
Failure to submit to a mental or physical examination or consent 99096  
to an HIV test ordered by the board constitutes an admission of 99097  
the allegations against the individual unless the failure is due 99098  
to circumstances beyond the individual's control, and a default 99099  
and final order may be entered without the taking of testimony 99100  
or presentation of evidence. If the board finds an individual 99101  
unable to practice because of the reasons set forth in this 99102  
division, the board shall require the individual to submit to 99103  
care, counseling, or treatment by physicians approved or 99104  
designated by the board, as a condition for initial, continued, 99105  
reinstated, or renewed authority to practice. An individual 99106  
affected under this division shall be afforded an opportunity to 99107  
demonstrate to the board the ability to resume practice in 99108  
compliance with acceptable and prevailing standards under the 99109  
provisions of the individual's license or certificate. For the 99110  
purpose of this division, any individual who applies for or 99111  
receives a license or certificate to practice under this chapter 99112  
accepts the privilege of practicing in this state and, by so 99113  
doing, shall be deemed to have given consent to submit to a 99114  
mental or physical examination when directed to do so in writing 99115  
by the board, and to have waived all objections to the 99116  
admissibility of testimony or examination reports that 99117  
constitute a privileged communication. 99118

(20) Except as provided in division (F) (1) (b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to

practice; acceptance of an individual's license surrender; 99149  
denial of a license; refusal to renew or reinstate a license; 99150  
imposition of probation; or issuance of an order of censure or 99151  
other reprimand; 99152

(23) The violation of section 2919.12 of the Revised Code 99153  
or the performance or inducement of an abortion upon a pregnant 99154  
woman with actual knowledge that the conditions specified in 99155  
division (B) of section 2317.56 of the Revised Code have not 99156  
been satisfied or with a heedless indifference as to whether 99157  
those conditions have been satisfied, unless an affirmative 99158  
defense as specified in division (H) (2) of that section would 99159  
apply in a civil action authorized by division (H) (1) of that 99160  
section; 99161

(24) The revocation, suspension, restriction, reduction, 99162  
or termination of clinical privileges by the United States 99163  
department of defense or department of veterans affairs or the 99164  
termination or suspension of a certificate of registration to 99165  
prescribe drugs by the drug enforcement administration of the 99166  
United States department of justice; 99167

(25) Termination or suspension from participation in the 99168  
medicare or medicaid programs by the department of health and 99169  
human services or other responsible agency; 99170

(26) Impairment of ability to practice according to 99171  
acceptable and prevailing standards of care because of substance 99172  
use disorder or excessive use or abuse of drugs, alcohol, or 99173  
other substances that may impair ability to practice. 99174

For the purposes of this division, any individual 99175  
authorized to practice by this chapter accepts the privilege of 99176  
practicing in this state subject to supervision by the board. By 99177

filing an application for or holding a license or certificate to 99178  
practice under this chapter, an individual shall be deemed to 99179  
have given consent to submit to a mental or physical examination 99180  
when ordered to do so by the board in writing, and to have 99181  
waived all objections to the admissibility of testimony or 99182  
examination reports that constitute privileged communications. 99183

If it has reason to believe that any individual authorized 99184  
to practice by this chapter or any applicant for licensure or 99185  
certification to practice suffers such impairment, the board 99186  
shall refer the individual to the monitoring organization that 99187  
conducts the confidential monitoring program established under 99188  
section 4731.25 of the Revised Code. The board also may compel 99189  
the individual to submit to a mental or physical examination, or 99190  
both. The expense of the examination is the responsibility of 99191  
the individual compelled to be examined. Any mental or physical 99192  
examination required under this division shall be undertaken by 99193  
a treatment provider or physician who is qualified to conduct 99194  
the examination and who is approved under section 4731.251 of 99195  
the Revised Code. 99196

Failure to submit to a mental or physical examination 99197  
ordered by the board constitutes an admission of the allegations 99198  
against the individual unless the failure is due to 99199  
circumstances beyond the individual's control, and a default and 99200  
final order may be entered without the taking of testimony or 99201  
presentation of evidence. If the board determines that the 99202  
individual's ability to practice is impaired, the board shall 99203  
suspend the individual's license or certificate or deny the 99204  
individual's application and shall require the individual, as a 99205  
condition for initial, continued, reinstated, or renewed 99206  
licensure or certification to practice, to submit to treatment. 99207

Before being eligible to apply for reinstatement of a 99208  
license or certificate suspended under this division, the 99209  
impaired practitioner shall demonstrate to the board the ability 99210  
to resume practice in compliance with acceptable and prevailing 99211  
standards of care under the provisions of the practitioner's 99212  
license or certificate. The demonstration shall include, but 99213  
shall not be limited to, the following: 99214

(a) Certification from a treatment provider approved under 99215  
section 4731.251 of the Revised Code that the individual has 99216  
successfully completed any required inpatient treatment; 99217

(b) Evidence of continuing full compliance with an 99218  
aftercare contract or consent agreement; 99219

(c) Two written reports indicating that the individual's 99220  
ability to practice has been assessed and that the individual 99221  
has been found capable of practicing according to acceptable and 99222  
prevailing standards of care. The reports shall be made by 99223  
individuals or providers approved by the board for making the 99224  
assessments and shall describe the basis for their 99225  
determination. 99226

The board may reinstate a license or certificate suspended 99227  
under this division after that demonstration and after the 99228  
individual has entered into a written consent agreement. 99229

When the impaired practitioner resumes practice, the board 99230  
shall require continued monitoring of the individual. The 99231  
monitoring shall include, but not be limited to, compliance with 99232  
the written consent agreement entered into before reinstatement 99233  
or with conditions imposed by board order after a hearing, and, 99234  
upon termination of the consent agreement, submission to the 99235  
board for at least two years of annual written progress reports 99236

made under penalty of perjury stating whether the individual has 99237  
maintained sobriety. 99238

(27) A second or subsequent violation of section 4731.66 99239  
or 4731.69 of the Revised Code; 99240

(28) Except as provided in division (N) of this section: 99241

(a) Waiving the payment of all or any part of a deductible 99242  
or copayment that a patient, pursuant to a health insurance or 99243  
health care policy, contract, or plan that covers the 99244  
individual's services, otherwise would be required to pay if the 99245  
waiver is used as an enticement to a patient or group of 99246  
patients to receive health care services from that individual; 99247

(b) Advertising that the individual will waive the payment 99248  
of all or any part of a deductible or copayment that a patient, 99249  
pursuant to a health insurance or health care policy, contract, 99250  
or plan that covers the individual's services, otherwise would 99251  
be required to pay. 99252

(29) Failure to use universal blood and body fluid 99253  
precautions established by rules adopted under section 4731.051 99254  
of the Revised Code; 99255

(30) Failure to provide notice to, and receive 99256  
acknowledgment of the notice from, a patient when required by 99257  
section 4731.143 of the Revised Code prior to providing 99258  
nonemergency professional services, or failure to maintain that 99259  
notice in the patient's medical record; 99260

(31) Failure of a physician supervising a physician 99261  
assistant to maintain supervision in accordance with the 99262  
requirements of Chapter 4730. of the Revised Code and the rules 99263  
adopted under that chapter; 99264

- (32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; 99265  
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- (33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 99272  
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- (34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 99275  
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- (35) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 99286  
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- (36) Assisting suicide, as defined in section 3795.01 of the Revised Code; 99289  
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- (37) Failure to comply with the requirements of section 2317.561 of the Revised Code; 99291  
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- (38) Failure to supervise a radiologist assistant in 99293

accordance with Chapter 4774. of the Revised Code and the	99294
board's rules for supervision of radiologist assistants;	99295
(39) Performing or inducing an abortion at an office or	99296
facility with knowledge that the office or facility fails to	99297
post the notice required under section 3701.791 of the Revised	99298
Code;	99299
(40) Failure to comply with the standards and procedures	99300
established in rules under section 4731.054 of the Revised Code	99301
for the operation of or the provision of care at a pain	99302
management clinic;	99303
(41) Failure to comply with the standards and procedures	99304
established in rules under section 4731.054 of the Revised Code	99305
for providing supervision, direction, and control of individuals	99306
at a pain management clinic;	99307
(42) Failure to comply with the requirements of section	99308
4729.79 or 4731.055 of the Revised Code, unless the state board	99309
of pharmacy no longer maintains a drug database pursuant to	99310
section 4729.75 of the Revised Code;	99311
(43) Failure to comply with the requirements of section	99312
2919.171, 2919.202, or 2919.203 of the Revised Code or failure	99313
to submit to the department of health in accordance with a court	99314
order a complete report as described in section 2919.171 or	99315
2919.202 of the Revised Code;	99316
(44) Practicing at a facility that is subject to licensure	99317
as a category III terminal distributor of dangerous drugs with a	99318
pain management clinic classification unless the person	99319
operating the facility has obtained and maintains the license	99320
with the classification;	99321
(45) Owning a facility that is subject to licensure as a	99322

category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	99323 99324 99325
(46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	99326 99327 99328 99329 99330
(47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	99331 99332 99333 99334
(48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	99335 99336 99337 99338
(49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code;	99339 99340
(50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	99341 99342 99343
(51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive;	99344 99345 99346 99347
(52) Violation of section 4731.77 of the Revised Code;	99348
(53) Failure of a physician supervising a certified mental health assistant to maintain supervision in accordance with the	99349 99350

requirements of Chapter 4772. of the Revised Code and the rules 99351  
adopted under that chapter; 99352

(54) Failure to comply with the requirements of section 99353  
3705.16 of the Revised Code when certifying a decedent's cause 99354  
of death and completing and signing the medical certificate of 99355  
death. 99356

(C) Disciplinary actions taken by the board under 99357  
divisions (A) and (B) of this section shall be taken pursuant to 99358  
an adjudication under Chapter 119. of the Revised Code, except 99359  
that in lieu of an adjudication, the board may enter into a 99360  
consent agreement with an individual to resolve an allegation of 99361  
a violation of this chapter or any rule adopted under it. A 99362  
consent agreement, when ratified by an affirmative vote of not 99363  
fewer than six members of the board, shall constitute the 99364  
findings and order of the board with respect to the matter 99365  
addressed in the agreement. If the board refuses to ratify a 99366  
consent agreement, the admissions and findings contained in the 99367  
consent agreement shall be of no force or effect. 99368

A telephone conference call may be utilized for 99369  
ratification of a consent agreement that revokes or suspends an 99370  
individual's license or certificate to practice or certificate 99371  
to recommend. The telephone conference call shall be considered 99372  
a special meeting under division (F) of section 121.22 of the 99373  
Revised Code. 99374

If the board takes disciplinary action against an 99375  
individual under division (B) of this section for a second or 99376  
subsequent plea of guilty to, or judicial finding of guilt of, a 99377  
violation of section 2919.123 or 2919.124 of the Revised Code, 99378  
the disciplinary action shall consist of a suspension of the 99379  
individual's license or certificate to practice for a period of 99380

at least one year or, if determined appropriate by the board, a  
more serious sanction involving the individual's license or  
certificate to practice. Any consent agreement entered into  
under this division with an individual that pertains to a second  
or subsequent plea of guilty to, or judicial finding of guilt  
of, a violation of that section shall provide for a suspension  
of the individual's license or certificate to practice for a  
period of at least one year or, if determined appropriate by the  
board, a more serious sanction involving the individual's  
license or certificate to practice.

(D) For purposes of divisions (B) (10), (12), and (14) of  
this section, the commission of the act may be established by a  
finding by the board, pursuant to an adjudication under Chapter  
119. of the Revised Code, that the individual committed the act.  
The board does not have jurisdiction under those divisions if  
the trial court renders a final judgment in the individual's  
favor and that judgment is based upon an adjudication on the  
merits. The board has jurisdiction under those divisions if the  
trial court issues an order of dismissal upon technical or  
procedural grounds.

(E) The sealing or expungement of conviction records by  
any court shall have no effect upon a prior board order entered  
under this section or upon the board's jurisdiction to take  
action under this section if, based upon a plea of guilty, a  
judicial finding of guilt, or a judicial finding of eligibility  
for intervention in lieu of conviction, the board issued a  
notice of opportunity for a hearing prior to the court's order  
to seal or expunge the records. The board shall not be required  
to seal, expunge, destroy, redact, or otherwise modify its  
records to reflect the court's sealing of conviction records.

(F) (1) The board shall investigate evidence that appears 99411  
to show that a person has violated any provision of this chapter 99412  
or any rule adopted under it. Any person may report to the board 99413  
in a signed writing any information that the person may have 99414  
that appears to show a violation of any provision of this 99415  
chapter or any rule adopted under it. In the absence of bad 99416  
faith, any person who reports information of that nature or who 99417  
testifies before the board in any adjudication conducted under 99418  
Chapter 119. of the Revised Code shall not be liable in damages 99419  
in a civil action as a result of the report or testimony. Each 99420  
complaint or allegation of a violation received by the board 99421  
shall be assigned a case number and shall be recorded by the 99422  
board. 99423

(2) Investigations of alleged violations of this chapter 99424  
or any rule adopted under it shall be supervised by the 99425  
supervising member elected by the board in accordance with 99426  
section 4731.02 of the Revised Code and by the secretary as 99427  
provided in section 4731.39 of the Revised Code. The president 99428  
may designate another member of the board to supervise the 99429  
investigation in place of the supervising member. Upon a vote of 99430  
the majority of the board to authorize the addition of a 99431  
consumer member in the supervision of any part of any 99432  
investigation, the president shall designate a consumer member 99433  
for supervision of investigations as determined by the 99434  
president. The authorization of consumer member participation in 99435  
investigation supervision may be rescinded by a majority vote of 99436  
the board. No member of the board who supervises the 99437  
investigation of a case shall participate in further 99438  
adjudication of the case. 99439

(3) In investigating a possible violation of this chapter 99440  
or any rule adopted under this chapter, or in conducting an 99441

inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board.

(a) Before issuance of a subpoena for patient record information, the secretary shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued

under this chapter, service of the subpoena may be made by 99472  
certified mail, return receipt requested, and the subpoena shall 99473  
be deemed served on the date delivery is made or the date the 99474  
person refuses to accept delivery. If the person being served 99475  
refuses to accept the subpoena or is not located, service may be 99476  
made to an attorney who notifies the board that the attorney is 99477  
representing the person. 99478

(d) A sheriff's deputy who serves a subpoena shall receive 99479  
the same fees as a sheriff. Each witness who appears before the 99480  
board in obedience to a subpoena shall receive the fees and 99481  
mileage provided for under section 119.094 of the Revised Code. 99482

(4) All hearings, investigations, and inspections of the 99483  
board shall be considered civil actions for the purposes of 99484  
section 2305.252 of the Revised Code. 99485

(5) A report required to be submitted to the board under 99486  
this chapter, a complaint, or information received by the board 99487  
pursuant to an investigation or pursuant to an inspection under 99488  
division (E) of section 4731.054 of the Revised Code is 99489  
confidential and not subject to discovery in any civil action. 99490

The board shall conduct all investigations or inspections 99491  
and proceedings in a manner that protects the confidentiality of 99492  
patients and persons who file complaints with the board. The 99493  
board shall not make public the names or any other identifying 99494  
information about patients or complainants unless proper consent 99495  
is given or, in the case of a patient, a waiver of the patient 99496  
privilege exists under division (B) of section 2317.02 of the 99497  
Revised Code, except that consent or a waiver of that nature is 99498  
not required if the board possesses reliable and substantial 99499  
evidence that no bona fide physician-patient relationship 99500  
exists. 99501

The board may share any information it receives pursuant 99502  
to an investigation or inspection, including patient records and 99503  
patient record information, with law enforcement agencies, other 99504  
licensing boards, and other governmental agencies that are 99505  
prosecuting, adjudicating, or investigating alleged violations 99506  
of statutes or administrative rules. An agency or board that 99507  
receives the information shall comply with the same requirements 99508  
regarding confidentiality as those with which the state medical 99509  
board must comply, notwithstanding any conflicting provision of 99510  
the Revised Code or procedure of the agency or board that 99511  
applies when it is dealing with other information in its 99512  
possession. In a judicial proceeding, the information may be 99513  
admitted into evidence only in accordance with the Rules of 99514  
Evidence, but the court shall require that appropriate measures 99515  
are taken to ensure that confidentiality is maintained with 99516  
respect to any part of the information that contains names or 99517  
other identifying information about patients or complainants 99518  
whose confidentiality was protected by the state medical board 99519  
when the information was in the board's possession. Measures to 99520  
ensure confidentiality that may be taken by the court include 99521  
sealing its records or deleting specific information from its 99522  
records. 99523

No person shall knowingly access, use, or disclose 99524  
confidential investigatory information in a manner prohibited by 99525  
law. 99526

(6) On a quarterly basis, the board shall prepare a report 99527  
that documents the disposition of all cases during the preceding 99528  
three months. The report shall contain the following information 99529  
for each case with which the board has completed its activities: 99530

(a) The case number assigned to the complaint or alleged 99531

violation;	99532
(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;	99533 99534 99535
(c) A description of the allegations contained in the complaint;	99536 99537
(d) Whether witnesses were interviewed;	99538
(e) Whether the individual against whom the complaint is directed is the subject of any pending complaints;	99539 99540
(f) The disposition of the case.	99541
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	99542 99543 99544 99545
(7) The board may provide a status update regarding an investigation to a complainant on request if the board verifies the complainant's identity.	99546 99547 99548
(G) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:	99549 99550 99551 99552
(a) The secretary and supervising member determine both of the following:	99553 99554
(i) That there is clear and convincing evidence that an individual has violated division (B) of this section;	99555 99556
(ii) That the individual's continued practice presents a danger of immediate and serious harm to the public.	99557 99558

(b) The board receives verifiable information that a licensee has been charged in any state or federal court with a crime classified as a felony under the charging court's law and the conduct constitutes a violation of division (B) of this section.

(2) If a recommendation is made to suspend without a prior hearing pursuant to division (G)(1) of this section, written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. ~~The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.~~ If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

(3) Any summary suspension imposed under ~~this division~~ (G)(2) of this section is not a final appealable order and is not an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, ~~unless reversed on appeal,~~ until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative

order has been issued by the board, any party adversely affected 99589  
by it may file an appeal in accordance with the requirements of 99590  
Chapter 119. of the Revised Code. ~~The~~ 99591

The board shall issue its final adjudicative order within 99592  
seventy-five days after completion of its hearing. A failure to 99593  
issue the order within seventy-five days shall result in 99594  
dissolution of the summary suspension order but shall not 99595  
invalidate any subsequent, final adjudicative order. 99596

(H) If the board takes action under division (B) (9), (11), 99597  
or (13) of this section and the judicial finding of guilt, 99598  
guilty plea, or judicial finding of eligibility for intervention 99599  
in lieu of conviction is overturned on appeal, upon exhaustion 99600  
of the criminal appeal, a petition for reconsideration of the 99601  
order may be filed with the board along with appropriate court 99602  
documents. Upon receipt of a petition of that nature and 99603  
supporting court documents, the board shall reinstate the 99604  
individual's license or certificate to practice. The board may 99605  
then hold an adjudication under Chapter 119. of the Revised Code 99606  
to determine whether the individual committed the act in 99607  
question. Notice of an opportunity for a hearing shall be given 99608  
in accordance with Chapter 119. of the Revised Code. If the 99609  
board finds, pursuant to an adjudication held under this 99610  
division, that the individual committed the act or if no hearing 99611  
is requested, the board may order any of the sanctions 99612  
identified under division (B) of this section. 99613

(I) The license or certificate to practice issued to an 99614  
individual under this chapter and the individual's practice in 99615  
this state are automatically suspended as of the date of the 99616  
individual's second or subsequent plea of guilty to, or judicial 99617  
finding of guilt of, a violation of section 2919.123 or 2919.124 99618

of the Revised Code. In addition, the license or certificate to 99619  
practice or certificate to recommend issued to an individual 99620  
under this chapter and the individual's practice in this state 99621  
are automatically suspended as of the date the individual pleads 99622  
guilty to, is found by a judge or jury to be guilty of, or is 99623  
subject to a judicial finding of eligibility for intervention in 99624  
lieu of conviction in this state or treatment or intervention in 99625  
lieu of conviction in another jurisdiction for any of the 99626  
following criminal offenses in this state or a substantially 99627  
equivalent criminal offense in another jurisdiction: aggravated 99628  
murder, murder, voluntary manslaughter, felonious assault, 99629  
trafficking in persons, kidnapping, rape, sexual battery, gross 99630  
sexual imposition, aggravated arson, aggravated robbery, or 99631  
aggravated burglary. Continued practice after suspension shall 99632  
be considered practicing without a license or certificate. 99633

The board shall notify the individual subject to the 99634  
suspension in accordance with sections 119.05 and 119.07 of the 99635  
Revised Code. If an individual whose license or certificate is 99636  
automatically suspended under this division fails to make a 99637  
timely request for an adjudication under Chapter 119. of the 99638  
Revised Code, the board shall do whichever of the following is 99639  
applicable: 99640

(1) If the automatic suspension under this division is for 99641  
a second or subsequent plea of guilty to, or judicial finding of 99642  
guilt of, a violation of section 2919.123 or 2919.124 of the 99643  
Revised Code, the board shall enter an order suspending the 99644  
individual's license or certificate to practice for a period of 99645  
at least one year or, if determined appropriate by the board, 99646  
imposing a more serious sanction involving the individual's 99647  
license or certificate to practice. 99648

(2) In all circumstances in which division (I) (1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for

reinstatement of the license or certificate or for issuance of a new license or certificate. 99679  
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(M) Notwithstanding any other provision of the Revised Code, all of the following apply: 99681  
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(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board. 99683  
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(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board. 99692  
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(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 99695  
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(4) The placement of an individual's license on retired status, as described in section 4731.283 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status. 99701  
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(5) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or 99706  
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certificate that the board has suspended, revoked, or 99708  
permanently revoked. 99709

(N) Sanctions shall not be imposed under division (B) (28) 99710  
of this section against any person who waives deductibles and 99711  
copayments as follows: 99712

(1) In compliance with the health benefit plan that 99713  
expressly allows such a practice. Waiver of the deductibles or 99714  
copayments shall be made only with the full knowledge and 99715  
consent of the plan purchaser, payer, and third-party 99716  
administrator. Documentation of the consent shall be made 99717  
available to the board upon request. 99718

(2) For professional services rendered to any other person 99719  
authorized to practice pursuant to this chapter, to the extent 99720  
allowed by this chapter and rules adopted by the board. 99721

(O) Under the board's investigative duties described in 99722  
this section and subject to division (F) of this section, the 99723  
board shall develop and implement a quality intervention program 99724  
designed to improve through remedial education the clinical and 99725  
communication skills of individuals authorized under this 99726  
chapter to practice medicine and surgery, osteopathic medicine 99727  
and surgery, and podiatric medicine and surgery. In developing 99728  
and implementing the quality intervention program, the board may 99729  
do all of the following: 99730

(1) Offer in appropriate cases as determined by the board 99731  
an educational and assessment program pursuant to an 99732  
investigation the board conducts under this section; 99733

(2) Select providers of educational and assessment 99734  
services, including a quality intervention program panel of case 99735  
reviewers; 99736

(3) Make referrals to educational and assessment service 99737  
providers and approve individual educational programs 99738  
recommended by those providers. The board shall monitor the 99739  
progress of each individual undertaking a recommended individual 99740  
educational program. 99741

(4) Determine what constitutes successful completion of an 99742  
individual educational program and require further monitoring of 99743  
the individual who completed the program or other action that 99744  
the board determines to be appropriate; 99745

(5) Adopt rules in accordance with Chapter 119. of the 99746  
Revised Code to further implement the quality intervention 99747  
program. 99748

An individual who participates in an individual 99749  
educational program pursuant to this division shall pay the 99750  
financial obligations arising from that educational program. 99751

(P) The board shall not refuse to issue a license to an 99752  
applicant because of a conviction, plea of guilty, judicial 99753  
finding of guilt, judicial finding of eligibility for 99754  
intervention in lieu of conviction, or the commission of an act 99755  
that constitutes a criminal offense, unless the refusal is in 99756  
accordance with section 9.79 of the Revised Code. 99757

(Q) A license or certificate to practice or certificate to 99758  
recommend issued to an individual under this chapter and an 99759  
individual's practice under this chapter in this state are 99760  
automatically suspended if the individual's license or 99761  
certificate to practice a health care occupation or provide 99762  
health care services is suspended, revoked, or surrendered or 99763  
relinquished in lieu of discipline by an agency responsible for 99764  
authorizing, certifying, or regulating an individual to practice 99765

a health care occupation or provide health care services in this state or another jurisdiction. The automatic suspension begins immediately upon entry of the order by the agency and lasts for ninety days to permit the board to investigate the basis for the action under this chapter. Continued practice during the automatic suspension shall be considered practicing without a license or certificate.

The board shall notify the individual subject to the automatic suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual subject to an automatic suspension under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

**Sec. 4731.2210.** (A) As used in this section:

(1) "Key third party" means an individual closely involved in a patient's decision-making regarding health care services, including a patient's spouse or partner, parents, children, siblings, or guardians. An individual's status as a key third party ceases upon termination of a practitioner-patient relationship or termination of the relationship between a patient and the individual.

(2) "Practitioner" means any of the following:

(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery,

podiatric medicine and surgery, or a limited branch of medicine;	99795
(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;	99796 99797
(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;	99798 99799
(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;	99800 99801
(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;	99802 99803
(f) An individual authorized under Chapter 4762. of the Revised Code to practice as an acupuncturist <del>or oriental medicine practitioner;</del>	99804 99805 99806
(g) <u>An individual authorized under Chapter 4772. of the Revised Code to practice as a certified mental health assistant;</u>	99807 99808
<u>(h)</u> An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	99809 99810
<del>(h)</del> <u>(i)</u> An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	99811 99812
(3) "Sexual misconduct" has the same meaning as in section 4731.224 of the Revised Code.	99813 99814
(B) Except as provided in division (D) of this section, the state medical board may require a practitioner that is subject to a probationary order of the board <del>that is made on or after the effective date of this section,</del> and that involves a circumstance described in division (C) of this section, to provide to each patient, or to the patient's guardian or a key third party, a written disclosure signed by the practitioner	99815 99816 99817 99818 99819 99820 99821

- that includes all of the following: 99822
- (1) The practitioner's probation status; 99823
  - (2) The total length of the probation; 99824
  - (3) The probation end date; 99825
  - (4) Practice restrictions placed on the practitioner by  
the board; 99826  
99827
  - (5) The board's telephone number; 99828
  - (6) An explanation of how the patient can find additional  
information regarding the probation on the practitioner's  
profile page on the board's internet web site. 99829  
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- The written disclosure, if required by the board, shall be 99832  
provided before the patient's first visit following the 99833  
probationary order of the board. The practitioner shall obtain a 99834  
copy of the disclosure signed by the patient, or the patient's 99835  
guardian or a key third party, and maintain the signed copy in 99836  
the patient's medical record. The signed copy shall be made 99837  
available to the board immediately upon request. 99838
- (C) The written disclosure described in division (B) of 99839  
this section applies in both of the following circumstances: 99840
- (1) Issuance by the board of a final order, final 99841  
adjudicative order under Chapter 119. of the Revised Code, or a 99842  
consent agreement that is ratified by an affirmative vote of not 99843  
fewer than six members of the board establishing any of the 99844  
following: 99845
    - (a) Commission of any act of sexual misconduct with a 99846  
patient or key third party; 99847
    - (b) Drug or alcohol abuse directly resulting in patient 99848

harm, or that impairs the ability of the practitioner to practice safely; 99849  
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(c) Criminal conviction directly resulting in harm to patient health; 99851  
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(d) Inappropriate prescribing directly resulting in patient harm. 99853  
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(2) A statement of issues alleged that the practitioner committed any of the acts described in divisions (C) (1) (a) through (d) and, notwithstanding a lack of admission of guilt, a consent agreement ratified by an affirmative vote of not fewer than six members of the board includes express acknowledgement that the disclosure requirements of this section would serve to protect the public interest. 99855  
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(D) Written disclosure as described in this section is not required in the following circumstances: 99862  
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(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign it, and a guardian or a key third party is unavailable to comprehend and sign it; 99864  
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(2) The direct patient interaction occurs in an emergency department or otherwise occurs as an immediate result of a medical emergency; 99867  
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(3) The practitioner does not have a direct treatment relationship with the patient and does not have direct contact or direct communication with the patient. 99870  
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(E) The board shall provide the following information regarding practitioners on probation and those practicing under probationary status, in plain view on a practitioner's profile page on the board's internet web site: 99873  
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(1) Formal action documents detailing the citation, 99877  
reports and recommendations, board order, and consent agreement; 99878

(2) The length of the probation and the end date; 99879

(3) Practice restrictions placed on the practitioner by 99880  
the board. 99881

(F) The board shall provide a sample probation disclosure 99882  
letter on its internet web site to be used by practitioners to 99883  
comply with this section. 99884

Sec. 4731.256. (A) In addition to all other powers and 99885  
duties conferred on the monitoring organization under contract 99886  
with the state medical board pursuant to section 4731.25 of the 99887  
Revised Code, the board shall require the monitoring 99888  
organization to implement this section as a condition of 99889  
entering into and maintaining the contract. 99890

(B) Not later than thirty days after the effective date of 99891  
this section, the monitoring organization, in collaboration with 99892  
the Ohio state medical association and Ohio hospital 99893  
association, shall create a foundation to be operated for the 99894  
sole purpose of supporting programs approved under the criteria 99895  
established by sections 4731.25 to 4731.254 of the Revised Code 99896  
and any rules adopted under section 4731.255 of the Revised 99897  
Code. Once the foundation is created, the monitoring 99898  
organization shall notify the treasurer of state. 99899

As part of organizing the foundation's operations, the 99900  
monitoring organization, in collaboration with the other 99901  
creating entities, shall establish a three-member governing 99902  
board. The members shall consist of one individual appointed by 99903  
the chief executive officer of the monitoring organization, one 99904  
individual appointed by the chief executive officer of Ohio 99905

state medical association, and one individual appointed by the 99906  
chief executive officer of the Ohio hospital association. Any 99907  
vacancy in the membership shall be filled in the same manner as 99908  
the original appointment. 99909

The foundation's governing board shall hold at least one 99910  
meeting each year to approve an annual plan for the disbursement 99911  
of funds held by the foundation. In determining the amount to be 99912  
disbursed, the governing board shall consider factors related to 99913  
the cost of providing monitoring services, the revenue generated 99914  
from participants who receive services from the monitoring 99915  
organization, and the extent to which the monitoring 99916  
organization's services are being used, particularly by 99917  
individuals who are applicants and practitioners, as those terms 99918  
are defined in section 4731.25 of the Revised Code. 99919

The determination of the amount to be disbursed under this 99920  
section is solely a power and duty of the foundation's governing 99921  
board. 99922

**Sec. 4731.92.** (A) As used in this section, "physician" 99923  
means an individual authorized under this chapter to practice 99924  
medicine and surgery, osteopathic medicine and surgery, or 99925  
podiatric medicine and surgery. 99926

(B) (1) Subject to division (B) (2) of this section, and 99927  
notwithstanding any provision of this chapter or rule adopted by 99928  
the state medical board, a physician may do either of the 99929  
following without having examined an individual to whom glucagon 99930  
may be administered: 99931

(a) Personally furnish a supply of injectable or nasally 99932  
administered glucagon for use in accordance with section 99933  
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 99934

<u>5180.262</u> of <u>the</u> Revised Code;	99935
(b) Issue a prescription for injectable or nasally administered glucagon for use in accordance with section 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or <del>5101.78</del> <u>5180.262</u> of the Revised Code.	99936 99937 99938 99939
(2) Injectable or nasally administered glucagon personally furnished or prescribed under division (B)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.	99940 99941 99942 99943
(C) A physician who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which injectable or nasally administered glucagon is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.	99944 99945 99946 99947 99948 99949
<b>Sec. 4731.96.</b> (A) As used in this section and section 4731.961 of the Revised Code, "physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	99950 99951 99952 99953 99954
(B)(1) Subject to division (B)(2) of this section, and notwithstanding any provision of this chapter or rule adopted by the state medical board, a physician may do either of the following without having examined an individual to whom epinephrine may be administered:	99955 99956 99957 99958 99959
(a) Personally furnish a supply of epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and <del>5101.76</del> <u>5180.26</u> of the Revised Code;	99960 99961 99962 99963

(b) Issue a prescription for epinephrine autoinjectors for use in accordance with sections 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the Revised Code.

(2) An epinephrine autoinjector personally furnished or prescribed under division (B)(1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form.

(C) A physician who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine autoinjector is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

**Sec. 4731.99.** (A) Whoever violates section 4731.41, 4731.43, or 4731.60 of the Revised Code is guilty of a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(C) Whoever violates section 4731.46 or 4731.47 of the Revised Code is guilty of a felony of the fifth degree.

(D) Whoever violates section 4731.48 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E) (1) Whoever violates division (B)(1), (C)(1), (C)(2), (D), or (E) of section 4731.224 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the

fourth degree on each subsequent offense, except that an 99993  
individual guilty of a subsequent offense shall not be subject 99994  
to imprisonment, but to a fine alone of up to one thousand 99995  
dollars for each offense. 99996

(2) Whoever violates division (B) (2) or (C) (3) of section 99997  
4731.224 of the Revised Code is guilty of ~~failure to report~~ 99998  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 99999  
fourth degree. ~~If the offender has previously been convicted of~~ 100000  
~~a violation of this division, the failure to report is on a~~ 100001  
first offense and a misdemeanor of the first degree on each 100002  
subsequent offense. 100003

(F) Whoever violates section 4731.481 of the Revised Code 100004  
is guilty of a misdemeanor of the first degree. 100005

(G) Whoever violates division (F) (5) of section 4731.22 of 100006  
the Revised Code is guilty of ~~disclosing confidential~~ 100007  
~~investigatory information,~~ a misdemeanor of the first degree. 100008

**Sec. 4735.01.** As used in this chapter: 100009

(A) "Real estate broker" includes any person, partnership, 100010  
association, limited liability company, limited liability 100011  
partnership, or corporation, foreign or domestic, who for 100012  
another, whether pursuant to a power of attorney or otherwise, 100013  
and who for a fee, commission, or other valuable consideration, 100014  
or with the intention, or in the expectation, or upon the 100015  
promise of receiving or collecting a fee, commission, or other 100016  
valuable consideration does any of the following: 100017

(1) Sells, exchanges, purchases, rents, or leases, or 100018  
negotiates the sale, exchange, purchase, rental, or leasing of 100019  
any real estate; 100020

(2) Offers, attempts, or agrees to negotiate the sale, 100021

exchange, purchase, rental, or leasing of any real estate;	100022
(3) Lists, or offers, attempts, or agrees to list, or	100023
auctions, or offers, attempts, or agrees to auction, any real	100024
estate;	100025
(4) Buys or offers to buy, sells or offers to sell, or	100026
otherwise deals in options on real estate;	100027
(5) Operates, manages, or rents, or offers or attempts to	100028
operate, manage, or rent, other than as custodian, caretaker, or	100029
janitor, any building or portions of buildings to the public as	100030
tenants;	100031
(6) Advertises or holds self out as engaged in the	100032
business of selling, exchanging, purchasing, renting, or leasing	100033
real estate;	100034
(7) Directs or assists in the procuring of prospects or	100035
the negotiation of any transaction, other than mortgage	100036
financing, which does or is calculated to result in the sale,	100037
exchange, leasing, or renting of any real estate;	100038
(8) Is engaged in the business of charging an advance fee	100039
or contracting for collection of a fee in connection with any	100040
contract whereby the broker undertakes primarily to promote the	100041
sale, exchange, purchase, rental, or leasing of real estate	100042
through its listing in a publication issued primarily for such	100043
purpose, or for referral of information concerning such real	100044
estate to brokers, or both, except that this division does not	100045
apply to a publisher of listings or compilations of sales of	100046
real estate by their owners;	100047
(9) Collects rental information for purposes of referring	100048
prospective tenants to rental units or locations of such units	100049
and charges the prospective tenants a fee.	100050

(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.

(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.

(D) "Institution of higher education" includes all of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.

(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree or certificate programs in accordance with section 3332.05 of the Revised Code.

(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.

(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited

liability partnership, or corporation, foreign or domestic, who 100079  
for another, whether pursuant to a power of attorney or 100080  
otherwise, and who for a fee, commission, or other valuable 100081  
consideration, or with the intention, or in the expectation, or 100082  
upon the promise of receiving or collecting a fee, commission, 100083  
or other valuable consideration, does or deals in any act or 100084  
transaction specified or comprehended in division (A) of this 100085  
section with respect to foreign real estate. 100086

(G) "Foreign real estate salesperson" means any person 100087  
associated with a licensed foreign real estate dealer to do or 100088  
deal in any act or transaction specified or comprehended in 100089  
division (A) of this section with respect to foreign real 100090  
estate, for compensation or otherwise. 100091

(H) Any person, partnership, association, limited 100092  
liability company, limited liability partnership, or 100093  
corporation, who, for another, in consideration of compensation, 100094  
by fee, commission, salary, or otherwise, or with the intention, 100095  
in the expectation, or upon the promise of receiving or 100096  
collecting a fee, does, or offers, attempts, or agrees to engage 100097  
in, any single act or transaction contained in the definition of 100098  
a real estate broker, whether an act is an incidental part of a 100099  
transaction, or the entire transaction, shall be constituted a 100100  
real estate broker or real estate salesperson under this 100101  
chapter. 100102

(I) (1) The terms "real estate broker," "real estate 100103  
salesperson," "foreign real estate dealer," and "foreign real 100104  
estate salesperson" do not include a person, partnership, 100105  
association, limited liability company, limited liability 100106  
partnership, or corporation, or the regular employees thereof, 100107  
who perform any of the acts or transactions specified or 100108

comprehended in division (A) of this section, whether or not 100109  
for, or with the intention, in expectation, or upon the promise 100110  
of receiving or collecting a fee, commission, or other valuable 100111  
consideration: 100112

(a) With reference to real estate situated in this state 100113  
owned by such person, partnership, association, limited 100114  
liability company, limited liability partnership, or 100115  
corporation, or acquired on its own account in the regular 100116  
course of, or as an incident to the management of the property 100117  
and the investment in it; 100118

(b) As receiver or trustee in bankruptcy, as guardian, 100119  
executor, administrator, trustee, assignee, commissioner, or any 100120  
person doing the things mentioned in this section, under 100121  
authority or appointment of, or incident to a proceeding in, any 100122  
court, or as a bona fide public officer, or as executor, 100123  
trustee, or other bona fide fiduciary under any trust agreement, 100124  
deed of trust, will, or other instrument that has been executed 100125  
in good faith creating a like bona fide fiduciary obligation; 100126

(c) As a public officer while performing the officer's 100127  
official duties; 100128

(d) As an attorney at law in the performance of the 100129  
attorney's duties; 100130

(e) As a person who engages in the brokering of the sale 100131  
of business assets, not including the sale, lease, exchange, or 100132  
assignment of any interest in real estate; 100133

(f) As a person who engages in the sale of manufactured 100134  
homes as defined in division (C) (4) of section 3781.06 of the 100135  
Revised Code, or of mobile homes as defined in division (O) of 100136  
section 4501.01 of the Revised Code, provided the sale does not 100137

include the negotiation, sale, lease, exchange, or assignment of 100138  
any interest in real estate; 100139

(g) As a person who engages in the sale of commercial real 100140  
estate pursuant to the requirements of section 4735.022 of the 100141  
Revised Code; 100142

(h) As an oil and gas land professional in the performance 100143  
of the oil and gas land professional's duties, provided the oil 100144  
and gas land professional is not engaged in the purchase or sale 100145  
of a fee simple absolute interest in oil and gas or other real 100146  
estate and the oil and gas land professional complies with 100147  
division (A) of section 4735.023 of the Revised Code; 100148

(i) As an oil and gas land professional employed by the 100149  
person, partnership, association, limited liability company, 100150  
limited liability partnership, or corporation for which the oil 100151  
and gas land professional is performing the oil and gas land 100152  
professional's duties. 100153

(2) A person, partnership, association, limited liability 100154  
company, limited liability partnership, or corporation exempt 100155  
under division (I) (1) (a) of this section shall be limited by the 100156  
legal interest in the real estate held by that person or entity 100157  
to performing any of the acts or transactions specified in or 100158  
comprehended by division (A) of this section. 100159

(J) "Disabled licensee" means a person licensed pursuant 100160  
to this chapter who is under a severe disability which is of 100161  
such a nature as to prevent the person from being able to attend 100162  
any instruction lasting at least three hours in duration. 100163

(K) "Division of real estate" may be used interchangeably 100164  
with, and for all purposes has the same meaning as, "division of 100165  
real estate and professional licensing." 100166

(L) "Superintendent" or "superintendent of real estate" 100167  
means the superintendent of the division of real estate and 100168  
professional licensing of this state. Whenever the division or 100169  
superintendent of real estate is referred to or designated in 100170  
any statute, rule, contract, or other document, the reference or 100171  
designation shall be deemed to refer to the division or 100172  
superintendent of real estate and professional licensing, as the 100173  
case may be. 100174

(M) "Inactive license" means the license status in which a 100175  
salesperson's license is in the possession of the division, 100176  
renewed as required under this chapter or rules adopted under 100177  
this chapter, and not associated with a real estate broker. 100178

(N) "Broker's license on deposit" means the license status 100179  
in which a broker's license is in the possession of the division 100180  
of real estate and professional licensing and renewed as 100181  
required under this chapter or rules adopted under this chapter. 100182

(O) "Suspended license" means the license status that 100183  
prohibits a licensee from providing services that require a 100184  
license under this chapter for a specified interval of time. 100185

(P) "Reactivate" means the process prescribed by the 100186  
superintendent of real estate and professional licensing to 100187  
remove a license from an inactive, suspended, or broker's 100188  
license on deposit status to allow a licensee to provide 100189  
services that require a license under this chapter. 100190

(Q) "Revoked" means the license status in which the 100191  
license is void and not eligible for reactivation. 100192

(R) "Commercial real estate" means any parcel of real 100193  
estate in this state other than real estate containing one to 100194  
four residential units. "Commercial real estate" does not 100195

include single-family residential units such as condominiums, 100196  
townhouses, manufactured homes, or homes in a subdivision when 100197  
sold, leased, or otherwise conveyed on a unit-by-unit basis, 100198  
even when those units are a part of a larger building or parcel 100199  
of real estate containing more than four residential units. 100200

(S) "Out-of-state commercial broker" includes any person, 100201  
partnership, association, limited liability company, limited 100202  
liability partnership, or corporation that is licensed to do 100203  
business as a real estate broker in a jurisdiction other than 100204  
Ohio. 100205

(T) "Out-of-state commercial salesperson" includes any 100206  
person affiliated with an out-of-state commercial broker who is 100207  
not licensed as a real estate salesperson in Ohio. 100208

(U) "Exclusive right to sell or lease listing agreement" 100209  
means an agency agreement between a seller and broker that meets 100210  
the requirements of section 4735.55 of the Revised Code and does 100211  
both of the following: 100212

(1) Grants the broker the exclusive right to represent the 100213  
seller in the sale or lease of the seller's property; 100214

(2) Provides the broker will be compensated if the broker, 100215  
the seller, or any other person or entity produces a purchaser 100216  
or tenant in accordance with the terms specified in the listing 100217  
agreement or if the property is sold or leased during the term 100218  
of the listing agreement to anyone other than to specifically 100219  
exempted persons or entities. 100220

(V) "Exclusive agency agreement" means an agency agreement 100221  
between a seller and broker that meets the requirements of 100222  
section 4735.55 of the Revised Code and does both of the 100223  
following: 100224

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property; 100225  
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(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities. 100227  
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(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser or tenant and a broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following: 100234  
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(1) Grants the broker the exclusive right to represent the purchaser or tenant in the purchase or lease of property; 100238  
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(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser or tenant during the term of the agency agreement unless the property is specifically exempted in the agency agreement. 100240  
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The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser or tenant is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser or tenant. 100245  
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(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another 100250  
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person. 100254

(Y) "Resigned" means the license status in which a license 100255  
has been voluntarily and permanently surrendered to or is 100256  
otherwise in the possession of the division of real estate and 100257  
professional licensing, may not be renewed or reactivated in 100258  
accordance with the requirements specified in this chapter or 100259  
the rules adopted pursuant to it, and is not associated with a 100260  
real estate broker. 100261

(Z) "Bona fide" means made in good faith or without 100262  
purpose of circumventing license law. 100263

(AA) "Associate broker" means an individual licensed as a 100264  
real estate broker under this chapter who does not function as 100265  
the principal broker or a management level licensee. 100266

(BB) "Brokerage" means a corporation, partnership, limited 100267  
partnership, association, limited liability company, limited 100268  
liability partnership, or sole proprietorship, foreign or 100269  
domestic, that has been issued a broker's license. "Brokerage" 100270  
includes the affiliated licensees who have been assigned 100271  
management duties that include supervision of licensees whose 100272  
duties may conflict with those of other affiliated licensees. 100273

(CC) Except as provided in section 4735.011 of the Revised 100274  
Code, "eligible course" means a credit or noncredit course 100275  
offered by an institution of higher education that may be 100276  
applied toward the requirements for a degree or certificate at 100277  
the institution. 100278

(DD) "Distance education" means courses required by 100279  
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) 100280  
and (J) of section 4735.09, and division (A) of section 4735.141 100281  
of the Revised Code in which instruction is accomplished through 100282

use of interactive, electronic media and where the teacher and student are separated by distance or time, or both. 100283  
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(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter. 100285  
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(FF) "Management level licensee" means a licensee who is employed by or affiliated with a real estate broker and who has supervisory responsibility over other licensees employed by or affiliated with that real estate broker. 100288  
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(GG) "Oil and gas land professional" means a person regularly engaged in the preparation and negotiation of agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests, including, but not limited to, oil and gas leases and pipeline easements. 100292  
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(HH) "Principal broker" means an individual licensed as a real estate broker under this chapter who oversees and directs the operations of the brokerage. 100298  
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(II) "Right-to-list home sale agreement" means an agreement whereby the owner of residential real estate agrees to provide another person with exclusive rights to list the real estate for sale at a future date in exchange for monetary consideration, or an equivalent to monetary consideration, and that meets one or both of the following: 100301  
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(1) The agreement states that it runs with the land or otherwise purports to bind future owners of the residential real estate; 100307  
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(2) The agreement purports to be a lien, encumbrance, or other real property security interest. 100310  
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(JJ) "Nonexclusive agency agreement" means an agency agreement between a purchaser, tenant, or seller and a broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following: 100312  
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(1) Grants the broker the nonexclusive right to represent the purchaser, tenant, or seller in the purchase, sale, or lease of property; 100316  
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(2) Provides the broker will be compensated in accordance with the terms specified in the nonexclusive agency agreement, and the purchaser, tenant, or seller may obtain services from other brokers or brokerage firms, subject to the terms of the nonexclusive agency agreement. 100319  
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**Sec. 4735.06.** ~~(A)~~ (A) (1) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. 100324  
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(2) Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent. 100329  
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(3) Each application shall include the address of the applicant's current residence or, if the applicant is not an individual, the address of the current residence of each of the applicant's members or officers. 100334  
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(4) The superintendent shall retain residential addresses submitted under division (A) (3) of this section as separate records that do not constitute public records for the purposes 100338  
100339  
100340

of section 149.43 of the Revised Code. 100341

(B) (1) If the applicant is a partnership, limited 100342  
liability company, limited liability partnership, or 100343  
association, the names of all the members also shall be stated, 100344  
and, if the applicant is a corporation, the names of its 100345  
president and of each of its officers also shall be stated. 100346

The superintendent has the right to reject the application 100347  
of any partnership, association, limited liability company, 100348  
limited liability partnership, or corporation if the name 100349  
proposed to be used by such partnership, association, limited 100350  
liability company, limited liability partnership, or corporation 100351  
is likely to mislead the public or if the name is not such as to 100352  
distinguish it from the name of any existing partnership, 100353  
association, limited liability company, limited liability 100354  
partnership, or corporation licensed under this chapter, unless 100355  
there is filed with the application the written consent of such 100356  
existing partnership, association, limited liability company, 100357  
limited liability partnership, or corporation, executed by a 100358  
duly authorized representative of it, permitting the use of the 100359  
name of such existing partnership, association, limited 100360  
liability company, limited liability partnership, or 100361  
corporation. 100362

(2) The superintendent shall approve the use of a trade 100363  
name by a brokerage, if the name meets both of the following 100364  
criteria: 100365

(a) The proposed name is not the same as or is clearly 100366  
distinguishable from a name registered with the division of real 100367  
estate and professional licensing by another existing brokerage. 100368  
If the superintendent determines that the proposed name is not 100369  
clearly distinguishable from any other existing brokerage, the 100370

superintendent may approve the use of the trade name if there is 100371  
filed with the superintendent the written consent of the 100372  
existing brokerage with the same or similar name. 100373

(b) The name is not misleading or likely to mislead the 100374  
public. 100375

(3) The superintendent may approve the use of more than 100376  
one trade name for a brokerage. 100377

(4) When a brokerage has received the approval of the 100378  
superintendent to conduct business under one or more trade 100379  
names, those trade names shall be the only identifying names 100380  
used by the brokerage in all advertising. 100381

(C) A fee of one hundred thirty-five dollars shall 100382  
accompany the application for a real estate broker's license. 100383  
The initial licensing period commences at the time the license 100384  
is issued and ends on the applicant's first birthday thereafter. 100385  
However, if the applicant was an inactive or active salesperson 100386  
immediately preceding application for a broker's license, then 100387  
the initial licensing period shall commence at the time the 100388  
broker's license is issued and ends on the date the licensee's 100389  
continuing education is due as set when the applicant was a 100390  
salesperson. The application fee shall be nonrefundable. A fee 100391  
of one hundred thirty-five dollars shall be charged by the 100392  
superintendent for each successive application made by an 100393  
applicant. In the case of issuance of a three-year license, upon 100394  
passing the examination, or upon waiver of the examination 100395  
requirement, if the superintendent determines it is necessary, 100396  
the applicant shall submit an additional fee determined by the 100397  
superintendent based upon the number of years remaining in a 100398  
real estate salesperson's licensing period. 100399

(D) The Ohio real estate commission may use the division 100400  
of real estate operating fund created under section 4735.211 of 100401  
the Revised Code in discharging the duties prescribed in 100402  
divisions (E), (F), (G), and (H) of section 4735.03 of the 100403  
Revised Code and may use it in the advancement of education and 100404  
research in real estate at any institution of higher education 100405  
in the state, or in contracting with any such institution or a 100406  
trade organization for a particular research or educational 100407  
project in the field of real estate, or in advancing loans, not 100408  
exceeding two thousand dollars, to applicants for salesperson 100409  
licenses, to defray the costs of satisfying the educational 100410  
requirements of division (F) of section 4735.09 of the Revised 100411  
Code. Such loans shall be made according to rules established by 100412  
the commission under the procedures of Chapter 119. of the 100413  
Revised Code, and they shall be repaid to the fund within three 100414  
years of the time they are made. No more than twenty-five 100415  
thousand dollars shall be lent from the fund in any one fiscal 100416  
year. 100417

The governor may appoint a representative from the 100418  
executive branch to be a member ex officio of the commission for 100419  
the purpose of advising on research requests or educational 100420  
projects. The commission shall report to the general assembly on 100421  
the third Tuesday after the third Monday in January of each year 100422  
setting forth the total amount contained in the fund and the 100423  
amount of each research grant that it has authorized and the 100424  
amount of each research grant requested. A copy of all research 100425  
reports shall be submitted to the state library of Ohio and the 100426  
library of the legislative service commission. 100427

(E) If the superintendent, with the consent of the 100428  
commission, enters into an agreement with a national testing 100429  
service to administer the real estate broker's examination, 100430

pursuant to division (A) of section 4735.07 of the Revised Code, 100431  
the superintendent may require an applicant to pay the testing 100432  
service's examination fee directly to the testing service. If 100433  
the superintendent requires the payment of the examination fee 100434  
directly to the testing service, each applicant shall submit to 100435  
the superintendent a processing fee in an amount determined by 100436  
the Ohio real estate commission pursuant to division (A)(2) of 100437  
section 4735.10 of the Revised Code. 100438

**Sec. 4735.09.** (A) Application for a license as a real 100439  
estate salesperson shall be made to the superintendent of real 100440  
estate on forms furnished by the superintendent and signed by 100441  
the applicant. The application shall be in the form prescribed 100442  
by the superintendent and shall contain such information as is 100443  
required by this chapter and the rules of the Ohio real estate 100444  
commission. The application shall include the address of the 100445  
applicant's current residence. The superintendent shall retain 100446  
the applicant's current residence address in a separate record 100447  
that does not constitute a public record for purposes of section 100448  
149.43 of the Revised Code. The application shall be accompanied 100449  
by the recommendation of the real estate broker with whom the 100450  
applicant is associated or with whom the applicant intends to be 100451  
associated, certifying that the applicant is honest and 100452  
truthful, and has not been finally adjudged by a court to have 100453  
violated any municipal, state, or federal civil rights laws 100454  
relevant to the protection of purchasers or sellers of real 100455  
estate, which conviction or adjudication the applicant has not 100456  
disclosed to the superintendent, and recommending that the 100457  
applicant be admitted to the real estate salesperson 100458  
examination. 100459

(B) A fee of eighty-one dollars shall accompany the 100460  
application, which fee includes the fee for the initial year of 100461

the licensing period, if a license is issued. The initial year 100462  
of the licensing period commences at the time the license is 100463  
issued and ends on the applicant's first birthday thereafter. 100464  
The application fee shall be nonrefundable. A fee of eighty-one 100465  
dollars shall be charged by the superintendent for each 100466  
successive application made by the applicant. 100467

(C) There shall be no limit placed on the number of times 100468  
an applicant may retake the examination. 100469

(D) The superintendent, with the consent of the 100470  
commission, may enter into an agreement with a recognized 100471  
national testing service to administer the real estate 100472  
salesperson's examination under the superintendent's supervision 100473  
and control, consistent with the requirements of this chapter as 100474  
to the contents of the examination. 100475

If the superintendent, with the consent of the commission, 100476  
enters into an agreement with a national testing service to 100477  
administer the real estate salesperson's examination, the 100478  
superintendent may require an applicant to pay the testing 100479  
service's examination fee directly to the testing service. If 100480  
the superintendent requires the payment of the examination fee 100481  
directly to the testing service, each applicant shall submit to 100482  
the superintendent a processing fee in an amount determined by 100483  
the Ohio real estate commission pursuant to division (A)(1) of 100484  
section 4735.10 of the Revised Code. 100485

(E) The superintendent shall issue a real estate 100486  
salesperson's license when satisfied that the applicant has 100487  
received a passing score on each portion of the salesperson's 100488  
examination as determined by rule by the real estate commission. 100489

(F) No applicant for a salesperson's license shall take 100490

the salesperson's examination who has not established to the 100491  
satisfaction of the superintendent that the applicant: 100492

(1) Is honest and truthful; 100493

(2) (a) Has not been convicted of a disqualifying offense 100494  
as determined in accordance with section 9.79 of the Revised 100495  
Code; 100496

(b) Has not been finally adjudged by a court to have 100497  
violated any municipal, state, or federal civil rights laws 100498  
relevant to the protection of purchasers or sellers of real 100499  
estate or, if the applicant has been so adjudged, at least two 100500  
years have passed since the court decision and the 100501  
superintendent has disregarded the adjudication because the 100502  
applicant has proven, by a preponderance of the evidence, that 100503  
the applicant is honest and truthful, and there is no basis in 100504  
fact for believing that the applicant again will violate the 100505  
laws involved. 100506

(3) Has not, during any period in which the applicant was 100507  
licensed under this chapter, violated any provision of, or any 100508  
rule adopted pursuant to this chapter, or, if the applicant has 100509  
violated such provision or rule, has established to the 100510  
satisfaction of the superintendent that the applicant will not 100511  
again violate such provision or rule; 100512

(4) Is at least eighteen years of age; 100513

(5) If born after the year 1950, has a high school diploma 100514  
or a certificate of high school equivalence issued under section 100515  
3301.80 of the Revised Code; 100516

(6) Has successfully completed at an institution of higher 100517  
education all of the following eligible courses by either 100518  
classroom instruction or distance education: 100519

(a) Forty hours of instruction in real estate practice;	100520
(b) Forty hours of instruction that includes the subjects	100521
of Ohio real estate law, municipal, state, and federal civil	100522
rights law, new case law on housing discrimination,	100523
desegregation issues, and methods of eliminating the effects of	100524
prior discrimination. If feasible, the instruction in Ohio real	100525
estate law shall be taught by a member of the faculty of an	100526
accredited law school. If feasible, the instruction in	100527
municipal, state, and federal civil rights law, new case law on	100528
housing discrimination, desegregation issues, and methods of	100529
eliminating the effects of prior discrimination shall be taught	100530
by a staff member of the Ohio civil rights commission who is	100531
knowledgeable with respect to those subjects. The requirements	100532
of this division do not apply to an applicant who is admitted to	100533
practice before the supreme court.	100534
(c) Ten hours of instruction in real estate appraisal;	100535
(d) Ten hours of instruction in real estate finance.	100536
(G) (1) Successful completion of the instruction required	100537
by division (F) (6) of this section shall be determined by the	100538
law in effect on the date the instruction was completed.	100539
(2) Division (F) (6) (c) of this section does not apply to	100540
any new applicant who holds a valid Ohio real estate appraiser	100541
license or certificate issued prior to the date of application	100542
for a real estate salesperson's license.	100543
(H) Only for noncredit course offerings, an institution of	100544
higher education shall obtain approval from the appropriate	100545
state authorizing entity prior to offering a real estate course	100546
that is designed and marketed as satisfying the salesperson	100547
license education requirements of division (F) (6) of this	100548

section. The state authorizing entity may consult with the 100549  
superintendent in reviewing the course for compliance with this 100550  
section. 100551

(I) Any person who has not been licensed as a real estate 100552  
salesperson or broker within a four-year period immediately 100553  
preceding the person's current application for the salesperson's 100554  
examination shall have successfully completed the prelicensure 100555  
instruction required by division (F) (6) of this section within a 100556  
ten-year period immediately preceding the person's current 100557  
application for the salesperson's examination. 100558

(J) Not earlier than the date of issue of a real estate 100559  
salesperson's license to a licensee, but not later than twelve 100560  
months after the date of issue of a real estate salesperson 100561  
license to a licensee, the licensee shall submit proof 100562  
satisfactory to the superintendent, on forms made available by 100563  
the superintendent, of the completion of twenty hours of 100564  
instruction that shall be completed in schools, seminars, and 100565  
educational institutions approved by the commission. The 100566  
instruction shall include, but is not limited to, current 100567  
practices relating to commercial real estate, property 100568  
management, short sales, and land contracts; contract law; 100569  
federal and state programs; economic conditions; and fiduciary 100570  
responsibility. Approval of the curriculum and providers shall 100571  
be granted according to rules adopted pursuant to section 100572  
4735.10 of the Revised Code and may be taken through classroom 100573  
instruction or distance education. 100574

If proof of completion of the required instruction is not 100575  
submitted within twelve months of the date a license is issued 100576  
under this section, the licensee's license is suspended 100577  
automatically without the taking of any action by the 100578

superintendent. The superintendent immediately shall notify the 100579  
broker with whom such salesperson is associated of the 100580  
suspension of the salesperson's license. A salesperson whose 100581  
license has been suspended under this division shall have twelve 100582  
months after the date of the suspension of the salesperson's 100583  
license to submit proof of successful completion of the 100584  
instruction required under this division. No such license shall 100585  
be reactivated by the superintendent until it is established, to 100586  
the satisfaction of the superintendent, that the requirements of 100587  
this division have been met and that the licensee is in 100588  
compliance with this chapter. A licensee's license is revoked 100589  
automatically without the taking of any action by the 100590  
superintendent when the licensee fails to submit the required 100591  
proof of completion of the education requirements under division 100592  
(I) of this section within twelve months of the date the license 100593  
is suspended. 100594

(K) Examinations shall be administered with reasonable 100595  
accommodations in accordance with the requirements of the 100596  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 100597  
U.S.C. 12189. The contents of an examination shall be consistent 100598  
with the classroom instructional requirements of division (F) (6) 100599  
of this section. An applicant who has completed the classroom 100600  
instructional requirements of division (F) (6) of this section at 100601  
the time of application shall be examined no later than twelve 100602  
months after the applicant is notified of the applicant's 100603  
admission to the examination. 100604

(L) Notwithstanding any provision of this chapter or 100605  
Chapter 4796. of the Revised Code to the contrary, the 100606  
superintendent shall issue a real estate salesperson's license 100607  
in accordance with Chapter 4796. of the Revised Code to an 100608  
applicant if both of the following apply: 100609

(1) The applicant satisfies the requirements specified in section 4796.03, 4796.04, or 4796.05 of the Revised Code, as applicable. 100610  
100611  
100612

(2) The applicant passes an examination on Ohio real estate law. 100613  
100614

**Sec. 4735.55.** (A) As used in this section: 100615

(1) "Residential real property" has the same meaning as in section 5302.30 of the Revised Code. 100616  
100617

(2) "Residential premises" and "tenant" ~~has~~ have the same ~~meaning~~ meanings as in section 5321.01 of the Revised Code. 100618  
100619

(B) ~~Prior to marketing~~ A licensee shall enter into a written agency agreement before doing any of the following: 100620  
100621

(1) Advertising or showing a ~~seller's~~ residential real property, ~~making~~ on behalf of a seller; 100622  
100623

(2) Making an offer to purchase residential real property on behalf of a purchaser, ~~or making;~~ 100624  
100625

(3) Making an offer to lease a residential premises on behalf of a ~~purchaser~~ tenant for a term exceeding eighteen months, ~~a licensee shall enter into a written agency agreement that contains.~~ 100626  
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(C) The written agency agreement shall contain all of the following: 100630  
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(1) An expiration date; 100632

(2) A statement that it is illegal, pursuant to the Ohio fair housing law, division (H) of section 4112.02 of the Revised Code, and the federal fair housing law, 42 U.S.C.A. 3601, as amended, to refuse to sell, transfer, assign, rent, lease, 100633  
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100635  
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sublease, or finance housing accommodations, refuse to negotiate 100637  
for the sale or rental of housing accommodations, or otherwise 100638  
deny or make unavailable housing accommodations because of race, 100639  
color, religion, sex, familial status as defined in section 100640  
4112.01 of the Revised Code, ancestry, military status as 100641  
defined in that section, disability as defined in that section, 100642  
or national origin or to so discriminate in advertising the sale 100643  
or rental of housing, in the financing of housing, or in the 100644  
provision of real estate brokerage services; 100645

(3) A statement defining the practice known as 100646  
"blockbusting" and stating that it is illegal; 100647

(4) A copy of the United States department of housing and 100648  
urban development equal housing opportunity logotype, as set 100649  
forth in 24 C.F.R. 109.30, as amended; 100650

(5) A statement that the licensee is appointed as an agent 100651  
of the client, and an indication of whether the agency 100652  
relationship is exclusive or nonexclusive; 100653

(6) The terms by which the real estate broker is to be 100654  
compensated; 100655

(7) A conspicuous statement that broker fees and 100656  
commissions are not set by law, are fully negotiable, and may be 100657  
paid by the seller, the buyer, the landlord, the tenant, or a 100658  
third party, or by sharing or splitting the fees and commissions 100659  
between brokers. 100660

~~(C)~~(D) Each written agency agreement shall contain a place 100661  
for the licensee and the client to sign and date the agreement. 100662

~~(D)~~(E) A licensee shall furnish a copy of any written 100663  
agency agreement to a client in a timely manner after the 100664  
licensee and the client have signed and dated it. 100665

**Sec. 4735.56.** (A) Each brokerage shall develop a written 100666  
brokerage policy on agency to be given to prospective sellers, 100667  
tenants, and purchasers in accordance with ~~divisions (C) and (D)~~ 100668  
~~of~~ this section. 100669

(B) The brokerage policy on agency described in division 100670  
(A) of this section shall include all of the following 100671  
information: 100672

(1) An explanation of the permissible agency relationships 100673  
available under section 4735.53 of the Revised Code and the 100674  
duties that the agent owes the agent's client; 100675

(2) The brokerage's policy on representation of purchasers 100676  
or sellers; 100677

(3) Whether at some time during the agency relationship 100678  
the brokerage and its licensee may act as a dual agent, and the 100679  
options and consequences for the client if a dual agency 100680  
situation arises including the right of the client to terminate 100681  
the agency relationship and seek representation from another 100682  
source; 100683

(4) Whether at some time during the agency relationship, 100684  
another licensee affiliated with the same brokerage as the 100685  
licensee may become the exclusive agent for the other party in 100686  
the transaction and whether each licensee will represent only 100687  
the interests of that licensee's client; 100688

(5) The brokerage's policy on cooperation with other 100689  
brokerages, including whether the brokerage offers compensation 100690  
to other brokerages or will seek compensation from other 100691  
brokerages; 100692

(6) That a brokerage that has a purchaser as a client 100693  
represents the purchaser's interests even though the seller's 100694

agent or the seller may compensate that purchaser's brokerage; 100695

(7) That the signature of the purchaser or the seller 100696  
indicates acknowledgement of receipt of the brokerage policy on 100697  
agency. 100698

(C) A licensee working directly with a seller in a real 100699  
estate transaction shall provide the seller with the brokerage 100700  
policy on agency described in this section at the time the 100701  
licensee and seller enter into an agency agreement, if required 100702  
by section 4735.55 of the Revised Code or, if an agency 100703  
agreement is not required by that section, prior to ~~marketing~~ 100704  
advertising or showing the seller's real estate, and shall 100705  
obtain a signature from the seller acknowledging receipt unless 100706  
the seller refuses to provide a signature. If the seller refuses 100707  
to provide a signature, the licensee shall note this on the 100708  
policy. 100709

(D) A licensee working directly with a purchaser in a real 100710  
estate transaction, whether as the purchaser's agent, the 100711  
seller's agent, or the seller's subagent, shall provide the 100712  
purchaser with the brokerage policy on agency described in this 100713  
section and obtain a signature from the purchaser acknowledging 100714  
receipt of the policy unless the purchaser refuses to provide a 100715  
signature. If the purchaser refuses to provide a signature, the 100716  
licensee shall note this on the policy. Except as provided in 100717  
division (E) of this section, the licensee shall provide the 100718  
brokerage policy on agency to a purchaser prior to the earliest 100719  
of the following actions of the licensee: 100720

(1) Initiating a prequalification evaluation to determine 100721  
whether the purchaser has the financial ability to purchase or 100722  
lease a particular real estate property; 100723

(2) Requesting specific financial information from the purchaser to determine the purchaser's ability to purchase or finance real estate in a particular price range;	100724 100725 100726
(3) Showing the real estate to the purchaser other than at an open house;	100727 100728
(4) Discussing, with the purchaser, the making of an offer to purchase or lease real estate;	100729 100730
(5) Submitting an offer to purchase or lease real estate on behalf of the purchaser;	100731 100732
(6) Entering into an agency agreement with the purchaser under section 4735.55 of the Revised Code.	100733 100734
(E) If the earliest event described in division (D) of this section is by telephone or electronic mail, the licensee shall disclose by that same medium the nature of the agency relationship that the licensee has with both the seller and the purchaser. The licensee shall provide the purchaser with the brokerage policy on agency described in this section at the first meeting with the purchaser following this disclosure of the agency relationship.	100735 100736 100737 100738 100739 100740 100741 100742
(F) A licensee acting as a seller's agent is not required to provide a purchaser with the brokerage policy on agency described in this section except in the case of an event described in division (D) of this section.	100743 100744 100745 100746
(G) The requirements of this section regarding provision of a brokerage policy on agency apply only in the following situations:	100747 100748 100749
(1) The sale or lease of vacant land;	100750
(2) The sale of a parcel of real estate containing one to	100751

four residential units; 100752

(3) The leasing of residential premises as defined in 100753  
section 5321.01 of the Revised Code, if the rental or lease 100754  
agreement is for a term of more than eighteen months. 100755

**Sec. 4735.80.** (A) The superintendent of real estate shall, 100756  
within one year after ~~the effective date of this section~~ April 3, 100757  
2025, adopt rules in accordance with Chapter 119. of the Revised 100758  
Code that require a licensee, prior to listing residential real 100759  
estate for sale, exchange, or purchase, to provide to the seller 100760  
a disclosure form, developed and maintained by the division of 100761  
real estate, that outlines both of the following: 100762

(1) The federal and state laws that relate to anti- 100763  
discrimination in the home-buying process with which a seller of 100764  
residential real estate shall comply, including the laws listed 100765  
in divisions ~~(B) (2)~~ (C) (2) and (3) of section 4735.55 of the 100766  
Revised Code; 100767

(2) The penalties associated with violating any of the 100768  
laws specified pursuant to division (A) (1) of this section. 100769

(B) No licensee shall market or show a seller's 100770  
residential real estate before providing the seller with the 100771  
disclosure required by this section and receiving a copy of that 100772  
disclosure that is signed and dated by the seller. The licensee 100773  
shall retain the signed and dated copy of the disclosure for not 100774  
less than three years following the closing date on the seller's 100775  
residential real estate. 100776

(C) Notwithstanding any provision of section 121.95 of the 100777  
Revised Code to the contrary, a regulatory restriction contained 100778  
in a rule adopted under this section is not subject to sections 100779  
121.95 to 121.953 of the Revised Code. 100780

Sec. 4740.06. (A) Any individual who applies for a license 100781  
shall file a written application with the appropriate specialty 100782  
section of the Ohio construction industry licensing board, 100783  
accompanied with the application fee as determined pursuant to 100784  
section 4740.09 of the Revised Code. The application shall be on 100785  
the form the section prescribes ~~and verified by the applicant's~~ 100786  
~~oath~~. The applicant shall provide information satisfactory to 100787  
the section showing that the applicant meets the requirements of 100788  
division (B), (C), or (D) of this section. 100789

(B) To qualify to take an examination, an individual 100790  
shall: 100791

(1) Be at least eighteen years of age; 100792

(2) Be a United States citizen or legal alien who produces 100793  
valid documentation to demonstrate the individual is a legal 100794  
resident of the United States; 100795

(3) Either have been a tradesperson in the type of 100796  
licensed trade for which the application is filed for not less 100797  
than five years immediately prior to the date the application is 100798  
filed, be a currently registered engineer in this state with 100799  
three years of business experience in the construction industry 100800  
in the trade for which the engineer is applying to take an 100801  
examination, or have other experience acceptable to the 100802  
appropriate specialty section of the board; 100803

(4) Maintain contractor's liability insurance in an amount 100804  
the appropriate specialty section of the board determines and 100805  
only in one contracting company name; 100806

(5) Not have done any of the following: 100807

(a) Violated this chapter or any rule adopted pursuant to 100808  
it; 100809

(b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception;

(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(C) For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall:

(1) Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license;

(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;

(3) Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following:

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code;

(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an

agent in this state in accordance with section 1706.09 of the Revised Code. 100839  
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(4) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section. 100841  
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(D) (1) For an individual who has been actively engaged in activities in the service of the uniformed services, as defined in section 4796.01 of the Revised Code, that are substantially similar to the activities for which the license the individual is applying under this chapter is required, to qualify to take an examination, an individual shall: 100843  
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(a) Provide proof that the individual was actively engaged in the activities in the service of the uniformed services for at least three of the five years immediately preceding the date the application is submitted; 100849  
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(b) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section. 100853  
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(2) Each specialty section of the board may adopt a rule in accordance with Chapter 119. of the Revised Code to waive the requirement that an applicant under division (D) (1) (a) of this section has been actively engaged in the activity for three of the five years immediately preceding the date the application is submitted. 100855  
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(E) The board secretary, or the secretary's designee, shall approve an application for examination submitted under division (C) or (D) of this section within thirty days after receiving a complete application that meets the requirements of that division. 100861  
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(F) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division 100866  
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(B), (C), or (D) of this section and passes the required 100868  
examination, the appropriate specialty section of the board, 100869  
within ninety days after the application was filed, shall 100870  
authorize the administrative section of the board to license the 100871  
applicant for the type of contractor's license for which the 100872  
applicant qualifies. A specialty section of the board may 100873  
withdraw its authorization to the administrative section for 100874  
issuance of a license for good cause shown, on the condition 100875  
that notice of that withdrawal is given prior to the 100876  
administrative section's issuance of the license. 100877

(G) (1) Except as provided in division (G) (2) of this 100878  
section, if an applicant does not pass the required examination, 100879  
the applicant may retake the examination not less than sixty 100880  
days after the applicant's most recent examination. 100881

(2) An applicant who does not pass the required 100882  
examination after taking the examination five times under this 100883  
section shall reapply for a license under division (A) of this 100884  
section before retaking the required examination any subsequent 100885  
time. 100886

(H) All licenses a contractor holds pursuant to this 100887  
chapter shall expire annually on the same date, which shall be 100888  
the expiration date of the original license the contractor 100889  
holds. An individual holding a valid, unexpired license may 100890  
renew the license, without reexamination, by submitting an 100891  
application to the appropriate specialty section of the board 100892  
not more than ninety calendar days before the expiration of the 100893  
license, along with the renewal fee the specialty section 100894  
requires and proof of compliance with the applicable continuing 100895  
education requirements. The applicant shall provide information 100896  
in the renewal application satisfactory to demonstrate to the 100897

appropriate specialty section that the applicant continues to 100898  
meet the requirements of divisions (B) (2), (4), and (5) of this 100899  
section. 100900

Upon application and within one calendar year after a 100901  
license has expired, a section may waive any of the requirements 100902  
for renewal of a license upon finding that an applicant 100903  
substantially meets the renewal requirements or that failure to 100904  
timely apply for renewal is due to excusable neglect. A section 100905  
that waives requirements for renewal of a license may impose 100906  
conditions upon the licensee and assess a late filing fee of not 100907  
more than double the usual renewal fee. An applicant shall 100908  
satisfy any condition the section imposes before a license is 100909  
reissued. 100910

(I) An individual holding a valid license may request the 100911  
section of the board that authorized that license to place the 100912  
license in inactive status under conditions, and for a period of 100913  
time, as that section determines. 100914

(J) Except for the ninety-day extension provided for a 100915  
license assigned to a contracting company under division (D) of 100916  
section 4740.07 of the Revised Code, a license held by an 100917  
individual immediately terminates upon the death of the 100918  
individual. 100919

(K) Nothing in any license issued by the Ohio construction 100920  
industry licensing board shall be construed to limit or 100921  
eliminate any requirement of or any license issued by the Ohio 100922  
fire marshal. 100923

(L) (1) Subject to division (L) (3) of this section, no 100924  
specialty section of the board shall adopt, maintain, renew, or 100925  
enforce any rule, or otherwise preclude in any way, an 100926

individual from renewing a license under this chapter due to any 100927  
past criminal activity or interpretation of moral character. If 100928  
the specialty section denies an individual a license renewal, 100929  
the reasons for such denial shall be put in writing. 100930

(2) The section may refuse to issue a license to an 100931  
applicant because of a conviction of or plea of guilty to an 100932  
offense if the refusal is in accordance with section 9.79 of the 100933  
Revised Code. 100934

(3) In considering a renewal of an individual's license, 100935  
the section shall not consider any conviction or plea of guilty 100936  
prior to the initial licensing. However, the board may consider 100937  
a conviction or plea of guilty if it occurred after the 100938  
individual was initially licensed, or after the most recent 100939  
license renewal. 100940

(4) The section may grant an individual a conditional 100941  
license that lasts for one year. After the one-year period has 100942  
expired, the license is no longer considered conditional, and 100943  
the individual shall be considered fully licensed. 100944

(M) Notwithstanding divisions (H) and (L) of this section 100945  
and sections 4740.04 and 4740.05 of the Revised Code, the board 100946  
may establish rules that amend the continuing education 100947  
requirements and license renewal schedule for licensees as 100948  
provided in or adopted pursuant to those sections for the 100949  
purpose of establishing a compliance incentive program. These 100950  
rules may include provisions for the creation of the program and 100951  
the qualifications, continuing education requirements, and 100952  
renewal schedule for the program. 100953

**Sec. 4741.04.** A veterinary-client-patient relationship 100954  
serves as the basis for interaction between veterinarians, their 100955

clients, and their patients. A veterinary-client-patient 100956  
relationship exists when all of the following conditions have 100957  
been met: 100958

(A) A veterinarian assumes responsibility for making 100959  
clinical judgments regarding the health of a patient and the 100960  
need for medical treatment, medical services, or both for the 100961  
patient, and the client has agreed to follow the veterinarian's 100962  
instructions regarding the patient. 100963

(B) The veterinarian has sufficient knowledge of the 100964  
patient to initiate at least a general or preliminary diagnosis 100965  
of the medical condition of the patient. In order to demonstrate 100966  
that the veterinarian has sufficient knowledge, the veterinarian 100967  
shall have seen the patient recently and also shall be 100968  
acquainted personally with the keeping and care of the patient 100969  
~~either by examining~~ doing any of the following: 100970

(1) Examining the patient ~~or by making in person;~~ 100971

(2) Examining the patient in real time via telehealth 100972  
services in accordance with section 4741.041 of the Revised 100973  
Code; 100974

(3) Making medically appropriate and timely visits to the 100975  
premises where the patient is kept. 100976

(C) The veterinarian is readily available for a follow-up 100977  
evaluation, or has arranged for emergency coverage, in the event 100978  
the patient suffers adverse reactions to the treatment regimen 100979  
or the treatment regimen fails. 100980

**Sec. 4741.041.** (A) As used in this section: 100981

(1) "Human food product" means livestock raised for human 100982  
consumption or livestock whose products are used for human 100983

<u>consumption.</u>	100984
<u>(2) "Livestock" means porcine animals, bovine animals,</u>	100985
<u>caprine animals, ovine animals, and poultry.</u>	100986
<u>(3) "Tele-advice" means the provision of any health</u>	100987
<u>information, opinion, or guidance by a veterinary professional</u>	100988
<u>that is not intended to diagnose, treat, issue certificates of</u>	100989
<u>veterinary inspection, or issue prognoses of the physical or</u>	100990
<u>behavioral illness or injury of an animal or issue. A</u>	100991
<u>veterinarian-client-patient relationship as required under</u>	100992
<u>section 4741.04 of the Revised Code is not required to provide</u>	100993
<u>tele-advice.</u>	100994
<u>(B) A licensed veterinarian may conduct the practice of</u>	100995
<u>veterinary medicine via telehealth services if all of the</u>	100996
<u>following apply:</u>	100997
<u>(1) The veterinarian obtains the informed consent from the</u>	100998
<u>client, including an acknowledgement that the standards of care</u>	100999
<u>prescribed by this chapter equally apply to in-person and</u>	101000
<u>telehealth visits. The veterinarian shall maintain documentation</u>	101001
<u>of the consent for at least three years after receiving the</u>	101002
<u>informed consent.</u>	101003
<u>(2) The veterinarian provides the client with the</u>	101004
<u>veterinarian's name and contact information and secures an</u>	101005
<u>alternate means of contacting the client if the telehealth visit</u>	101006
<u>is interrupted. Following the telehealth visit, the veterinarian</u>	101007
<u>shall make available to the client an electronic or written</u>	101008
<u>record of the visit. The electronic or written record shall</u>	101009
<u>include the veterinarian's license number.</u>	101010
<u>(3) Before conducting an evaluation of a patient via a</u>	101011
<u>telehealth visit, the veterinarian advises the client of all of</u>	101012

the following: 101013

(a) The veterinarian may ultimately recommend an in-person visit with the veterinarian or another licensed veterinarian; 101014  
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(b) The veterinarian is prohibited under federal law from prescribing certain drugs or medications based only on a telehealth visit; 101016  
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(c) The appointment for a telehealth visit may be terminated at any time. 101019  
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(C) A licensed veterinarian may prescribe drugs or medications after establishing a veterinary-client-patient relationship via telehealth services, except that all of the following apply: 101021  
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(1) The veterinarian may issue an initial prescription for not more than fourteen days. The veterinarian may issue one refill for not more than fourteen days if the veterinarian sees the patient for another telehealth visit. For additional refills, the patient shall visit the veterinarian in person. 101025  
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(2) The veterinarian shall notify the client that certain prescription drugs or medications may be available at a pharmacy and, if requested, the veterinarian will submit a prescription to a pharmacy of the client's choosing; 101030  
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(3) The veterinarian shall not order, prescribe, or make available a controlled substance, as defined in section 3719.01 of the Revised Code, unless the veterinarian has performed an in-person physical examination of the patient. 101034  
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(D) (1) Except as provided in division (D) (2) of this section, a licensed veterinarian whose client is engaged in the raising of livestock for human food products may not use 101038  
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telehealth services for those livestock unless the veterinarian 101041  
has established a veterinary-client-patient relationship in 101042  
person with respect to those livestock prior to the use of 101043  
telehealth services. 101044

(2) A licensed veterinarian whose client is engaged in the 101045  
raising of livestock for human food products may conduct tele- 101046  
advice services for those livestock prior to the veterinarian 101047  
establishing a veterinary-client-patient relationship in person 101048  
with the client. 101049

(E) Division (D) of this section applies to the extent 101050  
permitted under federal law. 101051

(F) Nothing in this section shall be construed to 101052  
invalidate or overrule the provisions of Chapter 956. of the 101053  
Revised Code. 101054

(G) For purposes of this section, the practice of 101055  
veterinary medicine occurs in the state in which the patient is 101056  
located. 101057

**Sec. 4743.05.** (A) Except as otherwise provided in sections 101058  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 101059  
the Revised Code, all money collected under Chapters 3773., 101060  
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 101061  
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 101062  
4758., 4771., 4775., 4779., and 4781. of the Revised Code and 101063  
all license, certificate, and permit fees received by the state 101064  
board of education, including the fees established under section 101065  
3319.51 of the Revised Code, shall be paid into the state 101066  
treasury to the credit of the occupational licensing and 101067  
regulatory fund, which is hereby created for use in 101068  
administering such chapters and in paying the operating expenses 101069

of the state board of education. 101070

(B) At the end of each quarter, the director of budget and 101071  
management shall transfer from the occupational licensing and 101072  
regulatory fund to the nurse education assistance fund created 101073  
in section 3333.28 of the Revised Code the amount certified to 101074  
the director under division (B) of section 4723.08 of the 101075  
Revised Code. 101076

(C) At the end of each quarter, the director shall 101077  
transfer from the occupational licensing and regulatory fund to 101078  
the certified public accountant education assistance fund 101079  
created in section 4701.26 of the Revised Code the amount 101080  
certified to the director under division (H) (2) of section 101081  
4701.10 of the Revised Code. 101082

(D) On August 30, 2021, and every two years thereafter, 101083  
the director shall transfer from the occupational licensing and 101084  
regulatory fund to the veterinary student debt assistance fund 101085  
created in section 4741.56 of the Revised Code the amount 101086  
certified to the director under section 4741.57 of the Revised 101087  
Code. 101088

**Sec. 4743.10.** (A) As used in this section: 101089

(1) "Health care service" means medical care provided to 101090  
any patient at any time over the entire course of the patient's 101091  
treatment and may include one or more of the following: testing; 101092  
diagnosis; referral; dispensing or administering a drug, 101093  
medication, or device; psychological therapy or counseling; 101094  
research; prognosis; therapy; record making procedures and notes 101095  
related to treatment; preparation for or performance of a 101096  
surgery or procedure; or any other care or services performed or 101097  
provided by any medical practitioner. 101098

(2) "Medical practitioner" means any person who 101099  
facilitates or participates in the provision of health care 101100  
services, including nursing, physician services, counseling and 101101  
social work, psychological and psychiatric services, research 101102  
services, surgical services, laboratory services, and the 101103  
provision of pharmaceuticals and may include any of the 101104  
following: any student or faculty at a medical, nursing, mental 101105  
health, or counseling institution of higher education or an 101106  
allied health professional, paraprofessional, or employee or 101107  
contractor of a health care institution. 101108

(3) "Participation in a health care service" means to 101109  
provide, perform, assist with, facilitate, refer for, counsel 101110  
for, advise with regard to, admit for the purposes of providing, 101111  
or take part in any way in providing, any health care service. 101112

(B) Notwithstanding any conflicting provision of the 101113  
Revised Code, a medical practitioner, health care institution, 101114  
or health care payer has the freedom to decline to perform, 101115  
participate in, or pay for any health care service which 101116  
violates the practitioner's, institution's, or payer's 101117  
conscience as informed by the moral, ethical, or religious 101118  
beliefs or principles held by the practitioner, institution, or 101119  
payer, including when the procedure is ordered by a court. 101120  
Exercise of the right of conscience is limited to conscience- 101121  
based objections to a particular health care service. 101122

(C) Whenever a situation arises in which a requested 101123  
course of treatment includes a particular health care service 101124  
that conflicts with the moral, ethical, or religious beliefs or 101125  
convictions of a medical practitioner, the medical practitioner 101126  
shall be excused from participating in the particular health 101127  
care service to which the practitioner has a conflict. 101128

When a medical practitioner becomes aware of the conflict, 101129  
the medical practitioner shall notify the practitioner's 101130  
supervisor, if applicable, and request to be excused from 101131  
participating in the particular health care service that 101132  
conflicts with the practitioner's beliefs or convictions. 101133

When possible and when the medical practitioner is 101134  
willing, the medical practitioner shall seek to transfer the 101135  
patient to a colleague who will provide the requested health 101136  
care service. 101137

If participation in a transfer of care for a particular 101138  
health care service violates the medical practitioner's beliefs 101139  
or convictions or no willing colleague is identified, the 101140  
patient shall be notified and provided the opportunity to seek 101141  
an alternate medical practitioner. Upon patient request, the 101142  
patient's medical records shall be promptly released to the 101143  
patient. 101144

The medical practitioner is responsible for providing all 101145  
appropriate health care services, other than the particular 101146  
health care service that conflicts with the medical 101147  
practitioner's beliefs or convictions, until another medical 101148  
practitioner or facility is available. 101149

(D) A medical practitioner, health care institution, or 101150  
health care payer shall not be civilly, criminally, or 101151  
administratively liable for exercising the practitioner's, 101152  
institution's, or payer's right of conscience by declining to 101153  
participate in or pay for a particular health care service. 101154

A health care institution shall not be civilly, 101155  
criminally, or administratively liable for the exercise of 101156  
conscience rights not to participate in a particular health care 101157

service by a medical practitioner who is employed by, under 101158  
contract with, or granted admitting privileges by the health 101159  
care institution. 101160

A medical practitioner, health care institution, or health 101161  
care payer shall not be discriminated against or suffer any 101162  
other adverse action as a result of declining to participate in 101163  
or pay for a particular health care service on the basis of 101164  
conscience. 101165

(E) Unless specifically prohibited by law, a medical 101166  
practitioner shall not be discriminated against or suffer any 101167  
adverse action for disclosing any information that the medical 101168  
practitioner reasonably believes evinces any violation of this 101169  
section or any other law, rule, or regulation; any violation of 101170  
any standard of care or other ethical guidelines for the 101171  
provision of any health care service; or gross mismanagement, a 101172  
gross waste of funds, an abuse of authority, or a substantial 101173  
and specific danger to public health or safety. 101174

(F) A civil action for damages, injunctive relief, or any 101175  
other appropriate relief may be brought by any medical 101176  
practitioner, health care institution, or health care payer for 101177  
any violation of any provision of this section. 101178

Upon a finding of a violation of the rights of conscience 101179  
in this section, a court shall award threefold the actual 101180  
damages sustained and reasonable costs and attorney's fees. A 101181  
court considering such civil action may also award injunctive 101182  
relief, which may include reinstatement of a medical 101183  
practitioner to the practitioner's previous position, 101184  
reinstatement of board certification, and relicensure of a 101185  
health care institution or health care payer. 101186

(G) This section shall not be construed to override the requirement to provide emergency medical treatment to all patients as set forth in 42 U.S.C. § 1395dd.

(H) With respect to the right of a health care payer to decline to pay for a health care service as established in division (B) of this section, the payer's right to decline applies only to payments and health care services for which a contract has been entered into between the payer and policyholder on or after ~~the effective date of this section~~ September 30, 2021.

**Sec. 4749.01.** As used in this chapter:

(A) "Private investigator" means any person who engages in the business of private investigation.

(B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation, credibility, or character of any person, or to locate and recover lost or stolen property, or to determine the cause of or responsibility for any libel or slander, or any fire, accident, or damage to property, or to secure evidence for use in any legislative, administrative, or judicial investigation or proceeding.

(C) "Security guard provider" means any person who engages in the business of security services.

(D) "Business of security services" means either of the following:

(1) Furnishing, for hire, watchpersons, guards, private patrol officers, or other persons whose primary duties are to protect persons or property;	101216
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(2) Furnishing, for hire, guard dogs, or armored motor vehicle security services, in connection with the protection of persons or property.	101219
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	101221
(E) "Class A license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage in the business of private investigation and the business of security services.	101222
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(F) "Class B license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of private investigation.	101226
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(G) "Class C license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of security services.	101229
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	101231
(H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:	101232
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	101234
(1) Public officers and employees whose official duties require them to engage in investigatory activities;	101235
	101236
(2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;	101237
	101238
(3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following:	101239
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(a) The issuance of consumer credit reports;	101244
(b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;	101245 101246 101247 101248
(c) The business of pre-employment background investigation. As used in division (H) (3) (c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.	101249 101250 101251 101252 101253 101254 101255 101256 101257
(4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to 3951.09 of the Revised Code, while the adjuster is investigating the cause of or responsibility for a fire, accident, or other damage to property with respect to a claim or claims for loss or damage under a policy of insurance covering real or personal property;	101258 101259 101260 101261 101262 101263 101264
(5) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities;	101265 101266 101267
(6) An employee in the regular course of the employee's employment, engaged in investigating matters pertinent to the business of the employee's employer or protecting property in the possession of the employee's employer, provided the employer is deducting all applicable state and federal employment taxes	101268 101269 101270 101271 101272

on behalf of the employee and neither the employer nor the 101273  
employee is employed by, associated with, or acting for or on 101274  
behalf of any private investigator or security guard provider; 101275

(7) Any better business bureau or similar organization or 101276  
any of its employees while engaged in the maintenance of the 101277  
quality of business activities relating to consumer sales and 101278  
services; 101279

(8) An accountant who is registered or certified under 101280  
Chapter 4701. of the Revised Code or any of the accountant's 101281  
employees while engaged in activities for which the accountant 101282  
is certified or registered; 101283

(9) Any person who, for hire or otherwise, conducts 101284  
genealogical research in this state. 101285

As used in division (H) (9) of this section, "genealogical 101286  
research" means the determination of the origins and descent of 101287  
families, including the identification of individuals, their 101288  
family relationships, and the biographical details of their 101289  
lives. "Genealogical research" does not include furnishing for 101290  
hire services for locating missing persons or natural or birth 101291  
parents or children. 101292

(10) Any person residing in this state who conducts 101293  
research for the purpose of locating the last known owner of 101294  
unclaimed funds, provided that the person is in compliance with 101295  
Chapter 169. of the Revised Code and rules adopted thereunder. 101296  
The exemption set forth in division (H) (10) of this section 101297  
applies only to the extent that the person is conducting 101298  
research for the purpose of locating the last known owner of 101299  
unclaimed funds. 101300

As used in division (H) (10) of this section, "owner" and 101301

"unclaimed funds" have the same meanings as in section 169.01 of the Revised Code. 101302  
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(11) A professional engineer who is registered under Chapter 4733. of the Revised Code or any of ~~his~~the engineer's employees. 101304  
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As used in division (H) (11) of this section and notwithstanding division (I) of this section, "employee" has the same meaning as in section 4101.01 of the Revised Code. 101307  
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(12) Any person residing in this state who, for hire or otherwise, conducts research for the purpose of locating persons to whom the state of Ohio owes money in the form of warrants, as defined in section 131.01 of the Revised Code, that the state voided but subsequently reissues. 101310  
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(13) An independent insurance adjuster who, as an individual, an independent contractor, an employee of an independent contractor, adjustment bureau association, corporation, insurer, partnership, local recording agent, managing general agent, or self-insurer, engages in the business of independent insurance adjustment, or any person who supervises the handling of claims except while acting as an employee of an insurer licensed in this state while handling claims pertaining to specific policies written by that insurer. 101315  
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As used in division (H) (13) of this section, "independent insurance adjustment" means conducting investigations to determine the cause of or circumstances concerning a fire, accident, bodily injury, or damage to real or personal property; determining the extent of damage of that fire, accident, injury, or property damage; securing evidence for use in a legislative, administrative, or judicial investigation or proceeding, 101324  
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adjusting losses; and adjusting or settling claims, including 101331  
the investigation, adjustment, denial, establishment of damages, 101332  
negotiation, settlement, or payment of claims in connection with 101333  
insurance contractors, self-insured programs, or other similar 101334  
insurance programs. "Independent adjuster" does not include 101335  
either of the following: 101336

(a) An attorney who adjusts insurance losses incidental to 101337  
the practice of law and who does not advertise or represent that 101338  
the attorney is an independent insurance adjuster; 101339

(b) A licensed agent or general agent of an insurer 101340  
licensed in this state who processes undisputed or uncontested 101341  
losses for insurers under policies issued by that agent or 101342  
general agent. 101343

(14) Except for a commissioned peace officer who engages 101344  
in the business of private investigation or compensates others 101345  
who engage in the business of private investigation or the 101346  
business of security services or both, any commissioned peace 101347  
officer as defined in division (B) of section 2935.01 of the 101348  
Revised Code. 101349

(15) Security personnel and contractors for a security 101350  
organization under an approved physical protection program at a 101351  
commercial nuclear power plant licensed by the United States 101352  
nuclear regulatory commission, or its successor agency, while 101353  
performing duties related to protecting the plant and nuclear 101354  
material from threats, thefts, and sabotage. 101355

(I) "Employee" means every person who may be required or 101356  
directed by any employer, in consideration of direct or indirect 101357  
gain or profit, to engage in any employment, or to go, or work, 101358  
or be at any time in any place of employment, provided that the 101359

employer of the employee deducts all applicable state and 101360  
federal employment taxes on behalf of the employee. 101361

**Sec. 4751.20.** (A) Except as provided in section 4751.201 101362  
of the Revised Code, and subject to section 4751.32 of the 101363  
Revised Code, the board of executives of long-term services and 101364  
supports shall issue a nursing home administrator license to an 101365  
individual under this section if all of the following 101366  
requirements are satisfied: 101367

(1) The individual has submitted to the board a completed 101368  
application for the license in accordance with rules adopted 101369  
under section 4751.04 of the Revised Code and paid an 101370  
application fee of two hundred fifty dollars. 101371

(2) If the individual is required by rules adopted under 101372  
section 4751.04 of the Revised Code to serve as a nursing home 101373  
administrator ~~in training~~resident, the individual has paid to 101374  
the board the ~~administrator in training~~application fee of two 101375  
hundred fifty dollars. 101376

(3) The individual is at least twenty-one years of age. 101377

(4) The individual has successfully completed educational 101378  
requirements and work experience specified in rules adopted 101379  
under section 4751.04 of the Revised Code, including, if so 101380  
required by the rules, experience obtained as a nursing home 101381  
administrator ~~in training~~resident. 101382

(5) The individual has complied with section 4776.02 of 101383  
the Revised Code regarding a criminal records check. 101384

(6) The board, in accordance with section 9.79 of the 101385  
Revised Code, has determined that the results of the criminal 101386  
records check do not make the individual ineligible for the 101387  
license. 101388

(7) Except as provided in division (B) of this section, 101389  
the individual has passed the licensing examination administered 101390  
under section 4751.15 of the Revised Code. 101391

(8) The individual has paid to the board three hundred 101392  
fifty dollars for a temporary license issued under division (B) 101393  
of this section. 101394

(9) The individual has paid to the board a license fee of 101395  
two eight hundred fifty dollars. 101396

~~(9)~~ (10) The individual has satisfied any additional 101397  
requirements as may be prescribed in rules adopted under section 101398  
4751.04 of the Revised Code. 101399

(B) Beginning January 1, 2025, the operator of a nursing 101400  
home may request that the board issue a nursing home 101401  
administrator license to an individual who meets the 101402  
requirements specified in division (A) of this section but has 101403  
not passed the licensing examination administered under section 101404  
4751.15 of the Revised Code, in order to fill a vacancy in the 101405  
position of nursing home administrator at the nursing home 101406  
resulting from a death, illness, or other unexpected cause. An 101407  
individual issued a license under division (B) of this section 101408  
shall submit to the board, not later than one hundred eighty 101409  
days after a license is issued, satisfactory evidence that the 101410  
individual has passed the licensing examination administered 101411  
under section 4751.15 of the Revised Code. 101412

(C) A nursing home administrator license shall certify 101413  
that the individual to whom it was issued has met the applicable 101414  
requirements of this chapter and any applicable rules adopted 101415  
under section 4751.04 of the Revised Code and is authorized to 101416  
practice nursing home administration while the license is valid. 101417

**Sec. 4751.24.** (A) Subject to section 4751.32 of the Revised Code, a nursing home administrator license is valid for two years and may be renewed and reinstated in accordance with this section.

(B) If a licensed nursing home administrator intends to continue to practice nursing home administration without interruption after the administrator's license expires, the administrator shall apply to the board of executives of long-term services and supports for a renewed nursing home administrator license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the administrator does all of the following before the license expires:

(1) Submits to the board a completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code;

(2) Pays to the board the license renewal fee of ~~six~~eight hundred dollars;

(3) Submits to the board satisfactory evidence of having attended such continuing education programs or courses of study as may be prescribed in rules adopted under section 4751.04 of the Revised Code;

(4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(C) If a nursing home administrator license issued under section 4751.20 or 4751.201 of the Revised Code is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later

than one year after the date the license expired: 101447

(1) Submits to the board the completed application for 101448  
license reinstatement in accordance with rules adopted under 101449  
section 4751.04 of the Revised Code; 101450

(2) Pays to the board the license reinstatement fee equal 101451  
to the sum of the following: 101452

(a) ~~Three~~Eight hundred dollars; 101453

(b) Fifty dollars for each calendar quarter that occurs 101454  
during the period beginning on the date the license expires and 101455  
ending on the last day of the calendar quarter during which the 101456  
individual applies for license reinstatement, up to a maximum of 101457  
two hundred dollars. 101458

(3) Submits to the board satisfactory evidence of having 101459  
attended such continuing education programs or courses of study 101460  
as may be prescribed in rules adopted by the board under section 101461  
4751.04 of the Revised Code; 101462

(4) Satisfies any other requirements as may be prescribed 101463  
in rules adopted under section 4751.04 of the Revised Code. 101464

(D) A licensed nursing home administrator who determines 101465  
to temporarily abandon the practice of nursing home 101466  
administration shall notify the board in writing immediately. 101467  
The former administrator may thereafter resume the practice of 101468  
nursing home administration within the state upon complying with 101469  
the requirements of this section regarding biennial license 101470  
renewal or license reinstatement, whichever is applicable. 101471

**Sec. 4751.25.** (A) Subject to section 4751.32 of the 101472  
Revised Code, a health services executive license is valid for 101473  
one year and may be renewed and reinstated in accordance with 101474

this section. 101475

(B) A licensed health services executive may apply to the 101476  
board of executives of long-term services and supports for a 101477  
renewed license. Subject to section 4751.32 of the Revised Code, 101478  
the board shall renew the license if the licensed health 101479  
services executive does all of the following before the license 101480  
expires: 101481

(1) Submits to the board the completed application for 101482  
license renewal in accordance with rules adopted under section 101483  
4751.04 of the Revised Code; 101484

(2) Pays to the board the license renewal fee of ~~fifty-one~~ 101485  
hundred dollars; 101486

(3) Submits to the board satisfactory evidence of having 101487  
attended such continuing education programs or courses of study 101488  
as may be prescribed in rules adopted under section 4751.04 of 101489  
the Revised Code. 101490

(C) (1) If a health services executive license is not 101491  
renewed before it expires, the individual who held the license 101492  
may apply to the board for the license's reinstatement. Subject 101493  
to section 4751.32 of the Revised Code, the board shall 101494  
reinstate the license if the individual does all of the 101495  
following not later than one year after the date the license 101496  
expired: 101497

(a) Submits to the board the completed application for 101498  
license reinstatement in accordance with rules adopted under 101499  
section 4751.04 of the Revised Code; 101500

(b) Pays to the board the license reinstatement fee 101501  
specified in division (C) (2) of this section; 101502

(c) Submits to the board satisfactory evidence of having 101503  
attended such continuing education programs or courses of study 101504  
as may be prescribed in rules adopted under section 4751.04 of 101505  
the Revised Code. 101506

(2) The fee to reinstate a health services executive 101507  
license under division (C) (1) of this section is the following: 101508

(a) If the individual applying for reinstatement has, at 101509  
the same time, applied for reinstatement of a nursing home 101510  
administrator license under division (C) of section 4751.24 of 101511  
the Revised Code and paid the reinstatement fee required by 101512  
division (C) (2) of that section, one hundred dollars; 101513

(b) If division (C) (2) (a) of this section does not apply 101514  
to the individual, the sum of the following: 101515

(i) One hundred dollars; 101516

(ii) Twenty-five dollars for each calendar quarter that 101517  
occurs during the period beginning on the date the license 101518  
expired and ending on the last day of the calendar quarter 101519  
during which the individual applies for license reinstatement, 101520  
up to a maximum of one hundred dollars. 101521

**Sec. 4758.01.** As used in this chapter: 101522

(A) "Accredited educational institution" means an 101523  
educational institution accredited by an accrediting agency 101524  
accepted by the ~~Ohio board~~ department of regentshigher 101525  
education. 101526

(B) (1) "Alcohol and other drug clinical counseling 101527  
principles, methods, or procedures" means an approach to- 101528  
~~chemical dependency~~ substance use disorder counseling that 101529  
emphasizes the chemical dependency counselor's role in 101530

systematically assisting clients through all of the following:	101531
(a) Analyzing background and current information;	101532
(b) Exploring possible solutions;	101533
(c) Developing and providing a treatment plan;	101534
(d) In the case of an independent chemical dependency	101535
counselor-clinical supervisor, independent chemical dependency	101536
counselor, or chemical dependency counselor III only, diagnosing	101537
chemical dependency conditions.	101538
(2) "Alcohol and other drug clinical counseling	101539
principles, methods, or procedures" includes counseling,	101540
assessing, consulting, and referral as they relate to <del>chemical-</del>	101541
<del>dependency substance use disorder</del> conditions.	101542
<del>(C) "Chemical dependency conditions" means those</del>	101543
<del>conditions relating to the abuse of or dependency on alcohol or</del>	101544
<del>other drugs that are classified in accepted nosologies,</del>	101545
<del>including the diagnostic and statistical manual of mental</del>	101546
<del>disorders and the international classification of diseases, and</del>	101547
<del>in editions of those nosologies published after December 23,</del>	101548
<del>2002.</del>	101549
<del>(D) "Chemical dependency counseling" means rendering or</del>	101550
<del>offering to render to individuals, groups, or the public a</del>	101551
<del>counseling service involving the application of alcohol and</del>	101552
<del>other drug clinical counseling principles, methods, or</del>	101553
<del>procedures to assist individuals who are abusing or dependent on</del>	101554
<del>alcohol or other drugs.</del>	101555
<del>(E)</del> (C) "Gambling disorder" means a persistent and	101556
recurring maladaptive gambling behavior that is classified in	101557
accepted nosologies, including the diagnostic and statistical	101558

manual of mental disorders and the international classification  
of diseases, and in editions of those nosologies published after  
September 15, 2014. 101559  
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~~(F)~~(D) "Prevention services" means a comprehensive, multi-  
system set of individual and environmental approaches that  
maximizes physical health, promotes safety, and precludes the  
onset of behavioral health disorders. 101562  
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~~(G)~~(E) Unless the context provides otherwise, "scope of  
practice" means the services, methods, and techniques in which  
and the areas for which a person who holds a license,  
certificate, or endorsement under this chapter is trained and  
qualified. 101566  
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~~(H)~~(F) "Substance abuse professional" has the same meaning  
as in 49 C.F.R. 40.3. 101571  
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(G) "Substance use disorder conditions" means those  
conditions relating to the abuse of or dependency on alcohol or  
other drugs that are classified in accepted nosologies,  
including the diagnostic and statistical manual of mental  
disorders and the international classification of diseases, and  
in editions of those nosologies published after December 23,  
2002. 101573  
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(H) "Substance use disorder counseling" means rendering or  
offering to render to individuals, groups, or the public a  
counseling service involving the application of alcohol and  
other drug clinical counseling principles, methods, or  
procedures to assist individuals who are abusing or dependent on  
alcohol or other drugs. 101580  
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(I) "~~U.S.~~United States department of transportation drug  
and alcohol testing program" means a transportation workplace 101586  
101587

drug and alcohol testing program governed by 49 C.F.R. part 40. 101588

**Sec. 4758.02.** ~~(A)~~ Except as provided in section 4758.03 of 101589  
the Revised Code, no person shall do any of the following: 101590

~~(1)~~ (A) Engage in or represent to the public that the 101591  
person engages in ~~chemical dependency~~ substance use disorder 101592  
counseling for a fee, salary, or other consideration unless the 101593  
person holds a valid independent chemical dependency counselor- 101594  
clinical supervisor license, independent chemical dependency 101595  
counselor license, chemical dependency counselor III license, 101596  
chemical dependency counselor II license, or chemical dependency 101597  
counselor assistant certificate issued under this chapter; 101598

~~(2)~~ (B) Use the title "licensed independent chemical 101599  
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 101600  
independent chemical dependency counselor," "LICDC," "licensed 101601  
chemical dependency counselor III," "LCDC III," "licensed 101602  
chemical dependency counselor II," "LCDC II," "chemical 101603  
dependency counselor assistant," "CDCA," or any other title or 101604  
description incorporating the ~~word~~ words "chemical dependency 101605  
counselor" or any other initials used to identify persons acting 101606  
in those capacities unless currently authorized under this 101607  
chapter to act in the capacity indicated by the title or 101608  
initials; 101609

~~(3)~~ (C) Represent to the public that the person holds a 101610  
gambling disorder endorsement unless the person holds a valid 101611  
gambling disorder endorsement issued under this chapter; 101612

~~(4)~~ (D) Represent to the public that the person is a 101613  
registered applicant unless the person holds a valid registered 101614  
applicant certificate issued under this chapter; 101615

~~(5)~~ (E) Use the title "certified prevention consultant," 101616

"CPC," "certified prevention specialist," "CPS," "certified prevention specialist assistant," "CPSA," "registered applicant," "RA," or any other title, description, or initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials.

~~(B) No person shall engage in or represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I.~~

**Sec. 4758.03.** ~~Division (A) of section~~ Section 4758.02 of the Revised Code does not apply to any of the following:

(A) An individual who holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code while performing services within the recognized scope, standards, and ethics of the individual's profession;

(B) An individual who is a rabbi, priest, Christian Science practitioner, clergy, or member of a religious order and other individuals participating with them in pastoral counseling when the ~~chemical dependency~~ substance use disorder counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in paragraph (h) of 26 Code of Federal Regulations 1.6033-2 (2000) as amended, and the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(C) A student in an accredited educational institution

while carrying out activities that are part of the student's 101646  
prescribed course of study if the activities are supervised as 101647  
required by the educational institution and the student is not 101648  
represented as an individual who holds a license or certificate 101649  
issued under this chapter. 101650

**Sec. 4758.10.** (A) There is hereby created the chemical 101651  
dependency professionals board. 101652

(B) The governor shall appoint all of the following voting 101653  
members of the board with the advice and consent of the senate: 101654

(1) Four individuals who hold a valid independent chemical 101655  
dependency counselor-clinical supervisor license or independent 101656  
chemical dependency counselor license issued under this chapter, 101657  
including at least two of whom have received at least a master's 101658  
degree in a field related to ~~chemical dependency~~ substance use 101659  
disorder counseling from an accredited educational institution; 101660

(2) Two individuals who hold a valid chemical dependency 101661  
counselor III license issued under this chapter; 101662

(3) One individual who holds a valid chemical dependency 101663  
counselor II license issued under this chapter; 101664

(4) Two individuals who hold a valid prevention consultant 101665  
certificate or prevention specialist certificate issued under 101666  
this chapter; 101667

(5) One individual who is authorized under Chapter 4731. 101668  
of the Revised Code to practice medicine and surgery or 101669  
osteopathic medicine and surgery and has experience practicing 101670  
in a field related to chemical dependency counseling; 101671

(6) Two individuals who represent the public and have not 101672  
practiced ~~chemical dependency~~ substance use disorder counseling 101673

or prevention services and have not been involved in the 101674  
delivery of ~~chemical dependency~~ substance use disorder 101675  
counseling services or prevention services. At least one of 101676  
these individuals shall be at least fifty years of age. During 101677  
their terms, the public members shall not practice ~~chemical~~ 101678  
~~dependency~~ substance use disorder counseling or prevention 101679  
services or be involved in the delivery of ~~chemical dependency~~ 101680  
substance use disorder counseling services or prevention 101681  
services. 101682

(C) ~~Not later than ninety days after December 23, 2002,~~ 101683  
~~the~~ The director of mental health and addiction services shall 101684  
appoint an individual who represents the department of mental 101685  
health and addiction services to serve as an ex officio member 101686  
of the chemical dependency professionals board. 101687

(D) Not more than one-half of the voting members of the 101688  
board may be ~~of the same gender or members of the same political~~ 101689  
~~party. At least two voting members of the board shall be of~~ 101690  
~~African, Native American, Hispanic, or Asian descent.~~ 101691

**Sec. 4758.13.** The chemical dependency professionals board 101692  
shall meet to discuss matters relating to the administration and 101693  
operation of the board and the regulation of the practices of 101694  
~~chemical dependency~~ substance use disorder counseling and 101695  
prevention services. The board shall hold at least one regular 101696  
meeting every three months. Additional meetings may be held at 101697  
such times as the board determines, on the call of the 101698  
chairperson, or on the written request to the executive director 101699  
of three or more voting board members. If three or more voting 101700  
members request a meeting, the executive director shall call a 101701  
meeting, which shall be held not later than seven days after the 101702  
request is received. 101703

Seven voting members of the board constitute a quorum to 101704  
conduct business. Except as provided in section 4758.32 of the 101705  
Revised Code, no action shall be taken without the concurrence 101706  
of at least a quorum. 101707

At its first meeting each year, the board shall elect a 101708  
chairperson from among its voting members. No member shall serve 101709  
more than two consecutive terms as chairperson. 101710

The board shall keep any records and minutes necessary to 101711  
fulfill the duties established by this chapter and rules adopted 101712  
under it. 101713

**Sec. 4758.20.** (A) The chemical dependency professionals 101714  
board shall adopt rules to establish, specify, or provide for 101715  
all of the following: 101716

(1) Fees for the purposes authorized by section 4758.21 of 101717  
the Revised Code; 101718

(2) If the board, pursuant to section 4758.221 of the 101719  
Revised Code, elects to administer examinations for individuals 101720  
seeking to act as substance abuse professionals in a U.S.-United 101721  
States department of transportation drug and alcohol testing 101722  
program, the board's administration of the examinations; 101723

(3) For the purpose of section 4758.23 of the Revised 101724  
Code, codes of ethical practice and professional conduct for 101725  
individuals who hold a license, certificate, or endorsement 101726  
issued under this chapter; 101727

(4) For the purpose of section 4758.24 of the Revised 101728  
Code, all of the following: 101729

(a) The documents that an individual seeking such a 101730  
license, certificate, or endorsement must submit to the board; 101731

(b) Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships, internships and practicums.

(c) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter;

(6) For the purpose of section 4758.30 of the Revised Code, both of the following:

(a) The intervention for and treatment of an individual holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

~~(7)(b) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement under division (C) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;~~

~~(8).~~

(7) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the

investigation; 101761

~~(9)~~(8) Criteria for employees of the board to follow when 101762  
performing their duties under division (B) of section 4758.35 of 101763  
the Revised Code; 101764

~~(10)~~(9) For the purpose of division ~~(A)(1)~~(A) of section 101765  
4758.39 ~~and~~, division ~~(A)(1)~~(A) of section 4758.40, and division 101766  
(A) of section 4758.41 of the Revised Code, course requirements 101767  
for a degree in a behavioral science or nursing that may include 101768  
specific content areas and minimum hours for course 101769  
requirements; 101770

~~(11)~~(10) For the purpose of division ~~(A)(2)~~(B) of section 101771  
4758.39 of the Revised Code, the number of hours of compensated 101772  
work or supervised internship experience that an individual must 101773  
have and the number of those hours that must be in clinical 101774  
supervisory experience; 101775

~~(12)~~(11) For the purpose of division ~~(A)(3)~~(C) of section 101776  
4758.39, division ~~(A)(3)~~(C) of section 4758.40, division ~~(A)(3)~~ 101777  
(C) of section 4758.41, and ~~divisions~~ division (A)(3) ~~and (D)(3)~~ 101778  
of section 4758.42 of the Revised Code, both of the following: 101779

(a) The number of hours of training in ~~chemical dependency~~ 101780  
substance use disorders an individual must have; 101781

(b) Training requirements for ~~chemical dependency~~ 101782  
substance use disorders that shall, at a minimum, include 101783  
qualifications for the individuals who provide the training and 101784  
the content areas covered in the training. 101785

~~(13)~~(12) For the purpose of division ~~(A)(2)~~(B) of section 101786  
4758.40, division ~~(A)(2)~~(B) of section 4758.41, and division (A) 101787  
(2) of section 4758.42 of the Revised Code, the number of hours 101788  
of compensated work or supervised internship experience that an 101789

individual must have; 101790

~~(14) For the purpose of division (B) (2) (b) of section 4758.40 and division (B) (2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;~~ 101791  
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~~(15)~~ (13) For the purpose of division ~~(A) (1)~~ (A) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing; 101801  
101802  
101803

~~(16)~~ (14) For the purpose of division ~~(C) (2)~~ of section 4758.42 of the Revised Code, education both of the following: 101804  
101805

(a) Education requirements for chemical dependency substance use disorders; 101806  
101807

~~(17) For the purpose of division (C) (3) of section 4758.42 of the Revised Code, requirements~~ (b) Requirements for programs that provide practicum experience in chemical dependency; 101808  
101809  
101810

~~(18)~~ substance use disorders. 101811

(15) For the purpose of ~~division (A) of~~ section 4758.43 of the Revised Code, both of the following: 101812  
101813

(a) The number of hours of training in chemical dependency substance use disorder counseling that an individual must have; 101814  
101815

(b) Training requirements for chemical dependency substance use disorder counseling that shall, at a minimum, 101816  
101817

include qualifications for the individuals who provide the 101818  
training and the content areas covered in the training. 101819

~~(19)~~ (16) For the purpose of ~~division (A) (1) of section~~ 101820  
4758.44 of the Revised Code, ~~the~~ both of the following: 101821

(a) The number of hours of compensated work experience in 101822  
prevention services that an individual must have and the number 101823  
of those hours that must be in administering or supervising the 101824  
services; 101825

~~(20)~~ For the purpose of ~~division (A) (2) of section 4758.44~~ 101826  
~~of the Revised Code, the~~ (b) The field of study in which an 101827  
individual must obtain at least a bachelor's degree; 101828

~~(21)~~. 101829

(17) For the purpose of division ~~(A) (3) (C)~~ of section 101830  
4758.44, division ~~(A) (3) (C)~~ of section 4758.45, and division (D) 101831  
of section 4758.46 of the Revised Code, both of the following: 101832

(a) The number of hours of prevention-related education 101833  
that an individual must have; 101834

(b) Requirements for prevention-related education. 101835

~~(22)~~ (18) For the purpose of division ~~(A) (4) (D)~~ of section 101836  
4758.44 of the Revised Code, the number of hours of 101837  
administrative or supervisory education that an individual must 101838  
have; 101839

~~(23)~~ (19) For the purpose of ~~division (A) (1) of section~~ 101840  
4758.45 of the Revised Code, ~~the~~ both of the following: 101841

(a) The number of hours of compensated or volunteer work, 101842  
field placement, intern, or practicum experience in prevention 101843  
services that an individual must have and the number of those 101844

hours that must be in planning or delivering the services; 101845

~~(24) For the purpose of division (A) (2) of section 4758.45~~ 101846  
~~of the Revised Code, the~~ (b) The field of study in which an 101847  
individual must obtain at least an associate's degree; 101848

~~(25) .~~ 101849

(20) For the purpose of division (C) of section 4758.46 of 101850  
the Revised Code, the number of hours of compensated or 101851  
volunteer work, field placement, intern, or practicum experience 101852  
in prevention services that an individual must have; 101853

~~(26)~~ (21) Standards for the one hundred hours of 101854  
compensated work or supervised internship in gambling disorder 101855  
direct clinical experience required by division (B) (2) of 101856  
section 4758.48 of the Revised Code; 101857

~~(27)~~ (22) For the purpose of section 4758.51 of the Revised 101858  
Code, ~~continuing~~ both of the following: 101859

(a) Continuing education requirements for individuals who 101860  
hold a license, certificate, or endorsement issued under this 101861  
chapter; 101862

~~(28) For the purpose of section 4758.51 of the Revised~~ 101863  
~~Code, the~~ (b) The number of hours of continuing education that 101864  
an individual must complete to have an expired license, 101865  
certificate, or endorsement restored under section 4758.26 of 101866  
the Revised Code; 101867

~~(29) .~~ 101868

(23) For the purpose of divisions (A) and (B) of section 101869  
4758.52 of the Revised Code, training requirements for ~~chemical~~ 101870  
~~dependency~~ substance use disorder counseling; 101871

~~(30)~~ (24) The duties, which may differ, of all of the following: 101872  
101873

(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code; 101874  
101875  
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101877

(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code; 101878  
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(c) A prevention consultant or prevention specialist certified under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code. 101883  
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~~(31)~~ (25) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code. 101887  
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~~(32)~~ (26) Anything else the board considers necessary to administer this chapter. 101892  
101893

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations. 101894  
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(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency substance use disorder counseling or 101897  
101898  
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prevention services. 101901

**Sec. 4758.22.** The chemical dependency professionals board 101902  
shall prepare, cause to be prepared, or procure the use of, and 101903  
grade, cause to be graded, or procure the grading of, 101904  
examinations to determine the competence of individuals seeking 101905  
an independent chemical dependency counselor-clinical supervisor 101906  
license, independent chemical dependency counselor license, 101907  
chemical dependency counselor III license, chemical dependency 101908  
counselor II license, prevention consultant certificate, or 101909  
prevention specialist certificate. The board may develop the 101910  
examinations or use examinations prepared by state or national 101911  
organizations that represent the interests of those involved in 101912  
~~chemical dependency~~ substance use disorder counseling or 101913  
prevention services. The board shall conduct examinations at 101914  
least twice each year and shall determine the level of 101915  
competence necessary for a passing score. 101916

An individual may not sit for an examination administered 101917  
pursuant to this section unless the individual meets the 101918  
requirements to obtain the license or certificate the individual 101919  
seeks, other than the requirement to have passed the 101920  
examination, and pays the fee established under section 4758.21 101921  
of the Revised Code. An individual who is denied admission to 101922  
the examination may appeal the denial in accordance with Chapter 101923  
119. of the Revised Code. 101924

**Sec. 4758.221.** In accordance with rules adopted under 101925  
section 4758.20 of the Revised Code, the chemical dependency 101926  
professionals board may administer examinations for individuals 101927  
seeking to act as substance abuse professionals in a ~~U.S.~~ United 101928  
States department of transportation drug and alcohol testing 101929  
program. If it elects to administer the examinations, the board 101930

shall use examinations that comprehensively cover all the 101931  
elements of substance abuse professional qualification training 101932  
listed in 49 C.F.R. 40.281(c)(1) and are prepared by a 101933  
nationally recognized professional or training organization that 101934  
represents the interests of those involved in ~~chemical~~ 101935  
~~dependency~~ substance use disorder counseling services. 101936

**Sec. 4758.23.** (A) In rules adopted under section 4758.20 101937  
of the Revised Code, the chemical dependency professionals board 101938  
shall establish codes of ethical practice and professional 101939  
conduct for the following: 101940

(1) Individuals who hold a valid independent chemical 101941  
dependency counselor-clinical supervisor license, independent 101942  
chemical dependency counselor license, chemical dependency 101943  
counselor III license, chemical dependency counselor II license, 101944  
or chemical dependency counselor assistant certificate issued 101945  
under this chapter; 101946

(2) Individuals who hold a valid prevention consultant 101947  
certificate, prevention specialist certificate, prevention 101948  
specialist assistant certificate, or registered applicant 101949  
certificate issued under this chapter; 101950

(3) Individuals who hold a valid gambling disorder 101951  
endorsement. 101952

(B) The codes for individuals identified under division 101953  
~~(A)(1)~~ (A) of this section shall define unprofessional conduct, 101954  
which shall include engaging in a ~~dual relationship~~ multiple 101955  
relationships with a client, former client, consumer, or former 101956  
consumer; committing an act of sexual abuse, misconduct, or 101957  
exploitation of a client, former client, consumer, or former 101958  
consumer; and, except as permitted by law, violating client or 101959

consumer confidentiality. 101960

~~(C) The codes for individuals identified under division~~ 101961  
~~(A)(1) divisions (A)(1) and (2) of this section may be based on~~ 101962  
any codes of ethical practice and professional conduct developed 101963  
by national associations or other organizations representing the 101964  
interests of those involved in chemical dependency substance use 101965  
disorder counseling or prevention services. ~~The codes for~~ 101966  
~~individuals identified under division (A)(2) of this section may~~ 101967  
~~be based on any codes of ethical practice and professional~~ 101968  
~~conduct developed by national associations or other~~ 101969  
~~organizations representing the interests of those involved in~~ 101970  
~~prevention services.~~ The board may establish standards in the 101971  
codes that are more stringent than those established by the 101972  
national associations or other organizations. 101973

**Sec. 4758.24.** (A) The chemical dependency professionals 101974  
board shall issue a license, certificate, or endorsement under 101975  
this chapter to an individual who meets all of the following 101976  
requirements: 101977

(1) ~~Except as provided in section 4758.241 of the Revised~~ 101978  
~~Code, submits~~ Submits a properly completed application and all 101979  
other documentation specified in rules adopted under section 101980  
4758.20 of the Revised Code; 101981

(2) ~~Except as provided in section 4758.241 of the Revised~~ 101982  
~~Code, pays~~ Pays the fee established under section 4758.21 of the 101983  
Revised Code for the license, certificate, or endorsement that 101984  
the individual seeks; 101985

(3) Meets the requirements to obtain the license, 101986  
certificate, or endorsement that the individual seeks as 101987  
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 101988

4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the Revised Code;	101989
	101990
(4) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license, certificate, or endorsement that the individual seeks.	101991
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	101993
(B) The board shall not <del>do either of the following:</del>	101994
<del>(1) Issue a certificate to practice as a chemical dependency counselor I;</del>	101995
	101996
<del>(2) Issue</del> <u>issue</u> a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than the period of time specified in rules adopted under section 4758.20 of the Revised Code.	101997
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	101999
	102000
<b>Sec. 4758.27.</b> The chemical dependency professionals board shall not renew or restore under section 4758.26 of the Revised Code <del>either of the following:</del>	102001
	102002
	102003
<del>(A) A certificate to practice as a chemical dependency counselor I;</del>	102004
	102005
<del>(B) A</del> <u>a</u> registered applicant certificate.	102006
<b>Sec. 4758.30.</b> (A) The chemical dependency professionals board, in accordance with Chapter 119. of the Revised Code, may, except as provided in division (B) of this section, refuse to issue a license, certificate, or endorsement applied for under this chapter; refuse to renew or restore a license, certificate, or endorsement issued under this chapter; suspend, revoke, or otherwise restrict a license, certificate, or endorsement issued under this chapter; or reprimand an individual holding a license, certificate, or endorsement issued under this chapter. These actions may be taken by the board regarding the applicant	102007
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for a license, certificate, or endorsement or the individual 102017  
holding a license, certificate, or endorsement for one or more 102018  
of the following reasons: 102019

(1) Violation of any provision of this chapter or rules 102020  
adopted under it; 102021

(2) Knowingly making a false statement on an application 102022  
for a license, certificate, or endorsement or for renewal, 102023  
restoration, or reinstatement of a license, certificate, or 102024  
endorsement; 102025

(3) Acceptance of a commission or rebate for referring an 102026  
individual to a person who holds a license or certificate issued 102027  
by, or who is registered with, an entity of state government, 102028  
including persons practicing ~~chemical dependency~~ substance use 102029  
disorder counseling, prevention services, gambling disorder 102030  
counseling, or fields related to ~~chemical dependency counseling,~~ 102031  
~~prevention services, or gambling disorder counseling~~ any of the 102032  
foregoing; 102033

(4) Conviction in this state or any other ~~state~~ 102034  
jurisdiction of any crime that is a felony in this state; 102035

(5) Conviction in this state or any other ~~state~~ 102036  
jurisdiction of a misdemeanor committed in the course of 102037  
practice as an independent chemical dependency counselor- 102038  
clinical supervisor, independent chemical dependency counselor, 102039  
chemical dependency counselor III, chemical dependency counselor 102040  
II, chemical dependency counselor assistant, prevention 102041  
consultant, gambling disorder endorsee, prevention specialist, 102042  
prevention specialist assistant, or registered applicant; 102043

(6) Inability to practice as an independent chemical 102044  
dependency counselor-clinical supervisor, independent chemical 102045

dependency counselor, chemical dependency counselor III, 102046  
chemical dependency counselor II, chemical dependency counselor 102047  
assistant, gambling disorder endorsee, prevention consultant, 102048  
prevention specialist, prevention specialist assistant, or 102049  
registered applicant due to abuse of or dependency on alcohol or 102050  
other drugs or ~~other physical or~~ by reason of mental 102051  
~~condition~~illness or physical illness, including physical 102052  
deterioration that adversely affects cognitive, motor, or 102053  
perceptive skills; 102054

(7) Practicing outside the individual's scope of practice; 102055

(8) Practicing without complying with the supervision 102056  
requirements specified under section 4758.56, 4758.59, 4758.61, 102057  
or 4758.62 of the Revised Code; 102058

(9) Violation of the code of ethical practice and 102059  
professional conduct for ~~chemical dependency substance use~~ 102060  
disorder counseling, prevention services, or gambling disorder 102061  
counseling adopted by the board pursuant to section 4758.23 of 102062  
the Revised Code; 102063

(10) Revocation of a license, certificate, or endorsement 102064  
or voluntary surrender of a license, certificate, or endorsement 102065  
in another state or jurisdiction for an offense that would be a 102066  
violation of this chapter. 102067

(B) The board shall not refuse to issue a license, 102068  
certificate, or endorsement to an applicant because of a 102069  
criminal conviction unless the refusal is in accordance with 102070  
section 9.79 of the Revised Code. 102071

(C) An individual whose license, certificate, or 102072  
endorsement has been suspended or revoked under this section may 102073  
apply to the board for reinstatement after an amount of time the 102074

board shall determine in accordance with rules adopted under 102075  
section 4758.20 of the Revised Code. The board may accept or 102076  
refuse an application for reinstatement. The board may require 102077  
an examination for reinstatement of a license, certificate, or 102078  
endorsement that has been suspended or revoked. 102079

**Sec. 4758.31.** The chemical dependency professionals board 102080  
shall investigate alleged violations of this chapter or the 102081  
rules adopted under it and alleged irregularities in the 102082  
delivery of ~~chemical dependency~~ substance use disorder 102083  
counseling services, prevention services, or gambling disorder 102084  
counseling services by individuals who hold a license, 102085  
certificate, or endorsement issued under this chapter. As part 102086  
of an investigation, the board may issue subpoenas, examine 102087  
witnesses, and administer oaths. 102088

The board may receive any information necessary to conduct 102089  
an investigation under this section that has been obtained in 102090  
accordance with federal laws and regulations. If the board is 102091  
investigating the provision of ~~chemical dependency~~ substance use 102092  
disorder counseling services or gambling disorder counseling 102093  
services to a couple or group, it is not necessary for both 102094  
members of the couple or all members of the group to consent to 102095  
the release of information relevant to the investigation. 102096

The board shall ensure, in accordance with rules adopted 102097  
under section 4758.20 of the Revised Code, that all records it 102098  
holds pertaining to an investigation remain confidential during 102099  
the investigation. After the investigation, the records are 102100  
public records except as otherwise provided by federal or state 102101  
law. 102102

**Sec. 4758.35.** (A) An individual seeking a license, 102103  
certificate, or endorsement issued under this chapter shall ~~file~~ 102104

~~with submit an application to the~~ chemical dependency 102105  
~~professionals board a written application on a form prescribed~~ 102106  
~~by in a manner that the board shall prescribe.~~ Each ~~form~~ 102107  
~~application~~ shall state that a false statement made on the ~~form~~ 102108  
~~application~~ is the crime of falsification under section 2921.13 102109  
of the Revised Code. 102110

(B) The board shall require an individual or individuals 102111  
employed by the board under section 4758.15 of the Revised Code 102112  
to do both of the following in accordance with criteria 102113  
established by rules adopted under section 4758.20 of the 102114  
Revised Code: 102115

(1) Receive and review all applications submitted to the 102116  
board; 102117

(2) Submit to the board all applications the individual or 102118  
individuals recommend the board review based on the criteria 102119  
established in the rules. 102120

(C) The board shall review all applications submitted to 102121  
the board pursuant to division (B) (2) of this section. 102122

**Sec. 4758.36.** As part of the review process under division 102123  
(C) of section 4758.35 of the Revised Code of an application 102124  
submitted by an applicant whose education or experience in 102125  
~~chemical dependency substance use disorder counseling,~~ 102126  
prevention services, or gambling disorder counseling was 102127  
obtained outside the United States, or whose education and 102128  
experience both were obtained outside the United States, the 102129  
chemical dependency professionals board shall determine whether 102130  
the applicant's command of the English language and education or 102131  
experience meet the standards required by this chapter and rules 102132  
adopted under it. 102133

**Sec. 4758.39.** An individual seeking an independent 102134  
chemical dependency counselor-clinical supervisor license shall 102135  
meet ~~the requirements of division (A) or (B) of this section.~~ 102136

~~(A) To meet the requirements of this division, an~~ 102137  
~~individual must meet~~ all of the following requirements: 102138

~~(1)~~ (A) Hold from an accredited educational institution at 102139  
least a master's degree in either a behavioral science or 102140  
nursing that meets the course requirements specified in rules 102141  
adopted under section 4758.20 of the Revised Code; 102142

~~(2)~~ (B) Have not less than the number of hours specified in 102143  
rules adopted under section 4758.20 of the Revised Code of 102144  
compensated work or supervised internship experience, including 102145  
at least the number of hours specified in those rules of 102146  
clinical supervisory experience, in any of the following, not 102147  
less than twenty per cent of which are in ~~chemical dependency~~ 102148  
substance use disorder counseling: 102149

~~(a) Chemical dependency services, substance abuse~~ 102150  
~~services, or both types of~~ (1) Substance use disorder services; 102151

~~(b)~~ (2) The practice of psychology, as defined in section 102152  
4732.01 of the Revised Code; 102153

~~(c)~~ (3) The practice of professional counseling, the 102154  
practice of social work, or the practice of marriage and family 102155  
therapy, all as defined in section 4757.01 of the Revised Code. 102156

~~(3)~~ (C) Have a minimum of the number of hours specified in 102157  
rules adopted under section 4758.20 of the Revised Code of 102158  
training in ~~chemical dependency~~ substance use disorders that 102159  
meets the requirements specified in those rules; 102160

~~(4)~~ (D) Unless the individual holds a valid license, 102161

registration, certificate, or credentials issued under another 102162  
chapter of the Revised Code that authorizes the individual to 102163  
engage in a profession whose scope of practice includes the 102164  
clinical supervision of ~~chemical dependency~~ substance use 102165  
disorder counseling, ~~chemical dependency~~ substance use disorder 102166  
counseling, and diagnosing and treating ~~chemical dependency~~ 102167  
substance use disorder conditions, pass one or more examinations 102168  
administered pursuant to section 4758.22 of the Revised Code for 102169  
the purpose of determining competence to practice as an 102170  
independent chemical dependency counselor-clinical supervisor. 102171

~~(B) To meet the requirement of this division, an~~ 102172  
~~individual must hold, on March 22, 2013, a valid independent~~ 102173  
~~chemical dependency counselor license.~~ 102174

**Sec. 4758.40.** An individual seeking an independent 102175  
chemical dependency counselor license shall ~~meet the~~ 102176  
~~requirements of division (A) or (B) of this section.~~ 102177

~~(A) To meet the requirements of this division, an~~ 102178  
~~individual must meet all of the following requirements:~~ 102179

~~(1)~~ (A) Hold from an accredited educational institution at 102180  
least a master's degree in a behavioral science or nursing that 102181  
meets the course requirements specified in rules adopted under 102182  
section 4758.20 of the Revised Code; 102183

~~(2)~~ (B) Have not less than the number of hours specified in 102184  
rules adopted under section 4758.20 of the Revised Code of 102185  
compensated work or supervised internship experience in any of 102186  
the following, not less than twenty per cent of which are in 102187  
~~chemical dependency~~ substance use disorder counseling: 102188

~~(a) Chemical dependency services, substance abuse~~ 102189  
~~services, or both types of~~ (1) Substance use disorder services; 102190

<del>(b)</del> <u>(2)</u> The practice of psychology, as defined in section 4732.01 of the Revised Code;	102191 102192
<del>(e)</del> <u>(3)</u> The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.	102193 102194 102195
<del>(3)</del> <u>(C)</u> Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in <del>chemical dependency</del> <u>substance use disorders</u> that meets the requirements specified in those rules;	102196 102197 102198 102199
<del>(4)</del> <u>(D)</u> Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes <del>chemical dependency</del> <u>substance use disorder</u> counseling and diagnosing and treating <del>chemical dependency</del> <u>substance use disorder</u> conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency counselor.	102200 102201 102202 102203 102204 102205 102206 102207 102208 102209
<del>(B) To meet the requirements of this division, an individual must meet both of the following requirements:</del>	102210 102211
<del>(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;</del>	102212 102213 102214 102215 102216
<del>(2) Meet one of the following requirements:</del>	102217
<del>(a) Hold the degree described in division (A) (1) of this section;</del>	102218 102219

~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of this section may provide the portion of the training on chemical dependency conditions.~~

**Sec. 4758.41.** An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division (A), (B), or (C) of this section.~~

~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~

~~(1) (A) Hold from an accredited educational institution at least a bachelor's degree in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;~~

~~(2) (B) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in chemical dependency substance use disorder counseling:~~

<del>(a) Chemical dependency services, substance abuse</del>	102250
<del>services, or both types of</del> (1) <u>Substance use disorder services;</u>	102251
<del>(b)</del> (2) The practice of psychology, as defined in section	102252
4732.01 of the Revised Code;	102253
<del>(c)</del> (3) The practice of professional counseling, the	102254
practice of social work, or the practice of marriage and family	102255
therapy, all as defined in section 4757.01 of the Revised Code.	102256
<del>(3)</del> (C) Have a minimum of the number of hours specified in	102257
rules adopted under section 4758.20 of the Revised Code of	102258
training in <del>chemical dependency</del> <u>substance use disorders</u> that	102259
meets the requirements specified in those rules;	102260
<del>(4)</del> (D) Unless the individual holds a valid license,	102261
registration, certificate, or credentials issued under another	102262
chapter of the Revised Code that authorizes the individual to	102263
engage in a profession whose scope of practice includes <del>chemical</del>	102264
<del>dependency</del> <u>substance use disorder</u> counseling and diagnosing and	102265
treating <del>chemical dependency</del> <u>substance use disorder</u> conditions,	102266
pass one or more examinations administered pursuant to section	102267
4758.22 of the Revised Code for the purpose of determining	102268
competence to practice as a chemical dependency counselor III.	102269
<del>(B) To meet the requirements of this division, an</del>	102270
<del>individual must meet both of the following requirements:</del>	102271
<del>(1) Hold, on December 23, 2002, a certificate or</del>	102272
<del>credentials that were accepted under former section 3793.07 of</del>	102273
<del>the Revised Code as authority to practice as a certified</del>	102274
<del>chemical dependency counselor III or certified chemical</del>	102275
<del>dependency counselor III-E;</del>	102276
<del>(2) Have not less than forty clock hours of training on</del>	102277
<del>the version of the diagnostic and statistical manual of mental</del>	102278

~~disorders that is current at the time of the training. The~~ 102279  
~~training must meet the requirements specified in rules adopted~~ 102280  
~~under section 4758.20 of the Revised Code. An individual~~ 102281  
~~authorized under Chapter 4731. of the Revised Code to practice~~ 102282  
~~medicine and surgery or osteopathic medicine and surgery, a~~ 102283  
~~psychologist licensed under Chapter 4732. of the Revised Code,~~ 102284  
~~or a licensed professional clinical counselor or independent~~ 102285  
~~social worker licensed under Chapter 4757. of the Revised Code~~ 102286  
~~may provide any portion of the training. An independent chemical~~ 102287  
~~dependency counselor licensed under this chapter who holds the~~ 102288  
~~degree described in division (A) (1) of section 4758.40 of the~~ 102289  
~~Revised Code may provide the portion of the training on chemical~~ 102290  
~~dependency conditions.~~ 102291

~~(C) To meet the requirements of this division, an~~ 102292  
~~individual must meet all of the following requirements:~~ 102293

~~(1) Hold, on December 23, 2002, a certificate or~~ 102294  
~~credentials that were accepted under former section 3793.07 of~~ 102295  
~~the Revised Code as authority to practice as a certified~~ 102296  
~~chemical dependency counselor II;~~ 102297

~~(2) Meet the requirement of division (B) (2) of this~~ 102298  
~~section;~~ 102299

~~(3) Hold a bachelor's degree in a behavioral science.~~ 102300

**Sec. 4758.42.** An individual seeking a chemical dependency 102301  
counselor II license shall meet the requirements of division 102302  
(A) ~~or~~ (B) ~~or~~ (C) of this section ~~or, until three years after~~ 102303  
~~the effective date of this amendment, division (A), (B), (C), or~~ 102304  
~~(D) of this section.~~ 102305

(A) To meet the requirements of this division, an 102306  
individual must meet all of the following requirements: 102307

(1) Hold from an accredited educational institution an	102308
associate's degree in a behavioral science or nursing or a	102309
bachelor's degree in any field;	102310
(2) Have not less than the number of hours specified in	102311
rules adopted under section 4758.20 of the Revised Code of	102312
compensated work or supervised internship experience in any of	102313
the following, not less than twenty per cent of which are in	102314
<del>chemical dependency</del> <u>substance use disorder counseling</u> ;	102315
(a) <del>Chemical dependency services, substance abuse</del>	102316
<del>services, or both types of</del> <u>Substance use disorder</u> services;	102317
(b) The practice of psychology, as defined in section	102318
4732.01 of the Revised Code;	102319
(c) The practice of professional counseling, the practice	102320
of social work, or the practice of marriage and family therapy,	102321
all as defined in section 4757.01 of the Revised Code.	102322
(3) Have a minimum of the number of hours specified in	102323
rules adopted under section 4758.20 of the Revised Code of	102324
training in <del>chemical dependency</del> <u>substance use disorders</u> that	102325
meets the requirements specified in those rules;	102326
(4) Pass one or more examinations administered pursuant to	102327
section 4758.22 of the Revised Code for the purpose of	102328
determining competence to practice as a chemical dependency	102329
counselor II.	102330
(B) <del>To meet the requirement of this division, an</del>	102331
<del>individual must hold, on December 23, 2002, a certificate or</del>	102332
<del>credentials that were accepted under former section 3793.07 of</del>	102333
<del>the Revised Code as authority to practice as a certified</del>	102334
<del>chemical dependency counselor II.</del>	102335

~~(C)~~—To meet the requirements of this division, an 102336  
individual must meet all of the following requirements: 102337

(1) Hold from an accredited educational institution an 102338  
associate's or bachelor's degree in either of the following with 102339  
a specialization in ~~chemical dependency~~ substance use disorder 102340  
counseling: 102341

(a) A behavioral science; 102342

(b) Nursing. 102343

(2) Have a minimum of one hundred eighty hours of 102344  
education in ~~chemical dependency~~ substance use disorders that 102345  
meets the requirements specified in rules adopted under section 102346  
4758.20 of the Revised Code; 102347

(3) While holding a valid chemical dependency counselor 102348  
assistant certificate, have successfully completed, over the 102349  
course of not more than any two semesters, at least two hundred 102350  
forty hours of supervised practicum experience in ~~chemical-~~ 102351  
~~dependency~~ substance use disorder treatment through a program 102352  
that meets all of the following requirements: 102353

(a) The program includes at least two hours per week of 102354  
supervised practicum experience; 102355

(b) The program provides intensive outpatient treatment or 102356  
a higher level of care, or another level of care if specified in 102357  
rules adopted under section 4758.20 of the Revised Code; 102358

(c) The program meets other requirements specified in 102359  
rules adopted under that section. 102360

(4) Have at least one thousand hours of compensated work 102361  
experience as a chemical dependency counselor assistant; 102362

(5) Provide to the chemical dependency professionals board 102363  
a written recommendation from an individual who supervised the 102364  
individual's practice of ~~chemical dependency~~ substance use 102365  
disorder counseling as a chemical dependency counselor assistant 102366  
as required by division (B) of section 4758.59 of the Revised 102367  
Code; 102368

(6) Pass one or more examinations administered pursuant to 102369  
section 4758.22 of the Revised Code for the purpose of 102370  
determining competence to practice as a chemical dependency 102371  
counselor II. 102372

~~(D) To meet the requirements of this division, an 102373  
individual must meet all of the following requirements: 102374~~

~~(1) Since at least December 31, 2008, continuously have 102375  
done both of the following: 102376~~

~~(a) Held a valid chemical dependency counselor assistant 102377  
certificate; 102378~~

~~(b) Practiced chemical dependency counseling while under 102379  
supervision as required by division (B) of section 4758.59 of 102380  
the Revised Code. 102381~~

~~(2) Provide to the board a written recommendation from an 102382  
individual who supervised the individual's practice of chemical 102383  
dependency counseling as a chemical dependency counselor 102384  
assistant; 102385~~

~~(3) Have a minimum of the number of hours specified in 102386  
rules adopted under section 4758.20 of the Revised Code of 102387  
training in chemical dependency that meets the requirements 102388  
specified in those rules; 102389~~

~~(4) Pass one or more examinations administered pursuant to 102390~~

~~section 4758.22 of the Revised Code for the purpose of~~ 102391  
~~determining competence to practice as a chemical dependency~~ 102392  
~~counselor II.~~ 102393

**Sec. 4758.43.** An individual seeking a chemical dependency 102394  
counselor assistant certificate shall ~~meet either of the~~ 102395  
~~following requirements:~~ 102396

~~(A)~~ 102397

~~Have~~ have at least the number of hours specified in rules 102398  
adopted under section 4758.20 of the Revised Code of training in 102399  
~~chemical dependency~~ substance use disorder counseling that meets 102400  
the requirements specified in those rules; 102401

~~(B) Hold, on December 23, 2002, a certificate or~~ 102402  
~~credentials that were accepted under former section 3793.07 of~~ 102403  
~~the Revised Code as authority to practice as a registered~~ 102404  
~~candidate.~~ 102405

**Sec. 4758.44.** An individual seeking a prevention 102406  
consultant certificate shall ~~meet the requirements of division~~ 102407  
~~(A) or (B) of this section.~~ 102408

~~(A) To meet the requirements of this division, an~~ 102409  
~~individual must meet all of the following requirements:~~ 102410

~~(1)~~ (A) Have at least the number of hours specified in 102411  
rules adopted under section 4758.20 of the Revised Code of 102412  
compensated work experience in prevention services, including at 102413  
least the number of hours specified in those rules of 102414  
administering or supervising the services; 102415

~~(2)~~ (B) Hold from an accredited educational institution at 102416  
least a bachelor's degree in a field of study specified in rules 102417  
adopted under section 4758.20 of the Revised Code; 102418

~~(3)~~ (C) Have at least the number of hours specified in 102419  
rules adopted under section 4758.20 of the Revised Code of 102420  
prevention-related education that meets the requirements 102421  
specified in those rules; 102422

~~(4)~~ (D) Have at least the number of hours specified in 102423  
rules adopted under section 4758.20 of the Revised Code of 102424  
administrative or supervisory education; 102425

~~(5)~~ (E) Pass one or more examinations administered pursuant 102426  
to section 4758.22 of the Revised Code for the purpose of 102427  
determining competence to practice as a prevention consultant. 102428

~~(B) To meet the requirement of this division, an 102429  
individual must hold, on December 23, 2002, a certificate or 102430  
credentials that were accepted under former section 3793.07 of 102431  
the Revised Code as authority to practice as a certified 102432  
prevention specialist II. 102433~~

**Sec. 4758.45.** An individual seeking a prevention 102434  
specialist certificate shall ~~meet the requirements of division 102435  
(A) or (B) of this section.~~ 102436

~~(A) To meet the requirements of this division, an 102437  
individual must meet all of the following requirements: 102438~~

~~(1)~~ (A) Have at least the number of hours specified in 102439  
rules adopted under section 4758.20 of the Revised Code of 102440  
compensated or volunteer work, field placement, intern, or 102441  
practicum experience in prevention services, including at least 102442  
the number of hours specified in those rules of planning or 102443  
delivering the services; 102444

~~(2)~~ (B) Hold from an accredited educational institution at 102445  
least an associate's degree in a field of study specified in 102446  
rules adopted under section 4758.20 of the Revised Code; 102447

~~(3)~~ (C) Have at least the number of hours specified in 102448  
rules adopted under section 4758.20 of the Revised Code of 102449  
prevention-related education that meets the requirements 102450  
specified in those rules; 102451

~~(4)~~ (D) Pass one or more examinations administered pursuant 102452  
to section 4758.22 of the Revised Code for the purpose of 102453  
determining competence to practice as a prevention specialist. 102454

~~(B) To meet the requirement of this division, an 102455  
individual must hold, on December 23, 2002, a certificate or 102456  
credentials that were accepted under former section 3793.07 of 102457  
the Revised Code as authority to practice as a certified 102458  
prevention specialist I. 102459~~

**Sec. 4758.52.** (A) Except as provided in division (C) of 102460  
this section, each individual who holds an initial chemical 102461  
dependency counselor assistant certificate shall complete, 102462  
during the first twelve months that the initial certificate is 102463  
in effect, at least thirty additional hours of training in 102464  
~~chemical dependency substance use disorder counseling~~ that meets 102465  
the requirements specified in rules adopted under section 102466  
4758.20 of the Revised Code as a condition of having the initial 102467  
certificate renewed. 102468

(B) Except as provided in division (C) of this section, an 102469  
individual whose initial chemical dependency counselor assistant 102470  
certificate has expired shall complete at least thirty 102471  
additional hours of training in ~~chemical dependency substance~~ 102472  
use disorder counseling that meets the requirements specified in 102473  
rules adopted under section 4758.20 of the Revised Code as a 102474  
condition of receiving a restored chemical dependency counselor 102475  
assistant certificate. 102476

(C) The chemical dependency professionals board may waive 102477  
the additional training requirement established under this 102478  
section for individuals who are unable to fulfill the 102479  
requirement because of military service, illness, residence 102480  
outside the United States, or any other reason the board 102481  
considers acceptable. 102482

**Sec. 4758.54.** In addition to practicing ~~chemical-~~ 102483  
~~dependency~~ substance use disorder counseling, an individual 102484  
holding a valid independent chemical dependency counselor- 102485  
clinical supervisor license may do all of the following: 102486

(A) Diagnose and treat ~~chemical dependency~~ substance use 102487  
disorder conditions; 102488

(B) Perform treatment planning, assessment, crisis 102489  
intervention, individual and group counseling, case management, 102490  
and education services as they relate to abuse of and dependency 102491  
on alcohol and other drugs; 102492

(C) Provide clinical supervision of ~~chemical dependency-~~ 102493  
substance use disorder counseling; 102494

(D) Refer individuals with ~~nonchemical dependency non-~~ 102495  
substance use disorder conditions to appropriate sources of 102496  
help. 102497

**Sec. 4758.55.** In addition to practicing ~~chemical-~~ 102498  
~~dependency~~ substance use disorder counseling, an individual 102499  
holding a valid independent chemical dependency counselor 102500  
license may do all of the following: 102501

(A) Diagnose and treat ~~chemical dependency~~ substance use 102502  
disorder conditions; 102503

(B) Perform treatment planning, assessment, crisis 102504

intervention, individual and group counseling, case management, 102505  
and education services as they relate to abuse of and dependency 102506  
on alcohol and other drugs; 102507

(C) Provide clinical supervision of ~~chemical dependency~~ 102508  
substance use disorder counseling under the supervision of any 102509  
of the following: 102510

(1) An independent chemical dependency counselor-clinical 102511  
supervisor licensed under this chapter; 102512

(2) An individual authorized under Chapter 4731. of the 102513  
Revised Code to practice medicine and surgery or osteopathic 102514  
medicine and surgery; 102515

(3) A psychologist licensed under Chapter 4732. of the 102516  
Revised Code; 102517

(4) A registered nurse licensed under Chapter 4723. of the 102518  
Revised Code or licensed professional clinical counselor, 102519  
independent social worker, or independent marriage and family 102520  
therapist licensed under Chapter 4757. of the Revised Code if 102521  
such supervision is consistent with the scope of practice of the 102522  
registered nurse, licensed professional clinical counselor, 102523  
independent social worker, or independent marriage and family 102524  
therapist; 102525

(5) An individual authorized to practice as a certified 102526  
nurse practitioner or clinical nurse specialist under Chapter 102527  
4723. of the Revised Code. 102528

(D) Refer individuals with ~~nonchemical dependency~~ non- 102529  
substance use disorder conditions to appropriate sources of 102530  
help. 102531

**Sec. 4758.56.** (A) In addition to practicing ~~chemical~~ 102532

~~dependency~~ substance use disorder counseling, an individual 102533  
holding a valid chemical dependency counselor III license may do 102534  
all of the following: 102535

(1) Diagnose ~~chemical dependency~~ substance use disorder 102536  
conditions under the supervision of any of the professionals 102537  
listed in section 4758.561 of the Revised Code; 102538

(2) Treat ~~chemical dependency~~ substance use disorder 102539  
conditions; 102540

(3) Perform treatment planning, assessment, crisis 102541  
intervention, individual and group counseling, case management, 102542  
and education services as they relate to abuse of and dependency 102543  
on alcohol and other drugs; 102544

(4) Provide clinical supervision of ~~chemical dependency~~ 102545  
substance use disorder counseling under the supervision of any 102546  
of the professionals listed in section 4758.561 of the Revised 102547  
Code; 102548

(5) Refer individuals with ~~nonchemical dependency~~ non- 102549  
substance use disorder conditions to appropriate sources of 102550  
help. 102551

(B) A chemical dependency counselor III may not practice 102552  
as an individual practitioner. 102553

**Sec. 4758.57.** (A) In addition to practicing ~~chemical~~ 102554  
~~dependency~~ substance use disorder counseling, an individual 102555  
holding a valid chemical dependency counselor II license may do 102556  
both of the following: 102557

(1) Perform treatment planning, assessment, crisis 102558  
intervention, individual and group counseling, case management, 102559  
and education services as they relate to abuse of and dependency 102560

on alcohol and other drugs; 102561

(2) Refer individuals with ~~nonchemical dependency~~ non-substance use disorder conditions to appropriate sources of help. 102562  
102563  
102564

(B) A chemical dependency counselor II may not practice as an individual practitioner. 102565  
102566

**Sec. 4758.59.** (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate may do both of the following in addition to practicing chemical dependency counseling: 102567  
102568  
102569  
102570

(1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs; 102571  
102572  
102573  
102574

(2) Refer individuals with ~~nonchemical dependency~~ non-substance use disorder conditions to appropriate sources of help. 102575  
102576  
102577

(B) An individual holding a valid chemical dependency counselor assistant certificate may practice ~~chemical dependency~~ substance use disorder counseling and perform the tasks specified in division (A) of this section only while under the supervision of any of the following: 102578  
102579  
102580  
102581  
102582

(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter; 102583  
102584  
102585

(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 102586  
102587  
102588

(3) A psychologist licensed under Chapter 4732. of the Revised Code; 102589  
102590

(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist; 102591  
102592  
102593  
102594  
102595  
102596  
102597  
102598

(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code. 102599  
102600  
102601

(C) A chemical dependency counselor assistant may not practice as an individual practitioner. 102602  
102603

**Sec. 4758.99.** Whoever violates ~~division (A) or (B) of~~ section 4758.02 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the third degree. 102604  
102605  
102606  
102607  
102608

**Sec. 4759.07.** (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons: 102609  
102610  
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102617

(1) Except when civil penalties are imposed under section 102618  
4759.071 of the Revised Code, violating or attempting to 102619  
violate, directly or indirectly, or assisting in or abetting the 102620  
violation of, or conspiring to violate, any provision of this 102621  
chapter or the rules adopted by the board; 102622

(2) Making a false, fraudulent, deceptive, or misleading 102623  
statement in the solicitation of or advertising for patients; in 102624  
relation to the practice of dietetics; or in securing or 102625  
attempting to secure any license or permit issued by the board 102626  
under this chapter. 102627

As used in division (A) (2) of this section, "false, 102628  
fraudulent, deceptive, or misleading statement" means a 102629  
statement that includes a misrepresentation of fact, is likely 102630  
to mislead or deceive because of a failure to disclose material 102631  
facts, is intended or is likely to create false or unjustified 102632  
expectations of favorable results, or includes representations 102633  
or implications that in reasonable probability will cause an 102634  
ordinarily prudent person to misunderstand or be deceived. 102635

(3) Committing fraud during the administration of the 102636  
examination for a license to practice or committing fraud, 102637  
misrepresentation, or deception in applying for, renewing, or 102638  
securing any license or permit issued by the board; 102639

(4) A plea of guilty to, a judicial finding of guilt of, 102640  
or a judicial finding of eligibility for intervention in lieu of 102641  
conviction for, a felony; 102642

(5) Commission of an act that constitutes a felony in this 102643  
state, regardless of the jurisdiction in which the act was 102644  
committed; 102645

(6) A plea of guilty to, a judicial finding of guilt of, 102646

or a judicial finding of eligibility for intervention in lieu of 102647  
conviction for, a misdemeanor committed in the course of 102648  
practice; 102649

(7) Commission of an act in the course of practice that 102650  
constitutes a misdemeanor in this state, regardless of the 102651  
jurisdiction in which the act was committed; 102652

(8) A plea of guilty to, a judicial finding of guilt of, 102653  
or a judicial finding of eligibility for intervention in lieu of 102654  
conviction for, a misdemeanor involving moral turpitude; 102655

(9) Commission of an act involving moral turpitude that 102656  
constitutes a misdemeanor in this state, regardless of the 102657  
jurisdiction in which the act was committed; 102658

(10) A record of engaging in incompetent or negligent 102659  
conduct in the practice of dietetics; 102660

(11) A departure from, or failure to conform to, minimal 102661  
standards of care of similar practitioners under the same or 102662  
similar circumstances, whether or not actual injury to a patient 102663  
is established; 102664

(12) The obtaining of, or attempting to obtain, money or 102665  
anything of value by fraudulent misrepresentations in the course 102666  
of practice; 102667

(13) Violation of the conditions of limitation placed by 102668  
the board on a license or permit; 102669

(14) Inability to practice according to acceptable and 102670  
prevailing standards of care by reason of mental illness or 102671  
physical illness, including, physical deterioration that 102672  
adversely affects cognitive, motor, or perceptive skills; 102673

(15) Any of the following actions taken by an agency 102674

responsible for authorizing, certifying, or regulating an 102675  
individual to practice a health care occupation or provide 102676  
health care services in this state or another jurisdiction, for 102677  
any reason other than the nonpayment of fees: the limitation, 102678  
revocation, or suspension of an individual's license; acceptance 102679  
of an individual's license surrender; denial of a license; 102680  
refusal to renew or reinstate a license; imposition of 102681  
probation; or issuance of an order of censure or other 102682  
reprimand; 102683

(16) The revocation, suspension, restriction, reduction, 102684  
or termination of practice privileges by the United States 102685  
department of defense or department of veterans affairs; 102686

(17) Termination or suspension from participation in the 102687  
medicare or medicaid programs by the department of health and 102688  
human services or other responsible agency for any act or acts 102689  
that also would constitute a violation of division (A) (11), 102690  
(12), or (14) of this section; 102691

(18) Impairment of ability to practice according to 102692  
acceptable and prevailing standards of care because of substance 102693  
use disorder or excessive use or abuse of drugs, alcohol, or 102694  
other substances that may impair ability to practice; 102695

(19) Failure to cooperate in an investigation conducted by 102696  
the board under division (B) of section 4759.05 of the Revised 102697  
Code, including failure to comply with a subpoena or order 102698  
issued by the board or failure to answer truthfully a question 102699  
presented by the board in an investigative interview, an 102700  
investigative office conference, at a deposition, or in written 102701  
interrogatories, except that failure to cooperate with an 102702  
investigation shall not constitute grounds for discipline under 102703  
this section if a court of competent jurisdiction has issued an 102704

order that either quashes a subpoena or permits the individual 102705  
to withhold the testimony or evidence in issue; 102706

(20) Representing with the purpose of obtaining 102707  
compensation or other advantage as personal gain or for any 102708  
other person, that an incurable disease or injury, or other 102709  
incurable condition, can be permanently cured. 102710

(B) The board shall not refuse to issue a license or 102711  
limited permit to an applicant because of a plea of guilty to, a 102712  
judicial finding of guilt of, or a judicial finding of 102713  
eligibility for intervention in lieu of conviction for an 102714  
offense unless the refusal is in accordance with section 9.79 of 102715  
the Revised Code. 102716

(C) Any action taken by the board under division (A) of 102717  
this section resulting in a suspension from practice shall be 102718  
accompanied by a written statement of the conditions under which 102719  
the individual's license or permit may be reinstated. The board 102720  
shall adopt rules governing conditions to be imposed for 102721  
reinstatement. Reinstatement of a license or permit suspended 102722  
pursuant to division (A) of this section requires an affirmative 102723  
vote of not fewer than six members of the board. 102724

(D) When the board refuses to grant or issue a license or 102725  
permit to an applicant, revokes an individual's license or 102726  
permit, refuses to renew an individual's license or permit, or 102727  
refuses to reinstate an individual's license or permit, the 102728  
board may specify that its action is permanent. An individual 102729  
subject to a permanent action taken by the board is forever 102730  
thereafter ineligible to hold a license or permit and the board 102731  
shall not accept an application for reinstatement of the license 102732  
or permit or for issuance of a new license or permit. 102733

(E) Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(F) In enforcing division (A) (14) of this section, the board, upon a showing of a possible violation, shall refer any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel the individual to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the

individual's control, and a default and final order may be 102765  
entered without the taking of testimony or presentation of 102766  
evidence. If the board finds an individual unable to practice 102767  
because of the reasons set forth in division (A)(14) of this 102768  
section, the board shall require the individual to submit to 102769  
care, counseling, or treatment by physicians approved or 102770  
designated by the board, as a condition for initial, continued, 102771  
reinstated, or renewed authority to practice. An individual 102772  
affected under this division shall be afforded an opportunity to 102773  
demonstrate to the board the ability to resume practice in 102774  
compliance with acceptable and prevailing standards under the 102775  
provisions of the individual's license or permit. For the 102776  
purpose of division (A)(14) of this section, any individual who 102777  
applies for or receives a license or permit under this chapter 102778  
accepts the privilege of practicing in this state and, by so 102779  
doing, shall be deemed to have given consent to submit to a 102780  
mental or physical examination when directed to do so in writing 102781  
by the board, and to have waived all objections to the 102782  
admissibility of testimony or examination reports that 102783  
constitute a privileged communication. 102784

(G) For the purposes of division (A)(18) of this section, 102785  
any individual authorized to practice by this chapter accepts 102786  
the privilege of practicing in this state subject to supervision 102787  
by the board. By filing an application for or holding a license 102788  
or permit under this chapter, an individual shall be deemed to 102789  
have given consent to submit to a mental or physical examination 102790  
when ordered to do so by the board in writing, and to have 102791  
waived all objections to the admissibility of testimony or 102792  
examination reports that constitute privileged communications. 102793

If it has reason to believe that any individual authorized 102794  
to practice by this chapter or any applicant for a license or 102795

permit suffers such impairment, the board shall refer the 102796  
individual to the monitoring organization that conducts the 102797  
confidential monitoring program established under section 102798  
4731.25 of the Revised Code. The board also may compel the 102799  
individual to submit to a mental or physical examination, or 102800  
both. The expense of the examination is the responsibility of 102801  
the individual compelled to be examined. Any mental or physical 102802  
examination required under this division shall be undertaken by 102803  
a treatment provider or physician who is qualified to conduct 102804  
the examination and who is approved under section 4731.251 of 102805  
the Revised Code. 102806

Failure to submit to a mental or physical examination 102807  
ordered by the board constitutes an admission of the allegations 102808  
against the individual unless the failure is due to 102809  
circumstances beyond the individual's control, and a default and 102810  
final order may be entered without the taking of testimony or 102811  
presentation of evidence. If the board determines that the 102812  
individual's ability to practice is impaired, the board shall 102813  
suspend the individual's license or permit or deny the 102814  
individual's application and shall require the individual, as a 102815  
condition for an initial, continued, reinstated, or renewed 102816  
license or permit, to submit to treatment. 102817

Before being eligible to apply for reinstatement of a 102818  
license or permit suspended under this division, the impaired 102819  
practitioner shall demonstrate to the board the ability to 102820  
resume practice in compliance with acceptable and prevailing 102821  
standards of care under the provisions of the practitioner's 102822  
license or permit. The demonstration shall include, but shall 102823  
not be limited to, the following: 102824

(1) Certification from a treatment provider approved under 102825

section 4731.251 of the Revised Code that the individual has 102826  
successfully completed any required inpatient treatment; 102827

(2) Evidence of continuing full compliance with an 102828  
aftercare contract or consent agreement; 102829

(3) Two written reports indicating that the individual's 102830  
ability to practice has been assessed and that the individual 102831  
has been found capable of practicing according to acceptable and 102832  
prevailing standards of care. The reports shall be made by 102833  
individuals or providers approved by the board for making the 102834  
assessments and shall describe the basis for their 102835  
determination. 102836

The board may reinstate a license or permit suspended 102837  
under this division after that demonstration and after the 102838  
individual has entered into a written consent agreement. 102839

When the impaired practitioner resumes practice, the board 102840  
shall require continued monitoring of the individual. The 102841  
monitoring shall include, but not be limited to, compliance with 102842  
the written consent agreement entered into before reinstatement 102843  
or with conditions imposed by board order after a hearing, and, 102844  
upon termination of the consent agreement, submission to the 102845  
board for at least two years of annual written progress reports 102846  
made under penalty of perjury stating whether the individual has 102847  
maintained sobriety. 102848

(H) (1) If either of the following circumstances occur, the 102849  
secretary and supervising member may recommend that the board 102850  
suspend an individual's license or permit without a prior 102851  
hearing: 102852

(a) The secretary and supervising member determine both of 102853  
the following: 102854

(i) That there is clear and convincing evidence that an individual has violated division (A) of this section; 102855  
102856

(ii) That the individual's continued practice presents a danger of immediate and serious harm to the public. 102857  
102858

(b) The board receives verifiable information that a licensee has been charged in any state or federal court for a crime classified as a felony under the charging court's law and the conduct charged constitutes a violation of division (A) of this section. 102859  
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(2) If a recommendation is made to suspend without a prior hearing pursuant to division (H) (1) of this section, written allegations shall be prepared for consideration by the board. 102864  
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The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 102867  
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The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. 102873  
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~~The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.~~ 102875  
102876  
If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual. 102877  
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(3) Any summary suspension imposed under ~~this~~ division (H) (2) of this section is not a final appealable order and is not 102882  
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an adjudication that may be appealed under section 119.12 of the 102884  
Revised Code. The summary suspension shall remain in effect, 102885  
~~unless reversed on appeal,~~ until a final adjudicative order 102886  
issued by the board pursuant to this section and Chapter 119. of 102887  
the Revised Code becomes effective. Once a final adjudicative 102888  
order has been issued by the board, any party adversely affected 102889  
by it may file an appeal in accordance with the requirements of 102890  
Chapter 119. of the Revised Code. The 102891

The board shall issue its final adjudicative order within 102892  
seventy-five days after completion of its hearing. A failure to 102893  
issue the order within seventy-five days shall result in 102894  
dissolution of the summary suspension order but shall not 102895  
invalidate any subsequent, final adjudicative order. 102896

(I) If the board is required by Chapter 119. of the 102897  
Revised Code to give notice of an opportunity for a hearing and 102898  
if the individual subject to the notice does not timely request 102899  
a hearing in accordance with section 119.07 of the Revised Code, 102900  
the board is not required to hold a hearing, but may adopt, by 102901  
an affirmative vote of not fewer than six of its members, a 102902  
final order that contains the board's findings. In the final 102903  
order, the board may order any of the sanctions identified under 102904  
division (A) of this section. 102905

(J) For purposes of divisions (A) (5), (7), and (9) of this 102906  
section, the commission of the act may be established by a 102907  
finding by the board, pursuant to an adjudication under Chapter 102908  
119. of the Revised Code, that the individual committed the act. 102909  
The board does not have jurisdiction under those divisions if 102910  
the trial court renders a final judgment in the individual's 102911  
favor and that judgment is based upon an adjudication on the 102912  
merits. The board has jurisdiction under those divisions if the 102913

trial court issues an order of dismissal upon technical or 102914  
procedural grounds. 102915

(K) The sealing or expungement of conviction records by 102916  
any court shall have no effect upon a prior board order entered 102917  
under this section or upon the board's jurisdiction to take 102918  
action under this section if, based upon a plea of guilty, a 102919  
judicial finding of guilt, or a judicial finding of eligibility 102920  
for intervention in lieu of conviction, the board issued a 102921  
notice of opportunity for a hearing prior to the court's order 102922  
to seal or expunge the records. The board shall not be required 102923  
to seal, destroy, redact, or otherwise modify its records to 102924  
reflect the court's sealing or expungement of conviction 102925  
records. 102926

(L) If the board takes action under division (A) (4), (6), 102927  
or (8) of this section, and the judicial finding of guilt, 102928  
guilty plea, or judicial finding of eligibility for intervention 102929  
in lieu of conviction is overturned on appeal, upon exhaustion 102930  
of the criminal appeal, a petition for reconsideration of the 102931  
order may be filed with the board along with appropriate court 102932  
documents. Upon receipt of a petition for reconsideration and 102933  
supporting court documents, the board shall reinstate the 102934  
individual's license or permit. The board may then hold an 102935  
adjudication under Chapter 119. of the Revised Code to determine 102936  
whether the individual committed the act in question. Notice of 102937  
an opportunity for a hearing shall be given in accordance with 102938  
Chapter 119. of the Revised Code. If the board finds, pursuant 102939  
to an adjudication held under this division, that the individual 102940  
committed the act or if no hearing is requested, the board may 102941  
order any of the sanctions identified under division (A) of this 102942  
section. 102943

(M) The license or permit issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, trafficking in persons, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or permit.

The board shall serve the individual subject to the suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license or permit is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license or permit.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered

to the board requires an affirmative vote of not fewer than six 102974  
members of the board. 102975

(2) An application for a license or permit made under the 102976  
provisions of this chapter may not be withdrawn without approval 102977  
of the board. 102978

(3) Failure by an individual to renew a license or permit 102979  
in accordance with this chapter does not remove or limit the 102980  
board's jurisdiction to take any disciplinary action under this 102981  
section against the individual. 102982

(4) The placement of an individual's license on retired 102983  
status, as described in section 4759.064 of the Revised Code, 102984  
does not remove or limit the board's jurisdiction to take any 102985  
disciplinary action against the individual with regard to the 102986  
license as it existed before being placed on retired status. 102987

(5) At the request of the board, a license or permit 102988  
holder shall immediately surrender to the board a license or 102989  
permit that the board has suspended, revoked, or permanently 102990  
revoked. 102991

**Sec. 4759.99.** Whoever violates section 4759.02 of the 102992  
Revised Code is guilty of a minor misdemeanor. If the offender 102993  
has been previously convicted once of a violation of ~~the~~ section 102994  
4759.02 of the Revised Code, then the ~~violation-offender~~ is 102995  
guilty of a misdemeanor of the fourth degree. If the offender 102996  
has been previously convicted more than once of a violation of 102997  
~~the~~ section 4759.02 of the Revised Code, then the ~~violation-~~ 102998  
offender is guilty of a misdemeanor of the first degree. 102999

Whoever violates division (B) (1) or (2) of section 4759.14 103000  
of the Revised Code is guilty of ~~failure to report criminal-~~ 103001  
~~conduct or sexual misconduct~~, a misdemeanor of the fourth 103002

~~degree. If the offender has previously been convicted of a~~ 103003  
~~violation of this division, the failure to report on a first~~ 103004  
~~offense; on each subsequent offense, the offender is guilty of a~~ 103005  
misdemeanor of the first degree. 103006

Whoever violates division (B) of section 4759.05 of the 103007  
Revised Code is guilty of ~~disclosing confidential investigatory~~ 103008  
~~information,~~ a misdemeanor of the first degree. 103009

**Sec. 4760.13.** (A) The state medical board, by an 103010  
affirmative vote of not fewer than six members, may refuse to 103011  
grant a license to practice as an anesthesiologist assistant to, 103012  
or may revoke the license held by, an individual found by the 103013  
board to have committed fraud, misrepresentation, or deception 103014  
in applying for or securing the license. 103015

(B) The board, by an affirmative vote of not fewer than 103016  
six members, shall, except as provided in division (C) of this 103017  
section, and to the extent permitted by law, limit, revoke, or 103018  
suspend an individual's license to practice as an 103019  
anesthesiologist assistant, refuse to issue a license to an 103020  
applicant, refuse to renew a license, refuse to reinstate a 103021  
license, or reprimand or place on probation the holder of a 103022  
license for any of the following reasons: 103023

(1) Permitting the holder's name or license to be used by 103024  
another person; 103025

(2) Failure to comply with the requirements of this 103026  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 103027  
by the board; 103028

(3) Violating or attempting to violate, directly or 103029  
indirectly, or assisting in or abetting the violation of, or 103030  
conspiring to violate, any provision of this chapter, Chapter 103031

4731. of the Revised Code, or the rules adopted by the board;	103032
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	103033 103034 103035 103036
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	103037 103038 103039 103040
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;	103041 103042 103043 103044
(7) Willfully betraying a professional confidence;	103045
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.	103046 103047 103048
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	103049 103050 103051 103052 103053 103054 103055 103056
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	103057 103058 103059

(10) A plea of guilty to, a judicial finding of guilt of, 103060  
or a judicial finding of eligibility for intervention in lieu of 103061  
conviction for, a felony; 103062

(11) Commission of an act that constitutes a felony in 103063  
this state, regardless of the jurisdiction in which the act was 103064  
committed; 103065

(12) A plea of guilty to, a judicial finding of guilt of, 103066  
or a judicial finding of eligibility for intervention in lieu of 103067  
conviction for, a misdemeanor committed in the course of 103068  
practice; 103069

(13) A plea of guilty to, a judicial finding of guilt of, 103070  
or a judicial finding of eligibility for intervention in lieu of 103071  
conviction for, a misdemeanor involving moral turpitude; 103072

(14) Commission of an act in the course of practice that 103073  
constitutes a misdemeanor in this state, regardless of the 103074  
jurisdiction in which the act was committed; 103075

(15) Commission of an act involving moral turpitude that 103076  
constitutes a misdemeanor in this state, regardless of the 103077  
jurisdiction in which the act was committed; 103078

(16) A plea of guilty to, a judicial finding of guilt of, 103079  
or a judicial finding of eligibility for intervention in lieu of 103080  
conviction for violating any state or federal law regulating the 103081  
possession, distribution, or use of any drug, including 103082  
trafficking in drugs; 103083

(17) Any of the following actions taken by the state 103084  
agency responsible for regulating the practice of 103085  
anesthesiologist assistants in another jurisdiction, for any 103086  
reason other than the nonpayment of fees: the limitation, 103087  
revocation, or suspension of an individual's license to 103088

practice; acceptance of an individual's license surrender;	103089
denial of a license; refusal to renew or reinstate a license;	103090
imposition of probation; or issuance of an order of censure or	103091
other reprimand;	103092
(18) Violation of the conditions placed by the board on a	103093
license to practice;	103094
(19) Failure to use universal blood and body fluid	103095
precautions established by rules adopted under section 4731.051	103096
of the Revised Code;	103097
(20) Failure to cooperate in an investigation conducted by	103098
the board under section 4760.14 of the Revised Code, including	103099
failure to comply with a subpoena or order issued by the board	103100
or failure to answer truthfully a question presented by the	103101
board at a deposition or in written interrogatories, except that	103102
failure to cooperate with an investigation shall not constitute	103103
grounds for discipline under this section if a court of	103104
competent jurisdiction has issued an order that either quashes a	103105
subpoena or permits the individual to withhold the testimony or	103106
evidence in issue;	103107
(21) Failure to comply with any code of ethics established	103108
by the national commission for the certification of	103109
anesthesiologist assistants;	103110
(22) Failure to notify the state medical board of the	103111
revocation or failure to maintain certification from the	103112
national commission for certification of anesthesiologist	103113
assistants.	103114
(C) The board shall not refuse to issue a certificate to	103115
an applicant because of a plea of guilty to, a judicial finding	103116
of guilt of, or a judicial finding of eligibility for	103117

intervention in lieu of conviction for an offense unless the 103118  
refusal is in accordance with section 9.79 of the Revised Code. 103119

(D) Disciplinary actions taken by the board under 103120  
divisions (A) and (B) of this section shall be taken pursuant to 103121  
an adjudication under Chapter 119. of the Revised Code, except 103122  
that in lieu of an adjudication, the board may enter into a 103123  
consent agreement with an anesthesiologist assistant or 103124  
applicant to resolve an allegation of a violation of this 103125  
chapter or any rule adopted under it. A consent agreement, when 103126  
ratified by an affirmative vote of not fewer than six members of 103127  
the board, shall constitute the findings and order of the board 103128  
with respect to the matter addressed in the agreement. If the 103129  
board refuses to ratify a consent agreement, the admissions and 103130  
findings contained in the consent agreement shall be of no force 103131  
or effect. 103132

(E) For purposes of divisions (B) (11), (14), and (15) of 103133  
this section, the commission of the act may be established by a 103134  
finding by the board, pursuant to an adjudication under Chapter 103135  
119. of the Revised Code, that the applicant or license holder 103136  
committed the act in question. The board shall have no 103137  
jurisdiction under these divisions in cases where the trial 103138  
court renders a final judgment in the license holder's favor and 103139  
that judgment is based upon an adjudication on the merits. The 103140  
board shall have jurisdiction under these divisions in cases 103141  
where the trial court issues an order of dismissal on technical 103142  
or procedural grounds. 103143

(F) The sealing or expungement of conviction records by 103144  
any court shall have no effect on a prior board order entered 103145  
under the provisions of this section or on the board's 103146  
jurisdiction to take action under the provisions of this section 103147

if, based upon a plea of guilty, a judicial finding of guilt, or 103148  
a judicial finding of eligibility for intervention in lieu of 103149  
conviction, the board issued a notice of opportunity for a 103150  
hearing prior to the court's order to seal or expunge the 103151  
records. The board shall not be required to seal, destroy, 103152  
redact, or otherwise modify its records to reflect the court's 103153  
sealing or expungement of conviction records. 103154

(G) For purposes of this division, any individual who 103155  
holds a license to practice issued under this chapter, or 103156  
applies for a license to practice, shall be deemed to have given 103157  
consent to submit to a mental or physical examination when 103158  
directed to do so in writing by the board and to have waived all 103159  
objections to the admissibility of testimony or examination 103160  
reports that constitute a privileged communication. 103161

(1) In enforcing division (B)(5) of this section, the 103162  
board, on a showing of a possible violation, shall refer any 103163  
individual who holds, or has applied for, a license issued under 103164  
this chapter to the monitoring organization that conducts the 103165  
confidential monitoring program established under section 103166  
4731.25 of the Revised Code. The board also may compel the 103167  
individual to this chapter to submit to a mental or physical 103168  
examination, or both. A physical examination may include an HIV 103169  
test. The expense of the examination is the responsibility of 103170  
the individual compelled to be examined. Failure to submit to a 103171  
mental or physical examination or consent to an HIV test ordered 103172  
by the board constitutes an admission of the allegations against 103173  
the individual unless the failure is due to circumstances beyond 103174  
the individual's control, and a default and final order may be 103175  
entered without the taking of testimony or presentation of 103176  
evidence. If the board finds an anesthesiologist assistant 103177  
unable to practice because of the reasons set forth in division 103178

(B) (5) of this section, the board shall require the 103179  
anesthesiologist assistant to submit to care, counseling, or 103180  
treatment by physicians approved or designated by the board, as 103181  
a condition for an initial, continued, reinstated, or renewed 103182  
license to practice. An individual affected by this division 103183  
shall be afforded an opportunity to demonstrate to the board the 103184  
ability to resume practicing in compliance with acceptable and 103185  
prevailing standards of care. 103186

(2) For purposes of division (B) (6) of this section, if 103187  
the board has reason to believe that any individual who holds a 103188  
license to practice issued under this chapter or any applicant 103189  
for a license to practice suffers such impairment, the board 103190  
shall report the individual to the monitoring organization that 103191  
conducts the confidential monitoring program established under 103192  
section 4731.25 of the Revised Code. The board also may compel 103193  
the individual to submit to a mental or physical examination, or 103194  
both. The expense of the examination is the responsibility of 103195  
the individual compelled to be examined. Any mental or physical 103196  
examination required under this division shall be undertaken by 103197  
a treatment provider or physician qualified to conduct such 103198  
examination and approved under section 4731.251 of the Revised 103199  
Code. 103200

Failure to submit to a mental or physical examination 103201  
ordered by the board constitutes an admission of the allegations 103202  
against the individual unless the failure is due to 103203  
circumstances beyond the individual's control, and a default and 103204  
final order may be entered without the taking of testimony or 103205  
presentation of evidence. If the board determines that the 103206  
individual's ability to practice is impaired, the board shall 103207  
suspend the individual's license or deny the individual's 103208  
application and shall require the individual, as a condition for 103209

an initial, continued, reinstated, or renewed license to 103210  
practice, to submit to treatment. 103211

Before being eligible to apply for reinstatement of a 103212  
license suspended under this division, the anesthesiologist 103213  
assistant shall demonstrate to the board the ability to resume 103214  
practice in compliance with acceptable and prevailing standards 103215  
of care. The demonstration shall include the following: 103216

(a) Certification from a treatment provider approved under 103217  
section 4731.251 of the Revised Code that the individual has 103218  
successfully completed any required inpatient treatment; 103219

(b) Evidence of continuing full compliance with an 103220  
aftercare contract or consent agreement; 103221

(c) Two written reports indicating that the individual's 103222  
ability to practice has been assessed and that the individual 103223  
has been found capable of practicing according to acceptable and 103224  
prevailing standards of care. The reports shall be made by 103225  
individuals or providers approved by the board for making such 103226  
assessments and shall describe the basis for their 103227  
determination. 103228

The board may reinstate a license suspended under this 103229  
division after such demonstration and after the individual has 103230  
entered into a written consent agreement. 103231

When the impaired anesthesiologist assistant resumes 103232  
practice, the board shall require continued monitoring of the 103233  
anesthesiologist assistant. The monitoring shall include 103234  
monitoring of compliance with the written consent agreement 103235  
entered into before reinstatement or with conditions imposed by 103236  
board order after a hearing, and, on termination of the consent 103237  
agreement, submission to the board for at least two years of 103238

annual written progress reports made under penalty of 103239  
falsification stating whether the anesthesiologist assistant has 103240  
maintained sobriety. 103241

(H) (1) If either of the following circumstances occur, the 103242  
secretary and supervising member may recommend that the board 103243  
suspend the individual's license without a prior hearing: 103244

(a) The secretary and supervising member determine that 103245  
there is clear and convincing evidence that an anesthesiologist 103246  
assistant has violated division (B) of this section and that the 103247  
individual's continued practice presents a danger of immediate 103248  
and serious harm to the public. 103249

(b) The board receives verifiable information that a 103250  
licensee has been charged in any state or federal court for a 103251  
crime classified as a felony under the charging court's law and 103252  
the conduct charged constitutes a violation of division (B) of 103253  
this section. 103254

(2) If a recommendation is made to suspend without a prior 103255  
hearing pursuant to division (H) (1) of this section, written 103256  
allegations shall be prepared for consideration by the board. 103257

The board, on review of the allegations and by an 103258  
affirmative vote of not fewer than six of its members, excluding 103259  
the secretary and supervising member, may suspend a license 103260  
without a prior hearing. A telephone conference call may be 103261  
utilized for reviewing the allegations and taking the vote on 103262  
the summary suspension. 103263

The board shall serve a written order of suspension in 103264  
accordance with sections 119.05 and 119.07 of the Revised Code. 103265  
~~The order shall not be subject to suspension by the court during~~ 103266  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 103267

~~Code.~~—If the anesthesiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the anesthesiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

(3) A summary suspension imposed under ~~this~~ division (H) (2) of this section is not a final appealable order and is not an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative order has been issued by the board, any party adversely affected by it may file an appeal in accordance with the requirements of Chapter 119. of the Revised Code. ~~The~~

The board shall issue its final adjudicative order within sixty-seventy-five days after completion of its hearing. Failure to issue the order within sixty-seventy-five days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the

individual committed the act in question. Notice of opportunity 103298  
for hearing shall be given in accordance with Chapter 119. of 103299  
the Revised Code. If the board finds, pursuant to an 103300  
adjudication held under this division, that the individual 103301  
committed the act, or if no hearing is requested, it may order 103302  
any of the sanctions specified in division (B) of this section. 103303

(J) The license to practice of an anesthesiologist 103304  
assistant and the assistant's practice in this state are 103305  
automatically suspended as of the date the anesthesiologist 103306  
assistant pleads guilty to, is found by a judge or jury to be 103307  
guilty of, or is subject to a judicial finding of eligibility 103308  
for intervention in lieu of conviction in this state or 103309  
treatment or intervention in lieu of conviction in another 103310  
jurisdiction for any of the following criminal offenses in this 103311  
state or a substantially equivalent criminal offense in another 103312  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 103313  
felonious assault, trafficking in persons, kidnapping, rape, 103314  
sexual battery, gross sexual imposition, aggravated arson, 103315  
aggravated robbery, or aggravated burglary. Continued practice 103316  
after the suspension shall be considered practicing without a 103317  
license. 103318

The board shall serve the individual subject to the 103319  
suspension in accordance with sections 119.05 and 119.07 of the 103320  
Revised Code. If an individual whose license is suspended under 103321  
this division fails to make a timely request for an adjudication 103322  
under Chapter 119. of the Revised Code, the board shall enter a 103323  
final order permanently revoking the individual's license to 103324  
practice. 103325

(K) In any instance in which the board is required by 103326  
Chapter 119. of the Revised Code to give notice of opportunity 103327

for hearing and the individual subject to the notice does not 103328  
timely request a hearing in accordance with section 119.07 of 103329  
the Revised Code, the board is not required to hold a hearing, 103330  
but may adopt, by an affirmative vote of not fewer than six of 103331  
its members, a final order that contains the board's findings. 103332  
In the final order, the board may order any of the sanctions 103333  
identified under division (A) or (B) of this section. 103334

(L) Any action taken by the board under division (B) of 103335  
this section resulting in a suspension shall be accompanied by a 103336  
written statement of the conditions under which the 103337  
anesthesiologist assistant's license may be reinstated. The 103338  
board shall adopt rules in accordance with Chapter 119. of the 103339  
Revised Code governing conditions to be imposed for 103340  
reinstatement. Reinstatement of a license suspended pursuant to 103341  
division (B) of this section requires an affirmative vote of not 103342  
fewer than six members of the board. 103343

(M) When the board refuses to grant or issue a license to 103344  
practice as an anesthesiologist assistant to an applicant, 103345  
revokes an individual's license, refuses to renew an 103346  
individual's license, or refuses to reinstate an individual's 103347  
license, the board may specify that its action is permanent. An 103348  
individual subject to a permanent action taken by the board is 103349  
forever thereafter ineligible to hold a license to practice as 103350  
an anesthesiologist assistant and the board shall not accept an 103351  
application for reinstatement of the license or for issuance of 103352  
a new license. 103353

(N) Notwithstanding any other provision of the Revised 103354  
Code, all of the following apply: 103355

(1) The surrender of a license to practice issued under 103356  
this chapter is not effective unless or until accepted by the 103357

board. Reinstatement of a license surrendered to the board 103358  
requires an affirmative vote of not fewer than six members of 103359  
the board. 103360

(2) An application made under this chapter for a license 103361  
to practice may not be withdrawn without approval of the board. 103362

(3) Failure by an individual to renew a license to 103363  
practice in accordance with section 4760.06 of the Revised Code 103364  
does not remove or limit the board's jurisdiction to take 103365  
disciplinary action under this section against the individual. 103366

(4) The placement of an individual's license on retired 103367  
status, as described in section 4760.062 of the Revised Code, 103368  
does not remove or limit the board's jurisdiction to take any 103369  
disciplinary action against the individual with regard to the 103370  
license as it existed before being placed on retired status. 103371

**Sec. 4760.99.** (A) Whoever violates section 4760.02 of the 103372  
Revised Code is guilty of a misdemeanor of the first degree on a 103373  
first offense; on each subsequent offense, the person is guilty 103374  
of a felony of the fourth degree. 103375

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 103376  
(D), or (E) of section 4760.16 of the Revised Code is guilty of 103377  
a minor misdemeanor on a first offense; on each subsequent 103378  
offense the person is guilty of a misdemeanor of the fourth 103379  
degree, except that an individual guilty of a subsequent offense 103380  
shall not be subject to imprisonment, but to a fine alone of up 103381  
to one thousand dollars for each offense. 103382

(2) Whoever violates division (B) (2) or (C) (3) of section 103383  
4760.16 of the Revised Code is guilty of ~~failure to report~~ 103384  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 103385  
fourth degree. ~~If the offender has previously been convicted of~~ 103386

~~a violation of this division, the failure to report on a first~~ 103387  
~~offense; on each subsequent offense, the person is guilty of a~~ 103388  
misdemeanor of the first degree. 103389

(C) Whoever violates division (E) of section 4760.14 of 103390  
the Revised Code is guilty of ~~disclosing confidential-~~ 103391  
~~investigatory information,~~ a misdemeanor of the first degree. 103392

**Sec. 4761.09.** (A) The state medical board, by an 103393  
affirmative vote of not fewer than six members, shall, except as 103394  
provided in division (B) of this section, and to the extent 103395  
permitted by law, limit, revoke, or suspend an individual's 103396  
license or limited permit, refuse to issue a license or limited 103397  
permit to an individual, refuse to renew a license or limited 103398  
permit, refuse to reinstate a license or limited permit, or 103399  
reprimand or place on probation the holder of a license or 103400  
limited permit for one or more of the following reasons: 103401

(1) A plea of guilty to, a judicial finding of guilt of, 103402  
or a judicial finding of eligibility for intervention in lieu of 103403  
conviction for, a felony; 103404

(2) Commission of an act that constitutes a felony in this 103405  
state, regardless of the jurisdiction in which the act was 103406  
committed; 103407

(3) A plea of guilty to, a judicial finding of guilt of, 103408  
or a judicial finding of eligibility for intervention in lieu of 103409  
conviction for, a misdemeanor committed in the course of 103410  
practice; 103411

(4) Commission of an act in the course of practice that 103412  
constitutes a misdemeanor in this state, regardless of the 103413  
jurisdiction in which the act was committed; 103414

(5) A plea of guilty to, a judicial finding of guilt of, 103415

or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 103416  
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(6) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 103418  
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(7) Except when civil penalties are imposed under section 4761.091 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board; 103421  
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(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter. 103426  
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As used in division (A) (8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 103431  
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(9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board; 103439  
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(10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or 103443  
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similar circumstances, whether or not actual injury to a patient  
is established; 103445  
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(11) Violating the standards of ethical conduct adopted by  
the board, in the practice of respiratory care; 103447  
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(12) The obtaining of, or attempting to obtain, money or  
anything of value by fraudulent misrepresentations in the course  
of practice; 103449  
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(13) Violation of the conditions of limitation placed by  
the board upon a license or permit; 103452  
103453

(14) Inability to practice according to acceptable and  
prevailing standards of care by reason of mental illness or  
physical illness, including physical deterioration that  
adversely affects cognitive, motor, or perceptive skills; 103454  
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(15) Any of the following actions taken by an agency  
responsible for authorizing, certifying, or regulating an  
individual to practice a health care occupation or provide  
health care services in this state or another jurisdiction, for  
any reason other than the nonpayment of fees: the limitation,  
revocation, or suspension of an individual's license; acceptance  
of an individual's license surrender; denial of a license;  
refusal to renew or reinstate a license; imposition of  
probation; or issuance of an order of censure or other  
reprimand; 103458  
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(16) The revocation, suspension, restriction, reduction,  
or termination of practice privileges by the United States  
department of defense or department of veterans affairs; 103468  
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(17) Termination or suspension from participation in the  
medicare or medicaid programs by the department of health and  
human services or other responsible agency for any act or acts 103471  
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that also would constitute a violation of division (A) (10), 103474  
(12), or (14) of this section; 103475

(18) Impairment of ability to practice according to 103476  
acceptable and prevailing standards of care because of substance 103477  
use disorder or excessive use or abuse of drugs, alcohol, or 103478  
other substances that may impair ability to practice; 103479

(19) Failure to cooperate in an investigation conducted by 103480  
the board under division (E) of section 4761.03 of the Revised 103481  
Code, including failure to comply with a subpoena or order 103482  
issued by the board or failure to answer truthfully a question 103483  
presented by the board in an investigative interview, an 103484  
investigative office conference, at a deposition, or in written 103485  
interrogatories, except that failure to cooperate with an 103486  
investigation shall not constitute grounds for discipline under 103487  
this section if a court of competent jurisdiction has issued an 103488  
order that either quashes a subpoena or permits the individual 103489  
to withhold the testimony or evidence in issue; 103490

(20) Practicing in an area of respiratory care for which 103491  
the person is clearly untrained or incompetent or practicing in 103492  
a manner that conflicts with section 4761.17 of the Revised 103493  
Code; 103494

(21) Employing, directing, or supervising a person who is 103495  
not authorized to practice respiratory care under this chapter 103496  
in the performance of respiratory care procedures; 103497

(22) Misrepresenting educational attainments or authorized 103498  
functions for the purpose of obtaining some benefit related to 103499  
the practice of respiratory care; 103500

(23) Assisting suicide as defined in section 3795.01 of 103501  
the Revised Code; 103502

(24) Representing, with the purpose of obtaining 103503  
compensation or other advantage as personal gain or for any 103504  
other person, that an incurable disease or injury, or other 103505  
incurable condition, can be permanently cured. 103506

Disciplinary actions taken by the board under division (A) 103507  
of this section shall be taken pursuant to an adjudication under 103508  
Chapter 119. of the Revised Code, except that in lieu of an 103509  
adjudication, the board may enter into a consent agreement with 103510  
an individual to resolve an allegation of a violation of this 103511  
chapter or any rule adopted under it. A consent agreement, when 103512  
ratified by an affirmative vote of not fewer than six members of 103513  
the board, shall constitute the findings and order of the board 103514  
with respect to the matter addressed in the agreement. If the 103515  
board refuses to ratify a consent agreement, the admissions and 103516  
findings contained in the consent agreement shall be of no 103517  
effect. 103518

A telephone conference call may be utilized for 103519  
ratification of a consent agreement that revokes or suspends an 103520  
individual's license or permit. The telephone conference call 103521  
shall be considered a special meeting under division (F) of 103522  
section 121.22 of the Revised Code. 103523

(B) The board shall not refuse to issue a license or 103524  
limited permit to an applicant because of a plea of guilty to, a 103525  
judicial finding of guilt of, or a judicial finding of 103526  
eligibility for intervention in lieu of conviction for an 103527  
offense unless the refusal is in accordance with section 9.79 of 103528  
the Revised Code. 103529

(C) Any action taken by the board under division (A) of 103530  
this section resulting in a suspension from practice shall be 103531  
accompanied by a written statement of the conditions under which 103532

the individual's license or permit may be reinstated. The board 103533  
shall adopt rules governing conditions to be imposed for 103534  
reinstatement. Reinstatement of a license or permit suspended 103535  
pursuant to division (A) of this section requires an affirmative 103536  
vote of not fewer than six members of the board. 103537

(D) When the board refuses to grant or issue a license or 103538  
permit to an applicant, revokes an individual's license or 103539  
permit, refuses to renew an individual's license or permit, or 103540  
refuses to reinstate an individual's license or permit, the 103541  
board may specify that its action is permanent. An individual 103542  
subject to a permanent action taken by the board is forever 103543  
thereafter ineligible to hold a license or permit and the board 103544  
shall not accept an application for reinstatement of the license 103545  
or permit or for issuance of a new license or permit. 103546

(E) If the board is required by Chapter 119. of the 103547  
Revised Code to give notice of an opportunity for a hearing and 103548  
if the individual subject to the notice does not timely request 103549  
a hearing in accordance with section 119.07 of the Revised Code, 103550  
the board is not required to hold a hearing, but may adopt, by 103551  
an affirmative vote of not fewer than six of its members, a 103552  
final order that contains the board's findings. In the final 103553  
order, the board may order any of the sanctions identified under 103554  
division (A) of this section. 103555

(F) In enforcing division (A) (14) of this section, the 103556  
board, upon a showing of a possible violation, shall refer any 103557  
individual authorized to practice by this chapter or who has 103558  
submitted an application pursuant to this chapter to the 103559  
monitoring organization that conducts the confidential 103560  
monitoring program established under section 4731.25 of the 103561  
Revised Code. The board also may compel the individual to submit 103562

to a mental examination, physical examination, including an HIV 103563  
test, or both a mental and a physical examination. The expense 103564  
of the examination is the responsibility of the individual 103565  
compelled to be examined. Failure to submit to a mental or 103566  
physical examination or consent to an HIV test ordered by the 103567  
board constitutes an admission of the allegations against the 103568  
individual unless the failure is due to circumstances beyond the 103569  
individual's control, and a default and final order may be 103570  
entered without the taking of testimony or presentation of 103571  
evidence. If the board finds an individual unable to practice 103572  
because of the reasons set forth in division (A) (14) of this 103573  
section, the board shall require the individual to submit to 103574  
care, counseling, or treatment by physicians approved or 103575  
designated by the board, as a condition for initial, continued, 103576  
reinstated, or renewed authority to practice. An individual 103577  
affected under this division shall be afforded an opportunity to 103578  
demonstrate to the board the ability to resume practice in 103579  
compliance with acceptable and prevailing standards under the 103580  
provisions of the individual's license or permit. For the 103581  
purpose of division (A) (14) of this section, any individual who 103582  
applies for or receives a license or permit to practice under 103583  
this chapter accepts the privilege of practicing in this state 103584  
and, by so doing, shall be deemed to have given consent to 103585  
submit to a mental or physical examination when directed to do 103586  
so in writing by the board, and to have waived all objections to 103587  
the admissibility of testimony or examination reports that 103588  
constitute a privileged communication. 103589

(G) For the purposes of division (A) (18) of this section, 103590  
any individual authorized to practice by this chapter accepts 103591  
the privilege of practicing in this state subject to supervision 103592  
by the board. By filing an application for or holding a license 103593

or permit under this chapter, an individual shall be deemed to 103594  
have given consent to submit to a mental or physical examination 103595  
when ordered to do so by the board in writing, and to have 103596  
waived all objections to the admissibility of testimony or 103597  
examination reports that constitute privileged communications. 103598

If it has reason to believe that any individual authorized 103599  
to practice by this chapter or any applicant for a license or 103600  
permit suffers such impairment, the board shall refer the 103601  
individual to the monitoring organization that conducts the 103602  
confidential monitoring program established under section 103603  
4731.25 of the Revised Code. The board also may compel the 103604  
individual to submit to a mental or physical examination, or 103605  
both. The expense of the examination is the responsibility of 103606  
the individual compelled to be examined. Any mental or physical 103607  
examination required under this division shall be undertaken by 103608  
a treatment provider or physician who is qualified to conduct 103609  
the examination and who is approved under section 4731.251 of 103610  
the Revised Code. 103611

Failure to submit to a mental or physical examination 103612  
ordered by the board constitutes an admission of the allegations 103613  
against the individual unless the failure is due to 103614  
circumstances beyond the individual's control, and a default and 103615  
final order may be entered without the taking of testimony or 103616  
presentation of evidence. If the board determines that the 103617  
individual's ability to practice is impaired, the board shall 103618  
suspend the individual's license or permit or deny the 103619  
individual's application and shall require the individual, as a 103620  
condition for an initial, continued, reinstated, or renewed 103621  
license or permit, to submit to treatment. 103622

Before being eligible to apply for reinstatement of a 103623

license or permit suspended under this division, the impaired 103624  
practitioner shall demonstrate to the board the ability to 103625  
resume practice in compliance with acceptable and prevailing 103626  
standards of care under the provisions of the practitioner's 103627  
license or permit. The demonstration shall include, but shall 103628  
not be limited to, the following: 103629

(1) Certification from a treatment provider approved under 103630  
section 4731.251 of the Revised Code that the individual has 103631  
successfully completed any required inpatient treatment; 103632

(2) Evidence of continuing full compliance with an 103633  
aftercare contract or consent agreement; 103634

(3) Two written reports indicating that the individual's 103635  
ability to practice has been assessed and that the individual 103636  
has been found capable of practicing according to acceptable and 103637  
prevailing standards of care. The reports shall be made by 103638  
individuals or providers approved by the board for making the 103639  
assessments and shall describe the basis for their 103640  
determination. 103641

The board may reinstate a license or permit suspended 103642  
under this division after that demonstration and after the 103643  
individual has entered into a written consent agreement. 103644

When the impaired practitioner resumes practice, the board 103645  
shall require continued monitoring of the individual. The 103646  
monitoring shall include, but not be limited to, compliance with 103647  
the written consent agreement entered into before reinstatement 103648  
or with conditions imposed by board order after a hearing, and, 103649  
upon termination of the consent agreement, submission to the 103650  
board for at least two years of annual written progress reports 103651  
made under penalty of perjury stating whether the individual has 103652

maintained sobriety. 103653

(H) (1) If either of the following circumstances occur, the 103654  
secretary and supervising member may recommend that the board 103655  
suspend an individual's license or permit without a prior 103656  
hearing: 103657

(a) The secretary and supervising member determine both of 103658  
the following: 103659

(i) That there is clear and convincing evidence that an 103660  
individual has violated division (A) of this section; 103661

(ii) That the individual's continued practice presents a 103662  
danger of immediate and serious harm to the public. 103663

(b) The board receives verifiable information that a 103664  
licensee has been charged in any state or federal court for a 103665  
crime classified as a felony under the charging court's law and 103666  
the conduct charged constitutes a violation of division (A) of 103667  
this section. 103668

(2) If a recommendation is made to suspend without a prior 103669  
hearing pursuant to division (H) (1) of this section, written 103670  
allegations shall be prepared for consideration by the board. 103671  
The board, upon review of those allegations and by an 103672  
affirmative vote of not fewer than six of its members, excluding 103673  
the secretary and supervising member, may suspend a license or 103674  
permit without a prior hearing. A telephone conference call may 103675  
be utilized for reviewing the allegations and taking the vote on 103676  
the summary suspension. 103677

The board shall serve a written order of suspension in 103678  
accordance with sections 119.05 and 119.07 of the Revised Code. 103679  
~~The order shall not be subject to suspension by the court during~~ 103680  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 103681

~~Code.~~—If the individual subject to the summary suspension 103682  
requests an adjudicatory hearing by the board, the date set for 103683  
the hearing shall be within fifteen days, but not earlier than 103684  
seven days, after the individual requests the hearing, unless 103685  
otherwise agreed to by both the board and the individual. 103686

(3) Any summary suspension imposed under ~~this~~ division (H) 103687  
(2) of this section is not a final appealable order and is not 103688  
an adjudication that may be appealed under section 119.12 of the 103689  
Revised Code. The summary suspension shall remain in effect, 103690  
~~unless reversed on appeal,~~ until a final adjudicative order 103691  
issued by the board pursuant to this section and Chapter 119. of 103692  
the Revised Code becomes effective. Once a final adjudicative 103693  
order has been issued by the board, any party adversely affected 103694  
by it may file an appeal in accordance with the requirements of 103695  
Chapter 119. of the Revised Code. ~~The~~ 103696

The board shall issue its final adjudicative order within 103697  
seventy-five days after completion of its hearing. A failure to 103698  
issue the order within seventy-five days shall result in 103699  
dissolution of the summary suspension order but shall not 103700  
invalidate any subsequent, final adjudicative order. 103701

(I) For purposes of divisions (A) (2), (4), and (6) of this 103702  
section, the commission of the act may be established by a 103703  
finding by the board, pursuant to an adjudication under Chapter 103704  
119. of the Revised Code, that the individual committed the act. 103705  
The board does not have jurisdiction under those divisions if 103706  
the trial court renders a final judgment in the individual's 103707  
favor and that judgment is based upon an adjudication on the 103708  
merits. The board has jurisdiction under those divisions if the 103709  
trial court issues an order of dismissal upon technical or 103710  
procedural grounds. 103711

(J) The sealing or expungement of conviction records by 103712  
any court shall have no effect upon a prior board order entered 103713  
under this section or upon the board's jurisdiction to take 103714  
action under this section if, based upon a plea of guilty, a 103715  
judicial finding of guilt, or a judicial finding of eligibility 103716  
for intervention in lieu of conviction, the board issued a 103717  
notice of opportunity for a hearing prior to the court's order 103718  
to seal or expunge the records. The board shall not be required 103719  
to seal, destroy, redact, or otherwise modify its records to 103720  
reflect the court's sealing or expungement of conviction 103721  
records. 103722

(K) If the board takes action under division (A) (1), (3), 103723  
or (5) of this section, and the judicial finding of guilt, 103724  
guilty plea, or judicial finding of eligibility for intervention 103725  
in lieu of conviction is overturned on appeal, upon exhaustion 103726  
of the criminal appeal, a petition for reconsideration of the 103727  
order may be filed with the board along with appropriate court 103728  
documents. Upon receipt of a petition for reconsideration and 103729  
supporting court documents, the board shall reinstate the 103730  
individual's license or permit. The board may then hold an 103731  
adjudication under Chapter 119. of the Revised Code to determine 103732  
whether the individual committed the act in question. Notice of 103733  
an opportunity for a hearing shall be given in accordance with 103734  
Chapter 119. of the Revised Code. If the board finds, pursuant 103735  
to an adjudication held under this division, that the individual 103736  
committed the act or if no hearing is requested, the board may 103737  
order any of the sanctions identified under division (A) of this 103738  
section. 103739

(L) The license or permit issued to an individual under 103740  
this chapter and the individual's practice in this state are 103741  
automatically suspended as of the date the individual pleads 103742

guilty to, is found by a judge or jury to be guilty of, or is 103743  
subject to a judicial finding of eligibility for intervention in 103744  
lieu of conviction in this state or treatment or intervention in 103745  
lieu of conviction in another jurisdiction for any of the 103746  
following criminal offenses in this state or a substantially 103747  
equivalent criminal offense in another jurisdiction: aggravated 103748  
murder, murder, voluntary manslaughter, felonious assault, 103749  
trafficking in persons, kidnapping, rape, sexual battery, gross 103750  
sexual imposition, aggravated arson, aggravated robbery, or 103751  
aggravated burglary. Continued practice after suspension shall 103752  
be considered practicing without a license or permit. 103753

The board shall serve the individual subject to the 103754  
suspension in accordance with sections 119.05 and 119.07 of the 103755  
Revised Code. If an individual whose license or permit is 103756  
automatically suspended under this division fails to make a 103757  
timely request for an adjudication under Chapter 119. of the 103758  
Revised Code, the board shall enter a final order permanently 103759  
revoking the individual's license or permit. 103760

(M) Notwithstanding any other provision of the Revised 103761  
Code, all of the following apply: 103762

(1) The surrender of a license or permit issued under this 103763  
chapter shall not be effective unless or until accepted by the 103764  
board. A telephone conference call may be utilized for 103765  
acceptance of the surrender of an individual's license or 103766  
permit. The telephone conference call shall be considered a 103767  
special meeting under division (F) of section 121.22 of the 103768  
Revised Code. Reinstatement of a license or permit surrendered 103769  
to the board requires an affirmative vote of not fewer than six 103770  
members of the board. 103771

(2) An application for a license or permit made under the 103772

provisions of this chapter may not be withdrawn without approval of the board. 103773  
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(3) Failure by an individual to renew a license or permit in accordance with this chapter does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 103775  
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(4) The placement of an individual's license on retired status, as described in section 4761.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status. 103779  
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(5) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked. 103784  
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**Sec. 4761.99.** Whoever violates division (A) of section 4761.10 of the Revised Code is guilty of a minor misdemeanor on a first offense. On a second offense, the person is guilty of a misdemeanor of the fourth degree. On each subsequent offense, the person is guilty of a misdemeanor of the first degree. 103788  
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Whoever violates division (B) (2) or (C) of section 4761.14 of the Revised Code is guilty of ~~failure to report criminal conduct or sexual misconduct,~~ a misdemeanor of the fourth degree. ~~If the offender has previously been convicted of a violation of this division, the failure to report;~~ on each subsequent offense, the person is guilty of a misdemeanor of the first degree. 103793  
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Whoever violates division (E) (5) of section 4761.03 of the Revised Code is guilty of ~~disclosing confidential investigatory~~ 103800  
103801

~~information,~~ a misdemeanor of the first degree. 103802

**Sec. 4762.13.** (A) The state medical board, by an 103803  
affirmative vote of not fewer than six members, may refuse to 103804  
grant a license to practice as an oriental medicine practitioner 103805  
or license to practice as an acupuncturist to, or may revoke the 103806  
license held by, an individual found by the board to have 103807  
committed fraud, misrepresentation, or deception in applying for 103808  
or securing the license. 103809

(B) The board, by an affirmative vote of not fewer than 103810  
six members, shall, except as provided in division (C) of this 103811  
section, and to the extent permitted by law, limit, revoke, or 103812  
suspend an individual's license to practice, refuse to issue a 103813  
license to an applicant, refuse to renew a license, refuse to 103814  
reinstate a license, or reprimand or place on probation the 103815  
holder of a license for any of the following reasons: 103816

(1) Permitting the holder's name or license to be used by 103817  
another person; 103818

(2) Failure to comply with the requirements of this 103819  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 103820  
by the board; 103821

(3) Violating or attempting to violate, directly or 103822  
indirectly, or assisting in or abetting the violation of, or 103823  
conspiring to violate, any provision of this chapter, Chapter 103824  
4731. of the Revised Code, or the rules adopted by the board; 103825

(4) A departure from, or failure to conform to, minimal 103826  
standards of care of similar practitioners under the same or 103827  
similar circumstances whether or not actual injury to the 103828  
patient is established; 103829

(5) Inability to practice according to acceptable and 103830

prevailing standards of care by reason of mental illness or 103831  
physical illness, including physical deterioration that 103832  
adversely affects cognitive, motor, or perceptive skills; 103833

(6) Impairment of ability to practice according to 103834  
acceptable and prevailing standards of care because of substance 103835  
use disorder or excessive use or abuse of drugs, alcohol, or 103836  
other substances that may impair ability to practice; 103837

(7) Willfully betraying a professional confidence; 103838

(8) Making a false, fraudulent, deceptive, or misleading 103839  
statement in soliciting or advertising for patients or in 103840  
securing or attempting to secure a license to practice as an 103841  
oriental medicine practitioner or license to practice as an 103842  
acupuncturist. 103843

As used in this division, "false, fraudulent, deceptive, 103844  
or misleading statement" means a statement that includes a 103845  
misrepresentation of fact, is likely to mislead or deceive 103846  
because of a failure to disclose material facts, is intended or 103847  
is likely to create false or unjustified expectations of 103848  
favorable results, or includes representations or implications 103849  
that in reasonable probability will cause an ordinarily prudent 103850  
person to misunderstand or be deceived. 103851

(9) Representing, with the purpose of obtaining 103852  
compensation or other advantage personally or for any other 103853  
person, that an incurable disease or injury, or other incurable 103854  
condition, can be permanently cured; 103855

(10) The obtaining of, or attempting to obtain, money or a 103856  
thing of value by fraudulent misrepresentations in the course of 103857  
practice; 103858

(11) A plea of guilty to, a judicial finding of guilt of, 103859

or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 103860  
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(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 103862  
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 103865  
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(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 103869  
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(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 103872  
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(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 103875  
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(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 103878  
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(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; 103883  
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refusal to renew or reinstate a license; imposition of	103889
probation; or issuance of an order of censure or other	103890
reprimand;	103891
(19) Violation of the conditions placed by the board on a	103892
license to practice as an oriental medicine practitioner or	103893
license to practice as an acupuncturist;	103894
(20) Failure to use universal blood and body fluid	103895
precautions established by rules adopted under section 4731.051	103896
of the Revised Code;	103897
(21) Failure to cooperate in an investigation conducted by	103898
the board under section 4762.14 of the Revised Code, including	103899
failure to comply with a subpoena or order issued by the board	103900
or failure to answer truthfully a question presented by the	103901
board at a deposition or in written interrogatories, except that	103902
failure to cooperate with an investigation shall not constitute	103903
grounds for discipline under this section if a court of	103904
competent jurisdiction has issued an order that either quashes a	103905
subpoena or permits the individual to withhold the testimony or	103906
evidence in issue;	103907
(22) Failure to comply with the standards of the national	103908
certification commission for acupuncture and oriental medicine	103909
regarding professional ethics, commitment to patients,	103910
commitment to the profession, and commitment to the public;	103911
(23) Failure to have adequate professional liability	103912
insurance coverage in accordance with section 4762.22 of the	103913
Revised Code;	103914
(24) Failure to maintain a current and active designation	103915
as a diplomate in oriental medicine, diplomate of acupuncture	103916
and Chinese herbology, or diplomate in acupuncture, as	103917

applicable, from the national certification commission for 103918  
acupuncture and oriental medicine, including revocation by the 103919  
commission of the individual's designation, failure by the 103920  
individual to meet the commission's requirements for 103921  
redesignation, or failure to notify the board that the 103922  
appropriate designation has not been maintained. 103923

(C) The board shall not refuse to issue a certificate to 103924  
an applicant because of a plea of guilty to, a judicial finding 103925  
of guilt of, or a judicial finding of eligibility for 103926  
intervention in lieu of conviction for an offense unless the 103927  
refusal is in accordance with section 9.79 of the Revised Code. 103928

(D) Disciplinary actions taken by the board under 103929  
divisions (A) and (B) of this section shall be taken pursuant to 103930  
an adjudication under Chapter 119. of the Revised Code, except 103931  
that in lieu of an adjudication, the board may enter into a 103932  
consent agreement with an oriental medicine practitioner or 103933  
acupuncturist or applicant to resolve an allegation of a 103934  
violation of this chapter or any rule adopted under it. A 103935  
consent agreement, when ratified by an affirmative vote of not 103936  
fewer than six members of the board, shall constitute the 103937  
findings and order of the board with respect to the matter 103938  
addressed in the agreement. If the board refuses to ratify a 103939  
consent agreement, the admissions and findings contained in the 103940  
consent agreement shall be of no force or effect. 103941

(E) For purposes of divisions (B) (12), (15), and (16) of 103942  
this section, the commission of the act may be established by a 103943  
finding by the board, pursuant to an adjudication under Chapter 103944  
119. of the Revised Code, that the applicant or license holder 103945  
committed the act in question. The board shall have no 103946  
jurisdiction under these divisions in cases where the trial 103947

court renders a final judgment in the license holder's favor and 103948  
that judgment is based upon an adjudication on the merits. The 103949  
board shall have jurisdiction under these divisions in cases 103950  
where the trial court issues an order of dismissal upon 103951  
technical or procedural grounds. 103952

(F) The sealing or expungement of conviction records by 103953  
any court shall have no effect upon a prior board order entered 103954  
under the provisions of this section or upon the board's 103955  
jurisdiction to take action under the provisions of this section 103956  
if, based upon a plea of guilty, a judicial finding of guilt, or 103957  
a judicial finding of eligibility for intervention in lieu of 103958  
conviction, the board issued a notice of opportunity for a 103959  
hearing or entered into a consent agreement prior to the court's 103960  
order to seal or expunge the records. The board shall not be 103961  
required to seal, destroy, redact, or otherwise modify its 103962  
records to reflect the court's sealing or expungement of 103963  
conviction records. 103964

(G) For purposes of this division, any individual who 103965  
holds a license to practice issued under this chapter, or 103966  
applies for a license to practice, shall be deemed to have given 103967  
consent to submit to a mental or physical examination when 103968  
directed to do so in writing by the board and to have waived all 103969  
objections to the admissibility of testimony or examination 103970  
reports that constitute a privileged communication. 103971

(1) In enforcing division (B) (5) of this section, the 103972  
board, upon a showing of a possible violation, shall refer any 103973  
individual who holds, or has applied for, a license under this 103974  
chapter to the monitoring organization that conducts the 103975  
confidential monitoring program established under section 103976  
4731.25 of the Revised Code. The board also may compel the 103977

individual to submit to a mental examination, physical 103978  
examination, including an HIV test, or both a mental and 103979  
physical examination. The expense of the examination is the 103980  
responsibility of the individual compelled to be examined. 103981  
Failure to submit to a mental or physical examination or consent 103982  
to an HIV test ordered by the board constitutes an admission of 103983  
the allegations against the individual unless the failure is due 103984  
to circumstances beyond the individual's control, and a default 103985  
and final order may be entered without the taking of testimony 103986  
or presentation of evidence. If the board finds an oriental 103987  
medicine practitioner or acupuncturist unable to practice 103988  
because of the reasons set forth in division (B) (5) of this 103989  
section, the board shall require the individual to submit to 103990  
care, counseling, or treatment by physicians approved or 103991  
designated by the board, as a condition for an initial, 103992  
continued, reinstated, or renewed license to practice. An 103993  
individual affected by this division shall be afforded an 103994  
opportunity to demonstrate to the board the ability to resume 103995  
practicing in compliance with acceptable and prevailing 103996  
standards of care. 103997

(2) For purposes of division (B) (6) of this section, if 103998  
the board has reason to believe that any individual who holds a 103999  
license to practice issued under this chapter or any applicant 104000  
for a license suffers such impairment, the board shall refer the 104001  
individual to the monitoring organization that conducts the 104002  
confidential monitoring program established under section 104003  
4731.25 of the Revised Code. The board also may compel the 104004  
individual to submit to a mental or physical examination, or 104005  
both. The expense of the examination is the responsibility of 104006  
the individual compelled to be examined. Any mental or physical 104007  
examination required under this division shall be undertaken by 104008

a treatment provider or physician qualified to conduct such 104009  
examination and approved under section 4731.251 of the Revised 104010  
Code. 104011

Failure to submit to a mental or physical examination 104012  
ordered by the board constitutes an admission of the allegations 104013  
against the individual unless the failure is due to 104014  
circumstances beyond the individual's control, and a default and 104015  
final order may be entered without the taking of testimony or 104016  
presentation of evidence. If the board determines that the 104017  
individual's ability to practice is impaired, the board shall 104018  
suspend the individual's license or deny the individual's 104019  
application and shall require the individual, as a condition for 104020  
an initial, continued, reinstated, or renewed license, to submit 104021  
to treatment. 104022

Before being eligible to apply for reinstatement of a 104023  
license suspended under this division, the oriental medicine 104024  
practitioner or acupuncturist shall demonstrate to the board the 104025  
ability to resume practice in compliance with acceptable and 104026  
prevailing standards of care. The demonstration shall include 104027  
the following: 104028

(a) Certification from a treatment provider approved under 104029  
section 4731.251 of the Revised Code that the individual has 104030  
successfully completed any required inpatient treatment; 104031

(b) Evidence of continuing full compliance with an 104032  
aftercare contract or consent agreement; 104033

(c) Two written reports indicating that the individual's 104034  
ability to practice has been assessed and that the individual 104035  
has been found capable of practicing according to acceptable and 104036  
prevailing standards of care. The reports shall be made by 104037

individuals or providers approved by the board for making such 104038  
assessments and shall describe the basis for their 104039  
determination. 104040

The board may reinstate a license suspended under this 104041  
division after such demonstration and after the individual has 104042  
entered into a written consent agreement. 104043

When the impaired individual resumes practice, the board 104044  
shall require continued monitoring of the individual. The 104045  
monitoring shall include monitoring of compliance with the 104046  
written consent agreement entered into before reinstatement or 104047  
with conditions imposed by board order after a hearing, and, 104048  
upon termination of the consent agreement, submission to the 104049  
board for at least two years of annual written progress reports 104050  
made under penalty of falsification stating whether the 104051  
individual has maintained sobriety. 104052

(H) (1) If either of the following circumstances occur, the 104053  
secretary and supervising member may recommend that the board 104054  
suspend an individual's license to practice without a prior 104055  
hearing: 104056

(a) The secretary and supervising member determine both of 104057  
the following: 104058

(i) That there is clear and convincing evidence that an 104059  
oriental medicine practitioner or acupuncturist has violated 104060  
division (B) of this section; 104061

(ii) That the individual's continued practice presents a 104062  
danger of immediate and serious harm to the public. 104063

(b) The board receives verifiable information that a 104064  
licensee has been charged in any state or federal court for a 104065  
crime classified as a felony under the charging court's law and 104066

the conduct charged constitutes a violation of division (B) of 104067  
this section. 104068

(2) If a recommendation is made to suspend without a prior 104069  
hearing pursuant to division (H) (1) of this section, written 104070  
allegations shall be prepared for consideration by the board. 104071  
The board, upon review of the allegations and by an affirmative 104072  
vote of not fewer than six of its members, excluding the 104073  
secretary and supervising member, may suspend a license without 104074  
a prior hearing. A telephone conference call may be utilized for 104075  
reviewing the allegations and taking the vote on the summary 104076  
suspension. 104077

The board shall serve a written order of suspension in 104078  
accordance with sections 119.05 and 119.07 of the Revised Code. 104079  
~~The order shall not be subject to suspension by the court during~~ 104080  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 104081  
~~Code.~~ If the oriental medicine practitioner or acupuncturist 104082  
requests an adjudicatory hearing by the board, the date set for 104083  
the hearing shall be within fifteen days, but not earlier than 104084  
seven days, after the hearing is requested, unless otherwise 104085  
agreed to by both the board and the license holder. 104086

(3) A summary suspension imposed under ~~this~~ division (H) 104087  
(2) of this section is not a final appealable order and is not 104088  
an adjudication that may be appealed under section 119.12 of the 104089  
Revised Code. The summary suspension shall remain in effect, 104090  
~~unless reversed on appeal,~~ until a final adjudicative order 104091  
issued by the board pursuant to this section and Chapter 119. of 104092  
the Revised Code becomes effective. Once a final adjudicative 104093  
order has been issued by the board, any party adversely affected 104094  
by it may file an appeal in accordance with the requirements of 104095  
Chapter 119. of the Revised Code. ~~The~~ 104096

The board shall issue its final adjudicative order within ~~sixty-seventy-five~~ days after completion of its hearing. Failure to issue the order within ~~sixty-seventy-five~~ days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of an oriental medicine practitioner or acupuncturist and the practitioner's or acupuncturist's practice in this state are automatically suspended as of the date the practitioner or acupuncturist pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another

jurisdiction: aggravated murder, murder, voluntary manslaughter, 104128  
felonious assault, trafficking in persons, kidnapping, rape, 104129  
sexual battery, gross sexual imposition, aggravated arson, 104130  
aggravated robbery, or aggravated burglary. Continued practice 104131  
after the suspension shall be considered practicing without a 104132  
license. 104133

The board shall serve the individual subject to the 104134  
suspension in accordance with sections 119.05 and 119.07 of the 104135  
Revised Code. If an individual whose license is suspended under 104136  
this division fails to make a timely request for an adjudication 104137  
under Chapter 119. of the Revised Code, the board shall enter a 104138  
final order permanently revoking the individual's license. 104139

(K) In any instance in which the board is required by 104140  
Chapter 119. of the Revised Code to give notice of opportunity 104141  
for hearing and the individual subject to the notice does not 104142  
timely request a hearing in accordance with section 119.07 of 104143  
the Revised Code, the board is not required to hold a hearing, 104144  
but may adopt, by an affirmative vote of not fewer than six of 104145  
its members, a final order that contains the board's findings. 104146  
In the final order, the board may order any of the sanctions 104147  
identified under division (A) or (B) of this section. 104148

(L) Any action taken by the board under division (B) of 104149  
this section resulting in a suspension shall be accompanied by a 104150  
written statement of the conditions under which the license may 104151  
be reinstated. The board shall adopt rules in accordance with 104152  
Chapter 119. of the Revised Code governing conditions to be 104153  
imposed for reinstatement. Reinstatement of a license suspended 104154  
pursuant to division (B) of this section requires an affirmative 104155  
vote of not fewer than six members of the board. 104156

(M) When the board refuses to grant or issue a license to 104157

an applicant, revokes an individual's license, refuses to renew 104158  
an individual's license, or refuses to reinstate an individual's 104159  
license, the board may specify that its action is permanent. An 104160  
individual subject to a permanent action taken by the board is 104161  
forever thereafter ineligible to hold a license to practice as 104162  
an oriental medicine practitioner or license to practice as an 104163  
acupuncturist and the board shall not accept an application for 104164  
reinstatement of the license or for issuance of a new license. 104165

(N) Notwithstanding any other provision of the Revised 104166  
Code, all of the following apply: 104167

(1) The surrender of a license to practice as an oriental 104168  
medicine practitioner or license to practice as an acupuncturist 104169  
issued under this chapter is not effective unless or until 104170  
accepted by the board. Reinstatement of a license surrendered to 104171  
the board requires an affirmative vote of not fewer than six 104172  
members of the board. 104173

(2) An application made under this chapter for a license 104174  
may not be withdrawn without approval of the board. 104175

(3) Failure by an individual to renew a license in 104176  
accordance with section 4762.06 of the Revised Code does not 104177  
remove or limit the board's jurisdiction to take disciplinary 104178  
action under this section against the individual. 104179

(4) The placement of an individual's license on retired 104180  
status, as described in section 4762.062 of the Revised Code, 104181  
does not remove or limit the board's jurisdiction to take any 104182  
disciplinary action against the individual with regard to the 104183  
license as it existed before being placed on retired status. 104184

**Sec. 4762.99.** (A) Whoever violates section 4762.02 of the 104185  
Revised Code is guilty of a misdemeanor of the first degree on a 104186

first offense; on each subsequent offense, the person is guilty 104187  
of a felony of the fourth degree. 104188

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 104189  
(D), or (E) of section 4762.16 of the Revised Code is guilty of 104190  
a minor misdemeanor on a first offense; on each subsequent 104191  
offense the person is guilty of a misdemeanor of the fourth 104192  
degree, except that an individual guilty of a subsequent offense 104193  
shall not be subject to imprisonment, but to a fine alone of up 104194  
to one thousand dollars for each offense. 104195

(2) Whoever violates division (B) (2) or (C) (3) of section 104196  
4762.16 of the Revised Code is guilty of ~~failure to report~~ 104197  
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 104198  
fourth degree. ~~If the offender has previously been convicted of~~ 104199  
~~a violation of this division, the failure to report on a first~~ 104200  
offense; on each subsequent offense, the person is guilty of a 104201  
misdemeanor of the first degree. 104202

(C) Whoever violates division (E) of section 4762.14 of 104203  
the Revised Code is guilty of ~~disclosing confidential~~ 104204  
~~investigatory information,~~ a misdemeanor of the first degree. 104205

**Sec. 4767.10.** (A) The division of real estate in the 104206  
department of commerce shall use ~~one dollar~~ six dollars of each 104207  
burial permit fee collected pursuant to section 3705.17 of the 104208  
Revised Code and paid into the state treasury to the credit of 104209  
the cemetery registration fund created under section 4767.03 of 104210  
the Revised Code to advance grants to cemeteries registered with 104211  
the division to defray the costs of exceptional cemetery 104212  
maintenance or training cemetery personnel in the maintenance 104213  
and operation of cemeteries. The division may not provide a 104214  
grant to a corporation or association that operates a cemetery 104215  
for profit. Grants provided under this section shall not exceed 104216

five thousand dollars. An operator of five or more cemeteries 104217  
registered with the division may apply for and receive one grant 104218  
per year. All other operators of cemeteries registered with the 104219  
division may apply for and receive one grant every other year. 104220  
The division shall advance grants from the cemetery registration 104221  
fund in accordance with rules adopted by the Ohio cemetery 104222  
dispute resolution commission under Chapter 119. of the Revised 104223  
Code. 104224

(B) The director of commerce may increase, by rule adopted 104225  
under Chapter 119. of the Revised Code, the amount of total 104226  
grants the division may advance in a fiscal year if the director 104227  
determines the total amount of funds generated exceeds the 104228  
amount of funds the division needs to carry out its powers and 104229  
duties under this section. If the director determines the 104230  
increased amount depletes the amount of funds the division needs 104231  
to carry out its powers and duties under this section, the 104232  
director may decrease the amount not below the amount specified 104233  
in division (A) of this section. 104234

**Sec. 4772.20.** (A) The state medical board, by an 104235  
affirmative vote of not fewer than six members, may revoke or 104236  
may refuse to grant a license to practice as a certified mental 104237  
health assistant to an individual found by the board to have 104238  
committed fraud, misrepresentation, or deception in applying for 104239  
or securing the license. 104240

(B) The board, by an affirmative vote of not fewer than 104241  
six members, shall, except as provided in division (C) of this 104242  
section, and to the extent permitted by law, limit, revoke, or 104243  
suspend an individual's license to practice as a certified 104244  
mental health assistant, refuse to issue a license to an 104245  
applicant, refuse to renew a license, refuse to reinstate a 104246

license, or reprimand or place on probation the holder of a	104247
license for any of the following reasons:	104248
(1) Permitting the holder's name or license to be used by	104249
another person;	104250
(2) Failure to comply with the requirements of this	104251
chapter, Chapter 4731. of the Revised Code, or any rules adopted	104252
by the board;	104253
(3) Violating or attempting to violate, directly or	104254
indirectly, or assisting in or abetting the violation of, or	104255
conspiring to violate, any provision of this chapter, Chapter	104256
4731. of the Revised Code, or the rules adopted by the board;	104257
(4) A departure from, or failure to conform to, minimal	104258
standards of care of similar practitioners under the same or	104259
similar circumstances whether or not actual injury to the	104260
patient is established;	104261
(5) Inability to practice according to acceptable and	104262
prevailing standards of care by reason of mental illness or	104263
physical illness, including physical deterioration that	104264
adversely affects cognitive, motor, or perceptive skills;	104265
(6) Impairment of ability to practice according to	104266
acceptable and prevailing standards of care because of habitual	104267
or excessive use or abuse of drugs, alcohol, or other substances	104268
that impair ability to practice;	104269
(7) Willfully betraying a professional confidence;	104270
(8) Making a false, fraudulent, deceptive, or misleading	104271
statement in securing or attempting to secure a license to	104272
practice as a certified mental health assistant.	104273
As used in this division, "false, fraudulent, deceptive,	104274

or misleading statement" means a statement that includes a 104275  
misrepresentation of fact, is likely to mislead or deceive 104276  
because of a failure to disclose material facts, is intended or 104277  
is likely to create false or unjustified expectations of 104278  
favorable results, or includes representations or implications 104279  
that in reasonable probability will cause an ordinarily prudent 104280  
person to misunderstand or be deceived. 104281

(9) The obtaining of, or attempting to obtain, money or a 104282  
thing of value by fraudulent misrepresentations in the course of 104283  
practice; 104284

(10) A plea of guilty to, a judicial finding of guilt of, 104285  
or a judicial finding of eligibility for intervention in lieu of 104286  
conviction for, a felony; 104287

(11) Commission of an act that constitutes a felony in 104288  
this state, regardless of the jurisdiction in which the act was 104289  
committed; 104290

(12) A plea of guilty to, a judicial finding of guilt of, 104291  
or a judicial finding of eligibility for intervention in lieu of 104292  
conviction for, a misdemeanor committed in the course of 104293  
practice; 104294

(13) A plea of guilty to, a judicial finding of guilt of, 104295  
or a judicial finding of eligibility for intervention in lieu of 104296  
conviction for, a misdemeanor involving moral turpitude; 104297

(14) Commission of an act in the course of practice that 104298  
constitutes a misdemeanor in this state, regardless of the 104299  
jurisdiction in which the act was committed; 104300

(15) Commission of an act involving moral turpitude that 104301  
constitutes a misdemeanor in this state, regardless of the 104302  
jurisdiction in which the act was committed; 104303

(16) A plea of guilty to, a judicial finding of guilt of, 104304  
or a judicial finding of eligibility for intervention in lieu of 104305  
conviction for violating any state or federal law regulating the 104306  
possession, distribution, or use of any drug, including 104307  
trafficking in drugs; 104308

(17) Any of the following actions taken by the state 104309  
agency responsible for regulating the practice of certified 104310  
mental health assistants in another jurisdiction, for any reason 104311  
other than the nonpayment of fees: the limitation, revocation, 104312  
or suspension of an individual's license to practice; acceptance 104313  
of an individual's license surrender; denial of a license; 104314  
refusal to renew or reinstate a license; imposition of 104315  
probation; or issuance of an order of censure or other 104316  
reprimand; 104317

(18) Violation of the conditions placed by the board on a 104318  
license to practice as a certified mental health assistant; 104319

(19) Failure to use universal blood and body fluid 104320  
precautions established by rules adopted under section 4731.051 104321  
of the Revised Code; 104322

(20) Failure to cooperate in an investigation conducted by 104323  
the board under section 4772.21 of the Revised Code, including 104324  
failure to comply with a subpoena or order issued by the board 104325  
or failure to answer truthfully a question presented by the 104326  
board at a deposition or in written interrogatories, except that 104327  
failure to cooperate with an investigation shall not constitute 104328  
grounds for discipline under this section if a court of 104329  
competent jurisdiction has issued an order that either quashes a 104330  
subpoena or permits the individual to withhold the testimony or 104331  
evidence in issue; 104332

(21) Failure to practice in accordance with the supervising physician's supervision agreement with the certified mental health assistant; 104333  
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(22) Administering drugs for purposes other than those authorized under this chapter; 104336  
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(23) Failure to comply with section 4772.13 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 104338  
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(24) Assisting suicide, as defined in section 3795.01 of the Revised Code. 104341  
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(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 104343  
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(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a certified mental health assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 104348  
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(E) For purposes of divisions (B) (11), (14), and (15) of 104361

this section, the commission of the act may be established by a 104362  
finding by the board, pursuant to an adjudication under Chapter 104363  
119. of the Revised Code, that the applicant or license holder 104364  
committed the act in question. The board shall have no 104365  
jurisdiction under these divisions in cases where the trial 104366  
court renders a final judgment in the license holder's favor and 104367  
that judgment is based upon an adjudication on the merits. The 104368  
board shall have jurisdiction under these divisions in cases 104369  
where the trial court issues an order of dismissal on technical 104370  
or procedural grounds. 104371

(F) The sealing or expungement of conviction records by 104372  
any court shall have no effect on a prior board order entered 104373  
under the provisions of this section or on the board's 104374  
jurisdiction to take action under the provisions of this section 104375  
if, based upon a plea of guilty, a judicial finding of guilt, or 104376  
a judicial finding of eligibility for intervention in lieu of 104377  
conviction, the board issued a notice of opportunity for a 104378  
hearing prior to the court's order to seal or expunge the 104379  
records. The board shall not be required to seal, destroy, 104380  
redact, or otherwise modify its records to reflect the court's 104381  
sealing or expungement of conviction records. 104382

(G) For purposes of this division, any individual who 104383  
holds a license to practice as a certified mental health 104384  
assistant issued under this chapter, or applies for a license, 104385  
shall be deemed to have given consent to submit to a mental or 104386  
physical examination when directed to do so in writing by the 104387  
board and to have waived all objections to the admissibility of 104388  
testimony or examination reports that constitute a privileged 104389  
communication. 104390

(1) In enforcing division (B) (5) of this section, the 104391

board, on a showing of a possible violation, may compel any 104392  
individual who holds a license to practice as a certified mental 104393  
health assistant issued under this chapter or who has applied 104394  
for a license to submit to a mental or physical examination, or 104395  
both. A physical examination may include an HIV test. The 104396  
expense of the examination is the responsibility of the 104397  
individual compelled to be examined. Failure to submit to a 104398  
mental or physical examination or consent to an HIV test ordered 104399  
by the board constitutes an admission of the allegations against 104400  
the individual unless the failure is due to circumstances beyond 104401  
the individual's control, and a default and final order may be 104402  
entered without the taking of testimony or presentation of 104403  
evidence. If the board finds a certified mental health assistant 104404  
unable to practice because of the reasons set forth in division 104405  
(B) (5) of this section, the board shall require the certified 104406  
mental health assistant to submit to care, counseling, or 104407  
treatment by physicians approved or designated by the board, as 104408  
a condition for an initial, continued, reinstated, or renewed 104409  
license. An individual affected by this division shall be 104410  
afforded an opportunity to demonstrate to the board the ability 104411  
to resume practicing in compliance with acceptable and 104412  
prevailing standards of care. 104413

(2) For purposes of division (B) (6) of this section, if 104414  
the board has reason to believe that any individual who holds a 104415  
license to practice as a certified mental health assistant 104416  
issued under this chapter or any applicant for a license suffers 104417  
such impairment, the board may compel the individual to submit 104418  
to a mental or physical examination, or both. The expense of the 104419  
examination is the responsibility of the individual compelled to 104420  
be examined. Any mental or physical examination required under 104421  
this division shall be undertaken by a treatment provider or 104422

physician qualified to conduct such examination and chosen by 104423  
the board. 104424

Failure to submit to a mental or physical examination 104425  
ordered by the board constitutes an admission of the allegations 104426  
against the individual unless the failure is due to 104427  
circumstances beyond the individual's control, and a default and 104428  
final order may be entered without the taking of testimony or 104429  
presentation of evidence. If the board determines that the 104430  
individual's ability to practice is impaired, the board shall 104431  
suspend the individual's license or deny the individual's 104432  
application and shall require the individual, as a condition for 104433  
an initial, continued, reinstated, or renewed license to 104434  
practice, to submit to treatment. 104435

Before being eligible to apply for reinstatement of a 104436  
license suspended under this division, the certified mental 104437  
health assistant shall demonstrate to the board the ability to 104438  
resume practice in compliance with acceptable and prevailing 104439  
standards of care. The demonstration shall include the 104440  
following: 104441

(a) Certification from a treatment provider approved under 104442  
section 4731.25 of the Revised Code that the individual has 104443  
successfully completed any required inpatient treatment; 104444

(b) Evidence of continuing full compliance with an 104445  
aftercare contract or consent agreement; 104446

(c) Two written reports indicating that the individual's 104447  
ability to practice has been assessed and that the individual 104448  
has been found capable of practicing according to acceptable and 104449  
prevailing standards of care. The reports shall be made by 104450  
individuals or providers approved by the board for making such 104451

assessments and shall describe the basis for their 104452  
determination. 104453

The board may reinstate a license suspended under this 104454  
division after such demonstration and after the individual has 104455  
entered into a written consent agreement. 104456

When the impaired certified mental health assistant 104457  
resumes practice, the board shall require continued monitoring 104458  
of the certified mental health assistant. The monitoring shall 104459  
include monitoring of compliance with the written consent 104460  
agreement entered into before reinstatement or with conditions 104461  
imposed by board order after a hearing, and, on termination of 104462  
the consent agreement, submission to the board for at least two 104463  
years of annual written progress reports made under penalty of 104464  
falsification stating whether the certified mental health 104465  
assistant has maintained sobriety. 104466

~~(H)~~ (H) (1) If either of the following circumstances occur, 104467  
the secretary and supervising member ~~determine that may~~ 104468  
recommend that the board suspend the individual's license 104469  
without a prior hearing: 104470

(a) The secretary and supervising member determine both of 104471  
the following: 104472

(i) That there is clear and convincing evidence that a 104473  
certified mental health assistant has violated division (B) of 104474  
this section ~~and that;~~ 104475

(ii) That the individual's continued practice presents a 104476  
danger of immediate and serious harm to the public, ~~they may~~ 104477  
~~recommend that the board suspend the individual's license to~~ 104478  
~~practice without a prior hearing.~~ 104479

(b) The board receives verifiable information that a 104480

licensee has been charged in any state or federal court with a 104481  
crime classified as a felony under the charging court's law and 104482  
the conduct charged constitutes a violation of division (B) of 104483  
this section. ~~Written~~ 104484

(2) If a recommendation is made to suspend without a prior 104485  
hearing pursuant to division (H) (1) of this section, written 104486  
allegations shall be prepared for consideration by the board. 104487

The board, on review of the allegations and by an 104488  
affirmative vote of not fewer than six of its members, excluding 104489  
the secretary and supervising member, may suspend a license 104490  
without a prior hearing. A telephone conference call may be 104491  
utilized for reviewing the allegations and taking the vote on 104492  
the summary suspension. 104493

The board shall issue a written order of suspension by 104494  
certified mail or in person in accordance with section 119.07 of 104495  
the Revised Code. ~~The order shall not be subject to suspension~~ 104496  
~~by the court during pendency of any appeal filed under section~~ 104497  
~~119.12 of the Revised Code.~~ If the certified mental health 104498  
assistant requests an adjudicatory hearing by the board, the 104499  
date set for the hearing shall be within fifteen days, but not 104500  
earlier than seven days, after the certified mental health 104501  
assistant requests the hearing, unless otherwise agreed to by 104502  
both the board and the license holder. 104503

(3) A summary suspension imposed under this division is 104504  
not a final appealable order and is not an adjudication that may 104505  
be appealed under section 119.12 of the Revised Code. The 104506  
summary suspension shall remain in effect, ~~unless reversed on~~ 104507  
appeal, until a final adjudicative order issued by the board 104508  
pursuant to this section and Chapter 119. of the Revised Code 104509  
becomes effective. Once a final adjudicative order has been 104510

issued by the board, any party adversely affected by it may file 104511  
an appeal in accordance with Chapter 119. of the Revised Code. 104512  
~~The~~ 104513

The board shall issue its final adjudicative order within 104514  
~~sixty-seventy-five~~ days after completion of its hearing. Failure 104515  
to issue the order within ~~sixty-seventy-five~~ days shall result 104516  
in dissolution of the summary suspension order, but shall not 104517  
invalidate any subsequent, final adjudicative order. 104518

(I) If the board takes action under division (B) (10), 104519  
(12), or (13) of this section, and the judicial finding of 104520  
guilt, guilty plea, or judicial finding of eligibility for 104521  
intervention in lieu of conviction is overturned on appeal, on 104522  
exhaustion of the criminal appeal, a petition for 104523  
reconsideration of the order may be filed with the board along 104524  
with appropriate court documents. On receipt of a petition and 104525  
supporting court documents, the board shall reinstate the 104526  
license to practice as a certified mental health assistant. The 104527  
board may then hold an adjudication under Chapter 119. of the 104528  
Revised Code to determine whether the individual committed the 104529  
act in question. Notice of opportunity for hearing shall be 104530  
given in accordance with Chapter 119. of the Revised Code. If 104531  
the board finds, pursuant to an adjudication held under this 104532  
division, that the individual committed the act, or if no 104533  
hearing is requested, it may order any of the sanctions 104534  
specified in division (B) of this section. 104535

(J) The license to practice of a certified mental health 104536  
assistant and the assistant's practice in this state are 104537  
automatically suspended as of the date the certified mental 104538  
health assistant pleads guilty to, is found by a judge or jury 104539  
to be guilty of, or is subject to a judicial finding of 104540

eligibility for intervention in lieu of conviction in this state 104541  
or treatment of intervention in lieu of conviction in another 104542  
jurisdiction for any of the following criminal offenses in this 104543  
state or a substantially equivalent criminal offense in another 104544  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 104545  
felonious assault, trafficking in persons, kidnapping, rape, 104546  
sexual battery, gross sexual imposition, aggravated arson, 104547  
aggravated robbery, or aggravated burglary. Continued practice 104548  
after the suspension shall be considered practicing without a 104549  
license. 104550

The board shall notify the individual subject to the 104551  
suspension by certified mail or in person in accordance with 104552  
section 119.07 of the Revised Code. If an individual whose 104553  
license is suspended under this division fails to make a timely 104554  
request for an adjudication under Chapter 119. of the Revised 104555  
Code, the board shall enter a final order permanently revoking 104556  
the individual's license. 104557

(K) In any instance in which the board is required by 104558  
Chapter 119. of the Revised Code to give notice of opportunity 104559  
for hearing and the individual subject to the notice does not 104560  
timely request a hearing in accordance with section 119.07 of 104561  
the Revised Code, the board is not required to hold a hearing, 104562  
but may adopt, by an affirmative vote of not fewer than six of 104563  
its members, a final order that contains the board's findings. 104564  
In the final order, the board may order any of the sanctions 104565  
identified under division (A) or (B) of this section. 104566

(L) Any action taken by the board under division (B) of 104567  
this section resulting in a suspension shall be accompanied by a 104568  
written statement of the conditions under which the certified 104569  
mental health assistant's license may be reinstated. The board 104570

shall adopt rules in accordance with Chapter 119. of the Revised 104571  
Code governing conditions to be imposed for reinstatement. 104572  
Reinstatement of a license suspended pursuant to division (B) of 104573  
this section requires an affirmative vote of not fewer than six 104574  
members of the board. 104575

(M) When the board refuses to grant or issue a license to 104576  
practice as a certified mental health assistant to an applicant, 104577  
revokes an individual's license, refuses to renew an 104578  
individual's license, or refuses to reinstate an individual's 104579  
license, the board may specify that its action is permanent. An 104580  
individual subject to a permanent action taken by the board is 104581  
forever thereafter ineligible to hold a license to practice as a 104582  
certified mental health assistant and the board shall not accept 104583  
an application for reinstatement of the license or for issuance 104584  
of a new license. 104585

(N) Notwithstanding any other provision of the Revised 104586  
Code, all of the following apply: 104587

(1) The surrender of a license to practice as a certified 104588  
mental health assistant issued under this chapter is not 104589  
effective unless or until accepted by the board. Reinstatement 104590  
of a license surrendered to the board requires an affirmative 104591  
vote of not fewer than six members of the board. 104592

(2) An application made under this chapter for a license 104593  
to practice may not be withdrawn without approval of the board. 104594

(3) Failure by an individual to renew a license to 104595  
practice in accordance with section 4772.08 of the Revised Code 104596  
shall not remove or limit the board's jurisdiction to take 104597  
disciplinary action under this section against the individual. 104598

**Sec. 4772.21.** (A) The state medical board shall 104599

investigate evidence that appears to show that any person has 104600  
violated this chapter or the rules adopted under it. Any person 104601  
may report to the board in a signed writing any information the 104602  
person has that appears to show a violation of any provision of 104603  
this chapter or the rules adopted under it. In the absence of 104604  
bad faith, a person who reports such information or testifies 104605  
before the board in an adjudication conducted under Chapter 119. 104606  
of the Revised Code shall not be liable for civil damages as a 104607  
result of reporting the information or providing testimony. Each 104608  
complaint or allegation of a violation received by the board 104609  
shall be assigned a case number and be recorded by the board. 104610

(B) Investigations of alleged violations of this chapter 104611  
or rules adopted under it shall be supervised by the supervising 104612  
member elected by the board in accordance with section 4731.02 104613  
of the Revised Code and by the secretary as provided in section 104614  
4772.24 of the Revised Code. The board's president may designate 104615  
another member of the board to supervise the investigation in 104616  
place of the supervising member. Upon a vote of the majority of 104617  
the board to authorize the addition of a consumer member in the 104618  
supervision of any part of any investigation, the president 104619  
shall designate a consumer member for supervision of 104620  
investigations as determined by the president. The authorization 104621  
of consumer member participation in investigation supervision 104622  
may be rescinded by a majority vote of the board. A member of 104623  
the board who supervises the investigation of a case shall not 104624  
participate in further adjudication of the case. 104625

(C) In investigating a possible violation of this chapter 104626  
or the rules adopted under it, the board may administer oaths, 104627  
order the taking of depositions, issue subpoenas, and compel the 104628  
attendance of witnesses and production of books, accounts, 104629  
papers, records, documents, and testimony, except that a 104630

subpoena for patient record information shall not be issued 104631  
without consultation with the attorney general's office and 104632  
approval of the secretary and supervising member of the board. 104633  
Before issuance of a subpoena for patient record information, 104634  
the secretary and supervising member shall determine whether 104635  
there is probable cause to believe that the complaint filed 104636  
alleges a violation of this chapter or the rules adopted under 104637  
it and that the records sought are relevant to the alleged 104638  
violation and material to the investigation. The subpoena may 104639  
apply only to records that cover a reasonable period of time 104640  
surrounding the alleged violation. 104641

On failure to comply with any subpoena issued by the board 104642  
and after reasonable notice to the person being subpoenaed, the 104643  
board may move for an order compelling the production of persons 104644  
or records pursuant to the Rules of Civil Procedure. 104645

A subpoena issued by the board may be served by a sheriff, 104646  
the sheriff's deputy, or a board employee designated by the 104647  
board. Service of a subpoena issued by the board may be made by 104648  
delivering a copy of the subpoena to the person named therein, 104649  
reading it to the person, or leaving it at the person's usual 104650  
place of residence. When the person being served is a certified 104651  
mental health assistant, service of the subpoena may be made by 104652  
certified mail, restricted delivery, return receipt requested, 104653  
and the subpoena shall be deemed served on the date delivery is 104654  
made or the date the person refuses to accept delivery. 104655

A sheriff's deputy who serves a subpoena shall receive the 104656  
same fees as a sheriff. Each witness who appears before the 104657  
board in obedience to a subpoena shall receive the fees and 104658  
mileage provided for witnesses in civil cases in the courts of 104659  
common pleas. 104660

(D) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(E) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to

ensure confidentiality that may be taken by the court include 104691  
sealing its records or deleting specific information from its 104692  
records. 104693

No person shall knowingly access, use, or disclose 104694  
confidential investigatory information in a manner prohibited by 104695  
law. 104696

(F) On a quarterly basis, the board shall prepare a report 104697  
that documents the disposition of all cases during the preceding 104698  
three months. The report shall contain the following information 104699  
for each case with which the board has completed its activities: 104700

(1) The case number assigned to the complaint or alleged 104701  
violation; 104702

(2) The type of license, if any, held by the individual 104703  
against whom the complaint is directed; 104704

(3) A description of the allegations contained in the 104705  
complaint; 104706

(4) Whether witnesses were interviewed; 104707

(5) Whether the individual against whom the complaint is 104708  
directed is the subject of any pending complaints; 104709

(6) The disposition of the case. 104710

The report shall state how many cases are still pending, 104711  
and shall be prepared in a manner that protects the identity of 104712  
each person involved in each case. The report is a public record 104713  
for purposes of section 149.43 of the Revised Code. 104714

(G) The board may provide a status update regarding an 104715  
investigation to a complainant on request if the board verifies 104716  
the complainant's identity. 104717

Sec. 4772.23. (A) As used in this section, "criminal 104718  
conduct" and "sexual misconduct" have the same meanings as in 104719  
section 4731.224 of the Revised Code. 104720

(B) (1) Within ~~sixty~~ thirty days after the imposition of 104721  
any formal disciplinary action taken by any health care 104722  
facility, including a hospital, health care facility operated by 104723  
a health insuring corporation, ambulatory surgical facility, or 104724  
similar facility, against any individual holding a valid license 104725  
to practice as a certified mental health assistant, the chief 104726  
administrator or executive officer of the facility shall report 104727  
to the state medical board the name of the individual, the 104728  
action taken by the facility, and a summary of the underlying 104729  
facts leading to the action taken. On request, the board shall 104730  
be provided certified copies of the patient records that were 104731  
the basis for the facility's action. Prior to release to the 104732  
board, the summary shall be approved by the peer review 104733  
committee that reviewed the case or by the governing board of 104734  
the facility. 104735

The filing of a report with the board or decision not to 104736  
file a report, investigation by the board, or any disciplinary 104737  
action taken by the board, does not preclude a health care 104738  
facility from taking disciplinary action against a certified 104739  
mental health assistant. 104740

In the absence of fraud or bad faith, no individual or 104741  
entity that provides patient records to the board shall be 104742  
liable in damages to any person as a result of providing the 104743  
records. 104744

(2) Within thirty days after commencing an investigation 104745  
regarding criminal conduct or sexual misconduct against any 104746  
individual holding a valid license to practice issued pursuant 104747

to this chapter, a health care facility, including a hospital, 104748  
health care facility operated by a health insuring corporation, 104749  
ambulatory surgical center, or similar facility, shall report to 104750  
the board the name of the individual and a summary of the 104751  
underlying facts related to the investigation being commenced. 104752

~~(B) (1)~~ (C) (1) Except as provided in division ~~(B) (2)~~ (C) (2) 104753  
of this section and subject to division (C) (3) of this section, 104754  
a certified mental health assistant, professional association or 104755  
society of certified mental health assistants, physician, or 104756  
professional association or society of physicians that believes 104757  
a violation of any provision of this chapter, Chapter 4731. of 104758  
the Revised Code, or rule of the board has occurred shall report 104759  
to the board the information on which the belief is based. 104760

(2) A certified mental health assistant, professional 104761  
association or society of certified mental health assistants, 104762  
physician, or professional association or society of physicians 104763  
that believes a violation of division (B) (6) of section 4772.20 104764  
of the Revised Code has occurred shall report the information 104765  
upon which the belief is based to the monitoring organization 104766  
conducting the program established by the board under section 104767  
4731.251 of the Revised Code. If any such report is made to the 104768  
board, it shall be referred to the monitoring organization 104769  
unless the board is aware that the individual who is the subject 104770  
of the report does not meet the program eligibility requirements 104771  
of section 4731.252 of the Revised Code. 104772

~~(C) (3)~~ If any individual authorized to practice under this 104773  
chapter or any professional association or society of such 104774  
individuals knows or has reasonable cause to suspect based on 104775  
facts that would cause a reasonable person in a similar position 104776  
to suspect that an individual authorized to practice under this 104777

chapter has committed or participated in criminal conduct or 104778  
sexual misconduct, the information upon which the belief is 104779  
based shall be reported to the board within thirty days. 104780

This division does not apply to a professional association 104781  
or society whose staff interacts with members of the association 104782  
or society only in advocacy, governance, or educational 104783  
capacities and whose staff does not regularly interact with 104784  
members in practice settings. 104785

(4) In addition to the self-reporting of criminal offenses 104786  
that is required for license renewal, an individual authorized 104787  
to practice under this chapter shall report to the board 104788  
criminal charges regarding criminal conduct, sexual misconduct, 104789  
or any conduct involving the use of a motor vehicle while under 104790  
the influence of alcohol or drugs, including offenses that are 104791  
equivalent offenses under division (A) of section 4511.181 of 104792  
the Revised Code, violations of division (D) of section 4511.194 104793  
of the Revised Code, and violations of division (C) of section 104794  
4511.79 of the Revised Code. Reports under this division shall 104795  
be made within thirty days of the criminal charge being filed. 104796

(D) Any professional association or society composed 104797  
primarily of certified mental health assistants that suspends or 104798  
revokes an individual's membership for violations of 104799  
professional ethics, or for reasons of professional incompetence 104800  
or professional malpractice, within ~~sixty~~thirty days after a 104801  
final decision, shall report to the board, on forms prescribed 104802  
and provided by the board, the name of the individual, the 104803  
action taken by the professional organization, and a summary of 104804  
the underlying facts leading to the action taken. 104805

The filing of a report with the board or decision not to 104806  
file a report, investigation by the board, or any disciplinary 104807

action taken by the board, does not preclude a professional 104808  
organization from taking disciplinary action against a certified 104809  
mental health assistant. 104810

~~(D)~~(E) Any insurer providing professional liability 104811  
insurance to any person holding a valid license to practice as a 104812  
certified mental health assistant or any other entity that seeks 104813  
to indemnify the professional liability of a certified mental 104814  
health assistant shall notify the board within thirty days after 104815  
the final disposition of any written claim for damages where 104816  
such disposition results in a payment exceeding twenty-five 104817  
thousand dollars. The notice shall contain the following 104818  
information: 104819

(1) The name and address of the person submitting the 104820  
notification; 104821

(2) The name and address of the insured who is the subject 104822  
of the claim; 104823

(3) The name of the person filing the written claim; 104824

(4) The date of final disposition; 104825

(5) If applicable, the identity of the court in which the 104826  
final disposition of the claim took place. 104827

~~(E)~~(F) The board may investigate possible violations of 104828  
this chapter or the rules adopted under it that are brought to 104829  
its attention as a result of the reporting requirements of this 104830  
section, except that the board shall conduct an investigation if 104831  
a possible violation involves repeated malpractice. As used in 104832  
this division, "repeated malpractice" means three or more claims 104833  
for malpractice within the previous five-year period, each 104834  
resulting in a judgment or settlement in excess of twenty-five 104835  
thousand dollars in favor of the claimant, and each involving 104836

negligent conduct by the certified mental health assistant. 104837

~~(F)~~(G) All summaries, reports, and records received and 104838  
maintained by the board pursuant to this section shall be held 104839  
~~in confidence and shall not be subject to discovery or~~ 104840  
~~introduction in evidence in any federal or state civil action~~ 104841  
~~involving a certified mental health assistant, supervising~~ 104842  
~~physician, or health care facility arising out of matters that~~ 104843  
~~are the subject of the reporting required by this section. The~~ 104844  
~~board may use the information obtained only as the basis for an~~ 104845  
~~investigation, as evidence in a disciplinary hearing against a~~ 104846  
~~certified mental health assistant or supervising physician, or~~ 104847  
~~in any subsequent trial or appeal of a board action or order.~~ 104848

~~The board may disclose the summaries and reports it~~ 104849  
~~receives under this section only to health care facility~~ 104850  
~~committees within or outside this state that are involved in~~ 104851  
~~credentialing or recredentialing a certified mental health~~ 104852  
~~assistant or supervising physician, if applicable, or reviewing~~ 104853  
~~their privilege to practice within a particular facility. The~~ 104854  
~~board shall indicate whether or not the information has been~~ 104855  
~~verified. Information transmitted by the board shall be subject~~ 104856  
~~to the same confidentiality provisions as when maintained by the~~ 104857  
~~board~~confidential pursuant to division (E) of section 4772.21 of 104858  
the Revised Code. 104859

~~(G)~~(H) Except for reports filed by an individual pursuant 104860  
to division ~~(B)~~(B) (2) or (C) of this section, the board shall 104861  
send a copy of any reports or summaries it receives pursuant to 104862  
this section to the certified mental health assistant. The 104863  
certified mental health assistant shall have the right to file a 104864  
statement with the board concerning the correctness or relevance 104865  
of the information. The statement shall at all times accompany 104866

that part of the record in contention. 104867

~~(H)~~(I) An individual or entity that reports to the board, 104868  
reports to the monitoring organization described in section 104869  
4731.251 of the Revised Code, or refers an impaired certified 104870  
mental health assistant to a treatment provider approved by the 104871  
board under section 4731.25 of the Revised Code shall not be 104872  
subject to suit for civil damages as a result of the report, 104873  
referral, or provision of the information. 104874

~~(I)~~(J) In the absence of fraud or bad faith, a 104875  
professional association or society of certified mental health 104876  
assistants that sponsors a committee or program to provide peer 104877  
assistance to a certified mental health assistant with substance 104878  
abuse problems, a representative or agent of such a committee or 104879  
program, a representative or agent of the monitoring 104880  
organization described in section 4731.251 of the Revised Code, 104881  
and a member of the state medical board shall not be held liable 104882  
in damages to any person by reason of actions taken to refer a 104883  
certified mental health assistant to a treatment provider 104884  
approved under section 4731.25 of the Revised Code for 104885  
examination or treatment. 104886

**Sec. 4772.99.** (A) Whoever violates section 4772.02 of the 104887  
Revised Code is guilty of a misdemeanor of the first degree on a 104888  
first offense; on each subsequent offense, the person is guilty 104889  
of a felony of the fourth degree. 104890

~~(B)~~(B) (1) Whoever violates division ~~(A)~~, ~~(B)~~(B) (1), ~~(C)~~(C) 104891  
(1), ~~or~~ ~~(C)~~ (2), (D), or (E) of section 4772.23 of the Revised 104892  
Code is guilty of a minor misdemeanor on a first offense; on 104893  
each subsequent offense the person is guilty of a misdemeanor of 104894  
the fourth degree, except that an individual guilty of a 104895  
subsequent offense shall not be subject to imprisonment, but to 104896

a fine alone of up to one thousand dollars for each offense. 104897

(2) Whoever violates division (B) (2) or (C) (3) of section 4772.23 of the Revised Code is guilty of a misdemeanor of the fourth degree; on each subsequent offense, the person is guilty of a misdemeanor of the first degree. 104898  
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(C) Whoever violates division (E) of section 4772.21 of the Revised Code is guilty of a misdemeanor of the first degree. 104902  
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**Sec. 4774.13.** (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as a radiologist assistant to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 104904  
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(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons: 104910  
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(1) Permitting the holder's name or license to be used by another person; 104918  
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 104920  
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 104923  
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4731. of the Revised Code, or the rules adopted by the board;	104926
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	104927 104928 104929 104930
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	104931 104932 104933 104934
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;	104935 104936 104937 104938
(7) Willfully betraying a professional confidence;	104939
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.	104940 104941 104942
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	104943 104944 104945 104946 104947 104948 104949 104950
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	104951 104952 104953

(10) A plea of guilty to, a judicial finding of guilt of, 104954  
or a judicial finding of eligibility for intervention in lieu of 104955  
conviction for, a felony; 104956

(11) Commission of an act that constitutes a felony in 104957  
this state, regardless of the jurisdiction in which the act was 104958  
committed; 104959

(12) A plea of guilty to, a judicial finding of guilt of, 104960  
or a judicial finding of eligibility for intervention in lieu of 104961  
conviction for, a misdemeanor committed in the course of 104962  
practice; 104963

(13) A plea of guilty to, a judicial finding of guilt of, 104964  
or a judicial finding of eligibility for intervention in lieu of 104965  
conviction for, a misdemeanor involving moral turpitude; 104966

(14) Commission of an act in the course of practice that 104967  
constitutes a misdemeanor in this state, regardless of the 104968  
jurisdiction in which the act was committed; 104969

(15) Commission of an act involving moral turpitude that 104970  
constitutes a misdemeanor in this state, regardless of the 104971  
jurisdiction in which the act was committed; 104972

(16) A plea of guilty to, a judicial finding of guilt of, 104973  
or a judicial finding of eligibility for intervention in lieu of 104974  
conviction for violating any state or federal law regulating the 104975  
possession, distribution, or use of any drug, including 104976  
trafficking in drugs; 104977

(17) Any of the following actions taken by the state 104978  
agency responsible for regulating the practice of radiologist 104979  
assistants in another jurisdiction, for any reason other than 104980  
the nonpayment of fees: the limitation, revocation, or 104981  
suspension of an individual's license to practice; acceptance of 104982

an individual's license surrender; denial of a license; refusal	104983
to renew or reinstate a license; imposition of probation; or	104984
issuance of an order of censure or other reprimand;	104985
(18) Violation of the conditions placed by the board on a	104986
license to practice as a radiologist assistant;	104987
(19) Failure to use universal blood and body fluid	104988
precautions established by rules adopted under section 4731.051	104989
of the Revised Code;	104990
(20) Failure to cooperate in an investigation conducted by	104991
the board under section 4774.14 of the Revised Code, including	104992
failure to comply with a subpoena or order issued by the board	104993
or failure to answer truthfully a question presented by the	104994
board at a deposition or in written interrogatories, except that	104995
failure to cooperate with an investigation shall not constitute	104996
grounds for discipline under this section if a court of	104997
competent jurisdiction has issued an order that either quashes a	104998
subpoena or permits the individual to withhold the testimony or	104999
evidence in issue;	105000
(21) Failure to maintain a license as a radiographer under	105001
Chapter 4773. of the Revised Code;	105002
(22) Failure to maintain certification as a registered	105003
radiologist assistant from the American registry of radiologic	105004
technologists, including revocation by the registry of the	105005
assistant's certification or failure by the assistant to meet	105006
the registry's requirements for annual registration, or failure	105007
to notify the board that the certification as a registered	105008
radiologist assistant has not been maintained;	105009
(23) Failure to comply with any of the rules of ethics	105010
included in the standards of ethics established by the American	105011

registry of radiologic technologists, as those rules apply to an 105012  
individual who holds the registry's certification as a 105013  
registered radiologist assistant. 105014

(C) The board shall not refuse to issue a license to an 105015  
applicant because of a plea of guilty to, a judicial finding of 105016  
guilt of, or a judicial finding of eligibility for intervention 105017  
in lieu of conviction for an offense unless the refusal is in 105018  
accordance with section 9.79 of the Revised Code. 105019

(D) Disciplinary actions taken by the board under 105020  
divisions (A) and (B) of this section shall be taken pursuant to 105021  
an adjudication under Chapter 119. of the Revised Code, except 105022  
that in lieu of an adjudication, the board may enter into a 105023  
consent agreement with a radiologist assistant or applicant to 105024  
resolve an allegation of a violation of this chapter or any rule 105025  
adopted under it. A consent agreement, when ratified by an 105026  
affirmative vote of not fewer than six members of the board, 105027  
shall constitute the findings and order of the board with 105028  
respect to the matter addressed in the agreement. If the board 105029  
refuses to ratify a consent agreement, the admissions and 105030  
findings contained in the consent agreement shall be of no force 105031  
or effect. 105032

(E) For purposes of divisions (B) (11), (14), and (15) of 105033  
this section, the commission of the act may be established by a 105034  
finding by the board, pursuant to an adjudication under Chapter 105035  
119. of the Revised Code, that the applicant or license holder 105036  
committed the act in question. The board shall have no 105037  
jurisdiction under these divisions in cases where the trial 105038  
court renders a final judgment in the license holder's favor and 105039  
that judgment is based upon an adjudication on the merits. The 105040  
board shall have jurisdiction under these divisions in cases 105041

where the trial court issues an order of dismissal on technical 105042  
or procedural grounds. 105043

(F) The sealing or expungement of conviction records by 105044  
any court shall have no effect on a prior board order entered 105045  
under the provisions of this section or on the board's 105046  
jurisdiction to take action under the provisions of this section 105047  
if, based upon a plea of guilty, a judicial finding of guilt, or 105048  
a judicial finding of eligibility for intervention in lieu of 105049  
conviction, the board issued a notice of opportunity for a 105050  
hearing prior to the court's order to seal or expunge the 105051  
records. The board shall not be required to seal, destroy, 105052  
redact, or otherwise modify its records to reflect the court's 105053  
sealing or expungement of conviction records. 105054

(G) For purposes of this division, any individual who 105055  
holds a license to practice as a radiologist assistant issued 105056  
under this chapter, or applies for a license, shall be deemed to 105057  
have given consent to submit to a mental or physical examination 105058  
when directed to do so in writing by the board and to have 105059  
waived all objections to the admissibility of testimony or 105060  
examination reports that constitute a privileged communication. 105061

(1) In enforcing division (B)(5) of this section, the 105062  
board, on a showing of a possible violation, shall refer any 105063  
individual who holds, or has applied for, a license to practice 105064  
as a radiologist assistant issued under this chapter to the 105065  
monitoring organization that conducts the confidential 105066  
monitoring program established under section 4731.25 of the 105067  
Revised Code. The board also may compel the individual to submit 105068  
to a mental or physical examination, or both. A physical 105069  
examination may include an HIV test. The expense of the 105070  
examination is the responsibility of the individual compelled to 105071

be examined. Failure to submit to a mental or physical 105072  
examination or consent to an HIV test ordered by the board 105073  
constitutes an admission of the allegations against the 105074  
individual unless the failure is due to circumstances beyond the 105075  
individual's control, and a default and final order may be 105076  
entered without the taking of testimony or presentation of 105077  
evidence. If the board finds a radiologist assistant unable to 105078  
practice because of the reasons set forth in division (B) (5) of 105079  
this section, the board shall require the radiologist assistant 105080  
to submit to care, counseling, or treatment by physicians 105081  
approved or designated by the board, as a condition for an 105082  
initial, continued, reinstated, or renewed license. An 105083  
individual affected by this division shall be afforded an 105084  
opportunity to demonstrate to the board the ability to resume 105085  
practicing in compliance with acceptable and prevailing 105086  
standards of care. 105087

(2) For purposes of division (B) (6) of this section, if 105088  
the board has reason to believe that any individual who holds a 105089  
license to practice as a radiologist assistant issued under this 105090  
chapter or any applicant for a license suffers such impairment, 105091  
the board shall refer the individual to the monitoring 105092  
organization that conducts the confidential monitoring program 105093  
established under section 4731.25 of the Revised Code. The board 105094  
also may compel the individual to submit to a mental or physical 105095  
examination, or both. The expense of the examination is the 105096  
responsibility of the individual compelled to be examined. Any 105097  
mental or physical examination required under this division 105098  
shall be undertaken by a treatment provider or physician 105099  
qualified to conduct such examination and approved under section 105100  
4731.251 of the Revised Code. 105101

Failure to submit to a mental or physical examination 105102

ordered by the board constitutes an admission of the allegations 105103  
against the individual unless the failure is due to 105104  
circumstances beyond the individual's control, and a default and 105105  
final order may be entered without the taking of testimony or 105106  
presentation of evidence. If the board determines that the 105107  
individual's ability to practice is impaired, the board shall 105108  
suspend the individual's license or deny the individual's 105109  
application and shall require the individual, as a condition for 105110  
an initial, continued, reinstated, or renewed license to 105111  
practice, to submit to treatment. 105112

Before being eligible to apply for reinstatement of a 105113  
license suspended under this division, the radiologist assistant 105114  
shall demonstrate to the board the ability to resume practice in 105115  
compliance with acceptable and prevailing standards of care. The 105116  
demonstration shall include the following: 105117

(a) Certification from a treatment provider approved under 105118  
section 4731.251 of the Revised Code that the individual has 105119  
successfully completed any required inpatient treatment; 105120

(b) Evidence of continuing full compliance with an 105121  
aftercare contract or consent agreement; 105122

(c) Two written reports indicating that the individual's 105123  
ability to practice has been assessed and that the individual 105124  
has been found capable of practicing according to acceptable and 105125  
prevailing standards of care. The reports shall be made by 105126  
individuals or providers approved by the board for making such 105127  
assessments and shall describe the basis for their 105128  
determination. 105129

The board may reinstate a license suspended under this 105130  
division after such demonstration and after the individual has 105131

entered into a written consent agreement. 105132

When the impaired radiologist assistant resumes practice, 105133  
the board shall require continued monitoring of the radiologist 105134  
assistant. The monitoring shall include monitoring of compliance 105135  
with the written consent agreement entered into before 105136  
reinstatement or with conditions imposed by board order after a 105137  
hearing, and, on termination of the consent agreement, 105138  
submission to the board for at least two years of annual written 105139  
progress reports made under penalty of falsification stating 105140  
whether the radiologist assistant has maintained sobriety. 105141

(H) (1) If either of the following circumstances occur, the 105142  
secretary and supervising member may recommend that the board 105143  
suspend the individual's license to practice without a prior 105144  
hearing: 105145

(a) The secretary and supervising member determine that 105146  
there is clear and convincing evidence that a radiologist 105147  
assistant has violated division (B) of this section and that the 105148  
individual's continued practice presents a danger of immediate 105149  
and serious harm to the public. 105150

(b) The board receives verifiable information that a 105151  
licensee has been charged in any state or federal court for a 105152  
crime classified as a felony under the charging court's law and 105153  
the conduct charged constitutes a violation of division (B) of 105154  
this section. 105155

(2) If a recommendation is made to suspend without a prior 105156  
hearing pursuant to division (H) (1) of this section, written 105157  
allegations shall be prepared for consideration by the board. 105158

The board, on review of the allegations and by an 105159  
affirmative vote of not fewer than six of its members, excluding 105160

the secretary and supervising member, may suspend a license 105161  
without a prior hearing. A telephone conference call may be 105162  
utilized for reviewing the allegations and taking the vote on 105163  
the summary suspension. 105164

The board shall serve a written order of suspension in 105165  
accordance with sections 119.05 and 119.07 of the Revised Code. 105166  
~~The order shall not be subject to suspension by the court during~~ 105167  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 105168  
~~Code.~~ If the radiologist assistant requests an adjudicatory 105169  
hearing by the board, the date set for the hearing shall be 105170  
within fifteen days, but not earlier than seven days, after the 105171  
radiologist assistant requests the hearing, unless otherwise 105172  
agreed to by both the board and the license holder. 105173

(3) A summary suspension imposed under ~~this~~ division (H) 105174  
(2) of this section is not a final appealable order and is not 105175  
an adjudication that may be appealed under section 119.12 of the 105176  
Revised Code. The summary suspension shall remain in effect, 105177  
~~unless reversed on appeal,~~ until a final adjudicative order 105178  
issued by the board pursuant to this section and Chapter 119. of 105179  
the Revised Code becomes effective. Once a final adjudicative 105180  
order has been issued by the board, any party adversely affected 105181  
by it may file an appeal in accordance with the requirements of 105182  
Chapter 119. of the Revised Code. ~~The~~ 105183

The board shall issue its final adjudicative order within 105184  
~~sixty-seventy-five~~ days after completion of its hearing. Failure 105185  
to issue the order within ~~sixty-seventy-five~~ days shall result 105186  
in dissolution of the summary suspension order, but shall not 105187  
invalidate any subsequent, final adjudicative order. 105188

(I) If the board takes action under division (B) (10), 105189  
(12), or (13) of this section, and the judicial finding of 105190

guilt, guilty plea, or judicial finding of eligibility for 105191  
intervention in lieu of conviction is overturned on appeal, on 105192  
exhaustion of the criminal appeal, a petition for 105193  
reconsideration of the order may be filed with the board along 105194  
with appropriate court documents. On receipt of a petition and 105195  
supporting court documents, the board shall reinstate the 105196  
license to practice as a radiologist assistant. The board may 105197  
then hold an adjudication under Chapter 119. of the Revised Code 105198  
to determine whether the individual committed the act in 105199  
question. Notice of opportunity for hearing shall be given in 105200  
accordance with Chapter 119. of the Revised Code. If the board 105201  
finds, pursuant to an adjudication held under this division, 105202  
that the individual committed the act, or if no hearing is 105203  
requested, it may order any of the sanctions specified in 105204  
division (B) of this section. 105205

(J) The license to practice of a radiologist assistant and 105206  
the assistant's practice in this state are automatically 105207  
suspended as of the date the radiologist assistant pleads guilty 105208  
to, is found by a judge or jury to be guilty of, or is subject 105209  
to a judicial finding of eligibility for intervention in lieu of 105210  
conviction in this state or treatment or intervention in lieu of 105211  
conviction in another jurisdiction for any of the following 105212  
criminal offenses in this state or a substantially equivalent 105213  
criminal offense in another jurisdiction: aggravated murder, 105214  
murder, voluntary manslaughter, felonious assault, trafficking 105215  
in persons, kidnapping, rape, sexual battery, gross sexual 105216  
imposition, aggravated arson, aggravated robbery, or aggravated 105217  
burglary. Continued practice after the suspension shall be 105218  
considered practicing without a license. 105219

The board shall serve the individual subject to the 105220  
suspension in accordance with sections 119.05 and 119.07 of the 105221

Revised Code. If an individual whose license is suspended under 105222  
this division fails to make a timely request for an adjudication 105223  
under Chapter 119. of the Revised Code, the board shall enter a 105224  
final order permanently revoking the individual's license. 105225

(K) In any instance in which the board is required by 105226  
Chapter 119. of the Revised Code to give notice of opportunity 105227  
for hearing and the individual subject to the notice does not 105228  
timely request a hearing in accordance with section 119.07 of 105229  
the Revised Code, the board is not required to hold a hearing, 105230  
but may adopt, by an affirmative vote of not fewer than six of 105231  
its members, a final order that contains the board's findings. 105232  
In the final order, the board may order any of the sanctions 105233  
identified under division (A) or (B) of this section. 105234

(L) Any action taken by the board under division (B) of 105235  
this section resulting in a suspension shall be accompanied by a 105236  
written statement of the conditions under which the radiologist 105237  
assistant's license may be reinstated. The board shall adopt 105238  
rules in accordance with Chapter 119. of the Revised Code 105239  
governing conditions to be imposed for reinstatement. 105240  
Reinstatement of a license suspended pursuant to division (B) of 105241  
this section requires an affirmative vote of not fewer than six 105242  
members of the board. 105243

(M) When the board refuses to grant or issue a license to 105244  
practice as a radiologist assistant to an applicant, revokes an 105245  
individual's license, refuses to renew an individual's license, 105246  
or refuses to reinstate an individual's license, the board may 105247  
specify that its action is permanent. An individual subject to a 105248  
permanent action taken by the board is forever thereafter 105249  
ineligible to hold a license to practice as a radiologist 105250  
assistant and the board shall not accept an application for 105251

reinstatement of the license or for issuance of a new license.	105252
(N) Notwithstanding any other provision of the Revised Code, all of the following apply:	105253
	105254
(1) The surrender of a license to practice as a radiologist assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.	105255
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	105259
(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.	105260
	105261
(3) Failure by an individual to renew a license to practice in accordance with section 4774.06 of the Revised Code does not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.	105262
	105263
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	105265
(4) The placement of an individual's license on retired status, as described in section 4774.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.	105266
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	105270
<b>Sec. 4774.99.</b> (A) Whoever violates division (A) (1) or (2) of section 4774.02 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense; on each subsequent offense, the person is guilty of a felony of the fourth degree.	105271
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	105275
(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), (D), or (E) of section 4774.16 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense the person is guilty of a misdemeanor of the fourth degree, except that an individual guilty of a subsequent offense	105276
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shall not be subject to imprisonment, but to a fine alone of up to one thousand dollars for each offense.

(2) Whoever violates division (B) (2) or (C) (3) of section 4774.16 of the Revised Code is guilty of ~~failure to report criminal conduct or sexual misconduct,~~ a misdemeanor of the fourth degree. ~~If the offender has previously been convicted of a violation of this division, the failure to report~~ on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the first degree.

(C) Whoever violates division (E) of section 4774.14 of the Revised Code is guilty of ~~disclosing confidential investigatory information,~~ a misdemeanor of the first degree.

**Sec. 4778.14.** (A) The state medical board, by an affirmative vote of not fewer than six members, may refuse to grant a license to practice as a genetic counselor to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a genetic counselor, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this

chapter, Chapter 4731. of the Revised Code, or any rules adopted 105310  
by the board; 105311

(3) Violating or attempting to violate, directly or 105312  
indirectly, or assisting in or abetting the violation of, or 105313  
conspiring to violate, any provision of this chapter, Chapter 105314  
4731. of the Revised Code, or the rules adopted by the board; 105315

(4) A departure from, or failure to conform to, minimal 105316  
standards of care of similar practitioners under the same or 105317  
similar circumstances whether or not actual injury to the 105318  
patient is established; 105319

(5) Inability to practice according to acceptable and 105320  
prevailing standards of care by reason of mental illness or 105321  
physical illness, including physical deterioration that 105322  
adversely affects cognitive, motor, or perceptive skills; 105323

(6) Impairment of ability to practice according to 105324  
acceptable and prevailing standards of care because of substance 105325  
use disorder or excessive use or abuse of drugs, alcohol, or 105326  
other substances that may impair ability to practice; 105327

(7) Willfully betraying a professional confidence; 105328

(8) Making a false, fraudulent, deceptive, or misleading 105329  
statement in securing or attempting to secure a license to 105330  
practice as a genetic counselor. 105331

As used in this division, "false, fraudulent, deceptive, 105332  
or misleading statement" means a statement that includes a 105333  
misrepresentation of fact, is likely to mislead or deceive 105334  
because of a failure to disclose material facts, is intended or 105335  
is likely to create false or unjustified expectations of 105336  
favorable results, or includes representations or implications 105337  
that in reasonable probability will cause an ordinarily prudent 105338

person to misunderstand or be deceived. 105339

(9) The obtaining of, or attempting to obtain, money or a 105340  
thing of value by fraudulent misrepresentations in the course of 105341  
practice; 105342

(10) A plea of guilty to, a judicial finding of guilt of, 105343  
or a judicial finding of eligibility for intervention in lieu of 105344  
conviction for, a felony; 105345

(11) Commission of an act that constitutes a felony in 105346  
this state, regardless of the jurisdiction in which the act was 105347  
committed; 105348

(12) A plea of guilty to, a judicial finding of guilt of, 105349  
or a judicial finding of eligibility for intervention in lieu of 105350  
conviction for, a misdemeanor committed in the course of 105351  
practice; 105352

(13) A plea of guilty to, a judicial finding of guilt of, 105353  
or a judicial finding of eligibility for intervention in lieu of 105354  
conviction for, a misdemeanor involving moral turpitude; 105355

(14) Commission of an act in the course of practice that 105356  
constitutes a misdemeanor in this state, regardless of the 105357  
jurisdiction in which the act was committed; 105358

(15) Commission of an act involving moral turpitude that 105359  
constitutes a misdemeanor in this state, regardless of the 105360  
jurisdiction in which the act was committed; 105361

(16) A plea of guilty to, a judicial finding of guilt of, 105362  
or a judicial finding of eligibility for intervention in lieu of 105363  
conviction for violating any state or federal law regulating the 105364  
possession, distribution, or use of any drug, including 105365  
trafficking in drugs; 105366

(17) Any of the following actions taken by an agency 105367  
responsible for authorizing, certifying, or regulating an 105368  
individual to practice a health care occupation or provide 105369  
health care services in this state or in another jurisdiction, 105370  
for any reason other than the nonpayment of fees: the 105371  
limitation, revocation, or suspension of an individual's license 105372  
to practice; acceptance of an individual's license surrender; 105373  
denial of a license; refusal to renew or reinstate a license; 105374  
imposition of probation; or issuance of an order of censure or 105375  
other reprimand; 105376

(18) Violation of the conditions placed by the board on a 105377  
license to practice as a genetic counselor; 105378

(19) Failure to cooperate in an investigation conducted by 105379  
the board under section 4778.18 of the Revised Code, including 105380  
failure to comply with a subpoena or order issued by the board 105381  
or failure to answer truthfully a question presented by the 105382  
board at a deposition or in written interrogatories, except that 105383  
failure to cooperate with an investigation shall not constitute 105384  
grounds for discipline under this section if a court of 105385  
competent jurisdiction has issued an order that either quashes a 105386  
subpoena or permits the individual to withhold the testimony or 105387  
evidence in issue; 105388

(20) Failure to maintain the individual's status as a 105389  
certified genetic counselor; 105390

(21) Failure to comply with the code of ethics established 105391  
by the national society of genetic counselors. 105392

(C) The board shall not refuse to issue a license to an 105393  
applicant because of a plea of guilty to, a judicial finding of 105394  
guilt of, or a judicial finding of eligibility for intervention 105395

in lieu of conviction for an offense unless the refusal is in 105396  
accordance with section 9.79 of the Revised Code. 105397

(D) Disciplinary actions taken by the board under 105398  
divisions (A) and (B) of this section shall be taken pursuant to 105399  
an adjudication under Chapter 119. of the Revised Code, except 105400  
that in lieu of an adjudication, the board may enter into a 105401  
consent agreement with a genetic counselor or applicant to 105402  
resolve an allegation of a violation of this chapter or any rule 105403  
adopted under it. A consent agreement, when ratified by an 105404  
affirmative vote of not fewer than six members of the board, 105405  
shall constitute the findings and order of the board with 105406  
respect to the matter addressed in the agreement. If the board 105407  
refuses to ratify a consent agreement, the admissions and 105408  
findings contained in the consent agreement shall be of no force 105409  
or effect. 105410

A telephone conference call may be utilized for 105411  
ratification of a consent agreement that revokes or suspends an 105412  
individual's license. The telephone conference call shall be 105413  
considered a special meeting under division (F) of section 105414  
121.22 of the Revised Code. 105415

(E) For purposes of divisions (B) (11), (14), and (15) of 105416  
this section, the commission of the act may be established by a 105417  
finding by the board, pursuant to an adjudication under Chapter 105418  
119. of the Revised Code, that the applicant or license holder 105419  
committed the act in question. The board shall have no 105420  
jurisdiction under these divisions in cases where the trial 105421  
court renders a final judgment in the license holder's favor and 105422  
that judgment is based upon an adjudication on the merits. The 105423  
board shall have jurisdiction under these divisions in cases 105424  
where the trial court issues an order of dismissal on technical 105425

or procedural grounds. 105426

(F) The sealing or expungement of conviction records by 105427  
any court shall have no effect on a prior board order entered 105428  
under the provisions of this section or on the board's 105429  
jurisdiction to take action under the provisions of this section 105430  
if, based upon a plea of guilty, a judicial finding of guilt, or 105431  
a judicial finding of eligibility for intervention in lieu of 105432  
conviction, the board issued a notice of opportunity for a 105433  
hearing or took other formal action under Chapter 119. of the 105434  
Revised Code prior to the court's order to seal or expunge the 105435  
records. The board shall not be required to seal, destroy, 105436  
redact, or otherwise modify its records to reflect the court's 105437  
sealing or expungement of conviction records. 105438

(G) For purposes of this division, any individual who 105439  
holds a license to practice as a genetic counselor, or applies 105440  
for a license, shall be deemed to have given consent to submit 105441  
to a mental or physical examination when directed to do so in 105442  
writing by the board and to have waived all objections to the 105443  
admissibility of testimony or examination reports that 105444  
constitute a privileged communication. 105445

(1) In enforcing division (B)(5) of this section, the 105446  
board, on a showing of a possible violation, shall refer any 105447  
individual who holds, or has applied for, a license to practice 105448  
as a genetic counselor to the monitoring organization that 105449  
conducts the confidential monitoring program established under 105450  
section 4731.25 of the Revised Code. The board also may compel 105451  
the individual to submit to a mental or physical examination, or 105452  
both. A physical examination may include an HIV test. The 105453  
expense of the examination is the responsibility of the 105454  
individual compelled to be examined. Failure to submit to a 105455

mental or physical examination or consent to an HIV test ordered 105456  
by the board constitutes an admission of the allegations against 105457  
the individual unless the failure is due to circumstances beyond 105458  
the individual's control, and a default and final order may be 105459  
entered without the taking of testimony or presentation of 105460  
evidence. If the board finds a genetic counselor unable to 105461  
practice because of the reasons set forth in division (B) (5) of 105462  
this section, the board shall require the genetic counselor to 105463  
submit to care, counseling, or treatment by physicians approved 105464  
or designated by the board, as a condition for an initial, 105465  
continued, reinstated, or renewed license to practice. An 105466  
individual affected by this division shall be afforded an 105467  
opportunity to demonstrate to the board the ability to resume 105468  
practicing in compliance with acceptable and prevailing 105469  
standards of care. 105470

(2) For purposes of division (B) (6) of this section, if 105471  
the board has reason to believe that any individual who holds a 105472  
license to practice as a genetic counselor or any applicant for 105473  
a license suffers such impairment, the board shall refer the 105474  
individual to the monitoring organization that conducts the 105475  
confidential monitoring program established under section 105476  
4731.25 of the Revised Code. The board also may compel the 105477  
individual to submit to a mental or physical examination, or 105478  
both. The expense of the examination is the responsibility of 105479  
the individual compelled to be examined. Any mental or physical 105480  
examination required under this division shall be undertaken by 105481  
a treatment provider or physician qualified to conduct such 105482  
examination and approved under section 4731.251 of the Revised 105483  
Code. 105484

Failure to submit to a mental or physical examination 105485  
ordered by the board constitutes an admission of the allegations 105486

against the individual unless the failure is due to 105487  
circumstances beyond the individual's control, and a default and 105488  
final order may be entered without the taking of testimony or 105489  
presentation of evidence. If the board determines that the 105490  
individual's ability to practice is impaired, the board shall 105491  
suspend the individual's license or deny the individual's 105492  
application and shall require the individual, as a condition for 105493  
an initial, continued, reinstated, or renewed license, to submit 105494  
to treatment. 105495

Before being eligible to apply for reinstatement of a 105496  
license suspended under this division, the genetic counselor 105497  
shall demonstrate to the board the ability to resume practice in 105498  
compliance with acceptable and prevailing standards of care. The 105499  
demonstration shall include the following: 105500

(a) Certification from a treatment provider approved under 105501  
section 4731.251 of the Revised Code that the individual has 105502  
successfully completed any required inpatient treatment; 105503

(b) Evidence of continuing full compliance with an 105504  
aftercare contract or consent agreement; 105505

(c) Two written reports indicating that the individual's 105506  
ability to practice has been assessed and that the individual 105507  
has been found capable of practicing according to acceptable and 105508  
prevailing standards of care. The reports shall be made by 105509  
individuals or providers approved by the board for making such 105510  
assessments and shall describe the basis for their 105511  
determination. 105512

The board may reinstate a license suspended under this 105513  
division after such demonstration and after the individual has 105514  
entered into a written consent agreement. 105515

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has maintained sobriety.

(H) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend an individual's license to practice without a prior hearing:

(a) The secretary and supervising member determine both of the following:

(i) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section;

(ii) That the individual's continued practice presents a danger of immediate and serious harm to the public.

(b) The board receives verifiable information that a licensee has been charged in any state or federal court for a crime classified as a felony under the charging court's law and the conduct charged constitutes a violation of division (B) of this section.

(2) If a recommendation is made to suspend without a prior hearing pursuant to division (H) (1) of this section, written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the

secretary and supervising member, may suspend a license without 105545  
a prior hearing. A telephone conference call may be utilized for 105546  
reviewing the allegations and taking the vote on the summary 105547  
suspension. 105548

The board shall serve a written order of suspension in 105549  
accordance with sections 119.05 and 119.07 of the Revised Code. 105550  
~~The order shall not be subject to suspension by the court during~~ 105551  
~~pendency of any appeal filed under section 119.12 of the Revised~~ 105552  
~~Code.~~ If the genetic counselor requests an adjudicatory hearing 105553  
by the board, the date set for the hearing shall be within 105554  
fifteen days, but not earlier than seven days, after the genetic 105555  
counselor requests the hearing, unless otherwise agreed to by 105556  
both the board and the genetic counselor. 105557

(3) A summary suspension imposed under ~~this~~ division (H) 105558  
(2) of this section is not a final appealable order and is not 105559  
an adjudication that may be appealed under section 119.12 of the 105560  
Revised Code. The summary suspension shall remain in effect, 105561  
~~unless reversed on appeal,~~ until a final adjudicative order 105562  
issued by the board pursuant to this section and Chapter 119. of 105563  
the Revised Code becomes effective. Once a final adjudicative 105564  
order has been issued by the board, any party adversely affected 105565  
by it may file an appeal in accordance with the requirements of 105566  
Chapter 119. of the Revised Code. ~~The~~ 105567

The board shall issue its final adjudicative order within 105568  
~~sixty-seventy-five~~ days after completion of its hearing. Failure 105569  
to issue the order within ~~sixty-seventy-five~~ days shall result 105570  
in dissolution of the summary suspension order, but shall not 105571  
invalidate any subsequent, final adjudicative order. 105572

(I) If the board takes action under division (B) (10), 105573  
(12), or (13) of this section, and the judicial finding of 105574

guilt, guilty plea, or judicial finding of eligibility for 105575  
intervention in lieu of conviction is overturned on appeal, on 105576  
exhaustion of the criminal appeal, a petition for 105577  
reconsideration of the order may be filed with the board along 105578  
with appropriate court documents. On receipt of a petition and 105579  
supporting court documents, the board shall reinstate the 105580  
license to practice as a genetic counselor. The board may then 105581  
hold an adjudication under Chapter 119. of the Revised Code to 105582  
determine whether the individual committed the act in question. 105583  
Notice of opportunity for hearing shall be given in accordance 105584  
with Chapter 119. of the Revised Code. If the board finds, 105585  
pursuant to an adjudication held under this division, that the 105586  
individual committed the act, or if no hearing is requested, it 105587  
may order any of the sanctions specified in division (B) of this 105588  
section. 105589

(J) The license to practice as a genetic counselor and the 105590  
counselor's practice in this state are automatically suspended 105591  
as of the date the genetic counselor pleads guilty to, is found 105592  
by a judge or jury to be guilty of, or is subject to a judicial 105593  
finding of eligibility for intervention in lieu of conviction in 105594  
this state or treatment or intervention in lieu of conviction in 105595  
another jurisdiction for any of the following criminal offenses 105596  
in this state or a substantially equivalent criminal offense in 105597  
another jurisdiction: aggravated murder, murder, voluntary 105598  
manslaughter, felonious assault, trafficking in persons, 105599  
kidnapping, rape, sexual battery, gross sexual imposition, 105600  
aggravated arson, aggravated robbery, or aggravated burglary. 105601  
Continued practice after the suspension shall be considered 105602  
practicing without a license. 105603

The board shall serve the individual subject to the 105604  
suspension in accordance with sections 119.05 and 119.07 of the 105605

Revised Code. If an individual whose license is suspended under 105606  
this division fails to make a timely request for an adjudication 105607  
under Chapter 119. of the Revised Code, the board shall enter a 105608  
final order permanently revoking the individual's license to 105609  
practice. 105610

(K) In any instance in which the board is required by 105611  
Chapter 119. of the Revised Code to give notice of opportunity 105612  
for hearing and the individual subject to the notice does not 105613  
timely request a hearing in accordance with section 119.07 of 105614  
the Revised Code, the board is not required to hold a hearing, 105615  
but may adopt, by an affirmative vote of not fewer than six of 105616  
its members, a final order that contains the board's findings. 105617  
In the final order, the board may order any of the sanctions 105618  
identified under division (A) or (B) of this section. 105619

(L) Any action taken by the board under division (B) of 105620  
this section resulting in a suspension shall be accompanied by a 105621  
written statement of the conditions under which the license of 105622  
the genetic counselor may be reinstated. The board shall adopt 105623  
rules in accordance with Chapter 119. of the Revised Code 105624  
governing conditions to be imposed for reinstatement. 105625  
Reinstatement of a license suspended pursuant to division (B) of 105626  
this section requires an affirmative vote of not fewer than six 105627  
members of the board. 105628

(M) When the board refuses to grant or issue a license to 105629  
practice as a genetic counselor to an applicant, revokes an 105630  
individual's license, refuses to renew an individual's license, 105631  
or refuses to reinstate an individual's license, the board may 105632  
specify that its action is permanent. An individual subject to a 105633  
permanent action taken by the board is forever thereafter 105634  
ineligible to hold a license to practice as a genetic counselor 105635

and the board shall not accept an application for reinstatement 105636  
of the license or for issuance of a new license. 105637

(N) Notwithstanding any other provision of the Revised 105638  
Code, all of the following apply: 105639

(1) The surrender of a license to practice as a genetic 105640  
counselor is not effective unless or until accepted by the 105641  
board. A telephone conference call may be utilized for 105642  
acceptance of the surrender of an individual's license. The 105643  
telephone conference call shall be considered a special meeting 105644  
under division (F) of section 121.22 of the Revised Code. 105645  
Reinstatement of a license surrendered to the board requires an 105646  
affirmative vote of not fewer than six members of the board. 105647

(2) An application made under this chapter for a license 105648  
to practice may not be withdrawn without approval of the board. 105649

(3) Failure by an individual to renew a license in 105650  
accordance with section 4778.06 of the Revised Code does not 105651  
remove or limit the board's jurisdiction to take disciplinary 105652  
action under this section against the individual. 105653

(4) The placement of an individual's license on retired 105654  
status, as described in section 4778.072 of the Revised Code, 105655  
does not remove or limit the board's jurisdiction to take any 105656  
disciplinary action against the individual with regard to the 105657  
license as it existed before being placed on retired status. 105658

**Sec. 4778.99.** Whoever violates section 4778.02 of the 105659  
Revised Code is guilty of a misdemeanor of the first degree on a 105660  
first offense and felony of the fifth degree on each subsequent 105661  
offense. 105662

Whoever violates division (B) (1) or (2) of section 105663  
4778.171 of the Revised Code is guilty of ~~failure to report~~ 105664

~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 105665  
fourth degree. ~~If the offender has previously been convicted of~~ 105666  
~~a violation of this division, the failure to report is~~ on a 105667  
first offense and a misdemeanor of the first degree on each 105668  
subsequent offense. 105669

Whoever violates division (E) of section 4778.18 of the 105670  
Revised Code is guilty of ~~disclosing confidential investigatory~~ 105671  
~~information,~~ a misdemeanor of the first degree. 105672

**Sec. 4785.041.** (A) The division of industrial compliance 105673  
within the department of commerce may renew a license issued 105674  
under section 4785.04 of the Revised Code if the licensee does 105675  
all of the following: 105676

(1) Submits an application for license renewal on a form 105677  
prescribed by the division; 105678

(2) Pays the license renewal fee established by the 105679  
division; 105680

(3) If the licensee is an elevator mechanic, submits 105681  
evidence that the applicant has completed the continuing 105682  
education coursework described in division (B) of this section; 105683

(4) If the license is an elevator contractor's license, 105684  
submits proof that the applicant is in compliance with the 105685  
insurance requirements prescribed in section 4785.07 of the 105686  
Revised Code. 105687

(B) The continuing education courses described in division 105688  
(A) (3) of this section shall: 105689

(1) Instruct licensees on new and existing rules and 105690  
standards adopted by the division; 105691

(2) Consist of not less than eight hours of instruction; 105692

(3) Be attended and completed within one year immediately preceding the scheduled date for the license renewal; 105693  
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(4) Be taught by instructors through continuing education providers approved by the division. 105695  
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(C) A continuing education instructor who holds a license under this chapter is exempt from the continuing education requirement prescribed in division (A) (3) of this section, provided that any such applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for the license renewal. 105697  
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(D) (1) A licensee who is unable to complete the continuing education coursework required under this section before the expiration of the licensee's license due to a temporary disability may apply for a temporary continuing education waiver from the division. 105703  
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(2) An application for a temporary continuing education waiver shall be made in a form prescribed by the division, which shall be signed by the applicant ~~under the penalty of perjury~~ and accompanied by a ~~certified~~ statement from a competent physician attesting to the temporary disability. If the division grants the waiver, the licensee's license does not expire but is placed on inactive status. 105708  
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(3) On the termination of the temporary disability, the licensee shall submit to the division a ~~certified~~ statement from the same physician, if practicable, attesting to the termination of the temporary disability. The division shall then take the licensee's license off inactive status and shall issue a waiver sticker, valid for ninety days, to the licensee and affix the sticker to the license. The licensee may then perform the tasks 105715  
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the license authorizes the licensee to perform but the licensee 105722  
shall meet the continuing education requirement during this 105723  
ninety-day period or be considered to have not met the 105724  
continuing education requirement and the license shall be deemed 105725  
to be expired. 105726

(E) (1) Approved continuing education providers shall keep 105727  
uniform records, for a period of ten years, of attendance of 105728  
licensees in a format approved by the division. Such records 105729  
shall be available for inspection by the division on request. 105730

(2) Approved training providers are responsible for the 105731  
security of all attendance records and certificates of 105732  
completion, provided, however, that falsifying or knowingly 105733  
allowing another to falsify such attendance records or 105734  
certificates of completion constitutes grounds for suspension or 105735  
revocation of a continuing education provider's division 105736  
approval. 105737

(F) The division shall not renew the license of an 105738  
individual or entity if the individual or entity would be denied 105739  
an initial license for a reason listed in division (E) of 105740  
section 4785.04 of the Revised Code. 105741

**Sec. 4903.10.** After any order has been made by the public 105742  
utilities commission, any party who has entered an appearance in 105743  
person or by counsel in the proceeding may apply for a rehearing 105744  
in respect to any matters determined in the proceeding. Such 105745  
application shall be filed within thirty days after the entry of 105746  
the order upon the journal of the commission. 105747

Notwithstanding the preceding paragraph, in any 105748  
uncontested proceeding or, by leave of the commission first had 105749  
in any other proceeding, any affected person, firm, or 105750

corporation may make an application for a rehearing within 105751  
thirty days after the entry of any final order upon the journal 105752  
of the commission. Leave to file an application for rehearing 105753  
shall not be granted to any person, firm, or corporation who did 105754  
not enter an appearance in the proceeding unless the commission 105755  
first finds: 105756

(A) The applicant's failure to enter an appearance prior 105757  
to the entry upon the journal of the commission of the order 105758  
complained of was due to just cause; and, 105759

(B) The interests of the applicant were not adequately 105760  
considered in the proceeding. 105761

Every applicant for rehearing or for leave to file an 105762  
application for rehearing shall give due notice of the filing of 105763  
such application to all parties who have entered an appearance 105764  
in the proceeding in the manner and form prescribed by the 105765  
commission. 105766

Such application shall be in writing and shall set forth 105767  
specifically the ground or grounds on which the applicant 105768  
considers the order to be unreasonable or unlawful. No party 105769  
shall in any court urge or rely on any ground for reversal, 105770  
vacation, or modification not so set forth in the application. 105771

Where such application for rehearing has been filed before 105772  
the effective date of the order as to which a rehearing is 105773  
sought, the effective date of such order, unless otherwise 105774  
ordered by the commission, shall be postponed or stayed pending 105775  
disposition of the matter by the commission or by operation of 105776  
law. In all other cases the making of such an application shall 105777  
not excuse any person from complying with the order, or operate 105778  
to stay or postpone the enforcement thereof, without a special 105779

order of the commission. 105780

Where such application for rehearing has been filed, the 105781  
commission may grant and hold such rehearing on the matter 105782  
specified in such application, if in its judgment sufficient 105783  
reason therefor is made to appear. Notice of such rehearing 105784  
shall be given by regular mail to all parties who have entered 105785  
an appearance in the proceeding. 105786

If the commission does not grant or deny such application 105787  
for rehearing within thirty days from the date of filing 105788  
thereof, it is denied by operation of law. 105789

If the commission grants such rehearing, it shall specify 105790  
in the notice of such granting the purpose for which it is 105791  
granted. The commission shall also specify the scope of the 105792  
additional evidence, if any, that will be taken, but it shall 105793  
not upon such rehearing take any evidence that, with reasonable 105794  
diligence, could have been offered upon the original hearing. 105795

If, after such rehearing, the commission is of the opinion 105796  
that the original order or any part thereof is in any respect 105797  
unjust or unwarranted, or should be changed, the commission may 105798  
abrogate or modify the same; otherwise such order shall be 105799  
affirmed. An order made after such rehearing, abrogating or 105800  
modifying the original order, shall have the same effect as an 105801  
original order, but shall not affect any right or the 105802  
enforcement of any right arising from or by virtue of the 105803  
original order prior to the receipt of notice by the affected 105804  
party of the filing of the application for rehearing. 105805

If the commission does not affirm, abrogate, or modify the 105806  
original order within ninety days from the date granting such 105807  
rehearing, the order is affirmed by operation of law. 105808

No cause of action arising out of any order of the 105809  
commission, other than in support of the order, shall accrue in 105810  
any court to any person, firm, or corporation unless such 105811  
person, firm, or corporation has made a proper application to 105812  
the commission for a rehearing. 105813

**Sec. 4905.311.** (A) As used in this section, "electric 105814  
distribution utility" has the same meaning as in section 4928.01 105815  
of the Revised Code. 105816

(B) Notwithstanding any provision of the Revised Code to 105817  
the contrary, an electric distribution utility may supply behind 105818  
the meter electric generation service, provided that an 105819  
application for any behind the meter electric generation 105820  
facilities that the utility intends to use to supply such 105821  
service ~~were~~ was filed with the public utilities commission 105822  
under section 4928.47 of the Revised Code, as that section 105823  
existed prior to its repeal by H.B. 15 of the 136th General 105824  
Assembly, no later than March 31, 2025. 105825

(C) No electric distribution utility shall recover any of 105826  
the following costs through any rate, charge, or recovery from 105827  
retail electric service customers that are not receiving behind 105828  
the meter electric generation service from the utility: 105829

(1) Costs associated with supplying behind the meter 105830  
electric generation service; 105831

(2) Costs associated with any behind the meter electric 105832  
generation service facility; 105833

(3) Stranded costs associated with the closing of any 105834  
behind the meter electric generation service facility or an end- 105835  
use customer of the behind the meter electric generation service 105836  
ceasing operations. 105837

(D) No electric distribution utility shall offer direct, 105838  
associated inducements for contracting with the utility for any 105839  
behind the meter electric generation service. 105840

(E) The public utilities commission shall periodically 105841  
audit all electric distribution utilities that provide any 105842  
behind the meter electric generation service to ensure 105843  
compliance with this section. 105844

**Sec. 4906.07.** (A) Upon the receipt of an application 105845  
complying with section 4906.06 of the Revised Code, the power 105846  
siting board shall promptly fix a date for a public hearing 105847  
thereon, not less than forty-five nor more than sixty days after 105848  
such receipt, and shall conclude the proceeding as expeditiously 105849  
as practicable. 105850

(B) On an application for an amendment of a certificate, 105851  
the board shall hold a hearing in the same manner as a hearing 105852  
is held on an application for a certificate if the proposed 105853  
change in the facility would result in any material increase in 105854  
any environmental impact of the facility or a substantial change 105855  
in the location of all or a portion of such facility other than 105856  
as provided in the alternates set forth in the application. 105857

(C) The chairperson of the power siting board shall cause 105858  
each application filed with the board to be investigated and 105859  
shall, not less than ~~fifteen~~five days prior to the date any 105860  
application is set for hearing submit a written report to the 105861  
board and to the applicant. A copy of such report shall be made 105862  
available to any person upon request. Such report shall set 105863  
forth the nature of the investigation, and shall contain 105864  
recommended findings with regard to division (A) of section 105865  
4906.10 of the Revised Code and shall become part of the record 105866  
and served upon all parties to the proceeding. 105867

**Sec. 4911.18.** (A) For the sole purpose of maintaining and 105868  
administering the office of the consumers' counsel and 105869  
exercising the powers of the consumers' counsel under this 105870  
chapter, an amount equal to the appropriation to the office of 105871  
the consumers' counsel in each fiscal year shall be apportioned 105872  
among and assessed against each public utility within this 105873  
state, as defined in section 4911.01 of the Revised Code, by 105874  
first computing an assessment as though it were to be made in 105875  
proportion to the intrastate gross earnings or receipts of the 105876  
public utility for the calendar year next preceding that in 105877  
which the assessment is made, excluding earnings or receipts 105878  
from sales to other public utilities for resale. The office may 105879  
include in that first computation any amount of a public 105880  
utility's intrastate gross earnings or receipts underreported in 105881  
a prior year. In addition to whatever penalties apply under the 105882  
Revised Code to such underreporting, the office shall assess the 105883  
public utility interest at the rate stated in division (A) of 105884  
section 1343.01 of the Revised Code. The office shall deposit 105885  
any interest so collected into the consumers' counsel operating 105886  
fund. The office may exclude from that first computation any 105887  
such amounts that were over-reported in a prior year. 105888

The final computation of the assessment shall consist of 105889  
imposing upon each public utility whose assessment under the 105890  
first computation would have been one hundred dollars or less an 105891  
assessment of one hundred dollars and recomputing the assessment 105892  
of the remaining companies by apportioning an amount equal to 105893  
the appropriation to the office of consumers' counsel in each 105894  
fiscal year less the total amount to be recovered from those 105895  
paying the minimum assessment, in proportion to the intrastate 105896  
gross earnings or receipts of the remaining companies for the 105897  
calendar year next preceding that in which the assessments are 105898

made, excluding earnings or receipts from sales to other public 105899  
utilities for resale. 105900

In the case of an assessment based on intrastate gross 105901  
receipts under this section against a public utility that is an 105902  
electric utility as defined in section 4928.01 of the Revised 105903  
Code, or an electric services company, electric cooperative, or 105904  
governmental aggregator subject to certification under section 105905  
4928.08 of the Revised Code, such receipts shall be those 105906  
specified in the utility's, company's, cooperative's, or 105907  
aggregator's most recent report of intrastate gross receipts and 105908  
sales of kilowatt hours of electricity, filed with the public 105909  
utilities commission pursuant to division (F) of section 4928.06 105910  
of the Revised Code, and verified by the commission. 105911

In the case of an assessment based on intrastate gross 105912  
receipts under this section against a retail natural gas 105913  
supplier or governmental aggregator subject to certification 105914  
under section 4929.20 of the Revised Code, such receipts shall 105915  
be those specified in the supplier's or aggregator's most recent 105916  
report of intrastate gross receipts and sales of hundred cubic 105917  
feet of natural gas, filed with the commission pursuant to 105918  
division (B) of section 4929.23 of the Revised Code, and 105919  
verified by the commission. However, no such retail natural gas 105920  
supplier or such governmental aggregator serving or proposing to 105921  
serve customers of a particular natural gas company, as defined 105922  
in section 4929.01 of the Revised Code, shall be assessed under 105923  
this section until after the commission, pursuant to section 105924  
4905.26 or 4909.18 of the Revised Code, has removed from the 105925  
base rates of the natural gas company the amount of assessment 105926  
under this section that is attributable to the value of 105927  
commodity sales service, as defined in section 4929.01 of the 105928  
Revised Code, in the base rates paid by those customers of the 105929

company that do not purchase that service from the natural gas 105930  
company. 105931

(B) Through calendar year 2005, on or before the first day 105932  
of October in each year, the office of consumers' counsel shall 105933  
notify each public utility of the sum assessed against it, 105934  
whereupon payment shall be made to the counsel, who shall 105935  
deposit it into the state treasury to the credit of the 105936  
consumers' counsel operating fund, which is hereby created. 105937  
Beginning in calendar year 2006, on or before the fifteenth day 105938  
of May in each year, the consumers' counsel shall notify each 105939  
public utility that had a sum assessed against it for the 105940  
current fiscal year of more than one thousand dollars that fifty 105941  
per cent of that amount shall be paid to the consumers' counsel 105942  
by the twentieth day of June of that year as an initial payment 105943  
of the assessment against the company for the next fiscal year. 105944  
On or before the first day of October in each year, the 105945  
consumers' counsel shall make a final determination of the sum 105946  
of the assessment against each public utility and shall notify 105947  
each public utility of the sum assessed against it. The 105948  
consumers' counsel shall deduct from the assessment for each 105949  
public utility any initial payment received. Payment of the 105950  
assessment shall be made to the consumers' counsel by the first 105951  
day of November of that year. The consumers' counsel shall 105952  
deposit the payments received into the state treasury to the 105953  
credit of the consumers' counsel operating fund. Any such 105954  
amounts paid into the fund but not expended by the office shall 105955  
be credited ratably by the office to the public utilities that 105956  
pay more than the minimum assessment, according to the 105957  
respective portions of such sum assessable against them for the 105958  
ensuing fiscal year, after first deducting any deficits 105959  
accumulated from prior years. The assessments for such fiscal 105960

year shall be reduced correspondingly. 105961

(C) Within five days after the beginning of each fiscal 105962  
year through fiscal year 2006, the director of budget and 105963  
management shall transfer from the general revenue fund to the 105964  
consumers' counsel operating fund an amount sufficient for 105965  
maintaining and administering the office of the consumers' 105966  
counsel and exercising the powers of the consumers' counsel 105967  
under this chapter during the first four months of the fiscal 105968  
year. Not later than the thirty-first day of December of the 105969  
fiscal year, the same amount shall be transferred back to the 105970  
general revenue fund from the consumers' counsel operating fund. 105971

~~(D)~~-(D) (1) As used in this section, "public utility" 105972  
includes: 105973

~~(1)~~-(a) In addition to an electric utility as defined in 105974  
section 4928.01 of the Revised Code, an electric services 105975  
company, an electric cooperative, or a governmental aggregator 105976  
subject to certification under section 4928.08 of the Revised 105977  
Code, to the extent of the company's, cooperative's, or 105978  
aggregator's engagement in the business of supplying or 105979  
arranging for the supply in this state of any retail electric 105980  
service for which it must be so certified; 105981

~~(2)~~-(b) In addition to a natural gas company as defined in 105982  
section 4929.01 of the Revised Code, a retail natural gas 105983  
supplier or governmental aggregator subject to certification 105984  
under section 4929.20 of the Revised Code, to the extent of the 105985  
supplier's or aggregator's engagement in the business of 105986  
supplying or arranging for the supply in this state of any 105987  
competitive retail natural gas service for which it must be 105988  
certified. 105989

(2) As used in this section, "public utility" does not include a wireless service provider or reseller as defined in section 128.01 of the Revised Code, to the extent either of them are providing wireless service as defined under section 128.01 of the Revised Code.

**Sec. 4921.01.** As used in this chapter: 105995

(A) "Ambulance" has the same meaning as in section 4766.01 of the Revised Code. 105996  
105997

(B) "For-hire motor carrier" means a person engaged in the business of transporting persons or property by motor vehicle for compensation, except when engaged in any of the following in intrastate commerce: 105998  
105999  
106000  
106001

(1) The transportation of persons in taxicabs in the usual taxicab service; 106002  
106003

(2) The transportation of pupils in school buses operating to or from school sessions or school events; 106004  
106005

(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants; 106006  
106007

(4) The distribution of newspapers; 106008

(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipeline; 106009  
106010

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance; 106011  
106012

(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch; 106013  
106014

(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is 106015  
106016

in such amount as to recover only the person's share of the 106017  
costs of operating the motor vehicle for such purpose; 106018

(9) The operation of motor vehicles for contractors on 106019  
public road work; 106020

(10) The operation of trailers that are all of the 106021  
following: 106022

(a) Designed and used exclusively to transport a single 106023  
boat between the following that are not more than ten miles 106024  
apart: 106025

(i) A place of storage; 106026

(ii) A marina, or a place that is in and around a marina; 106027

(b) Drawn or towed within this state on a public road or 106028  
highway at a speed of twenty-five miles per hour or less; 106029

(c) The gross vehicle weight rating, gross combination 106030  
weight rating, gross vehicle weight, and gross combination 106031  
weight or any combination thereof does not exceed twenty-six 106032  
thousand one pounds. 106033

"For-hire motor carrier" includes the carrier's agents, 106034  
officers, and representatives, as well as employees responsible 106035  
for hiring, supervising, training, assigning, or dispatching 106036  
drivers and employees concerned with the installation, 106037  
inspection, and maintenance of motor-vehicle equipment and 106038  
accessories. 106039

Divisions (B) (1) to (9) of this section shall not be 106040  
construed to relieve a person from compliance with rules 106041  
governing unified carrier registration adopted under section 106042  
4921.11 of the Revised Code. 106043

(C) "Household goods" means personal effects and property 106044  
used or to be used in a dwelling, excluding property moving from 106045  
a factory or store. 106046

(D) "Interstate commerce" means trade, traffic, or 106047  
transportation in the United States that is any of the 106048  
following: 106049

(1) Between a place in a state and a place outside of that 106050  
state (including a place outside of the United States); 106051

(2) Between two places in a state through another state or 106052  
a place outside of the United States; 106053

(3) Between two places in a state as part of trade, 106054  
traffic, or transportation originating or terminating outside 106055  
the state or the United States. 106056

(E) "Intrastate commerce" means any trade, traffic, or 106057  
transportation in any state which is not described in the term 106058  
"interstate commerce." 106059

(F) "Motor vehicle" means any vehicle, machine, tractor, 106060  
trailer, or semitrailer propelled or drawn by mechanical power 106061  
and used upon the highways in the transportation of persons or 106062  
property, or any combination thereof, but does not include any 106063  
vehicle, locomotive, or car operated exclusively on a rail or 106064  
rails, or a trolley bus operated by electric power derived from 106065  
a fixed overhead wire, furnishing local passenger transportation 106066  
similar to street-railway service and does not include trailers 106067  
that are all of the following: 106068

(1) Designed and used exclusively to transport a single 106069  
boat between the following that are not more than ten miles 106070  
apart: 106071

<u>(a) A place of storage;</u>	106072
<u>(b) A marina, or a place that is in and around a marina;</u>	106073
<u>(2) Drawn or towed within this state on a public road or highway at a speed of twenty-five miles per hour or less;</u>	106074 106075
<u>(3) The gross vehicle weight rating, gross combination weight rating, gross vehicle weight, and gross combination weight or any combination thereof does not exceed twenty-six thousand one pounds.</u>	106076 106077 106078 106079
(G) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate limits of a municipal corporation.	106080 106081 106082
(H) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver, and includes ridesharing arrangements known as carpools, vanpools, and buspools.	106083 106084 106085 106086 106087
(I) "School bus" has the same meaning as in section 4511.01 of the Revised Code.	106088 106089
(J) "Trailer" means any vehicle without motive power designed or used for carrying persons or property and for being drawn by a separate motor vehicle, including any vehicle of the trailer type, whether designed or used for carrying persons or property wholly on its own structure, or so designed or used that a part of its own weight or the weight of its load rests upon and is carried by such motor vehicle.	106090 106091 106092 106093 106094 106095 106096
<b>Sec. 4923.01.</b> As used in this chapter:	106097
(A) "Ambulance," "interstate commerce," "intrastate commerce," "motor vehicle," "public highway," "ridesharing	106098 106099

arrangement," and "school bus" have the same meanings as in 106100  
section 4921.01 of the Revised Code. 106101

(B) "For-hire motor carrier" means a person engaged in the 106102  
business of transporting persons or property by motor vehicle 106103  
for compensation, except when engaged in any of the following in 106104  
intrastate commerce: 106105

(1) The transportation of persons in taxicabs in the usual 106106  
taxicab service; 106107

(2) The transportation of pupils in school ~~busses~~buses 106108  
operating to or from school sessions or school events; 106109

(3) The transportation of farm supplies to the farm or 106110  
farm products from farm to market or to food fabricating plants; 106111

(4) The distribution of newspapers; 106112

(5) The transportation of crude petroleum incidental to 106113  
gathering from wells and delivery to destination by pipe line; 106114

(6) The transportation of injured, ill, or deceased 106115  
persons by hearse or ambulance; 106116

(7) The transportation of compost (a combination of manure 106117  
and sand or shredded bark mulch) or shredded bark mulch; 106118

(8) The transportation of persons in a ridesharing 106119  
arrangement when any fee charged each person so transported is 106120  
in such amount as to recover only the person's share of the 106121  
costs of operating the motor vehicle for such purpose; 106122

(9) The operation of motor vehicles for contractors on 106123  
public road work; 106124

(10) The operation of trailers that are all of the 106125  
following: 106126

<u>(a) Designed and used exclusively to transport a single</u>	106127
<u>boat between the following that are not more than ten miles</u>	106128
<u>apart:</u>	106129
<u>(i) A place of storage;</u>	106130
<u>(ii) A marina, or a place that is in and around a marina;</u>	106131
<u>(b) Drawn or towed within this state on a public road or</u>	106132
<u>highway at a speed of twenty-five miles per hour or less;</u>	106133
<u>(c) The gross vehicle weight rating, gross combination</u>	106134
<u>weight rating, gross vehicle weight, and gross combination</u>	106135
<u>weight or any combination thereof does not exceed twenty-six</u>	106136
<u>thousand one pounds.</u>	106137
"For-hire motor carrier" includes the carrier's agents,	106138
officers, and representatives, as well as employees responsible	106139
for hiring, supervising, training, assigning, or dispatching	106140
drivers and employees concerned with the installation,	106141
inspection, and maintenance of motor-vehicle equipment and	106142
accessories.	106143
Divisions (B) (1) to (9) of this section shall not be	106144
construed to relieve a person from compliance with rules adopted	106145
under division (A) (2) of section 4923.04 of the Revised Code,	106146
division (E) of section 4923.06 of the Revised Code, division	106147
(B) of section 4923.07 of the Revised Code, and section 4923.11	106148
of the Revised Code, or from compliance with rules regarding	106149
commercial driver's licenses adopted under division (A) (1) of	106150
section 4923.04 of the Revised Code.	106151
(C) "Motor carrier" means both a for-hire motor carrier	106152
and a private motor carrier.	106153
(D) "Private motor carrier" means a person who is not a	106154

for-hire motor carrier but is engaged in the business of 106155  
transporting persons or property by motor vehicle, except as 106156  
provided in section 4923.02 of the Revised Code. "Private motor 106157  
carrier" includes the carrier's agents, officers, and 106158  
representatives, as well as employees responsible for hiring, 106159  
supervising, training, assigning, or dispatching drivers and 106160  
employees concerned with the installation, inspection, and 106161  
maintenance of motor-vehicle equipment and accessories. 106162

**Sec. 4927.01.** (A) As used in this chapter: 106163

(1) "Basic local exchange service" means residential-end- 106164  
user access to and usage of telephone-company-provided services 106165  
over a single line or small-business-end-user access to and 106166  
usage of telephone-company-provided services over the primary 106167  
access line of service, which in the case of residential and 106168  
small-business access and usage is not part of a bundle or 106169  
package of services, that does both of the following: 106170

(a) Enables a customer to originate or receive voice 106171  
communications within a local service area as that area exists 106172  
on September 13, 2010, or as that area is changed with the 106173  
approval of the public utilities commission; 106174

(b) Consists of all of the following services: 106175

(i) Local dial tone service; 106176

(ii) For residential end users, flat-rate telephone 106177  
exchange service; 106178

(iii) Touch tone dialing service; 106179

(iv) Access to and usage of 9-1-1 services, where such 106180  
services are available; 106181

(v) Access to operator services and directory assistance; 106182

(vi) Provision of a telephone directory in any reasonable format, which includes, at the telephone company's option, an internet-accessible database of directory listings, for no additional charge and a listing in that directory, with reasonable accommodations made for private listings, and for a telephone company that no longer offers a printed directory, provision of reasonable customer notice of the available options to obtain directory information;

(vii) Per call, caller identification blocking services;

(viii) Access to telecommunications relay service; and

(ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.

"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.

(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.

(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.

(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation

Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 106212  
family size equal to the size of the family of the person whose 106213  
income is being determined. 106214

(5) "Incumbent local exchange carrier" means, with respect 106215  
to an area, the local exchange carrier that: 106216

(a) On February 8, 1996, provided telephone exchange 106217  
service in such area; and 106218

(b) (i) On February 8, 1996, was deemed to be a member of 106219  
the exchange carrier association pursuant to 47 C.F.R. 106220  
69.601(b); or 106221

(ii) Is a person or entity that, on or after February 8, 106222  
1996, became a successor or assign of a member described in 106223  
division (A) (5) (b) (i) of this section. 106224

(6) "Internet protocol-enabled services" means any 106225  
services, capabilities, functionalities, or applications that 106226  
are provided using internet protocol or a successor protocol to 106227  
enable an end user to send or receive communications in internet 106228  
protocol format or a successor format, regardless of how any 106229  
particular such service is classified by the federal 106230  
communications commission, and includes voice over internet 106231  
protocol service. 106232

(7) "Interstate-access component" means the portion of 106233  
carrier access that is within the jurisdiction of the federal 106234  
communications commission. 106235

(8) "Local exchange carrier" means any person engaged in 106236  
the provision of telephone exchange service, or the offering of 106237  
access to telephone exchange service or facilities for the 106238  
purpose of originating or terminating telephone toll service. 106239

(9) "Local service area" means the geographic area that  
may encompass more than one exchange area and within which a  
telephone customer, by paying the rate for basic local exchange  
service, may complete calls to other telephone customers without  
being assessed long distance toll charges.

(10) "Small business" means a nonresidential service  
customer with three or fewer service access lines.

(11) "Telecommunications" means the transmission, between  
or among points specified by the user, of information of the  
user's choosing, without change in the form or content of the  
information as sent and received.

(12) "Telecommunications carrier" has the same meaning as  
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C.  
153.

(13) "Telecommunications service" means the offering of  
telecommunications for a fee directly to the public, or to such  
classes of users as to be effectively available directly to the  
public, regardless of the facilities used.

(14) "Telephone company" means a company described in  
division (A) of section 4905.03 of the Revised Code that is a  
public utility under section 4905.02 of the Revised Code.

(15) "Telephone exchange service" means telecommunications  
service that is within a telephone exchange, or within a  
connected system of telephone exchanges within the same exchange  
area operated to furnish to subscribers intercommunicating  
service of the character ordinarily furnished by a single  
exchange, and that is covered by the exchange service charge; or  
comparable service provided through a system of switches,  
transmission equipment, or other facilities, or combination

thereof, by which a customer can originate and terminate a 106269  
telecommunications service. 106270

(16) "Telephone toll service" means telephone service 106271  
between stations in different exchange areas for which there is 106272  
made a separate charge not included in contracts with customers 106273  
for exchange service. 106274

(17) "Voice over internet protocol service" means a 106275  
service that enables real-time, two-way, voice communications 106276  
that originate or terminate from the user's location using 106277  
internet protocol or a successor protocol, including, but not 106278  
limited to, any such service that permits an end user to receive 106279  
calls from and terminate calls to the public switched network. 106280

(18) "Voice service" includes all of the applicable 106281  
functionalities described in 47 C.F.R. 54.101(a). "Voice 106282  
service" is not the same as basic local exchange service. 106283

(19) "Wireless service" means federally licensed 106284  
commercial mobile service as defined in the "Telecommunications 106285  
Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and 106286  
further defined as commercial mobile radio service in 47 C.F.R. 106287  
20.3. Under division (A)(19) of this section, commercial mobile 106288  
radio service is specifically limited to mobile telephone, 106289  
mobile cellular telephone, paging, personal communications 106290  
services, and specialized mobile radio service provided by a 106291  
common carrier in this state and excludes fixed wireless 106292  
service. 106293

(20) "Wireless service provider" means a facilities-based 106294  
provider of wireless service to one or more end users in this 106295  
state. 106296

(21) "Broadband internet access service" has the same 106297

meaning as in 47 C.F.R. 8.1. 106298

(B) The definitions of this section shall be applied 106299  
consistent with the definitions in the "Telecommunications Act 106300  
of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and 106301  
with federal decisions interpreting those definitions. 106302

Sec. 4927.22. (A) Notwithstanding any provision of the 106303  
Revised Code, other than division (B) of this section: 106304

(1) Broadband internet access service is not subject to 106305  
regulation by the public utilities commission. 106306

(2) No agency, commission, or political subdivision of 106307  
this state shall enact, adopt, or enforce, either directly or 106308  
indirectly, any law, rule, regulation, ordinance, standard, 106309  
order or other provision having the force or effect of law that 106310  
regulates, or has the effect of regulating, the rates, terms, or 106311  
conditions of any broadband internet access service, or 106312  
otherwise treats providers of broadband internet access services 106313  
as public utilities or telecommunications carriers. 106314

(B) This section shall not be construed to do any of the 106315  
following: 106316

(1) Restrict any authority delegated to the commission or 106317  
to any state agency to administer a state or federal grant 106318  
program under state or federal statute, rule, or order; 106319

(2) Restrict the application to broadband internet access 106320  
service, or providers thereof, of any law that applies generally 106321  
to the conduct of business in the state relating to consumer 106322  
protection and fair competition; 106323

(3) Restrict the authority of any political subdivision in 106324  
the state to manage access to and use of any public way or 106325

public rights-of-way. 106326

**Sec. 4928.06.** (A) Beginning on the starting date of 106327  
competitive retail electric service, the public utilities 106328  
commission shall ensure that the policy specified in section 106329  
4928.02 of the Revised Code is effectuated. To the extent 106330  
necessary, the commission shall adopt rules to carry out this 106331  
chapter. Initial rules necessary for the commencement of the 106332  
competitive retail electric service under this chapter shall be 106333  
adopted within one hundred eighty days after the effective date 106334  
of this section. Except as otherwise provided in this chapter, 106335  
the proceedings and orders of the commission under the chapter 106336  
shall be subject to and governed by Chapter 4903. of the Revised 106337  
Code. 106338

(B) If the commission determines, on or after the starting 106339  
date of competitive retail electric service, that there is a 106340  
decline or loss of effective competition with respect to a 106341  
competitive retail electric service of an electric utility, 106342  
which service was declared competitive by commission order 106343  
issued pursuant to division (A) of section 4928.04 of the 106344  
Revised Code, the commission shall ensure that that service is 106345  
provided at compensatory, fair, and nondiscriminatory prices and 106346  
terms and conditions. 106347

(C) In addition to its authority under section 4928.04 of 106348  
the Revised Code and divisions (A) and (B) of this section, the 106349  
commission, on an ongoing basis, shall monitor and evaluate the 106350  
provision of retail electric service in this state for the 106351  
purpose of discerning any noncompetitive retail electric service 106352  
that should be available on a competitive basis on or after the 106353  
starting date of competitive retail electric service pursuant to 106354  
a declaration in the Revised Code, and for the purpose of 106355

discerning any competitive retail electric service that is no 106356  
longer subject to effective competition on or after that date. 106357  
Upon such evaluation, the commission periodically shall report 106358  
its findings and any recommendations for legislation to the 106359  
standing committees of both houses of the general assembly that 106360  
have primary jurisdiction regarding public utility legislation. 106361  
~~Until 2008, the commission and the consumer's counsel also shall 106362~~  
~~provide biennial reports to those standing committees, regarding 106363~~  
~~the effectiveness of competition in the supply of competitive 106364~~  
~~retail electric services in this state. In addition, until the 106365~~  
~~end of all market development periods as determined by the 106366~~  
~~commission under section 4928.40 of the Revised Code, those 106367~~  
~~standing committees shall meet at least biennially to consider 106368~~  
~~the effect on this state of electric service restructuring and 106369~~  
~~to receive reports from the commission, consumers' counsel, and 106370~~  
~~director of development. 106371~~

(D) In determining, for purposes of division (B) or (C) of 106372  
this section, whether there is effective competition in the 106373  
provision of a retail electric service or reasonably available 106374  
alternatives for that service, the commission shall consider 106375  
factors including, but not limited to, all of the following: 106376

(1) The number and size of alternative providers of that 106377  
service; 106378

(2) The extent to which the service is available from 106379  
alternative suppliers in the relevant market; 106380

(3) The ability of alternative suppliers to make 106381  
functionally equivalent or substitute services readily available 106382  
at competitive prices, terms, and conditions; 106383

(4) Other indicators of market power, which may include 106384

market share, growth in market share, ease of entry, and the 106385  
affiliation of suppliers of services. 106386

The burden of proof shall be on any entity requesting, 106387  
under division (B) or (C) of this section, a determination by 106388  
the commission of the existence of or a lack of effective 106389  
competition or reasonably available alternatives. 106390

(E) (1) Beginning on the starting date of competitive 106391  
retail electric service, the commission has authority under 106392  
Chapters 4901. to 4909. of the Revised Code, and shall exercise 106393  
that authority, to resolve abuses of market power by any 106394  
electric utility that interfere with effective competition in 106395  
the provision of retail electric service. 106396

(2) In addition to the commission's authority under 106397  
division (E) (1) of this section, the commission, beginning the 106398  
first year after the market development period of a particular 106399  
electric utility and after reasonable notice and opportunity for 106400  
hearing, may take such measures within a transmission 106401  
constrained area in the utility's certified territory as are 106402  
necessary to ensure that retail electric generation service is 106403  
provided at reasonable rates within that area. The commission 106404  
may exercise this authority only upon findings that an electric 106405  
utility is or has engaged in the abuse of market power and that 106406  
that abuse is not adequately mitigated by rules and practices of 106407  
any independent transmission entity controlling the transmission 106408  
facilities. Any such measure shall be taken only to the extent 106409  
necessary to protect customers in the area from the particular 106410  
abuse of market power and to the extent the commission's 106411  
authority is not preempted by federal law. The measure shall 106412  
remain in effect until the commission, after reasonable notice 106413  
and opportunity for hearing, determines that the particular 106414

abuse of market power has been mitigated. 106415

(F) An electric utility, electric services company, 106416  
electric cooperative, or governmental aggregator subject to 106417  
certification under section 4928.08 of the Revised Code shall 106418  
provide the commission with such information, regarding a 106419  
competitive retail electric service for which it is subject to 106420  
certification, as the commission considers necessary to carry 106421  
out this chapter. An electric utility shall provide the 106422  
commission with such information as the commission considers 106423  
necessary to carry out divisions (B) to (E) of this section. The 106424  
commission shall take such measures as it considers necessary to 106425  
protect the confidentiality of any such information. 106426

The commission shall require each electric utility to file 106427  
with the commission on and after the starting date of 106428  
competitive retail electric service an annual report of its 106429  
intrastate gross receipts and sales of kilowatt hours of 106430  
electricity, and shall require each electric services company, 106431  
electric cooperative, and governmental aggregator subject to 106432  
certification to file an annual report on and after that 106433  
starting date of such receipts and sales from the provision of 106434  
those retail electric services for which it is subject to 106435  
certification. For the purpose of the reports, sales of kilowatt 106436  
hours of electricity are deemed to occur at the meter of the 106437  
retail customer. 106438

**Sec. 4928.102.** (A) If a competitive retail electric 106439  
service supplier offers a residential or small commercial 106440  
customer a contract for a fixed introductory rate that converts 106441  
to a variable rate upon the expiration of the fixed rate, the 106442  
supplier shall send two notices to each residential and small 106443  
commercial customer that enters into such a contract. Each 106444

notice shall provide all of the following information to the customer: 106445  
106446

(1) The fixed rate that is expiring under the contract; 106447

(2) The expiration date of the contract's fixed rate; 106448

(3) The public utilities commission web site that, as a comparison tool, lists rates offered by competitive retail electric service suppliers; 106449  
106450  
106451

(4) A statement explaining that appearing on each customer's bill is a price-to-compare notice that lists the utility's standard service offer price. 106452  
106453  
106454

(B) The second notice shall include all the requirements as stated in division (A) of this section and shall also identify the initial rate to be charged upon the contract's conversion to a variable rate. 106455  
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(C) The notices shall be sent by standard United States mail or electronically with a customer's verifiable consent as follows: 106459  
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(1) The supplier shall send the first notice not earlier than ninety days, and not later than sixty days, prior to the expiration of the fixed rate. 106462  
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106464

(2) The supplier shall send the second notice not earlier than forty-five days, and not later than fifteen days, prior to the expiration of the fixed rate. 106465  
106466  
106467

(D) A competitive retail electric service supplier shall provide an annual notice, by standard United States mail or electronically with a customer's verifiable consent, to each residential and small commercial customer that has entered into a contract with the supplier that has converted to a variable 106468  
106469  
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rate upon the expiration of the contract's fixed introductory 106473  
rate. The notice shall inform the customer that the customer is 106474  
currently subject to a variable rate and that other fixed rate 106475  
contracts are available. 106476

(E) Not later than one hundred fifty days after ~~the~~ 106477  
~~effective date of this section~~ August 14, 2025, the commission 106478  
shall adopt rules in order to implement divisions (A) to (D) of 106479  
this section. The rules, at a minimum, shall include the 106480  
following requirements regarding the notices required under 106481  
divisions (A) to (D) of this section: 106482

(1) To use clear and unambiguous language in order to 106483  
enable the customer to make an informed decision; 106484

(2) To design the notices in a way to ensure that they 106485  
cannot be confused with marketing materials. 106486

(F) Notwithstanding any provision of section 121.95 of the 106487  
Revised Code to the contrary, a regulatory restriction contained 106488  
in a rule adopted under this section ~~4928.101 of the Revised~~ 106489  
~~Code~~ is not subject to sections 121.95 to 121.953 of the Revised 106490  
Code. 106491

**Sec. 4928.34.** (A) The public utilities commission shall 106492  
not approve or prescribe a transition plan under division (A) or 106493  
(B) of section 4928.33 of the Revised Code unless the commission 106494  
first makes all of the following determinations: 106495

(1) The unbundled components for the electric transmission 106496  
component of retail electric service, as specified in the 106497  
utility's rate unbundling plan required by division (A) (1) of 106498  
section 4928.31 of the Revised Code, equal the tariff rates 106499  
determined by the federal energy regulatory commission that are 106500  
in effect on the date of the approval of the transition plan 106501

under sections 4928.31 to 4928.40 of the Revised Code, as each 106502  
such rate is determined applicable to each particular customer 106503  
class and rate schedule by the commission. The unbundled 106504  
transmission component shall include a sliding scale of charges 106505  
under division (B) of section 4905.31 of the Revised Code to 106506  
ensure that refunds determined or approved by the federal energy 106507  
regulatory commission are flowed through to retail electric 106508  
customers. 106509

(2) The unbundled components for retail electric 106510  
distribution service in the rate unbundling plan equal the 106511  
difference between the costs attributable to the utility's 106512  
transmission and distribution rates and charges under its 106513  
schedule of rates and charges in effect on the effective date of 106514  
this section, based upon the record in the most recent rate 106515  
proceeding of the utility for which the utility's schedule was 106516  
established, and the tariff rates for electric transmission 106517  
service determined by the federal energy regulatory commission 106518  
as described in division (A) (1) of this section. 106519

(3) All other unbundled components required by the 106520  
commission in the rate unbundling plan equal the costs 106521  
attributable to the particular service as reflected in the 106522  
utility's schedule of rates and charges in effect on the 106523  
effective date of this section. 106524

(4) The unbundled components for retail electric 106525  
generation service in the rate unbundling plan equal the 106526  
residual amount remaining after the determination of the 106527  
transmission, distribution, and other unbundled components, and 106528  
after any adjustments necessary to reflect the effects of the 106529  
amendment of section 5727.111 of the Revised Code by Sub. S.B. 106530  
No. 3 of the 123rd general assembly. 106531

(5) All unbundled components in the rate unbundling plan 106532  
have been adjusted to reflect any base rate reductions on file 106533  
with the commission and as scheduled to be in effect by December 106534  
31, 2005, under rate settlements in effect on the effective date 106535  
of this section. However, all earnings obligations, 106536  
restrictions, or caps imposed on an electric utility in a 106537  
commission order prior to the effective date of this section are 106538  
void. 106539

(6) Subject to division (A) (5) of this section, the total 106540  
of all unbundled components in the rate unbundling plan are 106541  
capped and shall equal during the market development period, 106542  
except as specifically provided in this chapter, the total of 106543  
all rates and charges in effect under the applicable bundled 106544  
schedule of the electric utility pursuant to section 4905.30 of 106545  
the Revised Code in effect on the day before the effective date 106546  
of this section, including the transition charge determined 106547  
under section 4928.40 of the Revised Code, adjusted for any 106548  
changes in the taxation of electric utilities and retail 106549  
electric service under Sub. S.B. No. 3 of the 123rd General 106550  
Assembly, and the universal service rider authorized by section 106551  
4928.51 of the Revised Code, ~~and the temporary rider authorized~~ 106552  
~~by section 4928.61 of the Revised Code.~~ For the purpose of this 106553  
division, the rate cap applicable to a customer receiving 106554  
electric service pursuant to an arrangement approved by the 106555  
commission under section 4905.31 of the Revised Code is, for the 106556  
term of the arrangement, the total of all rates and charges in 106557  
effect under the arrangement. For any rate schedule filed 106558  
pursuant to section 4905.30 of the Revised Code or any 106559  
arrangement subject to approval pursuant to section 4905.31 of 106560  
the Revised Code, the initial tax-related adjustment to the rate 106561  
cap required by this division shall be equal to the rate of 106562

taxation specified in section 5727.81 of the Revised Code and 106563  
applicable to the schedule or arrangement. To the extent such 106564  
total annual amount of the tax-related adjustment is greater 106565  
than or less than the comparable amount of the total annual tax 106566  
reduction experienced by the electric utility as a result of the 106567  
provisions of Sub. S.B. No. 3 of the 123rd general assembly, 106568  
such difference shall be addressed by the commission through 106569  
accounting procedures, refunds, or an annual surcharge or credit 106570  
to customers, or through other appropriate means, to avoid 106571  
placing the financial responsibility for the difference upon the 106572  
electric utility or its shareholders. Any adjustments in the 106573  
rate of taxation specified in section 5727.81 of the Revised 106574  
Code shall not occur without a corresponding adjustment to the 106575  
rate cap for each such rate schedule or arrangement. The 106576  
department of taxation shall advise the commission and self- 106577  
assessors under section 5727.81 of the Revised Code prior to the 106578  
effective date of any change in the rate of taxation specified 106579  
under that section, and the commission shall modify the rate cap 106580  
to reflect that adjustment so that the rate cap adjustment is 106581  
effective as of the effective date of the change in the rate of 106582  
taxation. This division shall be applied, to the extent 106583  
possible, to eliminate any increase in the price of electricity 106584  
for customers that otherwise may occur as a result of 106585  
establishing the taxes contemplated in section 5727.81 of the 106586  
Revised Code. 106587

(7) The rate unbundling plan complies with any rules 106588  
adopted by the commission under division (A) of section 4928.06 106589  
of the Revised Code. 106590

(8) The corporate separation plan required by division (A) 106591  
(2) of section 4928.31 of the Revised Code complies with section 106592  
4928.17 of the Revised Code and any rules adopted by the 106593

commission under division (A) of section 4928.06 of the Revised Code. 106594  
106595

(9) Any plan or plans the commission requires to address 106596  
operational support systems and any other technical 106597  
implementation issues pertaining to competitive retail electric 106598  
service comply with any rules adopted by the commission under 106599  
division (A) of section 4928.06 of the Revised Code. 106600

(10) The employee assistance plan required by division (A) 106601  
(4) of section 4928.31 of the Revised Code sufficiently provides 106602  
severance, retraining, early retirement, retention, 106603  
outplacement, and other assistance for the utility's employees 106604  
whose employment is affected by electric industry restructuring 106605  
under this chapter. 106606

(11) The consumer education plan required under division 106607  
(A) (5) of section 4928.31 of the Revised Code complies with 106608  
former section 4928.42 of the Revised Code and any rules adopted 106609  
by the commission under division (A) of section 4928.06 of the 106610  
Revised Code. 106611

(12) The transition revenues for which an electric utility 106612  
is authorized a revenue opportunity under sections 4928.31 to 106613  
4928.40 of the Revised Code are the allowable transition costs 106614  
of the utility as such costs are determined by the commission 106615  
pursuant to section 4928.39 of the Revised Code, and the 106616  
transition charges for the customer classes and rate schedules 106617  
of the utility are the charges determined pursuant to section 106618  
4928.40 of the Revised Code. 106619

(13) Any independent transmission plan included in the 106620  
transition plan filed under section 4928.31 of the Revised Code 106621  
reasonably complies with section 4928.12 of the Revised Code and 106622

any rules adopted by the commission under division (A) of 106623  
section 4928.06 of the Revised Code, unless the commission, for 106624  
good cause shown, authorizes the utility to defer compliance 106625  
until an order is issued under division (G) of section 4928.35 106626  
of the Revised Code. 106627

(14) The utility is in compliance with sections 4928.01 to 106628  
4928.11 of the Revised Code and any rules or orders of the 106629  
commission adopted or issued under those sections. 106630

(15) All unbundled components in the rate unbundling plan 106631  
have been adjusted to reflect the elimination of the tax on 106632  
gross receipts imposed by section 5727.30 of the Revised Code. 106633

In addition, a transition plan approved by the commission 106634  
under section 4928.33 of the Revised Code but not containing an 106635  
approved independent transmission plan shall contain the express 106636  
conditions that the utility will comply with an order issued 106637  
under division (G) of section 4928.35 of the Revised Code. 106638

(B) If the commission finds that any part of the 106639  
transition plan would constitute an abandonment under sections 106640  
4905.20 and 4905.21 of the Revised Code, the commission shall 106641  
not approve that part of the transition plan unless it makes the 106642  
finding required for approval of an abandonment application 106643  
under section 4905.21 of the Revised Code. Sections 4905.20 and 106644  
4905.21 of the Revised Code otherwise shall not apply to a 106645  
transition plan under sections 4928.31 to 4928.40 of the Revised 106646  
Code. 106647

**Sec. 4928.43.** (A) Each state agency that provides 106648  
employment assistance and job training programs, including the 106649  
~~bureau of employment department of job and family services and~~ 106650  
~~the department of development,~~ shall provide concentrated 106651

attention through those programs to assisting employees whose 106652  
employment is affected by electric industry restructuring under 106653  
this chapter. 106654

(B) To the extent not prohibited by federal law or any law 106655  
of this state and except as otherwise provided in a labor 106656  
contract or other agreement, no unencumbered money in a pension 106657  
fund for employees of electric utilities shall be used for any 106658  
purpose other than to pay allowable pensions or early retirement 106659  
buyouts for the employees. 106660

**Sec. 4928.51.** ~~(A)~~ There is hereby established in the state 106661  
treasury ~~a universal service~~ the electric partnership plan fund, 106662  
into which shall be deposited all ~~universal service~~ revenues 106663  
remitted to the director of development under this section, for 106664  
the exclusive purposes of providing funding for the low-income 106665  
customer assistance programs ~~and for the consumer education~~ 106666  
~~program authorized under section 4928.56 of the Revised Code,~~ 106667  
~~and paying the administrative costs of the low-income customer~~ 106668  
~~assistance programs~~ and the consumer education program. Interest 106669  
on the fund shall be credited to the fund. Disbursements from 106670  
the fund shall be made to any supplier that provides a 106671  
competitive retail electric service or a noncompetitive retail 106672  
electric service to a customer who is approved to receive 106673  
assistance under a specified low-income customer assistance 106674  
program and to any authorized provider of weatherization or 106675  
energy efficiency service to a customer approved to receive such 106676  
assistance under a specified low-income customer assistance 106677  
program. 106678

~~(B) Universal service revenues~~ Revenues deposited in the 106679  
electric partnership plan fund shall include all ~~of the~~ 106680  
~~following:~~ 106681

~~(1) Revenues~~ revenues remitted to the director after 106682  
collection by an electric distribution utility ~~beginning July 1,~~ 106683  
2000, ~~attributable to the collection from customers of the~~ 106684  
~~universal service rider prescribed under~~ pursuant to section 106685  
4928.52 of the Revised Code, 106686

~~(2) Revenues~~ remitted to the director that have been 106687  
~~collected by an electric distribution utility beginning July 1,~~ 106688  
2000, ~~as customer payments under the percentage of income~~ 106689  
~~payment plan program, including revenues remitted under division~~ 106690  
~~(C) of this section,~~ 106691

~~(3) Adequate revenues~~ remitted to the director after 106692  
~~collection by a municipal electric utility or electric~~ 106693  
~~cooperative in this state not earlier than July 1, 2000, upon~~ 106694  
~~the utility's or cooperative's decision to participate in the~~ 106695  
~~low-income customer assistance programs.~~ 106696

~~(C) (1) Beginning July 1, 2000, an electric distribution~~ 106697  
~~utility shall transfer to the director the right to collect all~~ 106698  
~~arrearage payments of a customer for percentage of income~~ 106699  
~~payment plan program debt owed to the utility on the day before~~ 106700  
~~that date or retain the right to collect that debt but remit to~~ 106701  
~~the director all program revenues received by the utility for~~ 106702  
~~that customer.~~ 106703

~~(2) A current or past percentage of income payment plan~~ 106704  
~~program customer is relieved of any payment obligation under the~~ 106705  
~~percentage of income payment program for any unpaid arrears~~ 106706  
~~accrued by the customer under the program as of the effective~~ 106707  
~~date of this section if the customer, as determined by the~~ 106708  
~~director, meets both of the following criteria:~~ 106709

~~(a) The customer as of that date has complied with~~ 106710

~~customer payment responsibilities under the program.~~ 106711

~~(b) The customer is permanently and totally disabled as defined in section 5117.01 of the Revised Code or is sixty-five years of age or older as defined in that section.~~ 106712  
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~~(D) The public utilities commission shall complete an audit of each electric utility by July 1, 2000, for the purpose of establishing a baseline for the percentage of income payment plan program component of the low-income assistance programs.~~ 106715  
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**Sec. 4928.55.** The director of ~~development~~ job and family services shall establish an energy efficiency and weatherization program targeted, to the extent practicable, to high-cost, high-volume use structures occupied by customers eligible for the percentage of income payment plan program, with the goal of reducing the energy bills of the occupants. Acceptance of energy efficiency and weatherization services provided by the program shall be a condition for the eligibility of any such customer to participate in the percentage of income payment plan program. 106719  
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**Sec. 4928.56.** The director of ~~development~~ job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing an education program for consumers eligible to participate in the low-income customer assistance programs. The education program shall provide information to consumers regarding energy efficiency and energy conservation. 106728  
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**Sec. 4928.58.** (A) There is hereby created the public benefits advisory board, which has the purpose of ensuring that energy services be provided to low-income consumers in this state in an affordable manner consistent with the policy specified in section 4928.02 of the Revised Code. The advisory board shall consist of twenty-one members as follows: the 106734  
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director of ~~development~~ job and family services, the chairperson 106740  
of the public utilities commission, the consumers' counsel, and 106741  
the director of the air quality development authority, each 106742  
serving ex officio and represented by a designee at the 106743  
official's discretion; two members of the house of 106744  
representatives appointed by the speaker of the house of 106745  
representatives, neither of the same political party, and two 106746  
members of the senate appointed by the president of the senate, 106747  
neither of the same political party; and thirteen members 106748  
appointed by the governor with the advice and consent of the 106749  
senate, consisting of one representative of suppliers of 106750  
competitive retail electric service; one representative of the 106751  
residential class of electric utility customers; one 106752  
representative of the industrial class of electric utility 106753  
customers; one representative of the commercial class of 106754  
electric utility customers; one representative of agricultural 106755  
or rural customers of an electric utility; two customers 106756  
receiving assistance under one or more of the low-income 106757  
customer assistance programs, to represent customers eligible 106758  
for any such assistance, including senior citizens; one 106759  
representative of the general public; one representative of 106760  
local intake agencies; one representative of a community-based 106761  
organization serving low-income customers; one representative of 106762  
environmental protection interests; one representative of 106763  
lending institutions; and one person considered an expert in 106764  
energy efficiency or renewables technology. Initial appointments 106765  
shall be made not later than November 1, 1999. 106766

(B) Initial terms of six of the appointed members shall 106767  
end on June 30, 2003, and initial terms of the remaining seven 106768  
appointed members shall end on June 30, 2004. Thereafter, terms 106769  
of appointed members shall be for three years, with each term 106770

ending on the same day of the same month as the term it 106771  
succeeds. Each member shall hold office from the date of the 106772  
member's appointment until the end of the term for which the 106773  
member was appointed. Members may be reappointed. 106774

Vacancies shall be filled in the manner provided for 106775  
original appointments. Any member appointed to fill a vacancy 106776  
occurring prior to the expiration date of the term for which the 106777  
member's predecessor was appointed shall hold office as a member 106778  
for the remainder of that term. A member shall continue in 106779  
office after the expiration date of the member's term until the 106780  
member's successor takes office or until a period of sixty days 106781  
has elapsed, whichever occurs first. 106782

(C) Board members shall be reimbursed for their actual and 106783  
necessary expenses incurred in the performance of board duties. 106784  
The reimbursements constitute, as applicable, administrative 106785  
costs of the low-income customer assistance programs for the 106786  
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 106787  
of the Revised Code ~~or administrative costs of the advanced-~~ 106788  
~~energy program for the purpose of division (A) of section-~~ 106789  
~~4528.61 of the Revised Code.~~ 106790

(D) The advisory board shall select a chairperson from 106791  
among its members. Only board members appointed by the governor 106792  
with the advice and consent of the senate shall be voting 106793  
members of the board; each shall have one vote in all 106794  
deliberations of the board. A majority of the voting members 106795  
constitute a quorum. 106796

(E) ~~The duties of the advisory board shall be as follows:~~ 106797  
~~(1) Advise~~ advise the director of job and family services 106798  
in the administration of ~~the universal service fund and the low-~~ 106799

~~income customer assistance programs and advise the director on  
the director's recommendation to the commission regarding the  
appropriate level of the universal service rider;~~ 106800  
106801  
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~~(2) Advise the director on the administration of the  
advanced energy program and the advanced energy fund under  
sections 4928.61 to 4928.63 of the Revised Code.~~ 106803  
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106805

(F) The advisory board is not an agency for purposes of 106806  
sections 101.82 to 101.87 of the Revised Code. 106807

**Sec. 4928.61.** (A) There is hereby established in the state 106808  
treasury the advanced energy fund, into which shall be deposited 106809  
all advanced energy revenues remitted to the director of 106810  
development under division (B) of this section, for the 106811  
exclusive purposes of funding the advanced energy program 106812  
created under section 4928.62 of the Revised Code and paying the 106813  
program's administrative costs. Interest on the fund shall be 106814  
credited to the fund. 106815

(B) Advanced energy revenues shall include all of the 106816  
following: 106817

~~(1) Revenues remitted to the director after collection by  
each electric distribution utility in this state of a temporary  
rider on retail electric distribution service rates as such  
rates are determined by the public utilities commission pursuant  
to this chapter. The rider shall be a uniform amount statewide,  
determined by the director of development, after consultation  
with the public benefits advisory board created by section  
4928.58 of the Revised Code. The amount shall be determined by  
dividing an aggregate revenue target for a given year as  
determined by the director, after consultation with the advisory  
board, by the number of customers of electric distribution~~ 106818  
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~~utilities in this state in the prior year. Such aggregate revenue target shall not exceed more than fifteen million dollars in any year through 2005 and shall not exceed more than five million dollars in any year after 2005. The rider shall be imposed beginning on the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, and shall terminate at the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(2) Revenues from payments, repayments, and collections under the advanced energy program and from program income;~~

~~(3) (2) Revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state upon the utility's or cooperative's decision to participate in the advanced energy fund;~~

~~(4) (3) Revenues from renewable energy compliance payments as provided under division (C) (2) of section 4928.64 of the Revised Code;~~

~~(5) (4) Revenue from forfeitures under division (C) of section 4928.66 of the Revised Code;~~

~~(6) (5) Funds transferred pursuant to division (B) of Section 512.10 of S.B. 315 of the 129th general assembly;~~

~~(7) (6) Interest earnings on the advanced energy fund.~~

~~(C) (1) Each electric distribution utility in this state shall remit to the director on a quarterly basis the revenues described in divisions (B) (1) and (2) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter.~~

~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B) (3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B) (3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.~~

~~(3) All remittances under divisions (C) (1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~

~~(D) Any moneys collected in rates for non-low-income customer energy efficiency programs, as of October 5, 1999, and not contributed to the energy efficiency revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be returned to ratepayers in the form of a rate reduction at the option of the affected electric distribution utility.~~

**Sec. 4928.62.** (A) There is hereby created the advanced energy program, which shall be administered by the director of

development. Under the program, the director may authorize the use of moneys in the advanced energy fund for financial, technical, and related assistance for advanced energy projects in this state or for economic development assistance, in furtherance of the purposes set forth in section 4928.63 of the Revised Code.

(1) To the extent feasible given approved applications for assistance, the assistance shall be distributed among the certified territories of electric distribution utilities and participating electric cooperatives, and among the service areas of participating municipal electric utilities, in amounts proportionate to the remittances of each utility and cooperative under ~~divisions (B)(1) and (3)~~division (B)(2) of section 4928.61 of the Revised Code.

(2) The funds described in division ~~(B)(6)~~(B)(5) of section 4928.61 of the Revised Code shall not be subject to the territorial requirements of division (A)(1) of this section.

(3) The director shall not authorize financial assistance for an advanced energy project under the program unless the director first determines that the project will create new jobs or preserve existing jobs in this state or use innovative technologies or materials.

(B) In carrying out sections 4928.61 to 4928.63 of the Revised Code, the director may do all of the following to further the public interest in advanced energy projects and economic development:

(1) Award grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives;

(2) Acquire in the name of the director any property of

any kind or character in accordance with this section, by 106917  
purchase, purchase at foreclosure, or exchange, on such terms 106918  
and in such manner as the director considers proper; 106919

(3) Make and enter into all contracts and agreements 106920  
necessary or incidental to the performance of the director's 106921  
duties and the exercise of the director's powers under sections 106922  
4928.61 to 4928.63 of the Revised Code; 106923

(4) Employ or enter into contracts with financial 106924  
consultants, marketing consultants, consulting engineers, 106925  
architects, managers, construction experts, attorneys, technical 106926  
monitors, energy evaluators, or other employees or agents as the 106927  
director considers necessary, and fix their compensation; 106928

(5) Adopt rules prescribing the application procedures for 106929  
financial assistance under the advanced energy program; the 106930  
fees, charges, interest rates, payment schedules, local match 106931  
requirements, and other terms and conditions of any grants, 106932  
contracts, loans, loan participation agreements, linked 106933  
deposits, and energy production incentives; criteria pertaining 106934  
to the eligibility of participating lending institutions; and 106935  
any other matters necessary for the implementation of the 106936  
program; 106937

(6) Do all things necessary and appropriate for the 106938  
operation of the program. 106939

(C) The department of development may hold ownership to 106940  
any unclaimed energy efficiency and renewable energy emission 106941  
allowances provided for in Chapter 3745-14 of the Administrative 106942  
Code or otherwise, that result from advanced energy projects 106943  
that receive funding from the advanced energy fund, and it may 106944  
use the allowances to further the public interest in advanced 106945

energy projects or for economic development. 106946

(D) Financial statements, financial data, and trade 106947  
secrets submitted to or received by the director from an 106948  
applicant or recipient of financial assistance under sections 106949  
4928.61 to 4928.63 of the Revised Code, or any information taken 106950  
from those statements, data, or trade secrets for any purpose, 106951  
are not public records for the purpose of section 149.43 of the 106952  
Revised Code. 106953

(E) Nothing in the amendments of sections 4928.61, 106954  
4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 106955  
126th general assembly shall affect any pending or effected 106956  
assistance, pending or effected purchases or exchanges of 106957  
property made, or pending or effected contracts or agreements 106958  
entered into pursuant to division (A) or (B) of this section as 106959  
the section existed prior to the effective date of those 106960  
amendments, January 4, 2007, or shall affect the exemption 106961  
provided under division (C) of this section as the section 106962  
existed prior to that effective date. 106963

(F) Any assistance a school district receives for an 106964  
advanced energy project, including a geothermal heating, 106965  
ventilating, and air conditioning system, shall be in addition 106966  
to any assistance provided under Chapter 3318. of the Revised 106967  
Code and shall not be included as part of the district or state 106968  
portion of the basic project cost under that chapter. 106969

**Sec. 4928.63.** The director of development ~~and the public~~ 106970  
~~benefits advisory board have~~ has the powers and duties provided 106971  
in sections 4928.61 and 4928.62 of the Revised Code, in order to 106972  
promote the welfare of the people of this state; stabilize the 106973  
economy; assist in the improvement and development within this 106974  
state of not-for-profit entity, industrial, commercial, 106975

distribution, residential, and research buildings and activities 106976  
required for the people of this state; improve the economic 106977  
welfare of the people of this state by reducing energy costs and 106978  
by reducing energy usage in a cost-efficient manner using, as 106979  
determined by the director, both the most appropriate national, 106980  
federal, or other standards for products and the best practices 106981  
for the use of technology, products, or services in the context 106982  
of a total facility or building; and assist in the lowering of 106983  
energy demand to reduce air, water, or thermal pollution. It is 106984  
hereby determined that the accomplishment of those purposes is 106985  
essential so that the people of this state may maintain their 106986  
present high standards in comparison with the people of other 106987  
states and so that opportunities for improving the economic 106988  
welfare of the people of this state, for improving the housing 106989  
of residents of this state, and for favorable markets for the 106990  
products of this state's natural resources, agriculture, and 106991  
manufacturing shall be improved; and that it is necessary for 106992  
this state to establish the program authorized pursuant to 106993  
sections 4928.61 and 4928.62 of the Revised Code. 106994

**Sec. 4928.66.** (A) (1) (a) Beginning in 2009, an electric 106995  
distribution utility shall implement energy efficiency programs 106996  
that achieve energy savings equivalent to at least three-tenths 106997  
of one per cent of the total, annual average, and normalized 106998  
kilowatt-hour sales of the electric distribution utility during 106999  
the preceding three calendar years to customers in this state. 107000  
An energy efficiency program may include a combined heat and 107001  
power system placed into service or retrofitted on or after the 107002  
effective date of the amendment of this section by S.B. 315 of 107003  
the 129th general assembly, September 10, 2012, or a waste 107004  
energy recovery system placed into service or retrofitted on or 107005  
after September 10, 2012, except that a waste energy recovery 107006

system described in division (A) (38) (b) of section 4928.01 of 107007  
the Revised Code may be included only if it was placed into 107008  
service between January 1, 2002, and December 31, 2004. For a 107009  
waste energy recovery or combined heat and power system, the 107010  
savings shall be as estimated by the public utilities 107011  
commission. The savings requirement, using such a three-year 107012  
average, shall increase to an additional five-tenths of one per 107013  
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 107014  
of one per cent in 2012, nine-tenths of one per cent in 2013, 107015  
and one per cent in 2014. In 2015 and 2016, an electric 107016  
distribution utility shall achieve energy savings equal to the 107017  
result of subtracting the cumulative energy savings achieved 107018  
since 2009 from the product of multiplying the baseline for 107019  
energy savings, described in division (A) (2) (a) of this section, 107020  
by four and two-tenths of one per cent. If the result is zero or 107021  
less for the year for which the calculation is being made, the 107022  
utility shall not be required to achieve additional energy 107023  
savings for that year, but may achieve additional energy savings 107024  
for that year. The annual savings requirements shall be, for 107025  
years 2017, 2018, 2019, and 2020, an additional one per cent of 107026  
the baseline. For purposes of a waste energy recovery or 107027  
combined heat and power system, an electric distribution utility 107028  
shall not apply more than the total annual percentage of the 107029  
electric distribution utility's industrial-customer load, 107030  
relative to the electric distribution utility's total load, to 107031  
the annual energy savings requirement. 107032

(b) Beginning in 2009, an electric distribution utility 107033  
shall implement peak demand reduction programs designed to 107034  
achieve a one per cent reduction in peak demand in 2009 and an 107035  
additional seventy-five hundredths of one per cent reduction 107036  
each year through 2014. In 2015 and 2016, an electric 107037

distribution utility shall achieve a reduction in peak demand 107038  
equal to the result of subtracting the cumulative peak demand 107039  
reductions achieved since 2009 from the product of multiplying 107040  
the baseline for peak demand reduction, described in division 107041  
(A)(2)(a) of this section, by four and seventy-five hundredths 107042  
of one per cent. If the result is zero or less for the year for 107043  
which the calculation is being made, the utility shall not be 107044  
required to achieve an additional reduction in peak demand for 107045  
that year, but may achieve an additional reduction in peak 107046  
demand for that year. In 2017 and each year thereafter through 107047  
2020, the utility shall achieve an additional seventy-five 107048  
hundredths of one per cent reduction in peak demand. 107049

(2) For the purposes of divisions (A)(1)(a) and (b) of 107050  
this section: 107051

(a) The baseline for energy savings under division (A)(1) 107052  
(a) of this section shall be the average of the total kilowatt 107053  
hours the electric distribution utility sold in the preceding 107054  
three calendar years. The baseline for a peak demand reduction 107055  
under division (A)(1)(b) of this section shall be the average 107056  
peak demand on the utility in the preceding three calendar 107057  
years, except that the commission may reduce either baseline to 107058  
adjust for new economic growth in the utility's certified 107059  
territory. Neither baseline shall include the load and usage of 107060  
any of the following customers: 107061

(i) Beginning January 1, 2017, a customer for which a 107062  
reasonable arrangement has been approved under section 4905.31 107063  
of the Revised Code; 107064

(ii) A customer that has opted out of the utility's 107065  
portfolio plan under section 4928.6611 of the Revised Code; 107066

(iii) A customer that has opted out of the utility's portfolio plan under Section 8 of S.B. 310 of the 130th general assembly. 107067  
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(b) The commission may amend the benchmarks set forth in division (A)(1)(a) or (b) of this section if, after application by the electric distribution utility, the commission determines that the amendment is necessary because the utility cannot reasonably achieve the benchmarks due to regulatory, economic, or technological reasons beyond its reasonable control. 107070  
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(c) Compliance with divisions (A)(1)(a) and (b) of this section shall be measured by including the effects of all demand-response programs for mercantile customers of the subject electric distribution utility, all waste energy recovery systems and all combined heat and power systems, and all such mercantile customer-sited energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs, adjusted upward by the appropriate loss factors. Any mechanism designed to recover the cost of energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs under divisions (A)(1)(a) and (b) of this section may exempt mercantile customers that commit their demand-response or other customer-sited capabilities, whether existing or new, for integration into the electric distribution utility's demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs, if the commission determines that that exemption reasonably encourages such customers to commit those capabilities to those programs. If a mercantile customer makes such existing or new demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capability available to an 107076  
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electric distribution utility pursuant to division (A) (2) (c) of 107098  
this section, the electric utility's baseline under division (A) 107099  
(2) (a) of this section shall be adjusted to exclude the effects 107100  
of all such demand-response, energy efficiency, including waste 107101  
energy recovery and combined heat and power, or peak demand 107102  
reduction programs that may have existed during the period used 107103  
to establish the baseline. The baseline also shall be normalized 107104  
for changes in numbers of customers, sales, weather, peak 107105  
demand, and other appropriate factors so that the compliance 107106  
measurement is not unduly influenced by factors outside the 107107  
control of the electric distribution utility. 107108

(d) (i) Programs implemented by a utility may include the 107109  
following: 107110

(I) Demand-response programs; 107111

(II) Smart grid investment programs, provided that such 107112  
programs are demonstrated to be cost-beneficial; 107113

(III) Customer-sited programs, including waste energy 107114  
recovery and combined heat and power systems; 107115

(IV) Transmission and distribution infrastructure 107116  
improvements that reduce line losses; 107117

(V) Energy efficiency savings and peak demand reduction 107118  
that are achieved, in whole or in part, as a result of funding 107119  
provided from the ~~universal service~~ electric partnership plan 107120  
fund established by section 4928.51 of the Revised Code to 107121  
benefit low-income customers through programs that include, but 107122  
are not limited to, energy audits, the installation of energy 107123  
efficiency insulation, appliances, and windows, and other 107124  
weatherization measures. 107125

(ii) No energy efficiency or peak demand reduction 107126

achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 107127  
section shall qualify for shared savings. 107128

(iii) Division (A) (2) (c) of this section shall be applied 107129  
to include facilitating efforts by a mercantile customer or 107130  
group of those customers to offer customer-sited demand- 107131  
response, energy efficiency, including waste energy recovery and 107132  
combined heat and power, or peak demand reduction capabilities 107133  
to the electric distribution utility as part of a reasonable 107134  
arrangement submitted to the commission pursuant to section 107135  
4905.31 of the Revised Code. 107136

(e) No programs or improvements described in division (A) 107137  
(2) (d) of this section shall conflict with any statewide 107138  
building code adopted by the board of building standards. 107139

(B) In accordance with rules it shall adopt, the public 107140  
utilities commission shall produce and docket at the commission 107141  
an annual report containing the results of its verification of 107142  
the annual levels of energy efficiency and of peak demand 107143  
reductions achieved by each electric distribution utility 107144  
pursuant to division (A) of this section. A copy of the report 107145  
shall be provided to the consumers' counsel. 107146

(C) If the commission determines, after notice and 107147  
opportunity for hearing and based upon its report under division 107148  
(B) of this section, that an electric distribution utility has 107149  
failed to comply with an energy efficiency or peak demand 107150  
reduction requirement of division (A) of this section, the 107151  
commission shall assess a forfeiture on the utility as provided 107152  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 107153  
Code, either in the amount, per day per undercompliance or 107154  
noncompliance, relative to the period of the report, equal to 107155  
that prescribed for noncompliances under section 4905.54 of the 107156

Revised Code, or in an amount equal to the then existing market 107157  
value of one renewable energy credit per megawatt hour of 107158  
undercompliance or noncompliance. Revenue from any forfeiture 107159  
assessed under this division shall be deposited to the credit of 107160  
the advanced energy fund created under section 4928.61 of the 107161  
Revised Code. 107162

(D) The commission may establish rules regarding the 107163  
content of an application by an electric distribution utility 107164  
for commission approval of a revenue decoupling mechanism under 107165  
this division. Such an application shall not be considered an 107166  
application to increase rates and may be included as part of a 107167  
proposal to establish, continue, or expand energy efficiency or 107168  
conservation programs. The commission by order may approve an 107169  
application under this division if it determines both that the 107170  
revenue decoupling mechanism provides for the recovery of 107171  
revenue that otherwise may be forgone by the utility as a result 107172  
of or in connection with the implementation by the electric 107173  
distribution utility of any energy efficiency or energy 107174  
conservation programs and reasonably aligns the interests of the 107175  
utility and of its customers in favor of those programs. 107176

(E) The commission additionally shall adopt rules that 107177  
require an electric distribution utility to provide a customer 107178  
upon request with two years' consumption data in an accessible 107179  
form. 107180

(F) (1) As used in divisions (F) (2), (3), and (4) of this 107181  
section, "portfolio plan" has the same meaning as in division 107182  
(C) (1) of section 4928.6610 of the Revised Code. 107183

(2) If an electric distribution utility has a portfolio 107184  
plan in effect as of October 22, 2019, and that plan expires 107185  
before December 31, 2020, the commission shall extend the plan 107186

through that date. All portfolio plans shall terminate on that date. 107187  
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(3) If a portfolio plan is extended beyond its commission approved term by division (F) (2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of October 22, 2019. 107189  
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(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F) (2) of this section shall remain the same unless changes are authorized by the commission. 107195  
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(G) (1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following: 107199  
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(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code; 107204  
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(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and usage described in division (A) (2) (a) (i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's certified territory as provided in division (A) (2) (a) of this section and adjusted and normalized as provided in division (A) (2) (c) of this section. 107207  
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(2) (a) If the cumulative energy savings collectively 107216  
achieved as determined by the commission under division (G) (1) 107217  
of this section is at least seventeen and one-half per cent of 107218  
the baseline described in division (G) (1) (b) of this section, 107219  
then full compliance with division (A) (1) (a) of this section 107220  
shall be deemed to have been achieved notwithstanding any 107221  
provision of this section to the contrary. 107222

(b) If the cumulative energy savings collectively achieved 107223  
as determined by the commission under division (G) (1) of this 107224  
section is less than seventeen and one-half per cent of the 107225  
baseline described in division (G) (1) (b) of this section, then 107226  
both of the following shall apply: 107227

(i) The commission shall determine the manner in which 107228  
further implementation of energy efficiency programs shall occur 107229  
as may be reasonably necessary for collective achievement of 107230  
cumulative energy savings equal to seventeen and one-half per 107231  
cent, and not more, of the baseline described in division (G) (1) 107232  
(b) of this section. 107233

(ii) Full compliance with division (A) (1) (a) of this 107234  
section shall be deemed to be achieved as of a date certain 107235  
established by the commission notwithstanding any provision of 107236  
this section to the contrary. 107237

(3) Upon the date that full compliance with division (A) 107238  
(1) (a) of this section is deemed achieved under division (G) (2) 107239  
(a) or (b) of this section, any electric distribution utility 107240  
cost recovery mechanisms authorized by the commission for 107241  
compliance with this section shall terminate except as may be 107242  
necessary to reconcile the difference between revenue collected 107243  
and the allowable cost of compliance associated with compliance 107244  
efforts occurring prior to December 31, 2021, for programs re- 107245

established under section 4928.661 of the Revised Code, and 107246  
prior to the date upon which full compliance with division (A) 107247  
(1)(a) of this section is deemed achieved, for all other 107248  
compliance efforts. No such cost recovery mechanism shall be 107249  
authorized by the commission beyond the period of time required 107250  
to complete this final reconciliation. 107251

~~Sec. 4928.75. Beginning in fiscal year 2021 and each~~ 107252  
~~fiscal year thereafter, the~~ The director of development job and 107253  
family services shall, in each fiscal year, submit a completed 107254  
waiver request in accordance with section 96.83 of Title 45 of 107255  
the Code of Federal Regulations to the United States department 107256  
of health and human services and any other applicable federal 107257  
agencies for the state to expend twenty-five per cent of federal 107258  
low-income home energy assistance programs funds from the home 107259  
energy assistance block grants for weatherization services 107260  
allowed by section 96.83(a) of Title 45 of the Code of Federal 107261  
Regulations to the United States department of health and human 107262  
services. 107263

**Sec. 4928.86.** (A) Except as provided in division (C) of 107264  
this section, each ~~entity~~ public utility, as defined in section 107265  
4905.02 of the Revised Code, that owns or controls transmission 107266  
facilities located in this state and is not a regional 107267  
transmission organization shall create a heat map that includes 107268  
both of the following: 107269

(1) For major transmission lines and substations, the 107270  
additional power load the lines and substations can take at the 107271  
time that the map is created, accounting for all signed electric 107272  
service agreements; 107273

(2) The amount of localized generation that can be hosted 107274  
on each transmission line. 107275

(B) If a heat map created under this section is not 107276  
critical electric infrastructure information, then the ~~entity-~~ 107277  
utility that created the map shall publish the map on the 107278  
~~entity's~~ utility's web site. 107279

~~(C) The following entities are exempt from the-~~ 107280  
~~requirements of this section:~~ 107281

~~(1) An electric utility owned or operated by a municipal-~~ 107282  
~~corporation;~~ 107283

~~(2) An electric cooperative.~~ 107284

**Sec. 4981.02.** (A) There is hereby created the Ohio rail 107285  
development commission, as an independent agency of the state 107286  
within the department of transportation, consisting of the 107287  
following members: 107288

(1) Two members of the Ohio senate, one of whom shall be 107289  
appointed by and serve at the pleasure of the president of the 107290  
senate and one of whom shall be appointed by and serve at the 107291  
pleasure of the minority leader of the senate; 107292

(2) Two members of the Ohio house of representatives, one 107293  
of whom shall be appointed by and serve at the pleasure of the 107294  
speaker of the house of representatives and one of whom shall be 107295  
appointed by and serve at the pleasure of the minority leader of 107296  
the house of representatives; 107297

(3) Two members representing the general public, one of 107298  
whom shall be appointed by the president of the senate and one 107299  
of whom shall be appointed by the speaker of the house of 107300  
representatives; 107301

(4) The director of transportation, or the director's 107302  
designee, who shall be an ex officio member; 107303

- (5) The director of development, or the director's designee, who shall be an ex officio member; 107304  
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- (6) The following members appointed by the governor with the advice and consent of the senate: 107306  
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- (a) One member, who shall serve as chairperson of the commission until October 21, 2025, or an earlier date if the member resigns or otherwise leaves office; 107308  
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- (b) ~~One member~~Two members, who shall represent the interests of a freight rail company. One such member shall represent a class I railroad and one such member shall represent a class II or class III railroad, as defined by the surface transportation board under 49 C.F.R. 1201; 107311  
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- ~~(c) One member, who shall represent the interests of passenger rail service;~~ 107316  
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- ~~(d)~~ One member, who shall have expertise in infrastructure financing; 107318  
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- ~~(e)~~(d) One member, who shall represent the interests of organized labor; 107320  
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- ~~(f)~~(e) One member, who shall represent the interests of manufacturers; 107322  
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- ~~(g)~~(f) One member who shall represent the general public, subject to division (B) of this section. 107324  
107325
- (B) Beginning on October 21, 2025, or at an earlier date if there is a vacancy in the position of chairperson, the director of transportation or the director's designee shall serve as the chairperson of the commission. Upon the director or director's designee assuming the position of chairperson, the governor shall appoint an additional member to the commission to 107326  
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represent the general public. 107332

(C) All members shall be reimbursed for actual expenses 107333  
incurred in the performance of their duties. The members of the 107334  
commission from the Ohio senate and the Ohio house of 107335  
representatives shall serve as nonvoting members. No more than 107336  
four members of the seven appointed to the commission by the 107337  
governor shall be from the same political party. Each member of 107338  
the commission shall be a resident of this state—, except for 107339  
the two members appointed under division (A) (6) (b) of this 107340  
section who may be nonresidents with a substantial connection to 107341  
freight rail operations in Ohio. 107342

(D) Within sixty days after October 20, 1994, the governor 107343  
shall make initial appointments to the commission. Of the 107344  
initial appointments made to the commission, three shall be for 107345  
a term ending three years after October 20, 1994, and three 107346  
shall be for a term ending six years after that date. Terms for 107347  
all other appointments made to the commission shall be for six 107348  
years. Vacancies shall be filled in the manner provided for 107349  
original appointments. Any member appointed to fill a vacancy 107350  
shall have the same qualifications as the member's predecessor. 107351  
Each term shall end on the same day of the same month of the 107352  
year as did the term which it succeeds. Each appointed member 107353  
shall hold office from the date of the member's appointment 107354  
until the end of the term for which the member was appointed. 107355  
Any member appointed to fill a vacancy before the expiration of 107356  
the term for which the member's predecessor was appointed shall 107357  
hold office for the remainder of that term. Any appointed member 107358  
shall continue in office subsequent to the expiration date of 107359  
the member's term until the member's successor takes office, or 107360  
for a period of sixty days, whichever occurs first. All members 107361  
shall be eligible for reappointment. 107362

(E) The commission may employ an executive director, who 107363  
shall have appropriate experience as determined by the 107364  
commission, and a secretary-treasurer and other employees that 107365  
the commission considers appropriate. The commission may fix the 107366  
compensation of the employees. 107367

(F) Six members of the commission shall constitute a 107368  
quorum, and the affirmative vote of six members shall be 107369  
necessary for any action taken by the commission. No vacancy in 107370  
the membership of the commission shall impair the rights of a 107371  
quorum to exercise all the rights and perform all the duties of 107372  
the commission. 107373

(G) All members of the commission are subject to Chapter 107374  
102. of the Revised Code. 107375

(H) The department of transportation may use all 107376  
appropriate sources of revenue to assist the commission in 107377  
developing and implementing rail service. 107378

(I) Expenditures by the department of transportation, the 107379  
Ohio rail development commission, or any other state agency for 107380  
capital improvements for the development of passenger rail shall 107381  
be subject to the approval of the controlling board with an 107382  
affirmative vote of not fewer than five members, including the 107383  
affirmative vote of a majority of the controlling board members 107384  
appointed by the president of the senate and a majority of the 107385  
controlling board members appointed by the speaker of the house 107386  
of representatives. All public funds acquired by the commission 107387  
shall be used for developing, implementing, and regulating rail 107388  
service and not for operating rail service unless the general 107389  
assembly specifically approves the expenditure of funds for 107390  
operating rail service. 107391

Sec. 5101.042. (A) As used in this section, "public assistance benefits" means all of the following: 107392  
107393

(1) Supplemental nutrition assistance program benefits; 107394

(2) Benefits funded in part by the temporary assistance for needy families block grant; 107395  
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(3) Cash assistance provided through the Ohio works first program; 107397  
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(4) Benefits provided by the medicaid program; 107399

(5) Publicly funded child care as defined in section 5104.01 of the Revised Code. 107400  
107401

(B) The department of job and family services shall update the systems used by the department and by county departments of job and family services to determine eligibility for public assistance benefits programs. The updates shall include a mechanism by which application information input by individual caseworkers may be tracked and audited and shall require county departments of job and family services to provide caseworker training regarding improper determinations. 107402  
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**Sec. 5101.101.** (A) This section establishes the order of priority to be followed by the department of job and family services when distributing funds for the purpose of providing family planning services, including funds the department receives through Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended, and funds the department receives through Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for purposes of providing Title XX social services. This section does not apply to payments made under the medicaid program. 107410  
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(B) With respect to each period during which funds from a particular source are distributed for the purpose of providing family planning services, the department is subject to both of the following when distributing the funds to applicants seeking those funds:

(1) Foremost priority shall be given to public entities that are operated by state or local government entities and that provide or are able to provide family planning services.

(2) If any funds remain after the department distributes funds to public entities under division (B)(1) of this section, the department may distribute funds to nonpublic entities. If funds are distributed to nonpublic entities, the department shall distribute the funds in the following order of descending priority:

(a) Nonpublic entities that are federally qualified health centers or federally qualified health center look-alikes, both as defined in section 3701.047 of the Revised Code, or community action agencies, as defined in section ~~122.66~~ 5101.311 of the Revised Code;

(b) Nonpublic entities that provide comprehensive primary and preventive care services in addition to family planning services;

(c) Nonpublic entities that provide family planning services, but do not provide comprehensive primary and preventive care services.

**Sec. 5101.211.** The director of job and family services or the director of children and youth may provide for a grant agreement entered into under section 5101.21 of the Revised Code to have a retroactive effective date of the first day of July of

an odd-numbered year if both of the following are the case: 107450

(A) The agreement is entered into after that date and 107451  
before the last day of that July. 107452

(B) The board of county commissioners requests the 107453  
retroactive effective date and provides the director good cause 107454  
satisfactory to the director for the reason the agreement was 107455  
not entered into on or before the first day of that July. 107456

**Sec. 5101.212.** The department of job and family services 107457  
or the director of children and youth shall publish in a manner 107458  
accessible to the public all of the following that concern 107459  
family services duties for which grants included in grant 107460  
agreements entered into under section 5101.21 of the Revised 107461  
Code are awarded: state plans for receipt of federal financial 107462  
participation, agreements between the department and a federal 107463  
agency, and executive orders issued by the governor. The 107464  
department may publish the materials electronically or 107465  
otherwise. 107466

**Sec. 5101.215.** If the director of job and family services 107467  
or the director of children and youth enters into an agreement 107468  
or contracts with, or issues a grant to, a religious 107469  
organization under section 5101.214 of the Revised Code, the 107470  
religious organization shall comply with section 104 of the 107471  
Personal Responsibility and Work Opportunity and Reconciliation 107472  
Act of 1996 (P.L. 104-193). 107473

**Sec. 5101.222.** The director of job and family services or 107474  
the director of children and youth may adopt rules in accordance 107475  
with section 111.15 of the Revised Code to implement sections 107476  
5101.22 to 5101.222 of the Revised Code. If the director adopts 107477  
the rules, the director shall adopt the rules as if they were 107478

internal management rules. 107479

**Sec. 5101.242.** The department of job and family services 107480  
or the director of children and youth may certify a claim to the 107481  
attorney general under section 131.02 of the Revised Code for 107482  
the attorney general to take action under that section against a 107483  
responsible county grantee or responsible entity to recover any 107484  
funds that the department determines the responsible county 107485  
grantee or responsible entity owes the department for actions 107486  
taken under division (C) (2), (3), (4), or (5) of section 5101.24 107487  
or 5101.241 of the Revised Code. 107488

**Sec. 5101.26.** As used in this section and in sections 107489  
5101.27 to 5101.30 of the Revised Code: 107490

(A) "Community control sanction" has the same meaning as 107491  
in section 2929.01 of the Revised Code. 107492

(B) "County agency" means a county department of job and 107493  
family services or a public children services agency. 107494

(C) "Fugitive felon" means an individual who is fleeing to 107495  
avoid prosecution, or custody or confinement after conviction, 107496  
under the laws of the place from which the individual is 107497  
fleeing, for a crime or an attempt to commit a crime that is a 107498  
felony under the laws of the place from which the individual is 107499  
fleeing or, in the case of New Jersey, a high misdemeanor, 107500  
regardless of whether the individual has departed from the 107501  
individual's usual place of residence. 107502

(D) "Information" means records as defined in section 107503  
149.011 of the Revised Code, any other documents in any format, 107504  
and data derived from records and documents that are generated, 107505  
acquired, or maintained by the department of job and family 107506  
services, the department of children and youth, a county agency, 107507

or an entity performing duties on behalf of the department or a county agency. 107508  
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(E) "Law enforcement agency" has the same meaning as in section 109.573 of the Revised Code. 107510  
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(F) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 107512  
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(G) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services, department of children and youth, or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. 107514  
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"Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code. 107520  
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(H) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance. 107523  
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(I) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code. 107525  
107526

(J) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of community commissioners under that section. 107527  
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**Sec. 5101.272.** (A) For the purposes of section 5101.27 of the Revised Code, an authorization shall be made on a form that uses language understandable to the average person and contains all of the following: 107533  
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- (1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion; 107537  
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- (2) The name or other specific identification of the person or class of persons authorized to make the requested use or disclosure; 107540  
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- (3) The name or other specific identification of the person or governmental entity to which the information may be released; 107543  
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- (4) A description of each purpose of the requested use or disclosure of the information; 107546  
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- (5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire; 107548  
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- (6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure; 107552  
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- (7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed; 107556  
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- (8) If signed by an authorized representative, a description of the representative's authority to act for the individual; 107559  
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- (9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following: 107562  
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(a) A description of how the individual or authorized representative may revoke the authorization; 107565  
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(b) If the department of job and family services' or 107567  
department of children and youth's privacy notice contains a 107568  
description of how the individual or authorized representative 107569  
may revoke the authorization, a reference to that privacy 107570  
notice. 107571

(10) A statement that treatment, payment, enrollment, or 107572  
eligibility for public assistance cannot be conditioned on 107573  
signing the authorization unless the authorization is necessary 107574  
for determining eligibility for the public assistance program. 107575

(B) When an individual requests information pursuant to 107576  
section 5101.27 of the Revised Code regarding the individual's 107577  
receipt of public assistance and does not wish to provide a 107578  
statement of purpose, the statement "at request of the 107579  
individual" is a sufficient description for purposes of division 107580  
(A) (4) of this section. 107581

**Sec. 5101.273.** The department of job and family services 107582  
or the department of children and youth shall enter into any 107583  
necessary agreements with the United States department of health 107584  
and human services and neighboring states to join and 107585  
participate as an active member in the public assistance 107586  
reporting information system. The department may disclose 107587  
information regarding a public assistance recipient to the 107588  
extent necessary to participate as an active member in the 107589  
public assistance reporting information system. 107590

**Sec. 5101.28.** (A) (1) On request of the department of job 107591  
and family services, the department of children and youth, or a 107592  
county agency, a law enforcement agency shall provide 107593

information regarding public assistance recipients to enable the 107594  
department of job and family services, department of children 107595  
and youth, or county agency to determine, for eligibility 107596  
purposes, whether a recipient or a member of a recipient's 107597  
assistance group is a fugitive felon or violating a condition of 107598  
probation, a community control sanction, parole, or a post- 107599  
release control sanction imposed under state or federal law. 107600

(2) A county agency may enter into a written agreement 107601  
with a local law enforcement agency establishing procedures 107602  
concerning access to information and providing for compliance 107603  
with this section. 107604

(B) To the extent permitted by federal law, the department 107605  
of job and family services, department of children and youth, 107606  
and county agencies shall provide information regarding 107607  
recipients of public assistance to a law enforcement agency on 107608  
request for use in the performance of the law enforcement 107609  
agency's official duties. 107610

(C) Information about a public assistance recipient shall 107611  
be exchanged, obtained, or shared only if the department of job 107612  
and family services, department of children and youth, county 107613  
agency, or law enforcement agency requesting the information 107614  
gives sufficient information to specifically identify the 107615  
recipient. In addition to the recipient's name, identifying 107616  
information may include the recipient's current or last known 107617  
address, social security number, other identifying number, age, 107618  
gender, physical characteristics, any information specified in 107619  
an agreement entered into under division (A) of this section, or 107620  
any information considered appropriate by the department of job 107621  
and family services, department of children and youth or agency. 107622

(D) (1) The department of job and family services, 107623

department of children and youth, and ~~its~~ each department's 107624  
officers and employees are not liable in damages in a civil 107625  
action for any injury, death, or loss to person or property that 107626  
allegedly arises from the release of information in accordance 107627  
with divisions (A), (B), and (C) of this section. This section 107628  
does not affect any immunity or defense that the department of 107629  
job and family services, department of children and youth, and 107630  
~~its~~ each department's officers and employees may be entitled to 107631  
under another section of the Revised Code or the common law of 107632  
this state, including section 9.86 of the Revised Code. 107633

(2) The county agencies and their employees are not liable 107634  
in damages in a civil action for any injury, death, or loss to 107635  
person or property that allegedly arises from the release of 107636  
information in accordance with divisions (A), (B), and (C) of 107637  
this section. "Employee" has the same meaning as in division (B) 107638  
of section 2744.01 of the Revised Code. This section does not 107639  
affect any immunity or defense that the county agencies and 107640  
their employees may be entitled to under another section of the 107641  
Revised Code or the common law of this state, including section 107642  
2744.02 and division (A) (6) of section 2744.03 of the Revised 107643  
Code. 107644

(E) To the extent permitted by federal law, the department 107645  
of job and family services, department of children and youth, 107646  
and county agencies shall provide access to information to the 107647  
auditor of state acting pursuant to Chapter 117. or sections 107648  
5101.181 and 5101.182 of the Revised Code and to any other 107649  
government entity authorized by federal law to conduct an audit 107650  
of, or similar activity involving, a public assistance program. 107651

(F) To the extent permitted by law, nothing in this 107652  
section prohibits the department of job and family services, the 107653

department of children and youth, county departments of job and 107654  
family services, and employees of the departments from reporting 107655  
to a public children services agency or other appropriate agency 107656  
information on known or suspected physical or mental injury, 107657  
sexual abuse or exploitation, or negligent treatment or 107658  
maltreatment, of a child. 107659

**Sec. 5101.30.** (A) The director of job and family services 107660  
and the director of children and youth shall adopt rules in 107661  
accordance with Chapter 119. of the Revised Code implementing 107662  
sections 5101.26 to 5101.30 of the Revised Code and governing 107663  
the custody, use, disclosure, and preservation of the 107664  
information generated or received by the department of job and 107665  
family services, the department of children and youth, county 107666  
agencies, other state and county entities, contractors, 107667  
grantees, private entities, or officials participating in the 107668  
administration of public assistance programs. The rules shall 107669  
comply with applicable federal statutes and regulations. 107670

(1) The rules shall specify conditions and procedures for 107671  
the release of information which may include, among other 107672  
conditions and procedures, both of the following: 107673

(a) Permitting providers of services or assistance under 107674  
public assistance programs limited access to information that is 107675  
essential for the providers to render services or assistance or 107676  
to bill for services or assistance rendered. The department of 107677  
aging, when investigating a complaint under section 173.20 of 107678  
the Revised Code, shall be granted any limited access permitted 107679  
in the rules pursuant to division (A)(1) of this section. 107680

(b) Permitting a contractor, grantee, or other state or 107681  
county entity limited access to information that is essential 107682  
for the contractor, grantee, or entity to perform administrative 107683

or other duties on behalf of the department or county agency. A 107684  
contractor, grantee, or entity given access to information 107685  
pursuant to division (A) (2) of this section is bound by the 107686  
director's rules, and disclosure of the information by the 107687  
contractor, grantee, or entity in a manner not authorized by the 107688  
rules is a violation of section 5101.27 of the Revised Code. 107689

(2) The rules may define who is an "authorized 107690  
representative" for purposes of sections 5101.27 and 5101.272 of 107691  
the Revised Code. 107692

(B) Whenever names, addresses, or other information 107693  
relating to public assistance recipients is held by any agency 107694  
other than the department or a county agency, that other agency 107695  
shall adopt rules consistent with sections 5101.26 to 5101.30 of 107696  
the Revised Code to prevent the publication or disclosure of 107697  
names, lists, or other information concerning those recipients. 107698

**Sec. ~~122.66~~ 5101.311.** As used in sections ~~122.66~~ 5101.311 107699  
to ~~122.702~~ 5101.317 of the Revised Code: 107700

(A) "Poverty line" means the official poverty line 107701  
established by the director of the United States office of 107702  
management and budget and as revised by the secretary of health 107703  
and human services in accordance with section 673(2) of the 107704  
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 107705  
9902. 107706

(B) "Low-income person" means a person whose adjusted 107707  
gross income as defined in division (A) of section 5747.01 of 107708  
the Revised Code is below the poverty line as defined in 107709  
division (A) of this section. 107710

(C) "Advocacy" means the act of pleading for, supporting, 107711  
or recommending actions on behalf of low-income persons. 107712

(D) "Community action agency" means a community-based and operated private nonprofit agency or organization incorporated under Chapter 1702. of the Revised Code that includes or is designed to include a sufficient number of projects or components to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem and is designated as a community action agency by the ~~community services division~~ department of job and family services pursuant to sections ~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code. A "community action agency" is not a state agency or public office.

(E) "Community" means a city, village, county, multicounty or multicounty unit, a neighborhood or other area, disregarding boundaries or political subdivisions, which provides a suitable organizational base and possesses a commonality of needs and interests for a community action program suitable to be served by a community action agency.

(F) "Service area" means the geographical area served by a community action agency.

**Sec. ~~122.67~~ 5101.312.** ~~There is hereby created in the development services agency the community services division. The director of development services~~ job and family services shall employ and fix the compensation of professional and technical unclassified personnel as necessary to carry out the provisions of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised Code.

**Sec. ~~122.68~~ 5101.313.** The ~~community services division~~ department of job and family services shall:

(A) Administer all federal funds appropriated to the state 107743  
from the "Community Services Block Grant Act," 95 Stat. 511, 42 107744  
U.S.C.A. 9901, and comply with requirements imposed by that act 107745  
in its application for, and administration of, the funds; 107746

(B) Designate community action agencies to receive 107747  
community services block grant funds; 107748

(C) (1) Subject to division (C) (2) of this section, 107749  
disburse at least ninety-one per cent of the funds received in 107750  
the state from the "Community Services Block Grant Act" to 107751  
community action agencies that comply with the requirements of 107752  
section ~~122.69~~5101.315 of the Revised Code and migrant and 107753  
seasonal farm worker organizations that are not designated 107754  
community action agencies but which provide the services 107755  
described in division (B) (1) of section ~~122.69~~5101.315 of the 107756  
Revised Code; 107757

(2) Disburse at least four and one-half per cent of the 107758  
funds received in the state from the "Community Services Block 107759  
Grant Act" to one or more nonprofit organizations to which both 107760  
of the following apply: 107761

(a) The organization or organizations were incorporated 107762  
under the laws of this state before January 1, 2015. 107763

(b) The primary purpose of the organization or 107764  
organizations is to provide training and technical assistance to 107765  
community action agencies that comply with the requirements of 107766  
section ~~122.69~~5101.315 of the Revised Code. 107767

(D) Provide technical assistance to community action 107768  
agencies to improve program planning, development, and 107769  
administration; 107770

(E) Conduct yearly performance assessments, according to 107771

criteria determined by ~~development services agency~~ department of  
job and family services rule, to determine whether community  
action agencies are in compliance with section ~~122.69~~ 5101.315  
of the Revised Code;

(F) Annually prepare and submit to the United States  
secretary of health and human services, the governor, the  
president of the Ohio senate, and the speaker of the Ohio house  
of representatives, a comprehensive report that includes:

(1) Certification that all community action agencies  
designated to receive funds from the "Community Services Block  
Grant Act" are in compliance with section ~~122.69~~ 5101.315 of the  
Revised Code;

(2) A program plan for the next federal fiscal year that  
has been made available for public inspection and that details  
how community services block grant funds will be disbursed and  
used during that fiscal year;

(3) Information detailing how funds were expended for the  
current fiscal year;

(4) An audit of community services block grant  
expenditures for the preceding federal fiscal year that is  
conducted in accordance with generally accepted accounting  
principles by an independent auditing firm that has no  
connection with any community action agency receiving community  
services block grant funds or with any employee of the division.

(G) Serve as a statewide advocate for social and economic  
opportunities for low-income persons.

**Sec. ~~122.681~~ 5101.314.** (A) Except as permitted by this  
section, or when required by federal law, no person or  
government entity shall solicit, release, disclose, receive,

use, or knowingly permit or participate in the use of any 107801  
information regarding an individual receiving assistance 107802  
pursuant to a ~~community services division~~ department of job and 107803  
family services program under sections ~~122.66~~ 5101.311 to 107804  
~~122.702~~ 5101.317 of the Revised Code for any purpose not 107805  
directly related to the administration of a ~~division~~ department 107806  
assistance program. 107807

(B) To the extent permitted by federal law, the 107808  
~~division~~ department, and any entity that receives ~~division~~ 107809  
department funds to administer a ~~division~~ department program to 107810  
assist individuals, shall release information regarding an 107811  
individual assistance recipient to the following: 107812

(1) A government entity responsible for administering the 107813  
assistance program for purposes directly related to the 107814  
administration of the program; 107815

(2) A law enforcement agency for the purpose of any 107816  
investigation, prosecution, or criminal or civil proceeding 107817  
relating to the administration of the assistance program; 107818

(3) A government entity responsible for administering a 107819  
children's protective services program, for the purpose of 107820  
protecting children; 107821

(4) Any appropriate person in compliance with a search 107822  
warrant, subpoena, or other court order. 107823

(C) To the extent permitted by federal law and section 107824  
1347.08 of the Revised Code, the ~~division~~ department, and any 107825  
entity administering a ~~division~~ department program, shall 107826  
provide access to information regarding an individual assistance 107827  
recipient to all of the following: 107828

(1) The individual assistance recipient; 107829

(2) The authorized representative of the individual assistance recipient; 107830  
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(3) The legal guardian of the individual assistance recipient; 107832  
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(4) The attorney of the individual assistance recipient. 107834

(D) To the extent permitted by federal law, the ~~division~~department, and any entity administering a ~~division~~department program, may do either of the following: 107835  
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(1) Release information about an individual assistance recipient if the recipient gives voluntary, written authorization; 107838  
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(2) Release information regarding an individual assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need. 107841  
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(E) The ~~community services division~~department of job and family services, or an entity administering a ~~division~~department program, shall provide, at no cost, a copy of each written authorization to the individual who signed it. 107845  
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(F) The ~~development services agency~~department may adopt rules defining who may serve as an individual assistance recipient's authorized representative for purposes of division (C) (2) of this section. 107849  
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**Sec. ~~122.69~~ 5101.315.** (A) Any nonprofit agency or organization seeking designation as a community action agency by the ~~community services division~~department of job and family services shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations 107853  
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and the counties within the community to be served by the agency 107858  
or organization. 107859

(B) Any nonprofit agency or organization that receives the 107860  
endorsement provided for in division (A) of this section shall 107861  
be designated by the ~~division~~department as the community action 107862  
agency for the community it serves and shall receive community 107863  
services block grant funds for any period of time that the 107864  
nonprofit agency or organization: 107865

(1) Provides a range of services and opportunities having 107866  
a measurable and potentially major impact on the causes of 107867  
poverty in the community or those areas of the community where 107868  
poverty is a particularly acute problem. These activities may 107869  
include but shall not be limited to: 107870

(a) Providing activities designed to assist low-income 107871  
persons, including low-income persons who are elderly and who 107872  
have disabilities, to: 107873

(i) Secure and maintain meaningful employment, training, 107874  
work experience, and unsubsidized employment; 107875

(ii) Attain an adequate education; 107876

(iii) Make better use of available income; 107877

(iv) Obtain and maintain adequate housing and a suitable 107878  
living environment; 107879

(v) Obtain emergency assistance through loans or grants to 107880  
meet immediate and urgent individual and family needs, including 107881  
the need for health services, nutritious food, housing, and 107882  
employment-related assistance; 107883

(vi) Remove obstacles and solve personal and family 107884  
problems that block the achievement of self-sufficiency; 107885

(vii) Achieve greater participation in the affairs of the community;	107886 107887
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	107888 107889
(ix) Obtain energy assistance, conservation, and weatherization services.	107890 107891
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	107892 107893 107894 107895
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	107896 107897 107898
(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth development services, and community services to persons who are elderly and who have disabilities;	107899 107900 107901 107902 107903
(e) Encouraging entities in the private sector to participate in efforts to ameliorate poverty in the community.	107904 107905
(2) Annually submits to the <del>division</del> <u>department</u> a program plan and budget for use of community services block grant funds for the next federal fiscal year. At least ten days prior to its submission to the <del>division</del> <u>department</u> , a copy of the program plan and budget shall be made available to the chief elected officials of the municipal corporations and counties within the service area in order to provide them the opportunity to review and comment upon such plan and budget.	107906 107907 107908 107909 107910 107911 107912 107913

(3) Composes its board of directors in compliance with 107914  
~~section (c) (3) of section 675 of the "Community Services Block~~ 107915  
~~Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~U.S.C. 9910, except 107916  
that the board shall consist of not less than fifteen nor more 107917  
than thirty-three members; 107918

(4) Complies with the prohibitions against discrimination 107919  
and political activity, as provided in the "Community Services 107920  
Block Grant Act"; 107921

(5) Complies with fiscal and program requirements 107922  
established by ~~development services agency~~ department rule. 107923

**Sec. ~~122.70~~ 5101.316.** The board of directors of a 107924  
community action agency shall: 107925

(A) Select, appoint, and may remove the executive director 107926  
of the community action agency; 107927

(B) Approve contracts, annual program budgets, and 107928  
policies of the community action agency; 107929

(C) Advise the elected officials of any political 107930  
subdivision located within its service area, and state and 107931  
federal elected officials who represent its service area, of the 107932  
nature and extent of poverty within its community, and advise 107933  
them of any needed changes; 107934

(D) Convene public meetings to provide community members 107935  
the opportunity to comment on public policies and programs to 107936  
reduce poverty; 107937

(E) Annually evaluate the policies and programs of the 107938  
community action agency according to criteria determined by 107939  
~~department of development~~ department of job and family services 107940  
rule; 107941

(F) Submit the results of the evaluation required by 107942  
division (E) of this section, along with recommendations for 107943  
improved administration of the community action agency, to the 107944  
~~community services division~~department; 107945

(G) Adopt a code of ethics for the board of directors and 107946  
the employees of the community action agency; 107947

(H) Adopt written policies describing all of the 107948  
following: 107949

(1) How the community action agency is to expend and 107950  
distribute the community services block grant funds that it 107951  
receives from the division under sections ~~122.68~~ 5101.313 and 107952  
~~122.69~~ 5101.315 of the Revised Code; 107953

(2) The salary, benefits, travel expenses, and any other 107954  
compensation that persons are to receive for serving on the 107955  
community action agency's board of directors; 107956

(3) The operating procedures to be used by the board to 107957  
conduct its meetings, to vote on all official business it 107958  
considers, and to provide notice of its meetings. 107959

The written operating procedures described in this 107960  
division shall specify the methods by which the board may 107961  
conduct meetings using virtual electronic technology, and shall 107962  
specify that the board may provide notice of its meetings by any 107963  
means deemed appropriate to the board. 107964

(I) Provide for the posting of notices in a conspicuous 107965  
place indicating that the code of ethics described in division 107966  
(G) of this section and the policies described in division (H) 107967  
of this section are available for public inspection at the 107968  
community action agency during normal business hours. 107969

**Sec. ~~122.701~~ 5101.317.** (A) Prior to designating a new  
community action agency or rescinding a community action  
agency's designation, the ~~community services division~~ department  
of job and family services shall:

(1) Determine whether a community action agency is in  
compliance with section ~~122.69~~ 5101.315 of the Revised Code;

(2) Consult with the chief elected officials of political  
subdivisions located within a community action agency's service  
area, and, in designating a new community action agency, obtain  
their endorsement of the agency in accordance with division (A)  
of section ~~122.69~~ 5101.315 of the Revised Code;

(3) Hold at least one public meeting within a community  
action agency's service area for the purpose of allowing  
citizens to comment on the community action agency's delivery of  
services;

(4) Evaluate the proposed service area of the community  
action agency, and, as may be necessary, modify the boundaries  
of the service area so that low-income persons in the area are  
adequately and efficiently served.

(B) After providing notice and hearing pursuant to  
sections 119.01 to 119.13 of the Revised Code, the director of  
~~development~~ job and family services:

(1) May rescind the designation of a community action  
agency after finding that the agency is not in compliance with  
any or all of the provisions of section ~~122.69~~ 5101.315 of the  
Revised Code;

(2) Shall rescind the designation of a community action  
agency upon notification from the chief elected officials of  
more than one-half of the municipal corporations and the

counties within a community currently served by a community 107999  
action agency that such agency is not endorsed by them and after 108000  
finding that the agency is not in compliance with section ~~122.69~~ 108001  
5101.315 of the Revised Code. 108002

Any agency whose designation is rescinded pursuant to this 108003  
section may appeal from an order rescinding such designation 108004  
pursuant to section 119.12 of the Revised Code. 108005

**Sec. 5101.33.** (A) As used in this section, "benefits" 108006  
means any of the following: 108007

(1) Cash assistance paid under Chapter 5107. of the 108008  
Revised Code; 108009

(2) Supplemental nutrition assistance program benefits 108010  
provided under section 5101.54 of the Revised Code; 108011

(3) Any other program administered by the department of 108012  
job and family services or the department of children and youth 108013  
under which assistance is provided or service rendered; 108014

(4) Any other program, service, or assistance administered 108015  
by a person or government entity that the department determines 108016  
may be delivered through the medium of electronic benefit 108017  
transfer. 108018

(B) The department of job and family services or 108019  
department of children and youth may make any payment or 108020  
delivery of benefits to eligible individuals through the medium 108021  
of electronic benefit transfer by doing all of the following: 108022

(1) Contracting with an agent to supply debit cards to the 108023  
department of job and family services or the department of 108024  
children and youth for use by such individuals in accessing 108025  
their benefits and to credit such cards electronically with the 108026

amounts specified by the director of job and family services or 108027  
the director of children and youth pursuant to law; 108028

(2) Informing such individuals about the use of the 108029  
electronic benefit transfer system and furnishing them with 108030  
debit cards and information that will enable them to access 108031  
their benefits through the system; 108032

(3) Arranging with specific financial institutions or 108033  
vendors, county departments of job and family services, or 108034  
persons or government entities for individuals to have their 108035  
cards credited electronically with the proper amounts at their 108036  
facilities; 108037

(4) Periodically preparing vouchers for the payment of 108038  
such benefits by electronic benefit transfer; 108039

(5) Satisfying any applicable requirements of federal and 108040  
state law. 108041

(C) The department may enter into a written agreement with 108042  
any person or government entity to provide benefits administered 108043  
by that person or entity through the medium of electronic 108044  
benefit transfer. A written agreement may require the person or 108045  
government entity to pay to the department either or both of the 108046  
following: 108047

(1) A charge that reimburses the department for all costs 108048  
the department incurs in having the benefits administered by the 108049  
person or entity provided through the electronic benefit 108050  
transfer system; 108051

(2) A fee for having the benefits provided through the 108052  
electronic benefit transfer system. 108053

(D) The department may designate which counties will 108054

participate in the medium of electronic benefit transfer, 108055  
specify the date a designated county will begin participation, 108056  
and specify which benefits will be provided through the medium 108057  
of electronic benefit transfer in a designated county. 108058

(E) The department of job and family services or the 108059  
department of children and youth may adopt rules in accordance 108060  
with Chapter 119. of the Revised Code for the efficient 108061  
administration of this section. 108062

**Sec. 5101.35.** (A) As used in this section: 108063

(1) (a) "Agency" means the following entities that 108064  
administer a family services program: 108065

(i) The department of job and family services; 108066

(ii) The department of children and youth; 108067

(iii) A county department of job and family services; 108068

(iv) A public children services agency; 108069

(v) A private or government entity administering, in whole 108070  
or in part, a family services program for or on behalf of the 108071  
department of job and family services, the department of 108072  
children and youth, or a county department of job and family 108073  
services or public children services agency. 108074

(b) If the department of medicaid contracts with the 108075  
department of job and family services to hear appeals authorized 108076  
by section 5160.31 of the Revised Code regarding medical 108077  
assistance programs, "agency" includes the department of 108078  
medicaid. 108079

(2) "Appellant" means an applicant, participant, former 108080  
participant, recipient, or former recipient of a family services 108081

program who is entitled by federal or state law to a hearing 108082  
regarding a decision or order of the agency that administers the 108083  
program. 108084

(3) (a) "Family services program" means all of the 108085  
following: 108086

(i) A Title IV-A program as defined in section 5101.80 of 108087  
the Revised Code; 108088

(ii) Programs that provide assistance under Chapter 5104. 108089  
of the Revised Code; 108090

(iii) Programs that provide assistance under section 108091  
~~5101.141~~, 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 108092  
5180.42 of the Revised Code; 108093

(iv) Title XX social services provided under section 108094  
5101.46 of the Revised Code, other than such services provided 108095  
by the department of mental health and addiction services, the 108096  
department of developmental disabilities, a board of alcohol, 108097  
drug addiction, and mental health services, or a county board of 108098  
developmental disabilities. 108099

(b) If the department of medicaid contracts with the 108100  
department of job and family services to hear appeals authorized 108101  
by section 5160.31 of the Revised Code regarding medical 108102  
assistance programs, "family services program" includes medical 108103  
assistance programs. 108104

(4) "Medical assistance program" has the same meaning as 108105  
in section 5160.01 of the Revised Code. 108106

(B) Except as provided by divisions (G) and (H) of this 108107  
section, an appellant who appeals under federal or state law a 108108  
decision or order of an agency administering a family services 108109

program shall, at the appellant's request, be granted a state hearing by the department of job and family services or the department of children and youth, as appropriate. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services, director of children and youth, or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services or director of children and youth in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the

Revised Code. If another agency, other than the department of 108141  
medicaid, fails to comply within the time limits, the department 108142  
may force compliance by withholding funds due the agency or 108143  
imposing another sanction established by rules adopted under 108144  
this section. 108145

(E) An appellant who disagrees with an administrative 108146  
appeal decision of the director of job and family services, the 108147  
director of children and youth, or either director's designee 108148  
issued under division (C) of this section may appeal from the 108149  
decision to the court of common pleas pursuant to section 119.12 108150  
of the Revised Code. The appeal shall be governed by section 108151  
119.12 of the Revised Code except that: 108152

(1) The person may apply to the court for designation as 108153  
an indigent and, if the court grants this application, the 108154  
appellant shall not be required to furnish the costs of the 108155  
appeal. 108156

(2) The appellant shall mail the notice of appeal to the 108157  
department of job and family services or director of children 108158  
and youth, as appropriate, and file notice of appeal with the 108159  
court within thirty days after the department mails the 108160  
administrative appeal decision to the appellant. For good cause 108161  
shown, the court may extend the time for mailing and filing 108162  
notice of appeal, but such time shall not exceed six months from 108163  
the date the department mails the administrative appeal 108164  
decision. Filing notice of appeal with the court shall be the 108165  
only act necessary to vest jurisdiction in the court. 108166

(3) The department shall be required to file a transcript 108167  
of the testimony of the state hearing with the court only if the 108168  
court orders the department to file the transcript. The court 108169  
shall make such an order only if it finds that the department 108170

and the appellant are unable to stipulate to the facts of the 108171  
case and that the transcript is essential to a determination of 108172  
the appeal. The department shall file the transcript not later 108173  
than thirty days after the day such an order is issued. 108174

(F) The department of job and family service and 108175  
department of children and youth, as applicable, shall adopt 108176  
rules in accordance with Chapter 119. of the Revised Code to 108177  
implement this section, including rules governing the following: 108178

(1) State hearings under division (B) of this section. The 108179  
rules shall include provisions regarding notice of eligibility 108180  
termination and the opportunity of an appellant appealing a 108181  
decision or order of a county department of job and family 108182  
services to request a county conference with the county 108183  
department before the state hearing is held. 108184

(2) Administrative appeals under division (C) of this 108185  
section; 108186

(3) Time limits for complying with a decision issued under 108187  
division (B) or (C) of this section; 108188

(4) Sanctions that may be applied against an agency under 108189  
division (D) of this section. 108190

(G) The department of job and family services and the 108191  
department of children and youth, as applicable, may adopt rules 108192  
in accordance with Chapter 119. of the Revised Code establishing 108193  
an appeals process for an appellant who appeals a decision or 108194  
order regarding a Title IV-A program identified under division 108195  
(A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the 108196  
Revised Code that is different from the appeals process 108197  
established by this section. The different appeals process may 108198  
include having a state agency that administers the Title IV-A 108199

program pursuant to an interagency agreement entered into under 108200  
section 5101.801 of the Revised Code administer the appeals 108201  
process. 108202

(H) If an appellant receiving medicaid through a health 108203  
insuring corporation that holds a certificate of authority under 108204  
Chapter 1751. of the Revised Code is appealing a denial of 108205  
medicaid services based on lack of medical necessity or other 108206  
clinical issues regarding coverage by the health insuring 108207  
corporation, the person hearing the appeal may order an 108208  
independent medical review if that person determines that a 108209  
review is necessary. The review shall be performed by a health 108210  
care professional with appropriate clinical expertise in 108211  
treating the recipient's condition or disease. The department 108212  
shall pay the costs associated with the review. 108213

A review ordered under this division shall be part of the 108214  
record of the hearing and shall be given appropriate evidentiary 108215  
consideration by the person hearing the appeal. 108216

(I) The requirements of Chapter 119. of the Revised Code 108217  
apply to a state hearing or administrative appeal under this 108218  
section only to the extent, if any, specifically provided by 108219  
rules adopted under this section. 108220

**Sec. 5101.351.** The department of job and family services 108221  
or the department of children and youth may employ or contract 108222  
with hearing officers to draft and recommend state hearing 108223  
decisions under division (B) of section 5101.35 of the Revised 108224  
Code. The department may employ or contract with hearing 108225  
authorities to issue state hearing decisions under division (B) 108226  
of section 5101.35 of the Revised Code. A hearing authority 108227  
employed or contracted with under this section is not required 108228  
to have been admitted to the practice of law in this state. 108229

**Sec. 5101.38.** The department of job and family services or 108230  
the department of children and youth may appoint and commission 108231  
any competent officer, employee, agency, or person to serve as a 108232  
special agent, investigator, or representative to perform a 108233  
designated duty for and in behalf of the department. Specific 108234  
credentials shall be given by the department to each person so 108235  
designated, and each credential shall state: 108236

(A) The person's name; 108237

(B) Agency with which such person is connected; 108238

(C) Purpose of appointment; 108239

(D) Date of expiration of appointment, if appropriate; 108240

(E) Such information as the department considers proper. 108241

**Sec. 5101.461.** (A) As used in this section: 108242

(1) "Title IV-A" means Title IV-A of the "Social Security 108243  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 108244

(2) "Title XX" has the same meaning as in section 5101.46 108245  
of the Revised Code. 108246

(B) To the extent authorized by federal law, the 108247  
department of job and family services or the department of 108248  
children and youth may use funds received through the Title IV-A 108249  
temporary assistance for needy families block grant for purposes 108250  
of providing Title XX social services. The amount used under 108251  
this section shall not exceed the maximum amount permitted by 108252  
federal law. The funds and provision of Title XX social services 108253  
with the funds are not subject to section 5101.46 of the Revised 108254  
Code. 108255

Funds distributed under this section for the purpose of 108256

providing family planning services shall be distributed by a 108257  
county department of job and family services according to the 108258  
same order of priority that applies to the department of job and 108259  
family services under section 5101.101 of the Revised Code. 108260

(C) The department and any county department of job and 108261  
family services may require an entity under contract to provide 108262  
Title XX social services with funds used under this section to 108263  
submit to an audit on the basis of alleged misuse or improper 108264  
accounting of funds. If an audit is required, the social 108265  
services provider shall reimburse the state department or county 108266  
department for the cost it incurred in conducting the audit or 108267  
having the audit conducted. 108268

If an audit demonstrates that a social services provider 108269  
is responsible for one or more adverse findings, the provider 108270  
shall reimburse the state department or county department the 108271  
amount of the adverse findings. The amount shall not be 108272  
reimbursed with funds received under this section. The state 108273  
department and county departments may terminate or refuse to 108274  
enter into a contract with a social services provider to provide 108275  
services with funds available pursuant to this section if there 108276  
are adverse findings in an audit that are the responsibility of 108277  
the provider. 108278

(D) The state department of job and family services or the 108279  
department of children and youth may adopt rules to implement 108280  
and carry out the purposes of this section. Rules governing 108281  
financial and operational matters of the department or matters 108282  
between the department and county departments of job and family 108283  
services shall be adopted as internal management rules in 108284  
accordance with section 111.15 of the Revised Code. Rules 108285  
governing eligibility for services, program participation, and 108286

other matters pertaining to applicants and participants shall be 108287  
adopted in accordance with Chapter 119. of the Revised Code. 108288

**Sec. 5101.542.** (A) Immediately following a county 108289  
department of job and family services' certification that a 108290  
household determined under division (B) of section 5101.54 of 108291  
the Revised Code to be in immediate need of nutrition assistance 108292  
is eligible for the supplemental nutrition assistance program, 108293  
the department of job and family services shall provide for the 108294  
household to be sent by regular United States mail an electronic 108295  
benefit transfer card containing the amount of benefits the 108296  
household is eligible to receive under the program. The card 108297  
shall be sent to the member of the household in whose name 108298  
application for the supplemental nutrition assistance program 108299  
was made or that member's authorized representative. 108300

(B) Except as provided in division (C) of this section, 108301  
the department shall replace any electronic benefit transfer 108302  
card that is reported by a household to be lost, stolen, or 108303  
damaged, within two business days of receiving notice of the 108304  
card's condition, in accordance with 7 C.F.R. 274.6(b). 108305

(C) (1) The department shall implement the option described 108306  
in 7 C.F.R. 274.6(b) (5) and shall withhold a replacement 108307  
electronic benefit transfer card from a household that requests 108308  
four or more replacement cards during a twelve-month period 108309  
until the requirements specified in 7 C.F.R. 274.6(b) (5) have 108310  
been satisfied. 108311

(2) The department shall not withhold a replacement card 108312  
as described under division (C) (1) of this section if the 108313  
individual requesting the replacement has a disability directly 108314  
related to the loss of the card. 108315

(D) The department shall establish a process as part of 108316  
the department's existing customer service telephone hotline 108317  
that allows individuals to lock an electronic benefit transfer 108318  
card that has been lost or stolen. 108319

**Sec. 5101.543.** To ensure program integrity within the 108320  
supplemental nutrition assistance program, the department of job 108321  
and family services shall periodically monitor the balances of 108322  
supplemental nutrition assistance program accounts. If the 108323  
department discovers an account with a balance that exceeds five 108324  
thousand dollars, the department shall take steps to determine 108325  
whether the account is inactive and, if inactive, identify the 108326  
causes for the accruing balance. 108327

**Sec. 5101.548.** (A) (1) Except as otherwise provided in 108328  
division (A) (2) of this section, the department of job and 108329  
family services shall not implement the option available under 108330  
section 6(o) (6) of the "Food and Nutrition Act of 2008," 7 108331  
U.S.C. 2015(o) (6). 108332

(2) The department of job and family services may 108333  
implement the option described in division (A) (1) of this 108334  
section only to prevent a federal penalty and to maintain 108335  
compliance with federal rules governing the supplemental 108336  
nutrition assistance program. The department shall not delegate 108337  
the authority to waive individual work requirements or otherwise 108338  
grant exemptions to county departments of job and family 108339  
services. The department shall notify the chairpersons of the 108340  
standing committees having jurisdiction in both the house of 108341  
representatives and the senate when implementing the option 108342  
described in division (A) (1) of this section. 108343

(B) The department of job and family services shall not 108344  
request, apply for, or renew a waiver authorized by section 6(o) 108345

(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 108346

(4). 108347

Sec. 5101.612. (A) As used in this section, "federal 108348  
poverty line" has the same meaning as in section 5162.01 of the 108349  
Revised Code. 108350

(B) Within available funds, the department of job and 108351  
family services shall distribute funds to the counties not later 108352  
than thirty days after the beginning of each calendar quarter 108353  
for a part of the counties' costs for protective services. Funds 108354  
provided to a county under this section shall be deposited into 108355  
the public assistance fund created under section 5101.161 of the 108356  
Revised Code. 108357

(C) In each fiscal year, the amount of funds available for 108358  
distribution under this section shall be allocated to counties 108359  
as follows: 108360

(1) If the amount is less than the amount initially 108361  
appropriated for the immediately preceding fiscal year, each 108362  
county shall receive an amount equal to the percentage of the 108363  
funding it received in the immediately preceding fiscal year, 108364  
exclusive of any releases from or additions to the allocation or 108365  
any sanctions imposed under this section; 108366

(2) If the amount is equal to the amount initially 108367  
appropriated for the immediately preceding fiscal year, each 108368  
county shall receive an amount equal to the amount it received 108369  
in the preceding fiscal year, exclusive of any releases from or 108370  
additions to the allocation or any sanctions imposed under this 108371  
section; 108372

(3) If the amount is greater than the amount initially 108373  
appropriated for the immediately preceding fiscal year, each 108374

county shall receive the amount determined under division (C) (2) 108375  
of this section as a base allocation, plus a percentage of the 108376  
amount that exceeds the amount initially appropriated for the 108377  
immediately preceding fiscal year. The amount exceeding the 108378  
amount initially appropriated in the immediately preceding 108379  
fiscal year shall be allocated to the counties as follows: 108380

(a) Twelve per cent divided equally among all counties; 108381

(b) Forty-eight per cent in the ratio that the number of 108382  
residents of the county aged sixty or older bears to the total 108383  
number of such persons residing in this state; 108384

(c) Forty per cent in the ratio that the number of 108385  
residents of the county with incomes under the federal poverty 108386  
line bears to the total number of such persons in this state. 108387

(D) Not later than ninety days after the end of each state 108388  
fiscal biennium, each county shall return any unspent funds to 108389  
the department. 108390

(E) The director of job and family services may adopt 108391  
rules in accordance with section 111.15 of the Revised Code to 108392  
allocate funds under this section and prescribe reports on 108393  
expenditures to be submitted by the counties as necessary for 108394  
the implementation of this section. 108395

**Sec. 5101.80.** (A) As used in this section and in section 108396  
5101.801 of the Revised Code: 108397

(1) "County family services agency" has the same meaning 108398  
as in section 307.981 of the Revised Code. 108399

(2) "State agency" has the same meaning as in section 9.82 108400  
of the Revised Code. 108401

(3) "Title IV-A administrative agency" means both of the 108402

following:	108403
(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services or the department of children and youth;	108404 108405 108406 108407
(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.	108408 108409 108410 108411
(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:	108412 108413 108414 108415 108416
(a) The Ohio works first program established under Chapter 5107. of the Revised Code;	108417 108418
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	108419 108420
(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services or department of children and youth pursuant to section 5101.801 of the Revised Code;	108421 108422 108423 108424 108425
(d) The kinship permanency incentive program created under section <del>5101.802</del> <u>5180.52</u> of the Revised Code;	108426 108427
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	108428 108429
(f) The Ohio parenting and pregnancy program created under	108430

section ~~5101.804~~5180.71 of the Revised Code; 108431

(g) Fatherhood programs recommended by the Ohio commission 108432  
on fatherhood under section ~~5101.805~~5180.704 of the Revised 108433  
Code; 108434

(h) A component of a Title IV-A program identified under 108435  
divisions (A) (4) (a) to (g) of this section that the Title IV-A 108436  
state plan prepared under division (C) (1) of this section 108437  
identifies as a component. 108438

(B) The department of job and family services shall act as 108439  
the single state agency to administer and supervise the 108440  
administration of Title IV-A programs. The Title IV-A state plan 108441  
and amendments to the plan prepared under division (C) of this 108442  
section are binding on Title IV-A administrative agencies. No 108443  
Title IV-A administrative agency may establish, by rule or 108444  
otherwise, a policy governing a Title IV-A program that is 108445  
inconsistent with a Title IV-A program policy established, in 108446  
rule or otherwise, by the director of job and family services. 108447

(C) The department of job and family services shall do all 108448  
of the following: 108449

(1) Prepare and submit to the United States secretary of 108450  
health and human services a Title IV-A state plan for Title IV-A 108451  
programs; 108452

(2) Prepare and submit to the United States secretary of 108453  
health and human services amendments to the Title IV-A state 108454  
plan that the department determines necessary, including 108455  
amendments necessary to implement Title IV-A programs identified 108456  
in divisions (A) (4) (c) to (h) of this section; 108457

(3) Prescribe forms for applications, certificates, 108458  
reports, records, and accounts of Title IV-A administrative 108459

agencies, and other matters related to Title IV-A programs; 108460

(4) Make such reports, in such form and containing such 108461  
information as the department may find necessary to assure the 108462  
correctness and verification of such reports, regarding Title 108463  
IV-A programs; 108464

(5) Require reports and information from each Title IV-A 108465  
administrative agency as may be necessary or advisable regarding 108466  
a Title IV-A program; 108467

(6) Afford a fair hearing in accordance with section 108468  
5101.35 of the Revised Code to any applicant for, or participant 108469  
or former participant of, a Title IV-A program aggrieved by a 108470  
decision regarding the program; 108471

(7) Administer and expend, pursuant to Chapters 5104., 108472  
5107., and 5108. of the Revised Code and sections 5101.801, 108473  
~~5101.802~~, 5101.803, ~~and 5101.804~~ 5180.52, and 5180.71 of the 108474  
Revised Code, any sums appropriated by the general assembly for 108475  
the purpose of those chapters and sections and all sums paid to 108476  
the state by the secretary of the treasury of the United States 108477  
as authorized by Title IV-A of the "Social Security Act," 110 108478  
Stat. 2113 (1996), 42 U.S.C. 601, as amended; 108479

(8) Conduct investigations and audits as are necessary 108480  
regarding Title IV-A programs; 108481

(9) Enter into reciprocal agreements with other states 108482  
relative to the provision of Ohio works first and prevention, 108483  
retention, and contingency to residents and nonresidents; 108484

(10) Contract with a private entity to conduct an 108485  
independent on-going evaluation of the Ohio works first program 108486  
and the prevention, retention, and contingency program. The 108487  
contract must require the private entity to do all of the 108488

following:	108489
(a) Examine issues of process, practice, impact, and outcomes;	108490 108491
(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;	108492 108493 108494 108495 108496 108497 108498 108499
(c) Provide the department with reports at times the department specifies.	108500 108501
(11) Not later than the last day of each January and July, prepare a report containing information on the following:	108502 108503
(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.	108504 108505 108506
(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.	108507 108508 108509
(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.	108510 108511 108512 108513 108514 108515 108516

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

**Sec. 5101.801.** (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the

department's supervision. 108547

(2) The department of job and family services and the 108548  
department of children and youth may enter into an agreement 108549  
with a government entity and, to the extent permitted by federal 108550  
law, a private, not-for-profit entity for the entity to receive 108551  
funding for a project under the Title IV-A demonstration program 108552  
created under section 5101.803 of the Revised Code. 108553

(3) To the extent permitted by federal law, the department 108554  
of children and youth may enter into an agreement with a 108555  
private, not-for-profit entity for the entity to receive funds 108556  
under the Ohio parenting and pregnancy program created under 108557  
section ~~5101.804~~5180.71 of the Revised Code. 108558

(4) To the extent permitted by federal law, the department 108559  
of children and youth may enter into an agreement with a 108560  
private, not-for-profit entity for the entity to receive funds 108561  
as recommended by the Ohio commission on fatherhood under 108562  
section ~~5101.805~~5180.704 of the Revised Code. 108563

(C) The department of job and family services and the 108564  
department of children and youth, may adopt rules governing 108565  
Title IV-A programs identified under divisions (A) (4) (c), (d), 108566  
(e), (f), (g), and (h) of section 5101.80 of the Revised Code. 108567  
Rules governing financial and operational matters of either 108568  
department or between either department and county family 108569  
services agencies shall be adopted as internal management rules 108570  
adopted in accordance with section 111.15 of the Revised Code. 108571  
All other rules shall be adopted in accordance with Chapter 119. 108572  
of the Revised Code. 108573

(D) If the department of job and family services or the 108574  
department of children and youth, enters into an agreement 108575

regarding a Title IV-A program identified under division (A) (4) 108576  
(c), (e), (f), (g), or (h) of section 5101.80 of the Revised 108577  
Code pursuant to division (B) (1) (b) or (2) of this section, the 108578  
agreement shall include at least all of the following: 108579

(1) A requirement that the state agency or entity comply 108580  
with the requirements for the program or project, including all 108581  
of the following requirements established by federal statutes 108582  
and regulations, state statutes and rules, the United States 108583  
office of management and budget, and the Title IV-A state plan 108584  
prepared under section 5101.80 of the Revised Code: 108585

(a) Eligibility; 108586

(b) Reports; 108587

(c) Benefits and services; 108588

(d) Use of funds; 108589

(e) Appeals for applicants for, and recipients and former 108590  
recipients of, the benefits and services; 108591

(f) Audits. 108592

(2) A complete description of all of the following: 108593

(a) The benefits and services that the program or project 108594  
is to provide; 108595

(b) The methods of program or project administration; 108596

(c) The appeals process under section 5101.35 of the 108597  
Revised Code for applicants for, and recipients and former 108598  
recipients of, the program or project's benefits and services; 108599

(d) Other requirements that the department of job and 108600  
family services or the department of children and youth, as 108601  
applicable, requires be included. 108602

(3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;

(4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following:

(a) Limitations on administrative costs;

(b) The department of job and family services or the department of children and youth, as applicable, at its discretion, doing either of the following:

(i) Withholding no more than five per cent of the funds that the department of job and family services or the department of children and youth, as applicable, would otherwise provide to the state agency or entity for the program or project;

(ii) Charging the state agency or entity for the costs to the department of job and family services or the department of children and youth, as applicable, of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.

(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following:

(a) Ensuring that the other entity complies with the

agreement between the state agency or entity and the department 108632  
of job and family services or the department of children and 108633  
youth, as applicable and federal statutes and regulations and 108634  
state statutes and rules governing the use of funds for the 108635  
program or project; 108636

(b) Auditing the other entity in accordance with 108637  
requirements established by the United States office of 108638  
management and budget. 108639

(6) The state agency or entity's responsibilities 108640  
regarding the prompt payment, including any interest assessed, 108641  
of any adverse audit finding, final disallowance of federal 108642  
funds, or other sanction or penalty imposed by the federal 108643  
government, auditor of state, department of job and family 108644  
services or the department of children and youth, as applicable, 108645  
a court, or other entity regarding funds for the program or 108646  
project; 108647

(7) Provisions for the department of job and family 108648  
services or the department of children and youth, as applicable, 108649  
to terminate the agreement or withhold reimbursement from the 108650  
state agency or entity if either of the following occur: 108651

(a) The federal government disapproves the program or 108652  
project or reduces federal funds for the program or project; 108653

(b) The state agency or entity fails to comply with the 108654  
terms of the agreement. 108655

(8) Provisions for both of the following: 108656

(a) The department of job and family services or the 108657  
department of children and youth, as applicable, and state 108658  
agency or entity determining the performance outcomes expected 108659  
for the program or project; 108660

(b) An evaluation of the program or project to determine 108661  
its success in achieving the performance outcomes determined 108662  
under division (D) (8) (a) of this section. 108663

(E) To the extent consistent with the law enacted by the 108664  
general assembly or executive order issued by the governor 108665  
establishing the Title IV-A program and subject to the approval 108666  
of the director of budget and management, the director of job 108667  
and family services or the director of children and youth, as 108668  
applicable, may terminate a Title IV-A program identified under 108669  
division (A) (4) (c), (d), (e), (f), (g), or (h) of section 108670  
5101.80 of the Revised Code or reduce funding for the program if 108671  
the applicable director determines that federal or state funds 108672  
are insufficient to fund the program. If the director of budget 108673  
and management approves the termination or reduction in funding 108674  
for such a program, the director of job and family services or 108675  
the department of children and youth, as applicable, shall issue 108676  
instructions for the termination or funding reduction. If a 108677  
Title IV-A administrative agency is administering the program, 108678  
the agency is bound by the termination or funding reduction and 108679  
shall comply with the applicable director's instructions. 108680

(F) The director of job and family services and the 108681  
director of children and youth may adopt internal management 108682  
rules in accordance with section 111.15 of the Revised Code as 108683  
necessary to implement this section. The rules are binding on 108684  
each Title IV-A administrative agency. 108685

**Sec. 5101.89.** As used in sections 5101.89 to 5101.899 of 108686  
the Revised Code: 108687

(A) "Youth" means a person who is any of the following: 108688

(1) Less than eighteen years of age; 108689

- (2) An emancipated young adult; 108690
- (3) Is in the temporary or permanent custody of a public 108691  
children services agency, a planned permanent living 108692  
arrangement, or in the Title-IV-E-eligible care and placement 108693  
responsibility of a juvenile court or other governmental agency 108694  
that provides Title IV-E reimbursable placement services. 108695
- (B) "Emancipated young adult" has the same meaning as in 108696  
section ~~5101.141~~5180.42 of the Revised Code. 108697
- Sec. 5101.891.** (A) There is created a youth and family 108698  
~~ombudsman~~ombudsmen office under the department of job and 108699  
family services consisting of the following: 108700
- (1) A family ombudsman, who shall be appointed by the 108701  
governor, to investigate complaints made by adults; 108702
- (2) A youth ombudsman, who shall be appointed by the 108703  
governor with advice from the overcoming hurdles in Ohio youth 108704  
advisory board, to investigate complaints made by youth and to 108705  
advocate for the best interests of children involved in concerns 108706  
investigated by the office; 108707
- (3) Not fewer than two regional ombudsmen; 108708
- (4) Any necessary support staff. 108709
- (B) The office shall investigate and resolve concerns made 108710  
by or on behalf of children and families involved with public 108711  
children services agencies, Title IV-E agencies, or private 108712  
provider agencies that administer or oversee foster care or 108713  
placement services for the children services system. The office 108714  
shall ensure the independent and impartial review of youth, 108715  
family, and community complaints or concerns. 108716
- Sec. 5101.892.** The youth and family ~~ombudsman~~ombudsmen 108717

office shall perform all of the following duties: 108718

(A) Receive, investigate, and attempt to resolve 108719  
complaints from citizens, including children in the custody of a 108720  
public children services agency or in the care and placement of 108721  
a Title IV-E agency, related to government services regarding 108722  
child protective services, foster care, and adoption; 108723

(B) Establish procedures for receiving, investigating, and 108724  
resolving complaints, consistent with state and federal law; 108725

(C) Provide an annual report to the governor, speaker of 108726  
the house of representatives, president of the senate, minority 108727  
leadership of the house of representatives and senate, the 108728  
director of job and family services, the director of children 108729  
and youth, and representatives of the overcoming hurdles in Ohio 108730  
youth advisory board. 108731

**Sec. 5101.893.** Not later than sixty days after release of 108732  
the annual report described under section 5101.892 of the 108733  
Revised Code, the overcoming hurdles in Ohio youth advisory 108734  
board shall provide an evaluation of the report to the governor 108735  
and the youth ombudsman of the youth and family ~~ombudsman~~ 108736  
ombudsmen office. 108737

**Sec. 5101.894.** To the extent permitted by state or federal 108738  
law, a representative of the youth and family ~~ombudsman~~ 108739  
ombudsmen office may report to an appropriate authority any 108740  
suspected violation of state law discovered during the course of 108741  
a complaint review. 108742

**Sec. 5101.895.** The department of job and family services 108743  
shall be responsible for all administrative undertakings for the 108744  
youth and family ~~ombudsman~~ ombudsmen office, including the 108745  
provision of offices, equipment, and supplies, as necessary. 108746

<b>Sec. 5101.897.</b> (A) No employee of the youth and family	108747
<del>ombudsman</del> <u>ombudsmen</u> office shall do any of the following:	108748
(1) Hold any office of trust or profit;	108749
(2) Engage in any occupation or business interfering or	108750
inconsistent with the duties of the office;	108751
(3) Serve on any committee of any political party;	108752
(4) Have any interest that is, or may be, in conflict with	108753
the interests and concerns of the office.	108754
(B) As used in this section, "office of trust or profit"	108755
means any of the following:	108756
(1) A federal or state elective office or an elective	108757
office of a political subdivision of the state;	108758
(2) A position on a board or commission of the state that	108759
is appointed by the governor;	108760
(3) An office set forth in section 121.03, 121.04, or	108761
121.05 of the Revised Code;	108762
(4) An office of the government of the United States that	108763
is appointed by the president of the United States.	108764
<b>Sec. 5101.899.</b> (A) The youth and family <del>ombudsman</del>	108765
<u>ombudsmen</u> office shall have access to <del>only</del> the records of the	108766
<u>department of children and youth and the</u> department of job and	108767
family services that are necessary for the administration of	108768
sections 5101.89 to 5101.899 of the Revised Code and in the	108769
performance of its official duties, including any records	108770
maintained in the uniform statewide automated child welfare	108771
information system under section <del>5101.13</del> <u>5180.40</u> of the Revised	108772
Code. The office has the right to request of the <u>director of</u>	108773

children and youth and the director of job and family services 108774  
necessary information from any work unit of the department 108775  
having information. The collection, compilation, analysis, and 108776  
dissemination of information by the office shall be performed in 108777  
a manner that protects complainants, individuals providing 108778  
information about a complaint, public entities, and confidential 108779  
records. 108780

(B) The office shall have access to any necessary records 108781  
in the control of a public children services agency, a Title IV- 108782  
E agency, or a private provider agency that administers or 108783  
oversees foster care or placement services for the children 108784  
services system. 108785

(C) Files of the office and any records contained in those 108786  
files are not public records subject to inspection or copying 108787  
under section 149.43 of the Revised Code. Information contained 108788  
in investigative and other files maintained by the office shall 108789  
be disclosed only at the discretion of the office or if 108790  
disclosure is required by a court order. 108791

**Sec. 5101.91.** (A) As used in this section: 108792

(1) "Multi-system youth" are children and adolescents who 108793  
are receiving services from two or more of the following 108794  
systems: child protective services, behavioral health services, 108795  
developmental disabilities services, juvenile court, and 108796  
medicaid. 108797

(2) "Licensed care" means detention facilities, shelter 108798  
facilities, certified children's crisis care facilities, 108799  
certified foster homes, placement in a prospective adoptive home 108800  
prior to the issuance of a final decree of adoption, 108801  
organizations, certified organizations, group home providers, 108802

group homes, institutions, state institutions, residential facilities, or residential care facilities. 108803  
108804

(B) The following departments must collaborate to identify and take appropriate action with available resources to meet the needs of multi-system youth more effectively: 108805  
108806  
108807

(1) The department of job and family services; 108808

(2) The department of children and youth; 108809

(3) The department of behavioral health; 108810

(4) The department of developmental disabilities; 108811

(5) The department of youth services; 108812

(6) The department of medicaid. 108813

(C) Not later than one year after the effective date of this section, the departments described in division (B) of this section must jointly submit to the general assembly a report with policy recommendations and the following information: 108814  
108815  
108816  
108817

(1) Data on the number of multi-system youth; 108818

(2) Data on the number of multi-system youth who are placed in licensed care; 108819  
108820

(3) Information on how the departments described in division (B) of this section track multi-system youth; 108821  
108822

(4) A summary of actions taken by the departments to better serve multi-system youth. 108823  
108824

**Sec. 5101.95.** Not later than thirty days before submitting a waiver or state plan amendment relating to a public assistance benefit program to the appropriate federal entity, the director of job and family services shall submit a copy of the waiver or 108825  
108826  
108827  
108828

state plan amendment to the speaker of the house of 108829  
representatives, the president of the senate, and the 108830  
chairpersons of the relevant house of representatives and senate 108831  
committees with jurisdiction over the subject matter of the 108832  
waiver or state plan amendment. 108833

**Sec. 5101.98.** (A) Quarterly, the department of job and 108834  
family services shall compile a report on public assistance 108835  
programs in this state, including the following information: 108836

(1) Regarding the supplemental nutrition assistance 108837  
program, ~~the number of:~~ 108838

(a) ~~Accounts~~ The number of accounts with high balances, as 108839  
determined by the department; 108840

(b) ~~Out-of-state~~ The number of out-of-state transactions, 108841  
including the city and state in which the transaction occurred, 108842  
and the amount of each out-of-state transaction; 108843

(c) ~~Transactions~~ The number of transactions when the final 108844  
amount processed was a whole dollar amount without additional 108845  
cents; 108846

(d) The number of accounts with a transaction in which the 108847  
final amount processed was a whole dollar amount without 108848  
additional cents; 108849

(e) The number of electronic benefit transfer cards 108850  
reported lost; 108851

(f) The number of electronic benefit transfer cards 108852  
reported stolen; 108853

(g) The amount of funds that have been stolen through card 108854  
skimming, card cloning, or similar fraudulent methods; 108855

<u>(h) Any enhancements made to electronic benefit transfer</u>	108856
<u>cards during the quarterly period;</u>	108857
<u>(i) Electronic benefit transfer payment error rates.</u>	108858
(2) Regarding public assistance programs in this state,	108859
including <del>medicaid</del> , the supplemental nutrition assistance	108860
program, temporary assistance for needy families, or cash	108861
assistance, the number of <u>the following, itemized separately by</u>	108862
<u>program:</u>	108863
(a) Payments made in error, and the dollar amount of those	108864
payments;	108865
(b) Work requirement exemptions issued;	108866
(c) Confirmed cases of intentional program violation and	108867
fraud.	108868
(B) <u>The department of medicaid shall collaborate with the</u>	108869
<u>department of job and family services to provide all information</u>	108870
<u>required under division (A) of this section that the department</u>	108871
<u>of medicaid oversees.</u>	108872
(C) <u>The department of job and family services shall submit</u>	108873
the report to the president of the senate and the speaker of the	108874
house of representatives, who shall distribute the report to the	108875
chairs of any legislative committee with jurisdiction over	108876
public assistance.	108877
<b>Sec. 5101.99.</b> (A) Whoever violates division (A) of section	108878
5101.27 of the Revised Code is guilty of a misdemeanor of the	108879
first degree.	108880
(B) Whoever violates <del>section 5101.133</del> , division (A) of	108881
section 5101.63 <del>7</del> , or division (C) (2) of section 5101.631 of the	108882
Revised Code is guilty of a misdemeanor of the fourth degree.	108883

**Sec. 5103.02.** As used in sections 5103.03 to 5103.181 of 108884  
the Revised Code: 108885

(A) (1) "Association" or "institution" includes all of the 108886  
following: 108887

(a) Any incorporated or unincorporated organization, 108888  
society, association, or agency, public or private, that 108889  
receives or cares for children for two or more consecutive 108890  
weeks; 108891

(b) Any individual, including the operator of a foster 108892  
home, who, for hire, gain, or reward, receives or cares for 108893  
children for two or more consecutive weeks, unless the 108894  
individual is related to them by blood or marriage; 108895

(c) Any individual not in the regular employ of a court, 108896  
or of an institution or association certified in accordance with 108897  
section 5103.03 of the Revised Code, who in any manner becomes a 108898  
party to the placing of children in foster homes, unless the 108899  
individual is related to such children by blood or marriage or 108900  
is the appointed guardian of such children. 108901

(2) "Association" or "institution" does not include any of 108902  
the following: 108903

(a) Any organization, society, association, school, 108904  
agency, child guidance center, detention or rehabilitation 108905  
facility, or children's clinic licensed, regulated, approved, 108906  
operated under the direction of, or otherwise certified by the 108907  
department of education and workforce, a local board of 108908  
education, the department of youth services, the department of 108909  
mental health and addiction services, or the department of 108910  
developmental disabilities; 108911

(b) Any individual who provides care for only a single- 108912

family group, placed there by their parents or other relative 108913  
having custody; 108914

(c) A private, nonprofit therapeutic wilderness camp; 108915

(d) A qualified organization as defined in section 2151.90 108916  
of the Revised Code. 108917

(B) "Family foster home" means a foster home that is not a 108918  
specialized foster home. 108919

(C) "Foster caregiver" means a person holding a valid 108920  
foster home certificate issued under section 5103.03 of the 108921  
Revised Code. 108922

(D) "Foster home" means a private residence in which 108923  
children are received apart from their parents, guardian, or 108924  
legal custodian, by an individual reimbursed for providing the 108925  
children nonsecure care, supervision, or training twenty-four 108926  
hours a day. "Foster home" does not include care provided for a 108927  
child in the home of a person other than the child's parent, 108928  
guardian, or legal custodian while the parent, guardian, or 108929  
legal custodian is temporarily away. Family foster homes and 108930  
specialized foster homes are types of foster homes. 108931

(E) "Kinship caregiver" has the same meaning as in section 108932  
~~5101.85~~ 5180.50 of the Revised Code. 108933

(F) "Medically fragile foster home" means a foster home 108934  
that provides specialized medical services designed to meet the 108935  
needs of children with intensive health care needs who meet all 108936  
of the following criteria: 108937

(1) Under rules adopted by the medicaid director governing 108938  
medicaid payments for long-term care services, the children 108939  
require a skilled level of care. 108940

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of children and youth take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

- (3) Revoke a certificate. 108968
- (I) "Resource caregiver" means a foster caregiver or a kinship caregiver. 108969  
108970
- (J) "Resource family" means a foster home or the kinship caregiver family. 108971  
108972
- (K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 108973  
108974
- (L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs. 108975  
108976  
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108978  
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108981
- Sec. 5103.021.** (A) As used in this section, a "scholars residential center" is a center that meets all of the following: 108982  
108983
- (1) The center is a certified affiliate in good standing of a national organization with a mission to help underserved children in middle school and high school in a comprehensive manner that is academically focused and service-oriented and in a family-like setting. 108984  
108985  
108986  
108987  
108988
- (2) The center is private and not-for-profit. 108989
- (3) The center does not receive Title IV-E funding or any associated Title IV funds related to child welfare. 108990  
108991
- (4) The center only accepts children placed by their parents or legal custodian. 108992  
108993
- (5) The center is voluntary and uses a competitive 108994

selection process. 108995

(B) The director of ~~job and family services~~ children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards regarding a scholars residential center. The rules shall be substantially similar, as determined by the director, to other similarly situated providers of residential care for children, including rules provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative Code, except that the rules shall reflect all of the following: 108996 108997 108998 108999 109000 109001 109002 109003

(1) A center is not subject to any policy that is not specific or relevant to the center. 109004 109005

(2) A center is not required to provide discharge summaries. 109006 109007

(3) A center is permitted to request agency waivers. 109008

(4) A center is not required to implement case plans or service plans. 109009 109010

(5) Training requirements for center staff are limited to completion of all of the following: 109011 109012

(a) Orientation training; 109013

(b) Current American red cross, American heart association, or equivalent first aid and cardiopulmonary resuscitation certification; 109014 109015 109016

(c) One hour of annual trauma training. 109017

(6) A center is not subject to existing rules regarding: 109018

(a) Recreation and leisure activity requirements, provided that the center has a recreation area available and permits children to swim if a person who has completed life-saving or 109019 109020 109021

water safety training is present; 109022

(b) Visiting and communications policies, provided that 109023  
the center ensures that children have contact with their family; 109024

(c) Qualified residential treatment program requirements; 109025

(d) Treatment-focused requirements established for 109026  
residential agencies. 109027

(7) A center shall provide notification and documentation 109028  
of critical incidents to parents and legal custodians. 109029

(C) The director shall certify a scholars residential 109030  
center that submits an application to the director, on a form 109031  
prescribed by the director, that indicates to the director's 109032  
satisfaction that the center meets the standards set forth in 109033  
rules adopted under division (B) of this section. 109034

Sec. 5103.039. (A) The department of children and youth 109035  
may suspend, without a prior hearing, the certificate of an 109036  
institution or association, as defined in section 5103.02 of the 109037  
Revised Code, which includes a foster caregiver, if any of the 109038  
following occur: 109039

(1) A child dies or suffers a serious injury while placed 109040  
or residing with the institution or association, including a 109041  
foster home, as defined in section 5103.02 of the Revised Code. 109042

(2) A public children services agency receives a report 109043  
pursuant to section 2151.421 of the Revised Code, and the person 109044  
alleged to have inflicted abuse or neglect on the child who is 109045  
the subject of the report is any of the following: 109046

(a) A principal of the institution or association; 109047

(b) An employee or volunteer of the institution or 109048

association who has not immediately been placed on 109049  
administrative leave or released from employment; 109050

(c) Any person who resides in the foster home. 109051

(3) One of the following is charged by an indictment, 109052  
information, or complaint with an offense relating to the death, 109053  
injury, abuse, or neglect of a child: 109054

(a) A principal of the institution or association; 109055

(b) An employee or volunteer of the institution or 109056  
association who has not immediately been placed on 109057  
administrative leave or released from employment. 109058

(4) The department, the recommending agency, a public 109059  
children services agency, or a county department of job and 109060  
family services determines that a principal, employee, or 109061  
volunteer of the institution or association, including a foster 109062  
caregiver, or a person residing in the foster home, created a 109063  
serious risk to the health or safety of a child placed therein 109064  
that resulted in or could have resulted in a child's death or 109065  
injury. 109066

(5) The department determines that the owner of the 109067  
institution or association or the foster caregiver does not meet 109068  
the requirements of section 2151.86, 5103.0310, or 5103.053 of 109069  
the Revised Code. 109070

(B) In suspending a license under division (A) of this 109071  
section, the department shall comply with section 119.07 of the 109072  
Revised Code. A principal of an institution or association, 109073  
including a foster caregiver, may request an adjudicatory 109074  
hearing before the department pursuant to sections 119.06 and 109075  
119.12 of the Revised Code. If a hearing is requested and the 109076  
department does not issue its final adjudication order within 109077

one hundred twenty days after the suspension, the suspension is 109078  
void on the one hundred twenty-first day after the suspension, 109079  
unless the hearing on the suspension is continued on agreement 109080  
by the parties or for good cause. 109081

(C) A summary suspension imposed under this section shall 109082  
remain in effect until any of the following occurs: 109083

(1) The public children services agency completes its 109084  
investigation of the report pursuant to section 2151.421 of the 109085  
Revised Code and determines that all of the allegations are 109086  
unsubstantiated. 109087

(2) All criminal charges are disposed of through dismissal 109088  
or a finding of not guilty. 109089

(3) The department issues pursuant to Chapter 119. of the 109090  
Revised Code a final order terminating the suspension. 109091

(D) An institution or association shall not have children 109092  
placed in the institution or association while a summary 109093  
suspension remains in effect. Upon the issuance of the order of 109094  
suspension, the department shall place a hold on the certificate 109095  
or indicate that the certificate is suspended in Ohio's 109096  
statewide automated child welfare information system. 109097

(E) The director of children and youth may adopt rules in 109098  
accordance with Chapter 119. of the Revised Code establishing 109099  
standards and procedures for the summary suspension of 109100  
certificates. 109101

(F) This section does not limit the authority of the 109102  
department to revoke a certificate pursuant to section 5103.03 109103  
of the Revised Code. 109104

(G) As used in this section, "principal" means any of the 109105

following: 109106

(1) The institution or association's administrator or 109107  
director; 109108

(2) The institution or association's owners or partners; 109109

(3) Members of the institution or association's governing 109110  
body; 109111

(4) A foster caregiver. 109112

**Sec. 5103.0329.** ~~(A)~~ A recommending agency may submit a 109113  
request to the department of children and youth, on a case-by- 109114  
case basis only, to waive any non-safety standards for a kinship 109115  
caregiver seeking foster home certification. Non-safety 109116  
standards include training hours and other requirements under 109117  
sections 5103.031 and 5103.032 of the Revised Code and standards 109118  
established by rules adopted under sections 5103.03 and 109119  
5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 109120  
(a) (10). 109121

~~(B) "Kinship caregiver" has the same meaning as in section~~ 109122  
~~5101.85 of the Revised Code.~~ 109123

**Sec. 5103.0520.** (A) As used in this section, "group home" 109124  
has the same meaning as "group home for children" in section 109125  
5103.05 of the Revised Code. 109126

(B) Not later than two hundred seventy days after the 109127  
effective date of this section, the director of children and 109128  
youth shall adopt rules in accordance with Chapter 119. of the 109129  
Revised Code to establish requirements regarding all of the 109130  
following for group homes: 109131

(1) The use of the Ohio professional registry, as operated 109132  
by the Ohio child care resource and referral association or its 109133

successor organization or entity, to complete background checks 109134  
or criminal records checks pursuant to section 2151.86, 109135  
5103.037, 5103.0310, or 5103.053 of the Revised Code for any 109136  
owner, board president, administrator, officer, operator, staff, 109137  
volunteer, intern, and subcontractor of a group home; 109138

(2) Training on behavioral intervention, including the use 109139  
of de-escalation, for all new and existing individuals working 109140  
at a group home; 109141

(3) The supervision of children, including a ratio of at 109142  
least one staff person for every five children or, if the group 109143  
home accepts placement of fewer than five children, one staff 109144  
person for every four children. 109145

(C) The operator of a group home shall comply with the 109146  
ratio requirements established in rules adopted under division 109147  
(B) (3) of this section as a requirement for certification. 109148

(D) The director of children and youth may suspend or 109149  
revoke the certificate of a group home in accordance with 109150  
Chapter 119. of the Revised Code for any violation under this 109151  
section or rules adopted under this section. 109152

**Sec. 5103.09.** (A) As used in this section, "Title IV-E 109153  
agency" has the same meaning as in section 5101.132 of the 109154  
Revised Code. 109155

(B) Upon receiving the care and placement of a child, a 109156  
Title IV-E agency shall determine if the child is eligible for 109157  
or receiving benefits administered by the United States social 109158  
security administration, the United States department of 109159  
veterans affairs, the Ohio public employee retirement system, 109160  
the Ohio police and fire pension fund, the state teachers 109161  
retirement system of Ohio, the school employees retirement 109162

system of Ohio, or the Ohio highway patrol retirement system. If 109163  
the child is eligible for or receiving such benefits, the agency 109164  
shall not use the child's benefits to pay for or reimburse the 109165  
agency, county, or state for any cost of the child's care. 109166

(C) The director of children and youth may adopt rules in 109167  
accordance with section 111.15 of the Revised Code to implement 109168  
this section, including the establishment of new procedures 109169  
necessary to assist a Title IV-E agency in complying with this 109170  
section. 109171

**Sec. 5103.15.** (A) (1) The parents, guardian, or other 109172  
persons having the custody of a child may enter into an 109173  
agreement with any public children services agency or private 109174  
child placing agency, whereby the child is placed without the 109175  
approval of the juvenile court in the temporary custody of the 109176  
agency for a period of time of up to thirty days, except that an 109177  
agreement for temporary custody can be for a period of time of 109178  
up to sixty days without court approval if the agreement is 109179  
executed solely for the purpose of obtaining the adoption of a 109180  
child who is less than six months of age on the date of the 109181  
execution of the agreement. 109182

(2) Except as provided in division (A) (3) of this section 109183  
for agreements entered into to obtain the adoption of a child 109184  
under the age of six months, any public children services agency 109185  
or private child placing agency that obtains, without court 109186  
approval, temporary custody of a child pursuant to an agreement 109187  
executed in accordance with this division may request the 109188  
juvenile court of the county in which the child has a residence 109189  
or legal settlement for an original thirty-day extension of the 109190  
temporary custody agreement. Upon the filing of a request for 109191  
the extension of the temporary custody agreement, the juvenile 109192

court shall determine whether the extension is in the best 109193  
interest of the child and may extend the temporary custody 109194  
agreement for a period of thirty days beyond the initial thirty- 109195  
day period for which court approval is not required by this 109196  
division. The agency requesting the original extension shall 109197  
file a case plan, prepared pursuant to section 2151.412 of the 109198  
Revised Code, with the court at the same time that it files its 109199  
request for an extension. 109200

At the expiration of the original thirty-day extension 109201  
period, the agency may request the juvenile court to grant an 109202  
additional thirty-day extension of the temporary custody 109203  
agreement. Upon the filing of the request for the additional 109204  
extension, the juvenile court may extend the temporary custody 109205  
agreement for a period of thirty days beyond the original 109206  
thirty-day extension period if it determines that the additional 109207  
extension is in the best interest of the child. The agency shall 109208  
file an updated version of the child's case plan at the same 109209  
time that it files its request for an additional extension. 109210

At the expiration of an additional thirty-day extension 109211  
period and at the expiration of the original thirty-day 109212  
extension period if the agency does not request an additional 109213  
thirty-day extension, the agency shall either return the child 109214  
to the child's parents, guardian, or other person having custody 109215  
of the child or file a complaint with the court pursuant to 109216  
section 2151.27 of the Revised Code requesting temporary or 109217  
permanent custody of the child. The complaint shall be 109218  
accompanied by a case plan prepared in accordance with section 109219  
2151.412 of the Revised Code. 109220

(3) Any public children services agency or private child 109221  
placing agency that obtains, without court approval and solely 109222

for the purpose of obtaining the adoption of the child, 109223  
temporary custody of a child who is under the age of six months 109224  
pursuant to an agreement executed in accordance with this 109225  
division may request the juvenile court in the county in which 109226  
the child has a residence or legal settlement to grant a thirty 109227  
day extension of the temporary custody agreement. Upon the 109228  
filing of the request, the court shall determine whether the 109229  
extension is in the best interest of the child and may extend 109230  
the temporary custody agreement for a period of thirty days 109231  
beyond the sixty day period for which the court approval is not 109232  
required by this division. The agency requesting the extension 109233  
shall file a case plan, prepared pursuant to section 2151.412 of 109234  
the Revised Code, with the court at the same time that it files 109235  
its request for an extension. 109236

At the expiration of the thirty day extension, the agency 109237  
shall either return the child to the parents, guardian, or other 109238  
person having custody of the child or file a complaint with the 109239  
court pursuant to section 2151.27 of the Revised Code requesting 109240  
temporary or permanent custody of the child. The complaint shall 109241  
be accompanied by a case plan prepared in accordance with 109242  
section 2151.412 of the Revised Code. 109243

(B) (1) Subject to juvenile court approval, the following 109244  
may enter into an agreement with a public children services 109245  
agency or private child placing agency surrendering the child 109246  
into the permanent custody of that agency: 109247

(a) The parents, guardian, or other persons having custody 109248  
of the child; 109249

(b) The parents of a child who is in the temporary custody 109250  
of a public children services agency or private child placing 109251  
agency. 109252

(2) An agency that enters into an agreement under division 109253  
(B) (1) of this section may take and care for the child or place 109254  
the child in a family home. 109255

(3) A private child placing agency or public children 109256  
services agency that seeks permanent custody of a child pursuant 109257  
to division (B) (1) of this section shall file a request with the 109258  
juvenile court of the county in which the child has a residence 109259  
or legal settlement for approval of the agency's permanent 109260  
surrender agreement with the parents, guardian, or other persons 109261  
having custody of the child. Not later than fourteen business 109262  
days after the request is filed, the juvenile court shall 109263  
determine whether the permanent surrender agreement is in the 109264  
best interest of the child. The court may approve the permanent 109265  
surrender agreement if it determines that the agreement is in 109266  
the best interest of the child and, in the case of an agreement 109267  
between a parent and an agency, the requirements of section 109268  
5103.151 of the Revised Code are met. The agency requesting the 109269  
approval of the permanent surrender agreement shall file with 109270  
the court an original or amended case plan, prepared pursuant to 109271  
section 2151.412 of the Revised Code, at the same time that it 109272  
files its request for the approval of the permanent surrender 109273  
agreement. 109274

(4) Notwithstanding division (B) (1) of this section, the 109275  
parents of a child less than six months of age may enter into an 109276  
agreement with a private child placing agency surrendering the 109277  
child into the permanent custody of the agency without juvenile 109278  
court approval if the agreement is executed solely for the 109279  
purpose of obtaining the adoption of the child. The agency 109280  
shall, not later than two business days after entering into the 109281  
agreement, notify the juvenile court. The agency also shall 109282  
notify the court not later than two business days after the 109283

agency places the child for adoption. The court shall journalize 109284  
the notices it receives under division (B) (4) of this section. 109285

(C) The agreements provided for in this section shall be 109286  
in writing, on forms prescribed and furnished by the department\_ 109287  
of children and youth, and may contain any proper and legal 109288  
stipulations for proper care of the child, and may authorize the 109289  
public children services agency or private child placing agency 109290  
when such agreements are for permanent care and custody to 109291  
appear in any proceeding for the legal adoption of the child, 109292  
and consent to the child's adoption, as provided in section 109293  
3107.06 of the Revised Code. If an agreement for permanent care 109294  
and custody of a child is executed, social and medical histories 109295  
shall be completed in relation to the child in accordance with 109296  
section 3107.09 of the Revised Code. The adoption order of the 109297  
probate court judge made upon the consent shall be binding upon 109298  
the child and the child's parents, guardian, or other person, as 109299  
if those persons were personally in court and consented to the 109300  
order, whether made party to the proceeding or not. 109301

(D) An agreement entered into under this section by a 109302  
parent under age eighteen is as valid as an agreement entered 109303  
into by a parent age eighteen or older. 109304

**Sec. 5103.155.** As used in this section, "children with 109305  
special needs" has the same meaning as in rules adopted under 109306  
section 5153.163 of the Revised Code. 109307

If the department of ~~job and family services~~ children and 109308  
youth determines that money in the putative father registry fund 109309  
created under section 2101.16 of the Revised Code is more than 109310  
is needed to perform its duties related to the putative father 109311  
registry, the department may ~~transfer~~ use surplus moneys in the 109312  
fund to ~~the department of children and youth to promote~~ adoption 109313

of children with special needs. 109314

**Sec. 5103.18.** (A) (1) Prior to certification as a foster 109315  
home under section 5103.03 of the Revised Code, a recommending 109316  
agency shall obtain a summary report of a search of the uniform 109317  
statewide automated child welfare information system, 109318  
established under section ~~5101.13~~5180.40 of the Revised Code, 109319  
from an entity listed in section ~~5101.132~~5180.402 of the 109320  
Revised Code. 109321

(2) Whenever a prospective foster parent or any other 109322  
person eighteen years of age or older who resides with a 109323  
prospective foster parent has resided in another state within 109324  
the five-year period immediately prior to the date on which a 109325  
criminal records check is requested for the person under 109326  
division (A) of section 2151.86 of the Revised Code, the 109327  
recommending agency shall request a check of the central 109328  
registry of abuse and neglect of this state from the department 109329  
of children and youth regarding the prospective foster parent or 109330  
the person eighteen years of age or older who resides with the 109331  
prospective foster parent to enable the agency to check any 109332  
child abuse and neglect registry maintained by that other state. 109333  
The recommending agency shall make the request and shall review 109334  
the results of the check before the prospective foster parent 109335  
may be finally approved for placement of a child. Information 109336  
received pursuant to such a request shall be considered for 109337  
purposes of this chapter as if it were a summary report required 109338  
under division (A) of this section. The department of children 109339  
and youth shall comply with any request to check the central 109340  
registry that is similar to the request described in this 109341  
division and that is received from any other state. 109342

(B) (1) The summary report required under division (A) of 109343

this section shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency has done one of the following:

(a) Determined that abuse or neglect occurred;

(b) Initiated an investigation, and the investigation is ongoing;

(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred.

(2) The summary report required under division (A) of this section shall not contain any of the following:

(a) An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(b) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C) (1) A foster home certification may be denied based on a summary report containing the information described under division (B) (1) (a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification shall not be denied solely based on a summary report containing the information described

under division (B) (1) (b) or (c) of this section. 109372

(D) The director of children and youth shall adopt rules 109373  
in accordance with Chapter 119. of the Revised Code necessary 109374  
for the implementation and execution of this section. 109375

**Sec. 5103.30.** The Ohio child welfare training program is 109376  
hereby established in the department of children and youth as a 109377  
statewide program. The program shall provide all of the 109378  
following: 109379

(A) The training that section 3107.014 of the Revised Code 109380  
requires an assessor to complete; 109381

(B) The preplacement training that sections 5103.031 and 109382  
5103.033 of the Revised Code require a prospective foster 109383  
caregiver to complete; 109384

(C) The continuing training that sections 5103.032 and 109385  
5103.033 of the Revised Code require a foster caregiver to 109386  
complete; 109387

(D) The training that section 5153.122 of the Revised Code 109388  
requires a PCSA caseworker to complete; 109389

(E) The training that section 5153.123 of the Revised Code 109390  
requires a PCSA caseworker supervisor to complete; 109391

(F) The training required under section ~~5101.1414~~ 109392  
5180.4211 of the Revised Code for a case manager and supervisor. 109393

**Sec. 5103.32.** (A) As used in this section: 109394

(1) "Title IV-B" means Title IV-B of the "Social Security 109395  
Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 109396

(2) "Title IV-E" means Title IV-E of the "Social Security 109397  
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 109398

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 109399  
109400

(B) For purposes of adequately funding the Ohio child welfare training program, the department of children and youth may use any of the following: 109401  
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109403

(1) The federal financial participation funds withheld pursuant to division (E) of section ~~5101.141~~ 5180.42 of the Revised Code in an amount determined by the department; 109404  
109405  
109406

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs; 109407  
109408

(3) Other available state or federal funds; 109409

(4) Funds that a person, including a foundation, makes available for the program. 109410  
109411

**Sec. 5103.41.** The department of ~~job and family services~~ children and youth, in consultation with the Ohio child welfare training program steering committee, shall designate training regions in the state. The department ~~of children and youth~~, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department ~~of children and youth~~ may change the composition of the training regions as the department considers necessary. 109412  
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The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.42 of the 109422  
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109424  
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Revised Code.	109428
<b>Sec. 5104.01.</b> As used in this chapter:	109429
(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.	109430 109431 109432
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	109433 109434
(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:	109435 109436 109437 109438
(1) Communicate on the owner's behalf;	109439
(2) Submit on the owner's behalf applications for licensure or approval;	109440 109441
(3) Enter into on the owner's behalf provider agreements for publicly funded child care.	109442 109443
(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.	109444 109445 109446 109447
(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child care staff member or administrator that does both of the following:	109448 109449 109450
(1) Uses a framework approved by the director of children and youth to document formal education, training, experience, and specialized credentials and certifications;	109451 109452 109453
(2) Allows the child care staff member or administrator to	109454

achieve a designation as an early childhood professional level 109455  
one, two, three, four, five, or six. 109456

(F) "Caretaker parent" means the father or mother of a 109457  
child whose presence in the home is needed as the caretaker of 109458  
the child, a person who has legal custody of a child and whose 109459  
presence in the home is needed as the caretaker of the child, a 109460  
guardian of a child whose presence in the home is needed as the 109461  
caretaker of the child, and any other person who stands in loco 109462  
parentis with respect to the child and whose presence in the 109463  
home is needed as the caretaker of the child. 109464

(G) "Chartered nonpublic school" means a school that meets 109465  
standards for nonpublic schools prescribed by the director of 109466  
education and workforce for nonpublic schools pursuant to 109467  
section 3301.07 of the Revised Code. 109468

(H) "Child" includes an infant, toddler, preschool-age 109469  
child, or school-age child. 109470

(I) "Child care block grant act" means the "Child Care and 109471  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 109472  
U.S.C. 9858, as amended. 109473

(J) "Child day camp" means a program in which only school- 109474  
age children attend or participate, that operates for no more 109475  
than twelve hours per day and no more than fifteen weeks during 109476  
the summer. For purposes of this division, the maximum twelve 109477  
hours of operation time does not include transportation time 109478  
from a child's home to a child day camp and from a child day 109479  
camp to a child's home. 109480

(K) "Child care" means all of the following: 109481

(1) Administering to the needs of infants, toddlers, 109482  
preschool-age children, and school-age children outside of 109483

school hours;	109484
(2) By persons other than their parents, guardians, or custodians;	109485 109486
(3) For part of the twenty-four-hour day;	109487
(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;	109488 109489
(5) By a provider required by this chapter to be licensed or approved by the department of children and youth, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.	109490 109491 109492 109493 109494
(L) "Child care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child care center" and "center" do not include any of the following:	109495 109496 109497 109498 109499
(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;	109500 109501 109502 109503 109504 109505 109506 109507 109508 109509
(2) A child day camp;	109510
(3) A place that provides care, if all of the following	109511

apply:	109512
(a) An organized religious body provides the care;	109513
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	109514 109515 109516
(c) The care is not provided for more than thirty days a year;	109517 109518
(d) The care is provided only for preschool-age and school-age children.	109519 109520
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	109521 109522 109523 109524
(N) "Child care resource and referral services" means all of the following services:	109525 109526
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	109527 109528 109529
(2) Provision of individualized consumer education to families seeking child care;	109530 109531
(3) Provision of timely referrals of available child care providers to families seeking child care;	109532 109533
(4) Recruitment of child care providers;	109534
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	109535 109536 109537 109538

(6) Collection and analysis of data on the supply of and demand for child care in the community;	109539 109540
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	109541 109542 109543
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	109544 109545 109546
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	109547 109548 109549
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of children and youth;	109550 109551 109552 109553 109554
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family child care homes.	109555 109556 109557 109558
(O) "Child care staff member" means an employee of a child care center, type A family child care home, licensed type B family child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.	109559 109560 109561 109562 109563 109564
(P) "Drop-in child care center," "drop-in center," "drop-in type A family child care home," and "drop-in type A home" mean a center or type A home that provides child care or	109565 109566 109567

publicly funded child care for children on a temporary, 109568  
irregular basis. 109569

(Q) "Early learning and development program" has the same 109570  
meaning as "licensed child care program." 109571

(R) "Employee" means a person who either: 109572

(1) Receives compensation for duties performed in a child 109573  
care center, type A family child care home, licensed type B 109574  
family child care home, or approved child day camp; 109575

(2) Is assigned specific working hours or duties in a 109576  
child care center, type A family child care home, licensed type 109577  
B family child care home, or approved child day camp. 109578

~~(R)~~(S) "Employer" means a person, firm, institution, 109579  
organization, or agency that operates a child care center, type 109580  
A family child care home, licensed type B family child care 109581  
home, or approved child day camp subject to licensure or 109582  
approval under this chapter. 109583

~~(S)~~(T) "Federal poverty line" means the official poverty 109584  
guideline as revised annually in accordance with section 673(2) 109585  
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 109586  
511, 42 U.S.C. 9902, as amended, for a family size equal to the 109587  
size of the family of the person whose income is being 109588  
determined. 109589

~~(T)~~(U) "Head start program" means a school-readiness 109590  
program that satisfies all of the following: 109591

(1) Is for children from birth to age five who are from 109592  
low-income families; 109593

(2) Receives funds distributed under the "Improving Head 109594  
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 109595

amended; 109596

(3) Is licensed as a child care program. 109597

~~(U)~~ (V) "Home education" has the same meaning as in section 109598  
3321.042 of the Revised Code. 109599

~~(V)~~ (W) "Home education learning pod" means a voluntary 109600  
association of parents who direct their children's education 109601  
through home education and includes the following 109602  
characteristics: 109603

(1) The parents choose to group their children together in 109604  
a home or other location at various times, which may include 109605  
hours when home education is not provided. 109606

(2) The pod includes only the parents' children who are 109607  
receiving home education, except that it also may include 109608  
siblings of those children, or other children who are under the 109609  
care of the parents, regardless of age. 109610

(3) At least one parent of any of the children 109611  
participating in the pod must be on the premises while the pod 109612  
is meeting. 109613

~~(W)~~ (X) "Homeless child care" means child care provided to 109614  
a child who satisfies any of the following: 109615

(1) Is homeless as defined in 42 U.S.C. 11302; 109616

(2) Is a homeless child or youth as defined in 42 U.S.C. 109617  
11434a; 109618

(3) Resides temporarily with a caretaker in a facility 109619  
providing emergency shelter for homeless families or is 109620  
determined by a county department of job and family services to 109621  
be homeless. 109622

~~(X)~~(Y) "Income" means gross income, as defined in section 109623  
5107.10 of the Revised Code, less any amounts required by 109624  
federal statutes or regulations to be disregarded. 109625

~~(Y)~~(Z) "Indicator checklist" means an inspection tool, 109626  
used in conjunction with an instrument-based program monitoring 109627  
information system, that contains selected licensing 109628  
requirements that are statistically reliable indicators or 109629  
predictors of a child care center's, type A family child care 109630  
home's, or licensed type B family child care home's compliance 109631  
with licensing requirements. 109632

~~(Z)~~(AA) "Infant" means a child who is less than eighteen 109633  
months of age. 109634

~~(AA)~~(BB) "In-home aide" means a person who does not reside 109635  
with the child but provides care in the child's home and is 109636  
certified by a county director of job and family services 109637  
pursuant to section 5104.12 of the Revised Code to provide 109638  
publicly funded child care to a child in a child's own home 109639  
pursuant to this chapter and any rules adopted under it. 109640

~~(BB)~~(CC) "Instrument-based program monitoring information 109641  
system" means a method to assess compliance with licensing 109642  
requirements for child carecenters, type A family child care 109643  
homes, and licensed type B family child care homes in which each 109644  
licensing requirement is assigned a weight indicative of the 109645  
relative importance of the requirement to the health, growth, 109646  
and safety of the children that is used to develop an indicator 109647  
checklist. 109648

~~(CC)~~(DD) "License capacity" means the maximum number in 109649  
each age category of children who may be cared for in a child 109650  
care center, type A family child care home, or licensed type B 109651

family child care home at one time as determined by the director 109652  
of children and youth considering building occupancy limits 109653  
established by the department of commerce, amount of available 109654  
indoor floor space and outdoor play space, and amount of 109655  
available play equipment, materials, and supplies. 109656

~~(DD)~~ (EE) "Licensed child care program" means any of the 109657  
following: 109658

(1) A child care center licensed by the department of 109659  
children and youth pursuant to this chapter; 109660

(2) A type A family child care home or type B family child 109661  
care home licensed by the department of children and youth 109662  
pursuant to this chapter; 109663

(3) A licensed preschool program or licensed school child 109664  
program. 109665

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school 109666  
child program" means a preschool program or school child 109667  
program, as defined in section 3301.52 of the Revised Code, that 109668  
is licensed by the department of children and youth pursuant to 109669  
sections 3301.52 to 3301.59 of the Revised Code. 109670

~~(FF)~~ (GG) "Licensed type B family child care home" and 109671  
"licensed type B home" mean a type B family child care home for 109672  
which there is a valid license issued by the director of 109673  
children and youth pursuant to section 5104.03 of the Revised 109674  
Code. 109675

~~(GG)~~ (HH) "Licensee" means the owner of a child care 109676  
center, type A family child care home, or type B family child 109677  
care home that is licensed pursuant to this chapter and who is 109678  
responsible for ensuring compliance with this chapter and rules 109679  
adopted pursuant to this chapter. 109680

~~(HH)~~ (II) "Operate a child day camp" means to operate, 109681  
establish, manage, conduct, or maintain a child day camp. 109682

~~(II)~~ (JJ) "Owner" includes a person, as defined in section 109683  
1.59 of the Revised Code, or government entity. 109684

~~(JJ)~~ (KK) "Parent cooperative child care center," "parent 109685  
cooperative center," "parent cooperative type A family child 109686  
care home," and "parent cooperative type A home" mean a 109687  
corporation or association organized for providing educational 109688  
services to the children of members of the corporation or 109689  
association, without gain to the corporation or association as 109690  
an entity, in which the services of the corporation or 109691  
association are provided only to children of the members of the 109692  
corporation or association, ownership and control of the 109693  
corporation or association rests solely with the members of the 109694  
corporation or association, and at least one parent-member of 109695  
the corporation or association is on the premises of the center 109696  
or type A home during its hours of operation. 109697

~~(KK)~~ (LL) "Part-time child care center," "part-time 109698  
center," "part-time type A family child care home," and "part- 109699  
time type A home" mean a center or type A home that provides 109700  
child care or publicly funded child care for not more than four 109701  
hours a day for any child or not more than fifteen consecutive 109702  
weeks per year, regardless of the number of hours per day. 109703

~~(LL)~~ (MM) "Place of worship" means a building where 109704  
activities of an organized religious group are conducted and 109705  
includes the grounds and any other buildings on the grounds used 109706  
for such activities. 109707

~~(MM)~~ (NN) "Preschool-age child" means a child who is three 109708  
years old or older but is not a school-age child. 109709

~~(NN)~~ (OO) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

~~(OO)~~ (PP) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of children and youth.

~~(PP)~~ (QQ) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

~~(QQ)~~ (RR) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

~~(RR)~~ (SS) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

~~(SS)~~ (TT) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

~~(TT)~~ (UU) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

~~(UU)~~ (VV) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

~~(VV)~~ (WW) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

~~(WW)~~ (XX) "Type A family child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family child care home" and "type A home" do not include any child day

camp. 109768

~~(XX)~~(YY) "Type B family child care home" and "type B home" 109769  
mean a permanent residence of the provider in which care is 109770  
provided for one to six children at one time and in which no 109771  
more than three children are under two years of age at one time. 109772  
In counting children for the purposes of this division, any 109773  
children under six years of age who are related to the provider 109774  
and who are on the premises of the type B home shall be counted. 109775  
"Type B family child care home" and "type B home" do not include 109776  
any child day camp. 109777

**Sec. 5104.12.** (A) (1) A county director of job and family 109778  
services may certify in-home aides to provide publicly funded 109779  
child care pursuant to this chapter and any rules adopted under 109780  
it. Any in-home aide who receives a certificate pursuant to this 109781  
section to provide publicly funded child care is an independent 109782  
contractor and is not an employee of the county department of 109783  
job and family services that issues the certificate. 109784

(2) Every person desiring to receive certification as an 109785  
in-home aide shall apply for certification to a county director 109786  
of job and family services on such forms as the director of 109787  
children and youth prescribes. A county director shall provide 109788  
at no charge to each applicant a copy of rules for certifying 109789  
in-home aides adopted pursuant to this chapter. 109790

(B) To be eligible for certification as an in-home aide, a 109791  
person shall not be either of the following: 109792

(1) The owner of a center or home whose license was 109793  
revoked pursuant to section 5104.04 of the Revised Code within 109794  
the previous five years; 109795

(2) An in-home aide whose certificate was revoked under 109796

division (C) (2) of this section within the previous five years. 109797

(C) (1) If the county director of job and family services 109798  
determines that the applicant complies with this chapter and any 109799  
rules adopted under it, the county director shall certify the 109800  
person as an in-home aide and issue the person a certificate to 109801  
provide publicly funded child care ~~for twenty-four months~~. The 109802  
county director shall furnish a copy of the certificate to the 109803  
parent, custodian, or guardian. The certificate shall state the 109804  
name and address of the in-home aide, ~~the expiration date of the~~  
~~certification~~, and the name and telephone number of the county 109805  
director who issued the certificate. 109806  
109807

(2) The county director may revoke the certificate in 109808  
either of the following circumstances: 109809

(a) The county director determines, pursuant to rules 109810  
adopted under Chapter 119. of the Revised Code, that revocation 109811  
is necessary; 109812

(b) The in-home aide does not comply with division (C) (2) 109813  
of section 5104.32 of the Revised Code. 109814

(D) (1) The county director of job and family services 109815  
shall inspect every home of a child who is receiving publicly 109816  
funded child care in the child's own home while the in-home aide 109817  
is providing the services. Inspections may be unannounced. Upon 109818  
receipt of a complaint, the county director shall investigate 109819  
the in-home aide, shall investigate the home of a child who is 109820  
receiving publicly funded child care in the child's own home, 109821  
and division (D) (2) of this section applies regarding the 109822  
complaint. The caretaker parent shall permit the county director 109823  
to inspect any part of the child's home. The county director 109824  
shall prepare a written inspection report and furnish one copy 109825

each to the in-home aide and the caretaker parent within a 109826  
reasonable time after the inspection. 109827

(2) Upon receipt of a complaint as described in division 109828  
(D) (1) of this section, in addition to the investigations that 109829  
are required under that division, both of the following apply: 109830

(a) If the complaint alleges that a child suffered 109831  
physical harm while receiving publicly funded child care in the 109832  
child's own home from an in-home aide or that the noncompliance 109833  
with law or act alleged in the complaint involved, resulted in, 109834  
or poses a substantial risk of physical harm to a child 109835  
receiving publicly funded child care in the child's own home 109836  
from an in-home aide, the county director shall inspect the home 109837  
of the child. 109838

(b) If division (D) (2) (a) of this section does not apply 109839  
regarding the complaint, the county director may inspect the 109840  
home of the child. 109841

(3) Division (D) (2) of this section does not limit, 109842  
restrict, or negate any duty of the county director to inspect a 109843  
home of a child who is receiving publicly funded child care from 109844  
an in-home aide that otherwise is imposed under this section, or 109845  
any authority of the county director to inspect such a home that 109846  
otherwise is granted under this section when the county director 109847  
believes the inspection is necessary and it is permitted under 109848  
the grant. 109849

**Sec. 5104.29.** (A) ~~As used in this section, "early learning~~ 109850  
~~and development program" has the same meaning as "licensed child~~ 109851  
~~care program" as defined in section 5104.01 of the Revised Code.~~ 109852

~~(B)~~ There is hereby created in the department of children 109853  
and youth the step up to quality program, under which the 109854

department of children and youth, in cooperation with the 109855  
department of education and workforce, shall develop a tiered 109856  
quality rating and improvement system for all early learning and 109857  
development programs in this state. The step up to quality 109858  
program shall include all of the following components: 109859

(1) Quality program standards for early learning and 109860  
development programs; 109861

(2) Accountability measures that include tiered ratings 109862  
representing each program's level of quality; 109863

(3) Program and provider outreach and support to help 109864  
programs meet higher standards and promote participation in the 109865  
step up to quality program; 109866

(4) Financial incentives for early learning and 109867  
development programs that provide publicly funded child care and 109868  
are linked to achieving and maintaining quality standards; 109869

(5) Parent and consumer education to help parents learn 109870  
about program quality and ratings so they can make informed 109871  
choices on behalf of their children. 109872

~~(C)~~(B) The step up to quality program shall have the 109873  
following goals: 109874

(1) Increasing the number of low-income children, special 109875  
needs children, and children with limited English proficiency 109876  
participating in quality early learning and development 109877  
programs; 109878

(2) Providing families with an easy-to-use tool for 109879  
evaluating the quality of early learning and development 109880  
programs; 109881

(3) Recognizing and supporting early learning and 109882

development programs that achieve higher levels of quality; 109883

(4) Providing incentives and supports to help early 109884  
learning and development programs implement continuous quality 109885  
improvement systems. 109886

~~(D)~~ (C) Under the step up to quality program, participating 109887  
early learning and development programs may be eligible for 109888  
grants, technical assistance, training, and other assistance. 109889  
Programs that maintain a quality rating may be eligible for 109890  
unrestricted monetary awards. 109891

~~(E)~~ (D) The tiered ratings developed pursuant to this 109892  
section shall be based on an early learning and development 109893  
program's performance in meeting program standards in the 109894  
following four domains: 109895

(1) Learning and development; 109896

(2) Administration and leadership practices; 109897

(3) Staff quality and professional development; 109898

(4) Family and community partnerships. 109899

The ratings developed under this section shall not take 109900  
into consideration whether an administrator or employee of an 109901  
early learning and development program holds or obtains a 109902  
bachelor's, master's, or doctoral degree. 109903

~~(F)~~ (E) The director of children and youth, in 109904  
collaboration with the director of education and workforce, 109905  
shall adopt rules in accordance with Chapter 119. of the Revised 109906  
Code to implement the step up to quality program described in 109907  
this section. 109908

**Sec. 5104.30.** (A) The department of children and youth is 109909

hereby designated as the state agency responsible for 109910  
administration and coordination of federal and state funding for 109911  
publicly funded child care in this state. Publicly funded child 109912  
care shall be provided to the following: 109913

(1) Recipients of transitional child care as provided 109914  
under section 5104.34 of the Revised Code; 109915

(2) Participants in the Ohio works first program 109916  
established under Chapter 5107. of the Revised Code; 109917

(3) Individuals who would be participating in the Ohio 109918  
works first program if not for a sanction under section 5107.16 109919  
of the Revised Code and who continue to participate in a work 109920  
activity, developmental activity, or alternative work activity 109921  
pursuant to an assignment under section 5107.42 of the Revised 109922  
Code; 109923

(4) A family receiving publicly funded child care on 109924  
October 1, 1997, until the family's income reaches one hundred 109925  
fifty per cent of the federal poverty line; 109926

(5) Subject to available funds, other individuals 109927  
determined eligible in accordance with rules adopted under 109928  
section 5104.38 of the Revised Code. 109929

The department shall apply to the United States department 109930  
of health and human services for authority to operate a 109931  
coordinated program for publicly funded child care, if the 109932  
director of children and youth determines that the application 109933  
is necessary. For purposes of this section, the department of 109934  
children and youth may enter into agreements with other state 109935  
agencies that are involved in regulation or funding of child 109936  
care. The department shall consider the special needs of migrant 109937  
workers when it administers and coordinates publicly funded 109938

child care and shall develop appropriate procedures for 109939  
accommodating the needs of migrant workers for publicly funded 109940  
child care. 109941

(B) The department of children and youth shall distribute 109942  
state and federal funds for publicly funded child care, 109943  
including appropriations of state funds for publicly funded 109944  
child care and appropriations of federal funds available under 109945  
the child care block grant act, Title IV-A, and Title XX. The 109946  
department may use any state funds appropriated for publicly 109947  
funded child care as the state share required to match any 109948  
federal funds appropriated for publicly funded child care. 109949

(C) In the use of federal funds available under the child 109950  
care block grant act, all of the following apply: 109951

(1) The department may use the federal funds to hire staff 109952  
to prepare any rules required under this chapter and to 109953  
administer and coordinate federal and state funding for publicly 109954  
funded child care. 109955

(2) Not more than five per cent of the aggregate amount of 109956  
the federal funds received for a fiscal year may be expended for 109957  
administrative costs. 109958

(3) The department shall allocate and use at least four 109959  
per cent of the federal funds for the following: 109960

(a) Activities designed to provide comprehensive consumer 109961  
education to parents and the public; 109962

(b) Activities that increase parental choice; 109963

(c) Activities, including child care resource and referral 109964  
services, designed to improve the quality, and increase the 109965  
supply, of child care; 109966

(d) Establishing the step up to quality program pursuant 109967  
to section 5104.29 of the Revised Code. 109968

(4) The department shall ensure that the federal funds 109969  
will be used only to supplement, and will not be used to 109970  
supplant, federal, state, and local funds available on the 109971  
effective date of the child care block grant act for publicly 109972  
funded child care and related programs. If authorized by rules 109973  
adopted by the department pursuant to section 5104.42 of the 109974  
Revised Code, county departments of job and family services may 109975  
purchase child care from funds obtained through any other means. 109976

(D) The department shall encourage the development of 109977  
suitable child care throughout the state, especially in areas 109978  
with high concentrations of recipients of public assistance and 109979  
families with low incomes. The department shall encourage the 109980  
development of suitable child care designed to accommodate the 109981  
special needs of migrant workers. On request, the department, 109982  
through its employees or contracts with state or community child 109983  
care resource and referral service organizations, shall provide 109984  
consultation to groups and individuals interested in developing 109985  
child care. The department of children and youth may enter into 109986  
interagency agreements with the department of education and 109987  
workforce, the chancellor of higher education, the department of 109988  
development, and other state agencies and entities whenever the 109989  
cooperative efforts of the other state agencies and entities are 109990  
necessary for the department of children and youth to fulfill 109991  
its duties and responsibilities under this chapter. 109992

The department shall develop and maintain a registry of 109993  
persons providing child care. The director shall adopt rules in 109994  
accordance with Chapter 119. of the Revised Code establishing 109995  
procedures and requirements for the registry's administration. 109996

(E) (1) The director shall adopt rules in accordance with 109997  
Chapter 119. of the Revised Code establishing both of the 109998  
following: 109999

(a) ~~Reimbursement~~ Payment rates for providers of publicly 110000  
funded child care not later than the first day of July in each 110001  
odd-numbered year; 110002

(b) A procedure for ~~reimbursing and~~ paying providers of 110003  
publicly funded child care. 110004

(2) In establishing ~~reimbursement~~ payment rates under 110005  
division (E) (1) (a) of this section, the director shall do all of 110006  
the following: 110007

(a) Use the information obtained from the market rate 110008  
survey developed and conducted in accordance with 45 C.F.R. 110009  
98.45; 110010

(b) Establish an enhanced ~~reimbursement~~ payment rate for 110011  
providers who ~~provide child care for~~ enroll children whose 110012  
caretaker parents ~~who~~ work nontraditional hours; 110013

(c) With regard to the step up to quality program 110014  
established pursuant to section 5104.29 of the Revised Code, 110015  
establish enhanced ~~reimbursement~~ payment rates for child care 110016  
providers that participate in the program. 110017

(3) In establishing ~~reimbursement~~ payment rates under 110018  
division (E) (1) (a) of this section, the director may establish 110019  
different ~~reimbursement~~ payment rates based on any of the 110020  
following: 110021

(a) Geographic location of the provider; 110022

(b) Type of care provided; 110023

(c) Age of the child served;	110024
(d) Special needs of the child served;	110025
(e) Whether the expanded hours of service are provided;	110026
(f) Whether weekend service is provided;	110027
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	110028 110029
(h) Any other factors the director considers appropriate.	110030
<u>Sec. 5104.302. In addition to establishing payment rates for publicly funded child care providers in each odd-numbered year, as required by section 5104.30 of the Revised Code, the director of children and youth may contract with a third-party entity to analyze information regarding the prices charged for child care for the subsequent even-numbered year.</u>	110031 110032 110033 110034 110035 110036
<b>Sec. 5104.32.</b> (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child care center, licensed type A family child care home, licensed type B family child care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of children and youth. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into	110037 110038 110039 110040 110041 110042 110043 110044 110045 110046 110047 110048 110049 110050 110051 110052

in accordance with the provisions of this chapter and are exempt 110053  
from any other provision of the Revised Code that regulates 110054  
state contracts or contracts involving the expenditure of state 110055  
or federal funds. 110056

(B) Each contract for publicly funded child care shall 110057  
specify at least the following: 110058

(1) That the provider of publicly funded child care agrees 110059  
to be paid ~~for rendering services at the lower of the rate~~ 110060  
~~customarily charged by the provider for children enrolled for~~ 110061  
~~child care or the reimbursement rate of payment established~~ 110062  
pursuant to section 5104.30 of the Revised Code; 110063

(2) ~~That, if a provider provides child care to an~~ 110064  
~~individual potentially eligible for publicly funded child care~~ 110065  
~~who is subsequently determined to be eligible, the department~~ 110066  
~~agrees to pay for all child care provided between the date the~~ 110067  
~~county department of job and family services receives the~~ 110068  
~~individual's completed application and the date the individual's~~ 110069  
~~eligibility is determined;~~ 110070

~~(3) Whether the county department of job and family~~ 110071  
~~services, the provider, or a child care resource and referral~~ 110072  
~~service organization will make eligibility determinations,~~ 110073  
~~whether the provider or a child care resource and referral~~ 110074  
~~service organization will be required to collect information to~~ 110075  
~~be used by the county department to make eligibility~~ 110076  
~~determinations, and the time period within which the provider or~~ 110077  
~~child care resource and referral service organization is~~ 110078  
~~required to complete required eligibility determinations or to~~ 110079  
~~transmit to the county department any information collected for~~ 110080  
~~the purpose of making eligibility determinations;~~ 110081

~~(4)~~(3) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

~~(5)~~(4) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

~~(6)~~(5) Whether the provider will be paid by the department of children and youth or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

~~(7)~~(6) That the contract is subject to the availability of state and federal funds.

(C) (1) The department shall establish an automated child care system to track child attendance and enrollment and calculate payments for publicly funded child care. Not later than July 1, 2026, and thereafter, the department shall calculate payments for publicly funded child care based on a child's enrollment, as described in 45 C.F.R. 98.45(m), rather than on a child's attendance.

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:

(a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system;	110111 110112 110113
(b) Falsify <u>child attendance or enrollment records</u> ;	110114
(c) Knowingly seek or accept payment for publicly funded child care <del>that was not provided</del> <u>for a child not enrolled with the provider or for which the provider was not eligible</u> ;	110115 110116 110117
(d) Knowingly seek or accept payment for child care <del>provided to</del> <u>for</u> a child who resides in the provider's own home.	110118 110119
(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following:	110120 110121 110122 110123 110124
(1) The terms of the contract entered into under this section;	110125 110126
(2) This chapter or any rules adopted under it.	110127
(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.	110128 110129 110130 110131 110132 110133 110134
(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119.	110135 110136 110137 110138

of the Revised Code. 110139

**Sec. 5104.34.** (A) (1) Each county department of job and 110140  
family services shall implement procedures for making 110141  
determinations of eligibility for publicly funded child care. 110142  
Under those procedures, the eligibility determination for each 110143  
applicant shall be made no later than thirty calendar days from 110144  
the date the county department receives a completed application 110145  
for publicly funded child care. Each applicant shall be notified 110146  
promptly of the results of the eligibility determination. An 110147  
applicant aggrieved by a decision or delay in making an 110148  
eligibility determination may appeal the decision or delay to 110149  
the department of children and youth in accordance with section 110150  
5101.35 of the Revised Code. The due process rights of 110151  
applicants shall be protected. 110152

To the extent permitted by federal law, the county 110153  
department may make all determinations of eligibility for 110154  
publicly funded child care, may contract with child care 110155  
providers or child care resource and referral service 110156  
organizations for the providers or resource and referral service 110157  
organizations to make all or any part of the determinations, and 110158  
may contract with child care providers or child care resource 110159  
and referral service organizations for the providers or resource 110160  
and referral service organizations to collect specified 110161  
information for use by the county department in making 110162  
determinations. If a county department contracts with a child 110163  
care provider or a child care resource and referral service 110164  
organization for eligibility determinations or for the 110165  
collection of information, the contract shall require the 110166  
provider or resource and referral service organization to make 110167  
each eligibility determination no later than thirty calendar 110168  
days from the date the provider or resource and referral 110169

organization receives a completed application that is the basis 110170  
of the determination and to collect and transmit all necessary 110171  
information to the county department within a period of time 110172  
that enables the county department to make each eligibility 110173  
determination no later than thirty days after the filing of the 110174  
application that is the basis of the determination. 110175

The county department may station employees of the 110176  
department in various locations throughout the county to collect 110177  
information relevant to applications for publicly funded child 110178  
care and to make eligibility determinations. The county 110179  
department, child care provider, and child care resource and 110180  
referral service organization shall make each determination of 110181  
eligibility for publicly funded child care no later than thirty 110182  
days after the filing of the application that is the basis of 110183  
the determination, shall make each determination in accordance 110184  
with any relevant rules adopted pursuant to section 5104.38 of 110185  
the Revised Code, and shall notify promptly each applicant for 110186  
publicly funded child care of the results of the determination 110187  
of the applicant's eligibility. 110188

The director of children and youth shall adopt rules in 110189  
accordance with Chapter 119. of the Revised Code for monitoring 110190  
the eligibility determination process. In accordance with those 110191  
rules, the state department shall monitor eligibility 110192  
determinations made by county departments of job and family 110193  
services and shall direct any entity that is not in compliance 110194  
with this division or any rule adopted under this division to 110195  
implement corrective action specified by the department. 110196

(2) (a) All eligibility determinations for publicly funded 110197  
child care shall be made in accordance with rules adopted 110198  
pursuant to division (A) of section 5104.38 of the Revised Code. 110199

Except as otherwise provided in this section, all of the 110200  
following apply: 110201

(i) Publicly funded child care may be provided only to 110202  
eligible infants, toddlers, preschool-age children, school-age 110203  
children under age thirteen, or children receiving special needs 110204  
child care. 110205

(ii) For an applicant to be eligible for publicly funded 110206  
child care, the caretaker parent must be employed or 110207  
participating in a program of education or training for an 110208  
amount of time reasonably related to the time that the parent's 110209  
children are receiving publicly funded child care. This 110210  
restriction does not apply to families whose children are 110211  
eligible for protective child care. 110212

(iii) The eligibility period for publicly funded child 110213  
care shall be at least twelve months. 110214

~~(b) In accordance with rules adopted under division (B) of 110215  
section 5104.38 of the Revised Code, an applicant may receive 110216  
publicly funded child care while the county department 110217  
determines eligibility. An applicant may receive publicly funded 110218  
child care while a county department determines eligibility only 110219  
once during a twelve-month period. If the county department 110220  
determines that an applicant is not eligible for publicly funded 110221  
child care, the child care provider shall be paid for providing 110222  
publicly funded child care for up to five days after that 110223  
determination if the county department received a completed 110224  
application with all required documentation. A program may 110225  
appeal a denial of payment under this division. 110226~~

~~(e) If a caretaker parent who has been determined eligible 110227  
to receive publicly funded child care no longer meets the 110228~~

requirements of division (A) (2) (a) (ii) of this section, the 110229  
caretaker parent may continue to receive publicly funded child 110230  
care for a period of at least three but not more than four 110231  
months not to extend beyond the caretaker parent's eligibility 110232  
period. 110233

~~(d)~~ (c) If a child turns thirteen, or if a child receiving 110234  
special needs child care turns eighteen, during the eligibility 110235  
period, the caretaker parent may continue to receive publicly 110236  
funded child care until the end of that eligibility period. 110237

Subject to available funds, the department of children and 110238  
youth shall allow a family to receive publicly funded child care 110239  
unless the family's income exceeds the maximum income 110240  
eligibility limit. Initial and continued eligibility for 110241  
publicly funded child care is subject to available funds unless 110242  
the family is receiving child care pursuant to division (A) (1), 110243  
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 110244  
department must limit eligibility due to lack of available 110245  
funds, it shall give first priority for publicly funded child 110246  
care to an assistance group whose income is not more than the 110247  
maximum income eligibility limit that received transitional 110248  
child care in the previous month but is no longer eligible 110249  
because the eligibility period has expired. Such an assistance 110250  
group shall continue to receive priority for publicly funded 110251  
child care until its income exceeds the maximum income 110252  
eligibility limit. 110253

(3) An assistance group that ceases to participate in the 110254  
Ohio works first program established under Chapter 5107. of the 110255  
Revised Code is eligible for transitional child care at any time 110256  
during the immediately following twelve-month period that both 110257  
of the following apply: 110258

(a) The assistance group requires child care due to employment; 110259  
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(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line. 110261  
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An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care. 110263  
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(B) To the extent permitted by federal law, the department of children and youth may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child. 110267  
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(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs. 110275  
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(D) If the department of children and youth determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income. 110280  
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(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child 110286  
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during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

**Sec. 5104.36.** The licensee or administrator of a child care center, type A family child care home, or licensed type B family child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child enrolled with the center, home, in-home aide, camp, or provider, to be made available to the county department of job and family services or the department of children and youth on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;

(C) The name and address of the caretaker parent's place of employment or program of education or training;

(D) The hours for which the child has been enrolled with the center, home, in-home aide, camp, or provider and the hours

for which child care services have been provided for the child; 110316

(E) Any other information required by the county 110317  
department of job and family services or the department of 110318  
children and youth. 110319

**Sec. 5104.37.** (A) In addition to the duties described in 110320  
division (D) of section 5104.30 of the Revised Code, the 110321  
director of ~~job and family services~~ children and youth shall 110322  
engage in activities to do the following: 110323

(1) Encourage the establishment and licensure of family 110324  
~~day-care~~ child care homes in this state, especially in areas 110325  
with the greatest need for child care; 110326

(2) Connect families and caretaker parents in need of 110327  
child care with family ~~day-care~~ child care homes not meeting the 110328  
license capacity specified on their licenses, as described in 110329  
division (E) of section 5104.03 of the Revised Code. 110330

(B) The director may contract with one or more third-party 110331  
entities to assist the director in performing the duties 110332  
described in division (A) of this section. 110333

(C) Not later than May 30, 2023, and periodically 110334  
thereafter, the director shall submit to the general assembly a 110335  
report documenting any barriers that may prevent the 110336  
establishment or licensure of family ~~day-care~~ child care homes. 110337  
The director shall submit the required report in accordance with 110338  
section 101.68 of the Revised Code. 110339

**Sec. 5104.38.** In addition to any other rules adopted under 110340  
this chapter, the director of children and youth shall adopt 110341  
rules in accordance with Chapter 119. of the Revised Code 110342  
governing financial and administrative requirements for publicly 110343  
funded child care and establishing all of the following: 110344

(A) Procedures and criteria to be used in making 110345  
determinations of eligibility for publicly funded child care 110346  
that give priority to children of families with lower incomes 110347  
and procedures and criteria for eligibility for publicly funded 110348  
protective child care or homeless child care. The rules shall 110349  
specify the maximum amount of income a family may have for 110350  
initial and continued eligibility. The maximum amount shall not 110351  
exceed three hundred per cent of the federal poverty line. The 110352  
rules may specify exceptions to the eligibility requirements in 110353  
the case of a family that previously received publicly funded 110354  
child care and is seeking to have the child care reinstated 110355  
after the family's eligibility was terminated. 110356

~~(B) Procedures under which an applicant for publicly 110357  
funded child care may receive publicly funded child care while 110358  
the county department of job and family services determines 110359  
eligibility and under which a child care provider may appeal a 110360  
denial of payment under division (A) (2) (b) of section 5104.34 of 110361  
the Revised Code; 110362~~

~~(C) A schedule of fees requiring all eligible caretaker 110363  
parents to pay a fee for publicly funded child care according to 110364  
income and family size, which shall be uniform for all types of 110365  
publicly funded child care, except as authorized by rule, and, 110366  
to the extent permitted by federal law, shall permit the use of 110367  
state and federal funds to pay the customary deposits and other 110368  
advance payments that a provider charges all children who 110369  
receive child care from that provider. 110370~~

~~(D) (C) A formula for determining the amount of state and 110371  
federal funds appropriated for publicly funded child care that 110372  
may be allocated to a county department to use for 110373  
administrative purposes; 110374~~

~~(E)~~(D) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care; 110375  
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~~(F)~~(E) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care; 110378  
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~~(G)~~(F) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care; 110383  
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~~(H)~~(G) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act; 110385  
110386

~~(I)~~(H) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans; 110387  
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~~(J)~~(I) A definition of "person who stands in loco parentis" for the purposes of division ~~(NN)~~(3)~~(OO)~~(3) of section 5104.01 of the Revised Code; 110390  
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~~(K)~~(J) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 110393  
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~~(L)~~(K) If the director establishes a different ~~reimbursement~~payment rate under division (E) (3) (d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served; 110398  
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~~(M)~~ (L) To the extent permitted by federal law, procedures for enrolling and paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; 110404  
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~~(N)~~ (M) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code. 110412  
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**Sec. 5104.41.** A child and the child's caretaker who are otherwise ineligible for publicly funded child care are eligible for homeless child care for ~~the lesser of the following:~~ 110414  
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~~(A) Not more than ninety days;~~ 110417

~~(B) The period of time they reside in a facility providing emergency shelter for homeless families or the period of time in which the county department determines they are homeless~~ twelve months. 110418  
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110421

**Sec. 5104.53.** (A) As used in this section: 110422

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 110423  
110424

(2) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 110425  
110426

(B) The early childhood education grant program is created in the department of children and youth. Subject to available funds, the program shall support and invest in early learning and development programs operating in this state by awarding grants to programs that meet the conditions of this section in 110427  
110428  
110429  
110430  
110431

an amount that corresponds to the number of eligible children 110432  
served by the programs. 110433

(C) To be eligible for a grant under this section, an 110434  
early learning and development program shall meet each of the 110435  
following conditions: 110436

(1) The program is rated through the step up to quality 110437  
program established under section 5104.29 of the Revised Code at 110438  
the tiered rating specified by the department in rules adopted 110439  
under this section. 110440

(2) The program provides early learning and development 110441  
services to one or more preschool-age children described in 110442  
division (D) of this section. 110443

(3) The program meets any other eligibility condition 110444  
specified by the department in rules adopted under this section. 110445

(D) A preschool-age child who meets all of the following 110446  
conditions, as determined by a county department of job and 110447  
family services, is eligible to participate in the early 110448  
childhood education grant program if a slot is available: 110449

(1) Either the amount of the child's family income does 110450  
not exceed two hundred per cent of the federal poverty line or 110451  
the child meets one of the following conditions: 110452

(a) An IEP has been developed for the child; 110453

(b) The child is placed with a resource caregiver as 110454  
described in Chapter 5103. of the Revised Code, with such 110455  
placement documented by either a family case plan or kinship 110456  
permanency incentive payments; 110457

(c) The child is homeless as described in division (V) of 110458  
section 5104.01 of the Revised Code. 110459

- (2) The child is a citizen of the United States or a 110460  
qualified alien. 110461
- (3) The child meets any other eligibility condition 110462  
specified by the department in rules adopted under this section. 110463
- (E) Any funds appropriated to the department for purposes 110464  
of the early childhood education grant program shall be used as 110465  
follows: 110466
- (1) In each fiscal year, not more than two per cent of 110467  
appropriated funds shall be used for program support and 110468  
technical assistance. 110469
- (2) Appropriated funds other than those described in 110470  
division (E) (1) of this section shall be distributed to grant 110471  
recipients. 110472
- (F) In accordance with Chapter 119. of the Revised Code, 110473  
the director shall adopt rules to implement this section and 110474  
administer the early childhood education grant program, 110475  
including rules addressing all of the following topics: 110476
- (1) Eligibility conditions and other requirements for 110477  
participation in the grant program by early learning and 110478  
development programs, including the tiered rating at which a 110479  
program becomes eligible to participate; 110480
- (2) Eligibility conditions for children participating in 110481  
the early childhood education grant program if a slot is 110482  
available; 110483
- (3) Standards, procedures, and requirements to apply for 110484  
and distribute funds to participating early learning and 110485  
development programs; 110486
- (4) In the event funds are distributed in error under the 110487

program, methods by which the department may recover those 110488  
funds. 110489

**Sec. 5104.60.** The director of children and youth shall 110490  
contract with a third-party entity to develop a registry 110491  
information system to provide, on an ongoing basis, training and 110492  
professional development opportunities to the employees of early 110493  
learning and development programs that receive funding under the 110494  
child care block grant act. The registry information system 110495  
shall be known as the Ohio professional registry. 110496

In developing the registry information system, the third- 110497  
party entity shall comply with requirements set forth in the 110498  
child care block grant act and 45 C.F.R. Part 98. 110499

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 110500  
Revised Code shall be punished as follows: 110501

(1) For each offense, the offender shall be fined not less 110502  
than one hundred dollars nor more than five hundred dollars 110503  
multiplied by the number of children receiving child care at the 110504  
child care center or type A family child care home that either 110505  
exceeds the number of children to which a type B family ~~day-care~~ 110506  
child care home may provide child care or, if the offender is a 110507  
licensed type A family child care home that is operating as a 110508  
child care center without being licensed as a center, exceeds 110509  
the license capacity of the type A home. 110510

(2) In addition to the fine specified in division (A) (1) 110511  
of this section, all of the following apply: 110512

(a) Except as provided in divisions (A) (2) (b), (c), and 110513  
(d) of this section, the court shall order the offender to 110514  
reduce the number of children to which it provides child care to 110515  
a number that does not exceed either the number of children to 110516

which a type B family child care home may provide child care or, 110517  
if the offender is a licensed type A family child care home that 110518  
is operating as a child care center without being licensed as a 110519  
center, the license capacity of the type A home. 110520

(b) If the offender previously has been convicted of or 110521  
pleaded guilty to one violation of section 5104.02 of the 110522  
Revised Code, the court shall order the offender to cease the 110523  
provision of child care to any person until it obtains a child 110524  
care center license or a type A family child care home license, 110525  
as appropriate, under section 5104.03 of the Revised Code. 110526

(c) If the offender previously has been convicted of or 110527  
pleaded guilty to two violations of section 5104.02 of the 110528  
Revised Code, the offender is guilty of a misdemeanor of the 110529  
first degree, and the court shall order the offender to cease 110530  
the provision of child care to any person until it obtains a 110531  
child care center license or a type A family child care home 110532  
license, as appropriate, under section 5104.03 of the Revised 110533  
Code. The court shall impose the fine specified in division (A) 110534  
(1) of this section and may impose an additional fine provided 110535  
that the total amount of the fines so imposed does not exceed 110536  
the maximum fine authorized for a misdemeanor of the first 110537  
degree under section 2929.28 of the Revised Code. 110538

(d) If the offender previously has been convicted of or 110539  
pleaded guilty to three or more violations of section 5104.02 of 110540  
the Revised Code, the offender is guilty of a felony of the 110541  
fifth degree, and the court shall order the offender to cease 110542  
the provision of child care to any person until it obtains a 110543  
child care center license or a type A family child care home 110544  
license, as appropriate, under section 5104.03 of the Revised 110545  
Code. The court shall impose the fine specified in division (A) 110546

(1) of this section and may impose an additional fine provided 110547  
that the total amount of the fines so imposed does not exceed 110548  
the maximum fine authorized for a felony of the fifth degree 110549  
under section 2929.18 of the Revised Code. 110550

(B) Whoever violates section 5104.09 of the Revised Code 110551  
is guilty of a misdemeanor of the third degree. 110552

**Sec. 5117.07.** (A) On or before the first day of October, 110553  
the director of development shall review all applications 110554  
submitted under division (C) of section 5117.03 of the Revised 110555  
Code and shall determine the eligibility of each applicant to 110556  
receive a credit or payment. The total income and current total 110557  
income amounts set forth in division (A) of this section are 110558  
subject to adjustment under section 5117.071 of the Revised 110559  
Code. 110560

(1) An applicant is eligible for a credit of thirty per 110561  
cent if the applicant is a head of household, has a total income 110562  
of five thousand dollars or less or a current total income of 110563  
two thousand five hundred dollars or less, owns and occupies or 110564  
rents and occupies a household receiving the source of energy 110565  
for its primary heating system from an energy company and such 110566  
energy is separately metered, and is either of the following: 110567

(a) Sixty-five years of age or older; 110568

(b) Permanently and totally disabled. 110569

(2) An applicant is eligible for a credit of twenty-five 110570  
per cent if the applicant is a head of household, has a total 110571  
income of more than five thousand dollars but not more than nine 110572  
thousand dollars or a current total income of more than two 110573  
thousand five hundred dollars but not more than four thousand 110574  
five hundred dollars, is sixty-five years of age or older or 110575

permanently and totally disabled, and owns and occupies or rents 110576  
and occupies a household receiving the source of energy for its 110577  
primary heating system from an energy company and such energy is 110578  
separately metered. 110579

(3) An applicant is eligible for a payment if either of 110580  
the following applies to the applicant: 110581

(a) The applicant would be eligible for the credit under 110582  
division (A) (1) or (2) of this section but for the fact that the 110583  
source of energy for the primary heating system of the 110584  
applicant's household is not separately metered; 110585

(b) The applicant is a head of household, has a total 110586  
income of no more than nine thousand dollars or a current total 110587  
income of no more than four thousand five hundred dollars, is 110588  
sixty-five years of age or older or permanently and totally 110589  
disabled, and owns and occupies or rents and occupies a 110590  
household receiving the source of energy for its primary heating 110591  
system from an energy dealer. 110592

(4) In the case of a multiple unit dwelling for which 110593  
separate metering for the source of energy for its primary 110594  
heating system is not provided, more than one applicant 110595  
occupying such dwelling may be determined eligible for a payment 110596  
under division (A) (3) (a) of this section. 110597

(B) Notwithstanding division (A) of this section: 110598

(1) No head of household who resides in public housing or 110599  
receives a rent subsidy from a government agency is eligible for 110600  
a credit or payment unless the person's rent subsidy does not 110601  
reflect the costs of that person's household receiving the 110602  
source of energy for its primary heating system; 110603

(2) A resident of a nursing home, hospital, or other 110604

extended health care facility is not eligible for a credit or 110605  
payment for the costs of providing the source of energy for the 110606  
primary heating system of the facility. 110607

(C) The director shall establish a procedure whereby the 110608  
director~~commissioner~~ can verify total income and current total 110609  
income for the calendar year in which an applicant is determined 110610  
eligible for a payment or credit. If a person receives a credit 110611  
or payment that the person is ineligible to receive under 110612  
division (A) of this section as determined by the director, that 110613  
person shall refund to the director the credit or payment, or 110614  
excess portion of a credit or payment, that person received. The 110615  
sum refunded shall be deposited in the state treasury to the 110616  
credit of the ~~universal service~~ electric partnership plan fund 110617  
created in section 4928.51 of the Revised Code. 110618

(D) The director may request an additional certification 110619  
of permanent and total disability for any applicant claiming 110620  
such status on an application renewal form submitted under 110621  
section 5117.03 of the Revised Code. Such certification shall be 110622  
requested from the person or agency named on the form pursuant 110623  
to division (B)(1) of section 5117.03 of the Revised Code. If 110624  
such additional certification is refused due to a conclusion by 110625  
the person or agency that the applicant is not permanently and 110626  
totally disabled, the director shall determine the applicant 110627  
ineligible for any credit or payment. If such additional 110628  
certification is unavailable or refused for any other reason, 110629  
the director may determine the applicant to be eligible for a 110630  
credit or payment provided the director~~commissioner~~ has good 110631  
cause to believe the applicant is permanently and totally 110632  
disabled. 110633

(E) On or before the first day of October, the director 110634

shall notify each applicant of the disposition of the 110635  
applicant's application under divisions (A) and (B) of this 110636  
section. At the same time, the director ~~tax commissioner~~ shall 110637  
notify the applicant, regardless of whether the applicant's 110638  
application is approved or disapproved, that the applicant may 110639  
be eligible to participate in a state or federal weatherization 110640  
program and should contact the applicant's community action 110641  
agency for further information. If an application is 110642  
disapproved, the applicant may appeal to the director for a 110643  
hearing on the matter. A notice of disapproval shall include a 110644  
detailed explanation of the applicant's right of appeal under 110645  
this chapter. Any such appeal shall be on an appeal form 110646  
prescribed by the director and shall be filed with the director 110647  
within twenty days of the receipt of the notice of disapproval. 110648

**Sec. 5117.12.** (A) On or before the thirty-first day of 110649  
August of each year, each energy company shall file a written 110650  
report with the director of development regarding the impact, if 110651  
any, of the requirements of division (E) of section 5117.11 of 110652  
the Revised Code on the number of uncollectible and past due 110653  
residential accounts for the twelve-month period ending on the 110654  
preceding thirty-first day of July. The report shall include 110655  
such information as is prescribed by the director. The 110656  
information shall be based on actual reviews of residential 110657  
customer accounts and shall be presented in verifiable form. The 110658  
director may consult with the public utilities commission and 110659  
the consumers' counsel in prescribing the contents of such 110660  
reports and complying with the requirements of division (C) (4) 110661  
of this section. 110662

(B) Before the thirty-first day of January of each year, 110663  
the director shall prepare a written report including a final 110664  
review of the Ohio energy credit program for which applications 110665

were required to be mailed or provided by the fifteenth day of 110666  
June of the second preceding calendar year pursuant to section 110667  
5117.03 of the Revised Code and an interim review of the program 110668  
for which applications were required to be mailed or provided by 110669  
the fifteenth day of June of the preceding calendar year under 110670  
such section. On or before the thirty-first day of January of 110671  
each year, the director shall provide written copies of such 110672  
report to the speaker of the house of representatives, president 110673  
of the senate, minority leaders of the house of representatives 110674  
and senate, chairpersons of the house finance and appropriations 110675  
committee and senate finance committee, chairpersons of the 110676  
committees of the house of representatives and senate 110677  
customarily entrusted with matters concerning public utilities, 110678  
clerk of the house of representatives, and clerk of the senate. 110679

(C) Each report prepared under division (B) of this 110680  
section shall include a review of: 110681

(1) Program costs; 110682

(2) The number of persons receiving credits or payments 110683  
under the program; 110684

(3) Progress in the implementation of any changes in the 110685  
program made by the general assembly within the period covered 110686  
by the report; 110687

(4) The impact, if any, of the requirements of division 110688  
(E) of section 5117.11 of the Revised Code on the number of 110689  
uncollectible and past due residential accounts of energy 110690  
companies for the twelve-month period ending on the preceding 110691  
thirty-first day of July; 110692

(5) The impact of any federal energy assistance programs 110693  
available to the same groups of people as are eligible for the 110694

energy credit program under sections 5117.01 to 5117.12 of the Revised Code, together with any recommendations on modifications that may, because of the federal programs, be needed in the energy credit program;

(6) Any suggestions for improving the program;

(7) Any other matters considered appropriate by the director.

(D) The director shall consult with ~~the auditor of state,~~ energy companies, energy dealers, department of aging, and commission on Hispanic-Latino affairs in the preparation of any report under this section. The director may require information from such agencies for the purpose of preparing such report.

**Sec. 5119.01.** (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services,

including intervention, for the treatment of persons with 110724  
alcohol use disorder or persons who abuse drugs of abuse and for 110725  
the prevention of alcohol use disorder and drug addiction. 110726

(4) "Alcohol use disorder" means a medical condition 110727  
characterized by an individual's impaired ability to stop or 110728  
control the individual's alcohol use despite adverse social, 110729  
occupational, or health consequences. An alcohol use disorder 110730  
may be classified as mild, moderate, or severe. 110731

(5) "Certifiable services and supports" means all of the 110732  
following: 110733

(a) Alcohol and drug addiction services; 110734

(b) Mental health services; 110735

(c) The types of recovery supports that are specified in 110736  
rules adopted under section 5119.36 of the Revised Code as 110737  
requiring certification under that section. 110738

(6) "Community addiction services provider" means an 110739  
agency, association, corporation or other legal entity, 110740  
individual, or program that provides one or more of the 110741  
following: 110742

(a) Alcohol and drug addiction services that are certified 110743  
by the director of ~~mental behavioral health and addiction~~ 110744  
~~services~~ under section 5119.36 of the Revised Code; 110745

(b) Gambling addiction services; 110746

(c) Recovery supports that are related to alcohol and drug 110747  
addiction services or gambling addiction services and paid for 110748  
with federal, state, or local funds administered by the 110749  
department of ~~mental behavioral health and addiction services~~ or 110750  
a board of alcohol, drug addiction, and mental health services. 110751

(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:

(a) Mental health services that are certified by the director of ~~mental-behavioral health and addiction services~~ under section 5119.36 of the Revised Code;

(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of ~~mental-behavioral health and addiction services~~ or a board of alcohol, drug addiction, and mental health services.

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental-behavioral health and addiction services~~ under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under this chapter.

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol-free and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcohol use

disorder, drug addiction, or mental illness. "Recovery supports" 110810  
does not mean alcohol and drug addiction services or mental 110811  
health services. 110812

(19) (a) "Residence," except when referring to a recovery 110813  
housing residence or the meaning of "residence" in section 110814  
5119.90 of the Revised Code, means a person's physical presence 110815  
in a county with intent to remain there, except in either of the 110816  
following circumstances: 110817

(i) If a person is receiving a mental health treatment 110818  
service at a facility that includes nighttime sleeping 110819  
accommodations, "residence" means that county in which the 110820  
person maintained the person's primary place of residence at the 110821  
time the person entered the facility; 110822

(ii) If a person is committed pursuant to section 2945.38, 110823  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 110824  
"residence" means the county where the criminal charges were 110825  
filed. 110826

(b) When the residence of a person is disputed, the matter 110827  
of residence shall be referred to the department of ~~mental-~~ 110828  
behavioral health and addiction services for investigation and 110829  
determination. Residence shall not be a basis for a board of 110830  
alcohol, drug addiction, and mental health services to deny 110831  
services to any person present in the board's service district, 110832  
and the board shall provide services for a person whose 110833  
residence is in dispute while residence is being determined and 110834  
for a person in an emergency situation. 110835

(B) Any reference in this chapter to a board of alcohol, 110836  
drug addiction, and mental health services also refers to an 110837  
alcohol and drug addiction services board or a community mental 110838

health board in a service district in which an alcohol and drug 110839  
addiction services board or a community mental health board has 110840  
been established under section 340.021 or former section 340.02 110841  
of the Revised Code. 110842

**Sec. 5119.011.** (A) Whenever the term ~~"department of mental~~ 110843  
~~health," the term "Ohio department of mental health," the term-~~ 110844  
~~"department of alcohol and drug addiction services," or the term~~ 110845  
~~"Ohio department of alcohol and drug addiction services"~~ 110846  
"department of mental health and addiction services" is used, 110847  
referred to, or designated in any statute, rule, contract, 110848  
grant, or other document, the use, reference, or designation 110849  
shall be construed to mean the department of mental behavioral 110850  
~~health and addiction services.~~ 110851

(B) Whenever the term ~~"director of mental health" or the~~ 110852  
~~term "director of alcohol and drug addiction services" "director~~ 110853  
of mental health and addiction services" is used, referred to, 110854  
or designated in any statute, rule, contract, grant, or other 110855  
document, the use, reference, or designation shall be construed 110856  
to mean the director of mental behavioral health and addiction- 110857  
~~services.~~ 110858

**Sec. 5119.04.** The department of mental behavioral health 110859  
~~and addiction services~~ and any institutions under its 110860  
supervision or jurisdiction shall, where applicable, be in 110861  
substantial compliance with standards set forth for psychiatric 110862  
facilities by the joint commission or medical assistance 110863  
standards under Title XIX of the "Social Security Act," 49 Stat. 110864  
620 (1935), 42 U.S.C. 301, as amended, or other applicable 110865  
standards. 110866

The requirements of this section are in addition to any 110867  
other requirements established by the Revised Code and nothing 110868

in this section shall be construed to limit any rights, 110869  
privileges, protections, or immunities which may exist under the 110870  
constitution and laws of the United States or this state. 110871

**Sec. 5119.05.** Subject to the rules of the director of 110872  
~~mental behavioral health and addiction services~~, each 110873  
institution under the jurisdiction of the department shall be 110874  
under the management and control of a managing officer to be 110875  
known as a chief executive officer or by another appropriate 110876  
title. Such managing officer shall be appointed by the director 110877  
of ~~mental behavioral health and addiction services~~, and shall be 110878  
in the unclassified service and serve at the pleasure of the 110879  
director. Each managing officer shall be of good moral character 110880  
and have skill, ability, and experience in the managing 110881  
officer's profession. 110882

The managing officer, under the director, shall serve as 110883  
the appointing authority of the institution to which such 110884  
managing officer is appointed. Subject to civil service rules, 110885  
the managing officer shall have the power to appoint and remove 110886  
employees of the institution. On behalf of the institution, the 110887  
managing officer has the authority and responsibility for 110888  
entering into contracts and other agreements for the efficient 110889  
operations of the institution. 110890

**Sec. 5119.051.** The department of ~~mental behavioral health~~ 110891  
~~and addiction services~~ shall keep in its office a proper and 110892  
complete set of books and accounts with each institution, which 110893  
shall clearly show the nature and amount of every expenditure 110894  
authorized and made at such institution, and which shall contain 110895  
an account of all appropriations made by the general assembly 110896  
and of all other funds, together with the disposition of such 110897  
funds. 110898

The department shall prescribe the form of vouchers, 110899  
records, and methods of keeping accounts at each of the 110900  
institutions, which shall be as nearly uniform as possible. The 110901  
department may examine the records of each institution at any 110902  
time. 110903

The department may authorize any of its bookkeepers, 110904  
accountants, or employees to examine and check the records, 110905  
accounts, and vouchers or take an inventory of the property of 110906  
any institution, or do whatever is necessary, and pay the actual 110907  
and reasonable expenses incurred in such service when an 110908  
itemized account is filed and approved. 110909

**Sec. 5119.06.** The department of ~~mental-behavioral~~ health 110910  
~~and addiction services~~ shall keep in its office, accessible only 110911  
to its employees, except by the consent of the department or the 110912  
order of the judge of a court of record, a record showing the 110913  
name, residence, sex, age, nativity, occupation, condition, and 110914  
date of entrance or commitment of every patient in the 110915  
institutions governed by it, the date, cause, and terms of 110916  
discharge and the condition of such person at the time of 110917  
leaving, and also a record of all transfers from one institution 110918  
to another, and, if such person dies while in the care or 110919  
custody of the department, the date and cause of death. These 110920  
and such other facts as the department requires shall be 110921  
furnished by the managing officer of each institution within 110922  
twenty-four hours after the commitment, entrance, death, or 110923  
discharge of a patient. 110924

In case of an accident or injury or peculiar death of a 110925  
patient the managing officer shall make a special report to the 110926  
department within twenty-four hours thereafter, giving the 110927  
circumstances as fully as possible. 110928

**Sec. 5119.07.** A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution of the department of ~~mental~~ behavioral health and ~~addiction services~~ is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 3767.19 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on of the business would not annoy or endanger the health, convenience, or recovery of the patients of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks before the day set for hearing the petition and serve a written notice upon the managing officer of the institution at least thirty days before the day set for hearing the petition.

If, upon the hearing of the petition, it appears that the notice has been given as required and the court is of the opinion that no good reason exists why such establishment may not be erected or such business carried on and that by the erection or carrying on of the business at the point named, the institution will sustain no detriment, the court may issue an order granting the prayer of the petitioner. Thereafter the petitioner may locate such establishment or carry on such business at the point named in the petition.

**Sec. 5119.08.** (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B) (1) Subject to division (C) of this section, upon the recommendation of the director of ~~mental~~ behavioral health ~~and~~

~~addiction services~~, the managing officer of an institution under 110959  
the jurisdiction of the department of ~~mental-behavioral health~~ 110960  
~~and addiction services~~ may designate one or more employees to be 110961  
special police officers of the department. The special police 110962  
officers shall take an oath of office, wear the badge of office, 110963  
and give bond for the proper and faithful discharge of their 110964  
duties in an amount that the director requires. 110965

(2) In accordance with section 109.77 of the Revised Code, 110966  
the special police officers shall be required to complete 110967  
successfully a peace officer basic training program approved by 110968  
the Ohio peace officer training commission and to be certified 110969  
by the commission. The cost of the training shall be paid by the 110970  
department of ~~mental-behavioral health-and-addiction services~~. 110971

(3) Special police officers, on the premises of 110972  
institutions under the jurisdiction of the department of ~~mental-~~ 110973  
~~behavioral health and addiction services~~ and subject to the 110974  
rules of the department, shall protect the property of the 110975  
institutions and the persons and property of patients in the 110976  
institutions, suppress riots, disturbances, and breaches of the 110977  
peace, and enforce the laws of the state and the rules of the 110978  
department for the preservation of good order. They may arrest 110979  
any person without a warrant and detain the person until a 110980  
warrant can be obtained under the circumstances described in 110981  
division (F) of section 2935.03 of the Revised Code. 110982

(C) (1) The managing officer of an institution under the 110983  
jurisdiction of the department of ~~mental-behavioral health and-~~ 110984  
~~addiction services~~ shall not designate an employee as a special 110985  
police officer of the department pursuant to division (B) (1) of 110986  
this section on a permanent basis, on a temporary basis, for a 110987  
probationary term, or on other than a permanent basis if the 110988

employee previously has been convicted of or has pleaded guilty 110989  
to a felony. 110990

(2) (a) The managing officer of an institution under the 110991  
jurisdiction of the department of ~~mental-behavioral~~ health and 110992  
~~addiction services~~ shall terminate the employment as a special 110993  
police officer of the department of an employee designated as a 110994  
special police officer under division (B) (1) of this section if 110995  
that employee does either of the following: 110996

(i) Pleads guilty to a felony; 110997

(ii) Pleads guilty to a misdemeanor pursuant to a 110998  
negotiated plea agreement as provided in division (D) of section 110999  
2929.43 of the Revised Code in which the employee agrees to 111000  
surrender the certificate awarded to that employee under section 111001  
109.77 of the Revised Code. 111002

(b) The managing officer shall suspend from employment as 111003  
a special police officer of the department an employee 111004  
designated as a special police officer under division (B) (1) of 111005  
this section if that employee is convicted, after trial, of a 111006  
felony. If the special police officer files an appeal from that 111007  
conviction and the conviction is upheld by the highest court to 111008  
which the appeal is taken or if the special police officer does 111009  
not file a timely appeal, the managing officer shall terminate 111010  
the employment of that special police officer. If the special 111011  
police officer files an appeal that results in that special 111012  
police officer's acquittal of the felony or conviction of a 111013  
misdemeanor, or in the dismissal of the felony charge against 111014  
that special police officer, the managing officer shall 111015  
reinstate that special police officer. A special police officer 111016  
of the department who is reinstated under division (C) (2) (b) of 111017  
this section shall not receive any back pay unless that special 111018

police officer's conviction of the felony was reversed on 111019  
appeal, or the felony charge was dismissed, because the court 111020  
found insufficient evidence to convict the special police 111021  
officer of the felony. 111022

(3) Division (C) of this section does not apply regarding 111023  
an offense that was committed prior to January 1, 1997. 111024

(4) The suspension from employment, or the termination of 111025  
the employment, of a special police officer under division (C) 111026  
(2) of this section shall be in accordance with applicable 111027  
collective bargaining agreements. 111028

**Sec. 5119.091.** The attorney general shall attend to all 111029  
claims instituted on behalf of or against the department of 111030  
~~mental-behavioral health and addiction services~~ or any 111031  
institution under the jurisdiction of the department and the 111032  
managing officer thereof, except such institutions as are 111033  
privately owned or operated under a license from the department 111034  
of ~~mental-behavioral health and addiction services~~, and shall 111035  
represent the public hospital in proceedings under section 111036  
5122.15 of the Revised Code. The department of ~~mental-behavioral~~ 111037  
~~health and addiction services~~ shall reimburse the attorney 111038  
general for the compensation of assistant attorneys general 111039  
required to represent the public hospital in proceedings under 111040  
section 5122.15 of the Revised ~~code~~Code and shall also pay the 111041  
costs of litigation incurred by the attorney general under that 111042  
section. 111043

If a writ of habeas corpus is applied for, the clerk of 111044  
the court shall give notice of the time and place of hearing to 111045  
the attorney general. 111046

**Sec. 5119.10.** (A) The director of ~~mental-behavioral health~~ 111047

~~and addiction services~~ is the chief executive and appointing 111048  
authority of the department of ~~mental behavioral health and~~ 111049  
~~addiction services~~. The director may organize the department for 111050  
its efficient operation, including creating divisions or offices 111051  
as necessary. The director may establish procedures for the 111052  
governance of the department, conduct of its employees and 111053  
officers, performance of its business, and custody, use, and 111054  
preservation of departmental records, papers, books, documents, 111055  
and property. Whenever the Revised Code imposes a duty upon or 111056  
requires an action of the department or any of its institutions, 111057  
the director or the director's designee shall perform the action 111058  
or duty in the name of the department, except that the medical 111059  
director appointed pursuant to section 5119.11 of the Revised 111060  
Code shall be responsible for decisions relating to medical 111061  
diagnosis, treatment, rehabilitation, quality assurance, and the 111062  
clinical aspects of the following: licensure of hospitals and 111063  
residential facilities, research, community addiction and mental 111064  
health plans, and certification and delivery of addiction 111065  
services and mental health services. 111066

(B) The director shall: 111067

(1) Adopt rules for the proper execution of the powers and 111068  
duties of the department with respect to the institutions under 111069  
its control, and require the performance of additional duties by 111070  
the officers of the institutions as necessary to fully meet the 111071  
requirements, intents, and purposes of this chapter. In case of 111072  
an apparent conflict between the powers conferred upon any 111073  
managing officer and those conferred by such sections upon the 111074  
department, the presumption shall be conclusive in favor of the 111075  
department. 111076

(2) Adopt rules for the nonpartisan management of the 111077

institutions under the department's control. An officer or 111078  
employee of the department or any officer or employee of any 111079  
institution under its control who, by solicitation or otherwise, 111080  
exerts influence directly or indirectly to induce any other 111081  
officer or employee of the department or any of its institutions 111082  
to adopt the exerting officer's or employee's political views or 111083  
to favor any particular person, issue, or candidate for office 111084  
shall be removed from the exerting officer's or employee's 111085  
office or position, by the department in case of an officer or 111086  
employee, and by the governor in case of the director. 111087

(3) Appoint such employees, including the medical 111088  
director, as are necessary for the efficient conduct of the 111089  
department, and prescribe their titles and duties; 111090

(4) Prescribe the forms of affidavits, applications, 111091  
medical certificates, orders of hospitalization and release, and 111092  
all other forms, reports, and records that are required in the 111093  
hospitalization or admission and release of all persons to the 111094  
institutions under the control of the department, or are 111095  
otherwise required under this chapter or Chapter 5122. of the 111096  
Revised Code; 111097

(5) Exercise the powers and perform the duties relating to 111098  
addiction and mental health facilities, addiction services, 111099  
mental health services, 9-8-8 suicide and crisis response, and 111100  
recovery supports that are assigned to the director under this 111101  
chapter and Chapter 340. of the Revised Code; 111102

(6) Develop and implement clinical evaluation and 111103  
monitoring of services that are operated by the department; 111104

(7) Adopt rules establishing standards for the performance 111105  
of evaluations by a forensic center or other psychiatric program 111106

or facility of the mental condition of defendants ordered by the 111107  
court under section 2919.271, or 2945.371 of the Revised Code, 111108  
and for the treatment of defendants who have been found 111109  
incompetent to stand trial and ordered by the court under 111110  
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 111111  
Code to receive treatment in facilities; 111112

(8) On behalf of the department, have the authority and 111113  
responsibility for entering into contracts and other agreements 111114  
with providers, agencies, institutions, and other entities, both 111115  
public and private, as necessary for the department to carry out 111116  
its duties under this chapter and Chapters 340., 2919., 2945., 111117  
and 5122. of the Revised Code. Chapter 125. of the Revised Code 111118  
does not apply to contracts the director enters into under this 111119  
section for addiction services, mental health services, or 111120  
recovery supports provided to individuals who have an addiction 111121  
or mental illness by providers, agencies, institutions, and 111122  
other entities not owned or operated by the department. 111123

(9) Adopt rules in accordance with Chapter 119. of the 111124  
Revised Code specifying the supplemental services that may be 111125  
provided through a trust authorized by section 5815.28 of the 111126  
Revised Code; 111127

(10) Adopt rules in accordance with Chapter 119. of the 111128  
Revised Code establishing standards for the maintenance and 111129  
distribution to a beneficiary of assets of a trust authorized by 111130  
section 5815.28 of the Revised Code. 111131

(C) The director may contract with hospitals licensed by 111132  
the department under section 5119.33 of the Revised Code for the 111133  
care and treatment of patients with mental illnesses, or with 111134  
persons, organizations, or agencies for the custody, evaluation, 111135  
supervision, care, or treatment of persons with mental illnesses 111136

receiving services elsewhere than within the enclosure of a 111137  
hospital operated under section 5119.14 of the Revised Code. 111138

**Sec. 5119.11.** (A) The director of ~~mental~~behavioral health 111139  
~~and addiction services~~ shall appoint a medical director who is 111140  
eligible or certified by the American board of psychiatry and 111141  
neurology or the American osteopathic board of neurology and 111142  
psychiatry, and has at least five years of clinical and two 111143  
years of administrative experience. The medical director shall 111144  
also have certification or substantial training and experience 111145  
in the field of addiction medicine or addiction psychiatry. The 111146  
medical director shall be responsible for decisions relating to 111147  
medical diagnosis, treatment, prevention, rehabilitation, 111148  
quality assurance, and the clinical aspects of addiction 111149  
services and mental health services involving all of the 111150  
following: 111151

(1) Licensure of hospitals, residential facilities, and 111152  
outpatient facilities; 111153

(2) Research; 111154

(3) Community addiction and mental health plans; 111155

(4) Certification and delivery of addiction and mental 111156  
health services. 111157

(B) The medical director shall also exercise clinical 111158  
supervision of the chief clinical officers of hospitals and 111159  
institutions under the jurisdiction of the department and shall 111160  
review and approve decisions relating to the employment of the 111161  
chief clinical officers. The medical director or the medical 111162  
director's designee shall advise the director on matters 111163  
relating to licensure, research, the certification and delivery 111164  
of addiction services and mental health services, and community 111165

addiction and mental health plans. The medical director shall 111166  
participate in the development of guidelines for community 111167  
addiction and mental health plans. The director of ~~mental-~~ 111168  
behavioral health and addiction services may establish other 111169  
duties of the medical director. 111170

**Sec. 5119.14.** (A) The department of ~~mental-behavioral~~ 111171  
health and ~~addiction services~~ shall maintain, operate, manage, 111172  
and govern state institutions and other services for the care 111173  
and treatment of persons with mental illnesses. 111174

(B) (1) The department of ~~mental-behavioral~~ health and 111175  
~~addiction services~~ may, with the approval of the governor, 111176  
designate the name and purpose of any institutions under its 111177  
jurisdiction and may change, with the approval of the governor, 111178  
the designation and name when necessary. 111179

(2) The department shall divide the state into districts 111180  
for the purpose of designating the institution in which persons 111181  
with mental illnesses are hospitalized and may change the 111182  
districts. 111183

~~(3)~~ (C) Subject to section 5139.08 and pursuant to Chapter 111184  
5122. of the Revised Code and on the agreement of the 111185  
~~departments~~ department of mental-behavioral health and addiction 111186  
~~services~~ and department of youth services, the department of 111187  
~~mental-behavioral health and addiction services~~ may receive from 111188  
the department of youth services for psychiatric observation, 111189  
diagnosis, or treatment any person eighteen years of age or 111190  
older in the custody of the department of youth services. The 111191  
departments may enter into a written agreement specifying the 111192  
procedures necessary to implement this division. 111193

~~(C)~~ (D) The department of ~~mental-behavioral~~ health and 111194

~~addiction services~~ shall designate hospitals, facilities, and 111195  
community mental health services providers for the custody, 111196  
care, and special treatment of, and authorize payment for such 111197  
custody, care, and special treatment provided to, persons who 111198  
are charged with a crime and who are found incompetent to stand 111199  
trial or not guilty by reason of insanity. 111200

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 111201  
~~addiction services~~ may do any of the following: 111202

(1) Require reports from the managing officer of any 111203  
institution under the department's jurisdiction, relating to the 111204  
admission, examination, comprehensive evaluation, diagnosis, 111205  
release, or discharge of any patient; 111206

(2) Visit each institution regularly to review its 111207  
operations and to investigate complaints made by any patient or 111208  
by any person on behalf of a patient, provided these duties may 111209  
be performed by a person designated by the director. 111210

~~(E)~~ (F) The department of ~~mental behavioral health and~~ 111211  
~~addiction services~~ may provide or contract to provide addiction 111212  
services for offenders incarcerated in the state prison system. 111213

~~(F)~~ (G) In addition to the powers expressly conferred on 111214  
the department of behavioral health, the department ~~of mental~~ 111215  
~~health and addiction services~~ shall have all other powers and 111216  
authority necessary for the full and efficient exercise of the 111217  
executive, administrative, and fiscal supervision over the state 111218  
institutions described in this section. 111219

**Sec. 5119.141.** ~~The~~ In addition to the powers and duties 111220  
expressly conferred on the department of behavioral health, the 111221  
department ~~of mental health and addiction services~~ has all the 111222  
~~authority~~ may take any other action it considers necessary to 111223

carry out ~~its powers and duties under~~ the purposes of this 111224  
chapter and Chapters 340., 2919., 2945., and 5122. of the 111225  
Revised Code, ~~including~~. Actions authorized by this section 111226  
include the authority to adopt rules pursuant to Chapter 119. of 111227  
the Revised Code that may be necessary to carry out the purposes 111228  
of this chapter and Chapters 340., 2919., 2945., and 5122. of 111229  
the Revised Code. 111230

**Sec. 5119.15.** The department of ~~mental~~ behavioral health 111231  
~~and addiction services~~ may make such investigations as are 111232  
necessary in the performance of its duties and to that end the 111233  
director of ~~mental~~ behavioral health and addiction services 111234  
shall have the same power as a judge of a county court to 111235  
administer oaths and to enforce the attendance and testimony of 111236  
witnesses and the production of books or papers. 111237

The department shall keep a record of such investigations 111238  
stating the time, place, charges or subject, witnesses summoned 111239  
and examined, and its conclusions. 111240

In matters involving the conduct of an officer, a 111241  
stenographic report of the evidence shall be taken and a copy of 111242  
such report, with all documents introduced, kept on file at the 111243  
office of the department. 111244

The fees of witnesses for attendance and travel shall be 111245  
the same as in the court of common pleas, but no officer or 111246  
employee of the institution under investigation is entitled to 111247  
such fees. 111248

Any judge of the probate court or of the court of common 111249  
pleas, upon application of the department, may compel the 111250  
attendance of witnesses, the production of books or papers, and 111251  
the giving of testimony before the department, by a judgment for 111252

contempt or otherwise, in the same manner as in cases before 111253  
such courts. 111254

The department of ~~mental behavioral health and addiction~~ 111255  
~~services~~ may appoint and commission any competent agency or 111256  
person, to serve without compensation, as a special agent, 111257  
investigator, or representative to perform a designated duty for 111258  
the department. Specific credentials shall be given by the 111259  
department to each person so designated. Each credential shall 111260  
state the: 111261

(A) Name of the agent, investigator, or representative; 111262

(B) Agency with which such person is connected; 111263

(C) Purpose of appointment; 111264

(D) Date of expiration of appointment; 111265

(E) Such information as the department considers proper. 111266

**Sec. 5119.161.** The department of ~~mental behavioral health-~~ 111267  
~~and addiction services~~, in conjunction with the department of 111268  
job and family services, shall develop a joint state plan to 111269  
improve the accessibility and timeliness of alcohol and drug 111270  
addiction services for individuals identified by a public 111271  
children services agency as in need of those services. The plan 111272  
shall address the fact that Ohio works first participants may be 111273  
among the persons receiving services under section 340.15 of the 111274  
Revised Code and shall require the department of job and family 111275  
services to seek federal funds available under Title IV-A of the 111276  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 111277  
amended, for the provision of the services to Ohio works first 111278  
participants who are receiving services under section 340.15 of 111279  
the Revised Code. 111280

The departments shall review and amend the plan as 111281  
necessary. 111282

**Sec. 5119.17.** (A) The department of ~~mental~~-behavioral 111283  
~~health and addiction services~~, in accordance with division (B) 111284  
of this section, shall give priority to developing, and promptly 111285  
shall develop, with available public and private resources a 111286  
program that does all of the following: 111287

(1) Provides a manner of identifying the aggregate number 111288  
of pregnant women in this state who are addicted to a drug of 111289  
abuse; 111290

(2) Provides for an effective means of intervention to 111291  
eliminate the addiction of pregnant women to drugs of abuse 111292  
prior to the birth of their children; 111293

(3) Gives priority to the treatment of pregnant women 111294  
addicted to drugs of abuse, including by requiring community 111295  
addiction services providers that receive public funds to give 111296  
priority to pregnant women referred for treatment; 111297

(4) Provides for the continued monitoring of women who 111298  
were addicted to a drug of abuse during their pregnancies, after 111299  
the birth of their children, and for the availability of 111300  
treatment and rehabilitation for those women; 111301

(5) Provides a manner of determining the aggregate number 111302  
of children who are born in this state to women who are 111303  
addicted, at the time of birth, to a drug of abuse, and of 111304  
children who are born in this state with an addiction to or a 111305  
dependency on a drug of abuse; 111306

(6) Provides for the continued monitoring of children who 111307  
are born in this state to women who are addicted, at the time of 111308  
birth, to a drug of abuse, or who are born in this state with an 111309

addiction to or dependency on a drug of abuse, after their 111310  
birth; 111311

(7) Provides for the treatment and rehabilitation of any 111312  
child who is born to a woman who is addicted, at the time of 111313  
birth, to a drug of abuse, and of any child who is born with an 111314  
addiction to or dependency on a drug of abuse. 111315

(B) In developing the program described in division (A) of 111316  
this section, the department may obtain information from the 111317  
department of health and the department of job and family 111318  
services, and those departments shall cooperate with the 111319  
department of ~~mental-behavioral health and addiction services~~ in 111320  
its development and implementation of the program. 111321

(C) Immediately upon its development of the program 111322  
described in division (A) of this section, the department shall 111323  
implement the program. 111324

(D) Any record or information that is obtained or 111325  
maintained by the department in connection with the program 111326  
described in division (A) of this section and could enable the 111327  
identification of any woman or child described in division (A) 111328  
(1) or (5) of this section is not a public record subject to 111329  
inspection or copying under section 149.43 of the Revised Code. 111330

(E) A community addiction services provider that receives 111331  
public funds shall not refuse to treat a person solely because 111332  
the person is pregnant if appropriate treatment is offered by 111333  
the provider. 111334

**Sec. 5119.18.** An appointing authority may appoint a person 111335  
who holds a certified or permanent position in the classified 111336  
service within the department of ~~mental-behavioral health and~~ 111337  
~~addiction services~~ to a position in the unclassified service 111338

within the department. A person appointed pursuant to this 111339  
section to a position in the unclassified service shall retain 111340  
the right to resume the position and status held by the person 111341  
in the classified service immediately prior to the person's 111342  
appointment to the position in the unclassified service, 111343  
pursuant to division (D) of section 124.11 of the Revised Code. 111344

A person who holds a position in the classified service 111345  
and who is appointed to a position in the unclassified service 111346  
on or after January 1, 2016, shall have the right to resume a 111347  
position in the classified service under this section only 111348  
within five years after the effective date of the person's 111349  
appointment in the unclassified service. 111350

**Sec. 5119.181.** (A) No appointing officer shall appoint a 111351  
person to fill a position in either the classified or 111352  
unclassified service of the department of ~~mental~~behavioral 111353  
~~health and addiction services~~ if the person has been convicted 111354  
of or pleaded guilty to a violation of the following: 111355

(1) Any felony contained in the Revised Code, if the 111356  
felony bears a direct and substantial relationship to the 111357  
position being filled; 111358

(2) Any crime contained in the Revised Code constituting a 111359  
misdemeanor of the first degree on the first offense and a 111360  
felony on subsequent offenses, if the crime bears a direct and 111361  
substantial relationship to the position being filled; 111362

(3) An existing or former law of this state, any other 111363  
state, or the United States, if the law violated is 111364  
substantially equivalent to any of the offenses described in 111365  
division (A) (1) or (2) of this section. 111366

(B) The director of ~~mental~~behavioral health ~~and addiction~~ 111367

~~services~~ shall adopt rules, in accordance with Chapter 119. of 111368  
the Revised Code, to implement this section. 111369

(C) The director or an appointing officer shall request 111370  
the bureau of criminal identification and investigation created 111371  
by section 109.51 of the Revised Code or, at the director's or 111372  
appointing officer's discretion, any other state or federal 111373  
agency, to supply the director or appointing officer with a 111374  
written report regarding the criminal records of any applicant. 111375  
For each investigation undertaken at the department's request 111376  
under this section, the department shall pay a reasonable fee to 111377  
the bureau or other state or federal agency conducting the 111378  
investigation. The amount of the fee shall be determined by the 111379  
bureau or other state or federal agency conducting the 111380  
investigation and shall be sufficient to cover the costs of 111381  
conducting the investigation. The report made by the bureau or 111382  
other state or federal agency is not a public record for 111383  
purposes of section 149.43 of the Revised Code and shall not be 111384  
made available to any person, except the applicant, the 111385  
director, the appointing officer or the appointing officer's 111386  
designees, or any hearing officer involved in a case denying 111387  
employment. 111388

(D) As used in this section, "applicant" means a person 111389  
who is under final consideration for appointment to a position 111390  
in the classified or unclassified service of the department of 111391  
~~mental behavioral health and addiction services.~~ 111392

**Sec. 5119.182.** The department of ~~mental behavioral health~~ 111393  
~~and addiction services~~ may require any of its employees and each 111394  
officer and employee of every institution under its control who 111395  
may be charged with custody or control of any money or property 111396  
belonging to the state or who is required to give bond, to give 111397

a surety company bond, properly conditioned, in a sum to be 111398  
fixed by the department which when approved by the department, 111399  
shall be filed in the office of the secretary of state. The cost 111400  
of such bonds, when approved by the department, shall be paid 111401  
from funds available for the department. The bonds required or 111402  
authorized by this section may, in the discretion of the 111403  
director of ~~mental~~behavioral health ~~and addiction services~~, be 111404  
individual, schedule, or blanket bonds. 111405

**Sec. 5119.184.** The department of ~~mental~~behavioral health 111406  
~~and addiction services~~ may provide educational grants or tuition 111407  
reimbursements to upgrade the education, training, and 111408  
professional achievement of its employees, whenever it 111409  
determines that provision of such grants or reimbursements is 111410  
essential to the achievement of its goals. The department may 111411  
enter into agreements with its employees for the purposes of 111412  
this section. The agreements may require, as a condition of each 111413  
grant or reimbursement, that the employee continue employment 111414  
with the department or with another federal, state, or local 111415  
public agency designated by the department for a period of time 111416  
stated in the agreement. If an employee does not fulfill the 111417  
employment requirement stated in the agreement, the department 111418  
may take action to recover the amount of all educational grants 111419  
or tuition reimbursements paid to the employee under this 111420  
section, plus interest at the rate of ten per cent per year 111421  
calculated from the date of payment of each grant or 111422  
reimbursement. 111423

**Sec. 5119.185.** (A) As used in this section: 111424

(1) "Advanced practice registered nurse" has the same 111425  
meaning as in section 4723.01 of the Revised Code. 111426

(2) "Clinician" means any of the following: 111427

- (a) An advanced practice registered nurse; 111428
- (b) A physician; 111429
- (c) A physician assistant. 111430
- (3) "Physician" means an individual authorized under 111431  
Chapter 4731. of the Revised Code to practice medicine and 111432  
surgery or osteopathic medicine and surgery. 111433
- (4) "Physician assistant" means an individual who holds a 111434  
current, valid license to practice as a physician assistant 111435  
issued under Chapter 4730. of the Revised Code. 111436
- (B) The department of ~~mental-behavioral health and~~ 111437  
~~addiction services~~ may establish a clinician recruitment program 111438  
under which the department agrees to repay all or part of the 111439  
principal and interest of a government or other educational loan 111440  
incurred by a clinician who agrees to provide services to 111441  
inpatients and outpatients of institutions under the 111442  
department's administration. To be eligible to participate in 111443  
the program, a clinician must have attended the following: 111444
- (1) In the case of a physician, a school that was, at the 111445  
time of attendance, a medical school or osteopathic medical 111446  
school in this country accredited by the ~~liason~~ liaison 111447  
committee on medical education or the American osteopathic 111448  
association, or a medical school or osteopathic medical school 111449  
located outside this country that was acknowledged by the world 111450  
health organization and verified by a member state of that 111451  
organization as operating within that state's jurisdiction; 111452
- (2) In the case of a physician assistant, a school that 111453  
was, at the time of attendance, accredited by the accreditation 111454  
review commission on education for the physician assistant or a 111455  
regional or specialized and professional accrediting agency 111456

recognized by the council for higher education accreditation; 111457

(3) In the case of an advanced practice registered nurse, 111458  
a school that was, at the time of attendance, accredited by a 111459  
national or regional accrediting organization. 111460

(C) The department shall enter into a contract with each 111461  
clinician it recruits under this section. Each contract shall 111462  
include at least the following terms: 111463

(1) The clinician agrees to provide a specified scope of 111464  
health care services for a specified number of hours per week 111465  
and a specified number of years to patients of one or more 111466  
specified institutions administered by the department. 111467

(2) The department agrees to repay all or a specified 111468  
portion of the principal and interest of a government or other 111469  
educational loan taken by the clinician for the following 111470  
expenses if the clinician meets the service obligation agreed to 111471  
and the expenses were incurred while the clinician was enrolled 111472  
in, for up to a maximum of four years, a school that qualifies 111473  
the clinician to participate in the program: 111474

(a) Tuition; 111475

(b) Other educational expenses for specific purposes, 111476  
including fees, books, and laboratory expenses, in amounts 111477  
determined to be reasonable in accordance with rules adopted 111478  
under division (D) of this section; 111479

(c) Room and board, in an amount determined to be 111480  
reasonable in accordance with rules adopted under division (D) 111481  
of this section. 111482

(3) The clinician agrees to pay the department a specified 111483  
amount, which shall be not less than the amount already paid by 111484

the department pursuant to its agreement, as damages if the 111485  
clinician fails to complete the service obligation agreed to or 111486  
fails to comply with other specified terms of the contract. The 111487  
contract may vary the amount of damages based on the portion of 111488  
the clinician's service obligation that remains uncompleted as 111489  
determined by the department. 111490

(4) Other terms agreed upon by the parties. 111491

(D) If the department elects to implement the clinician 111492  
recruitment program, it shall adopt rules in accordance with 111493  
Chapter 119. of the Revised Code that establish all of the 111494  
following: 111495

(1) Criteria for designating institutions for which 111496  
clinicians will be recruited; 111497

(2) Criteria for selecting clinicians for participation in 111498  
the program; 111499

(3) Criteria for determining the portion of a clinician's 111500  
loan that the department will agree to repay; 111501

(4) Criteria for determining reasonable amounts of the 111502  
expenses described in divisions (C) (2) (b) and (c) of this 111503  
section; 111504

(5) Procedures for monitoring compliance by clinicians 111505  
with the terms of their contracts; 111506

(6) Any other criteria or procedures necessary to 111507  
implement the program. 111508

**Sec. 5119.186.** (A) The director of ~~mental-behavioral~~ 111509  
~~health and addiction services~~ or the managing officer of an 111510  
institution of the department may enter into an agreement with 111511  
boards of trustees or boards of directors of one or more 111512

institutions of higher education or hospitals licensed pursuant 111513  
to section 5119.33 of the Revised Code to establish, manage, and 111514  
conduct collaborative training efforts for students enrolled in 111515  
courses of studies for occupations or professions that involve 111516  
the care and treatment for persons receiving addiction or mental 111517  
health services. 111518

(B) Such collaborative training efforts may include but 111519  
are not limited to programs in psychiatry, psychology, nursing, 111520  
social work, counseling professions, and others considered 111521  
appropriate by the director of ~~mental behavioral health and~~ 111522  
~~addiction services~~. Any such program shall be approved or 111523  
accredited by its respective professional organization or state 111524  
board having jurisdiction over the profession. 111525

(1) The department shall require that the following be 111526  
provided for in agreements between the department and 111527  
institutions of higher education or hospitals licensed pursuant 111528  
to section 5119.33 of the Revised Code: 111529

(a) Establishment of inter-disciplinary committees to 111530  
advise persons responsible for training programs. Each committee 111531  
shall have representation drawn from the geographical community 111532  
the institution of higher education or hospital serves and shall 111533  
include representatives of agencies, boards, targeted 111534  
populations as determined by the department, racial and ethnic 111535  
minority groups, and publicly funded programs; 111536

(b) Funding procedures; 111537

(c) Specific outcomes and accomplishments that are 111538  
expected or required of a program under such agreement; 111539

(d) The types of services to be provided under such 111540  
agreement. 111541

(2) The department may require that the following be 111542  
provided for in agreements between the department and 111543  
institutions of higher education or hospitals licensed pursuant 111544  
to section 5119.33 of the Revised Code: 111545

(a) Special arrangements for individual residents or 111546  
trainees to encourage their employment in publicly funded 111547  
settings upon completion of their training; 111548

(b) Procedures for the selection of residents or trainees 111549  
to promote the admission, retention, and graduation of women, 111550  
minorities, and disabled persons; 111551

(c) Cross-cultural training and other subjects considered 111552  
necessary to enhance training efforts and the care and treatment 111553  
of patients and clients; 111554

(d) Funding of faculty positions oriented toward meeting 111555  
the needs of publicly funded programs. 111556

Subject to appropriations by the general assembly, the 111557  
director of ~~mental-behavioral health and addiction services~~ has 111558  
final approval of the funding of these collaborative training 111559  
efforts. 111560

**Sec. 5119.187.** The courses of study for the instruction 111561  
and training of all persons in institutions under the control of 111562  
the department of ~~mental-behavioral health and addiction~~ 111563  
~~services~~ shall be subject to the approval of the superintendent 111564  
of public instruction. 111565

All teachers employed in institutions under the control of 111566  
the department of ~~mental-behavioral health and addiction~~ 111567  
~~services~~ shall possess such educator licenses or have such 111568  
qualifications and approval as the superintendent of public 111569  
instruction, after consulting with the officers in charge of the 111570

institutions, prescribes for the various types of service in the 111571  
institutions. 111572

**Sec. 5119.188.** (A) As used in this section, "state 111573  
correctional institution" has the same meaning as in section 111574  
2967.01 of the Revised Code. 111575

(B) The department of ~~mental-behavioral health and~~ 111576  
~~addiction services~~ shall develop a program that is designed to 111577  
educate and train the employees of each state correctional 111578  
institution, the employees of each department of youth services 111579  
institution, and other persons associated by contract or 111580  
otherwise with each state correctional institution or each 111581  
department of youth services institution, who will be 111582  
responsible for the conduct of, or otherwise providing treatment 111583  
or rehabilitation services pursuant to, a substance abuse 111584  
treatment or rehabilitation program offered in the institution 111585  
to adult prisoners or juvenile offenders. Upon the development 111586  
of the educational and training program, the department of 111587  
~~mental-behavioral health and addiction services~~ promptly shall 111588  
commence its implementation. The department of ~~mental-behavioral~~ 111589  
~~health and addiction services~~ may charge to the department of 111590  
rehabilitation and correction and to the department of youth 111591  
services a reasonable annual fee that reflects the expenses 111592  
incurred by it during the immediately preceding calendar year in 111593  
preparing and offering the educational and training program 111594  
during that year to the respective employees and other 111595  
associated persons described in this division. 111596

The director of rehabilitation and correction and the 111597  
director of youth services shall require the respective 111598  
employees and other associated persons described in this 111599  
division to attend and successfully complete the educational and 111600

training program developed pursuant to this division as a 111601  
condition of their continuing to have responsibility for the 111602  
conduct of, or their continuing to provide treatment or 111603  
rehabilitation services pursuant to, any treatment or 111604  
rehabilitation program that is offered in a state correctional 111605  
institution or in a department of youth services institution to 111606  
adult prisoners or juvenile offenders. If the department of 111607  
~~mental behavioral health and addiction services~~ charges a 111608  
reasonable annual fee as described in this division, the 111609  
director involved shall cause that fee to be paid from any 111610  
available funds of the department of rehabilitation and 111611  
correction or any available funds of the department of youth 111612  
services. 111613

(C) The department of rehabilitation and correction and 111614  
the department of ~~mental behavioral health and addiction~~ 111615  
~~services~~ jointly shall develop program specifications for the 111616  
alcohol and drug addiction treatment programs offered in state 111617  
correctional institutions. 111618

**Sec. 5119.19.** (A) As used in this section: 111619

(1) "Community-based correctional facility" has the same 111620  
meaning as in section 2929.01 of the Revised Code. 111621

(2) "Drug used in medication-assisted treatment" means a 111622  
drug approved by the United States food and drug administration 111623  
for use in medication-assisted treatment, regardless of the 111624  
method the drug is administered or the form in which it is 111625  
dispensed, including an oral drug, an injectable drug, or a 111626  
long-acting or extended-release drug. "Drug used in medication- 111627  
assisted treatment" includes all of the following: 111628

(a) A full agonist; 111629

(b) A partial agonist;	111630
(c) An antagonist.	111631
(3) "Drug used in withdrawal management or detoxification"	111632
means a drug approved by the United States food and drug	111633
administration for use in, or a drug in standard use for,	111634
mitigating opioid or alcohol withdrawal symptoms or assisting	111635
with detoxification, regardless of the method the drug is	111636
administered or the form in which it is dispensed, including an	111637
oral drug, an injectable drug, or a long-acting or extended-	111638
release drug. "Drug used in withdrawal management or	111639
detoxification" includes all of the following:	111640
(a) A full agonist;	111641
(b) A partial agonist;	111642
(c) An antagonist;	111643
(d) An alpha-2 adrenergic agonist.	111644
(4) "Medication-assisted treatment" has the same meaning	111645
as in section 340.01 of the Revised Code.	111646
(5) "Prescribed drug" has the same meaning as in section	111647
5164.01 of the Revised Code.	111648
(6) (a) "Psychotropic drug" means, except as provided in	111649
division (A) (6) (b) of this section, a drug that has the	111650
capability of changing or controlling mental functioning or	111651
behavior through direct pharmacological action. "Psychotropic	111652
drug" includes all of the following:	111653
(i) Antipsychotic medications, including those	111654
administered or dispensed in a long-acting injectable form;	111655
(ii) Antidepressant medications;	111656

(iii) Anti-anxiety medications; 111657

(iv) Mood stabilizing medications. 111658

(b) "Psychotropic drug" excludes a stimulant prescribed 111659  
for the treatment of attention deficit hyperactivity disorder. 111660

(7) "Withdrawal management or detoxification" means a set 111661  
of medical interventions aimed at managing the acute physical 111662  
symptoms of intoxication and withdrawal. Withdrawal management 111663  
seeks to minimize the physical harm caused by the intoxication 111664  
and withdrawal from a substance of abuse. Detoxification denotes 111665  
a clearing of toxins from the body of the patient who is acutely 111666  
intoxicated, dependent on a substance of abuse, or both. 111667

(B) There is hereby created a program to be known as the 111668  
behavioral health drug reimbursement ~~program. The program, which~~ 111669  
shall be administered by the department of ~~mental-behavioral~~ 111670  
~~health and addiction services.~~ 111671

The purpose of the program is to provide state 111672  
~~reimbursement~~ financial assistance to counties for the cost of 111673  
the following drugs that are administered or dispensed to 111674  
inmates of county jails in this state and individuals confined 111675  
in community-based correctional facilities in this state: 111676  
psychotropic drugs, drugs used in medication-assisted treatment, 111677  
and drugs used in withdrawal management or detoxification. 111678

Each county shall ensure that inmates of county jails and 111679  
individuals confined in community-based correctional facilities 111680  
have access to all behavioral health drugs specified in this 111681  
division that are prescribed drugs covered by the fee-for- 111682  
service component of the medicaid program. 111683

(C) The department, based on factors it considers 111684  
appropriate, shall allocate an amount to each county for 111685

~~reimbursement of drug costs that have been or will be incurred~~ 111686  
by the county pursuant to this section. 111687

(D) The director of ~~mental behavioral health and addiction~~ 111688  
~~services~~ may adopt rules as necessary to implement this section. 111689  
The rules, if adopted, shall be adopted in accordance with 111690  
Chapter 119. of the Revised Code. 111691

**Sec. 5119.20.** (A) As used in this section: 111692

"Electroencephalogram (EEG) combined transcranial magnetic 111693  
stimulation" means treatment in which transcranial magnetic 111694  
stimulation (TMS) frequency pulses are tuned to the patient's 111695  
physiology and biometric data. 111696

"First responder" has the meaning defined in section 111697  
2903.01 of the Revised Code. 111698

"Law enforcement officer" has the meaning defined in 111699  
section 9.69 of the Revised Code. 111700

(B) The director of ~~mental behavioral health and addiction~~ 111701  
~~services~~ shall establish a program to make electroencephalogram 111702  
(EEG) combined transcranial magnetic stimulation available for 111703  
veterans, first responders, and law enforcement officers. 111704  
Eligible individuals must have substance use disorders, mental 111705  
illness, sleep disorders, traumatic brain injuries, sexual 111706  
trauma, post traumatic stress disorder and accompanying 111707  
comorbidities, concussions or other brain trauma, or other 111708  
issues identified by the individual's qualified medical 111709  
practitioner as issues that would warrant treatment under the 111710  
program. The program shall be operated in conjunction with a 111711  
supplier selected under this section. 111712

(C) The director shall choose a location for the program 111713  
and for up to ten branch sites, and shall enter into a contract 111714

for the purchase of services related to the program. Each branch 111715  
site may operate one or more portable units or EEG combined 111716  
neuromodulation portable units if the director determines that 111717  
portable units or EEG combined neuromodulation portable units 111718  
are necessary to expand access to care. The contract shall 111719  
include provisions requiring the supplier to create and conduct 111720  
a clinical trial, to establish and operate a clinical practice, 111721  
to evaluate outcomes of the clinical trial and the clinical 111722  
practice, to expend payments received from the state as needed 111723  
for purposes of the program, and to report quarterly regarding 111724  
the program to the president of the senate and to the standing 111725  
committee of the senate that generally considers legislation 111726  
regarding veterans affairs. 111727

(D) There is the electroencephalogram (EEG) combined 111728  
transcranial magnetic stimulation fund in the state treasury. It 111729  
shall consist of moneys appropriated to it by the general 111730  
assembly. The director, with the approval of the controlling 111731  
board, may authorize a disbursement from the fund for services 111732  
rendered under the contract. 111733

(E) The director shall adopt rules under Chapter 119. of 111734  
the Revised Code as necessary to administer this section. 111735

(F) The supplier, in conducting the clinical trial and in 111736  
operating the clinical practice, shall adhere to all of the 111737  
following: 111738

(1) The United States food and drug administration 111739  
regulations governing the conduct of clinical practice and 111740  
clinical trials; 111741

(2) A peer-to-peer support network shall be made available 111742  
by the supplier to any individual receiving treatment under the 111743

program. 111744

(3) The program protocol shall use adapted stimulation 111745  
frequency and intensity modulation based on EEG and motor 111746  
threshold testing as well as clinical symptoms and signs, and 111747  
biometrics. 111748

(4) Each individual who receives treatment under the 111749  
program also shall receive neurophysiological monitoring, 111750  
monitoring for symptoms of substance use and mental health 111751  
disorders, and access to counseling and wellness programming. 111752  
Each individual also shall participate in the peer-to-peer 111753  
support network established by the supplier. 111754

(5) Clinical protocols and outcomes of the clinical trial, 111755  
and of any treatment provided by the clinical practice, shall be 111756  
collected and reported quarterly in a report provided by the 111757  
supplier to the director of ~~mental behavioral health and~~ 111758  
~~addiction services~~ and to the United States food and drug 111759  
administration. 111760

(6) Any individual who receives treatment at the clinical 111761  
practice shall be eligible for a minimum of two 111762  
electroencephalograms, plus an additional electroencephalogram 111763  
for every ten treatments, during the course of the individual's 111764  
treatment. 111765

(7) The report required by this section shall include a 111766  
thorough accounting of the use and expenditure of all funds 111767  
received from the state under this section. 111768

(G) Contracts entered into under this section are subject 111769  
to section 9.231 and Chapter 125. of the Revised Code. 111770

(H) Operation of the program established under this 111771  
section is contingent upon an appropriation by the general 111772

assembly designated for that purpose. 111773

**Sec. 5119.201.** (A) The director of ~~mental-behavioral~~ 111774  
~~health and addiction services~~ may acquire by purchase, lease, or 111775  
otherwise such real and personal property rights in the name of 111776  
the state as are necessary for the purposes of the department. 111777

(B) When it is necessary for a state institution under the 111778  
jurisdiction of the department to acquire any real estate, 111779  
right-of-way, or easement in real estate in order to accomplish 111780  
the purposes for which it was organized or is being conducted, 111781  
and the department is unable to agree with the owner of such 111782  
property upon the price to be paid for the property, such 111783  
property may be appropriated in the manner provided for the 111784  
appropriation of property for other state purposes. 111785

(C) The director may work with the department of 111786  
administrative services to sell, lease, or exchange portions of 111787  
real and personal property of the department when the sale, 111788  
lease, or exchange is advantageous to the state. Money received 111789  
from such sales, leases, or exchanges shall be credited to the 111790  
~~the~~ department of ~~mental-behavioral~~ health and ~~addiction-~~ 111791  
~~services~~ trust fund, created in section 5119.46 of the Revised 111792  
Code. 111793

(D) Any instrument by which real property is acquired 111794  
pursuant to this section shall identify the agency of the state 111795  
that has the use and benefit of the real property as specified 111796  
in section 5301.012 of the Revised Code. 111797

**Sec. 5119.21.** (A) The department of ~~mental-behavioral~~ 111798  
~~health and addiction services~~ shall: 111799

(1) To the extent the department has available resources 111800  
and in consultation with boards of alcohol, drug addiction, and 111801

mental health services, support the community-based continuum of 111802  
care that the boards are required by section 340.032 of the 111803  
Revised Code to establish. The department shall provide the 111804  
support on a district or multi-district basis. The department 111805  
shall assist in identifying resources, and may prioritize 111806  
support, for one or more of the elements of the community-based 111807  
continuum of care. For the purpose of division (A) (10) of 111808  
section 340.032 of the Revised Code and to the extent the 111809  
department determines is necessary, the department shall define 111810  
additional elements to be included in the community-based 111811  
continuum of care. 111812

(2) Provide training, consultation, and technical 111813  
assistance regarding addiction services, mental health services, 111814  
recovery supports, and appropriate prevention, recovery, and 111815  
mental health promotion activities, including those that are 111816  
culturally competent, to employees of the department, community 111817  
addiction services providers, community mental health services 111818  
providers, and boards of alcohol, drug addiction, and mental 111819  
health services; 111820

(3) To the extent the department has available resources, 111821  
promote and support a full range of addiction services, mental 111822  
health services, and recovery supports that are available and 111823  
accessible to all residents of this state, especially for 111824  
severely emotionally disturbed children and adolescents, adults 111825  
with severe mental disabilities, pregnant women, parents, 111826  
guardians or custodians of children at risk of abuse or neglect, 111827  
and other special target populations, including racial and 111828  
ethnic minorities, as determined by the department; 111829

(4) Develop standards and measures for both of the 111830  
following: 111831

(a) Evaluating the effectiveness of addiction services,	111832
including opioid treatment programs, of mental health services,	111833
and of recovery supports;	111834
(b) Increasing the accountability of community addiction	111835
services providers and community mental health services	111836
providers.	111837
(5) Design and set criteria for the determination of	111838
priority populations;	111839
(6) Promote, direct, conduct, and coordinate scientific	111840
research, taking ethnic and racial differences into	111841
consideration, concerning all of the following:	111842
(a) The causes and prevention of mental illness and	111843
addiction;	111844
(b) Methods of providing effective addiction services,	111845
mental health services, and recovery supports;	111846
(c) Means of enhancing the mental health of and recovery	111847
from addiction of all residents of this state.	111848
(7) Foster the establishment and availability of	111849
vocational rehabilitation services and the creation of	111850
employment opportunities for individuals with addiction and	111851
mental health needs, including members of racial and ethnic	111852
minorities;	111853
(8) Establish a program to protect and promote the rights	111854
of persons receiving addiction services, mental health services,	111855
and recovery supports, including the issuance of guidelines on	111856
informed consent and other rights;	111857
(9) Promote the involvement of persons who are receiving	111858
or have received addiction services, mental health services, and	111859

recovery supports including families and other persons having a 111860  
close relationship to a person receiving those services and 111861  
supports, in the planning, evaluation, delivery, and operation 111862  
of addiction services, mental health services, and recovery 111863  
supports; 111864

(10) Notify and consult with the relevant constituencies 111865  
that may be affected by rules, standards, and guidelines issued 111866  
by the department of ~~mental behavioral health and addiction~~ 111867  
~~services~~. These constituencies shall include consumers of 111868  
addiction services, mental health services, and recovery 111869  
supports and the families of such consumers. These 111870  
constituencies may include public and private providers, 111871  
employee organizations, and others when appropriate. Whenever 111872  
the department proposes the adoption, amendment, or rescission 111873  
of rules under Chapter 119. of the Revised Code, the 111874  
notification and consultation required by this division shall 111875  
occur prior to the commencement of proceedings under Chapter 111876  
119. The department shall adopt rules under Chapter 119. of the 111877  
Revised Code that establish procedures for the notification and 111878  
consultation required by this division. 111879

(11) Provide consultation to the department of 111880  
rehabilitation and correction concerning the delivery of 111881  
addiction services and mental health services in state 111882  
correctional institutions; 111883

(12) Promote and coordinate efforts in the provision of 111884  
addiction services by other state agencies, as defined in 111885  
section 1.60 of the Revised Code; courts; hospitals; clinics; 111886  
physicians in private practice; public health authorities; 111887  
boards of alcohol, drug addiction, and mental health services; 111888  
community addiction services providers; law enforcement 111889

agencies; and related groups; 111890

(13) Provide to each court of record, and biennially 111891  
update, a list of the treatment and education programs within 111892  
that court's jurisdiction that the court may require an 111893  
offender, sentenced pursuant to section 4511.19 of the Revised 111894  
Code, to attend; 111895

(14) Make the warning sign described in sections 3313.752, 111896  
3345.41, and 3707.50 of the Revised Code available on the 111897  
department's internet web site; 111898

(15) Provide a program of gambling addiction services on 111899  
behalf of the state lottery commission, pursuant to an agreement 111900  
entered into with the director of the commission under division 111901  
(K) of section 3770.02 of the Revised Code, and provide a 111902  
program of gambling addiction services on behalf of the Ohio 111903  
casino control commission, under an agreement entered into with 111904  
the executive director of the commission under section 3772.062 111905  
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 111906  
Constitution, the department may enter into agreements with 111907  
boards of alcohol, drug addiction, and mental health services, 111908  
including boards with districts in which a casino facility is 111909  
not located, and nonprofit organizations to provide addiction 111910  
services, and with state institutions of higher education or 111911  
private nonprofit institutions that possess a certificate of 111912  
authorization issued under Chapter 1713. of the Revised Code to 111913  
perform related research. 111914

(B) The department may accept and administer grants from 111915  
public or private sources for carrying out any of the duties 111916  
enumerated in this section. 111917

(C) The department may adopt rules in accordance with 111918

Chapter 119. of the Revised Code as necessary to implement the requirements of this chapter.

Sec. 5119.211. The department of behavioral health may establish a process and standards for the state certification of certified community behavioral health clinics. The process and standards may be based on the provisions of section 223 of the "Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a note.

If the department establishes a process and standards for the state certification of certified community behavioral health clinics, the department may coordinate with local, state, and federal government entities for the development and establishment of the clinics.

The director of behavioral health may adopt rules as the director considers necessary to implement this section. If the director adopts rules, the rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5119.22. The director of ~~mental-behavioral health-and addiction services~~, with respect to all mental health and addiction facilities, addiction services, mental health services, and recovery supports established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:

(A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.

(B) Review and evaluate the community-based continuum of care required by section 340.032 of the Revised Code to be established in each service district, taking into account the

findings and recommendations of the board of alcohol, drug 111948  
addiction, and mental health services of the district submitted 111949  
under division (A) (4) of section 340.03 of the Revised Code and 111950  
the priorities and plans of the department of ~~mental~~ behavioral 111951  
~~health and addiction services~~, including the needs of residents 111952  
of the district currently receiving services in state-operated 111953  
hospitals, and make recommendations for needed improvements to 111954  
boards of alcohol, drug addiction, and mental health services; 111955

(C) At the director's discretion, provide to boards of 111956  
alcohol, drug addiction, and mental health services state or 111957  
federal funds, in addition to those allocated under section 111958  
5119.23 of the Revised Code, for special programs or projects 111959  
the director considers necessary but for which local funds are 111960  
not available; 111961

(D) Establish criteria by which each board of alcohol, 111962  
drug addiction, and mental health services reviews and evaluates 111963  
the quality, effectiveness, and efficiency of the facility 111964  
services, addiction services, mental health services, and 111965  
recovery supports for which it contracts under section 340.036 111966  
of the Revised Code. The criteria shall include requirements 111967  
ensuring appropriate utilization of the services and supports. 111968  
The department shall assess each board's evaluation of the 111969  
services and supports and the compliance of each board with this 111970  
section, Chapter 340. of the Revised Code, and other state or 111971  
federal law and regulations. The department, in cooperation with 111972  
the board, periodically shall review and evaluate the quality, 111973  
effectiveness, and efficiency of the facility services, 111974  
addiction services, mental health services, and recovery 111975  
supports for which each board contracts under section 340.036 of 111976  
the Revised Code and the facilities, addiction services, and 111977  
mental health services that each board operates or provides 111978

under section 340.037 of the Revised Code. The department shall 111979  
collect information that is necessary to perform these 111980  
functions. 111981

(E) To the extent the director determines necessary and 111982  
after consulting with boards of alcohol, drug addiction, and 111983  
mental health services, community addiction services providers, 111984  
and community mental health services providers, develop and 111985  
operate, or contract for the operation of, a community 111986  
behavioral health information system or systems. The department 111987  
shall specify the information that must be provided by the 111988  
boards and providers for inclusion in the system or systems. 111989

Boards of alcohol, drug addiction, and mental health 111990  
services, community addiction services providers, and community 111991  
mental health services providers shall submit information 111992  
requested by the department in the form and manner and in 111993  
accordance with time frames prescribed by the department. 111994  
Information collected by the department may include all of the 111995  
following: 111996

(1) Information on addiction services, mental health 111997  
services, and recovery supports provided; 111998

(2) Financial information regarding expenditures of 111999  
federal, state, or local funds; 112000

(3) Information about persons served. 112001

The department shall not collect any personal information 112002  
from the boards or providers except as required or permitted by 112003  
state or federal law for purposes related to payment, health 112004  
care operations, program and service evaluation, reporting 112005  
activities, research, system administration, and oversight. 112006

(F) In consultation with representatives of boards of 112007

alcohol, drug addiction, and mental health services and after 112008  
consideration of recommendations made by the medical director 112009  
appointed under section 5119.11 of the Revised Code, establish 112010  
all of the following: 112011

(1) Guidelines, including a timetable, for the boards' 112012  
development and submission of proposed community addiction and 112013  
mental health plans, budgets, and lists of addiction services, 112014  
mental health services, and recovery supports under sections 112015  
340.03 and 340.08 of the Revised Code; 112016

(2) Procedures, including a timetable, for the director's 112017  
review and approval or disapproval of the plans, budgets, and 112018  
lists; 112019

(3) Procedures for corrective action regarding the plans, 112020  
budgets, and lists, including submission of revised or new 112021  
plans, budgets, and lists; 112022

(4) Procedures for the director to follow in offering 112023  
technical assistance to boards to assist them in making the 112024  
plans, budgets, and lists acceptable or in making proposed 112025  
amendments to approved plans, budgets, and lists meet criteria 112026  
for approval; 112027

(5) Procedures for issuing time-limited waivers under 112028  
section 5119.221 of the Revised Code. 112029

(G) Review each board's proposed community addiction and 112030  
mental health plan, budget, and list of addiction services, 112031  
mental health services, and recovery supports submitted pursuant 112032  
to sections 340.03 and 340.08 of the Revised Code and approve or 112033  
disapprove the plan, the budget, and the list in whole or in 112034  
part. The director shall disapprove a board's proposed budget in 112035  
whole or in part if the proposed budget would not make available 112036

in the board's service district the essential elements of the 112037  
community-based continuum of care required by section 340.032 of 112038  
the Revised Code, including, except as otherwise authorized by a 112039  
time-limited waiver issued under section 5119.221 of the Revised 112040  
Code, an array of addiction services and recovery supports for 112041  
all levels of opioid and co-occurring drug addiction. 112042

Prior to a final decision to disapprove a plan, budget, or 112043  
list in whole or in part, a representative of the director shall 112044  
meet with the board and discuss the reason for the action the 112045  
director proposes to take and any corrective action that should 112046  
be taken to make the plan, budget, or list acceptable to the 112047  
director. In addition, the director shall offer technical 112048  
assistance to the board to assist it to make the plan, budget, 112049  
or list acceptable. The director shall give the board a 112050  
reasonable time in which to revise the plan, budget, or list. 112051  
The board thereafter shall submit a revised plan, budget, or 112052  
list or a new plan, budget, or list. 112053

(H) Approve or disapprove all or part of proposed 112054  
amendments that a board of alcohol, drug addiction, or mental 112055  
health services submits under section 340.03 or 340.08 of the 112056  
Revised Code to an approved community addiction and mental 112057  
health plan, budget, or list of addiction services, mental 112058  
health services, and recovery supports. 112059

If the director disapproves of all or part of any proposed 112060  
amendment, the director shall provide the board an opportunity 112061  
to present its position. The director shall inform the board of 112062  
the reasons for the disapproval and of the criteria that must be 112063  
met before the proposed amendment may be approved. The director 112064  
shall give the board a reasonable time within which to meet the 112065  
criteria and shall offer technical assistance to the board to 112066

help it meet the criteria. 112067

**Sec. 5119.221.** (A) The director of ~~mental~~-behavioral 112068  
~~health and addiction services~~, in accordance with procedures 112069  
established under division (F) (5) of section 5119.22 of the 112070  
Revised Code, may issue to a board of alcohol, drug addiction, 112071  
and mental health services a time-limited waiver of the 112072  
requirement of section 340.033 of the Revised Code that 112073  
ambulatory detoxification and medication-assisted treatment be 112074  
made available within the borders of the board's service 112075  
district if the director determines that both of the following 112076  
apply: 112077

(1) The board seeking the waiver has made reasonable 112078  
efforts to make ambulatory detoxification and medication- 112079  
assisted treatment available within the borders of the board's 112080  
service district; 112081

(2) Ambulatory detoxification and medication-assisted 112082  
treatment can be made available through one or more contracts 112083  
between the board seeking the waiver and community addiction 112084  
services providers that are located not more than thirty miles 112085  
beyond the borders of the board's service district. 112086

(B) Each waiver issued under this section shall specify 112087  
the amount of time for which it is in effect and whether it 112088  
applies to ambulatory detoxification, medication-assisted 112089  
treatment, or both. 112090

**Sec. 5119.23.** (A) The department of ~~mental~~-behavioral 112091  
~~health and addiction services~~ shall establish a methodology for 112092  
allocating to boards of alcohol, drug addiction, and mental 112093  
health services the funds appropriated by the general assembly 112094  
to the department for the purpose of the community-based 112095

continuum of care that each board establishes under section 112096  
340.032 of the Revised Code. The department shall establish the 112097  
methodology after notifying and consulting with relevant 112098  
constituencies as required by division (A)(10) of section 112099  
5119.21 of the Revised Code. The methodology may provide for the 112100  
funds to be allocated to boards on a district or multi-district 112101  
basis. 112102

(B) Subject to section 5119.25 of the Revised Code, and to 112103  
required submissions and approvals under sections 340.08 and 112104  
5119.22 of the Revised Code, the department shall allocate the 112105  
funds to the boards in a manner consistent with the methodology, 112106  
this section, other state and federal laws, rules, and 112107  
regulations. 112108

(C) In consultation with boards, community addiction 112109  
services providers, community mental health services providers, 112110  
and persons receiving addiction services, mental health 112111  
services, and recovery supports, the department shall establish 112112  
guidelines for the use of funds allocated under this section. 112113

**Sec. 5119.24.** (A) As used in this section, "administrative 112114  
function" means a function related to one or more of the 112115  
following: 112116

(1) Continuous quality improvement; 112117

(2) Utilization review; 112118

(3) Resource development; 112119

(4) Fiscal administration; 112120

(5) General administration; 112121

(6) Any other function related to administration that is 112122  
required by Chapter 340. of the Revised Code. 112123

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental behavioral health and addiction services~~ specifying how the board used funds allocated to the board under section 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental behavioral health and addiction services~~ shall establish the date by which the report must be submitted each year.

**Sec. 5119.25.** (A) The director of ~~mental behavioral health and addiction services~~ may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The board fails to comply with Chapter 340. or 5119. of the Revised Code or rules of the department of ~~mental behavioral health and addiction services~~;

(2) The board denies available service on the basis of race, color, religion, ancestry, military status, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(B) The director shall withhold funds, in whole or in part, that otherwise are to be allocated to a board under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The director, under division (G) of section 5119.22 of the Revised Code, disapproves all or part of the board's proposed community addiction and mental health plan, budget, or list of addiction services, mental health services, and recovery supports;

(2) The board's use of state and federal funds fails to 112153  
comply with the board's approved budget, including approved 112154  
amendments to the budget. 112155

(C) The director shall issue a notice identifying the 112156  
areas of noncompliance and the action necessary to achieve 112157  
compliance. The director may offer technical assistance to the 112158  
board to achieve compliance. The board shall have thirty days 112159  
from receipt of the notice of noncompliance to present its 112160  
position that it is in compliance or to submit to the director 112161  
evidence of corrective action the board took to achieve 112162  
compliance. Before withholding funds, the director or the 112163  
director's designee shall hold a hearing within thirty days of 112164  
receipt of the board's position or evidence to determine if 112165  
there are continuing violations and that either assistance is 112166  
rejected or the board is unable, or has failed, to achieve 112167  
compliance. The director may appoint a representative from 112168  
another board of alcohol, drug addiction, and mental health 112169  
services to serve as a mentor for the board in developing and 112170  
executing a plan of corrective action to achieve compliance. Any 112171  
such representative shall be from a board that is in compliance 112172  
with Chapter 340. of the Revised Code, this chapter, and the 112173  
department's rules. Subsequent to the hearing process, if it is 112174  
determined that compliance has not been achieved, the director 112175  
may allocate all or part of the withheld funds to one or more 112176  
community mental health services providers or community 112177  
addiction services providers to provide the mental health 112178  
service, addiction service, or recovery support for which the 112179  
board is not in compliance until the time that there is 112180  
compliance. 112181

(D) The director shall adopt rules in accordance with 112182  
Chapter 119. of the Revised Code to implement this section. 112183

**Sec. 5119.27.** (A) As used in this section: 112184

(1) "Community control sanction" has the same meaning as 112185  
in section 2929.01 of the Revised Code. 112186

(2) "Federally assisted," "program," and "substance use 112187  
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 112188  
further described in 42 C.F.R. 2.12(b). 112189

(3) "Post-release control sanction" has the same meaning 112190  
as in section 2967.01 of the Revised Code. 112191

(B) In accordance with 42 U.S.C. 290dd-2, records or 112192  
information created or maintained by a federally assisted 112193  
program for the treatment of substance use disorders shall be 112194  
kept confidential and may be disclosed only for the purposes and 112195  
under the circumstances expressly authorized under 42 C.F.R. 112196  
Part 2. 112197

(C) When the person, with respect to whom any record or 112198  
information referred to in division (B) of this section is 112199  
maintained, gives consent in the form of a written release 112200  
signed by the person, the content of the record or information 112201  
may be disclosed if the written release conforms to all of the 112202  
requirements set forth in 42 C.F.R. 2.31. 112203

(D) In accordance with 42 C.F.R. 2.35, a person who is 112204  
subject to a community control sanction, a post-release control 112205  
sanction, is on parole, or is ordered to intervention in lieu of 112206  
conviction, and who has agreed to participate in a federally 112207  
assisted program for the treatment of substance use disorders as 112208  
a condition of the community control sanction, post-release 112209  
control sanction, parole, or intervention order, shall consent 112210  
to the release of records and information relating to the 112211  
progress of treatment, frequency of treatment, adherence to 112212

treatment requirements, and probable outcome of treatment. 112213  
Release of information and records under this division shall be 112214  
limited to the court or governmental personnel having the 112215  
responsibility for supervising the person's community control 112216  
sanction, post-release control sanction, parole, or intervention 112217  
order. A person, described in this division, who refuses to 112218  
allow disclosure may be considered in violation of the 112219  
conditions of the person's community control sanction, post- 112220  
release control sanction, parole, or intervention order. 112221

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 112222  
of a person's record may be made without the person's consent to 112223  
qualified personnel for the purpose of conducting scientific 112224  
research, management, financial audits, or program evaluation, 112225  
but these personnel may not identify, directly or indirectly, 112226  
any particular person in any report of the research, audit, or 112227  
evaluation, or otherwise disclose a person's identity in any 112228  
manner. 112229

(F) In accordance with 42 C.F.R. 2.66, upon the request of 112230  
a prosecuting attorney or the director of mental-behavioral 112231  
~~health-and-addiction services~~, a court of competent jurisdiction 112232  
may order the disclosure of records or information referred to 112233  
in division (B) of this section if the court has reason to 112234  
believe that a federally assisted program for the treatment of 112235  
substance use disorders is being operated or used in a manner 112236  
contrary to law. The use of any information or record so 112237  
disclosed shall be limited to the prosecution of persons who are 112238  
or may be charged with any offense related to the illegal 112239  
operation or use of the program, or to the decision to withdraw 112240  
the authority of a the program to continue operation. For 112241  
purposes of this division the court shall do all of the 112242  
following: 112243

(1) Limit disclosure to those parts of the person's record considered essential to fulfill the objective for which the order was granted;

(2) Require, where appropriate, that all information be disclosed in chambers;

(3) Include any other appropriate measures to keep disclosure to a minimum, consistent with the protection of the persons seeking or receiving services, the provider-client relationship, and the administration of the program.

**Sec. 5119.28.** (A) All records, and reports, other than court journal entries or court docket entries, identifying a person and pertaining to the person's mental health condition, assessment, provision of care, treatment, or recovery supports, or payment for assessment, care, treatment, or recovery supports that are maintained in connection with any services certified by the department of ~~mental behavioral health and addiction~~ services, any recovery supports paid for with funds administered by the department or a board of alcohol, drug addiction, and mental health services, or any hospitals or facilities licensed or operated by the department, shall be kept confidential and shall not be disclosed by any person except:

(1) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents;

(2) When disclosure is provided for in this chapter or Chapter 340. or 5122. of the Revised Code or in accordance with other provisions of state or federal law authorizing such disclosure;

(3) That hospitals, boards of alcohol, drug addiction, and

mental health services, licensed facilities, and community 112273  
mental health services providers may release necessary 112274  
information to insurers and other third-party payers, including 112275  
government entities responsible for processing and authorizing 112276  
payment, to obtain payment for goods and services furnished to 112277  
the person; 112278

(4) Pursuant to a court order signed by a judge; 112279

(5) That a person shall be granted access to the person's 112280  
own psychiatric and medical records, unless access specifically 112281  
is restricted in a person's treatment plan for clear treatment 112282  
reasons; 112283

(6) That the department of ~~mental~~ behavioral health and 112284  
~~addiction services~~ may exchange psychiatric records and other 112285  
pertinent information with community mental health services 112286  
providers and boards of alcohol, drug addiction, and mental 112287  
health services relating to the person's care or services. 112288  
Records and information that may be exchanged pursuant to this 112289  
division shall be limited to medication history, physical health 112290  
status and history, financial status, summary of course of 112291  
treatment, summary of treatment needs, and a discharge summary, 112292  
if any. 112293

(7) That the department of ~~mental~~ behavioral health and 112294  
~~addiction services~~, hospitals and community providers operated 112295  
by the department, hospitals licensed by the department under 112296  
section 5119.33 of the Revised Code, and community mental health 112297  
services providers may exchange psychiatric records and other 112298  
pertinent information with payers and other providers of 112299  
treatment and health services if the purpose of the exchange is 112300  
to facilitate continuity of care for the person or for the 112301  
emergency treatment of the person; 112302

(8) That the department of ~~mental~~ behavioral health and ~~addiction services~~ and community mental health services providers may exchange psychiatric records and other pertinent information with boards of alcohol, drug addiction, and mental health services for purposes of any board function set forth in Chapter 340. of the Revised Code. Boards of alcohol, drug addiction, and mental health services shall not access any personal information from the department or providers except as required or permitted by this section, or Chapter 340. or 5122. of the Revised Code for purposes related to payment, care coordination, health care operations, program and service evaluation, reporting activities, research, system administration, oversight, or other authorized purposes.

(9) That a person's family member who is involved in the provision, planning, and monitoring of services to the person may receive medication information, a summary of the person's diagnosis and prognosis, and a list of the services and personnel available to assist the person and the person's family, if the person's treatment provider determines that the disclosure would be in the best interests of the person. No such disclosure shall be made unless the person is notified first and receives the information and does not object to the disclosure.

(10) That community mental health services providers may exchange psychiatric records and certain other information with the board of alcohol, drug addiction, and mental health services and other providers in order to provide services to a person involuntarily committed to a board. Release of records under this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and discharge summary, if any.

(11) That information may be disclosed to the executor or 112334  
the administrator of an estate of a deceased person when the 112335  
information is necessary to administer the estate; 112336

(12) That information may be disclosed to staff members of 112337  
the appropriate board or to staff members designated by the 112338  
director of ~~mental-behavioral health and addiction services~~ for 112339  
the purpose of evaluating the quality, effectiveness, and 112340  
efficiency of mental health services and recovery supports and 112341  
determining if the services and supports meet minimum standards. 112342  
Information obtained during such evaluations shall not be 112343  
retained with the name of any person. 112344

(13) That records pertaining to the person's diagnosis, 112345  
course of treatment, treatment needs, and prognosis shall be 112346  
disclosed and released to the appropriate prosecuting attorney 112347  
if the person was committed pursuant to section 2945.38, 112348  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 112349  
to the attorney designated by the board for proceedings pursuant 112350  
to involuntary commitment under Chapter 5122. of the Revised 112351  
Code; 112352

(14) That the department of ~~mental-behavioral health and~~ 112353  
~~addiction services~~ may exchange psychiatric hospitalization 112354  
records, other mental health treatment records, and other 112355  
pertinent information with the department of rehabilitation and 112356  
correction and with the department of youth services to ensure 112357  
continuity of care for inmates and offenders who are receiving 112358  
mental health services in an institution of the department of 112359  
rehabilitation and correction or the department of youth 112360  
services and may exchange psychiatric hospitalization records, 112361  
other mental health treatment records, and other pertinent 112362  
information with boards of alcohol, drug addiction, and mental 112363

health services and community mental health services providers 112364  
to ensure continuity of care for inmates or offenders who are 112365  
receiving mental health services in an institution and are 112366  
scheduled for release within six months. The release of records 112367  
under this division is limited to records regarding an inmate's 112368  
or offender's medication history, physical health status and 112369  
history, summary of course of treatment, summary of treatment 112370  
needs, and a discharge summary, if any. 112371

(15) That a community mental health services provider that 112372  
ceases to operate may transfer to either a community mental 112373  
health services provider that assumes its caseload or to the 112374  
board of alcohol, drug addiction, and mental health services of 112375  
the service district in which the person resided at the time 112376  
mental health services or recovery supports were most recently 112377  
provided any records concerning the services or supports that 112378  
have not been transferred elsewhere at the person's request; 112379

(16) That records and reports relating to a person who has 112380  
been deceased for fifty years or more are no longer considered 112381  
confidential. 112382

(B) Before records are disclosed pursuant to divisions (A) 112383  
(3), (6), and (10) of this section, the custodian of the records 112384  
shall attempt to obtain the person's consent for the disclosure. 112385

(C) No person shall reveal the content of a medical record 112386  
of a person that is confidential pursuant to this section, 112387  
except as authorized by law. 112388

**Sec. 5119.29.** The department of ~~mental-behavioral health-~~ 112389  
~~and addiction services,~~ in conjunction with boards of alcohol, 112390  
drug addiction, and mental health services and community mental 112391  
health boards, shall develop a coordinated system for tracking 112392

and monitoring persons found not guilty by reason of insanity 112393  
and committed pursuant to section 2945.40 of the Revised Code 112394  
who have been granted a conditional release and persons found 112395  
incompetent to stand trial and committed pursuant to section 112396  
2945.39 of the Revised Code who have been granted a conditional 112397  
release. The system shall do all of the following: 112398

(A) Centralize responsibility for the tracking of those 112399  
persons; 112400

(B) Develop uniformity in monitoring those persons; 112401

(C) Develop a mechanism to allow prompt rehospitalization, 112402  
reinstitutionalization, or detention when a violation of the 112403  
conditional release or decompensation occurs. 112404

**Sec. 5119.30.** The department of ~~mental-behavioral~~ health 112405  
~~and addiction services~~ promptly shall develop and maintain a 112406  
program that continually provides the courts of this state with 112407  
relevant information pertaining to addiction services and 112408  
programs available both within their jurisdictions and statewide 112409  
in order to facilitate the ability of the courts to utilize 112410  
treatment and rehabilitation alternatives in addition to or in 112411  
lieu of imposing sentences of imprisonment upon appropriate 112412  
offenders. 112413

**Sec. 5119.31.** The department of administrative services 112414  
shall purchase all supplies needed for the proper support and 112415  
maintenance of the institutions under the control of the 112416  
department of ~~mental-behavioral~~ health ~~and addiction services~~ in 112417  
accordance with the competitive selection procedures of Chapter 112418  
125. of the Revised Code and such rules as the department of 112419  
administrative services adopts. All bids shall be publicly 112420  
opened on the day and hour and at the place specified in the 112421

advertisement. 112422

Preference shall be given to bidders in localities wherein 112423  
the institution is located, if the price is fair and reasonable 112424  
and not greater than the usual price; but bids not meeting the 112425  
specifications shall be rejected. 112426

The department of administrative services may require such 112427  
security as it considers proper to accompany the bids and shall 112428  
fix the security to be given by the contractor. 112429

The department of administrative services may reject any 112430  
or all bids and secure new bids, if for any reason it is deemed 112431  
for the best interest of the state to do so, and it may 112432  
authorize the managing officer of any institution to purchase 112433  
perishable goods and supplies for use in cases of emergency, in 112434  
which cases such managing officer shall certify such fact in 112435  
writing and the department of administrative services shall 112436  
record the reasons for such purchase. 112437

**Sec. 5119.311.** The department of ~~mental~~ behavioral health 112438  
~~and addiction services~~ may examine into, with or without expert 112439  
assistance, the question of the mental and physical condition of 112440  
any person committed to or involuntarily confined in any 112441  
hospital for persons with mental illnesses, or restrained of 112442  
liberty at any place within this state by reason of alleged 112443  
mental illness and may order and compel the discharge of any 112444  
such person who is not a person with a mental illness subject to 112445  
court order as defined in division (B) of section 5122.01 of the 112446  
Revised Code and direct what disposition shall be made of the 112447  
person. The order of discharge shall be signed by the director 112448  
of ~~mental~~ behavioral health ~~and addiction services~~. Upon receipt 112449  
of such order by the superintendent or other person in charge of 112450  
the building in which the person named in such order is 112451

confined, such person shall forthwith be discharged or otherwise 112452  
disposed of according to the terms of said order, and any 112453  
further or other detention of such person is unlawful. No such 112454  
order shall be made in favor of any person committed and held 112455  
for trial on a criminal charge, in confinement by an order of a 112456  
judge or court made in a criminal proceeding, or in any case 112457  
unless notice is given to the superintendent or other person 112458  
having charge of the building in which the alleged person with a 112459  
mental illness is detained, and a reasonable opportunity is 112460  
allowed the person in charge to justify further detention of the 112461  
person confined. 112462

**Sec. 5119.32.** The department of ~~mental~~behavioral health 112463  
~~and addiction services~~ is hereby designated as the state 112464  
administrative agency for the substance abuse prevention 112465  
treatment block grant and the community mental health services 112466  
block grant authorized by the "Public Health Services Act," 95 112467  
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 112468  
drug abuse, or mental health programs that are specified in an 112469  
appropriations act. 112470

**Sec. 5119.33.** ~~(A)(1)~~(A) The department of ~~mental~~behavioral health ~~and addiction services~~ shall inspect and 112471  
license all hospitals that receive persons with mental 112472  
illnesses, except those hospitals managed by the department. No 112473  
hospital may receive for care or treatment, either at public or 112474  
private expense, any person who is or appears to have a mental 112475  
illness, whether or not so adjudicated, unless the hospital has 112476  
received a license from the department authorizing it to receive 112477  
for care or treatment persons with mental illnesses or the 112478  
hospital is managed by the department. 112479  
112480

~~(2) No such license shall be granted to a hospital for the~~ 112481

~~treatment of persons with mental illnesses unless both of the~~ 112482  
~~following are the case:—~~ 112483

~~(a) The department is satisfied, after investigation, that~~ 112484  
~~the hospital is managed and operated by qualified persons, is~~ 112485  
~~adequately staffed and equipped to operate, and has on its staff~~ 112486  
~~one or more qualified physicians responsible for the medical~~ 112487  
~~care of the patients confined there. At least one such physician~~ 112488  
~~shall be a psychiatrist.—~~ 112489

~~(b) The department has not been notified under section~~ 112490  
~~5119.334 of the Revised Code or is not otherwise aware that the~~ 112491  
~~hospital, or any owner, sponsor, medical director,~~ 112492  
~~administrator, or principal of the hospital, has been the~~ 112493  
~~subject of an adverse action, as defined in that section, taken~~ 112494  
~~during the three-year period immediately preceding the date of~~ 112495  
~~application.—~~ 112496

(B) The department shall adopt rules under Chapter 119. of 112497  
the Revised Code prescribing minimum standards for the operation 112498  
of hospitals for the care and treatment of persons with mental 112499  
illnesses and establishing standards and procedures for the 112500  
issuance, renewal, or revocation of full, probationary, and 112501  
interim licenses. No license shall be granted to any hospital 112502  
established or used for the care of persons with mental 112503  
illnesses unless such hospital is operating in accordance with 112504  
this section and rules adopted pursuant to this section. A full 112505  
license shall expire one year after the date of issuance, a 112506  
probationary license shall expire at the time prescribed by rule 112507  
adopted pursuant to Chapter 119. of the Revised Code by the 112508  
director of mental behavioral health and addiction services, and 112509  
an interim license shall expire ninety days after the date of 112510  
issuance. A full, probationary, or interim license may be 112511

renewed, except that an interim license may be renewed only 112512  
twice. The department may fix reasonable fees for licenses and 112513  
for license renewals. Such hospitals are subject to inspection 112514  
and on-site review by the department. 112515

(C) Except as otherwise provided in Chapter 5122. of the 112516  
Revised Code, neither the director of ~~mental-behavioral health-~~ 112517  
~~and addiction services~~; an employee of the department; a board 112518  
of alcohol, drug addiction, and mental health services or 112519  
employee of a community mental health services provider; nor any 112520  
other public official shall hospitalize any person with a mental 112521  
illness for care or treatment in any hospital that is not 112522  
licensed in accordance with this section. 112523

(D) (1) The department may issue an order suspending the 112524  
admission of patients with mental illnesses to a hospital for 112525  
care or treatment if it finds either of the following: 112526

(a) The hospital is not in compliance with rules adopted 112527  
by the director pursuant to this section. 112528

(b) The hospital has been cited for more than one 112529  
violation of statutes or rules during any previous period of 112530  
time during which the hospital is licensed pursuant to this 112531  
section. 112532

(2) (a) Except as provided in division (D) (2) (b) of this 112533  
section, proceedings initiated to suspend the admission of 112534  
patients are governed by Chapter 119. of the Revised Code. 112535

(b) If a suspension of admissions is proposed because the 112536  
director has determined that the licensee has demonstrated a 112537  
pattern of serious noncompliance or that a violation creates a 112538  
substantial risk to the health and safety of patients, the 112539  
director may issue an order imposing the suspension of 112540

admissions before providing an opportunity for an adjudication 112541  
under Chapter 119. of the Revised Code. The director shall lift 112542  
the order for the suspension of admissions if the director 112543  
determines that the violation that formed the basis for the 112544  
order has been corrected. 112545

(3) Appeals from proceedings initiated to order the 112546  
suspension of admissions shall be conducted in accordance with 112547  
Chapter 119. of the Revised Code, unless the order was issued 112548  
before providing an opportunity for an adjudication, in which 112549  
case all of the following apply: 112550

(a) The licensee may request a hearing not later than ten 112551  
days after being served in accordance with sections 119.05 and 112552  
119.07 of the Revised Code. 112553

(b) If a timely request for a hearing that includes the 112554  
licensee's current address is made, the hearing shall commence 112555  
not later than thirty days after the department receives the 112556  
request. 112557

(c) After commencing, the hearing shall continue 112558  
uninterrupted, except for Saturdays, Sundays, and legal 112559  
holidays, unless other interruptions are agreed to by the 112560  
licensee and the director. 112561

(d) If the hearing is conducted by a hearing examiner, the 112562  
hearing examiner shall file a report and recommendations with 112563  
the department not later than ten days after the last of the 112564  
following: 112565

(i) The close of the hearing; 112566

(ii) If a transcript of the proceedings is ordered, the 112567  
hearing examiner receives the transcript; 112568

- (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 112569  
112570
- (e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 112571  
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- (f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 112575  
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- (g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 112578  
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- (h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 112582  
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- (E) (1) ~~Any license issued by the department under this section may be revoked or not renewed by the department~~ The department may deny, refuse to renew, or revoke a license for any of the following reasons: 112586  
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112589
- (a) The hospital is ~~no longer~~ not a suitable place for the care or treatment of persons with mental illnesses. 112590  
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- (b) The hospital refuses to be subject to inspection or on-site review by the department. 112592  
112593
- (c) The hospital ~~has failed~~ fails to furnish humane, kind, and adequate treatment and care. 112594  
112595
- (d) The hospital fails to comply with the licensure rules 112596

of the department. 112597

(e) The department finds that the hospital is not managed 112598  
and operated by qualified persons, is not adequately staffed and 112599  
equipped to operate, or does not have on its staff one or more 112600  
qualified physicians, including at least one psychiatrist, who 112601  
is responsible for the care of the patients in the hospital. 112602

(f) The department has been notified under section 112603  
5119.334 of the Revised Code or otherwise becomes aware that the 112604  
hospital, any owner, sponsor, medical director, administrator, 112605  
or principal of the hospital, or any subsidiary of the hospital, 112606  
owner, or sponsor has been the subject of an adverse action, as 112607  
defined in that section, taken during the three-year period 112608  
immediately preceding the date of notification or date of 112609  
becoming aware of the adverse action. 112610

(2) Proceedings initiated to deny applications for full or 112611  
probationary licenses, to refuse to renew full or probationary 112612  
licenses, or to revoke full or probationary licenses are 112613  
governed by Chapter 119. of the Revised Code. If an order has 112614  
been issued suspending the admission of patients, the order 112615  
remains in effect during the pendency of those proceedings. 112616

(F) (1) In a proceeding initiated to suspend the admission 112617  
of patients, to deny an application for a full or probationary 112618  
license, to refuse to renew a full or probationary license, or 112619  
to revoke a full or probationary license, the department may 112620  
order the suspension, denial, refusal, or revocation regardless 112621  
of whether some or all of the deficiencies that prompted the 112622  
proceedings have been corrected at the time of the hearing. 112623

(2) When the department issues an order suspending the 112624  
admission of patients, denies an application for a full or 112625

probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

**Sec. 5119.331.** If the department of ~~mental-behavioral~~ health and ~~addiction services~~ determines that a hospital not licensed by the department is receiving for care or treatment any person who is or appears to have a mental illness, the department may request in writing that the attorney general petition the court of common pleas in the county where the hospital is located to enjoin the hospital from continued operation in violation of section 5119.33 of the Revised Code.

**Sec. 5119.332.** No third-party payer shall directly or indirectly reimburse, nor shall any person be obligated to pay any hospital for psychiatric services for which a license is required under section 5119.33 of the Revised Code unless the hospital is licensed by the department of ~~mental-behavioral~~ health and ~~addiction services~~.

As used in this section, "third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701., 4123., or 5101. of the Revised Code, or any self-insurance plan.

**Sec. 5119.333.** No person shall keep or maintain a hospital

for the care or treatment of persons with mental illnesses 112655  
unless it is licensed by the department of ~~mental behavioral~~ 112656  
~~health and addiction services~~, as provided by section 5119.33 of 112657  
the Revised Code. 112658

**Sec. 5119.334.** (A) As used in this section, "adverse 112659  
action" means an action by a state, provincial, federal, or 112660  
other licensing or regulatory authority other than the 112661  
department of behavioral health to deny, revoke, suspend, place 112662  
on probation, or otherwise restrict a license, certificate, or 112663  
other approval to operate a hospital or practice a health care 112664  
profession. 112665

(B) (1) When submitting an application for initial or 112666  
renewed licensure of a hospital under section 5119.33 of the 112667  
Revised Code, the applicant shall notify the department of 112668  
~~mental behavioral health and addiction services~~ of any adverse 112669  
action taken against any of the following during the three-year 112670  
period immediately preceding the date of application: 112671

(a) The hospital or the hospital's; 112672

(b) Any owner, sponsor, medical director, administrator, 112673  
or any of its principals within principal of the three-year 112674  
period immediately preceding the date of applicationhospital; 112675

(c) Any subsidiary of the hospital, owner, or sponsor. 112676

(2) Not later than seven days after receiving a notice of 112677  
adverse action ~~from a licensing or regulatory authority that is~~ 112678  
~~other than the department of mental health and addiction~~ 112679  
~~services~~, the holder of a hospital license issued under section 112680  
5119.33 of the Revised Code shall notify the department of the 112681  
action. 112682

(C) To notify the department as required by this section, 112683

a copy of the notice of adverse action shall be provided to the 112684  
department. 112685

**Sec. 5119.34.** (A) As used in this section and sections 112686  
5119.341 to 5119.343 of the Revised Code: 112687

(1) "Accommodations" means housing, daily meal 112688  
preparation, laundry, housekeeping, arranging for 112689  
transportation, social and recreational activities, maintenance, 112690  
security, and other services that do not constitute personal 112691  
care services or skilled nursing care. 112692

(2) "ADAMHS board" means a board of alcohol, drug 112693  
addiction, and mental health services. 112694

(3) "Adult" means a person who is eighteen years of age or 112695  
older, other than a person described in division (A) (4) of this 112696  
section who is between eighteen and twenty-one years of age. 112697

(4) "Child" means a person who is under eighteen years of 112698  
age or a person with a mental disability who is under twenty-one 112699  
years of age. 112700

(5) ~~"Community mental health services provider" means a~~ 112701  
~~community mental health services provider as defined in section~~ 112702  
~~5119.01 of the Revised Code.~~ 112703

~~(6) "Community mental health services" means any mental~~ 112704  
~~health services certified by the department pursuant to section~~ 112705  
~~5119.36 of the Revised Code.~~ 112706

~~(7)~~ "Operator" means the person or persons, firm, 112707  
partnership, agency, governing body, association, corporation, 112708  
or other entity that is responsible for the administration and 112709  
management of a residential facility and that is the applicant 112710  
for a residential facility license. 112711

- ~~(8)~~(6) "Personal care services" means services including, 112712  
but not limited to, the following: 112713
- (a) Assisting residents with activities of daily living; 112714
- (b) Assisting residents with self-administration of 112715  
medication in accordance with rules adopted under this section; 112716
- (c) Preparing special diets, other than complex 112717  
therapeutic diets, for residents pursuant to the instructions of 112718  
a physician or a licensed dietitian, in accordance with rules 112719  
adopted under this section. 112720
- "Personal care services" does not include "skilled nursing 112721  
care" as defined in section 3721.01 of the Revised Code. A 112722  
facility need not provide more than one of the services listed 112723  
in division ~~(A)~~~~(8)~~(A)(6) of this section to be considered to be 112724  
providing personal care services. 112725
- ~~(9)~~(7) "Room and board" means the provision of sleeping 112726  
and living space, meals or meal preparation, laundry services, 112727  
housekeeping services, or any combination thereof. 112728
- ~~(10)~~(8) "Residential state supplement program" means the 112729  
program established under section 5119.41 of the Revised Code. 112730
- ~~(11)~~(9) "Supervision" means any of the following: 112731
- (a) Observing a resident to ensure the resident's health, 112732  
safety, and welfare while the resident engages in activities of 112733  
daily living or other activities; 112734
- (b) Reminding a resident to perform or complete an 112735  
activity, such as reminding a resident to engage in personal 112736  
hygiene or other self-care activities; 112737
- (c) Assisting a resident in making or keeping an 112738

appointment. 112739

~~(12)~~(10) "Unrelated" means that a resident is not related 112740  
to the owner or operator of a residential facility or to the 112741  
owner's or operator's spouse as a parent, grandparent, child, 112742  
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 112743  
uncle, or as the child of an aunt or uncle. 112744

(B) (1) A "residential facility" is a publicly or privately 112745  
operated home or facility that falls into one of the following 112746  
categories: 112747

(a) Class one facilities provide accommodations, 112748  
supervision, personal care services, and mental health services 112749  
for one or more unrelated adults with mental illness or one or 112750  
more unrelated children or adolescents with severe emotional 112751  
disturbances; 112752

(b) Class two facilities provide accommodations, 112753  
supervision, and personal care services to any of the following: 112754

(i) One or two unrelated persons with mental illness; 112755

(ii) One or two unrelated adults who are receiving 112756  
payments under the residential state supplement program; 112757

(iii) Three to sixteen unrelated adults. 112758

(c) Class three facilities provide room and board for five 112759  
or more unrelated adults with mental illness. 112760

(2) "Residential facility" does not include any of the 112761  
following: 112762

(a) A hospital subject to licensure under section 5119.33 112763  
of the Revised Code or an institution maintained, operated, 112764  
managed, and governed by the department of ~~mental~~behavioral 112765

~~health and addiction services~~ for the hospitalization of persons 112766  
with mental illnesses pursuant to section 5119.14 of the Revised 112767  
Code; 112768

(b) A residential facility licensed under section 5123.19 112769  
of the Revised Code or otherwise regulated by the department of 112770  
developmental disabilities; 112771

(c) An institution or association subject to certification 112772  
under section 5103.03 of the Revised Code; 112773

(d) A facility operated by a hospice care program licensed 112774  
under section 3712.04 of the Revised Code that is used 112775  
exclusively for care of hospice patients; 112776

(e) A nursing home, residential care facility, or home for 112777  
the aging as defined in section 3721.02 of the Revised Code; 112778

(f) A facility licensed under section 5119.37 of the 112779  
Revised Code to operate an opioid treatment program; 112780

(g) Any facility that receives funding for operating costs 112781  
from the department of development under any program established 112782  
to provide emergency shelter housing or transitional housing for 112783  
the homeless; 112784

(h) A terminal care facility for the homeless that has 112785  
entered into an agreement with a hospice care program under 112786  
section 3712.07 of the Revised Code; 112787

(i) A facility approved by the veterans administration 112788  
under section 104(a) of the "Veterans Health Care Amendments of 112789  
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 112790  
exclusively for the placement and care of veterans; 112791

(j) The residence of a relative or guardian of a person 112792  
with mental illness. 112793

(C) Nothing in division (B) of this section shall be 112794  
construed to permit personal care services to be imposed on a 112795  
resident who is capable of performing the activity in question 112796  
without assistance. 112797

(D) Except in the case of a residential facility described 112798  
in division (B) (1) (a) of this section, members of the staff of a 112799  
residential facility shall not administer medication to the 112800  
facility's residents, but may do any of the following: 112801

(1) Remind a resident when to take medication and watch to 112802  
ensure that the resident follows the directions on the 112803  
container; 112804

(2) Assist a resident in the self-administration of 112805  
medication by taking the medication from the locked area where 112806  
it is stored, in accordance with rules adopted pursuant to this 112807  
section, and handing it to the resident. If the resident is 112808  
physically unable to open the container, a staff member may open 112809  
the container for the resident. 112810

(3) Assist a resident who is physically impaired but 112811  
mentally alert, such as a resident with arthritis, cerebral 112812  
palsy, or Parkinson's disease, in removing oral or topical 112813  
medication from containers and in consuming or applying the 112814  
medication, upon request by or with the consent of the resident. 112815  
If a resident is physically unable to place a dose of medicine 112816  
to the resident's mouth without spilling it, a staff member may 112817  
place the dose in a container and place the container to the 112818  
mouth of the resident. 112819

(E) A person operating or seeking to operate a residential 112820  
facility shall apply for licensure of the facility to the 112821  
department of ~~mental-behavioral health-and-addiction services~~. 112822

The application shall be submitted by the operator. When 112823  
applying for the license, the applicant shall pay to the 112824  
department the application fee specified in rules adopted under 112825  
division (N) of this section. The fee is nonrefundable. 112826

The department shall send a copy of an application to the 112827  
ADAMHS board serving the county in which the person operates or 112828  
seeks to operate the facility. The ADAMHS board shall review the 112829  
application and provide to the department any information about 112830  
the applicant or the facility that the board would like the 112831  
department to consider in reviewing the application. 112832

~~(F) The department of mental behavioral health and 112833  
addiction services shall inspect and license the operation of 112834  
residential facilities. The department may issue a license to 112835  
operate a residential facility only if all of the following are 112836  
the case: 112837~~

~~(1) The department is satisfied, after investigation, that 112838  
the facility is managed and operated by qualified persons and is 112839  
adequately staffed and equipped to operate. 112840~~

~~(2) The department has not been notified under section 112841  
5119.343 of the Revised Code or is not otherwise aware that the 112842  
residential facility or any owner, operator, or manager of the 112843  
residential facility has been the subject of an adverse action, 112844  
as defined in that section, taken during the three-year period 112845  
immediately preceding the date of application. 112846~~

~~(3) The department has not been notified or is not 112847  
otherwise aware that the residential facility or any owner, 112848  
operator, or manager of the facility has been the subject of an 112849  
adverse action, as defined in that section, taken at any time 112850  
based on an act or omission that violated the right of a 112851~~

~~residential facility resident to be free from abuse, neglect, or  
exploitation.~~ 112852  
112853

The department may issue full, probationary, and interim 112854  
licenses. A full license shall expire up to three years after 112855  
the date of issuance, a probationary license shall expire in a 112856  
shorter period of time as specified in rules adopted by the 112857  
director of ~~mental behavioral health and addiction services~~ 112858  
under division (N) of this section, and an interim license shall 112859  
expire ninety days after the date of issuance. A license may be 112860  
renewed in accordance with rules adopted by the director under 112861  
division (N) of this section. The renewal application shall be 112862  
submitted by the operator. When applying for renewal of a 112863  
license, the applicant shall pay to the department the renewal 112864  
fee specified in rules adopted under division (N) of this 112865  
section. The fee is nonrefundable. 112866

(G) (1) If the department finds any of the following with 112867  
respect to a residential facility, the department may issue an 112868  
order suspending the admission of residents to the facility, 112869  
refuse to issue or renew a license for the facility, or revoke 112870  
the facility's license: 112871

(a) The facility is not in compliance with rules adopted 112872  
by the director pursuant to division (N) of this section; 112873

(b) Any facility operated by the applicant or licensee has 112874  
been cited for a pattern of serious noncompliance or repeated 112875  
violations of statutes or rules during the period of current or 112876  
previous licenses; 112877

(c) The applicant or licensee submits false or misleading 112878  
information as part of a license application, renewal, or 112879  
investigation. 112880

(d) The facility is not managed and operated by qualified persons or adequately staffed and equipped to operate. 112881  
112882

(e) The department has been notified under section 5119.343 of the Revised Code or otherwise becomes aware that the facility, any owner, operator, or manager of the facility, or any subsidiary of the facility, owner, or operator has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action. 112883  
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(f) The department has been notified under section 5119.343 of the Revised Code or otherwise becomes aware that the facility, any owner, operator, or manager of the facility, or any subsidiary of the facility, owner, or operator has been the subject of an adverse action, as defined in that section, taken at any time based on an act or omission that violated the right of a residential facility resident to be free from abuse, neglect, or exploitation. 112890  
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of residents to the facility, the order remains in effect during the pendency of those proceedings. 112898  
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Proceedings initiated to suspend the admission of residents to a facility are governed by Chapter 119. of the Revised Code, except as provided in division (H) of this section. 112905  
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(3) In a proceeding initiated to suspend the admission of 112909

residents to a facility, to deny an application for a full or 112910  
probationary license, to refuse to renew a full or probationary 112911  
license, or to revoke a full or probationary license, the 112912  
department may order the suspension, denial, refusal, or 112913  
revocation regardless of whether some or all of the deficiencies 112914  
that prompted the proceedings have been corrected at the time of 112915  
the hearing. 112916

(4) When the department issues an order suspending the 112917  
admission of residents to a facility, denies an application for 112918  
a full or probationary license, refuses to renew a full or 112919  
probationary license, or revokes a full or probationary license, 112920  
the department shall not grant an opportunity for submitting a 112921  
plan of correction. 112922

(H) (1) If a suspension of admissions of residents to a 112923  
facility is proposed because the director has determined that 112924  
the licensee has demonstrated a pattern of serious noncompliance 112925  
or that a violation creates a substantial risk to the health and 112926  
safety of residents, the director may issue an order imposing 112927  
the suspension of admissions before providing an opportunity for 112928  
an adjudication under Chapter 119. of the Revised Code. The 112929  
director shall lift the order for the suspension of admissions 112930  
if the director determines that the violation that formed the 112931  
basis for the order has been corrected. 112932

(2) Appeals from proceedings initiated to order the 112933  
suspension of admissions to a facility shall be conducted in 112934  
accordance with Chapter 119. of the Revised Code, unless the 112935  
order was issued before providing an opportunity for an 112936  
adjudication, in which case all of the following apply: 112937

(a) The licensee may request a hearing not later than ten 112938  
days after being served in accordance with sections 119.05 and 112939

119.07 of the Revised Code. 112940

(b) If a timely request for a hearing that includes the 112941  
licensee's current address is made, the hearing shall commence 112942  
not later than thirty days after the department receives the 112943  
request. 112944

(c) After commencing, the hearing shall continue 112945  
uninterrupted, except for Saturdays, Sundays, and legal 112946  
holidays, unless other interruptions are agreed to by the 112947  
licensee and the director. 112948

(d) If the hearing is conducted by a hearing examiner, the 112949  
hearing examiner shall file a report and recommendations with 112950  
the department not later than ten days after the last of the 112951  
following: 112952

(i) The close of the hearing; 112953

(ii) If a transcript of the proceedings is ordered, the 112954  
hearing examiner receives the transcript; 112955

(iii) If post-hearing briefs are timely filed, the hearing 112956  
examiner receives the briefs. 112957

(e) The hearing examiner shall send a written copy of the 112958  
report and recommendations, by certified mail, to the licensee, 112959  
or the licensee's attorney, if applicable, not later than five 112960  
days after the report is filed with the department. 112961

(f) Not later than five days after receiving the report 112962  
and recommendations, the licensee may file objections with the 112963  
department. 112964

(g) Not later than fifteen days after the hearing examiner 112965  
files the report and recommendations, the department shall issue 112966  
an order approving, modifying, or disapproving the report and 112967

recommendations. 112968

(h) Notwithstanding the pendency of the hearing, the 112969  
department shall lift the order for the suspension of admissions 112970  
if the department determines the violation that formed the basis 112971  
for the order has been corrected. 112972

(I) The department may issue an interim license to operate 112973  
a residential facility if both of the following conditions are 112974  
met: 112975

(1) The department determines that the closing of or the 112976  
need to remove residents from another residential facility has 112977  
created an emergency situation requiring immediate removal of 112978  
residents and an insufficient number of licensed beds are 112979  
available. 112980

(2) The residential facility applying for an interim 112981  
license meets standards established for interim licenses in 112982  
rules adopted by the director under division (N) of this 112983  
section. 112984

An interim license shall be valid for ninety days and may 112985  
be renewed by the director no more than twice. Proceedings 112986  
initiated to deny applications for or to revoke interim licenses 112987  
under this division are not subject to Chapter 119. of the 112988  
Revised Code. 112989

(J) (1) The department of ~~mental~~ behavioral health and 112990  
~~addiction services~~ may conduct an inspection of a residential 112991  
facility as follows: 112992

(a) Prior to issuance of a license for the facility; 112993

(b) Prior to renewal of the license; 112994

(c) To determine whether the facility has completed a plan 112995

of correction required pursuant to division (J) (2) of this 112996  
section and corrected deficiencies to the satisfaction of the 112997  
department and in compliance with this section and rules adopted 112998  
pursuant to it; 112999

(d) Upon complaint by any individual or agency; 113000

(e) At any time the director considers an inspection to be 113001  
necessary in order to determine whether the facility is in 113002  
compliance with this section and rules adopted pursuant to this 113003  
section. 113004

(2) In conducting inspections the department may conduct 113005  
an on-site examination and evaluation of the residential 113006  
facility and its personnel, activities, and services. The 113007  
department shall have access to examine and copy all records, 113008  
accounts, and any other documents relating to the operation of 113009  
the residential facility, including records pertaining to 113010  
residents, and shall have access to the facility in order to 113011  
conduct interviews with the operator, staff, and residents. 113012  
Following each inspection and review, the department shall 113013  
complete a report listing any deficiencies, and including, when 113014  
appropriate, a time table within which the operator shall 113015  
correct the deficiencies. The department may require the 113016  
operator to submit a plan of correction describing how the 113017  
deficiencies will be corrected. 113018

(K) No person shall do any of the following: 113019

(1) Operate a residential facility unless the facility 113020  
holds a valid license; 113021

(2) Violate any of the conditions of licensure after 113022  
having been granted a license; 113023

(3) Interfere with a state or local official's inspection 113024

or investigation of a residential facility; 113025

(4) Violate any of the provisions of this section or any 113026  
rules adopted pursuant to this section. 113027

(L) The following may enter a residential facility at any 113028  
time: 113029

(1) Employees designated by the director of ~~mental-~~ 113030  
behavioral health and addiction services; 113031

(2) Employees of an ADAMHS board under either of the 113032  
following circumstances: 113033

(a) When a resident of the facility is receiving services 113034  
from a community mental health services provider under contract 113035  
with that ADAMHS board or another ADAMHS board; 113036

(b) When authorized by section 340.05 of the Revised Code. 113037

(3) Employees of a community mental health services 113038  
provider under either of the following circumstances: 113039

(a) When the provider has a person receiving services 113040  
residing in the facility; 113041

(b) When the provider is acting as an agent of an ADAMHS 113042  
board other than the board with which it is under contract. 113043

(4) Representatives of the state long-term care ombudsman 113044  
program when the facility provides accommodations, supervision, 113045  
and personal care services for three to sixteen unrelated adults 113046  
or to one or two unrelated adults who are receiving payments 113047  
under the residential state supplement program. 113048

The persons specified in division (L) of this section 113049  
shall be afforded access to examine and copy all records, 113050  
accounts, and any other documents relating to the operation of 113051

the residential facility, including records pertaining to 113052  
residents. 113053

(M) Employees of the department of ~~mental~~ behavioral 113054  
~~health and addiction services~~ may enter, for the purpose of 113055  
investigation, any institution, residence, facility, or other 113056  
structure which has been reported to the department as, or that 113057  
the department has reasonable cause to believe is, operating as 113058  
a residential facility without a valid license. 113059

(N) The director of behavioral health shall adopt and may 113060  
amend and rescind rules pursuant to Chapter 119. of the Revised 113061  
Code governing the licensing and operation of residential 113062  
facilities. The rules shall establish all of the following: 113063

(1) Minimum standards for the health, safety, adequacy, 113064  
and cultural competency of treatment of and services for persons 113065  
in residential facilities; 113066

(2) Procedures for the issuance, renewal, or revocation of 113067  
the licenses of residential facilities; 113068

(3) Procedures for conducting background investigations 113069  
for prospective or current operators, employees, volunteers, and 113070  
other non-resident occupants who may have direct access to 113071  
facility residents; 113072

(4) The fee to be paid when applying for a new residential 113073  
facility license or renewing the license; 113074

(5) Procedures for the operator of a residential facility 113075  
to follow when notifying the ADAMHS board serving the county in 113076  
which the facility is located when the facility is serving 113077  
residents with mental illness or severe mental disability, 113078  
including the circumstances under which the operator is required 113079  
to make such a notification; 113080

(6) Procedures for the issuance and termination of orders	113081
of suspension of admission of residents to a residential	113082
facility;	113083
(7) Measures to be taken by residential facilities	113084
relative to residents' medication;	113085
(8) Requirements relating to preparation of special diets;	113086
(9) The maximum number of residents who may be served in a	113087
residential facility;	113088
(10) The rights of residents of residential facilities and	113089
procedures to protect such rights;	113090
(11) Standards and procedures under which the director may	113091
waive the requirements of any of the rules adopted.	113092
(O) (1) The department <u>of behavioral health</u> may withhold	113093
the source of any complaint reported as a violation of this	113094
section when the department determines that disclosure could be	113095
detrimental to the department's purposes or could jeopardize the	113096
investigation. The department may disclose the source of any	113097
complaint if the complainant agrees in writing to such	113098
disclosure and shall disclose the source upon order by a court	113099
of competent jurisdiction.	113100
(2) Any person who makes a complaint under division (O) (1)	113101
of this section, or any person who participates in an	113102
administrative or judicial proceeding resulting from such a	113103
complaint, is immune from civil liability and is not subject to	113104
criminal prosecution, other than for perjury, unless the person	113105
has acted in bad faith or with malicious purpose.	113106
(P) (1) The director of <del>mental behavioral health and</del>	113107
<del>addiction services</del> may petition the court of common pleas of the	113108

county in which a residential facility is located for an order 113109  
enjoining any person from operating a residential facility 113110  
without a license or from operating a licensed facility when, in 113111  
the director's judgment, there is a present danger to the health 113112  
or safety of any of the occupants of the facility. The court 113113  
shall have jurisdiction to grant such injunctive relief upon a 113114  
showing that the respondent named in the petition is operating a 113115  
facility without a license or there is a present danger to the 113116  
health or safety of any residents of the facility. 113117

(2) When the court grants injunctive relief in the case of 113118  
a facility operating without a license, the court shall issue, 113119  
at a minimum, an order enjoining the facility from admitting new 113120  
residents to the facility and an order requiring the facility to 113121  
assist with the safe and orderly relocation of the facility's 113122  
residents. 113123

(3) If injunctive relief is granted against a facility for 113124  
operating without a license and the facility continues to 113125  
operate without a license, the director shall refer the case to 113126  
the attorney general for further action. 113127

(Q) The director of behavioral health may fine a person 113128  
for violating division (K) of this section. The fine shall be 113129  
five hundred dollars for a first offense; for each subsequent 113130  
offense, the fine shall be one thousand dollars. The director's 113131  
actions in imposing a fine shall be taken in accordance with 113132  
Chapter 119. of the Revised Code. 113133

**Sec. 5119.342.** (A) Upon petition by the director of ~~mental~~ 113134  
behavioral health and addiction services, the court of common 113135  
pleas or the probate court may appoint a receiver to take 113136  
possession of and operate a residential facility licensed 113137  
pursuant to section 5119.34 of the Revised Code, when conditions 113138

existing at the residential facility present a substantial risk 113139  
of physical or mental harm to residents and no other remedies at 113140  
law are adequate to protect the health, safety, and welfare of 113141  
the residents. 113142

Petitions filed pursuant to this section shall include: 113143

(1) A description of the specific conditions existing at 113144  
the residential facility which present a substantial risk of 113145  
physical or mental harm to residents; 113146

(2) A statement of the absence of other adequate remedies 113147  
at law; 113148

(3) The number of individuals residing at the facility; 113149

(4) A statement that the facts have been brought to the 113150  
attention of the owner or licensee and that conditions have not 113151  
been remedied within a reasonable period of time or that the 113152  
conditions, though remedied periodically, habitually exist at 113153  
the residential facility as a pattern or practice; and 113154

(5) The name and address of the person holding the license 113155  
for the residential facility. 113156

(B) A court in which a petition is filed pursuant to this 113157  
section shall notify the person holding the license for the 113158  
facility of the filing. The department shall send notice of the 113159  
filing to the following, as appropriate: the Ohio protection and 113160  
advocacy system as defined in section 5123.60 of the Revised 113161  
Code; facility owner; facility operator; board of alcohol, drug 113162  
addiction, and mental health services; board of health; 113163  
department of developmental disabilities; department of job and 113164  
family services; facility residents; and residents' families and 113165  
guardians. The court shall provide a hearing on the petition 113166  
within five court days of the time it was filed, except that the 113167

court may appoint a receiver prior to that time if it determines 113168  
that the circumstances necessitate such action. 113169

Following a hearing on the petition, and upon a 113170  
determination that the appointment of a receiver is warranted, 113171  
the court shall appoint a receiver and notify the department of 113172  
~~mental-behavioral health and addiction services~~ and appropriate 113173  
persons of this action. 113174

In setting forth the powers of the receiver, the court may 113175  
generally authorize the receiver to do all that is prudent and 113176  
necessary to safely and efficiently operate the residential 113177  
facility within the requirements of state and federal law, but 113178  
shall require the receiver to obtain court approval prior to 113179  
making any single expenditure of more than five thousand dollars 113180  
to correct deficiencies in the structure or furnishings of a 113181  
facility. The court shall closely review the conduct of the 113182  
receiver and shall require regular and detailed reports. 113183

(C) A receivership established pursuant to this section 113184  
shall be terminated, following notification of the appropriate 113185  
parties and a hearing, if the court determines either of the 113186  
following: 113187

(1) The residential facility has been closed and the 113188  
former residents have been relocated to an appropriate facility; 113189

(2) Circumstances no longer exist at the residential 113190  
facility which present a substantial risk of physical or mental 113191  
harm to residents, and there is no deficiency in the residential 113192  
facility that is likely to create a future risk of harm. 113193

Notwithstanding division (C) (2) of this section, the court 113194  
shall not terminate a receivership for a residential facility 113195  
that has previously operated under another receivership unless 113196

the responsibility for the operation of the facility is 113197  
transferred to an operator approved by the court and the 113198  
department of ~~mental behavioral health and addiction services~~. 113199

(D) Except for the department of ~~mental behavioral health~~ 113200  
~~and addiction services~~ or appropriate board of alcohol, drug 113201  
addiction, and mental health services, no party or person 113202  
interested in an action shall be appointed a receiver pursuant 113203  
to this section. 113204

To assist the court in identifying persons qualified to be 113205  
named as receivers, the director of ~~mental behavioral health and~~ 113206  
~~addiction services~~ shall maintain a list of the names of such 113207  
persons. The department of ~~mental behavioral health and~~ 113208  
~~addiction services~~, the department of job and family services, 113209  
and the department of health shall provide technical assistance 113210  
to any receiver appointed pursuant to this section. 113211

Before entering upon the duties of receiver, the receiver 113212  
must be sworn to perform the duties faithfully, and, with surety 113213  
approved by the court, judge, or clerk, execute a bond to such 113214  
person, and in such sum as the court or judge directs, to the 113215  
effect that such receiver will faithfully discharge the duties 113216  
of receiver in the action, and obey the orders of the court 113217  
therein. 113218

(1) Under the control of the appointing court, a receiver 113219  
may do the following: 113220

(a) Bring and defend actions in the appointee's name as 113221  
receiver; 113222

(b) Take and keep possession of property. 113223

(2) The court shall authorize the receiver to do the 113224  
following: 113225

(a) Collect payment for all goods and services provided to the residents or others during the period of the receivership at the same rate as was charged by the licensee at the time the petition for receivership was filed, unless a different rate is set by the court;

(b) Honor all leases, mortgages, and secured transactions governing all buildings, goods, and fixtures of which the receiver has taken possession, but, in the case of a rental agreement only to the extent of payments that are for the use of the property during the period of the receivership, or, in the case of a purchase agreement, only to the extent that payments come due during the period of the receivership;

(c) If transfer of residents is necessary, provide for the orderly transfer of residents by:

(i) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;

(ii) Providing for the transportation of residents' belongings and records;

(iii) Helping to locate alternative placements and develop plans for transfer;

(iv) Encouraging residents or guardians to participate in transfer planning except when an emergency exists and immediate transfer is necessary.

(d) Make periodic reports on the status of the residential facility to the court; the appropriate state agencies; and the board of alcohol, drug addiction, and mental health services. Each report shall be made available to residents, their guardians, and families.

(e) Compromise demands or claims; and 113255

(f) Generally do such acts respecting the residential facility as the court authorizes. 113256  
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Notwithstanding any other provision of law, contracts which are necessary to carry out the powers and duties of the receiver need not be competitively bid. 113258  
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**Sec. 5119.343.** (A) As used in this section, "adverse action" means an action by a state, provincial, federal, or other licensing or regulatory authority other than the department of behavioral health to deny, revoke, suspend, place on probation, or otherwise restrict a license, certificate, or other approval to operate a residential facility or practice a health care profession. 113261  
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(B) (1) When submitting an application for initial or renewed licensure of a residential facility under section 5119.34 of the Revised Code, the applicant shall notify the department of ~~mental behavioral health and addiction services~~ of any adverse action taken against any of the following during the three-year period immediately preceding the date of application: 113268  
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(a) The residential facility or the facility's; 113274

(b) Any owner, operator, or manager within of the three-year period immediately preceding the date of application facility; 113275  
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(c) Any subsidiary of the facility, owner, or operator. 113278

(2) Not later than seven days after receiving a notice of adverse action ~~from a licensing or regulatory authority that is other than the department of mental health and addiction services~~, the holder of a residential facility license issued 113279  
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under section 5119.34 of the Revised Code shall notify the 113283  
department of the action. 113284

(3) To notify the department as required by this section, 113285  
a copy of the notice of adverse action shall be provided to the 113286  
department. 113287

Sec. 5119.345. The department of behavioral health shall 113288  
publish a directory of all residential facilities licensed under 113289  
section 5119.34 of the Revised Code on the department's web 113290  
site. For each facility, the directory shall include all of the 113291  
following: 113292

(A) The name of the facility; 113293

(B) The facility's full address; 113294

(C) The facility's categorization as a class one, class 113295  
two, or class three facility; 113296

(D) The services offered at the facility. 113297

**Sec. 5119.35.** (A) Except as provided in division (B) of 113298  
this section, if a mental health service or alcohol and drug 113299  
addiction service has been specified in rules adopted under this 113300  
section as a service that is required to be certified, no person 113301  
or government entity shall provide that service unless it has 113302  
been certified under section 5119.36 of the Revised Code. 113303

(B) Division (A) of this section does not apply to either 113304  
of the following: 113305

(1) An individual who holds a valid license, certificate, 113306  
or registration issued by this state authorizing the practice of 113307  
a health care profession that includes the performance of any 113308  
service that is required to be certified as described in this 113309  
section, regardless of whether the service is performed as part 113310

of a sole proprietorship, partnership, or group practice; 113311

(2) An individual who provides any service that is 113312  
required to be certified as described in this section as part of 113313  
an employment or contractual relationship with a hospital 113314  
outpatient clinic that is accredited by an accreditation agency 113315  
or organization approved by the director of ~~mental~~ behavioral 113316  
~~health and addiction services~~. 113317

(C) (1) If the director of ~~mental~~ behavioral health and 113318  
~~addiction services~~ determines that a person or government entity 113319  
is violating division (A) of this section, the director may 113320  
request, in writing, that the attorney general petition the 113321  
court of common pleas in the county where the person or 113322  
government entity is located or providing the services to enjoin 113323  
the person or government entity from engaging in the conduct 113324  
that violates division (A) of this section. 113325

(2) No person or government entity that is subject to this 113326  
section is eligible to receive, for a service that is subject to 113327  
this section, any federal funds, state funds, or funds 113328  
administered by a board of alcohol, drug addiction, and mental 113329  
health services, unless that service has been certified under 113330  
section 5119.36 of the Revised Code. This limitation is in 113331  
addition to the injunction that may be sought under division (C) 113332  
(1) of this section for a violation of division (A) of this 113333  
section. 113334

(D) The director may adopt rules in accordance with 113335  
Chapter 119. of the Revised Code to specify mental health 113336  
services and alcohol and drug addiction services that are 113337  
required to be certified under section 5119.36 of the Revised 113338  
Code. 113339

Sec. 5119.36. (A) A person or government entity that seeks 113340  
initial certification of one or more certifiable services and 113341  
supports, or that seeks to renew certification of one or more 113342  
certifiable services and supports, shall submit an application 113343  
to the director of ~~mental behavioral health and addiction~~ 113344  
~~services~~. On receipt of the application, the director shall 113345  
determine whether the standards established by ~~divisions~~ 113346  
division (B) ~~and (C)~~ of this section and any rules adopted under 113347  
this section are satisfied or continue to be satisfied by the 113348  
applicant. As part of the determination the director may conduct 113349  
an on-site review of the applicant. In doing so, the director 113350  
may conduct the review in cooperation with a board of alcohol, 113351  
drug addiction, and mental health services that seeks to 113352  
contract or has a contract with the applicant under section 113353  
340.036 of the Revised Code. 113354

Not later than fourteen days after receipt of an ~~initial~~ 113355  
~~or renewal~~ application for initial or renewed certification, the 113356  
director shall inform the board of alcohol, drug addiction, and 113357  
mental health services serving the alcohol, drug addiction, and 113358  
mental health service district in which the applicant's 113359  
certifiable services and supports will be provided of the 113360  
receipt of the application. On the board's request, the director 113361  
shall provide the board with a copy of the application. 113362

Not later than thirty days after a provider's 113363  
certification ceases to be valid for any reason, including the 113364  
provider's failure to renew the certification prior to 113365  
expiration, the director's acceptance of the provider's 113366  
surrender of the certification, or the issuance of a final order 113367  
for disciplinary action under division ~~(G)~~ (F) or ~~(M)~~ (L) of this 113368  
section, the director shall provide notice to the applicable 113369  
board of alcohol, drug addiction, and mental health services of 113370

the reason the certification ceased to be valid and the date it became invalid. 113371  
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(B) (1) Except as provided in division (B) (4) of this section, beginning on ~~the effective date of this amendment~~ October 3, 2023, an applicant seeking initial certification of certifiable services and supports shall be accredited by one or more national accrediting organizations specified in division (B) (3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports. 113373  
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(2) Except as provided in division (B) (4) of this section, beginning October 1, 2025, an applicant seeking to renew certification of certifiable services and supports shall be accredited by one or more national accrediting organizations specified in division (B) (3) of this section for certifiable services and supports for which national accreditation exists for such services and supports or equivalent services and supports. 113381  
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(3) For purposes of divisions (B) (1) and (2) of this section, the director shall accept appropriate accreditation of an applicant's certifiable services and supports from any of the following national accrediting organizations: 113389  
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(a) The joint commission; 113393

(b) The commission on accreditation of rehabilitation facilities; 113394  
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(c) The council on accreditation; 113396

(d) Any other national accrediting organization the director considers appropriate. 113397  
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(4) The accreditation requirements of divisions (B) (1) and 113399  
(2) of this section do not apply to an applicant seeking an 113400  
initial or renewed certification to provide prevention services, 113401  
as that term is defined in rules adopted under this section. For 113402  
such applicants, accreditation is optional. 113403

~~(C) In addition to meeting the accreditation standard set 113404  
forth in division (B) of this section, an applicant seeking 113405  
initial or renewed certification of one or more certifiable 113406  
services and supports is eligible to receive the certification 113407  
only if both of the following are the case, as determined by the 113408  
director:— 113409~~

~~(1) The applicant has adequate staff and equipment to 113410  
provide the certifiable services and supports;— 113411~~

~~(2) The department has not been notified under section 113412  
5119.367 of the Revised Code or is not otherwise aware that the 113413  
applicant, or any owner or principal of the applicant, has been 113414  
the subject of an adverse action, as defined in that section, 113415  
taken during the three-year period immediately preceding the 113416  
date of application.— 113417~~

~~(D) (1) (C) (1) Except as provided in division (D) (2) (C) (2) 113418  
of this section, if the director determines that an applicant 113419  
has paid any required certification fee, that the applicant's 113420  
accreditation of certifiable services and supports is current 113421  
and appropriate for the services and supports for which the 113422  
applicant is seeking initial or renewed certification, that the 113423  
applicant meets the requirements of division (C) of this 113424  
section, and that the applicant meets any other requirements 113425  
established by this section or rules adopted under it, the 113426  
director shall certify the services and supports or renew the 113427  
certification of the services and supports, as applicable. 113428~~

Except as provided in division ~~(J)~~(I) of this section, the 113429  
director shall issue or renew the certification without further 113430  
evaluation of the services and supports. 113431

(2) Prior to October 1, 2025, if an applicant that seeks 113432  
to renew certification of certifiable services and supports is 113433  
not accredited to provide those services and supports by one or 113434  
more national accrediting organizations specified in division 113435  
(B) (3) of this section, the director shall conduct an evaluation 113436  
of the applicant to determine whether the applicant's 113437  
certifiable services and supports satisfy the standards for 113438  
certification. The evaluation is in addition to any on-site 113439  
review conducted under division (A) of this section and shall be 113440  
performed in cooperation with a board of alcohol, drug 113441  
addiction, and mental health services that seeks to contract or 113442  
has a contract with the applicant under section 340.036 of the 113443  
Revised Code. If the director determines that an applicant has 113444  
paid any required certification fee, that the applicant's 113445  
certifiable services and supports satisfy the standards for 113446  
renewed certification, ~~that the applicant meets the requirements~~ 113447  
~~of division (C) of this section,~~ and that the applicant meets 113448  
any other requirements established by this section or the rules 113449  
adopted under it, the director shall certify the certifiable 113450  
services and supports. 113451

~~(E)~~(D) For purposes of the accreditation requirements of 113452  
this section, both of the following apply: 113453

(1) The director may review the accrediting organizations 113454  
specified in division (B) (3) of this section to evaluate whether 113455  
the accreditation standards and processes used by the 113456  
organizations are consistent with service delivery models the 113457  
director considers appropriate for mental health services, 113458

alcohol and drug addiction services, or physical health 113459  
services. The director may communicate to an accrediting 113460  
organization any identified concerns, trends, needs, and 113461  
recommendations. 113462

(2) The director shall require a community mental health 113463  
services provider and a community addiction services provider to 113464  
notify the director not later than ten days after any change in 113465  
the provider's accreditation status. The provider may notify the 113466  
director by providing a copy of the relevant document the 113467  
provider received from the accrediting organization. 113468

~~(F)~~ (E) The director may require a community mental health 113469  
services provider or a community addiction services provider to 113470  
submit to the director cost reports pertaining to the provider. 113471

~~(G)~~ (F) The director may refuse to certify certifiable 113472  
services and supports, refuse to renew certification, or revoke 113473  
certification if any of the following apply to an applicant for 113474  
certification or the holder of the certification: 113475

(1) The applicant or holder is not in compliance with 113476  
rules adopted under this section. 113477

(2) The applicant or holder has been cited for a pattern 113478  
of serious noncompliance or repeated violations of statutes or 113479  
rules during the current certification period or any previous 113480  
certification period. 113481

(3) The applicant or holder has been found to be in 113482  
violation of section 5119.396 of the Revised Code; 113483

(4) The applicant or holder submits false or misleading 113484  
information as part of a certification application, renewal, or 113485  
investigation. 113486

(5) The applicant does not have adequate staff and equipment to provide the certifiable services and supports. 113487  
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(6) The department has been notified under section 5119.367 of the Revised Code or is otherwise aware that the applicant, any owner or principal of the applicant, or any subsidiary of the applicant or owner has been the subject of an adverse action, as defined in that section, taken during the three-year period immediately preceding the date of notification or date of becoming aware of the adverse action. 113489  
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~~(H)~~ (G) Proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider, as provided in division ~~(M)~~ (L) of this section, the order remains in effect during the pendency of those proceedings. 113496  
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~~(I)~~ (H) The director may conduct an on-site review or otherwise evaluate a community mental health services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of persons receiving mental health services or alcohol and drug addiction services and confirmed or alleged deficiencies brought to the attention of the director. This authority does not affect the director's duty to conduct the inspections required by section 5119.37 of the Revised Code. 113504  
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In conducting an on-site review under this division, the director may do so in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the 113513  
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Revised Code. In conducting any other evaluation under this 113517  
division, the director shall do so in cooperation with such a 113518  
board. 113519

~~(J)~~(I) If the director proposes to take action under 113520  
division ~~(G)~~(F) of this section, the director shall notify the 113521  
board of alcohol, drug addiction, and mental health services 113522  
serving the alcohol, drug addiction, and mental health service 113523  
district in which the certifiable services and supports will be 113524  
or were provided, and provide the board opportunity to respond 113525  
as specified in division (A) of this section with respect to 113526  
initial or renewal applications. 113527

When a final order is issued by the director under 113528  
division ~~(G)~~(F) of this section, the director may request that 113529  
the appropriate board of alcohol, drug addiction, and mental 113530  
health services reallocate any funds for the certifiable 113531  
services and supports the applicant was to provide to a 113532  
community mental health services provider or community addiction 113533  
services provider whose certifiable services and supports 113534  
satisfy the standards. If the board does not reallocate such 113535  
funds in a reasonable period of time, the director may withhold 113536  
state and federal funds for the certifiable services and 113537  
supports and allocate those funds directly to a community mental 113538  
health services provider or community addiction services 113539  
provider whose certifiable services and supports satisfy the 113540  
standards. 113541

~~(K)~~(J) Each applicant seeking initial or renewed 113542  
certification of its certifiable services and supports shall pay 113543  
a fee for the certification required by this section, unless the 113544  
applicant is exempt under rules adopted under this section. Fees 113545  
shall be paid into the state treasury to the credit of the sale 113546

of goods and services fund created pursuant to section 5119.45 113547  
of the Revised Code. 113548

~~(L)~~(K) The director shall adopt rules in accordance with 113549  
Chapter 119. of the Revised Code to implement this section. The 113550  
rules shall do all of the following: 113551

(1) Subject to section 340.034 of the Revised Code, 113552  
specify the types of recovery supports that are required to be 113553  
certified under this section; 113554

(2) Establish certification standards for certifiable 113555  
services and supports that are consistent with nationally 113556  
recognized applicable standards and facilitate participation in 113557  
federal assistance programs. The rules shall include as 113558  
certification standards only requirements that improve the 113559  
quality of certifiable services and supports or the health and 113560  
safety of persons receiving certifiable services and supports. 113561  
The standards shall address at a minimum all of the following: 113562

(a) Reporting major unusual incidents to the director; 113563

(b) Procedures for applicants for and persons receiving 113564  
certifiable services and supports to file grievances and 113565  
complaints; 113566

(c) Seclusion; 113567

(d) Restraint; 113568

(e) Requirements regarding the physical facilities in 113569  
which certifiable services and supports are provided; 113570

(f) Requirements with regard to health, safety, adequacy, 113571  
and cultural specificity and sensitivity; 113572

(g) Standards for evaluating certifiable services and 113573

supports; 113574

(h) Standards and procedures for granting full, 113575  
probationary, and interim certification of the certifiable 113576  
services and supports of an applicant; 113577

(i) Standards and procedures for revoking the 113578  
certification of a community mental health services provider's 113579  
or community addiction services provider's certifiable services 113580  
and supports that do not continue to meet the minimum standards 113581  
established pursuant to this section; 113582

(j) The limitations to be placed on a provider whose 113583  
certifiable services and supports are granted probationary or 113584  
interim certification; 113585

(k) Development of written policies addressing the rights 113586  
of persons receiving certifiable services and supports, 113587  
including all of the following: 113588

(i) The right to a copy of the written policies addressing 113589  
the rights of persons receiving certifiable services and 113590  
supports; 113591

(ii) The right at all times to be treated with 113592  
consideration and respect for the person's privacy and dignity; 113593

(iii) The right to have access to the person's own 113594  
psychiatric, medical, or other treatment records unless access 113595  
is specifically restricted in the person's treatment plan for 113596  
clear treatment reasons; 113597

(iv) The right to have a client rights officer provided by 113598  
the provider or board of alcohol, drug addiction, and mental 113599  
health services advise the person of the person's rights, 113600  
including the person's rights under Chapter 5122. of the Revised 113601

Code if the person is committed to the provider or board. 113602

(1) Documentation that must be submitted as evidence of 113603  
holding appropriate accreditation; 113604

(m) A process by which the director may review the 113605  
accreditation standards and process used by the national 113606  
accrediting organizations specified in division (B) (3) of this 113607  
section. 113608

(3) Establish the process for certification of certifiable 113609  
services and supports; 113610

(4) Set the amount of initial and renewal certification 113611  
fees and any reasons for which applicants may be exempt from the 113612  
fees; 113613

(5) Specify the type of notice and hearing to be provided 113614  
prior to a decision on whether to reallocate funds; 113615

(6) Establish a process by which the director, based on 113616  
deficiencies identified as a result of conducting an on-site 113617  
review or otherwise evaluating a community mental health 113618  
services provider or community addiction services provider under 113619  
division ~~(I)~~(H) of this section, may take any range of 113620  
correction actions, including revocation of the provider's 113621  
certification. 113622

~~(M)~~(L) (1) The director may issue an order suspending 113623  
admissions to a community addiction services provider that 113624  
provides overnight accommodations if the director finds either 113625  
of the following: 113626

(a) The provider's certifiable services and supports are 113627  
not in compliance with rules adopted under this section; 113628

(b) The provider has been cited for more than one 113629

violation of statutes or rules during any previous certification 113630  
period of the provider. 113631

(2) (a) Except as provided in division ~~(M) (2) (b)~~ (L) (2) (b) 113632  
of this section, proceedings initiated to suspend admissions to 113633  
a community addiction services provider that provides overnight 113634  
accommodations are governed by Chapter 119. of the Revised Code. 113635

(b) If a suspension of admissions is proposed because the 113636  
director has determined that the provider has demonstrated a 113637  
pattern of serious noncompliance or that a violation creates a 113638  
substantial risk to the health and safety of patients, the 113639  
director may issue an order suspending admissions before 113640  
providing an opportunity for an adjudication under Chapter 119. 113641  
of the Revised Code. The director shall lift the order for the 113642  
suspension of admissions if the director determines that the 113643  
violation that formed the basis for the order has been 113644  
corrected. 113645

(3) Appeals from proceedings initiated to order the 113646  
suspension of admissions shall be conducted in accordance with 113647  
Chapter 119. of the Revised Code, unless the order was issued 113648  
before providing an opportunity for an adjudication, in which 113649  
case all of the following apply: 113650

(a) The provider may request a hearing not later than ten 113651  
days after being served in accordance with sections 119.05 and 113652  
119.07 of the Revised Code. 113653

(b) If a timely request for a hearing that includes the 113654  
provider's current address is made, the hearing shall commence 113655  
not later than thirty days after the department receives the 113656  
request. 113657

(c) After commencing, the hearing shall continue 113658

uninterrupted, except for Saturdays, Sundays, and legal 113659  
holidays, unless other interruptions are agreed to by the 113660  
provider and the director. 113661

(d) If the hearing is conducted by a hearing examiner, the 113662  
hearing examiner shall file a report and recommendations with 113663  
the department not later than ten days after the last of the 113664  
following: 113665

(i) The close of the hearing; 113666

(ii) If a transcript of the proceedings is ordered, the 113667  
hearing examiner receives the transcript; 113668

(iii) If post-hearing briefs are timely filed, the hearing 113669  
examiner receives the briefs. 113670

(e) The hearing examiner shall send a written copy of the 113671  
report and recommendations, by certified mail, to the provider, 113672  
or the provider's attorney, if applicable, not later than five 113673  
days after the report is filed with the department. 113674

(f) Not later than five days after receiving the report 113675  
and recommendations, the provider may file objections with the 113676  
department. 113677

(g) Not later than fifteen days after the hearing examiner 113678  
files the report and recommendations, the department shall issue 113679  
an order approving, modifying, or disapproving the report and 113680  
recommendations. 113681

(h) Notwithstanding the pendency of the hearing, the 113682  
department shall lift the order for the suspension of admissions 113683  
if the department determines the violation that formed the basis 113684  
for the order has been corrected. 113685

~~(N) (1)~~ (M) (1) In a proceeding initiated to suspend 113686

admissions to a community addiction services provider that 113687  
provides overnight accommodations, to deny an application for 113688  
certification of certifiable services and supports, to refuse to 113689  
renew certification, or to revoke certification, the department 113690  
may order the suspension, denial, refusal, or revocation 113691  
regardless of whether some or all of the deficiencies that 113692  
prompted the proceedings have been corrected at the time of the 113693  
hearing. 113694

(2) When the department issues an order suspending 113695  
admissions to a community addiction services provider that 113696  
provides overnight accommodations, denies an application for 113697  
certification of certifiable services and supports, refuses to 113698  
renew certification, or revokes a certification, the department 113699  
shall not grant an opportunity for submitting a plan of 113700  
correction. 113701

~~(O)~~ (N) The department of ~~mental behavioral~~ health and 113702  
~~addiction services~~ shall maintain a current list of community 113703  
addiction services providers and shall provide a copy of the 113704  
list to a judge of a court of common pleas who requests a copy 113705  
for the use of the judge under division (H) of section 2925.03 113706  
of the Revised Code. The list shall identify each provider by 113707  
its name, its address, and the county in which it is located. 113708

~~(P)~~ (O) No person shall represent in any manner that a 113709  
community mental health services provider's or community 113710  
addiction services provider's certifiable services and supports 113711  
are certified by the director if the certifiable services and 113712  
supports are not so certified at the time the representation is 113713  
made. 113714

~~(O)~~ (P) If a board of alcohol, drug addiction, and mental 113715  
health services requests the department of ~~mental behavioral~~ 113716

~~health and addiction services~~ to investigate a community mental 113717  
health services provider or community addiction services 113718  
provider pursuant to this section, the department shall initiate 113719  
the investigation not later than ten business days after receipt 113720  
of the request. If the department initiates an investigation of 113721  
a community mental health services provider or community 113722  
addiction services provider under this section for any other 113723  
reason, the department shall notify the board of alcohol, drug 113724  
addiction, and mental health services serving the applicable 113725  
alcohol, drug addiction, and mental health service district of 113726  
the investigation and the reason for the investigation not later 113727  
than three business days after the investigation begins. On the 113728  
board's request, the department shall provide the board with 113729  
information specifying the status of the investigation and the 113730  
final disposition of the investigation. 113731

**Sec. 5119.362.** (A) In accordance with rules adopted under 113732  
section 5119.363 of the Revised Code, each community addiction 113733  
services provider shall do all of the following: 113734

(1) Maintain a waiting list for the provider's included 113735  
opioid and co-occurring drug addiction services and recovery 113736  
supports; 113737

(2) Notify an individual included on the provider's 113738  
waiting list when the provider has a slot available for the 113739  
individual and, if the individual does not contact the provider 113740  
about the slot within a period of time specified in the rules, 113741  
contact the individual to determine why the individual did not 113742  
contact the provider and to assess whether the individual still 113743  
needs the included opioid and co-occurring drug addiction 113744  
services and recovery supports; 113745

(3) Remove an individual from the waiting list if either 113746

of the following applies: 113747

(a) The individual withdraws the individual's request for 113748  
included opioid and co-occurring drug addiction services and 113749  
recovery supports; 113750

(b) When the provider notifies the individual about an 113751  
available slot, the individual does not contact the provider 113752  
about the slot within the period of time specified in the rules 113753  
or otherwise vacates the slot before beginning to receive the 113754  
services and supports. 113755

(4) As part of the process of maintaining the waiting 113756  
list, determine both of the following: 113757

(a) For each individual who seeks from the provider 113758  
included opioid and co-occurring drug addiction services and 113759  
recovery supports, the number of days that starts with the day 113760  
the individual first contacts the provider about accessing the 113761  
services and supports and ends on the following day: 113762

(i) If the individual is required to be assessed for the 113763  
individual's clinical need for the services and supports, the 113764  
day of the assessment; 113765

(ii) If the individual is not required to be assessed for 113766  
the individual's clinical need for the services and supports, 113767  
the first day of the individual's access to the services and 113768  
supports. 113769

(b) For each such individual who is required to be 113770  
assessed for the individual's clinical need for the services and 113771  
supports, the number of days that starts with the day of the 113772  
assessment and ends with the first day of the individual's 113773  
access to the services and supports. 113774

(5) Using information the provider acquires by maintaining the waiting list, determine whether included opioid and co-occurring drug addiction services and recovery supports are insufficient to meet the needs of individuals on the waiting list; 113775  
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113777  
113778  
113779

(6) Subject to division (B) of this section, report all of the following information not later than the last day of each month to the department of ~~mental behavioral health and~~ addiction services: 113780  
113781  
113782  
113783

(a) An unduplicated count of all individuals who were included on the provider's waiting list during the immediately preceding month and each type of included opioid and co-occurring drug addiction services and recovery supports for which they were waiting; 113784  
113785  
113786  
113787  
113788

(b) The total number of days each such individual had been on the provider's waiting list during the immediately preceding month; 113789  
113790  
113791

(c) The last known type of residential setting in which each such individual resided during the immediately preceding month; 113792  
113793  
113794

(d) The total number of individuals who did not contact the provider after receiving, during the immediately preceding month, the notices under division (A) (2) of this section about the provider having slots available for the individuals and, if known, the reasons the contacts were not made; 113795  
113796  
113797  
113798  
113799

(e) The total number of such individuals who withdrew, in the immediately preceding month, their requests for included opioid and co-occurring drug addiction services and recovery supports, each type of service and support that those 113800  
113801  
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113803

individuals had requested or been assessed as having a clinical need for, and, if known, the reasons those individuals withdrew their requests;

(f) An unduplicated count of all individuals who were referred to another community addiction services provider because the referring provider does not provide the type of included opioid and co-occurring drug addiction services and recovery supports that those individuals had requested or been assessed as having a clinical need for and each type of service and support for which those individuals were referred;

(g) All other information specified in the rules.

(B) Each report that a community addiction services provider provides to the department under this section shall do both of the following:

(1) For the purposes of divisions (A)(6)(a) and (f) of this section, specify the counties of residence of the individuals in the unduplicated counts and include identifying information required by the rules adopted under section 5119.363 of the Revised Code so that the department is able to identify any individuals who are inadvertently duplicated in the counts;

(2) For the purpose of the information reported under division (A)(6)(c) of this section, identify the types of residential settings at least as either institutional or noninstitutional.

**Sec. 5119.363.** The director of ~~mental~~behavioral health ~~and addiction services~~ shall adopt rules governing the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The director shall adopt rules under this section that 113833  
authorize the department of ~~mental-behavioral health and~~ 113834  
~~addiction services~~ to determine an advanced practice registered 113835  
nurse's, physician assistant's, or physician's compliance with 113836  
section 3719.064 of the Revised Code if such practitioner works 113837  
for a community addiction services provider. 113838

**Sec. 5119.364.** (A) The department of ~~mental-behavioral~~ 113839  
~~health and addiction services~~ shall do both of the following 113840  
with the reports it receives from community addiction services 113841  
providers under section 5119.362 of the Revised Code: 113842

(1) Subject to division (B) of this section, make the 113843  
reports available on the department's internet web site; 113844

(2) Make the reports available in an electronic format to 113845  
boards of alcohol, drug addiction, and mental health services in 113846  
a manner that provides the information about an individual 113847  
contained in a report to the board that serves the individual's 113848  
county. 113849

(B) In making the reports available on the department's 113850  
web site, the department shall present the information contained 113851  
in the reports on both a statewide aggregate basis and county- 113852  
level aggregate basis. The information on the web site shall be 113853  
updated monthly after the community addiction services providers 113854  
submit new reports to the department. 113855

**Sec. 5119.365.** The director of ~~mental-behavioral~~ 113856  
~~health and addiction services~~ shall adopt rules in accordance with 113857  
Chapter 119. of the Revised Code to do both of the following: 113858

(A) Streamline the intake procedures used by a community 113859  
addiction services provider accepting and beginning to serve a 113860  
new individual, including procedures regarding intake forms and 113861

questionnaires; 113862

(B) Enable a community addiction services provider to 113863  
retain an individual as an active patient even though the 113864  
patient last received services from the provider more than 113865  
thirty days before resumption of services so that the individual 113866  
and provider do not have to repeat the intake procedures. 113867

**Sec. 5119.366.** The director of ~~mental~~-behavioral health 113868  
~~and addiction services~~ shall require that each board of alcohol, 113869  
drug addiction, and mental health services ensure that each 113870  
community mental health services provider and community 113871  
addiction services provider with which it contracts under 113872  
section 340.036 of the Revised Code to provide certifiable 113873  
services and supports establish grievance procedures consistent 113874  
with rules adopted under section 5119.36 of the Revised Code 113875  
that are available to all persons seeking or receiving 113876  
certifiable services and supports from a community mental health 113877  
services provider or community addiction services provider. 113878

**Sec. 5119.367.** (A) As used in this section, "adverse 113879  
action" means an action by a state, provincial, federal, or 113880  
other licensing or regulatory authority other than the 113881  
department of behavioral health to deny, revoke, suspend, place 113882  
on probation, or otherwise restrict a license, certification, or 113883  
other approval to provide certifiable services and supports or 113884  
an equivalent to certifiable services and supports. 113885

(B) (1) When submitting an application for initial or 113886  
renewed certification of one or more certifiable services and 113887  
supports, the applicant shall notify the department of ~~mental~~- 113888  
behavioral health and addiction services of any adverse action 113889  
taken against the following during the three-year period 113890  
immediately preceding the date of application: 113891

(a) The applicant ~~or any~~; 113892

(b) Any owner or principal of the applicant ~~within~~; 113893

(c) Any subsidiary of the ~~three-year period immediately~~  
~~preceding the date of application~~applicant or owner. 113894  
113895

(2) Not later than seven days after receiving a notice of 113896  
adverse action ~~from a licensing or regulatory authority that is~~ 113897  
~~other than the department of mental health and addiction~~ 113898  
~~services, an applicant for initial or renewed certification or~~ 113899  
the holder of a certification issued under section 5119.36 of 113900  
the Revised Code shall notify the department of the action. 113901

(C) To notify the department as required by this section, 113902  
a copy of the notice of adverse action shall be provided to the 113903  
department. 113904

**Sec. 5119.368.** (A) As used in this section, "telehealth 113905  
services" has the same meaning as in section 4743.09 of the 113906  
Revised Code. 113907

(B) Each community mental health services provider and 113908  
community addiction services provider shall establish written 113909  
policies and procedures describing how the provider will ensure 113910  
that staff persons assisting clients with receiving telehealth 113911  
services or providing telehealth services are fully trained in 113912  
using equipment necessary for providing the services. 113913

(C) Prior to providing telehealth services to a client, a 113914  
provider shall describe to the client the potential risks 113915  
associated with receiving treatment through telehealth services 113916  
and shall document that the client was provided with the risks 113917  
and agreed to assume those risks. The risks communicated to a 113918  
client shall address the following: 113919

(1) Clinical aspects of receiving treatment through telehealth services;	113920 113921
(2) Security considerations when receiving treatment through telehealth services;	113922 113923
(3) Confidentiality for individual and group counseling.	113924
(D) It is the responsibility of the provider, to the extent possible, to ensure contractually that any entity or individuals involved in the transmission of information through telehealth mechanisms guarantee that the confidentiality of the information is protected.	113925 113926 113927 113928 113929
(E) Every provider shall have a contingency plan for providing telehealth services to clients in the event that technical problems occur during the provision of those services.	113930 113931 113932
(F) Providers shall maintain, at a minimum, the following information pertaining to local resources:	113933 113934
(1) The local suicide prevention telephone hotline, if available, or the national suicide prevention telephone hotline.	113935 113936
(2) Contact information for the local police and fire departments.	113937 113938
The provider shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure.	113939 113940 113941
(G) It is the responsibility of the provider to ensure that equipment meets standards sufficient to do the following:	113942 113943
(1) To the extent possible, ensure confidentiality of communication;	113944 113945
(2) Provide for interactive communication between the	113946

provider and the client; 113947

(3) When providing telehealth services using synchronous 113948  
technology, ensure that video or audio are sufficient to enable 113949  
real-time interaction between the client and the provider and to 113950  
ensure the quality of the service provided. 113951

(H) A mental health facility or unit that is serving as a 113952  
client site shall be maintained in such a manner that 113953  
appropriate staff persons are on hand at the facility or unit in 113954  
the event of a malfunction with the equipment used to provide 113955  
telehealth services. 113956

(I) (1) All telehealth services provided by interactive 113957  
videoconferencing shall meet both of the following conditions: 113958

(a) Begin with the verification of the client through a 113959  
name and password or personal identification number when 113960  
treatment services are being provided; 113961

(b) Be provided in accordance with state and federal law. 113962

(2) When providing telehealth services in accordance with 113963  
this section, a provider shall comply with all requirements 113964  
under state and federal law regarding the protection of patient 113965  
information. Each provider shall ensure that any username or 113966  
password information and any electronic communications between 113967  
the provider and a client are securely transmitted and stored. 113968

(J) The department of ~~mental behavioral health and~~ 113969  
~~addiction services~~ may adopt rules as it considers necessary to 113970  
implement this section. The rules shall be adopted in accordance 113971  
with Chapter 119. of the Revised Code. Any such rules adopted by 113972  
the department are not subject to the requirements of division 113973  
(F) of section 121.95 of the Revised Code. 113974

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 113975  
(1) (b) of this section, no person or government entity shall 113976  
operate an opioid treatment program requiring certification, as 113977  
certification is defined in 42 C.F.R. 8.2, unless the person or 113978  
government entity is a community addiction services provider and 113979  
the program is licensed under this section. 113980

(b) Division (A) (1) (a) of this section does not apply to a 113981  
program operated by the United States department of veterans 113982  
affairs. 113983

(2) No community addiction services provider licensed 113984  
under this section shall operate an opioid treatment program in 113985  
a manner inconsistent with this section and the rules adopted 113986  
under it. 113987

(B) A community addiction services provider seeking a 113988  
license to operate an opioid treatment program shall apply to 113989  
the department of ~~mental behavioral health and addiction~~ 113990  
~~services~~. The department shall review all applications received. 113991

(C) The department may issue a license to operate an 113992  
opioid treatment program to a community addiction services 113993  
provider only if all of the following apply: 113994

(1) During the three-year period immediately preceding the 113995  
date of application, the provider ~~or any owner, sponsor, medical~~ 113996  
~~director, administrator, or principal of the provider has and~~ 113997  
each of the following, as the case may be, have been in good 113998  
standing to operate an opioid treatment program in all other 113999  
locations where the provider or such other person has been 114000  
operating a similar program, ~~as~~: an owner, sponsor, medical 114001  
director, administrator, or principal of the provider; a 114002  
subsidiary of the provider; or a subsidiary of the provider's 114003

owner or sponsor. Good standing shall be evidenced by both of 114004  
the following: 114005

(a) Not having been denied a license, certificate, or 114006  
similar approval to operate an opioid treatment program by this 114007  
state or another jurisdiction; 114008

(b) Not having been the subject of any of the following in 114009  
this state or another jurisdiction: 114010

(i) An action that resulted in the suspension or 114011  
revocation of the license, certificate, or similar approval of 114012  
the provider or other person; 114013

(ii) A voluntary relinquishment, withdrawal, or other 114014  
action taken by the provider or other person to avoid suspension 114015  
or revocation of the license, certificate, or similar approval; 114016

(iii) A disciplinary action that was based, in whole or in 114017  
part, on the provider or other person engaging in the 114018  
inappropriate prescribing, dispensing, administering, personally 114019  
furnishing, diverting, storing, supplying, compounding, or 114020  
selling of a controlled substance or other dangerous drug. 114021

(2) It affirmatively appears to the department that the 114022  
provider is adequately staffed and equipped to operate an opioid 114023  
treatment program. 114024

(3) It affirmatively appears to the department that the 114025  
provider will operate an opioid treatment program in strict 114026  
compliance with all laws relating to drug abuse and the rules 114027  
adopted by the department. 114028

(4) Except as provided in division (D) of this section and 114029  
section 5119.371 of the Revised Code, if the provider is seeking 114030  
an initial license for a particular location, the proposed 114031

opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter.

(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section.

(D) The department may waive the requirement of division (C) (4) of this section if it receives, from each public or private school, child care center, or child-serving agency that is within the five hundred linear feet radius described in that division, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement.

(E) (1) Except as provided in division (E) (2) of this section, a license to operate an opioid treatment program shall expire two years from the date of issuance. Licenses may be renewed.

(2) In circumstances in which the director of ~~mental-behavioral health and addiction services~~ has concerns regarding compliance of a community addiction services provider licensed as an opioid treatment program, the department shall notify the provider of those concerns and stipulate that the provider's license expires annually on a date determined by the department.

(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of community addiction services providers that operate an opioid treatment

program. The rules shall establish standards for the control, 114061  
storage, furnishing, use, dispensing, and administering of 114062  
medications used in medication-assisted treatment; prescribe 114063  
minimum standards for the operation of the opioid treatment 114064  
program component of the provider's operations; and comply with 114065  
federal laws and regulations. 114066

All rules adopted under this division shall be adopted in 114067  
accordance with Chapter 119. of the Revised Code. All actions 114068  
taken by the department regarding the licensing of providers to 114069  
operate opioid treatment programs shall be conducted in 114070  
accordance with Chapter 119. of the Revised Code, except as 114071  
provided in division (L) of this section. 114072

(G) (1) The department shall inspect all community 114073  
addiction services providers licensed to operate an opioid 114074  
treatment program. Inspections shall be conducted at least 114075  
biennially and may be conducted more frequently. 114076

In addition, the department may inspect any provider or 114077  
other person that it reasonably believes to be operating an 114078  
opioid treatment program without a license issued under this 114079  
section. 114080

(2) When conducting an inspection, the department may do 114081  
both of the following: 114082

(a) Examine and copy all records, accounts, and other 114083  
documents relating to the provider's or other person's 114084  
operations, including records pertaining to patients or clients; 114085

(b) Conduct interviews with any individual employed by or 114086  
contracted or otherwise associated with the provider or person, 114087  
including an administrator, staff person, patient, or client. 114088

(3) No person or government entity shall interfere with a 114089

state or local government official acting on behalf of the 114090  
department while conducting an inspection. 114091

(H) A community addiction services provider shall not 114092  
administer or dispense methadone in a tablet, powder, or 114093  
intravenous form. Methadone shall be administered or dispensed 114094  
only in a liquid form intended for ingestion. 114095

A community addiction services provider shall not 114096  
administer or dispense a medication used in medication-assisted 114097  
treatment for pain or other medical reasons. 114098

(I) As used in this division, "program sponsor" means a 114099  
person who assumes responsibility for the operation and 114100  
employees of the opioid treatment program component of a 114101  
community addiction services provider's operations. 114102

A provider shall not permit an individual to act as a 114103  
program sponsor, medical director, or director of the provider 114104  
if the individual is receiving a medication used in medication- 114105  
assisted treatment from any community addiction services 114106  
provider. 114107

(J) The department may issue orders to ensure compliance 114108  
with all laws relating to drug abuse and the rules adopted under 114109  
this section. Subject to section 5119.27 of the Revised Code, 114110  
the department may hold hearings, require the production of 114111  
relevant matter, compel testimony, issue subpoenas, and make 114112  
adjudications. Upon failure of a person without lawful excuse to 114113  
obey a subpoena or to produce relevant matter, the department 114114  
may apply to a court of common pleas for an order compelling 114115  
compliance. 114116

(K) The department may refuse to issue, or may withdraw or 114117  
revoke, a license to operate an opioid treatment program. A 114118

license may be refused if a community addiction services 114119  
provider does not meet the requirements of division (C) of this 114120  
section. A license may be withdrawn at any time the department 114121  
determines that the provider no longer meets the requirements 114122  
for receiving the license. A license may be revoked in 114123  
accordance with division (L) of this section. 114124

Once a license is issued under this section, the 114125  
department shall not consider the requirement of division (C) (4) 114126  
of this section in determining whether to renew, withdraw, or 114127  
revoke the license or whether to reissue the license as a result 114128  
of a change in ownership. 114129

(L) If the department finds reasonable cause to believe 114130  
that a community addiction services provider licensed under this 114131  
section is in violation of any state or federal law or rule 114132  
relating to drug abuse, the department may issue an order 114133  
immediately revoking the license, subject to division (M) of 114134  
this section. The department shall set a date not more than 114135  
fifteen days later than the date of the order of revocation for 114136  
a hearing on the continuation or cancellation of the revocation. 114137  
For good cause, the department may continue the hearing on 114138  
application of any interested party. In conducting hearings, the 114139  
department has all the authority and power set forth in division 114140  
(J) of this section. Following the hearing, the department shall 114141  
either confirm or cancel the revocation. The hearing shall be 114142  
conducted in accordance with Chapter 119. of the Revised Code, 114143  
except that the provider shall not be permitted to operate an 114144  
opioid treatment program pending the hearing or pending any 114145  
appeal from an adjudication made as a result of the hearing. 114146  
Notwithstanding any provision of Chapter 119. of the Revised 114147  
Code to the contrary, a court shall not stay or suspend any 114148  
order of revocation issued by the department under this division 114149

pending judicial appeal. 114150

(M) The department shall not revoke a license to operate 114151  
an opioid treatment program unless all clients receiving 114152  
medication used in medication-assisted treatment from the 114153  
community addiction services provider are provided adequate 114154  
substitute medication or treatment. For purposes of this 114155  
division, the department may transfer the clients to other 114156  
providers licensed to operate opioid treatment programs or 114157  
replace any or all of the administrators and staff of the 114158  
provider with representatives of the department who shall 114159  
continue on a provisional basis the opioid treatment component 114160  
of the provider's operations. 114161

(N) Each time the department receives an application from 114162  
a community addiction services provider for a license to operate 114163  
an opioid treatment program, issues or refuses to issue a 114164  
license, or withdraws or revokes a license, the department shall 114165  
notify the board of alcohol, drug addiction, and mental health 114166  
services of each alcohol, drug addiction, and mental health 114167  
service district in which the provider operates. 114168

(O) Whenever it appears to the department from files, upon 114169  
complaint, or otherwise, that a community addiction services 114170  
provider has engaged in any practice declared to be illegal or 114171  
prohibited by section 3719.61 of the Revised Code, or any other 114172  
state or federal laws or regulations relating to drug abuse, or 114173  
when the department believes it to be in the best interest of 114174  
the public and necessary for the protection of the citizens of 114175  
the state, the department may request criminal proceedings by 114176  
laying before the prosecuting attorney of the proper county any 114177  
evidence of criminality which may come to its knowledge. 114178

(P) The department shall maintain a current list of 114179

community addiction services providers licensed by the 114180  
department under this section and shall provide a copy of the 114181  
current list to a judge of a court of common pleas who requests 114182  
a copy for the use of the judge under division (H) of section 114183  
2925.03 of the Revised Code and to a board of alcohol, drug 114184  
addiction, and mental health services that requests a copy for 114185  
purposes of division (I) (3) of section 340.08 of the Revised 114186  
Code. The list of licensed community addiction services 114187  
providers shall identify each licensed provider by its name, its 114188  
address, and the county in which it is located. 114189

**Sec. 5119.371.** (A) On application by a community addiction 114190  
services provider that has purchased or leased real property to 114191  
be used as the location of an opioid treatment program subject 114192  
to licensure under section 5119.37 of the Revised Code, the 114193  
department of ~~mental-behavioral health and addiction services~~ 114194  
shall determine whether the location of the proposed program 114195  
complies with the requirements of division (C) (4) of section 114196  
5119.37 of the Revised Code by not being located on a parcel of 114197  
real estate that is within a radius of five hundred linear feet 114198  
of the boundaries of a parcel of real estate having situated on 114199  
it a public or private school, child care center licensed under 114200  
Chapter 5104. of the Revised Code, or child-serving agency 114201  
regulated by the department under this chapter. 114202

If the department determines that the location is in 114203  
compliance with division (C) (4) of section 5119.37 of the 114204  
Revised Code, the department shall issue a declaration stating 114205  
that the location is in compliance. The declaration is valid for 114206  
two years from the date of issuance. 114207

The department shall provide to the provider either a copy 114208  
of the declaration or a notice that the department has 114209

determined that the location is not in compliance with division 114210  
(C) (4) of section 5119.37 of the Revised Code. 114211

If, before expiration of the declaration, a community 114212  
addiction services provider applies for a license to operate an 114213  
opioid treatment program, the department shall not consider the 114214  
requirement of division (C) (4) of section 5119.37 of the Revised 114215  
Code in determining whether to issue the license. 114216

(B) A community addiction services provider seeking to 114217  
relocate an opioid treatment program licensed under section 114218  
5119.37 of the Revised Code may apply for and be granted a 114219  
declaration under division (A) of this section. If, before 114220  
expiration of the declaration, the provider applies for issuance 114221  
of a license due to relocation, the department shall not 114222  
consider the requirement of division (C) (4) of section 5119.37 114223  
of the Revised Code in determining whether to reissue the 114224  
license due to relocation. 114225

**Sec. 5119.38.** A drivers' intervention program may be used 114226  
as an alternative to a term of imprisonment for an offender 114227  
sentenced pursuant to division (G) (1) (a) of section 4511.19 of 114228  
the Revised Code, if it is certified by the director of ~~mental-~~ 114229  
behavioral health and addiction services pursuant to this 114230  
section. No drivers' intervention program shall be used as an 114231  
alternative to a term of imprisonment that is imposed pursuant 114232  
to division (G) (1) (b), (c), (d), or (e) of section 4511.19 of 114233  
the Revised Code. 114234

To qualify for certification by the director and to 114235  
receive funds from the statewide treatment and prevention fund 114236  
created by section 4301.30 of the Revised Code in any amounts 114237  
and at any times that the director determines are appropriate, a 114238  
drivers' intervention program shall meet state minimum standards 114239

that the director shall establish by rule. The rules shall 114240  
include, but are not limited to, standards governing program 114241  
course hours and content, qualifications of program personnel, 114242  
methods of identifying and testing participants to isolate 114243  
participants with alcohol and drug abuse problems, referral of 114244  
such persons to community addiction services providers, the 114245  
prompt notification of courts by program operators of the 114246  
completion of the programs by persons required by courts to 114247  
attend them, and record keeping, including methods of tracking 114248  
participants for a reasonable time after they have left the 114249  
program. 114250

The director shall issue a certificate to any qualified 114251  
drivers' intervention program. The certificate is valid for 114252  
three years. 114253

**Sec. 5119.39.** (A) The department of ~~mental-behavioral~~ 114254  
~~health and addiction services~~ shall monitor the operation of 114255  
recovery housing in this state by doing either of the following: 114256

(1) Certifying recovery housing residences through a 114257  
process established by the department; 114258

(2) Accepting accreditation, or its equivalent for 114259  
recovery housing, from one or more of the following: 114260

(a) The Ohio affiliate of the national alliance for 114261  
recovery residences; 114262

(b) Oxford house, inc.; 114263

(c) Any other organization that is designated by the 114264  
department for purposes of this section. 114265

(B) If the department certifies recovery housing 114266  
residences, the department shall, in rules adopted under section 114267

5119.397 of the Revised Code, establish requirements for initial certification and renewal certification, as well as grounds and procedures for disciplinary action against operators of recovery housing residences.

**Sec. 5119.391.** (A) The department of ~~mental-behavioral~~ health and ~~addiction services~~ shall monitor the establishment of recovery housing residences in this state.

(B) For purposes of division (A) of this section, and within the timeframe specified in division (C) of this section, each person or government entity that will operate a recovery housing residence on or after ~~the effective date of this section~~ October 3, 2023, including any recovery housing that was established and in operation prior to ~~the effective date of this section~~ October 3, 2023, shall file with the department, on a form prescribed by the department, all of the following information:

(1) The name of the recovery housing residence and any other name under which the residence does business;

(2) The address of the recovery housing residence;

(3) The name of the person or government entity operating the residence;

(4) The primary telephone number and electronic mail address for the recovery housing operator;

(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident;

(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining;

(7) Any other information the department considers appropriate.	114296 114297
(C) The form required by division (B) of this section shall be filed with the department as follows:	114298 114299
(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after <del>the effective date of this section</del> <u>October 3, 2023</u> ;	114300 114301 114302
(2) For a recovery housing residence that will begin operating on or after <del>the effective date of this section</del> <u>October 3, 2023</u> , not later than thirty days after the first resident begins occupying the residence.	114303 114304 114305 114306
(D) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization.	114307 114308 114309 114310
<b>Sec. 5119.392.</b> (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies:	114311 114312 114313
(1) (a) If the department of <del>mental behavioral health and addiction services</del> certifies recovery housing residences, the recovery housing residence is certified by the department.	114314 114315 114316
(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization.	114317 114318 114319 114320
(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For	114321 114322 114323

purposes of identifying this eighteen-month timeframe, a 114324  
recovery housing residence is considered to begin operating on 114325  
the date that the first resident occupies the residence, as 114326  
specified on the form filed in accordance with section 5119.391 114327  
of the Revised Code. 114328

(B) If the director of ~~mental-behavioral~~ health and 114329  
~~addiction services~~ determines that a recovery housing residence 114330  
is operating in violation of this section, the director may 114331  
request, in writing, that the attorney general petition the 114332  
court of common pleas of the county in which the recovery 114333  
housing residence is located for an order enjoining operation of 114334  
the recovery housing residence. 114335

**Sec. 5119.393.** (A) The department of ~~mental-behavioral~~ 114336  
~~health and addiction services~~ shall establish a procedure to 114337  
receive and investigate complaints from residents, staff, and 114338  
the public regarding recovery housing residences. The department 114339  
may contract with one or more of the organizations specified in 114340  
section 5119.39 of the Revised Code to fulfill some or all of 114341  
the functions associated with receiving and investigating 114342  
complaints. 114343

(B) Any organization under contract with the department to 114344  
receive and investigate complaints shall make reports to the 114345  
department as follows: 114346

(1) Not less than monthly, the contractor shall report the 114347  
status of each pending investigation and shall report the 114348  
outcome of each investigation that has been completed since the 114349  
last report was made; 114350

(2) As soon as practicable, but not later than ten days 114351  
after making an adverse decision, if a contractor's 114352

accreditation or its equivalent is accepted by the department 114353  
for purposes of section 5119.39 of the Revised Code, the 114354  
contractor shall report that decision to the department in a 114355  
manner prescribed by the department. 114356

**Sec. 5119.394.** (A) The department of ~~mental~~behavioral 114357  
~~health and addiction services~~ shall establish and maintain a 114358  
registry of recovery housing residences that meet the criteria 114359  
described in division (A) (1) or (2) of section 5119.392 of the 114360  
Revised Code. For each residence, the registry shall include all 114361  
of the following: 114362

(1) Any information from the form required by division (B) 114363  
of section 5119.391 of the Revised Code that the department 114364  
chooses to include in the registry; 114365

(2) If a complaint received under section 5119.393 of the 114366  
Revised Code has been investigated and substantiated, a 114367  
description of the complaint, the date the complaint was 114368  
submitted to the department or its contractor, and the outcome 114369  
of the investigation; 114370

(3) Any other information the department considers 114371  
appropriate. 114372

(B) The department shall immediately remove from the 114373  
registry a recovery housing residence that ceases to meet the 114374  
criteria described in division (A) (1) or (2) of section 5119.392 114375  
of the Revised Code, including if the criteria described in 114376  
those divisions ceases to be met because the residence has had 114377  
its certification or accreditation, as applicable, revoked or 114378  
not renewed. 114379

(C) The department shall make the registry available to 114380  
the public on the department's web site. 114381

**Sec. 5119.395.** (A) Beginning January 1, 2025, no person or 114382  
government entity shall advertise or represent any residence or 114383  
other building to be a recovery housing residence, sober living 114384  
home, or any other alcohol and drug free housing for persons 114385  
recovering from alcohol use disorder or drug addiction unless 114386  
the residence or building meets either of the following 114387  
conditions: 114388

(1) The residence or building is on the registry 114389  
established and maintained under section 5119.394 of the Revised 114390  
Code; 114391

(2) The residence or building is regulated by the 114392  
department of rehabilitation and correction under section 114393  
2967.14 of the Revised Code. 114394

(B) If the director of ~~mental-behavioral~~ health and 114395  
~~addiction services~~ determines that a person or government entity 114396  
is violating division (A) of this section, the director may 114397  
request, in writing, that the attorney general petition the 114398  
court of common pleas of the county where the person or 114399  
government entity is operating the residence or other building 114400  
to enjoin that person or government entity from engaging in the 114401  
conduct that violates division (A) of this section. 114402

**Sec. 5119.397.** The director of ~~mental-behavioral~~ health 114403  
~~and addiction services~~ may adopt rules in accordance with 114404  
Chapter 119. of the Revised Code to implement sections 5119.39 114405  
to 5119.396 of the Revised Code. 114406

**Sec. 5119.40.** (A) As used in this section, "individual 114407  
with a mental illness" and "specialized services" have the same 114408  
meanings as in section 5165.03 of the Revised Code. 114409

(B) (1) Except as provided in division (B) (2) of this 114410

section and rules adopted under division (E) (3) of this section, 114411  
for purposes of section 5165.03 of the Revised Code, the 114412  
department of ~~mental behavioral health and addiction services~~ 114413  
shall determine in accordance with the "Social Security Act," 114414  
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 114415  
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 114416  
1396r(f) (8) (A), whether, because of the individual's physical 114417  
and mental condition, an individual with a mental illness 114418  
seeking admission to a nursing facility requires the level of 114419  
services provided by a nursing facility and, if the individual 114420  
requires that level of services, whether the individual requires 114421  
specialized services for mental illness. The determination 114422  
required by this division shall be based on an independent 114423  
physical and mental evaluation performed by a person or entity 114424  
other than the department. 114425

(2) Except as provided in division (B) (3) of this section, 114426  
a determination under division (B) (1) of this section is not 114427  
required for any of the following: 114428

(a) An individual seeking readmission to a nursing 114429  
facility after having been transferred from a nursing facility 114430  
to a hospital for care; 114431

(b) An individual who meets all of the following 114432  
conditions: 114433

(i) The individual is admitted to the nursing facility 114434  
directly from a hospital after receiving inpatient care at the 114435  
hospital; 114436

(ii) The individual requires nursing facility services for 114437  
the condition for which care in the hospital was received; 114438

(iii) The individual's attending physician has certified, 114439

before admission to the nursing facility, that the individual is 114440  
likely to require less than thirty days of nursing facility 114441  
services. 114442

(c) An individual transferred from one nursing facility to 114443  
another nursing facility, with or without an intervening 114444  
hospital stay. 114445

(3) A determination under division (B) (1) of this section 114446  
is required for an individual described in division (B) (2) (a) or 114447  
(b) of this section if the hospital from which the individual is 114448  
transferred or directly admitted to a nursing facility is either 114449  
of the following: 114450

(a) A hospital that the department maintains, operates, 114451  
manages, and governs under section 5119.14 of the Revised Code 114452  
for the care and treatment of persons with mental illnesses; 114453

(b) A free-standing hospital, or unit of a hospital, 114454  
licensed by the department under section 5119.33 of the Revised 114455  
Code. 114456

(C) Except as provided in rules adopted under division (E) 114457  
(3) of this section, the department of ~~mental-behavioral~~ health 114458  
~~and addiction services~~ shall review and determine for each 114459  
resident of a nursing facility who has a mental illness, whether 114460  
the resident, because of the resident's physical and mental 114461  
condition, requires the level of services provided by a nursing 114462  
facility and whether the resident requires specialized services 114463  
for mental illness. The review and determination shall be 114464  
conducted in accordance with section 1919(e) (7) of the "Social 114465  
Security Act" and the regulations adopted under section 1919(f) 114466  
(8) (A) of the act and based on an independent physical and 114467  
mental evaluation performed by a person or entity other than the 114468

department. The review and determination shall be completed 114469  
promptly after a nursing facility has notified the department 114470  
that there has been a significant change in the resident's 114471  
mental or physical condition. 114472

(D) (1) In the case of a nursing facility resident who has 114473  
continuously resided in a nursing facility for at least thirty 114474  
months before the date of a review and determination under 114475  
division (C) of this section, if the resident is determined not 114476  
to require the level of services provided by a nursing facility, 114477  
but is determined to require specialized services for mental 114478  
illness, the department, in consultation with the resident's 114479  
family or legal representative and care givers, shall do all of 114480  
the following: 114481

(a) Inform the resident of the institutional and 114482  
noninstitutional alternatives covered under the state plan for 114483  
medical assistance; 114484

(b) Offer the resident the choice of remaining in the 114485  
nursing facility or receiving covered services in an alternative 114486  
institutional or noninstitutional setting; 114487

(c) Clarify the effect on eligibility for services under 114488  
the state plan for medical assistance if the resident chooses to 114489  
leave the facility, including its effect on readmission to the 114490  
facility; 114491

(d) Provide for or arrange for the provision of 114492  
specialized services for the resident's mental illness in the 114493  
setting chosen by the resident. 114494

(2) In the case of a nursing facility resident who has 114495  
continuously resided in a nursing facility for less than thirty 114496  
months before the date of the review and determination under 114497

division (C) of this section, if the resident is determined not 114498  
to require the level of services provided by a nursing facility, 114499  
but is determined to require specialized services for mental 114500  
illness, or if the resident is determined to require neither the 114501  
level of services provided by a nursing facility nor specialized 114502  
services for mental illness, the department shall act in 114503  
accordance with its alternative disposition plan approved by the 114504  
United States department of health and human services under 114505  
section 1919(e) (7) (E) of the "Social Security Act." 114506

(3) In the case of an individual who is determined under 114507  
division (B) or (C) of this section to require both the level of 114508  
services provided by a nursing facility and specialized services 114509  
for mental illness, the department of ~~mental-behavioral~~ health 114510  
~~and addiction services~~ shall provide or arrange for the 114511  
provision of the specialized services needed by the individual 114512  
or resident while residing in a nursing facility. 114513

(E) The department of ~~mental-behavioral~~ health ~~and~~ 114514  
~~addiction services~~ shall adopt rules in accordance with Chapter 114515  
119. of the Revised Code that do all of the following: 114516

(1) Establish criteria to be used in making the 114517  
determinations required by divisions (B) and (C) of this 114518  
section. The criteria shall not exceed the criteria established 114519  
by regulations adopted by the United States department of health 114520  
and human services under section 1919(f) (8) (A) of the "Social 114521  
Security Act." 114522

(2) Specify information to be provided by the individual 114523  
or nursing facility resident being assessed; 114524

(3) Specify any circumstances, in addition to 114525  
circumstances listed in division (B) of this section, under 114526

which determinations under divisions (B) and (C) of this section 114527  
are not required to be made. 114528

**Sec. 5119.41.** (A) The department of ~~mental-behavioral~~ 114529  
~~health and addiction services~~ shall implement the residential 114530  
state supplement program under which the state supplements the 114531  
amounts received by aged, blind, or disabled adults as 114532  
supplemental security income payments under Title XVI of the 114533  
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 114534  
security benefits or social security disability insurance 114535  
benefits under Title II of the "Social Security Act," 42 U.S.C. 114536  
401 et seq. Residential state supplement payments shall be used 114537  
for the provision of accommodations, supervision, and personal 114538  
care services to recipients of supplemental security income 114539  
payments, social security benefits, and social security 114540  
disability insurance benefits who the department determines are 114541  
at risk of needing institutional care. 114542

In implementing the program, the department may designate 114543  
one or more entities to be responsible for providing 114544  
administrative services regarding the program. The department 114545  
may designate an entity either by entering into a contract with 114546  
the entity to ~~provide~~ provide the services or by otherwise 114547  
delegating to the entity the responsibility to provide the 114548  
services. 114549

(B) To be eligible for residential state supplement 114550  
payments, an individual must satisfy all eligibility 114551  
requirements established by rules adopted under this section. 114552

(C) The director of ~~mental-behavioral~~ health and addiction 114553  
~~services~~ and the medicaid director shall adopt rules as 114554  
necessary to implement the residential state supplement program, 114555  
including the requirements that an individual must satisfy to be 114556

eligible for payments under the program. The rules shall be 114557  
adopted in accordance with Chapter 119. of the Revised Code. 114558

The rules adopted by the director of ~~mental~~ behavioral 114559  
~~health and addiction services~~ may establish the method to be 114560  
used to determine the payment an eligible individual will 114561  
receive under the program. The amount the general assembly 114562  
appropriates for the program may be a factor included in the 114563  
method that director establishes. 114564

To the extent permitted by Title XVI of the "Social 114565  
Security Act" and any other provision of federal law, the rules 114566  
adopted by the medicaid director may establish standards for 114567  
adjusting the eligibility requirements concerning the level of 114568  
impairment an individual must have so that the amount 114569  
appropriated for the program by the general assembly is adequate 114570  
for the number of eligible individuals. The rules shall not 114571  
limit the eligibility of individuals who are disabled solely on 114572  
a basis classifying disabilities as physical or mental. 114573

(D) The county department of job and family services of 114574  
the county in which an applicant for the residential state 114575  
supplement program resides or the department of medicaid shall 114576  
determine whether the applicant meets income and resource 114577  
requirements for the program. 114578

The county department of job and family services or the 114579  
department of medicaid shall notify each individual who is 114580  
denied approval for payments under the program of the 114581  
individual's right to a hearing. On request, the hearing shall 114582  
be provided in accordance with section 5101.35 of the Revised 114583  
Code. 114584

(E) An individual in a licensed or certified living 114585

arrangement receiving state supplementation on November 15, 114586  
1990, under former section 5101.531 of the Revised Code shall 114587  
not become ineligible for payments under this program solely by 114588  
reason of the individual's living arrangement as long as the 114589  
individual remains in the living arrangement in which the 114590  
individual resided on November 15, 1990. 114591

**Sec. 5119.42.** (A) As used in this section, "private, 114592  
nonprofit organization" means a private association, 114593  
organization, corporation, or other entity that is tax exempt 114594  
under section 501(a) and described in section 501(c) of the 114595  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 114596

(B) To the extent funds are available and on application 114597  
by boards of alcohol, drug addiction, and mental health 114598  
services, the director of ~~mental behavioral health and addiction~~ 114599  
~~services~~ may approve state reimbursement of, or state grants 114600  
for, community construction programs including residential 114601  
housing for persons with severe mental disabilities and persons 114602  
with substance use disorders. The director may also approve an 114603  
application for reimbursement or a grant for such programs 114604  
submitted by other governmental entities or by private, 114605  
nonprofit organizations, after the application has been reviewed 114606  
and recommended for approval or disapproval by the board of 114607  
alcohol, drug addiction, and mental health services for the 114608  
district from which the application came, and the application is 114609  
consistent with the board's approved community addiction and 114610  
mental health plan submitted under division (A) of section 114611  
340.03 of the Revised Code and the board's approved budget and 114612  
list of addiction services, mental health services, and recovery 114613  
supports submitted under divisions (A) and (B) of section 340.08 114614  
of the Revised Code. 114615

(C) (1) The director of ~~mental behavioral health and~~ 114616  
~~addiction services~~ shall adopt rules in accordance with Chapter 114617  
119. of the Revised Code that specify procedures for applying 114618  
for state reimbursement of and state grants for community 114619  
construction programs, including residential housing for persons 114620  
with severe mental disabilities and persons with substance use 114621  
disorders and procedures and criteria for approval of such 114622  
reimbursement and grants. 114623

(2) The director of ~~mental behavioral health and addiction~~ 114624  
~~services~~ shall not approve state reimbursement or a state grant 114625  
unless all of the following conditions are met: 114626

(a) The applicant includes with the application a plan 114627  
specifying the services, in addition to housing, that will be 114628  
provided to persons who will reside in the residential housing. 114629  
Services specified may include any of the services described in 114630  
section 340.09 of the Revised Code. 114631

(b) The director is satisfied that the residential housing 114632  
for persons with severe mental disabilities will be developed to 114633  
promote the maximum practical integration of persons with severe 114634  
mental disabilities with persons at the same site who do not 114635  
have severe mental disabilities. 114636

(c) The use of any funds distributed pursuant to the 114637  
reimbursement or grant will not subject any obligation from 114638  
which the funds are derived to federal income taxation. 114639

(3) The director may enter into an agreement establishing 114640  
terms for any reimbursement or grant approved under this 114641  
division with the organization, board, or other government 114642  
entity that is the recipient of the reimbursement or grant. Any 114643  
such agreement is subject to any covenant or agreement 114644

pertaining to any obligation issued to provide funds for the 114645  
reimbursement or grant. 114646

**Sec. 5119.421.** (A) This section applies to a board of 114647  
alcohol, drug addiction, and mental health services, another 114648  
governmental entity, or a private, nonprofit organization that 114649  
received a grant or reimbursement under section 5119.42 of the 114650  
Revised Code for a facility on which the department of ~~mental-~~ 114651  
behavioral health and addiction services holds a security 114652  
interest. 114653

(B) A board of alcohol, drug addiction, and mental health 114654  
services, another governmental entity, or a private, nonprofit 114655  
organization to which this section applies may apply to the 114656  
director of ~~mental-~~behavioral health and addiction services for 114657  
approval to sell its facility and acquire, construct, or 114658  
renovate a replacement facility pursuant to this section. The 114659  
director shall prescribe the form of the application. Before 114660  
submitting an application to the director, a governmental entity 114661  
or private, nonprofit organization must obtain approval of the 114662  
application from the board of alcohol, drug addiction, and 114663  
mental health services with jurisdiction over the service 114664  
district in which the existing facility is located. The director 114665  
shall approve an application for a replacement project upon 114666  
determining that the project provides for the continuation of 114667  
appropriate mental health and addiction services to the 114668  
population served by the board, entity, or organization. 114669

(C) A board, entity, or organization that obtains approval 114670  
for a project under division (B) of this section shall pay the 114671  
proceeds of the sale of its facility to the director of ~~mental-~~ 114672  
behavioral health and addiction services. The director shall 114673  
deposit the proceeds to the credit of the community capital 114674

replacement facilities fund. 114675

(D) When a board, entity, or organization that has sold 114676  
its facility notifies the director of ~~mental behavioral health~~ 114677  
~~and addiction services~~ that it is ready to acquire, construct, 114678  
or renovate a replacement facility, the director shall do one of 114679  
the following: 114680

(1) If the replacement facility is located in the same 114681  
alcohol, drug addiction, and mental health service district as 114682  
the original facility, and if the purposes for which the 114683  
replacement facility will be used are the same as or similar to 114684  
those for the original facility, the director shall pay to the 114685  
board, entity, or organization from the community capital 114686  
replacement facilities fund an amount equal to the lesser of an 114687  
amount equal to the proceeds of the sale of the original 114688  
facility or the amount of the state's agreed-upon participation 114689  
(as a per cent of the total cost) in the cost of the replacement 114690  
facility. If the amount of the state's agreed-upon participation 114691  
in the cost of the replacement facility is less than the value 114692  
of the state's security interest in the original facility, the 114693  
difference between the state's agreed-upon participation in the 114694  
cost of the replacement facility and the value of the state's 114695  
security interest in the original facility shall be retained in 114696  
the community capital replacement facilities fund, and any 114697  
excess proceeds shall be paid to the board, entity, or 114698  
organization. 114699

(2) If the replacement facility is located in a different 114700  
alcohol, drug addiction, and mental health service district than 114701  
the original facility, or if the purposes for which the 114702  
replacement facility will be used are not the same as or similar 114703  
to those for the original facility, the director shall request 114704

controlling board approval for release of funds for the project. 114705  
If the controlling board so approves, the director shall pay to 114706  
the board, entity, or organization from the community capital 114707  
replacement facilities fund the lesser of an amount equal to the 114708  
proceeds of the sale of the original facility or the amount of 114709  
the state's agreed-upon participation (as a per cent of the 114710  
total cost) in the cost of the replacement facility. If the 114711  
amount of the state's agreed-upon participation in the cost of 114712  
the replacement facility is less than the value of the state's 114713  
security interest in the original facility, the difference 114714  
between the state's agreed-upon participation in the cost of the 114715  
replacement facility and the value of the state's security 114716  
interest in the original facility shall be retained in the 114717  
community capital replacement facilities fund, and any excess 114718  
proceeds shall be paid to the board, entity, or organization. 114719

(E) The director of ~~mental-behavioral health and addiction~~ 114720  
~~services~~ and a board, entity, or organization shall enter into 114721  
an agreement specifying the terms of any payment made to the 114722  
board, entity, or organization under division (D) of this 114723  
section. The terms may include provision for the department of 114724  
~~mental-behavioral health and addiction services~~ to hold a 114725  
security interest in the facility. 114726

(F) (1) When approving an application under division (B) of 114727  
this section, the director of ~~mental-behavioral health and~~ 114728  
~~addiction services~~ shall establish a deadline by which the 114729  
board, entity, or organization must notify the director that it 114730  
is ready to acquire, construct, or renovate a replacement 114731  
facility. If the board, entity, or organization does not notify 114732  
the director on or before the deadline, the director may cancel 114733  
the project. Upon canceling the project, the director shall pay 114734  
to the board, entity, or organization from the community capital 114735

replacement facilities fund an amount equal to the portion of 114736  
the proceeds of the sale of the original facility that exceeds 114737  
the value of the state's security interest in the facility. 114738

(2) Notwithstanding the deadline established under 114739  
division (F)(1) of this section, if at any time a board, entity, 114740  
or organization notifies the director that it does not intend to 114741  
acquire, construct, or renovate a replacement facility under 114742  
this section, the director shall cancel the replacement project 114743  
and pay to the board, entity, or organization from the community 114744  
capital replacement facilities fund an amount equal to the 114745  
portion of the proceeds of the sale of the original facility 114746  
that exceeds the value of the state's security interest in the 114747  
facility. 114748

(G) If a replacement project is canceled after the sale of 114749  
the original facility, the director of ~~mental-behavioral~~ health 114750  
~~and addiction services~~ shall use funds equal to the value of the 114751  
state's security interest in the original facility for 114752  
additional grants or reimbursements under section 5119.42 of the 114753  
Revised Code. The director shall obtain the approval of the 114754  
controlling board before releasing the additional grants or 114755  
reimbursements. 114756

(H) The community capital replacement facilities fund is 114757  
hereby created in the state treasury. The director of ~~mental-~~ 114758  
~~behavioral~~ health ~~and addiction services~~ shall use the fund for 114759  
the purposes of this section. 114760

**Sec. 5119.43.** (A) The director of ~~mental-behavioral~~ health 114761  
~~and addiction services~~ may enter into agreements with any 114762  
person, political subdivision, or state agency for the sale or 114763  
lease of land or facilities under the jurisdiction of the 114764  
director of ~~mental-behavioral~~ health ~~and addiction services~~ in 114765

the following manner: 114766

(1) The director of ~~mental-behavioral health and addiction~~ 114767  
~~services~~ shall designate lands and facilities that are not 114768  
needed by the department of ~~mental-behavioral health and~~ 114769  
~~addiction services~~ and are under the jurisdiction of the 114770  
department. 114771

(2) The director of ~~mental-behavioral health and addiction~~ 114772  
~~services~~ shall have a preliminary appraisal made of any lands or 114773  
facilities designated under division (A) (1) of this section by a 114774  
disinterested professional appraiser from the department of 114775  
administrative services. The appraiser shall deliver to the 114776  
director of ~~mental-behavioral health and addiction services~~ a 114777  
signed certificate of the probable market value of the lands and 114778  
facilities as determined from the preliminary appraisal. 114779

(3) The director of ~~mental-behavioral health and addiction~~ 114780  
~~services~~ shall certify to the clerk of the house of 114781  
representatives and to the clerk of the senate a list of all 114782  
lands and facilities which may be sold or leased, and shall 114783  
include with the list the results of the preliminary appraisals 114784  
of the lands and facilities, a general description of the land 114785  
and facilities, and a description of the current use of the land 114786  
and facilities. 114787

(4) Every list of lands and facilities certified by the 114788  
director of ~~mental-behavioral health and addiction services~~ to 114789  
the clerk of the house of representatives and to the clerk of 114790  
the senate under division (A) (3) of this section, shall 114791  
immediately be transmitted by the respective clerks to the 114792  
committees in the house and the senate to which land conveyance 114793  
bills are usually referred. If either committee files in its 114794  
clerk's office, within sixty calendar days of the original 114795

certification of the lands and facilities by the director of 114796  
~~mental behavioral health and addiction services~~, a report 114797  
disapproving the sale or lease of any lands or facilities, the 114798  
sale or lease of the lands or facilities disapproved in the 114799  
report shall not be made under this section. With respect to a 114800  
sale or lease of lands and facilities that has not been 114801  
disapproved under this division, the director of ~~mental-~~ 114802  
behavioral health and addiction services shall certify those 114803  
lands and facilities to the director of administrative services. 114804

(5) After certification to the director of administrative 114805  
services under division (A) (4) of this section, the director of 114806  
~~mental behavioral health and addiction services~~ shall have a 114807  
formal appraisal made of the lands and facilities by a 114808  
disinterested professional appraiser from the department of 114809  
administrative services. The director of ~~mental behavioral~~ 114810  
health and addiction services may accept the formal appraisal or 114811  
may reject it and order a new formal appraisal by a 114812  
disinterested professional appraiser who shall not be from the 114813  
department of administrative services. The director of ~~mental-~~ 114814  
behavioral health and addiction services may then sell or lease 114815  
the lands or facilities in accordance with this division and 114816  
department of administrative services procedures as set forth in 114817  
Chapter 123. of the Revised Code. Any such deed or lease shall 114818  
be prepared and recorded pursuant to section 5301.13 of the 114819  
Revised Code. The department of administrative services shall be 114820  
the sole agent for the state and shall complete the sale or 114821  
lease of the lands or facilities, up to and including the 114822  
closing thereof, after the director of ~~mental behavioral~~ health 114823  
~~and addiction services~~ approves the sale price. The director of 114824  
~~mental behavioral~~ health and addiction services and the director 114825  
of administrative services may, if it is determined to be in the 114826

best interests of the state, agree to sell surplus land for an 114827  
amount less than the formal appraised value but shall not sell 114828  
any land for less than two-thirds of the formal appraised value. 114829

(B) Coincident with the certification made under division 114830  
(A) (3) of this section concerning lands which may be sold, the 114831  
director of ~~mental-behavioral health and addiction services~~ 114832  
shall give written notice of intention to sell the lands by 114833  
certified mail to the executive officer of each county, 114834  
township, municipal corporation, and school district within 114835  
which the lands are situated. In each notice, the director of 114836  
~~mental-behavioral health and addiction services~~ shall specify 114837  
the conditions under which the lands shall be sold, including 114838  
whether the lands will be sold as a single unit or sold in 114839  
specific parcels that the director designates, and shall solicit 114840  
from the subdivision offers to purchase the lands in accordance 114841  
with the conditions the director of ~~mental-behavioral health and~~ 114842  
~~addiction services~~ has specified and at a price equal to the 114843  
preliminary appraised value determined pursuant to division (A) 114844  
(2) of this section. If, within thirty days of having certified 114845  
the lands to the director of administrative services under 114846  
division (A) (4) of this section, the director of ~~mental-~~ 114847  
~~behavioral health and addiction services~~ receives from the 114848  
executive officer of a subdivision a written offer to purchase 114849  
the lands at or above the price specified in the original notice 114850  
from the director of ~~mental-behavioral health and addiction-~~ 114851  
~~services~~ to the officer, provided such offer otherwise complies 114852  
with the conditions of purchase specified in the original notice 114853  
from the director of ~~mental-behavioral health and addiction-~~ 114854  
~~services~~, the director of ~~mental-behavioral health and addiction~~ 114855  
~~services~~ shall forthwith enter into an agreement to sell the 114856  
lands to the subdivision. The agreement shall incorporate any 114857

and all terms that are acceptable to both parties and that are 114858  
consistent with the terms specified in the original notice from 114859  
the director of ~~mental-behavioral health and addiction services~~. 114860  
If no offer to purchase is received by the director of ~~mental-~~ 114861  
~~behavioral health and addiction services~~ within the thirty-day 114862  
period provided in this division, the original notice from the 114863  
director of ~~mental-behavioral health and addiction services~~- 114864  
shall be considered withdrawn and the director of ~~mental-~~ 114865  
~~behavioral health and addiction services~~ shall be under no 114866  
obligation to sell any of the lands specified in the notice to 114867  
the subdivision. If two or more offers to purchase the same 114868  
parcels of land are received by the director of ~~mental-~~ 114869  
~~behavioral health and addiction services~~ within the required 114870  
time period from the executive officers of two or more 114871  
subdivisions, the director of ~~mental-behavioral health and-~~ 114872  
~~addiction services~~ shall accept the offer or offers to purchase 114873  
that the director considers to be in the best interests of the 114874  
state and of the department of ~~mental-behavioral health and-~~ 114875  
~~addiction services~~ and shall proceed to enter into agreements of 114876  
sale pursuant to this division. If all of the original notices 114877  
from the director of ~~mental-behavioral health and addiction-~~ 114878  
~~services~~ relating to a given parcel of land become withdrawn, 114879  
the director of ~~mental-behavioral health and addiction services-~~ 114880  
may thereupon proceed to sell the parcel as otherwise provided 114881  
in this section. No subdivision may commence an action to 114882  
enforce the provisions of this division, or to seek any other 114883  
legal or equitable remedy relative to this division, with 114884  
respect to any lands certified to the director of administrative 114885  
services under division (A) (4) of this section, except within 114886  
sixty days of the date on which the lands were so certified. 114887

(C) Any agreement under this section shall be at such 114888

terms as will be in the best interests of the state and the 114889  
department of ~~mental behavioral health and addiction services~~. 114890  
However, the terms of any agreement for sale shall include a 114891  
provision that the purchaser will abide by any comprehensive 114892  
plan for the area that has been adopted by the local government 114893  
in which the property is located before the parties enter into 114894  
the agreement. No lease shall be of a duration greater than 114895  
fifteen years. No agreement, except an agreement entered into 114896  
under division (B) of this section, shall be entered into before 114897  
the proposal to sell or lease the land or facilities has been 114898  
advertised once each week for four weeks in a newspaper of 114899  
general circulation in every county in which the lands or 114900  
facilities are located and if the preliminary appraised value of 114901  
the land to be sold or leased is more than one hundred thousand 114902  
dollars, advertisement shall be made once each week for four 114903  
weeks in at least two newspapers in the state having a daily 114904  
circulation of one hundred thousand or more. If a city in this 114905  
state is served by more than one newspaper having a circulation 114906  
of one hundred thousand or more, advertisement may be made in 114907  
only one of the newspapers serving the city. 114908

(D) Each deed or lease prepared and recorded pursuant to 114909  
this section shall contain a recital stating that all provisions 114910  
of this section have been complied with. The recital shall be 114911  
considered binding and conclusive against all subdivisions of 114912  
the state provided no action has been commenced pursuant to 114913  
division (B) of this section. Any deed or lease containing such 114914  
a recital shall be conclusively presumed to have been executed 114915  
in compliance with this section insofar as title or other 114916  
interest of any bona fide purchasers, lessees, or transferees of 114917  
the property is concerned. 114918

(E) Nothing in this section shall be construed as 114919

establishing a precedent for the disposal of state lands and 114920  
facilities by other departments of the state. 114921

**Sec. 5119.431.** When it is necessary for a state 114922  
institution under the jurisdiction of the department of ~~mental-~~ 114923  
behavioral health and addiction services to acquire any real 114924  
estate, right of way, or easement in real estate in order to 114925  
accomplish the purposes for which it was organized or is being 114926  
conducted, and the department is unable to agree with the owner 114927  
of such property upon the price to be paid therefor, such 114928  
property may be appropriated in the manner provided for the 114929  
appropriation of property for other state purposes. 114930

Any instrument by which real property is acquired pursuant 114931  
to this section shall identify the agency of the state that has 114932  
the use and benefit of the real property as specified in section 114933  
5301.012 of the Revised Code. 114934

**Sec. 5119.44.** As used in this section, "free clinic" has 114935  
the same meaning as in section 2305.2341 of the Revised Code. 114936

(A) The department of ~~mental-behavioral health and-~~ 114937  
~~addiction services~~ may provide certain goods and services for 114938  
the department of ~~mental-behavioral health and addiction-~~ 114939  
~~services~~, the department of developmental disabilities, the 114940  
department of rehabilitation and correction, the department of 114941  
youth services, and other state, county, or municipal agencies 114942  
requesting such goods and services when the department of ~~mental-~~ 114943  
behavioral health and addiction services determines that it is 114944  
in the public interest, and considers it advisable, to provide 114945  
these goods and services. The department of ~~mental-behavioral~~ 114946  
health and ~~addiction services~~ also may provide goods and 114947  
services to agencies operated by the United States government 114948  
and to public or private nonprofit agencies, other than free 114949

clinics, that are funded in whole or in part by the state if the 114950  
public or private nonprofit agencies are designated for 114951  
participation in this program by the director of ~~mental-~~ 114952  
behavioral health and addiction services for community addiction 114953  
services providers and community mental health services 114954  
providers, the director of developmental disabilities for 114955  
community developmental disabilities agencies, the director of 114956  
rehabilitation and correction for community rehabilitation and 114957  
correction agencies, or the director of youth services for 114958  
community youth services agencies. 114959

Designated community agencies or services providers shall 114960  
receive goods and services through the department of ~~mental-~~ 114961  
behavioral health and addiction services only in those cases 114962  
where the designating state agency certifies that providing such 114963  
goods and services to the agency or services provider will 114964  
conserve public resources to the benefit of the public and where 114965  
the provision of such goods and services is considered feasible 114966  
by the department of ~~mental-~~ behavioral health and addiction- 114967  
~~services~~. 114968

(B) The department of ~~mental-~~ behavioral health and- 114969  
~~addiction services~~ may permit free clinics to purchase certain 114970  
goods and services to the extent the purchases fall within the 114971  
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 114972  
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 114973  
amended. 114974

(C) The goods and services that may be provided by the 114975  
department of ~~mental-~~ behavioral health and addiction services- 114976  
under divisions (A) and (B) of this section may include: 114977

(1) Procurement, storage, processing, and distribution of 114978  
food and professional consultation on food operations; 114979

(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries; 114980  
114981  
114982

(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services; 114983  
114984  
114985

(4) Other goods and services. 114986

(D) The department of ~~mental-behavioral health and addiction services~~ may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health or addiction services providers. 114987  
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(E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of ~~mental-behavioral health and addiction services~~ may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services. 114992  
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(F) The cost of administration of this section shall be determined by the department of ~~mental-behavioral health and addiction services~~ and paid by the agencies, services providers, or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the Ohio pharmacy services fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department. 115000  
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(G) Whenever a state agency fails to make a payment for 115008

goods and services provided under this section within thirty-one 115009  
days after the date the payment was due, the office of budget 115010  
and management may transfer moneys from the state agency to the 115011  
department of ~~mental-behavioral health and addiction services~~. 115012  
The amount transferred shall not exceed the amount of overdue 115013  
payments. Prior to making a transfer under this division, the 115014  
office of budget and management shall apply any credits the 115015  
state agency has accumulated in payments for goods and services 115016  
provided under this section. 115017

(H) Purchases of goods and services under this section are 115018  
not subject to section 307.86 of the Revised Code. 115019

**Sec. 5119.45.** Unless otherwise specifically provided by 115020  
law, all moneys received by the department of ~~mental-behavioral~~ 115021  
~~health and addiction services~~ from the sale of goods and 115022  
services, including, but not limited to, shared service 115023  
agreements with other governmental entities and nongovernmental 115024  
entities, employee housing and cafeteria receipts, fees for 115025  
copying services, and sales of other tangible personal property 115026  
under the department's control, shall be paid into the state 115027  
treasury to the credit of the sale of goods and services fund, 115028  
which is hereby created. Moneys received by the department 115029  
pursuant to section 5119.44 of the Revised Code shall not be 115030  
paid into the fund. The department shall use the moneys in the 115031  
fund for paying operating expenses of the department. 115032

**Sec. 5119.46.** There is hereby created in the state 115033  
treasury the department of ~~mental-behavioral health and~~ 115034  
~~addiction services~~ trust fund. ~~Not later than the first day of~~ 115035  
~~September of each year, the director of mental health and~~ 115036  
~~addiction services shall certify to the director of budget and~~ 115037  
~~management the amount of all of the unexpended, unencumbered~~ 115038

~~balances of general revenue fund appropriations made to the~~ 115039  
~~department of mental health and addiction services for the~~ 115040  
~~previous fiscal year, excluding funds appropriated for rental~~ 115041  
~~payments to the Ohio public facilities commission. On receipt of~~ 115042  
~~the certification, the director of budget and management shall~~ 115043  
~~transfer cash to the trust fund in an amount up to, but not~~ 115044  
~~exceeding, the total of the amounts certified by the director of~~ 115045  
~~mental health and addiction services.~~ 115046

~~In addition, the~~ The trust fund shall receive all amounts, 115047  
subject to any provisions in bond documents, received from the 115048  
sale or lease of lands and facilities by the department. 115049

All moneys in the trust fund ~~shall be used by the~~ 115050  
~~department of mental health and addiction services to pay for~~ 115051  
~~expenditures the department incurs in performing any of its~~ 115052  
~~duties under this chapter~~ are subject to appropriation by the 115053  
general assembly or may be used with the approval of the 115054  
controlling board. The use of moneys in the trust fund pursuant 115055  
to this section does not represent an ongoing commitment to the 115056  
continuation of the trust fund or to the use of moneys in the 115057  
trust fund. 115058

**Sec. 5119.47.** The director of ~~mental~~ behavioral health ~~and~~ 115059  
~~addiction services~~ shall administer the problem casino gambling 115060  
and addictions fund. The director shall use the money in the 115061  
fund to support gambling addiction services, alcohol and drug 115062  
addiction services, other services that relate to gambling 115063  
addiction and substance abuse, and research that relates to 115064  
gambling addiction and substance abuse. Treatment and prevention 115065  
services supported by money in the fund under this section shall 115066  
be services that are certified by the department of ~~mental~~ 115067  
behavioral health ~~and addiction services.~~ 115068

The director shall prepare an annual report describing the use of the fund for these purposes. The director shall submit the report to the Ohio casino control commission, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the governor.

**Sec. 5119.48.** (A) The department of ~~mental-behavioral~~ health and ~~addiction services~~ shall create the all roads lead to home program. The program shall include all of the following initiatives:

(1) A media campaign. As part of the campaign, the department shall develop public service announcements and shall make the announcements available to television and radio media outlets. The announcements shall be made available beginning on January 1, 2018, ~~and~~. Thereafter, the announcements shall be made at least twice annually, once between January and March of each year, and once in September of each year as part of national recovery month.

(2) A web site ~~as~~ that meets the requirements described in division (C) of this section;

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services.

(B) The media campaign described in division (A) (1) of this section shall do all of the following:

(1) Include messages to reduce the stigma associated with seeking help for drug addiction;

(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following:

(a) Information on where to find help for drug addiction;	115098
(b) Information on intervention and referral options;	115099
(c) Contact information for <del>county board</del> <u>boards of</u> <u>alcohol, drug addiction-assistance authorities, and mental</u> <u>health services.</u>	115100 115101 115102
(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state;	115103 115104
(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets.	115105 115106 115107
(C) Before January 1, 2018, <u>for purposes of division (A)</u> <u>(2) of this section, the department shall create a web site as-</u> <del>described in division (A) (2) of this section that</del> <u>is interactive</u> <u>and offers all of the following components:</u>	115108 115109 115110 115111
(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director;	115112 115113 115114
(2) Community detoxification and withdrawal management options and community treatment options;	115115 115116
(3) A searchable database of certified substance abuse providers organized by zip code;	115117 115118
(4) Information on recovery supports, including recovery housing residences;	115119 115120
(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment.	115121 115122
(D) The department may contract with private vendors for the creation and maintenance of the <del>interactive</del> web site	115123 115124

described in division (C) of this section. 115125

**Sec. 5119.49.** (A) The director of ~~mental~~-behavioral health 115126  
~~and addiction services~~ shall collaborate with the state board of 115127  
pharmacy and attorney general in the establishment and 115128  
administration of a drug take-back program, as provided under 115129  
section 4729.69 of the Revised Code. 115130

(B) The department may accept grants, gifts, or donations 115131  
for purposes of the program. Money received under this division 115132  
shall be deposited into the drug take-back program fund 115133  
established under section 109.90 of the Revised Code. 115134

**Sec. 5119.50.** The director of ~~mental~~-behavioral health ~~and~~ 115135  
~~addiction services~~ may accept, hold, and administer in trust on 115136  
behalf of the state, if it is for the public interest, any 115137  
grant, gift, devise, or bequest of money or property made to the 115138  
state for the use or benefit of any institution described in 115139  
section 5119.14 of the Revised Code or for the use and benefit 115140  
of persons with mental illnesses under its control. If the trust 115141  
so provides, the money or property may be used for any work 115142  
which the department of ~~mental~~-behavioral health ~~and addiction~~- 115143  
~~services~~ is authorized to undertake. 115144

The department shall keep such gift, grant, devise, or 115145  
bequest as a distinct property or fund and, if it is in money, 115146  
shall invest it in the manner provided by law. The department 115147  
may deposit in a proper trust company or savings bank any money 115148  
left in trust during a specified life or lives and shall adopt 115149  
rules governing the deposit, transfer, withdrawal, or investment 115150  
of such money and the income thereof. 115151

The department shall, in the manner prescribed by the 115152  
director of budget and management pursuant to section 126.21 of 115153

the Revised Code, account for all money or property received or 115154  
expended under this section. The records, together with a 115155  
statement certified by the depository showing the funds 115156  
deposited there to the credit of the trust, shall be open to 115157  
public inspection. The director of budget and management may 115158  
require the department to file a report with the director on any 115159  
particular portion, or the whole, of any trust property received 115160  
or expended by it. 115161

The department shall, upon the expiration of any trust 115162  
according to its terms, dispose of the funds or property held 115163  
thereunder in the manner provided in the instrument creating the 115164  
trust. If the instrument creating the trust failed to make any 115165  
terms of disposition, or if no trust was in evidence, then the 115166  
decedent patient's money, saving or commercial deposits, 115167  
dividends or distributions, bonds, or any other interest-bearing 115168  
debt certificate or stamp issued by the United States government 115169  
shall escheat to the state. All such unclaimed intangible 115170  
personal property of a former patient shall be retained by the 115171  
managing officer in such institution for the period of one year, 115172  
during which time every possible effort shall be made to find 115173  
such former patient or the former patient's legal 115174  
representative. 115175

If, after a period of one year from the time the patient 115176  
has left the institution or has died, the managing officer has 115177  
been unable to locate such person or the person's legal 115178  
representative, then upon proper notice of such fact the 115179  
director shall at that time formulate in writing a method of 115180  
disposition on the minutes of the department authorizing the 115181  
managing officer to convert such intangible personal property to 115182  
cash to be paid into the state treasury to the credit of the 115183  
general revenue fund. 115184

The department shall include in its annual report a 115185  
statement of all money and property and the terms and conditions 115186  
relating thereto. 115187

**Sec. 5119.51.** (A) As used in this section, "supplemental 115188  
services" has the same meaning as in section 5815.28 of the 115189  
Revised Code. 115190

(B) There is hereby created in the state treasury the 115191  
services fund for individuals with mental illness. On the death 115192  
of the beneficiary of a trust created pursuant to section 115193  
5815.28 of the Revised Code, the portion of the remaining assets 115194  
of the trust specified in the trust instrument shall be 115195  
deposited to the credit of the fund. Money credited to the fund 115196  
shall be used for individuals with mental illness. 115197

Supplemental services may be provided through the 115198  
department or boards of alcohol, drug addiction, and mental 115199  
health services. In accordance with Chapter 119. of the Revised 115200  
Code, the department of ~~mental behavioral health and addiction~~ 115201  
~~services~~ may adopt any rules necessary to implement this 115202  
section. 115203

**Sec. 5119.52.** Each managing officer of an institution 115204  
under the jurisdiction of the department of ~~mental behavioral~~ 115205  
~~health and addiction services~~ as described in section 5119.14 of 115206  
the Revised Code, with the approval of the director of ~~mental~~ 115207  
~~behavioral health and addiction services~~, may establish local 115208  
institution funds designated as follows: 115209

(A) Industrial and entertainment fund created and 115210  
maintained for the entertainment and welfare of the patients of 115211  
the institution. The director shall establish rules for the 115212  
operation of the industrial and entertainment fund. 115213

(B) Commissary fund created and maintained for the benefit 115214  
of patients in the institution. Commissary revenue over and 115215  
above operating costs and reserve shall be considered profits. 115216  
All profits from the commissary fund operations shall be paid 115217  
into the industrial and entertainment fund and used only for the 115218  
entertainment and welfare of patients. The director shall 115219  
establish rules for the operation of the commissary fund. 115220

**Sec. 5119.54.** The treasurer of state shall have charge of 115221  
all funds under the jurisdiction of the department of ~~mental-~~ 115222  
behavioral health and addiction services and shall pay out the 115223  
same only in accordance with this chapter. 115224

The department shall cause to be furnished a contract of 115225  
indemnity to cover all funds received by it or by its managing 115226  
officers, employees, or agents while the funds are in the 115227  
possession of such managing officers, employees or agents. Such 115228  
funds are designated as follows: 115229

(A) Funds which are due and payable to the treasurer of 115230  
state as provided by Chapter 131. of the Revised Code; 115231

(B) Those funds which are held in trust by the managing 115232  
officers, employees, or agents of the institution as local funds 115233  
or accounts under the jurisdiction of the department. 115234

Such contract of indemnity shall be made payable to the 115235  
state and the premium for such contract of indemnity may be paid 115236  
from any of the moneys received for the use of the department 115237  
under this chapter and Chapters 5121. and 5122. of the Revised 115238  
Code. 115239

Funds collected from various sources, such as the sale of 115240  
goods, and all miscellaneous articles, shall be transmitted on 115241  
or before Monday of each week to the treasurer of state and a 115242

detailed statement of such collections shall be made to the 115243  
department. 115244

**Sec. 5119.55.** The department of ~~mental~~behavioral health 115245  
~~and addiction services~~ may pay an amount for personal use to 115246  
each individual residing in a state institution as described in 115247  
section 5119.14 of the Revised Code who would be eligible for 115248  
supplemental security income benefits at the reduced rate 115249  
established by Title XVI of the "Social Security Act," 42 U.S.C. 115250  
1381 et seq., if the medicaid program covers services provided 115251  
in such institutions. The amount paid by the department shall 115252  
not exceed the reduced supplemental security income benefit rate 115253  
established by Title XVI of the "Social Security Act." 115254

**Sec. 5119.56.** Money or property deposited with managing 115255  
officers of institutions under the jurisdiction of the 115256  
department of ~~mental~~behavioral health ~~and addiction services~~ by 115257  
any patient under the department's control or by relatives, 115258  
guardians, conservators, and others for the special benefit of 115259  
such patient, as well as all other funds and all other income 115260  
paid to the patient, the patient's estate, or on the patient's 115261  
behalf, or paid to the managing officer or to the institution as 115262  
representative payee or otherwise paid on the patient's behalf, 115263  
shall remain in the hands of such officers in appropriate 115264  
accounts for use accordingly. The managing officer shall keep 115265  
itemized book accounts of the receipt and disposition of such 115266  
money and property, which book shall be open at all times to the 115267  
inspection of the department. The director of ~~mental~~behavioral 115268  
health ~~and addiction services~~ shall adopt rules governing the 115269  
deposit, transfer, withdrawal, or investment of the funds and 115270  
the income thereof, as well as rules under which such funds and 115271  
income shall be paid by managing officers for the support of the 115272  
patients pursuant to Chapter 5121. of the Revised Code, or for 115273

their other needs. 115274

Whenever any patient confined in any state institution 115275  
subject to the jurisdiction of the department dies, escapes, or 115276  
is discharged from such institution, and any personal funds of 115277  
such person remain in the hands of the managing officer thereof 115278  
and no demand for such funds is made upon such managing officer 115279  
by the owner of the funds or the owner's legally appointed 115280  
representative, the managing officer shall hold the funds in the 115281  
personal deposit fund for a period of at least one year during 115282  
which time the managing officer shall make every effort possible 115283  
to locate the owner or the owner's legally appointed 115284  
representative. 115285

If at the end of this period no demand has been made for 115286  
the funds, the managing officer shall dispose of the funds as 115287  
follows: 115288

(A) All money in a personal deposit fund in excess of ten 115289  
dollars due for the support of a patient shall be paid in 115290  
accordance with the provisions of Chapter 5121. of the Revised 115291  
Code. 115292

(B) All money in a personal deposit fund in excess of ten 115293  
dollars not due for the support of a patient shall be placed to 115294  
the credit of the institution's local account designated as the 115295  
"industrial and entertainment" fund. 115296

(C) The first ten dollars to the credit of a patient shall 115297  
be placed to the credit of the institution's local account 115298  
designated as the "industrial and entertainment" fund. 115299

Whenever any patient in any state institution subject to 115300  
the jurisdiction of the department dies, escapes, or is 115301  
discharged from such institution, and any personal effects of 115302

such person remain in the hands of the managing officer thereof, 115303  
and no demand is made upon such managing officer by the owner of 115304  
the property or the owner's legally appointed representative, 115305  
the managing officer shall hold and dispose of such property in 115306  
the following manner. 115307

All the miscellaneous personal effects shall be held for a 115308  
period of at least one year, during which time the managing 115309  
officer shall make every effort possible to locate the owner or 115310  
the owner's legal representative. If at the end of this period, 115311  
no demand has been made by the owner of the property or the 115312  
owner's legal representative, the managing officer shall file 115313  
with the county recorder of the county of commitment of such 115314  
owner, all deeds, wills, contract mortgages, or assignments. The 115315  
balance of the personal effects shall be sold at public auction 115316  
after being duly advertised, and the funds turned over to the 115317  
treasurer of state for credit to the general revenue fund. If 115318  
any of the property is not of a type to be filed with the county 115319  
recorder and is not salable at public auction, then the managing 115320  
officer of the institution shall destroy such property. 115321

**Sec. 5119.60.** The department of ~~mental~~-behavioral health 115322  
~~and addiction services~~ shall submit an annual report to the 115323  
governor that shall describe the services the department offers 115324  
and how appropriated funds have been spent. The report shall 115325  
include all of the following: 115326

(A) The utilization of state hospitals by each alcohol, 115327  
drug addiction, and mental health service district; 115328

(B) The number of persons served by community addiction 115329  
services providers that receive funds distributed by the 115330  
department, with a breakdown into categories including age, sex, 115331  
race, the type of drug to which the person is addicted, and any 115332

other categories the director of ~~mental-behavioral~~ health and 115333  
~~addiction services~~ considers significant; 115334

(C) The number of persons with severe mental disabilities 115335  
served in each district; 115336

(D) The number and types of addiction services, mental 115337  
health services, and recovery supports provided to persons with 115338  
severe mental disabilities through state-operated services, 115339  
community addiction services providers, and community mental 115340  
health services providers; 115341

(E) A report measuring the success of community addiction 115342  
services providers, based on the measures for accountability 115343  
developed by the department, including the percentage of persons 115344  
served by such community addiction services providers who have 115345  
not relapsed; 115346

(F) Any other information that the director considers 115347  
significant or is requested by the governor. 115348

**Sec. 5119.61.** (A) The department of ~~mental-behavioral~~ 115349  
health and ~~addiction services~~ shall collect and compile 115350  
statistics and other information on the care and treatment of 115351  
persons with mental disabilities, and the care, treatment, and 115352  
rehabilitation of persons with alcohol use disorder, persons 115353  
with drug dependencies, persons in danger of drug dependence, 115354  
and persons with or in danger of developing a gambling addiction 115355  
in this state. The information shall include, without 115356  
limitation, information on the number of such persons, the type 115357  
of drug involved, if any, the type of care, treatment, or 115358  
rehabilitation prescribed or undertaken, and the success or 115359  
failure of the care, treatment, or rehabilitation. The 115360  
department shall collect information about addiction services, 115361

mental health services, and recovery supports delivered and 115362  
persons served as required for reporting and evaluation relating 115363  
to state and federal funds expended for such purposes. 115364

(B) No community addiction services provider or community 115365  
mental health services provider shall fail to supply statistics 115366  
and other information within its knowledge and with respect to 115367  
its addiction services, mental health services, and recovery 115368  
supports upon request of the department. 115369

(C) Communications by a person seeking aid in good faith 115370  
for alcohol use disorder or drug dependence are confidential, 115371  
and this section does not require the collection or permit the 115372  
disclosure of information which reveals or comprises the 115373  
identity of any person seeking aid. 115374

(D) Based on the information collected and compiled under 115375  
division (A) of this section, the department shall develop a 115376  
project to assess the outcomes of persons served by community 115377  
addiction services providers and community mental health 115378  
services providers that receive funds distributed by the 115379  
department. 115380

(E) The director of ~~mental behavioral health and addiction~~ 115381  
~~services~~ may fine a community addiction services provider or 115382  
community mental health services provider for violating division 115383  
(B) of this section. In determining whether to impose a fine, 115384  
the director shall consider whether the provider has engaged in 115385  
a pattern of noncompliance. If a fine is imposed, it shall be 115386  
one thousand dollars for a first failure to comply with division 115387  
(B) of this section and two thousand dollars for each subsequent 115388  
failure. The director's actions in imposing a fine shall be 115389  
taken in accordance with Chapter 119. of the Revised Code. 115390

All fines collected under this division shall be deposited 115391  
in the state treasury to the credit of the department's 115392  
statewide treatment and prevention fund created by section 115393  
4301.30 of the Revised Code. 115394

**Sec. 5119.71.** Pursuant to Article X of the compact set 115395  
forth in section 5119.70 of the Revised Code, the director of 115396  
~~mental-behavioral health and addiction services~~ and the director 115397  
of developmental disabilities each shall designate an officer 115398  
who shall be the compact administrator for the department and 115399  
who, acting jointly with like officers of other party states, 115400  
shall adopt rules to carry out more effectively the terms of the 115401  
compact. The compact administrators of each department shall 115402  
serve subject to the pleasure of the governor and shall 115403  
cooperate with all departments, agencies, and officers of and in 115404  
the government of this state and its subdivisions in 115405  
facilitating the proper administration of the compact or of any 115406  
supplementary agreements entered into by this state thereunder. 115407

**Sec. 5119.82.** There is hereby established a 9-8-8 115408  
administrator within the department of ~~mental-behavioral health~~ 115409  
~~and addiction services~~ to oversee the administration of the 9-8- 115410  
8 suicide prevention and mental health crisis hotline system 115411  
statewide. 115412

**Sec. 5119.85.** (A) As used in this section, "telephone 115413  
company" has the same meaning as in section 128.01 of the 115414  
Revised Code. 115415

(B) Except for willful or wanton misconduct, a telephone 115416  
company, a provider of interconnected voice over internet 115417  
protocol service, and any other installer, maintainer, or 115418  
provider, through the sale or otherwise, of customer premises 115419  
equipment, or service used for or with the 9-8-8 hotline, and 115420

their respective officers, directors, employees, agents, 115421  
suppliers, corporate parents, and affiliates are not liable in 115422  
damages in a civil action for injuries, death or loss to persons 115423  
or property incurred by any person resulting from such an 115424  
entity's or its officers', directors', employees', agents', or 115425  
suppliers' participation in or acts or omissions in connection 115426  
with participating in or developing, maintaining, or operating 115427  
the 9-8-8 hotline. 115428

**Sec. 5119.89.** The director of ~~mental-behavioral health and~~ 115429  
~~addiction services~~ shall consult with the superintendent of 115430  
insurance as required by section 3901.90 of the Revised Code to 115431  
develop consumer and payer education on ~~mental-behavioral health~~ 115432  
~~and addiction services~~ insurance parity and establish and 115433  
promote a consumer hotline to collect information and help 115434  
consumers understand and access their insurance benefits. 115435

The department of ~~mental-behavioral health and addiction-~~ 115436  
~~services~~ and the department of insurance shall jointly report 115437  
annually on the departments' efforts, which shall include 115438  
information on consumer and payer outreach activities and 115439  
identification of trends and barriers to access and coverage in 115440  
this state. The departments shall submit the report to the 115441  
general assembly, the joint medicaid oversight committee, and 115442  
the governor, not later than the thirtieth day of January of 115443  
each year. 115444

**Sec. 5119.90.** As used in sections 5119.90 to 5119.98 of 115445  
the Revised Code: 115446

(A) "Alcohol and other drug abuse" means alcohol use 115447  
disorder or drug addiction. 115448

(B) "Another drug" means a controlled substance as defined 115449

in section 3719.01 of the Revised Code or a harmful intoxicant 115450  
as defined in section 2925.01 of the Revised Code. 115451

(C) "Board of alcohol, drug addiction, and mental health 115452  
services" means a board of alcohol, drug addiction, and mental 115453  
health services established under section 340.02 or 340.021 of 115454  
the Revised Code. 115455

(D) "Danger" or "threat of danger to self, family, or 115456  
others" means substantial physical harm or threat of substantial 115457  
physical harm upon self, family, or others. 115458

(E) "Hospital" has the same meaning as in section 3701.01 115459  
or 3727.01 of the Revised Code but does not include either a 115460  
hospital operated by the department of ~~mental~~behavioral health 115461  
~~and addiction services~~ or an inpatient unit licensed by the 115462  
department. 115463

(F) "Intoxicated" means being under the influence of 115464  
alcohol, another drug, or both alcohol and another drug and, as 115465  
a result, having a significantly impaired ability to function. 115466

(G) "Petitioner" means a person who institutes a 115467  
proceeding under sections 5119.91 to 5119.98 of the Revised 115468  
Code. 115469

(H) "Probate court" means the probate division of the 115470  
court of common pleas. 115471

(I) "Qualified health professional" means a person that is 115472  
properly credentialed or licensed to conduct a drug and alcohol 115473  
assessment and diagnosis under Ohio law. 115474

(J) "Residence" means the legal residence of a person as 115475  
determined by applicable principles governing conflicts of law. 115476

(K) "Respondent" means a person alleged in a petition 115477

filed or hearing under sections 5119.91 to 5119.98 of the 115478  
Revised Code to be a person who is experiencing alcohol and 115479  
other drug abuse and who may be ordered under those sections to 115480  
undergo treatment. 115481

(L) "Treatment" means services and programs for the care 115482  
and rehabilitation of intoxicated persons and persons 115483  
experiencing alcohol and other drug abuse. "Treatment" includes 115484  
residential treatment, a halfway house setting, and an intensive 115485  
outpatient or outpatient level of care. 115486

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 115487  
Revised Code is guilty of a misdemeanor of the first degree. 115488

(B) Whoever violates section 5119.27 or 5119.28, division 115489  
~~(P)~~(O) of section 5119.36, or division (A)(1) or (2) of section 115490  
5119.37 of the Revised Code is guilty of a felony of the fifth 115491  
degree. 115492

**Sec. 5120.16.** (A) Persons sentenced to any institution, 115493  
division, or place under the control of the department of 115494  
rehabilitation and correction are committed to the control, 115495  
care, and custody of the department. Subject to division ~~(B)~~(C) 115496  
of this section, the director of rehabilitation and correction 115497  
or the director's designee may direct that persons sentenced to 115498  
the department, or to any institution or place within the 115499  
department, shall be conveyed by the sheriff initially to an 115500  
appropriate facility established and maintained by the 115501  
department, or committed electronically in accordance with 115502  
division (B) of this section, for reception, examination, 115503  
observation, and classification of the persons so sentenced. 115504  
Prior to removal of an individual on an out of jurisdiction 115505  
detainer, the sheriff shall convey the sentenced person to the 115506  
department of rehabilitation and correction or electronically 115507

commit the sentenced person in accordance with division (B) of 115508  
this section. 115509

If a presentence investigation report was not prepared 115510  
pursuant to section 2947.06 or 2951.03 of the Revised Code or 115511  
Criminal Rule 32.2 regarding any person sentenced to the 115512  
department or to any institution or place within the department, 115513  
the director or the director's designee may order the 115514  
department's field staff to conduct an offender background 115515  
investigation and prepare an offender background investigation 115516  
report regarding the person. The investigation and report shall 115517  
be conducted in accordance with division (A) of section 2951.03 115518  
of the Revised Code and the report shall contain the same 115519  
information as a presentence investigation report prepared 115520  
pursuant to that section. 115521

When the examination, observation, and classification of 115522  
the person have been completed by the facility and a written 115523  
report of the examination, observation, and classification is 115524  
filed with the commitment papers, the director or the director's 115525  
designee, subject to division (B) of this section, shall assign 115526  
the person to a suitable state institution or place maintained 115527  
by the state within the director's department or shall designate 115528  
that the person is to be housed in a county, multicounty, 115529  
municipal, municipal-county, or multicounty-municipal jail or 115530  
workhouse, if authorized by section 5120.161 of the Revised 115531  
Code, there to be confined, cared for, treated, trained, and 115532  
rehabilitated until paroled, released in accordance with section 115533  
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 115534  
otherwise released under the order of the court that imposed the 115535  
person's sentence. No person committed by a probate court, a 115536  
trial court pursuant to section 2945.40, 2945.401, or 2945.402 115537  
of the Revised Code subsequent to a finding of not guilty by 115538

reason of insanity, or a juvenile court shall be assigned to a 115539  
state correctional institution. 115540

If a person is sentenced, committed, or assigned for the 115541  
commission of a felony to any one of the institutions or places 115542  
maintained by the department or to a county, multicounty, 115543  
municipal, municipal-county, or multicounty-municipal jail or 115544  
workhouse, the department, by order duly recorded and subject to 115545  
division (B) of this section, may transfer the person to any 115546  
other institution, or, if authorized by section 5120.161 of the 115547  
Revised Code, to a county, multicounty, municipal, municipal- 115548  
county, or multicounty-municipal jail or workhouse. 115549

(B) An agreement may be entered into between a court of 115550  
common pleas and the department of rehabilitation and correction 115551  
under which persons may be electronically committed to the 115552  
department of rehabilitation and correction. 115553

(C) If the case of a child who is alleged to be a 115554  
delinquent child is transferred for criminal prosecution to the 115555  
appropriate court having jurisdiction of the offense pursuant to 115556  
section 2152.12 of the Revised Code, if the child is convicted 115557  
of or pleads guilty to a felony in that case, if the child is 115558  
sentenced to a prison term, as defined in section 2901.01 of the 115559  
Revised Code, and if the child is under eighteen years of age 115560  
when delivered to the custody of the department of 115561  
rehabilitation and correction, all of the following apply 115562  
regarding the housing of the child: 115563

(1) Until the child attains eighteen years of age, subject 115564  
to divisions ~~(B) (2)~~ (C) (2), (3), and (4) of this section, the 115565  
department shall house the child in a housing unit in a state 115566  
correctional institution separate from inmates who are eighteen 115567  
years of age or older. 115568

(2) The department is not required to house the child in 115569  
the manner described in division ~~(B)(1)~~(C)(1) of this section if 115570  
the child does not observe the rules and regulations of the 115571  
institution or the child otherwise creates a security risk by 115572  
being housed separately. 115573

(3) If the department receives too few inmates who are 115574  
under eighteen years of age to fill a housing unit in a state 115575  
correctional institution separate from inmates who are eighteen 115576  
years of age or older, as described in division ~~(B)(1)~~(C)(1) of 115577  
this section, the department may house the child in a housing 115578  
unit in a state correctional institution that includes both 115579  
inmates who are under eighteen years of age and inmates who are 115580  
eighteen years of age or older and under twenty-one years of 115581  
age. 115582

(4) Upon the child's attainment of eighteen years of age, 115583  
the department may house the child with the adult population of 115584  
the state correctional institution. 115585

~~(C)~~(D) The director or the director's designee shall 115586  
develop a policy for dealing with problems related to infection 115587  
with the human immunodeficiency virus. The policy shall include 115588  
methods of identifying individuals committed to the custody of 115589  
the department who are at high risk of infection with the virus 115590  
and counseling those individuals. 115591

Arrangements for housing individuals diagnosed as having 115592  
AIDS or an AIDS-related condition shall be made by the 115593  
department based on security and medical considerations and in 115594  
accordance with division ~~(B)~~(C) of this section, if applicable. 115595

**Sec. 5120.51.** (A) (1) If the director of rehabilitation and 115596  
correction determines that a bill introduced in the general 115597

assembly is likely to have a ~~significant~~ more than a de minimis 115598  
impact on the population of, or the cost of operating, any or 115599  
all state correctional institutions under the administration of 115600  
the department of rehabilitation and correction, the department 115601  
shall prepare a population and cost impact statement for the 115602  
bill, in accordance with division (A) (2) of this section. 115603

(2) A population and cost impact statement required for a 115604  
bill shall estimate the increase or decrease in the correctional 115605  
institution population that likely would result if the bill were 115606  
enacted, shall estimate, in dollars, the amount by which 115607  
revenues or expenditures likely would increase or decrease if 115608  
the bill were enacted, and briefly shall explain each of the 115609  
estimates. 115610

A population and cost impact statement required for a bill 115611  
initially shall be prepared after the bill is referred to a 115612  
committee of the general assembly in the house of origination 115613  
but before the meeting of the committee at which the committee 115614  
is scheduled to vote on whether to recommend the bill for 115615  
passage. A copy of the statement shall be distributed to each 115616  
member of the committee that is considering the bill and to the 115617  
member of the general assembly who introduced it. If the bill is 115618  
recommended for passage by the committee, the department shall 115619  
update the statement before the bill is taken up for final 115620  
consideration by the house of origination. A copy of the updated 115621  
statement shall be distributed to each member of that house and 115622  
to the member of the general assembly who introduced the bill. 115623  
If the bill is passed by the house of origination and is 115624  
introduced in the second house, the provisions of this division 115625  
concerning the preparation, updating, and distribution of the 115626  
statement in the house of origination also apply in the second 115627  
house. 115628

(B) The governor or any member of the general assembly, at 115629  
any time, may request the department to prepare a population and 115630  
cost impact statement for any bill introduced in the general 115631  
assembly. Upon receipt of a request, the department promptly 115632  
shall prepare a statement that includes the estimates and 115633  
explanations described in division (A) (2) of this section and 115634  
present a copy of it to the governor or member who made the 115635  
request. 115636

(C) In the preparation of a population and cost impact 115637  
statement required by division (A) or (B) of this section, the 115638  
department shall use a technologically sophisticated system 115639  
capable of estimating future state correctional institution 115640  
populations. The system shall have the capability to adjust its 115641  
estimates based on actual and proposed changes in sentencing 115642  
laws and trends, sentence durations, parole rates, crime rates, 115643  
and any other data that affect state correctional institution 115644  
populations. The department, in conjunction with the advisory 115645  
committee appointed under division (E) of this section, shall 115646  
review and update the data used in the system, not less than 115647  
once every six months, to improve the accuracy of the system. 115648

(D) At least once every six months, the department shall 115649  
provide to the correctional institution inspection committee a 115650  
copy of the estimates of state correctional institution 115651  
populations obtained through use of the system described in 115652  
division (C) of this section and a description of the 115653  
assumptions regarding sentencing laws and trends, sentence 115654  
durations, parole rates, crime rates, and other relevant data 115655  
that were made by the department to obtain the estimates. 115656  
Additionally, a copy of the estimates and a description of the 115657  
assumptions made to obtain them shall be provided, upon 115658  
reasonable request, to other legislative staff, including the 115659

staff of the legislative service commission, to the office of 115660  
budget and management, and to the division of criminal justice 115661  
services in the department of public safety. 115662

(E) The correctional institution inspection committee 115663  
shall appoint an advisory committee to review the operation of 115664  
the system for estimating future state correctional institution 115665  
populations that is used by the department in the preparation of 115666  
population cost impact statements pursuant to this section and 115667  
to join with the department in its reviews and updating of the 115668  
data used in the system under division (C) of this section. The 115669  
advisory committee shall be comprised of at least one 115670  
prosecuting attorney, at least one common pleas court judge, at 115671  
least one public defender, at least one person who is a member 115672  
or staff employee of the committee, and at least one 115673  
representative of the division of criminal justice services in 115674  
the department of public safety. 115675

Sec. 5120.85. (A) As used in this section: 115676

(1) "Correction officer" means a correction officer, 115677  
corporal, sergeant, lieutenant, or captain, and the equivalents 115678  
of all such persons, at an institution under the control of the 115679  
department of rehabilitation and correction. 115680

(2) "Killed in the line of duty" has the same meaning as 115681  
in section 742.63 of the Revised Code. 115682

(B) (1) The director of rehabilitation and correction shall 115683  
notify the director of administrative services when a correction 115684  
officer is killed in the line of duty. On receiving the notice, 115685  
the director of administrative services shall enroll the 115686  
surviving spouse of the deceased correction officer in any 115687  
health, medical, hospital, dental, surgical, or vision benefit 115688

the department of administrative services contracts for under 115689  
section 124.82 of the Revised Code or otherwise provides for the 115690  
benefit of state employees who are paid directly by warrant of 115691  
the director of budget and management. Receiving benefits under 115692  
this section does not make the surviving spouse a state 115693  
employee. 115694

(2) A surviving spouse is ineligible to participate in a 115695  
health, medical, hospital, dental, surgical, or vision benefit 115696  
under division (B) (1) of this section if the spouse is either of 115697  
the following: 115698

(a) An employee paid directly by warrant of the director 115699  
of budget and management who is eligible to participate in those 115700  
benefits pursuant to section 124.82 of the Revised Code; 115701

(b) Eligible to enroll in the medicare program established 115702  
by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c. 115703

(C) The department of rehabilitation and correction shall 115704  
pay the department of administrative services for the total cost 115705  
of a surviving spouse's health, medical, hospital, dental, 115706  
surgical, or vision benefit under division (B) (1) of this 115707  
section, plus any applicable administrative costs. 115708

(D) A surviving spouse who is receiving a health, medical, 115709  
hospital, dental, surgical, or vision benefit under division (B) 115710  
(1) of this section shall apply to the director of 115711  
administrative services to participate in any health, medical, 115712  
hospital, dental, surgical, or vision benefit available under 115713  
section 124.824 of the Revised Code as soon as practicable after 115714  
the spouse's application for a death benefit paid under section 115715  
742.63 of the Revised Code is approved by the board of trustees 115716  
of the Ohio police and fire pension fund. 115717

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of	115718
the Revised Code:	115719
(A) "Countable assets" means all of the following:	115720
(1) Cash;	115721
(2) Bank deposits;	115722
(3) Securities;	115723
(4) Individual retirement accounts;	115724
(5) Qualified employer plans, including 401(k) and Keogh	115725
plans;	115726
(6) Annuities;	115727
(7) Funds in a trust created under section 5815.28 of the	115728
Revised Code;	115729
(8) Investment property and income;	115730
(9) The cash surrender values of life insurance policies;	115731
(10) Assets acquired by gift, bequest, devise, or	115732
inheritance;	115733
(11) Any other asset determined by the department of	115734
mental health and addiction services to be equivalent to the	115735
assets enumerated in this division.	115736
(B) "Federal poverty level" or "FPL" means the income	115737
level represented by the poverty guidelines as revised annually	115738
by the United States department of health and human services in	115739
accordance with section 673(2) of the "Omnibus Reconciliation	115740
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a	115741
family size equal to the size of the family of the person whose	115742
income is being determined.	115743

(C) "Federal poverty guidelines" means the poverty 115744  
guidelines as revised annually by the United States department 115745  
of health and human services in accordance with section 673(2) 115746  
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 115747  
511, 42 U.S.C. 9902, as amended, for a family size equal to the 115748  
size of the family of the person whose income is being 115749  
determined. 115750

(D) "Hospital" means an institution, hospital, or other 115751  
place established, controlled, or supervised by the department 115752  
of mental health and addiction services under Chapter 5119. of 115753  
the Revised Code, except when otherwise described only as a 115754  
hospital operated by the department. 115755

(E) "Liable relative" means all of the following: 115756

(1) A patient's spouse; 115757

(2) A patient's mother or father, or both, if the patient 115758  
is under eighteen years of age; 115759

(3) A patient's guardian. 115760

(F) "Patient" means a person admitted to a hospital for 115761  
inpatient care or treatment, including a person transferred to a 115762  
hospital from a state correctional institution or a person under 115763  
indictment or conviction who has been transferred to a hospital. 115764

**Sec. 5121.32.** On an annual basis, the department of mental 115765  
health and addiction services shall determine both of the 115766  
following using generally accepted governmental accounting 115767  
principles: 115768

(A) The ~~applicable~~ per diem charge for each hospital 115769  
operated by the department; 115770

(B) The ancillary per diem rate for each hospital operated 115771

by the department. 115772

In determining a hospital's ~~applicable~~ per diem charge and 115773  
ancillary per diem rate, the department shall consider the 115774  
average actual per diem cost of maintaining and treating a 115775  
patient at the hospital or, at the department's discretion, the 115776  
average actual per diem cost of maintaining and treating a 115777  
patient in a unit of the hospital. 115778

**Sec. 5121.33.** (A) Except as provided in sections 5121.35, 115779  
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 115780  
Code, the department of mental health and addiction services 115781  
shall, for each billing cycle, charge a patient, patient's 115782  
estate, or liable relative ~~an amount equal to the sum of the~~ 115783  
~~following:~~ 115784

~~(A) The applicable per diem charge multiplied the amount~~ 115785  
~~calculated under division (B) of this section for care and~~ 115786  
~~treatment the patient receives in a hospital operated by the~~ 115787  
~~department.~~ 115788

(B) The amount to be charged under division (A) of this 115789  
section shall be calculated by multiplying the hospital's per 115790  
diem charge or ancillary per diem rate determined under section 115791  
5121.32 of the Revised Code, whichever the department determines 115792  
applies, by the number of days the patient was admitted to the 115793  
hospital. 115794

~~(B) An amount that was previously billed but not paid~~ 115795  
~~during the period that is covered by the billing cycle.~~ 115796

**Sec. 5121.34.** (A) A patient, patient's estate, and 115797  
patient's liable relatives shall be jointly and severally liable 115798  
for amounts charged by the department of mental health and 115799  
addiction services in accordance with section 5121.33 or 5121.35 115800

of the Revised Code. In no case shall any of the foregoing 115801  
persons be liable for more than one hundred per cent of the full 115802  
~~sum~~ amount charged under section 5121.33 of the Revised Code. 115803

(B) Collections of support payments shall be made by the 115804  
department and, subject to meeting prior requirements for 115805  
payment and crediting of such collections and other available 115806  
receipts, in accordance with the bond proceedings applicable to 115807  
obligations issued pursuant to section 154.20 of the Revised 115808  
Code. The collections and other available receipts designated by 115809  
the director of mental health and addiction services for deposit 115810  
in the special accounts, together with insurance contract 115811  
payments provided for in section 5121.43 of the Revised Code, 115812  
shall be remitted to the treasurer of state for deposit in the 115813  
state treasury to the credit of the mental health operating 115814  
fund, which is hereby created, to be used for the general 115815  
purposes of the department. The department shall make refunds of 115816  
overpayment of support charges from the mental health operating 115817  
fund. 115818

**Sec. 5121.41.** (A) If the assets of a patient, patient's 115819  
estate, or liable relative do not exceed the countable asset 115820  
limit in section 5121.40 of the Revised Code and the annual 115821  
income of the patient, estate, or relative does not exceed four 115822  
hundred per cent of the federal poverty level, the patient, 115823  
estate, or relative shall be charged an amount discounted from 115824  
the amount the department charges under section 5121.33 of the 115825  
Revised Code for the first thirty days the patient is admitted 115826  
as an inpatient in a hospital and for which the patient is 115827  
liable for the cost of care. The amount of the discount shall be 115828  
computed according to the following schedule: 115829

Annual Gross Income 115830

Expressed as a Percentage of FPL

115831

115832

	1	2	3	4	5	6	7
A Inpatient Days at a Hospital	0 - 175	176 - 199	200 - 249	250 - 299	300 - 349	350 - 400	

Percentage discount from charged amount

115833

115834

	1	2	3	4	5	6	7
A 1 - 14	100	90	70	50	30	10	
B 15 - 30	100	95	75	55	35	15	

(B) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income not greater than one hundred seventy-five per cent of the federal poverty level shall not be charged for the days the patient is admitted beyond the thirtieth day.

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(C) A patient, estate, or relative who is charged a discounted amount for the first thirty days the patient is admitted as an inpatient and who has an annual income greater than one hundred seventy-five per cent of the federal poverty level shall be charged an amount equal to the sum of the following for the days the patient is admitted beyond the thirtieth day:

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(1) The ancillary per diem rate that applies to the hospital, as determined under section 5121.32 of the Revised Code, multiplied by the number of days the patient was admitted to the hospital;

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(2) An amount that was previously charged but not paid. 115852

**Sec. 5121.43.** (A) If a patient is covered by an insurance 115853  
policy or other contract that provides for payment of expenses 115854  
for care and treatment for mental illness at or from a hospital 115855  
~~under the jurisdiction of~~ operated by the department of mental 115856  
health and addiction services, ~~sections 5121.33 to 5121.55 of~~ 115857  
~~the Revised Code are inapplicable to the extent that the policy~~ 115858  
~~or contract is in force. Any insurance carrier or other third~~ 115859  
~~party payor providing coverage for such care and treatment shall~~ 115860  
~~pay for the patient's support obligation in amounts equal to the~~ 115861  
~~lesser of amounts charged by the department under section~~ 115862  
~~5121.33 of the Revised Code or the benefits provided under the~~ 115863  
~~policy or other contract. Whether or not an insured, owner of,~~ 115864  
~~or other person having an interest in such policy or other~~ 115865  
~~contract is liable for support payments, the~~ all of the 115866  
following apply with respect to the amount owed to the 115867  
department for such care and treatment: 115868

(1) The insured, policy owner, or other person having an 115869  
interest in the policy or other contract shall assign payment 115870  
directly to the department of all assignable benefits under the 115871  
policy or other contract and shall pay to the department, within 115872  
ten days of receipt, all insurance or other benefits received as 115873  
reimbursement or payment for expenses incurred by the patient or 115874  
for any other reason. ~~If the insured, policy owner, or other~~ 115875  
~~person refuses to assign payment to the department or refuses to~~ 115876  
~~pay received reimbursements or payments to the department within~~ 115877  
~~ten days of receipt, the total liability of the insured, policy~~ 115878  
~~owner, or other person for the services is an amount equal to~~ 115879  
~~the per diem charge for the hospital where the patient was~~ 115880  
~~admitted multiplied by the number of days the patient was~~ 115881  
~~admitted.~~ 115882

(2) (a) Regardless of the coverage provided by the policy 115883  
or other contract, the patient, patient's estate, or patient's 115884  
liable relative is liable to the department for the actual cost 115885  
of care and treatment calculated under section 5121.33 of the 115886  
Revised Code. 115887

(b) If the amount the department receives through the 115888  
assignment of benefits, as required by division (A) (1) of this 115889  
section, is less than the actual cost of care and treatment that 115890  
is calculated under section 5121.33 of the Revised Code, the 115891  
department shall charge the patient, patient's estate, or liable 115892  
relative the lesser of the following: 115893

(i) The amount calculated under section 5121.33 of the 115894  
Revised Code that remains after subtracting the amount the 115895  
department receives through the assignment of benefits; 115896

(ii) The amount calculated under section 5121.33 of the 115897  
Revised Code that applies after the department takes into 115898  
consideration the exceptions described in sections 5121.35, 115899  
5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code. 115900

(3) In no event shall ~~this total~~ a patient, patient's 115901  
estate, or liable relative have liability ~~exceed~~ under this 115902  
section for an amount that exceeds either, as the case may be, 115903  
the department's actual cost of providing care and treatment to 115904  
a patient calculated under section 5121.33 of the Revised Code 115905  
or the amount that is charged under division (A) (2) (b) of this 115906  
section. 115907

(B) With respect to the requirements of division (A) (1) of 115908  
this section, both of the following apply: 115909

(1) The department may disqualify patients and liable 115910  
relatives who have failed to assign benefits in accordance with 115911

division (A) (1) of this section, and retained third party funds, 115912  
from future discounts that otherwise may have been available. 115913

(2) The department may request that the attorney general 115914  
petition a court of competent jurisdiction to compel ~~the~~ an 115915  
insured, policy owner ~~of~~, or other person having an interest in 115916  
the policy or other contract to comply with the assignment 115917  
requirements ~~in~~ of division (A) (1) of this section. 115918

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 115919  
the Revised Code: 115920

(A) "Mental illness" means a substantial disorder of 115921  
thought, mood, perception, orientation, or memory that grossly 115922  
impairs judgment, behavior, capacity to recognize reality, or 115923  
ability to meet the ordinary demands of life. 115924

(B) "Person with a mental illness subject to court order" 115925  
means a person with a mental illness who, because of the 115926  
person's illness: 115927

(1) Represents a substantial risk of physical harm to self 115928  
as manifested by evidence of threats of, or attempts at, suicide 115929  
or serious self-inflicted bodily harm; 115930

(2) Represents a substantial risk of physical harm to 115931  
others as manifested by evidence of recent homicidal or other 115932  
violent behavior, evidence of recent threats that place another 115933  
in reasonable fear of violent behavior and serious physical 115934  
harm, or other evidence of present dangerousness; 115935

(3) Represents a substantial and immediate risk of serious 115936  
physical impairment or injury to self as manifested by evidence 115937  
that the person is unable to provide for and is not providing 115938  
for the person's basic physical needs because of the person's 115939  
mental illness and that appropriate provision for those needs 115940

cannot be made immediately available in the community; 115941

(4) Would benefit from treatment for the person's mental 115942  
illness and is in need of such treatment as manifested by 115943  
evidence of behavior that creates a grave and imminent risk to 115944  
substantial rights of others or the person; 115945

(5) (a) Would benefit from treatment as manifested by 115946  
evidence of behavior that indicates all of the following: 115947

(i) The person is unlikely to survive safely in the 115948  
community without supervision, based on a clinical 115949  
determination. 115950

(ii) The person has a history of lack of compliance with 115951  
treatment for mental illness and one of the following applies: 115952

(I) At least twice within the thirty-six months prior to 115953  
the filing of an affidavit seeking court-ordered treatment of 115954  
the person under section 5122.111 of the Revised Code, the lack 115955  
of compliance has been a significant factor in necessitating 115956  
hospitalization in a hospital or receipt of services in a 115957  
forensic or other mental health unit of a correctional facility, 115958  
provided that the thirty-six-month period shall be extended by 115959  
the length of any hospitalization or incarceration of the person 115960  
that occurred within the thirty-six-month period. 115961

(II) Within the forty-eight months prior to the filing of 115962  
an affidavit seeking court-ordered treatment of the person under 115963  
section 5122.111 of the Revised Code, the lack of compliance 115964  
resulted in one or more acts of serious violent behavior toward 115965  
self or others or threats of, or attempts at, serious physical 115966  
harm to self or others, provided that the forty-eight-month 115967  
period shall be extended by the length of any hospitalization or 115968  
incarceration of the person that occurred within the forty- 115969

eight-month period. 115970

(iii) The person, as a result of the person's mental 115971  
illness, is unlikely to voluntarily participate in necessary 115972  
treatment. 115973

(iv) In view of the person's treatment history and current 115974  
behavior, the person is in need of treatment in order to prevent 115975  
a relapse or deterioration that would be likely to result in 115976  
substantial risk of serious harm to the person or others. 115977

(b) An individual who meets only the criteria described in 115978  
division (B) (5) (a) of this section is not subject to 115979  
hospitalization. 115980

(C) (1) "Patient" means, subject to division (C) (2) of this 115981  
section, a person who is admitted either voluntarily or 115982  
involuntarily to a hospital or other place under section 115983  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 115984  
subsequent to a finding of not guilty by reason of insanity or 115985  
incompetence to stand trial or under this chapter, who is under 115986  
observation or receiving treatment in such place. 115987

(2) "Patient" does not include a person admitted to a 115988  
hospital or other place under section 2945.39, 2945.40, 115989  
2945.401, or 2945.402 of the Revised Code to the extent that the 115990  
reference in this chapter to patient, or the context in which 115991  
the reference occurs, is in conflict with any provision of 115992  
sections 2945.37 to 2945.402 of the Revised Code. 115993

(D) "Licensed physician" means a person licensed under the 115994  
laws of this state to practice medicine or a medical officer of 115995  
the government of the United States while in this state in the 115996  
performance of the person's official duties. 115997

(E) "Psychiatrist" means a licensed physician who has 115998

satisfactorily completed a residency training program in 115999  
psychiatry, as approved by the residency review committee of the 116000  
American medical association, the committee on post-graduate 116001  
education of the American osteopathic association, or the 116002  
American osteopathic board of neurology and psychiatry, or who 116003  
on July 1, 1989, has been recognized as a psychiatrist by the 116004  
Ohio state medical association or the Ohio osteopathic 116005  
association on the basis of formal training and five or more 116006  
years of medical practice limited to psychiatry. 116007

(F) "Hospital" means a hospital or inpatient unit licensed 116008  
by the department of ~~mental behavioral health and addiction~~ 116009  
~~services~~ under section 5119.33 of the Revised Code, and any 116010  
institution, hospital, or other place established, controlled, 116011  
or supervised by the department under Chapter 5119. of the 116012  
Revised Code. 116013

(G) "Public hospital" means a facility that is tax- 116014  
supported and under the jurisdiction of the department of ~~mental~~ 116015  
~~behavioral health and addiction services~~. 116016

(H) "Community mental health services provider" means an 116017  
agency, association, corporation, individual, or program that 116018  
provides community mental health services that are certified by 116019  
the director of ~~mental behavioral health and addiction services~~ 116020  
under section 5119.36 of the Revised Code. 116021

(I) "Licensed clinical psychologist" means a person who 116022  
holds a current, valid psychologist license issued under section 116023  
4732.12 of the Revised Code, and in addition, meets the 116024  
educational requirements set forth in division (B) of section 116025  
4732.10 of the Revised Code and has a minimum of two years' 116026  
full-time professional experience, or the equivalent as 116027  
determined by rule of the state board of psychology, at least 116028

one year of which shall be a predoctoral internship, in clinical 116029  
psychological work in a public or private hospital or clinic or 116030  
in private practice, diagnosing and treating problems of mental 116031  
illness or intellectual disability under the supervision of a 116032  
psychologist who is licensed or who holds a diploma issued by 116033  
the American board of professional psychology, or whose 116034  
qualifications are substantially similar to those required for 116035  
licensure by the state board of psychology when the supervision 116036  
has occurred prior to enactment of laws governing the practice 116037  
of psychology. 116038

(J) "Health officer" means any public health physician; 116039  
public health nurse; or other person authorized or designated by 116040  
a city or general health district or a board of alcohol, drug 116041  
addiction, and mental health services to perform the duties of a 116042  
health officer under this chapter. 116043

(K) "Chief clinical officer" means the medical director of 116044  
a hospital, community mental health services provider, or board 116045  
of alcohol, drug addiction, and mental health services, or, if 116046  
there is no medical director, the licensed physician responsible 116047  
for the treatment provided by a hospital or community mental 116048  
health services provider. The chief clinical officer may 116049  
delegate to the attending physician responsible for a patient's 116050  
care the duties imposed on the chief clinical officer by this 116051  
chapter. In the case of a community mental health services 116052  
provider, the chief clinical officer shall be designated by the 116053  
governing body of the services provider and shall be a licensed 116054  
physician or licensed clinical psychologist who supervises 116055  
diagnostic and treatment services. A licensed physician or 116056  
licensed clinical psychologist designated by the chief clinical 116057  
officer may perform the duties and accept the responsibilities 116058  
of the chief clinical officer in the chief clinical officer's 116059

absence. 116060

(L) "Working day" or "court day" means Monday, Tuesday, 116061  
Wednesday, Thursday, and Friday, except when such day is a 116062  
holiday. 116063

(M) "Indigent" means unable without deprivation of 116064  
satisfaction of basic needs to provide for the payment of an 116065  
attorney and other necessary expenses of legal representation, 116066  
including expert testimony. 116067

(N) "Respondent" means the person whose detention, 116068  
commitment, hospitalization, continued hospitalization or 116069  
commitment, or discharge is being sought in any proceeding under 116070  
this chapter. 116071

(O) "Ohio protection and advocacy system" has the same 116072  
meaning as in section 5123.60 of the Revised Code. 116073

(P) "Independent expert evaluation" means an evaluation 116074  
conducted by a licensed clinical psychologist, psychiatrist, or 116075  
licensed physician who has been selected by the respondent or 116076  
the respondent's counsel and who consents to conducting the 116077  
evaluation. 116078

(Q) "Court" means the probate division of the court of 116079  
common pleas. 116080

(R) "Expunge" means: 116081

(1) The removal and destruction of court files and 116082  
records, originals and copies, and the deletion of all index 116083  
references; 116084

(2) The reporting to the person of the nature and extent 116085  
of any information about the person transmitted to any other 116086  
person by the court; 116087

(3) Otherwise insuring that any examination of court files 116088  
and records in question shall show no record whatever with 116089  
respect to the person; 116090

(4) That all rights and privileges are restored, and that 116091  
the person, the court, and any other person may properly reply 116092  
that no such record exists, as to any matter expunged. 116093

(S) "Residence" means a person's physical presence in a 116094  
county with intent to remain there, except that: 116095

(1) If a person is receiving a mental health service at a 116096  
facility that includes nighttime sleeping accommodations, 116097  
residence means that county in which the person maintained the 116098  
person's primary place of residence at the time the person 116099  
entered the facility; 116100

(2) If a person is committed pursuant to section 2945.38, 116101  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 116102  
residence means the county where the criminal charges were 116103  
filed. 116104

When the residence of a person is disputed, the matter of 116105  
residence shall be referred to the department of ~~mental~~ 116106  
behavioral health and addiction services for investigation and 116107  
determination. Residence shall not be a basis for a board of 116108  
alcohol, drug addiction, and mental health services to deny 116109  
services to any person present in the board's service district, 116110  
and the board shall provide services for a person whose 116111  
residence is in dispute while residence is being determined and 116112  
for a person in an emergency situation. 116113

(T) "Admission" to a hospital or other place means that a 116114  
patient is accepted for and stays at least one night at the 116115  
hospital or other place. 116116

(U) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(V) (1) "Treatment plan" means a written statement of reasonable objectives and goals for an individual established by the treatment team, with specific criteria to evaluate progress towards achieving those objectives.

(2) The active participation of the patient in establishing the objectives and goals shall be documented. The treatment plan shall be based on patient needs and include services to be provided to the patient while the patient is hospitalized, after the patient is discharged, or in an outpatient setting. The treatment plan shall address services to be provided. In the establishment of the treatment plan, consideration should be given to the availability of services, which may include but are not limited to all of the following:

- (a) Community psychiatric supportive treatment;
- (b) Assertive community treatment;
- (c) Medications;
- (d) Individual or group therapy;
- (e) Peer support services;
- (f) Financial services;
- (g) Housing or supervised living services;

(h) Alcohol or substance abuse treatment;	116144
(i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.	116145 116146 116147 116148
(3) If the person subject to the treatment plan has executed an advance directive for mental health treatment, the treatment team shall consider any directions included in such advance directive in developing the treatment plan.	116149 116150 116151 116152
(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	116153 116154
(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	116155 116156
(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.	116157 116158
(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.	116159 116160 116161
<b>Sec. 5122.03.</b> A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except when any of the following is the case:	116162 116163 116164 116165 116166
(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient.	116167 116168 116169 116170
(B) The patient was, within the past twelve months, a	116171

defendant described in division (B) (1) (a) (v) (I) of section 116172  
2945.38 of the Revised Code and the chief clinical officer of 116173  
the hospital decides not to file or cause to be filed an 116174  
affidavit under section 5122.11 of the Revised Code as described 116175  
in division (C) of this section. In that circumstance, the chief 116176  
clinical officer shall immediately notify the trial court or 116177  
prosecutor described in division (B) (1) (a) (v) (I) of section 116178  
2945.38 of the Revised Code of the chief clinical officer's 116179  
decision and intent to release the patient. Not later than three 116180  
court days after being notified of the intent to release, the 116181  
trial court or prosecutor may file or cause to be filed with the 116182  
court of the county where the patient is hospitalized, or the 116183  
court of the county where the patient resides, an affidavit 116184  
under section 5122.11 of the Revised Code. If such an affidavit 116185  
is filed, the patient's release must be postponed until a 116186  
hearing under section 5122.141 of the Revised Code is held. 116187

(C) The chief clinical officer of the hospital, within 116188  
three court days from the receipt of the request for release, 116189  
files or causes to be filed with the court of the county where 116190  
the patient is hospitalized or of the county where the patient 116191  
is a resident, an affidavit under section 5122.11 of the Revised 116192  
Code. Release may be postponed until the hearing held under 116193  
section 5122.141 of the Revised Code. A telephone communication 116194  
within three court days from the receipt of the request for 116195  
release from the chief clinical officer to the court, indicating 116196  
that the required affidavit has been mailed, is sufficient 116197  
compliance with the time limit for filing such affidavit. 116198

Unless the patient is released within three days from the 116199  
receipt of the request by the chief clinical officer, the 116200  
request shall serve as a request for an initial hearing under 116201  
section 5122.141 of the Revised Code. If the court finds that 116202

the patient is a person with a mental illness subject to court 116203  
order, all provisions of this chapter with respect to 116204  
involuntary hospitalization apply to such person. 116205

Judicial proceedings for hospitalization shall not be 116206  
commenced with respect to a voluntary patient except pursuant to 116207  
this section. 116208

Sections 5121.30 to 5121.56 of the Revised Code apply to 116209  
persons received in a hospital operated by the department of 116210  
~~mental behavioral health and addiction services~~ on a voluntary 116211  
application. 116212

The chief clinical officer of the hospital shall provide 116213  
reasonable means and arrangements for informing patients of 116214  
their rights to release as provided in this section and for 116215  
assisting them in making and presenting requests for release or 116216  
for a hearing under section 5122.141 of the Revised Code. 116217

Before a patient is released from a public hospital, the 116218  
chief clinical officer shall, when possible, ~~notify~~ provide 116219  
notice of the patient's pending release to the board of alcohol, 116220  
drug addiction, and mental health services serving the patient's 116221  
county of residence ~~of the patient's pending release after~~ . 116222  
Before the notice is given, the chief clinical officer ~~has~~ 116223  
~~informed~~ shall inform the patient that the board will be so 116224  
notified. 116225

**Sec. 5122.10.** (A) (1) Any of the following who has reason 116226  
to believe that a person is a person with a mental illness 116227  
subject to court order and represents a substantial risk of 116228  
physical harm to self or others if allowed to remain at liberty 116229  
pending examination may take the person into custody and may 116230  
immediately transport the person to a hospital or, 116231

notwithstanding section 5119.33 of the Revised Code, to a 116232  
general hospital not licensed by the department of ~~mental~~ 116233  
behavioral health and addiction services where the person may be 116234  
held for the period prescribed in this section: 116235

(a) A psychiatrist; 116236

(b) A licensed physician; 116237

(c) A licensed clinical psychologist; 116238

(d) A clinical nurse specialist who is certified as a 116239  
psychiatric-mental health CNS by the American nurses 116240  
credentialing center; 116241

(e) A certified nurse practitioner who is certified as a 116242  
psychiatric-mental health NP by the American nurses 116243  
credentialing center; 116244

(f) A health officer; 116245

(g) A parole officer; 116246

(h) A police officer; 116247

(i) A sheriff. 116248

(2) If the chief of the adult parole authority or a parole 116249  
or probation officer with the approval of the chief of the 116250  
authority has reason to believe that a parolee, an offender 116251  
under a community control sanction or post-release control 116252  
sanction, or an offender under transitional control is a person 116253  
with a mental illness subject to court order and represents a 116254  
substantial risk of physical harm to self or others if allowed 116255  
to remain at liberty pending examination, the chief or officer 116256  
may take the parolee or offender into custody and may 116257  
immediately transport the parolee or offender to a hospital or, 116258

notwithstanding section 5119.33 of the Revised Code, to a 116259  
general hospital not licensed by the department of ~~mental~~ 116260  
behavioral health and addiction services where the parolee or 116261  
offender may be held for the period prescribed in this section. 116262

(B) A written statement shall be given to the hospital by 116263  
the individual authorized under division (A) (1) or (2) of this 116264  
section to transport the person. The statement shall specify the 116265  
circumstances under which such person was taken into custody and 116266  
the reasons for the belief that the person is a person with a 116267  
mental illness subject to court order and represents a 116268  
substantial risk of physical harm to self or others if allowed 116269  
to remain at liberty pending examination. This statement shall 116270  
be made available to the respondent or the respondent's attorney 116271  
upon request of either. 116272

(C) Every reasonable and appropriate effort shall be made 116273  
to take persons into custody in the least conspicuous manner 116274  
possible. A person taking the respondent into custody pursuant 116275  
to this section shall explain to the respondent: the name and 116276  
professional designation and affiliation of the person taking 116277  
the respondent into custody; that the custody-taking is not a 116278  
criminal arrest; and that the person is being taken for 116279  
examination by mental health professionals at a specified mental 116280  
health facility identified by name. 116281

(D) If a person taken into custody under this section is 116282  
transported to a general hospital, the general hospital may 116283  
admit the person, or provide care and treatment for the person, 116284  
or both, notwithstanding section 5119.33 of the Revised Code, 116285  
but by the end of twenty-four hours after arrival at the general 116286  
hospital, the person shall be transferred to a hospital as 116287  
defined in section 5122.01 of the Revised Code. 116288

(E) A person transported or transferred to a hospital or community mental health services provider under this section shall be examined by the staff of the hospital or services provider within twenty-four hours after arrival at the hospital or services provider. If to conduct the examination requires that the person remain overnight, the hospital or services provider shall admit the person in an unclassified status until making a disposition under this section. After the examination, if the chief clinical officer of the hospital or services provider believes that the person is not a person with a mental illness subject to court order, the chief clinical officer shall release or discharge the person immediately unless a court has issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code. After the examination, if the chief clinical officer believes that the person is a person with a mental illness subject to court order, the chief clinical officer may detain the person for not more than three court days following the day of the examination and during such period admit the person as a voluntary patient under section 5122.02 of the Revised Code or file an affidavit under section 5122.11 of the Revised Code. If neither action is taken and a court has not otherwise issued a temporary order of detention applicable to the person under section 5122.11 of the Revised Code, the chief clinical officer shall discharge the person at the end of the three-day period unless the person has been sentenced to the department of rehabilitation and correction and has not been released from the person's sentence, in which case the person shall be returned to that department.

**Sec. 5122.15.** (A) Full hearings shall be conducted in a manner consistent with this chapter and with due process of law. The hearings shall be conducted by a judge of the probate court

or a referee designated by a judge of the probate court and may 116320  
be conducted in or out of the county in which the respondent is 116321  
held. Any referee designated under this division shall be an 116322  
attorney. 116323

(1) With the consent of the respondent, the following 116324  
shall be made available to counsel for the respondent: 116325

(a) All relevant documents, information, and evidence in 116326  
the custody or control of the state or prosecutor; 116327

(b) All relevant documents, information, and evidence in 116328  
the custody or control of the hospital in which the respondent 116329  
currently is held, or in which the respondent has been held 116330  
pursuant to this chapter; 116331

(c) All relevant documents, information, and evidence in 116332  
the custody or control of any hospital, facility, or person not 116333  
included in division (A) (1) (a) or (b) of this section. 116334

(2) The respondent has the right to attend the hearing and 116335  
to be represented by counsel of the respondent's choice. The 116336  
right to attend the hearing may be waived only by the respondent 116337  
or counsel for the respondent after consultation with the 116338  
respondent. 116339

(3) If the respondent is not represented by counsel, is 116340  
absent from the hearing, and has not validly waived the right to 116341  
counsel, the court shall appoint counsel immediately to 116342  
represent the respondent at the hearing, reserving the right to 116343  
tax costs of appointed counsel to the respondent, unless it is 116344  
shown that the respondent is indigent. If the court appoints 116345  
counsel, or if the court determines that the evidence relevant 116346  
to the respondent's absence does not justify the absence, the 116347  
court shall continue the case. 116348

(4) The respondent shall be informed that the respondent may retain counsel and have independent expert evaluation. If the respondent is unable to obtain an attorney, the respondent shall be represented by court-appointed counsel. If the respondent is indigent, court-appointed counsel and independent expert evaluation shall be provided as an expense under section 5122.43 of the Revised Code.

(5) The hearing shall be closed to the public, unless counsel for the respondent, with the permission of the respondent, requests that the hearing be open to the public.

(6) If the hearing is closed to the public, the court, for good cause shown, may admit persons who have a legitimate interest in the proceedings. If the respondent, the respondent's counsel, or the designee of the director or of the chief clinical officer objects to the admission of any person, the court shall hear the objection and any opposing argument and shall rule upon the admission of the person to the hearing.

(7) The affiant under section 5122.11 of the Revised Code shall be subject to subpoena by either party.

(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature and content of the documents and the reason for which the respondent is being detained, or for which the respondent's placement is being sought.

(9) The court shall receive only reliable, competent, and material evidence.

(10) Unless proceedings are initiated pursuant to section 5120.17 or 5139.08 of the Revised Code, an attorney that the

board designates shall present the case demonstrating that the 116378  
respondent is a person with a mental illness subject to court 116379  
order. The attorney shall offer evidence of the diagnosis, 116380  
prognosis, record of treatment, if any, and less restrictive 116381  
treatment plans, if any. In proceedings pursuant to section 116382  
5120.17 or 5139.08 of the Revised Code, the attorney general 116383  
shall designate an attorney who shall present the case 116384  
demonstrating that the respondent is a person with a mental 116385  
illness subject to court order. The attorney shall offer 116386  
evidence of the diagnosis, prognosis, record of treatment, if 116387  
any, and less restrictive treatment plans, if any. 116388

(11) The respondent or the respondent's counsel has the 116389  
right to subpoena witnesses and documents and to examine and 116390  
cross-examine witnesses. 116391

(12) The respondent has the right, but shall not be 116392  
compelled, to testify, and shall be so advised by the court. 116393

(13) On motion of the respondent or the respondent's 116394  
counsel for good cause shown, or on the court's own motion, the 116395  
court may order a continuance of the hearing. 116396

(14) If the respondent is represented by counsel and the 116397  
respondent's counsel requests a transcript and record, or if the 116398  
respondent is not represented by counsel, the court shall make 116399  
and maintain a full transcript and record of the proceeding. If 116400  
the respondent is indigent and the transcript and record is 116401  
made, a copy shall be provided to the respondent upon request 116402  
and be treated as an expense under section 5122.43 of the 116403  
Revised Code. 116404

(15) To the extent not inconsistent with this chapter, the 116405  
Rules of Civil Procedure are applicable. 116406

(B) Unless, upon completion of the hearing the court finds 116407  
by clear and convincing evidence that the respondent is a person 116408  
with a mental illness subject to court order, it shall order the 116409  
respondent's discharge immediately. 116410

(C) If, upon completion of the hearing, the court finds by 116411  
clear and convincing evidence that the respondent is a person 116412  
with a mental illness subject to court order, the court shall 116413  
order the respondent for a period not to exceed ninety days to 116414  
any of the following: 116415

(1) A hospital operated by the department of ~~mental~~ 116416  
behavioral health and addiction services if the respondent is 116417  
committed pursuant to section 5139.08 of the Revised Code; 116418

(2) A nonpublic hospital; 116419

(3) The veterans' administration or other agency of the 116420  
United States government; 116421

(4) A board of alcohol, drug addiction, and mental health 116422  
services or services provider the board designates; 116423

(5) Receive private psychiatric or psychological care and 116424  
treatment; 116425

(6) Any other suitable facility or person consistent with 116426  
the diagnosis, prognosis, and treatment needs of the respondent. 116427  
A jail or other local correctional facility is not a suitable 116428  
facility. 116429

(D) Any order made pursuant to division (C) (2), (3), (5), 116430  
or (6) of this section shall be conditioned upon the receipt by 116431  
the court of consent by the hospital, facility, agency, or 116432  
person to accept the respondent and may include a requirement 116433  
that a person or entity described in division (C) (2), (3), (5), 116434

or (6) of this section inform the board of alcohol, drug 116435  
addiction, and mental health services or community mental health 116436  
services provider the board designates about the progress of the 116437  
respondent with the treatment plan. 116438

(E) In determining the entity or person to which the 116439  
respondent is to be committed under division (C) of this 116440  
section, the court shall consider all of the following: 116441

(1) The respondent's diagnosis and prognosis made by a 116442  
psychiatrist, licensed clinical psychologist, clinical nurse 116443  
specialist who is certified as a psychiatric-mental health 116444  
clinical nurse specialist by the American nurses credentialing 116445  
center, or certified nurse practitioner who is certified as a 116446  
psychiatric-mental health nurse practitioner by the American 116447  
nurses credentialing center; 116448

(2) The respondent's preferences; 116449

(3) The respondent's projected treatment plan. 116450

The court shall order the implementation of the least 116451  
restrictive alternative available and consistent with treatment 116452  
goals. If the court determines that the least restrictive 116453  
alternative available that is consistent with treatment goals is 116454  
inpatient hospitalization, the court's order shall so state. 116455

(F) During the ninety-day period the entity or person 116456  
shall examine and treat the respondent. If the respondent is 116457  
receiving treatment in an outpatient setting, or receives 116458  
treatment in an outpatient setting during a subsequent period of 116459  
continued commitment under division (H) of this section, the 116460  
entity or person to whom the respondent is committed shall 116461  
determine the appropriate outpatient treatment for the 116462  
respondent. If, at any time prior to the expiration of the 116463

ninety-day period, it is determined by the entity or person that 116464  
the respondent's treatment needs could be equally well met in an 116465  
available and appropriate less restrictive setting, both of the 116466  
following apply: 116467

(1) The respondent shall be released from the care of the 116468  
entity or person immediately and shall be referred to the court 116469  
together with a report of the findings and recommendations of 116470  
the entity or person; 116471

(2) The entity or person shall notify the respondent's 116472  
counsel or the attorney designated by a board of alcohol, drug 116473  
addiction, and mental health services or, if the respondent was 116474  
committed to a board or a services provider designated by the 116475  
board, it shall place the respondent in the least restrictive 116476  
setting available consistent with treatment goals and notify the 116477  
court and the respondent's counsel of the placement. 116478

The court shall dismiss the case or order placement in the 116479  
least restrictive setting. 116480

(G) (1) Except as provided in division (G) (2) of this 116481  
section, any person for whom proceedings for treatment have been 116482  
commenced pursuant to section 5122.11 of the Revised Code, may 116483  
apply at any time for voluntary admission or treatment to the 116484  
entity or person to which the person was committed. Upon 116485  
admission as a voluntary patient the chief clinical officer of 116486  
the entity or the person immediately shall notify the court, the 116487  
patient's counsel, and the attorney designated by the board, if 116488  
the attorney has entered the proceedings, in writing of that 116489  
fact, and, upon receipt of the notice, the court shall dismiss 116490  
the case. 116491

(2) A person who is found incompetent to stand trial or 116492

not guilty by reason of insanity and who is committed pursuant 116493  
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 116494  
Revised Code shall not voluntarily commit the person pursuant to 116495  
this section until after the final termination of the 116496  
commitment, as described in division (J) of section 2945.401 of 116497  
the Revised Code. 116498

(H) If, at the end of the first ninety-day period or any 116499  
subsequent period of continued commitment, there has been no 116500  
disposition of the case, either by discharge or voluntary 116501  
admission or treatment, the entity or person shall discharge the 116502  
patient immediately, unless at least ten days before the 116503  
expiration of the period the attorney the board designates or 116504  
the prosecutor files with the court an application for continued 116505  
commitment. The application of the attorney or the prosecutor 116506  
shall include a written report containing the diagnosis, 116507  
prognosis, past treatment, a list of alternative treatment 116508  
settings and plans, and identification of the treatment setting 116509  
that is the least restrictive consistent with treatment needs. 116510  
The attorney the board designates or the prosecutor shall file 116511  
the written report at least three days prior to the full 116512  
hearing. A copy of the application and written report shall be 116513  
provided to the respondent's counsel immediately. 116514

The court shall hold a full hearing on applications for 116515  
continued commitment at the expiration of the first ninety-day 116516  
period and at least every two years after the expiration of the 116517  
first ninety-day period. 116518

Hearings following any application for continued 116519  
commitment are mandatory and may not be waived. 116520

For a respondent who is ordered to receive treatment in an 116521  
outpatient setting, if at any time after the first ninety-day 116522

period the entity or person to whom the respondent was ordered 116523  
determines that the respondent has demonstrated voluntary 116524  
consent for treatment, that entity or person shall immediately 116525  
notify the respondent, the respondent's counsel, the attorney 116526  
designated by the board, and the court. The entity or person 116527  
shall submit to the court a report of the findings and 116528  
recommendations. The court may dismiss the case upon review of 116529  
the facts. 116530

Upon request of a person who is involuntarily committed 116531  
under this section, or the person's counsel, that is made more 116532  
than one hundred eighty days after the person's last full 116533  
hearing, mandatory or requested, the court shall hold a full 116534  
hearing on the person's continued commitment. Upon the 116535  
application of a person involuntarily committed under this 116536  
section, supported by an affidavit of a psychiatrist or licensed 116537  
clinical psychologist, alleging that the person no longer is a 116538  
person with a mental illness subject to court order, the court 116539  
for good cause shown may hold a full hearing on the person's 116540  
continued commitment prior to the expiration of one hundred 116541  
eighty days after the person's last full hearing. Section 116542  
5122.12 of the Revised Code applies to all hearings on continued 116543  
commitment. 116544

If the court, after a hearing for continued commitment 116545  
finds by clear and convincing evidence that the respondent is a 116546  
person with a mental illness subject to court order, the court 116547  
may order continued commitment at places or to persons specified 116548  
in division (C) of this section. 116549

(I) Unless the admission is pursuant to section 5120.17 or 116550  
5139.08 of the Revised Code, the chief clinical officer of the 116551  
entity admitting a respondent pursuant to a judicial proceeding, 116552

within ten working days of the admission, shall make a report of 116553  
the admission to the board of alcohol, drug addiction, and 116554  
mental health services serving the respondent's county of 116555  
residence. 116556

(J) A referee appointed by the court may make all orders 116557  
that a judge may make under this section and sections 5122.11 116558  
and 5122.141 of the Revised Code, except an order of contempt of 116559  
court. The orders of a referee take effect immediately. Within 116560  
fourteen days of the making of an order by a referee, a party 116561  
may file written objections to the order with the court. The 116562  
filed objections shall be considered a motion, shall be 116563  
specific, and shall state their grounds with particularity. 116564  
Within ten days of the filing of the objections, a judge of the 116565  
court shall hold a hearing on the objections and may hear and 116566  
consider any testimony or other evidence relating to the 116567  
respondent's mental condition. At the conclusion of the hearing, 116568  
the judge may ratify, rescind, or modify the referee's order. 116569

(K) An order of the court under division (C), (H), or (J) 116570  
of this section is a final order. 116571

(L) Before a board, or a services provider the board 116572  
designates, may place an unconsenting respondent in an inpatient 116573  
setting from a less restrictive placement, the board or services 116574  
provider shall do all of the following: 116575

(1) Determine that the respondent is in immediate need of 116576  
treatment in an inpatient setting because the respondent 116577  
represents a substantial risk of physical harm to the respondent 116578  
or others if allowed to remain in a less restrictive setting; 116579

(2) On the day of placement in the inpatient setting or on 116580  
the next court day, file with the court a motion for transfer to 116581

an inpatient setting or communicate to the court by telephone 116582  
that the required motion has been mailed; 116583

(3) Ensure that every reasonable and appropriate effort is 116584  
made to take the respondent to the inpatient setting in the 116585  
least conspicuous manner possible; 116586

(4) Immediately notify the board's designated attorney and 116587  
the respondent's attorney. 116588

At the respondent's request, the court shall hold a 116589  
hearing on the motion and make a determination pursuant to 116590  
division (E) of this section within five days of the placement. 116591

(M) Before a board, or a services provider the board 116592  
designates, may move a respondent from one residential placement 116593  
to another, the board or services provider shall consult with 116594  
the respondent about the placement. If the respondent objects to 116595  
the placement, the proposed placement and the need for it shall 116596  
be reviewed by a qualified mental health professional who 116597  
otherwise is not involved in the treatment of the respondent. 116598

(N) The entity or person to whom the respondent was 116599  
ordered for treatment in an outpatient setting may submit a 116600  
report to the court indicating that the respondent has either 116601  
failed to comply with the treatment plan or begun to demonstrate 116602  
signs of decompensation that may be grounds for hospitalization. 116603  
On receipt of the report, the court shall promptly schedule a 116604  
hearing to review the case. The court shall conduct the hearing 116605  
in a manner consistent with this chapter and due process of law. 116606  
The board shall receive notice of the hearing and the board and 116607  
entity or person treating the respondent shall submit a report 116608  
to the court with a plan for appropriate alternative treatment, 116609  
if any, or recommend that the court discontinue the court- 116610

ordered treatment. The court shall consider available and 116611  
appropriate alternative placements but shall not impose criminal 116612  
sanctions that result in confinement in a jail or other local 116613  
correctional facility based on the respondent's failure to 116614  
comply with the treatment plan. The court may not order the 116615  
respondent to a more restrictive placement unless the criteria 116616  
specified in division (L) of this section are met and may not 116617  
order the respondent to an inpatient setting unless the court 116618  
determines by clear and convincing evidence presented by the 116619  
board that the respondent meets the criteria specified in 116620  
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 116621  
the Revised Code. 116622

**Sec. 5122.20.** The director of ~~mental-behavioral~~ health and 116623  
~~addiction services~~ or the director's designee may transfer, or 116624  
authorize the transfer of, an involuntary patient, or a 116625  
consenting voluntary patient hospitalized pursuant to section 116626  
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 116627  
one public hospital to another, or to a hospital, community 116628  
mental health services provider, or other facility offering 116629  
treatment or other services for mental illness, if the medical 116630  
director of the department of ~~mental-behavioral~~ health and 116631  
~~addiction services~~ determines that it would be consistent with 116632  
the medical needs of the patient to do so. If such a transfer is 116633  
made to a private facility, the transfer shall be conditioned 116634  
upon the consent of the facility. 116635

Before an involuntary patient may be transferred to a more 116636  
restrictive setting, the chief clinical officer shall file a 116637  
motion with the court requesting the court to amend its order of 116638  
placement issued under section 5122.15 of the Revised Code. At 116639  
the patient's request, the court shall hold a hearing on the 116640  
motion at which the patient has the same rights as at a full 116641

hearing under section 5122.15 of the Revised Code. The hearing 116642  
shall be held within ten days after the date on which the 116643  
respondent was transferred to the more restrictive setting or on 116644  
which the motion was filed, whichever is earlier. On the motion 116645  
of the respondent, the respondent's counsel, or the chief 116646  
clinical officer, or on its own motion, and for good cause 116647  
shown, the court may order a continuance of the hearing for up 116648  
to ten days. 116649

Whenever an involuntary patient is transferred, written 116650  
notice of the transfer shall be given to the patient's legal 116651  
guardian, parents, spouse, and counsel, or, if none is known, to 116652  
the patient's nearest known relative or friend. If the patient 116653  
is a minor, the department, before making such a transfer, shall 116654  
make a minute of the order for the transfer and the reason for 116655  
it upon its record and shall send a certified copy at least 116656  
seven days prior to the transfer to the person shown by its 116657  
record to have had the care or custody of the minor immediately 116658  
prior to the minor's commitment. Whenever a consenting voluntary 116659  
patient is transferred, the notification shall be given only at 116660  
the patient's request. The chief clinical officer shall advise a 116661  
voluntary patient who is being transferred that the patient may 116662  
decide if the notification shall be given. In all such 116663  
transfers, due consideration shall be given to the wishes of the 116664  
patient, and the relationship of the patient to the patient's 116665  
family, legal guardian, or friends, so as to maintain the 116666  
relationship and encourage visits beneficial to the patient. 116667

When a voluntary patient whose medical or psychological 116668  
needs are found by the chief clinical officer to warrant a 116669  
transfer refuses to be transferred to an alternate facility, the 116670  
chief clinical officer may file an affidavit for a hearing under 116671  
section 5122.11 of the Revised Code. 116672

**Sec. 5122.21.** (A) The chief clinical officer shall as 116673  
frequently as practicable, and at least once every thirty days, 116674  
examine or cause to be examined every patient, and, whenever the 116675  
chief clinical officer determines that the conditions justifying 116676  
involuntary hospitalization or commitment no longer obtain, 116677  
shall discharge the patient not under indictment or conviction 116678  
for crime and immediately make a report of the discharge to the 116679  
department of ~~mental behavioral health and addiction services~~. 116680  
The chief clinical officer may discharge a patient who is under 116681  
an indictment, a sentence of imprisonment, a community control 116682  
sanction, or a post-release control sanction or on parole ten 116683  
days after written notice of intent to discharge the patient has 116684  
been given by personal service or certified mail, return receipt 116685  
requested, to the court having criminal jurisdiction over the 116686  
patient. Except when the patient was found not guilty by reason 116687  
of insanity and the defendant's commitment is pursuant to 116688  
section 2945.40 of the Revised Code, the chief clinical officer 116689  
has final authority to discharge a patient who is under an 116690  
indictment, a sentence of imprisonment, a community control 116691  
sanction, or a post-release control sanction or on parole. 116692

(B) After a finding pursuant to section 5122.15 of the 116693  
Revised Code that a person is a person with a mental illness 116694  
subject to court order, the chief clinical officer of the 116695  
hospital or community mental health services provider to which 116696  
the person is ordered or to which the person is transferred 116697  
under section 5122.20 of the Revised Code, may grant a discharge 116698  
without the consent or authorization of any court. 116699

Upon discharge, the chief clinical officer shall notify 116700  
the court that caused the judicial hospitalization of the 116701  
discharge from the hospital. 116702

**Sec. 5122.23.** The chief clinical officer of a public 116703  
hospital shall immediately report to the department of ~~mental-~~ 116704  
behavioral health and addiction services and the board of 116705  
alcohol, drug addiction, and mental health services serving the 116706  
patient's county of residence the removal, death, escape, 116707  
discharge, or trial visit of any patient hospitalized under 116708  
section 5122.15 of the Revised Code, or the return of such an 116709  
escaped or visiting patient to the department, the probate judge 116710  
of the county from which such patient was hospitalized, and the 116711  
probate judge of the county of residence of such patient. In 116712  
case of death, the chief clinical officer also shall notify one 116713  
or more of the nearest relatives of the deceased patient, if 116714  
known to the chief clinical officer, by letter, telegram, or 116715  
telephone. If the place of residence of such relative is unknown 116716  
to the chief clinical officer, immediately upon receiving 116717  
notification the probate judge shall in the speediest manner 116718  
possible notify such relatives, if known to the probate judge. 116719

The chief clinical officer of a public hospital, upon the 116720  
request of the probate judge of the county from which a patient 116721  
was hospitalized or the probate judge of the county of residence 116722  
of such a patient, shall make a report to the judge of the 116723  
condition of any patient under the care, treatment, custody, or 116724  
control of the chief clinical officer. 116725

**Sec. 5122.26.** (A) If a patient is absent without leave, on 116726  
a verbal or written order issued within five days of the time of 116727  
the unauthorized absence by the department of ~~mental-~~behavioral 116728  
~~health and addiction services~~, the chief clinical officer of the 116729  
hospital from which the patient is absent without leave, or the 116730  
court of either the county from which the patient was committed 116731  
or in which the patient is found, any health or police officer 116732  
or sheriff may take the patient into custody and transport the 116733

patient to the hospital in which the patient was hospitalized or 116734  
to a place that is designated in the order. The officer 116735  
immediately shall report such fact to the entity that issued the 116736  
order. 116737

The chief clinical officer of a hospital may discharge a 116738  
patient who is under an indictment, a sentence of imprisonment, 116739  
a community control sanction, or a post-release control sanction 116740  
or on parole and who has been absent without leave for more than 116741  
thirty days but shall give written notice of the discharge to 116742  
the court with criminal jurisdiction over the patient. The chief 116743  
clinical officer of a hospital may discharge any other patient 116744  
who has been absent without leave for more than fourteen days. 116745

The chief clinical officer shall take all proper measures 116746  
for the apprehension of an escaped patient. The expense of the 116747  
return of an escaped patient shall be borne by the hospital 116748  
where the patient is hospitalized. 116749

(B) (1) Subject to division (B) (2) of this section, no 116750  
patient hospitalized under Chapter 5122. of the Revised Code 116751  
whose absence without leave was caused or contributed to by the 116752  
patient's mental illness shall be subject to a charge of escape. 116753

(2) Division (B) (1) of this section does not apply to any 116754  
person who was hospitalized, institutionalized, or confined in a 116755  
facility under an order made pursuant to or under authority of 116756  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 116757  
or 2945.402 of the Revised Code and who escapes from the 116758  
facility, from confinement in a vehicle for transportation to or 116759  
from the facility, or from supervision by an employee of the 116760  
facility that is incidental to hospitalization, 116761  
institutionalization, or confinement in the facility and that 116762  
occurs outside the facility, in violation of section 2921.34 of 116763

the Revised Code. 116764

**Sec. 5122.27.** The chief clinical officer of the hospital 116765  
or the chief clinical officer's designee shall assure that all 116766  
patients hospitalized or committed pursuant to this chapter 116767  
shall: 116768

(A) Receive, within twenty days of their admission 116769  
sufficient professional care to assure that an evaluation of 116770  
current status, differential diagnosis, probable prognosis, and 116771  
description of the current treatment plan is stated on the 116772  
official chart; 116773

(B) Have a written treatment plan consistent with the 116774  
evaluation, diagnosis, prognosis, and goals which shall be 116775  
provided, upon request of the patient or patient's counsel, to 116776  
the patient's counsel and to any private physician or licensed 116777  
clinical psychologist designated by the patient or the patient's 116778  
counsel or to the Ohio protection and advocacy system; 116779

(C) Receive treatment consistent with the treatment plan. 116780  
The department of ~~mental-behavioral health and addiction-~~ 116781  
~~services~~ shall set standards for treatment provided to such 116782  
patients, consistent wherever possible with standards set by the 116783  
joint commission. 116784

(D) Receive periodic reevaluations of the treatment plan 116785  
by the professional staff at intervals not to exceed ninety 116786  
days; 116787

(E) Be provided with adequate medical treatment for 116788  
physical disease or injury; 116789

(F) Receive humane care and treatment, including without 116790  
limitation, the following: 116791

(1) The least restrictive environment consistent with the treatment plan;	116792 116793
(2) The necessary facilities and personnel required by the treatment plan;	116794 116795
(3) A humane psychological and physical environment;	116796
(4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand;	116797 116798 116799
(5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment;	116800 116801 116802 116803
(6) The right to be free from unnecessary or excessive medication;	116804 116805
(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital.	116806 116807 116808 116809
If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of <del>mental-behavioral health- and addiction services</del> , and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health services	116810 116811 116812 116813 116814 116815 116816 116817 116818 116819 116820

provider, or other medical facility where treatment is 116821  
available, or has not received an order of the court to the 116822  
contrary, the involuntary commitment of any patient hospitalized 116823  
pursuant to Chapter 5122. of the Revised Code and defined as a 116824  
person with a mental illness subject to court order under 116825  
division (B) (4) of section 5122.01 of the Revised Code shall 116826  
automatically be terminated. 116827

**Sec. 5122.31.** (A) All certificates, applications, records, 116828  
and reports made for the purpose of this chapter and sections 116829  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 116830  
Code, other than court journal entries or court docket entries, 116831  
and directly or indirectly identifying a patient or former 116832  
patient or person whose hospitalization or commitment has been 116833  
sought under this chapter, shall be kept confidential and shall 116834  
not be disclosed by any person except: 116835

(1) If the person identified, or the person's legal 116836  
guardian, if any, or if the person is a minor, the person's 116837  
parent or legal guardian, consents, and if the disclosure is in 116838  
the best interests of the person, as may be determined by the 116839  
court for judicial records and by the chief clinical officer for 116840  
medical records; 116841

(2) When disclosure is provided for in this chapter or 116842  
Chapters 340. or 5119. of the Revised Code or in accordance with 116843  
other provisions of state or federal law authorizing such 116844  
disclosure; 116845

(3) That hospitals, boards of alcohol, drug addiction, and 116846  
mental health services, and community mental health services 116847  
providers may release necessary medical information to insurers 116848  
and other third-party payers, including government entities 116849  
responsible for processing and authorizing payment, to obtain 116850

payment for goods and services furnished to the patient; 116851

(4) Pursuant to a court order signed by a judge; 116852

(5) That a patient shall be granted access to the 116853  
patient's own psychiatric and medical records, unless access 116854  
specifically is restricted in a patient's treatment plan for 116855  
clear treatment reasons; 116856

(6) That hospitals and other institutions and facilities 116857  
within the department of ~~mental-behavioral health and addiction-~~ 116858  
~~services~~ may exchange psychiatric records and other pertinent 116859  
information with other hospitals, institutions, and facilities 116860  
of the department, and with community mental health services 116861  
providers and boards of alcohol, drug addiction, and mental 116862  
health services with which the department has a current 116863  
agreement for patient care or services. Records and information 116864  
that may be released pursuant to this division shall be limited 116865  
to medication history, physical health status and history, 116866  
financial status, summary of course of treatment in the 116867  
hospital, summary of treatment needs, and a discharge summary, 116868  
if any. 116869

(7) That hospitals within the department and other 116870  
institutions and facilities within the department may exchange 116871  
psychiatric records and other pertinent information with payers 116872  
and other providers of treatment, health services, and recovery 116873  
supports if the purpose of the exchange is to facilitate 116874  
continuity of care for a patient or for the emergency treatment 116875  
of an individual; 116876

(8) That a patient's family member who is involved in the 116877  
provision, planning, and monitoring of services to the patient 116878  
may receive medication information, a summary of the patient's 116879

diagnosis and prognosis, and a list of the services and 116880  
personnel available to assist the patient and the patient's 116881  
family, if the patient's treating physician determines that the 116882  
disclosure would be in the best interests of the patient. No 116883  
such disclosure shall be made unless the patient is notified 116884  
first and receives the information and does not object to the 116885  
disclosure. 116886

(9) That community mental health services providers may 116887  
exchange psychiatric records and certain other information with 116888  
the board of alcohol, drug addiction, and mental health services 116889  
and other services providers in order to provide services to a 116890  
person involuntarily committed to a board. Release of records 116891  
under this division shall be limited to medication history, 116892  
physical health status and history, financial status, summary of 116893  
course of treatment, summary of treatment needs, and discharge 116894  
summary, if any. 116895

(10) That information may be disclosed to the executor or 116896  
the administrator of an estate of a deceased patient when the 116897  
information is necessary to administer the estate; 116898

(11) That records in the possession of the Ohio history 116899  
connection may be released to the closest living relative of a 116900  
deceased patient upon request of that relative; 116901

(12) That records pertaining to the patient's diagnosis, 116902  
course of treatment, treatment needs, and prognosis shall be 116903  
disclosed and released to the appropriate prosecuting attorney 116904  
if the patient was committed pursuant to section 2945.38, 116905  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 116906  
to the attorney designated by the board for proceedings pursuant 116907  
to involuntary commitment under this chapter. 116908

(13) That the department of ~~mental~~ behavioral health and ~~addiction services~~ may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any;

(14) That records and reports relating to a person who has been deceased for fifty years or more are no longer considered confidential.

(B) Before records are disclosed pursuant to divisions (A) (3), (6), and (9) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law.

(C) The managing officer of a hospital who releases necessary medical information under division (A) (3) of this section to allow an insurance carrier or other third party payor

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to comply with section 5121.43 of the Revised Code shall neither 116939  
be subject to criminal nor civil liability. 116940

**Sec. 5122.32.** (A) As used in this section: 116941

(1) "Quality assurance committee" means a committee that 116942  
is appointed in the central office of the department of ~~mental-~~ 116943  
behavioral health and addiction services by the director of 116944  
~~mental-behavioral health and addiction services~~, a committee of 116945  
a hospital or community setting program, or a duly authorized 116946  
subcommittee of a committee of that nature and that is 116947  
designated to carry out quality assurance program activities. 116948

(2) "Quality assurance program" means a comprehensive 116949  
program within the department of ~~mental-behavioral health and-~~ 116950  
~~addiction services~~ to systematically review and improve the 116951  
quality of medical and mental health services within the 116952  
department and its hospitals and community setting programs, the 116953  
safety and security of persons receiving or administering 116954  
medical and mental health services within the department and its 116955  
hospitals and community setting programs, and the efficiency and 116956  
effectiveness of the utilization of staff and resources in the 116957  
delivery of medical and mental health services within the 116958  
department and its hospitals and community setting programs. 116959  
"Quality assurance program" includes the central office quality 116960  
assurance committees, morbidity and mortality review committees, 116961  
quality assurance programs of community setting programs, 116962  
quality assurance committees of hospitals operated by the 116963  
department of ~~mental-behavioral health and addiction services~~, 116964  
and the office of licensure and certification of the department. 116965

(3) "Quality assurance program activities" include 116966  
collecting or compiling information and reports required by a 116967  
quality assurance committee, receiving, reviewing, or 116968

implementing the recommendations made by a quality assurance 116969  
committee, and credentialing, privileging, infection control, 116970  
tissue review, peer review, utilization review including access 116971  
to patient care records, patient care assessment records, and 116972  
medical and mental health records, medical and mental health 116973  
resource management, mortality and morbidity review, and 116974  
identification and prevention of medical or mental health 116975  
incidents and risks, whether performed by a quality assurance 116976  
committee or by persons who are directed by a quality assurance 116977  
committee. 116978

(4) "Quality assurance records" means the proceedings, 116979  
discussion, records, findings, recommendations, evaluations, 116980  
opinions, minutes, reports, and other documents or actions that 116981  
emanate from quality assurance committees, quality assurance 116982  
programs, or quality assurance program activities. "Quality 116983  
assurance records" does not include aggregate statistical 116984  
information that does not disclose the identity of persons 116985  
receiving or providing medical or mental health services in 116986  
department of ~~mental behavioral health and addiction services~~ 116987  
hospitals or community setting programs. 116988

(B) (1) Except as provided in division (E) of this section, 116989  
quality assurance records are confidential and are not public 116990  
records under section 149.43 of the Revised Code, and shall be 116991  
used only in the course of the proper functions of a quality 116992  
assurance program. 116993

(2) Except as provided in division (E) of this section, no 116994  
person who possesses or has access to quality assurance records 116995  
and who knows that the records are quality assurance records 116996  
shall willfully disclose the contents of the records to any 116997  
person or entity. 116998

(C) (1) Except as provided in division (E) of this section, 116999  
no quality assurance record shall be subject to discovery, and 117000  
is not admissible in evidence, in any judicial or administrative 117001  
proceeding. 117002

(2) Except as provided in division (E) of this section, no 117003  
member of a quality assurance committee or a person who is 117004  
performing a function that is part of a quality assurance 117005  
program shall be permitted or required to testify in a judicial 117006  
or administrative proceeding with respect to quality assurance 117007  
records or with respect to any finding, recommendation, 117008  
evaluation, opinion, or other action taken by the committee, 117009  
member, or person. 117010

(3) Information, documents, or records otherwise available 117011  
from original sources are not to be construed as being 117012  
unavailable for discovery or admission in evidence in a judicial 117013  
or administrative proceeding merely because they were presented 117014  
to a quality assurance committee. No person testifying before a 117015  
quality assurance committee or person who is a member of a 117016  
quality assurance committee shall be prevented from testifying 117017  
as to matters within the person's knowledge, but the witness 117018  
cannot be asked about the witness' testimony before the quality 117019  
assurance committee or about an opinion formed by the person as 117020  
a result of the quality assurance committee proceedings. 117021

(D) (1) A person who, without malice and in the reasonable 117022  
belief that the information is warranted by the facts known to 117023  
the person, provides information to a person engaged in quality 117024  
assurance program activities is not liable for damages in a 117025  
civil action for injury, death, or loss to person or property to 117026  
any person as a result of providing the information. 117027

(2) A member of a quality assurance committee, a person 117028

engaged in quality assurance program activities, and an employee 117029  
of the department of ~~mental behavioral health and addiction~~ 117030  
~~services~~ shall not be liable in damages in a civil action for 117031  
injury, death, or loss to person or property to any person for 117032  
any acts, omissions, decisions, or other conduct within the 117033  
scope of the functions of the quality assurance program. 117034

(3) Nothing in this section shall relieve any institution 117035  
or individual from liability arising from the treatment of a 117036  
patient. 117037

(E) Quality assurance records may be disclosed, and 117038  
testimony may be provided concerning quality assurance records, 117039  
only to the following persons or entities: 117040

(1) Persons who are employed or retained by the department 117041  
of ~~mental behavioral health and addiction services~~ and who have 117042  
authority to evaluate or implement the recommendations of a 117043  
state-operated hospital, community setting program, or central 117044  
office quality assurance committee; 117045

(2) Public or private agencies or organizations if needed 117046  
to perform a licensing or accreditation function related to 117047  
department of ~~mental behavioral health and addiction services~~ 117048  
hospitals or community setting programs, or to perform 117049  
monitoring of a hospital or program of that nature as required 117050  
by law. 117051

(F) A disclosure of quality assurance records pursuant to 117052  
division (E) of this section does not otherwise waive the 117053  
confidential and privileged status of the disclosed quality 117054  
assurance records. 117055

(G) Nothing in this section shall limit the access of the 117056  
Ohio protection and advocacy system to records or personnel as 117057

required under section 5123.601 of the Revised Code. Nothing in 117058  
this section shall limit the admissibility of documentary or 117059  
testimonial evidence in an action brought by the Ohio protection 117060  
and advocacy system in its own name or on behalf of a client. 117061

**Sec. 5122.33.** The department of ~~mental~~behavioral health 117062  
~~and addiction services~~ may prescribe the form of applications, 117063  
reports, records, and medical certificates provided for under 117064  
this chapter, and the information required to be contained 117065  
therein; require reports from the chief clinical officer of any 117066  
public hospital relating to the admission, examination, 117067  
diagnosis, release, or discharge of any patient; visit each such 117068  
hospital regularly to review the admission procedures of all new 117069  
patients admitted between visits; investigate by personal visit 117070  
complaints made by any patient or by any person on behalf of a 117071  
patient; and adopt such rules as are reasonably necessary to 117072  
effectuate the provisions of this chapter. 117073

**Sec. 5122.341.** (A) As used in this section: 117074

(1) "Facility or provider" means, in the context of a 117075  
person committed to the department of ~~mental~~behavioral health 117076  
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 117077  
Revised Code, any entity in which the department of ~~mental~~ 117078  
behavioral health ~~and addiction services~~ places such a person. 117079

(2) "Person committed to the department" means a person 117080  
committed to the department of ~~mental~~behavioral health ~~and~~ 117081  
~~addiction services~~ under sections 2945.37 to 2945.402 of the 117082  
Revised Code. 117083

(B) No member of a board of directors, or employee, of a 117084  
facility or provider in which the department of ~~mental~~ 117085  
behavioral health ~~and addiction services~~ places a person 117086

committed to the department is liable for injury or damages 117087  
caused by any action or inaction taken within the scope of the 117088  
board member's official duties or employee's employment relating 117089  
to the commitment of, and services provided to, the person 117090  
committed to the department, unless the action or inaction 117091  
constitutes willful or wanton misconduct. A board member's or 117092  
employee's action or inaction does not constitute willful or 117093  
wanton misconduct if the board member or employee acted in good 117094  
faith and reasonably under the circumstances and with the 117095  
knowledge reasonably attributable to the board member or 117096  
employee. 117097

The immunity from liability conferred by this section is 117098  
in addition to and not in limitation of any immunity conferred 117099  
by any other section of the Revised Code or by judicial 117100  
precedent. 117101

**Sec. 5122.36.** If the legal residence of a person with a 117102  
mental illness is in another county of the state, the necessary 117103  
expense of the person's return is a proper charge against the 117104  
county of legal residence. If an adjudication and order of 117105  
hospitalization by the probate court of the county of temporary 117106  
residence are required, the regular probate court fees and 117107  
expenses incident to the order of hospitalization under this 117108  
chapter and any other expense incurred on the person's behalf 117109  
shall be charged to and paid by the county of the person's legal 117110  
residence upon the approval and certification of the probate 117111  
judge of the county of the person's legal residence. The 117112  
ordering court shall send to the probate court of the person's 117113  
county of legal residence a certified copy of the commitment 117114  
order from the ordering court. The receiving court shall enter 117115  
and record the commitment order. The certified commitment order 117116  
is prima facie evidence of the residence of the person. When the 117117

residence of the person cannot be established as represented by 117118  
the ordering court, the matter of residence shall be referred to 117119  
the department of ~~mental-behavioral health and addiction-~~ 117120  
~~services~~ for investigation and determination. 117121

**Sec. 5122.44.** As used in sections 5122.44 to 5122.47 of 117122  
the Revised Code: 117123

(A) "Compilation" means a written list of the following 117124  
information, as the department of ~~mental-behavioral health and-~~ 117125  
~~addiction services~~ is able to reasonably ascertain, for every 117126  
patient who was buried, entombed, or inurned prior to March 31, 117127  
2005, in a cemetery located on the grounds of or adjacent to the 117128  
grounds of a public hospital: 117129

(1) Name; 117130

(2) Date of birth; 117131

(3) Date of death or burial; 117132

(4) Specific physical location of the burial, entombment, 117133  
or inurnment, including the plot or grave site number if 117134  
available. 117135

(B) "Patient" means an individual who died while admitted 117136  
to a public hospital that was under the control of the 117137  
department of ~~mental-behavioral health and addiction services.~~ 117138

(C) "Record" has the same meaning as in section 149.011 of 117139  
the Revised Code. 117140

(D) "State agency" means every organized body, office, or 117141  
agency established by the laws of the state for the exercise of 117142  
any function of state government. 117143

**Sec. 5122.45.** The department of ~~mental-behavioral health~~ 117144

~~and addiction services~~ shall create a separate compilation for 117145  
each cemetery located on the grounds of or adjacent to the 117146  
grounds of a public hospital that is under the control of the 117147  
department on March 31, 2005. The compilation shall be created 117148  
within a reasonable time not exceeding three years after March 117149  
31, 2005. The department shall use its best efforts to create 117150  
the most complete compilations possible using records in the 117151  
department's possession and records obtained in accordance with 117152  
section 5122.46 of the Revised Code. 117153

**Sec. 5122.46.** The Ohio history connection and each state 117154  
agency shall, at the request of the department of ~~mental-~~ 117155  
behavioral health ~~and addiction services~~, provide the department 117156  
access to records and information in the possession of the Ohio 117157  
history connection or state agency for purposes of creating 117158  
compilations. 117159

**Sec. 5122.47.** The department of ~~mental-~~behavioral health 117160  
~~and addiction services~~ shall deposit a copy of each compilation 117161  
with the Ohio history connection and the state library as soon 117162  
as a compilation is completed. The department shall not disclose 117163  
any record or information used to create a compilation except as 117164  
provided in sections 149.43 and 5122.31 of the Revised Code. 117165

**Sec. 5123.081.** (A) As used in this section: 117166

(1) (a) "Applicant" means any of the following: 117167

(i) A person who is under final consideration for 117168  
appointment to or employment with the department of 117169  
developmental disabilities or a county board of developmental 117170  
disabilities; 117171

(ii) A person who is being transferred to the department 117172  
or a county board; 117173

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff;	117174 117175
(iv) A person under final consideration for a direct services position with a provider or subcontractor.	117176 117177
(b) Neither of the following is an applicant:	117178
(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense;	117179 117180 117181 117182 117183 117184 117185
(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.	117186 117187 117188 117189 117190
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	117191 117192
(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.	117193 117194 117195 117196
(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code.	117197 117198 117199
(5) (a) "Employee" means either of the following:	117200
(i) A person appointed to or employed by the department of	117201

developmental disabilities or a county board of developmental disabilities; 117202  
117203

(ii) A person employed in a direct services position by a provider or subcontractor. 117204  
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(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person. 117206  
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(6) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 117211  
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(7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions. 117213  
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(8) "Responsible entity" means the following: 117216

(a) The department of developmental disabilities in the case of either of the following: 117217  
117218

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff; 117219  
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(ii) A person who is an employee because the person is appointed to or employed by the department. 117223  
117224

(b) A county board of developmental disabilities in the case of either of the following: 117225  
117226

(i) A person who is an applicant because the person is under final consideration for appointment to or employment with 117227  
117228

the county board, being transferred to the county board, or 117229  
being recalled to or reemployed by the county board after a 117230  
layoff; 117231

(ii) A person who is an employee because the person is 117232  
appointed to or employed by the county board. 117233

(c) A provider in the case of either of the following: 117234

(i) A person who is an applicant because the person is 117235  
under final consideration for a direct services position with 117236  
the provider; 117237

(ii) A person who is an employee because the person is 117238  
employed in a direct services position by the provider. 117239

(d) A subcontractor in the case of either of the 117240  
following: 117241

(i) A person who is an applicant because the person is 117242  
under final consideration for a direct services position with 117243  
the subcontractor; 117244

(ii) A person who is an employee because the person is 117245  
employed in a direct services position by the subcontractor. 117246

(9) "Specialized services" means any program or service 117247  
designed and operated to serve primarily individuals with 117248  
developmental disabilities, including a program or service 117249  
provided by an entity licensed or certified by the department of 117250  
developmental disabilities. If there is a question as to whether 117251  
a provider or subcontractor is providing specialized services, 117252  
the provider or subcontractor may request that the director of 117253  
developmental disabilities make a determination. The director's 117254  
determination is final. 117255

(10) "Subcontractor" means a person to which both of the 117256

following apply: 117257

(a) The person has either of the following: 117258

(i) A subcontract with a provider to provide specialized 117259  
services included in the contract between the provider and the 117260  
department of developmental disabilities or a county board of 117261  
developmental disabilities; 117262

(ii) A subcontract with another subcontractor to provide 117263  
specialized services included in a subcontract between the other 117264  
subcontractor and a provider or other subcontractor. 117265

(b) The person employs one or more persons in direct 117266  
services positions. 117267

(B) A responsible entity shall not employ an applicant or 117268  
continue to employ an employee if either of the following 117269  
applies: 117270

(1) The applicant or employee fails to comply with 117271  
division (D) (3) of this section. 117272

(2) Except as provided in rules adopted under this 117273  
section, the applicant or employee is found by a criminal 117274  
records check required by this section to have been convicted 117275  
of, pleaded guilty to, or been found eligible for intervention 117276  
in lieu of conviction for a disqualifying offense. 117277

(C) Before employing an applicant in a position for which 117278  
a criminal records check is required by this section, a 117279  
responsible entity shall require the applicant to submit a 117280  
statement with the applicant's signature attesting that the 117281  
applicant has not been convicted of, pleaded guilty to, or been 117282  
found eligible for intervention in lieu of conviction for a 117283  
disqualifying offense. The responsible entity also shall require 117284

the applicant to sign an agreement under which the applicant 117285  
agrees to notify the responsible entity within fourteen calendar 117286  
days if, while employed by the responsible entity, the applicant 117287  
is formally charged with, is convicted of, pleads guilty to, or 117288  
is found eligible for intervention in lieu of conviction for a 117289  
disqualifying offense. The agreement shall provide that the 117290  
applicant's failure to provide the notification may result in 117291  
termination of the applicant's employment. 117292

(D) (1) As a condition of employing any applicant in a 117293  
position for which a criminal records check is required by this 117294  
section, a responsible entity shall request the superintendent 117295  
of the bureau of criminal identification and investigation to 117296  
conduct a criminal records check of the applicant. If rules 117297  
adopted under this section require an employee to undergo a 117298  
criminal records check, a responsible entity shall request the 117299  
superintendent to conduct a criminal records check of the 117300  
employee at times specified in the rules as a condition of the 117301  
responsible entity's continuing to employ the employee in a 117302  
position for which a criminal records check is required by this 117303  
section. If an applicant or employee does not present proof that 117304  
the applicant or employee has been a resident of this state for 117305  
the five-year period immediately prior to the date upon which 117306  
the criminal records check is requested, the responsible entity 117307  
shall request that the superintendent obtain information from 117308  
the federal bureau of investigation as a part of the criminal 117309  
records check. If the applicant or employee presents proof that 117310  
the applicant or employee has been a resident of this state for 117311  
that five-year period, the responsible entity may request that 117312  
the superintendent include information from the federal bureau 117313  
of investigation in the criminal records check. For purposes of 117314  
this division, an applicant or employee may provide proof of 117315

residency in this state by presenting, with a ~~notarized~~ 117316  
statement asserting that the applicant or employee has been a 117317  
resident of this state for that five-year period, a valid 117318  
driver's license, notification of registration as an elector, a 117319  
copy of an officially filed federal or state tax form 117320  
identifying the applicant's or employee's permanent residence, 117321  
or any other document the responsible entity considers 117322  
acceptable. 117323

(2) A responsible entity shall do all of the following: 117324

(a) Provide to each applicant and employee for whom a 117325  
criminal records check is required by this section a copy of the 117326  
form prescribed pursuant to division (C) (1) of section 109.572 117327  
of the Revised Code and a standard impression sheet to obtain 117328  
fingerprint impressions prescribed pursuant to division (C) (2) 117329  
of section 109.572 of the Revised Code; 117330

(b) Obtain the completed form and standard impression 117331  
sheet from the applicant or employee; 117332

(c) Forward the completed form and standard impression 117333  
sheet to the superintendent at the time the criminal records 117334  
check is requested. 117335

(3) Any applicant or employee who receives pursuant to 117336  
this division a copy of the form prescribed pursuant to division 117337  
(C) (1) of section 109.572 of the Revised Code and a copy of the 117338  
standard impression sheet prescribed pursuant to division (C) (2) 117339  
of that section and who is requested to complete the form and 117340  
provide a set of the applicant's or employee's fingerprint 117341  
impressions shall complete the form or provide all the 117342  
information necessary to complete the form and shall provide the 117343  
standard impression sheet with the impressions of the 117344

applicant's or employee's fingerprints. 117345

(4) A responsible entity shall pay to the bureau of 117346  
criminal identification and investigation the fee prescribed 117347  
pursuant to division (C)(3) of section 109.572 of the Revised 117348  
Code for each criminal records check requested and conducted 117349  
pursuant to this section. 117350

(E) A responsible entity may request any other state or 117351  
federal agency to supply the responsible entity with a written 117352  
report regarding the criminal record of an applicant or 117353  
employee. If an employee holds an occupational or professional 117354  
license or other credentials, the responsible entity may request 117355  
that the state or federal agency that regulates the employee's 117356  
occupation or profession supply the responsible entity with a 117357  
written report of any information pertaining to the employee's 117358  
criminal record that the agency obtains in the course of 117359  
conducting an investigation or in the process of renewing the 117360  
employee's license or other credentials. The responsible entity 117361  
may consider the reports when determining whether to employ the 117362  
applicant or to continue to employ the employee. 117363

(F) As a condition of employing an applicant in a position 117364  
for which a criminal records check is required by this section 117365  
and that involves transporting individuals with developmental 117366  
disabilities or operating a responsible entity's vehicles for 117367  
any purpose, the responsible entity shall obtain the applicant's 117368  
driving record from the bureau of motor vehicles. If rules 117369  
adopted under this section require a responsible entity to 117370  
obtain an employee's driving record, the responsible entity 117371  
shall obtain the employee's driving record from the bureau at 117372  
times specified in the rules as a condition of continuing to 117373  
employ the employee. The responsible entity may consider the 117374

applicant's or employee's driving record when determining 117375  
whether to employ the applicant or to continue to employ the 117376  
employee. 117377

(G) A responsible entity may employ an applicant 117378  
conditionally pending receipt of a report regarding the 117379  
applicant requested under this section. The responsible entity 117380  
shall request the report before employing the applicant 117381  
conditionally. The responsible entity shall terminate the 117382  
applicant's employment if it is determined from a report that 117383  
the applicant failed to inform the responsible entity that the 117384  
applicant had been convicted of, pleaded guilty to, or been 117385  
found eligible for intervention in lieu of conviction for a 117386  
disqualifying offense. 117387

(H) A responsible entity may charge an applicant a fee for 117388  
costs the responsible entity incurs in obtaining a report 117389  
regarding the applicant under this section if the responsible 117390  
entity notifies the applicant of the amount of the fee at the 117391  
time of the applicant's initial application for employment and 117392  
that, unless the fee is paid, the responsible entity will not 117393  
consider the applicant for employment. The fee shall not exceed 117394  
the amount of the fee, if any, the responsible entity pays for 117395  
the report. 117396

(I) (1) Any report obtained pursuant to this section is not 117397  
a public record for purposes of section 149.43 of the Revised 117398  
Code and shall not be made available to any person, other than 117399  
the following: 117400

(a) The applicant or employee who is the subject of the 117401  
report or the applicant's or employee's representative; 117402

(b) The responsible entity that requested the report or 117403

its representative; 117404

(c) The department if a county board, provider, or 117405  
subcontractor is the responsible entity that requested the 117406  
report and the department requests the responsible entity to 117407  
provide a copy of the report to the department; 117408

(d) A county board if a provider or subcontractor is the 117409  
responsible entity that requested the report and the county 117410  
board requests the responsible entity to provide a copy of the 117411  
report to the county board; 117412

(e) Any court, hearing officer, or other necessary 117413  
individual involved in a case dealing with any of the following: 117414

(i) The denial of employment to the applicant or employee; 117415

(ii) The denial, suspension, or revocation of a 117416  
certificate under section 5123.166 or 5123.45 of the Revised 117417  
Code; 117418

(iii) A civil or criminal action regarding the medicaid 117419  
program or a program the department administers. 117420

(2) An applicant or employee for whom the responsible 117421  
entity has obtained reports under this section may submit a 117422  
written request to the responsible entity to have copies of the 117423  
reports sent to any state agency, entity of local government, or 117424  
private entity. The applicant or employee shall specify in the 117425  
request the agencies or entities to which the copies are to be 117426  
sent. On receiving the request, the responsible entity shall 117427  
send copies of the reports to the agencies or entities 117428  
specified. 117429

(3) A responsible entity may request that a state agency, 117430  
entity of local government, or private entity send copies to the 117431

responsible entity of any report regarding a records check or 117432  
criminal records check that the agency or entity possesses, if 117433  
the responsible entity obtains the written consent of the 117434  
individual who is the subject of the report. 117435

(4) A responsible entity shall provide each applicant and 117436  
employee with a copy of any report obtained about the applicant 117437  
or employee under this section. 117438

(J) The director of developmental disabilities shall adopt 117439  
rules in accordance with Chapter 119. of the Revised Code to 117440  
implement this section. 117441

(1) The rules may do the following: 117442

(a) Require employees to undergo criminal records checks 117443  
under this section; 117444

(b) Require responsible entities to obtain the driving 117445  
records of employees under this section; 117446

(c) If the rules require employees to undergo criminal 117447  
records checks, require responsible entities to obtain the 117448  
driving records of employees, or both, exempt one or more 117449  
classes of employees from the requirements. 117450

(2) The rules shall do all of the following: 117451

(a) If the rules require employees to undergo criminal 117452  
records checks, require responsible entities to obtain the 117453  
driving records of employees, or both, specify the times at 117454  
which the criminal records checks are to be conducted and the 117455  
driving records are to be obtained; 117456

(b) Specify circumstances under which a responsible entity 117457  
may employ an applicant or employee who is found by a criminal 117458  
records check required by this section to have been convicted 117459

of, pleaded guilty to, or been found eligible for intervention 117460  
in lieu of conviction for a disqualifying offense but meets 117461  
standards in regard to rehabilitation set by the director; 117462

(c) Require a responsible entity to request a criminal 117463  
records check under this section before employing an applicant 117464  
conditionally as permitted under division (G) of this section. 117465

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1611~~ 117466  
5123.1613 of the Revised Code: 117467

(1) "Applicant" means any of the following: 117468

(a) The chief executive officer of a business that applies 117469  
under section 5123.161 of the Revised Code for a certificate to 117470  
provide supported living; 117471

(b) The chief executive officer of a business that seeks 117472  
renewal of the business's supported living certificate under 117473  
section 5123.164 of the Revised Code; 117474

(c) An individual who applies under section 5123.161 of 117475  
the Revised Code for a certificate to provide supported living 117476  
as an independent provider; 117477

(d) An independent provider who seeks renewal of the 117478  
independent provider's supported living certificate under 117479  
section 5123.164 of the Revised Code. 117480

(2) "Business" means an association, corporation, 117481  
nonprofit organization, partnership, trust, or other group of 117482  
persons. "Business" does not mean an independent provider. 117483

(3) "Criminal records check" has the same meaning as in 117484  
section 109.572 of the Revised Code. 117485

(4) "Disqualifying offense" means any of the offenses 117486

listed or described in divisions (A) (3) (a) to (e) of section	117487
109.572 of the Revised Code.	117488
(5) "Independent provider" means a provider who provides	117489
supported living on a self-employed basis and does not employ,	117490
directly or through contract, another person to provide the	117491
supported living.	117492
(6) "Provider" means a person or government entity	117493
certified by the director of developmental disabilities to	117494
provide supported living. For the purpose of division (A) (8) of	117495
this section, "provider" includes a person or government entity	117496
that seeks or previously held a certificate to provide supported	117497
living.	117498
(7) "Minor drug possession offense" has the same meaning	117499
as in section 2925.01 of the Revised Code.	117500
(8) "Related party" means any of the following:	117501
(a) In the case of a provider who is an individual, any of	117502
the following:	117503
(i) The spouse of the provider;	117504
(ii) A parent or stepparent of the provider or provider's	117505
spouse;	117506
(iii) A child of the provider or provider's spouse;	117507
(iv) A sibling, half sibling, or stepsibling of the	117508
provider or provider's spouse;	117509
(v) A grandparent of the provider or provider's spouse;	117510
(vi) A grandchild of the provider or provider's spouse.	117511
(b) In the case of a provider that is a person other than	117512
an individual, any of the following:	117513

- (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;
- (ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;
- (iii) A member of the provider's board of directors or trustees;
- (iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;
- (v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A) (8) (b) (i) to (iv) of this section;
- (vi) A person over which the provider has control of the day-to-day operation;
- (vii) A corporation that has a subsidiary relationship with the provider.
- (c) In the case of a provider that is a government entity, any of the following:
- (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations

(including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement;

(ii) An officer of the provider;

(iii) A member of the provider's governing board;

(iv) A person or government entity over which the provider has control of the day-to-day operation.

(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.

(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.1611 of the Revised Code.

**Sec. 5123.168.** The director of developmental disabilities ~~may issue an adjudication order in accordance with Chapter 119. of the Revised Code to~~ shall terminate a supported living certificate if the certificate holder has not billed for supported living for ~~twelve~~ twenty-four consecutive months. To terminate a supported living certificate under this section, the director shall send a notice by certified mail to the certificate holder at the address on file with the department of developmental disabilities explaining why the certificate is terminated.

**Sec. 5123.169.** (A) The director of developmental disabilities shall not issue a supported living certificate to an applicant or renew an applicant's supported living certificate if either of the following applies:

(1) The applicant fails to comply with division (C) (2) of this section; 117570  
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(2) Except as provided in rules adopted under section 5123.1611 of the Revised Code, the applicant is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 117572  
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(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in action being taken by the director against the applicant under section 5123.166 of the Revised Code. 117577  
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(C) (1) As a condition of receiving a supported living certificate or having a supported living certificate renewed, an applicant shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If an applicant does not present proof to the director that the applicant has been a resident of this state for the five-year period immediately prior to the 117593  
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date that the applicant applies for issuance or renewal of the supported living certificate, the director shall require the applicant to request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant presents proof to the director that the applicant has been a resident of this state for that five-year period, the director may require the applicant to request that the superintendent include information from the federal bureau of investigation in the criminal records check. For purposes of this division, an applicant may provide proof of residency in this state by presenting, with a ~~notarized~~ statement asserting that the applicant has been a resident of this state for that five-year period, a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the applicant's permanent residence, or any other document the director considers acceptable.

(2) Each applicant shall do all of the following:

(a) Obtain a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code;

(b) Complete the form and provide the applicant's fingerprint impressions on the standard impression sheet;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested;

(d) Instruct the superintendent to submit the completed report of the criminal records check directly to the director;

(e) Pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check of the applicant requested and conducted pursuant to this section. 117629  
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(D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate. 117634  
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(E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate. 117640  
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(F) (1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following: 117650  
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117653

(a) The applicant who is the subject of the report or the applicant's representative; 117654  
117655

(b) The director or the director's representative; 117656

(c) Any court, hearing officer, or other necessary 117657

individual involved in a case dealing with any of the following: 117658

(i) The denial of a supported living certificate or 117659  
refusal to renew a supported living certificate; 117660

(ii) The denial, suspension, or revocation of a 117661  
certificate under section 5123.45 of the Revised Code; 117662

(iii) A civil or criminal action regarding the medicaid 117663  
program. 117664

(2) An applicant for whom the director has obtained 117665  
reports under this section may submit a written request to the 117666  
director to have copies of the reports sent to any person or 117667  
state or local government entity. The applicant shall specify in 117668  
the request the person or entities to which the copies are to be 117669  
sent. On receiving the request, the director shall send copies 117670  
of the reports to the persons or entities specified. 117671

(3) The director may request that a person or state or 117672  
local government entity send copies to the director of any 117673  
report regarding a records check or criminal records check that 117674  
the person or entity possesses, if the director obtains the 117675  
written consent of the individual who is the subject of the 117676  
report. 117677

(4) The director shall provide each applicant with a copy 117678  
of any report obtained about the applicant under this section. 117679

Sec. 5123.1613. (A) A person who has been granted 117680  
guardianship of an individual with a developmental disability 117681  
shall not provide supported living to that individual either as 117682  
an independent provider or as an employee or contractor of a 117683  
supported living certificate holder unless there is a 117684  
relationship by blood, adoption, or marriage between the 117685  
guardian and the individual. 117686

(B) A supported living certificate holder owned or 117687  
operated by a guardian of an individual with a developmental 117688  
disability shall not provide supported living to that individual 117689  
unless there is a relationship by blood, adoption, or marriage 117690  
between the guardian and the individual. 117691

**Sec. 5123.191.** (A) The court of common pleas or a judge 117692  
thereof in the judge's county, or the probate court, may appoint 117693  
a receiver to take possession of and operate a residential 117694  
facility licensed by the department of developmental 117695  
disabilities, in causes pending in such courts respectively, 117696  
when conditions existing at the facility present a substantial 117697  
risk of physical or mental harm to residents and no other 117698  
remedies at law are adequate to protect the health, safety, and 117699  
welfare of the residents. Conditions at the facility that may 117700  
present such risk of harm include, but are not limited to, 117701  
instances when any of the following occur: 117702

(1) The residential facility is in violation of state or 117703  
federal law or regulations. 117704

(2) The facility has had its license revoked or procedures 117705  
for revocation have been initiated, or the facility is closing 117706  
or intends to cease operations. 117707

(3) Arrangements for relocating residents need to be made. 117708

(4) Insolvency of the operator, licensee, or landowner 117709  
threatens the operation of the facility. 117710

(5) The facility or operator has demonstrated a pattern 117711  
and practice of repeated violations of state or federal laws or 117712  
regulations. 117713

(B) A court in which a petition is filed pursuant to this 117714  
section shall notify the person holding the license for the 117715

facility and the department of developmental disabilities of the 117716  
filing. The court shall order the department to notify the 117717  
facility owner, facility operator, county board of developmental 117718  
disabilities, facility residents, and residents' parents and 117719  
guardians of the filing of the petition. 117720

The court shall provide a hearing on the petition within 117721  
five court days of the time it was filed, except that the court 117722  
may appoint a receiver prior to that time if it determines that 117723  
the circumstances necessitate such action. Following a hearing 117724  
on the petition, and upon a determination that the appointment 117725  
of a receiver is warranted, the court shall appoint a receiver 117726  
and notify the department of developmental disabilities and 117727  
appropriate persons of this action. 117728

(C) A residential facility for which a receiver has been 117729  
named is deemed to be in compliance with section 5123.19 and 117730  
Chapter 3721. of the Revised Code for the duration of the 117731  
receivership. 117732

(D) When the operating revenue of a residential facility 117733  
in receivership is insufficient to meet its operating expenses, 117734  
including the cost of bringing the facility into compliance with 117735  
state or federal laws or regulations, the court may order the 117736  
state to provide necessary funding, except as provided in 117737  
division (K) of this section. The state shall provide such 117738  
funding, subject to the approval of the controlling board. The 117739  
court may also order the appropriate authorities to expedite all 117740  
inspections necessary for the issuance of licenses or the 117741  
certification of a facility, and order a facility to be closed 117742  
if it determines that reasonable efforts cannot bring the 117743  
facility into substantial compliance with the law. 117744

(E) In establishing a receivership, the court shall set 117745

forth the powers and duties of the receiver. The court may 117746  
generally authorize the receiver to do all that is prudent and 117747  
necessary to safely and efficiently operate the residential 117748  
facility within the requirements of state and federal law, but 117749  
shall require the receiver to obtain court approval prior to 117750  
making any single expenditure of more than five thousand dollars 117751  
to correct deficiencies in the structure or furnishings of a 117752  
facility. The court shall closely review the conduct of the 117753  
receiver it has appointed and shall require regular and detailed 117754  
reports. The receivership shall be reviewed at least every sixty 117755  
days. 117756

(F) A receivership established pursuant to this section 117757  
shall be terminated, following notification of the appropriate 117758  
parties and a hearing, if the court determines either of the 117759  
following: 117760

(1) The residential facility has been closed and the 117761  
former residents have been relocated to an appropriate facility. 117762

(2) Circumstances no longer exist at the facility that 117763  
present a substantial risk of physical or mental harm to 117764  
residents, and there is no deficiency in the facility that is 117765  
likely to create a future risk of harm. 117766

Notwithstanding division (F) (2) of this section, the court 117767  
shall not terminate a receivership for a residential facility 117768  
that has previously operated under another receivership unless 117769  
the responsibility for the operation of the facility is 117770  
transferred to an operator approved by the court and the 117771  
department of developmental disabilities. 117772

(G) The department of developmental disabilities may, upon 117773  
its own initiative or at the request of an owner, operator, or 117774

resident of a residential facility, or at the request of a 117775  
resident's guardian or relative or a county board of 117776  
developmental disabilities, petition the court to appoint a 117777  
receiver to take possession of and operate a residential 117778  
facility. When the department has been requested to file a 117779  
petition by any of the parties listed above, it shall, within 117780  
forty-eight hours of such request, either file such a petition 117781  
or notify the requesting party of its decision not to file. If 117782  
the department refuses to file, the requesting party may file a 117783  
petition with the court requesting the appointment of a receiver 117784  
to take possession of and operate a residential facility. 117785

Petitions filed pursuant to this division shall include 117786  
the following: 117787

(1) A description of the specific conditions existing at 117788  
the facility which present a substantial risk of physical or 117789  
mental harm to residents; 117790

(2) A statement of the absence of other adequate remedies 117791  
at law; 117792

(3) The number of individuals residing at the facility; 117793

(4) A statement that the facts have been brought to the 117794  
attention of the owner or licensee and that conditions have not 117795  
been remedied within a reasonable period of time or that the 117796  
conditions, though remedied periodically, habitually exist at 117797  
the facility as a pattern or practice; 117798

(5) The name and address of the person holding the license 117799  
for the facility and the address of the department of 117800  
developmental disabilities. 117801

The court may award to an operator appropriate costs and 117802  
expenses, including reasonable attorney's fees, if it determines 117803

that a petitioner has initiated a proceeding in bad faith or 117804  
merely for the purpose of harassing or embarrassing the 117805  
operator. 117806

(H) Except for the department of developmental 117807  
disabilities or a county board of developmental disabilities, no 117808  
party or person interested in an action shall be appointed a 117809  
receiver pursuant to this section. 117810

To assist the court in identifying persons qualified to be 117811  
named as receivers, the director of developmental disabilities 117812  
shall maintain a list of the names of such persons. The director 117813  
shall, in accordance with Chapter 119. of the Revised Code, 117814  
establish standards for evaluating persons desiring to be 117815  
included on such a list. 117816

(I) Before a receiver enters upon the duties of that 117817  
person, the receiver must be sworn to perform the duties of 117818  
receiver faithfully, and, with surety approved by the court, 117819  
judge, or clerk, execute a bond to such person, and in such sum 117820  
as the court or judge directs, to the effect that such receiver 117821  
will faithfully discharge the duties of receiver in the action, 117822  
and obey the orders of the court therein. 117823

(J) Under the control of the appointing court, a receiver 117824  
may bring and defend actions in the receiver's own name as 117825  
receiver and take and keep possession of property. 117826

The court shall authorize the receiver to do the 117827  
following: 117828

(1) Collect payment for all goods and services provided to 117829  
the residents or others during the period of the receivership at 117830  
the same rate as was charged by the licensee at the time the 117831  
petition for receivership was filed, unless a different rate is 117832

set by the court; 117833

(2) Honor all leases, mortgages, and secured transactions 117834  
governing all buildings, goods, and fixtures of which the 117835  
receiver has taken possession and continues to use, subject to 117836  
the following conditions: 117837

(a) In the case of a rental agreement, only to the extent 117838  
of payments that are for the use of the property during the 117839  
period of the receivership; 117840

(b) In the case of a purchase agreement only to the extent 117841  
of payments that come due during the period of the receivership. 117842

(3) If transfer of residents is necessary, provide for the 117843  
orderly transfer of residents by doing the following: 117844

(a) Cooperating with all appropriate state and local 117845  
agencies in carrying out the transfer of residents to 117846  
alternative community placements; 117847

(b) Providing for the transportation of residents' 117848  
belongings and records; 117849

(c) Helping to locate alternative placements and develop 117850  
discharge plans; 117851

(d) Preparing residents for the trauma of discharge; 117852

(e) Permitting residents or guardians to participate in 117853  
transfer or discharge planning except when an emergency exists 117854  
and immediate transfer is necessary. 117855

(4) Make periodic reports on the status of the residential 117856  
program to the appropriate state agency, county board of 117857  
developmental disabilities, parents, guardians, and residents; 117858

(5) Compromise demands or claims; 117859

(6) Generally do such acts respecting the residential 117860  
facility as the court authorizes. 117861

(K) Neither the receiver nor the department of 117862  
developmental disabilities is liable for debts incurred by the 117863  
owner or operator of a residential facility for which a receiver 117864  
has been appointed. 117865

(L) The department of developmental disabilities may 117866  
contract for the operation of a residential facility in 117867  
receivership. The department shall establish the conditions of a 117868  
contract. Notwithstanding any other provision of law, contracts 117869  
that are necessary to carry out the powers and duties of the 117870  
receiver need not be competitively bid. 117871

(M) The department of developmental disabilities, the 117872  
department of ~~job and family services~~children and youth, and the 117873  
department of health shall provide technical assistance to any 117874  
receiver appointed pursuant to this section. 117875

**Sec. 5123.41.** As used in this section and sections 5123.42 117876  
to 5123.47 of the Revised Code: 117877

(A) "Adult services" has the same meaning as in section 117878  
5126.01 of the Revised Code. 117879

(B) "Certified supported living provider" means a person 117880  
or government entity certified under section 5123.161 of the 117881  
Revised Code. 117882

(C) "Drug" has the same meaning as in section 4729.01 of 117883  
the Revised Code. 117884

(D) "Family member" means a parent, sibling, spouse, son, 117885  
daughter, grandparent, aunt, uncle, cousin, or guardian of an 117886  
individual with a developmental disability if the individual 117887

with a developmental disability lives with the person and is 117888  
dependent on the person to the extent that, if the supports were 117889  
withdrawn, another living arrangement would have to be found. 117890

(E) "Family support services" has the same meaning as in 117891  
section 5126.01 of the Revised Code. 117892

~~(E)~~ (F) "Health-related activities" means the following: 117893

- (1) Taking vital signs; 117894
- (2) Application of clean dressings that do not require 117895  
health assessment; 117896
- (3) Basic measurement of bodily intake and output; 117897
- (4) Oral suctioning; 117898
- (5) Use of glucometers; 117899
- (6) External urinary catheter cleaning; 117900
- (7) Emptying and replacing ostomy bags; 117901
- (8) Collection of specimens by noninvasive means; 117902
- (9) Pulse oximetry reading; 117903
- (10) Use of continuous positive airway pressure machines; 117904
- (11) Application of percussion vests; 117905
- (12) Use of cough assist devices and insufflators; 117906
- (13) Application of prescribed compression hosiery. 117907

~~(F)~~ (G) "Licensed health professional authorized to 117908  
prescribe drugs" has the same meaning as in section 4729.01 of 117909  
the Revised Code. 117910

~~(G)~~ (H) "Metered dose inhaled medication" means a 117911

premeasured medication administered by inhalation using a hand-held dispenser or aerosol nebulizer. 117912  
117913

~~(H)~~(I) "Developmental disabilities personnel" means the 117914  
employees and the workers under contract who provide specialized 117915  
services to individuals with developmental disabilities. 117916  
"Developmental disabilities personnel" includes those who 117917  
provide the services as follows: 117918

(1) Through direct employment with the department of 117919  
developmental disabilities or a county board of developmental 117920  
disabilities; 117921

(2) Through an entity under contract with the department 117922  
of developmental disabilities or a county board of developmental 117923  
disabilities; 117924

(3) Through direct employment or by being under contract 117925  
with private entities, including private entities that operate 117926  
residential facilities. 117927

~~(I)~~(J) "Nursing delegation" means the process established 117928  
in rules adopted by the board of nursing pursuant to Chapter 117929  
4723. of the Revised Code under which a registered nurse or 117930  
licensed practical nurse acting at the direction of a registered 117931  
nurse transfers the performance of a particular nursing activity 117932  
or task to another person who is not otherwise authorized to 117933  
perform the activity or task. 117934

~~(J)~~(K) "Over-the-counter medication" means a drug that may 117935  
be sold and purchased without a prescription. 117936

~~(K)~~(L) "Prescribed medication" means a drug that is to be 117937  
administered according to the instructions of a licensed health 117938  
professional authorized to prescribe drugs. 117939

~~(I)~~ (M) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code. 117940  
117941

~~(M)~~ (N) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code. 117942  
117943

~~(N)~~ (O) "Topical over-the-counter musculoskeletal medication" means an over-the-counter medication that is applied topically or passes through the skin to provide relief from discomfort in the muscles, joints, or bones. 117944  
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**Sec. 5123.42.** (A) Developmental disabilities personnel who are not specifically authorized by other provisions of the Revised Code to administer medications or perform health-related activities may do so pursuant to this section as part of the specialized services the developmental disabilities personnel provide to individuals with developmental disabilities in the following categories: 117948  
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(1) Recipients of early intervention, preschool, and school-age services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 117955  
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117957

(2) Recipients of adult services, if the services are received in a setting where seventeen or more individuals receive the services and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 117958  
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(3) Recipients of adult services, if the services are received in a setting where not more than sixteen individuals receive the services and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 117962  
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117964  
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(4) Recipients of family support services offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code; 117966  
117967  
117968

(5) Recipients of services from certified supported living providers, if the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;	117969 117970 117971
(6) Recipients of residential support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals with developmental disabilities and the services are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;	117972 117973 117974 117975 117976 117977
(7) Recipients of services not included in divisions (A) (1) to (6) of this section that are offered or provided pursuant to this chapter or Chapter 5126. of the Revised Code;	117978 117979 117980
(8) Residents of a residential facility with not more than five resident beds;	117981 117982
(9) Residents of a residential facility with at least six resident beds.	117983 117984
(B) (1) In the case of individuals described in divisions (A) (1) to (9) of this section, developmental disabilities personnel may do all of the following without nursing delegation and without a certificate issued under section 5123.45 of the Revised Code:	117985 117986 117987 117988 117989
(a) Activate a <del>vagal</del> <u>vagus</u> nerve stimulator;	117990
(b) <del>Use an epinephrine autoinjector to</del> <u>To treat anaphylaxis, administer prescribed epinephrine either by autoinjector or intranasally;</u>	117991 117992 117993
(c) Administer topical over-the-counter medications for the purpose of cleaning, protecting, or comforting the skin, hair, nails, teeth, or oral surfaces, but not for the purpose of	117994 117995 117996

treating an open wound or a condition that requires a medical diagnosis, including a fungal infection. 117997  
117998

(2) The authority of developmental disabilities personnel 117999  
to ~~activate a vagal nerve stimulator, use an epinephrine~~ 118000  
~~autoinjector, and perform the health-related activity or~~ 118001  
administer ~~topical over-the-counter~~ the medications described in 118002  
division (B) (1) of this section is subject to all of the 118003  
following: 118004

(a) ~~To activate a vagal nerve stimulator or use an~~ 118005  
~~epinephrine autoinjector, developmental~~ Developmental 118006  
disabilities personnel shall successfully complete the training 118007  
course or courses developed under section 5123.43 of the Revised 118008  
Code for developmental disabilities personnel. Developmental 118009  
disabilities personnel shall ~~activate a vagal nerve stimulator~~ 118010  
~~or use an epinephrine autoinjector~~ perform the health-related 118011  
activity or administer the medications described in division (B) 118012  
(1) of this section only as authorized by the training 118013  
completed. 118014

(b) The employer of developmental disabilities personnel 118015  
shall ensure that the personnel have been trained specifically 118016  
with respect to each individual for whom they ~~activate a vagal~~ 118017  
~~nerve stimulator or use an epinephrine autoinjector~~ perform the 118018  
health-related activity or administer the medications described 118019  
in division (B) (1) of this section. Developmental disabilities 118020  
personnel shall not ~~activate a vagal nerve stimulator or use an~~ 118021  
~~epinephrine autoinjector~~ perform such an activity or administer 118022  
such medications for any individual for whom they have not been 118023  
specifically trained. 118024

(c) If the employer of developmental disabilities 118025  
personnel believes that the personnel have not or will not 118026

~~safely activate a vagal nerve stimulator or use an epinephrine-  
autoinjector~~ perform the health-related activity or administer  
the medications described in division (B) (1) of this section,  
the employer shall prohibit the developmental disabilities  
personnel from continuing or commencing to do so. Developmental  
disabilities personnel shall not engage in the action or actions  
subject to an employer's prohibition.

(d) Developmental disabilities personnel shall activate a  
~~vagal-vagus~~ nerve stimulator, ~~use an-~~ administer prescribed  
epinephrine either by autoinjector or intranasally, or  
administer topical over-the-counter medications in accordance  
with the manufacturer's instructions.

(C) (1) In the case of recipients of early intervention,  
preschool, and school-age services, as specified in division (A)  
(1) of this section, all of the following apply:

(a) With nursing delegation, developmental disabilities  
personnel may perform health-related activities.

(b) With nursing delegation, developmental disabilities  
personnel may administer oral and topical prescribed medications  
and topical over-the-counter musculoskeletal medications.

(c) With nursing delegation, developmental disabilities  
personnel may administer oxygen and metered dose inhaled  
medications.

(d) With nursing delegation, developmental disabilities  
personnel may administer prescribed medications through  
gastrostomy and jejunostomy tubes, if the tubes being used are  
stable and labeled.

(e) With nursing delegation, developmental disabilities  
personnel may administer routine doses of insulin through

subcutaneous injections, inhalation, and insulin pumps. 118056

(f) With nursing delegation, developmental disabilities 118057  
personnel may administer prescribed medications for the 118058  
treatment of metabolic glyceimic disorders through subcutaneous 118059  
injections. 118060

(2) In the case of individuals described in divisions (A) 118061  
(2), (7), and (9) of this section, all of the following apply: 118062

(a) With nursing delegation, developmental disabilities 118063  
personnel may perform health-related activities. 118064

(b) With nursing delegation, developmental disabilities 118065  
personnel may administer oral and topical prescribed medications 118066  
and topical over-the-counter musculoskeletal medications. 118067

(c) With nursing delegation, developmental disabilities 118068  
personnel may administer oxygen and metered dose inhaled 118069  
medications. 118070

(d) With nursing delegation, developmental disabilities 118071  
personnel may administer prescribed medications through 118072  
gastrostomy and jejunostomy tubes, if the tubes being used are 118073  
stable and labeled. 118074

(e) With nursing delegation, developmental disabilities 118075  
personnel may administer routine doses of insulin through 118076  
subcutaneous injections, inhalation, and insulin pumps. 118077

(f) With nursing delegation, developmental disabilities 118078  
personnel may administer prescribed medications for the 118079  
treatment of metabolic glyceimic disorders through subcutaneous 118080  
injections. 118081

(3) In the case of individuals described in divisions (A) 118082  
(3), (4), (5), (6), and (8) of this section, all of the 118083

following apply: 118084

(a) Without nursing delegation, developmental disabilities 118085  
personnel may perform health-related activities. 118086

(b) Without nursing delegation, developmental disabilities 118087  
personnel may administer oral and topical prescribed medications 118088  
and topical over-the-counter musculoskeletal medications. 118089

(c) Without nursing delegation, developmental disabilities 118090  
personnel may administer oxygen and metered dose inhaled 118091  
medications. 118092

(d) With nursing delegation, developmental disabilities 118093  
personnel may administer prescribed medications through 118094  
gastrostomy and jejunostomy tubes, if the tubes being used are 118095  
stable and labeled. 118096

(e) With nursing delegation, developmental disabilities 118097  
personnel may administer routine doses of insulin through 118098  
subcutaneous injections, inhalation, and insulin pumps. 118099

(f) With nursing delegation, developmental disabilities 118100  
personnel may administer prescribed medications for the 118101  
treatment of metabolic glyceimic disorders through subcutaneous 118102  
injections. 118103

(D) The authority of developmental disabilities personnel 118104  
to administer medications and perform health-related activities 118105  
pursuant to division (C) of this section is subject to all of 118106  
the following: 118107

(1) To administer medications or perform health-related 118108  
activities for individuals in the categories specified under 118109  
divisions (A) (1) to (9) of this section, developmental 118110  
disabilities personnel shall obtain the certificate or 118111

certificates required by the department of developmental 118112  
disabilities and issued under section 5123.45 of the Revised 118113  
Code. Developmental disabilities personnel shall administer 118114  
medications and perform health-related activities only as 118115  
authorized by the certificate or certificates held. 118116

(2) If nursing delegation is required under division (C) 118117  
of this section, developmental disabilities personnel shall not 118118  
act without nursing delegation or in a manner that is 118119  
inconsistent with the delegation. 118120

(3) The employer of developmental disabilities personnel 118121  
shall ensure that the personnel have been trained specifically 118122  
with respect to each individual for whom they administer 118123  
medications or perform health-related activities. Developmental 118124  
disabilities personnel shall not administer medications or 118125  
perform health-related activities for any individual for whom 118126  
they have not been specifically trained. 118127

(4) If the employer of developmental disabilities 118128  
personnel believes that the developmental disabilities personnel 118129  
have not or will not safely administer medications or perform 118130  
health-related activities, the employer shall prohibit the ~~the~~ 118131  
personnel from continuing or commencing to do so. Developmental 118132  
disabilities personnel shall not engage in the action or actions 118133  
subject to an employer's prohibition. 118134

(E) In accordance with section 5123.46 of the Revised 118135  
Code, the department of developmental disabilities shall adopt 118136  
rules governing its implementation of this section. The rules 118137  
shall include the following: 118138

(1) Requirements for documentation of the administration 118139  
of medications and performance of health-related activities by 118140

developmental disabilities personnel pursuant to the authority 118141  
granted under this section; 118142

(2) Procedures for reporting errors that occur in the 118143  
administration of medications and performance of health-related 118144  
activities by developmental disabilities personnel pursuant to 118145  
the authority granted under this section; 118146

(3) Other standards and procedures the department 118147  
considers necessary for implementation of this section. 118148

Sec. 5123.423. A family member may administer medications 118149  
or perform health-related activities as described in section 118150  
5123.42 of the Revised Code without either of the following: 118151  
nursing delegation or a certificate issued under section 5123.45 118152  
of the Revised Code. 118153

**Sec. 5123.47.** (A) As used in this section: 118154

(1) "In-home care" means the supportive services provided 118155  
within the home of an individual with a developmental disability 118156  
who receives funding for the services through a county board of 118157  
developmental disabilities, including any recipient of 118158  
residential services funded as home and community-based 118159  
services, family support services provided under section 5126.11 118160  
of the Revised Code, or supported living provided in accordance 118161  
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 118162  
care" includes care that is provided outside an individual's 118163  
home in places incidental to the home, and while traveling to 118164  
places incidental to the home, except that "in-home care" does 118165  
not include care provided in the facilities of a county board of 118166  
developmental disabilities or care provided in schools. 118167

(2) "Parent" means either parent of a child, including an 118168  
adoptive parent but not a foster parent. 118169

(3) "Unlicensed in-home care worker" means an individual 118170  
who provides in-home care on a self-employed basis and does not 118171  
employ, either directly or through contract, another person to 118172  
provide the in-home care, but who is not a health care 118173  
professional. 118174

~~(4) "Family member" means a parent, sibling, spouse, son,~~ 118175  
~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 118176  
~~individual with a developmental disability if the individual~~ 118177  
~~with a developmental disability lives with the person and is~~ 118178  
~~dependent on the person to the extent that, if the supports were~~ 118179  
~~withdrawn, another living arrangement would have to be found.~~ 118180

~~(5)~~—"Health care professional" means any of the following: 118181

(a) A dentist who holds a valid license issued under 118182  
Chapter 4715. of the Revised Code; 118183

(b) A registered or licensed practical nurse who holds a 118184  
valid license issued under Chapter 4723. of the Revised Code; 118185

(c) An optometrist who holds a valid license issued under 118186  
Chapter 4725. of the Revised Code; 118187

(d) A pharmacist who holds a valid license issued under 118188  
Chapter 4729. of the Revised Code; 118189

(e) A person who holds a valid license or certificate 118190  
issued under Chapter 4731. of the Revised Code to practice 118191  
medicine and surgery, osteopathic medicine and surgery, 118192  
podiatric medicine and surgery, or a limited brand of medicine; 118193

(f) A physician assistant who holds a valid license issued 118194  
under Chapter 4730. of the Revised Code; 118195

(g) An occupational therapist or occupational therapy 118196  
assistant or a physical therapist or physical therapist 118197

assistant who holds a valid license issued under Chapter 4755. 118198  
of the Revised Code; 118199

(h) A respiratory care professional who holds a valid 118200  
license issued under Chapter 4761. of the Revised Code; 118201

(i) A certified mental health assistant who holds a valid 118202  
license issued under Chapter 4772. of the Revised Code. 118203

~~(6)~~(5) "Health care task" means a task that is prescribed, 118204  
ordered, ~~delegated,~~ or otherwise directed by a health care 118205  
professional acting within the scope of the professional's 118206  
practice. "Health care task" includes the administration of ~~oral~~ 118207  
~~and topical prescribed medications; administration of nutrition~~ 118208  
~~and medications through gastrostomy and jejunostomy tubes that~~ 118209  
~~are stable and labeled; administration of oxygen and metered~~ 118210  
~~dose inhaled medications; administration of insulin through~~ 118211  
~~subcutaneous injections, inhalation, and insulin pumps; and~~ 118212  
~~administration of prescribed medications for the treatment of~~ 118213  
~~metabolic glycemic disorders through subcutaneous injections.~~ 118214

(B) Except as provided in division ~~(E)~~(F) of this section, 118215  
a family member of an individual with a developmental disability 118216  
may authorize an unlicensed in-home care worker to perform 118217  
health care tasks as part of the in-home care the worker 118218  
provides to the individual, if all of the following apply: 118219

(1) The family member is the primary supervisor of the 118220  
care. 118221

(2) At the time the family member both authorizes the 118222  
unlicensed in-home care worker to perform health care tasks and 118223  
supervises the care provided to the individual, the family 118224  
member is not acting as a paid provider for the individual. 118225

(3) The unlicensed in-home care worker has been selected 118226

by the family member or the individual receiving care and is 118227  
under the direct supervision of the family member. 118228

~~(3) The unlicensed in-home care worker is providing the 118229  
care through an employment or other arrangement entered into 118230  
directly with the family member and is not otherwise employed by 118231  
or under contract with a person or government entity to provide 118232  
services to individuals with developmental disabilities. 118233~~

(4) The health care task is completed in accordance with 118234  
standard, written instructions. 118235

(5) Performance of the health care task requires no 118236  
judgment based on specialized health care knowledge or 118237  
expertise. 118238

(6) The outcome of the health care task is reasonably 118239  
predictable. 118240

(7) Performance of the health care task requires no 118241  
complex observation of the individual receiving the care. 118242

(8) Improper performance of the health care task will 118243  
result in only minimal complications that are not life- 118244  
threatening. 118245

(C) A family member who authorizes an unlicensed in-home 118246  
care worker to perform health care tasks under this section 118247  
shall ~~obtain~~ do all of the following: 118248

(1) Obtain a prescription, if applicable, and written 118249  
instructions from a health care professional for the care to be 118250  
provided to the individual. ~~The family member shall authorize;~~ 118251

(2) Authorize the unlicensed in-home care worker to 118252  
provide the care by preparing a written document granting the 118253  
authority. ~~The family member shall provide;~~ 118254

(3) Provide the unlicensed in-home care worker with 118255  
appropriate training and written instructions in accordance with 118256  
the instructions obtained from the health care professional. ~~The~~ 118257  
~~family member or a health care professional shall be~~ ; 118258

(4) Be available to communicate with the unlicensed in- 118259  
home care worker either in person or by telecommunication while 118260  
the in-home care worker performs a health care task. 118261

(D) Before an unlicensed in-home care worker may perform 118262  
the health care tasks authorized by a family member under this 118263  
section, the worker shall accept the written document described 118264  
in division (C) (2) of this section granting the worker that 118265  
authority. 118266

(E) A family member who authorizes an unlicensed in-home 118267  
care worker to ~~administer oral and topical prescribed~~ 118268  
~~medications or perform other~~ health care tasks retains full 118269  
responsibility for the health and safety of the individual 118270  
receiving the care and for ensuring that the worker provides the 118271  
care appropriately and safely. No entity that funds or monitors 118272  
the provision of in-home care may be held liable for the results 118273  
of the care provided under this section by an unlicensed in-home 118274  
care worker, including such entities as the county board of 118275  
developmental disabilities and the department of developmental 118276  
disabilities. 118277

An unlicensed in-home care worker who is authorized under 118278  
this section by a family member to provide care to an individual 118279  
may not be held liable for any injury caused in providing the 118280  
care, unless the worker provides the care in a manner that is 118281  
not in accordance with the training and instructions received or 118282  
the worker acts in a manner that constitutes willful or wanton 118283  
misconduct. 118284

~~(E)~~ (F) A county board of developmental disabilities may 118285  
evaluate the authority granted by a family member under this 118286  
section to an unlicensed in-home care worker at any time it 118287  
considers necessary and shall evaluate the authority on receipt 118288  
of a complaint. ~~If~~ In evaluating the authority, the board shall 118289  
use appropriately licensed health care professionals. 118290

If, after its evaluation, the board determines that a 118291  
family member has acted in a manner that is inappropriate for 118292  
the health and safety of the individual receiving the care, then 118293  
all of the following apply: 118294

(1) The authorization granted by the family member to an 118295  
unlicensed in-home care worker is void, ~~and the~~ . 118296

(2) The family member may not authorize other unlicensed 118297  
in-home care workers to provide the care. ~~In making such a~~ 118298  
~~determination, the~~ 118299

(3) The board shall ~~use~~ authorize appropriately licensed 118300  
~~health care professionals and~~ or certified providers to instead 118301  
perform the health care tasks. 118302

(4) The board shall provide the family member an 118303  
opportunity to file a complaint under section 5126.06 of the 118304  
Revised Code. 118305

**Sec. 5124.15.** (A) Except as otherwise provided by section 118306  
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of 118307  
the Revised Code, and division (B) of this section, the total 118308  
per medicaid day payment rate that the department of 118309  
developmental disabilities shall pay to an ICF/IID provider for 118310  
ICF/IID services the provider's ICF/IID provides during a fiscal 118311  
year shall equal the sum of all of the following: 118312

(1) The per medicaid day capital component rate determined 118313

for the ICF/IID under section 5124.17 of the Revised Code; 118314

(2) The per medicaid day direct care costs component rate 118315  
determined for the ICF/IID under section 5124.19 of the Revised 118316  
Code; 118317

(3) The per medicaid day indirect care costs component 118318  
rate determined for the ICF/IID under section 5124.21 of the 118319  
Revised Code; 118320

(4) The per medicaid day other protected costs component 118321  
rate determined for the ICF/IID under section 5124.23 of the 118322  
Revised Code; 118323

(5) The sum of the following: 118324

(a) The per medicaid day quality incentive payment 118325  
determined for the ICF/IID under section 5124.24 of the Revised 118326  
Code; 118327

(b) A direct support personnel payment equal to two and 118328  
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 118329  
allowable, per medicaid day direct care costs from the 118330  
applicable cost report year; 118331

(c) ~~A~~ For state fiscal year 2026, a professional workforce 118332  
development payment equal to thirteen and fifty-five hundredths 118333  
~~for state fiscal year 2024 and twenty and eighty-one hundredths~~ 118334  
~~during fiscal year 2025~~ ten and four hundred five thousandths 118335  
per cent of the ICF/IID's desk-reviewed, actual, allowable, per 118336  
medicaid day direct care costs from the applicable cost report 118337  
year. 118338

(B) The department shall adjust the total per medicaid day 118339  
payment rate otherwise determined for an ICF/IID under this 118340  
section as directed by the general assembly through the 118341

enactment of law governing medicaid payments to ICF/IID 118342  
providers. 118343

(C) (1) In addition to paying an ICF/IID provider the total 118344  
per medicaid day payment rate determined for the provider's 118345  
ICF/IID under divisions (A) and (B) of this section for a fiscal 118346  
year, the department may do either or both of the following: 118347

(a) In accordance with section 5124.25 of the Revised 118348  
Code, pay the provider a rate add-on for ventilator-dependent 118349  
outlier ICF/IID services if the rate add-on is to be paid under 118350  
that section and the department approves the provider's 118351  
application for the rate add-on; 118352

(b) In accordance with section 5124.26 of the Revised 118353  
Code, pay the provider for outlier ICF/IID services the ICF/IID 118354  
provides to residents identified as needing intensive behavioral 118355  
health support services if the rate add-on is to be paid under 118356  
that section and the department approves the provider's 118357  
application for the rate add-on. 118358

(2) The rate add-ons are not to be part of the ICF/IID's 118359  
total per medicaid day payment rate. 118360

Sec. 5126.222. (A) A superintendent of a county board of 118361  
developmental disabilities shall ensure that a service and 118362  
support administrator, a conditional status service and support 118363  
administrator, and a service and support administration 118364  
supervisor successfully completes a web-based training program 118365  
established by the department of developmental disabilities not 118366  
later than thirty days after being hired. The training shall 118367  
include all of the following topics: 118368

(1) Empowering individuals serviced through the 118369  
development of person-centered individual service plans; 118370

<u>(2) Coordinating services;</u>	118371
<u>(3) Enhancing team effectiveness;</u>	118372
<u>(4) Understanding medicaid;</u>	118373
<u>(5) An overview of ICFs/IID;</u>	118374
<u>(6) An overview of medicaid home and community-based</u>	118375
<u>services waivers administered by the department of developmental</u>	118376
<u>disabilities and county boards of developmental disabilities,</u>	118377
<u>including self-directed services, budget authority, and employer</u>	118378
<u>authority;</u>	118379
<u>(7) Targeted case management;</u>	118380
<u>(8) Employment navigation.</u>	118381
<u>(B) Before a superintendent of a county board of</u>	118382
<u>developmental disabilities renews the certification of a service</u>	118383
<u>and support administrator or service and support administration</u>	118384
<u>supervisor, the superintendent shall ensure that the renewal</u>	118385
<u>applicant has successfully completed the training program</u>	118386
<u>described in division (A) of this section.</u>	118387
<b>Sec. 5139.05.</b> (A) The juvenile court may commit any child	118388
to the department of youth services as authorized in Chapter	118389
2152. of the Revised Code, provided that any child so committed	118390
shall be at least ten years of age at the time of the child's	118391
delinquent act, and, if the child is ten or eleven years of age,	118392
the delinquent act is a violation of section 2909.03 of the	118393
Revised Code or would be aggravated murder, murder, or a first	118394
or second degree felony offense of violence if committed by an	118395
adult. Any order to commit a child to an institution under the	118396
control and management of the department shall have the effect	118397
of ordering that the child be committed to the department and	118398

assigned to an institution or placed in a community corrections 118399  
facility in accordance with division (E) of section 5139.36 of 118400  
the Revised Code as follows: 118401

(1) For an indefinite term consisting of the prescribed 118402  
minimum period specified by the court under division (A)(1) of 118403  
section 2152.16 of the Revised Code and a maximum period not to 118404  
exceed the child's attainment of twenty-one years of age, if the 118405  
child was committed pursuant to section 2152.16 of the Revised 118406  
Code; 118407

(2) Until the child's attainment of twenty-one years of 118408  
age, if the child was committed for aggravated murder or murder 118409  
pursuant to section 2152.16 of the Revised Code; 118410

(3) For a period of commitment that shall be in addition 118411  
to, and shall be served consecutively with and prior to, a 118412  
period of commitment described in division (A)(1) or (2) of this 118413  
section, if the child was committed pursuant to section 2152.17 118414  
of the Revised Code; 118415

(4) If the child is ten or eleven years of age, to an 118416  
institution, a residential care facility, a residential 118417  
facility, or a facility licensed by the department of ~~job and~~ 118418  
~~family services~~ children and youth that the department of youth 118419  
services considers best designated for the training and 118420  
rehabilitation of the child and protection of the public. The 118421  
child shall be housed separately from children who are twelve 118422  
years of age or older until the child is released or discharged 118423  
or until the child attains twelve years of age, whichever occurs 118424  
first. Upon the child's attainment of twelve years of age, if 118425  
the child has not been released or discharged, the department is 118426  
not required to house the child separately. 118427

(B) (1) Except as otherwise provided in section 5139.54 of 118428  
the Revised Code, the release authority of the department of 118429  
youth services, in accordance with section 5139.51 of the 118430  
Revised Code and at any time after the end of the minimum period 118431  
specified under division (A) (1) of section 2152.16 of the 118432  
Revised Code, may grant the release from custody of any child 118433  
committed to the department. 118434

The order committing a child to the department of youth 118435  
services shall state that the child has been adjudicated a 118436  
delinquent child and state the minimum period. The jurisdiction 118437  
of the court terminates at the end of the minimum period except 118438  
as follows: 118439

(a) In relation to judicial release procedures, 118440  
supervision, and violations; 118441

(b) With respect to functions of the court related to the 118442  
revocation of supervised release that are specified in sections 118443  
5139.51 and 5139.52 of the Revised Code; 118444

(c) In relation to its duties relating to serious youthful 118445  
offender dispositional sentences under sections 2152.13 and 118446  
2152.14 of the Revised Code. 118447

(2) When a child has been committed to the department 118448  
under section 2152.16 of the Revised Code, the department shall 118449  
retain legal custody of the child until one of the following: 118450

(a) The department discharges the child to the exclusive 118451  
management, control, and custody of the child's parent or the 118452  
guardian of the child's person or, if the child is eighteen 118453  
years of age or older, discharges the child. 118454

(b) The committing court, upon its own motion, upon 118455  
petition of the parent, guardian of the person, or next friend 118456

of a child, or upon petition of the department, terminates the 118457  
department's legal custody of the child. 118458

(c) The committing court grants the child a judicial 118459  
release to court supervision under section 2152.22 of the 118460  
Revised Code. 118461

(d) The department's legal custody of the child is 118462  
terminated automatically by the child attaining twenty-one years 118463  
of age. 118464

(e) If the child is subject to a serious youthful offender 118465  
dispositional sentence, the adult portion of that dispositional 118466  
sentence is imposed under section 2152.14 of the Revised Code. 118467

(C) When a child is committed to the department of youth 118468  
services, the department may assign the child to a hospital for 118469  
mental, physical, and other examination, inquiry, or treatment 118470  
for the period of time that is necessary. The department may 118471  
remove any child in its custody to a hospital for observation, 118472  
and a complete report of every observation at the hospital shall 118473  
be made in writing and shall include a record of observation, 118474  
treatment, and medical history and a recommendation for future 118475  
treatment, custody, and maintenance. The department shall 118476  
thereupon order the placement and treatment that it determines 118477  
to be most conducive to the purposes of Chapters 2151. and 5139. 118478  
of the Revised Code. The committing court and all public 118479  
authorities shall make available to the department all pertinent 118480  
data in their possession with respect to the case. 118481

(D) Records maintained by the department of youth services 118482  
pertaining to the children in its custody shall be accessible 118483  
only to department employees, except by consent of the 118484  
department, upon the order of the judge of a court of record, or 118485

as provided in divisions (D) (1) and (2) of this section. These 118486  
records shall not be considered "public records," as defined in 118487  
section 149.43 of the Revised Code. 118488

(1) Except as otherwise provided by a law of this state or 118489  
the United States, the department of youth services may release 118490  
records that are maintained by the department of youth services 118491  
and that pertain to children in its custody to the department of 118492  
rehabilitation and correction regarding persons who are under 118493  
the jurisdiction of the department of rehabilitation and 118494  
correction and who have previously been committed to the 118495  
department of youth services. The department of rehabilitation 118496  
and correction may use those records for the limited purpose of 118497  
carrying out the duties of the department of rehabilitation and 118498  
correction. Records released by the department of youth services 118499  
to the department of rehabilitation and correction shall remain 118500  
confidential and shall not be considered public records as 118501  
defined in section 149.43 of the Revised Code. 118502

(2) The department of youth services shall provide to the 118503  
superintendent of the school district in which a child 118504  
discharged or released from the custody of the department is 118505  
entitled to attend school under section 3313.64 or 3313.65 of 118506  
the Revised Code the records described in divisions (D) (4) (a) to 118507  
(d) of section 2152.18 of the Revised Code. Subject to the 118508  
provisions of section 3319.321 of the Revised Code and the 118509  
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 118510  
amended, the records released to the superintendent shall remain 118511  
confidential and shall not be considered public records as 118512  
defined in section 149.43 of the Revised Code. 118513

(E) (1) When a child is committed to the department of 118514  
youth services, the department, orally or in writing, shall 118515

notify the parent, guardian, or custodian of a child that the 118516  
parent, guardian, or custodian may request at any time from the 118517  
superintendent of the institution in which the child is located 118518  
any of the information described in divisions (E) (1) (a), (b), 118519  
(c), and (d) of this section. The parent, guardian, or custodian 118520  
may provide the department with the name, address, and telephone 118521  
number of the parent, guardian, or custodian, and, until the 118522  
department is notified of a change of name, address, or 118523  
telephone number, the department shall use the name, address, 118524  
and telephone number provided by the parent, guardian, or 118525  
custodian to provide notices or answer inquiries concerning the 118526  
following information: 118527

(a) When the department of youth services makes a 118528  
permanent assignment of the child to a facility, the department, 118529  
orally or in writing and on or before the third business day 118530  
after the day the permanent assignment is made, shall notify the 118531  
parent, guardian, or custodian of the child of the name of the 118532  
facility to which the child has been permanently assigned. 118533

If a parent, guardian, or custodian of a child who is 118534  
committed to the department of youth services requests, orally 118535  
or in writing, the department to provide the parent, guardian, 118536  
or custodian with the name of the facility in which the child is 118537  
currently located, the department, orally or in writing and on 118538  
or before the next business day after the day on which the 118539  
request is made, shall provide the name of that facility to the 118540  
parent, guardian, or custodian. 118541

(b) If a parent, guardian, or custodian of a child who is 118542  
committed to the department of youth services, orally or in 118543  
writing, asks the superintendent of the institution in which the 118544  
child is located whether the child is being disciplined by the 118545

personnel of the institution, what disciplinary measure the 118546  
personnel of the institution are using for the child, or why the 118547  
child is being disciplined, the superintendent or the 118548  
superintendent's designee, on or before the next business day 118549  
after the day on which the request is made, shall provide the 118550  
parent, guardian, or custodian with written or oral responses to 118551  
the questions. 118552

(c) If a parent, guardian, or custodian of a child who is 118553  
committed to the department of youth services, orally or in 118554  
writing, asks the superintendent of the institution in which the 118555  
child is held whether the child is receiving any medication from 118556  
personnel of the institution, what type of medication the child 118557  
is receiving, or what condition of the child the medication is 118558  
intended to treat, the superintendent or the superintendent's 118559  
designee, on or before the next business day after the day on 118560  
which the request is made, shall provide the parent, guardian, 118561  
or custodian with oral or written responses to the questions. 118562

(d) When a major incident occurs with respect to a child 118563  
who is committed to the department of youth services, the 118564  
department, as soon as reasonably possible after the major 118565  
incident occurs, shall notify the parent, guardian, or custodian 118566  
of the child that a major incident has occurred with respect to 118567  
the child and of all the details of that incident that the 118568  
department has ascertained. 118569

(2) The failure of the department of youth services to 118570  
provide any notification required by or answer any requests made 118571  
pursuant to division (E) of this section does not create a cause 118572  
of action against the state. 118573

(F) The department of youth services, as a means of 118574  
punishment while the child is in its custody, shall not prohibit 118575

a child who is committed to the department from seeing that 118576  
child's parent, guardian, or custodian during standard 118577  
visitation periods allowed by the department of youth services 118578  
unless the superintendent of the institution in which the child 118579  
is held determines that permitting that child to visit with the 118580  
child's parent, guardian, or custodian would create a safety 118581  
risk to that child, that child's parents, guardian, or 118582  
custodian, the personnel of the institution, or other children 118583  
held in that institution. 118584

(G) As used in this section: 118585

(1) "Permanent assignment" means the assignment or 118586  
transfer for an extended period of time of a child who is 118587  
committed to the department of youth services to a facility in 118588  
which the child will receive training or participate in 118589  
activities that are directed toward the child's successful 118590  
rehabilitation. "Permanent assignment" does not include the 118591  
transfer of a child to a facility for judicial release hearings 118592  
pursuant to section 2152.22 of the Revised Code or for any other 118593  
temporary assignment or transfer to a facility. 118594

(2) "Major incident" means the escape or attempted escape 118595  
of a child who has been committed to the department of youth 118596  
services from the facility to which the child is assigned; the 118597  
return to the custody of the department of a child who has 118598  
escaped or otherwise fled the custody and control of the 118599  
department without authorization; the allegation of any sexual 118600  
activity with a child committed to the department; physical 118601  
injury to a child committed to the department as a result of 118602  
alleged abuse by department staff; an accident resulting in 118603  
injury to a child committed to the department that requires 118604  
medical care or treatment outside the institution in which the 118605

child is located; the discovery of a controlled substance upon 118606  
the person or in the property of a child committed to the 118607  
department; a suicide attempt by a child committed to the 118608  
department; a suicide attempt by a child committed to the 118609  
department that results in injury to the child requiring 118610  
emergency medical services outside the institution in which the 118611  
child is located; the death of a child committed to the 118612  
department; an injury to a visitor at an institution under the 118613  
control of the department that is caused by a child committed to 118614  
the department; and the commission or suspected commission of an 118615  
act by a child committed to the department that would be an 118616  
offense if committed by an adult. 118617

(3) "Sexual activity" has the same meaning as in section 118618  
2907.01 of the Revised Code. 118619

(4) "Controlled substance" has the same meaning as in 118620  
section 3719.01 of the Revised Code. 118621

(5) "Residential care facility" and "residential facility" 118622  
have the same meanings as in section 2151.011 of the Revised 118623  
Code. 118624

**Sec. 5139.08.** The department of youth services may enter 118625  
into an agreement with the director of rehabilitation and 118626  
correction pursuant to which the department of youth services, 118627  
in accordance with division (C) (2) of section 5139.06 and 118628  
section 5120.162 of the Revised Code, may transfer to a 118629  
correctional medical center established by the department of 118630  
rehabilitation and correction, children who are within its 118631  
custody for diagnosis or treatment of an illness, physical 118632  
condition, or other medical problem. The department of youth 118633  
services may enter into any other agreements with the director 118634  
of children and youth, the director of job and family services, 118635

the director of mental health and addiction services, the 118636  
director of developmental disabilities, the director of 118637  
rehabilitation and correction, with the courts having probation 118638  
officers or other public officials, and with private agencies or 118639  
institutions for separate care or special treatment of children 118640  
subject to the control of the department of youth services. The 118641  
department of youth services may, upon the request of a juvenile 118642  
court not having a regular probation officer, provide probation 118643  
services for such court. 118644

Upon request by the department of youth services, any 118645  
public agency or group care facility established or administered 118646  
by the state for the care and treatment of children and youth 118647  
shall, consistent with its functions, accept and care for any 118648  
child whose custody is vested in the department in the same 118649  
manner as it would be required to do if custody had been vested 118650  
by a court in such agency or group care facility. If the 118651  
department has reasonable grounds to believe that any child or 118652  
youth whose custody is vested in it is mentally ill or has an 118653  
intellectual disability, the department may file an affidavit 118654  
under section 5122.11 or 5123.76 of the Revised Code. The 118655  
department's affidavit for admission of a child or youth to such 118656  
institution shall be filed with the probate court of the county 118657  
from which the child was committed to the department. Such court 118658  
may request the probate court of the county in which the child 118659  
is held to conduct the hearing on the application, in which case 118660  
the court making such request shall bear the expenses of the 118661  
proceeding. If the department files such an affidavit, the child 118662  
or youth may be kept in such institution until a final decision 118663  
on the affidavit is made by the appropriate court. 118664

**Sec. 5139.34.** (A) Funds may be appropriated to the 118665  
department of youth services for the purpose of granting state 118666

subsidies to counties. A county or the juvenile court that 118667  
serves a county shall use state subsidies granted to the county 118668  
pursuant to this section only in accordance with divisions (B) 118669  
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 118670  
rules pertaining to the state subsidy funds that the department 118671  
adopts pursuant to division (D) of section 5139.04 of the 118672  
Revised Code. The department shall not grant financial 118673  
assistance pursuant to this section for the provision of care 118674  
and services for children in a placement facility unless the 118675  
facility has been certified, licensed, or approved by a state or 118676  
national agency with certification, licensure, or approval 118677  
authority, including, but not limited to, the department of ~~job-~~ 118678  
~~and family services~~ children and youth, department of education 118679  
and workforce, department of mental health and addiction 118680  
services, department of developmental disabilities, or American 118681  
correctional association. For the purposes of this section, 118682  
placement facilities do not include a state institution or a 118683  
county or district children's home. 118684

The department of youth services also shall not grant 118685  
financial assistance pursuant to this section for the provision 118686  
of care and services for children, including, but not limited 118687  
to, care and services in a detention facility, in another 118688  
facility, or in out-of-home placement, unless the minimum 118689  
standards applicable to the care and services that the 118690  
department prescribes in rules adopted pursuant to division (D) 118691  
of section 5139.04 of the Revised Code have been satisfied. 118692

(B) The department of youth services shall apply the 118693  
following formula to determine the amount of the annual grant 118694  
that each county is to receive pursuant to division (A) of this 118695  
section, subject to the appropriation for this purpose to the 118696  
department made by the general assembly: 118697

(1) Each county shall receive a basic annual grant of 118698  
fifty thousand dollars. 118699

(2) The sum of the basic annual grants provided under 118700  
division (B) (1) of this section shall be subtracted from the 118701  
total amount of funds appropriated to the department of youth 118702  
services for the purpose of making grants pursuant to division 118703  
(A) of this section to determine the remaining portion of the 118704  
funds appropriated. The remaining portion of the funds 118705  
appropriated shall be distributed on a per capita basis to each 118706  
county that has a population of more than twenty-five thousand 118707  
for that portion of the population of the county that exceeds 118708  
twenty-five thousand. 118709

(C) (1) Prior to a county's receipt of an annual grant 118710  
pursuant to this section, the juvenile court that serves the 118711  
county shall prepare, submit, and file in accordance with 118712  
division (B) (3) (a) of section 5139.43 of the Revised Code an 118713  
annual grant agreement and application for funding that is for 118714  
the combined purposes of, and that satisfies the requirements 118715  
of, this section and section 5139.43 of the Revised Code. In 118716  
addition to the subject matters described in division (B) (3) (a) 118717  
of section 5139.43 of the Revised Code or in the rules that the 118718  
department adopts to implement that division, the annual grant 118719  
agreement and application for funding shall address fiscal 118720  
accountability and performance matters pertaining to the 118721  
programs, care, and services that are specified in the agreement 118722  
and application and for which state subsidy funds granted 118723  
pursuant to this section will be used. 118724

(2) The county treasurer of each county that receives an 118725  
annual grant pursuant to this section shall deposit the state 118726  
subsidy funds so received into the county's felony delinquent 118727

care and custody fund created pursuant to division (B)(1) of 118728  
section 5139.43 of the Revised Code. Subject to exceptions 118729  
prescribed in section 5139.43 of the Revised Code that may apply 118730  
to the disbursement, the department shall disburse the state 118731  
subsidy funds to which a county is entitled in a lump sum 118732  
payment that shall be made in July of each calendar year. 118733

(3) Upon an order of the juvenile court that serves a 118734  
county and subject to appropriation by the board of county 118735  
commissioners of that county, a county treasurer shall disburse 118736  
from the county's felony delinquent care and custody fund the 118737  
state subsidy funds granted to the county pursuant to this 118738  
section for use only in accordance with this section, the 118739  
applicable provisions of section 5139.43 of the Revised Code, 118740  
and the county's approved annual grant agreement and application 118741  
for funding. 118742

(4) The moneys in a county's felony delinquent care and 118743  
custody fund that represent state subsidy funds granted pursuant 118744  
to this section are subject to appropriation by the board of 118745  
county commissioners of the county; shall be disbursed by the 118746  
county treasurer as required by division (C)(3) of this section; 118747  
shall be used in the manners referred to in division (C)(3) of 118748  
this section; shall not revert to the county general fund at the 118749  
end of any fiscal year; shall carry over in the felony 118750  
delinquent care and custody fund from the end of any fiscal year 118751  
to the next fiscal year; shall be in addition to, and shall not 118752  
be used to reduce, any usual annual increase in county funding 118753  
that the juvenile court is eligible to receive or the current 118754  
level of county funding of the juvenile court and of any 118755  
programs, care, or services for alleged or adjudicated 118756  
delinquent children, unruly children, or juvenile traffic 118757  
offenders or for children who are at risk of becoming delinquent 118758

children, unruly children, or juvenile traffic offenders; and 118759  
shall not be used to pay for the care and custody of felony 118760  
delinquents who are in the care and custody of an institution 118761  
pursuant to a commitment, recommitment, or revocation of a 118762  
release on parole by the juvenile court of that county or who 118763  
are in the care and custody of a community corrections facility 118764  
pursuant to a placement by the department as described in 118765  
division (E) of section 5139.36 of the Revised Code. 118766

(5) As a condition of the continued receipt of state 118767  
subsidy funds pursuant to this section, each county and the 118768  
juvenile court that serves each county that receives an annual 118769  
grant pursuant to this section shall comply with divisions (B) 118770  
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 118771

Sec. 5145.32. Every officer or employee of a correctional 118772  
institution under the control or supervision of the department 118773  
of rehabilitation and correction, and every contractor, or 118774  
employee of such contractor, upon entering the grounds of a 118775  
state correctional institution, shall be subject to screening to 118776  
prevent the conveyance of drugs of abuse into the institution. 118777

**Sec. 5153.10.** Each public children services agency shall 118778  
designate an executive officer known as the "executive 118779  
director," who shall not be in the classified civil service. The 118780  
superintendent of the children's home, the county director of 118781  
job and family services, or other individual may serve as the 118782  
executive director. 118783

The agency shall, from time to time, inquire into 118784  
community conditions affecting the welfare of children and study 118785  
the work of the agency and its relation to the work of other 118786  
organizations whose functions are related to child welfare. The 118787  
agency may, after consultation with the executive director, 118788

adopt rules of general application, not inconsistent with law or 118789  
with the rules adopted by the director of ~~job and family~~ 118790  
~~services~~ children and youth. 118791

**Sec. 5153.122.** Each PCSA caseworker hired after January 1, 118792  
2007, shall complete in-service training during the first year 118793  
of the caseworker's continuous employment as a PCSA caseworker, 118794  
except that the executive director of the public children 118795  
services agency may waive the training requirement for a school 118796  
of social work graduate who participated in the university 118797  
partnership program described in division (E) of section 118798  
~~5101.141~~ 5180.42 of the Revised Code and as provided in section 118799  
5153.124 of the Revised Code. The training shall consist of 118800  
courses in all of the following: 118801

(A) Recognizing, accepting reports of, and preventing 118802  
child abuse, neglect, and dependency; 118803

(B) Assessing child safety; 118804

(C) Assessing risks; 118805

(D) Interviewing persons; 118806

(E) Investigating cases; 118807

(F) Intervening; 118808

(G) Providing services to children and their families; 118809

(H) The importance of and need for accurate data; 118810

(I) Preparation for court; 118811

(J) Maintenance of case record information; 118812

(K) The legal duties of PCSA caseworkers to protect the 118813  
constitutional and statutory rights of children and families 118814  
from the initial time of contact during investigation through 118815

treatment, including instruction regarding parents' rights and 118816  
the limitations that the Fourth Amendment to the United States 118817  
Constitution places upon caseworkers and their investigations; 118818

(L) Content on other topics relevant to child abuse, 118819  
neglect, and dependency, including permanency strategies, 118820  
concurrent planning, and adoption as an option for unintended 118821  
pregnancies. 118822

After a PCSA caseworker's first year of continuous 118823  
employment as a PCSA caseworker, the caseworker annually shall 118824  
complete thirty-six hours of training in areas relevant to the 118825  
caseworker's assigned duties. 118826

During the first two years of continuous employment as a 118827  
PCSA caseworker, each PCSA caseworker shall complete training in 118828  
recognizing the signs of domestic violence and its relationship 118829  
to child abuse as established in rules the director of children 118830  
and youth shall adopt pursuant to Chapter 119. of the Revised 118831  
Code. 118832

**Sec. 5153.16.** (A) Except as provided in section 2151.422 118833  
of the Revised Code, in accordance with rules adopted under 118834  
section 5153.166 of the Revised Code, and on behalf of children 118835  
in the county whom the public children services agency considers 118836  
to be in need of public care or protective services, the public 118837  
children services agency shall do all of the following: 118838

(1) Make an investigation concerning any child alleged to 118839  
be an abused, neglected, or dependent child; 118840

(2) Enter into agreements with the parent, guardian, or 118841  
other person having legal custody of any child, or with the 118842  
department of children and youth, department of mental health 118843  
and addiction services, department of developmental 118844

disabilities, other department, any certified organization 118845  
within or outside the county, or any agency or institution 118846  
outside the state, having legal custody of any child, with 118847  
respect to the custody, care, or placement of any child, or with 118848  
respect to any matter, in the interests of the child, provided 118849  
the permanent custody of a child shall not be transferred by a 118850  
parent to the public children services agency without the 118851  
consent of the juvenile court; 118852

(3) Enter into a contract with an agency providing 118853  
prevention services in an effort to prevent neglect or abuse, to 118854  
enhance a child's welfare, and to preserve the family unit 118855  
intact when referring a family for prevention services under 118856  
division (J) of section 2151.421 of the Revised Code. 118857

(4) Accept custody of children committed to the public 118858  
children services agency by a court exercising juvenile 118859  
jurisdiction; 118860

(5) Provide such care as the public children services 118861  
agency considers to be in the best interests of any child 118862  
adjudicated to be an abused, neglected, or dependent child the 118863  
agency finds to be in need of public care or service; 118864

(6) Provide social services to any unmarried girl 118865  
adjudicated to be an abused, neglected, or dependent child who 118866  
is pregnant with or has been delivered of a child; 118867

(7) Make available to the children with medical handicaps 118868  
program of the department of health at its request any 118869  
information concerning a child with a disability found to be in 118870  
need of treatment under sections 3701.021 to 3701.028 of the 118871  
Revised Code who is receiving services from the public children 118872  
services agency; 118873

- (8) Provide temporary emergency care for any child 118874  
considered by the public children services agency to be in need 118875  
of such care, without agreement or commitment; 118876
- (9) Find certified foster homes, within or outside the 118877  
county, for the care of children, including children with 118878  
disabilities from other counties attending special schools in 118879  
the county; 118880
- (10) Subject to the approval of the board of county 118881  
commissioners and the department of children and youth, 118882  
establish and operate a training school or enter into an 118883  
agreement with any municipal corporation or other political 118884  
subdivision of the county respecting the operation, acquisition, 118885  
or maintenance of any children's home, training school, or other 118886  
institution for the care of children maintained by such 118887  
municipal corporation or political subdivision; 118888
- (11) Acquire and operate a county children's home, 118889  
establish, maintain, and operate a receiving home for the 118890  
temporary care of children, or procure certified foster homes 118891  
for this purpose; 118892
- (12) Enter into an agreement with the trustees of any 118893  
district children's home, respecting the operation of the 118894  
district children's home in cooperation with the other county 118895  
boards in the district; 118896
- (13) Cooperate with, make its services available to, and 118897  
act as the agent of persons, courts, the department of children 118898  
and youth, the department of health, and other organizations 118899  
within and outside the state, in matters relating to the welfare 118900  
of children, except that the public children services agency 118901  
shall not be required to provide supervision of or other 118902

services related to the exercise of parenting time rights 118903  
granted pursuant to section 3109.051 or 3109.12 of the Revised 118904  
Code or companionship or visitation rights granted pursuant to 118905  
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 118906  
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 118907  
or a common pleas court, pursuant to division (E)(6) of section 118908  
3113.31 of the Revised Code, requires the provision of 118909  
supervision or other services related to the exercise of the 118910  
parenting time rights or companionship or visitation rights; 118911

(14) Make investigations at the request of any 118912  
superintendent of schools in the county or the principal of any 118913  
school concerning the application of any child adjudicated to be 118914  
an abused, neglected, or dependent child for release from 118915  
school, where such service is not provided through a school 118916  
attendance department; 118917

(15) Administer funds provided under Title IV-E of the 118918  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 118919  
amended, in accordance with rules adopted under section ~~5101.141~~ 118920  
5180.42 of the Revised Code; 118921

(16) In addition to administering Title IV-E adoption 118922  
assistance funds, enter into agreements to make adoption 118923  
assistance payments under section 5153.163 of the Revised Code; 118924

(17) Implement a system of safety and risk assessment, in 118925  
accordance with rules adopted by the director of children and 118926  
youth, to assist the public children services agency in 118927  
determining the risk of abuse or neglect to a child; 118928

(18) Enter into a plan of cooperation with the board of 118929  
county commissioners under section 307.983 of the Revised Code 118930  
and comply with each fiscal agreement the board enters into 118931

under section 307.98 of the Revised Code that include family 118932  
services duties of public children services agencies and 118933  
contracts the board enters into under sections 307.981 and 118934  
307.982 of the Revised Code that affect the public children 118935  
services agency; 118936

(19) Make reasonable efforts to prevent the removal of an 118937  
alleged or adjudicated abused, neglected, or dependent child 118938  
from the child's home, eliminate the continued removal of the 118939  
child from the child's home, or make it possible for the child 118940  
to return home safely, except that reasonable efforts of that 118941  
nature are not required when a court has made a determination 118942  
under division (A) (2) of section 2151.419 of the Revised Code; 118943

(20) Make reasonable efforts to place the child in a 118944  
timely manner in accordance with the permanency plan approved 118945  
under division (E) of section 2151.417 of the Revised Code and 118946  
to complete whatever steps are necessary to finalize the 118947  
permanent placement of the child; 118948

(21) Administer a Title IV-A program identified under 118949  
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 118950  
that the department of children and youth provides for the 118951  
public children services agency to administer under the 118952  
department's supervision pursuant to section 5101.801 of the 118953  
Revised Code; 118954

(22) Administer the kinship permanency incentive program 118955  
created under section ~~5101.802~~ 5180.52 of the Revised Code under 118956  
the supervision of the director of children and youth; 118957

(23) Provide independent living services pursuant to 118958  
sections 2151.81 to 2151.84 of the Revised Code; 118959

(24) File a missing child report with a local law 118960

enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(B) The public children services agency shall use the system implemented pursuant to division (A) (17) of this section in connection with an investigation undertaken pursuant to division (G) (1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of children and youth, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health

services;	118989
(iii) County boards of developmental disabilities;	118990
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	118991 118992
(v) Private and government providers of services;	118993
(vi) Managed care organizations and prepaid health plans.	118994
(b) A public children services agency contract under division (C) (2) (a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	118995 118996 118997 118998 118999
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C) (2) (a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	119000 119001 119002 119003 119004 119005 119006 119007
<b>Sec. 5153.163.</b> (A) As used in this section:	119008
(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.	119009 119010
(2) "Relative" has the same meaning as in section <del>5101.141</del> <u>5180.42</u> of the Revised Code.	119011 119012
(B) (1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent	119013 119014 119015

state funds are available, may make state adoption maintenance 119016  
subsidy payments as needed on behalf of the child when all of 119017  
the following apply: 119018

(a) The child is a child with special needs. 119019

(b) The child was placed in the adoptive home by a public 119020  
children services agency or a private child placing agency and 119021  
may legally be adopted. 119022

(c) The adoptive parent has the capability of providing 119023  
the permanent family relationships needed by the child. 119024

(d) The needs of the child are beyond the economic 119025  
resources of the adoptive parent. 119026

(e) Acceptance of the child as a member of the adoptive 119027  
parent's family would not be in the child's best interest 119028  
without payments on the child's behalf under this section. 119029

(f) The gross income of the adoptive parent's family does 119030  
not exceed one hundred twenty per cent of the median income of a 119031  
family of the same size, including the child, as most recently 119032  
determined for this state by the secretary of health and human 119033  
services under Title XX of the "Social Security Act," 88 Stat. 119034  
2337, 42 U.S.C.A. 1397, as amended. 119035

(g) The child is not eligible for adoption assistance 119036  
payments under Title IV-E of the "Social Security Act," 94 Stat. 119037  
501 (1980), 42 U.S.C.A. 671, as amended. 119038

(2) State adoption maintenance subsidy payment agreements 119039  
must be made by either the public children services agency that 119040  
has permanent custody of the child or the public children 119041  
services agency of the county in which the private child placing 119042  
agency that has permanent custody of the child is located. 119043

(3) State adoption maintenance subsidy payments shall be 119044  
made in accordance with the agreement between the public 119045  
children services agency and the adoptive parent and are subject 119046  
to an annual redetermination of need. 119047

(4) Payments under this division may begin either before 119048  
or after issuance of the final adoption decree, except that 119049  
payments made before issuance of the final adoption decree may 119050  
be made only while the child is living in the adoptive parent's 119051  
home. Preadoption payments may be made for not more than twelve 119052  
months, unless the final adoption decree is not issued within 119053  
that time because of a delay in court proceedings. Payments that 119054  
begin before issuance of the final adoption decree may continue 119055  
after its issuance. 119056

(C) (1) A public children services agency may enter into an 119057  
agreement with a child's relative under which the agency, to the 119058  
extent state funds are available, may provide state kinship 119059  
guardianship assistance as needed on behalf of the child when 119060  
all of the following apply: 119061

(a) The relative has cared for the eligible child as a 119062  
foster caregiver as defined by section 5103.02 of the Revised 119063  
Code for at least six consecutive months. 119064

(b) Both of the following apply: 119065

(i) A juvenile court issued an order granting legal 119066  
custody of the child to the relative, or a probate court issued 119067  
an order granting guardianship of the child to the relative, and 119068  
the order is not a temporary court order. 119069

(ii) The relative has committed to care for the child on a 119070  
permanent basis. 119071

(c) The relative signed a state kinship guardianship 119072

assistance agreement prior to assuming legal guardianship or 119073  
legal custody of the child. 119074

(d) The child had been removed from home pursuant to a 119075  
voluntary placement agreement or as a result of a judicial 119076  
determination to the effect that continuation in the home would 119077  
be contrary to the welfare of the child. 119078

(e) Returning the child home or adoption are not 119079  
appropriate permanency options for the child. 119080

(f) The child demonstrates a strong attachment to the 119081  
relative and the relative has a strong commitment to caring 119082  
permanently for the child. 119083

(g) With respect to a child who has attained fourteen 119084  
years of age, the child has been consulted regarding the state 119085  
kinship guardianship assistance arrangement. 119086

(h) The child is not eligible for kinship guardianship 119087  
assistance payments under Title IV-E of the "Social Security 119088  
Act," 42 U.S.C. 673(d), as amended. 119089

(2) The public children services agency that had custody 119090  
of a child immediately prior to a court granting legal custody 119091  
or guardianship of the child to a relative of the child 119092  
described in division (C)(1) of this section is authorized to 119093  
enter into a state kinship guardianship assistance agreement 119094  
with that relative. 119095

(3) State kinship guardianship assistance for a child 119096  
shall be provided in accordance with a state kinship 119097  
guardianship assistance agreement entered into between the 119098  
public children services agency and relative of the child 119099  
described in division (C)(1) of this section and is subject to 119100  
an annual redetermination of need. 119101

~~(4) Not later than fifteen months after September 30, 2021, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.~~

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a person with a mental or physical disability twenty-one years of age or older.

(E) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) The method to determine the amount of assistance payable under division (B) of this section;

(3) The definition of "child with special needs" for this section;

(4) The process whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined;

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.

(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the

findings of the annual redetermination process established under 119130  
division (E) of this section and the child's individual need for 119131  
services, a public children services agency may continue to 119132  
provide state adoption special services subsidy payments on 119133  
behalf of a child for whom payments were being made prior to 119134  
July 1, 2004. 119135

(G) Benefits and services provided under this section are 119136  
inalienable whether by way of assignment, charge, or otherwise 119137  
and exempt from execution, attachment, garnishment, and other 119138  
like processes. 119139

Sec. 5160.25. (A) Regarding individuals with end-stage 119140  
renal disease in this state, the department of medicaid shall do 119141  
all of the following: 119142

(1) Evaluate medicare application requirements and review 119143  
state policies and procedures related to patients who are sixty- 119144  
five years of age or younger that have end-stage renal disease; 119145

(2) Review and identify whether there exist medicare 119146  
eligibility gaps for individuals with end-stage renal disease; 119147

(3) Take steps to address any eligibility gaps identified 119148  
under division (A) (2) of this section to improve patient access 119149  
to medicare benefits; 119150

(4) Develop a process to assist patients with end-stage 119151  
renal disease apply for medicare benefits. 119152

(B) Not later than September 1, 2026, the department shall 119153  
prepare and submit a report to the general assembly in 119154  
accordance with section 101.68 of the Revised Code. The report 119155  
shall detail the department's review conducted in accordance 119156  
with division (A) of this section, including the feasibility of 119157  
developing a process to assist patients with end-stage renal 119158

disease apply for medicare benefits. If the department 119159  
determines assisting patients apply for medicare benefits is not 119160  
feasible, the report shall include the results of the 119161  
department's finding and the steps the department took to reach 119162  
its conclusion. 119163

**Sec. 5160.37.** (A) A medical assistance recipient's 119164  
enrollment in a medical assistance program gives an automatic 119165  
right of recovery to the department of medicaid and a county 119166  
department of job and family services against the liability of a 119167  
third party for the cost of medical assistance paid on behalf of 119168  
the recipient. When an action or claim is brought against a 119169  
third party by a medical assistance recipient, any payment, 119170  
settlement or compromise of the action or claim, or any court 119171  
award or judgment, is subject to the recovery right of the 119172  
department of medicaid or county department. Except in the case 119173  
of a medical assistance recipient who receives medical 119174  
assistance through a medicaid managed care organization, the 119175  
department's or county department's claim shall not exceed the 119176  
amount of medical assistance paid by the department or county 119177  
department on behalf of the recipient. A payment, settlement, 119178  
compromise, judgment, or award that excludes the cost of medical 119179  
assistance paid for by the department or county department shall 119180  
not preclude a department from enforcing its rights under this 119181  
section. 119182

(B) (1) In the case of a medical assistance recipient who 119183  
receives medical assistance through a medicaid managed care 119184  
organization that has a capitation agreement with a provider, 119185  
the amount of the department's or county department's claim 119186  
shall be the amount the medicaid managed care organization would 119187  
have paid in the absence of a capitation agreement. 119188

(2) In the case of a medical assistance recipient who receives medical assistance through a medicaid managed care organization that does not have a capitation agreement with a provider, the amount of the department's or county department's claim shall be the amount the medicaid managed care organization pays for medical assistance rendered to the recipient, even if that amount is more than the amount the department or county department pays to the medicaid managed care organization for the recipient's medical assistance.

(C) A medical assistance recipient, and the recipient's attorney, if any, shall cooperate with the departments. In furtherance of this requirement, the medical assistance recipient, or the recipient's attorney, if any, shall, not later than thirty days after initiating informal recovery activity or filing a legal recovery action against a third party, provide written notice of the activity or action to the department of medicaid or county department if it has paid for medical assistance under a medical assistance program.

(D) The written notice that must be given under division (C) of this section shall disclose the identity and address of any third party against whom the medical assistance recipient has or may have a right of recovery.

(E) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medical assistance recipient where the department or county department has a right of recovery shall be made final without first giving the department or county department written notice as described in division (C) of this section and a reasonable opportunity to perfect its rights of recovery. If the department or county department is not given the appropriate written notice, the

medical assistance recipient and, if there is one, the 119219  
recipient's attorney, are liable to reimburse the department or 119220  
county department for the recovery received to the extent of 119221  
medical assistance payments made by the department or county 119222  
department. 119223

(F) The department or county department shall be permitted 119224  
to enforce its recovery rights against the third party even 119225  
though it accepted prior payments in discharge of its rights 119226  
under this section if, at the time the department or county 119227  
department received such payments, it was not aware that 119228  
additional medical expenses had been incurred but had not yet 119229  
been paid by the department or county department. The third 119230  
party becomes liable to the department or county department as 119231  
soon as the third party is notified in writing of the valid 119232  
claims for recovery under this section. 119233

(G) (1) Subject to division (G) (2) of this section, the 119234  
right of recovery of the department or county department does 119235  
not apply to that portion of any judgment, award, settlement, or 119236  
compromise of a claim, to the extent of attorneys' fees, costs, 119237  
or other expenses incurred by a medical assistance recipient in 119238  
securing the judgment, award, settlement, or compromise, or to 119239  
the extent of medical, surgical, and hospital expenses paid by 119240  
such recipient from the recipient's own resources. 119241

(2) Reasonable attorneys' fees, not to exceed one-third of 119242  
the total judgment, award, settlement, or compromise, plus costs 119243  
and other expenses incurred by the medical assistance recipient 119244  
in securing the judgment, award, settlement, or compromise, 119245  
shall first be deducted from the total judgment, award, 119246  
settlement, or compromise. After fees, costs, and other expenses 119247  
are deducted from the total judgment, award, settlement, or 119248

compromise, there shall be a rebuttable presumption that the 119249  
department of medicaid or county department shall receive no 119250  
less than one-half of the remaining amount, or the actual amount 119251  
of medical assistance paid, whichever is less. A party may rebut 119252  
the presumption in accordance with division (L) (1) ~~or~~, (2), or 119253  
(3) of this section, as applicable. 119254

(H) A right of recovery created by this section may be 119255  
enforced separately or jointly by the department of medicaid or 119256  
county department. To enforce its recovery rights, the 119257  
department or county department may do any of the following: 119258

(1) Intervene or join in any action or proceeding brought 119259  
by the medical assistance recipient or on the recipient's behalf 119260  
against any third party who may be liable for the cost of 119261  
medical assistance paid; 119262

(2) Institute and pursue legal proceedings against any 119263  
third party who may be liable for the cost of medical assistance 119264  
paid; 119265

(3) Initiate legal proceedings in conjunction with any 119266  
injured, diseased, or disabled medical assistance recipient or 119267  
the recipient's attorney or representative. 119268

(I) A medical assistance recipient shall not assess 119269  
attorney fees, costs, or other expenses against the department 119270  
of medicaid or a county department when the department or county 119271  
department enforces its right of recovery created by this 119272  
section. 119273

(J) The right of recovery given to the department under 119274  
this section includes payments made by a third party under 119275  
contract with a person having a duty to support. 119276

(K) The department of medicaid may assign to a medical 119277

assistance provider the right of recovery given to the 119278  
department under this section with respect to any claim for 119279  
which the department has notified the provider that the 119280  
department intends to recoup the department's prior payment for 119281  
the claim. 119282

(L) (1) Prior to any payment to the department or a county 119283  
department pursuant to the department's or county department's 119284  
right of recovery under this section, a party that desires to 119285  
rebut the presumption in division (G) of this section shall 119286  
submit to the department or county department a request for a 119287  
hearing in accordance with the procedure the department 119288  
establishes in rules required by division (O) of this section. 119289  
The amount sought by the department or county department shall 119290  
be held in escrow or in an interest on lawyers' trust account 119291  
until the hearing examiner renders a decision or the case is 119292  
otherwise concluded. A party successfully rebuts the presumption 119293  
by a showing of clear and convincing evidence that a different 119294  
allocation is warranted. 119295

(2) A medical assistance recipient who has repaid money, 119296  
on or after September 29, 2007, to the department or a county 119297  
department pursuant to the department's or county department's 119298  
right of recovery under this section, section 5160.38 of the 119299  
Revised Code, or former section 5101.58 or 5101.59 of the 119300  
Revised Code may request a hearing to rebut the presumption in 119301  
division (G) of this section. The request shall be made in 119302  
accordance with the procedure the department establishes for 119303  
this purpose in rules required by division (O) of this section. 119304  
It must be made not later than one hundred eighty days after 119305  
September 29, 2015, or ninety days after the payment is made, 119306  
whichever is later. A party successfully rebuts the presumption 119307  
by a showing of clear and convincing evidence that a different 119308

allocation is warranted. 119309

(3) A medical assistance recipient who has repaid money, 119310  
between April 6, 2007 and September 28, 2007, to the department 119311  
or a county department pursuant to the department's or county 119312  
department's right of recovery under this section, section 119313  
5160.38 of the Revised Code, or former section 5101.58 or 119314  
5101.59 of the Revised Code may request a hearing to rebut the 119315  
presumption in division (G) of this section. The request shall 119316  
be made not later than one hundred eighty days after the 119317  
effective date of this amendment in accordance with the 119318  
procedure the department establishes for this purpose in rules 119319  
required by division (O) of this section. The presumption is 119320  
successfully rebutted if the requestor demonstrates by clear and 119321  
convincing evidence that a different allocation is warranted. 119322

(4) With respect to a hearing requested under division (L) 119323  
(1) ~~or~~, (2), or (3) of this section, all of the following are 119324  
the case: 119325

(a) The hearing examiner may consider, but is not bound by 119326  
the allocation of, medical expenses specified in a settlement 119327  
agreement between the medical assistance recipient and the 119328  
relevant third party; 119329

(b) The department or county department may raise 119330  
affirmative defenses during the hearing, including the existence 119331  
of a prior settlement with the medical assistance recipient, the 119332  
doctrine of accord and satisfaction, or the common law principle 119333  
of res judicata; 119334

(c) If the parties agree, live testimony shall not be 119335  
presented at the hearing; 119336

(d) The hearing may be governed by rules adopted under 119337

section 5160.02 of the Revised Code. If such rules are adopted, 119338  
Chapter 119. of the Revised Code applies to the hearing only to 119339  
the extent specified in those rules; 119340

(e) The hearing examiner's decision is binding on the 119341  
department or county department and the medical assistance 119342  
recipient unless the decision is reversed or modified on appeal 119343  
to the medicaid director as described in division (M) of this 119344  
section; 119345

(f) A request for a hearing may be submitted by any of the 119346  
following: 119347

(i) The medical assistance recipient; 119348

(ii) The medical assistance recipient's authorized 119349  
representative; 119350

(iii) The executor or administrator of a medical 119351  
assistance recipient's estate authorized to make or pursue a 119352  
request; 119353

(iv) A court-appointed guardian; 119354

(v) An attorney who has been directly retained by the 119355  
medical assistance recipient, or the recipient's parent, legal 119356  
guardian, or court-appointed guardian. 119357

(M) (1) A medical assistance recipient who disagrees with a 119358  
hearing examiner's decision under division (L) of this section 119359  
may file an administrative appeal with the medicaid director in 119360  
accordance with the procedure the department establishes for 119361  
this purpose in rules required by division (O) of this section. 119362  
A hearing is not required during the administrative appeal, but 119363  
the director or the director's designee shall review the hearing 119364  
examiner's decision and any prior relevant administrative 119365

action. After the review, the director or the director's 119366  
designee shall affirm, modify, remand, or reverse the hearing 119367  
decision. A decision made under this division is final and 119368  
binding on the department or county department and the medical 119369  
assistance recipient unless it is reversed or modified on appeal 119370  
to a court of common pleas as described in division (N) of this 119371  
section. 119372

(2) An administrative appeal may be governed by rules 119373  
adopted under section 5160.02 of the Revised Code. If such rules 119374  
are adopted, Chapter 119. of the Revised Code applies to an 119375  
administrative appeal only to the extent specified in those 119376  
rules. 119377

(N) A party to an administrative appeal described in 119378  
division (M) of this section may file an appeal with a court of 119379  
common pleas in accordance with section 119.12 of the Revised 119380  
Code. 119381

(O) The medicaid director shall adopt rules under section 119382  
5160.02 of the Revised Code as necessary to implement this 119383  
section, including rules establishing procedures a party may use 119384  
to request a hearing under division (L) (1) ~~or~~, (2), or (3) of 119385  
this section or an administrative appeal under division (M) (1) 119386  
of this section. The rules shall be adopted in accordance with 119387  
Chapter 119. of the Revised Code. 119388

(P) Divisions (L) to (N) of this section are remedial in 119389  
nature and shall be liberally construed by the courts of this 119390  
state in accordance with section 1.11 of the Revised Code. Those 119391  
divisions specify the sole remedy available to a party who 119392  
claims the department or a county department has received or is 119393  
to receive more money than entitled to receive under this 119394  
section, section 5160.38 of the Revised Code, or former section 119395

5101.58 or 5101.59 of the Revised Code. 119396

Sec. 5162.08. (A) Notwithstanding any provision of law to 119397  
the contrary, and in accordance with section 5166.03 of the 119398  
Revised Code, the department of medicaid shall not seek or 119399  
implement an amendment to the medicaid state plan or a medicaid 119400  
waiver under section 1115 or 1915 of the "Social Security Act," 119401  
42 U.S.C. 1315 and 42 U.S.C. 1396n, that would expand medicaid 119402  
coverage to any additional individuals or class of individuals 119403  
or increase any net costs to the state, without first providing 119404  
notice to the joint medicaid oversight committee and the 119405  
standing committees in the house of representatives and the 119406  
senate with jurisdiction over medicaid. 119407

(B) The department shall provide regular updates to those 119408  
committees, on a schedule determined by the chairpersons of each 119409  
committee, regarding the status of any amendment to the medicaid 119410  
state plan or medicaid waiver described in division (A) of this 119411  
section and shall seek input from the committees to design any 119412  
amendment or waiver. 119413

Sec. 5162.132. ~~Annually~~ (A) Not later than the thirty-first 119414  
day of December of each year, the department of medicaid shall 119415  
prepare a report on the department's efforts to minimize fraud, 119416  
waste, and abuse in the medicaid program. The report shall 119417  
include all of the following for the most recently concluded 119418  
state fiscal year: 119419

(1) Improper medicaid payments and expenditures, including 119420  
the individual and total dollar amounts for claims that were 119421  
determined to be the result of fraud, waste, or abuse; 119422

(2) Federal and state recovered funds, including the 119423  
dollar amounts per claim and the total dollar amounts concerning 119424



~~(D)~~—The average amount of earned income of participants' families; 119454  
119455

~~(E)~~(D) The average amount of time participants have participated in the program; 119456  
119457

~~(F)~~(E) The types of other health insurance participants have been able to obtain. 119458  
119459

**Sec. 5162.25.** (A) As used in this section: 119460

(1) "State directed payment program" means a payment program authorized by the United States centers for medicare and medicaid services under 42 C.F.R. 438.6(c). 119461  
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119463

(2) "Preprint" means a form created by the United States centers for medicare and medicaid services to request approval of a state directed payment program, as required under 42 C.F.R. 438.6(c). 119464  
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119467

(B) (1) Except as provided in division (B) (2) or (3) of this section, the medicaid director shall comply with this section for all new and existing state directed payment programs. 119468  
119469  
119470  
119471

(2) The medicaid director shall not establish more than fifty state directed payment programs during a fiscal biennium. 119472  
119473

(3) This section does not apply to a state directed payment program that is funded by the department of medicaid or the hospital franchise permit fee program. 119474  
119475  
119476

(C) All of the following apply to a state directed payment program that is subject to this section: 119477  
119478

(1) The program shall comply with the requirements of 42 C.F.R. 438.6(c), including all of the following: 119479  
119480

(a) The program shall be approved by the United States centers for medicare and medicaid services, and the director shall seek approval for the program in accordance with section 5162.07 of the Revised Code. 119481  
119482  
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119484

(b) Directed payments under the program shall not exceed the average commercial rate for all providers participating under a preprint unless exempted by a value-based purchasing agreement approved by the United States centers for medicare and medicaid services. 119485  
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(c) The program shall be subject to an evaluation plan, in accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 119490  
119491

(2) The program shall be for hospital providers and services or professional services provided by hospitals. 119492  
119493

(3) Unless otherwise determined by the medicaid director, only one state directed payment preprint may be approved for each of the following provider classes: 119494  
119495  
119496

(a) Inpatient and outpatient hospital services; 119497

(b) Physician services; 119498

(c) Children's hospitals participating in the outcomes acceleration for kids quality initiative. 119499  
119500

(D) A hospital provider participating in a state directed payment program shall do all of the following: 119501  
119502

(1) Enter into one or more contracts related to the state directed payment program as necessary, as determined by the department; 119503  
119504  
119505

(2) Comply with all average commercial rate reporting requirements established by the department, related to the 119506  
119507

requirements set forth in 42 C.F.R. 438.6(c)(2)(iii); 119508

(3) Comply with the department's state directed payment 119509  
quality measure set, including the metrics and targets set by 119510  
the department for the state directed payment program to advance 119511  
the goals and objectives specified in the department's quality 119512  
strategy, as specified in 42 C.F.R. 438.6(c)(2)(ii)(C) and 42 119513  
C.F.R. 438.340; 119514

(4) Cooperate with any evaluation or reporting 119515  
requirements established by the department related to the 119516  
requirements set forth in 42 C.F.R. 438.6(c)(2)(ii)(D) and (F). 119517

(E) For any preprint effective for a rating period 119518  
beginning on or after January 1, 2027, a hospital provider 119519  
contract required under division (D)(1) of this section shall be 119520  
executed not later than the first day of October preceding the 119521  
first fiscal year of a biennium. A contract required under this 119522  
section may be entered into in accordance with section 5162.32 119523  
of the Revised Code. 119524

(F) The department shall enter into an agreement with the 119525  
authorized representative of each entity participating in a 119526  
state directed payment program established under this section. 119527  
No agreement entered into under this section shall be valid and 119528  
enforceable unless the director of budget and management first 119529  
certifies that there is a balance in the appropriation used to 119530  
support state directed payment programs that is not already 119531  
obligated under existing directed payment programs, in an amount 119532  
at least equal to the cost in the current fiscal year of the 119533  
state directed payment program that is the subject of the 119534  
agreement. 119535

(G)(1) All funds supporting a state directed payment 119536

program shall comply with the requirements specified in 42 119537  
C.F.R. 433.51. No hospital provider may participate in a state 119538  
directed payment program unless sufficient funds are obligated 119539  
and appropriated. 119540

(2) The department shall not at any time provide general 119541  
revenue funds or other state funds for a state directed payment 119542  
program that is subject to this section. The director shall 119543  
terminate or decline to establish any state directed payment 119544  
program if either of the following is the case: 119545

(a) Local funding is not available or sufficient to 119546  
sustain the program. 119547

(b) The federal government restricts or limits the 119548  
availability of federal funds to support state directed payment 119549  
programs or otherwise requires the state to utilize general 119550  
revenue funds or other state funds as a condition of 119551  
establishing or maintaining a state directed payment program. 119552

(H) The department shall not utilize more than two per 119553  
cent of funds received to support a state directed payment 119554  
program established under this section, including federal 119555  
financial participation, for the administration of state 119556  
directed payment programs. Additionally, the department shall 119557  
not utilize more than two per cent of funds received to support 119558  
a state directed payment program established under this section, 119559  
including federal financial participation, for the 119560  
administration of the department and the medicaid program. 119561

**Sec. 5163.03.** ~~(A) Subject to section 5163.05 of the~~ 119562  
~~Revised Code, the~~ The medicaid program shall cover all mandatory 119563  
eligibility groups. 119564

(B) The medicaid program shall cover all of the optional 119565

eligibility groups that state statutes require the medicaid program to cover. 119566  
119567

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 119568  
119569

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 119570  
119571

(2) The medicaid program covers the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017. 119572  
119573

(D) The medicaid program shall not cover an optional eligibility group to which either of the following applies: 119574  
119575

(1) State statutes prohibit the medicaid program from covering the optional eligibility group. 119576  
119577

(2) Except as provided in divisions (B) and (C) (1) of this section, the medicaid program does not cover the optional eligibility group ~~on the effective date of this amendment~~ November 22, 2017. 119578  
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119581

Sec. 5163.04. (A) If the federal medical assistance percentage for medical assistance provided to members of the expansion eligibility group is set below ninety per cent, the department of medicaid shall do both of the following: 119582  
119583  
119584  
119585

(1) Immediately discontinue all medical assistance for members of the group. 119586  
119587

(2) Not later than fifteen business days after the change to the federal medical assistance percentage, certify to the director of budget and management, the joint medicaid oversight committee, the president of the senate, and the speaker of the house of representatives the state and federal shares of total actual expenditure for the expansion eligibility group for the 119588  
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119593

most recently completed month prior to the change. 119594

(B) (1) Except as provided in division (B) (2) of this 119595  
section, the state share amount certified under division (A) (2) 119596  
of this section shall be multiplied by the number of months 119597  
remaining in the fiscal year. The amount calculated under this 119598  
division shall remain in the general revenue fund until the end 119599  
of the fiscal year, at which time the funds shall be transferred 119600  
in accordance with section 131.44 of the Revised Code. 119601

(2) If the change to the federal medical assistance 119602  
percentage described in division (A) of this section occurs 119603  
during the first year of a fiscal biennium, the state share 119604  
amount certified under division (A) (2) of this section shall be 119605  
multiplied by twelve for the second year of the fiscal biennium. 119606  
The amount calculated under this division shall remain in the 119607  
general revenue fund until the end of the fiscal biennium, at 119608  
which time the funds shall be transferred in accordance with 119609  
section 131.44 of the Revised Code. 119610

**Sec. 5163.091.** Under the medicaid buy-in for workers with 119611  
disabilities program, an individual who does ~~all~~both of the 119612  
following in accordance with rules authorized by section 119613  
5163.098 of the Revised Code qualifies for the medicaid program: 119614

(A) Applies for the medicaid buy-in for workers with 119615  
disabilities program; 119616

(B) Provides satisfactory evidence of all of the 119617  
following: 119618

(1) That the individual is at least sixteen years of age 119619  
and under sixty-five years of age; 119620

(2) Except as provided in section 5163.096 of the Revised 119621  
Code, that one of the following applies to the individual: 119622

(a) The individual is considered disabled for the purpose 119623  
of the supplemental security income program, regardless of 119624  
whether the individual receives supplemental security income 119625  
benefits, and the individual has earnings from employment. 119626

(b) The individual is an employed individual with a 119627  
medically improved disability. 119628

(3) That the value of the individual's resources, less 119629  
amounts disregarded pursuant to rules authorized by section 119630  
5163.098 of the Revised Code, does not exceed the amount 119631  
provided for by section 5163.092 of the Revised Code; 119632

(4) That the individual's income, less amounts disregarded 119633  
pursuant to section 5163.093 of the Revised Code, does not 119634  
exceed two hundred fifty per cent of the federal poverty line; 119635

(5) That the individual meets the additional eligibility 119636  
requirements for the medicaid buy-in for workers with 119637  
disabilities program established in rules authorized by section 119638  
5163.098 of the Revised Code. 119639

~~(C) To the extent required by section 5163.094 of the~~ 119640  
~~Revised Code, pays the premium established under that section.~~ 119641

**Sec. 5163.093.** For the purpose of determining whether an 119642  
individual is within the income eligibility limit for the 119643  
medicaid buy-in for workers with disabilities program, all of 119644  
the following apply: 119645

(A) Twenty thousand dollars of the individual's earned 119646  
income shall be disregarded. 119647

(B) No amount that the individual's employer pays to 119648  
obtain health insurance for one or more members of the 119649  
individual's family, ~~including any amount of a premium~~ 119650

~~established under section 5163.094 of the Revised Code that the~~ 119651  
~~employer pays,~~ shall be treated as the individual's income. 119652

(C) Any other amounts, if any, specified in rules 119653  
authorized by section 5163.098 of the Revised Code shall be 119654  
disregarded from the individual's earned income, unearned 119655  
income, or both. 119656

**Sec. 5163.094.** An individual ~~whose income exceeds one~~ 119657  
~~hundred fifty per cent of the federal poverty line shall not be~~ 119658  
~~required to pay an annual a premium~~ as a condition of qualifying 119659  
for the medicaid buy-in for workers with disabilities program. 119660  
~~The amount of the premium shall be determined as follows:~~ 119661

~~(A) Subtract one hundred fifty per cent of the federal~~ 119662  
~~poverty line, as applicable for a family size equal to the size~~ 119663  
~~of the individual's family, from the amount of the income of the~~ 119664  
~~individual's family;~~ 119665

~~(B) Subtract an amount specified in rules authorized by~~ 119666  
~~section 5163.098 of the Revised Code from the difference~~ 119667  
~~determined under division (A) of this section;~~ 119668

~~(C) Multiply the difference determined under division (B)~~ 119669  
~~of this section by one tenth.~~ 119670

**Sec. 5163.098.** (A) The medicaid director shall adopt rules 119671  
under section 5163.02 of the Revised Code as necessary to 119672  
implement the medicaid buy-in for workers with disabilities 119673  
program. The rules shall do all of the following: 119674

(1) Specify assets, asset values, and amounts to be 119675  
disregarded in determining asset and income eligibility limits 119676  
for the program; 119677

(2) Establish meanings for the terms "earned income," 119678

"health insurance," "resources," "spouse," and "unearned  
income";

(3) Establish additional eligibility requirements for the  
program that must be established for the United States secretary  
of health and human services to approve the program;

~~(4) For the purpose of division (B) of section 5163.094 of  
the Revised Code, specify an amount to be subtracted from the  
difference determined under division (A) of that section.~~

(B) The director may adopt rules under section 5163.02 of  
the Revised Code to specify amounts to be disregarded from an  
individual's earned income, unearned income, or both under  
division (C) of section 5163.093 of the Revised Code for the  
purpose of determining whether the individual is within the  
income eligibility limit for the medicaid buy-in for workers  
with disabilities program.

Sec. 5163.104. As used in this section, "presumptive  
eligibility error rate" has the same meaning as in section  
5163.103 of the Revised Code.

Quarterly, the department of medicaid shall report to the  
general assembly the presumptive eligibility error rate for  
presumptive eligibility determinations made during the previous  
quarter. Reports made under this section shall be submitted to  
the general assembly in accordance with section 101.68 of the  
Revised Code.

Sec. 5163.11. To the extent permissible under federal law,  
the department of medicaid shall redetermine the eligibility of  
members of the expansion eligibility group for medicaid benefits  
every six months.

**Sec. 5163.30.** (A) As used in this section:

- (1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but does not receive because of action by any of the following:
- (a) The individual or spouse;
  - (b) A person or government entity, including a court or administrative agency, with legal authority to act in place of or on behalf of the individual or spouse;
  - (c) A person or government entity, including a court or administrative agency, acting at the direction or on the request of the individual or spouse.
- (2) "Home and community-based services" means home and community-based services furnished under a medicaid waiver granted by the United States secretary of health and human services under the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 1396n(c) or (d).
- (3) "Institutionalized individual" means a resident of a nursing facility, an inpatient in a medical institution for whom a payment is made based on a level of care provided in a nursing facility, or an individual described in the "Social Security Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI).
- (4) "Look-back date" means the date that is a number of months specified in rules adopted under section 5163.02 of the Revised Code immediately before either of the following:
- (a) The date an individual becomes an institutionalized individual if the individual is eligible for medicaid on that date;

(b) The date an individual applies for medicaid while an institutionalized individual. 119736  
119737

(5) "Nursing facility equivalent services" means services 119738  
that are covered by the medicaid program, equivalent to nursing 119739  
facility services, provided by an institution that provides the 119740  
same level of care as a nursing facility, and provided to an 119741  
inpatient of the institution who is a medicaid recipient 119742  
eligible for medicaid-covered nursing facility equivalent 119743  
services. 119744

(6) "Undue hardship" means being deprived of either of the 119745  
following: 119746

(a) Medical care such that an individual's health or life 119747  
is endangered; 119748

(b) Food, clothing, shelter, or other necessities of life. 119749

(B) Except as provided in division (C) of this section and 119750  
rules adopted under section 5163.02 of the Revised Code, an 119751  
institutionalized individual is ineligible for nursing facility 119752  
services, nursing facility equivalent services, and home and 119753  
community-based services if the individual or individual's 119754  
spouse disposes of assets for less than fair market value on or 119755  
after the look-back date. The institutionalized individual's 119756  
ineligibility shall begin on a date determined in accordance 119757  
with rules adopted under section 5163.02 of the Revised Code and 119758  
shall continue for a number of months determined in accordance 119759  
with such rules. 119760

(C) (1) An institutionalized individual may be granted a 119761  
waiver of all or a portion of the period of ineligibility to 119762  
which the individual would otherwise be subjected under division 119763  
(B) of this section if the ineligibility would cause an undue 119764

hardship for the individual. 119765

(2) An institutionalized individual ~~shall~~may be granted a 119766  
waiver of all or a portion of the period of ineligibility if the 119767  
administrator of the nursing facility in which the individual 119768  
resides has notified the individual of a proposed transfer or 119769  
discharge under section 3721.16 of the Revised Code due to 119770  
failure to pay for the care the nursing facility has provided to 119771  
the individual, the individual or the individual's sponsor 119772  
requests a hearing on the proposed transfer or discharge in 119773  
accordance with section 3721.161 of the Revised Code, and the 119774  
transfer or discharge is upheld by a final determination that is 119775  
not subject to further appeal. 119776

(3) An institutionalized individual may be granted a 119777  
waiver of all of the period of ineligibility if all of the 119778  
assets that were disposed of for less than fair market value are 119779  
returned to the individual or individual's spouse or if the 119780  
individual or individual's spouse receives cash or other 119781  
personal or real property that equals the difference between 119782  
what the individual or individual's spouse received for the 119783  
assets and the fair market value of the assets. Except as 119784  
provided in division (C) (1) or (2) of this section, no waiver of 119785  
any part of the period of ineligibility shall be granted if the 119786  
amount the individual or individual's spouse receives is less 119787  
than the difference between what the individual or individual's 119788  
spouse received for the assets and the fair market value of the 119789  
assets. 119790

(4) Waivers shall be granted in accordance with rules 119791  
adopted under section 5163.02 of the Revised Code. 119792

(D) To secure compliance with this section, the medicaid 119793  
director may require an individual, as a condition of initial or 119794

continued eligibility for medicaid, to provide documentation of 119795  
the individual's assets up to five years before the date the 119796  
individual becomes an institutionalized individual if the 119797  
individual is eligible for medicaid on that date or the date the 119798  
individual applies for medicaid while an institutionalized 119799  
individual. Documentation may include tax returns, records from 119800  
financial institutions, and real property records. 119801

Sec. 5163.50. (A) The department of medicaid shall issue 119802  
one or more requests for information relating to medicaid 119803  
eligibility data and operations to identify and assess systems 119804  
and solutions that may be available to improve or augment the 119805  
management, efficiency, frequency, and accuracy of medicaid 119806  
eligibility determinations and processing. The requests for 119807  
information shall include systems and data relating to all of 119808  
the following: 119809

- (1) Medicaid enrollee or applicant identity verification; 119810
- (2) Medicaid enrollee death verification; 119811
- (3) Employment and wages; 119812
- (4) Lottery winnings; 119813
- (5) Residency verification including residency relating to 119814  
concurrent enrollment in medicaid programs in other states; 119815
- (6) Household composition; 119816
- (7) Medicaid enrollee incarceration status; 119817
- (8) Third-party liability verification; 119818
- (9) Asset verification; 119819
- (10) Any other records or systems the department considers 119820  
appropriate in order to strengthen program integrity, reduce 119821

costs, and reduce fraud, waste, and abuse in the medicaid 119822  
program. 119823

(B) As part of the considerations under division (A) of 119824  
this section, the department shall consider augmenting existing 119825  
vendor arrangements relating to processing and managing medicaid 119826  
eligibility cases. 119827

(C) The department may procure one or more vendors to 119828  
implement any solutions identified as cost effective and 119829  
feasible. Any vendor compensation under this section shall be 119830  
performance-based. 119831

**Sec. 5164.093.** (A) As used in this section, "rapid whole 119832  
genome sequencing" means an investigation of the entire human 119833  
genome, including coding and non-coding regions and 119834  
mitochondrial deoxyribonucleic acid, to identify disease-causing 119835  
genetic changes, and includes patient-only whole genome 119836  
sequencing and duo and trio whole genome sequencing of the 119837  
patient and biological parent or parents. 119838

(B) Beginning one year after the effective date of this 119839  
section, and subject to approval from the centers for medicare 119840  
and medicaid services, the medicaid program shall reimburse 119841  
medicaid providers for rapid whole genome sequencing for 119842  
patients who are Medicaid recipients and meet all of the 119843  
following criteria: 119844

(1) The patient is under one year of age. 119845

(2) The patient has a complex or acute illness of unknown 119846  
etiology that is not confirmed to be caused by an environmental 119847  
exposure, toxic ingestion, infection with normal response to 119848  
therapy, or trauma. 119849

(3) The patient is receiving hospital services in an 119850

intensive care unit or other high acuity care unit within a 119851  
hospital. 119852

(C) A laboratory performing the rapid whole genome 119853  
sequencing provided pursuant to this section shall return the 119854  
preliminary positive results within seven days and final results 119855  
within fifteen days from the date of receipt of the sample. 119856

(D) Payment provided pursuant to this section may be 119857  
subject to any of the following evidence-based medical necessity 119858  
criteria: 119859

(1) The patient has symptoms that suggest a broad 119860  
differential diagnosis that would require an evaluation by 119861  
multiple genetic tests if rapid whole genome sequencing is not 119862  
performed. 119863

(2) The patient's treating health care provider has 119864  
determined that timely identification of a molecular diagnosis 119865  
is necessary to guide clinical decision-making and testing 119866  
results may guide the treatment or management of the patient's 119867  
condition. 119868

(3) The patient has a family genetic history related to 119869  
the patient's condition. 119870

(4) The patient has a complex or acute illness of unknown 119871  
etiology including at least one of the following conditions: 119872

(a) Congenital anomalies involving at least two organ 119873  
systems or complex or multiple congenital anomalies in one organ 119874  
system; 119875

(b) Specific organ malformations highly suggestive of a 119876  
genetic etiology; 119877

(c) Abnormal laboratory tests or abnormal chemistry 119878

<u>profiles suggesting the presence of a genetic disease, complex</u>	119879
<u>metabolic disorder, or inborn error of metabolism;</u>	119880
<u>(d) Refractory or severe hypoglycemia or hyperglycemia;</u>	119881
<u>(e) Abnormal response to therapy related to an underlying</u>	119882
<u>medical condition affecting vital organs or bodily systems;</u>	119883
<u>(f) Severe muscle weakness, rigidity, or spasticity;</u>	119884
<u>(g) A high-risk stratification for a brief, resolved,</u>	119885
<u>unexplained, and recurrent event that is any of the following:</u>	119886
<u>(i) An event without respiratory infection;</u>	119887
<u>(ii) A witnessed seizure-like event;</u>	119888
<u>(iii) A cardiopulmonary resuscitation event.</u>	119889
<u>(h) Refractory seizures;</u>	119890
<u>(i) Abnormal cardiac diagnostic testing results suggestive</u>	119891
<u>of possible channelopathies, arrhythmias, cardiomyopathies,</u>	119892
<u>myocarditis, or structural heart disease;</u>	119893
<u>(j) Abnormal diagnostic imaging studies suggestive of an</u>	119894
<u>underlying genetic condition;</u>	119895
<u>(k) Abnormal physiologic function studies suggestive of an</u>	119896
<u>underlying genetic etiology.</u>	119897
<u>(E) The director may add conditions to those specified in</u>	119898
<u>division (D) (4) of this section based on new medical evidence</u>	119899
<u>and may provide coverage for rapid whole genome sequencing or</u>	119900
<u>other next-generation sequencing and genetic testing in addition</u>	119901
<u>to the reimbursement required under this section.</u>	119902
<u>(F) (1) Except as provided in division (F) (2) of this</u>	119903
<u>section, genetic data generated as a result of performing rapid</u>	119904

whole genome sequencing pursuant to this section shall have a 119905  
primary use of assisting the ordering health care professional 119906  
and treating care team to diagnose and treat the patient, and as 119907  
protected health information it shall be subject to the 119908  
requirements applicable to protected health information set 119909  
forth in the "Health Insurance Portability and Accountability 119910  
Act of 1996," 42 U.S.C. 1320d et seq., the "Health Information 119911  
Technology for Economic and Clinical Health Act of 2009," 42 119912  
U.S.C. 17921 et seq., and any other applicable law regarding 119913  
protected health information. 119914

(2) Genetic data generated from rapid whole genome 119915  
sequencing reimbursed under this section can be used in 119916  
scientific research if consent for such use of the data has been 119917  
expressly given by the patient's legal guardian. The patient, 119918  
the patient's legal guardian, or the patient's health care 119919  
provider with the patient or the patient's guardian's consent, 119920  
may request access to the results of the testing for use in 119921  
other clinical settings. A health care provider may only charge 119922  
a fee to the patient based on the direct costs of producing the 119923  
results in a format usable in other clinical settings. A patient 119924  
or a patient's legal guardian shall have the right to rescind 119925  
the original consent to the use of the data in scientific 119926  
research at any time, and upon receipt of a written revocation 119927  
of the consent the health care provider or other entity using 119928  
the data shall cease use and expunge the data from any data 119929  
repository where it is held. 119930

(G) The director shall take any actions necessary to 119931  
implement the provisions of this section, including: 119932

(1) Adopting rules authorized by section 5166.02 of the 119933  
Revised Code; 119934

(2) Any other administrative action determined to be 119935  
necessary to implement the requirements of this section. 119936

**Sec. 5165.19.** (A) (1) Semiannually, except as provided in 119937  
division (A) (2) of this section, the department of medicaid 119938  
shall determine each nursing facility's per medicaid day payment 119939  
rate for direct care costs by multiplying the facility's 119940  
semiannual case-mix score determined under section 5165.192 of 119941  
the Revised Code by the cost per case-mix unit determined under 119942  
division (C) of this section for the facility's peer group. 119943

(2) Beginning January 1, 2024, during state fiscal years 119944  
2024 and 2025, the department shall determine each nursing 119945  
facility's per medicaid day payment rate for direct care costs 119946  
by multiplying the cost per case-mix unit determined under 119947  
division (C) of this section for the facility's peer group by 119948  
the case-mix score specified in division (A) (2) (a) or (b) of 119949  
this section, as selected by the nursing facility not later than 119950  
October 1, 2023. If the nursing facility does not make a 119951  
selection by October 1, 2023, the case-mix score specified in 119952  
division (A) (2) (a) of this section shall apply. The case-mix 119953  
score may be either of the following: 119954

(a) The semiannual case-mix score determined for the 119955  
facility under division (A) (1) of this section; 119956

(b) The facility's quarterly case-mix score from March 31, 119957  
2023, which shall apply to the facility's direct care rate from 119958  
January 1, 2024, to June 30, 2025. 119959

(B) For the purpose of determining nursing facilities' 119960  
rates for direct care costs, the department shall establish 119961  
three peer groups. 119962

(1) Each nursing facility located in any of the following 119963

counties shall be placed in peer group one: Brown, Butler, 119964  
Clermont, Clinton, Hamilton, and Warren. 119965

(2) Each nursing facility located in any of the following 119966  
counties shall be placed in peer group two: Allen, Ashtabula, 119967  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 119968  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 119969  
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 119970  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 119971  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 119972

(3) Each nursing facility located in any of the following 119973  
counties shall be placed in peer group three: Adams, Ashland, 119974  
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 119975  
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 119976  
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 119977  
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, 119978  
Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 119979  
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 119980  
Wyandot. 119981

(C) (1) ~~The~~ Except as provided in division (C) (4) of this 119982  
section, the department shall determine a cost per case-mix unit 119983  
for each peer group established under division (B) of this 119984  
section. The cost per case-mix unit determined under this 119985  
division for a peer group shall be used for subsequent years 119986  
until the department conducts a rebasing. To determine a peer 119987  
group's cost per case-mix unit, the department shall do both of 119988  
the following: 119989

(a) Determine the cost per case-mix unit for each nursing 119990  
facility in the peer group for the applicable calendar year by 119991  
dividing each facility's desk-reviewed, actual, allowable, per 119992  
diem direct care costs for the applicable calendar year by the 119993

facility's annual average case-mix score determined under	119994
section 5165.192 of the Revised Code for the applicable calendar	119995
year;	119996
(b) Subject to division (C)(2) of this section, identify	119997
which nursing facility in the peer group is at the seventieth	119998
percentile of the cost per case-mix units determined under	119999
division (C)(1)(a) of this section.	120000
(2) In making the identification under division (C)(1)(b)	120001
of this section, the department shall exclude both of the	120002
following:	120003
(a) Nursing facilities that participated in the medicaid	120004
program under the same provider for less than twelve months in	120005
the applicable calendar year;	120006
(b) Nursing facilities whose cost per case-mix unit is	120007
more than one standard deviation from the mean cost per case-mix	120008
unit for all nursing facilities in the nursing facility's peer	120009
group for the applicable calendar year.	120010
(3) The department shall not redetermine a peer group's	120011
cost per case-mix unit under this division based on additional	120012
information that it receives after the peer group's per case-mix	120013
unit is determined. The department shall redetermine a peer	120014
group's cost per case-mix unit only if it made an error in	120015
determining the peer group's cost per case-mix unit based on	120016
information available to the department at the time of the	120017
original determination.	120018
<u>(4) The department shall multiply each cost per case-mix</u>	120019
<u>unit determined under division (C)(1) of this section by the</u>	120020
<u>peer group average case-mix score in effect on December 31,</u>	120021
<u>2025, divided by the peer group average case-mix score</u>	120022

determined under section 5165.192 of the Revised Code for the 120023  
semiannual period beginning January 1, 2026. The product 120024  
determined under this division for each nursing facility's peer 120025  
group shall be the cost per case-mix unit used to determine the 120026  
nursing facility's per medicaid day payment rate for direct care 120027  
costs under division (A) (1) of this section for the period 120028  
beginning January 1, 2026, and ending on the day before the 120029  
department's next rebasing conducted after that date takes 120030  
effect. 120031

**Sec. 5165.192.** (A) (1) Except as provided in division (B) 120032  
of this section and in accordance with the process specified in 120033  
rules authorized by this section, the department of medicaid 120034  
shall do all of the following: 120035

(a) Every quarter, determine the following two case-mix 120036  
scores for each nursing facility: 120037

(i) A quarterly case-mix score that includes each resident 120038  
who is a medicaid recipient and is not a low case-mix resident; 120039

(ii) A quarterly case-mix score that includes each 120040  
resident regardless of payment source. 120041

(b) Every six months, determine a semiannual average case- 120042  
mix score for each nursing facility by using the quarterly case- 120043  
mix scores determined for the nursing facility pursuant to 120044  
division (A) (1) (a) (i) of this section; 120045

(c) After the end of each calendar year, determine an 120046  
annual average case-mix score for each nursing facility by using 120047  
the quarterly case-mix scores determined for the nursing 120048  
facility pursuant to division (A) (1) (a) (ii) of this section. 120049

(2) When determining case-mix scores under division (A) (1) 120050  
of this section, the department shall use all of the following: 120051

(a) Data from a resident assessment instrument specified	120052
in rules authorized by section 5165.191 of the Revised Code;	120053
(b) Except as provided in rules authorized by this	120054
section, the case-mix values established by the United States	120055
department of health and human services;	120056
(c) Except as modified in rules authorized by this	120057
section, the grouper methodology used on <del>June 30, 1999</del> <u>October 1,</u>	120058
<u>2019, for the patient driven payment model nursing index,</u> by the	120059
United States department of health and human services for	120060
prospective payment of skilled nursing facilities under the	120061
medicare program.	120062
(B) (1) Subject to division (B) (2) of this section, the	120063
department, for one or more months of a calendar quarter, may	120064
assign to a nursing facility a case-mix score that is five per	120065
cent less than the nursing facility's case-mix score for the	120066
immediately preceding calendar quarter if any of the following	120067
apply:	120068
(a) The provider does not timely submit complete and	120069
accurate resident assessment data necessary to determine the	120070
nursing facility's case-mix score for the calendar quarter;	120071
(b) The nursing facility was subject to an exception	120072
review under section 5165.193 of the Revised Code for the	120073
immediately preceding calendar quarter;	120074
(c) The nursing facility was assigned a case-mix score for	120075
the immediately preceding calendar quarter.	120076
(2) Before assigning a case-mix score to a nursing	120077
facility due to the submission of incorrect resident assessment	120078
data, the department shall permit the provider to correct the	120079
data. The department may assign the case-mix score if the	120080

provider fails to submit the corrected resident assessment data 120081  
not later than the earlier of the forty-fifth day after the end 120082  
of the calendar quarter to which the data pertains or the 120083  
deadline for submission of such corrections established by 120084  
regulations adopted by the United States department of health 120085  
and human services under Title XVIII and Title XIX. 120086

(3) If, for more than six months in a calendar year, a 120087  
provider is paid a rate determined for a nursing facility using 120088  
a case-mix score assigned to the nursing facility under division 120089  
(B) (1) of this section, the department may assign the nursing 120090  
facility a cost per case-mix unit that is five per cent less 120091  
than the nursing facility's actual or assigned cost per case-mix 120092  
unit for the immediately preceding calendar year. The department 120093  
may use the assigned cost per case-mix unit, instead of 120094  
determining the nursing facility's actual cost per case-mix unit 120095  
in accordance with section 5165.19 of the Revised Code, to 120096  
establish the nursing facility's rate for direct care costs for 120097  
the fiscal year immediately following the calendar year for 120098  
which the cost per case-mix unit is assigned. 120099

(4) The department shall take action under division (B) 120100  
(1), (2), or (3) of this section only in accordance with rules 120101  
authorized by this section. The department shall not take an 120102  
action that affects rates for prior payment periods except in 120103  
accordance with sections 5165.41 and 5165.42 of the Revised 120104  
Code. 120105

(C) The medicaid director shall adopt rules under section 120106  
5165.02 of the Revised Code as necessary to implement this 120107  
section. 120108

(1) The rules shall do all of the following: 120109

- (a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities; 120110  
120111
- ~~(b) Adjust the case-mix values specified in division (A) (2) (b) of this section to reflect changes in relative wage differentials that are specific to this state;~~ 120112  
120113  
120114
- ~~(c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;~~ 120115  
120116  
120117  
120118
- ~~(d)~~ Modify the grouper methodology specified in division (A) (2) (c) of this section as follows: 120119  
120120
- (i) ~~Establish a different hierarchy for assigning residents to case-mix categories under the methodology;~~ 120121  
120122
- ~~(ii) Allow the use of the index maximizer element of the methodology;~~ 120123  
120124
- ~~(iii)~~ Incorporate changes to the grouper methodology for the patient driven payment model nursing index used by the United States department of health and human services ~~makes~~ after June 30, 1999 on October 1, 2019, for prospective payment of skilled nursing facilities under the medicare program; 120125  
120126  
120127  
120128  
120129
- ~~(iv)~~ (ii) Make other changes the department determines are necessary. 120130  
120131
- ~~(e)~~ (c) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 120132  
120133  
120134
- ~~(f)~~ (d) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures 120135  
120136  
120137

may limit the content of corrections in the manner required by 120138  
regulations adopted by the United States department of health 120139  
and human services under Title XVIII and Title XIX. 120140

~~(g)~~(e) Specify when and how the department will assign 120141  
case-mix scores or costs per case-mix unit to a nursing facility 120142  
under division (B) of this section if information necessary to 120143  
calculate the nursing facility's case-mix score is not provided 120144  
or corrected in accordance with the procedures established by 120145  
the rules. 120146

(2) Notwithstanding any other provision of this chapter, 120147  
the rules may provide for the exclusion of case-mix scores 120148  
assigned to a nursing facility under division (B) of this 120149  
section from the determination of the nursing facility's 120150  
semiannual or annual average case-mix score and the cost per 120151  
case-mix unit for the nursing facility's peer group. 120152

**Sec. 5165.26.** (A) As used in this section: 120153

(1) "Base rate" means the portion of a nursing facility's 120154  
total per medicaid day payment rate determined under divisions 120155  
(A) and (B) of section 5165.15 of the Revised Code. 120156

(2) "CMS" means the United States centers for medicare and 120157  
medicaid services. 120158

(3) "Long-stay resident" means an individual who has 120159  
resided in a nursing facility for at least one hundred one days. 120160

(4) "Nursing facilities for which a quality score was 120161  
determined" includes nursing facilities that are determined to 120162  
have a quality score of zero. 120163

(5) "SFF list" means the list of nursing facilities that 120164  
the United States department of health and human services 120165

creates under the special focus facility program. 120166

(6) "Special focus facility program" means the program 120167  
conducted by the United States secretary of health and human 120168  
services pursuant to section 1919(f)(10) of the "Social Security 120169  
Act," 42 U.S.C. 1396r(f)(10). 120170

(B) Subject to divisions (D) and (E) and except as 120171  
provided in division (F) of this section, the department of 120172  
medicaid shall determine each nursing facility's per medicaid 120173  
day quality incentive payment rate as follows: 120174

(1) Determine the sum of the quality scores determined 120175  
under division (C) of this section for all nursing facilities. 120176

(2) Determine the average quality score by dividing the 120177  
sum determined under division (B)(1) of this section by the 120178  
number of nursing facilities for which a quality score was 120179  
determined. 120180

(3) Determine the sum of the total number of medicaid days 120181  
for all of the calendar year preceding the fiscal year for which 120182  
the rate is determined for all nursing facilities for which a 120183  
quality score was determined. 120184

(4) Multiply the average quality score determined under 120185  
division (B)(2) of this section by the sum determined under 120186  
division (B)(3) of this section. 120187

(5) Determine the value per quality point by determining 120188  
the quotient of the following: 120189

(a) The sum determined under division (E)(2) of this 120190  
section. 120191

(b) The product determined under division (B)(4) of this 120192  
section. 120193

(6) Multiply the value per quality point determined under division (B) (5) of this section by the nursing facility's quality score determined under division (C) of this section.

(C) (1) Except as provided in divisions (C) (2) and (3) of this section, a nursing facility's quality score for a state fiscal year shall be the sum of the following:

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

(i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

(iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(iv) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

If CMS ceases to publish any of the metrics specified in division (C) (1) (a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS subsequently publishes.

(b) Seven and five-tenths points for fiscal year 2024 and 120222  
three points for fiscal year 2025 and subsequent fiscal years if 120223  
the nursing facility's occupancy rate is greater than seventy- 120224  
five per cent. For purposes of this division, the department 120225  
shall utilize the facility's occupancy rate for licensed beds 120226  
reported on its cost report for the calendar year preceding the 120227  
fiscal year for which the rate is determined or, if the facility 120228  
is not required to be licensed, the facility's occupancy rate 120229  
for certified beds. If the facility surrenders licensed or 120230  
certified beds before the first day of July of the calendar year 120231  
in which the fiscal year begins, the department shall calculate 120232  
a nursing facility's occupancy rate by dividing the inpatient 120233  
days reported on the facility's cost report for the calendar 120234  
year preceding the fiscal year for which the rate is determined 120235  
by the product of the number of days in the calendar year and 120236  
the facility's number of licensed, or if applicable, certified 120237  
beds on the first day of July of the calendar year in which the 120238  
fiscal year begins. 120239

(c) Beginning with state fiscal year 2025, the total 120240  
number of points that CMS assigned to the nursing facility under 120241  
CMS's nursing facility five-star quality rating system for the 120242  
following quality metrics, or successor metrics designated by 120243  
CMS, based on the most recent four-quarter average data 120244  
available in the database maintained by CMS and known as nursing 120245  
home compare in the most recent month of the calendar year 120246  
during which the fiscal year for which the rate is determined 120247  
begins: 120248

(i) The percentage of the nursing facility's long-stay 120249  
residents whose need for help with daily activities has 120250  
increased; 120251

(ii) The percentage of the nursing facility's long-stay residents experiencing one or more falls with major injury;	120252 120253
(iii) The percentage of the nursing facility's long-stay residents who were administered an antipsychotic medication;	120254 120255
(iv) Adjusted total nurse staffing hours per resident per day using quintiles instead of deciles by using the points assigned to the higher of the two deciles that constitute the quintile.	120256 120257 120258 120259
If CMS ceases to publish any of the metrics specified in division (C)(1)(c) of this section, the department shall use the nursing facility quality metrics on the same topics CMS subsequently publishes.	120260 120261 120262 120263
(2) In determining a nursing facility's quality score for a state fiscal year, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in divisions (C)(1)(a) and (c) of this section:	120264 120265 120266 120267 120268
(a) Unless division (C)(2)(b) or (c) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty.	120269 120270 120271
(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero.	120272 120273 120274
(c) If the nursing facility's total number of points calculated for or during a state fiscal year for all of the quality metrics specified in divisions (C)(1)(a), and if applicable, division (C)(1)(c) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, calculated using the points for the July	120275 120276 120277 120278 120279 120280

1 rate setting of that fiscal year reduce the nursing facility's 120281  
points to zero until the next point calculation. If a facility's 120282  
recalculated points under division (C) (3) of this section are 120283  
below the number of points determined to be the twenty-fifth 120284  
percentile for that fiscal year, the facility shall receive zero 120285  
points for the remainder of that fiscal year. 120286

(3) A nursing facility's quality score shall be 120287  
recalculated for the second half of the state fiscal year based 120288  
on the most recent four quarter average data, or the average 120289  
data for fewer quarters in the case of successor metrics, 120290  
available in the database maintained by CMS and known as the 120291  
care compare, in the most recent month of the calendar year 120292  
during which the fiscal year for which the rate is determined 120293  
begins. The metrics specified by division (C) (1) (b) of this 120294  
section shall not be recalculated. In redetermining the quality 120295  
payment for each facility based on the recalculated points, the 120296  
department shall use the same per point value determined for the 120297  
quality payment at the start of the fiscal year. 120298

(D) A nursing facility shall not receive a quality 120299  
incentive payment if the Department of Health assigned the 120300  
nursing facility to the SFF list under the special focus 120301  
facility program and the nursing facility is listed in table A, 120302  
on the first day of May of the calendar year for which the rate 120303  
is being determined. 120304

(E) The total amount to be spent on quality incentive 120305  
payments under division (B) of this section for a fiscal year 120306  
shall be determined as follows: 120307

(1) Determine the following amount for each nursing 120308  
facility: 120309

(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year plus one dollar and seventy-nine cents plus sixty per cent of the per diem amount by which the nursing facility's rate for direct care costs determined for the fiscal year under section 5165.19 of the Revised Code changed as a result of the rebasing conducted under section 5165.36 of the Revised Code.

(b) Multiply the amount determined under division (E) (1) (a) of this section by the number of the nursing facility's medicaid days for the calendar year preceding the fiscal year for which the rate is determined.

(2) Determine the sum of the products determined under division (E) (1) (b) of this section for all nursing facilities for which the product was determined for the state fiscal year.

(3) To the sum determined under division (E) (2) of this section, add one hundred twenty-five million dollars.

(F) (1) Beginning July 1, 2023, a new nursing facility shall receive a quality incentive payment for the fiscal year in which the new facility obtains an initial provider agreement and the immediately following fiscal year equal to the median quality incentive payment determined for nursing facilities for the fiscal year. For the state fiscal year after the immediately following fiscal year and subsequent fiscal years, the quality incentive payment shall be determined under division (C) of this section.

(2) A nursing facility that undergoes a change of operator with an effective date of July 1, ~~2023~~2025, or later shall not receive a quality incentive payment until the earlier of the

first day of January or the first day of July that is at least 120339  
six months after the effective date of the change of operator. 120340  
Thereafter any quality incentive payment shall be determined 120341  
under division (C) of this section. 120342

~~(3) A nursing facility that undergoes a change of owner 120343  
with an effective date of July 1, 2023, or later shall not 120344  
receive a quality incentive payment until the earlier of the 120345  
first day of January or the first day of July that is at least 120346  
six months after the effective date of the change of owner if, 120347  
within one year after the change of owner, there is an increase 120348  
in the lease payments or other financial obligations of the 120349  
operator to the owner above the payments or obligations 120350  
specified by the agreement between the previous owner and the 120351  
operator. Thereafter, any quality incentive payments for the 120352  
facility shall be determined under division (C) of this section. 120353~~

**Sec. 5166.03.** The medicaid director may not submit a 120354  
request to the United States secretary of health and human 120355  
services for a medicaid waiver under the "Social Security Act," 120356  
section 1115, 42 U.S.C. 1315, unless the director provides the 120357  
speaker of the house of representatives and president of the 120358  
senate written notice of the director's intent to submit the 120359  
request at least ten days before the date the director submits 120360  
the request to the United States secretary. The notice shall 120361  
include a detailed explanation of the medicaid waiver the 120362  
director proposes to seek and confirmation that the department 120363  
of medicaid has complied with the requirements of section 120364  
5162.08 of the Revised Code. 120365

**Sec. 5167.01.** As used in this chapter: 120366

(A) "340B ~~covered entity~~grantee" means an entity described 120367  
in section 340B(a) (4) (A)-(K) of the "Public Health Service Act," 120368

42 U.S.C. 256b(a)(4) (A)-(K) that is designated as an active (A)-(K) entity under the health resources and services administration covered entity daily report, and includes any pharmacy under contract with the entity to dispense drugs on behalf of the entity. 120369  
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120371  
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(B) "Affiliated company" means an entity, including a third-party payer or specialty pharmacy, with common ownership, members of a board of directors, or managers, or that is a parent company, subsidiary company, jointly held company, or holding company with respect to the other entity. 120374  
120375  
120376  
120377  
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(C) "Care management system" means the system established under section 5167.03 of the Revised Code. 120379  
120380

(D) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 120381  
120382

(E) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 120383  
120384

(F) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u-2(b)(2). 120385  
120386  
120387

(G) "Enrollee" means a medicaid recipient who participates in the care management system and enrolls in a medicaid MCO plan. 120388  
120389  
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(H) "ICDS participant" ~~has~~ and "integrated care delivery system" have the same ~~meaning~~ meanings as in section 5164.01 of the Revised Code. 120391  
120392  
120393

(I) "ICDS successor program" means a fully integrated dual eligible special needs plan established in accordance with 42 C.F.R. 422.107, that the department of medicaid utilizes as a 120394  
120395  
120396

replacement for the integrated care delivery system. 120397

(J) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code. 120398  
120399  
120400

~~(J)~~ (K) "Medicaid MCO plan" means a plan that a medicaid managed care organization, pursuant to its contract with the department of medicaid under section 5167.10 of the Revised Code, makes available to medicaid recipients participating in the care management system. 120401  
120402  
120403  
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~~(K)~~ (L) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 120406  
120407

~~(L)~~ (M) "Network provider" has the same meaning as in 42 C.F.R. 438.2. 120408  
120409

~~(M)~~ (N) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code. 120410  
120411

~~(N)~~ (O) "Part B drug" means a drug or biological described in section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 1395u(o)(1)(C). 120412  
120413  
120414

~~(O)~~ (P) "Pharmacy benefit manager" has the same meaning as in section 3959.01 of the Revised Code. 120415  
120416

~~(P)~~ (Q) "Practice of pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 120417  
120418

~~(Q)~~ (R) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 120419  
120420

~~(R)~~ (S) "Prior authorization requirement" has the same meaning as in section 5160.34 of the Revised Code. 120421  
120422

~~(S)~~ (T) "Provider" means any person or government entity 120423

that furnishes services to a medicaid recipient enrolled in a 120424  
medicaid MCO plan, regardless of whether the person or entity 120425  
has a provider agreement. 120426

~~(T)~~(U) "Provider agreement" has the same meaning as in 120427  
section 5164.01 of the Revised Code. 120428

~~(U)~~(V) "State pharmacy benefit manager" means the pharmacy 120429  
benefit manager selected by and under contract with the medicaid 120430  
director under section 5167.24 of the Revised Code. 120431

~~(V)~~(W) "Third-party administrator" means any person who 120432  
adjusts or settles claims on behalf of an insuring entity in 120433  
connection with life, dental, health, prescription drugs, or 120434  
disability insurance or self-insurance programs and includes a 120435  
pharmacy benefit manager. 120436

**Sec. 5167.03.** (A) As part of the medicaid program, the 120437  
department of medicaid shall establish a care management system. 120438  
The department shall implement the system in some or all 120439  
counties. 120440

(B) The department shall designate the medicaid recipients 120441  
who are required or permitted to participate in the care 120442  
management system. Those who shall be required to participate in 120443  
the system include medicaid recipients who receive cognitive 120444  
behavioral therapy as described in division (A) (2) of section 120445  
5167.16 of the Revised Code. Except as provided in section 120446  
5166.406 of the Revised Code, no medicaid recipient 120447  
participating in the healthy Ohio program established under 120448  
section 5166.40 of the Revised Code shall participate in the 120449  
system. 120450

~~The~~ (C) Except as otherwise provided in this section, the 120451  
general assembly's authorization through the enactment of 120452

legislation is needed before home and community-based services 120453  
available under a medicaid waiver component or nursing facility 120454  
services are included in the care management system, ~~except that~~ 120455  
. ICDS participants, or participants in the ICDS successor 120456  
program, may be required or permitted to obtain such services 120457  
under the system. Medicaid recipients who receive such services 120458  
may be designated for voluntary or mandatory participation in 120459  
the system in order to receive other health care services 120460  
included in the system. 120461

~~The~~ (D) The department may require or permit participants 120462  
in the care management system to do either or both of the 120463  
following: 120464

~~(A)~~ (1) Obtain health care services from providers 120465  
designated by the department; 120466

~~(B)~~ (2) Enroll in a medicaid MCO plan. 120467

**Sec. 5167.09.** The department of medicaid shall include all 120468  
of the following on the department's managed care financial 120469  
dashboard: 120470

(A) Actuarial metrics for annual and quarterly cost 120471  
reports, delineated by the following categories: 120472

(1) Adults for whom financial eligibility for the medicaid 120473  
program is determined by utilizing the modified adjusted gross 120474  
income standard and who are not members of the expansion 120475  
eligibility group; 120476

(2) Children for whom financial eligibility for the 120477  
medicaid program is determined by utilizing the modified 120478  
adjusted gross income standard; 120479

(3) Individuals in the aged, blind, and disabled 120480

<u>eligibility group who are twenty-one years of age or older;</u>	120481
<u>(4) Individuals in the aged, blind, and disabled</u>	120482
<u>eligibility group who are twenty years of age or younger;</u>	120483
<u>(5) Individuals who are members of the expansion</u>	120484
<u>eligibility group;</u>	120485
<u>(6) Individuals who are members of the adoption and foster</u>	120486
<u>kids eligibility group;</u>	120487
<u>(7) All other individuals eligible for medicaid benefits</u>	120488
<u>who are not included in another category described in division</u>	120489
<u>(A) of this section.</u>	120490
<u>(B) Quarterly and annual composite per member per month</u>	120491
<u>category of service reports for each managed care organization</u>	120492
<u>providing services under the care management system, delineated</u>	120493
<u>into the following categories:</u>	120494
<u>(1) Inpatient services;</u>	120495
<u>(2) Outpatient facility services;</u>	120496
<u>(3) Professional services;</u>	120497
<u>(4) Radiology, pathology, and laboratory services;</u>	120498
<u>(5) Pharmacy services;</u>	120499
<u>(6) Behavioral health services;</u>	120500
<u>(7) All other services.</u>	120501
<u>(C) As used in this section, "expansion eligibility group"</u>	120502
<u>has the same meaning as in section 5163.01 of the Revised Code.</u>	120503
<b>Sec. 5167.123.</b> (A) No contract between a medicaid managed	120504
care organization, including a third-party administrator, and a	120505
340B <del>covered entity</del> <u>grantee</u> shall contain any of the following	120506

provisions: 120507

(1) A payment rate for a prescribed drug provided by a 120508  
340B grantee to an individual as a result of health care 120509  
services provided by the grantee directly to the individual, 120510  
that is less than the ~~national average drug acquisition cost~~ 120511  
~~rate for that drug as determined by the United States centers~~ 120512  
~~for medicare and medicaid services, measured at the time the~~ 120513  
~~drug is administered or dispensed, or, if no such rate is~~ 120514  
available at that time, a reimbursement rate that is less than 120515  
the wholesale acquisition cost of the drug, as defined in 42- 120516  
U.S.C. 1395w-3a(e)(6)(B) payment rate applied to health care 120517  
providers that are not 340B grantees; 120518

(2) A fee that is not imposed on a health care provider 120519  
that is not a 340B ~~covered entity~~grantee; 120520

(3) A fee amount that exceeds the amount for a health care 120521  
provider that is not a 340B ~~covered entity~~grantee. 120522

(B) The organization, or its contracted third-party 120523  
administrators, shall not discriminate against a 340B ~~covered~~ 120524  
~~entity~~ grantee in a manner that prevents or interferes with a 120525  
medicaid recipient's choice to receive a prescription drug from 120526  
a 340B ~~covered entity or its contracted pharmacies~~grantee. 120527

(C) Any provision of a contract entered into between the 120528  
organization and a 340B ~~covered entity~~ grantee that is contrary 120529  
to division (A) of this section is unenforceable and shall be 120530  
replaced with the dispensing fee or payment rate that applies 120531  
for health care providers that are not 340B ~~covered~~ 120532  
~~entities~~grantees. 120533

(D) A medicaid managed care organization or a third-party 120534  
administrator shall provide a payment rate for all prescribed 120535

drugs obtained through the federal 340B drug pricing program by 120536  
providers that are not 340B grantees that is equal to the 120537  
payment rate for those prescribed drugs that is specified in the 120538  
medicaid state plan. 120539

(E) Any payment made pursuant to a payment rate described 120540  
in this section is subject to audit by the department of 120541  
medicaid under section 5160.20 of the Revised Code. 120542

**Sec. 5168.08.** (A) Before or during each program year, the 120543  
department of medicaid shall issue to each hospital the 120544  
preliminary determination of the amount that the hospital is 120545  
assessed under section 5168.06 of the Revised Code during the 120546  
program year. The preliminary determination of a hospital's 120547  
assessment shall be calculated for a cost-reporting period that 120548  
is specified in rules adopted under section 5168.02 of the 120549  
Revised Code. 120550

The department shall consult with hospitals each year when 120551  
determining the date on which it will issue the preliminary 120552  
determinations in order to minimize hospitals' cash flow 120553  
difficulties. 120554

If no hospital submits a request for reconsideration under 120555  
division (B) of this section, the preliminary determination 120556  
constitutes the final reconciliation of each hospital's 120557  
assessment under section 5168.06 of the Revised Code. The final 120558  
reconciliation ~~is~~ constitutes an interim final order and may be 120559  
subject to adjustments under-made by the United States centers 120560  
for medicare and medicaid services pursuant to division (D) of 120561  
this section. 120562

(B) Not later than fourteen days after the preliminary 120563  
determinations are issued, any hospital may submit to the 120564

department a written request to reconsider the preliminary 120565  
determinations. The request shall be accompanied by written 120566  
materials setting forth the basis for the reconsideration, which 120567  
may be delivered to the department by regular mail, electronic 120568  
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 120569  
~~request, the department shall hold a public hearing not later~~ 120570  
~~than thirty days after the preliminary determinations are issued~~ 120571  
~~to reconsider the preliminary determinations. The department~~ 120572  
~~shall issue to each hospital a written notice of the date, time,~~ 120573  
~~and place of the hearing at least ten days prior to the hearing.~~ 120574  
On the basis of the evidence submitted to the department ~~or~~ 120575  
~~presented at the public hearing,~~ the department shall reconsider 120576  
and may adjust the preliminary determinations. The result of the 120577  
reconsideration is the final reconciliation of the hospital's 120578  
assessment under section 5168.06 of the Revised Code. The final 120579  
reconciliation ~~is~~ constitutes an interim final order and may be 120580  
subject to adjustments under by the United States centers for 120581  
medicare and medicaid services pursuant to division (D) of this 120582  
section. 120583

(C) The department shall issue to each hospital a written 120584  
notice of its assessment for the program year under the final 120585  
reconciliation. A hospital may appeal the final reconciliation 120586  
of its assessment to the court of common pleas of Franklin 120587  
county, pursuant to Chapter 2505. of the Revised Code. The 120588  
complete record of the proceedings shall include all 120589  
documentation considered by the department in issuing the final 120590  
reconciliation. While a judicial appeal is pending, the hospital 120591  
shall pay, in accordance with the schedules required by division 120592  
(B) of section 5168.06 of the Revised Code, any amount of its 120593  
assessment that is not in dispute into the hospital care 120594  
assurance program fund created in section 5168.11 of the Revised 120595

Code. 120596

(D) In the course of any program year, the department may 120597  
adjust the assessment rate or rates established in rules 120598  
pursuant to section 5168.06 of the Revised Code or adjust the 120599  
amounts of intergovernmental transfers required under section 120600  
5168.07 of the Revised Code and, as a result of the adjustment, 120601  
adjust each hospital's assessment and intergovernmental 120602  
transfer, to reflect refinements made by the United States 120603  
centers for medicare and medicaid services during that program 120604  
year to the limits it prescribed under the "Social Security 120605  
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 120606  
assessment rate or rates must comply with division (A) of 120607  
section 5168.06 of the Revised Code. An adjusted 120608  
intergovernmental transfer must comply with division (A) of 120609  
section 5168.07 of the Revised Code. The department shall notify 120610  
hospitals of adjustments made under this division and adjust for 120611  
the remainder of the program year the installments paid by 120612  
hospitals under sections 5168.06 and 5168.07 of the Revised Code 120613  
in accordance with rules adopted under section 5168.02 of the 120614  
Revised Code. 120615

**Sec. 5168.11.** (A) Except as provided in section 5162.52 of 120616  
the Revised Code, all payments of assessments by hospitals under 120617  
section 5168.06 of the Revised Code and all intergovernmental 120618  
transfers under section 5168.07 of the Revised Code shall be 120619  
deposited in the state treasury to the credit of the hospital 120620  
care assurance program fund, hereby created. All investment 120621  
earnings of the hospital care assurance program fund shall be 120622  
credited to the fund. The department of medicaid shall maintain 120623  
records that show the amount of money in the hospital care 120624  
assurance program fund at any time that has been paid by each 120625  
hospital and the amount of any investment earnings on that 120626

amount. All moneys credited to the hospital care assurance 120627  
program fund shall be used solely to make payments to hospitals 120628  
under division (D) of this section and section 5168.09 of the 120629  
Revised Code. 120630

(B) All federal matching funds received as a result of the 120631  
department distributing funds from the hospital care assurance 120632  
program fund to hospitals under section 5168.09 of the Revised 120633  
Code shall be credited to the health care - federal fund created 120634  
under section 5162.50 of the Revised Code. 120635

(C) All distributions of funds to hospitals under section 120636  
5168.09 of the Revised Code are conditional on: 120637

(1) Expiration of the time for appeals under section 120638  
5168.08 of the Revised Code without the filing of an appeal, or 120639  
on court determinations, in the event of appeals, that the 120640  
hospital is entitled to the funds; 120641

(2) The sum of the following being sufficient to 120642  
distribute the funds after the final determination of any 120643  
appeals: 120644

(a) The available money in the hospital care assurance 120645  
program fund; 120646

(b) The available portion of the money in the health care 120647  
- federal fund that is credited to that fund pursuant to 120648  
division (B) of this section. 120649

(3) The hospital's compliance with section 5168.14 of the 120650  
Revised Code. 120651

(D) If an audit conducted by the department, pursuant to 120652  
42 C.F.R. 455.304, of the amounts of payments made and funds 120653  
received by hospitals under sections 5168.06, 5168.07, and 120654

5168.09 of the Revised Code identifies amounts that, due to 120655  
errors by the department, a hospital should not have been 120656  
required to pay but did pay, should have been required to pay 120657  
but did not pay, should not have received but did receive, or 120658  
should have received but did not receive, the department shall: 120659

(1) Make payments to any hospital that the audit reveals 120660  
paid amounts it should not have been required to pay or did not 120661  
receive amounts it should have received; 120662

(2) Take action to recover from a hospital any amounts 120663  
that the audit reveals it should have been required to pay but 120664  
did not pay or that it should not have received but did receive. 120665

Payments made under division (D) (1) of this section shall 120666  
be made from the hospital care assurance program fund. Amounts 120667  
recovered under division (D) (2) of this section shall be 120668  
deposited to the credit of that fund. ~~Any hospital may appeal~~ 120669  
~~the amount~~ An action authorized under Chapter 2721. of the 120670  
Revised Code and filed in Franklin county shall be the exclusive 120671  
remedy for any hospital that disagrees with the amount that the 120672  
hospital is to be paid under division (D) (1) or the amount that 120673  
is to be recovered from the hospital under division (D) (2) of 120674  
this section ~~to the court of common pleas of Franklin county.~~ 120675  
While any judicial proceeding is pending under division (D) of 120676  
this section, a hospital shall pay to the hospital care 120677  
assurance program fund any amount identified pursuant to 120678  
division (D) (2) of this section that is not in dispute. 120679

**Sec. 5168.22.** (A) Before or during each assessment program 120680  
year, the department of medicaid shall issue to each hospital 120681  
the preliminary determination of the amount that the hospital is 120682  
assessed under section 5168.21 of the Revised Code for the 120683  
assessment program year. Except as provided in division (B) of 120684

this section, the preliminary determination becomes the final 120685  
determination for the assessment program year fifteen days after 120686  
the preliminary determination is issued to the hospital. 120687

(B) A hospital may request that the department reconsider 120688  
the preliminary determination issued to the hospital under 120689  
division (A) of this section by submitting to the department a 120690  
written request for a reconsideration not later than fourteen 120691  
days after the hospital's preliminary determination is issued to 120692  
the hospital. The request must be accompanied by written 120693  
materials setting forth the basis for the reconsideration, which 120694  
may be delivered to the department by regular mail, electronic 120695  
mail, or in-person delivery. On receipt of the timely request, 120696  
the department shall reconsider the preliminary determination 120697  
and may adjust the preliminary determination on the basis of the 120698  
written materials accompanying the request. The result of the 120699  
reconsideration is the final determination of the hospital's 120700  
assessment under section 5168.21 of the Revised Code for the 120701  
assessment program year. 120702

(C) The department shall issue to each hospital a written 120703  
notice of the final determination of its assessment for the 120704  
assessment program year. A hospital may appeal the final 120705  
determination to the court of common pleas of Franklin county, 120706  
pursuant to Chapter 2505. of the Revised Code. The complete 120707  
record of the proceedings shall include all documentation 120708  
considered by the department in issuing the final determination. 120709  
While a judicial appeal is pending, the hospital shall pay, in 120710  
accordance with section 5168.23 of the Revised Code, any amount 120711  
of its assessment that is not in dispute. 120712

**Sec. 5168.25.** There is hereby created in the state 120713  
treasury the hospital assessment fund. All installment payments 120714

made by hospitals under section 5168.23 of the Revised Code and 120715  
all recoveries the department of medicaid makes under section 120716  
5168.24 of the Revised Code shall be deposited into the fund. 120717  
~~All investment earnings of the fund shall be credited to the~~ 120718  
~~fund.~~ The department shall use money in the fund to pay for the 120719  
costs of the medicaid program, including the program's 120720  
administrative costs. 120721

**Sec. ~~5104.50~~ 5180.04.** (A) The governor shall create the 120722  
~~early childhood~~ children and youth advisory council in 120723  
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 120724  
shall appoint one of its members to serve as chairperson of the 120725  
council with the director of children and youth serving as co- 120726  
chairperson. ~~The~~ 120727

(B) (1) The council shall serve as both the state advisory 120728  
council on early childhood education and care, as described in 120729  
42 U.S.C. 9837b(b) (1), and the state interagency coordinating 120730  
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 120731  
~~duties specified in 42 U.S.C. 9837b(b) (1), the~~ 120732

(2) The council shall ~~promote~~ advise the governor on the 120733  
availability, accessibility, affordability, and quality of 120734  
services provided through the prenatal and child-serving 120735  
systems. This includes fostering a continuum of care that 120736  
promotes family-centered programs and services that acknowledge 120737  
and support the social, emotional, cognitive, intellectual, and 120738  
physical development of children and the vital role of families 120739  
in ensuring the well-being and success of children. 120740

(3) The ~~early childhood advisory~~ council shall advise the 120741  
director of children and youth on matters affecting the 120742  
licensing of centers, type A homes, and type B homes and the 120743  
certification of in-home aides. The council shall make an annual 120744

report to the director that addresses the availability, 120745  
affordability, accessibility, and quality of child care and that 120746  
summarizes the recommendations and plans of action that the 120747  
council has proposed to the director during the preceding fiscal 120748  
year. The director shall provide copies of the report to the 120749  
governor, speaker and minority leader of the house of 120750  
representatives, and the president and minority leader of the 120751  
senate and, on request, shall make copies available to the 120752  
public. 120753

(C) (1) The advisory council shall include up to twenty- 120754  
five members appointed by the governor, including the following: 120755

(a) At least one representative of the department of 120756  
children and youth; 120757

(b) At least one representative of the department of 120758  
medicaid; 120759

(c) At least one representative of the department of job 120760  
and family services; 120761

(d) At least one representative of the department of 120762  
behavioral health ; 120763

(e) At least one representative of the department of 120764  
education and workforce; 120765

(f) At least one representative of the department of 120766  
health; 120767

(g) At least one representative of the department of 120768  
developmental disabilities; 120769

(h) At least one representative of the department of youth 120770  
services; 120771

<u>(i) At least one representative from each of the following stakeholder groups, selected from multi-sized municipal corporations and geographically diverse areas of the state, including rural, urban, and suburban areas:</u>	120772
	120773
	120774
	120775
<u>(i) Maternal and infant vitality;</u>	120776
<u>(ii) Early intervention;</u>	120777
<u>(iii) Home visiting;</u>	120778
<u>(iv) Early childhood education;</u>	120779
<u>(v) Child care centers providing publicly funded child care;</u>	120780
	120781
<u>(vi) Family child care homes providing publicly funded child care;</u>	120782
	120783
<u>(vii) School child programs;</u>	120784
<u>(viii) Preschool programs;</u>	120785
<u>(ix) Children's services.</u>	120786
<u>(2) In making appointments to the advisory council, the governor shall ensure that the membership of the council reasonably represents the population of the state.</u>	120787
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	120789
<u>(D)(1) The advisory council shall create topic-specific advisory groups that address a continuum of services including the following:</u>	120790
	120791
	120792
<u>(a) Early childhood education and care;</u>	120793
<u>(b) Children services;</u>	120794
<u>(c) Maternal and infant vitality;</u>	120795
<u>(d) Early childhood mental health services and supports;</u>	120796

<u>(e) Early intervention services.</u>	120797
<u>(2) No representative of the department of children and youth shall serve as a chairperson for a topic-specific advisory group.</u>	120798 120799 120800
<u>(3) The governor shall appoint additional members as necessary to the early childhood education and care advisory group and the early intervention services advisory group to satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441.</u>	120801 120802 120803 120804 120805
<u>(4) The director of children and youth shall appoint each representative appointed pursuant to division (C) (1) (i) of this section to at least one topic-specific advisory group.</u>	120806 120807 120808
<b>Sec. 5180.14.</b> (A) As used in this section and sections 5180.15, 5180.16, and 5180.17 of the Revised Code:	120809 120810
(1) "Child care center," "type A family child care home," and "licensed type B family child care home" have the same meanings as in section 5104.01 of the Revised Code.	120811 120812 120813
(2) "Child care facility" means a child care center, a type A family child care home, or a licensed type B family child care home.	120814 120815 120816
(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	120817 120818
(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.	120819 120820
(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:	120821 120822
(a) The hospital has a maternity unit.	120823

(b) The hospital receives for care infants who have been 120824  
transferred to it from other facilities and who have never been 120825  
discharged to their residences following birth. 120826

(6) "Infant" means a child who is less than one year of 120827  
age. 120828

(7) "Maternity unit" means the distinct portion of a 120829  
hospital in which maternity services are provided. 120830

(8) "Other person responsible for the infant" includes a 120831  
foster caregiver. 120832

(9) "Parent" means either parent, unless the parents are 120833  
separated or divorced or their marriage has been dissolved or 120834  
annulled, in which case "parent" means the parent who is the 120835  
residential parent and legal custodian of the child. "Parent" 120836  
also means a prospective adoptive parent with whom a child is 120837  
placed. 120838

(10) "Shaken baby syndrome" means signs and symptoms, 120839  
including, but not limited to, retinal hemorrhages in one or 120840  
both eyes, subdural hematoma, or brain swelling, resulting from 120841  
the violent shaking or the shaking and impacting of the head of 120842  
an infant or small child. 120843

(B) The director of children and youth shall establish the 120844  
shaken baby syndrome education program by doing all of the 120845  
following: 120846

(1) Developing educational materials that present readily 120847  
comprehensible information on shaken baby syndrome; 120848

(2) Making available on the department of children and 120849  
youth web site in an easily accessible format the educational 120850  
materials developed under division (B)(1) of this section; 120851

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following: 120852  
120853

(a) Evaluating the reports received pursuant to section ~~5101.135~~ 5180.405 of the Revised Code; 120854  
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(b) Reviewing the content of the educational materials to determine if updates or improvements should be made; 120856  
120857

(c) Reviewing the manner in which the educational materials are distributed, as described in section 5180.15 of the Revised Code, to determine if modifications to that manner should be made. 120858  
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(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 5180.15 of the Revised Code. 120862  
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**Sec. 5180.21.** (A) The department of children and youth shall establish the help me grow program as the state's evidence-based parent support program that encourages early prenatal and well-baby care, as well as provides parenting education to promote the comprehensive health and development of children. The program shall provide home visiting services to families with a pregnant woman or child under five years of age that meet the eligibility requirements established in rules adopted under this section. Home visiting services shall be provided through evidence-based home visiting models or innovative, promising home visiting models recommended by the ~~Ohio home visiting consortium~~ children and youth advisory council created under section ~~5180.23~~ 5180.04 of the Revised Code. 120867  
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(B) Families shall be referred to the appropriate home 120881  
visiting services through the central intake and referral system 120882  
created under section 5180.22 of the Revised Code. 120883

(C) To the extent possible, the goals of the help me grow 120884  
program shall be consistent with the goals of the federal home 120885  
visiting program, as specified by the maternal and child health 120886  
bureau of the health resources and services administration in 120887  
the United States department of health and human services or its 120888  
successor. 120889

(D) The director of children and youth shall enter into an 120890  
interagency agreement with one or more state agencies, including 120891  
the department of developmental disabilities, department of job 120892  
and family services, department of medicaid, commission on 120893  
minority health, Ohio fatherhood commission, and children's 120894  
trust fund board, to implement the help me grow program, to 120895  
ensure coordination of early childhood programs, and to maximize 120896  
reimbursement for the help me grow program from any federal 120897  
source. 120898

In addition to creating the central intake and referral 120899  
system as described in section 5180.22 of the Revised Code, the 120900  
department of children and youth shall ensure there is a 120901  
consistent comprehensive screening and connection program to 120902  
support the coordination of home visiting services across the 120903  
state, including through the department of health, department of 120904  
developmental disabilities, department of job and family 120905  
services, department of medicaid, and commission on minority 120906  
health. Following the program's establishment, the department of 120907  
children and youth shall evaluate the program's effectiveness in 120908  
coordinating home visiting services at least once annually. 120909

(E) The director may distribute help me grow program funds 120910

through contracts, grants, or subsidies to entities providing 120911  
services under the program. 120912

(F) As a condition of receiving payments for home visiting 120913  
services, providers shall report to the director data on the 120914  
program performance indicators, specified in rules adopted under 120915  
division (G) of this section, that are used to assess progress 120916  
toward achieving all of the following: 120917

(1) The benchmark domains established for the federal home 120918  
visiting program, including improvement in maternal and newborn 120919  
health; reduction in child injuries, abuse, and neglect; 120920  
improved school readiness and achievement; reduction in crime 120921  
and domestic violence; and improved family economic self- 120922  
sufficiency; 120923

(2) Improvement in birth outcomes and reduction in 120924  
stillbirths, as that term is defined in section 5180.12 of the 120925  
Revised Code; 120926

(3) Reduction in tobacco use by pregnant women, new 120927  
parents, and others living in households with children. 120928

The providers shall report the data in the format and 120929  
within the time frames specified in the rules. 120930

The director shall prepare an annual report on the data 120931  
received from the providers. Each report shall include an 120932  
evaluation addressing the number of families and children 120933  
served, the number and type of services provided, health and 120934  
developmental outcomes for participating families and children, 120935  
and variation in outcomes between the types of home visiting 120936  
programs specified in division (B) (3) of section 5180.22 of the 120937  
Revised Code. The director shall submit the report to the 120938  
general assembly in accordance with section 101.68 of the 120939

Revised Code and make the report available on the internet web site maintained by the department of children and youth. 120940  
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(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following: 120942  
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(1) Subject to division (H) of this section, eligibility requirements for home visiting services; 120946  
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(2) Eligibility requirements for providers of home visiting services; 120948  
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(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation; 120950  
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(4) Procedures for appealing the denial of an application for program services or the termination of services; 120953  
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(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider; 120955  
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(6) Procedures for addressing complaints; 120958

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services; 120959  
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(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted; 120964  
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120966

(9) Criteria for payment of approved providers of program services; 120967  
120968

(10) Any other rules necessary to implement the program. 120969

(H) When adopting rules required by division (G) (1) of this section, the director shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code and families in the child welfare system are to receive priority over other families for home visiting services. 120970  
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(I) The department, in collaboration with the departments of job and family services and medicaid, shall propose strategies to increase the workforce capacity of home visiting service providers and parenting support professionals, including efforts to incentivize and retain such providers and professionals in this state. 120976  
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**Sec. 5180.22.** (A) The department of children and youth shall create a central intake and referral system for all home visiting programs operating in this state. Through a competitive bidding process, the department of children and youth may select one or more persons or government entities to operate the system. In its oversight of the one or more system operators, the department shall streamline the system to ensure families and children receive services from home visiting programs as described in division (B) (3) of this section. 120982  
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(B) If the department of children and youth chooses to select one or more system operators as described in division (A) of this section, a contract with any system operator shall require that the system do all of the following: 120991  
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(1) Serve as a single point of entry for access, 120995

assessment, and referral of families and children to appropriate 120996  
home visiting services based on each family's location of 120997  
residence; 120998

(2) Use a standardized form or other mechanism to assess 120999  
each family member's risk factors and social determinants of 121000  
health; 121001

(3) Ensure that families and children are referred to and 121002  
receive services from home visiting programs that are 121003  
appropriate to their level of needs, including the following: 121004

(a) Programs using home visiting contractors that provide 121005  
services within a pathways community HUB certified by the 121006  
pathways community HUB institute; 121007

(b) Programs that provide services using the early head 121008  
start home-based option. 121009

(C) The standardized form or other mechanism described in 121010  
division (B) (2) of this section shall be agreed to by the ~~home-~~ 121011  
~~visiting consortium~~ children and youth advisory council created 121012  
under section ~~5180.23~~ 5180.04 of the Revised Code. 121013

(D) A contract entered into under division (B) of this 121014  
section shall require a system operator to issue an annual 121015  
report to the department of children and youth that includes 121016  
data regarding referrals made by the central intake and referral 121017  
system, costs associated with the referrals, and the quality of 121018  
services received by families and children who were referred to 121019  
services through the system. The report shall be distributed to 121020  
the ~~home-visiting consortium~~ children and youth advisory council 121021  
created under section ~~5180.23~~ 5180.04 of the Revised Code. 121022

(E) Nothing in this section is intended to do any of the 121023  
following: 121024

(1) Prohibit the department of children and youth from using alternative promotional materials or names for the central intake and referral system;

(2) Require the use of help me grow program promotional materials or names;

(3) Prohibit providers, central coordinators, the department of children and youth, or stakeholders from using the help me grow name for promotional materials for home visiting.

**Sec. ~~5101.76~~ 5180.26.** (A) A residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure epinephrine autoinjectors for use in emergency situations identified under division (C) (5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.483, 4730.433, or 4731.96 of the Revised Code, personally furnish the epinephrine autoinjectors to the camp or issue a prescription for them in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes definitive orders for epinephrine autoinjectors and the dosages of epinephrine to be administered through them.

A camp that elects to procure epinephrine autoinjectors under this section is encouraged to maintain at least two epinephrine autoinjectors at all times.

(B) A camp that elects to procure epinephrine autoinjectors under this section shall adopt a policy governing their maintenance and use. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs.

(C) The policy adopted under division (B) of this section shall do all of the following:

(1) Identify the one or more locations in which an epinephrine autoinjector must be stored;

(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;

(4) Specify any training that employees or contractors specified under division (C) (3) of this section must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals to whom a dosage of

epinephrine may be administered through an epinephrine 121082  
autoinjector in an emergency situation specified under division 121083  
(C) (5) of this section. 121084

(D) (1) The following are not liable in damages in a civil 121085  
action for injury, death, or loss to person or property that 121086  
allegedly arises from an act or omission associated with 121087  
procuring, maintaining, accessing, or using an epinephrine 121088  
autoinjector under this section, unless the act or omission 121089  
constitutes willful or wanton misconduct: 121090

(a) A camp; 121091

(b) A camp employee or contractor; 121092

(c) A licensed health professional authorized to prescribe 121093  
drugs who personally furnishes or prescribes epinephrine 121094  
autoinjectors, provides a consultation, or issues a protocol 121095  
pursuant to this section. 121096

(2) This section does not eliminate, limit, or reduce any 121097  
other immunity or defense that a camp or camp employee or 121098  
contractor or licensed health professional may be entitled to 121099  
under Chapter 2744. or any other provision of the Revised Code 121100  
or under the common law of this state. 121101

(E) A camp may accept donations of epinephrine 121102  
autoinjectors from a wholesale distributor of dangerous drugs, 121103  
as defined in section 4729.01 of the Revised Code, and may 121104  
accept donations of money from any person to purchase 121105  
epinephrine autoinjectors. 121106

(F) A camp that elects to procure epinephrine 121107  
autoinjectors under this section shall report to the department 121108  
of children and youth each procurement and occurrence in which 121109  
an epinephrine autoinjector is used from a camp's supply of 121110

epinephrine autoinjectors. 121111

(G) As used in this section, "licensed health professional 121112  
authorized to prescribe drugs" and "prescriber" have the same 121113  
meanings as in section 4729.01 of the Revised Code. 121114

**Sec. ~~5101.77~~ 5180.261.** (A) As used in this section, 121115  
"inhaler" means a device that delivers medication to alleviate 121116  
asthmatic symptoms, is manufactured in the form of a metered 121117  
dose inhaler or dry powdered inhaler, and may include a spacer, 121118  
holding chamber, or other device that attaches to the inhaler 121119  
and is used to improve the delivery of the medication. 121120

(B) A residential camp, as defined in section 2151.011 of 121121  
the Revised Code, a child day camp, as defined in section 121122  
5104.01 of the Revised Code, or a child day camp operated by any 121123  
county, township, municipal corporation, township park district 121124  
created under section 511.18 of the Revised Code, park district 121125  
created under section 1545.04 of the Revised Code, or joint 121126  
recreation district established under section 755.14 of the 121127  
Revised Code may procure inhalers for use in emergency 121128  
situations identified under division (D) (5) of this section. A 121129  
camp that elects to procure inhalers under this section is 121130  
encouraged to maintain at least two inhalers at all times. 121131

(C) A camp that elects to procure inhalers under this 121132  
section shall adopt a policy governing their maintenance and 121133  
use. Before adopting the policy, the camp shall consult with a 121134  
licensed health professional authorized to prescribe drugs, as 121135  
defined in section 4729.01 of the Revised Code. 121136

(D) A component of a policy adopted by a camp under 121137  
division (C) of this section shall be a prescriber-issued 121138  
protocol specifying definitive orders for inhalers, including 121139

the dosages of medication to be administered through them, the 121140  
number of times that each inhaler may be used before disposal, 121141  
and the methods of disposal. The policy also shall do all of the 121142  
following: 121143

(1) Identify the one or more locations in which an inhaler 121144  
must be stored; 121145

(2) Specify the conditions under which an inhaler must be 121146  
stored, replaced, and disposed; 121147

(3) Specify the individuals employed by or under contract 121148  
with the camp who may access and use an inhaler to provide a 121149  
dosage of medication to an individual in an emergency situation 121150  
identified under division (D) (5) of this section; 121151

(4) Specify any training that employees or contractors 121152  
specified under division (D) (3) of this section must complete 121153  
before being authorized to access and use an inhaler; 121154

(5) Identify the emergency situations, including when an 121155  
individual exhibits signs and symptoms of asthma, in which 121156  
employees or contractors specified under division (D) (3) of this 121157  
section may access and use an inhaler; 121158

(6) Specify that assistance from an emergency medical 121159  
service provider must be requested immediately after an employee 121160  
or contractor, other than a licensed health professional, uses 121161  
an inhaler; 121162

(7) Specify the individuals to whom a dosage of medication 121163  
may be administered through an inhaler in an emergency situation 121164  
specified under division (D) (5) of this section. 121165

(E) A camp or camp employee or contractor is not liable in 121166  
damages in a civil action for injury, death, or loss to person 121167

or property that allegedly arises from an act or omission 121168  
associated with procuring, maintaining, accessing, or using an 121169  
inhaler under this section, unless the act or omission 121170  
constitutes willful or wanton misconduct. 121171

This section does not eliminate, limit, or reduce any 121172  
other immunity or defense that a camp or camp employee or 121173  
contractor may be entitled to under Chapter 2744. or any other 121174  
provision of the Revised Code or under the common law of this 121175  
state. 121176

(F) A camp may accept donations of inhalers from a 121177  
wholesale distributor of dangerous drugs, as defined in section 121178  
4729.01 of the Revised Code, and may accept donations of money 121179  
from any person to purchase inhalers. 121180

(G) A camp that elects to procure inhalers under this 121181  
section shall report to the department of children and youth 121182  
each procurement and occurrence in which an inhaler is used from 121183  
a camp's supply of inhalers. 121184

**Sec. ~~5101.78~~ 5180.262.** (A) As used in this section, 121185  
"licensed health professional authorized to prescribe drugs" and 121186  
"prescriber" have the same meanings as in section 4729.01 of the 121187  
Revised Code. 121188

(B) A residential camp, as defined in section 2151.011 of 121189  
the Revised Code; a child day camp, as defined in section 121190  
5104.01 of the Revised Code; or a child day camp operated by any 121191  
county, township, municipal corporation, township park district 121192  
created under section 511.18 of the Revised Code, park district 121193  
created under section 1545.04 of the Revised Code, or joint 121194  
recreation district established under section 755.14 of the 121195  
Revised Code may procure injectable or nasally administered 121196

glucagon for use in emergency situations identified under 121197  
division (D) (5) of this section by doing one of the following: 121198

(1) Having a licensed health professional authorized to 121199  
prescribe drugs, acting in accordance with section 4723.4811, 121200  
4730.437, or 4731.92 of the Revised Code, personally furnish the 121201  
injectable or nasally administered glucagon to the camp or issue 121202  
a prescription for the drug in the name of the camp; 121203

(2) Obtaining a prescriber-issued protocol that includes 121204  
definitive orders for injectable or nasally administered 121205  
glucagon and the dosages to be administered; 121206

A camp that elects to procure injectable or nasally 121207  
administered glucagon under this section is encouraged to 121208  
maintain at least two doses of the drug at all times. 121209

(C) A camp that elects to procure injectable or nasally 121210  
administered glucagon under this section shall adopt a policy 121211  
governing maintenance and use of the drug. Before adopting the 121212  
policy, the camp shall consult with a licensed health 121213  
professional authorized to prescribe drugs. 121214

(D) The policy adopted under division (C) of this section 121215  
shall do all of the following: 121216

(1) Identify the one or more locations at the camp in 121217  
which injectable or nasally administered glucagon must be 121218  
stored; 121219

(2) Specify the conditions under which injectable or 121220  
nasally administered glucagon must be stored, replaced, or 121221  
disposed; 121222

(3) Specify the individuals employed by or under contract 121223  
with the camp, or who volunteer at the camp, who may access and 121224

use injectable or nasally administered glucagon in an emergency situation identified under division (D) (5) of this section; 121225  
121226

(4) Specify any training that employees, contractors, or volunteers specified under division (D) (3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon; 121227  
121228  
121229  
121230

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D) (3) of this section may access and use injectable or nasally administered glucagon; 121231  
121232  
121233  
121234  
121235

(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered; 121236  
121237  
121238

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D) (5) of this section. 121239  
121240  
121241

(E) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 121242  
121243  
121244  
121245  
121246  
121247

(a) A camp; 121248

(b) A camp employee, contractor, or volunteer; 121249

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or 121250  
121251  
121252

issues a protocol pursuant to this section; 121253

(2) This section does not eliminate, limit, or reduce any 121254  
other immunity or defense that a camp; camp employee, 121255  
contractor, or volunteer; or licensed health professional may be 121256  
entitled to under Chapter 2744. or any other provision of the 121257  
Revised Code or under the common law of this state. 121258

(F) A camp may accept donations of injectable or nasally 121259  
administered glucagon from a wholesale distributor of dangerous 121260  
drugs or manufacturer of dangerous drugs, as defined in section 121261  
4729.01 of the Revised Code, and may accept donations of money 121262  
from any person to purchase the drug. 121263

(G) A camp that elects to procure injectable or nasally 121264  
administered glucagon under this section shall report to the 121265  
department of children and youth each procurement and each 121266  
occurrence in which a dose of the drug is used from the camp's 121267  
supply. 121268

**Sec. ~~3738.01~~ 5180.27.** (A) As used in this section and 121269  
sections ~~3738.02-5180.271~~ to ~~3738.09-5180.278~~ of the Revised 121270  
Code, "pregnancy-associated death" means the death of a woman 121271  
while pregnant or anytime within one year of pregnancy 121272  
regardless of cause. 121273

(B) There is hereby established in the department of 121274  
~~health-children and youth~~ a pregnancy-associated mortality 121275  
review (PAMR) board to identify and review all pregnancy- 121276  
associated deaths statewide for the purpose of reducing the 121277  
incidence of those deaths. 121278

**Sec. ~~3738.02~~ 5180.271.** The PAMR board may not conduct a 121279  
review of a pregnancy-associated death while an investigation of 121280  
the death or prosecution of a person for causing the death is 121281

pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the PAMR board of the conclusion.

**Sec. ~~3738.03~~ 5180.272.** All of the following apply with respect to the PAMR board:

(A) The director of ~~health~~ children and youth shall appoint the board's members. In doing so, the director shall make a good faith effort to select members who represent all regions of the state and multiple areas of expertise and constituencies concerned with the care of pregnant and postpartum women.

(B) The board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson. The board may replace a chairperson in the same manner.

(C) An appointed member shall hold office until a successor is appointed. The director of ~~health~~ children and youth shall fill a vacancy as soon as practicable.

(D) A member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board.

(E) The board shall meet at the call of the board's chairperson as often as the chairperson determines necessary for timely completion of pregnancy-associated death reviews. The reviews shall be conducted in accordance with rules adopted under section ~~3738.09~~ 5180.278 of the Revised Code.

(F) The department of ~~health~~ children and youth shall

provide meeting space, staff services, and other technical 121311  
assistance required by the board in carrying out its duties. 121312

**Sec. ~~3738.04~~ 5180.273.** The PAMR board shall seek to reduce 121313  
the incidence of pregnancy-associated deaths in this state by 121314  
doing all of the following: 121315

(A) Promoting cooperation, collaboration, and 121316  
communication between all groups, professions, agencies, and 121317  
entities that serve pregnant and postpartum women and families; 121318

(B) Recommending and developing plans for implementing 121319  
service and program changes, as well as changes to the groups, 121320  
professions, agencies, and entities that serve pregnant and 121321  
postpartum women and families; 121322

(C) Providing the department of ~~health~~children and youth 121323  
with aggregate data, trends, and patterns regarding pregnancy- 121324  
associated deaths using data and other relevant information 121325  
specified in rules adopted under section ~~3738.09~~5180.278 of the 121326  
Revised Code; 121327

(D) Developing effective interventions to reduce the 121328  
mortality of pregnant and postpartum women. 121329

**Sec. ~~3738.05~~ 5180.274.** (A) Notwithstanding section 121330  
3701.243 and any other section of the Revised Code pertaining to 121331  
confidentiality, and except as provided in division (B) of this 121332  
section, an individual, government entity, agency that provides 121333  
services specifically to individuals or families, law 121334  
enforcement agency, health care provider, or other public or 121335  
private entity that provided services to a woman whose death is 121336  
being reviewed by the PAMR board shall submit to the board a 121337  
copy of any record it possesses that the board requests. In 121338  
addition, such an individual or entity may make available to the 121339

board additional information, documents, or reports that could 121340  
be useful to the board's investigation. 121341

(B) No person, government entity, law enforcement agency, 121342  
or prosecuting attorney shall provide any information regarding 121343  
a pregnancy-associated death while an investigation of the death 121344  
or prosecution of a person for causing the death is pending 121345  
unless the prosecuting attorney agrees to allow the review. 121346

(C) A family member of the deceased may decline to 121347  
participate in an interview as part of the review process. In 121348  
that case, the review shall continue without the family member's 121349  
participation. 121350

**Sec. ~~3738.06~~ 5180.275.** (A) Any record, document, report, 121351  
or other information presented to the PAMR board, as well as all 121352  
statements made by board members during board meetings, all work 121353  
products of the board, and data submitted to the department of 121354  
~~health-children and youth~~ by the board, other than the biennial 121355  
reports described in section ~~3738.08-5180.277~~ of the Revised 121356  
Code, are confidential and not a public record under section 121357  
149.43 of the Revised Code. Such materials shall be used by the 121358  
board and department only in the exercise of the proper 121359  
functions of the board and department. 121360

(B) No person shall permit or encourage the unauthorized 121361  
dissemination of confidential information described in division 121362  
(A) of this section. 121363

~~(C) Whoever violates division (B) of this section is~~ 121364  
~~guilty of a misdemeanor of the second degree.~~ 121365

**Sec. ~~3738.07~~ 5180.276.** (A) An individual or public or 121366  
private entity providing records, documents, reports, or other 121367  
information to the PAMR board is immune from any civil liability 121368

for injury, death, or loss to person or property that otherwise 121369  
might be incurred or imposed as a result of providing the 121370  
records, documents, reports, or information to the board. 121371

(B) Each board member is immune from any civil liability 121372  
for injury, death, or loss to person or property that might 121373  
otherwise be incurred or imposed as a result of the member's 121374  
participation on the board. 121375

**Sec. ~~3738.08~~ 5180.277.** (A) The PAMR board shall prepare a 121376  
biennial report that does all of the following: 121377

(1) Summarizes the board's findings from the reviews 121378  
completed in the immediately preceding two calendar years, 121379  
including any trends or patterns identified by the board; 121380

(2) Makes recommendations on how pregnancy-associated 121381  
deaths may be prevented, including changes that should be made 121382  
to policies and laws; 121383

(3) Includes any other information related to pregnancy- 121384  
associated mortality the board considers useful. 121385

(B) A report shall not contain individually identifiable 121386  
information regarding any woman whose death was reviewed by the 121387  
board. 121388

(C) The board shall submit a copy of each report to the 121389  
director of ~~health~~children and youth, the general assembly, and 121390  
the governor. The copy to the general assembly shall be 121391  
submitted in accordance with section 101.68 of the Revised Code. 121392  
The initial report shall be submitted not later than March 1, 121393  
2020, with subsequent reports submitted not later than March 1 121394  
every two years thereafter. 121395

The director shall make a copy of each report available on 121396

the department of ~~health's~~ children and youth's web site. 121397

(D) Reports prepared under this section are public records 121398  
under section 149.43 of the Revised Code. 121399

**Sec. ~~3738.09~~ 5180.278.** The director of ~~health~~ children and  
youth shall adopt rules that are necessary for the 121400  
implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277  
of the Revised Code, including rules that do all of the 121401  
following: 121402  
121403  
121404

(A) Establish a procedure for the PAMR board to follow in 121405  
conducting pregnancy-associated death reviews; 121406

(B) Specify the data and other relevant information the 121407  
board must use when conducting pregnancy-associated death 121408  
reviews; 121409

(C) Establish guidelines for the board to follow to 121410  
prevent an unauthorized dissemination of confidential 121411  
information in violation of division (B) of section ~~3738.06~~  
5180.275 of the Revised Code. 121412  
121413

The rules shall be adopted in accordance with Chapter 119. 121414  
of the Revised Code. 121415

**Sec. ~~5101.13~~ 5180.40.** (A) The department of children and 121416  
youth shall establish and maintain a uniform statewide automated 121417  
child welfare information system in accordance with the 121418  
requirements of 42 ~~U.S.C.A.~~ U.S.C. 674(a) (3) (C) and related 121419  
federal regulations and guidelines. The information system shall 121420  
contain records regarding any of the following: 121421

(1) Investigations of children and families, and 121422  
children's care in out-of-home care, in accordance with sections 121423  
2151.421 and 5153.16 of the Revised Code; 121424

(2) Care and treatment provided to children and families; 121425

(3) Any other information related to children and families 121426  
that state or federal law, regulation, or rule requires the 121427  
department or a public children services agency to maintain. 121428

~~(B) The department shall plan implementation of the 121429  
information system on a county-by-county basis and shall 121430  
finalize statewide implementation by all public children- 121431  
services agencies as described in section 5153.02 of the Revised 121432  
Code not later than January 1, 2008. 121433~~

~~(C) The department shall promptly notify all public 121434  
children services agencies of the initiation and completion of 121435  
statewide implementation of the statewide information system 121436  
established under division (A) of this section. 121437~~

~~(D) "Out-of-home care" has the same meaning as in section 121438  
2151.011 of the Revised Code. 121439~~

**Sec. ~~5101.131~~ 5180.401.** Except as provided in section 121440  
~~5101.132~~ 5180.402 of the Revised Code, information contained in 121441  
or obtained from the information system established and 121442  
maintained under section ~~5101.13~~ 5180.40 of the Revised Code is 121443  
confidential and is not subject to disclosure pursuant to 121444  
section 149.43 or 1347.08 of the Revised Code. 121445

**Sec. ~~5101.132~~ 5180.402.** (A) Information contained in the 121446  
information system established and maintained under section 121447  
~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered 121448  
only as follows: 121449

(1) The department of job and family services, the 121450  
department of children and youth, a public children services 121451  
agency, a title IV-E agency, a prosecuting attorney, a private 121452  
child placing agency, and a private noncustodial agency may 121453

access or enter the information when either of the following is 121454  
the case: 121455

(a) The access or entry is directly connected with 121456  
assessment, investigation, or services regarding a child or 121457  
family; 121458

(b) The access or entry is permitted by state or federal 121459  
law, rule, or regulation. 121460

(2) A person may access or enter the information in a 121461  
manner, to the extent, and for the purposes authorized by rules 121462  
adopted by the department. 121463

(B) As used in this section, "title IV-E agency" means a 121464  
public children services agency or a public entity with which 121465  
the department of job and family services or department of 121466  
children and youth has a title IV-E subgrant agreement in 121467  
effect. 121468

**Sec. ~~5101.133~~ 5180.403.** No person shall access or use 121469  
information contained in the information system established and 121470  
maintained under section ~~5101.13~~5180.40 of the Revised Code 121471  
other than in accordance with section ~~5101.132~~5180.402 of the 121472  
Revised Code or rules authorized by that section. 121473

No person shall disclose information obtained from the 121474  
information system established and maintained under section 121475  
~~5101.13~~5180.40 of the Revised Code in a manner not specified by 121476  
rules authorized by section ~~5101.134~~5180.404 of the Revised 121477  
Code. 121478

**Sec. ~~5101.134~~ 5180.404.** (A) Notwithstanding any provision 121479  
of the Revised Code that requires confidentiality of information 121480  
that is contained in the uniform statewide automated child 121481  
welfare information system established in section ~~5101.13~~ 121482

5180.40 of the Revised Code, the department of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code regarding a private child placing agency's or private noncustodial agency's access, data entry, and use of information in the uniform statewide automated child welfare information system.

(B) (1) The department of children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections ~~5101.13~~ 5180.40 to ~~5101.133~~ 5180.403 of the Revised Code.

(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A) (2) of section ~~5101.132~~ 5180.402 of the Revised Code.

(C) Public children services agencies shall implement and use the information system established pursuant to section ~~5101.13~~ 5180.40 of the Revised Code in accordance with rules adopted by the department.

**Sec. ~~5101.135~~ 5180.405.** (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section ~~5101.13~~ 5180.40 of the Revised Code, shall make a notation on each case of child abuse that indicates whether the child abuse arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome.

(B) On the first day of March of each year, the department of children and youth shall report to the director of health the

number of reports of child abuse that arose from an act that 121512  
caused the child to suffer from, or resulted in the child 121513  
suffering from, shaken baby syndrome and that arose during the 121514  
calendar year immediately preceding the calendar year in which 121515  
the report is made, as determined by an examination of the 121516  
statewide automated child welfare information system established 121517  
and maintained under section ~~5101.13~~5180.40 of the Revised 121518  
Code. 121519

(C) As used in this section, "shaken baby syndrome" has 121520  
the same meaning as in section 5180.14 of the Revised Code. 121521

**Sec. ~~5101.136~~ 5180.406.** If a person requests the 121522  
department of ~~job and family services~~children and youth to 121523  
conduct a search of whether that person's name has been placed 121524  
or remains in the statewide automated child welfare information 121525  
system as an alleged perpetrator of child abuse or neglect and a 121526  
search reveals that a "substantiated" disposition exists, the 121527  
department shall send a letter to the person who requested the 121528  
search indicating a "match." 121529

**Sec. ~~5101.137~~ 5180.407.** The department of ~~job and family~~  
~~services~~children and youth shall work with stakeholders to 121530  
establish an expungement policy regarding dispositions of child 121531  
abuse or neglect in Ohio's central registry on child abuse and 121532  
neglect by March 1, 2024. 121533  
121534

**Sec. ~~5101.14~~ 5180.41.** (A) As used in this section and 121535  
section ~~5101.144~~5180.411 of the Revised Code, "children 121536  
services" means services provided to children pursuant to 121537  
Chapter 5153. of the Revised Code. 121538

(B) Within available funds, the department of children and 121539  
youth shall distribute funds to the counties within thirty days 121540

after the beginning of each calendar quarter for a part of the 121541  
counties' costs for children services. 121542

Funds provided to the county under this section shall be 121543  
deposited into the children services fund created pursuant to 121544  
section ~~5101.144~~5180.411 of the Revised Code. 121545

(C) In each fiscal year, the amount of funds available for 121546  
distribution under this section shall be allocated to counties 121547  
as follows: 121548

(1) If the amount is less than the amount initially 121549  
appropriated for the immediately preceding fiscal year, each 121550  
county shall receive an amount equal to the percentage of the 121551  
funding it received in the immediately preceding fiscal year, 121552  
exclusive of any releases from or additions to the allocation or 121553  
any sanctions imposed under this section; 121554

(2) If the amount is equal to the amount initially 121555  
appropriated for the immediately preceding fiscal year, each 121556  
county shall receive an amount equal to the amount it received 121557  
in the preceding fiscal year, exclusive of any releases from or 121558  
additions to the allocation or any sanctions imposed under this 121559  
section; 121560

(3) If the amount is greater than the amount initially 121561  
appropriated for the immediately preceding fiscal year, each 121562  
county shall receive the amount determined under division (C) (2) 121563  
of this section as a base allocation, plus a percentage of the 121564  
amount that exceeds the amount initially appropriated for the 121565  
immediately preceding fiscal year. The amount exceeding the 121566  
amount initially appropriated in the immediately preceding 121567  
fiscal year shall be allocated to the counties as follows: 121568

(a) Twelve per cent divided equally among all counties; 121569

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C) (3) (c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.

(E) The director of children and youth may adopt the following rules in accordance with section 111.15 of the Revised Code:

(1) Rules that are necessary for the allocation of funds under this section;

(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

**Sec. ~~5101.144~~ 5180.411.** Each county shall deposit all funds its public children services agency receives from appropriations made by the board of county commissioners or any other source for the purpose of providing children services into a special fund in the county treasury known as the children

services fund. A county shall use money in the fund only for the 121599  
purposes of meeting the expenses of providing children services. 121600

**Sec. ~~5101.141~~ 5180.42.** (A) As used in sections ~~5101.141~~ 121601  
~~5180.42~~ to ~~5101.1417~~ ~~5180.4214~~ of the Revised Code: 121602

(1) "Adopted young adult" means a person: 121603

(a) Who was in the temporary or permanent custody of a 121604  
public children services agency; 121605

(b) Who was adopted at the age of sixteen or seventeen and 121606  
attained the age of sixteen before a Title IV-E adoption 121607  
assistance agreement became effective; 121608

(c) Who has attained the age of eighteen; and 121609

(d) Who has not yet attained the age of twenty-one. 121610

(2) "Child" means any of the following: 121611

(a) A person who meets the requirements of division (B) (3) 121612  
of section 5153.01 of the Revised Code; 121613

(b) An adopted young adult; 121614

(c) An emancipated young adult. 121615

(3) "Emancipated young adult" means a person: 121616

(a) Who was in the temporary or permanent custody of a 121617  
public children services agency, a planned permanent living 121618  
arrangement, or in the Title-IV-E-eligible care and placement 121619  
responsibility of a juvenile court or other governmental agency 121620  
that provides Title IV-E reimbursable placement services; 121621

(b) Whose custody, arrangement, or care and placement was 121622  
terminated on or after the person's eighteenth birthday; and 121623

(c) Who has not yet attained the age of twenty-one. 121624

(4) "Kinship guardianship young adult" means an individual	121625
that meets the following criteria:	121626
(a) Was in the temporary or permanent custody of a public	121627
children services agency or a planned permanent living	121628
arrangement prior to the commitment described in division (A) (4)	121629
(b) of this section;	121630
(b) Was committed to the legal custody or legal	121631
guardianship of a kinship caregiver at the age of sixteen or	121632
seventeen and attained the age of sixteen before a Title IV-E	121633
kinship guardianship assistance agreement became effective;	121634
(c) Has attained the age of eighteen;	121635
(d) Has not yet attained the age of twenty-one.	121636
(5) "Relative" means, with respect to a child, any of the	121637
following who is eighteen years of age or older:	121638
(a) The following individuals related by blood or adoption	121639
to the child:	121640
(i) Grandparents, including grandparents with the prefix	121641
"great," "great-great," or "great-great-great";	121642
(ii) Siblings;	121643
(iii) Aunts, uncles, nephews, and nieces, including such	121644
relatives with the prefix "great," "great-great," "grand," or	121645
"great-grand";	121646
(iv) First cousins and first cousins once removed.	121647
(b) Stepparents and stepsiblings of the child;	121648
(c) Spouses and former spouses of individuals named in	121649
divisions (A) (5) (a) and (b) of this section;	121650

(d) A legal guardian of the child; 121651

(e) A legal custodian of the child; 121652

(f) Any nonrelative adult that has a familiar and long- 121653  
standing relationship or bond with the child or the family, 121654  
which relationship or bond will ensure the child's social ties. 121655

(6) "Representative" means a person with whom the 121656  
department of children and youth has entered into a contract, 121657  
pursuant to division (B) (2) (b) of this section. 121658

(7) "Title IV-E" means Title IV-E of the "Social Security 121659  
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 121660

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ 121661  
~~and~~ (4) of this section, the department of children and youth 121662  
shall act as the single state agency to administer federal 121663  
payments for foster care, kinship guardianship assistance, and 121664  
adoption assistance made pursuant to Title IV-E. The director of 121665  
children and youth shall adopt rules to implement this 121666  
authority. Rules governing financial and administrative 121667  
requirements applicable to public children services agencies and 121668  
government entities that provide Title IV-E reimbursable 121669  
placement services to children shall be adopted in accordance 121670  
with section 111.15 of the Revised Code, as if they were 121671  
internal management rules. Rules governing requirements 121672  
applicable to private child placing agencies and private 121673  
noncustodial agencies and rules establishing eligibility, 121674  
program participation, and other requirements concerning Title 121675  
IV-E shall be adopted in accordance with Chapter 119. of the 121676  
Revised Code. A public children services agency to which the 121677  
department distributes Title IV-E funds shall administer the 121678  
funds in accordance with those rules. 121679

~~(2) If the~~ (2) (a) The department shall implement the state plan ~~is as~~ amended under ~~divisions (A) and (B) of section 5101.1411~~ 5180.428 of the Revised Code, ~~both of the following shall apply:~~

~~(a) Implementation of the amendments to the plan shall begin fifteen months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, if both of the following apply:~~

~~(i) The plan as amended is approved by the secretary of health and human services;~~

~~(ii) The~~ if the general assembly has appropriated sufficient funds to operate the program required under the plan as amended.

(b) The department shall have, exercise, and perform all new duties required under the plan as amended. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.

~~(3) If the state plan is amended under division (C) of section 5101.1411 of the Revised Code, both of the following apply:~~

~~(a) Implementation of the amendments to the plan shall begin fifteen months after September 30, 2021, if both of the following apply:~~

~~(i) The plan as amended is approved by the secretary of health and human services.~~

~~(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.~~

~~(b) The department shall perform all new duties required~~

~~under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.~~ 121708  
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~~(4) If The department shall implement the state plan ~~is as~~ amended under section ~~5101.1416~~ 5180.4213 of the Revised Code, and ~~is approved by the secretary of health and human services,~~ implementation of the amendments to the plan shall begin fifteen months after September 30, 2021.~~ 121711  
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(C) (1) Except with regard to the new duties imposed on the department or its contractor under ~~divisions~~ division (B) (2) (b) and ~~(B) (3) (b)~~ of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following: 121716  
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121721

(a) The child's food, clothing, shelter, daily supervision, and school supplies; 121722  
121723

(b) The child's personal incidentals; 121724

(c) Reasonable travel to the child's home for visitation. 121725

(2) In addition to payments made under division (C) (1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following: 121726  
121727  
121728  
121729

(a) Liability insurance with respect to the child; 121730

(b) If the county is participating in the demonstration project established under division (A) of section ~~5101.142~~ 5180.421 of the Revised Code, services provided under the project. 121731  
121732  
121733  
121734

(3) With respect to a child who is in a child-care 121735

institution, including any type of group home designed for the 121736  
care of children or any privately operated program consisting of 121737  
two or more certified foster homes operated by a common 121738  
administrative unit, the foster care maintenance payments made 121739  
by the county on behalf of the child shall include the 121740  
reasonable cost of the administration and operation of the 121741  
institution, group home, or program, as necessary to provide the 121742  
items described in divisions (C) (1) and (2) of this section. 121743

(D) To the extent that either foster care maintenance 121744  
payments under division (C) of this section, Title IV-E kinship 121745  
guardianship assistance, or Title IV-E adoption assistance 121746  
payments for maintenance costs require the expenditure of county 121747  
funds, the board of county commissioners shall report the nature 121748  
and amount of each expenditure of county funds to the 121749  
department. 121750

(E) The department shall distribute to public children 121751  
services agencies that incur and report expenditures of the type 121752  
described in division (D) of this section federal financial 121753  
participation received for administrative and training costs 121754  
incurred in the operation of foster care maintenance, kinship 121755  
guardianship assistance, and adoption assistance programs. The 121756  
department may withhold not more than three per cent of the 121757  
federal financial participation received. The funds withheld may 121758  
be used only to fund the following: 121759

(1) The Ohio child welfare training program established 121760  
under section 5103.30 of the Revised Code; 121761

(2) The university partnership program for college and 121762  
university students majoring in social work who have committed 121763  
to work for a public children services agency upon graduation; 121764

(3) Efforts supporting organizational excellence, 121765  
including voluntary activities to be accredited by a nationally 121766  
recognized accreditation organization. 121767

The funds withheld shall be in addition to any 121768  
administration and training cost for which the department is 121769  
reimbursed through its own cost allocation plan. 121770

(F) All federal financial participation funds received by 121771  
a county pursuant to this section shall be deposited into the 121772  
county's children services fund created pursuant to section 121773  
~~5101.144~~5180.411 of the Revised Code. 121774

~~(G)~~ (G) (1) The department shall periodically publish and 121775  
distribute the maximum amounts that the department will 121776  
reimburse public children services agencies for making payments 121777  
on behalf of children eligible for foster care maintenance 121778  
payments. 121779

(2) The department may issue a request for proposals to 121780  
establish statewide rate cards for placement and care of 121781  
children eligible for foster care maintenance payments. If a 121782  
request for proposals is issued, the department shall review and 121783  
accept the reasonable cost of providing the items described in 121784  
division (C) of this section. 121785

(H) The department, by and through its director, is hereby 121786  
authorized to develop, participate in the development of, 121787  
negotiate, and enter into one or more interstate compacts on 121788  
behalf of this state with agencies of any other states, for the 121789  
provision of social services to children in relation to whom all 121790  
of the following apply: 121791

(1) They have special needs. 121792

(2) This state or another state that is a party to the 121793

interstate compact is providing kinship guardianship assistance 121794  
or adoption assistance on their behalf. 121795

(3) They move into this state from another state or move 121796  
out of this state to another state. 121797

**Sec. ~~5101.142~~ 5180.421.** (A) The department of children and 121798  
youth may apply to the United States secretary of health and 121799  
human services for a waiver of requirements established under 121800  
Title IV-E, or regulations adopted thereunder, to conduct a 121801  
demonstration project expanding eligibility for and services 121802  
provided under Title IV-E. The department may enter into 121803  
agreements with the secretary necessary to implement the 121804  
demonstration project, including agreements establishing the 121805  
terms and conditions of the waiver authorizing the project. If a 121806  
demonstration project is to be established, the department shall 121807  
do all of the following: 121808

(1) Have the director of children and youth adopt rules in 121809  
accordance with Chapter 119. of the Revised Code governing the 121810  
project. The rules shall be consistent with the agreements the 121811  
department enters into with the secretary. 121812

(2) Enter into agreements with public children services 121813  
agencies that the department selects for participation in the 121814  
project. The department shall not select an agency that objects 121815  
to participation or refuses to be bound by the terms and 121816  
conditions of the project. 121817

(3) Contract with persons or governmental agencies 121818  
providing services under the project; 121819

(4) Amend the state plan required by section 471 of the 121820  
"Social Security Act," 42 ~~U.S.C.A.~~ U.S.C. 671, as amended, as 121821  
needed to implement the project; 121822

- (5) Conduct ongoing evaluations of the project; 121823
- (6) Perform other administrative and operational 121824  
activities required by the agreement with the secretary. 121825
- (B) The department may apply to the United States 121826  
secretary of health and human services for a waiver of the 121827  
requirements established under Title IV-B of the "Social 121828  
Security Act of 1967," ~~81 Stat. 821,~~ 42 U.S.C.A.U.S.C. 620 or 121829  
regulations adopted thereunder and established under any other 121830  
federal law or regulations that affect the children services 121831  
functions prescribed by Chapter 5153. of the Revised Code, to 121832  
conduct demonstration projects or otherwise improve the 121833  
effectiveness and efficiency of the children services function. 121834
- Sec. ~~5101.145~~ 5180.422.** (A) In adopting rules under 121835  
section ~~5101.141~~ 5180.42 of the Revised Code regarding financial 121836  
requirements applicable to public children services agencies, 121837  
private child placing agencies, private noncustodial agencies, 121838  
and government entities that provide Title IV-E reimbursable 121839  
placement services to children, the department of children and 121840  
youth ~~shall~~ may establish both of the following: 121841
- (1) A single form for the agencies or entities to report 121842  
costs reimbursable under Title IV-E and costs reimbursable under 121843  
medicaid; 121844
- (2) Procedures to monitor cost reports submitted by the 121845  
agencies or entities. 121846
- (B) The procedures established under division (A) (2) of 121847  
this section shall ~~be implemented not later than October 1,~~ 121848  
~~2003. The procedures shall be used to do both of the following:~~ 121849
- (1) Determine which of the costs are reimbursable under 121850  
Title IV-E; 121851

(2) Ensure that costs reimbursable under medicaid are 121852  
excluded from determinations made under division (B) (1) of this 121853  
section. 121854

**Sec. ~~5101.146~~ 5180.423.** The department of children and 121855  
youth shall establish the following penalties, which shall be 121856  
enforced at the discretion of the department, for the failure of 121857  
a public children services agency, private child placing agency, 121858  
private noncustodial agency, or government entity that provides 121859  
Title IV-E reimbursable placement services to children to comply 121860  
with procedures the department establishes to ensure fiscal 121861  
accountability: 121862

(A) For initial failure, the department and the agency or 121863  
entity involved shall jointly develop and implement a corrective 121864  
action plan according to a specific schedule. If requested by 121865  
the agency or entity involved, the department shall provide 121866  
technical assistance to the agency or entity to ensure the 121867  
fiscal accountability procedures and goals of the plan are met. 121868

(B) For subsequent failures or failure to achieve the 121869  
goals of the plan described in division (A) of this section, one 121870  
of the following: 121871

(1) For public children services agencies, the department 121872  
may take any action permitted under division (C) (2), (4), (5), 121873  
or (6) of section 5101.24 of the Revised Code. 121874

(2) For private child placing agencies or private 121875  
noncustodial agencies, cancellation of any Title IV-E 121876  
allowability rates for the agency involved pursuant to section 121877  
~~5101.141~~5180.42 of the Revised Code or revocation pursuant to 121878  
Chapter 119. of the Revised Code of that agency's certificate 121879  
issued under section 5103.03 of the Revised Code; 121880

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section ~~5101.141~~5180.42 of the Revised Code. 121881  
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**Sec. ~~5101.147~~ 5180.424.** If a public children services agency fails to comply with the fiscal accountability procedures established by the department of children and youth, the department shall notify the board of county commissioners of the county served by the agency. If a private child placing agency or private noncustodial agency fails to comply with the fiscal accountability procedures, the department shall notify the executive director of each public children services agency that has entered into a contract for services with the private child placing agency or private noncustodial agency. 121886  
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**Sec. ~~5101.148~~ 5180.425.** If the department of children and youth sanctions a public children services agency, private child placing agency, or private noncustodial agency, it shall take every possible precaution to ensure that any foster children that have been placed by the agency under sanction are not unnecessarily removed from the certified foster homes in which they reside. 121896  
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**Sec. ~~5101.149~~ 5180.426.** Money from the children services fund shall not be used to provide a personal loan to any individual. 121903  
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121905

**Sec. ~~5101.1410~~ 5180.427.** In addition to the remedies available under sections ~~5101.146~~ and ~~5101.24~~ and 5180.423 of the Revised Code, the department of children and youth may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under 121906  
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that section against a public children services agency, private 121911  
child placing agency, private noncustodial agency, or government 121912  
entity that provides Title IV-E reimbursable placement services 121913  
to children if all of the following are the case: 121914

(A) The agency or entity files a cost report with the 121915  
department pursuant to rules adopted under division (B) of 121916  
section ~~5101.141~~5180.42 of the Revised Code. 121917

(B) The department receives and distributes federal Title 121918  
IV-E reimbursement funds based on the cost report. 121919

(C) The agency's or entity's misstatement, 121920  
misclassification, overstatement, understatement, or other 121921  
inclusion or omission of any cost included in the cost report 121922  
causes the United States department of health and human services 121923  
to disallow all or part of the federal Title IV-E reimbursement 121924  
funds the department received and distributed. 121925

(D) The agency's or entity's misstatement, 121926  
misclassification, overstatement, understatement, or other 121927  
inclusion or omission of any cost included in the cost report is 121928  
not the direct result of a written directive concerning the 121929  
agency or entity's cost report that the department issued to the 121930  
agency or entity. 121931

**Sec. ~~5101.1411~~ 5180.428.** (A) (1) The director of ~~job and~~ 121932  
~~family services children and youth~~ shall, ~~not later than nine~~ 121933  
~~months after September 13, 2016, the effective date of H.B. 50~~ 121934  
~~of the 131st general assembly, submit an amendment to the state~~ 121935  
~~plan required by 42 U.S.C. 671 to the United States secretary of~~ 121936  
~~health and human services to implement 42 U.S.C. 675(8) to make~~ 121937  
federal payments for foster care under Title IV-E directly to, 121938  
or on behalf of, any emancipated young adult who meets the 121939

following requirements: 121940

(a) The emancipated young adult signs a voluntary participation agreement. 121941  
121942

(b) The emancipated young adult satisfies division (D) of this section. 121943  
121944

(2) Any emancipated young adult who meets the requirements of division (A) (1) of this section may apply for foster care payments and make the appropriate application at any time. 121945  
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(B) (1) ~~The director of job and family services children and youth shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:~~ 121948  
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(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen. 121956  
121957  
121958  
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(b) The parent maintains parental responsibility for the adopted young adult. 121960  
121961

(c) The adopted young adult satisfies division (D) of this section. 121962  
121963

(2) Any parent who meets the requirements of division (B) (1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted young adult reaches age twenty-one. 121964  
121965  
121966  
121967

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C) (1) The director of ~~job and family services~~ children and youth shall, ~~not later than nine months after September 30, 2021, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to~~ implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E available to any relative who meets all of the following requirements:

(a) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order.

(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen.

(b) The relative maintains parental responsibility for the kinship guardianship young adult.

(c) The kinship guardianship young adult satisfies division (D) of this section.

(2) Any person who meets the requirements of division (C) (1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one.

(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section.	121997 121998 121999 122000
(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria:	122001 122002 122003
(1) Is completing secondary education or a program leading to an equivalent credential;	122004 122005
(2) Is enrolled in an institution that provides post-secondary or vocational education;	122006 122007
(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;	122008 122009
(4) Is employed for at least eighty hours per month;	122010
(5) Is incapable of doing any of the activities described in divisions (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.	122011 122012 122013 122014
(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the payments at any time.	122015 122016 122017 122018 122019 122020 122021
(F)(1) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are	122022 122023 122024

received, or any relative described in division (C) (1) of this 122025  
section who is receiving kinship guardianship assistance and the 122026  
kinship guardianship young adult, or a parent receiving adoption 122027  
assistance payments and the adopted young adult shall be 122028  
eligible for services set forth in the federal, "Fostering 122029  
Connections to Success and Increasing Adoptions Act of 2008," 122030  
P.L. 110-351, ~~122 Stat. 3949.~~ 122031

(2) An emancipated young adult described in division (A) 122032  
(1) of this section who is directly receiving foster care 122033  
payments, or on whose behalf such foster care payments are 122034  
received, pursuant to this section, may be eligible to reside in 122035  
a supervised independent living setting, including apartment 122036  
living, room and board arrangements, college or university 122037  
dormitories, host homes, and shared roommate settings. 122038

(G) Any determination by the department of ~~job and family~~ 122039  
~~services or the department of children and youth~~ that denies or 122040  
terminates foster care assistance, kinship guardianship 122041  
assistance, ~~kinship support program payments,~~ or adoption 122042  
assistance payments shall be subject to a state hearing pursuant 122043  
to section 5101.35 of the Revised Code. 122044

**Sec. ~~5101.1412~~ 5180.429.** (A) Without the approval of a 122045  
court, an emancipated young adult who receives payments, or on 122046  
whose behalf payments are received, under division (A) of 122047  
section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a 122048  
voluntary participation agreement with the department of 122049  
children and youth, or its representative, for the emancipated 122050  
young adult's care and placement. The agreement shall stay in 122051  
effect until one of the following occurs: 122052

(1) The emancipated young adult enrolled in the program 122053  
notifies the department, or its representative, that they want 122054

to terminate the agreement. 122055

(2) The emancipated young adult becomes ineligible for the 122056  
program. 122057

(B) In order to maintain Title IV-E eligibility for the 122058  
emancipated young adult, both of the following apply: 122059

(1) Not later than one hundred eighty days after the 122060  
effective date of the voluntary participation agreement, the 122061  
department or its representative must petition the court for, 122062  
and obtain, a judicial determination that the emancipated young 122063  
adult's best interest is served by continuing the care and 122064  
placement with the department or its representative. 122065

(2) Not later than twelve months after the effective date 122066  
of the voluntary participation agreement, and at least once 122067  
every twelve months thereafter, the department or its 122068  
representative must petition the court for, and obtain, a 122069  
judicial determination that the department or its representative 122070  
has made reasonable efforts to finalize a permanency plan to 122071  
prepare the emancipated young adult for independence. 122072

**Sec. ~~5101.1413~~ 5180.4210.** Notwithstanding section ~~5101.1411~~ 122073  
~~5180.42~~ of the Revised Code and any rules adopted thereunder, 122074  
the department of children and youth shall pay the full 122075  
nonfederal share of payments made pursuant to section ~~5101.1411~~ 122076  
~~5180.428~~ of the Revised Code. No public children services agency 122077  
shall be responsible for the cost of any payments made pursuant 122078  
to section ~~5101.1411~~ 5180.428 of the Revised Code. 122079

**Sec. ~~5101.1414~~ 5180.4211.** (A) The department of children 122080  
and youth shall adopt rules necessary to carry out the purposes 122081  
of sections ~~5101.1411~~ 5180.428 to ~~5101.1413~~ 5180.4210 of the 122082  
Revised Code, including rules that do all of the following: 122083

(1) Allow an emancipated young adult described in division 122084  
(A) (1) of section ~~5101.1411~~ 5180.428 of the Revised Code who is 122085  
directly receiving foster care payments, or on whose behalf such 122086  
foster care payments are received, or an adopted young adult 122087  
whose adoptive parents are receiving adoption assistance 122088  
payments, to maintain eligibility while transitioning into, or 122089  
out of, qualified employment or educational activities; 122090

(2) Require that a thirty-day notice of termination be 122091  
given by the department to an emancipated young adult described 122092  
in division (A) (1) of section ~~5101.1411~~ 5180.428 of the Revised 122093  
Code who is receiving foster care payments, or on whose behalf 122094  
such foster care payments are received, or to a parent receiving 122095  
adoption assistance payments for an adopted young adult 122096  
described in division (B) (1) of section ~~5101.1411~~ 5180.428 of 122097  
the Revised Code, who is determined to be ineligible for 122098  
payments; 122099

(3) Establish the scope of practice and training necessary 122100  
for case managers and supervisors who care for emancipated young 122101  
adults described in division (A) (1) of section ~~5101.1411~~ 122102  
5180.428 of the Revised Code who are receiving foster care 122103  
payments, or on whose behalf such foster care payments are 122104  
received, under section ~~5101.1411~~ 5180.428 of the Revised Code. 122105

(B) The department of children and youth shall create an 122106  
advisory council to evaluate and make recommendations for 122107  
statewide implementation of sections ~~5101.1411~~ 5180.428 and 122108  
~~5101.1412~~ 5180.429 of the Revised Code. 122109

**Sec. ~~5101.1415~~ 5180.4212.** The provisions of divisions (A) 122110  
and (D) to (G) of section ~~5101.1411~~ 5180.428 of the Revised Code 122111  
shall not apply if the person is eligible for temporary or 122112  
permanent custody until age twenty-one pursuant to a 122113

dispositional order under sections 2151.353, 2151.414, and 122114  
2151.415 of the Revised Code. 122115

**Sec. ~~5101.1416~~ 5180.4213.** (A) ~~Not later than nine months~~ 122116  
~~after the effective date of this section , the~~ The director of 122117  
~~job and family services~~ children and youth shall submit an 122118  
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 122119  
~~United States secretary of health and human services to~~ 122120  
implement 42 U.S.C. 673(d) to provide kinship guardianship 122121  
assistance under Title IV-E on behalf of a child to a relative 122122  
who meets the following requirements: 122123

(1) The relative has cared for the eligible child pursuant 122124  
to division (B) of this section as a foster caregiver as defined 122125  
by section 5103.02 of the Revised Code for at least six 122126  
consecutive months. 122127

(2) Both of the following apply: 122128

(a) A juvenile court issued an order granting legal 122129  
custody of the child to the relative, or a probate court issued 122130  
an order granting guardianship of the child to the relative, and 122131  
the order is not a temporary court order. 122132

(b) The relative has committed to care for the child on a 122133  
permanent basis. 122134

(3) The relative signs a kinship guardianship assistance 122135  
agreement required by 42 U.S.C. 673. 122136

(B) A child is an eligible child for kinship guardianship 122137  
assistance under this section if the following are met: 122138

(1) The child has been removed from his or her home 122139  
pursuant to a voluntary placement agreement or as a result of a 122140  
judicial determination to the effect that continuation in the 122141

home would be contrary to the welfare of the child. 122142

(2) The child has been eligible for foster care 122143  
maintenance payments under section ~~5101.141~~5180.42 of the 122144  
Revised Code while residing for at least six consecutive months 122145  
in the home of a relative described in division (A) of this 122146  
section. 122147

(3) Returning the child home or adoption of the child are 122148  
not appropriate permanency options for the child. 122149

(4) The child demonstrates a strong attachment to the 122150  
child's relative described in division (A) of this section and 122151  
the relative has a strong commitment to caring permanently for 122152  
the child. 122153

(5) With respect to a child who has attained fourteen 122154  
years of age, the child has been consulted regarding the kinship 122155  
guardianship arrangement. 122156

**Sec. ~~5101.1417~~ 5180.4214.** The department of children and 122157  
youth shall adopt rules necessary to carry out the purposes of 122158  
sections ~~5101.141~~5180.42, ~~5101.1411~~5180.428, and ~~5101.1416~~ 122159  
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 122160  
"Social Security Act," including rules that do all of the 122161  
following: 122162

(A) Allow a kinship guardianship young adult described in 122163  
division (C) of section ~~5101.1411~~5180.428 of the Revised Code 122164  
on whose behalf kinship guardianship assistance is received, to 122165  
maintain eligibility while transitioning into, or out of, 122166  
qualified employment or educational activities; 122167

(B) Require that a thirty-day notice of termination be 122168  
given by the department to a person receiving kinship 122169  
guardianship assistance for a kinship guardianship young adult 122170

described in division (C) of section ~~5101.1411~~5180.428 of the Revised Code, who is determined to be ineligible for assistance. 122171  
122172

**Sec. ~~5101.1418~~ 5180.43.** (A) (1) If, after a child's 122173  
adoption is finalized, the department of children and youth 122174  
considers the child to be in need of public care or protective 122175  
services, the department may, to the extent state funds are 122176  
available for this purpose, enter into an agreement with the 122177  
child's adoptive parent under which the department may make post 122178  
adoption special services subsidy payments on behalf of the 122179  
child as needed when both of the following apply: 122180

(a) The child has a physical or developmental disability 122181  
or mental or emotional condition that either: 122182

(i) Existed before the adoption petition was filed; or 122183

(ii) Developed after the adoption petition was filed and 122184  
can be directly attributed to factors in the child's preadoption 122185  
background, medical history, or biological family's background 122186  
or medical history. 122187

(b) The department determines the expenses necessitated by 122188  
the child's disability or condition are beyond the adoptive 122189  
parent's economic resources. 122190

(2) Services for which the department may make post 122191  
adoption special services subsidy payments on behalf of a child 122192  
under this section shall include medical, surgical, psychiatric, 122193  
psychological, and counseling services, including residential 122194  
treatment. 122195

(3) The department shall establish clinical standards to 122196  
evaluate a child's physical or developmental disability or 122197  
mental or emotional condition and assess the child's need for 122198  
services. 122199

(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that the department may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

(6) The department may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

(7) The department may contract with another person to carry out any of the duties described in this section.

(B) No payment shall be made on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically disabled person twenty-one years of age or older.

(C) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;	122229 122230
(2) Standards for determining the children who qualify to receive assistance provided under this section;	122231 122232
(3) The method of determining the amount, duration, and scope of services provided to a child;	122233 122234
(4) The method of transitioning the post adoption special services subsidy program from public children services agencies to the department;	122235 122236 122237
(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.	122238 122239 122240
<del>(D) The department shall implement this section not later than July 1, 2022.</del>	122241 122242
<b>Sec. <del>5101.15</del> <u>5180.44</u>.</b> Within available funds the department of children and youth may reimburse counties in accordance with this section for a portion of the salaries paid to child welfare workers employed under section 5153.12 of the Revised Code. No county with a population of eighty thousand or less, according to the latest census accepted by the department as official, shall be entitled to reimbursement on the salaries of more than two child welfare workers, and no county with a population of more than eighty thousand, according to such census, shall be entitled to reimbursement on the salaries of more than two child welfare workers plus one additional child welfare worker for each one hundred thousand of population in excess of eighty thousand.	122243 122244 122245 122246 122247 122248 122249 122250 122251 122252 122253 122254 122255
The maximum reimbursement to which a county may be entitled on any child welfare worker shall be as follows:	122256 122257

(A) Twenty-seven hundred dollars a year for a child 122258  
welfare worker who is a graduate of an accredited high school, 122259  
college, or university; 122260

(B) Thirty-three hundred dollars a year for a child 122261  
welfare worker who has one year or more of graduate training in 122262  
social work or a field which the department finds to be related 122263  
to social work; 122264

(C) Thirty-nine hundred dollars a year for a child welfare 122265  
worker who has completed two years of social work training. 122266

The salary of the executive director, designated in 122267  
accordance with section 5153.10 of the Revised Code, shall be 122268  
subject to reimbursement under this section, provided that the 122269  
executive director qualifies under division (A), (B), or (C) of 122270  
this section. No funds shall be allocated under this section 122271  
until the director of children and youth has approved a plan of 122272  
child welfare services for the county submitted by the public 122273  
children services agency. 122274

**Sec. ~~5101.19~~ 5180.45.** As used in sections ~~5101.19~~ 5180.45 122275  
to ~~5101.194~~ 5180.454 of the Revised Code: 122276

(A) "Adopted child" means a person who is less than 122277  
eighteen years of age when the person becomes subject to a final 122278  
order of adoption, an interlocutory order of adoption, or when 122279  
the adoption is recognized by this state under section 3107.18 122280  
of the Revised Code. 122281

(B) "Adoption" includes an adoption arranged by an 122282  
attorney, a public children services agency, private child 122283  
placing agency, or a private noncustodial agency, an interstate 122284  
adoption, or an international or foreign adoption. 122285

(C) "Adoptive parent" means the person or persons who 122286

obtain parental rights and responsibilities over an adopted 122287  
child pursuant to a final order of adoption, an interlocutory 122288  
order of adoption, or an adoption recognized by this state under 122289  
section 3107.18 of the Revised Code. 122290

(D) "Casework services" means services performed or 122291  
arranged by a public children services agency, private child 122292  
placing agency, private noncustodial agency, or public entity 122293  
with whom the department of children and youth has a Title IV-E 122294  
subgrant agreement in effect, to manage the progress, provide 122295  
supervision and protection of the child and the child's parent, 122296  
guardian, or custodian. 122297

(E) "Foster caregiver" has the same meaning as in section 122298  
5103.02 of the Revised Code. 122299

(F) "Qualified professional" means an individual that is, 122300  
but not limited to, any one of the following: 122301

(1) Audiologist; 122302

(2) Orthopedist; 122303

(3) Physician; 122304

(4) Certified nurse practitioner; 122305

(5) Physician assistant; 122306

(6) Psychiatrist; 122307

(7) Psychologist; 122308

(8) School psychologist; 122309

(9) Licensed marriage and family therapist; 122310

(10) Speech and language pathologist; 122311

(11) Licensed independent social worker; 122312

(12) Licensed professional clinical counselor;	122313
(13) Licensed social worker who is under the direct supervision of a licensed independent social worker;	122314 122315
(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.	122316 122317 122318
(G) "Special needs" means any of the following:	122319
(1) A developmental disability as defined in section 5123.01 of the Revised Code;	122320 122321
(2) A physical or mental impairment that substantially limits one or more of the major life activities;	122322 122323
(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;	122324 122325 122326
(4) Any mental or psychological disorder;	122327
(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.	122328 122329 122330
<b>Sec. <del>5101.191</del> <u>5180.451</u>.</b> (A) The director of children and youth shall establish and administer the Ohio adoption grant program in accordance with sections <del>5101.19</del> <u>5180.45</u> to <del>5101.194</del> <u>5180.454</u> of the Revised Code.	122331 122332 122333 122334
(B) The director shall provide <del>one, but not both,</del> <u>either</u> of the following one-time payments for an adopted child to the child's adoptive parent if the requirements of division (A) of section <del>5101.192</del> <u>5180.452</u> of the Revised Code, but not division (B) of that section, are satisfied regarding the child:	122335 122336 122337 122338 122339

(1) Ten thousand dollars;	122340
(2) Fifteen thousand dollars, if the parent was a foster caregiver who cared for the child prior to adoption.	122341 122342
(C) The director shall provide a one-time payment for an adopted child of twenty thousand dollars to the child's adoptive parent if the requirements of divisions (A) and (B) of section <del>5101.192</del> <u>5180.452</u> of the Revised Code are satisfied regarding the child.	122343 122344 122345 122346 122347
<u>(D) The payment described in divisions (B) and (C) of this section shall be provided to all eligible applicants to the extent state funds are available for this purpose.</u>	122348 122349 122350
<b>Sec. <del>5101.192</del> <u>5180.452</u>.</b> (A) To receive a grant payment under division (B) of section <del>5101.191</del> <u>5180.451</u> of the Revised Code, all of the following must be satisfied:	122351 122352 122353
(1) The adoptive parent has not previously received a grant payment from the Ohio adoption grant program for the adopted child for whom the parent is seeking payment.	122354 122355 122356
(2) The adoptive parent does not also currently claim an adoption tax credit pursuant to former section 5747.37 of the Revised Code for the adopted child for whom the parent is seeking payment.	122357 122358 122359 122360
(3) The adoptive parent applies for the grant not later than one year after the final adoption order, interlocutory order of adoption, or recognition of the adoption by this state under section 3107.18 of the Revised Code for the adopted child for whom the grant payment is sought.	122361 122362 122363 122364 122365
(4) The adoption was not by a parent whose spouse is a biological or adoptive parent of the child prior to the adoption	122366 122367

for which the payment is sought. 122368

(5) The adoption is finalized on or after January 1, 2023. 122369

(6) The adoptive parent was a resident of Ohio at the time the adoption was finalized. 122370  
122371

(B) To receive a grant payment under division (C) of 122372  
section ~~5101.191~~5180.451 of the Revised Code, both of the 122373  
following must be satisfied: 122374

(1) The requirements of division (A) of this section must 122375  
be satisfied. 122376

(2) A qualified professional who does not provide casework 122377  
services to the adopted child diagnoses the child with one or 122378  
more special needs in the professional's area of expertise prior 122379  
to the final order of adoption, interlocutory order of adoption, 122380  
or recognition of the adoption by this state under section 122381  
3107.18 of the Revised Code. 122382

**Sec. ~~5101.193~~ 5180.453.** (A) The director of children and 122383  
youth shall adopt rules to administer and implement the Ohio 122384  
adoption grant program. The director, in consultation with the 122385  
tax commissioner, shall also adopt rules authorizing the 122386  
department to withhold and remit to the Internal Revenue Service 122387  
federal income tax from grant payments under division (B) of 122388  
section ~~5101.191~~5180.451 of the Revised Code, provided such 122389  
withholding is authorized under federal law or approved by the 122390  
Internal Revenue Service. 122391

(B) No application fee shall be charged for the grant 122392  
program. 122393

(C) Notwithstanding any law to the contrary, the director 122394  
may require, as necessary to administer the Ohio adoption grant 122395

program, either or both of the following: 122396

(1) ~~The submission~~ Certified copies of any court or legal 122397  
document necessary to prove a final order of adoption, an 122398  
interlocutory order of adoption, or recognition of the adoption 122399  
under section 3107.18 of the Revised Code; 122400

(2) Any department, agency, court, or division of the 122401  
state, including the department of health, to provide any 122402  
document related to the adoption. 122403

~~(D)~~ (D) (1) No person shall knowingly produce or submit any 122404  
false or misleading documentation or information to the 122405  
department of children and youth in an effort to qualify for or 122406  
obtain a grant from the Ohio adoption grant program. 122407

(2) Whoever violates division (D) (1) of this section is 122408  
guilty of falsification in accordance with section 2921.13 of 122409  
the Revised Code. 122410

(E) Notwithstanding any provision of section 121.95 of the 122411  
Revised Code to the contrary, a regulatory restriction contained 122412  
in a rule adopted under section ~~5101.193~~ 5180.453 of the Revised 122413  
Code is not subject to sections 121.95 to 121.953 of the Revised 122414  
Code. 122415

**Sec. ~~5101.194~~ 5180.454.** Any document provided to the 122416  
department of children and youth under division (C) of section 122417  
~~5101.193~~ 5180.453 of the Revised Code remains ~~a~~ : 122418

(A) A public record under section 149.43 of the Revised 122419  
Code if it was a public record under that section before being 122420  
provided to the department; 122421

(B) Confidential if it was confidential under any state or 122422  
federal law before being provided to the department. 122423

**Sec. ~~5101.85~~ 5180.50.** As used in sections ~~5101.851~~ 5180.51 122424  
to ~~5101.856~~ 5180.514 of the Revised Code, "kinship caregiver" 122425  
means any of the following who is eighteen years of age or older 122426  
and is caring for a child in place of the child's parents: 122427

(A) The following individuals related by blood or adoption 122428  
to the child: 122429

(1) Grandparents, including grandparents with the prefix 122430  
"great," "great-great," or "great-great-great"; 122431

(2) Siblings; 122432

(3) Aunts, uncles, nephews, and nieces, including such 122433  
relatives with the prefix "great," "great-great," "grand," or 122434  
"great-grand"; 122435

(4) First cousins and first cousins once removed. 122436

(B) Stepparents and stepsiblings of the child; 122437

(C) Spouses and former spouses of individuals named in 122438  
divisions (A) and (B) of this section; 122439

(D) A legal guardian of the child; 122440

(E) A legal custodian of the child; 122441

(F) Any nonrelative adult that has a familiar and long- 122442  
standing relationship or bond with the child or the family, 122443  
which relationship or bond will ensure the child's social ties. 122444

**Sec. ~~5101.851~~ 5180.51.** The department of children and 122445  
youth shall establish a statewide kinship care navigator program 122446  
to assist kinship caregivers who are seeking information 122447  
regarding, or assistance obtaining, services and benefits 122448  
available at the state and local level that address the needs of 122449  
those caregivers residing in each county. The program shall 122450

provide to kinship caregivers information and referral services 122451  
and assistance obtaining support services including the 122452  
following: 122453

(A) Publicly funded child care; 122454

(B) Respite care; 122455

(C) Training related to caring for special needs children; 122456

(D) A toll-free telephone number that may be called to 122457  
obtain basic information about the rights of, and services 122458  
available to, kinship caregivers; 122459

(E) Legal services. 122460

**Sec. ~~5101.853~~ 5180.511.** The director of children and youth 122461  
shall divide the state into not less than five and not greater 122462  
than twelve regions, for the kinship care navigator program 122463  
under section ~~5101.851~~ 5180.51 of the Revised Code. The director 122464  
shall take the following into consideration when establishing 122465  
the regions: 122466

(A) The population size; 122467

(B) The estimated number of kinship caregivers; 122468

(C) The expertise of kinship navigators; 122469

(D) Any other factor the director considers relevant. 122470

**Sec. ~~5101.854~~ 5180.512.** The program in each kinship care 122471  
navigator region established under section ~~5101.853~~ 5180.511 of 122472  
the Revised Code shall provide information and referral services 122473  
and assistance in obtaining support services for kinship 122474  
caregivers within its region. 122475

**Sec. ~~5101.855~~ 5180.513.** The department of children and 122476  
youth shall adopt rules to implement the kinship care navigator 122477

program. The rules shall be adopted under Chapter 119. of the 122478  
Revised Code, except that rules governing fiscal and 122479  
administrative matters related to implementation of the program 122480  
are internal management rules and shall be adopted under section 122481  
111.15 of the Revised Code. 122482

**Sec. ~~5101.856~~ 5180.514.** (A) (1) The kinship care navigator 122483  
program shall be funded to the extent that general revenue funds 122484  
have been appropriated by the general assembly for that purpose. 122485

(2) The director of children and youth shall take any 122486  
action necessary to obtain funds available for the kinship care 122487  
navigator program under Title IV-E of the "Social Security Act," 122488  
~~94 Stat. 501 (1980)~~, 42 U.S.C. 670, as amended. 122489

(B) The department shall pay the full nonfederal share for 122490  
the kinship care navigator program. No county department of job 122491  
and family services or public children services agency shall be 122492  
responsible for the cost of the program. 122493

**Sec. ~~5101.802~~ 5180.52.** (A) As used in this section: 122494

(1) "Custodian," "guardian," and "minor child" have the 122495  
same meanings as in section 5107.02 of the Revised Code. 122496

(2) "Federal poverty guidelines" has the same meaning as 122497  
in section 5101.46 of the Revised Code. 122498

(3) "Kinship caregiver" has the same meaning as in section 122499  
~~5101.85~~ 5180.50 of the Revised Code. 122500

(B) Subject to division (E) of section 5101.801 of the 122501  
Revised Code, there is hereby created the kinship permanency 122502  
incentive program to promote permanency for a minor child in the 122503  
legal and physical custody of a kinship caregiver. The program 122504  
shall provide an initial one-time incentive payment to the 122505

kinship caregiver to defray the costs of initial placement of 122506  
the minor child in the kinship caregiver's home. The program may 122507  
provide additional permanency incentive payments for the minor 122508  
child at six-month intervals, based on the availability of 122509  
funds. An eligible caregiver may receive a maximum of eight 122510  
incentive payments per minor child. 122511

(C) A kinship caregiver may participate in the program if 122512  
all of the following requirements are met: 122513

(1) The kinship caregiver applies to a public children 122514  
services agency in accordance with the application process 122515  
established in rules authorized by division (E) of this section; 122516

(2) Not earlier than July 1, 2005, a juvenile court issues 122517  
an order granting legal custody to the kinship caregiver, or a 122518  
probate court grants guardianship to the kinship caregiver, 122519  
except that a temporary court order is not sufficient to meet 122520  
this requirement; 122521

(3) The kinship caregiver is either the minor child's 122522  
custodian or guardian; 122523

(4) The minor child resides with the kinship caregiver 122524  
pursuant to a placement approval process established in rules 122525  
authorized by division (E) of this section; 122526

(5) Excluding any income excluded under rules adopted 122527  
under division (E) of this section, the gross income of the 122528  
kinship caregiver's family, including the minor child, does not 122529  
exceed three hundred per cent of the federal poverty guidelines. 122530

(6) The kinship caregiver is not receiving kinship 122531  
guardianship assistance under Title IV-E of the "Social Security 122532  
Act," 42 U.S.C. 673(d), as amended, or the program described in 122533  
section ~~5101.1411~~5180.428 of the Revised Code or the program 122534

described in section 5153.163 of the Revised Code. 122535

(D) Public children services agencies shall make initial 122536  
and ongoing eligibility determinations for the kinship 122537  
permanency incentive program in accordance with rules authorized 122538  
by division (E) of this section. The director of children and 122539  
youth shall supervise public children services agencies' duties 122540  
under this section. 122541

(E) The director of children and youth shall adopt rules 122542  
under division (C) of section 5101.801 of the Revised Code as 122543  
necessary to implement the kinship permanency incentive program. 122544  
The rules shall establish all of the following: 122545

(1) The application process for the program; 122546

(2) The placement approval process through which a minor 122547  
child is placed with a kinship caregiver for the kinship 122548  
caregiver to be eligible for the program; 122549

(3) The initial and ongoing eligibility determination 122550  
process for the program, including the computation of income 122551  
eligibility; 122552

(4) The amount of the incentive payments provided under 122553  
the program; 122554

(5) The method by which the incentive payments are 122555  
provided to a kinship caregiver. 122556

(F) The amendments made to this section by Am. Sub. H.B. 122557  
119 of the 127th general assembly shall not affect the 122558  
eligibility of any kinship caregiver whose eligibility was 122559  
established before June 30, 2007. 122560

**Sec. ~~5101.88~~ 5180.53.** As used in sections ~~5101.881-~~ 122561  
5180.531 to ~~5101.8811-~~5180.536 of the Revised Code: 122562

(A) "Cost-of-living adjustment" has the same meaning as in section 5107.04 of the Revised Code. 122563  
122564

(B) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code. 122565  
122566

**Sec. ~~5101.881~~ 5180.531.** There is hereby established the kinship support program. The department of children and youth shall coordinate and administer the program to the extent funds are appropriated and allocated for this purpose. 122567  
122568  
122569  
122570

**Sec. ~~5101.884~~ 5180.532.** The kinship support program shall provide financial payments to kinship caregivers who: 122571  
122572

(A) Receive placement of a child who is in the temporary or permanent custody of a public children services agency or under the Title IV-E agency with legal responsibility for the care and placement of the child; and 122573  
122574  
122575  
122576

(B) Do not have foster home certification under section 5103.03 of the Revised Code. 122577  
122578

**Sec. ~~5101.885~~ 5180.533.** Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten dollars and twenty cents per child, per day, to the extent funds are available. The department of children and youth shall increase the payment amount on January 1, 2022, and on the first day of each January thereafter by the cost-of-living adjustment made in the immediately preceding December. 122579  
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**Sec. ~~5101.886~~ 5180.534.** Kinship support program payments shall be made to kinship caregivers ~~as follows:~~ 122586  
122587

~~(A) For not more than nine months after the effective date of this section, if a child has been placed with the kinship caregiver as of the effective date of this section;~~ 122588  
122589  
122590

~~(B) For not more than than nine months after the placement of a child with the kinship caregiver, if the placement occurs during the nine-month period that begins on the effective date of this section;~~ 122591  
122592  
122593  
122594

~~(C) For for not more than six months after the date of placement of a child with the kinship caregiver, if the placement occurs after the nine-month period that began on the effective date of this section.~~ 122595  
122596  
122597  
122598

**Sec. ~~5101.887~~ 5180.535.** Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall cease when any of the following occur: 122599  
122600  
122601

(A) The kinship caregiver obtains foster home certification under section 5103.03 of the Revised Code. 122602  
122603

(B) In accordance with section ~~5101.886~~ 5180.534 of the Revised Code; 122604  
122605

(C) Placement with the kinship caregiver is terminated or otherwise ceases. 122606  
122607

**Sec. ~~5101.8811~~ 5180.536.** The director of children and youth may adopt rules for the administration of the kinship support program in accordance with section 111.15 of the Revised Code. 122608  
122609  
122610  
122611

**Sec. ~~5101.8812~~ 5180.56.** Benefits and services provided under the kinship guardianship assistance program, extended kinship guardianship assistance program, kinship support program, and kinship permanency incentive program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, ~~guardianship~~ garnishment, and other like processes. 122612  
122613  
122614  
122615  
122616  
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122618

**Sec. ~~5101.889~~ 5180.57.** A kinship caregiver, on obtaining 122619  
foster home certification under section 5103.03 of the Revised 122620  
Code, shall receive foster care maintenance payments equal to 122621  
the custodial agency rate as determined by the certifying 122622  
agency, which is either the custodial agency, private child 122623  
placing agency, or private non-custodial agency. 122624

**Sec. ~~5101.34~~ 5180.70.** (A) There is hereby created in the 122625  
department of children and youth the Ohio commission on 122626  
fatherhood. The commission shall consist of the following 122627  
members: 122628

(1) (a) Four members of the house of representatives 122629  
appointed by the speaker of the house, not more than two of whom 122630  
are members of the same political party. Two of the members must 122631  
be from legislative districts that include a county or part of a 122632  
county that is among the one-third of counties in this state 122633  
with the highest number per capita of households headed by 122634  
females. 122635

(b) Two members of the senate appointed by the president 122636  
of the senate, each from a different political party. One of the 122637  
members must be from a legislative district that includes a 122638  
county or part of a county that is among the one-third of 122639  
counties in this state with the highest number per capita of 122640  
households headed by females. 122641

(2) The governor, or the governor's designee; 122642

(3) One representative of the judicial branch of 122643  
government appointed by the chief justice of the supreme court; 122644

(4) The directors of health, children and youth, 122645  
rehabilitation and correction, mental health and addiction 122646  
services, youth services, and education and workforce, or their 122647

designees; 122648

(5) One representative of the Ohio family and children 122649  
first cabinet council created under section 121.37 of the 122650  
Revised Code appointed by the chairperson of the council; 122651

(6) Five representatives of the general public appointed 122652  
by the governor. These members shall have extensive experience 122653  
in issues related to fatherhood. 122654

(B) Members appointed to the Ohio commission on fatherhood 122655  
shall serve two-year terms. A member appointed pursuant to 122656  
division (A)(1) of this section shall serve on the commission 122657  
until the end of the general assembly from which the member was 122658  
appointed or until the member ceases to serve in the chamber of 122659  
the general assembly in which the member serves at the time of 122660  
appointment, whichever occurs first. The governor or the 122661  
governor's designee shall serve on the commission until the 122662  
governor ceases to be governor. The directors or their designees 122663  
shall serve on the commission until they cease, or the director 122664  
a designee represents ceases, to be director. Each member shall 122665  
serve on the commission from the date of appointment until the 122666  
end of the term for which the member was appointed. Members may 122667  
be reappointed. 122668

Vacancies shall be filled in the manner provided for 122669  
original appointments. Any member appointed to fill a vacancy 122670  
occurring prior to the expiration date of the term for which the 122671  
member's predecessor was appointed shall serve on the commission 122672  
for the remainder of that term. A member shall continue to serve 122673  
on the commission subsequent to the expiration date of the 122674  
member's term until the member's successor is appointed or until 122675  
a period of sixty days has elapsed, whichever occurs first. 122676  
Members shall serve without compensation but shall be reimbursed 122677

for necessary expenses. 122678

**Sec. ~~5101.341~~ 5180.701.** (A) The Ohio commission on 122679  
fatherhood shall elect a chairperson from among its members in 122680  
every odd-numbered year. 122681

(B) The governor shall appoint an individual to serve as 122682  
the commission's executive director. The executive director 122683  
shall serve at the pleasure of the governor and shall report to 122684  
the director of children and youth or the director's designee. 122685

The governor shall fix the executive director's salary on 122686  
the basis of the executive director's experience and the 122687  
executive director's responsibilities and duties. The executive 122688  
director shall be in the unclassified civil service. 122689

The department of children and youth shall provide staff 122690  
and other support services as necessary for the commission to 122691  
fulfill its duties. 122692

(C) The commission may accept gifts, grants, donations, 122693  
contributions, benefits, and other funds from any public agency 122694  
or private source to carry out any or all of the commission's 122695  
duties. The funds shall be deposited into the Ohio commission on 122696  
fatherhood fund, which is hereby created in the state treasury. 122697  
All gifts, grants, donations, contributions, benefits, and other 122698  
funds received by the commission pursuant to this division shall 122699  
be used solely to support the operations of the commission. 122700

**Sec. ~~5101.342~~ 5180.702.** The Ohio commission on fatherhood 122701  
shall do both of the following: 122702

(A) Organize a state summit on fatherhood every four 122703  
years; 122704

(B) Prepare a report each year that does the following: 122705

(1) Identifies resources available to fund fatherhood-	122706
related programs and explores the creation of initiatives to do	122707
the following:	122708
(a) Build the parenting skills of fathers;	122709
(b) Provide employment-related services for low-income,	122710
noncustodial fathers;	122711
(c) Prevent premature fatherhood;	122712
(d) Provide services to fathers who are inmates in or have	122713
just been released from imprisonment in a state correctional	122714
institution, as defined in section 2967.01 of the Revised Code,	122715
or in any other detention facility, as defined in section	122716
2921.01 of the Revised Code, so that they are able to maintain	122717
or reestablish their relationships with their families;	122718
(e) Reconcile fathers with their families;	122719
(f) Increase public awareness of the critical role fathers	122720
play.	122721
(2) Describes the commission's expectations for the	122722
outcomes of fatherhood-related programs and initiatives and the	122723
methods the commission uses for conducting annual measures of	122724
those outcomes;	122725
(3) Evaluates the number of fathers and children served	122726
and the number and types of additional services provided as a	122727
result of the recommendations made to the director of job and	122728
family services pursuant to section <del>5101.805</del> <u>5180.704</u> of the	122729
Revised Code;	122730
<u>(4) Evaluates the performance of the nonprofit community-</u>	122731
<u>based organizations that received grants under section 5180.706</u>	122732
<u>of the Revised Code.</u>	122733

The commission shall submit each report to the general assembly in accordance with section 101.68 of the Revised Code. 122734  
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(C) Pursuant to section ~~5101.805~~ 5180.704 of the Revised Code, the commission may make recommendations to the director of ~~job and family services~~ children and youth regarding funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601. 122736  
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(D) The portion of the report prepared pursuant to ~~division~~ divisions (B) (2) and (4) of this section shall be prepared by the commission in collaboration with the director of children and youth. 122743  
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(E) The commission shall submit each report prepared pursuant to division (B) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section ~~5101.341~~ 5180.701 of the Revised Code. 122747  
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**Sec. ~~5101.343~~ 5180.703.** Sections 101.82 to 101.87 of the Revised Code do not apply to the Ohio commission on fatherhood. 122754  
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**Sec. ~~5101.805~~ 5180.704.** (A) Subject to division (E) of section 5101.801 of the Revised Code, the Ohio commission on fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised Code, may make recommendations to the director of ~~job and family services~~ children and youth concerning the funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary 122756  
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assistance for needy families block grant, as specified in 42 U.S.C. 601. 122763  
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(B) The department of ~~job and family services~~ children and youth may provide funding under this section to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the department enters into agreements under division (B) (4) of section 5101.801 of the Revised Code. 122765  
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**Sec. 5180.705.** (A) The department of children and youth, through the Ohio commission on fatherhood, must contract for the development and implementation of the responsible fatherhood initiative (RFI). The initiative must provide an opportunity for every father in the state to obtain information and inspiration that will motivate and enable him to enhance his abilities as a father, recognizing that some fathers have greater challenges than others and would benefit from greater support. 122771  
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(B) The initiative must include the following: 122779

(1) A statewide media campaign that increases the awareness of the importance of fathers being involved in their children's lives. The media campaign may include print, television, digital, and social media elements and appearances by and involvement from public figures and influencers. 122780  
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122782  
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(2) Resources and information for fathers and father figures to increase engagement and involvement in their children's lives. 122785  
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(C) (1) The department must contract for the development and implementation of the initiative with a nonprofit (RFI manager) organization that has both of the following: 122788  
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(a) A history of focusing on responsible fatherhood, 122791

including providing online resources to fathers, and engaging 122792  
fathers, father figures, and children through community-based 122793  
and school-based events to encourage responsible fatherhood; 122794

(b) The organizational capacity to manage a statewide 122795  
initiative and successfully carry out the requirements of this 122796  
section. 122797

(2) The organization must collaborate with other relevant 122798  
government agencies and private organizations to develop and 122799  
implement the initiative. Those agencies and organizations must 122800  
collaborate with the contracted organization to carry out the 122801  
initiative. 122802

(3) The RFI manager must be solely responsible for 122803  
developing, collaborating, and managing the RFI media campaign 122804  
and the resources, content, and information for fathers. 122805

**Sec. 5180.706.** (A) The department of children and youth, 122806  
through the Ohio commission on fatherhood, must award grants to 122807  
eligible nonprofit organizations, as described in section 122808  
5180.705 of the Revised Code, to address the needs of fathers. 122809  
The department must award the following types of grants: 122810

(1) Grants that comprehensively address the needs of 122811  
fathers, such as assisting them in finding employment, managing 122812  
child support obligations, transitioning from a period of 122813  
incarceration, accessing health care, understanding child 122814  
development, and enhancing parenting skills. Services provided 122815  
must be tailored to the needs of the father being served. Case 122816  
management services must be provided by the grant recipient, 122817  
either directly or by subcontract, to the fathers who are served 122818  
by the grants under this section. If the father receiving case 122819  
management services through a grant awarded under this section 122820

has a child receiving services from a public children services agency because the child is the subject of an abuse, neglect, or dependency proceeding, the case management services may be coordinated. 122821  
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(2) Grants that provide evidence-based parenting education specifically for fathers. The grants under this section must not require case management services. 122825  
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(B) The department must prioritize applicants for a grant based on the following: 122828  
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(1) Need in a geographic area and the population to be served by the grant as indicated by the following: 122830  
122831

(a) Unemployment rates; 122832

(b) Incarceration rates; 122833

(c) Housing instability; 122834

(d) The number of single-parent households; 122835

(e) The number of public benefit recipients; 122836

(f) Graduation rates; 122837

(g) Levels of academic achievement. 122838

(2) Whether an applicant has a primary mission of, or a history of a significant focus on and effective work towards, addressing the needs of men in their role as fathers; 122839  
122840  
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(3) Applicant current and historical involvement in the community being served; 122842  
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(4) Applicant commitment and capability to employ competent staff who can effectively engage with the fathers being served, including individuals who share similar 122844  
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backgrounds as the fathers being served; 122847

(5) The number of individuals the applicant plans to serve 122848  
through the grant and the projected costs for the program; 122849

(6) Applicant organizational capacity to effectively meet 122850  
the requirements of the grant and to deliver the programs 122851  
proposed by the applicant. The department may offer technical 122852  
assistance to applicants and grant recipients that have lower 122853  
organizational capacity if they have, or their leadership has, 122854  
significant experience serving fathers. 122855

(C) Grants are to be awarded for not more than three 122856  
years, with subsequent funding contingent on compliance with 122857  
grant requirements and adequate performance. Grant recipients 122858  
must submit reports to the department in a format and at 122859  
intervals, which must be at least annually, prescribed by the 122860  
department. The RFI manager contracted with under section 122861  
5180.705 of the Revised Code may be a recipient of grants under 122862  
this section. 122863

**Sec. 5180.707.** (A) A nonprofit organization that receives 122864  
a grant under section 5180.706 of the Revised Code must address 122865  
the unique needs of the fathers of children who are served by 122866  
the organization. The organization must do all of the following: 122867

(1) Conduct an initial assessment of its engagement with 122868  
those fathers and its provision of and referral to father- 122869  
oriented services; 122870

(2) Create an action plan to address any gaps identified 122871  
through the assessment and implement the action plan; 122872

(3) Engage with the Ohio commission on fatherhood to build 122873  
relationships with fathers, help identify their needs, assist 122874  
them in accessing services, and communicate with the 122875

organization about the challenges faced by these fathers and how 122876  
to appropriately meet their unique needs. 122877

(B) The Ohio commission on fatherhood must annually review 122878  
how all recipient organizations are meeting the needs of 122879  
fathers, including how the organizations are helping fathers 122880  
establish positive, stable relationships with their children and 122881  
assisting fathers in receiving needed services. All recipient 122882  
organizations must provide any relevant information on how they 122883  
are meeting the needs of these fathers to the commission. The 122884  
information must be included in the annual report required under 122885  
section 5180.702 of the Revised Code. 122886

**Sec. ~~5101.804~~ 5180.71.** (A) Subject to division (E) of 122887  
section 5101.801 of the Revised Code, there is hereby created 122888  
the Ohio parenting and pregnancy program to provide services for 122889  
pregnant women and parents or other relatives caring for 122890  
children twelve months of age or younger that do both of the 122891  
following: 122892

(1) Promote childbirth, parenting, and alternatives to 122893  
abortion; 122894

(2) Meet one or more of the four purposes of the temporary 122895  
assistance for needy families block grant as specified in 42 122896  
U.S.C. 601. 122897

(B) To the extent permitted by federal law, the department 122898  
of children and youth may provide funds under the program to 122899  
entities with which the department enters into agreements under 122900  
division (B)(3) of section 5101.801 of the Revised Code. In 122901  
accordance with criteria the department develops, the department 122902  
may solicit proposals from entities seeking to provide services 122903  
under the program. The department may enter into an agreement 122904

with an entity only if it meets all of the following conditions:	122905
(1) Is a private, not-for-profit entity;	122906
(2) Is an entity whose primary purpose is to promote childbirth, rather than abortion, through counseling and other services, including parenting and adoption support;	122907 122908 122909
(3) Provides services to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach;	122910 122911 122912 122913 122914 122915
(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received;	122916 122917 122918
(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising;	122919 122920 122921 122922
(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender.	122923 122924 122925
(C) An entity that has entered into an agreement with the department under division (B) (3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B) (3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions:	122926 122927 122928 122929 122930 122931 122932

- (1) Is a private, not-for-profit entity; 122933
- (2) Is physically and financially separate from any 122934  
entity, or component of an entity, that engages in abortion 122935  
activities; 122936
- (3) Is not involved in or associated with any abortion 122937  
activities, including providing abortion counseling or referrals 122938  
to abortion clinics, performing abortion-related medical 122939  
procedures, or engaging in pro-abortion advertising. 122940
- (D) The director of children and youth shall adopt rules 122941  
under division (C) of section 5101.801 of the Revised Code as 122942  
necessary to implement the Ohio parenting and pregnancy program. 122943
- Sec. ~~3701.65~~ 5180.72.** (A) There is hereby created in the 122944  
state treasury the "choose life" fund. The fund shall consist of 122945  
the contributions that are paid to the registrar of motor 122946  
vehicles by applicants who voluntarily elect to obtain "choose 122947  
life" license plates pursuant to section 4503.91 of the Revised 122948  
Code and any money returned to the fund under division (E) (1) (d) 122949  
of this section. All investment earnings of the fund shall be 122950  
credited to the fund. 122951
- (B) (1) At least annually, the director of ~~health~~ children 122952  
and youth shall distribute the money in the fund to any private, 122953  
nonprofit organization that is eligible to receive funds under 122954  
this section and that applies for funding under division (C) of 122955  
this section. 122956
- (2) The director shall allocate the funds to each county 122957  
in proportion to the number of "choose life" license plates 122958  
issued during the preceding year to vehicles registered in each 122959  
county. The director shall distribute funds allocated for a 122960  
county as follows: 122961

(a) To one or more eligible organizations located within the county;	122962 122963
(b) If no eligible organization located within the county applies for funding, to one or more eligible organizations located in contiguous counties;	122964 122965 122966
(c) If no eligible organization located within the county or a contiguous county applies for funding, to one or more eligible organizations within any other county.	122967 122968 122969
(3) The director shall ensure that any funds allocated for a county are distributed equally among eligible organizations that apply for funding within the county.	122970 122971 122972
(C) Any organization seeking funds under this section annually shall apply for distribution of the funds based on the county in which the organization is located. An organization also may apply for funding in a county in which it is not located if it demonstrates that it provides services for pregnant women residing in that county. The director shall develop an application form and may determine the schedule and procedures that an organization shall follow when annually applying for funds. The application shall inform the applicant of the conditions for receiving and using funds under division (E) of this section. The application shall require evidence that the organization meets all of the following requirements:	122973 122974 122975 122976 122977 122978 122979 122980 122981 122982 122983 122984
(1) Is a private, nonprofit organization;	122985
(2) Is committed to counseling pregnant women about the option of adoption;	122986 122987
(3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;	122988 122989 122990

(4) Does not charge women for any services received;	122991
(5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;	122992 122993 122994 122995
(6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, disability, gender, or age;	122996 122997 122998
(7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county.	122999 123000 123001
(D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section.	123002 123003 123004 123005 123006 123007 123008
(E) (1) An organization receiving funds under this section shall do all of the following:	123009 123010
(a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;	123011 123012 123013 123014 123015
(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;	123016 123017
(c) Not use any of the funds distributed to it for	123018

administrative expenses, legal expenses, or capital 123019  
expenditures; 123020

(d) Annually return to the fund created under division (A) 123021  
of this section any unused money that exceeds ten per cent of 123022  
the money distributed to the organization. 123023

(2) The organization annually shall submit to the director 123024  
an audited financial statement verifying its compliance with 123025  
division (E) (1) of this section. 123026

(F) The director, in accordance with Chapter 119. of the 123027  
Revised Code, shall adopt rules to implement this section. 123028

It is not the intent of the general assembly that the 123029  
department create a new position within the department to 123030  
implement and administer this section. It is the intent of the 123031  
general assembly that the implementation and administration of 123032  
this section be accomplished by existing department personnel. 123033

(G) If funds that have been allocated to a county for any 123034  
previous year have not been distributed to one or more eligible 123035  
organizations, the director may distribute those funds in 123036  
accordance with this section. 123037

**Sec. ~~5180.40~~ 5180.73.** To increase participation in 123038  
evidence-based parenting education programs, the department of 123039  
children and youth shall ensure state departments, agencies, and 123040  
boards have information to communicate with parents, caregivers, 123041  
and child care providers about such programs to promote their 123042  
benefits, including their parenting, caregiving, and educational 123043  
resources. 123044

**Sec. 5180.99.** (A) Whoever violates division (B) of section 123045  
5180.275 of the Revised Code is guilty of a misdemeanor of the 123046  
second degree. 123047

(B) Whoever violates section 5180.403 of the Revised Code 123048  
is guilty of a misdemeanor of the fourth degree. 123049

**Sec. 5303.34.** (A) As used in this section, "bad faith" 123050  
means a trespass committed with either of the following: 123051

(1) Actual knowledge that the entry onto, and the 123052  
extraction of minerals from, the property was unlawful; 123053

(2) Willful or wanton disregard for the lawful property or 123054  
mineral rights of another person and with the intent of 123055  
depriving the lawful owner of the owner's minerals. 123056

"Bad faith" shall not be presumed and does not include an 123057  
entry onto property based on a reasonable belief that such 123058  
entry, or the extraction occurring after such entry, was lawful. 123059

(B) In an action brought by a person who owns mineral 123060  
rights against any person who trespasses on the land containing 123061  
such minerals and unlawfully extracts, exploits, or otherwise 123062  
converts the minerals, damages shall be equal to one of the 123063  
following: 123064

(1) In the case of minerals, such as coal, stone, or ore, 123065  
that are extracted by underground or surface mining methods, the 123066  
revenue received from the sale of the minerals measured at the 123067  
mouth of the mine, less the cost of extraction, less any sums 123068  
previously paid; 123069

(2) In the case of minerals, such as hydrocarbons, in 123070  
liquid or gaseous states that are extracted by drilling, the 123071  
revenue received from the sale of such minerals measured at the 123072  
wellhead, less the cost of extraction, less any sums previously 123073  
paid. 123074

(C) When calculating damages under division (B) (1) or (2) 123075

of this section, if the person who trespassed is determined to 123076  
have trespassed on the land in bad faith, no reduction for the 123077  
cost of extraction shall be allowed, and the damaged party is 123078  
entitled to the full revenue received from the sale of the 123079  
minerals measured at the mouth of the mine or at the wellhead, 123080  
as applicable, regardless of extraction method, less any sums 123081  
previously paid. The damaged party is not entitled to punitive 123082  
damages. 123083

**Sec. 5310.06.** All money received by the clerk of the 123084  
probate court or the clerk of the court of common pleas under 123085  
section 5310.05 of the Revised Code shall be paid at least once 123086  
a month to the treasurer of state, who shall, ~~with the advice~~ 123087  
~~and approval of the secretary of state and the auditor of state,~~ 123088  
invest, reinvest, and keep invested such funds in bonds and 123089  
securities of the United States, or of this state, or of any 123090  
county, township, district, or municipal corporation of this 123091  
state, or in approved mortgages on ~~income-producing~~ income- 123092  
producing lands that are registered, provided that no loan shall 123093  
be made by mortgage on any land which is not assessed, at the 123094  
latest general assessment, for at least twice the amount of the 123095  
loan, exclusive of improvements. 123096

**Sec. 5310.47.** Abolition of land registration in a county 123097  
does not bar ~~either of the following:~~ 123098

~~(A) A~~ a person who is deprived of land, any interest 123099  
therein, or any encumbrance thereon as the result of a decree 123100  
obtained by fraud in a case relating to registered land or to 123101  
the initial registration of land from filing a complaint to open 123102  
up and review the case as provided in section 5309.23 or 5309.81 123103  
of the Revised Code. 123104

~~(B) A person who has a cause of action under section~~ 123105

~~5310.07 of the Revised Code from commencing and prosecuting an~~ 123106  
~~action as provided in that section, subject to the period of~~ 123107  
~~limitation provided in section 5310.12 of the Revised Code. If~~ 123108  
~~judgment is rendered for the plaintiff in such an action,~~ 123109  
~~recovery shall be had as provided in sections 5310.09 to 5310.11~~ 123110  
~~and 5310.13 of the Revised Code.~~ 123111

**Sec. 5323.02.** (A) An owner of residential rental property 123112  
shall file with the county auditor of the county in which the 123113  
property is located the following information: 123114

(1) The name, address, and telephone number of the owner; 123115

(2) If the residential rental property is owned by a 123116  
trust, business trust, estate, partnership, limited partnership, 123117  
limited liability company, association, corporation, or any 123118  
other business entity, the name, address, and telephone number 123119  
of the following: 123120

(a) A trustee, in the case of a trust or business trust; 123121

(b) The executor or administrator, in the case of an 123122  
estate; 123123

(c) A general partner, in the case of a partnership or a 123124  
limited partnership; 123125

(d) A member, manager, or officer, in the case of a 123126  
limited liability company; 123127

(e) An associate, in the case of an association; 123128

(f) An officer, in the case of a corporation; 123129

(g) A member, manager, or officer, in the case of any 123130  
other business entity. 123131

(3) The street address and permanent parcel number of the 123132

residential rental property. 123133

(B) The information required under division (A) of this 123134  
section shall be filed and maintained on the tax list or the 123135  
real property record. 123136

(C) An owner of residential rental property shall update 123137  
the information required under division (A) of this section 123138  
within sixty days after any change in the information occurs. 123139

(D) The county auditor shall provide an owner of 123140  
residential rental property located in a county that has a 123141  
population of more than two hundred thousand according to the 123142  
most recent decennial census with notice pursuant to division 123143  
(B) of section 323.131 of the Revised Code of the requirement to 123144  
file the information required under division (A) of this section 123145  
and the requirement to update that information under division 123146  
(C) of this section. 123147

(E) The owner of residential real property shall comply 123148  
with the requirements under divisions (A) and (C) of this 123149  
section within sixty days after receiving the notice provided 123150  
under division (D) of this section, ~~division (D)~~ division (E) of section 123151  
319.202, or division (B) of section 323.131 of the Revised Code. 123152

(F) Any agent designated by the owner to manage the 123153  
property on the owner's behalf may file or update any 123154  
information, or do anything otherwise required by this section, 123155  
on the owner's behalf. 123156

Sec. 5501.57. The department of transportation shall 123157  
collect and analyze data regarding building permits that have 123158  
been issued for residential and commercial developments that are 123159  
or will be constructed after the effective date of this section 123160  
in order to assess if the transportation facilities impacted by 123161

the developments are adequate to properly handle any increased 123162  
traffic that results from anticipated growth associated with the 123163  
developments. The department shall use such data in the 123164  
department's transportation construction planning. 123165

**Sec. 5501.91.** (A) As used in this section, "port 123166  
authority" means a port authority created under Chapter 4582. of 123167  
the Revised Code. 123168

(B) There is hereby established the Ohio maritime 123169  
assistance program, which the department of transportation shall 123170  
administer. Under the program, a port authority may apply to the 123171  
department for a grant to be used as prescribed in division (D) 123172  
of this section. In order to be eligible for a grant under this 123173  
section, a port authority is required to meet either of the 123174  
following requirements: 123175

(1) At the time of application for a grant, the port 123176  
authority owns or is the co-applicant with the owner of an 123177  
active marine cargo terminal located on one of the following: 123178

(a) The shore of Lake Erie or the Ohio river~~or on~~; 123179

(b) On a Lake Erie tributary; 123180

(c) On an Ohio river tributary. 123181

(2) At the time of application for a grant, the port 123182  
authority is located in, or has jurisdiction within, a federally 123183  
qualified opportunity zone and the federally qualified 123184  
opportunity zone has an active marine cargo terminal with a 123185  
stevedoring operation that is located on the shore of Lake Erie 123186  
or the Ohio river. 123187

(C) (1) Every applicant for a grant shall submit with its 123188  
application a written business justification for the investment 123189

that indicates the operational and market need for the project 123190  
in a form the director of transportation shall prescribe. 123191

(2) The department shall evaluate all grant applications 123192  
according to the following criteria: 123193

(a) The degree to which the proposed project will increase 123194  
the efficiency or capacity of maritime cargo terminal 123195  
operations; 123196

(b) Whether the project will result in the handling of new 123197  
types of cargo or an increase in cargo volume; 123198

(c) Whether the project will meet an identified supply 123199  
chain need or benefit Ohio firms that export goods to foreign 123200  
markets, or import goods to Ohio for use in manufacturing or for 123201  
value-added distribution; 123202

(d) Any other criteria the director determines to be 123203  
appropriate. 123204

(3) If a grant application does not meet the criteria 123205  
specified in divisions (C) (2) (b) and (c) of this section, an 123206  
applicant is not eligible for a grant under this section. 123207

(D) A port authority shall use a grant awarded under this 123208  
section only for any of the following purposes: 123209

(1) Land acquisition and site development for marine cargo 123210  
terminal and associated uses, including demolition and 123211  
environmental remediation; 123212

(2) Construction of wharves, quay walls, bulkheads, 123213  
jetties, revetments, breakwaters, shipping channels, dredge 123214  
disposal facilities, projects for the beneficial use of dredge 123215  
material, and other structures and improvements directly related 123216  
to maritime commerce and harbor infrastructure; 123217

(3) Construction and repair of warehouses, transit sheds, 123218  
railroad tracks, roadways, gates and gatehouses, fencing, 123219  
bridges, offices, shipyards, and other improvements needed for 123220  
marine cargo terminal and associated uses, including shipyards; 123221

(4) Acquisition of cargo handling equipment, including 123222  
mobile shore cranes, stationary cranes, tow motors, fork lifts, 123223  
yard tractors, craneways, conveyor and bulk material handling 123224  
equipment, and all types of ship loading and unloading 123225  
equipment; 123226

(5) Planning and design services and other services 123227  
associated with construction. 123228

(E) A port authority shall pay a matching amount of at 123229  
least one dollar for each grant dollar received for the proposed 123230  
project. 123231

(F) The director of transportation shall govern the 123232  
program established under this section, including the grant 123233  
application, evaluation, award processes, and how the grant 123234  
money may be spent by a port authority. 123235

**Sec. 5502.262.** (A) As used in this section: 123236

(1) "Administrator" means the superintendent, principal, 123237  
chief administrative officer, or other person having supervisory 123238  
authority of any of the following: 123239

(a) A city, exempted village, local, or joint vocational 123240  
school district; 123241

(b) A community school established under Chapter 3314. of 123242  
the Revised Code, as required through reference in division (A) 123243  
(11)(d) of section 3314.03 of the Revised Code; 123244

(c) A STEM school established under Chapter 3326. of the 123245

Revised Code, as required through reference in section 3326.11	123246
of the Revised Code;	123247
(d) A college-preparatory boarding school established	123248
under Chapter 3328. of the Revised Code;	123249
(e) A district or school operating a career-technical	123250
education program approved by the department of education and	123251
workforce under section 3317.161 of the Revised Code;	123252
(f) A chartered nonpublic school;	123253
(g) An educational service center;	123254
(h) A preschool program or school-age child care program	123255
licensed by the department of education and workforce;	123256
(i) Any other facility that primarily provides educational	123257
services to children subject to regulation by the department of	123258
education and workforce.	123259
(2) "Emergency management test" means a regularly	123260
scheduled drill, exercise, or activity designed to assess and	123261
evaluate an emergency management plan under this section.	123262
(3) "Building" means any school, school building,	123263
facility, program, or center.	123264
(4) "Regional mobile training officer" means the regional	123265
mobile training officer appointed under section 5502.70 of the	123266
Revised Code for the region in which a district, school, center,	123267
program, or facility is located.	123268
(B) (1) Each administrator shall develop and adopt a	123269
comprehensive emergency management plan, in accordance with	123270
rules adopted pursuant to division (F) of this section, for each	123271
building under the administrator's control. The administrator	123272

shall examine the environmental conditions and operations of 123273  
each building to determine potential hazards to student and 123274  
staff safety and shall propose operating changes to promote the 123275  
prevention of potentially dangerous problems and circumstances. 123276  
In developing the plan for each building, the administrator 123277  
shall involve community law enforcement and safety officials, 123278  
parents of students who are assigned to the building, and 123279  
teachers and nonteaching employees who are assigned to the 123280  
building. The administrator may involve the regional mobile 123281  
training officer in the development of the plan. The 123282  
administrator shall incorporate remediation strategies into the 123283  
plan for any building where documented safety problems have 123284  
occurred. 123285

(2) Each administrator shall also incorporate into the 123286  
emergency management plan adopted under division (B)(1) of this 123287  
section all of the following: 123288

(a) A protocol for addressing serious threats to the 123289  
safety of property, students, employees, or administrators; 123290

(b) A protocol for responding to any emergency events that 123291  
occur and compromise the safety of property, students, 123292  
employees, or administrators. This protocol shall include, but 123293  
not be limited to, all of the following: 123294

(i) A floor plan that is unique to each floor of the 123295  
building; 123296

(ii) A site plan that includes all building property and 123297  
surrounding property; 123298

(iii) An emergency contact information sheet. 123299

(c) A threat assessment plan developed as prescribed in 123300  
section 5502.263 of the Revised Code. A building may use the 123301

model plan developed by the department of public safety under 123302  
that section; 123303

(d) A protocol for school threat assessment teams 123304  
established under section 3313.669 of the Revised Code; 123305

(e) A protocol that addresses student use of cellular 123306  
telephones during an active threat or emergency. 123307

(3) Each protocol described in division (B) of this 123308  
section shall include procedures determined to be appropriate by 123309  
the administrator for responding to threats and emergency 123310  
events, respectively, including such things as notification of 123311  
appropriate law enforcement personnel, calling upon specified 123312  
emergency response personnel for assistance, and informing 123313  
parents of affected students. 123314

Prior to the opening day of each school year, the 123315  
administrator shall inform each student or child enrolled in the 123316  
school and the student's or child's parent of the parental 123317  
notification procedures included in the protocol. 123318

(4) Each administrator shall keep a copy of the emergency 123319  
management plan adopted pursuant to this section in a secure 123320  
place. 123321

(C) (1) The administrator shall submit to the director of 123322  
public safety, in accordance with rules adopted pursuant to 123323  
division (F) of this section, an electronic copy of the 123324  
emergency management plan prescribed by division (B) of this 123325  
section not less than once every three years, whenever a major 123326  
modification to the building requires changes in the procedures 123327  
outlined in the plan, and whenever information on the emergency 123328  
contact information sheet changes. 123329

(2) The administrator also shall file a copy of the plan 123330

with each law enforcement agency that has jurisdiction over the 123331  
school building and, upon request, to any of the following: 123332

(a) The fire department that serves the political 123333  
subdivision in which the building is located; 123334

(b) The emergency medical service organization that serves 123335  
the political subdivision in which the building is located; 123336

(c) The county emergency management agency for the county 123337  
in which the building is located; 123338

(d) The regional mobile training officer. 123339

(3) Upon receipt of an emergency management plan, the 123340  
director shall post the information on the contact and 123341  
information management system and submit the information in 123342  
accordance with rules adopted pursuant to division (F) of this 123343  
section, to the attorney general, who shall post that 123344  
information on the Ohio law enforcement gateway or its 123345  
successor. 123346

(4) Any department or entity to which copies of an 123347  
emergency management plan are filed under this section shall 123348  
keep the copies in a secure place. 123349

(D) (1) Not later than the first day of September of each 123350  
year, each administrator shall review the emergency management 123351  
plan and certify to the director that the plan is current and 123352  
accurate. 123353

(2) Anytime that an administrator updates the emergency 123354  
management plan pursuant to division (C) (1) of this section, the 123355  
administrator shall file copies, not later than the tenth day 123356  
after the revision is adopted and in accordance with rules 123357  
adopted pursuant to division (F) of this section, to the 123358

director and to any entity with which the administrator filed a 123359  
copy under division (C) (2) of this section. 123360

(E) Each administrator shall do both of the following: 123361

(1) Prepare and conduct at least one annual emergency 123362  
management test, as defined in division (A) (2) of this section, 123363  
in accordance with rules adopted pursuant to division (F) of 123364  
this section; 123365

(2) Grant access to each building under the control of the 123366  
administrator to law enforcement personnel and to entities 123367  
described in division (C) (2) of this section, to enable the 123368  
personnel and entities to hold training sessions for responding 123369  
to threats and emergency events affecting the building, provided 123370  
that the access occurs outside of student instructional hours 123371  
and the administrator, or the administrator's designee, is 123372  
present in the building during the training sessions. 123373

(F) The director of public safety, in consultation with 123374  
representatives from the education community and in accordance 123375  
with Chapter 119. of the Revised Code, shall adopt rules 123376  
regarding emergency management plans under this section, 123377  
including the content of the plans and procedures for filing the 123378  
plans. The rules shall specify that plans and information 123379  
required under division (B) of this section be submitted on 123380  
standardized forms developed by the director for such purpose. 123381  
The rules shall also specify the requirements and procedures for 123382  
emergency management tests conducted pursuant to division (E) (1) 123383  
of this section. Failure to comply with the rules may result in 123384  
discipline pursuant to section 3319.31 of the Revised Code or 123385  
any other action against the administrator as prescribed by 123386  
rule. 123387

(G) Division (B) of section 3319.31 of the Revised Code 123388  
applies to any administrator who is subject to the requirements 123389  
of this section and is not exempt under division (H) of this 123390  
section and who is an applicant for a license or holds a license 123391  
from the state board of education pursuant to section 3319.22 of 123392  
the Revised Code. 123393

(H) (1) The director may exempt any administrator from the 123394  
requirements of this section, if the director determines that 123395  
the requirements do not otherwise apply to a building or 123396  
buildings under the control of that administrator. 123397

(2) The director shall exempt from the requirements of 123398  
this section the administrator of an online learning school, 123399  
established under section 3302.42 of the Revised Code, unless 123400  
students of that school participate in in-person instruction or 123401  
assessments at a location that is not covered by an existing 123402  
emergency management plan, developed under this section as of 123403  
December 14, 2021. 123404

(I) Copies of the emergency management plan, including all 123405  
records related to the plan, emergency management tests, and 123406  
information required under division (B) of this section are 123407  
security records and are not public records pursuant to section 123408  
149.433 of the Revised Code. In addition, the information posted 123409  
to the contact and information management system, pursuant to 123410  
division (C) (3) (b) of this section, is exempt from public 123411  
disclosure or release in accordance with sections 149.43, 123412  
149.433, and 5502.03 of the Revised Code. 123413

Notwithstanding section 149.433 of the Revised Code, a 123414  
floor plan filed with the attorney general pursuant to this 123415  
section is not a public record to the extent it is a record kept 123416  
by the attorney general. 123417

**Sec. 5502.29.** (A) As used in this section, "political subdivision" has the same meaning as in section 5502.41 of the Revised Code.

(B) Political subdivisions, in collaboration with other public and private agencies within this state, may develop mutual assistance or aid agreements for reciprocal emergency management assistance or aid for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. In time of any incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources, each political subdivision may render assistance in accordance with such mutual assistance or aid agreements. Such mutual assistance or aid agreements shall not in any manner relieve the chief elected official of any political subdivision of the responsibility for providing emergency management.

(C) Political subdivisions, in collaboration with political subdivisions in adjacent states, may develop agreements for mutual assistance or aid for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. Each political subdivision may render assistance in accordance with the mutual assistance or aid agreements. A mutual assistance or aid agreement with political subdivisions in adjacent states shall be approved by the chief elected officials of the agreeing political subdivisions or their designees and shall be prepared in accordance with the laws, regulations, ordinances, and resolutions applicable to the agreeing political subdivisions.

(D) When engaged in preparation for, response to, or 123448  
recovery from an incident, disaster, exercise, training 123449  
activity, planned event, or emergency, any of which requires 123450  
additional resources, and in accordance with the applicable 123451  
mutual assistance or aid agreement, personnel from political 123452  
subdivisions outside this state shall be permitted to provide 123453  
services within this state in accordance with this section and 123454  
the terms of the mutual assistance or aid agreement. 123455

(E) Personnel of the responding political subdivision 123456  
shall continue under their local command and control structure, 123457  
but shall be under the operational control of the appropriate 123458  
officials within the incident management system of the political 123459  
subdivision receiving the assistance or aid. 123460

(F) Nothing in this section shall be construed to prohibit 123461  
a private company or its employees from participating in the 123462  
provision of mutual assistance or aid, if the responding 123463  
political subdivision approves the participation and the 123464  
contract between the political subdivision and the private 123465  
company permits the participation. 123466

(G) Nothing in this section shall be construed to prohibit 123467  
personnel of political subdivisions in this state from 123468  
responding to a request for mutual assistance or aid resulting 123469  
from an incident, disaster, exercise, training activity, planned 123470  
event, or emergency, any of which requires additional resources, 123471  
when the personnel are responding as part of a regional response 123472  
team that is under the operational control of the incident 123473  
command structure. 123474

(H) Whenever a person from outside this state who is 123475  
subject to a mutual assistance or aid agreement authorized by 123476  
this section holds a license, certificate, or other permit 123477

issued by any state evidencing qualification for professional, 123478  
mechanical, or other skills, such license, certificate, or other 123479  
permit shall be recognized by this state as authorizing the 123480  
person to render assistance or aid in this state involving such 123481  
skill to meet the request for assistance or aid, so long as the 123482  
person is acting within the scope of the person's license, 123483  
certificate, or other permit. 123484

(I) ~~Personnel~~ (1) Except as provided in division (I) (2) of 123485  
this section, personnel rendering assistance or aid pursuant to 123486  
a mutual assistance or aid agreement authorized by this section 123487  
remain employees or agents of their respective political 123488  
subdivisions, including for purposes of tort liability and 123489  
immunity from tort liability, and nothing in this section or any 123490  
mutual assistance or aid agreement entered into pursuant to this 123491  
section creates an employment relationship between the political 123492  
subdivision requesting aid and the employees or agents of the 123493  
political subdivision rendering aid. 123494

(2) For purposes of Chapters 4121. and 4123. of the 123495  
Revised Code, personnel rendering intrastate mutual assistance 123496  
or aid outside their respective political subdivisions pursuant 123497  
to a mutual assistance or aid agreement authorized by this 123498  
section shall be considered employees of the emergency 123499  
management agency established within the department of public 123500  
safety while rendering such intrastate mutual assistance or aid. 123501

(J) Responding political subdivisions and the personnel of 123502  
that political subdivision, while rendering assistance or aid 123503  
under this section, or while in route to or from rendering 123504  
assistance or aid under this section, in a political subdivision 123505  
in an adjacent state under an agreement authorized by this 123506  
section, shall be deemed to be exercising governmental functions 123507

as defined in section 2744.01 of the Revised Code, shall have 123508  
the defenses to and immunities from civil liability provided in 123509  
sections 2744.02 and 2744.03 of the Revised Code, and shall be 123510  
entitled to all applicable limitations on recoverable damages 123511  
under section 2744.05 of the Revised Code. 123512

(K) All pension, disability, death benefits, workers' 123513  
compensation, and other benefits enjoyed by personnel rendering 123514  
interstate or intrastate mutual assistance or aid shall extend 123515  
to the services they perform outside their respective political 123516  
subdivisions to the same extent as while acting within the 123517  
boundaries of the political subdivisions, and, subject to 123518  
division (I) (2) of this section, personnel are entitled to the 123519  
rights and benefits of Chapter 4123. of the Revised Code to the 123520  
same extent as while performing service within the boundaries of 123521  
the political subdivisions. 123522

**Sec. 5502.41.** (A) As used in this section: 123523

(1) "Chief executive of a participating political 123524  
subdivision" means the elected chief executive of a 123525  
participating political subdivision or, if the political 123526  
subdivision does not have an elected chief executive, a member 123527  
of the political subdivision's governing body or an employee of 123528  
the political subdivision appointed by the governing body's 123529  
members to be its representative for purposes of the intrastate 123530  
mutual aid program created pursuant to this section. 123531

(2) "Countywide emergency management agency" means a 123532  
countywide emergency management agency established under section 123533  
5502.26 of the Revised Code. 123534

(3) "Emergency" means any period during which the congress 123535  
of the United States, a chief executive as defined in section 123536

5502.21 of the Revised Code, or a chief executive of a 123537  
participating political subdivision has declared or proclaimed 123538  
that an emergency exists. 123539

(4) "Participating political subdivision" means each 123540  
political subdivision in this state except a political 123541  
subdivision that enacts or adopts, by appropriate legislation, 123542  
ordinance, resolution, rule, bylaw, or regulation signed by its 123543  
chief executive, a decision not to participate in the intrastate 123544  
mutual aid program created by this section and that provides a 123545  
copy of the legislation, ordinance, resolution, rule, bylaw, or 123546  
regulation to the state emergency management agency and to the 123547  
countywide emergency management agency, regional authority for 123548  
emergency management, or program for emergency management within 123549  
the political subdivision. 123550

(5) "Planned event" means a scheduled nonemergency 123551  
activity as defined by the national incident management system 123552  
adopted under section 5502.28 of the Revised Code as the state's 123553  
standard procedure for incident management. "Planned event" 123554  
includes, but is not limited to, a sporting event, concert, or 123555  
parade. 123556

(6) "Political subdivision" or "subdivision" has the same 123557  
meaning as in section 2744.01 of the Revised Code and also 123558  
includes a health district established under Chapter 3709. of 123559  
the Revised Code. 123560

(7) "Program for emergency management within a political 123561  
subdivision" means a program for emergency management created by 123562  
a political subdivision under section 5502.271 of the Revised 123563  
Code. 123564

(8) "Regional authority for emergency management" means a 123565

regional authority for emergency management established under 123566  
section 5502.27 of the Revised Code. 123567

(9) "Regional response team" means a group of persons from 123568  
participating political subdivisions who provide mutual 123569  
assistance or aid in preparation for, response to, or recovery 123570  
from an incident, disaster, exercise, training activity, planned 123571  
event, or emergency, any of which requires additional resources. 123572  
"Regional response team" includes, but is not limited to, an 123573  
incident management team, hazardous materials response team, 123574  
water rescue team, bomb team, or search and rescue team. 123575

(B) There is hereby created the intrastate mutual aid 123576  
program to be known as "the intrastate mutual aid compact" to 123577  
complement existing mutual aid agreements. The program shall 123578  
have two purposes: 123579

(1) Provide for mutual assistance or aid among the 123580  
participating political subdivisions for purposes of preparing 123581  
for, responding to, and recovering from an incident, disaster, 123582  
exercise, training activity, planned event, or emergency, any of 123583  
which requires additional resources; 123584

(2) Establish a method by which a participating political 123585  
subdivision may seek assistance or aid that resolves many of the 123586  
common issues facing political subdivisions before, during, and 123587  
after an incident, disaster, exercise, training activity, 123588  
planned event, or emergency, any of which requires additional 123589  
resources, and that ensures, to the extent possible, eligibility 123590  
for available state and federal disaster assistance or other 123591  
funding. 123592

(C) Each countywide emergency management agency, regional 123593  
authority for emergency management, and program for emergency 123594

management within a political subdivision, in coordination with 123595  
all departments, divisions, boards, commissions, agencies, and 123596  
other instrumentalities within that political subdivision, shall 123597  
establish procedures or plans that, to the extent possible, 123598  
accomplish both of the following: 123599

(1) Identify hazards that potentially could affect the 123600  
participating political subdivisions served by that agency, 123601  
authority, or program; 123602

(2) Identify and inventory the current services, 123603  
equipment, supplies, personnel, and other resources related to 123604  
the preparedness, response, and recovery activities of the 123605  
participating political subdivisions served by that agency, 123606  
authority, or program. 123607

(D) (1) The executive director of the state emergency 123608  
management agency shall coordinate with the countywide emergency 123609  
management agencies, regional authorities for emergency 123610  
management, and programs for emergency management within a 123611  
political subdivision in identifying and formulating appropriate 123612  
procedures or plans to resolve resource shortfalls. 123613

(2) During and after the formulation of the procedures or 123614  
plans to resolve resource shortfalls, there shall be ongoing 123615  
consultation and coordination among the executive director of 123616  
the state emergency management agency; the countywide emergency 123617  
management agencies, regional authorities for emergency 123618  
management, and programs for emergency management within a 123619  
political subdivision; and all departments, divisions, boards, 123620  
commissions, agencies, and other instrumentalities of, and 123621  
having emergency response functions within, each participating 123622  
political subdivision, regarding this section, local procedures 123623  
and plans, and the resolution of the resource shortfalls. 123624

(E) (1) A participating political subdivision that is 123625  
impacted by an incident, disaster, exercise, training activity, 123626  
planned event, or emergency, any of which requires additional 123627  
resources, may request mutual assistance or aid by doing either 123628  
of the following: 123629

(a) Declaring a state of emergency and issuing a request 123630  
for assistance or aid from any other participating political 123631  
subdivision; 123632

(b) Issuing to another participating political subdivision 123633  
a verbal or written request for assistance or aid. If the 123634  
request is made verbally, a written confirmation of the request 123635  
shall be made not later than seventy-two hours after the verbal 123636  
request is made. 123637

(2) Requests for assistance or aid made under division (E) 123638  
(1) of this section shall be made through the emergency 123639  
management agency of a participating political subdivision or an 123640  
official designated by the chief executive of the participating 123641  
political subdivision from which the assistance or aid is 123642  
requested and shall provide the following information: 123643

(a) A description of the incident, disaster, exercise, 123644  
training activity, planned event, or emergency; 123645

(b) A description of the assistance or aid needed; 123646

(c) An estimate of the length of time the assistance or 123647  
aid will be needed; 123648

(d) The specific place and time for staging of the 123649  
assistance or aid and a point of contact at that location. 123650

(F) A participating political subdivision shall provide 123651  
assistance or aid to another participating political subdivision 123652

that is impacted by an incident, disaster, exercise, training 123653  
activity, planned event, or emergency, any of which requires 123654  
additional resources. The provision of the assistance or aid is 123655  
subject to the following conditions: 123656

(1) The responding political subdivision may withhold 123657  
resources necessary to provide for its own protection. 123658

(2) Personnel of the responding political subdivision 123659  
shall continue under their local command and control structure, 123660  
but shall be under the operational control of the appropriate 123661  
officials within the incident management system of the 123662  
participating political subdivision receiving assistance or aid. 123663

(3) Responding law enforcement officers acting pursuant to 123664  
this section have the same authority to enforce the law as when 123665  
acting within the territory of their regular employment. 123666

(4) For purposes of Chapters 4121. and 4123. of the 123667  
Revised Code, personnel of the responding political subdivision 123668  
shall be considered employees of the emergency management agency 123669  
established within the department of public safety while 123670  
rendering mutual assistance or aid to the participating 123671  
political subdivision. 123672

(G) (1) Nothing in this section shall do any of the 123673  
following: 123674

(a) Alter the duties and responsibilities of emergency 123675  
response personnel; 123676

(b) Prohibit a private company from participating in the 123677  
provision of mutual assistance or aid pursuant to the compact 123678  
created pursuant to this section if the participating political 123679  
subdivision approves the participation and the contract with the 123680  
private company allows for the participation; 123681

(c) Prohibit employees of participating political 123682  
subdivisions from responding to a request for mutual assistance 123683  
or aid precipitated by an incident, disaster, exercise, training 123684  
activity, planned event, or emergency, any of which requires 123685  
additional resources, when the employees are responding as part 123686  
of a regional response team that is under the operational 123687  
control of the incident command structure; 123688

(d) Authorize employees of participating political 123689  
subdivisions to respond to an incident, disaster, exercise, 123690  
training activity, planned event, or emergency, any of which 123691  
requires additional resources, without a request from a 123692  
participating political subdivision. 123693

(2) This section does not preclude a participating 123694  
political subdivision from entering into a mutual aid or other 123695  
agreement with another political subdivision, and does not 123696  
affect any other agreement to which a participating political 123697  
subdivision may be a party, or any request for assistance or aid 123698  
that may be made, under any other section of the Revised Code, 123699  
including, but not limited to, any mutual aid arrangement under 123700  
this chapter, any fire protection or emergency medical services 123701  
contract under section 9.60 of the Revised Code, sheriffs' 123702  
requests for assistance to preserve the public peace and protect 123703  
persons and property under section 311.07 of the Revised Code, 123704  
any agreement for mutual assistance or aid in police protection 123705  
under section 737.04 of the Revised Code, any agreement for law 123706  
enforcement services between universities and colleges and 123707  
political subdivisions under section 3345.041 or 3345.21 of the 123708  
Revised Code, and mutual aid agreements among emergency planning 123709  
districts for hazardous substances or chemicals response under 123710  
sections 3750.02 and 3750.03 of the Revised Code. 123711

(H) (1) ~~Personnel~~ Subject to division (F) (4) of this 123712  
section, personnel of a responding participating political 123713  
subdivision who suffer injury or death in the course of, and 123714  
arising out of, their employment while rendering assistance or 123715  
aid under this section to another participating political 123716  
subdivision are entitled to all applicable benefits under 123717  
Chapters 4121. and 4123. of the Revised Code. 123718

(2) Personnel of a responding participating political 123719  
subdivision shall be considered, while rendering assistance or 123720  
aid under this section in another participating political 123721  
subdivision, to be agents of the responding political 123722  
subdivision for purposes of tort liability and immunity from 123723  
tort liability under the law of this state. 123724

(3) (a) A responding participating political subdivision 123725  
and the personnel of that political subdivision, while rendering 123726  
assistance or aid under this section, or while in route to or 123727  
from rendering assistance or aid under this section, in another 123728  
participating political subdivision, shall be deemed to be 123729  
exercising governmental functions as defined in section 2744.01 123730  
of the Revised Code, shall have the defenses to and immunities 123731  
from civil liability provided in sections 2744.02 and 2744.03 of 123732  
the Revised Code, and shall be entitled to all applicable 123733  
limitations on recoverable damages under section 2744.05 of the 123734  
Revised Code. 123735

(b) A participating political subdivision requesting 123736  
assistance or aid and the personnel of that political 123737  
subdivision, while requesting or receiving assistance or aid 123738  
under this section from any other participating political 123739  
subdivision, shall be deemed to be exercising governmental 123740  
functions as defined in section 2744.01 of the Revised Code, 123741

shall have the defenses to and immunities from civil liability 123742  
provided in sections 2744.02 and 2744.03 of the Revised Code, 123743  
and shall be entitled to all applicable limitations on 123744  
recoverable damages under section 2744.05 of the Revised Code. 123745

(I) If a person holds a license, certificate, or other 123746  
permit issued by a participating political subdivision 123747  
evidencing qualification in a professional, mechanical, or other 123748  
skill, and if the assistance or aid of that person is asked for 123749  
under this section by a participating political subdivision, the 123750  
person shall be deemed to be licensed or certified in or 123751  
permitted by the participating political subdivision receiving 123752  
the assistance or aid to render the assistance or aid, subject 123753  
to any limitations and conditions the chief executive of the 123754  
participating political subdivision receiving the assistance or 123755  
aid may prescribe by executive order or otherwise. 123756

(J) (1) Subject to division (K) of this section and except 123757  
as provided in division (J) (2) of this section, any 123758  
participating political subdivision rendering assistance or aid 123759  
under this section in another participating political 123760  
subdivision shall be reimbursed by the participating political 123761  
subdivision receiving the assistance or aid for any loss or 123762  
damage to, or expense incurred in the operation of, any 123763  
equipment used in rendering the assistance or aid, for any 123764  
expense incurred in the provision of any service used in 123765  
rendering the assistance or aid, and for all other costs 123766  
incurred in responding to the request for assistance or aid. To 123767  
avoid duplication of payments, insurance proceeds available to 123768  
cover any loss or damage to equipment of a participating 123769  
political subdivision rendering assistance or aid shall be 123770  
considered in the reimbursement by the participating political 123771  
subdivision receiving the assistance or aid. 123772

(2) A participating political subdivision rendering assistance or aid under this section to another participating political subdivision shall not be reimbursed for ~~either of the following:~~

~~(a) The first eight hours of mutual assistance or aid it provides to the political subdivision receiving the assistance or aid;~~

~~(b) Expenses the participating political subdivision incurs under division (H) (1) of this section.~~

(K) A participating political subdivision rendering assistance or aid under this section may do any of the following:

(1) Assume, in whole or in part, any loss, damage, expense, or cost the political subdivision incurs in rendering the assistance or aid;

(2) Loan, without charge, any equipment, or donate any service, to the political subdivision receiving the assistance or aid;

(3) Enter into agreements with one or more other participating political subdivisions to establish different allocations of losses, damages, expenses, or costs among such political subdivisions.

**Sec. 5505.045.** (A) No person shall knowingly fail to file a complete and accurate campaign finance statement or independent expenditure statement in accordance with section 5505.044 of the Revised Code.

(B) No person, during the course of a person seeking nomination for, and during any campaign for, election to the

state highway patrol retirement board, shall knowingly and with 123801  
intent to affect the nomination or the outcome of the campaign 123802  
do any of the following by means of campaign materials, an 123803  
advertisement on radio or television or in a newspaper or 123804  
periodical, a public speech, press release, or otherwise: 123805

(1) With regard to a candidate, identify the candidate in 123806  
a manner that implies that the candidate is a member of the 123807  
board or use the term "re-elect" when the candidate is not 123808  
currently a member of the board; 123809

(2) Make a false statement concerning the formal schooling 123810  
or training completed or attempted by a candidate; a degree, 123811  
diploma, certificate, scholarship, grant, award, prize, or honor 123812  
received, earned, or held by a candidate; or the period of time 123813  
during which a candidate attended any school, college, community 123814  
technical school, or institution; 123815

(3) Make a false statement concerning the professional, 123816  
occupational, or vocational licenses held by a candidate, or 123817  
concerning any position the candidate held for which the 123818  
candidate received a salary or wages; 123819

(4) Make a false statement that a candidate or board 123820  
member has been indicted or convicted of a theft offense, 123821  
extortion, or other crime involving financial corruption or 123822  
moral turpitude; 123823

(5) Make a statement that a candidate has been indicted 123824  
for any crime or has been the subject of a finding by the Ohio 123825  
elections commission, the secretary of state, or the Ohio 123826  
election integrity commission without disclosing the outcome of 123827  
any legal proceedings resulting from the indictment or finding; 123828

(6) Make a false statement that a candidate or board 123829

member has a record of treatment or confinement for mental disorder; 123830  
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(7) Make a false statement that a candidate or board member has been subjected to military discipline for criminal misconduct or dishonorably discharged from the armed services; 123832  
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(8) Falsely identify the source of a statement, issue statements under the name of another person without authorization, or falsely state the endorsement of or opposition to a candidate by a person or publication; 123835  
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(9) Make a false statement concerning the voting record of a candidate or board member; 123839  
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(10) Post, publish, circulate, distribute, or otherwise disseminate a false statement concerning a candidate, either knowing the same to be false or with reckless disregard of whether it was false or not, if the statement is designed to promote the election, nomination, or defeat of the candidate. 123841  
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~~Sec. 5505.046. The secretary of state, or any person acting on personal knowledge and subject to the penalties of perjury, may file a A complaint with the Ohio elections commission alleging a violation of section 5505.045 of the Revised Code may be filed in accordance with section 3517.16 of the Revised Code. The complaint shall be made on a form prescribed and provided by the commission.~~ 123846  
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~~On receipt of a complaint under this section, the commission shall hold a hearing open to the public to determine whether the violation alleged in the complaint has occurred. The commission may administer oaths and issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and reports.~~ 123853  
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~~On the refusal of any person to obey a subpoena or to be sworn  
or to answer as a witness, the commission may apply to the court  
of common pleas of Franklin county under section 2705.03 of the  
Revised Code. The court shall hold contempt proceedings in  
accordance with Chapter 2705. of the Revised Code.~~

~~The commission shall provide the person accused of the  
violation at least seven days prior notice of the time, date,  
and place of the hearing. The accused may be represented by an  
attorney and shall have an opportunity to present evidence, call  
witnesses, and cross-examine witnesses.~~

~~At the hearing, the commission shall determine whether the  
violation alleged in the complaint has occurred. If the  
commission determines that a violation of division (A) of  
section 5505.045 of the Revised Code has occurred, the  
commission shall either impose a fine under section 5505.99 of  
the Revised Code or enter a finding that good cause has been  
shown not to impose the fine. If the commission determines that  
a violation of division (B) of section 5505.045 of the Revised  
Code has occurred, the commission shall impose the fine  
described in section 5505.99 of the Revised Code, refer the  
matter to the appropriate prosecutor, or enter a finding that  
good cause has been shown to not impose a fine or refer the  
matter to the appropriate prosecutor.~~

**Sec. 5505.99.** (A) Whoever violates division (A) of section  
5505.045 of the Revised Code shall be fined not more than one  
hundred dollars for each day of the violation.

(B) Whoever violates division (B) of section 5505.045 of  
the Revised Code shall be imprisoned for not more than six  
months or fined not more than five thousand dollars, or both.

~~(C) Fines imposed by the Ohio elections commission under  
this section shall be paid into the Ohio elections commission  
fund created under section 3513.10 of the Revised Code.~~

**Sec. 5521.01.** The director of transportation, upon the  
request by and the approval of the legislative authority of a  
village, shall maintain, repair, and apply standard longitudinal  
pavement marking lines as the director considers appropriate, or  
may establish, construct, reconstruct, improve, or widen any  
section of a state highway within the limits of a village. The  
director also may erect regulatory and warning signs, as defined  
in the manual adopted under section 4511.09 of the Revised Code,  
on any section of a state highway within the limits of a  
village. The director may establish, construct, reconstruct,  
improve, widen, maintain, or repair any section of state highway  
within the limits of a city, including the elimination of  
railway grade crossings, and pay the entire or any part of the  
cost and expense thereof from state funds, but in all cases the  
director first shall obtain the consent of the legislative  
authority of the municipal corporation, except that the director  
need not obtain the consent of the municipal corporation if the  
existing highway being changed or the location of an additional  
highway being established was not within the corporate limits of  
the municipal corporation at the time the director determines  
the establishment or change should be made, or if the director  
is acting pursuant to section 5501.49 of the Revised Code.

Any written agreement for street maintenance and repairs,  
including maintenance and repairs of a state highway located  
within a municipal corporation, that was entered into by the  
Ohio department of highways is binding on any of its successors,  
including the Ohio department of transportation. The director  
shall not terminate or modify the terms of any such agreement

without the consent of the municipal corporation, unless the 123919  
agreement stipulates that the director may terminate the 123920  
agreement. 123921

Except as provided in section 5501.49 of the Revised Code, 123922  
when in the opinion of the director there is urgent need to 123923  
establish a state highway, which is to be designated a federal 123924  
aid highway, or a federal aid interstate highway within a 123925  
municipal corporation or, in the opinion of the director, any 123926  
federal aid highway or interstate federal aid highway is in 123927  
urgent need of repair, reconstruction, widening, improvement, or 123928  
relocation, so as to accommodate the traveling public, the 123929  
director shall submit a written request to the legislative 123930  
authority of the municipal corporation for its consent to the 123931  
desired establishment or improvement. The legislative authority, 123932  
within sixty days after the written request has been received 123933  
from the director, either shall grant its consent to the 123934  
establishment or improvement or refuse consent by filing in 123935  
writing with the director a statement of its reasons for 123936  
refusing consent and any alternate proposals it considers 123937  
reasonable. If the legislative authority fails to act or refuses 123938  
consent, the director, upon consideration of the reasons for 123939  
rejection, may make a resolution declaring the necessity of the 123940  
establishment or improvement, and then proceed in the same 123941  
manner as if consent had been given. A certified copy of the 123942  
resolution shall be served upon the municipal legislative 123943  
authority, which, within twenty days from the date of service, 123944  
may appeal to the court of common pleas of the county in which 123945  
the municipal corporation is situated, upon the reasonableness 123946  
and necessity of the action provided for in the resolution. In 123947  
the hearing upon appeal, the director shall introduce the record 123948  
of the director's proceedings, including the director's findings 123949

with respect to factors referred to in section 5521.011 of the Revised Code, and such other competent evidence as the director desires in support of the director's resolution, and the municipality likewise may introduce competent evidence opposing the resolution, and findings. The court may affirm or revoke the resolution. The decision of the common pleas court may be appealed to the court of appeals and the supreme court as in other cases. If the court affirms the resolution, the director may proceed with the establishment or improvement with or without the cooperation of the municipal corporation. Any such municipal corporation may cooperate with the director in the work and pay such portion of the cost as is agreed upon between the municipal corporation and the director. The legislative authority of any municipal corporation desiring to cooperate, by resolution, may propose such cooperation to the director, and a copy of the resolution, which shall set forth the proportion of the cost and expense to be contributed by the municipal corporation, shall be filed with the director. The director shall cause to be prepared the necessary surveys, plans, profiles, cross sections, estimates, and specifications and shall file copies of them with the legislative authority of the municipal corporation. After the legislative authority has approved the surveys, plans, profiles, cross sections, estimates, and specifications, and after the municipal corporation has provided the funds necessary to meet the portion of the cost of the work assumed by it, the municipal corporation shall enter into a contract with the state providing for payment by the municipal corporation of the agreed portion of the cost. The form of the contract shall be prescribed by the attorney general, and such contracts shall be submitted to the director and approved before the receipt of bids. Section 5705.41 of the Revised Code applies to such contract to be made by the

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municipal corporation, and a duplicate of the certificate of the 123982  
chief fiscal officer of the municipal corporation shall be filed 123983  
in the office of the director. That part of the cost of the work 123984  
assumed by the municipal corporation shall be paid from the 123985  
proceeds of taxes or special assessments, or both, or from the 123986  
proceeds of notes or bonds issued and sold in anticipation of 123987  
the collection of the taxes and assessments. For the purpose of 123988  
providing funds for the payment of that part of the cost of the 123989  
work assumed by the municipal corporation, the municipal 123990  
corporation has the same authority to make special assessments, 123991  
levy taxes, and issue bonds or notes, in anticipation of the 123992  
collection of the same, as it has with respect to improvements 123993  
constructed under the sole supervision and control of the 123994  
municipal corporation. All such assessments shall be made, taxes 123995  
levied, and bonds or notes issued and sold under such conditions 123996  
and restrictions as may be provided with respect to assessments, 123997  
taxes, bonds, or notes made, levied, issued, or sold in 123998  
connection with improvements of the same class and character 123999  
constructed under the sole supervision and control of the 124000  
municipal corporation. The improvement shall be constructed 124001  
under the sole supervision of the director. The proportion of 124002  
the cost and expense payable by the municipal corporation shall 124003  
be paid by the proper officers thereof, upon the requisition of 124004  
the director, and at times during the progress of the work as 124005  
may be determined by the director or as may be otherwise 124006  
provided by law. 124007

**Sec. 5525.03.** (A) All prospective bidders other than 124008  
environmental remediators and specialty contractors for which 124009  
there are no classes of work provided for in the rules adopted 124010  
by the director of transportation shall apply for qualification 124011  
on forms prescribed and furnished by the director. The 124012

application shall be ~~accompanied by a certificate of compliance~~ 124013  
~~with affirmative action programs issued pursuant to section 9.47~~ 124014  
~~of the Revised Code and~~ dated no earlier than one hundred eighty 124015  
days before the date fixed for the award of the contract for a 124016  
particular project. 124017

(B) The director shall act upon an application for 124018  
qualification within thirty days after it is presented to the 124019  
director. Upon the receipt of any application for qualification, 124020  
the director shall examine the application to determine whether 124021  
the applicant is competent and responsible and possesses the 124022  
financial resources required by section 5525.04 of the Revised 124023  
Code. If the applicant is found to possess the qualifications 124024  
prescribed by sections 5525.02 to 5525.09 of the Revised Code 124025  
and by rules adopted by the director, ~~including a certificate of~~ 124026  
~~compliance with affirmative action programs,~~ a certificate of 124027  
qualification shall be issued to the applicant, which shall be 124028  
valid for the period of one year or such shorter period of time 124029  
as the director prescribes, unless revoked by the director for 124030  
cause as defined by rules adopted by the director under section 124031  
5525.05 of the Revised Code. 124032

(C) The certificate of qualification shall contain a 124033  
statement fixing the aggregate amount of work, for any or all 124034  
owners, that the applicant may have under construction and 124035  
uncompleted at any one time and may contain a statement limiting 124036  
such bidder to the submission of bids upon a certain class of 124037  
work. Subject to any restriction as to amount or class of work 124038  
therein contained, the certificate of qualification shall 124039  
authorize its holder to bid on all work on which bids are taken 124040  
by the department of transportation during the period of time 124041  
therein specified. 124042

(D) An applicant who has received a certificate of 124043  
qualification and desires to amend the certificate by the dollar 124044  
amount or by the classes of work may submit to the director such 124045  
documentation as the director considers appropriate. The 124046  
director shall review the documentation submitted by the 124047  
applicant and, within fifteen days, shall either amend the 124048  
certificate of qualification or deny the request. If the 124049  
director denies the request to amend the certificate, the 124050  
applicant may appeal that decision to the director's 124051  
prequalification review board in accordance with section 5525.07 124052  
of the Revised Code. Two or more persons, partnerships, or 124053  
corporations may bid jointly on any one project, but only on 124054  
condition that prior to the time bids are taken on the project 124055  
the bidders make a joint application for qualification and 124056  
obtain a joint certificate qualification. 124057

(E) The director may debar from participating in future 124058  
contracts with the department any bidding company as well as any 124059  
partner of a partnership, or the officers and directors of an 124060  
association or corporation if the certificate of qualification 124061  
of the company, partnership, association, or corporation is 124062  
revoked or not renewed by the director. When the director 124063  
reasonably believes that grounds for revocation and debarment 124064  
exist, the director shall send the bidding company and any 124065  
individual involved a notice of proposed revocation and 124066  
debarment indicating the grounds for such action as established 124067  
in rules adopted by the director under section 5525.05 of the 124068  
Revised Code and the procedure for requesting a hearing. The 124069  
notice and hearing shall be in accordance with Chapter 119. of 124070  
the Revised Code. If the bidding company or individual does not 124071  
respond with a request for a hearing in the manner specified in 124072  
Chapter 119. of the Revised Code, the director shall revoke the 124073

certificate and issue the debarment decision without a hearing 124074  
and shall notify the bidding company or individual of the 124075  
decision by certified mail, return receipt requested. 124076

(F) The debarment period may be of any length determined 124077  
by the director and the director may modify or rescind the 124078  
debarment at any time. During the period of debarment, the 124079  
director shall not issue a certificate of qualification for any 124080  
company, partnership, association, or corporation affiliated 124081  
with a debarred individual. After the debarment period expires, 124082  
the bidding company or individual, and any partnership, 124083  
association, or corporation affiliated with the individual may 124084  
make an application for qualification if such entity or 124085  
individual is not otherwise debarred. 124086

**Sec. 5537.01.** As used in this chapter: 124087

(A) "Commission" means the Ohio turnpike and 124088  
infrastructure commission created by section 5537.02 of the 124089  
Revised Code or, if that commission is abolished, the board, 124090  
body, officer, or commission succeeding to the principal 124091  
functions thereof or to which the powers given by this chapter 124092  
to the commission are given by law. 124093

(B) "Turnpike project" means any express or limited access 124094  
highway, super highway, or motorway constructed, operated, or 124095  
improved, under the jurisdiction of the commission and pursuant 124096  
to this chapter, ~~at a location or locations reviewed by the~~ 124097  
~~turnpike legislative review committee~~ and approved by the 124098  
governor, including all bridges, tunnels, overpasses, 124099  
underpasses, interchanges, entrance plazas, approaches, those 124100  
portions of connecting public roads that serve interchanges and 124101  
are determined by the commission and the director of 124102  
transportation to be necessary for the safe merging of traffic 124103

between the turnpike project and those public roads, toll 124104  
booths, service facilities, and administration, storage, and 124105  
other buildings, property, and facilities that the commission 124106  
considers necessary for the operation or policing of the 124107  
turnpike project, together with all property and rights which 124108  
may be acquired by the commission for the construction, 124109  
maintenance, or operation of the turnpike project, and includes 124110  
any sections or extensions of a turnpike project designated by 124111  
the commission as such for the particular purpose. Each turnpike 124112  
project shall be separately designated, by name or number, and 124113  
may be constructed, improved, or extended in such sections as 124114  
the commission may from time to time determine. Construction 124115  
includes the improvement and renovation of a previously 124116  
constructed turnpike project, including additional interchanges, 124117  
whether or not the turnpike project was initially constructed by 124118  
the commission. 124119

(C) "Infrastructure project" means any public express or 124120  
limited access highway, super highway, or motorway, including 124121  
all bridges, tunnels, overpasses, underpasses, interchanges, 124122  
entrance plazas, approaches, and those portions of connecting 124123  
public roads that serve interchanges, that is constructed or 124124  
improved, in whole or in part, with infrastructure funding 124125  
approved pursuant to criteria established under section 5537.18 124126  
of the Revised Code. 124127

(D) "Cost," as applied to construction of a turnpike 124128  
project or an infrastructure project, includes the cost of 124129  
construction, including bridges over or under existing highways 124130  
and railroads, acquisition of all property acquired either by 124131  
the commission or by the owner of the infrastructure project for 124132  
the construction, demolishing or removing any buildings or 124133  
structures on land so acquired, including the cost of acquiring 124134

any lands to which the buildings or structures may be moved, 124135  
site clearance, improvement, and preparation, diverting public 124136  
roads, interchanges with public roads, access roads to private 124137  
property, including the cost of land or easements therefor, all 124138  
machinery, furnishings, and equipment, communications 124139  
facilities, financing expenses, interest prior to and during 124140  
construction and for one year after completion of construction, 124141  
traffic estimates, indemnity and surety bonds and premiums on 124142  
insurance, title work and title commitments, insurance, and 124143  
guarantees, engineering, feasibility studies, and legal 124144  
expenses, plans, specifications, surveys, estimates of cost and 124145  
revenues, other expenses necessary or incident to determining 124146  
the feasibility or practicability of constructing or operating a 124147  
turnpike project or an infrastructure project, administrative 124148  
expenses, and any other expense that may be necessary or 124149  
incident to the construction of the turnpike project or an 124150  
infrastructure project, the financing of the construction, and 124151  
the placing of the turnpike project or an infrastructure project 124152  
in operation. Any obligation or expense incurred by the 124153  
department of transportation with the approval of the commission 124154  
for surveys, borings, preparation of plans and specifications, 124155  
and other engineering services in connection with the 124156  
construction of a turnpike project or an infrastructure project, 124157  
or by the federal government with the approval of the commission 124158  
for any public road projects which must be reimbursed as a 124159  
condition to the exercise of any of the powers of the commission 124160  
under this chapter, shall be regarded as a part of the cost of 124161  
the turnpike project or an infrastructure project and shall be 124162  
reimbursed to the state or the federal government, as the case 124163  
may be, from revenues, state taxes, or the proceeds of bonds as 124164  
authorized by this chapter. 124165

(E) "Owner" includes all persons having any title or 124166  
interest in any property authorized to be acquired by the 124167  
commission for turnpike projects under this chapter, or the 124168  
public entity for whom an infrastructure project is funded, in 124169  
whole or in part, by the commission under this chapter. 124170

(F) "Revenues" means all tolls, service revenues, 124171  
investment income on special funds, rentals, gifts, grants, and 124172  
all other moneys coming into the possession of or under the 124173  
control of the commission by virtue of this chapter, except the 124174  
proceeds from the sale of bonds. "Revenues" does not include 124175  
state taxes. 124176

(G) "Public roads" means all public highways, roads, and 124177  
streets in the state, whether maintained by a state agency or 124178  
any other governmental agency. 124179

(H) "Public utility facilities" means tracks, pipes, 124180  
mains, conduits, cables, wires, towers, poles, and other 124181  
equipment and appliances of any public utility. 124182

(I) "Financing expenses" means all costs and expenses 124183  
relating to the authorization, issuance, sale, delivery, 124184  
authentication, deposit, custody, clearing, registration, 124185  
transfer, exchange, fractionalization, replacement, payment, and 124186  
servicing of bonds including, without limitation, costs and 124187  
expenses for or relating to publication and printing, postage, 124188  
delivery, preliminary and final official statements, offering 124189  
circulars, and informational statements, travel and 124190  
transportation, underwriters, placement agents, investment 124191  
bankers, paying agents, registrars, authenticating agents, 124192  
remarketing agents, custodians, clearing agencies or 124193  
corporations, securities depositories, financial advisory 124194  
services, certifications, audits, federal or state regulatory 124195

agencies, accounting and computation services, legal services 124196  
and obtaining approving legal opinions and other legal opinions, 124197  
credit ratings, redemption premiums, and credit enhancement 124198  
facilities. 124199

(J) "Bond proceedings" means the resolutions, trust 124200  
agreements, certifications, notices, sale proceedings, leases, 124201  
lease-purchase agreements, assignments, credit enhancement 124202  
facility agreements, and other agreements, instruments, and 124203  
documents, as amended and supplemented, or any one or more or 124204  
any combination thereof, authorizing, or authorizing or 124205  
providing for the terms and conditions applicable to, or 124206  
providing for the security or sale or award or liquidity of, 124207  
bonds, and includes the provisions set forth or incorporated in 124208  
those bonds and bond proceedings. 124209

(K) "Bond service charges" means principal, including any 124210  
mandatory sinking fund or mandatory redemption requirements for 124211  
the retirement of bonds, and interest and any redemption premium 124212  
payable on bonds, as those payments come due and are payable to 124213  
the bondholder or to a person making payment under a credit 124214  
enhancement facility of those bond service charges to a 124215  
bondholder. 124216

(L) "Bond service fund" means the applicable fund created 124217  
by the bond proceedings for and pledged to the payment of bond 124218  
service charges on bonds provided for by those proceedings, 124219  
including all moneys and investments, and earnings from 124220  
investments, credited and to be credited to that fund as 124221  
provided in the bond proceedings. 124222

(M) "Bonds" means bonds, notes, including notes 124223  
anticipating bonds or other notes, commercial paper, 124224  
certificates of participation, or other evidences of obligation, 124225

including any interest coupons pertaining thereto, issued by the 124226  
commission pursuant to this chapter. 124227

(N) "Infrastructure fund" means the applicable fund or 124228  
funds created by the bond proceedings, which shall be used to 124229  
pay or defray the cost of infrastructure projects recommended by 124230  
the director of transportation and evaluated and approved by the 124231  
commission. 124232

(O) "Net revenues" means revenues lawfully available to 124233  
pay both current operating expenses of the commission and bond 124234  
service charges in any fiscal year or other specified period, 124235  
less current operating expenses of the commission and any amount 124236  
necessary to maintain a working capital reserve for that period. 124237

(P) "Pledged revenues" means net revenues, moneys and 124238  
investments, and earnings on those investments, in the 124239  
applicable bond service fund and any other special funds, and 124240  
the proceeds of any bonds issued for the purpose of refunding 124241  
prior bonds, all as lawfully available and by resolution of the 124242  
commission committed for application as pledged revenues to the 124243  
payment of bond service charges on particular issues of bonds. 124244

(Q) "Service facilities" means service stations, 124245  
restaurants, and other facilities for food service, roadside 124246  
parks and rest areas, parking, camping, tenting, rest, and 124247  
sleeping facilities, hotels or motels, and all similar and other 124248  
facilities providing services to the traveling public in 124249  
connection with the use of a turnpike project and owned, leased, 124250  
licensed, or operated by the commission. 124251

(R) "Service revenues" means those revenues of the 124252  
commission derived from its ownership, leasing, licensing, or 124253  
operation of service facilities. 124254

(S) "Special funds" means the applicable bond service fund 124255  
and any accounts and subaccounts in that fund, any other funds 124256  
or accounts permitted by and established under, and identified 124257  
as a "special fund" or "special account" in, the bond 124258  
proceedings, including any special fund or account established 124259  
for purposes of rebate or other requirements under federal 124260  
income tax laws. 124261

(T) "State agencies" means the state, officers of the 124262  
state, and boards, departments, branches, divisions, or other 124263  
units or agencies of the state. 124264

(U) "State taxes" means receipts of the commission from 124265  
the proceeds of state taxes or excises levied and collected, or 124266  
appropriated by the general assembly to the commission, for the 124267  
purposes and functions of the commission. State taxes do not 124268  
include tolls, or investment earnings on state taxes except on 124269  
those state taxes referred to in Section 5a of Article XII, Ohio 124270  
Constitution. 124271

(V) "Tolls" means tolls, special fees or permit fees, or 124272  
other charges by the commission to the owners, lessors, lessees, 124273  
or operators of motor vehicles for the operation of or the right 124274  
to operate those vehicles on a turnpike project. 124275

(W) "Credit enhancement facilities" means letters of 124276  
credit, lines of credit, standby, contingent, or firm securities 124277  
purchase agreements, insurance, or surety arrangements, 124278  
guarantees, and other arrangements that provide for direct or 124279  
contingent payment of bond service charges, for security or 124280  
additional security in the event of nonpayment or default in 124281  
respect of bonds, or for making payment of bond service charges 124282  
and at the option and on demand of bondholders or at the option 124283  
of the commission or upon certain conditions occurring under put 124284

or similar arrangements, or for otherwise supporting the credit 124285  
or liquidity of the bonds, and includes credit, reimbursement, 124286  
marketing, remarketing, indexing, carrying, interest rate hedge, 124287  
and subrogation agreements, and other agreements and 124288  
arrangements for payment and reimbursement of the person 124289  
providing the credit enhancement facility and the security for 124290  
that payment and reimbursement. 124291

(X) "Person" has the same meaning as in section 1.59 of 124292  
the Revised Code and, unless the context otherwise provides, 124293  
also includes any governmental agency and any combination of 124294  
those persons. 124295

(Y) "Refund" means to fund and retire outstanding bonds, 124296  
including advance refunding with or without payment or 124297  
redemption prior to stated maturity. 124298

(Z) "Governmental agency" means any state agency, federal 124299  
agency, political subdivision, or other local, interstate, or 124300  
regional governmental agency, and any combination of those 124301  
agencies. 124302

(AA) "Property" has the same meaning as in section 1.59 of 124303  
the Revised Code, and includes interests in property. 124304

(BB) "Administrative agent," "agent," "commercial paper," 124305  
"floating rate interest structure," "indexing agent," "interest 124306  
rate hedge," "interest rate period," "put arrangement," and 124307  
"remarketing agent" have the same meanings as in section 9.98 of 124308  
the Revised Code. 124309

(CC) "Outstanding," as applied to bonds, means outstanding 124310  
in accordance with the terms of the bonds and the applicable 124311  
bond proceedings. 124312

(DD) "Ohio turnpike system" or "system" means all existing 124313

and future turnpike projects constructed, operated, and 124314  
maintained under the jurisdiction of the commission. 124315

(EE) "Ohio turnpike and infrastructure system" means 124316  
turnpike projects and infrastructure projects funded by the 124317  
commission existing on and after July 1, 2013, that facilitate 124318  
access to, use of, and egress from the Ohio turnpike system, and 124319  
also facilitate access to and from areas of population, 124320  
commerce, and industry that are connected to the Ohio turnpike 124321  
system. 124322

**Sec. 5537.02.** (A) There is hereby created a commission to 124323  
be known on and after July 1, 2013, as the "Ohio turnpike and 124324  
infrastructure commission." The commission is a body both 124325  
corporate and politic, constituting an instrumentality of the 124326  
state, and the exercise by it of the powers conferred by this 124327  
chapter in the construction, operation, and maintenance of the 124328  
Ohio turnpike system, and also in entering into agreements with 124329  
the department of transportation to pay the cost or a portion of 124330  
the costs of infrastructure projects, are and shall be held to 124331  
be essential governmental functions of the state. Chapter 2744. 124332  
of the Revised Code applies to the commission and the commission 124333  
is a political subdivision of the state for purposes of that 124334  
chapter. The commission is subject to all provisions of law 124335  
generally applicable to state agencies which do not conflict 124336  
with this chapter. 124337

(B) (1) The commission shall consist of ten members as 124338  
follows: 124339

(a) Six members appointed by the governor with the advice 124340  
and consent of the senate, no more than three of whom shall be 124341  
members of the same political party; 124342

(b) The director of transportation, or the director's  
designee, who shall be a voting member, and the director of  
budget and management, or the director's designee. The directors  
or their designees, as applicable, shall serve as ex officio  
members, without compensation;

(c) One member of the senate, appointed by the president  
of the senate, ~~who shall represent either a district in which is  
located or through which passes a portion of a turnpike project  
that is part of the Ohio turnpike system or a district located  
in the vicinity of a turnpike project that is part of the Ohio  
turnpike system;~~

(d) One member of the house of representatives, appointed  
by the speaker of the house of representatives, ~~who shall  
represent either a district in which is located or through which  
passes a portion of a turnpike project that is part of the Ohio  
turnpike system or a district located in the vicinity of a  
turnpike project that is part of the Ohio turnpike system.~~

(2) The members appointed by the governor shall be  
residents of the state, shall have been qualified electors  
therein for a period of at least five years next preceding their  
appointment. In making the appointments, the governor may  
appoint persons who reside in different geographic areas of the  
state, taking into consideration the various turnpike and  
infrastructure projects in the state. Members appointed to the  
commission prior to July 1, 2013, shall serve terms of eight  
years commencing on the first day of July and ending on the  
thirtieth day of June. Thereafter, members appointed by the  
governor shall serve terms of five years commencing on the first  
day of July and ending on the thirtieth day of June. Those  
members appointed by the president of the senate or the speaker

of the house of representatives shall serve a term of the 124373  
remainder of the general assembly during which the senator or 124374  
representative is appointed. Each appointed member shall hold 124375  
office from the date of appointment until the end of the term 124376  
for which the member was appointed. If a commission member dies 124377  
or resigns, or if a senator or representative who is a member of 124378  
the commission ceases to be a senator or representative, or if 124379  
an ex officio member ceases to hold the applicable office, the 124380  
vacancy shall be filled in the same manner as provided in 124381  
division (B)(1) of this section. Any member who fills a vacancy 124382  
occurring prior to the end of the term for which the member's 124383  
predecessor was appointed shall, if appointed by the governor, 124384  
hold office for the remainder of such term or, if appointed by 124385  
the president of the senate or the speaker of the house of 124386  
representatives, shall hold office for the remainder of the term 124387  
or for a shorter period of time as determined by the president 124388  
or the speaker. Any member appointed by the governor shall 124389  
continue in office subsequent to the expiration date of the 124390  
member's term until the member's successor takes office, or 124391  
until a period of sixty days has elapsed, whichever occurs 124392  
first. A member of the commission is eligible for reappointment. 124393  
Each member of the commission appointed by the governor, before 124394  
entering upon the member's duties, shall take an oath as 124395  
provided by Section 7 of Article XV, Ohio Constitution. The 124396  
governor, the president of the senate, or the speaker of the 124397  
house of representatives, may at any time remove their 124398  
respective appointees to the commission for misfeasance, 124399  
nonfeasance, or malfeasance in office. 124400

(3) (a) A member of the commission who is appointed by the 124401  
president of the senate or the speaker of the house of 124402  
representatives shall not participate in any vote of the 124403

commission. Serving as an appointed member of the commission 124404  
under divisions (B) (1) (c), (1) (d), or (2) of this section does 124405  
not constitute grounds for resignation from the senate or the 124406  
house of representatives under section 101.26 of the Revised 124407  
Code. 124408

(b) The director of budget and management shall not 124409  
participate in any vote of the commission. 124410

(C) The voting members of the commission shall elect one 124411  
of the voting members as chairperson and another as vice- 124412  
chairperson, and shall appoint a secretary-treasurer who need 124413  
not be a member of the commission. Four of the voting members of 124414  
the commission constitute a quorum, and the affirmative vote of 124415  
four voting members is necessary for any action taken by the 124416  
commission. No vacancy in the membership of the commission 124417  
impairs the rights of a quorum to exercise all the rights and 124418  
perform all the duties of the commission. 124419

(D) Each member of the commission appointed by the 124420  
governor shall give a surety bond to the commission in the penal 124421  
sum of twenty-five thousand dollars and the secretary-treasurer 124422  
shall give such a bond in at least the penal sum of fifty 124423  
thousand dollars. The commission may require any of its officers 124424  
or employees to file surety bonds including a blanket bond as 124425  
provided in section 3.06 of the Revised Code. Each such bond 124426  
shall be in favor of the commission and shall be conditioned 124427  
upon the faithful performance of the duties of the office, 124428  
executed by a surety company authorized to transact business in 124429  
this state, approved by the governor, and filed in the office of 124430  
the secretary of state. The costs of the surety bonds shall be 124431  
paid or reimbursed by the commission from revenues. Each member 124432  
of the commission appointed by the governor shall receive an 124433

annual salary of five thousand dollars, payable in monthly 124434  
installments. Each member shall be reimbursed for the member's 124435  
actual expenses necessarily incurred in the performance of the 124436  
member's duties. All costs and expenses incurred by the 124437  
commission in carrying out this chapter shall be payable solely 124438  
from revenues and state taxes, and no liability or obligation 124439  
shall be incurred by the commission beyond the extent to which 124440  
revenues have been provided for pursuant to this chapter. 124441

**Sec. 5537.03.** In order to remove present and anticipated 124442  
impediments and potential hazards on the congested highways in 124443  
this state, to facilitate vehicular traffic throughout the 124444  
state, to finance infrastructure projects that improve and 124445  
enhance mobility in Ohio, and also to promote the agricultural, 124446  
recreational, tourism, and commercial, industrial, and economic 124447  
development of the state, and to provide for the general welfare 124448  
by the construction, improvement, and maintenance of modern 124449  
express highways embodying safety devices, including without 124450  
limitation center divisions, ample shoulder widths, long sight 124451  
distances, multiple lanes in each direction, and grade 124452  
separations at intersections with other public roads and 124453  
railroads, the Ohio turnpike and infrastructure commission may 124454  
do the following: 124455

(A) Subject to section 5537.26 of the Revised Code, 124456  
construct, maintain, repair, and operate a system of turnpike 124457  
projects ~~at locations that are reviewed by the turnpike~~ 124458  
~~legislative review committee and approved by the governor,~~ and 124459  
in accordance with alignment and design standards that are 124460  
approved by the director of transportation, and issue revenue 124461  
bonds of this state, payable solely from pledged revenues, to 124462  
pay the cost of those projects. The turnpikes and turnpike 124463  
projects authorized by this chapter are hereby or shall be made 124464

part of the Ohio turnpike system. 124465

(B) Provide the infrastructure funds to pay the cost or a 124466  
portion of the cost of infrastructure projects as recommended by 124467  
the director of transportation pursuant to a determination made 124468  
by the commission based on criteria set forth in rules adopted 124469  
by the commission under section 5537.18 of the Revised Code. A 124470  
determination by the commission to provide infrastructure funds 124471  
for an infrastructure project shall be conclusive and 124472  
incontestable. 124473

**Sec. 5537.27.** The Ohio turnpike and infrastructure 124474  
commission, the director of transportation or the director's 124475  
designee, and another person designated by the governor shall 124476  
establish a procedure whereby a political subdivision or other 124477  
government agency or agencies may submit a written application 124478  
to the commission, requesting the commission to construct and 124479  
operate a turnpike project within the boundaries of the 124480  
subdivision, agency, or agencies making the request. The 124481  
procedure shall include a requirement that the commission send a 124482  
written reply to the subdivision, agency, or agencies, 124483  
explaining the disposition of the request. The procedure 124484  
established pursuant to this section shall not become effective 124485  
unless it is approved by the commission and by the director or 124486  
the director's designee and the designee of the governor, ~~and~~ 124487  
~~shall require submission of the proposed turnpike project to the~~ 124488  
~~turnpike legislative review committee if the project must be~~ 124489  
~~approved by the governor.~~ 124490

**Sec. 5540.02.** (A) A transportation improvement district 124491  
may be created by the board of county commissioners of a county. 124492  
The board, by resolution, shall determine the structure of the 124493  
board of trustees of the transportation improvement district it 124494

creates by adopting the structure contained either in division 124495  
(C) (1) or (2) of this section. 124496

(B) A transportation improvement district is a body both 124497  
corporate and politic, and the exercise by it of the powers 124498  
conferred by this chapter in the financing, construction, 124499  
maintenance, repair, and operation of a project are and shall be 124500  
held to be essential governmental functions. 124501

(C) (1) If the board of county commissioners so elects, a 124502  
transportation improvement district shall be governed by a board 124503  
of trustees consisting of the following members: 124504

(a) Two members appointed by the board of county 124505  
commissioners; 124506

(b) Three members appointed by the legislative authority 124507  
of the most populous municipal corporation in the district; 124508

(c) Two members appointed by the legislative authority of 124509  
the second most populous municipal corporation in the district; 124510

(d) Two members appointed by the board of township 124511  
trustees of the township in the county that is most populous in 124512  
its unincorporated area; 124513

(e) The county engineer; 124514

(f) One member appointed by the legislative authority of 124515  
any township or municipal corporation that cannot otherwise 124516  
appoint a member to the board pursuant to this section, and that 124517  
is wholly or partially within the area of the transportation 124518  
improvement district as the district was originally designated 124519  
by the board of county commissioners; 124520

(g) If the area of a transportation improvement district 124521  
is expanded by the board of county commissioners, the 124522

legislative authority of any township or municipal corporation 124523  
that is wholly or partially within the area of expansion and 124524  
that cannot otherwise appoint a member to the board pursuant to 124525  
this section, with the consent of the board of trustees of the 124526  
district, may appoint one member to the board; 124527

(h) One member appointed by the regional planning 124528  
commission for the county, who shall be a nonvoting member of 124529  
the board; 124530

~~(i) One member appointed at the discretion of the speaker 124531  
of the house of representatives, who, if appointed, shall be a 124532  
nonvoting member of the board and who may be a member of the 124533  
house of representatives. 124534~~

One of each of the appointments made by the board of 124535  
county commissioners, the legislative authority of a municipal 124536  
corporation, and the board of township trustees under divisions 124537  
(C) (1) (a), (b), (c), and (d) of this section, shall be members 124538  
of the chamber of commerce for the respective political 124539  
subdivision. 124540

Whenever the addition of members to the board of trustees 124541  
of a transportation improvement district pursuant to division 124542  
(C) (1) (f) or (g) of this section results in an even number of 124543  
total voting members on the board, the board of trustees of the 124544  
district may appoint an additional person to its membership to 124545  
maintain an odd number of voting members. 124546

(2) As an alternative to the structure prescribed in 124547  
division (C) (1) of this section, a board of county 124548  
commissioners, by resolution, may elect that the transportation 124549  
improvement district it creates be governed by a board of 124550  
trustees consisting of ~~the following members:—~~ 124551

~~(a) Five five members appointed by the board of county commissioners;~~ 124552  
124553

~~(b) One member appointed at the discretion of the speaker of the house of representatives, who, if appointed, shall be a nonvoting member of the board and who may be a member of the house of representatives.~~ 124554  
124555  
124556  
124557

(D) Each appointed member of the board shall hold office 124558  
for a term of two years but subject to removal at the pleasure 124559  
of the authority that appointed the member. Members may be 124560  
reappointed. Except as otherwise provided in this division, any 124561  
vacancy on the board shall be filled in the same manner as the 124562  
original appointment. Any vacancy on a board appointed under 124563  
division (C) (1) of this section lasting longer than thirty days 124564  
due to the failure of the legislative authority of a municipal 124565  
corporation or a board of township trustees to make an 124566  
appointment shall be filled by the board of trustees of the 124567  
transportation improvement district. 124568

(E) The voting members of the board shall elect from the 124569  
entire board membership a chairperson, vice-chairperson, and 124570  
secretary-treasurer. A majority of the voting members of the 124571  
board constitutes a quorum, the affirmative vote of which is 124572  
necessary for any action of the district. No vacancy in the 124573  
membership of the board impairs the right of a quorum to 124574  
exercise all the rights and perform all duties of the district. 124575

(F) The board of county commissioners of any county, the 124576  
legislative authority of any municipal corporation, and the 124577  
board of township trustees of any township may make 124578  
appropriations from moneys available to them and not otherwise 124579  
appropriated to pay costs incurred by the district in the 124580  
exercise of its functions under this chapter, provided those 124581

moneys are available to use for that purpose. 124582

(G) An organizational meeting of the board of trustees of 124583  
a transportation improvement district created under this section 124584  
shall be held at the time and place designated by the board 124585  
member who has served the most years as a member of the board of 124586  
county commissioners that created the transportation improvement 124587  
district. 124588

**Sec. 5595.02.** (A) The boards of county commissioners of 124589  
two or more counties may undertake a regional transportation 124590  
improvement project for the purpose of completing transportation 124591  
improvements within the territory of the counties. The project 124592  
shall be administered by a governing board in accordance with a 124593  
cooperative agreement. 124594

~~(B)~~(B) (1) The cooperative agreement shall provide for the 124595  
creation of a governing board consisting of ~~one~~ the following 124596  
individuals: 124597

(a) One county commissioner from each county that is a 124598  
party to the agreement or a designee appointed by the board of 124599  
county commissioners of the county for the purpose of serving on 124600  
the governing board, ~~and the~~; 124601

(b) The county engineer of each such county or a designee 124602  
appointed by the county engineer for the purpose of serving on 124603  
the governing board. 124604

(2) The cooperative agreement may authorize the chief 124605  
executive officer of the JobsOhio network partner that covers 124606  
the majority of the area encompassed by the regional 124607  
transportation improvement project or a designee appointed by 124608  
the chief executive officer to serve as an additional member of 124609  
the governing board. ~~Membership~~ 124610

(3) Membership on the board is not a direct or indirect interest in a contract or expenditure of money by the county. The board is a public body for the purposes of section 121.22 of the Revised Code and a public office for the purposes of section 149.43 of the Revised Code. Chapter 2744. of the Revised Code applies to the board.

(C) The governing board of a regional transportation improvement project is a body both corporate and politic, and the exercise by it of the powers conferred by this chapter in the financing, construction, maintenance, repair, and operation of transportation improvements are essential governmental functions.

(D) A board of county commissioners, in accordance with the cooperative agreement, may make appropriations to pay costs incurred by the governing board in the exercise of its functions under this chapter so long as such costs are approved by the director of transportation under section 5595.12 of the Revised Code.

**Sec. 5701.11.** The effective date to which this section refers is the effective date of this section as amended by H.B. 14 of the 136th general assembly.

(A) (1) Except as provided under division (A) (2) or (B) of this section, any reference in Title LVII or section 149.311, 3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 3775.16 of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title 124640  
LVII of the Revised Code to the Internal Revenue Code as of a 124641  
date certain specifying the day, month, and year, or to other 124642  
laws of the United States as of a date certain specifying the 124643  
day, month, and year. 124644

(B) (1) For purposes of applying section 5733.04, 5745.01, 124645  
or 5747.01 of the Revised Code to a taxpayer's taxable year 124646  
ending after March 15, 2023, and before the effective date, a 124647  
taxpayer may irrevocably elect to incorporate the provisions of 124648  
the Internal Revenue Code or other laws of the United States 124649  
that are in effect for federal income tax purposes for that 124650  
taxable year if those provisions differ from the provisions 124651  
that, under division (A) of this section, would otherwise apply. 124652  
The filing by the taxpayer for that taxable year of a report or 124653  
return that incorporates the provisions of the Internal Revenue 124654  
Code or other laws of the United States applicable for federal 124655  
income tax purposes for that taxable year, and that does not 124656  
include any adjustments to reverse the effects of any 124657  
differences between those provisions and the provisions that 124658  
would otherwise apply, constitutes the making of an irrevocable 124659  
election under this division for that taxable year. 124660

(2) Elections under prior versions of division (B) (1) of 124661  
this section remain in effect for the taxable years to which 124662  
they apply. 124663

**Sec. 5703.052.** (A) There is hereby created in the state 124664  
treasury the tax refund fund, from which refunds shall be paid 124665  
for amounts illegally or erroneously assessed or collected, or 124666  
for any other reason overpaid, with respect to taxes levied by 124667  
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 124668  
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 124669

and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 124670  
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 124671  
Code. Refunds for fees levied under sections 3734.90 to 124672  
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 124673  
under section 128.40 of the Revised Code, next generation 9-1-1 124674  
access fees imposed under sections 128.41 and 128.42 of the 124675  
Revised Code, or any penalties assessed with respect to such 124676  
fees or charges, that are illegally or erroneously assessed or 124677  
collected, or for any other reason overpaid, also shall be paid 124678  
from the fund. Refunds for amounts illegally or erroneously 124679  
assessed or collected by the tax commissioner, or for any other 124680  
reason overpaid, that are due under section 1509.50 of the 124681  
Revised Code shall be paid from the fund. Refunds for amounts 124682  
illegally or erroneously assessed or collected by the 124683  
commissioner, or for any other reason overpaid to the 124684  
commissioner, under sections 718.80 to 718.95 of the Revised 124685  
Code shall be paid from the fund. However, refunds for amounts 124686  
illegally or erroneously assessed or collected by the 124687  
commissioner, or for any other reason overpaid to the 124688  
commissioner, with respect to taxes levied under section 124689  
5739.101 of the Revised Code shall not be paid from the tax 124690  
refund fund, but shall be paid as provided in section 5739.104 124691  
of the Revised Code. 124692

(B) (1) Upon certification by the tax commissioner to the 124693  
treasurer of state of a tax refund, a wireless 9-1-1 charge 124694  
refund, a next generation 9-1-1 access fee refund, or another 124695  
amount refunded, or by the superintendent of insurance of a 124696  
domestic or foreign insurance tax refund, the treasurer of state 124697  
shall place the amount certified to the credit of the fund. The 124698  
certified amount transferred shall be derived from the receipts 124699  
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 124700

1-1 access fee, or other amount from which the refund arose. 124701

(2) When a refund is for a tax, fee, wireless 9-1-1 124702  
charge, next generation 9-1-1 access fee, or other amount that 124703  
is not levied by the state or that was illegally or erroneously 124704  
distributed to a taxing jurisdiction, the tax commissioner shall 124705  
recover the amount of that refund from the next distribution of 124706  
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 124707  
access fee, or other amount that otherwise would be made to the 124708  
taxing jurisdiction. If the amount to be recovered would exceed 124709  
twenty-five per cent of the next distribution of that tax, fee, 124710  
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 124711  
other amount, the commissioner may spread the recovery over more 124712  
than one future distribution, taking into account the amount to 124713  
be recovered and the amount of the anticipated future 124714  
distributions. In no event may the commissioner spread the 124715  
recovery over a period to exceed ~~thirty-six~~ seventy-two months. 124716

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 124717  
(C) of this section, no agent of the department of taxation, 124718  
except in the agent's report to the department or when called on 124719  
to testify in any court or proceeding, shall divulge any 124720  
information acquired by the agent as to the transactions, 124721  
property, or business of any person while acting or claiming to 124722  
act under orders of the department. Whoever violates this 124723  
provision shall thereafter be disqualified from acting as an 124724  
officer or employee or in any other capacity under appointment 124725  
or employment of the department. 124726

(B) (1) For purposes of an audit pursuant to section 117.15 124727  
of the Revised Code, or an audit of the department pursuant to 124728  
Chapter 117. of the Revised Code, or an audit, pursuant to that 124729  
chapter, the objective of which is to express an opinion on a 124730

financial report or statement prepared or issued pursuant to 124731  
division (A) (7) or (9) of section 126.21 of the Revised Code, 124732  
the officers and employees of the auditor of state charged with 124733  
conducting the audit shall have access to and the right to 124734  
examine any state tax returns and state tax return information 124735  
in the possession of the department to the extent that the 124736  
access and examination are necessary for purposes of the audit. 124737  
Any information acquired as the result of that access and 124738  
examination shall not be divulged for any purpose other than as 124739  
required for the audit or unless the officers and employees are 124740  
required to testify in a court or proceeding under compulsion of 124741  
legal process. Whoever violates this provision shall thereafter 124742  
be disqualified from acting as an officer or employee or in any 124743  
other capacity under appointment or employment of the auditor of 124744  
state. 124745

(2) For purposes of an internal audit pursuant to section 124746  
126.45 of the Revised Code, the officers and employees of the 124747  
office of internal audit in the office of budget and management 124748  
charged with directing the internal audit shall have access to 124749  
and the right to examine any state tax returns and state tax 124750  
return information in the possession of the department to the 124751  
extent that the access and examination are necessary for 124752  
purposes of the internal audit. Any information acquired as the 124753  
result of that access and examination shall not be divulged for 124754  
any purpose other than as required for the internal audit or 124755  
unless the officers and employees are required to testify in a 124756  
court or proceeding under compulsion of legal process. Whoever 124757  
violates this provision shall thereafter be disqualified from 124758  
acting as an officer or employee or in any other capacity under 124759  
appointment or employment of the office of internal audit. 124760

(3) As provided by section 6103(d) (2) of the Internal 124761

Revenue Code, any federal tax returns or federal tax information 124762  
that the department has acquired from the internal revenue 124763  
service, through federal and state statutory authority, may be 124764  
disclosed to the auditor of state or the office of internal 124765  
audit solely for purposes of an audit of the department. 124766

(4) For purposes of Chapter 3739. of the Revised Code, an 124767  
agent of the department of taxation may share information with 124768  
the division of state fire marshal that the agent finds during 124769  
the course of an investigation. 124770

(C) Division (A) of this section does not prohibit any of 124771  
the following: 124772

(1) Divulging information contained in applications, 124773  
complaints, and related documents filed with the department 124774  
under section 5715.27 of the Revised Code or in applications 124775  
filed with the department under section 5715.39 of the Revised 124776  
Code; 124777

(2) Providing to the attorney general information the 124778  
department obtains under division (J) of section 1346.01 of the 124779  
Revised Code; 124780

(3) Permitting properly authorized officers, employees, or 124781  
agents of a municipal corporation from inspecting reports or 124782  
information pursuant to section 718.84 of the Revised Code or 124783  
rules adopted under section 5745.16 of the Revised Code; 124784

(4) Providing information regarding the name, account 124785  
number, or business address of a holder of a vendor's license 124786  
issued pursuant to section 5739.17 of the Revised Code, a holder 124787  
of a direct payment permit issued pursuant to section 5739.031 124788  
of the Revised Code, or a seller having a use tax account 124789  
maintained pursuant to section 5741.17 of the Revised Code, or 124790

information regarding the active or inactive status of a 124791  
vendor's license, direct payment permit, or seller's use tax 124792  
account; 124793

(5) Providing to a county auditor notices or documents 124794  
concerning or affecting the taxable value of property in the 124795  
county auditor's county. Unless authorized by law to disclose 124796  
documents so provided, the county auditor shall not disclose 124797  
such documents; 124798

(6) Providing to a county auditor a sales or use tax 124799  
return or audit information under section 333.06 of the Revised 124800  
Code; 124801

(7) Disclosing to a state or federal government agency, 124802  
for use in the performance of that agency's official duties in 124803  
this state, information in the possession of the tax 124804  
commissioner necessary to verify compliance with any provision 124805  
of the Revised Code or federal law relating to that agency. 124806  
Unless disclosure is otherwise authorized by law, information 124807  
provided to any state or federal government agency under this 124808  
section remains confidential and is not subject to further 124809  
disclosure; 124810

(8) Disclosing to a current or former employee, for use in 124811  
preparation of the employee's income tax return, the account 124812  
number issued by the tax commissioner to an employer for use in 124813  
filing returns and making payments under section 5747.07 of the 124814  
Revised Code. The commissioner may require the employee to 124815  
provide evidence of current or past employment before such 124816  
disclosure; 124817

(9) Publishing or disclosing the amount of revenue 124818  
distributed to a county, municipal corporation, township, school 124819

district, or any other political subdivision from any tax or 124820  
fund administered by the tax commissioner; 124821

(10) Disclosing to a county auditor information in or 124822  
discovered pursuant to the property tax relief screening system 124823  
created in section 5703.83 of the Revised Code. 124824

**Sec. 5703.37.** (A) (1) Except as provided in division (B) of 124825  
this section, whenever service of a notice or order is required 124826  
in the manner provided in this section, a copy of the notice or 124827  
order shall be served upon the person affected thereby either by 124828  
personal service, by certified mail, or by a delivery service 124829  
authorized under section 5703.056 of the Revised Code that 124830  
notifies the tax commissioner of the date of delivery. 124831

(2) In lieu of serving a copy of a notice or order through 124832  
one of the means provided in division (A) (1) of this section, 124833  
the commissioner may serve a notice or order upon the person 124834  
affected thereby through alternative means as provided in this 124835  
section, including, but not limited to, delivery by secure 124836  
electronic mail as provided in division (F) of this section or 124837  
by ordinary mail. Delivery by such means satisfies the 124838  
requirements for delivery under this section. 124839

(B) (1) (a) If certified or ordinary mail is returned 124840  
because of an undeliverable address, the commissioner shall 124841  
first utilize reasonable means to ascertain a new last known 124842  
address, including the use of a change of address service 124843  
offered by the United States postal service or an authorized 124844  
delivery service under section 5703.056 of the Revised Code. If, 124845  
after using reasonable means, the commissioner is unable to 124846  
ascertain a new last known address, the assessment is final for 124847  
purposes of section 131.02 of the Revised Code sixty days after 124848  
the notice or order ~~sent by certified mail~~ is first returned to 124849

the commissioner, and the commissioner shall certify the notice 124850  
or order, if applicable, to the attorney general for collection 124851  
under section 131.02 of the Revised Code. 124852

(b) Notwithstanding certification to the attorney general 124853  
under division (B)(1)(a) of this section, once the commissioner 124854  
or attorney general, or the designee of either, makes an initial 124855  
contact with the person to whom the notice or order is directed, 124856  
the person may protest an assessment by filing a petition for 124857  
reassessment within sixty days after the initial contact. The 124858  
certification of an assessment under division (B)(1)(a) of this 124859  
section is prima-facie evidence that delivery is complete and 124860  
that the notice or order is served. 124861

(2) If mailing of a notice or order by certified or 124862  
ordinary mail is returned for some cause other than an 124863  
undeliverable address or if a person does not access an 124864  
electronic notice or order within the time provided in division 124865  
(F) of this section, the commissioner shall resend the notice or 124866  
order by ordinary mail. The notice or order shall show the date 124867  
the commissioner sends the notice or order and include the 124868  
following statement: 124869

"This notice or order is deemed to be served on the 124870  
addressee under applicable law ten days from the date this 124871  
notice or order was mailed by the commissioner as shown on the 124872  
notice or order, and all periods within which an appeal may be 124873  
filed apply from and after that date." 124874

Unless the mailing is returned because of an undeliverable 124875  
address, the mailing of that information is prima-facie evidence 124876  
that delivery of the notice or order was completed ten days 124877  
after the commissioner ~~sent~~ resent the notice or order by 124878  
ordinary mail and that the notice or order was served. 124879

If the ~~ordinary mail-mailing~~ mailing is subsequently returned 124880  
because of an undeliverable address, the commissioner shall 124881  
proceed under division (B) (1) (a) of this section. A person may 124882  
challenge the presumption of delivery and service under this 124883  
division in accordance with division (C) of this section. 124884

(C) (1) A person disputing the presumption of delivery and 124885  
service under division (B) of this section bears the burden of 124886  
proving by a preponderance of the evidence that the address to 124887  
which the notice or order was sent was not an address with which 124888  
the person was associated at the time the commissioner 124889  
originally mailed the notice or order ~~by certified mail~~. For the 124890  
purposes of this section, a person is associated with an address 124891  
at the time the commissioner originally mailed the notice or 124892  
order if, at that time, the person was residing, receiving legal 124893  
documents, or conducting business at the address; or if, before 124894  
that time, the person had conducted business at the address and, 124895  
when the notice or order was mailed, the person's agent or the 124896  
person's affiliate was conducting business at the address. For 124897  
the purposes of this section, a person's affiliate is any other 124898  
person that, at the time the notice or order was mailed, owned 124899  
or controlled at least twenty per cent, as determined by voting 124900  
rights, of the addressee's business. 124901

(2) If the person elects to protest an assessment 124902  
certified to the attorney general for collection, the person 124903  
must do so within sixty days after the attorney general's 124904  
initial contact with the person. The attorney general may enter 124905  
into a compromise with the person under sections 131.02 and 124906  
5703.06 of the Revised Code if the person does not file a 124907  
petition for reassessment with the commissioner. 124908

(D) Nothing in this section prohibits the commissioner or 124909

the commissioner's designee from delivering a notice or order by 124910  
personal service. 124911

(E) Collection actions taken pursuant to section 131.02 of 124912  
the Revised Code upon any assessment being challenged under 124913  
division (B) (1) (b) of this section shall be stayed upon the 124914  
pendency of an appeal under this section. If a petition for 124915  
reassessment is filed pursuant to this section on a claim that 124916  
has been certified to the attorney general for collection, the 124917  
claim shall be uncertified. 124918

(F) (1) The commissioner may serve a notice or order upon 124919  
the person affected by the notice or order or that person's 124920  
authorized representative through secure electronic means 124921  
associated with the person's or representative's last known 124922  
address, but only with the person's consent. The commissioner 124923  
must inform the recipient, electronically or by mail, that a 124924  
notice or order is available for electronic review and provide 124925  
instructions to access and print the notice or order. The types 124926  
of electronic notification the commissioner may use include 124927  
electronic mail, text message, or any other form of electronic 124928  
communication. The recipient's electronic access of the notice 124929  
or order satisfies the requirements for delivery under this 124930  
section. If the recipient fails to access the notice or order 124931  
electronically within ten business days, then the commissioner 124932  
shall inform the recipient a second time, electronically or by 124933  
mail, that a notice or order is available for electronic review 124934  
and provide instructions to access and print the notice or 124935  
order. If the recipient fails to access the notice or order 124936  
electronically within ten business days of the second 124937  
notification, the notice or order shall be served upon the 124938  
person through the means provided in division (B) (2) of this 124939  
section. 124940

(2) The tax commissioner shall establish a system to issue notification of assessments to taxpayers through secure electronic means.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified or ordinary mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. For documents sent by secure electronic means, "last known address" means an electronic mode of communication that is identified on a form prescribed by the commissioner for such purpose or that is associated with the person or the authorized representative of the person as of the date the notification was sent on the Ohio business gateway, as defined in section 718.01 of the Revised Code, as of the date the notification was sent or another electronic filing or payment system prescribed by the commissioner.

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

**Sec. 5703.70.** (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, ~~5739.071,~~ 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08,

5751.08, or 5753.06 of the Revised Code, or an application for 124971  
compensation under section 5739.061 of the Revised Code, if the 124972  
tax commissioner determines that the amount of the refund or 124973  
compensation to which the applicant is entitled is less than the 124974  
amount claimed in the application, the commissioner shall give 124975  
the applicant written notice by ordinary mail of the amount. The 124976  
notice shall be sent to the address shown on the application 124977  
unless the applicant notifies the commissioner of a different 124978  
address. The applicant shall have sixty days from the date the 124979  
commissioner mails the notice to provide additional information 124980  
to the commissioner or request a hearing, or both. 124981

(B) If the applicant neither requests a hearing nor 124982  
provides additional information to the tax commissioner within 124983  
the time prescribed by division (A) of this section, the 124984  
commissioner shall take no further action, and the refund or 124985  
compensation amount denied becomes final. 124986

(C) (1) If the applicant requests a hearing within the time 124987  
prescribed by division (A) of this section, the tax commissioner 124988  
shall assign a time and place for the hearing and notify the 124989  
applicant of such time and place, but the commissioner may 124990  
continue the hearing from time to time, as necessary. After the 124991  
hearing, the commissioner may make such adjustments to the 124992  
refund or compensation as the commissioner finds proper, and 124993  
shall issue a final determination thereon. 124994

(2) If the applicant does not request a hearing, but 124995  
provides additional information, within the time prescribed by 124996  
division (A) of this section, the commissioner shall review the 124997  
information, make such adjustments to the refund or compensation 124998  
as the commissioner finds proper, and issue a final 124999  
determination thereon. The commissioner may review such 125000

information and make such adjustments as many times as the 125001  
commissioner finds proper before the issuance of a final 125002  
determination. 125003

(3) If the applicant requests a hearing and provides 125004  
additional information within the time prescribed by division 125005  
(A) of this section, the commissioner may review the information 125006  
and make such adjustments to the refund or compensation as the 125007  
commissioner finds proper. The commissioner may review such 125008  
information and make such adjustments as many times as the 125009  
commissioner finds proper before the issuance of a final 125010  
determination. 125011

The commissioner shall assign a time and place for the 125012  
hearing and notify the applicant of such time and place, but the 125013  
commissioner may continue the hearing from time to time, as 125014  
necessary. After the hearing, the commissioner may make any 125015  
additional adjustments to the refund or compensation as the 125016  
commissioner finds proper and shall issue a final determination 125017  
thereon. 125018

(4) The commissioner shall serve a copy of the final 125019  
determination made under division (C) (1), (2), or (3) of this 125020  
section on the applicant in the manner provided in section 125021  
5703.37 of the Revised Code, and the decision is final, subject 125022  
to appeal under section 5717.02 of the Revised Code. 125023

(D) The tax commissioner shall certify to the director of 125024  
budget and management and treasurer of state for payment from 125025  
the tax refund fund created by section 5703.052 of the Revised 125026  
Code, the amount of the refund to be refunded under division (B) 125027  
or (C) of this section. The commissioner also shall certify to 125028  
the director and treasurer of state for payment from the general 125029  
revenue fund the amount of compensation to be paid under 125030

division (B) or (C) of this section. 125031

Sec. 5703.83. (A) The department of taxation shall 125032  
establish policies, procedures, and internal controls, including 125033  
implementing a property tax relief screening system to evaluate 125034  
the eligibility of owners of real property and manufactured and 125035  
mobile homes in this state that receive one or both of the 125036  
following reductions in taxes: 125037

(1) The reduction authorized under division (B) of section 125038  
323.152 of the Revised Code; 125039

(2) The reductions authorized under division (A) of 125040  
section 323.152 and section 4503.065 of the Revised Code. 125041

(B) Each county auditor shall have access to the property 125042  
tax relief screening system authorized under this section. If a 125043  
county auditor discovers an error in the system relative to real 125044  
property or a manufactured or mobile home, the auditor shall 125045  
notify the department of taxation of the error. 125046

(C) If the department of taxation discovers through the 125047  
property tax relief screening system that real property or a 125048  
manufactured or mobile home was granted one or more of the 125049  
reductions described in divisions (A) (1) and (2) of this section 125050  
for one or more tax years in which the property or home was not 125051  
eligible for the reduction, the department shall notify the 125052  
county auditor of the county in which the property or 125053  
manufactured or mobile home is located. 125054

(D) The tax commissioner, on or before the last day of 125055  
each calendar year, beginning in 2026, shall annually submit to 125056  
the general assembly a report in accordance with division (B) of 125057  
section 101.68 of the Revised Code that lists the number, 125058  
arranged by county, of parcels of real property or manufactured 125059

or mobile homes that were identified through the property tax 125060  
relief screening system as not eligible for a reduction in taxes 125061  
since the inception of the system, for the first report, or 125062  
since the preceding report. 125063

**Sec. 5705.01.** As used in this chapter: 125064

(A) "Subdivision" means any county; municipal corporation; 125065  
township; township police district; joint police district; 125066  
township fire district; joint fire district; joint ambulance 125067  
district; joint emergency medical services district; fire and 125068  
ambulance district; joint recreation district; township waste 125069  
disposal district; township road district; community college 125070  
district; technical college district; detention facility 125071  
district; a district organized under section 2151.65 of the 125072  
Revised Code; a combined district organized under sections 125073  
2152.41 and 2151.65 of the Revised Code; a joint-county alcohol, 125074  
drug addiction, and mental health service district; a drainage 125075  
improvement district created under section 6131.52 of the 125076  
Revised Code; a lake facilities authority created under Chapter 125077  
353. of the Revised Code; a union cemetery district; a county 125078  
school financing district; a city, local, exempted village, 125079  
cooperative education, joint vocational school district; a 125080  
regional student education district created under section 125081  
3313.83 of the Revised Code; or a career-technical cooperative 125082  
education district created under section 3313.831 of the Revised 125083  
Code. 125084

(B) "Municipal corporation" means all municipal 125085  
corporations, including those that have adopted a charter under 125086  
Article XVIII, Ohio Constitution. 125087

(C) "Taxing authority" or "bond issuing authority" means, 125088  
in the case of any county, the board of county commissioners; in 125089

the case of a municipal corporation, the council or other 125090  
legislative authority of the municipal corporation; in the case 125091  
of a city, local, exempted village, cooperative education, or 125092  
joint vocational school district, the board of education; in the 125093  
case of a community college district, the board of trustees of 125094  
the district; in the case of a technical college district, the 125095  
board of trustees of the district; in the case of a detention 125096  
facility district, a district organized under section 2151.65 of 125097  
the Revised Code, or a combined district organized under 125098  
sections 2152.41 and 2151.65 of the Revised Code, the joint 125099  
board of county commissioners of the district; in the case of a 125100  
township, the board of township trustees; in the case of a joint 125101  
police district, the joint police district board; in the case of 125102  
a joint fire district, the board of fire district trustees; in 125103  
the case of a joint recreation district, the joint recreation 125104  
district board of trustees; in the case of a joint-county 125105  
alcohol, drug addiction, and mental health service district, the 125106  
district's board of alcohol, drug addiction, and mental health 125107  
services; in the case of a joint ambulance district or a fire 125108  
and ambulance district, the board of trustees of the district; 125109  
in the case of a union cemetery district, the legislative 125110  
authority of the municipal corporation and the board of township 125111  
trustees, acting jointly as described in section 759.341 of the 125112  
Revised Code; in the case of a drainage improvement district, 125113  
the board of county commissioners of the county in which the 125114  
drainage district is located; in the case of a lake facilities 125115  
authority, the board of directors; in the case of a joint 125116  
emergency medical services district, the joint board of county 125117  
commissioners of all counties in which all or any part of the 125118  
district lies; and in the case of a township police district, a 125119  
township fire district, a township road district, or a township 125120  
waste disposal district, the board of township trustees of the 125121

township in which the district is located. "Taxing authority" 125122  
also means the educational service center governing board that 125123  
serves as the taxing authority of a county school financing 125124  
district as provided in section 3311.50 of the Revised Code, the 125125  
board of directors of a regional student education district 125126  
created under section 3313.83 of the Revised Code, and the board 125127  
of directors of a career-technical cooperative education 125128  
district created under section 3313.831 of the Revised Code. 125129

(D) "Fiscal officer" in the case of a county, means the 125130  
county auditor; in the case of a municipal corporation, the city 125131  
auditor or village clerk, or an officer who, by virtue of the 125132  
charter, has the duties and functions of the city auditor or 125133  
village clerk, except that in the case of a municipal university 125134  
the board of directors of which have assumed, in the manner 125135  
provided by law, the custody and control of the funds of the 125136  
university, the chief accounting officer of the university shall 125137  
perform, with respect to the funds, the duties vested in the 125138  
fiscal officer of the subdivision by sections 5705.41 and 125139  
5705.44 of the Revised Code; in the case of a school district, 125140  
the treasurer of the board of education; in the case of a county 125141  
school financing district, the treasurer of the educational 125142  
service center governing board that serves as the taxing 125143  
authority; in the case of a township, the township fiscal 125144  
officer; in the case of a joint police district, the treasurer 125145  
of the district; in the case of a joint fire district, the clerk 125146  
of the board of fire district trustees; in the case of a joint 125147  
ambulance district, the clerk of the board of trustees of the 125148  
district; in the case of a joint emergency medical services 125149  
district, the person appointed as fiscal officer pursuant to 125150  
division (D) of section 307.053 of the Revised Code; in the case 125151  
of a fire and ambulance district, the person appointed as fiscal 125152

officer pursuant to division (B) of section 505.375 of the Revised Code; in the case of a joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; in the case of a union cemetery district, the clerk of the municipal corporation designated in section 759.34 of the Revised Code; in the case of a children's home district, educational service center, general health district, joint-county alcohol, drug addiction, and mental health service district, county library district, detention facility district, district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a metropolitan park district for which no treasurer has been appointed pursuant to section 1545.07 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; in the case of a metropolitan park district which has appointed a treasurer pursuant to section 1545.07 of the Revised Code, that treasurer; in the case of a drainage improvement district, the auditor of the county in which the drainage improvement district is located; in the case of a lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code; in the case of a regional student education district, the fiscal officer appointed pursuant to section 3313.83 of the Revised Code; in the case of a career-technical cooperative education district, the fiscal officer appointed pursuant to section 3313.831 of the Revised Code; and in all other cases, the officer responsible for keeping the appropriation accounts and drawing warrants for the expenditure of the moneys of the district or taxing unit.

(E) "Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or

usefulness of five years or more, including land and interests 125184  
therein, and reconstructions, enlargements, and extensions 125185  
thereof having an estimated life or usefulness of five years or 125186  
more. 125187

(F) "Current operating expenses" and "current expenses" 125188  
mean the lawful expenditures of a subdivision, except those for 125189  
permanent improvements, and except payments for interest, 125190  
sinking fund, and retirement of bonds, notes, and certificates 125191  
of indebtedness of the subdivision. 125192

(G) "Debt charges" means interest, sinking fund, and 125193  
retirement charges on bonds, notes, or certificates of 125194  
indebtedness. 125195

(H) "Taxing unit" means any subdivision or other 125196  
governmental district having authority to levy taxes on the 125197  
property in the district or issue bonds that constitute a charge 125198  
against the property of the district, including conservancy 125199  
districts, metropolitan park districts, sanitary districts, road 125200  
districts, and other districts. 125201

(I) "District authority" means any board of directors, 125202  
trustees, commissioners, or other officers controlling a 125203  
district institution or activity that derives its income or 125204  
funds from two or more subdivisions, such as the educational 125205  
service center, the trustees of district children's homes, the 125206  
district board of health, a joint-county alcohol, drug 125207  
addiction, and mental health service district's board of 125208  
alcohol, drug addiction, and mental health services, detention 125209  
facility districts, a joint recreation district board of 125210  
trustees, districts organized under section 2151.65 of the 125211  
Revised Code, combined districts organized under sections 125212  
2152.41 and 2151.65 of the Revised Code, and other such boards. 125213

(J) "Tax list" and "tax duplicate" mean the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code. 125214  
125215  
125216

(K) "Property" as applied to a tax levy means taxable property listed on general tax lists and duplicates. 125217  
125218

(L) "Association library district" means a territory, the boundaries of which are defined by the state library board pursuant to division (I) of section 3375.01 of the Revised Code, in which a library association or private corporation maintains a free public library. 125219  
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125221  
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(M) "Library district" means a territory, the boundaries of which are defined by the state library board pursuant to section 3375.01 of the Revised Code, in which the board of trustees of a county, municipal corporation, school district, or township public library maintains a free public library. 125224  
125225  
125226  
125227  
125228

(N) "Qualifying library levy" means either of the following: 125229  
125230

(1) A levy for the support of a library association or private corporation that has an association library district with boundaries that are not identical to those of a subdivision; 125231  
125232  
125233  
125234

(2) A levy proposed under section 5705.23 of the Revised Code for the support of the board of trustees of a public library that has a library district with boundaries that are not identical to those of a subdivision. 125235  
125236  
125237  
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(O) "School library district" means a school district in which a free public library has been established that is under the control and management of a board of library trustees as provided in section 3375.15 of the Revised Code. 125239  
125240  
125241  
125242

- (P) ~~"The county auditor's appraised Market value"~~ means the true value in money of real property. 125243  
125244
- (Q) (1) "Effective rate" means one of the following: 125245
- (a) For a levy that is the renewal of an existing levy or an existing levy extended to additional territory, the effective tax rate of the levy on class one property, as most recently determined by the county auditor under section 323.08 of the Revised Code; 125246  
125247  
125248  
125249  
125250
- (b) For a levy that is the increase of an existing levy, the effective tax rate of the portion of the levy equal to the rate of the existing levy on class one property, as most recently determined by the county auditor under section 323.08 of the Revised Code, plus the rate of the additional portion of the levy; 125251  
125252  
125253  
125254  
125255  
125256
- (c) For a levy that is the decrease of an existing levy, the effective tax rate of the levy on class one property, as most recently determined by the county auditor under section 323.08 of the Revised Code, and as proportionately reduced to account for the decrease pursuant to rules adopted by the tax commissioner. 125257  
125258  
125259  
125260  
125261  
125262
- (2) As used in division (Q) (1) of this section: 125263
- (a) "Effective tax rate" has the same meaning in section 323.08 of the Revised Code. 125264  
125265
- (b) "Class one property" means real property classified as residential or agricultural under section 5713.041 of the Revised Code. 125266  
125267  
125268
- (R) "Qualifying subdivision" means a taxing unit, created by one or more member authorities, with a taxing authority or 125269  
125270

any other governing authority the majority of the members of 125271  
which are not required to be elected local officials. 125272

(S) "Elected local official" means a member of a board of 125273  
township trustees, a board of county commissioners, a 125274  
legislative authority of a municipal corporation, a board of 125275  
education of a city, local, or exempted village school district, 125276  
or an educational service center governing board, or any other 125277  
township, county, or municipal official serving in an elected 125278  
office. 125279

(T) "Member authority" means the board of commissioners of 125280  
a county, the board of trustees of a township, the legislative 125281  
authority of a municipal corporation, the board of education of 125282  
a city, local, or exempted village school district, or the 125283  
educational service center governing board that either created 125284  
or joined a qualifying subdivision and remains a member thereof 125285  
or has territory therein. 125286

**Sec. 5705.03.** (A) The taxing authority of each subdivision 125287  
may levy taxes annually, subject to the limitations of sections 125288  
5705.01 to 5705.47 of the Revised Code, on the real and personal 125289  
property within the subdivision for the purpose of paying the 125290  
current operating expenses of the subdivision and acquiring or 125291  
constructing permanent improvements. The taxing authority of 125292  
each subdivision and taxing unit shall, subject to the 125293  
limitations of such sections, levy such taxes annually as are 125294  
necessary to pay the interest and sinking fund on and retire at 125295  
maturity the bonds, notes, and certificates of indebtedness of 125296  
such subdivision and taxing unit, including levies in 125297  
anticipation of which the subdivision or taxing unit has 125298  
incurred indebtedness. 125299

(B) (1) When a taxing authority determines that it is 125300

necessary to levy a tax outside the ten-mill limitation for any 125301  
purpose authorized by the Revised Code, the taxing authority 125302  
shall certify to the county auditor a resolution or ordinance 125303  
requesting that the county auditor certify to the taxing 125304  
authority the amounts described in division (B)(2) of this 125305  
section. The resolution or ordinance shall state all of the 125306  
following: 125307

(a) The proposed rate of the tax, expressed in mills for 125308  
each one dollar of taxable value, or the dollar amount of 125309  
revenue to be generated by the proposed tax; 125310

(b) The purpose of the tax; 125311

(c) Whether the tax is an additional levy, a renewal ~~or a~~ 125312  
~~replacement~~ of an existing tax, a renewal ~~or replacement~~ of an 125313  
existing tax with an increase or a decrease, a reduction or 125314  
decrease of an existing tax, or an extension of an existing tax 125315  
to additional territory; 125316

(d) The section of the Revised Code authorizing submission 125317  
of the question of the tax; 125318

(e) The term of years of the tax or if the tax is for a 125319  
continuing period of time; 125320

(f) That the tax is to be levied upon the entire territory 125321  
of the subdivision or, if authorized by the Revised Code, a 125322  
description of the portion of the territory of the subdivision 125323  
in which the tax is to be levied; 125324

(g) The date of the election at which the question of the 125325  
tax shall appear on the ballot; 125326

(h) That the ballot measure shall be submitted to the 125327  
entire territory of the subdivision or, if authorized by the 125328

Revised Code, a description of the portion of the territory of 125329  
the subdivision to which the ballot measure shall be submitted; 125330

(i) The tax year in which the tax will first be levied and 125331  
the calendar year in which the tax will first be collected; 125332

(j) Each such county in which the subdivision has 125333  
territory. 125334

(2) Upon receipt of a resolution or ordinance certified 125335  
under division (B) (1) of this section, the county auditor shall 125336  
certify to the taxing authority each of the following, as 125337  
applicable to that levy: 125338

(a) The total current tax valuation of the subdivision. 125339

(b) The number of mills for each one dollar of taxable 125340  
value that is required to generate a specified amount of 125341  
revenue. 125342

(c) Either of the following: 125343

(i) If the levy is to renew, renew and increase, renew and 125344  
decrease, reduce or decrease, or extend to additional territory 125345  
an existing levy that is subject to reduction under section 125346  
319.301 of the Revised Code, the levy's effective rate, 125347  
expressed in dollars, rounded to the nearest dollar, for each 125348  
one hundred thousand dollars of ~~the county auditor's appraised~~ 125349  
market value; 125350

(ii) For all other levies, the levy's rate, described in 125351  
division (B) (2) (b) or (d) of this section, expressed in dollars, 125352  
rounded to the nearest dollar, for each one hundred thousand 125353  
dollars of the ~~county auditor's appraised~~ market value. 125354

(d) The dollar amount of revenue, rounded to the nearest 125355  
dollar, that would be generated by a specified number of mills 125356

for each one dollar of taxable value. 125357

(e) For any levy or portion of a levy except a levy or 125358  
portion of a levy to pay debt charges, an estimate of the levy's 125359  
annual collections, rounded to the nearest dollar, which shall 125360  
be calculated assuming that the amount of the tax list of the 125361  
taxing authority remains throughout the life of the levy the 125362  
same as the amount of the tax list most recently certified by 125363  
the auditor under division (A) of section 319.28 of the Revised 125364  
Code. 125365

(f) If the purpose of the tax is for current expenses or 125366  
current operating expenses and the resolution is certified by a 125367  
city, local, or exempted village school district, the amount by 125368  
which the carry-over balance in the district's general operating 125369  
budget from the preceding fiscal year exceeds the district's 125370  
general fund expenditures made in the preceding fiscal year, 125371  
expressed both in dollars and as a percentage of those 125372  
expenditures. This amount and percentage shall be determined on 125373  
the basis of the most recent certification made by the district 125374  
to the county budget commission under section 5705.36 of the 125375  
Revised Code. 125376

If a subdivision is located in more than one county, the 125377  
county auditor shall obtain from the county auditor of each 125378  
other county in which the subdivision is located the current tax 125379  
valuation for the portion of the subdivision in that county. The 125380  
county auditor shall issue the certification to the taxing 125381  
authority within ten days after receiving the taxing authority's 125382  
resolution or ordinance requesting it. 125383

(3) Upon receiving the certification from the county 125384  
auditor under division (B) (2) of this section, unless the 125385  
percentage certified under division (B) (2) (f) of this section is 125386

one hundred per cent or more, the taxing authority may adopt a 125387  
resolution or ordinance stating the rate of the tax levy, 125388  
expressed in mills for each one dollar of taxable value and the 125389  
rate or effective rate, as applicable, in dollars for each one 125390  
hundred thousand dollars of ~~the county auditor's appraised~~ 125391  
market value, as estimated by the county auditor, and that the 125392  
taxing authority will proceed with the submission of the 125393  
question of the tax to electors. The taxing authority shall 125394  
certify this resolution or ordinance, a copy of the county 125395  
auditor's certifications, and the resolution or ordinance the 125396  
taxing authority adopted under division (B) (1) of this section 125397  
to the proper county board of elections in the manner and within 125398  
the time prescribed by the section of the Revised Code governing 125399  
submission of the question. The county board of elections shall 125400  
not submit the question of the tax to electors unless a copy of 125401  
the county auditor's certification accompanies the resolutions 125402  
or ordinances the taxing authority certifies to the board. 125403  
Before requesting a taxing authority to submit a tax levy, any 125404  
agency or authority authorized to make that request shall first 125405  
request the certification from the county auditor provided under 125406  
this section. 125407

(4) This division is supplemental to, and not in 125408  
derogation of, any similar requirement governing the 125409  
certification by the county auditor of the tax valuation of a 125410  
subdivision or necessary tax rates for the purposes of the 125411  
submission of the question of a tax in excess of the ten-mill 125412  
limitation, including ~~sections~~ section 133.18 and ~~5705.195~~ of 125413  
the Revised Code. 125414

(C) All taxes levied on property shall be extended on the 125415  
tax list and duplicate by the county auditor of the county in 125416  
which the property is located, and shall be collected by the 125417

county treasurer of such county in the same manner and under the 125418  
same laws and rules as are prescribed for the assessment and 125419  
collection of county taxes. The proceeds of any tax levied by or 125420  
for any subdivision when received by its fiscal officer shall be 125421  
deposited in its treasury to the credit of the appropriate fund. 125422

**Sec. 5705.12.** In addition to the funds provided for by 125423  
sections 5705.09, 5705.121, 5705.13, and 5705.131 of the Revised 125424  
Code, the taxing authority of a subdivision may establish, with 125425  
the approval of and in the manner prescribed by the auditor of 125426  
state, such other funds as are desirable, and may provide by 125427  
ordinance or resolution that money derived from specified 125428  
sources other than the general property tax shall be paid 125429  
directly into such funds. ~~The auditor of state shall consult~~ 125430  
~~with the tax commissioner before approving such funds.~~ 125431

**Sec. 5705.121.** A municipal corporation may establish in 125432  
the manner provided by law a sanitary police pension fund, an 125433  
urban redevelopment tax increment equivalent fund, or a cemetery 125434  
fund. 125435

A township may establish by law a cemetery fund. 125436

A subdivision that levies a tax for the purpose described 125437  
in division (ZZ) or (AAA) of section 5705.19 of the Revised Code 125438  
shall establish a general capital and infrastructure fund to 125439  
which the proceeds from that levy shall be credited. By 125440  
resolution or ordinance, the taxing authority may establish 125441  
accounts within that fund for any of the several particular 125442  
purposes for which such money may lawfully be spent, may 125443  
eliminate such accounts when no longer necessary or desirable, 125444  
and may transfer money between such accounts. Money in the fund 125445  
may not be used to pay the compensation of officers or employees 125446  
of the subdivision. 125447

The board of health of a city or general health district 125448  
may establish the home health services fund referred to in 125449  
section 3709.15 of the Revised Code. 125450

**Sec. 5705.13.** (A) A taxing authority of a subdivision, by 125451  
resolution or ordinance, may establish reserve balance accounts 125452  
to accumulate currently available resources for the following 125453  
purposes: 125454

(1) To stabilize subdivision budgets against cyclical 125455  
changes in revenues and expenditures; 125456

(2) Except as otherwise provided by this section, to 125457  
provide for the payment of claims and deductibles under an 125458  
individual or joint self-insurance program for the subdivision, 125459  
if the subdivision is permitted by law to establish such a 125460  
program; 125461

(3) To provide for the payment of claims, assessments, and 125462  
deductibles under a self-insurance program, individual 125463  
retrospective ratings plan, group rating plan, group 125464  
retrospective rating plan, medical only program, deductible 125465  
plan, or large deductible plan for workers' compensation. 125466

The ordinance or resolution establishing a reserve balance 125467  
account shall state the purpose for which the account is 125468  
established, the fund in which the account is to be established, 125469  
and the total amount of money to be reserved in the account. 125470

Not more than one reserve balance account may be 125471  
established for each of the purposes permitted under divisions 125472  
(A) (2) and (3) of this section. Money to the credit of a reserve 125473  
balance account may be expended only for the purpose for which 125474  
the account was established. 125475

A reserve balance account established for the purpose 125476

described in division (A) (1) of this section may be established 125477  
in the general fund or in one or more special funds for 125478  
operating purposes of the subdivision. The amount of money to be 125479  
reserved in such an account in any fiscal year shall not exceed 125480  
five per cent of the revenue credited in the preceding fiscal 125481  
year to the fund in which the account is established, or, in the 125482  
case of a reserve balance account of a county or of a township, 125483  
the greater of that amount or one-sixth of the expenditures 125484  
during the preceding fiscal year from the fund in which the 125485  
account is established. ~~Subject to division (F) of section~~ 125486  
~~5705.29 of the Revised Code, any reserve balance in an account~~ 125487  
~~established under division (A) (1) of this section shall not be~~ 125488  
~~considered part of the unencumbered balance or revenue of the~~ 125489  
~~subdivision under division (A) of section 5705.35 or division~~ 125490  
~~(A) (1) of section 5705.36 of the Revised Code.~~ 125491

At any time, a taxing authority of a subdivision, by 125492  
resolution or ordinance, may reduce or eliminate the reserve 125493  
balance in a reserve balance account established for the purpose 125494  
described in division (A) (1) of this section. 125495

A reserve balance account established for the purpose 125496  
described in division (A) (2) or (3) of this section shall be 125497  
established in the general fund of the subdivision or by the 125498  
establishment of a separate internal service fund established to 125499  
account for the operation of an individual or joint self- 125500  
insurance program described in division (A) (2) of this section 125501  
or a workers' compensation program or plan described in division 125502  
(A) (3) of this section, and shall be based on sound actuarial 125503  
principles. The total amount of money in a reserve balance 125504  
account for self-insurance may be expressed in dollars or as the 125505  
amount determined to represent an adequate reserve according to 125506  
sound actuarial principles. 125507

A taxing authority of a subdivision, by resolution or ordinance, may rescind a reserve balance account established under this division. If a reserve balance account is rescinded, money that has accumulated in the account shall be transferred to the fund or funds from which the money originally was transferred.

(B) A taxing authority of a subdivision, by resolution or ordinance, may establish a special revenue fund for the purpose of accumulating resources for the payment of accumulated sick leave and vacation leave, and for payments in lieu of taking compensatory time off, upon the termination of employment or the retirement of officers and employees of the subdivision. The special revenue fund may also accumulate resources for payment of salaries during any fiscal year when the number of pay periods exceeds the usual and customary number of pay periods. Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the Revised Code, the taxing authority, by resolution or ordinance, may transfer money to the special revenue fund from any other fund of the subdivision from which such payments may lawfully be made. The taxing authority, by resolution or ordinance, may rescind a special revenue fund established under this division. If a special revenue fund is rescinded, money that has accumulated in the fund shall be transferred to the fund or funds from which the money originally was transferred.

(C) A taxing authority of a subdivision, by resolution or ordinance, may establish a capital projects fund for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the subdivision. For the purposes of this section, "fixed assets" includes motor vehicles. More than one capital projects fund may be established and may exist at any time. The ordinance or resolution shall identify the

source of the money to be used to acquire, construct, or improve 125539  
the fixed assets identified in the resolution or ordinance, the 125540  
amount of money to be accumulated for that purpose, the period 125541  
of time over which that amount is to be accumulated, and the 125542  
fixed assets that the taxing authority intends to acquire, 125543  
construct, or improve with the money to be accumulated in the 125544  
fund. 125545

A taxing authority of a subdivision shall not accumulate 125546  
money in a capital projects fund for more than ten years after 125547  
the resolution or ordinance establishing the fund is adopted. If 125548  
the subdivision has not entered into a contract for the 125549  
acquisition, construction, or improvement of fixed assets for 125550  
which money was accumulated in such a fund before the end of 125551  
that ten-year period, the fiscal officer of the subdivision 125552  
shall transfer all money in the fund to the fund or funds from 125553  
which that money originally was transferred or the fund that 125554  
originally was intended to receive the money. 125555

A taxing authority of a subdivision, by resolution or 125556  
ordinance, may rescind a capital projects fund. If a capital 125557  
projects fund is rescinded, money that has accumulated in the 125558  
fund shall be transferred to the fund or funds from which the 125559  
money originally was transferred. 125560

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of 125561  
the Revised Code, the taxing authority of a subdivision, by 125562  
resolution or ordinance, may transfer money to the capital 125563  
projects fund from any other fund of the subdivision that may 125564  
lawfully be used for the purpose of acquiring, constructing, or 125565  
improving the fixed assets identified in the resolution or 125566  
ordinance. 125567

**Sec. 5705.131.** A taxing authority of a subdivision may 125568

establish a nonexpendable trust fund for the purpose of 125569  
receiving donations or contributions that the donor or 125570  
contributor requires to be maintained intact. The principal of 125571  
such fund may be invested, and the investment earnings on the 125572  
principal shall be credited to the fund. ~~The principal of the~~ 125573  
~~fund, and any additions to principal arising from sources other~~ 125574  
~~than the reinvestment of investment earnings arising from the~~ 125575  
~~fund, shall not be considered part of the unencumbered balance~~ 125576  
~~or revenue of the subdivision under division (A) of section~~ 125577  
~~5705.35 or division (A) (1) of section 5705.36 of the Revised~~ 125578  
~~Code. Only investment earnings arising from investment of the~~ 125579  
~~principal or investment of such additions to principal may be~~ 125580  
~~considered an unencumbered balance or revenue of the subdivision~~ 125581  
~~under that division.~~ 125582

**Sec. 5705.132.** In addition to any reserve balance account 125583  
established under section 5705.13 of the Revised Code, a board 125584  
of township trustees, by resolution, may establish a reserve 125585  
balance account to accumulate currently available resources for 125586  
any purpose for which the board may lawfully expend money of the 125587  
township other than for the purposes for which a reserve balance 125588  
account may be established under section 5705.13 of the Revised 125589  
Code. Money may be transferred to the reserve balance account 125590  
from another fund or account of the township only if money in 125591  
that fund or account may lawfully be expended for the purpose 125592  
for which the reserve balance account is created. A reserve 125593  
balance account created under this section may exist for not 125594  
more than five fiscal years beginning with the first fiscal year 125595  
in which money is credited to the account. The total amount of 125596  
money to the credit of all reserve balance accounts established 125597  
under this section at any time in any fiscal year shall not 125598  
exceed five per cent of the total of the township's revenue from 125599

all sources for the preceding fiscal year and any unencumbered 125600  
balances carried over to the current fiscal year from the 125601  
preceding fiscal year. Money in a reserve balance account shall 125602  
be expended only for the purpose for which the account is 125603  
established. More than one reserve balance account may be 125604  
established under this section. 125605

The resolution establishing a reserve balance account 125606  
shall state the specific purpose for which the account is 125607  
established, the fund within which the account is established, 125608  
the fund or account from which money shall be transferred to the 125609  
account, and the number of years the account will exist. The 125610  
resolution shall specify the maximum total amount of money that 125611  
may be credited to the account during its existence and the 125612  
maximum amount of money to be credited to the account each 125613  
fiscal year the account exists. The board, by subsequent 125614  
resolution, may change the amount to be credited and the source 125615  
from which money is transferred, subject to the limitations of 125616  
this section. 125617

The board, by resolution, may rescind a reserve balance 125618  
account established under this section before the expiration of 125619  
the account. The board, by resolution, may extend the life of a 125620  
reserve balance account, provided that the total number of years 125621  
the fund exists shall not exceed five fiscal years beginning 125622  
with the first fiscal year in which money is credited to the 125623  
account. 125624

Upon the expiration or rescission of a reserve balance 125625  
account established under this section, any unexpended balance 125626  
in the account shall be transferred to the fund or account from 125627  
which money in the account was originally transferred. If money 125628  
in the account originally was transferred from more than one 125629

fund or account, a pro rata share of the unexpended balance 125630  
shall be transferred to each such fund or account proportionate 125631  
to the amount originally transferred from that fund or account. 125632

~~The balance to the credit of a reserve balance account 125633  
shall not be considered part of the unencumbered balance or 125634  
revenue of the township under division (A) of section 5705.35 or 125635  
division (A) (1) of section 5705.36 of the Revised Code. 125636~~

**Sec. 5705.14.** No transfer shall be made from one fund of a 125637  
subdivision to any other fund, by order of the court or 125638  
otherwise, except as follows: 125639

(A) The unexpended balance in a bond fund that is no 125640  
longer needed for the purpose for which such fund was created 125641  
shall be transferred to the sinking fund or bond retirement fund 125642  
from which such bonds are payable. 125643

(B) The unexpended balance in any specific permanent 125644  
improvement fund, other than a bond fund, after the payment of 125645  
all obligations incurred in the acquisition of such improvement, 125646  
shall be transferred to the sinking fund or bond retirement fund 125647  
of the subdivision; provided that if such money is not required 125648  
to meet the obligations payable from such funds, it may be 125649  
transferred to a special fund for the acquisition of permanent 125650  
improvements, or, with the approval of the court of common pleas 125651  
of the county in which such subdivision is located, to the 125652  
general fund of the subdivision. 125653

(C) (1) Except as provided in division (C) (2) of this 125654  
section, the unexpended balance in the sinking fund or bond 125655  
retirement fund of a subdivision, after all indebtedness, 125656  
interest, and other obligations for the payment of which such 125657  
fund exists have been paid and retired, shall be transferred, in 125658

the case of the sinking fund, to the bond retirement fund, and 125659  
in the case of the bond retirement fund, to the sinking fund; 125660  
provided that if such transfer is impossible by reason of the 125661  
nonexistence of the fund to receive the transfer, such 125662  
unexpended balance, with the approval of the court of common 125663  
pleas of the county in which such division is located, may be 125664  
transferred to any other fund of the subdivision. 125665

(2) Money in a bond fund or bond retirement fund of a 125666  
city, local, exempted village, cooperative education, or joint 125667  
vocational school district may be transferred to a specific 125668  
permanent improvement fund provided that the county budget 125669  
commission of the county in which the school district is located 125670  
approves the transfer upon its determination that the money 125671  
transferred will not be required to meet the obligations payable 125672  
from the bond fund or bond retirement fund. In arriving at such 125673  
a determination, the county budget commission shall consider the 125674  
balance of the bond fund or bond retirement fund, the 125675  
outstanding obligations payable from the fund, and the sources 125676  
and timing of the fund's revenue. 125677

(D) The unexpended balance in any special fund, other than 125678  
an improvement fund, existing in accordance with division (D), 125679  
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 125680  
Code, may be transferred to the general fund or to the sinking 125681  
fund or bond retirement fund after the termination of the 125682  
activity, service, or other undertaking for which such special 125683  
fund existed, but only after the payment of all obligations 125684  
incurred and payable from such special fund. 125685

(E) Money may be transferred from the general fund to any 125686  
other fund of the subdivision. 125687

(F) Moneys retained or received by a county under section 125688

4501.04 or division (A) (2) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund from which any principal, interest, or charges for which such moneys may be used is payable.

(G) Moneys retained or received by a municipal corporation under section 4501.04 or division (A) (1) of section 5735.27 of the Revised Code may be transferred from the fund into which they were deposited to the sinking fund or bond retirement fund from which any principal, interest, or charges for which such moneys may be used is payable.

(H) (1) Money may be transferred from the county developmental disabilities general fund to the county developmental disabilities capital fund established under section 5705.091 of the Revised Code or to any other fund created for the purposes of the county board of developmental disabilities, so long as money in the fund to which the money is transferred can be spent for the particular purpose of the transferred money. The county board of developmental disabilities may request, by resolution, that the board of county commissioners make the transfer. The county board of developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners may make the transfer. Money transferred to a fund shall be credited to an account appropriate to its particular purpose.

(2) An unexpended balance in an account in the county developmental disabilities capital fund or any other fund created for the purposes of the county board of developmental disabilities may be transferred back to the county developmental

disabilities general fund. The transfer may be made if the 125719  
unexpended balance is no longer needed for its particular 125720  
purpose and all outstanding obligations have been paid. Money 125721  
transferred back to the county developmental disabilities 125722  
general fund shall be credited to an account for current 125723  
expenses within that fund. The county board of developmental 125724  
disabilities may request, by resolution, that the board of 125725  
county commissioners make the transfer. The county board of 125726  
developmental disabilities shall transmit a certified copy of 125727  
the resolution to the board of county commissioners. Upon 125728  
receiving the resolution, the board of county commissioners may 125729  
make the transfer. 125730

(I) Money may be transferred from the public assistance 125731  
fund established under section 5101.161 of the Revised Code to 125732  
either of the following funds, so long as the money to be 125733  
transferred from the public assistance fund may be spent for the 125734  
purposes for which money in the receiving fund may be used: 125735

(1) The children services fund established under section 125736  
~~5101.144~~5180.411 of the Revised Code; 125737

(2) The child support enforcement administrative fund 125738  
established, as authorized under rules adopted by the director 125739  
of job and family services, in the county treasury for use by 125740  
any county family services agency. 125741

(J) Notwithstanding this section, money in any fund or 125742  
account of a village dissolved in accordance with sections 125743  
703.31 to 703.39 of the Revised Code may be transferred by the 125744  
receiver-trustee to a special account for the purpose of paying 125745  
the debts, obligations, and liabilities of the dissolved village 125746  
or to the general fund of any township into which the territory 125747  
of the village is dissolved for any purpose that directly or 125748

indirectly benefits the former territory of the dissolved 125749  
village. 125750

(K) Except in the case of transfer pursuant to division 125751  
(E) or (J) of this section, transfers authorized by this section 125752  
shall only be made by resolution of the taxing authority passed 125753  
with the affirmative vote of two-thirds of the members. 125754

**Sec. 5705.17.** (A) As used in this section: 125755

(1) "Qualifying levy" means any levy in excess of the ten- 125756  
mill limitation for current expenses or current operating 125757  
expenses. 125758

(2) "School district" means a city, local, or exempted 125759  
village school district. 125760

(B) Notwithstanding anything in the Revised Code to the 125761  
contrary, any election notice and ballot language for qualifying 125762  
levy submitted to electors by a school district shall display 125763  
the information certified by the county auditor in division (B) 125764  
(2)(f) of section 5705.03 of the Revised Code. The secretary of 125765  
state shall prescribe the form of the notice and ballot to 125766  
incorporate this information. 125767

**Sec. 5705.194.** The board of education of any city, local, 125768  
exempted village, cooperative education, or joint vocational 125769  
school district at any time before the effective date of this 125770  
amendment may declare by resolution, by a vote of two-thirds of 125771  
all of its members, that the revenue that will be raised by all 125772  
tax levies which the district is authorized to impose, when 125773  
combined with state and federal revenues, will be insufficient 125774  
to provide for the emergency requirements of the school district 125775  
or to avoid an operating deficit, and that it is therefore 125776  
necessary to levy an additional tax in excess of the ten-mill 125777

limitation. The resolution shall be confined to a single purpose 125778  
and shall specify that purpose. If the levy is proposed to renew 125779  
all or a portion of the proceeds derived from one or more 125780  
existing levies imposed pursuant to this section, it shall be 125781  
called a renewal levy and shall be so designated on the ballot. 125782  
If two or more existing levies are to be included in a single 125783  
renewal levy but are not scheduled to expire in the same year, 125784  
the resolution shall specify that the existing levies to be 125785  
renewed shall not be levied after the year preceding the year in 125786  
which the renewal levy is first imposed. Notwithstanding the 125787  
original purpose of any one or more existing levies that are to 125788  
be in any single renewal levy, the purpose of the renewal levy 125789  
may be either to avoid an operating deficit or to provide for 125790  
the emergency requirements of the school district. The 125791  
resolution shall further specify the amount of money it is 125792  
necessary to raise for the specified purpose for each calendar 125793  
year the millage is to be imposed; if a renewal levy, whether 125794  
the levy is to renew all, or a portion of, the proceeds derived 125795  
from one or more existing levies; and the number of years in 125796  
which the millage is to be in effect, which may include a levy 125797  
upon the current year's tax list. The number of years may be any 125798  
number not exceeding ten. 125799

The question shall be submitted at a special election on a 125800  
date specified in the resolution. The date shall not be earlier 125801  
than eighty days after the adoption and certification of the 125802  
resolution to the county auditor and shall be consistent with 125803  
the requirements of section 3501.01 of the Revised Code. A 125804  
resolution for a renewal levy shall not be placed on the ballot 125805  
unless the question is submitted on a date on which a special 125806  
election may be held under division (D) of section 3501.01 of 125807  
the Revised Code, except for the first Tuesday after the first 125808

Monday in August, during the last year the levy to be renewed 125809  
may be extended on the real and public utility property tax list 125810  
and duplicate, or at any election held in the ensuing year, 125811  
except that if the resolution proposes renewing two or more 125812  
existing levies, the question shall be submitted on the date of 125813  
the general or primary election held during the last year at 125814  
least one of the levies to be renewed may be extended on that 125815  
list and duplicate, or at any election held during the ensuing 125816  
year. For purposes of this section ~~and sections 5705.197 and~~ 125817  
section 5705.199 of the Revised Code, a levy shall be considered 125818  
to be an "existing levy" through the year following the last 125819  
year it can be placed on the real and public utility property 125820  
tax list and duplicate. 125821

The submission of questions to the electors under this 125822  
section is subject to the limitation on the number of election 125823  
dates established by section 5705.214 of the Revised Code. 125824

The resolution shall go into immediate effect upon its 125825  
passage, and no publication of the resolution shall be necessary 125826  
other than that provided for in the notice of election. A copy 125827  
of the resolution shall immediately after its passing be 125828  
certified to the county auditor of the proper county. ~~Section~~ 125829  
~~5705.195 of the Revised Code shall govern the arrangements for~~ 125830  
~~the submission of questions to the electors under this section~~ 125831  
~~and other matters concerning the election.~~ Publication of notice 125832  
of the election shall be made in one newspaper of general 125833  
circulation in the county once a week for two consecutive weeks, 125834  
or as provided in section 7.16 of the Revised Code, prior to the 125835  
election. If the board of elections operates and maintains a web 125836  
site, the board of elections shall post notice of the election 125837  
on its web site for thirty days prior to the election. If a 125838  
majority of the electors voting on the question submitted in an 125839

election vote in favor of the levy, the board of education of 125840  
the school district may make the additional levy necessary to 125841  
raise the amount specified in the resolution for the purpose 125842  
stated in the resolution. The tax levy shall be included in the 125843  
next tax budget that is certified to the county budget 125844  
commission. 125845

After the approval of the levy and prior to the time when 125846  
the first tax collection from the levy can be made, the board of 125847  
education may anticipate a fraction of the proceeds of the levy 125848  
and issue anticipation notes in an amount not exceeding the 125849  
total estimated proceeds of the levy to be collected during the 125850  
first year of the levy. 125851

The notes shall be issued as provided in section 133.24 of 125852  
the Revised Code, shall have principal payments during each year 125853  
after the year of their issuance over a period not to exceed 125854  
five years, and may have principal payment in the year of their 125855  
issuance. 125856

**Sec. 5705.199.** (A) At any time before the effective date 125857  
of this amendment the board of education of a city, local, 125858  
exempted village, cooperative education, or joint vocational 125859  
school district, by a vote of two-thirds of all its members, may 125860  
declare by resolution that the revenue that will be raised by 125861  
all tax levies that the district is authorized to impose, when 125862  
combined with state and federal revenues, will be insufficient 125863  
to provide for the necessary requirements of the school 125864  
district, and that it is therefore necessary to levy a tax in 125865  
excess of the ten-mill limitation for the purpose of providing 125866  
for the necessary requirements of the school district. Such a 125867  
levy shall be proposed as a substitute for all or a portion of 125868  
one or more existing levies imposed under ~~sections~~ section 125869

5705.194 ~~to 5705.197~~ of the Revised Code or under this section, 125870  
by levying a tax as follows: 125871

(1) In the initial year the levy is in effect, the levy 125872  
shall be in a specified amount of money equal to the aggregate 125873  
annual dollar amount of proceeds derived from the levy or 125874  
levies, or portion thereof, being substituted. 125875

(2) In each subsequent year the levy is in effect, the 125876  
levy shall be in a specified amount of money equal to the sum of 125877  
the following: 125878

(a) The dollar amount of the proceeds derived from the 125879  
levy in the prior year; and 125880

(b) The dollar amount equal to the product of the total 125881  
taxable value of all taxable real property in the school 125882  
district in the then-current year, excluding carryover property 125883  
as defined in section 319.301 of the Revised Code, multiplied by 125884  
the annual levy, expressed in mills for each one dollar of 125885  
taxable value, that was required to produce the annual dollar 125886  
amount of the levy under this section in the prior year; 125887  
provided, that the amount under division (A) (2) (b) of this 125888  
section shall not be less than zero. 125889

~~(B) The resolution proposing the substitute levy shall 125890  
specify the annual dollar amount the levy is to produce in its 125891  
initial year; the first calendar year in which the levy will be 125892  
due; and the term of the levy expressed in years, which may be 125893  
any number not exceeding ten, or for a continuing period of 125894  
time. The resolution shall specify the date of holding the 125895  
election, which shall not be earlier than ninety days after 125896  
certification of the resolution to the board of elections, and 125897  
which shall be consistent with the requirements of section 125898~~

~~3501.01 of the Revised Code. If two or more existing levies are to be included in a single substitute levy, but are not scheduled to expire in the same year, the resolution shall specify that the existing levies to be substituted shall not be levied after the year preceding the year in which the substitute levy is first imposed.~~

~~The resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passage be certified to the county auditor in the manner provided by section 5705.195 of the Revised Code, and sections 5705.194 and 5705.196 of the Revised Code shall govern the arrangements for the submission of the question and other matters concerning the notice of election and the election, except as may be provided otherwise in this section.~~

~~(C) The form of the ballot to be used at the election on the question of a levy under this section shall be as follows:~~

~~"Shall a tax levy substituting for an existing levy be imposed by the \_\_\_\_\_ (here insert name of school district) for the purpose of providing for the necessary requirements of the school district in the initial sum of \$\_\_\_\_\_ (here insert the annual dollar amount the levy is to produce in its initial year), and a levy of taxes be made outside of the ten-mill limitation estimated by the county auditor to require \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of the county auditor's appraised value for the initial year of the tax, for a period of \_\_\_\_\_ (here insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of~~

~~time), commencing in \_\_\_\_\_ (first year the tax is to be levied), first due in calendar year \_\_\_\_\_ (first calendar year in which the tax shall be due), with the sum of such tax to increase only if and as new land or real property improvements not previously taxed by the school district are added to its tax list?~~ 125929  
125930  
125931  
125932  
125933  
125934  
125935

	<del>FOR THE TAX LEVY</del>
	<del>AGAINST THE TAX LEVY</del>

"

~~If the levy submitted is a proposal to substitute all or a portion of more than one existing levy, the form of the ballot may be changed so long as the ballot reflects the number of levies to be substituted and that none of the existing levies to be substituted will be levied after the year preceding the year in which the substitute levy is first imposed. The form of the ballot shall be modified by substituting the statement "Shall a tax levy substituting for an existing levy" with "Shall a tax levy substituting for existing levies" and adding the following statement after "added to its tax list?" and before "For the Tax Levy":~~ 125936  
125937  
125938  
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125940  
125941  
125942  
125943  
125944  
125945  
125946

~~"If approved, any remaining tax years on any of the \_\_\_\_\_ (here insert the number of existing levies) existing levies will not be collected after \_\_\_\_\_ (here insert the current tax year or, if not the current tax year, the applicable tax year)."~~ 125947  
125948  
125949  
125950  
125951

~~(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.~~ 125952  
125953  
125954

~~(E)~~—If a majority of the electors voting on the question 125955  
so submitted in an election vote in favor of the levy, the board 125956  
of education may make the necessary levy within the school 125957  
district at the rate and for the purpose stated in the 125958  
resolution. The tax levy shall be included in the next tax 125959  
budget that is certified to the county budget commission. 125960

~~(F)~~(C) A levy for a continuing period of time may be 125961  
decreased pursuant to section 5705.261 of the Revised Code. 125962

~~(G)~~ A levy under this section substituting for all or a 125963  
portion of one or more existing levies imposed under sections 125964  
5705.194 to 5705.197 of the Revised Code or under this section 125965  
shall be treated as having renewed the levy or levies being 125966  
substituted for purposes of the payments made under sections 125967  
5751.20 to 5751.22 of the Revised Code. 125968

~~(H)~~(D) After the approval of a levy on the current tax 125969  
list and duplicate, and prior to the time when the first tax 125970  
collection from the levy can be made, the board of education may 125971  
anticipate a fraction of the proceeds of the levy and issue 125972  
anticipation notes in a principal amount not exceeding fifty per 125973  
cent of the total estimated proceeds of the levy to be collected 125974  
during the first year of the levy. The notes shall be issued as 125975  
provided in section 133.24 of the Revised Code, shall have 125976  
principal payments during each year after the year of their 125977  
issuance over a period not to exceed five years, and may have a 125978  
principal payment in the year of their issuance. 125979

**Sec. 5705.21.** (A) At any time, the board of education of 125980  
any city, local, exempted village, cooperative education, or 125981  
joint vocational school district, by a vote of two-thirds of all 125982  
its members, may declare by resolution that the amount of taxes 125983  
that may be raised within the ten-mill limitation by levies on 125984

the current tax list will be insufficient to provide an adequate amount for the necessary requirements of the school district, that it is necessary to levy a tax in excess of such limitation for one of the purposes specified in division (A), (D), (F), (H), or (DD) of section 5705.19 of the Revised Code, for general permanent improvements, for the purpose of operating a cultural center, for the purpose of providing for school safety and security, or for the purpose of providing education technology, and that the question of such additional tax levy shall be submitted to the electors of the school district at a special election on a day to be specified in the resolution. In the case of a qualifying library levy for the support of a library association or private corporation, the question shall be submitted to the electors of the association library district. If the resolution states that the levy is for the purpose of operating a cultural center, the ballot shall state that the levy is "for the purpose of operating the\_\_\_\_\_ (name of cultural center)."

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

employment of or contracting for the services of safety 126016  
personnel, providing mental health services and counseling, or 126017  
providing training in safety and security practices and 126018  
responses. 126019

A resolution adopted under this division shall be confined 126020  
to a single purpose and shall specify the amount of the increase 126021  
in rate that it is necessary to levy, the purpose of the levy, 126022  
and the number of years during which the increase in rate shall 126023  
be in effect. The number of years may be any number not 126024  
exceeding five or, if the levy is for current expenses of the 126025  
district or for general permanent improvements, for a continuing 126026  
period of time. 126027

(B) (1) The board of education of a qualifying school 126028  
district, by resolution, by a vote of two-thirds of all of its 126029  
members, may declare that it is necessary to levy a tax in 126030  
excess of the ten-mill limitation for the purpose of paying the 126031  
current expenses of partnering community schools and, if any of 126032  
the levy proceeds are so allocated, of the district. A 126033  
qualifying school district that is not a municipal school 126034  
district may allocate all of the levy proceeds to partnering 126035  
community schools. A municipal school district shall allocate a 126036  
portion of the levy proceeds to the current expenses of the 126037  
district. The resolution shall declare that the question of the 126038  
additional tax levy shall be submitted to the electors of the 126039  
school district at a special election on a day to be specified 126040  
in the resolution. The resolution shall state the purpose of the 126041  
levy, the rate of the tax expressed in mills for each one dollar 126042  
of taxable value, the number of such mills to be levied for the 126043  
current expenses of the partnering community schools and the 126044  
number of such mills, if any, to be levied for the current 126045  
expenses of the school district, the number of years the tax 126046

will be levied, and the first year the tax will be levied. The 126047  
number of years the tax may be levied may be any number not 126048  
exceeding ten years, or for a continuing period of time. 126049

The levy of a tax for the current expenses of a partnering 126050  
community school under this section and the distribution of 126051  
proceeds from the tax by a qualifying school district to 126052  
partnering community schools is hereby determined to be a proper 126053  
public purpose. 126054

(2) (a) If any portion of the levy proceeds are to be 126055  
allocated to the current expenses of the qualifying school 126056  
district, the form of the ballot at an election held pursuant to 126057  
division (B) of this section shall be as follows: 126058

"Shall a levy be imposed by the \_\_\_\_\_ (insert the name 126059  
of the qualifying school district) for the purpose of current 126060  
expenses of the school district and of partnering community 126061  
schools, that the county auditor estimates will collect \$ \_\_\_\_\_ 126062  
annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 of 126063  
taxable value, of which \_\_\_\_\_ (insert the number of mills to be 126064  
allocated to partnering community schools) mills is to be 126065  
allocated to partnering community schools, which amounts to 126066  
\$ \_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 126067  
~~market value,~~ for \_\_\_\_\_ (insert the number of years the levy is 126068  
to be imposed, or that it will be levied for a continuing period 126069  
of time), beginning \_\_\_\_\_ (insert first year the tax is to be 126070  
levied), which will first be payable in calendar year \_\_\_\_\_ 126071  
(insert the first calendar year in which the tax would be 126072  
payable)? 126073

126074

	FOR THE TAX LEVY
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	AGAINST THE TAX LEVY	"
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(b) If all of the levy proceeds are to be allocated to the 126075  
current expenses of partnering community schools, the form of 126076  
the ballot shall be as follows: 126077

"Shall a levy be imposed by the\_\_\_\_\_ (insert the name 126078  
of the qualifying school district) for the purpose of current 126079  
expenses of partnering community schools, that the county 126080  
auditor estimates will collect \$\_\_\_\_\_ annually, at a rate not 126081  
exceeding\_\_\_\_\_ mills for each \$1 of taxable value which amounts 126082  
to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 126083  
~~market value~~, for\_\_\_\_\_ (insert the number of years the levy is 126084  
to be imposed, or that it will be levied for a continuing period 126085  
of time), beginning\_\_\_\_\_ (insert first year the tax is to be 126086  
levied), which will first be payable in calendar year\_\_\_\_\_ 126087  
(insert the first calendar year in which the tax would be 126088  
payable)? 126089  
126090

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

(3) Upon each receipt of a tax distribution by the 126091  
qualifying school district, the board of education shall credit 126092  
the portion allocated to partnering community schools to the 126093  
partnering community schools fund. All income from the 126094  
investment of money in the partnering community schools fund 126095  
shall be credited to that fund. 126096

(a) If the qualifying school district is a municipal 126097  
school district, the board of education shall distribute the 126098  
partnering community schools amount among the then qualifying 126099

community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date of receipt and deposit of the tax distribution.

(b) If the qualifying school district is not a municipal school district, the board of education may distribute all or a portion of the amount in the partnering community schools fund during a fiscal year to partnering community schools on or before the first day of June of the preceding fiscal year. Each such partnering community school shall receive a portion of the amount distributed by the board from the partnering community schools fund during the fiscal year in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date the school district received and deposited the most recent tax distribution. On or before the fifteenth day of June of each fiscal year, the board of education shall announce an estimated allocation to partnering community schools for the ensuing fiscal year. The board is not required to allocate to partnering community schools the entire partnering community schools amount in the fiscal year in which a tax distribution is received and deposited in the partnering community schools fund. The estimated allocation shall be published on the web site of the school district and expressed as a dollar amount per resident student. The actual allocation to community schools in a fiscal year need not conform to the estimate published by the school district so long if the estimate was made in good faith.

Distributions by a school district under division (B) (3) 126131  
(b) of this section shall be made in accordance with 126132  
distribution agreements entered into by the board of education 126133  
and each partnering community school eligible for distributions 126134  
under this division. The distribution agreements shall be 126135  
certified to the department of education each fiscal year before 126136  
the thirtieth day of July. Each agreement shall provide for at 126137  
least three distributions by the school district to the 126138  
partnering community school during the fiscal year and shall 126139  
require the initial distribution be made on or before the 126140  
thirtieth day of July. 126141

(c) For the purposes of division (B) of this section, the 126142  
number of resident students shall be the number of such students 126143  
reported under section 3317.03 of the Revised Code and 126144  
established by the department of education as of the date of 126145  
receipt and deposit of the tax distribution. 126146

(4) To the extent an agreement whereby the qualifying 126147  
school district and a community school endorse each other's 126148  
programs is necessary for the community school to qualify as a 126149  
partnering community school under division (B) (6) (b) of this 126150  
section, the board of education of the school district shall 126151  
certify to the department of education the agreement along with 126152  
the determination that such agreement satisfies the requirements 126153  
of that division. The board's determination is conclusive. 126154

(5) For the purposes of Chapter 3317. of the Revised Code 126155  
or other laws referring to the "taxes charged and payable" for a 126156  
school district, the taxes charged and payable for a qualifying 126157  
school district that levies a tax under division (B) of this 126158  
section includes only the taxes charged and payable under that 126159  
levy for the current expenses of the school district, and does 126160

not include the taxes charged and payable for the current 126161  
expenses of partnering community schools. The taxes charged and 126162  
payable for the current expenses of partnering community schools 126163  
shall not affect the calculation of "state education aid" as 126164  
defined in section 5751.20 of the Revised Code. 126165

(6) As used in division (B) of this section: 126166

(a) "Qualifying school district" means a municipal school 126167  
district, as defined in section 3311.71 of the Revised Code or a 126168  
school district that contains within its territory a partnering 126169  
community school. 126170

(b) "Partnering community school" means a community school 126171  
established under Chapter 3314. of the Revised Code that is 126172  
located within the territory of the qualifying school district 126173  
and meets one of the following criteria: 126174

(i) If the qualifying school district is a municipal 126175  
school district, the community school is sponsored by the 126176  
district or is a party to an agreement with the district whereby 126177  
the district and the community school endorse each other's 126178  
programs; 126179

(ii) If the qualifying school district is not a municipal 126180  
school district, the community school is sponsored by a sponsor 126181  
that was rated as "exemplary" in the ratings most recently 126182  
published under section 3314.016 of the Revised Code before the 126183  
resolution proposing the levy is certified to the board of 126184  
elections. 126185

(c) "Partnering community schools amount" means the 126186  
product obtained, as of the receipt and deposit of the tax 126187  
distribution, by multiplying the amount of a tax distribution by 126188  
a fraction, the numerator of which is the number of mills per 126189

dollar of taxable value of the property tax to be allocated to 126190  
partnering community schools, and the denominator of which is 126191  
the total number of mills per dollar of taxable value authorized 126192  
by the electors in the election held under division (B) of this 126193  
section, each as set forth in the resolution levying the tax. If 126194  
the resolution allocates all of the levy proceeds to partnering 126195  
community schools, the "partnering schools amount" equals the 126196  
amount of the tax distribution. 126197

(d) "Partnering community schools fund" means a separate 126198  
fund established by the board of education of a qualifying 126199  
school district for the deposit of partnering community school 126200  
amounts under this section. 126201

(e) "Resident student" means a student enrolled in a 126202  
partnering community school who is entitled to attend school in 126203  
the qualifying school district under section 3313.64 or 3313.65 126204  
of the Revised Code. 126205

(f) "Tax distribution" means a distribution of proceeds of 126206  
the tax authorized by division (B) of this section under section 126207  
321.24 of the Revised Code and distributions that are 126208  
attributable to that tax under sections 323.156 and 4503.068 of 126209  
the Revised Code or other applicable law. 126210

(C) A resolution adopted under this section shall specify 126211  
the date of holding the election, which shall not be earlier 126212  
than ninety days after the adoption and certification of the 126213  
resolution and which shall be consistent with the requirements 126214  
of section 3501.01 of the Revised Code. 126215

A resolution adopted under this section may propose to 126216  
renew one or more existing levies imposed under division (A) or 126217  
(B) of this section or to ~~increase or decrease~~ a single levy 126218

imposed under either such division. 126219

If the board of education imposes one or more existing 126220  
levies for the purpose specified in division (F) of section 126221  
5705.19 of the Revised Code, the resolution may propose to renew 126222  
one or more of those existing levies, or to ~~increase or decrease~~ 126223  
a single such existing levy, for the purpose of general 126224  
permanent improvements. 126225

If the resolution proposes to renew two or more existing 126226  
levies, the levies shall be levied for the same purpose. The 126227  
resolution shall identify those levies and the rates at which 126228  
they are levied. The resolution also shall specify that the 126229  
existing levies shall not be extended on the tax lists after the 126230  
year preceding the year in which the renewal levy is first 126231  
imposed, regardless of the years for which those levies 126232  
originally were authorized to be levied. 126233

If the resolution proposes to renew an existing levy 126234  
imposed under division (B) of this section, the rates allocated 126235  
to the qualifying school district and to partnering community 126236  
schools each may be increased or decreased or remain the same, 126237  
and the total rate may be ~~increased, decreased,~~ or remain the 126238  
same. The resolution and notice of election shall specify the 126239  
number of the mills to be levied for the current expenses of the 126240  
partnering community schools and the number of the mills, if 126241  
any, to be levied for the current expenses of the qualifying 126242  
school district. 126243

A resolution adopted under this section shall go into 126244  
immediate effect upon its passage, and no publication of the 126245  
resolution shall be necessary other than that provided for in 126246  
the notice of election. A copy of the resolution shall 126247  
immediately after its passing be certified, along with the 126248

county auditor's certification provided under section 5705.03 of 126249  
the Revised Code, to the board of elections of the proper county 126250  
in the manner provided by section 5705.25 of the Revised Code. 126251  
That section shall govern the arrangements for the submission of 126252  
such question and other matters concerning the election to which 126253  
that section refers, including publication of notice of the 126254  
election, except that the election shall be held on the date 126255  
specified in the resolution. In the case of a resolution adopted 126256  
under division (B) of this section, the publication of notice of 126257  
that election shall state the number of the mills, if any, to be 126258  
levied for the current expenses of partnering community schools 126259  
and the number of the mills to be levied for the current 126260  
expenses of the qualifying school district. If a majority of the 126261  
electors voting on the question so submitted in an election vote 126262  
in favor of the levy, the board of education may make the 126263  
necessary levy within the school district or, in the case of a 126264  
qualifying library levy for the support of a library association 126265  
or private corporation, within the association library district, 126266  
at the additional rate, or at any lesser rate in excess of the 126267  
ten-mill limitation on the tax list, for the purpose stated in 126268  
the resolution. A levy for a continuing period of time may be 126269  
reduced pursuant to section 5705.261 of the Revised Code. The 126270  
tax levy shall be included in the next tax budget that is 126271  
certified to the county budget commission. 126272

(D) (1) After the approval of a levy on the current tax 126273  
list and duplicate for current expenses, for recreational 126274  
purposes, for community centers provided for in section 755.16 126275  
of the Revised Code, or for a public library of the district 126276  
under division (A) of this section, and prior to the time when 126277  
the first tax collection from the levy can be made, the board of 126278  
education may anticipate a fraction of the proceeds of the levy 126279

and issue anticipation notes in a principal amount not exceeding 126280  
fifty per cent of the total estimated proceeds of the levy to be 126281  
collected during the first year of the levy. 126282

(2) After the approval of a levy for general permanent 126283  
improvements for a specified number of years or for permanent 126284  
improvements having the purpose specified in division (F) of 126285  
section 5705.19 of the Revised Code, the board of education may 126286  
anticipate a fraction of the proceeds of the levy and issue 126287  
anticipation notes in a principal amount not exceeding fifty per 126288  
cent of the total estimated proceeds of the levy remaining to be 126289  
collected in each year over a period of five years after the 126290  
issuance of the notes. 126291

The notes shall be issued as provided in section 133.24 of 126292  
the Revised Code, shall have principal payments during each year 126293  
after the year of their issuance over a period not to exceed 126294  
five years, and may have a principal payment in the year of 126295  
their issuance. 126296

(3) After approval of a levy for general permanent 126297  
improvements for a continuing period of time, the board of 126298  
education may anticipate a fraction of the proceeds of the levy 126299  
and issue anticipation notes in a principal amount not exceeding 126300  
fifty per cent of the total estimated proceeds of the levy to be 126301  
collected in each year over a specified period of years, not 126302  
exceeding ten, after the issuance of the notes. 126303

The notes shall be issued as provided in section 133.24 of 126304  
the Revised Code, shall have principal payments during each year 126305  
after the year of their issuance over a period not to exceed ten 126306  
years, and may have a principal payment in the year of their 126307  
issuance. 126308

(4) After the approval of a levy on the current tax list 126309  
and duplicate under division (B) of this section, and prior to 126310  
the time when the first tax collection from the levy can be 126311  
made, the board of education may anticipate a fraction of the 126312  
proceeds of the levy for the current expenses of the school 126313  
district and issue anticipation notes in a principal amount not 126314  
exceeding fifty per cent of the estimated proceeds of the levy 126315  
to be collected during the first year of the levy and allocated 126316  
to the school district. The portion of the levy proceeds to be 126317  
allocated to partnering community schools under that division 126318  
shall not be included in the estimated proceeds anticipated 126319  
under this division and shall not be used to pay debt charges on 126320  
any anticipation notes. 126321

The notes shall be issued as provided in section 133.24 of 126322  
the Revised Code, shall have principal payments during each year 126323  
after the year of their issuance over a period not to exceed 126324  
five years, and may have a principal payment in the year of 126325  
their issuance. 126326

(E) The submission of questions to the electors under this 126327  
section is subject to the limitation on the number of election 126328  
dates established by section 5705.214 of the Revised Code. 126329

(F) The board of education of any school district that 126330  
levies a tax under this section for the purpose of providing for 126331  
school safety and security may report to the department of 126332  
education how the district is using revenue from that tax. 126333

The board of education of any school district that 126334  
proposes to levy a tax for the purpose of providing for school 126335  
safety and security may share the proceeds of the tax with 126336  
chartered nonpublic schools, as defined by section 3310.01 of 126337  
the Revised Code, that are located in the territory of the 126338

school district as provided in this division. The resolution 126339  
levying the tax and the form of the ballot shall state that 126340  
proceeds from the levy are to be shared with chartered nonpublic 126341  
schools and shall state the percentage of the proceeds that is 126342  
to be shared with those schools. 126343

If a percentage of the proceeds of such a tax are to be 126344  
shared with chartered nonpublic schools under this division, 126345  
such proceeds shall be shared with all chartered nonpublic 126346  
schools located in the territory of the school district. Of the 126347  
percentage of the proceeds to be shared with chartered nonpublic 126348  
schools, each such school shall receive an amount that bears the 126349  
same proportion of that percentage that the number of resident 126350  
students attending that school bears to the total number of 126351  
resident students attending all such schools in the territory of 126352  
the school district. For the purposes of this section, a 126353  
resident student is a student enrolled in a chartered nonpublic 126354  
school located in the territory of the school district who is 126355  
entitled to attend school in the school district under section 126356  
3313.64 or 3313.65 of the Revised Code. 126357

All proceeds of the levy shall be credited to a fund of 126358  
the school district created for that purpose, and the board of 126359  
education shall pay each chartered nonpublic school its share of 126360  
the proceeds from that fund not less frequently than once after 126361  
each settlement of taxes under divisions (A) and (C) of section 126362  
321.24 of the Revised Code. Any chartered nonpublic school 126363  
receiving payments under this section shall use all of such 126364  
payments only for providing for school safety and security. 126365

**Sec. 5705.212.** (A) (1) The board of education of any school 126366  
district, at any time and by a vote of two-thirds of all of its 126367  
members, may declare by resolution that the amount of taxes that 126368

may be raised within the ten-mill limitation will be 126369  
insufficient to provide an adequate amount for the present and 126370  
future requirements of the school district, that it is necessary 126371  
to levy not more than five taxes in excess of that limitation 126372  
for current expenses, and that each of the proposed taxes first 126373  
will be levied in a different year, over a specified period of 126374  
time. The board shall identify the taxes proposed under this 126375  
section as follows: the first tax to be levied shall be called 126376  
the "original tax." Each tax subsequently levied shall be called 126377  
an "incremental tax." The rate of each incremental tax shall be 126378  
identical, but the rates of such incremental taxes need not be 126379  
the same as the rate of the original tax. The resolution also 126380  
shall state that the question of these additional taxes shall be 126381  
submitted to the electors of the school district at a special 126382  
election. The resolution shall specify separately for each tax 126383  
proposed: the amount of the increase in rate that it is 126384  
necessary to levy, expressed separately for the original tax and 126385  
each incremental tax; that the purpose of the levy is for 126386  
current expenses; the number of years during which the original 126387  
tax shall be in effect; a specification that the last year in 126388  
which the original tax is in effect shall also be the last year 126389  
in which each incremental tax shall be in effect; and the year 126390  
in which each tax first is proposed to be levied. The original 126391  
tax may be levied for any number of years not exceeding ten, or 126392  
for a continuing period of time. The resolution shall specify 126393  
the date of holding the special election, which shall not be 126394  
earlier than ninety days after the adoption and certification of 126395  
the resolution and shall be consistent with the requirements of 126396  
section 3501.01 of the Revised Code. 126397

(2) The board of education, by a vote of two-thirds of all 126398  
of its members, may adopt a resolution proposing to renew taxes 126399

levied other than for a continuing period of time under division 126400  
(A) (1) of this section. Such a resolution shall provide for 126401  
levying a tax and specify all of the following: 126402

(a) That the tax shall be called and designated on the 126403  
ballot as a renewal levy; 126404

(b) The rate of the renewal tax, which shall be a single 126405  
rate that combines the rate of the original tax and each 126406  
incremental tax into a single rate. The rate of the renewal tax 126407  
shall not exceed the aggregate rate of the original and 126408  
incremental taxes. 126409

(c) The number of years, not to exceed ten, that the 126410  
renewal tax will be levied, or that it will be levied for a 126411  
continuing period of time; 126412

(d) That the purpose of the renewal levy is for current 126413  
expenses; 126414

(e) Subject to the certification and notification 126415  
requirements of section 5705.251 of the Revised Code, that the 126416  
question of the renewal levy shall be submitted to the electors 126417  
of the school district at the general election held during the 126418  
last year the original tax may be extended on the real and 126419  
public utility property tax list and duplicate or at a special 126420  
election held during the ensuing year. 126421

(3) A resolution adopted under division (A) (1) or (2) of 126422  
this section shall go into immediate effect upon its adoption 126423  
and no publication of the resolution is necessary other than 126424  
that provided for in the notice of election. Immediately after 126425  
its adoption, a copy of the resolution shall be certified to the 126426  
board of elections of the proper county in the manner provided 126427  
by division (A) of section 5705.251 of the Revised Code, and 126428

that division shall govern the arrangements for the submission 126429  
of the question and other matters concerning the election to 126430  
which that section refers. The election shall be held on the 126431  
date specified in the resolution. If a majority of the electors 126432  
voting on the question so submitted in an election vote in favor 126433  
of the taxes or a renewal tax, the board of education, if the 126434  
original or a renewal tax is authorized to be levied for the 126435  
current year, immediately may make the necessary levy within the 126436  
school district at the authorized rate, or at any lesser rate in 126437  
excess of the ten-mill limitation, for the purpose stated in the 126438  
resolution. No tax shall be imposed prior to the year specified 126439  
in the resolution as the year in which it is first proposed to 126440  
be levied. The rate of the original tax and the rate of each 126441  
incremental tax shall be cumulative, so that the aggregate rate 126442  
levied in any year is the sum of the rates of both the original 126443  
tax and all incremental taxes levied in or prior to that year 126444  
under the same proposal. A tax levied for a continuing period of 126445  
time under this section may be reduced pursuant to section 126446  
5705.261 of the Revised Code. 126447

(B) Notwithstanding section 133.30 of the Revised Code, 126448  
after the approval of a tax to be levied in the current or the 126449  
succeeding year and prior to the time when the first tax 126450  
collection from that levy can be made, the board of education 126451  
may anticipate a fraction of the proceeds of the levy and issue 126452  
anticipation notes in an amount not to exceed fifty per cent of 126453  
the total estimated proceeds of the levy to be collected during 126454  
the first year of the levy. The notes shall be sold as provided 126455  
in Chapter 133. of the Revised Code. If anticipation notes are 126456  
issued, they shall mature serially and in substantially equal 126457  
amounts during each year over a period not to exceed five years; 126458  
and the amount necessary to pay the interest and principal as 126459

the anticipation notes mature shall be deemed appropriated for 126460  
those purposes from the levy, and appropriations from the levy 126461  
by the board of education shall be limited each fiscal year to 126462  
the balance available in excess of that amount. 126463

If the auditor of state has certified a deficit pursuant 126464  
to section 3313.483 of the Revised Code, the notes authorized 126465  
under this section may be sold in accordance with Chapter 133. 126466  
of the Revised Code, except that the board may sell the notes 126467  
after providing a reasonable opportunity for competitive 126468  
bidding. 126469

(C) (1) The board of education of a qualifying school 126470  
district, at any time and by a vote of two-thirds of all its 126471  
members, may declare by resolution that it is necessary to levy 126472  
not more than five taxes in excess of the ten-mill limitation 126473  
for the current expenses of partnering community schools and, if 126474  
any of the levy proceeds are so allocated, of the school 126475  
district, and that each of the proposed taxes first will be 126476  
levied in a different year, over a specified period of time. A 126477  
qualifying school district that is not a municipal school 126478  
district may allocate all of the levy proceeds to partnering 126479  
community schools. A municipal school district shall allocate a 126480  
portion of the levy proceeds to the current expenses of the 126481  
district. The board shall identify the taxes proposed under this 126482  
division in the same manner as in division (A) (1) of this 126483  
section. The rate of each incremental tax shall be identical, 126484  
but the rates of such incremental taxes need not be the same as 126485  
the rate of the original tax. In addition to the specifications 126486  
required of the resolution in division (A) of this section, the 126487  
resolution shall state the number of the mills to be levied each 126488  
year for the current expenses of the partnering community 126489  
schools and the number of the mills, if any, to be levied each 126490

year for the current expenses of the school district. The number 126491  
of mills for the current expenses of partnering community 126492  
schools shall be the same for each of the incremental taxes, and 126493  
the number of mills for the current expenses of the qualifying 126494  
school district shall be the same for each of the incremental 126495  
taxes. 126496

The levy of taxes for the current expenses of a partnering 126497  
community school under division (C) of this section and the 126498  
distribution of proceeds from the tax by a qualifying school 126499  
district to partnering community schools is hereby determined to 126500  
be a proper public purpose. 126501

(2) The board of education, by a vote of two-thirds of all 126502  
of its members, may adopt a resolution proposing to renew taxes 126503  
levied other than for a continuing period of time under division 126504  
(C) (1) of this section. In such a renewal levy, the rates 126505  
allocated to the qualifying school district and to partnering 126506  
community schools each may be increased or decreased or remain 126507  
the same, and the total rate may be ~~increased,~~ ~~decreased,~~ or 126508  
remain the same. In addition to the requirements of division (A) 126509  
(2) of this section, the resolution shall state the number of 126510  
the mills to be levied for the current expenses of the 126511  
partnering community schools and the number of the mills to be 126512  
levied for the current expenses of the school district. 126513

(3) A resolution adopted under division (C) (1) or (2) of 126514  
this section is subject to the rules and procedures prescribed 126515  
by division (A) (3) of this section. 126516

(4) The proceeds of each tax levied under division (C) (1) 126517  
or (2) of this section shall be credited and distributed in the 126518  
manner prescribed by division (B) (3) of section 5705.21 of the 126519  
Revised Code, and divisions (B) (4), (5), and (6) of that section 126520

apply to taxes levied under division (C) of this section. 126521

(5) Notwithstanding section 133.30 of the Revised Code, 126522  
after the approval of a tax to be levied under division (C) (1) 126523  
or (2) of this section, in the current or succeeding year and 126524  
prior to the time when the first tax collection from that levy 126525  
can be made, the board of education may anticipate a fraction of 126526  
the proceeds of the levy for the current expenses of the 126527  
qualifying school district and issue anticipation notes in a 126528  
principal amount not exceeding fifty per cent of the estimated 126529  
proceeds of the levy to be collected during the first year of 126530  
the levy and allocated to the school district. The portion of 126531  
levy proceeds to be allocated to partnering community schools 126532  
shall not be included in the estimated proceeds anticipated 126533  
under this division and shall not be used to pay debt charges on 126534  
any anticipation notes. 126535

The notes shall be sold as provided in Chapter 133. of the 126536  
Revised Code. If anticipation notes are issued, they shall 126537  
mature serially and in substantially equal amounts during each 126538  
year over a period not to exceed five years. The amount 126539  
necessary to pay the interest and principal as the anticipation 126540  
notes mature shall be deemed appropriated for those purposes 126541  
from the levy, and appropriations from the levy by the board of 126542  
education shall be limited each fiscal year to the balance 126543  
available in excess of that amount. 126544

If the auditor of state has certified a deficit pursuant 126545  
to section 3313.483 of the Revised Code, the notes authorized 126546  
under this section may be sold in accordance with Chapter 133. 126547  
of the Revised Code, except that the board may sell the notes 126548  
after providing a reasonable opportunity for competitive 126549  
bidding. 126550

As used in division (C) of this section, "qualifying school district" and "partnering community schools" have the same meanings as in section 5705.21 of the Revised Code. 126551  
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(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code. 126554  
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(E) When a school board certifies a resolution to the county auditor under division (B) (1) of section 5705.03 of the Revised Code proposing to levy a tax under division (A) (1) or (C) (1) of this section, the county auditor shall certify, in addition to the other information the auditor is required to certify under that section, an estimate of both the levy's annual collections for the tax year for which the original tax applies and the levies' aggregate annual collections for the tax year for which the final incremental tax applies, in both cases rounded to the nearest dollar, which shall be calculated assuming that the amount of the tax list of the taxing authority remains throughout the life of the levy the same as the amount of the tax list most recently certified by the county auditor under division (A) of section 319.28 of the Revised Code. If a school district is located in more than one county, the county auditor shall obtain from the county auditor of each other county in which the district is located the current tax valuation for the portion of the district in that county. 126557  
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**Sec. 5705.213.** (A) (1) The board of education of any school district, at any time and by a vote of two-thirds of all of its members, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district and that it is 126575  
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necessary to levy a tax in excess of that limitation for current 126581  
expenses. The resolution also shall state that the question of 126582  
the additional tax shall be submitted to the electors of the 126583  
school district at a special election. The resolution shall 126584  
specify, for each year the levy is in effect, the amount of 126585  
money that the levy is proposed to raise, which may, for years 126586  
after the first year the levy is made, be expressed in terms of 126587  
a dollar or percentage increase over the prior year's amount. 126588  
The resolution also shall specify that the purpose of the levy 126589  
is for current expenses, the number of years during which the 126590  
tax shall be in effect which may be for any number of years not 126591  
exceeding ten, and the year in which the tax first is proposed 126592  
to be levied. The resolution shall specify the date of holding 126593  
the special election, which shall not be earlier than ninety- 126594  
five days after the adoption and certification of the resolution 126595  
to the county auditor and not earlier than ninety days after 126596  
certification to the board of elections. The date of the 126597  
election shall be consistent with the requirements of section 126598  
3501.01 of the Revised Code. 126599

(2) The board of education, by a vote of two-thirds of all 126600  
of its members, may adopt a resolution proposing to renew a tax 126601  
levied under division (A) (1) of this section. Such a resolution 126602  
shall provide for levying a tax and specify all of the 126603  
following: 126604

(a) That the tax shall be called and designated on the 126605  
ballot as a renewal levy; 126606

(b) The amount of the renewal tax, which shall be no more 126607  
than the amount of tax levied during the last year the tax being 126608  
renewed is authorized to be in effect; 126609

(c) The number of years, not to exceed ten, that the 126610

renewal tax will be levied, or that it will be levied for a 126611  
continuing period of time; 126612

(d) That the purpose of the renewal levy is for current 126613  
expenses; 126614

(e) Subject to the certification and notification 126615  
requirements of section 5705.251 of the Revised Code, that the 126616  
question of the renewal levy shall be submitted to the electors 126617  
of the school district at the general election held during the 126618  
last year the tax being renewed may be extended on the real and 126619  
public utility property tax list and duplicate or at a special 126620  
election held during the ensuing year. 126621

(3) A resolution adopted under division (A) (1) or (2) of 126622  
this section shall go into immediate effect upon its adoption 126623  
and no publication of the resolution is necessary other than 126624  
that provided for in the notice of election. Immediately after 126625  
its adoption, a copy of the resolution shall be certified to the 126626  
county auditor of the proper county, who shall, within ten days, 126627  
calculate and certify to the board of education the estimated 126628  
levy, for the first year, and for each subsequent year for which 126629  
the tax is proposed to be in effect. The estimates shall be made 126630  
both in mills for each one dollar of taxable value and in 126631  
dollars for each one hundred thousand dollars of ~~the county~~ 126632  
~~auditor's appraised market~~ value. In making the estimates, the 126633  
auditor shall assume that the amount of the tax list remains 126634  
throughout the life of the levy, the same as the tax list most 126635  
recently certified by the county auditor under division (A) of 126636  
section 319.28 of the Revised Code. 126637

If the board desires to proceed with the submission of the 126638  
question, it shall certify its resolution, with the estimated 126639  
tax levy expressed in mills for each one dollar of taxable value 126640

and dollars for each one hundred thousand dollars of ~~the county~~ 126641  
~~auditor's appraised market value~~ for each year that the tax is 126642  
proposed to be in effect, to the board of elections of the 126643  
proper county in the manner provided by division (A) of section 126644  
5705.251 of the Revised Code. Section 5705.251 of the Revised 126645  
Code shall govern the arrangements for the submission of the 126646  
question and other matters concerning the election to which that 126647  
section refers. The election shall be held on the date specified 126648  
in the resolution. If a majority of the electors voting on the 126649  
question so submitted in an election vote in favor of the tax, 126650  
and if the tax is authorized to be levied for the current year, 126651  
the board of education immediately may make the additional levy 126652  
necessary to raise the amount specified in the resolution or a 126653  
lesser amount for the purpose stated in the resolution. 126654

(4) The submission of questions to the electors under this 126655  
section is subject to the limitation on the number of election 126656  
dates established by section 5705.214 of the Revised Code. 126657

(B) Notwithstanding section 133.30 of the Revised Code, 126658  
after the approval of a tax to be levied in the current or the 126659  
succeeding year and prior to the time when the first tax 126660  
collection from that levy can be made, the board of education 126661  
may anticipate a fraction of the proceeds of the levy and issue 126662  
anticipation notes in an amount not to exceed fifty per cent of 126663  
the total estimated proceeds of the levy to be collected during 126664  
the first year of the levy. The notes shall be sold as provided 126665  
in Chapter 133. of the Revised Code. If anticipation notes are 126666  
issued, they shall mature serially and in substantially equal 126667  
amounts during each year over a period not to exceed five years; 126668  
and the amount necessary to pay the interest and principal as 126669  
the anticipation notes mature shall be deemed appropriated for 126670  
those purposes from the levy, and appropriations from the levy 126671

by the board of education shall be limited each fiscal year to 126672  
the balance available in excess of that amount. 126673

If the auditor of state has certified a deficit pursuant 126674  
to section 3313.483 of the Revised Code, the notes authorized 126675  
under this section may be sold in accordance with Chapter 133. 126676  
of the Revised Code, except that the board may sell the notes 126677  
after providing a reasonable opportunity for competitive 126678  
bidding. 126679

**Sec. 5705.215.** (A) The governing board of an educational 126680  
service center that is the taxing authority of a county school 126681  
financing district, upon receipt of identical resolutions 126682  
adopted within a sixty-day period by ~~a majority~~ two-thirds of 126683  
~~the all~~ members of the board of education of each school 126684  
district that is within the territory of the county school 126685  
financing district, may submit a tax levy to the electors of the 126686  
territory in the same manner as a school board may submit a levy 126687  
under division (C) of section 5705.21 of the Revised Code, 126688  
except that: 126689

(1) The levy may be for a period not to exceed ten years, 126690  
or, if the levy is solely for the purpose or purposes described 126691  
in division (A) (2) (a), (c), or (f) of this section, for a 126692  
continuing period of time. 126693

(2) The purpose of the levy shall be one or more of the 126694  
following: 126695

(a) For current expenses for the provision of special 126696  
education and related services within the territory of the 126697  
district; 126698

(b) For permanent improvements within the territory of the 126699  
district for special education and related services; 126700

(c) For current expenses for specified educational programs within the territory of the district;	126701 126702
(d) For permanent improvements within the territory of the district for specified educational programs;	126703 126704
(e) For permanent improvements within the territory of the district;	126705 126706
(f) For current expenses for school safety and security and mental health services, including training and employment of or contracting for the services of safety personnel, mental health personnel, social workers, and counselors.	126707 126708 126709 126710
(B) If the levy provides for but is not limited to current expenses, the resolutions shall apportion the annual rate of the levy between current expenses and the other purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for current expenses and the other purposes shall be limited by that apportionment.	126711 126712 126713 126714 126715 126716 126717
(C) Prior to the application of section 319.301 of the Revised Code, the rate of a levy that is limited to, or to the extent that it is apportioned to, purposes other than current expenses shall be reduced in the same proportion in which the district's total valuation increases during the life of the levy because of additions to such valuation that have resulted from improvements added to the tax list and duplicate.	126718 126719 126720 126721 126722 126723 126724
(D) After the approval of a county school financing district levy under this section, the taxing authority may anticipate a fraction of the proceeds of such levy and may from time to time during the life of such levy, but in any given year prior to the time when the tax collection from such levy can be	126725 126726 126727 126728 126729

made for that year, issue anticipation notes in an amount not 126730  
exceeding fifty per cent of the estimated proceeds of the levy 126731  
to be collected in each year up to a period of five years after 126732  
the date of the issuance of such notes, less an amount equal to 126733  
the proceeds of such levy obligated for each year by the 126734  
issuance of anticipation notes, provided that the total amount 126735  
maturing in any one year shall not exceed fifty per cent of the 126736  
anticipated proceeds of the levy for that year. Each issue of 126737  
notes shall be sold as provided in Chapter 133. of the Revised 126738  
Code, and shall, except for the limitation that the total amount 126739  
of such notes maturing in any one year shall not exceed fifty 126740  
per cent of the anticipated proceeds of such levy for that year, 126741  
mature serially in substantially equal installments during each 126742  
year over a period not to exceed five years after their 126743  
issuance. 126744

(E) (1) In a resolution to be submitted to the taxing 126745  
authority of a county school financing district under division 126746  
(A) of this section calling for a ballot issue on the question 126747  
of the levying of a tax for a continuing period of time by the 126748  
taxing authority, the board of education of a school district 126749  
that is part of the territory of the county school financing 126750  
district also may propose to reduce the rate of one or more of 126751  
that school district's property taxes levied for a continuing 126752  
period of time in excess of the ten-mill limitation. The 126753  
reduction in the rate of a property tax may be any amount, not 126754  
exceeding the rate at which the tax is authorized to be levied. 126755  
The reduction in the rate of a tax shall first take effect in 126756  
the same year that the county school financing district tax 126757  
takes effect, and shall continue for each year that the county 126758  
school financing district tax is in effect. A board of 126759  
education's resolution proposing to reduce the rate of one or 126760

more of its school district property taxes shall, in addition to 126761  
including information required for a resolution under division 126762  
(B) (1) of section 5705.03 of the Revised Code, specifically 126763  
identify each such tax and shall state for each tax the maximum 126764  
rate at which it currently may be levied and the maximum rate at 126765  
which it could be levied after the proposed reduction, expressed 126766  
in mills for each one dollar of taxable value. 126767

Before submitting the resolution to the taxing authority 126768  
of the county school financing district, the board of education 126769  
of the school district shall certify a copy of it to the tax 126770  
commissioner and the county auditor. The county auditor shall 126771  
certify to the board all information required under division (B) 126772  
(2) of section 5705.03 of the Revised Code, in the manner 126773  
required under that division, and both of the following: 126774

(a) An estimate of the levy's annual collections beginning 126775  
for the first year for which the reduction applies, rounded to 126776  
the nearest dollar, which shall be calculated assuming that the 126777  
amount of the tax list of the taxing authority remains 126778  
throughout the life of the reduced levy the same as the amount 126779  
of the tax list most recently certified by the county auditor 126780  
under division (A) of section 319.28 of the Revised Code. 126781

If a school district is located in more than one county, 126782  
the county auditor shall obtain from the county auditor of each 126783  
other county in which the district is located the current tax 126784  
valuation for the portion of the district in that county. 126785

(b) The effective rate of the levy for the last year 126786  
before the proposed reduction and the first year that the 126787  
reduction applies, both expressed in dollars for each one 126788  
hundred thousand dollars of ~~the county auditor's appraised~~ 126789  
market value. 126790

The tax commissioner, within ten days of receiving the resolution, shall certify to the board the reduction in the school district's total effective tax rate for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

After receiving these certifications from the commissioner and the auditor, the board may amend its resolution to change the proposed property tax rate reduction before submitting the resolution to the financing district taxing authority, provided the board certifies a copy of the amended resolution to the county auditor with a request to provide the information required under divisions (E) (1) (a) and (b) of this section and the auditor transmits that information to the taxing authority.

If the board of education of a school district that is part of the territory of a county school financing district adopts a resolution proposing to reduce the rate of one or more of its property taxes in conjunction with the levying of a tax by the financing district, the resolution submitted by the board to the taxing authority of the financing district under division (A) of this section does not have to be identical in this respect to the resolutions submitted by the boards of education of the other school districts that are part of the territory of the county school financing district.

(2) Each school district that is part of the territory of a county school financing district may tailor to its own situation a proposed reduction in one or more property tax rates in conjunction with the proposed levying of a tax by the county school financing district; if one such school district proposes

a reduction in one or more tax rates, another school district 126821  
may propose a reduction of a different size or may propose no 126822  
reduction. Within each school district that is part of the 126823  
territory of the county school financing district, the electors 126824  
shall vote on one ballot issue combining the question of the 126825  
levying of the tax by the taxing authority of the county school 126826  
financing district with, if any such reduction is proposed, the 126827  
question of the reduction in the rate of one or more taxes of 126828  
the school district. If a majority of the electors of the county 126829  
school financing district voting on the question of the proposed 126830  
levying of a tax by the taxing authority of the financing 126831  
district vote to approve the question, any tax reductions 126832  
proposed by school districts that are part of the territory of 126833  
the financing district also are approved. 126834

(3) The form of the ballot for an issue proposing to levy 126835  
a county school financing district tax in conjunction with the 126836  
reduction of the rate of one or more school district taxes shall 126837  
be as follows: 126838

"Shall the \_\_\_\_\_ (name of the county school financing 126839  
district) be authorized to levy an additional tax for \_\_\_\_\_ 126840  
(purpose stated in the resolutions), that the county auditor 126841  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 126842  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 126843  
\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 126844  
market value, for a continuing period of time? If the county 126845  
school financing district tax is approved, the rate of an 126846  
existing tax currently levied by the \_\_\_\_\_ (name of the school 126847  
district of which the elector is a resident) at the rate of 126848  
\_\_\_\_\_ mills shall be reduced to \_\_\_\_\_ mills for each \$1 of 126849  
taxable value, which amounts to a reduction from \$\_\_\_\_\_ 126850  
(effective rate) to \$\_\_\_\_\_ (effective rate) for each \$100,000 126851

of ~~the county auditor's appraised~~ market value, that the county 126852  
 auditor estimates will collect \$\_\_\_\_\_ annually, until any such 126853  
 time as the county school financing district tax is decreased or 126854  
 repealed. 126855  
 126856

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

If the board of education of the school district proposes 126857  
 to reduce the rate of more than one of its existing taxes, the 126858  
 second sentence of the ballot language shall be modified for 126859  
 residents of that district to express the rates and effective 126860  
 rates at which those taxes currently are levied and the rates 126861  
 and effective rates to which they would be reduced as well as 126862  
 each levy's estimated annual collections, as provided by the 126863  
 county auditor under division (E) (1) (a) of this section. If the 126864  
 board of education of the school district does not propose to 126865  
 reduce the rate of any of its taxes, the second sentence of the 126866  
 ballot language shall not be used for residents of that 126867  
 district. In any case, the first sentence of the ballot language 126868  
 shall be the same for all the electors in the county school 126869  
 financing district, but the second sentence shall be different 126870  
 in each school district depending on whether and in what amount 126871  
 the board of education of the school district proposes to reduce 126872  
 the rate of one or more of its property taxes. 126873

(4) If the rate of a school district property tax is 126874  
 reduced pursuant to this division, the tax commissioner shall 126875  
 compute the percentage required to be computed for that tax 126876  
 under division (D) of section 319.301 of the Revised Code each 126877  
 year the rate is reduced as if the tax had been levied in the 126878

preceding year at the rate to which it has been reduced. If the 126879  
reduced rate of a tax is increased under division (E) (5) of this 126880  
section, the commissioner shall compute the percentage required 126881  
to be computed for that tax under division (D) of section 126882  
319.301 of the Revised Code each year the rate is increased as 126883  
if the tax had been levied in the preceding year at the rate to 126884  
which it has been increased. 126885

(5) After the levying of a county school financing 126886  
district tax in conjunction with the reduction of the rate of 126887  
one or more school district taxes is approved by the electors 126888  
under this division, if the rate of the county school financing 126889  
district tax is decreased pursuant to an election under section 126890  
5705.261 of the Revised Code, the rate of each school district 126891  
tax that had been reduced shall be increased by the number of 126892  
mills obtained by multiplying the number of mills of the 126893  
original reduction by the same percentage that the financing 126894  
district tax rate is decreased. If the county school financing 126895  
district tax is repealed pursuant to an election under section 126896  
5705.261 of the Revised Code, each school district may resume 126897  
levying the property taxes that had been reduced at the full 126898  
rate originally approved by the electors. A reduction in the 126899  
rate of a school district property tax under this division is a 126900  
reduction in the rate at which the board of education may levy 126901  
that tax only for the period during which the county school 126902  
financing district tax is levied prior to any decrease or repeal 126903  
under section 5705.261 of the Revised Code. The resumption of 126904  
the authority of the board of education to levy an increased or 126905  
the full rate of tax does not constitute the levying of a new 126906  
tax in excess of the ten-mill limitation. 126907

(F) If a county school financing district has a tax in 126908  
effect under this section, the territory of a city, local, or 126909

exempted village school district that is not a part of the 126910  
county school financing district shall not become a part of the 126911  
county school financing district unless approved by the electors 126912  
of the city, local, or exempted village school district in 126913  
accordance with division (C) of section 3311.50 of the Revised 126914  
Code. 126915

**Sec. 5705.217.** (A) The board of education of a city, 126916  
local, or exempted village school district, at any time by a 126917  
vote of two-thirds of all its members, may declare by resolution 126918  
that the amount of taxes that can be raised within the ten-mill 126919  
limitation will be insufficient to provide an adequate amount 126920  
for the present and future requirements of the school district; 126921  
that it is necessary to levy an additional tax in excess of that 126922  
limitation for the purposes of providing funds for current 126923  
operating expenses and for general permanent improvements as 126924  
defined in section 5705.21 of the Revised Code; and that the 126925  
question of the tax shall be submitted to the electors of the 126926  
district at a special election. The tax may be levied for a 126927  
specified number of years not exceeding five or for a continuing 126928  
period of time. The resolution shall specify the proposed tax 126929  
rate, the first year the tax will be levied, and the number of 126930  
years it will be levied, or that it will be levied for a 126931  
continuing period of time. The resolution shall apportion the 126932  
annual rate of the tax between current operating expenses and 126933  
permanent improvements. The apportionment may but need not be 126934  
the same for each year of the tax, but the respective portions 126935  
of the rate actually levied each year for current operating 126936  
expenses and permanent improvements shall be limited by the 126937  
apportionment. 126938

The resolution shall specify the date of holding the 126939  
special election, which shall not be earlier than ninety days 126940

after certification of the resolution to the board of elections 126941  
and shall be consistent with the requirements of section 3501.01 126942  
of the Revised Code. The resolution shall go into immediate 126943  
effect upon its passage, and no publication of it is necessary 126944  
other than that provided in the notice of election. The board of 126945  
education shall certify a copy of the resolution to the board of 126946  
elections immediately after its adoption. Section 5705.25 of the 126947  
Revised Code governs the arrangements and form of the ballot for 126948  
the submission of the question to the electors. 126949

If a majority of the electors voting on the question vote 126950  
in favor of the tax, the board of education may make the levy at 126951  
the additional rate, or at any lesser rate in excess of the ten- 126952  
mill limitation. If the tax is for a continuing period of time, 126953  
it may be decreased in accordance with section 5705.261 of the 126954  
Revised Code. 126955

A board of education may adopt a resolution to renew one 126956  
or more existing levies imposed under this section, or to 126957  
~~increase or decrease~~ the rate of a tax levied under this 126958  
section, for the purpose of providing funds for either current 126959  
expenses and general permanent improvements or solely for 126960  
general permanent improvements. 126961

(B) (1) After the approval of a tax for current operating 126962  
expenses under this section and prior to the time the first 126963  
collection and distribution from the levy can be made, the board 126964  
of education may anticipate a fraction of the proceeds of such 126965  
levy and issue anticipation notes in a principal amount not 126966  
exceeding fifty per cent of the total estimated proceeds of the 126967  
tax to be collected during the first year of the levy. 126968

(2) After the approval of a tax for general permanent 126969  
improvements levied under this section for a specified number of 126970

years, the board of education may anticipate a fraction of the 126971  
proceeds of such tax and issue anticipation notes in a principal 126972  
amount not exceeding fifty per cent of the total estimated 126973  
proceeds of the tax remaining to be collected in each year over 126974  
a specified period of years, not exceeding the number of years 126975  
for which the tax was levied, after issuance of the notes. 126976

(3) After the approval of a tax for general permanent 126977  
improvements levied under this section for a continuing period 126978  
of time, the board of education may anticipate a fraction of the 126979  
proceeds of such tax and issue anticipation notes in a principal 126980  
amount not exceeding fifty per cent of the total estimated 126981  
proceeds of the tax to be collected in each year over a 126982  
specified period of years, not exceeding ten, after issuance of 126983  
the notes. 126984

Anticipation notes under this section shall be issued as 126985  
provided in section 133.24 of the Revised Code. Notes issued 126986  
under division (B) (1) or (2) of this section shall have 126987  
principal payments during each year after the year of their 126988  
issuance over a period not to exceed five years, and may have a 126989  
principal payment in the year of their issuance. Notes issued 126990  
under division (B) (3) of this section shall have principal 126991  
payments during each year after the year of their issuance over 126992  
a period not to exceed ten years, and may have a principal 126993  
payment in the year of their issuance. 126994

(C) The submission of a question to the electors under 126995  
this section is subject to the limitation on the number of 126996  
elections that can be held in a year under section 5705.214 of 126997  
the Revised Code. 126998

**Sec. 5705.218.** (A) The board of education of a city, 126999  
local, or exempted village school district, at any time by a 127000

vote of two-thirds of all its members, may declare by resolution 127001  
that it may be necessary for the school district to issue 127002  
general obligation bonds for permanent improvements. The 127003  
resolution shall state all of the following: 127004

(1) The necessity and purpose of the bond issue; 127005

(2) The date of the special election at which the question 127006  
shall be submitted to the electors; 127007

(3) The amount, approximate date, estimated rate of 127008  
interest, and maximum number of years over which the principal 127009  
of the bonds may be paid; 127010

(4) The necessity of levying a tax outside the ten-mill 127011  
limitation to pay debt charges on the bonds and any anticipatory 127012  
securities. 127013

On adoption of the resolution, the board shall certify a 127014  
copy of it to the county auditor. The county auditor promptly 127015  
shall estimate and certify to the board the average annual 127016  
property tax rate, expressed in mills for each one dollar of 127017  
taxable value and in dollars for each one hundred thousand 127018  
dollars of ~~the county auditor's appraised~~ market value, required 127019  
throughout the stated maturity of the bonds to pay debt charges 127020  
on the bonds in the same manner as under division (C) of section 127021  
133.18 of the Revised Code. 127022

(B) After receiving the county auditor's certification 127023  
under division (A) of this section, the board of education of 127024  
the city, local, or exempted village school district, by a vote 127025  
of two-thirds of all its members, may declare by resolution that 127026  
the amount of taxes that can be raised within the ten-mill 127027  
limitation will be insufficient to provide an adequate amount 127028  
for the present and future requirements of the school district; 127029

that it is necessary to issue general obligation bonds of the 127030  
school district for permanent improvements and to levy an 127031  
additional tax in excess of the ten-mill limitation to pay debt 127032  
charges on the bonds and any anticipatory securities; that it is 127033  
necessary for a specified number of years or for a continuing 127034  
period of time to levy additional taxes in excess of the ten- 127035  
mill limitation to provide funds for the acquisition, 127036  
construction, enlargement, renovation, and financing of 127037  
permanent improvements or to pay for current operating expenses, 127038  
or both; and that the question of the bonds and taxes shall be 127039  
submitted to the electors of the school district at a special 127040  
election, which shall not be earlier than ninety days after 127041  
certification of the resolution to the board of elections, and 127042  
the date of which shall be consistent with section 3501.01 of 127043  
the Revised Code. The resolution shall specify all of the 127044  
following: 127045

(1) The county auditor's estimate of the average annual 127046  
property tax rate required throughout the stated maturity of the 127047  
bonds to pay debt charges on the bonds; 127048

(2) The proposed rate of the tax, if any, for current 127049  
operating expenses expressed in mills for each one dollar of 127050  
taxable value and in dollars for each one hundred thousand 127051  
dollars of ~~the county auditor's appraised~~ market value, the 127052  
first year the tax will be levied, and the number of years it 127053  
will be levied, or that it will be levied for a continuing 127054  
period of time; 127055

(3) The proposed rate of the tax, if any, for permanent 127056  
improvements expressed in mills for each one dollar of taxable 127057  
value and in dollars for each one hundred thousand dollars of 127058  
~~the county auditor's appraised~~ market value, the first year the 127059

tax will be levied, and the number of years it will be levied, 127060  
or that it will be levied for a continuing period of time. 127061

The resolution shall apportion the annual rate of the tax 127062  
between current operating expenses and permanent improvements, 127063  
if both taxes are proposed. The apportionment may but need not 127064  
be the same for each year of the tax, but the respective 127065  
portions of the rate actually levied each year for current 127066  
operating expenses and permanent improvements shall be limited 127067  
by the apportionment. The resolution shall go into immediate 127068  
effect upon its passage, and no publication of it is necessary 127069  
other than that provided in the notice of election. The board of 127070  
education shall certify a copy of the resolution, along with 127071  
copies of the auditor's estimates and its resolution under 127072  
division (A) of this section, to the board of elections 127073  
immediately after its adoption. 127074

(C) The board of elections shall make the arrangements for 127075  
the submission to the electors of the school district of the 127076  
question proposed under division (B) or (J) of this section, and 127077  
the election shall be conducted, canvassed, and certified in the 127078  
same manner as regular elections in the district for the 127079  
election of county officers. The resolution shall be put before 127080  
the electors as one ballot question, with a favorable vote 127081  
indicating approval of the bond issue, the levy to pay debt 127082  
charges on the bonds and any anticipatory securities, the 127083  
current operating expenses levy, the permanent improvements 127084  
levy, and the levy for the current expenses of a qualifying 127085  
school district and of partnering community schools, as those 127086  
levies may be proposed. The board of elections shall publish 127087  
notice of the election in a newspaper of general circulation in 127088  
the school district once a week for two consecutive weeks, or as 127089  
provided in section 7.16 of the Revised Code, prior to the 127090

election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

(1) The principal amount of the proposed bond issue;

(2) The permanent improvements for which the bonds are to be issued;

(3) The maximum number of years over which the principal of the bonds may be paid;

(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor and expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value;

(5) The proposed rate of the additional tax, if any, for current operating expenses expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value and, if the question is proposed under division (J) of this section, the portion of the rate to be allocated to the school district and the portion to be allocated to partnering community schools;

(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;

(7) The proposed rate of the additional tax, if any, for permanent improvements expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value;

(8) The number of years the permanent improvements tax 127120  
will be in effect, or that it will be in effect for a continuing 127121  
period of time; 127122

(9) The annual estimated collections, if applicable, of 127123  
the current operating expenses levy and permanent improvements 127124  
levy, as certified by the county auditor; 127125

(10) The time and place of the special election. 127126

(D) The form of the ballot for an election under this 127127  
section is as follows: 127128

"Shall the \_\_\_\_\_ school district be authorized to do 127129  
the following: 127130

(1) Issue bonds for the purpose of \_\_\_\_\_ in the 127131  
principal amount of \$\_\_\_\_\_, to be repaid annually over a 127132  
maximum period of \_\_\_\_\_ years, and levy a property tax outside 127133  
the ten-mill limitation, estimated by the county auditor to 127134  
average over the bond repayment period \_\_\_\_\_ mills for each \$1 127135  
of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 127136  
~~the county auditor's appraised market~~ value, to pay the annual 127137  
debt charges on the bonds, and to pay debt charges on any notes 127138  
issued in anticipation of those bonds?" 127139

If either a levy for permanent improvements or a levy for 127140  
current operating expenses is proposed, or both are proposed, 127141  
the ballot also shall contain the following language, as 127142  
appropriate: 127143

"(2) Levy an additional property tax to provide funds for 127144  
the acquisition, construction, enlargement, renovation, and 127145  
financing of permanent improvements, that the county auditor 127146  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 127147  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 127148

\$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 127149  
market value, for \_\_\_\_\_ (number of years of the levy, or a 127150  
continuing period of time)? 127151

(3) Levy an additional property tax to pay current 127152  
operating expenses, that the county auditor estimates will 127153  
collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ mills 127154  
for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 127155  
\$100,000 of ~~the county auditor's appraised market value~~, for 127156  
\_\_\_\_\_ (number of years of the levy, or a continuing period of 127157  
time)? 127158  
127159

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

If the question is proposed under division (J) of this 127160  
section, the form of the ballot shall be modified as prescribed 127161  
by division (J) (4) of this section. 127162

(E) The board of elections promptly shall certify the 127163  
results of the election to the tax commissioner and the county 127164  
auditor of the county in which the school district is located. 127165  
If a majority of the electors voting on the question vote for 127166  
it, the board of education may proceed with issuance of the 127167  
bonds and with the levy and collection of the property tax or 127168  
taxes at the additional rate or any lesser rate in excess of the 127169  
ten-mill limitation. Any securities issued by the board of 127170  
education under this section are Chapter 133. securities, as 127171  
that term is defined in section 133.01 of the Revised Code. 127172

(F) (1) After the approval of a tax for current operating 127173  
expenses under this section and prior to the time the first 127174

collection and distribution from the levy can be made, the board 127175  
of education may anticipate a fraction of the proceeds of such 127176  
levy and issue anticipation notes in a principal amount not 127177  
exceeding fifty per cent of the total estimated proceeds of the 127178  
tax to be collected during the first year of the levy. 127179

(2) After the approval of a tax under this section for 127180  
permanent improvements having a specific purpose, the board of 127181  
education may anticipate a fraction of the proceeds of such tax 127182  
and issue anticipation notes in a principal amount not exceeding 127183  
fifty per cent of the total estimated proceeds of the tax 127184  
remaining to be collected in each year over a period of five 127185  
years after issuance of the notes. 127186

(3) After the approval of a tax under this section for 127187  
general permanent improvements as defined under section 5705.21 127188  
of the Revised Code, the board of education may anticipate a 127189  
fraction of the proceeds of such tax and issue anticipation 127190  
notes in a principal amount not exceeding fifty per cent of the 127191  
total estimated proceeds of the tax to be collected in each year 127192  
over a specified period of years, not exceeding ten, after 127193  
issuance of the notes. 127194

Anticipation notes under this section shall be issued as 127195  
provided in section 133.24 of the Revised Code. Notes issued 127196  
under division (F) (1) or (2) of this section shall have 127197  
principal payments during each year after the year of their 127198  
issuance over a period not to exceed five years, and may have a 127199  
principal payment in the year of their issuance. Notes issued 127200  
under division (F) (3) of this section shall have principal 127201  
payments during each year after the year of their issuance over 127202  
a period not to exceed ten years, and may have a principal 127203  
payment in the year of their issuance. 127204

(G) A tax for current operating expenses or for permanent improvements levied under this section for a specified number of years may be renewed ~~or replaced~~ in the same manner as a tax for current operating expenses or for permanent improvements levied under section 5705.21 of the Revised Code. A tax for current operating expenses or for permanent improvements levied under this section for a continuing period of time may be decreased in accordance with section 5705.261 of the Revised Code.

(H) The submission of a question to the electors under this section is subject to the limitation on the number of elections that can be held in a year under section 5705.214 of the Revised Code.

(I) A school district board of education proposing a ballot measure under this section to generate local resources for a project under the school building assistance expedited local partnership program under section 3318.36 of the Revised Code may combine the questions under division (D) of this section with a question for the levy of a property tax to generate moneys for maintenance of the classroom facilities acquired under that project as prescribed in section 3318.361 of the Revised Code.

(J) (1) After receiving the county auditor's certifications under division (A) of this section, the board of education of a qualifying school district, by a vote of two-thirds of all its members, may declare by resolution that it is necessary to levy a tax in excess of the ten-mill limitation for the purpose of paying the current expenses of the school district and of partnering community schools, as defined in section 5705.21 of the Revised Code; that it is necessary to issue general obligation bonds of the school district for permanent

improvements of the district and to levy an additional tax in 127235  
excess of the ten-mill limitation to pay debt charges on the 127236  
bonds and any anticipatory securities; and that the question of 127237  
the bonds and taxes shall be submitted to the electors of the 127238  
school district at a special election, which shall not be 127239  
earlier than ninety days after certification of the resolution 127240  
to the board of elections, and the date of which shall be 127241  
consistent with section 3505.01 of the Revised Code. 127242

The levy of taxes for the current expenses of a partnering 127243  
community school under division (J) of this section and the 127244  
distribution of proceeds from the tax by a qualifying school 127245  
district to partnering community schools is hereby determined to 127246  
be a proper public purpose. 127247

(2) The tax for the current expenses of the school 127248  
district and of partnering community schools is subject to the 127249  
requirements of divisions (B) (3), (4), and (5) of section 127250  
5705.21 of the Revised Code. 127251

(3) In addition to the required specifications of the 127252  
resolution under division (B) of this section, the resolution 127253  
shall express the rate of the tax in mills for each one dollar 127254  
of taxable value and in dollars for each one hundred thousand 127255  
dollars of ~~the county auditor's appraised~~ market value, state 127256  
the number of the mills to be levied for the current expenses of 127257  
the partnering community schools and the number of the mills to 127258  
be levied for the current expenses of the school district, 127259  
specify the number of years (not exceeding ten) the tax will be 127260  
levied or that it will be levied for a continuing period of 127261  
time, and state the first year the tax will be levied. 127262

The resolution shall go into immediate effect upon its 127263  
passage, and no publication of it is necessary other than that 127264

provided in the notice of election. The board of education shall 127265  
 certify a copy of the resolution, along with copies of the 127266  
 auditor's estimate and its resolution under division (A) of this 127267  
 section, to the board of elections immediately after its 127268  
 adoption. 127269

(4) The form of the ballot shall be modified by replacing 127270  
 the ballot form set forth in division (D) (3) of this section 127271  
 with the following: 127272

"Levy an additional property tax for the purpose of the 127273  
 current expenses of the school district and of partnering 127274  
 community schools, that the county auditor estimates will 127275  
 collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ mills 127276  
 for each \$1 of taxable value (of which \_\_\_\_\_ (insert the number 127277  
 of mills to be allocated to partnering community schools) mills 127278  
 is to be allocated to partnering community schools), which 127279  
 amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's~~ 127280  
~~appraised market~~ value, for \_\_\_\_\_ (insert the number of years 127281  
 the levy is to be imposed, or that it will be levied for a 127282  
 continuing period of time)? 127283

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

(5) After the approval of a tax for the current expenses 127285  
 of the school district and of partnering community schools under 127286  
 division (J) of this section, and prior to the time the first 127287  
 collection and distribution from the levy can be made, the board 127288  
 of education may anticipate a fraction of the proceeds of the 127289  
 levy for the current expenses of the school district and issue 127290  
 anticipation notes in a principal amount not exceeding fifty per 127291

cent of the estimated proceeds of the levy to be collected 127292  
during the first year of the levy and allocated to the school 127293  
district. The portion of levy proceeds to be allocated to 127294  
partnering community schools shall not be included in the 127295  
estimated proceeds anticipated under this division and shall not 127296  
be used to pay debt charges on any anticipation notes. 127297

The notes shall be issued as provided in section 133.24 of 127298  
the Revised Code, shall have principal payments during each year 127299  
after the year of their issuance over a period not to exceed 127300  
five years, and may have a principal payment in the year of 127301  
their issuance. 127302

(6) A tax for the current expenses of the school district 127303  
and of partnering community schools levied under division (J) of 127304  
this section for a specified number of years may be renewed ~~or~~ 127305  
~~replaced~~ in the same manner as a tax for the current expenses of 127306  
a school district and of partnering community schools levied 127307  
under division (B) of section 5705.21 of the Revised Code. A tax 127308  
for the current expenses of the school district and of 127309  
partnering community schools levied under this division for a 127310  
continuing period of time may be decreased in accordance with 127311  
section 5705.261 of the Revised Code. 127312

(7) The proceeds from the issuance of the general 127313  
obligation bonds under division (J) of this section shall be 127314  
used solely to pay for permanent improvements of the school 127315  
district and not for permanent improvements of partnering 127316  
community schools. 127317

**Sec. 5705.219.** (A) As used in this section: 127318

(1) "Eligible school district" means a city, local, or 127319  
exempted village school district in which the taxes charged and 127320

payable for current expenses on residential/agricultural real 127321  
property in the tax year preceding the year in which the levy 127322  
authorized by this section will be submitted for elector 127323  
approval or rejection are greater than two per cent of the 127324  
taxable value of the residential/agricultural real property. 127325

(2) "Residential/agricultural real property" and 127326  
"nonresidential/agricultural real property" means the property 127327  
classified as such under section 5713.041 of the Revised Code. 127328

(3) "Effective tax rate" and "taxes charged and payable" 127329  
have the same meanings as in division (B) of section 319.301 of 127330  
the Revised Code. 127331

(B) On or after January 1, 2010, but before January 1, 127332  
2015, the board of education of an eligible school district, by 127333  
a vote of two-thirds of all its members, may adopt a resolution 127334  
proposing to convert existing levies imposed for the purpose of 127335  
current expenses into a levy raising a specified amount of tax 127336  
money by repealing all or a portion of one or more of those 127337  
existing levies and imposing a levy in excess of the ten-mill 127338  
limitation that will raise a specified amount of money for 127339  
current expenses of the district. 127340

The board of education shall certify a copy of the 127341  
resolution to the tax commissioner not later than one hundred 127342  
five days before the election upon which the repeal and levy 127343  
authorized by this section will be proposed to the electors. 127344  
Within ten days after receiving the copy of the resolution, the 127345  
tax commissioner shall determine each of the following and 127346  
certify the determinations to the board of education: 127347

(1) The dollar amount to be raised by the proposed levy, 127348  
which shall be the product of: 127349

(a) The difference between the aggregate effective tax rate for residential/agricultural real property for the tax year preceding the year in which the repeal and levy will be proposed to the electors and twenty mills for each one dollar of taxable value; 127350  
127351  
127352  
127353  
127354

(b) The total taxable value of all property on the tax list of real and public utility property for the tax year preceding the year in which the repeal and levy will be proposed to the electors. 127355  
127356  
127357  
127358

(2) The estimated tax rate of the proposed levy. 127359

(3) The existing levies and any portion of an existing levy to be repealed upon approval of the question. Levies shall be repealed in reverse chronological order from most recently imposed to least recently imposed until the sum of the effective tax rates repealed for residential/agricultural real property is equal to the difference calculated in division (B) (1) (a) of this section. 127360  
127361  
127362  
127363  
127364  
127365  
127366

(4) The sum of the following: 127367

(a) The total taxable value of nonresidential/agricultural real property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied by the difference between (i) the aggregate effective tax rate for nonresidential/agricultural real property for the existing levies and any portion of an existing levy to be repealed and (ii) the amount determined under division (B) (1) (a) of this section, but not less than zero; 127368  
127369  
127370  
127371  
127372  
127373  
127374  
127375

(b) The total taxable value of public utility tangible personal property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied 127376  
127377  
127378

by the difference between (i) the aggregate voted tax rate for 127379  
the existing levies and any portion of an existing levy to be 127380  
repealed and (ii) the amount determined under division (B) (1) (a) 127381  
of this section, but not less than zero. 127382

(C) Upon receipt of the certification from the tax 127383  
commissioner under division (B) of this section, a majority of 127384  
the members of the board of education may adopt a resolution 127385  
proposing the repeal of the existing levies as identified in the 127386  
certification and the imposition of a levy in excess of the ten- 127387  
mill limitation that will raise annually the amount certified by 127388  
the commissioner. If the board determines that the tax should be 127389  
for an amount less than that certified by the commissioner, the 127390  
board may request that the commissioner redetermine the rate 127391  
under division (B) (2) of this section on the basis of the lesser 127392  
amount the levy is to raise as specified by the board. The 127393  
amount certified under division (B) (4) and the levies to be 127394  
repealed as certified under division (B) (3) of this section 127395  
shall not be redetermined. Within ten days after receiving a 127396  
timely request specifying the lesser amount to be raised by the 127397  
levy, the commissioner shall redetermine the rate and recertify 127398  
it to the board as otherwise provided in division (B) of this 127399  
section. Only one such request may be made by the board of 127400  
education of an eligible school district. 127401

The resolution shall state the first calendar year in 127402  
which the levy will be due; the existing levies and any portion 127403  
of an existing levy that will be repealed, as certified by the 127404  
commissioner; the term of the levy expressed in years, which may 127405  
be any number not exceeding ten, or that it will be levied for a 127406  
continuing period of time; and the date of the election, which 127407  
shall be the date of a primary or general election. 127408

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code, as that section existed before the effective date of its repeal by this act. No publication of the resolution is necessary other than that provided for in the notice of election. Section 5705.196 of the Revised Code, as that section existed before the effective date of its repeal by this act, shall govern the matters concerning the election. The submission of a question to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

(D) The form of the ballot to be used at the election provided for in this section shall be as follows:

"Shall the existing levy of \_\_\_\_\_ (insert the voted millage rate of the levy to be repealed), currently being charged against residential and agricultural property by the \_\_\_\_\_ (insert the name of school district) at a rate of \_\_\_\_\_ (insert the residential/agricultural real property effective tax rate of the levy being repealed) for the purpose of \_\_\_\_\_ (insert the purpose of the existing levy) be repealed, and shall a levy be imposed by the \_\_\_\_\_ (insert the name of school district) in excess of the ten-mill limitation for the necessary requirements of the school district in the sum of \_\_\_\_\_ (insert the annual amount the levy is to produce), estimated by the tax commissioner to require \_\_\_\_\_ (insert the number of mills) mills for each one dollar of valuation, which amounts to \_\_\_\_\_ (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation for the initial year of the tax, for a

period of \_\_\_\_\_ (insert the number of years the levy is to  
 be imposed, or that it will be levied for a continuing period of  
 time), commencing in \_\_\_\_\_ (insert the first year the tax  
 is to be levied), first due in calendar year \_\_\_\_\_ (insert  
 the first calendar year in which the tax shall be due)?

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

"

127446

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

"

If the question submitted is a proposal to repeal all or a  
 portion of more than one existing levy, the form of the ballot  
 shall be modified by substituting the statement "shall the  
 existing levy of" with "shall existing levies of" and inserting  
 the aggregate voted and aggregate effective tax rates to be  
 repealed.

(E) If a majority of the electors voting on the question  
 submitted in an election vote in favor of the repeal and levy,  
 the result shall be certified immediately after the canvass by  
 the board of elections to the board of education. The board of  
 education may make the levy necessary to raise the amount  
 specified in the resolution for the purpose stated in the  
 resolution and shall certify it to the county auditor, who shall  
 extend it on the current year tax lists for collection. After  
 the first year, the levy shall be included in the annual tax  
 budget that is certified to the county budget commission.

(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261 of the Revised Code. If a levy imposed under this section is decreased, the amount calculated under division (B) (4) of this section and paid under section 5705.2110 of the Revised Code shall be decreased by the same proportion as the levy is decreased. If the levy is repealed, no further payments shall be made to the district under that section.

(G) At any time, the board of education, by a vote of two-thirds of all of its members, may adopt a resolution to renew a tax levied under this section. The resolution shall provide for levying the tax and specifically all of the following:

(1) That the tax shall be called, and designated on the ballot as, a renewal levy;

(2) The amount of the renewal tax, which shall be no more than the amount of tax previously collected;

(3) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(4) That the purpose of the renewal tax is for current expenses.

The board shall certify a copy of the resolution to the board of elections not later than ninety days before the date of the election at which the question is to be submitted, which shall be the date of a primary or general election.

(H) The form of the ballot to be used at the election on the question of renewing a levy under this section shall be as follows:

"Shall a tax levy renewing an existing levy of \_\_\_\_\_ 127491  
 (insert the annual dollar amount the levy is to produce each 127492  
 year), estimated to require \_\_\_\_\_ (insert the number of 127493  
 mills) mills for each \$1 of taxable value, which amounts to 127494  
 \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised~~ 127495  
~~market~~ value, be imposed by the \_\_\_\_\_ (insert the name of 127496  
 school district) for the purpose of current expenses for a 127497  
 period of \_\_\_\_\_ (insert the number of years the levy is to 127498  
 be imposed, or that it will be levied for a continuing period of 127499  
 time), commencing in \_\_\_\_\_ (insert the first year the tax 127500  
 is to be levied), first due in calendar year \_\_\_\_\_ (insert 127501  
 the first calendar year in which the tax shall be due)? 127502  
 127503

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

If the levy submitted is to be for less than the amount of 127504  
 money previously collected, the form of the ballot shall be 127505  
 modified to add "and reducing" after "renewing" and to add 127506  
 before "estimated to require" the statement "be approved at a 127507  
 tax rate necessary to produce \$\_\_\_\_\_ (insert the lower 127508  
 annual dollar amount the levy is to produce each year)." 127509

**Sec. 5705.2111.** (A) If the board of directors of a 127510  
 regional student education district created under section 127511  
 3313.83 of the Revised Code desires to levy a tax in excess of 127512  
 the ten-mill limitation throughout the district for the purpose 127513  
 of funding the services to be provided by the district to 127514  
 students enrolled in the school districts of which the district 127515  
 is composed and their immediate family members, the board shall 127516  
 propose the levy to each of the boards of education of those 127517

school districts. The proposal shall specify the rate or amount 127518  
of the tax, the number of years the tax will be levied or that 127519  
it will be levied for a continuing period of time, and that the 127520  
aggregate rate of the tax shall not exceed three mills per 127521  
dollar of taxable value in the regional student education 127522  
district. 127523

(B) (1) If ~~a majority~~ two-thirds of the members of the 127524  
boards of education of each of the school districts of which the 127525  
regional student education district is composed approves the 127526  
proposal for the tax levy, the board of directors of the 127527  
regional student education district may adopt a resolution 127528  
approved by a majority of the board's full membership declaring 127529  
the necessity of levying the proposed tax in excess of the ten- 127530  
mill limitation throughout the district for the purpose of 127531  
funding the services to be provided by the district to students 127532  
enrolled in the school districts of which the district is 127533  
composed and their immediate family members. The resolution 127534  
shall provide for the question of the tax to be submitted to the 127535  
electors of the district at a general, primary, or special 127536  
election on a day to be specified in the resolution that is 127537  
consistent with the requirements of section 3501.01 of the 127538  
Revised Code and that occurs at least ninety days after the 127539  
resolution is certified to the board of elections. The 127540  
resolution shall specify the rate or amount of the tax and the 127541  
number of years the tax will be levied or that the tax will be 127542  
levied for a continuing period of time. The aggregate rate of 127543  
tax levied by a regional student education district under this 127544  
section at any time shall not exceed three mills per dollar of 127545  
taxable value in the district. A tax levied under this section 127546  
may be renewed, subject to section 5705.25 of the Revised Code, ~~or~~ 127547  
~~or replaced as provided in section 5705.192 of the Revised Code.~~ 127548

(2) The resolution shall take effect immediately upon passage, and no publication of the resolution is necessary other than that provided in the notice of election. The resolution shall be certified and submitted in the manner provided under section 5705.25 of the Revised Code, and that section governs the arrangements governing submission of the question and other matters concerning the election.

**Sec. 5705.2113.** The fiscal board of a qualifying partnership may declare that it is necessary to issue general obligation bonds for the purpose of acquiring classroom facilities and necessary appurtenances and to levy a tax in excess of the ten-mill limitation to pay debt charges on the bonds as provided in section 133.18 of the Revised Code, subject to the following:

(A) The issuance of the bonds and the levy of the tax is subject to approval by a majority of the electors in the combined territory of all participating school districts, not necessarily by a majority of electors in each participating school district.

(B) Before proposing the question of issuing bonds to the electors, the fiscal board shall obtain identical resolutions adopted by ~~a majority~~ two-thirds of the members of the board of education of each participating school district specifying all of the matters required by division (B) of section 133.18 of the Revised Code.

(C) The maximum maturity of the bonds shall be fifteen years, notwithstanding section 133.20 of the Revised Code.

(D) The bonds are Chapter 133. securities for the purposes of Chapter 133. of the Revised Code and other law applying to

Chapter 133. securities, except as otherwise provided in this 127578  
section. 127579

(E) The combined territory and tax valuation of all 127580  
participating school districts is the territory and tax 127581  
valuation of the subdivision for the purposes of that section. 127582

(F) The fiscal board is a "taxing authority" for the 127583  
purposes of Chapter 133. of the Revised Code with respect to the 127584  
tax and bonds authorized under this section, and the treasurer 127585  
of the school district serving as the fiscal board is the fiscal 127586  
officer for the purposes of that chapter. 127587

**Sec. 5705.2114.** (A) If the board of directors of a career- 127588  
technical cooperative education district created under section 127589  
3313.831 of the Revised Code desires to levy a tax in excess of 127590  
the ten-mill limitation throughout the district for the purpose 127591  
of funding the services to be provided by the district to 127592  
students enrolled in the school districts of which the district 127593  
is composed, the board shall propose the levy to each of the 127594  
boards of education of those school districts. The proposal 127595  
shall specify the rate or amount of the tax, the number of years 127596  
the tax will be levied or that it will be levied for a 127597  
continuing period of time, and that the aggregate rate of the 127598  
tax shall not exceed three mills per dollar of taxable value in 127599  
the career-technical cooperative education district. 127600

(B) (1) If a majority of the boards of education of the 127601  
school districts of which the career-technical cooperative 127602  
education district is composed approves the proposal for the tax 127603  
levy, the board of directors of the career-technical cooperative 127604  
education district may adopt a resolution approved by a majority 127605  
of the board's full membership declaring the necessity of 127606  
levying the proposed tax in excess of the ten-mill limitation 127607

throughout the district for the purpose of funding the services 127608  
to be provided by the district to students enrolled in the 127609  
school districts of which the district is composed. The 127610  
resolution shall provide for the question of the tax to be 127611  
submitted to the electors of the district at a general, primary, 127612  
or special election on a day to be specified in the resolution 127613  
that is consistent with the requirements of section 3501.01 of 127614  
the Revised Code and that occurs at least ninety days after the 127615  
resolution is certified to the board of elections. The 127616  
resolution shall specify the rate or amount of the tax and the 127617  
number of years the tax will be levied or that the tax will be 127618  
levied for a continuing period of time. The aggregate rate of 127619  
tax levied by a career-technical cooperative education district 127620  
under this section at any time shall not exceed three mills per 127621  
dollar of taxable value in the district. A tax levied under this 127622  
section may be renewed, subject to section 5705.25 of the 127623  
Revised Code, except that the tax may not be renewed and 127624  
increased. 127625

(2) The resolution shall take effect immediately upon 127626  
passage, and no publication of the resolution is necessary other 127627  
than that provided in the notice of election. The resolution 127628  
shall be certified and submitted in the manner provided under 127629  
section 5705.25 of the Revised Code, and that section governs 127630  
the arrangements governing submission of the question and other 127631  
matters concerning the election. 127632

**Sec. 5705.221.** (A) At any time, the board of county 127633  
commissioners of any county by a majority vote of the full 127634  
membership may declare by resolution and certify to the board of 127635  
elections of the county that the amount of taxes which may be 127636  
raised within the ten-mill limitation by levies on the current 127637  
tax duplicate will be insufficient to provide the necessary 127638

requirements of the county's alcohol, drug addiction, and mental 127639  
health service district established pursuant to Chapter 340. of 127640  
the Revised Code, or the county's contribution to a joint-county 127641  
district of which the county is a part, and that it is necessary 127642  
to levy a tax in excess of such limitation for the operation of 127643  
community addiction services providers and community mental 127644  
health services providers and the acquisition, construction, 127645  
renovation, financing, maintenance, and operation of alcohol and 127646  
drug addiction facilities and mental health facilities. 127647

Such resolution shall conform to section 5705.19 of the 127648  
Revised Code, except that the increased rate may be in effect 127649  
for any number of years not exceeding ten. 127650

The resolution shall be certified and submitted in the 127651  
manner provided in section 5705.25 of the Revised Code, except 127652  
that it may be placed on the ballot in any election, and except 127653  
as otherwise provided in division (G) of this section. The 127654  
resolution shall be certified to the board of elections not less 127655  
than ninety days before the election at which it will be voted 127656  
upon. 127657

If the majority of the electors voting on a levy to 127658  
supplement general fund appropriations for the support of the 127659  
comprehensive community addiction and mental health services 127660  
providers vote in favor of the levy, the board may levy a tax 127661  
within the county at the additional rate outside the ten-mill 127662  
limitation during the specified period, for the purpose stated 127663  
in the resolution. 127664

(B) When electors have approved a tax levy under this 127665  
section, the board of county commissioners may anticipate a 127666  
fraction of the proceeds of the levy and, from time to time, 127667  
issue anticipation notes in accordance with section 5705.191 or 127668

5705.193 of the Revised Code. 127669

(C) The county auditor who is the fiscal officer of the 127670  
alcohol, drug addiction, and mental health service district, 127671  
upon receipt of a resolution from the board of alcohol, drug 127672  
addiction, and mental health services, shall establish for the 127673  
district a capital improvements account or a reserve balance 127674  
account, or both, as specified in the resolution. The capital 127675  
improvements account shall be a contingency fund for the 127676  
necessary acquisition, replacement, renovation, or construction 127677  
of facilities and movable and fixed equipment. Upon the request 127678  
of the board, funds not needed to pay for current expenses may 127679  
be appropriated to the capital improvements account, in amounts 127680  
such that the account does not exceed twenty-five per cent of 127681  
the replacement value of all capital facilities and equipment 127682  
currently used by the board for programs and services. Other 127683  
funds which are available for current capital expenses from 127684  
federal, state, or local sources may also be appropriated to 127685  
this account. 127686

The reserve balance account shall contain those funds that 127687  
are not needed to pay for current operating expenses and not 127688  
deposited in the capital improvements account but that will be 127689  
needed to pay for operating expenses in the future. Upon the 127690  
request of a board, such funds shall be appropriated to the 127691  
reserve balance account. Payments from the capital improvements 127692  
account and the reserve balance account shall be made by the 127693  
county treasurer who is the custodian of funds for the district 127694  
upon warrants issued by the county auditor who is the fiscal 127695  
officer of the district pursuant to orders of the board. 127696

(D) If a board of county commissioners levies a tax under 127697  
this section for the county's contribution to a joint-county 127698

district of which the county is a part, revenue from the tax 127699  
shall only be expended for the benefit of the residents of the 127700  
county. 127701

(E) If a board of county commissioners levies a tax under 127702  
this section for the county's contribution to a joint-county 127703  
district of which the county is a part and that district expands 127704  
or contracts due to the addition or withdrawal of another 127705  
county, the board, provided that county remains a part of the 127706  
newly expanded or contracted joint-county district, shall 127707  
continue to levy and collect that tax, pursuant to the terms 127708  
originally approved by electors, for the county's contribution 127709  
to the newly expanded or contracted joint-county district of 127710  
which the county is a part. Notwithstanding ~~sections 5705.192-~~ 127711  
~~and section 5705.25~~ of the Revised Code, the election notice and 127712  
ballot language of a renewal ~~or replacement~~ of such a levy shall 127713  
identify the name of the newly expanded or contracted joint- 127714  
county district. 127715

(F) If a board of county commissioners levies a tax under 127716  
this section for the county's contribution to a joint-county 127717  
district of which the county is a part and the county withdraws 127718  
from the district, the board shall continue to levy and collect 127719  
that tax, pursuant to the terms originally approved by electors, 127720  
for one of the following purposes, if either situation applies: 127721

(1) For the county's contribution to a newly joined joint- 127722  
county district, if the county joins such a joint-county 127723  
district in the tax year after the year in which the county 127724  
withdraws from the other joint-county district; 127725

(2) To provide the necessary requirements of the county's 127726  
alcohol, drug addiction, and mental health service district, if 127727  
the county establishes such a district under Chapter 340. of the 127728

Revised Code in the tax year after the year in which the county  
withdraws from the joint-county district. 127729  
127730

Notwithstanding ~~sections 5705.192 and~~ section 5705.25 of  
the Revised Code, the election notice and ballot language of a  
renewal ~~or replacement~~ of such a levy shall identify the name of  
the newly established district or newly joined joint-county  
district. 127731  
127732  
127733  
127734  
127735

(G) Division (G) of this section applies only if all of  
the following apply: 127736  
127737

(1) The county withdraws from a joint-county district. 127738

(2) The board of alcohol, drug addiction, and mental  
health services of that joint-county district levies a tax under  
section 5705.19 of the Revised Code in the tax year for which  
the county withdraws from the joint-county district. 127739  
127740  
127741  
127742

(3) The board of county commissioners of the withdrawing  
county adopts a resolution under division (A) of this section  
proposing a tax under this section that specifies that the first  
tax year the tax is to be levied by the board is the tax year  
after the year the tax described in division (G) (2) of this  
section expires or is renewed ~~or replaced~~, as authorized under  
division (B) of section 340.01 of the Revised Code. 127743  
127744  
127745  
127746  
127747  
127748  
127749

The proposed tax described in division (G) (3) of this  
section may be a renewal, renewal and decrease, or renewal and  
increase of the tax described in division (G) (2) of this  
section, except that, notwithstanding section 5705.25 of the  
Revised Code, the election notice and ballot language of a  
renewal of such a levy shall identify the county as the  
subdivision within which the tax will be levied and not the  
joint-county district from which the county withdrew. 127750  
127751  
127752  
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~~Alternatively, the tax described in division (G) (3) of this section may be a replacement, replacement and decrease, or replacement and increase of the tax described in division (G) (2) of this section, as authorized under section 5705.192 of the Revised Code, except that, notwithstanding that section, the election notice and ballot language of a replacement of such a levy shall identify the county as the subdivision within which the tax will be levied and not the joint-county district from which the county withdrew.~~

**Sec. 5705.222.** (A) At any time the board of county commissioners of any county by a majority vote of the full membership may declare by resolution and certify to the board of elections of the county that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide the necessary requirements of the county board of developmental disabilities established pursuant to Chapter 5126. of the Revised Code and that it is necessary to levy a tax in excess of such limitation for the operation of community programs and services authorized by county boards of developmental disabilities, for the acquisition, construction, renovation, financing, maintenance, and operation of developmental disabilities facilities, or for both of such purposes.

The resolution shall conform to section 5705.19 of the Revised Code, except that the increased rate may be in effect for any number of years not exceeding ten or for a continuing period of time.

The resolution shall be certified and submitted in the manner provided in section 5705.25 of the Revised Code, except that it may be placed on the ballot in any election, and shall

be certified to the board of elections not less than ninety days 127788  
before the election at which it will be voted upon. 127789

If the majority of the electors voting on a levy for the 127790  
support of the programs and services of the county board of 127791  
developmental disabilities vote in favor of the levy, the board 127792  
of county commissioners may levy a tax within the county at the 127793  
additional rate outside the ten-mill limitation during the 127794  
specified or continuing period, for the purpose stated in the 127795  
resolution. 127796

The county board of developmental disabilities, within its 127797  
budget and with the approval of the board of county 127798  
commissioners through annual appropriations, shall use the 127799  
proceeds of a levy approved under this section or division (L) 127800  
of section 5705.19 of the Revised Code solely for the purposes 127801  
authorized by that section or division. 127802

A board of county commissioners that levies a tax under 127803  
this section or for the purpose authorized by division (L) of 127804  
section 5705.19 of the Revised Code, by a majority vote of the 127805  
full membership, may adopt a resolution to renew such a levy, or 127806  
renew two or more such levies as a single ballot question, in 127807  
the manner provided by section 5705.25 of the Revised Code for 127808  
the renewal of existing levies. The purpose of the renewal levy 127809  
may be for any of the purposes authorized for a levy imposed 127810  
under this section or division (L) of section 5705.19 of the 127811  
Revised Code. The term of the renewal levy may be for any number 127812  
of years not exceeding ten or for a continuing period of time. 127813

(B) When electors have approved a tax levy under this 127814  
section, the county commissioners may anticipate a fraction of 127815  
the proceeds of the levy and issue anticipation notes in 127816  
accordance with section 5705.191 or 5705.193 of the Revised 127817

Code. 127818

(C) The county auditor, upon receipt of a resolution from 127819  
the county board of developmental disabilities, shall establish 127820  
a capital improvements account or a reserve balance account, or 127821  
both, as specified in the resolution. The capital improvements 127822  
account shall be a contingency account for the necessary 127823  
acquisition, replacement, renovation, or construction of 127824  
facilities and movable and fixed equipment. Upon the request of 127825  
the county board of developmental disabilities, moneys not 127826  
needed to pay for current expenses may be appropriated to this 127827  
account, in amounts such that this account does not exceed 127828  
twenty-five per cent of the replacement value of all capital 127829  
facilities and equipment currently used by the county board of 127830  
developmental disabilities for developmental disabilities 127831  
programs and services. Other moneys available for current 127832  
capital expenses from federal, state, or local sources may also 127833  
be appropriated to this account. 127834

The reserve balance account shall contain those moneys 127835  
that are not needed to pay for current operating expenses and 127836  
not deposited in the capital improvements account but that will 127837  
be needed to pay for operating expenses in the future. Upon the 127838  
request of a county board of developmental disabilities, the 127839  
board of county commissioners may appropriate county funds, 127840  
including funds from federal and state sources, to the reserve 127841  
balance account. 127842

The total balance in a reserve balance account shall not 127843  
exceed forty per cent of the county board of developmental 127844  
disabilities' expenditures for all services in the preceding 127845  
calendar year. 127846

~~Amounts in a capital improvements account or reserve~~ 127847

~~balance account that are not in excess of the limitations— 127848~~  
~~prescribed in this division shall be considered reasonable and— 127849~~  
~~shall not be taken into consideration by the county budget— 127850~~  
~~commission when determining whether to reduce the taxing— 127851~~  
~~authority of a county under section 5705.32 of the Revised Code. 127852~~

**Sec. 5705.233.** (A) As used in this section, "criminal 127853  
justice facility" means any facility located within the county 127854  
in which a tax is levied under this section and for which the 127855  
board of commissioners of such county may make an appropriation 127856  
under section 307.45 of the Revised Code. 127857

(B) The board of county commissioners of any county, at 127858  
any time, may declare by resolution that it may be necessary for 127859  
the county to issue general obligation bonds for permanent 127860  
improvements to a criminal justice facility, including the 127861  
acquisition, construction, enlargement, renovation, or 127862  
maintenance of such a facility. The resolution shall state all 127863  
of the following: 127864

(1) The necessity and purpose of the bond issue; 127865

(2) The date of the general or special election at which 127866  
the question shall be submitted to the electors; 127867

(3) The amount, approximate date, estimated rate of 127868  
interest, and maximum number of years over which the principal 127869  
of the bonds may be paid; 127870

(4) The necessity of levying a tax outside the ten-mill 127871  
limitation to pay debt charges on the bonds and any anticipatory 127872  
securities. 127873

On adoption of the resolution, the board of county 127874  
commissioners shall certify a copy of it to the county auditor. 127875  
The county auditor promptly shall estimate and certify to the 127876

board the average annual property tax rate, expressed in mills 127877  
for each one dollar of taxable value and in dollars for each one 127878  
hundred thousand dollars of ~~the county auditor's appraised~~ 127879  
market value, required throughout the stated maturity of the 127880  
bonds to pay debt charges on the bonds, in the same manner as 127881  
under division (C) of section 133.18 of the Revised Code. Except 127882  
as provided in division (C) of this section, division (B) of 127883  
section 5705.03 of the Revised Code does not apply to tax levy 127884  
proceedings initiated under this section. 127885

(C) After receiving the county auditor's certification 127886  
under division (B) of this section and, if applicable, section 127887  
5705.03 of the Revised Code, the board of county commissioners 127888  
may declare by resolution that the amount of taxes that can be 127889  
raised within the ten-mill limitation will be insufficient to 127890  
provide an adequate amount for the present and future criminal 127891  
justice requirements of the county; that it is necessary to 127892  
issue general obligation bonds of the county for permanent 127893  
improvements to a criminal justice facility and to levy an 127894  
additional tax in excess of the ten-mill limitation to pay debt 127895  
charges on the bonds and any anticipatory securities; that it is 127896  
necessary for a specified number of years or for a continuing 127897  
period of time to levy additional taxes in excess of the ten- 127898  
mill limitation to provide funds for the acquisition, 127899  
construction, enlargement, renovation, maintenance, and 127900  
financing of permanent improvements to such a criminal justice 127901  
facility or to pay for operating expenses of the facility and 127902  
other criminal justice services for which the board may make an 127903  
appropriation under section 307.45 of the Revised Code, or both; 127904  
and that the question of the bonds and taxes shall be submitted 127905  
to the electors of the county at a general or special election, 127906  
which shall not be earlier than ninety days after certification 127907

of the resolution to the board of elections, and the date of 127908  
which shall be consistent with section 3501.01 of the Revised 127909  
Code. The resolution shall specify all of the following: 127910

(1) The county auditor's estimate of the average annual 127911  
property tax rate required throughout the stated maturity of the 127912  
bonds to pay debt charges on the bonds; 127913

(2) The proposed rate of the tax, if any, for operating 127914  
expenses and criminal justice services, the first year the tax 127915  
will be levied, and the number of years it will be levied, or 127916  
that it will be levied for a continuing period of time; 127917

(3) The proposed rate of the tax, if any, for permanent 127918  
improvements to a criminal justice facility, the first year the 127919  
tax will be levied, and the number of years it will be levied, 127920  
or that it will be levied for a continuing period of time. 127921

The resolution shall go into immediate effect upon its 127922  
passage, and no publication of it is necessary other than that 127923  
provided in the notice of election, except that division (B) of 127924  
section 5705.03 of the Revised Code applies if the resolution 127925  
proposes an additional tax for operating expenses and criminal 127926  
justice services or permanent improvements. The board of county 127927  
commissioners shall certify, immediately after its adoption, a 127928  
copy of the resolution, along with copies of the auditor's 127929  
certifications under division (B) of this section or section 127930  
5705.03 of the Revised Code, if applicable, and the board's 127931  
resolution under division (B) of this section, to the board of 127932  
elections. 127933

(D) The board of elections shall make the arrangements for 127934  
the submission of the question proposed under division (C) of 127935  
this section to the electors of the county, and the election 127936

shall be conducted, canvassed, and certified in the same manner 127937  
as regular elections in the county for the election of county 127938  
officers. The resolution shall be put before the electors as one 127939  
ballot question, with a favorable vote indicating approval of 127940  
the bond issue, the levy to pay debt charges on the bonds and 127941  
any anticipatory securities, the operating expenses and criminal 127942  
justice services levy, and the permanent improvements levy, as 127943  
those levies may be proposed. The board of elections shall 127944  
publish notice of the election in a newspaper of general 127945  
circulation in the county once a week for two consecutive weeks, 127946  
or as provided in section 7.16 of the Revised Code, before the 127947  
election. If a board of elections operates and maintains a web 127948  
site, that board also shall post notice of the election on its 127949  
web site for thirty days before the election. The notice of 127950  
election shall state all of the following: 127951

(1) The principal amount of the proposed bond issue; 127952

(2) The permanent improvements for which the bonds are to 127953  
be issued; 127954

(3) The maximum number of years over which the principal 127955  
of the bonds may be paid; 127956

(4) The estimated additional average annual property tax 127957  
rate, expressed in mills for each one dollar of taxable value 127958  
and in dollars for each one hundred thousand dollars of ~~the~~ 127959  
~~county auditor's appraised market~~ value, to pay the debt charges 127960  
on the bonds, as certified by the county auditor; 127961

(5) The proposed rate of the additional tax, if any, for 127962  
operating expenses and criminal justice services; 127963

(6) The number of years the operating expenses or criminal 127964  
justice services tax will be in effect, or that it will be in 127965

effect for a continuing period of time; 127966

(7) The proposed rate of the additional tax, if any, for 127967  
permanent improvements; 127968

(8) The number of years the permanent improvements tax 127969  
will be in effect, or that it will be in effect for a continuing 127970  
period of time; 127971

(9) The estimated annual collections, if applicable, of 127972  
the current operating expenses or criminal justice services levy 127973  
and permanent improvements levy, as certified by the county 127974  
auditor; 127975

(10) The time and place of the election. 127976

(E) The form of the ballot for an election under this 127977  
section is as follows: 127978

"Shall \_\_\_\_\_ be authorized to do the following: 127979

(1) Issue bonds for the purpose of \_\_\_\_\_ in the 127980  
principal amount of \$\_\_\_\_\_, to be repaid annually over a 127981  
maximum period of \_\_\_\_\_ years, and levy a property tax outside 127982  
the ten-mill limitation, estimated by the county auditor to 127983  
average over the bond repayment period \_\_\_\_\_ mills for each \$1 127984  
of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 127985  
~~the county auditor's appraised market~~ value, to pay the annual 127986  
debt charges on the bonds, and to pay debt charges on any notes 127987  
issued in anticipation of those bonds?" 127988

If either a levy for permanent improvements or a levy for 127989  
operating expenses and criminal justice services is proposed, or 127990  
both are proposed, the ballot also shall contain the following 127991  
language, as appropriate: 127992

"(2) Levy an additional property tax to provide funds for 127993

the acquisition, construction, enlargement, renovation, 127994  
maintenance, and financing of permanent improvements to a 127995  
criminal justice facility, that the county auditor estimates 127996  
will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ 127997  
mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ 127998  
for each \$100,000 of ~~the county auditor's appraised market~~ 127999  
value, for \_\_\_\_\_ (number of years of the levy, or a continuing 128000  
period of time)? 128001

(3) Levy an additional property tax to pay operating 128002  
expenses of a criminal justice facility and provide other 128003  
criminal justice services, that the county auditor estimates 128004  
will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ 128005  
mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ 128006  
for each \$100,000 of ~~the county auditor's appraised market~~ 128007  
value, for \_\_\_\_\_ (number of years of the levy, or a continuing 128008  
period of time)? 128009

FOR THE BOND ISSUE AND LEVY (OR LEVIES) 128010

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)" 128011

(F) The board of elections promptly shall certify the 128012  
results of the election to the tax commissioner and the county 128013  
auditor. If a majority of the electors voting on the question 128014  
vote for it, the board of county commissioners may proceed with 128015  
issuance of the bonds and the levy and collection of the 128016  
property tax for the debt service on the bonds and any 128017  
anticipatory securities in the same manner and subject to the 128018  
same limitations as for securities issued under section 133.18 128019  
of the Revised Code, and with the levy and collection of the 128020  
property tax or taxes for operating expenses and criminal 128021  
justice services and for permanent improvements at the 128022  
additional rate or any lesser rate in excess of the ten-mill 128023

limitation. Any securities issued by the board of commissioners 128024  
under this section are Chapter 133. securities, as that term is 128025  
defined in section 133.01 of the Revised Code. 128026

(G) (1) After the approval of a tax for operating expenses 128027  
and criminal justice services under this section and before the 128028  
time the first collection and distribution from the levy can be 128029  
made, the board of county commissioners may anticipate a 128030  
fraction of the proceeds of the levy and issue anticipation 128031  
notes in a principal amount not exceeding fifty per cent of the 128032  
total estimated proceeds of the tax to be collected during the 128033  
first year of the levy. 128034

(2) After the approval of a tax under this section for 128035  
permanent improvements to a criminal justice facility, the board 128036  
of county commissioners may anticipate a fraction of the 128037  
proceeds of the tax and issue anticipation notes in a principal 128038  
amount not exceeding fifty per cent of the total estimated 128039  
proceeds of the tax remaining to be collected in each year over 128040  
a period of five years after issuance of the notes. 128041

Anticipation notes under this section shall be issued as 128042  
provided in section 133.24 of the Revised Code. Notes issued 128043  
under division (G) of this section shall have principal payments 128044  
during each year after the year of their issuance over a period 128045  
not to exceed five years, and may have a principal payment in 128046  
the year of their issuance. 128047

(H) A tax for operating expenses and criminal justice 128048  
services or for permanent improvements levied under this section 128049  
for a specified number of years may be renewed ~~or replaced~~ in 128050  
the same manner as a tax for current operating expenses or 128051  
permanent improvements levied under section 5705.19 of the 128052  
Revised Code. A tax levied under this section for a continuing 128053

period of time may be decreased in accordance with section 128054  
5705.261 of the Revised Code. 128055

**Sec. 5705.25.** (A) (1) A copy of any resolution adopted as 128056  
provided in section 5705.19 or 5705.2111 of the Revised Code 128057  
shall be certified by the taxing authority to the board of 128058  
elections of the proper county not less than ninety days before 128059  
the general election in any year, and the board shall submit the 128060  
proposal to the electors of the subdivision at the succeeding 128061  
November election. In the case of a qualifying library levy, the 128062  
board shall submit the question to the electors of the library 128063  
district or association library district. 128064

(2) Except as otherwise provided in this division, a 128065  
resolution to renew or to renew and increase or renew and 128066  
decrease an existing levy, regardless of the section of the 128067  
Revised Code under which the tax was imposed, shall not be 128068  
placed on the ballot unless the question is submitted at the 128069  
general election held during the last year the tax to be renewed 128070  
may be extended on the real and public utility property tax list 128071  
and duplicate, or at any election held in the ensuing year. The 128072  
limitation of the foregoing sentence does not apply to a 128073  
resolution to renew and increase or to renew and decrease an 128074  
existing levy that was imposed under section 5705.191 of the 128075  
Revised Code to supplement the general fund for the purpose of 128076  
making appropriations for one or more of the following purposes: 128077  
for public assistance, human or social services, relief, 128078  
welfare, hospitalization, health, and support of general 128079  
hospitals. The limitation of the second preceding sentence also 128080  
does not apply to a resolution that proposes to renew two or 128081  
more existing levies imposed under section 5705.222 or division 128082  
(L) of section 5705.19 of the Revised Code, or under section 128083  
5705.21 or 5705.217 of the Revised Code, in which case the 128084

question shall be submitted on the date of the general or 128085  
primary election held during the last year at least one of the 128086  
levies to be renewed may be extended on the real and public 128087  
utility property tax list and duplicate, or at any election held 128088  
during the ensuing year. A resolution proposing to renew or 128089  
renew and increase or decrease an existing levy may specify that 128090  
the renewal, increase, or decrease of the existing levy shall be 128091  
extended on the tax list for the tax year specified in the 128092  
resolution, which may be the last year the existing levy may be 128093  
extended on the list or the ensuing year. If the renewal, 128094  
increase, or decrease is to be extended on the tax list for the 128095  
last tax year the existing levy would otherwise be extended, the 128096  
existing levy shall not be extended on the tax list for that 128097  
last year unless the question of the renewal, increase, or 128098  
decrease is not approved by a majority of electors voting on the 128099  
question, in which case the existing levy shall be extended on 128100  
the tax list for that last year. 128101

For purposes of this section, a levy shall be considered 128102  
to be an "existing levy" through the year following the last 128103  
year it can be placed on the tax list and duplicate. 128104

(3) The board of elections shall make the necessary 128105  
arrangements for the submission of such questions to the 128106  
electors of such subdivision, library district, or association 128107  
library district, and the election shall be conducted, 128108  
canvassed, and certified in the same manner as regular elections 128109  
in such subdivision, library district, or association library 128110  
district for the election of county officers. Notice of the 128111  
election shall be published in a newspaper of general 128112  
circulation in the subdivision, library district, or association 128113  
library district once a week for two consecutive weeks, or as 128114  
provided in section 7.16 of the Revised Code, prior to the 128115

election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the purpose, the levy's estimated annual collections if the levy is not to pay debt charges, the proposed increase in rate, expressed in mills for each one dollar of taxable value, either that rate or the effective rate, as applicable, expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised market~~ value, the number of years during which the increase will be in effect, the first month and year in which the tax will be levied, and the time and place of the election.

(B) The form of the ballots cast at an election held pursuant to division (A) of this section shall be as follows:

"An additional tax for the benefit of (name of subdivision or public library) \_\_\_\_\_ for the purpose of (purpose stated in the resolution) \_\_\_\_\_, that the county auditor estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised market~~ value, for \_\_\_\_\_ (life of indebtedness or number of years the levy is to run).

	For the Tax Levy	
	Against the Tax Levy	"

(C) If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy.

If the additional tax or the renewal, increase, or 128143  
decrease of an existing levy is to be placed on the current tax 128144  
list, the form of the ballot shall be modified by adding, after 128145  
the statement of the number of years the levy is to run, the 128146  
phrase ", commencing in \_\_\_\_\_ (first year the tax is to be 128147  
levied), first due in calendar year \_\_\_\_\_ (first calendar 128148  
year in which the tax shall be due)." 128149

If the levy submitted is a proposal to renew, increase, or 128150  
decrease an existing levy, the form of the ballot specified in 128151  
division (B) of this section must be changed by substituting for 128152  
the words "An additional" at the beginning of the form, the 128153  
words "A renewal of a" in case of a proposal to renew an 128154  
existing levy in the same amount; the words "A renewal of 128155  
\_\_\_\_\_ mills and an increase of \_\_\_\_\_ mills for each \$1 of 128156  
taxable value to constitute a" in the case of an increase; or 128157  
the words "A renewal of part of an existing levy, being a 128158  
reduction of \_\_\_\_\_ mills for each \$1 of taxable value, to 128159  
constitute a" in the case of a decrease in the proposed levy. 128160  
Additionally, the effective rate, in lieu of the rate, shall be 128161  
expressed for each one hundred thousand dollars of ~~the county-~~ 128162  
~~auditor's appraised market~~ value. 128163

If the levy submitted is a proposal to renew two or more 128164  
existing levies imposed under section 5705.222 or division (L) 128165  
of section 5705.19 of the Revised Code, or under section 5705.21 128166  
or 5705.217 of the Revised Code, the form of the ballot 128167  
specified in division (B) of this section shall be modified by 128168  
substituting for the words "an additional tax" the words "a 128169  
renewal of \_\_\_\_ (insert the number of levies to be renewed) 128170  
existing taxes." 128171

If the levy submitted is a levy under section 5705.72 of 128172

the Revised Code or a proposal to renew, increase, or decrease 128173  
an existing levy imposed under that section, the name of the 128174  
subdivision shall be "the unincorporated area of \_\_\_\_\_ 128175  
(name of township)."  
128176

If the levy is for the payment of debt charges, the form 128177  
of the ballot shall be modified by omitting the phrase ", that 128178  
the county auditor estimates will collect \$\_\_\_\_\_ annually." 128179

The question covered by a resolution adopted under this 128180  
section shall be submitted as a separate proposition but may be 128181  
printed on the same ballot with any other proposition submitted 128182  
at the same election, other than the election of officers. More 128183  
than one such question may be submitted at the same election. 128184

(D) A levy voted in excess of the ten-mill limitation 128185  
under this section shall be certified to the tax commissioner. 128186  
In the first year of the levy, it shall be extended on the tax 128187  
lists after the February settlement succeeding the election. If 128188  
the additional tax is to be placed upon the tax list of the 128189  
current year, as specified in the resolution providing for its 128190  
submission, the result of the election shall be certified 128191  
immediately after the canvass by the board of elections to the 128192  
taxing authority, who shall make the necessary levy and certify 128193  
it to the county auditor, who shall extend it on the tax lists 128194  
for collection. After the first year, the tax levy shall be 128195  
included in the annual tax budget that is certified to the 128196  
county budget commission. 128197

(E) A tax levied under section 5705.2111 of the Revised 128198  
Code shall not be renewed and increased. 128199

**Sec. 5705.251.** (A) A copy of a resolution adopted under 128200  
section 5705.212 or 5705.213 of the Revised Code shall be 128201

certified by the board of education to the board of elections of 128202  
the proper county not less than ninety days before the date of 128203  
the election specified in the resolution, and the board of 128204  
elections shall submit the proposal to the electors of the 128205  
school district at a special election to be held on that date. 128206  
The board of elections shall make the necessary arrangements for 128207  
the submission of the question or questions to the electors of 128208  
the school district, and the election shall be conducted, 128209  
canvassed, and certified in the same manner as regular elections 128210  
in the school district for the election of county officers. 128211  
Notice of the election shall be published in a newspaper of 128212  
general circulation in the subdivision once a week for two 128213  
consecutive weeks, or as provided in section 7.16 of the Revised 128214  
Code, prior to the election. If the board of elections operates 128215  
and maintains a web site, the board of elections shall post 128216  
notice of the election on its web site for thirty days prior to 128217  
the election. 128218

(1) In the case of a resolution adopted under section 128219  
5705.212 of the Revised Code, the notice shall state separately, 128220  
for each tax being proposed, the purpose; the proposed increase 128221  
in rate, expressed in dollars for each one hundred thousand 128222  
dollars of ~~the county auditor's appraised~~ market value as well 128223  
as in mills for each one dollar of taxable value; the number of 128224  
years during which the increase will be in effect; and the first 128225  
calendar year in which the tax will be due. The notice shall 128226  
also state the original tax's estimated annual collections and 128227  
the estimated aggregate annual collections of all such taxes. 128228  
For an election on the question of a renewal levy, the notice 128229  
shall state the purpose; the levy's estimated annual 128230  
collections; the proposed rate, expressed in mills for each one 128231  
dollar of taxable value; the effective rate, expressed in 128232

dollars for each one hundred thousand dollars of ~~the county~~ 128233  
~~auditor's appraised market value~~; and the number of years the 128234  
tax will be in effect. If the resolution is adopted under 128235  
division (C) of that section, the rate of each tax being 128236  
proposed shall be expressed as both the total rate and the 128237  
portion of the total rate to be allocated to the qualifying 128238  
school district and the portion to be allocated to partnering 128239  
community schools. 128240

(2) In the case of a resolution adopted under section 128241  
5705.213 of the Revised Code, the notice shall state the 128242  
purpose; the amount proposed to be raised by the tax in the 128243  
first year it is levied; the estimated average additional tax 128244  
rate for the first year it is proposed to be levied, expressed 128245  
in mills for each one dollar of taxable value and in dollars for 128246  
each one hundred thousand dollars of ~~the county auditor's~~ 128247  
~~appraised market~~ value; the number of years during which the 128248  
increase will be in effect; and the first calendar year in which 128249  
the tax will be due. The notice also shall state the amount by 128250  
which the amount to be raised by the tax may be increased in 128251  
each year after the first year. The amount of the allowable 128252  
increase may be expressed in terms of a dollar increase over, or 128253  
a percentage of, the amount raised by the tax in the immediately 128254  
preceding year. For an election on the question of a renewal 128255  
levy, the notice shall state the purpose; the amount proposed to 128256  
be raised by the tax; the estimated tax rate, expressed in mills 128257  
for each one dollar of taxable value and in dollars for each one 128258  
hundred thousand dollars of ~~the county auditor's appraised~~ 128259  
~~market~~ value; and the number of years the tax will be in effect. 128260

In any case, the notice also shall state the time and 128261  
place of the election. 128262

(B) (1) The form of the ballot in an election on taxes 128263  
 proposed under section 5705.212 of the Revised Code shall be as 128264  
 follows: 128265

"Shall the \_\_\_\_\_ school district be authorized to 128266  
 levy taxes for current expenses, the aggregate rate of which may 128267  
 increase in \_\_\_\_\_ (number) increment(s) of not more than \_\_\_\_\_ 128268  
 mill(s) for each \$1 of taxable value, from an original rate of 128269  
 \_\_\_\_\_ mill(s) for each \$1 of taxable value, which amounts to 128270  
 \$\_\_\_\_\_ for each \$100,000 of ~~the county auditor's appraised-~~ 128271  
~~market value,~~ that the county auditor estimates will collect 128272  
 \$\_\_\_\_\_ annually, to a maximum rate of \_\_\_\_\_ mill(s) for each \$1 128273  
 of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 128274  
~~the county auditor's appraised market value,~~ that the county 128275  
 auditor estimates will collect \$\_\_\_\_\_ annually? The original tax 128276  
 is first proposed to be levied in \_\_\_\_\_ (the first year of the 128277  
 tax), and the incremental tax in \_\_\_\_\_ (the first year of the 128278  
 increment) (if more than one incremental tax is proposed in the 128279  
 resolution, the first year that each incremental tax is proposed 128280  
 to be levied shall be stated in the preceding format, and the 128281  
 increments shall be referred to as the first, second, third, or 128282  
 fourth increment, depending on their number). The aggregate rate 128283  
 of tax so authorized will \_\_\_\_\_ (insert either, "expire 128284  
 with the original rate of tax which shall be in effect for 128285  
 \_\_\_\_\_ years" or "be in effect for a continuing period of 128286  
 time"). 128287

	FOR THE TAX LEVIES	"
	AGAINST THE TAX LEVIES	

If the tax is proposed by a qualifying school district 128289

under division (C) (1) of section 5705.212 of the Revised Code, 128290  
the form of the ballot shall be modified by adding, after the 128291  
phrase "each \$1 of taxable value," the following: "(of which 128292  
\_\_\_\_\_ mills is to be allocated to partnering community 128293  
schools)." 128294

(2) The form of the ballot in an election on the question 128295  
of a renewal levy under section 5705.212 of the Revised Code 128296  
shall be as follows: 128297

"Shall the \_\_\_\_\_ school district be authorized to 128298  
renew a tax for current expenses, that the county auditor 128299  
estimates will collect \$\_\_\_\_\_ annually, at a rate not exceeding 128300  
\_\_\_\_\_ mills for each \$1 of taxable value, which amounts to 128301  
\$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county~~ 128302  
~~auditor's appraised market value,~~ for \_\_\_\_\_ (number of 128303  
years the levy shall be in effect, or a continuing period of 128304  
time)? 128305  
128306

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

If the tax is proposed by a qualifying school district 128307  
under division (C) (2) of section 5705.212 of the Revised Code 128308  
and the total rate and the rates allocated to the school 128309  
district and partnering community schools are to remain the same 128310  
as those of the levy being renewed, the form of the ballot shall 128311  
be modified by adding, after the phrase "each \$1 of taxable 128312  
value," the following: "(of which \_\_\_\_\_ mills is to be 128313  
allocated to partnering community schools)." If the total rate 128314  
is to be increased, the form of the ballot shall state that the 128315  
proposal is to renew the existing tax with an increase in rate 128316

and shall state the increase in rate, the total rate resulting 128317  
from the increase, and, of that rate, the portion of the rate to 128318  
be allocated to partnering community schools. If the total rate 128319  
is to be decreased, the form of the ballot shall state that the 128320  
proposal is to renew a part of the existing tax and shall state 128321  
the reduction in rate, the total rate resulting from the 128322  
decrease, and, of that rate, the portion of the rate to be 128323  
allocated to partnering community schools. 128324

(3) If a tax proposed by a ballot form prescribed in 128325  
division (B) (1) or (2) of this section is to be placed on the 128326  
current tax list, the form of the ballot shall be modified by 128327  
adding, after the statement of the number of years the levy is 128328  
to be in effect, the phrase ", commencing in \_\_\_\_\_ (first 128329  
year the tax is to be levied), first due in calendar year 128330  
\_\_\_\_\_ (first calendar year in which the tax shall be due)." 128331

(C) The form of the ballot in an election on a tax 128332  
proposed under section 5705.213 of the Revised Code shall be as 128333  
follows: 128334

"Shall the \_\_\_\_\_ school district be authorized to levy 128335  
the following tax for current expenses? The tax will first be 128336  
levied in \_\_\_\_\_ (year) to raise \$\_\_\_\_\_. In the \_\_\_\_\_ (number 128337  
of years) following years, the tax will increase by not more 128338  
than \_\_\_\_\_ (per cent or dollar amount of increase) each year, 128339  
so that, during \_\_\_\_\_ (last year of the tax), the tax will 128340  
raise approximately \_\_\_\_\_ (dollars). The county auditor 128341  
estimates that the rate will be \_\_\_\_\_ mill(s) for each \$1 of 128342  
taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the~~ 128343  
~~county auditor's appraised market~~ value, both during \_\_\_\_\_ 128344  
(first year of the tax) and \_\_\_\_\_ mill(s) for each \$1 of 128345  
taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of ~~the~~ 128346

~~county auditor's appraised market value~~, during \_\_\_\_\_ (last 128347  
year of the tax). The tax will not be levied after \_\_\_\_\_ 128348  
(year). 128349  
128350

	FOR THE TAX LEVIES	"
	AGAINST THE TAX LEVIES	

The form of the ballot in an election on the question of a 128351  
renewal levy under section 5705.213 of the Revised Code shall be 128352  
as follows: 128353

"Shall the \_\_\_\_\_ school district be authorized to 128354  
renew a tax for current expenses which will raise \$\_\_\_\_\_, 128355  
estimated by the county auditor to be \_\_\_\_\_ mills for each 128356  
\$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 128357  
\$100,000 of ~~the county auditor's appraised market value~~? The tax 128358  
shall be in effect for \_\_\_\_\_ (the number of years the levy 128359  
shall be in effect, or a continuing period of time). 128360  
128361

	FOR THE TAX LEVIES	"
	AGAINST THE TAX LEVIES	

If the tax is to be placed on the current tax list, the 128362  
form of the ballot shall be modified by adding, after the 128363  
statement of the number of years the levy is to be in effect, 128364  
the phrase ", commencing in \_\_\_\_\_ (first year the tax is to 128365  
be levied), first due in calendar year \_\_\_\_\_ (first 128366  
calendar year in which the tax shall be due)." 128367

(D) The question covered by a resolution adopted under 128368  
section 5705.212 or 5705.213 of the Revised Code shall be 128369

submitted as a separate question, but may be printed on the same 128370  
ballot with any other question submitted at the same election, 128371  
other than the election of officers. More than one question may 128372  
be submitted at the same election. 128373

(E) Taxes voted in excess of the ten-mill limitation under 128374  
division (B) or (C) of this section shall be certified to the 128375  
tax commissioner. If an additional tax is to be placed upon the 128376  
tax list of the current year, as specified in the resolution 128377  
providing for its submission, the result of the election shall 128378  
be certified immediately after the canvass by the board of 128379  
elections to the board of education. The board of education 128380  
immediately shall make the necessary levy and certify it to the 128381  
county auditor, who shall extend it on the tax list for 128382  
collection. After the first year, the levy shall be included in 128383  
the annual tax budget that is certified to the county budget 128384  
commission. 128385

**Sec. 5705.261.** (A) The question of decrease of an 128386  
increased rate of levy approved for a continuing period of time 128387  
by the voters of a subdivision or, in the case of a qualifying 128388  
library levy, the voters of the library district or association 128389  
library district, may be initiated by the filing of a petition 128390  
with the board of elections of the proper county not less than 128391  
ninety days before the general election in any year requesting 128392  
that an election be held on such question. Such petition shall 128393  
state the amount of the proposed decrease in the rate of levy 128394  
and shall be signed by qualified electors residing in the 128395  
subdivision, library district, or association library district 128396  
equal in number to at least ten per cent of the total number of 128397  
votes cast in the subdivision, library district, or association 128398  
library district for the office of governor at the most recent 128399  
general election for that office. Only one such petition may be 128400

filed during each five-year period following the election at 128401  
which the voters approved the increased rate for a continuing 128402  
period of time. 128403

After determination by it that such petition is valid, the 128404  
board of elections shall do both of the following: 128405

(1) Request that the county auditor certify to the board, 128406  
in the same manner as required for a tax levy under section 128407  
5705.03 of the Revised Code, an estimate of the levy's annual 128408  
collections and the levy's effective rate in both the last year 128409  
before the proposed decrease and the first year that the 128410  
decrease applies, stated in dollars, rounded to the nearest 128411  
dollar, for each one hundred thousand dollars of ~~the county-~~ 128412  
~~auditor's appraised market~~ value. If the subdivision, library 128413  
district, or association library district is located in more 128414  
than one county, the county auditor shall obtain from the county 128415  
auditor of each other county in which the subdivision or 128416  
district is located the tax valuation applicable to the portion 128417  
of the subdivision or district in that county. 128418

The county auditor shall certify such information to the 128419  
board of elections within ten days after receiving the board's 128420  
request. 128421

(2) Submit the question to the electors of the 128422  
subdivision, library district, or association library district 128423  
at the succeeding general election pursuant to division (B) of 128424  
this section. 128425

(B) The election shall be conducted, canvassed, and 128426  
certified in the same manner as regular elections in such 128427  
subdivision, library district, or association library district 128428  
for county offices. Notice of the election shall be published in 128429

a newspaper of general circulation in the district once a week 128430  
for two consecutive weeks, or as provided in section 7.16 of the 128431  
Revised Code, prior to the election. If the board of elections 128432  
operates and maintains a web site, the board of elections shall 128433  
post notice of the election on its web site for thirty days 128434  
prior to the election. The notice shall state the purpose, the 128435  
levy's estimated annual collections, the amount of the proposed 128436  
decrease in rate, expressed in mills for each one dollar of 128437  
taxable value, the effective rate of the levy in the year before 128438  
the proposed decrease and the first year that the decrease 128439  
applies, both expressed in dollars for each one hundred thousand 128440  
dollars of ~~the county auditor's appraised~~ market value, and the 128441  
time and place of the election. The form of the ballot cast at 128442  
such election shall be prescribed by the secretary of state but 128443  
must include all information required to be included in the 128444  
notice. The question covered by the petition shall be submitted 128445  
as a separate proposition but it may be printed on the same 128446  
ballot with any other propositions submitted at the same 128447  
election other than the election of officers. If a majority of 128448  
the qualified electors voting on the question of a decrease at 128449  
such election approve the proposed decrease in rate, the result 128450  
of the election shall be certified immediately after the canvass 128451  
by the board of elections to the appropriate taxing authority, 128452  
which shall thereupon, after the current year, cease to levy 128453  
such increased rate or levy such tax at such reduced rate upon 128454  
the tax list of the subdivision, library district, or 128455  
association library district. If notes have been issued in 128456  
anticipation of the collection of such levy, the taxing 128457  
authority shall continue to levy and collect under authority of 128458  
the election authorizing the original levy such amounts as will 128459  
be sufficient to pay the principal of and interest on such 128460  
anticipation notes as the same fall due. 128461

In the case of a levy for the current expenses of a 128462  
qualifying school district and of partnering community schools 128463  
imposed under section 5705.192, as it existed before the 128464  
effective date of this amendment, division (B) of section 128465  
5705.21, division (C) of section 5705.212, or division (J) of 128466  
section 5705.218 of the Revised Code for a continuing period of 128467  
time, the rate allocated to the school district and to 128468  
partnering community schools shall each be decreased by a number 128469  
of mills per dollar that is proportionate to the decrease in the 128470  
rate of the levy in proportion to the rate at which the levy was 128471  
imposed before the decrease. 128472

**Sec. 5705.27.** There is hereby created in each county a 128473  
county budget commission consisting of the county auditor, the 128474  
county treasurer, and the prosecuting attorney. Upon petition 128475  
filed with the board of elections, signed by the number of 128476  
electors of the county equal in amount to three per cent of the 128477  
total number of votes cast for governor at the most recent 128478  
election therefor, there shall be submitted to the electors of 128479  
the county at the next general election occurring not sooner 128480  
than ninety days after the filing of the petition, the question 128481  
"Shall the county budget commission consist of two additional 128482  
members to be elected from the county?" Provision shall be made 128483  
on the ballot for the election from the county at large of two 128484  
additional members of the county budget commission who shall be 128485  
electors of the county if a majority of the electors voting on 128486  
the question shall have voted in the affirmative. In such 128487  
counties, where the electors have voted in the affirmative, the 128488  
county budget commission shall consist of such two elected 128489  
members in addition to the county auditor, the county treasurer 128490  
and the prosecuting attorney. Such members, who shall not hold 128491  
any other public office, shall serve for a term of four years. 128492

~~The~~ 128493

The commission shall meet at the office of the county 128494  
auditor in each county on the first Monday in February and on 128495  
the first Monday in August, annually, and shall complete its 128496  
work on or before the first day of September, annually, unless 128497  
for good cause the tax commissioner extends the time for 128498  
completing the work. The commission shall offer, during at least 128499  
one public meeting annually, testimony from a member of the 128500  
commission or an invited speaker describing the concept and 128501  
function of taxes levied within the ten-mill limitation, how 128502  
such taxes are allocated to various jurisdictions in the county, 128503  
and the fiscal impact of such taxes in light of its exemption 128504  
from the reduction authorized under section 319.301 of the 128505  
Revised Code. A majority of members shall constitute a quorum, 128506  
provided that no action of the commission shall be valid unless 128507  
agreed to by a majority of the members of the commission. The 128508  
auditor shall be the secretary of the commission and shall keep 128509  
a full and accurate record of all proceedings. The auditor shall 128510  
appoint such messengers and clerks as the commission deems 128511  
necessary, and the budget commissioners shall be allowed their 128512  
actual and necessary expenses. The elected members of the 128513  
commission shall also receive twenty dollars for each day in 128514  
attendance at commission meetings and in discharge of official 128515  
duties. Any vacancy among such elected members shall be filled 128516  
by the presiding judge of the court of common pleas. In 128517  
adjusting the rates of taxation and fixing the amount of taxes 128518  
to be levied each year, the commissioners shall be governed by 128519  
the amount of the taxable property shown on the auditor's tax 128520  
list for the current year; provided that if the auditor's tax 128521  
list has not been completed, the auditor shall estimate, as 128522  
nearly as practicable, the amount of the taxable property for 128523

such year, and such officers shall be governed by such estimate. 128524

In any county in which two members of the commission are 128525  
elected, upon petition filed with the board of elections, signed 128526  
by the number of electors of the county equal in amount to three 128527  
per cent of the votes cast for governor at the most recent 128528  
election therefor, there shall be submitted to the electors of 128529  
the county at the next general election occurring not sooner 128530  
than ninety days after the filing of the petition, the question 128531  
"Shall the elected members be eliminated from the county budget 128532  
commission?" If the majority of the electors voting thereon 128533  
shall have voted in the affirmative, the county budget 128534  
commission shall consist solely of the county auditor, the 128535  
county treasurer, and the prosecuting attorney. 128536

**Sec. 5705.28.** (A) Except as provided in division (B) (1) or 128537  
(2) of this section or in section 5705.281 of the Revised Code, 128538  
the taxing authority of each subdivision or other taxing unit 128539  
shall adopt a tax budget for the next succeeding fiscal year: 128540

(1) On or before the fifteenth day of January in the case 128541  
of school districts and the city of Cincinnati; 128542

(2) On or before the fifteenth day of July in the case of 128543  
all other subdivisions and taxing units. 128544

(B) (1) Before the first day of June in each year, the 128545  
board of trustees of a school library district entitled to 128546  
participate in any appropriation or revenue of a school district 128547  
or to have a tax proposed by the board of education of a school 128548  
district shall file with the board of education of the school 128549  
district a tax budget for the ensuing fiscal year. On or before 128550  
the fifteenth day of July in each year, the board of education 128551  
of a school district to which a school library district tax 128552

budget was submitted under this division shall adopt such tax 128553  
budget on behalf of the library district, but such budget shall 128554  
not be part of the school district's tax budget. 128555

(2) (a) The taxing authority of a taxing unit that does not 128556  
levy a tax is not required to adopt a tax budget pursuant to 128557  
division (A) of this section. Instead, on or before the 128558  
fifteenth day of July each year, such taxing authority shall 128559  
adopt an operating budget for the taxing unit for the ensuing 128560  
fiscal year. The operating budget shall include an estimate of 128561  
receipts from all sources, a statement of all taxing unit 128562  
expenses that are anticipated to occur, and the amount required 128563  
for debt charges during the fiscal year. The operating budget is 128564  
not required to be filed with the county auditor or the county 128565  
budget commission. 128566

(b) Except for this section and sections 5705.36, 5705.38, 128567  
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 128568  
Code, a taxing unit that does not levy a tax is not a taxing 128569  
unit for purposes of Chapter 5705. of the Revised Code. 128570  
Documents prepared in accordance with such sections are not 128571  
required to be filed with the county auditor or county budget 128572  
commission. 128573

(c) The total appropriations from each fund of a taxing 128574  
unit that does not levy a tax shall not exceed the total 128575  
estimated revenue available for expenditures from the fund, and 128576  
appropriations shall be made from each fund only for the 128577  
purposes for which the fund is established. 128578

(C) (1) To assist in the preparation of the tax budget, the 128579  
head of each department, board, commission, and district 128580  
authority entitled to participate in any appropriation or 128581  
revenue of a subdivision shall file with the taxing authority, 128582

or in the case of a municipal corporation, with its chief 128583  
executive officer, before the forty-fifth day prior to the date 128584  
on which the budget must be adopted, an estimate of contemplated 128585  
revenue and expenditures for the ensuing fiscal year, in such 128586  
form as is prescribed by the taxing authority of the subdivision 128587  
~~or by the auditor of state.~~ The taxing authority shall include 128588  
in its budget of expenditures the full amounts requested by 128589  
district authorities, not to exceed the amount authorized by 128590  
law, if such authorities may fix the amount of revenue they are 128591  
to receive from the subdivision. In a municipal corporation in 128592  
which a special levy for a municipal university has been 128593  
authorized to be levied in excess of the ten-mill limitation, or 128594  
is required by the charter of the municipal corporation, the 128595  
taxing authority shall include an amount not less than the 128596  
estimated yield of such levy, if such amount is requested by the 128597  
board of directors of the municipal university. 128598

(2) A county board of developmental disabilities may 128599  
include within its estimate of contemplated revenue and 128600  
expenditures a reserve balance account in the community 128601  
developmental disabilities residential services fund. The 128602  
account shall contain money that is not needed to pay for 128603  
current expenses for residential services and supported living 128604  
but will be needed to pay for expenses for such services in the 128605  
future or may be needed for unanticipated emergency expenses. On 128606  
the request of the county board of developmental disabilities, 128607  
the board of county commissioners shall include such an account 128608  
in its budget of expenditures and appropriate money to the 128609  
account from residential service moneys for the county board. 128610

(D) The board of trustees of any public library desiring 128611  
to participate in the distribution of the county public library 128612  
fund shall adopt appropriate rules extending the benefits of the 128613

library service of such library to all the inhabitants of the 128614  
county on equal terms, unless such library service is by law 128615  
available to all such inhabitants, and shall certify a copy of 128616  
such rules to the taxing authority with its estimate of 128617  
contemplated revenue and expenditures. Where such rules have 128618  
been so certified or where the adoption of such rules is not 128619  
required, the taxing authority shall include in its budget of 128620  
receipts such amounts as are specified by such board as 128621  
contemplated revenue from the county public library fund, and in 128622  
its budget of expenditures the full amounts requested therefrom 128623  
by such board. No library association, incorporated or 128624  
unincorporated, is entitled to participate in the proceeds of 128625  
the county public library fund unless such association both was 128626  
organized and operating prior to January 1, 1968, and 128627  
participated in the distribution of the proceeds of the county 128628  
public library fund prior to December 31, 2005. 128629

**Sec. 5705.29.** This section does not apply to a subdivision 128630  
or taxing unit for which the county budget commission has waived 128631  
the requirement to adopt a tax budget pursuant to section 128632  
5705.281 of the Revised Code. The tax budget shall present the 128633  
following information ~~in such detail as is prescribed by the~~ 128634  
~~auditor of state:~~ 128635

(A) (1) A statement of the necessary current operating 128636  
expenses for the ensuing fiscal year for each department and 128637  
division of the subdivision, classified as to personal services 128638  
and other expenses, and the fund from which such expenditures 128639  
are to be made. Except in the case of a school district, this 128640  
estimate may include a contingent expense not designated for any 128641  
particular purpose, and not to exceed three per cent of the 128642  
total amount of appropriations for current expenses. In the case 128643  
of a school district, this estimate may include a contingent 128644

expense not designated for any particular purpose and not to 128645  
exceed thirteen per cent of the total amount of appropriations 128646  
for current expenses. 128647

(2) A statement of the expenditures for the ensuing fiscal 128648  
year necessary for permanent improvements, exclusive of any 128649  
expense to be paid from bond issues, classified as to the 128650  
improvements contemplated by the subdivision and the fund from 128651  
which such expenditures are to be made; 128652

(3) The amounts required for the payment of final 128653  
judgments; 128654

(4) A statement of expenditures for the ensuing fiscal 128655  
year necessary for any purpose for which a special levy is 128656  
authorized, and the fund from which such expenditures are to be 128657  
made; 128658

(5) Comparative statements, so far as possible, in 128659  
parallel columns of corresponding items of expenditures for the 128660  
current fiscal year and the two preceding fiscal years. 128661

(B) (1) An estimate of receipts from other sources than the 128662  
general property tax during the ensuing fiscal year, which shall 128663  
include an estimate of unencumbered balances at the end of the 128664  
current fiscal year, and the funds to which such estimated 128665  
receipts are credited; 128666

(2) The amount each fund requires from the general 128667  
property tax, which shall be the difference between the 128668  
contemplated expenditure from the fund and the estimated 128669  
receipts, as provided in this section. The section of the 128670  
Revised Code under which the tax is authorized shall be set 128671  
forth. 128672

(3) Comparative statements, so far as possible, in 128673

parallel columns of taxes and other revenues for the current 128674  
fiscal year and the two preceding fiscal years; 128675

(4) Comparative statements, so far as possible, in 128676  
parallel columns of all funds in control of the subdivision for 128677  
the current fiscal year and the two preceding fiscal years not 128678  
already included in the tax budget pursuant to divisions (B) (1) 128679  
to (3) of this section. 128680

(C) (1) The amount required for debt charges; 128681

(2) The estimated receipts from sources other than the tax 128682  
levy for payment of such debt charges, including the proceeds of 128683  
refunding bonds to be issued to refund bonds maturing in the 128684  
next succeeding fiscal year; 128685

(3) The net amount for which a tax levy shall be made, 128686  
classified as to bonds authorized and issued prior to January 1, 128687  
1922, and those authorized and issued subsequent to such date, 128688  
and as to what portion of the levy will be within and what in 128689  
excess of the ten-mill limitation. 128690

(D) An estimate of amounts from taxes authorized to be 128691  
levied in excess of the ten-mill limitation on the tax rate, and 128692  
the fund to which such amounts will be credited, together with 128693  
the sections of the Revised Code under which each such tax is 128694  
exempted from all limitations on the tax rate. 128695

(E) (1) A board of education may include in its budget for 128696  
the fiscal year in which a levy proposed under section 5705.194, 128697  
5705.199, 5705.21, 5705.213, or 5705.219, a property tax levy 128698  
proposed under section 5748.09, or the original levy under 128699  
section 5705.212 of the Revised Code is first extended on the 128700  
tax list and duplicate an estimate of expenditures to be known 128701  
as a voluntary contingency reserve balance, which shall not be 128702

greater than twenty-five per cent of the total amount of the 128703  
levy estimated to be available for appropriation in such year. 128704

(2) A board of education may include in its budget for the 128705  
fiscal year following the year in which a levy proposed under 128706  
section 5705.194, 5705.199, 5705.21, 5705.213, or 5705.219, a 128707  
property tax levy proposed under section 5748.09, or the 128708  
original levy under section 5705.212 of the Revised Code is 128709  
first extended on the tax list and duplicate an estimate of 128710  
expenditures to be known as a voluntary contingency reserve 128711  
balance, which shall not be greater than twenty per cent of the 128712  
amount of the levy estimated to be available for appropriation 128713  
in such year. 128714

(3) Except as provided in division (E) (4) of this section, 128715  
the full amount of any reserve balance the board includes in its 128716  
budget shall be retained by the county auditor and county 128717  
treasurer out of the first semiannual settlement of taxes until 128718  
the beginning of the next succeeding fiscal year, and thereupon, 128719  
with the depository interest apportioned thereto, it shall be 128720  
turned over to the board of education, to be used for the 128721  
purposes of such fiscal year. 128722

(4) A board of education, by a two-thirds vote of all 128723  
members of the board, may appropriate any amount withheld as a 128724  
voluntary contingency reserve balance during the fiscal year for 128725  
any lawful purpose, provided that prior to such appropriation 128726  
the board of education has authorized the expenditure of all 128727  
amounts appropriated for contingencies under section 5705.40 of 128728  
the Revised Code. Upon request by the board of education, the 128729  
county auditor shall draw a warrant on the district's account in 128730  
the county treasury payable to the district in the amount 128731  
requested. 128732

~~(F) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E) (3) or (4) of section 5747.51 of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of section 5747.51 of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.~~

**Sec. 5705.30.** This section does not apply to a subdivision for which the county budget commission has waived the requirement to adopt a tax budget under section 5705.281 of the Revised Code.

~~In addition to the information required by section 5705.29 of the Revised Code, the budget of each subdivision and school library district shall include such other information as is prescribed by the auditor of state. At least two copies of the budget shall be filed in the office of the fiscal officer of the subdivision for public inspection not less than ten days before its adoption by the taxing authority, and such taxing authority shall hold at least one public hearing thereon, of which public notice shall be given by at least one publication not less than ten days prior to the date of hearing in the official publication of such subdivision, or in a newspaper having~~

general circulation in the subdivision. The budget, after 128764  
adoption, shall be submitted to the county auditor on or before 128765  
the twentieth day of July, or in the case of a school district 128766  
or the city of Cincinnati, by the twentieth day of January. The 128767  
tax commissioner may prescribe a later date for the submission 128768  
of a subdivision's tax budget. Any subdivision that fails to 128769  
submit its budget to the county auditor on or before the date 128770  
prescribed by this section or a later date prescribed by the 128771  
commissioner shall not receive an apportionment from the 128772  
undivided local government fund distribution for the ensuing 128773  
calendar year unless the commissioner determines that the budget 128774  
was adopted by the subdivision on or before the fifth day before 128775  
the date prescribed by this section for submitting the budget, 128776  
but was not submitted by the date so prescribed or the later 128777  
time prescribed by the commissioner because of ministerial error 128778  
by the subdivision or its officers, employees, or other 128779  
representatives. 128780

**Sec. 5705.31.** The county auditor shall present to the 128781  
county budget commission the annual tax budgets submitted under 128782  
sections 5705.01 to 5705.47 of the Revised Code, together with 128783  
an estimate prepared by the auditor of the amount of any state 128784  
levy, the rate of any school tax levy as previously determined, 128785  
the tax commissioner's estimate of the amount to be received in 128786  
the county public library fund, the tax rates provided under 128787  
section 5705.281 of the Revised Code if adoption of the tax 128788  
budget was waived under that section, and such other information 128789  
as the commission requests or the tax commissioner prescribes. 128790  
The budget commission shall examine such budget and ascertain 128791  
the total amount proposed to be raised in the county for the 128792  
purposes of each subdivision and other taxing units in the 128793  
county. 128794

The commission shall ascertain that the following levies 128795  
have been properly authorized and, if so authorized, shall 128796  
approve them without modification: 128797

(A) All levies in excess of the ten-mill limitation in the 128798  
first year they are levied, unless the levy is the renewal of an 128799  
existing tax; 128800

(B) All levies for debt charges ~~not provided for by levies~~ 128801  
~~in excess of the ten-mill limitation,~~ including levies necessary 128802  
to pay notes issued for emergency purposes; 128803

(C) The levies prescribed by division (B) of sections 128804  
742.33 and 742.34 of the Revised Code; 128805

(D) Except as otherwise provided in this division, a 128806  
minimum levy within the ten-mill limitation for the current 128807  
expense and debt service of each subdivision or taxing unit, 128808  
which shall equal two-thirds of the average levy for current 128809  
expenses and debt service allotted within the fifteen-mill 128810  
limitation to such subdivision or taxing unit during the last 128811  
five years the fifteen-mill limitation was in effect unless such 128812  
subdivision or taxing unit requests an amount requiring a lower 128813  
rate. Except as provided in section 5705.312 of the Revised 128814  
Code, if the levies required in divisions (B) and (C) of this 128815  
section for the subdivision or taxing unit equal or exceed the 128816  
entire minimum levy of the subdivision as fixed, the minimum 128817  
levies of the other subdivisions or taxing units shall be 128818  
reduced by the commission to provide for the levies and an 128819  
operating levy for the subdivision. Such additional levy shall 128820  
be deducted from the minimum levies of each of the other 128821  
subdivisions or taxing units, but the operating levy for a 128822  
school district shall not be reduced below a figure equivalent 128823  
to forty-five per cent of the millage available within the ten- 128824

mill limitation after all the levies in divisions (B) and (C) of 128825  
this section have been provided for. 128826

If a municipal corporation and a township have entered 128827  
into an annexation agreement under section 709.192 of the 128828  
Revised Code in which they agree to reallocate their shares of 128829  
the minimum levies established under this division and if that 128830  
annexation agreement is submitted along with the annual tax 128831  
budget of both the township and the municipal corporation, then, 128832  
when determining the minimum levy under this division, the 128833  
auditor shall allocate, to the extent possible, the minimum levy 128834  
for that municipal corporation and township in accordance with 128835  
their annexation agreement. 128836

~~(E) The levies prescribed by section 3709.29 of the~~ 128837  
~~Revised Code.~~ 128838

Divisions (A) to ~~(E)~~ (D) of this section are mandatory, 128839  
and commissions shall be without discretion to reduce such 128840  
~~minimum~~ levies except as provided in ~~such divisions~~ section 128841  
5705.316 of the Revised Code. 128842

If any debt charge is omitted from the budget, the 128843  
commission shall include it therein. 128844

**Sec. 5705.314.** (A) If the board of education of a city, 128845  
local, or exempted village school district proposes to change 128846  
its levy within the ten-mill limitation in a manner that will 128847  
result in an increase in the amount of real property taxes 128848  
levied by the board in the tax year the change takes effect, the 128849  
board shall hold a public hearing solely on the proposal and 128850  
obtain approval from the county budget commission of each county 128851  
in which the district has territory before adopting a resolution 128852  
to implement the proposal. 128853

The (B) Before holding the board of education hearing 128854  
required by division (A) of this section, the board shall 128855  
publish notice of the hearing in a newspaper of general 128856  
circulation in the school district once a week for two 128857  
consecutive weeks or as provided in section 7.16 of the Revised 128858  
Code. The second publication shall be not less than ten nor more 128859  
than thirty days before the date of the hearing, and the notice 128860  
shall include the date, time, place, and subject of the hearing, 128861  
and a statement that the change proposed by the board may result 128862  
in an increase in the amount of real property taxes levied by 128863  
the board. At the time the board submits the notice for 128864  
publication, the board shall send a copy of the notice to the 128865  
auditor of the county where the school district is located or, 128866  
if the school district is located in more than one county, to 128867  
the auditor of each of those counties. Upon receipt of the 128868  
notice, the county auditor shall certify a copy of the notice to 128869  
the county budget commission. 128870

(C) Upon certification of a notice to a county budget 128871  
commission pursuant to division (B) of this section, the county 128872  
budget commission shall schedule a hearing for a date that is 128873  
not less than ten and not more than thirty days after the date 128874  
of certification. 128875

The hearing shall not be held on the same day as the 128876  
hearing required by division (A) of this section, and if more 128877  
than one county budget commission is required under this 128878  
division to hold a hearing on the proposed levy, the county 128879  
budget commission hearings shall not be held on the same day. 128880  
Each commission shall publish the date, time, location, and 128881  
purpose of the meeting on the county auditor's web site. The 128882  
school district shall publish that information on the school's 128883  
web site. 128884

During the hearing before each commission, the school 128885  
district shall present evidence demonstrating the need to change 128886  
the levy to the county budget commission. The district shall not 128887  
change the levy unless, by majority vote, the county budget 128888  
commission approves the need to change the levy. 128889

**Sec. 5705.316.** A board of education of a city, local, or 128890  
exempted village school district shall make the certification 128891  
required under section 5705.36 of the Revised Code to the county 128892  
auditor of each county in which the district is located on or 128893  
before the fifteenth day of July. 128894

The county budget commission or, if applicable, joint 128895  
budget commission shall convene on or before the fifteenth day 128896  
of August to review the certifications from each such school 128897  
district to determine if the amount of carry-over balance in the 128898  
district's general operating budget from the preceding fiscal 128899  
year exceeds fifty per cent of the district's general fund 128900  
expenditures made in the preceding fiscal year. A board may, by 128901  
resolution, designate an amount of the district's carry-over 128902  
balance as reserved for expenditure on current or future 128903  
permanent improvements within the following three years. Upon 128904  
certification of the resolution to the commission on or before 128905  
the fifteenth day of July, the commission shall not consider the 128906  
designated amount in determining whether the district's carry- 128907  
over balance exceeded the threshold for those three years. If 128908  
such funds are not expended as designated within those three 128909  
years, the commission shall consider them as a part of the 128910  
carry-over balance in all subsequent years. 128911

If a district's carry-over balance exceeds that threshold, 128912  
the commission shall reduce the rate of, or the annual amount of 128913  
money to be raised by, any or all of the current expense taxes 128914

levied by the district for the current tax year so as to reduce 128915  
the district's collections by the amount by which the district's 128916  
general operating budget carry-over balance exceeded the 128917  
threshold. These reductions apply only for the current tax year 128918  
and shall be made without regard to maintaining the reduction 128919  
limit imposed under division (E) (2) of section 319.301 of the 128920  
Revised Code. The tax commissioner shall treat such a reduction 128921  
as a reduction in the rate at which the tax is authorized to be 128922  
levied. 128923

This section does not apply to an island school district 128924  
or a joint state school district. Nothing in this section 128925  
prohibits a county budget commission from reducing the rate of a 128926  
current levy as otherwise authorized by law. 128927

**Sec. 5705.32.** (A) The county budget commission shall 128928  
adjust the estimated amounts required from the general property 128929  
tax for each fund, as shown by the tax budgets or other 128930  
information required to be provided under section 5705.281 of 128931  
the Revised Code, so as to bring the tax levies required 128932  
therefor within the limitations specified in sections 5705.01 to 128933  
5705.47 of the Revised Code, for such levies, ~~but no levy shall~~ 128934  
~~be reduced below a minimum fixed by law.~~ The commission may 128935  
revise and adjust the estimate of balances and receipts from all 128936  
sources for each fund and shall determine the total 128937  
appropriations that may be made therefrom. 128938

(B) Except as otherwise provided in section 5705.31 of the 128939  
Revised Code, the county budget commission may adjust the 128940  
estimated amounts required from the general property tax for 128941  
each fund, as shown by the tax budgets or other information 128942  
required to be provided under section 5705.281 of the Revised 128943  
Code, so as to bring the tax levies required therefor within 128944

levels the commission finds reasonable and prudent to avoid 128945  
unnecessary, excessive, or unneeded collections. If the county 128946  
budget commission adjusts amounts from any tax levied by a 128947  
taxing unit other than a qualifying subdivision, the adjustment 128948  
shall be subject to both of the following: 128949

(1) Except as authorized by section 5705.316 of the 128950  
Revised Code, no levy shall be reduced below the level that 128951  
would cause it to collect less than what the levy collected in 128952  
the preceding year, unless funds are available from reserve 128953  
balance accounts, nonexpendable trust funds, or carryover 128954  
amounts to offset a reduction below that level, and the budget 128955  
commission shall consider reserve balance accounts, 128956  
nonexpendable trust funds, and carryover amounts for that 128957  
purpose; 128958

(2) Except as authorized by section 5705.316 of the 128959  
Revised Code, no levy may be reduced to a level that would cause 128960  
a school district subject to division (A) of section 3317.01 of 128961  
the Revised Code to levy less than twenty mills for current 128962  
operating expenses as required by that division. 128963

(C) The commission shall fix the amount of the county 128964  
public library fund to be distributed to each board of public 128965  
library trustees that has qualified under section 5705.28 of the 128966  
Revised Code for participation in the proceeds of such fund. The 128967  
amount paid to all libraries in the county from such fund shall 128968  
never be a smaller per cent of the fund than the average of the 128969  
percentages of the county's classified taxes that were 128970  
distributed to libraries in 1982, 1983, and 1984, as determined 128971  
by the county auditor. The commission shall base the amount for 128972  
distribution on the needs of such library for the construction 128973  
of new library buildings, parts of buildings, improvements, 128974

operation, maintenance, or other expenses. In determining the 128975  
needs of each library board of trustees, and in calculating the 128976  
amount to be distributed to any library board of trustees on the 128977  
basis of its needs, the commission shall make no reduction in 128978  
its allocation from the fund on account of additional revenues 128979  
realized by a library from increased taxes or service charges 128980  
voted by its electorate, from revenues received through federal 128981  
or state grants, projects, or programs, or from grants from 128982  
private sources. 128983

~~(C)~~(D) Notwithstanding the fact that alternative methods 128984  
of financing such needs are available, after fixing the amount 128985  
to be distributed to libraries, the commission shall fix the 128986  
amount, if any, of the county public library fund to be 128987  
distributed to each board of township park commissioners, the 128988  
county, and each municipal corporation in accordance with the 128989  
following: 128990

(1) Each municipal corporation in the county shall receive 128991  
a per cent of the remainder that equals the per cent that the 128992  
county auditor determines the classified property taxes 128993  
originating in such municipal corporation in 1984 were of the 128994  
total of all of the county's classified property taxes in 1984. 128995  
The commission may deduct from this amount any amount that the 128996  
budget commission allows to the board of township park 128997  
commissioners of a township park district, the boundaries of 128998  
which are coextensive with or contained within the boundaries of 128999  
the municipal corporation. 129000

(2) The county shall receive a per cent of the remainder 129001  
that equals the per cent that the county auditor determines the 129002  
classified property taxes originating outside of the boundaries 129003  
of municipal corporations in the county in 1984 were of the 129004

total of all of the county's classified property taxes in 1984. 129005  
The commission may deduct from this amount any amount that the 129006  
budget commission allows to the board of township park 129007  
commissioners of a township park district, the boundaries of 129008  
which are not coextensive with or contained within those of any 129009  
municipal corporation in the county. 129010

~~(D)~~(E) The commission shall separately set forth the 129011  
amounts fixed and determined under divisions ~~(B)~~(C) and ~~(C)~~(D) 129012  
of this section in the "official certificate of estimated 129013  
resources," as provided in section 5705.35 of the Revised Code, 129014  
and separately certify such amount to the county auditor who 129015  
shall be guided thereby in the distribution of the county public 129016  
library fund for and during the fiscal year. In determining such 129017  
amounts, the commission shall be guided by the estimate 129018  
certified by the tax commissioner and presented by the auditor 129019  
under section 5705.31 of the Revised Code, as to the total 129020  
amount of revenue to be received in the county public library 129021  
fund during such fiscal year. 129022

~~(E)~~(1)(F) (1) At least five days before the date of any 129023  
meeting at which the budget commission plans to discuss the 129024  
distribution of the county public library fund, it shall notify 129025  
each legislative authority and board of public library trustees, 129026  
county commissioners, and township park commissioners eligible 129027  
to participate in the distribution of the fund of the date, 129028  
time, place, and agenda for the meeting. Any legislative 129029  
authority or board entitled to notice under this division may 129030  
designate an officer or employee of such legislative authority 129031  
or board to whom the commission shall deliver the notice. 129032

(2) Before the final determination of the amount to be 129033  
allotted to each subdivision from any source, the commission 129034

shall permit representatives of each subdivision and of each 129035  
board of public library trustees to appear before it to explain 129036  
its financial needs. 129037

~~(F)~~(G) If any public library receives and expends any 129038  
funds allocated to it under this section for the construction of 129039  
new library buildings or parts of buildings, such library shall 129040  
be free and open to the inhabitants of the county in which it is 129041  
located. Any board of library trustees that receives funds under 129042  
this section and section 5747.48 of the Revised Code shall have 129043  
its financial records open for public inspection at all 129044  
reasonable times. 129045

**Sec. 5705.321.** (A) As used in this section: 129046

(1) "City, located wholly or partially in the county, with 129047  
the greatest population" means the city, located wholly or 129048  
partially in the county, with the greatest population residing 129049  
in the county; however, if the county budget commission on or 129050  
before January 1, 1998, adopted an alternative method of 129051  
apportionment that was approved by the city, located partially 129052  
in the county, with the greatest population but not the greatest 129053  
population residing in the county, "city, located wholly or 129054  
partially in the county, with the greatest population" means the 129055  
city, located wholly or partially in the county, with the 129056  
greatest population whether residing in the county or not, if 129057  
this alternative meaning is adopted by action of the board of 129058  
county commissioners and a majority of the boards of township 129059  
trustees and legislative authorities of municipal corporations 129060  
located wholly or partially in the county. 129061

(2) "Participating political subdivision" means a 129062  
municipal corporation or township that satisfies all of the 129063  
following: 129064

(a) It is located wholly or partially in the county. 129065

(b) It is not the city, located wholly or partially in the 129066  
county, with the greatest population. 129067

(c) Public library fund moneys are apportioned to it under 129068  
the county's alternative method or formula of apportionment in 129069  
the current calendar year. 129070

(B) In lieu of the method of apportionment of the county 129071  
public library fund provided by division ~~(C)~~(D) of section 129072  
5705.32 of the Revised Code, the county budget commission may 129073  
provide for the apportionment of the fund under an alternative 129074  
method or on a formula basis as authorized by this section. 129075

Except as otherwise provided in division (C) of this 129076  
section, the alternative method of apportionment shall have 129077  
first been approved by all of the following governmental units: 129078  
the board of county commissioners; the legislative authority of 129079  
the city, located wholly or partially in the county, with the 129080  
greatest population; and a majority of the boards of township 129081  
trustees and legislative authorities of municipal corporations, 129082  
located wholly or partially in the county, excluding the 129083  
legislative authority of the city, located wholly or partially 129084  
in the county, with the greatest population. In granting or 129085  
denying approval for an alternative method of apportionment, the 129086  
board of county commissioners, boards of township trustees, and 129087  
legislative authorities of municipal corporations shall act by 129088  
motion. A motion to approve shall be passed upon a majority vote 129089  
of the members of a board of county commissioners, board of 129090  
township trustees, or legislative authority of a municipal 129091  
corporation, shall take effect immediately, and need not be 129092  
published. 129093

Any alternative method of apportionment adopted and 129094  
approved under this division may be revised, amended, or 129095  
repealed in the same manner as it may be adopted and approved. 129096  
If an alternative method of apportionment adopted and approved 129097  
under this division is repealed, the county public library fund 129098  
shall be apportioned among the subdivisions eligible to 129099  
participate in the fund, commencing in the ensuing calendar 129100  
year, under the apportionment provided in divisions ~~(B)~~(C) and 129101  
~~(C)~~(D) of section 5705.32 of the Revised Code, unless the repeal 129102  
occurs by operation of division (C) of this section or a new 129103  
method for apportionment of the fund is provided in the action 129104  
of repeal. 129105

(C) This division applies only in counties in which the 129106  
city, located wholly or partially in the county, with the 129107  
greatest population has a population of twenty thousand or less 129108  
and a population that is less than fifteen per cent of the total 129109  
population of the county. In such a county, the legislative 129110  
authorities or boards of township trustees of two or more 129111  
participating political subdivisions, which together have a 129112  
population residing in the county that is a majority of the 129113  
total population of the county, each may adopt a resolution to 129114  
exclude the approval otherwise required of the legislative 129115  
authority of the city, located wholly or partially in the 129116  
county, with the greatest population. All of the resolutions to 129117  
exclude that approval shall be adopted not later than the first 129118  
Monday of August of the year preceding the calendar year in 129119  
which distributions are to be made under an alternative method 129120  
of apportionment. 129121

A motion granting or denying approval of an alternative 129122  
method of apportionment under this division shall be adopted by 129123  
a majority vote of the members of the board of county 129124

commissioners and by a majority vote of a majority of the boards 129125  
of township trustees and legislative authorities of the 129126  
municipal corporations located wholly or partially in the 129127  
county, other than the city, located wholly or partially in the 129128  
county, with the greatest population, shall take effect 129129  
immediately, and need not be published. The alternative method 129130  
of apportionment under this division shall be adopted and 129131  
approved annually, not later than the first Monday of August of 129132  
the year preceding the calendar year in which distributions are 129133  
to be made under it. A motion granting approval of an 129134  
alternative method of apportionment under this division repeals 129135  
any existing alternative method of apportionment, effective with 129136  
distributions to be made from the fund in the ensuing calendar 129137  
year. An alternative method of apportionment under this division 129138  
shall not be revised or amended after the first Monday of August 129139  
of the year preceding the calendar year in which distributions 129140  
are to be made under it. 129141

(D) In determining an alternative method of apportionment 129142  
authorized by this section, the county budget commission may 129143  
include in the method any factor considered to be appropriate 129144  
and reliable, in the sole discretion of the county budget 129145  
commission. 129146

(E) On the basis of any alternative method of 129147  
apportionment adopted and approved as authorized by this 129148  
section, as certified by the auditor to the county treasurer, 129149  
the county treasurer shall make distribution of the money in the 129150  
county public library fund to each subdivision eligible to 129151  
participate in the fund, and the auditor, when the amount of 129152  
those shares is in the custody of the treasurer in the amounts 129153  
so computed to be due the respective subdivisions, shall at the 129154  
same time certify to the tax commissioner the percentage share 129155

of the county as a subdivision. All money received into the 129156  
treasury of a subdivision from the county public library fund in 129157  
a county treasury shall be paid into the general fund and used 129158  
for the current operating expenses of the subdivision. 129159

(F) The actions of the county budget commission taken 129160  
pursuant to this section are final and may not be appealed to 129161  
the board of tax appeals, except on the issues of abuse of 129162  
discretion and failure to comply with the formula. 129163

**Sec. 5705.35.** (A) The certification of the budget 129164  
commission to the taxing authority of each subdivision or taxing 129165  
unit, as set forth in section 5705.34 of the Revised Code, shall 129166  
show the various funds of such subdivisions other than funds to 129167  
be created by transfer and shall be filed by the county budget 129168  
commission with such taxing authority on or before the first day 129169  
of March in the case of school districts and the city of 129170  
Cincinnati and on or before the first day of September in each 129171  
year in the case of all other taxing authorities. There shall be 129172  
set forth on the credit side of each fund the estimated 129173  
unencumbered balances and receipts, and if a tax is to be levied 129174  
for such fund, the estimated revenue to be derived therefrom, 129175  
the rate of the levy, and what portion thereof is within, and 129176  
what in excess of, the ten-mill tax limitation, and on the debit 129177  
side, the total appropriations that may be made therefrom. 129178  
~~Subject to division (F) of section 5705.29 of the Revised Code,~~ 129179  
~~any reserve balance in an account established under section~~ 129180  
~~5705.13 of the Revised Code for the purpose described in~~ 129181  
~~division (A) (1) of that section, and the principal of a~~ 129182  
~~nonexpendable trust fund established under section 5705.131 of~~ 129183  
~~the Revised Code and any additions to principal arising from~~ 129184  
~~sources other than the reinvestment of investment earnings~~ 129185  
~~arising from that fund, are not unencumbered balances for the~~ 129186

~~purposes of this section. The balance in a reserve balance~~ 129187  
~~account established under section 5705.132 of the Revised Code~~ 129188  
~~is not an unencumbered balance for the purposes of this~~ 129189  
~~division.~~ 129190

There shall be attached to the certification a summary, 129191  
which shall be known as the "official certificate of estimated 129192  
resources," that shall state the total estimated resources of 129193  
each fund of the subdivision that are available for 129194  
appropriation in the fiscal year, other than funds to be created 129195  
by transfer, and a statement of the amount of the total tax 129196  
duplicate of the school district to be used in the collection of 129197  
taxes for the following calendar year. Before the end of the 129198  
fiscal year, the taxing authority of each subdivision and other 129199  
taxing unit shall revise its tax budget, if one was adopted, so 129200  
that the total contemplated expenditures from any fund during 129201  
the ensuing fiscal year will not exceed the total appropriations 129202  
that may be made from such fund, as determined by the budget 129203  
commission in its certification; and such revised budget shall 129204  
be the basis of the annual appropriation measure. 129205

(B) Revenue from real property taxes scheduled to be 129206  
settled on or before the tenth day of August and the fifteenth 129207  
day of February of a fiscal year under divisions (A) and (C) of 129208  
section 321.24 of the Revised Code shall not be available for 129209  
appropriation by a board of education prior to the fiscal year 129210  
in which such latest scheduled settlement date occurs, except 129211  
that moneys advanced to the treasurer of a board of education 129212  
under division (A) (2) (b) of section 321.34 of the Revised Code 129213  
shall be available for appropriation in the fiscal year in which 129214  
they are paid to the treasurer under such section. If the date 129215  
for any settlement of taxes is extended under division (E) of 129216  
section 321.24 of the Revised Code, the latest date set forth in 129217

divisions (A) to (D) of that section shall be used to determine 129218  
in which fiscal year the revenues are first available for 129219  
appropriation. 129220

**Sec. 5705.36.** (A) (1) On or about the first day of each 129221  
fiscal year, the fiscal officer of each subdivision and other 129222  
taxing unit shall certify to the county auditor the total amount 129223  
from all sources available for expenditures from each fund set 129224  
up in the tax budget or, if adoption of a tax budget was waived 129225  
under section 5705.281 of the Revised Code, from each fund 129226  
created by or on behalf of the taxing authority. The amount 129227  
certified shall include any unencumbered balances that existed 129228  
at the end of the preceding year, ~~excluding any of the~~ 129229  
~~following:~~ 129230

~~(a) Subject to division (F) of section 5705.29 of the~~ 129231  
~~Revised Code, any reserve balance in an account established~~ 129232  
~~under section 5705.13 of the Revised Code for the purpose~~ 129233  
~~described in division (A) (1) of that section;~~ 129234

~~(b) The principal of a nonexpendable trust fund~~ 129235  
~~established under section 5705.131 of the Revised Code and any~~ 129236  
~~additions to principal arising from sources other than the~~ 129237  
~~reinvestment of investment earnings arising from that fund;~~ 129238

~~(c) The balance in a reserve balance account established~~ 129239  
~~under section 5705.132 of the Revised Code.~~ 129240

A school district's certification shall separately show 129241  
the amount of any notes and unpaid and outstanding expenses on 129242  
the preceding thirtieth day of June that are to be paid from 129243  
property taxes that are to be settled during the current fiscal 129244  
year under divisions (C) and (D) of section 321.24 of the 129245  
Revised Code. The budget commission, taking into consideration 129246

the balances and revenues to be derived from taxation and other 129247  
sources, shall revise its estimate of the amounts that will be 129248  
credited to each fund from such sources, and shall certify to 129249  
the taxing authority of each subdivision an amended official 129250  
certificate of estimated resources. 129251

(2) Subject to divisions (A) (3) and (4) of this section, 129252  
upon a determination by the fiscal officer of a subdivision that 129253  
the revenue to be collected by the subdivision will be greater 129254  
or less than the amount included in an official certificate, the 129255  
fiscal officer may certify the amount of the deficiency or 129256  
excess to the commission, and if the commission determines that 129257  
the fiscal officer's certification is reasonable, the commission 129258  
shall certify an amended official certificate reflecting the 129259  
deficiency or excess. 129260

(3) Upon a determination by the fiscal officer of a 129261  
subdivision that the revenue to be collected by the subdivision 129262  
will be greater than the amount included in an official 129263  
certificate and the legislative authority intends to appropriate 129264  
and expend the excess revenue, the fiscal officer shall certify 129265  
the amount of the excess to the commission, and if the 129266  
commission determines that the fiscal officer's certification is 129267  
reasonable, the commission shall certify an amended official 129268  
certificate reflecting the excess. 129269

(4) Upon a determination by the fiscal officer of a 129270  
subdivision that the revenue to be collected by the subdivision 129271  
will be less than the amount included in an official certificate 129272  
and that the amount of the deficiency will reduce available 129273  
resources below the level of current appropriations, the fiscal 129274  
officer shall certify the amount of the deficiency to the 129275  
commission, and the commission shall certify an amended 129276

certificate reflecting the deficiency. 129277

(5) The total appropriations made during the fiscal year 129278  
from any fund shall not exceed the amount set forth as available 129279  
for expenditure from such fund in the official certificate of 129280  
estimated resources, or any amendment thereof, certified prior 129281  
to the making of the appropriation or supplemental 129282  
appropriation. 129283

(B) At the time of settlement of taxes against which notes 129284  
have been issued under division (D) of section 133.10 of the 129285  
Revised Code and at the time a tax duplicate is delivered 129286  
pursuant to section 319.28 or 319.29 of the Revised Code, the 129287  
county auditor shall determine whether the total amount to be 129288  
distributed to each school district from such settlement or 129289  
duplicate, when combined with the amounts to be distributed from 129290  
any subsequent settlement, will increase or decrease the amount 129291  
available for appropriation during the current fiscal year from 129292  
any fund. The county auditor shall certify this finding to the 129293  
budget commission, which shall certify an amended official 129294  
certificate reflecting the finding or certify to the school 129295  
district that no amended certificate needs to be issued. 129296

**Sec. 5705.38.** (A) This division does not apply to school 129297  
district appropriation measures. On or about the first day of 129298  
each fiscal year, the taxing authority of each subdivision or 129299  
other taxing unit shall pass an appropriation measure, and 129300  
thereafter during the year it may pass any supplemental 129301  
appropriation measures as it finds necessary, based on the 129302  
revised tax budget or the official certificate of estimated 129303  
resources or amendments of the certificate. If it desires to 129304  
postpone the passage of the annual appropriation measure until 129305  
an amended certificate is received based on the actual balances, 129306

it may pass a temporary appropriation measure for meeting the 129307  
ordinary expenses of the taxing unit until no later than the 129308  
first day of April or, in the case of the city of Cincinnati, 129309  
the first day of October, of the current year, and the 129310  
appropriations made in the temporary measure shall be chargeable 129311  
to the appropriations in the annual appropriation measure for 129312  
that fiscal year when passed. 129313

(B) A board of education shall pass its annual 129314  
appropriation measure by the first day of October. If, by the 129315  
first day of October, a board has not received either the 129316  
amended certificates of estimated resources required by division 129317  
(B) of section 5705.36 of the Revised Code or certifications 129318  
that no amended certificates need be issued, the adoption of the 129319  
annual appropriation measure shall be delayed until the amended 129320  
certificates or certifications are received. Prior to the 129321  
passage of the annual appropriation measure, the board may pass 129322  
a temporary appropriation measure for meeting the ordinary 129323  
expenses of the district until it passes an annual appropriation 129324  
measure, and appropriations made in the temporary measure shall 129325  
be chargeable to the appropriations in the annual appropriation 129326  
measure for that fiscal year when passed. During the fiscal year 129327  
and after the passage of the annual appropriation measure, a 129328  
district may pass any supplemental appropriation measures as it 129329  
finds necessary, based on the revised tax budget or the official 129330  
certificate of estimated resources or amendments of the 129331  
certificate. ~~School district appropriation measures shall be in-~~ 129332  
~~the form as the auditor of state, after consultation with the~~ 129333  
~~tax commissioner, prescribes.~~ 129334

(C) Appropriation measures shall be classified so as to 129335  
set forth separately the amounts appropriated for each office, 129336  
department, and division, and, within each, the amount 129337

appropriated for personal services. In the case of a municipal 129338  
university, the board of directors of which have assumed, in the 129339  
manner provided by law, custody and control of the funds of the 129340  
university, funds shall be appropriated as a lump sum for the 129341  
use of the university. 129342

**Sec. 5705.391.** (A) Not later than the thirty-first day of 129343  
August of each fiscal year, each school district board of 129344  
education shall submit to the department of education and 129345  
workforce appropriations, revenue, and fund balance assumptions 129346  
contained in the budget adopted by the board for that fiscal 129347  
year and projections of expenditures, revenues, and fund balance 129348  
for the three succeeding fiscal years. 129349

Not later than the last day of February of each fiscal 129350  
year, each school district board of education shall submit 129351  
updated appropriations, revenue, and fund balance information 129352  
for the budget adopted for the fiscal year and updated 129353  
projections of expenditures, revenues, and fund balance for the 129354  
three succeeding fiscal years. 129355

The department of education and workforce and the auditor 129356  
of state shall jointly adopt rules ~~requiring boards of education~~ 129357  
~~to submit five-year~~ governing the submission of current budget 129358  
information and three-year projections of operational revenues 129359  
and expenditures by boards of education. The rules shall specify 129360  
the information required for current budget information and 129361  
three-year forecast submissions and any additional school 129362  
district financial and operating information necessary for the 129363  
audits and analyses conducted by the auditor of state or the 129364  
department, including special and federal funds expenditures, 129365  
revenues, and balances. The rules shall provide for the auditor 129366  
of state or the department to examine the ~~five-year current~~ 129367

budget information and three-year projections and to determine 129368  
whether any further fiscal analysis is needed to ascertain 129369  
whether a district has the potential to incur a deficit during 129370  
the first ~~three~~ two years of the ~~five-year~~ three-year period. 129371

The auditor of state or the department may conduct any 129372  
further audits or analyses necessary to assess any district's 129373  
fiscal condition. If further audits or analyses are conducted by 129374  
the auditor of state, the auditor of state shall notify the 129375  
department of the district's fiscal condition, and the 129376  
department shall immediately notify the district of any 129377  
potential to incur a deficit in the current fiscal year or of 129378  
any strong indications that a deficit will be incurred in either 129379  
of the ensuing two years. If such audits or analyses are 129380  
conducted by the department, the department shall immediately 129381  
notify the district and the auditor of state of such potential 129382  
deficit or strong indications thereof. 129383

A district notified under this section shall take 129384  
immediate steps to eliminate any deficit in the current fiscal 129385  
year and shall begin to plan to avoid the projected future 129386  
deficits. 129387

(B) The state board of education, in accordance with 129388  
sections 3319.31 and 3319.311 of the Revised Code, may limit, 129389  
suspend, or revoke a license as defined under section 3319.31 of 129390  
the Revised Code that has been issued to any school employee 129391  
found to have willfully contributed erroneous, inaccurate, or 129392  
incomplete data required for the submission of the ~~five-~~ 129393  
~~year~~ current budget information and -three-year projection 129394  
required by this section. 129395

~~(C) The department and the auditor of state, in their~~ 129396  
~~joint adoption of rules under division (A) of this section,~~ 129397

~~shall not require a board of education to submit its five-year  
projection of operational revenues and expenditures prior to the  
thirtieth day of November of any fiscal year.~~ 129398  
129399  
129400

~~(D) Beginning with submissions required in for fiscal year  
2024-2026 and for each fiscal year in which a submission is  
required under this section thereafter, the department and the  
auditor shall label the projections regarding property tax  
allocation in the projection as "state share of local property  
taxes. state reimbursement for property tax credits."~~ 129401  
129402  
129403  
129404  
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129406

**Sec. 5705.40.** Any appropriation ordinance or measure may 129407  
be amended or supplemented, provided that such amendment or 129408  
supplement shall comply with all provisions of law governing the 129409  
taxing authority in making an original appropriation and that no 129410  
appropriation for any purpose shall be reduced below an amount 129411  
sufficient to cover all unliquidated and outstanding contracts 129412  
or obligations certified from or against the appropriation. 129413  
Transfers may be made by resolution or ordinance from one 129414  
appropriation item to another, except that a board of county 129415  
commissioners shall, at the request of the county board of 129416  
elections, adopt a resolution to transfer funds from one 129417  
appropriation item of the board of elections to another 129418  
appropriation item of the board of elections unless the board of 129419  
county commissioners determines that the transfer is sought for 129420  
the purpose of providing employee bonuses or salary increases 129421  
other than increases necessary to reimburse employees for 129422  
overtime worked. At the close of each fiscal year, the 129423  
unencumbered balance of each appropriation shall revert to the 129424  
respective fund from which it was appropriated and shall be 129425  
subject to future appropriations, provided that funds unexpended 129426  
at the end of such fiscal year previously appropriated for the 129427  
payment of obligations unliquidated and outstanding, or 129428

previously appropriated pursuant to section 321.261 of the 129429  
Revised Code for the collection of delinquent taxes, need not be 129430  
reappropriated, ~~but such unexpended funds shall not be included~~ 129431  
~~by any budget-making body or board or any county budget~~ 129432  
~~commission in estimating the balance available for the purposes~~ 129433  
~~of the next or any succeeding fiscal year.~~ 129434

The annual appropriation measure, or an amendment or 129435  
supplement thereto, may contain an appropriation for 129436  
contingencies not to exceed the amount authorized by section 129437  
5705.29 of the Revised Code and in the case of a school district 129438  
may also include a voluntary contingency reserve balance in the 129439  
amount authorized by such section. By a two-thirds vote of all 129440  
members of the taxing authority of a subdivision or taxing unit, 129441  
expenditures may be authorized in pursuance of such contingency 129442  
appropriation or voluntary contingency reserve balance for any 129443  
lawful purpose for which public funds may be expended, if such 129444  
purpose could not have reasonably been foreseen at the time of 129445  
the adoption of the appropriation measure or, in the case of a 129446  
voluntary contingency reserve balance, if the board of education 129447  
requests payment of any portion of such balance. 129448

**Sec. 5705.412.** (A) As used in this section, "qualifying 129449  
contract" means any agreement for the expenditure of money under 129450  
which aggregate payments from the funds included in the school 129451  
district's ~~five-year~~ three-year forecast under section 5705.391 129452  
of the Revised Code will exceed the lesser of the following 129453  
amounts: 129454

(1) Five hundred thousand dollars; 129455

(2) One per cent of the total revenue to be credited in 129456  
the current fiscal year to the district's general fund, as 129457  
specified in the district's most recent certificate of estimated 129458

resources certified under section 5705.36 of the Revised Code. 129459

(B) (1) Notwithstanding section 5705.41 of the Revised 129460  
Code, no school district shall adopt any appropriation measure, 129461  
make any qualifying contract, or increase during any school year 129462  
any wage or salary schedule unless there is attached thereto a 129463  
certificate, signed as required by this section, that the school 129464  
district has in effect the authorization to levy taxes including 129465  
the renewal ~~or replacement~~ of existing levies which, when 129466  
combined with the estimated revenue from all other sources 129467  
available to the district at the time of certification, are 129468  
sufficient to provide the operating revenues necessary to enable 129469  
the district to maintain all personnel and programs for all the 129470  
days set forth in its adopted school calendars for the current 129471  
fiscal year and for a number of days in succeeding fiscal years 129472  
equal to the number of days instruction was held or is scheduled 129473  
for the current fiscal year, as follows: 129474

(a) A certificate attached to an appropriation measure 129475  
under this section shall cover only the fiscal year in which the 129476  
appropriation measure is effective and shall not consider the 129477  
renewal ~~or replacement~~ of an existing levy as the authority to 129478  
levy taxes that are subject to appropriation in the current 129479  
fiscal year unless the renewal ~~or replacement~~ levy has been 129480  
approved by the electors and is subject to appropriation in the 129481  
current fiscal year. 129482

(b) A certificate attached, in accordance with this 129483  
section, to any qualifying contract shall cover the term of the 129484  
contract. 129485

(c) A certificate attached under this section to a wage or 129486  
salary schedule shall cover the term of the schedule. 129487

If the board of education has not adopted a school 129488  
calendar for the school year beginning on the first day of the 129489  
fiscal year in which a certificate is required, the certificate 129490  
attached to an appropriation measure shall include the number of 129491  
days on which instruction was held in the preceding fiscal year 129492  
and other certificates required under this section shall include 129493  
that number of days for the fiscal year in which the certificate 129494  
is required and any succeeding fiscal years that the certificate 129495  
must cover. 129496

The certificate shall be signed by the treasurer and 129497  
president of the board of education and the superintendent of 129498  
the school district, unless the district is in a state of fiscal 129499  
emergency declared under Chapter 3316. of the Revised Code. In 129500  
that case, the certificate shall be signed by a member of the 129501  
district's financial planning and supervision commission who is 129502  
designated by the commission for this purpose. 129503

(2) In lieu of the certificate required under division (B) 129504  
of this section, an alternative certificate stating the 129505  
following may be attached: 129506

(a) The contract is a multi-year contract for materials, 129507  
equipment, or nonpayroll services essential to the education 129508  
program of the district; 129509

(b) The multi-year contract demonstrates savings over the 129510  
duration of the contract as compared to costs that otherwise 129511  
would have been demonstrated in a single year contract, and the 129512  
terms will allow the district to reduce the deficit it is 129513  
currently facing in future years as demonstrated in its ~~five-~~ 129514  
~~year~~ three-year forecast adopted in accordance with section 129515  
5705.391 of the Revised Code. 129516

The certificate shall be signed by the treasurer and 129517  
president of the board of education and the superintendent of 129518  
the school district, unless the district is in a state of fiscal 129519  
emergency declared under Chapter 3316. of the Revised Code. In 129520  
that case, the certificate shall be signed by a member of the 129521  
district's financial planning and supervision commission who is 129522  
designated by the commission for this purpose. 129523

(C) Every qualifying contract made or wage or salary 129524  
schedule adopted or put into effect without such a certificate 129525  
shall be void, and no payment of any amount due thereon shall be 129526  
made. 129527

(D) The department of education and workforce and the 129528  
auditor of state jointly shall adopt rules governing the methods 129529  
by which treasurers, presidents of boards of education, 129530  
superintendents, and members of financial planning and 129531  
supervision commissions shall estimate revenue and determine 129532  
whether such revenue is sufficient to provide necessary 129533  
operating revenue for the purpose of making certifications 129534  
required by this section. 129535

(E) The auditor of state shall be responsible for 129536  
determining whether school districts are in compliance with this 129537  
section. At the time a school district is audited pursuant to 129538  
section 117.11 of the Revised Code, the auditor of state shall 129539  
review each certificate issued under this section since the 129540  
district's last audit, and the appropriation measure, contract, 129541  
or wage and salary schedule to which such certificate was 129542  
attached. If the auditor of state determines that a school 129543  
district has not complied with this section with respect to any 129544  
qualifying contract or wage or salary schedule, the auditor of 129545  
state shall notify the prosecuting attorney for the county, the 129546

city director of law, or other chief law officer of the school 129547  
district. That officer may file a civil action in any court of 129548  
appropriate jurisdiction to seek a declaration that the contract 129549  
or wage or salary schedule is void, to recover for the school 129550  
district from the payee the amount of payments already made 129551  
under it, or both, except that the officer shall not seek to 129552  
recover payments made under any collective bargaining agreement 129553  
entered into under Chapter 4117. of the Revised Code. If the 129554  
officer does not file such an action within one hundred twenty 129555  
days after receiving notice of noncompliance from the auditor of 129556  
state, any taxpayer may institute the action in the taxpayer's 129557  
own name on behalf of the school district. 129558

(F) This section does not apply to any contract or 129559  
increase in any wage or salary schedule that is necessary in 129560  
order to enable a board of education to comply with division (B) 129561  
of section 3317.13 of the Revised Code, provided the contract or 129562  
increase does not exceed the amount required to be paid to be in 129563  
compliance with such division. 129564

(G) Any officer, employee, or other person who expends or 129565  
authorizes the expenditure of any public funds or authorizes or 129566  
executes any contract or schedule contrary to this section, 129567  
expends or authorizes the expenditure of any public funds on the 129568  
void contract or schedule, or issues a certificate under this 129569  
section which contains any false statements is liable to the 129570  
school district for the full amount paid from the district's 129571  
funds on the contract or schedule. The officer, employee, or 129572  
other person is jointly and severally liable in person and upon 129573  
any official bond that the officer, employee, or other person 129574  
has given to the school district to the extent of any payments 129575  
on the void claim, not to exceed ten thousand dollars. However, 129576  
no officer, employee, or other person shall be liable for a 129577

mistaken estimate of available resources made in good faith and 129578  
based upon reasonable grounds. If an officer, employee, or other 129579  
person is found to have complied with rules jointly adopted by 129580  
the department of education and workforce and the auditor of 129581  
state under this section governing methods by which revenue 129582  
shall be estimated and determined sufficient to provide 129583  
necessary operating revenue for the purpose of making 129584  
certifications required by this section, the officer, employee, 129585  
or other person shall not be liable under this section if the 129586  
estimates and determinations made according to those rules do 129587  
not, in fact, conform with actual revenue. The prosecuting 129588  
attorney of the county, the city director of law, or other chief 129589  
law officer of the district shall enforce this liability by 129590  
civil action brought in any court of appropriate jurisdiction in 129591  
the name of and on behalf of the school district. If the 129592  
prosecuting attorney, city director of law, or other chief law 129593  
officer of the district fails, upon the written request of any 129594  
taxpayer, to institute action for the enforcement of the 129595  
liability, the attorney general, or the taxpayer in the 129596  
taxpayer's own name, may institute the action on behalf of the 129597  
subdivision. 129598

(H) This section does not require the attachment of an 129599  
additional certificate beyond that required by section 5705.41 129600  
of the Revised Code for current payrolls of, or contracts of 129601  
employment with, any employees or officers of the school 129602  
district. 129603

This section does not require the attachment of a 129604  
certificate to a temporary appropriation measure if all of the 129605  
following apply: 129606

(1) The amount appropriated does not exceed twenty-five 129607

per cent of the total amount from all sources available for 129608  
expenditure from any fund during the preceding fiscal year; 129609

(2) The measure will not be in effect on or after the 129610  
thirtieth day following the earliest date on which the district 129611  
may pass an annual appropriation measure; 129612

(3) An amended official certificate of estimated resources 129613  
for the current year, if required, has not been certified to the 129614  
board of education under division (B) of section 5705.36 of the 129615  
Revised Code. 129616

**Sec. 5705.55.** (A) The board of directors of a lake 129617  
facilities authority, by a vote of two-thirds of all its 129618  
members, may at any time declare by resolution that the amount 129619  
of taxes which may be raised within the ten-mill limitation by 129620  
levies on the current tax duplicate will be insufficient to 129621  
provide an adequate amount for the necessary requirements of the 129622  
authority, that it is necessary to levy a tax in excess of such 129623  
limitation for any of the purposes specified in divisions (A), 129624  
(B), (F), and (H) of section 5705.19 of the Revised Code, and 129625  
that the question of such additional tax levy shall be submitted 129626  
by the board to the electors residing within the boundaries of 129627  
the impacted lake district on the day of a primary or general 129628  
election. The resolution shall conform to section 5705.19 of the 129629  
Revised Code, except that the tax levy may be in effect for no 129630  
more than five years, as set forth in the resolution, unless the 129631  
levy is for the payment of debt charges, and the total number of 129632  
mills levied for each dollar of taxable valuation that may be 129633  
levied under this section for any tax year shall not exceed one 129634  
mill. If the levy is for the payment of debt charges, the levy 129635  
shall be for the life of the bond indebtedness. 129636

The resolution shall specify the date of holding the 129637

election, which shall not be earlier than ninety days after the 129638  
adoption and certification of the resolution to the board of 129639  
elections. The resolution shall not include a levy on the 129640  
current tax list and duplicate unless the election is to be held 129641  
at or prior to the first Tuesday after the first Monday in 129642  
November of the current tax year. 129643

The resolution shall be certified to the board of 129644  
elections of the proper county or counties not less than ninety 129645  
days before the date of the election. The resolution shall go 129646  
into immediate effect upon its passage, and no publication of 129647  
the resolution shall be necessary other than that provided in 129648  
the notice of election. Section 5705.25 of the Revised Code 129649  
shall govern the arrangements for the submission of such 129650  
question and other matters concerning the election, to which 129651  
that section refers, except that the election shall be held on 129652  
the date specified in the resolution. If a majority of the 129653  
electors voting on the question so submitted in an election vote 129654  
in favor of the levy, the board of directors may forthwith make 129655  
the necessary levy within the boundaries of the impacted lake 129656  
district at the additional rate in excess of the ten-mill 129657  
limitation on the tax list, for the purpose stated in the 129658  
resolution. The tax levy shall be included in the next annual 129659  
tax budget that is certified to the county budget commission. 129660

(B) The form of the ballot in an election held on the 129661  
question of levying a tax proposed pursuant to this section 129662  
shall be as follows or in any other form acceptable to the 129663  
secretary of state: 129664

"A tax for the benefit of (name of lake facilities 129665  
authority) \_\_\_\_\_ for the purpose of \_\_\_\_\_, that the 129666  
county auditor estimates will collect \$\_\_\_\_\_ annually, at a rate 129667

not exceeding \_\_\_\_\_ mills for each \$1 of taxable value, 129668  
 which amounts to \$ \_\_\_\_\_ for each \$100,000 of ~~the county~~ 129669  
~~auditor's appraised market~~ value, for \_\_\_\_\_ (life of 129670  
 indebtedness or number of years the levy is to run). 129671  
 129672

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

If the levy is for the payment of debt charges, the form 129673  
 of the ballot shall be modified by omitting the phrase ", that 129674  
 the county auditor estimates will collect \$ \_\_\_\_\_ annually." 129675

(C) On approval of the levy, notes may be issued in 129676  
 anticipation of the collection of the proceeds of the tax levy, 129677  
 other than the proceeds to be received for the payment of bond 129678  
 debt charges, in the amount and manner and at the times as are 129679  
 provided in section 5705.193 of the Revised Code, for the 129680  
 issuance of notes by a county in anticipation of the proceeds of 129681  
 a tax levy. The lake facilities authority may borrow money in 129682  
 anticipation of the collection of current revenues as provided 129683  
 in section 133.10 of the Revised Code. 129684

(D) If a tax is levied under this section in a tax year, 129685  
 no other taxing authority of a subdivision or taxing unit, 129686  
 including a port authority, may levy a tax on property in the 129687  
 impacted lake district in the same tax year if the purpose of 129688  
 the levy is substantially the same as the purpose for which the 129689  
 lake facilities authority of the impacted lake district was 129690  
 created. 129691

**Sec. 5709.212.** (A) ~~With~~ Except for applications filed for 129692  
an industrial water pollution control facility, with every 129693

application for an exempt facility certificate filed pursuant to 129694  
section 5709.21 of the Revised Code, the applicant shall pay a 129695  
fee equal to one-half of one per cent of the total exempt 129696  
facility project cost, not to exceed two thousand dollars. If 129697  
the director of environmental protection is required to provide 129698  
the opinion for an application for an air pollution control 129699  
facility or noise pollution control facility, the fee shall be 129700  
credited to the non-Title V clean air fund created in section 129701  
3704.035 of the Revised Code for use in administering section 129702  
5709.211 of the Revised Code, ~~unless the application is for an~~ 129703  
~~industrial water pollution control facility. In such a case, the~~ 129704  
~~fee shall be credited to the surface water protection fund~~ 129705  
~~created in section 6111.038 of the Revised Code for use in~~ 129706  
~~administering section 5709.211 of the Revised Code.~~ If the 129707  
director of development or director of natural resources is 129708  
required to provide the opinion for an application, the fee for 129709  
each exempt facility application shall be credited to the exempt 129710  
facility inspection fund, which is hereby created in the state 129711  
treasury, for appropriation to the department of development 129712  
~~services agency~~ or department of natural resources, as 129713  
applicable, for use in administering section 5709.211 of the 129714  
Revised Code. 129715

An applicant is not entitled to any tax exemption under 129716  
section 5709.25 of the Revised Code until the fee required by 129717  
this section is paid. The fee required by this section is not 129718  
refundable, and is due with the application for an exempt 129719  
facility certificate even if an exempt facility certificate 129720  
ultimately is not issued or is withdrawn. Any application 129721  
submitted without payment of the fee shall be deemed incomplete 129722  
until the fee is paid. 129723

(B) The application fee imposed under division (A) of this 129724

section for a jointly owned facility shall be equal to one-half 129725  
of one per cent of the total exempt facility project cost, not 129726  
to exceed two thousand dollars for each facility that is the 129727  
subject of the application. 129728

Sec. 5709.89. (A) As used in this section: 129729

(1) "Indebted subdivision" means a county, township, or 129730  
municipal corporation that has accepted a residential 129731  
development loan. 129732

(2) "Residential development loan" means a loan authorized 129733  
under section 122.98 of the Revised Code. 129734

(B) The legislative authority of an indebted subdivision 129735  
shall adopt a resolution or ordinance exempting from real 129736  
property taxation improvements to each parcel of real property 129737  
whose construction commenced as the result of infrastructure 129738  
whose development, repair, or upgrade was funded by a 129739  
residential development loan accepted by the subdivision. The 129740  
resolution or ordinance shall be adopted and begin to apply in 129741  
the same tax year in which such infrastructure is developed, 129742  
repaired, or upgraded. 129743

The resolution or ordinance shall require the owner of the 129744  
improvements exempted from taxation to make annual service 129745  
payments in lieu of taxes to the county treasurer on or before 129746  
the final dates for payment of real property taxes. Service 129747  
payments in lieu of taxes required by a resolution or ordinance 129748  
adopted under this section shall be charged and collected in the 129749  
same manner and in the same amount as the real property taxes 129750  
that would have been charged and payable against the 129751  
improvements if not for the exemption. 129752

Service payment receipts shall be distributed at the same 129753

time and in the same manner as real property tax payments. The 129754  
entire amount, however, shall be paid to the indebted 129755  
subdivision. The county treasurer shall maintain a record of the 129756  
service payments in lieu of taxes made from property in each 129757  
indebted subdivision. 129758

The indebted subdivision shall use the payments solely to 129759  
repay the residential development loan associated with the 129760  
exempted improvements. An exemption from taxation under this 129761  
section and the obligation to make service payments ends 129762  
beginning for the tax year after the applicable residential 129763  
development loan is fully repaid, including any applicable 129764  
interest. The indebted subdivision shall notify the parcel's 129765  
owner, the county auditor, and the county treasurer immediately 129766  
after the loan is fully repaid of the tax year in which the 129767  
exemption and payments are to end. 129768

**Sec. 5709.92.** (A) As used in this section: 129769

(1) "School district" means a city, local, or exempted 129770  
village school district. 129771

(2) "Joint vocational school district" means a joint 129772  
vocational school district created under section 3311.16 of the 129773  
Revised Code, and includes a cooperative education school 129774  
district created under section 3311.52 or 3311.521 of the 129775  
Revised Code and a county school financing district created 129776  
under section 3311.50 of the Revised Code. 129777

(3) "Total resources" means the sum of the amounts 129778  
described in divisions (A) (3) (a) to (g) of this section less any 129779  
reduction required under division (C) (3) (a) of this section. 129780

(a) The state education aid for fiscal year 2015; 129781

(b) The sum of the payments received in fiscal year 2015 129782

for current expense levy losses under division (C) (3) of section 129783  
5727.85 and division (C) (12) of section 5751.21 of the Revised 129784  
Code, as they existed at that time, excluding the portion of 129785  
such payments attributable to levies for joint vocational school 129786  
district purposes; 129787

(c) The sum of fixed-sum levy loss payments received by 129788  
the school district in fiscal year 2015 under division (F) (1) of 129789  
section 5727.85 and division (E) (1) of section 5751.21 of the 129790  
Revised Code, as they existed at that time, for fixed-sum levies 129791  
charged and payable for a purpose other than paying debt 129792  
charges; 129793

(d) The district's taxes charged and payable against all 129794  
property on the tax list of real and public utility property for 129795  
current expense purposes for tax year 2014, including taxes 129796  
charged and payable from emergency levies charged and payable 129797  
under ~~sections~~ section 5705.194 ~~to 5705.197~~ of the Revised Code, 129798  
excluding taxes levied for joint vocational school district 129799  
purposes or levied under section 5705.23 of the Revised Code; 129800

(e) The amount certified for fiscal year 2015 under 129801  
division (A) (2) of section 3317.08 of the Revised Code; 129802

(f) Distributions received during calendar year 2014 from 129803  
taxes levied under section 718.09 of the Revised Code; 129804

(g) Distributions received during fiscal year 2015 from 129805  
the gross casino revenue county student fund. 129806

(4) (a) "State education aid" for a school district means 129807  
the sum of state amounts computed for the district under 129808  
sections 3317.022 and 3317.0212 of the Revised Code after any 129809  
amounts are added or subtracted under Section 263.240 of Am. 129810  
Sub. H.B. 59 of the 130th general assembly, entitled 129811

"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	129812
	129813
(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."	129814
	129815
	129816
	129817
	129818
	129819
(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.	129820
	129821
	129822
	129823
(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.	129824
	129825
(7) "Threshold per cent" means the following:	129826
(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.	129827
	129828
	129829
(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.	129830
	129831
	129832
(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.	129833
	129834
	129835
(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.	129836
	129837
	129838
(e) For a school district in the highest capacity	129839

quintile, two per cent for fiscal year 2016 and four per cent 129840  
for fiscal year 2017. 129841

(f) For a joint vocational school district, two per cent 129842  
for fiscal year 2016 and four per cent for fiscal year 2017. 129843

(8) "Current expense allocation" means the sum of the 129844  
payments received by a school district or joint vocational 129845  
school district in fiscal year 2015 for current expense levy 129846  
losses under division (C) (3) of section 5727.85 and division (C) 129847  
(12) of section 5751.21 of the Revised Code as they existed at 129848  
that time, less any reduction required under division (C) (3) (b) 129849  
of this section. 129850

(9) "Non-current expense allocation" means the sum of the 129851  
payments received by a school district or joint vocational 129852  
school district in fiscal year 2015 for levy losses under 129853  
division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of 129854  
section 5751.21 of the Revised Code, as they existed at that 129855  
time, and levy losses in fiscal year 2015 under division (H) of 129856  
section 5727.84 of the Revised Code as that section existed at 129857  
that time attributable to levies for and payments received for 129858  
losses on levies intended to generate money for maintenance of 129859  
classroom facilities. 129860

(10) "Operating TPP fixed-sum levy losses" means the sum 129861  
of payments received by a school district in fiscal year 2015 129862  
for levy losses under division (E) of section 5751.21 of the 129863  
Revised Code, excluding levy losses for debt purposes. 129864

(11) "Operating S.B. 3 fixed-sum levy losses" means the 129865  
sum of payments received by the school district in fiscal year 129866  
2015 for levy losses under division (H) of section 5727.84 of 129867  
the Revised Code, excluding levy losses for debt purposes. 129868

(12) "TPP fixed-sum debt levy losses" means the sum of 129869  
payments received by a school district in fiscal year 2015 for 129870  
levy losses under division (E) of section 5751.21 of the Revised 129871  
Code for debt purposes. 129872

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 129873  
payments received by the school district in fiscal year 2015 for 129874  
levy losses under division (H) of section 5727.84 of the Revised 129875  
Code for debt purposes. 129876

(14) "Qualifying levies" means qualifying levies described 129877  
in section 5751.20 of the Revised Code as that section was in 129878  
effect before July 1, 2015. 129879

(15) "Total taxable value" has the same meaning as in 129880  
section 3317.02 of the Revised Code. 129881

(B) The department of education and workforce shall rank 129882  
all school districts in the order of districts' capacity 129883  
measures determined under former section 3317.018 of the Revised 129884  
Code from lowest to highest, and divide such ranking into 129885  
quintiles, with the first quintile containing the twenty per 129886  
cent of school districts having the lowest capacity measure and 129887  
the fifth quintile containing the twenty per cent of school 129888  
districts having the highest capacity measure. This calculation 129889  
and ranking shall be performed once, in fiscal year 2016. 129890

(C) (1) In fiscal year 2016, payments shall be made to 129891  
school districts and joint vocational school districts equal to 129892  
the sum of the amounts described in divisions (C) (1) (a) or (b) 129893  
and (C) (1) (c) of this section. In fiscal year 2017, payments 129894  
shall be made to school districts and joint vocational school 129895  
districts equal to the amount described in division (C) (1) (a) or 129896  
(b) of this section. 129897

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold percent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold percent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C) (2) (b) of this section from the amount described in division (C) (2) (a) of this section, provided that such amount is greater than zero.

(a) The sum of the payments received by the district under division (C) (1) (b) or (C) (2) of this section for the immediately preceding fiscal year;

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016.

(3) (a) "Total resources" used to compute payments under division (C) (1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments under division (C) (1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax

year 2014. 129927

(4) The department of education and workforce shall report 129928  
to each school district and joint vocational school district the 129929  
apportionment of the payments under division (C)(1) of this 129930  
section among the district's funds based on qualifying levies. 129931

(D)(1) Payments in the following amounts shall be made to 129932  
school districts and joint vocational school districts in tax 129933  
years 2016 through 2021: 129934

(a) In tax year 2016, the sum of the district's operating 129935  
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 129936  
losses. 129937

(b) In tax year 2017, the sum of the district's operating 129938  
TPP fixed-sum levy losses and eighty per cent of operating S.B. 129939  
3 fixed-sum levy losses. 129940

(c) In tax year 2018, the sum of eighty per cent of the 129941  
district's operating TPP fixed-sum levy losses and sixty per 129942  
cent of its operating S.B. 3 fixed-sum levy losses. 129943

(d) In tax year 2019, the sum of sixty per cent of the 129944  
district's operating TPP fixed-sum levy losses and forty per 129945  
cent of its operating S.B. 3 fixed-sum levy losses. 129946

(e) In tax year 2020, the sum of forty per cent of the 129947  
district's operating TPP fixed-sum levy losses and twenty per 129948  
cent of its operating S.B. 3 fixed-sum levy losses. 129949

(f) In tax year 2021, twenty per cent of the district's 129950  
operating TPP fixed-sum levy losses. 129951

No payment shall be made under division (D)(1) of this 129952  
section after tax year 2021. 129953

(2) Amounts are payable under division (D) of this section 129954  
for fixed-sum levy losses only to the extent of such losses for 129955  
qualifying levies that remain in effect for the current tax 129956  
year. For this purpose, a qualifying levy levied under section 129957  
5705.194 or 5705.213 of the Revised Code remains in effect for 129958  
the current tax year only if a tax levied under either of those 129959  
sections is charged and payable for the current tax year for an 129960  
annual sum at least equal to the annual sum levied by the board 129961  
of education for tax year 2004 under those sections less the 129962  
amount of the payment under this division. 129963

(E) (1) For fixed-sum levies for debt purposes, payments 129964  
shall be made to school districts and joint vocational school 129965  
districts equal to one hundred per cent of the district's fixed- 129966  
sum levy loss determined under division (E) of section 5751.20 129967  
and division (H) of section 5727.84 of the Revised Code as in 129968  
effect before July 1, 2015, and paid in tax year 2014. No 129969  
payment shall be made for qualifying levies that are no longer 129970  
charged and payable. 129971

(2) Beginning in 2016, by the thirty-first day of January 129972  
of each year, the tax commissioner shall review the calculation 129973  
of fixed-sum levy loss for debt purposes determined under 129974  
division (E) of section 5751.20 and division (H) of section 129975  
5727.84 of the Revised Code as in effect before July 1, 2015. If 129976  
the commissioner determines that a fixed-sum levy that had been 129977  
scheduled to be reimbursed in the current year is no longer 129978  
charged and payable, a revised calculation for that year and all 129979  
subsequent years shall be made. 129980

(F) (1) For taxes levied within the ten-mill limitation for 129981  
debt purposes in tax year 1998 in the case of electric company 129982  
tax value losses, and in tax year 1999 in the case of natural 129983

gas company tax value losses, payments shall be made to school 129984  
districts and joint vocational school districts equal to one 129985  
hundred per cent of the loss computed under division (D) of 129986  
section 5727.85 of the Revised Code as in effect before July 1, 129987  
2015, as if the tax were a fixed-rate levy, but those payments 129988  
shall extend through fiscal year 2016. 129989

(2) For taxes levied within the ten-mill limitation for 129990  
debt purposes in tax year 2005, payments shall be made to school 129991  
districts and joint vocational school districts equal to one 129992  
hundred per cent of the loss computed under division (D) of 129993  
section 5751.21 of the Revised Code as in effect before July 1, 129994  
2015, as if the tax were a fixed-rate levy, but those payments 129995  
shall extend through fiscal year 2018. 129996

(G) If all the territory of a school district or joint 129997  
vocational school district is merged with another district, or 129998  
if a part of the territory of a school district or joint 129999  
vocational school district is transferred to an existing or 130000  
newly created district, the department of education and 130001  
workforce, in consultation with the tax commissioner, shall 130002  
adjust the payments made under this section as follows: 130003

(1) For a merger of two or more districts, fixed-sum levy 130004  
losses, total resources, current expense allocation, and non- 130005  
current expense allocation of the successor district shall be 130006  
the sum of such items for each of the districts involved in the 130007  
merger. 130008

(2) If property is transferred from one district to a 130009  
previously existing district, the amount of the total resources, 130010  
current expense allocation, and non-current expense allocation 130011  
that shall be transferred to the recipient district shall be an 130012  
amount equal to the total resources, current expense allocation, 130013

and non-current expense allocation of the transferor district 130014  
times a fraction, the numerator of which is the number of pupils 130015  
being transferred to the recipient district, measured, in the 130016  
case of a school district, by formula ADM as defined in section 130017  
3317.02 of the Revised Code or, in the case of a joint vocational 130018  
school district, by formula ADM as defined for a joint 130019  
vocational school district in that section, and the denominator 130020  
of which is the formula ADM of the transferor district. 130021

(3) After December 31, 2010, if property is transferred 130022  
from one or more districts to a district that is newly created 130023  
out of the transferred property, the newly created district 130024  
shall be deemed not to have any total resources, current expense 130025  
allocation, total allocation, or non-current expense allocation. 130026

(4) If the recipient district under division (G) (2) of 130027  
this section or the newly created district under division (G) (3) 130028  
of this section is assuming debt from one or more of the 130029  
districts from which the property was transferred and any of the 130030  
districts losing the property had fixed-sum levy losses, the 130031  
department of education and workforce, in consultation with the 130032  
tax commissioner, shall make an equitable division of the 130033  
reimbursements for those losses. 130034

(H) The payments required by divisions (C), (D), (E), (F), 130035  
and (I) of this section shall be distributed periodically to 130036  
each school and joint vocational school district by the 130037  
department of education and workforce unless otherwise provided 130038  
for. Except as provided in division (D) of this section, if a 130039  
levy that is a qualifying levy is not charged and payable in any 130040  
year after 2014, payments to the school district or joint 130041  
vocational school district shall be reduced to the extent that 130042  
the payments distributed in fiscal year 2015 were attributable 130043

to the levy loss of that levy. 130044

(I) For fiscal years 2022 through 2026, if the total 130045  
amount to be received under divisions (C) and (E) of this 130046  
section by any school district that has a nuclear power plant 130047  
located within its territory is less than the amount the 130048  
district received under this section in fiscal year 2017, the 130049  
district shall receive a supplemental payment equal to the 130050  
difference between the amount to be received under those 130051  
divisions for the fiscal year and the amount received under this 130052  
section in fiscal year 2017. 130053

**Sec. 5709.93.** (A) As used in this section: 130054

(1) "Taxes charged and payable" means taxes charged and 130055  
payable after the reduction required by section 319.301 of the 130056  
Revised Code but before the reductions required by sections 130057  
319.302 and 323.152 of the Revised Code. 130058

(2) "Threshold per cent" means two per cent for fiscal 130059  
year 2016; and, for fiscal year 2017 and thereafter, the sum of 130060  
the prior year's threshold per cent plus two percentage points. 130061

(3) "Public library" means a county, municipal, school 130062  
district, or township public library that receives the proceeds 130063  
of a tax levied under section 5705.23 of the Revised Code. 130064

(4) "Local taxing unit" means a subdivision or taxing 130065  
unit, as defined in section 5705.01 of the Revised Code, a park 130066  
district created under Chapter 1545. of the Revised Code, or a 130067  
township park district established under section 511.23 of the 130068  
Revised Code, but excludes school districts and joint vocational 130069  
school districts. 130070

(5) "Municipal current expense allocation" means the sum 130071  
of the payments received by a municipal corporation in calendar 130072

year 2014 for current expense levy losses under division (A) (1)	130073
(e) (ii) of section 5727.86 and division (A) (1) (c) (ii) of section	130074
5751.22 of the Revised Code as they existed at that time.	130075
(6) "Current expense allocation" means the sum of the	130076
payments received by a local taxing unit or public library in	130077
calendar year 2014 for current expense levy losses under	130078
division (A) (1) of section 5727.86 and divisions (A) (1) and (2)	130079
of section 5751.22 of the Revised Code as they existed at that	130080
time, less any reduction required under division (B) (2) of this	130081
section.	130082
(7) "TPP inside millage debt levy loss" means payments	130083
made to local taxing units in calendar year 2014 under division	130084
(A) (3) of section 5751.22 of the Revised Code as that section	130085
existed at that time.	130086
(8) "S.B. 3 inside millage debt levy loss" means payments	130087
made to local taxing units in calendar year 2014 under section	130088
(A) (4) of section 5727.86 of the Revised Code as that section	130089
existed at that time.	130090
(9) "Qualifying levy" means a levy for which payment was	130091
made in calendar year 2014 under division (A) (1) of section	130092
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the	130093
Revised Code as they existed at that time.	130094
(10) "Total resources," in the case of county mental	130095
health and disability related functions, means the sum of the	130096
amounts in divisions (A) (10) (a) and (b) of this section less any	130097
reduction required under division (B) (1) of this section.	130098
(a) The sum of the payments received by the county for	130099
mental health and developmental disability related functions in	130100
calendar year 2014 under division (A) (1) of section 5727.86 and	130101

division (A) (1) of section 5751.22 of the Revised Code as they 130102  
existed at that time; 130103

(b) With respect to taxes levied by the county for mental 130104  
health and developmental disability related purposes, the taxes 130105  
charged and payable for such purposes against all property on 130106  
the tax list of real and public utility property for tax year 130107  
2014. 130108

(11) "Total resources," in the case of county senior 130109  
services related functions, means the sum of the amounts in 130110  
divisions (A) (11) (a) and (b) of this section less any reduction 130111  
required under division (B) (1) of this section. 130112

(a) The sum of the payments received by the county for 130113  
senior services related functions in calendar year 2014 under 130114  
division (A) (1) of section 5727.86 and division (A) (1) of 130115  
section 5751.22 of the Revised Code as they existed at that 130116  
time; 130117

(b) With respect to taxes levied by the county for senior 130118  
services related purposes, the taxes charged and payable for 130119  
such purposes against all property on the tax list of real and 130120  
public utility property for tax year 2014. 130121

(12) "Total resources," in the case of county children's 130122  
services related functions, means the sum of the amounts in 130123  
divisions (A) (12) (a) and (b) of this section less any reduction 130124  
required under division (B) (1) of this section. 130125

(a) The sum of the payments received by the county for 130126  
children's services related functions in calendar year 2014 130127  
under division (A) (1) of section 5727.86 and division (A) (1) of 130128  
section 5751.22 of the Revised Code as they existed at that 130129  
time; 130130

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A) (13) (a) and (b) of this section less any reduction required under division (B) (1) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(14) "Total resources," in the case of all county functions not included in divisions (A) (10) to (13) of this section, means the sum of the amounts in divisions (A) (14) (a) to (e) of this section less any reduction required under division (B) (1) or (2) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A) (1) of section 5727.86 and division (A) (1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under

division (J) of section 5747.51 of the Revised Code or division 130160  
(F) of section 5747.53 of the Revised Code multiplied by the 130161  
total amount actually distributed in calendar year 2014 from the 130162  
county undivided local government fund; 130163

(c) With respect to taxes levied by the county for all 130164  
other purposes, the taxes charged and payable for such purposes 130165  
against all property on the tax list of real and public utility 130166  
property for tax year 2014, excluding taxes charged and payable 130167  
for the purpose of paying debt charges; 130168

(d) The sum of the amounts distributed to the county in 130169  
calendar year 2014 for the taxes levied pursuant to sections 130170  
5739.021 and 5741.021 of the Revised Code; 130171

(e) The sum of amounts distributed to the county from the 130172  
gross casino revenue county fund from July 2014 through April 130173  
2015. 130174

(15) "Total resources," in the case of a municipal 130175  
corporation, means the sum of the amounts in divisions (A) (15) 130176  
(a) to (h) of this section less any reduction required under 130177  
division (B) (1) or (2) of this section. 130178

(a) The sum of the payments received by the municipal 130179  
corporation in calendar year 2014 for current expense levy 130180  
losses under division (A) (1) of section 5727.86 and division (A) 130181  
(1) of section 5751.22 of the Revised Code as they existed at 130182  
that time; 130183

(b) The municipal corporation's percentage share of county 130184  
undivided local government fund allocations as certified to the 130185  
tax commissioner for calendar year 2015 by the county auditor 130186  
under division (J) of section 5747.51 of the Revised Code or 130187  
division (F) of section 5747.53 of the Revised Code multiplied 130188

by the total amount actually distributed in calendar year 2014	130189
from the county undivided local government fund;	130190
(c) The sum of the amounts distributed to the municipal	130191
corporation in calendar year 2014 pursuant to section 5747.50 of	130192
the Revised Code;	130193
(d) With respect to taxes levied by the municipal	130194
corporation, the taxes charged and payable against all property	130195
on the tax list of real and public utility property for	130196
municipal current expenses for tax year 2014;	130197
(e) The amount of admissions tax collected by the	130198
municipal corporation in calendar year 2013, or if such	130199
information has not yet been reported to the tax commissioner,	130200
in the most recent year before 2013 for which the municipal	130201
corporation has reported data to the commissioner;	130202
(f) The amount of income taxes collected by the municipal	130203
corporation in calendar year 2013 as certified to the tax	130204
commissioner under section 5747.50 of the Revised Code in 2013,	130205
or if such information has not yet been reported to the	130206
commissioner, in the most recent year before 2014 for which the	130207
municipal corporation has reported such data to the	130208
commissioner;	130209
(g) The sum of the amounts distributed to the municipal	130210
corporation from the gross casino revenue host city fund from	130211
July 2014 through April 2015;	130212
(h) The sum of the amounts distributed to the municipal	130213
corporation from the gross casino revenue county fund from July	130214
2014 through April 2015.	130215
(16) "Total resources," in the case of a township, means	130216
the sum of the amounts in divisions (A) (16) (a) to (c) of this	130217

section less any reduction required under division (B) (1) or (2) 130218  
of this section. 130219

(a) The sum of the payments received by the township in 130220  
calendar year 2014 pursuant to division (A) (1) of section 130221  
5727.86 of the Revised Code and division (A) (1) of section 130222  
5751.22 of the Revised Code as they existed at that time, 130223  
excluding payments received for debt purposes; 130224

(b) The township's percentage share of county undivided 130225  
local government fund allocations as certified to the tax 130226  
commissioner for calendar year 2015 by the county auditor under 130227  
division (J) of section 5747.51 of the Revised Code or division 130228  
(F) of section 5747.53 of the Revised Code multiplied by the 130229  
total amount actually distributed in calendar year 2014 from the 130230  
county undivided local government fund; 130231

(c) With respect to taxes levied by the township, the 130232  
taxes charged and payable against all property on the tax list 130233  
of real and public utility property for tax year 2014 excluding 130234  
taxes charged and payable for the purpose of paying debt charges 130235  
or from levies imposed under section 5705.23 of the Revised 130236  
Code. 130237

(17) "Total resources," in the case of a local taxing unit 130238  
that is not a county, municipal corporation, township, or public 130239  
library means the sum of the amounts in divisions (A) (17) (a) to 130240  
(e) of this section less any reduction required under division 130241  
(B) (1) of this section. 130242

(a) The sum of the payments received by the local taxing 130243  
unit in calendar year 2014 pursuant to division (A) (1) of 130244  
section 5727.86 of the Revised Code and division (A) (1) of 130245  
section 5751.22 of the Revised Code as they existed at that 130246

time; 130247

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 130248  
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(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from a levy imposed under section 5705.23 of the Revised Code; 130255  
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(d) The amount received from the tax commissioner during calendar year 2014 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code; 130261  
130262  
130263

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board. 130264  
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(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A) (18) (a) to (d) of this section less any reduction required under division (B) (1) of this section. 130269  
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(a) The sum of the payments received by the county, 130275

municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the library district from the county public library fund in calendar year 2014, as reported to the tax commissioner by the county auditor.

(19) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: library; airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any

levy containing the word "pension," including police pensions; 130306  
fireman's fund or any practically similar name; sinking fund; 130307  
road improvements or any levy containing the word "road"; fire 130308  
truck or apparatus; flood or any levy containing the word 130309  
"flood"; conservancy district; county health; note retirement; 130310  
sewage, or any levy containing the words "sewage" or "sewer"; 130311  
park improvement; parkland acquisition; storm drain; street or 130312  
any levy name containing the word "street"; lighting, or any 130313  
levy name containing the word "lighting"; and water. 130314

(20) "Operating fixed-rate levy loss" means, in the case 130315  
of local taxing units other than municipal corporations, fixed- 130316  
rate levy losses of levies imposed for purposes other than 130317  
paying debt charges or, in the case of municipal corporations, 130318  
fixed-rate levy losses of municipal current expense property tax 130319  
levies. 130320

(21) (a) "Qualifying municipal corporation" means a 130321  
municipal corporation in the territory of which a qualifying end 130322  
user is located. 130323

(b) "Qualifying end user" means an end user of at least 130324  
seven million qualifying kilowatt hours of electricity annually. 130325

(c) "Qualifying kilowatt hours" means kilowatt hours of 130326  
electricity generated by a renewable energy resource, as defined 130327  
in section 5727.01 of the Revised Code, using wind energy and 130328  
the distribution of which is subject to the tax levied under 130329  
section 5727.81 of the Revised Code for any measurement period 130330  
beginning after June 30, 2015. 130331

(22) Any term used in this section has the same meaning as 130332  
in section 5727.84 or 5751.20 of the Revised Code unless 130333  
otherwise defined by this section. 130334

(B) (1) "Total resources" used to compute payments to be 130335  
made under division (C) of this section shall be reduced to the 130336  
extent that payments distributed in calendar year 2014 were 130337  
attributable to levies no longer charged and payable. 130338

(2) "Current expense allocation" used to compute payments 130339  
to be made under division (C) of this section shall be reduced 130340  
to the extent that payments distributed in calendar year 2014 130341  
were attributable to levies no longer charged and payable. 130342

(C) (1) Except as provided in division (D) of this section, 130343  
the tax commissioner shall compute payments for operating fixed- 130344  
rate levy losses of local taxing units and public libraries for 130345  
fiscal year 2016 and each year thereafter as prescribed in 130346  
divisions (C) (1) (a) and (b) of this section: 130347

(a) For public libraries and local taxing units other than 130348  
municipal corporations: 130349

(i) If the ratio of current expense allocation to total 130350  
resources is equal to or less than the threshold per cent, zero; 130351

(ii) If the ratio of current expense allocation to total 130352  
resources is greater than the threshold per cent, the current 130353  
expense allocation minus the product of total resources 130354  
multiplied by the threshold per cent. 130355

(b) For municipal corporations: 130356

(i) If the ratio of the municipal current expense 130357  
allocation to total resources is equal to or less than the 130358  
threshold per cent, zero; 130359

(ii) If the ratio of the municipal current expense 130360  
allocation to total resources is greater than the threshold per 130361  
cent, the municipal current expense allocation minus the product 130362

of total resources multiplied by the threshold per cent. 130363

(2) For any local taxing unit or public library with 130364  
operating fixed-rate levy losses greater than zero, the 130365  
operating fixed-rate levy loss shall be allocated among all 130366  
qualifying operating fixed-rate levies in proportion to each 130367  
such levy's share of the payments received in tax year 2014. In 130368  
fiscal year 2016 and thereafter, if a levy to which operating 130369  
fixed-rate levy loss is allocated is no longer charged and 130370  
payable, the payment to the local taxing unit or public library 130371  
shall be reduced by the amount allocated to the levy that is no 130372  
longer charged and payable. 130373

(D) (1) Except as provided in division (D) (2) of this 130374  
section, the tax commissioner shall make payments to local 130375  
taxing units equal to the sum of TPP inside millage debt levy 130376  
loss and S.B. 3 inside millage debt levy loss. No payment shall 130377  
be made if the levy for which the levy loss is computed is not 130378  
charged and payable for debt purposes in fiscal year 2016 or any 130379  
year thereafter. 130380

(2) No payment shall be made for TPP inside millage debt 130381  
levy loss in calendar year 2018 or thereafter. No payment shall 130382  
be made for S.B.3 inside millage debt levy loss in calendar year 130383  
2017 or thereafter. 130384

(E) For a qualifying municipal corporation, the tax 130385  
commissioner shall compute payments for fiscal year 2016 and 130386  
each ensuing fiscal year in an amount equal to the amount of tax 130387  
imposed under section 5727.81 of the Revised Code and paid on 130388  
the basis of qualifying kilowatt hours of electricity 130389  
distributed through the meter of a qualifying end user located 130390  
in the municipal corporation for measurement periods ending in 130391  
the preceding calendar year. The payment shall be computed 130392

regardless of whether the qualifying municipal corporation 130393  
qualifies for a payment under any other division of this section 130394  
for the fiscal year in which the payment is computed under this 130395  
division. For the purposes of this division, the commissioner 130396  
may require an electric distribution company distributing 130397  
qualifying kilowatt hours or, if the end user is a self- 130398  
assessing purchaser, the end user, to report to the commissioner 130399  
the number of qualifying kilowatt hours distributed through the 130400  
meter of the qualifying end user. 130401

(F) (1) The payments required to be made under divisions 130402  
(C), (D), and (H) of this section shall be paid from the ~~local-~~ 130403  
~~government tangible property tax replacement~~ general revenue 130404  
fund to the county undivided income tax fund in the proper 130405  
county treasury. Beginning in August 2015, one-half of the 130406  
amount determined under each of those divisions shall be paid on 130407  
or before the last day of August each year, and one-half shall 130408  
be paid on or before the last day of February each year. Within 130409  
thirty days after receipt of such payments, the county treasurer 130410  
shall distribute amounts determined under this section to the 130411  
proper local taxing unit or public library as if they had been 130412  
levied and collected as taxes, and the local taxing unit or 130413  
public library shall allocate the amounts so received among its 130414  
funds in the same proportions as if those amounts had been 130415  
levied and collected as taxes. 130416

(2) On or before the last day of August and of February of 130417  
each fiscal year that follows a calendar year in which taxes are 130418  
paid on the basis of qualifying kilowatt hours of electricity 130419  
distributed through the meter of a qualifying end user located 130420  
in a qualifying municipal corporation, one-half of the payment 130421  
computed under division (E) of this section shall be paid from 130422  
the ~~local government tangible personal property tax replacement-~~ 130423

general revenue fund directly to the qualifying municipal 130424  
corporation. The municipal corporation shall credit the payments 130425  
to a special fund created for the purpose of providing grants or 130426  
other financial assistance to the qualifying end user or to 130427  
compensate the municipal corporation for municipal income tax or 130428  
other tax credits or reductions as the legislative authority may 130429  
grant to the qualifying end user. Such grants or other financial 130430  
assistance may be provided for by ordinance or resolution of the 130431  
legislative authority of the qualifying municipal corporation 130432  
and may continue for as long as is provided by the ordinance or 130433  
resolution. 130434

(G) If all or a part of the territories of two or more 130435  
local taxing units are merged, or unincorporated territory of a 130436  
township is annexed by a municipal corporation, the tax 130437  
commissioner shall adjust the payments made under this section 130438  
to each of the local taxing units in proportion to the square 130439  
mileage of the merged or annexed territory as a percentage of 130440  
the total square mileage of the jurisdiction from which the 130441  
territory originated, or as otherwise provided by a written 130442  
agreement between the legislative authorities of the local 130443  
taxing units certified to the commissioner not later than the 130444  
first day of June of the calendar year in which the payment is 130445  
to be made. 130446

(H) For fiscal years 2022 through 2026, if the total 130447  
amount to be received under division (C) of this section by a 130448  
joint fire district that has a nuclear power plant located 130449  
within its territory is less than the amount the district 130450  
received under this section in fiscal year 2017, the district 130451  
shall receive a supplemental payment equal to the difference 130452  
between the amount to be received under that division for the 130453  
fiscal year and the amount received under this section in fiscal 130454

year 2017. 130455

**Sec. 5713.34.** (A) (1) Upon the conversion of all or any 130456  
portion of a tract, lot, or parcel of land devoted exclusively 130457  
to agricultural use a portion of the tax savings upon such 130458  
converted land shall be recouped as provided for by Section 36, 130459  
Article II, Ohio Constitution by levying a charge on such land 130460  
in an amount equal to the amount of the tax savings on the 130461  
converted land during the three tax years immediately preceding 130462  
the year in which the conversion occurs. If the auditor 130463  
discovers that agricultural land valued at the lowest valued 130464  
soil type, pursuant to section 5713.31 of the Revised Code, 130465  
because of its use for a conservation practice or designation as 130466  
eligible conservation land ceases to meet that criteria sooner 130467  
than thirty-six months after the initial certification, the 130468  
auditor shall levy a charge on such agricultural land in an 130469  
amount equal to the reduction in taxes resulting from the land's 130470  
valuation at the lowest valued soil type, rather than valuation 130471  
at its actual soil type, in all preceding years the land was so 130472  
valued, not to exceed the most recent three years. The charges 130473  
levied under this section shall constitute a lien of the state 130474  
upon such converted land as of the first day of January of the 130475  
tax year in which the charge is levied and shall continue until 130476  
discharged as provided by law. 130477

(2) Upon the conversion of an adequately described portion 130478  
of a tract, lot, or parcel of land, the county auditor shall 130479  
divide any numbered permanent parcel into economic units and 130480  
value each unit individually for the purpose of levying the 130481  
charge under division (A) (1) of this section against only the 130482  
converted portion. 130483

(3) A charge shall not be levied under this section for 130484

the conversion of a portion of a tract, lot, or parcel of land 130485  
devoted exclusively to agricultural use if the conversion is 130486  
incident to the construction or installation of an energy 130487  
facility, as defined in section 5727.01 of the Revised Code, and 130488  
if the remaining portion of the tract, lot, or parcel continues 130489  
to be devoted exclusively to agricultural use. 130490

(B) Except as otherwise provided in division (C) or (D) of 130491  
this section, a public entity that acquires by any means and 130492  
converts land devoted exclusively to agricultural use and a 130493  
private entity granted the power of eminent domain that acquires 130494  
by any means and converts land devoted exclusively to 130495  
agricultural use shall pay the charge levied by division (A) of 130496  
this section and shall not, directly or indirectly, transfer the 130497  
charge to the person from whom the land is acquired. A person 130498  
injured by a violation of this division may recover, in a civil 130499  
action, any damages resulting from the violation. 130500

(C) The charge levied by division (A) (1) of this section 130501  
does not apply to the conversion of land that meets either of 130502  
the following conditions: 130503

(1) The land is exempt from taxation pursuant to division 130504  
(B) of section 5709.09 of the Revised Code and remains 130505  
principally undeveloped. 130506

(2) The land is acquired by a public entity by means other 130507  
than eminent domain and thereafter used exclusively for a public 130508  
purpose that leaves the land principally undeveloped when either 130509  
of the following conditions applies: 130510

~~(1)~~(a) In the case of land so acquired and converted by a 130511  
park district created under Chapter 1545. of the Revised Code, 130512  
the land is located within the boundaries of the park district. 130513

~~(2)~~(b) In the case of land so acquired and converted by a public entity other than a park district created under Chapter 1545. of the Revised Code, the land is located within the boundaries of any city, local, exempted village, or joint vocational school district that is wholly or partially located within the boundaries of the public entity that so acquired and converted the land.

If all or any portion of a tract, lot, or parcel of ~~such~~ land described in division (C) (1) or (2) of this section is later developed or otherwise converted to a purpose other than one of the purposes enumerated under division (E) (1) of this section, the charge levied by division (A) (1) of this section shall be levied against such developed or converted land as otherwise required by that division.

The county auditor of the county in which the land is located shall determine annually whether all or any portion of a tract, lot, or parcel of land formerly converted to a purpose enumerated under division (E) (1) of this section has been developed in such a way or converted to such a purpose as to require the charge levied by division (A) (1) of this section to be levied against the land so developed or converted.

(D) Division (B) of this section does not apply to a public entity that acquires by means other than eminent domain and converts land devoted exclusively to agricultural use to use for public, active or passive, outdoor education, recreation, or similar open space uses when either of the following conditions applies:

(1) In the case of land so acquired and converted by a park district created under Chapter 1545. of the Revised Code, the land is located outside the boundaries of the park district.

(2) In the case of land so acquired and converted by a public entity other than a park district created under Chapter 1545. of the Revised Code, the land is located outside the boundaries of any city, local, exempted village, or joint vocational school district that is wholly or partially located within the boundaries of the public entity that so acquired and converted the land.

(E) As used in divisions (C) and (D) of this section:

(1) "Principally undeveloped" means a parcel of real property that is used for public, active or passive, outdoor education, recreation, or similar open space uses and contains only the structures, roadways, and other facilities that are necessary for such uses.

(2) "Public entity" means any political subdivision of this state or any agency or instrumentality of a political subdivision.

**Sec. 5715.19.** (A) As used in this section:

"Member" has the same meaning as in section 1706.01 of the Revised Code.

"Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

"Interim period" means, for each county, the tax year to which section 5715.24 of the Revised Code applies and each subsequent tax year until the tax year in which that section applies again.

"Legislative authority" means a board of county commissioners, a board of township trustees of any township with territory in the county, the board of education of any school

district with territory in the county, or the legislative 130572  
authority of a municipal corporation with territory in the 130573  
county. 130574

"Original complaint" means a complaint filed under 130575  
division (A) of this section. 130576

"Counter-complaint" means a complaint filed under division 130577  
(B) of this section in response to an original complaint. 130578

"Third party complainant" means a complainant other than 130579  
the property owner, the owner's spouse, a tenant authorized to 130580  
file an original complaint, or any person acting on behalf of a 130581  
property owner. "Third party complainant" does not include a 130582  
legislative authority or a mayor of a municipal corporation, but 130583  
does include the prosecuting attorney or treasurer of a county\_ 130584  
or any person acting on behalf of a legislative authority or 130585  
mayor. 130586

For purposes of this section, a person is considered to be 130587  
acting on behalf of a legislative authority or mayor if the 130588  
person is an official or employee of the political subdivision 130589  
or has been hired, contracted, or directed by such an official 130590  
or employee to file a complaint or counter-complaint under this 130591  
section on behalf of the political subdivision. 130592

(1) Subject to division (A) (2) of this section, a 130593  
complaint against any of the following determinations for the 130594  
current tax year shall be filed with the county auditor on or 130595  
before the thirty-first day of March of the ensuing tax year or 130596  
the date of closing of the collection for the first half of real 130597  
and public utility property taxes for the current tax year, 130598  
whichever is later: 130599

(a) Any classification made under section 5713.041 of the 130600

Revised Code;	130601
(b) Any determination made under section 5713.32 or	130602
5713.35 of the Revised Code;	130603
(c) Any recoupment charge levied under section 5713.35 of	130604
the Revised Code;	130605
(d) The determination of the total valuation or assessment	130606
of any parcel that appears on the tax list, except parcels	130607
assessed by the tax commissioner pursuant to section 5727.06 of	130608
the Revised Code;	130609
(e) The determination of the total valuation of any parcel	130610
that appears on the agricultural land tax list, except parcels	130611
assessed by the tax commissioner pursuant to section 5727.06 of	130612
the Revised Code;	130613
(f) Any determination made under division (A) of section	130614
319.302 of the Revised Code.	130615
If such a complaint is filed by mail or certified mail,	130616
the date of the United States postmark placed on the envelope or	130617
sender's receipt by the postal service shall be treated as the	130618
date of filing. A private meter postmark on an envelope is not a	130619
valid postmark for purposes of establishing whether a complaint	130620
has been timely filed.	130621
Subject to division (A) (6) of this section, any person	130622
owning taxable real property in the county or in a taxing	130623
district with territory in the county; such a person's spouse; a	130624
tenant of the property owner, if the property is classified as	130625
to use for tax purposes as commercial or industrial, the lease	130626
requires the tenant to pay the entire amount of taxes charged	130627
against the property, and the lease allows, or the property	130628
owner otherwise authorizes, the tenant to file such a complaint	130629

with respect to the property; an individual who is retained by 130630  
such a person or tenant and who holds a designation from a 130631  
professional assessment organization, such as the institute for 130632  
professionals in taxation, the national council of property 130633  
taxation, or the international association of assessing 130634  
officers; a public accountant who holds a permit under section 130635  
4701.10 of the Revised Code, a general or residential real 130636  
estate appraiser licensed or certified under Chapter 4763. of 130637  
the Revised Code, or a real estate broker licensed under Chapter 130638  
4735. of the Revised Code, who is retained by such a person or 130639  
tenant; if the person or tenant is a firm, company, association, 130640  
partnership, limited liability company, or corporation, an 130641  
officer, a salaried employee, a partner, or a member of that 130642  
person or tenant; if the person or tenant is a trust, a trustee 130643  
of the trust; the prosecuting attorney or treasurer of the 130644  
county; or the legislative authority of a subdivision or the 130645  
mayor of a municipal corporation may file such a complaint 130646  
regarding any such determination affecting any real property in 130647  
the county, except that a person owning taxable real property in 130648  
another county may file such a complaint only with regard to any 130649  
such determination affecting real property in the county that is 130650  
located in the same taxing district as that person's real 130651  
property is located. The county auditor shall present to the 130652  
county board of revision all complaints filed with the auditor. 130653

(2) No person, legislative authority, or officer shall 130654  
file a complaint against the valuation or assessment of any 130655  
parcel that appears on the tax list if it filed a complaint 130656  
against the valuation or assessment of that parcel for any prior 130657  
tax year in the same interim period, unless the person, 130658  
legislative authority, or officer alleges that the valuation or 130659  
assessment should be changed due to one or more of the following 130660

circumstances that occurred after the tax lien date for the tax year for which the prior complaint was filed and that the circumstances were not taken into consideration with respect to the prior complaint:

(a) The property was sold in an arm's length transaction, as described in section 5713.03 of the Revised Code;

(b) The property lost value due to some casualty;

(c) Substantial improvement was added to the property;

(d) An increase or decrease of at least fifteen per cent in the property's occupancy has had a substantial economic impact on the property.

(3) If a county board of revision, the board of tax appeals, or any court dismisses a complaint filed under this section or section 5715.13 of the Revised Code for the reason that the act of filing the complaint was the unauthorized practice of law or the person filing the complaint was engaged in the unauthorized practice of law, the party affected by a decrease in valuation or the party's agent, or the person owning taxable real property in the county or in a taxing district with territory in the county, may refile the complaint, notwithstanding division (A) (2) of this section.

(4) (a) No complaint filed under this section or section 5715.13 of the Revised Code shall be dismissed for the reason that the complaint fails to accurately identify the owner of the property that is the subject of the complaint.

(b) If a complaint fails to accurately identify the owner of the property that is the subject of the complaint, the board of revision shall exercise due diligence to ensure the correct property owner is notified as required by divisions (B) and (C)

of this section. 130690

(5) Notwithstanding division (A)(2) of this section, a 130691  
person, legislative authority, or officer may file a complaint 130692  
against the valuation or assessment of any parcel that appears 130693  
on the tax list if it filed a complaint against the valuation or 130694  
assessment of that parcel for any prior tax year in the same 130695  
interim period if the person, legislative authority, or officer 130696  
withdrew the complaint before the complaint was heard by the 130697  
board. 130698

(6) The legislative authority of a subdivision, the mayor 130699  
of a municipal corporation, or a third party complainant shall 130700  
not file an original complaint with respect to property the 130701  
subdivision or complainant does not own or lease unless both of 130702  
the following conditions are met: 130703

(a) If the complaint is based on a determination described 130704  
in division (A)(1)(d) or (e) of this section, ~~the property was~~ 130705  
~~(i) sold~~ all of the following requirements are met: 130706

(i) The complaint seeks an increase in the valuation of 130707  
the property based upon the sale of the property in an arm's 130708  
length transaction, as described in section 5713.03 of the 130709  
Revised Code, before, but not after,. 130710

(ii) That sale is evidenced by a conveyance fee statement, 130711  
attached to the complaint, that declares the value of the 130712  
property conveyed pursuant to section 319.202 of the Revised 130713  
Code and that was filed during the two years preceding the tax 130714  
lien date for the tax year for which the complaint is to be 130715  
filed, and (ii) the. 130716

(iii) That sale price exceeds the true value of the 130717  
property appearing on the tax list for that tax year by both ten 130718

per cent and the amount of the filing threshold determined under 130719  
division (J) of this section~~+~~. 130720

(b) If the complaint is filed by a legislative authority~~-~~ 130721  
~~or,~~  mayor, or third party complainant acting on behalf of a 130722  
legislative authority or mayor, the legislative authority or, in 130723  
the case of a mayor, the legislative authority of the municipal 130724  
corporation, first adopts a resolution authorizing the filing of 130725  
the original complaint at a public meeting of the legislative 130726  
authority. 130727

(7) A resolution adopted under division (A) (6) (b) of this 130728  
section shall include all of the following information: 130729

(a) Identification of the parcel or parcels that are the 130730  
subject of the original complaint by street address, if 130731  
available from online records of the county auditor, and by 130732  
permanent parcel number; 130733

(b) The name of at least one of the record owners of the 130734  
parcel or parcels; 130735

(c) The basis for the complaint under divisions (A) (1) (a) 130736  
to (f) of this section relative to each parcel identified in the 130737  
resolution; 130738

(d) The tax year for which the complaint will be filed, 130739  
which shall be a year for which a complaint may be timely filed 130740  
under this section at the time of the resolution's adoption. 130741

A legislative authority shall not adopt a resolution 130742  
required under division (A) (6) (b) of this section that 130743  
identifies more than one parcel under division (A) (7) (a) of this 130744  
section, except that a single resolution may identify more than 130745  
one parcel under that division if each parcel has the same 130746  
record owner or the same record owners, as applicable. A 130747

legislative authority may adopt multiple resolutions required 130748  
under division (A) (6) (b) of this section by a single vote, 130749  
provided that the vote is separate from the question of whether 130750  
to adopt any resolution that is not adopted under division (A) 130751  
(6) (b) of this section. 130752

Before adopting a resolution required by division (A) (6) 130753  
(b) of this section, the legislative authority shall mail a 130754  
written notice to at least one of the record owners of the 130755  
parcel or parcels identified in the resolution stating the 130756  
intent of the legislative authority in adopting the resolution, 130757  
the proposed date of adoption, and the basis for the complaint 130758  
under divisions (A) (1) (a) to (f) of this section relative to 130759  
each parcel identified in the resolution. The notice shall be 130760  
sent by certified mail to the last known tax-mailing address of 130761  
at least one of the record owners and, if different from that 130762  
tax-mailing address, to the street address of the parcel or 130763  
parcels identified in the resolution. Alternatively, if the 130764  
legislative authority has record of an internet identifier of 130765  
record associated with at least one of the record owners, the 130766  
legislative authority may send the notice by ordinary mail and 130767  
by that internet identifier of record. The notice shall be 130768  
postmarked or, if sent by internet identifier of record, sent at 130769  
least seven calendar days before the legislative authority 130770  
adopts the resolution. 130771

A board of revision has jurisdiction to consider a 130772  
complaint filed pursuant to a resolution adopted under division 130773  
(A) (6) (b) of this section only if the legislative authority 130774  
notifies the board of revision of the resolution in the manner 130775  
prescribed in division ~~(A) (8)~~ (A) (8) (a) of this section. The 130776  
failure to accurately identify the street address or the name of 130777  
the record owners of the parcel in the resolution does not 130778

invalidate the resolution nor is it a cause for dismissal of the 130779  
complaint. 130780

~~(8)~~(8) (a) A complaint form prescribed by a board of 130781  
revision or the tax commissioner for the purpose of this section 130782  
shall include a box that must be checked, when a legislative 130783  
authority, mayor, or third party complainant acting on behalf of 130784  
either files an original complaint, to indicate that a 130785  
resolution authorizing the complaint was adopted in accordance 130786  
with divisions (A) (6) (b) and (7) of this section and that notice 130787  
was mailed or sent in accordance with division (A) (7) of this 130788  
section before adoption of the resolution to at least one of the 130789  
record owners of the property that is the subject of the 130790  
complaint. 130791

(b) Any third party complainant shall submit, with the 130792  
complaint, a sworn affidavit stating whether the third party 130793  
complainant is or is not acting on behalf of a legislative 130794  
authority or mayor. 130795

~~(B)~~(B) (1) Within thirty days after the last date such 130796  
complaints may be filed, the auditor shall give notice of each 130797  
complaint in which the stated amount of overvaluation, 130798  
undervaluation, discriminatory valuation, illegal valuation, or 130799  
incorrect determination is at least seventeen thousand five 130800  
hundred dollars in taxable value to each property owner whose 130801  
property is the subject of the complaint, if the complaint was 130802  
not filed by the owner or the owner's spouse. A board of 130803  
education, subject to this division; a property owner; the 130804  
owner's spouse; a tenant of the owner, if that tenant would be 130805  
eligible to file a complaint under division (A) of this section 130806  
with respect to the property; an individual who is retained by 130807  
such an owner or tenant and who holds a designation from a 130808

professional assessment organization, such as the institute for 130809  
professionals in taxation, the national council of property 130810  
taxation, or the international association of assessing 130811  
officers; a public accountant who holds a permit under section 130812  
4701.10 of the Revised Code, a general or residential real 130813  
estate appraiser licensed or certified under Chapter 4763. of 130814  
the Revised Code, or a real estate broker licensed under Chapter 130815  
4735. of the Revised Code, who is retained by such an owner or 130816  
tenant; or, if the owner or tenant is a firm, company, 130817  
association, partnership, limited liability company, 130818  
corporation, or trust, an officer, a salaried employee, a 130819  
partner, a member, or trustee of that owner or tenant, may file 130820  
a counter-complaint in support of or objecting to the amount of 130821  
alleged overvaluation, undervaluation, discriminatory valuation, 130822  
illegal valuation, or incorrect determination stated in a 130823  
previously filed original complaint or objecting to the current 130824  
valuation. 130825

(2) A board of education may file a counter-complaint only 130826  
if the original complaint (a) was filed by the owner of the 130827  
property that is the subject of the complaint, a tenant of that 130828  
property owner, or any person acting on behalf of such owner or 130829  
tenant, and (b) states an amount of overvaluation, 130830  
undervaluation, discriminatory valuation, illegal valuation, or 130831  
incorrect determination of at least seventeen thousand five 130832  
hundred dollars in taxable value. 130833

The board shall file the counter-complaint within thirty 130834  
days after the original complaint is filed or after the last day 130835  
such complaints may be filed, whichever is later, and any other 130836  
person shall file the counter-complaint within thirty days after 130837  
receiving the notice required under this division. 130838

(3) Upon the filing of a counter-complaint, the board of education, property owner, or tenant shall be made a party to the action. 130839  
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(C) Each board of revision shall notify any complainant and counter-complainant, and also the property owner, if the property owner's address is known, and the complaint is filed by one other than the property owner, not less than ten days prior to the hearing, either by certified mail or, if the board has record of an internet identifier of record associated with the owner, by ordinary mail and by that internet identifier of record of the time and place the same will be heard. The board of revision shall hear and render its decision on an original complaint within one hundred eighty days after the last day such a complaint may be filed with the board under division (A)(1) of this section or, if a counter-complaint is filed, within one hundred eighty days after such filing. If the original complaint is filed by the legislative authority of a subdivision, the mayor of a municipal corporation with territory in the county, or a third party complainant, and if the board of revision has not rendered its decision on the complaint within one year after the date the complaint was filed, the board may dismiss the complaint. 130842  
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(D) The determination of any such original complaint or counter-complaint shall relate back to the date when the lien for taxes or recoupment charges for the current year attached or the date as of which liability for such year was determined. Liability for taxes and recoupment charges for such year and each succeeding year until the complaint is finally determined and for any penalty and interest for nonpayment thereof within the time required by law shall be based upon the determination, valuation, or assessment as finally determined. Each complaint 130861  
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shall state the amount of overvaluation, undervaluation, 130870  
discriminatory valuation, illegal valuation, or incorrect 130871  
classification or determination upon which the complaint is 130872  
based. The treasurer shall accept any amount tendered as taxes 130873  
or recoupment charge upon property concerning which a complaint 130874  
is then pending, computed upon the claimed valuation as set 130875  
forth in the complaint. Unless dismissal is required under 130876  
division (C) of this section, if an original complaint or 130877  
counter-complaint filed for the current year is not determined 130878  
by the board within the time prescribed for such determination, 130879  
the complaint and any proceedings in relation thereto shall be 130880  
continued by the board as a valid complaint for any ensuing year 130881  
until that original complaint or counter-complaint is finally 130882  
determined by the board or upon any appeal from a decision of 130883  
the board. In such case, the original complaint and counter- 130884  
complaint shall continue in effect without further filing by the 130885  
original taxpayer, the original taxpayer's assignee, or any 130886  
other person or entity authorized to file a complaint under this 130887  
section. 130888

(E) If a taxpayer files a complaint as to the 130889  
classification, valuation, assessment, or any determination 130890  
affecting the taxpayer's own property and tenders less than the 130891  
full amount of taxes or recoupment charges as finally 130892  
determined, an interest charge shall accrue as follows: 130893

(1) If the amount finally determined is less than the 130894  
amount billed but more than the amount tendered, the taxpayer 130895  
shall pay interest at the rate per annum prescribed by section 130896  
5703.47 of the Revised Code, computed from the date that the 130897  
taxes were due on the difference between the amount finally 130898  
determined and the amount tendered. This interest charge shall 130899  
be in lieu of any penalty or interest charge under section 130900

323.121 of the Revised Code unless the taxpayer failed to file a complaint and tender an amount as taxes or recoupment charges within the time required by this section, in which case section 323.121 of the Revised Code applies.

(2) If the amount of taxes finally determined is equal to or greater than the amount billed and more than the amount tendered, the taxpayer shall pay interest at the rate prescribed by section 5703.47 of the Revised Code from the date the taxes were due on the difference between the amount finally determined and the amount tendered, such interest to be in lieu of any interest charge but in addition to any penalty prescribed by section 323.121 of the Revised Code.

(F) Upon request of a complainant, the tax commissioner shall determine the common level of assessment of real property in the county for the year stated in the request that is not valued under section 5713.31 of the Revised Code, which common level of assessment shall be expressed as a percentage of true value and the common level of assessment of lands valued under such section, which common level of assessment shall also be expressed as a percentage of the current agricultural use value of such lands. Such determination shall be made on the basis of the most recent available sales ratio studies of the commissioner and such other factual data as the commissioner deems pertinent.

(G) A complainant shall provide to the board of revision all information or evidence within the complainant's knowledge or possession that affects the real property that is the subject of the complaint. A complainant who fails to provide such information or evidence is precluded from introducing it on appeal to the board of tax appeals or the court of common pleas,

except that the board of tax appeals or court may admit and 130931  
consider the evidence if the complainant shows good cause for 130932  
the complainant's failure to provide the information or evidence 130933  
to the board of revision. 130934

(H) In case of the pendency of any proceeding in court 130935  
based upon an alleged excessive, discriminatory, or illegal 130936  
valuation or incorrect classification or determination, the 130937  
taxpayer may tender to the treasurer an amount as taxes upon 130938  
property computed upon the claimed valuation as set forth in the 130939  
complaint to the court. The treasurer may accept the tender. If 130940  
the tender is not accepted, no penalty shall be assessed because 130941  
of the nonpayment of the full taxes assessed. 130942

(I) A legislative authority, or any person acting on 130943  
behalf of a legislative authority, may not enter into a private 130944  
payment agreement with respect to any complaint filed or 130945  
contemplated under this section or section 5715.13 of the 130946  
Revised Code, and any such agreement is void and unenforceable. 130947  
As used in this division, "private payment agreement" means any 130948  
type of agreement in which a property owner, a tenant authorized 130949  
to file a complaint under division (A) of this section, or any 130950  
person acting on behalf of a property owner or such a tenant 130951  
agrees to make one or more payments to a subdivision in exchange 130952  
for the legislative authority of that subdivision, or any person 130953  
acting on behalf of that subdivision, doing any of the 130954  
following: 130955

(1) Refraining from filing a complaint or counter- 130956  
complaint under this section; 130957

(2) Dismissing a complaint or counter-complaint filed 130958  
under this section by the legislative authority ~~under this~~ 130959  
~~section~~ or any person acting on behalf of the legislative 130960

<u>authority;</u>	130961
(3) Resolving a claim under this section by settlement agreement.	130962 130963
A "private payment agreement" does not include any agreement to resolve a claim under this section pursuant to which an agreed-upon valuation for the property that is the subject of the claim is approved by the county auditor and reflected on the tax list, provided that agreement does not require any payments described in this division.	130964 130965 130966 130967 130968 130969
(J) For the purpose of division (A) (6) (a) of this section, the filing threshold for tax year 2022 equals five hundred thousand dollars. For tax year 2023 and each tax year thereafter, the tax commissioner shall adjust the filing threshold used in that division by completing the following calculations in September of each year:	130970 130971 130972 130973 130974 130975
(1) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding year to the last day of December of the preceding year;	130976 130977 130978 130979 130980
(2) Multiply that percentage increase by the filing threshold for the current year;	130981 130982
(3) Add the resulting product to the filing threshold for the current year;	130983 130984
(4) Round the resulting sum to the nearest multiple of one thousand dollars.	130985 130986
The commissioner shall certify the amount resulting from the adjustment to each county auditor not later than the first	130987 130988

day of October each year. The certified amount applies to 130989  
complaints filed for the tax year in which the amount is 130990  
certified. The commissioner shall not make the adjustment for 130991  
any tax year in which the amount resulting from the adjustment 130992  
would be less than the filing threshold for the current tax 130993  
year. 130994

(K) Any person who knowingly makes a false statement in an 130995  
affidavit furnished under division (A) (8) (b) of this section is 130996  
guilty of falsification under division (A) (11) of section 130997  
2921.13 of the Revised Code. 130998

**Sec. 5717.01.** An appeal from a decision of a county board 130999  
of revision may be taken to the board of tax appeals within 131000  
thirty days after notice of the decision of the county board of 131001  
revision is mailed as provided in division (A) of section 131002  
5715.20 of the Revised Code. Such an appeal may be taken by the 131003  
county auditor, the tax commissioner, or any board, legislative 131004  
authority, public official, or taxpayer authorized by section 131005  
5715.19 of the Revised Code to file complaints against 131006  
valuations or assessments with the auditor, except that a 131007  
subdivision ~~that files an original complaint or counter-~~ 131008  
~~complaint under that section with respect to property the~~ 131009  
~~subdivision does not own or lease may not appeal the decision of~~ 131010  
~~the board of revision with respect to that original complaint or~~ 131011  
~~counter-complaint~~ or the legislative authority or mayor of a 131012  
subdivision may file such an appeal only if the subdivision owns 131013  
or leases the property that is the subject of the board of 131014  
revision's decision, and except that no such appeal may be taken 131015  
by a third party complainant, as defined in that section. Such 131016  
appeal shall be taken by the filing of a notice of appeal, in 131017  
person or by certified mail, express mail, facsimile 131018  
transmission, electronic transmission, or by authorized delivery 131019

service, with the board of tax appeals and with the county board 131020  
of revision. If notice of appeal is filed by certified mail, 131021  
express mail, or authorized delivery service as provided in 131022  
section 5703.056 of the Revised Code, the date of the United 131023  
States postmark placed on the sender's receipt by the postal 131024  
service or the date of receipt recorded by the authorized 131025  
delivery service shall be treated as the date of filing. If 131026  
notice of appeal is filed by facsimile transmission or 131027  
electronic transmission, the date and time the notice is 131028  
received by the board shall be the date and time reflected on a 131029  
timestamp provided by the board's electronic system, and the 131030  
appeal shall be considered filed with the board on the date 131031  
reflected on that timestamp. Any timestamp provided by another 131032  
computer system or electronic submission device shall not affect 131033  
the time and date the notice is received by the board. Upon 131034  
receipt of such notice of appeal such county board of revision 131035  
shall notify all persons thereof who were parties to the 131036  
proceeding before such county board of revision by either 131037  
certified mail or, if the board has record of an internet 131038  
identifier of record associated with such a person, by ordinary 131039  
mail and by that internet identifier of record, and shall file 131040  
proof of such notice or, in the case of ordinary mail, an 131041  
affidavit attesting that the board sent the notice with the 131042  
board of tax appeals. The county board of revision shall 131043  
thereupon certify to the board of tax appeals a transcript of 131044  
the record of the proceedings of the county board of revision 131045  
pertaining to the original complaint, and all evidence offered 131046  
in connection therewith. Such appeal may be heard by the board 131047  
of tax appeals at its offices in Columbus or in the county where 131048  
the property is listed for taxation, or the board of tax appeals 131049  
may cause its examiners to conduct such hearing and to report to 131050  
it their findings for affirmation or rejection. An appeal may 131051

proceed pursuant to section 5703.021 of the Revised Code on the 131052  
small claims docket if the appeal qualifies under that section. 131053

The board of tax appeals may order the appeal to be heard 131054  
on the record and the evidence certified to it by the county 131055  
board of revision, or it may order the hearing of additional 131056  
evidence, and it may make such investigation concerning the 131057  
appeal as it deems proper. 131058

As used in this section, "internet identifier of record" 131059  
has the same meaning as in section 9.312 of the Revised Code. 131060

**Sec. 5725.01.** As used in sections 5725.01 to 5725.26 of 131061  
the Revised Code: 131062

(A) "Financial institution" means: 131063

(1) A national bank organized and existing as a national 131064  
bank association pursuant to the "National Bank Act," 12 U.S.C. 131065  
21; 131066

(2) A federal savings association or federal savings bank 131067  
that is chartered under 12 U.S.C. 1464; 131068

(3) A bank, banking association, trust company, savings 131069  
and loan association, savings bank, or other banking institution 131070  
that is incorporated or organized under the laws of any state; 131071

(4) Any corporation organized under 12 U.S.C. 611 to 631; 131072

(5) Any agency or branch of a foreign depository as 131073  
defined in 12 U.S.C. 3101; 131074

(6) A company licensed as a small business investment 131075  
company under the "Small Business Investment Act of 1958," 72 131076  
Stat. 689, 15 U.S.C. 661, as amended; or 131077

(7) A company chartered under the "Farm Credit Act of 131078

1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended. 131079

Corporations or institutions organized under the "Federal 131080  
Farm Loan Act" and amendments thereto, insurance companies, and 131081  
credit unions shall not be considered financial institutions or 131082  
dealers in intangibles within the meaning of such sections. 131083

~~(B) (1)~~ (B) "Dealer in intangibles" includes every person 131084  
who keeps an office or other place of business in this state and 131085  
engages at such office or other place in a business that 131086  
consists primarily of lending money, or discounting, buying, or 131087  
selling bills of exchange, drafts, acceptances, notes, 131088  
mortgages, or other evidences of indebtedness, or of buying or 131089  
selling bonds, stocks, or other investment securities, whether 131090  
on the person's own account with a view to profit, or as agent 131091  
or broker for others, with a view to profit or personal 131092  
earnings. Dealer in intangibles excludes institutions used 131093  
exclusively for charitable purposes, insurance companies, and 131094  
financial institutions. The investment of funds as personal 131095  
accumulations or as business reserves or working capital does 131096  
not constitute engaging in a business within the meaning of this 131097  
division; but a person who, having engaged in a business that 131098  
consists primarily of lending money, or discounting, buying, or 131099  
selling bills of exchange, drafts, acceptances, notes, 131100  
mortgages, or other evidences of indebtedness on the person's 131101  
own account, remains in business primarily for the purpose of 131102  
realizing upon the assets of the business is deemed a dealer in 131103  
intangibles, though not presently engaged in a business that 131104  
consists primarily of lending money or discounting or buying 131105  
such securities. 131106

~~(2) The tax commissioner shall adopt a rule defining 131107  
"primarily" as that term is used in division (B) (1) of this 131108~~

~~section.~~ 131109

(C) "Insurance company" includes every corporation, 131110  
association, and society engaged in the business of insurance of 131111  
any character, or engaged in the business of entering into 131112  
contracts substantially amounting to insurance of any character, 131113  
or of indemnifying or guaranteeing against loss or damage, or 131114  
acting as surety on bonds or undertakings. "Insurance company" 131115  
also includes any health insuring corporation as defined in 131116  
section 1751.01 of the Revised Code. 131117

(D) "Domestic insurance company" includes every insurance 131118  
company organized and existing under the laws of this state, and 131119  
every unincorporated association and society formed under the 131120  
laws of this state for the purpose of engaging in said business, 131121  
except a company, association, or society that is an insurance 131122  
holding company affiliate controlled by a nonresident affiliate 131123  
and has risks in this state formerly written by its foreign 131124  
affiliates in a total amount exceeding the risks outstanding on 131125  
the taxpayer's latest annual report that arise from business 131126  
initially written by it in this state; and excludes every 131127  
foreign insurance company. As used in this division, terms 131128  
defined in section 3901.32 of the Revised Code have the same 131129  
meanings given to them in that section. 131130

(E) "Foreign insurance company" includes every insurance 131131  
company organized or existing under the laws of any other state, 131132  
territory, country, or the United States and every insurance 131133  
holding company affiliate excepted under division (D) of this 131134  
section. 131135

(F) "Credit union" means a nonprofit cooperative financial 131136  
institution organized or chartered under the laws of this state, 131137  
of another state, or of the United States. 131138

**Sec. 5725.23.** Taxes, interest, and penalties may be 131139  
recovered from a delinquent domestic insurance company or person 131140  
in an action brought in the name of the state in the court of 131141  
common pleas of Franklin county or any county in which such 131142  
company or person has an office or place of business, and such 131143  
court shall have jurisdiction of such action regardless of the 131144  
amount involved. The attorney general, on request of the 131145  
superintendent of insurance or tax commissioner, shall institute 131146  
such action in the court of common pleas of Franklin county or 131147  
any other county the superintendent or commissioner directs. In 131148  
any such action, it shall be sufficient to allege that the tax, 131149  
interest, and penalty sought to be recovered stand charged on 131150  
the tax list of domestic insurance company franchise taxes ~~or~~ 131151  
~~intangible property taxes~~ in the office of the treasurer of 131152  
state and have been unpaid for a period of forty-five days after 131153  
having been placed thereon. Sums recovered in any such action 131154  
shall be paid into the state treasury and distributed as 131155  
provided in section 5725.24 of the Revised Code. 131156

**Sec. 5725.35.** There is allowed a credit against the tax 131157  
imposed by section 5725.18 of the Revised Code for an insurance 131158  
company subject to that tax that holds the rights to a tax 131159  
credit certificate issued under section 122.09 of the Revised 131160  
Code. The credit shall equal the dollar amount indicated on the 131161  
certificate. The credit shall be claimed in the calendar year 131162  
specified in the certificate or the ensuing calendar year and in 131163  
the order required under section 5725.98 of the Revised Code. If 131164  
the credit exceeds the amount of tax otherwise due in that year, 131165  
the company may carry forward the excess for not more than five 131166  
ensuing years, but the amount of the excess credit claimed 131167  
against the tax for any year shall be deducted from the balance 131168  
carried forward to the next year. 131169

No credit shall be claimed under this section to the 131170  
extent the certificate was used to claim a credit under section 131171  
5726.62, 5729.18, or 5747.87 of the Revised Code. 131172

**Sec. 5725.38.** Terms used in this section have the same 131173  
meanings as in section 122.84 of the Revised Code. 131174

There is allowed a nonrefundable credit against the tax 131175  
imposed by section 5725.18 of the Revised Code for a domestic 131176  
insurance company that is issued, or to which is transferred, a 131177  
tax credit certificate under section 122.84 of the Revised Code. 131178  
The credit equals the amount stated on the certificate and may 131179  
be claimed for the calendar year that includes the investment 131180  
period that was the subject of the application for the 131181  
certificate under that section or for the ensuing calendar year. 131182  
For a credit issued during the July application round each year, 131183  
the credit may also be claimed for the preceding calendar year. 131184  
A taxpayer applying a credit for the preceding calendar year 131185  
shall file an amended return or apply that amendment on the 131186  
taxpayer's original return, for that year. 131187

The credit authorized in this section shall be claimed in 131188  
the order required under section 5725.98 of the Revised Code. If 131189  
the amount of a credit exceeds the tax otherwise due under 131190  
section 5725.18 of the Revised Code after deducting all other 131191  
credits preceding the credit in that order, the excess may be 131192  
carried forward for not more than five ensuing calendar years. 131193  
The amount of the excess credit claimed in any such year shall 131194  
be deducted from the balance carried forward to the next 131195  
calendar year. 131196

No credit shall be claimed under this section to the 131197  
extent the credit was claimed under section 5726.61, 5729.21, or 131198  
5747.86 of the Revised Code. 131199

**Sec. 5726.03.** (A) (1) Annually, on or before the fifteenth 131200  
day of October, the reporting person for each taxpayer shall 131201  
make a report in writing to the tax commissioner, in such form 131202  
as the commissioner prescribes, and shall remit to the 131203  
commissioner the amount of tax shown to be due on the report. 131204  
The remittance shall be made payable to the treasurer of state. 131205  
~~The commissioner shall make available, on the official internet-~~ 131206  
~~web site of the department of taxation, copies of the forms-~~ 131207  
~~prescribed by the commissioner for the purpose of making the-~~ 131208  
~~annual report.~~ 131209

(2) An annual report shall be signed by the president, 131210  
vice-president, secretary, treasurer, general manager, 131211  
superintendent, or managing agent in this state of the reporting 131212  
person. 131213

(3) An annual report shall contain the facts, figures, 131214  
computations, and attachments that result in the determination 131215  
of the amount of tax due from a taxpayer under this chapter. 131216

(B) (1) In the case of a financial institution described in 131217  
division (H) (1) of section 5726.01 of the Revised Code, the 131218  
annual report filed for a taxable year shall list, and include 131219  
information related to, each person includable in an FR Y-9 131220  
filed by the reporting person for that taxable year. 131221

(2) In the case of a financial institution described in 131222  
division (H) (2) or (3) of section 5726.01 of the Revised Code, 131223  
the annual report for a taxable year shall list, and include 131224  
information related to, each person includable in a call report 131225  
filed by the reporting person for that taxable year. 131226

(C) (1) The reporting person for a taxpayer shall remit 131227  
each tax payment and, if required by the commissioner, file each 131228

annual or estimated tax report electronically. The commissioner 131229  
may require reporting persons to use the Ohio business gateway 131230  
as defined in section 718.01 of the Revised Code to file reports 131231  
and remit the tax, or may provide another means for reporting 131232  
persons to file and remit the tax electronically. 131233

(2) The payment of taxes as provided in division (C) of 131234  
this section shall not affect a taxpayer's obligation to file an 131235  
annual report required under division (A) of this section. 131236

(3) The reporting person for a taxpayer that is required 131237  
to remit tax payments electronically under this section may 131238  
apply to the tax commissioner, in the manner prescribed by the 131239  
commissioner, to be excused from that requirement. The 131240  
commissioner may excuse the taxpayer from the requirements of 131241  
division (C) of this section for good cause. 131242

(4) If the reporting person for a taxpayer that is 131243  
required to remit tax payments or file reports electronically 131244  
under this section fails to do so, the commissioner may impose a 131245  
penalty not to exceed the following: 131246

(a) For either of the first two reports the person so 131247  
fails, five per cent of the amount of the payment that was 131248  
required to be remitted; 131249

(b) For the third and any subsequent reports the person so 131250  
fails, ten per cent of the amount of the payment that was 131251  
required to be remitted. 131252

The penalty imposed under this section is in addition to 131253  
any other penalty or charge imposed under this chapter and shall 131254  
be considered as revenue arising from the tax levied under this 131255  
chapter. A penalty may be collected by assessment in the manner 131256  
prescribed by section 5726.20 of the Revised Code. The tax 131257

commissioner may abate all or a portion of such a penalty and 131258  
may adopt rules governing such abatements. 131259

**Sec. 5726.20.** (A) The tax commissioner may make an 131260  
assessment, based on any information in the commissioner's 131261  
possession, against any person that fails to file a return or 131262  
report or pay any tax as required by this chapter. The reporting 131263  
person for a taxpayer shall file the annual report required 131264  
under section 5726.03 of the Revised Code and remit the tax 131265  
imposed by this chapter. Each person included in the annual 131266  
report of the taxpayer is jointly and severally liable for the 131267  
tax imposed by this chapter and any penalties and interest 131268  
thereon. If the reporting person fails, for any reason, to file 131269  
and remit any tax, the amount due may be collected by assessment 131270  
against the reporting person and against any or all other 131271  
persons required to be included in the annual report of the 131272  
taxpayer as provided in section 5703.90 of the Revised Code. The 131273  
commissioner shall make the assessment in the manner provided in 131274  
this section. The commissioner shall give the person assessed 131275  
written notice of the assessment as provided in section 5703.37 131276  
of the Revised Code. With the notice, the commissioner shall 131277  
provide instructions on the manner in which to petition for 131278  
reassessment and request a hearing with respect to the petition. 131279

(B) No assessment shall be made or issued against a person 131280  
under this section more than four years after the later of the 131281  
final date the report subject to assessment was required to be 131282  
filed or the date such report was filed. Such time limit may be 131283  
extended if both the person and the commissioner consent in 131284  
writing to the extension or if an agreement waiving or extending 131285  
the time limit has been entered into pursuant to section 122.171 131286  
of the Revised Code. Any such extension shall extend the four- 131287  
year time limit prescribed in division (A) of section 5726.30 of 131288

the Revised Code for the same period of time. There shall be no 131289  
bar or limit to an assessment against a person that fails to 131290  
file a report subject to assessment as required by this chapter, 131291  
or that files a fraudulent report. 131292

(C) Unless the person assessed, within sixty days after 131293  
service of the notice of assessment, files with the tax 131294  
commissioner, ~~either in person or by certified mail,~~ a written 131295  
petition for reassessment signed by the person or the person's 131296  
authorized agent having knowledge of the facts, the assessment 131297  
shall become final, and the amount of the assessment is due and 131298  
payable from the person assessed to the treasurer of state. A 131299  
petition shall indicate the objections of the person assessed, 131300  
but additional objections may be raised in writing if received 131301  
by the commissioner prior to the date shown on the final 131302  
determination. If a petition for reassessment has been properly 131303  
filed, the commissioner shall proceed under section 5703.60 of 131304  
the Revised Code. 131305

(D) (1) After an assessment becomes final, if any portion 131306  
of the assessment, including any accrued interest, remains 131307  
unpaid, a certified copy of the tax commissioner's entry making 131308  
the assessment final may be filed in the office of the clerk of 131309  
the court of common pleas in the county in which the person 131310  
resides or has its principal place of business in this state, or 131311  
in the office of the clerk of court of common pleas of Franklin 131312  
county. 131313

(2) Immediately upon the filing of the entry, the clerk 131314  
shall enter judgment for the state against the person assessed 131315  
in the amount shown on the entry. The judgment may be filed by 131316  
the clerk in a loose-leaf book entitled, "special judgments for 131317  
the financial institution tax" and shall have the same effect as 131318

other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date the tax commissioner issues the assessment until the date the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed shall be immediately due and payable, unless the person assessed

files a petition for reassessment in accordance with division 131350  
(C) of this section and provides security in a form satisfactory 131351  
to the commissioner and in an amount sufficient to satisfy the 131352  
unpaid balance of the assessment. Full or partial payment of the 131353  
assessment shall not prejudice the commissioner's consideration 131354  
of the petition for reassessment. 131355

(F) The tax commissioner shall immediately forward to the 131356  
treasurer of state all amounts the commissioner receives under 131357  
this section. Such amounts shall be considered as revenue 131358  
arising from the tax imposed by this chapter. 131359

(G) If the tax commissioner possesses information 131360  
indicating that the amount of tax a taxpayer is required to pay 131361  
under this chapter exceeds the amount the reporting person for 131362  
the taxpayer paid, the tax commissioner may audit a sample of 131363  
the taxpayer's gross receipts over a representative period of 131364  
time to ascertain the amount of tax due, and may issue an 131365  
assessment based on the audit. The tax commissioner shall make a 131366  
good faith effort to reach agreement with the taxpayer in 131367  
selecting a representative sample. The tax commissioner may 131368  
apply a sampling method only if the commissioner has prescribed 131369  
the method by rule. 131370

(H) If the whereabouts of a person subject to this chapter 131371  
is not known to the tax commissioner, the secretary of state is 131372  
hereby deemed to be that person's agent for purposes of service 131373  
of process or notice of any assessment, action, or proceedings 131374  
instituted in this state against the person under this chapter. 131375  
Such process or notice shall be served on such person by the 131376  
commissioner or by an agent of the commissioner by leaving a 131377  
true and attested copy of the process or notice at the office of 131378  
the secretary of state at least fifteen days before the return 131379

day of such process or notice, and by sending a copy of the 131380  
process or notice to such person by ordinary mail, with an 131381  
endorsement thereon of the service upon the secretary of state, 131382  
addressed to such person at the person's last known address. 131383

**Sec. 5726.61.** Terms used in this section have the same 131384  
meanings as in section 122.84 of the Revised Code. 131385

A taxpayer may claim a nonrefundable credit against the 131386  
tax imposed under section 5726.02 of the Revised Code for each 131387  
person included in the annual report of the taxpayer to whom a 131388  
certificate is issued under section 122.84 of the Revised Code 131389  
or is transferred pursuant to that section. The credit equals 131390  
the amount stated on the certificate and may be claimed for the 131391  
taxable year that aligns with the calendar year that includes 131392  
the investment period that was the subject of the application 131393  
for the certificate under that section or for the ensuing 131394  
calendar year. For a credit issued during the July application 131395  
round each year, the credit may also be claimed for the 131396  
preceding taxable year. A taxpayer applying a credit for the 131397  
preceding taxable year shall file an amended report or apply 131398  
that amendment on the taxpayer's original report, for that year. 131399

The credit authorized in this section shall be claimed in 131400  
the order required under section 5726.98 of the Revised Code. If 131401  
the amount of a credit exceeds the tax otherwise due under 131402  
section 5726.02 of the Revised Code after deducting all other 131403  
credits preceding the credit in that order, the excess may be 131404  
carried forward for not more than five ensuing taxable years. 131405  
The amount of the excess credit claimed in any such year shall 131406  
be deducted from the balance carried forward to the next taxable 131407  
year. 131408

No credit shall be claimed under this section to the 131409

extent the credit was claimed under section 5725.38, 5729.21, or 131410  
5747.86 of the Revised Code. 131411

Sec. 5726.62. A taxpayer may claim a nonrefundable credit 131412  
against the tax imposed under this chapter for each person 131413  
included in the annual report of the taxpayer that holds the 131414  
rights to a tax credit certificate that is issued on or after 131415  
the effective date of this section under section 122.09 of the 131416  
Revised Code. The credit shall equal the dollar amount indicated 131417  
on the certificate and may be claimed for the taxable year that 131418  
aligns with the calendar year specified in the certificate or 131419  
with the ensuing calendar year and in the order required under 131420  
section 5726.98 of the Revised Code. If the credit amount 131421  
exceeds the tax otherwise due under section 5726.02 of the 131422  
Revised Code after deducting all other credits preceding the 131423  
credit in the order prescribed in section 5726.98 of the Revised 131424  
Code, the excess may be carried forward for not more than five 131425  
ensuing taxable years, but the amount of the excess credit 131426  
claimed against the tax for any year shall be deducted from the 131427  
balance carried forward to the next year. 131428

No credit shall be claimed under this section to the 131429  
extent the certificate was used to claim a credit under section 131430  
5725.35, 5729.18, or 5747.87 of the Revised Code. 131431

**Sec. 5726.98.** (A) To provide a uniform procedure for 131432  
calculating the amount of tax due under section 5726.02 of the 131433  
Revised Code, a taxpayer shall claim any credits to which the 131434  
taxpayer is entitled under this chapter in the following order: 131435

The nonrefundable job retention credit under division (B) 131436  
of section 5726.50 of the Revised Code; 131437

The nonrefundable credit for purchases of qualified low- 131438

income community investments under section 5726.54 of the Revised Code;	131439 131440
<u>The nonrefundable credit for transformational mixed use development tax credit certificate holders under section 5726.62 of the Revised Code;</u>	131441 131442 131443
The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;	131444 131445
The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;	131446 131447
The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;	131448 131449
The nonrefundable affordable single-family home credit under section 5726.60 of the Revised Code;	131450 131451
The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;	131452 131453
The nonrefundable opportunity zone investment credit under section 5726.61 of the Revised Code;	131454 131455
The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;	131456 131457
The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;	131458 131459
The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	131460 131461 131462
The refundable motion picture and Broadway theatrical production credit under section 5726.55 of the Revised Code;	131463 131464
<del>The refundable credit for film and theater capital</del>	131465

~~improvement projects under section 5726.59 of the Revised Code.~~ 131466

(B) For any credit except the refundable credits 131467  
enumerated in this section, the amount of the credit for a 131468  
taxable year shall not exceed the tax due after allowing for any 131469  
other credit that precedes it in the order required under this 131470  
section. Any excess amount of a particular credit may be carried 131471  
forward if authorized under the section creating that credit. 131472  
Nothing in this chapter shall be construed to allow a taxpayer 131473  
to claim, directly or indirectly, a credit more than once for a 131474  
taxable year. 131475

**Sec. 5727.111.** As used in this section, "convert" means to 131476  
switch fuel input from one energy source to another and 131477  
"repower" means to replace enough of the original taxable 131478  
production equipment to make an original production facility 131479  
equivalent to a new facility, such that at least eighty per cent 131480  
of the true value of the taxable production equipment is derived 131481  
from new taxable production equipment installed as part of the 131482  
replacement project. The taxable property of each public 131483  
utility, except a railroad company, and of each interexchange 131484  
telecommunications company shall be assessed at the following 131485  
percentages of true value: 131486

(A) In the case of a rural electric company, one of the 131487  
following: 131488

(1) Fifty per cent in the case of its taxable transmission 131489  
and distribution property or energy conversion equipment first 131490  
subject to taxation in this state before tax year 2027; 131491

(2) Seven per cent in the case of its taxable production 131492  
~~or~~ and energy conversion equipment first subject to taxation in 131493  
this state for tax year 2027 and thereafter or any other taxable 131494

production equipment that is either converted or repowered;	131495
(3) Twenty-five per cent in the case of all its other taxable property.	131496 131497
(B) In the case of a telephone or telegraph company,	131498
twenty-five per cent for taxable property first subject to	131499
taxation in this state for tax year 1995 or thereafter for tax	131500
years before tax year 2007, and pursuant to division (H) of	131501
section 5711.22 of the Revised Code for tax year 2007 and	131502
thereafter, and the following for all other taxable property:	131503
(1) For tax years prior to 2005, eighty-eight per cent;	131504
(2) For tax year 2005, sixty-seven per cent;	131505
(3) For tax year 2006, forty-six per cent;	131506
(4) For tax year 2007 and thereafter, pursuant to division	131507
(H) of section 5711.22 of the Revised Code.	131508
(C) Twenty-five per cent in the case of (1) a natural gas	131509
company or (2) a water-works company for taxable property first	131510
subject to taxation in this state for tax year 2017 and	131511
thereafter.	131512
(D) Eighty-eight per cent in the case of a water-works	131513
company for taxable property first subject to taxation in this	131514
state before tax year 2017, or a heating company.	131515
(E) In the case of an electric company, one of the	131516
following:	131517
(1) Eighty-five per cent in the case of its taxable	131518
transmission and distribution property and energy conversion	131519
equipment first subject to taxation in this state before tax	131520
year 2027;	131521

(2) Twenty-five per cent in the case of its other taxable transmission and distribution property;	131522 131523
(3) Seven per cent in the case of its taxable production and energy conversion equipment first subject to taxation in this state for tax year 2027 and thereafter or any other taxable production equipment that is either converted or repowered;	131524 131525 131526 131527
(4) Twenty-four per cent in the case of all its other taxable property.	131528 131529
(F) (1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007;	131530 131531 131532
(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter.	131533 131534
(G) Twenty-five per cent in the case of a water transportation company.	131535 131536
(H) In the case of an energy company, one of the following:	131537 131538
(1) Eighty-five per cent in the case of its taxable transmission and distribution property first subject to taxation in this state before tax year 2027;	131539 131540 131541
(2) Twenty-five per cent in the case of its other taxable transmission and distribution property;	131542 131543
(3) Seven per cent in the case of its taxable production <del>or</del> and energy conversion equipment first subject to taxation in this state for tax year 2027 and thereafter or any other taxable production equipment that is either converted or repowered;	131544 131545 131546 131547
(4) Twenty-four per cent in the case of its other taxable	131548

production equipment; 131549

(5) Eighty-five per cent in the case of all its other 131550  
taxable property. 131551

(I) In the case of a pipeline company, one of the 131552  
following: 131553

(1) Eighty-eight per cent of its taxable property first 131554  
subject to taxation in this state before tax year 2027; 131555

(2) Twenty-five per cent in the case of all its other 131556  
taxable property. 131557

**Sec. 5727.26.** (A) The tax commissioner may make an 131558  
assessment, based on any information in the commissioner's 131559  
possession, against any natural gas company or combined company 131560  
that fails to file a return or pay any tax, interest, or 131561  
additional charge as required by sections 5727.24 to 5727.29 of 131562  
the Revised Code. The commissioner shall give the company 131563  
assessed written notice of the assessment as provided in section 131564  
5703.37 of the Revised Code. With the notice, the commissioner 131565  
shall provide instructions on how to petition for reassessment 131566  
and request a hearing on the petition. A penalty of up to 131567  
fifteen per cent may be added to all amounts assessed under this 131568  
section. The tax commissioner may adopt rules providing for the 131569  
imposition and remission of the penalty. 131570

(B) Unless the company assessed, within sixty days after 131571  
service of the notice of assessment, files with the tax 131572  
commissioner, ~~either personally or by certified mail,~~ a written 131573  
petition signed by the company's authorized agent having 131574  
knowledge of the facts, the assessment becomes final, and the 131575  
amount of the assessment is due and payable from the company 131576  
assessed to the commissioner. The petition shall indicate the 131577

objections of the company assessed, but additional objections 131578  
may be raised in writing if received by the commissioner prior 131579  
to the date shown on the final determination. 131580

If a petition for reassessment has been properly filed, 131581  
the commissioner shall proceed under section 5703.60 of the 131582  
Revised Code. 131583

(C) After an assessment becomes final, if any portion of 131584  
the assessment, including accrued interest, remains unpaid, a 131585  
certified copy of the tax commissioner's entry making the 131586  
assessment final may be filed in the office of the clerk of the 131587  
court of common pleas in the county in which the natural gas 131588  
company's or combined company's principal place of business is 131589  
located, or in the office of the clerk of court of common pleas 131590  
of Franklin county. 131591

Immediately on the filing of the entry, the clerk shall 131592  
enter judgment for the state against the company assessed in the 131593  
amount shown on the entry. The judgment may be filed by the 131594  
clerk in a loose-leaf book entitled, "special judgments for the 131595  
public utility excise tax on natural gas and combined 131596  
companies," and shall have the same effect as other judgments. 131597  
Execution shall issue upon the judgment at the request of the 131598  
tax commissioner, and all laws applicable to sales on execution 131599  
shall apply to sales made under the judgment. 131600

If the assessment is not paid in its entirety within sixty 131601  
days after the day the assessment was issued, the portion of the 131602  
assessment consisting of tax due shall bear interest at the rate 131603  
per annum prescribed by section 5703.47 of the Revised Code from 131604  
the day the tax commissioner issues the assessment until it is 131605  
paid or until it is certified to the attorney general for 131606  
collection under section 131.02 of the Revised Code, whichever 131607

comes first. If the unpaid portion of the assessment is 131608  
certified to the attorney general for collection, the entire 131609  
unpaid portion of the assessment shall bear interest at the rate 131610  
per annum prescribed by section 5703.47 of the Revised Code from 131611  
the date of certification until the date it is paid in its 131612  
entirety. Interest shall be paid in the same manner as the tax 131613  
and may be collected by the issuance of an assessment under this 131614  
section. 131615

(D) If the tax commissioner believes that collection of 131616  
the tax will be jeopardized unless proceedings to collect or 131617  
secure collection of the tax are instituted without delay, the 131618  
commissioner may issue a jeopardy assessment against the company 131619  
liable for the tax. Immediately upon the issuance of the 131620  
jeopardy assessment, the commissioner shall file an entry with 131621  
the clerk of the court of common pleas in the manner prescribed 131622  
by division (C) of this section. Notice of the jeopardy 131623  
assessment shall be served on the company assessed or the 131624  
company's authorized agent in the manner provided in section 131625  
5703.37 of the Revised Code within five days of the filing of 131626  
the entry with the clerk. The total amount assessed is 131627  
immediately due and payable, unless the company assessed files a 131628  
petition for reassessment in accordance with division (B) of 131629  
this section and provides security in a form satisfactory to the 131630  
commissioner and in an amount sufficient to satisfy the unpaid 131631  
balance of the assessment. Full or partial payment of the 131632  
assessment does not prejudice the commissioner's consideration 131633  
of the petition for reassessment. 131634

(E) The tax commissioner shall immediately forward to the 131635  
treasurer of state all amounts that the tax commissioner 131636  
receives under this section, and such amounts shall be 131637  
considered revenue arising from the tax imposed by section 131638

5727.24 of the Revised Code. 131639

(F) No assessment shall be made or issued against a 131640  
natural gas company or combined company for the tax imposed by 131641  
section 5727.24 of the Revised Code more than four years after 131642  
the return date for the period in which the tax was reported, or 131643  
more than four years after the return for the period was filed, 131644  
whichever is later. 131645

**Sec. 5727.38.** On or before the first Monday of November, 131646  
annually, the tax commissioner may assess an excise tax against 131647  
a public utility subject to the excise tax under section 5727.30 131648  
of the Revised Code. The tax shall be computed by multiplying 131649  
the taxable gross receipts as determined by the commissioner 131650  
under section 5727.33 of the Revised Code by six and three- 131651  
fourths per cent in the case of pipe-line companies, and four 131652  
and three-fourths per cent in the case of all other companies. 131653  
The minimum tax for any such company for owning property or 131654  
doing business in this state shall be fifty dollars. The 131655  
assessment shall be ~~mailed to the taxpayer~~served on the public 131656  
utility in the manner prescribed by section 5703.37 of the 131657  
Revised Code. 131658

**Sec. 5727.42.** (A) The tax commissioner shall collect the 131659  
excise tax imposed by section 5727.30 of the Revised Code and 131660  
the taxpayer shall pay all taxes and any penalties thereon. 131661  
Payments of the tax may be made by mail, in person, 131662  
electronically if required to do so by section 5727.311 of the 131663  
Revised Code, or by any other means authorized by the 131664  
commissioner. The commissioner may adopt rules concerning the 131665  
methods and timeliness of payment. 131666

(B) Each tax assessment issued pursuant to this section 131667  
shall separately reflect the taxes and any penalty due, and any 131668

other information considered necessary. ~~The commissioner shall~~ 131669  
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 131670  
~~be prima-facie evidence of receipt thereof by the taxpayer.~~The 131671  
assessment shall be served on the taxpayer in the manner 131672  
prescribed by section 5703.37 of the Revised Code. 131673

(C) The commissioner shall refund taxes levied and 131674  
payments made for the tax imposed by section 5727.30 of the 131675  
Revised Code as provided in this section, ~~but no refund shall be~~ 131676  
~~made to a taxpayer having a delinquent claim certified pursuant-~~ 131677  
~~to this section that remains unpaid. The commissioner may-~~ 131678  
~~consult the attorney general regarding such claims.~~ 131679

(D) After receiving any excise tax annual statement for 131680  
the tax imposed by section 5727.30 of the Revised Code, the 131681  
commissioner shall: 131682

(1) Ascertain the difference between the total taxes owed 131683  
and the sum of all payments made for that year. 131684

(2) If the difference is a deficiency, the commissioner 131685  
shall issue an assessment. 131686

(3) If the difference is an excess, the commissioner shall 131687  
issue a refund of that amount to the taxpayer. If the amount of 131688  
the refund is less than that claimed by the taxpayer, the 131689  
taxpayer, within sixty days of the issuance of the refund, may 131690  
provide to the commissioner additional information to support 131691  
the claim or may request a hearing. Upon receiving such 131692  
information or request within that time, the commissioner shall 131693  
follow the same procedures set forth in divisions (C) and (D) of 131694  
section 5703.70 of the Revised Code for the determination of 131695  
refund applications. 131696

If the taxpayer has a deficiency for one tax year and an 131697

excess for another tax year, or any combination thereof for more than two years, the commissioner may determine the net result and, depending on such result, proceed to issue an assessment or certify a refund.

(E) If a taxpayer fails to pay the amount of taxes required to be paid, or fails to make an estimated payment on or before the due date prescribed in division (B) of section 5727.31 of the Revised Code, the commissioner shall impose a penalty in the amount of fifteen per cent of the unpaid amount, and the commissioner shall issue an assessment for the unpaid amount and penalty. Unless a timely petition for reassessment is filed under section 5727.47 of the Revised Code, the attorney general shall proceed to collect the delinquent taxes and penalties thereon in the manner prescribed by law and notify the commissioner of all collections.

(F) If a taxpayer entitled to a refund under this section is indebted to the state for any tax or fee administered by the tax commissioner, or any charge, penalty, or interest arising from such a tax or fee, the amount refundable may be applied in satisfaction of that debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded.

**Sec. 5727.47.** (A) Notice of each assessment certified or issued pursuant to section 5727.23 or 5727.38 of the Revised Code shall be ~~mailed to the public utility, and its mailing shall be prima facie evidence of its receipt by the public utility to which it is addressed~~ served on the public utility or public utility property lessor in the manner prescribed by

section 5703.37 of the Revised Code. With the notice, the tax 131728  
commissioner shall provide instructions on how to petition for 131729  
reassessment and request a hearing on the petition. If a public 131730  
utility objects to such an assessment, it may file with the 131731  
commissioner, ~~either personally or by certified mail,~~ within 131732  
sixty days after the mailing of the notice of assessment a 131733  
written petition for reassessment signed by the utility's 131734  
authorized agent having knowledge of the facts. The date the 131735  
commissioner receives the petition shall be considered the date 131736  
of filing. The petition shall indicate the utility's objections, 131737  
but additional objections may be raised in writing if received 131738  
by the commissioner prior to the date shown on the final 131739  
determination. 131740

In the case of a petition seeking a reduction in taxable 131741  
value filed with respect to an assessment certified under 131742  
section 5727.23 of the Revised Code, the petitioner shall state 131743  
in the petition the total amount of reduction in taxable value 131744  
sought by the petitioner. If the petitioner objects to the 131745  
percentage of true value at which taxable property is assessed 131746  
by the commissioner, the petitioner shall state in the petition 131747  
the total amount of reduction in taxable value sought both with 131748  
and without regard to the objection pertaining to the percentage 131749  
of true value at which its taxable property is assessed. If a 131750  
petitioner objects to the commissioner's apportionment of the 131751  
taxable value of the petitioner's taxable property, the 131752  
petitioner shall distinctly state in the petition that the 131753  
petitioner objects to the commissioner's apportionment, and, 131754  
within forty-five days after filing the petition for 131755  
reassessment, shall submit the petitioner's proposed 131756  
apportionment of the taxable value of its taxable property among 131757  
taxing districts. If a petitioner that objects to the 131758

commissioner's apportionment fails to state its objections to 131759  
that apportionment in its petition for reassessment or fails to 131760  
submit its proposed apportionment within forty-five days after 131761  
filing the petition for reassessment, the commissioner shall 131762  
dismiss the petitioner's objection to the commissioner's 131763  
apportionment, and the taxable value of the petitioner's taxable 131764  
property, subject to any adjustment to taxable value pursuant to 131765  
the petition or appeal, shall be apportioned in the manner used 131766  
by the commissioner in the preliminary or amended preliminary 131767  
assessment certified under section 5727.23 of the Revised Code. 131768

If an additional objection seeking a reduction in taxable 131769  
value in excess of the reduction stated in the original petition 131770  
is properly and timely raised with respect to an assessment 131771  
issued under section 5727.23 of the Revised Code, the petitioner 131772  
shall state the total amount of the reduction in taxable value 131773  
sought in the additional objection both with and without regard 131774  
to any reduction in taxable value pertaining to the percentage 131775  
of true value at which taxable property is assessed. If a 131776  
petitioner fails to state the reduction in taxable value sought 131777  
in the original petition or in additional objections properly 131778  
raised after the petition is filed, the commissioner shall 131779  
notify the petitioner of the failure in the manner provided in 131780  
section 5703.37 of the Revised Code. If the petitioner fails to 131781  
notify the commissioner in writing of the reduction in taxable 131782  
value sought in the petition or in an additional objection 131783  
within thirty days after receiving the commissioner's notice, 131784  
the commissioner shall dismiss the petition or the additional 131785  
objection in which that reduction is sought. 131786

(B) (1) Subject to divisions (B) (2) and (3) of this 131787  
section, a public utility filing a petition for reassessment 131788  
regarding an assessment certified or issued under section 131789

5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the tax commissioner or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court.

(2) If a public utility properly and timely files a petition for reassessment regarding an assessment certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) of this section:

(a) If the petitioner does not object to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the part of the tax otherwise due on the taxable value that the petitioner seeks to have reduced, subject to division (B) (2) (c) of this section.

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B) (2) (c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner, apportioned taxable value to a taxing district to which the commissioner did not apportion the petitioner's taxable value, the petitioner shall pay the tax due on the taxable value that the petitioner has apportioned to the taxing district, subject to division (B) (2) (c) of this section.

(c) If a petitioner objects to the percentage of true

value at which taxable property is assessed by the commissioner, 131820  
the petitioner shall pay the tax due on the basis of the 131821  
percentage of true value at which the public utility's taxable 131822  
property is assessed by the commissioner. In any case, the 131823  
petitioner's payment of tax shall not be less than the amount of 131824  
tax due based on the taxable value reflected on the last appeal 131825  
notice issued by the commissioner under division (C) of this 131826  
section. Until the county auditor receives notification under 131827  
division (E) of this section and proceeds under section 5727.471 131828  
of the Revised Code to issue any refund that is found to be due, 131829  
the county auditor shall not issue a refund for any increase in 131830  
the reduction in taxable value that is sought by a petitioner 131831  
later than forty-five days after the petitioner files the 131832  
original petition as required under division (A) of this 131833  
section. 131834

(3) Any part of the tax that, under division (B) (2) (a) or 131835  
(b) of this section, is not paid shall be collected upon receipt 131836  
of the notification as provided in section 5727.471 of the 131837  
Revised Code with interest thereon computed in the same manner 131838  
as interest is computed under division (E) of section 5715.19 of 131839  
the Revised Code, subject to any correction of the assessment by 131840  
the commissioner under division (E) of this section or the final 131841  
judgment of the board of tax appeals or a court to which the 131842  
board's final judgment is appealed. The penalty imposed under 131843  
section 323.121 of the Revised Code shall apply only to the 131844  
unpaid portion of the tax if the petitioner's tax payment is 131845  
less than the amount of tax due based on the taxable value 131846  
reflected on the last appeal notice issued by the commissioner 131847  
under division (C) of this section. 131848

(C) Upon receipt of a properly filed petition for 131849  
reassessment with respect to an assessment certified under 131850

section 5727.23 of the Revised Code, the tax commissioner shall 131851  
notify the treasurer of state or the auditor of each county to 131852  
which the assessment objected to has been certified. In the case 131853  
of a petition with respect to an assessment certified under 131854  
section 5727.23 of the Revised Code, the commissioner shall 131855  
issue an appeal notice within thirty days after receiving the 131856  
amount of the taxable value reduction and apportionment changes 131857  
sought by the petitioner in the original petition or in any 131858  
additional objections properly and timely raised by the 131859  
petitioner. The appeal notice shall indicate the amount of the 131860  
reduction in taxable value sought in the petition or in the 131861  
additional objections and the extent to which the reduction in 131862  
taxable value and any change in apportionment requested by the 131863  
petitioner would affect the commissioner's apportionment of the 131864  
taxable value among taxing districts in the county as shown in 131865  
the assessment. If a petitioner is seeking a reduction in 131866  
taxable value on the basis of a lower percentage of true value 131867  
than the percentage at which the commissioner assessed the 131868  
petitioner's taxable property, the appeal notice shall indicate 131869  
the reduction in taxable value sought by the petitioner without 131870  
regard to the reduction sought on the basis of the lower 131871  
percentage and shall indicate that the petitioner is required to 131872  
pay tax on the reduced taxable value determined without regard 131873  
to the reduction sought on the basis of a lower percentage of 131874  
true value, as provided under division (B)(2)(c) of this 131875  
section. The appeal notice shall include a statement that the 131876  
reduced taxable value and the apportionment indicated in the 131877  
notice are not final and are subject to adjustment by the 131878  
commissioner or by the board of tax appeals or a court on 131879  
appeal. If the commissioner finds an error in the appeal notice, 131880  
the commissioner may amend the notice, but the notice is only 131881  
for informational and tax payment purposes; the notice is not 131882

subject to appeal by any person. The commissioner also shall 131883  
~~mail~~ provide a copy of the appeal notice to the petitioner. Upon 131884  
the request of a taxing authority, the county auditor may 131885  
disclose to the taxing authority the extent to which a reduction 131886  
in taxable value sought by a petitioner would affect the 131887  
apportionment of taxable value to the taxing district or 131888  
districts under the taxing authority's jurisdiction, but such a 131889  
disclosure does not constitute a notice required by law to be 131890  
given for the purpose of section 5717.02 of the Revised Code. 131891

(D) If the petitioner requests a hearing on the petition, 131892  
the tax commissioner shall assign a time and place for the 131893  
hearing on the petition and notify the petitioner of such time 131894  
and place, but the commissioner may continue the hearing from 131895  
time to time as necessary. 131896

(E) The tax commissioner may make corrections to the 131897  
assessment as the commissioner finds proper. The commissioner 131898  
shall serve a copy of the commissioner's final determination on 131899  
the petitioner in the manner provided in section 5703.37 of the 131900  
Revised Code. The commissioner's decision in the matter shall be 131901  
final, subject to appeal under section 5717.02 of the Revised 131902  
Code. With respect to a final determination issued for an 131903  
assessment certified under section 5727.23 of the Revised Code, 131904  
the commissioner also shall transmit a copy of the final 131905  
determination to the applicable county auditor. In the absence 131906  
of any further appeal, or when a decision of the board of tax 131907  
appeals or of any court to which the decision has been appealed 131908  
becomes final, the commissioner shall notify the public utility 131909  
and, as appropriate, shall proceed under section 5727.42 of the 131910  
Revised Code, or notify the applicable county auditor, who shall 131911  
proceed under section 5727.471 of the Revised Code. 131912

The notification made under this division is not subject 131913  
to further appeal. 131914

(F) On appeal, no adjustment shall be made in the tax 131915  
commissioner's assessment certified under section 5727.23 of the 131916  
Revised Code that reduces the taxable value of a petitioner's 131917  
taxable property by an amount that exceeds the reduction sought 131918  
by the petitioner in its petition for reassessment or in any 131919  
additional objections properly and timely raised after the 131920  
petition is filed with the commissioner. 131921

**Sec. 5727.48.** The tax commissioner, ~~on application by a~~ 131922  
~~public utility,~~ may extend to ~~the~~ a public utility a further 131923  
specified time, not to exceed thirty days, within which to file 131924  
any report or statement required by this chapter to be filed 131925  
with the commissioner, except reports required by sections 131926  
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 131927  
~~file such an application, in writing, with the commissioner~~ 131928  
shall request this extension, in the form and manner prescribed 131929  
by the commissioner, on or before the date that the report or 131930  
statement is otherwise required to be filed. 131931

**Sec. 5727.89.** (A) The tax commissioner may make an 131932  
assessment, based on any information in the commissioner's 131933  
possession, against any natural gas distribution company, 131934  
electric distribution company, self-assessing purchaser, or 131935  
qualified end user that fails to file a return or pay any tax, 131936  
interest, or additional charge as required by sections 5727.80 131937  
to 5727.95 of the Revised Code. 131938

When information in the possession of the tax commissioner 131939  
indicates that a person liable for the tax imposed by section 131940  
5727.81 or 5727.811 of the Revised Code has not paid the full 131941  
amount of tax due, the commissioner may audit a representative 131942

sample of the person's business and may issue an assessment 131943  
based on the audit. The commissioner shall give the person 131944  
assessed written notice of the assessment in the manner provided 131945  
in section 5703.37 of the Revised Code. With the notice, the 131946  
commissioner shall provide instructions on how to petition for 131947  
reassessment and request a hearing on the petition. 131948

The tax commissioner may issue an assessment for which the 131949  
tax imposed by section 5727.81 or 5727.811 of the Revised Code 131950  
was due and unpaid on the date the person was informed by an 131951  
agent of the tax commissioner of an investigation or audit of 131952  
the person. Any payment of the tax for the period covered by the 131953  
assessment, after the person is so informed, shall be credited 131954  
against the assessment. 131955

A penalty of up to fifteen per cent may be added to all 131956  
amounts assessed under this section. The commissioner may adopt 131957  
rules providing for the imposition and remission of penalties. 131958

(B) Unless the party assessed files with the tax 131959  
commissioner within sixty days after service of the notice of 131960  
assessment, ~~either personally or by certified mail,~~ a written 131961  
petition for reassessment signed by the party assessed or that 131962  
party's authorized agent having knowledge of the facts, the 131963  
assessment becomes final and the amount of the assessment is due 131964  
and payable from the party assessed to the treasurer of state. 131965  
The petition shall indicate the objections of the party 131966  
assessed, but additional objections may be raised in writing if 131967  
received by the commissioner prior to the date shown on the 131968  
final determination. If the petition has been properly filed, 131969  
the commissioner shall proceed under section 5703.60 of the 131970  
Revised Code. 131971

(C) After an assessment becomes final, if any portion of 131972

the assessment, including accrued interest, remains unpaid, a 131973  
certified copy of the tax commissioner's entry making the 131974  
assessment final may be filed in the office of the clerk of the 131975  
court of common pleas in the county in which the party assessed 131976  
resides or in which the party's business is conducted. If the 131977  
party assessed maintains no place of business in this state and 131978  
is not a resident of this state, the certified copy of the entry 131979  
may be filed in the office of the clerk of the court of common 131980  
pleas of Franklin county. 131981

Immediately upon the filing of the entry, the clerk shall 131982  
enter a judgment for the state against the person assessed in 131983  
the amount shown on the entry. The judgment may be filed by the 131984  
clerk in a loose-leaf book entitled "special judgments for the 131985  
distribution excise taxes," and shall have the same effect as 131986  
other judgments. Execution shall issue upon the judgment at the 131987  
request of the tax commissioner, and all laws applicable to 131988  
sales on execution shall apply to sales made under the judgment. 131989

If the assessment is not paid in its entirety within sixty 131990  
days after the day the assessment was issued, the portion of the 131991  
assessment consisting of tax due shall bear interest at the rate 131992  
per annum prescribed by section 5703.47 of the Revised Code from 131993  
the day the tax commissioner issues the assessment until the day 131994  
the assessment is paid or until it is certified to the attorney 131995  
general for collection under section 131.02 of the Revised Code, 131996  
whichever comes first. If the unpaid portion of the assessment 131997  
is certified to the attorney general for collection, the entire 131998  
unpaid portion of the assessment shall bear interest at the rate 131999  
per annum prescribed by section 5703.47 of the Revised Code from 132000  
the date of certification until the date it is paid in its 132001  
entirety. Interest shall be paid in the same manner as the tax 132002  
and may be collected by the issuance of an assessment under this 132003

section. 132004

(D) If the tax commissioner believes that collection of 132005  
the tax imposed by section 5727.81 or 5727.811 of the Revised 132006  
Code will be jeopardized unless proceedings to collect or secure 132007  
collection of the tax are instituted without delay, the 132008  
commissioner may issue a jeopardy assessment against the person 132009  
liable for the tax. Immediately upon the issuance of the 132010  
jeopardy assessment, the commissioner shall file an entry with 132011  
the clerk of the court of common pleas in the manner prescribed 132012  
by division (C) of this section. Notice of the jeopardy 132013  
assessment shall be served on the party assessed or the party's 132014  
legal representative within five days of the filing of the entry 132015  
with the clerk. The total amount assessed is immediately due and 132016  
payable, unless the party assessed files a petition for 132017  
reassessment in accordance with division (B) of this section and 132018  
provides security in a form satisfactory to the commissioner and 132019  
in an amount sufficient to satisfy the unpaid balance of the 132020  
assessment. Full or partial payment of the assessment does not 132021  
prejudice the commissioner's consideration of the petition for 132022  
reassessment. 132023

(E) All money collected by the tax commissioner under this 132024  
section shall be paid to the treasurer of state, and when paid 132025  
shall be considered as revenue arising from the taxes imposed by 132026  
sections 5727.81 and 5727.811 of the Revised Code. 132027

**Sec. 5728.10.** (A) If any person required to file a fuel 132028  
use tax return by sections 5728.01 to 5728.14 of the Revised 132029  
Code, fails to file the return within the time prescribed by 132030  
those sections, files an incomplete return, files an incorrect 132031  
return, or fails to remit the full amount of the tax due for the 132032  
period covered by the return, the tax commissioner may make an 132033

assessment against the person, based upon any information in the 132034  
commissioner's possession, for the period for which the tax was 132035  
due. 132036

No assessment shall be made against any person for any tax 132037  
imposed by this chapter more than four years after the return 132038  
date for the period for which the tax was due or more than four 132039  
years after the return for the period was filed, whichever is 132040  
later. This section does not bar an assessment against any 132041  
person who fails to file a fuel use tax return as required by 132042  
this chapter, or who files a fraudulent fuel use tax return. 132043

A penalty of up to fifteen per cent may be added to the 132044  
amount of every assessment made pursuant to this section. The 132045  
commissioner may adopt rules providing for the imposition and 132046  
remission of penalties added to assessments made under this 132047  
section. 132048

The commissioner shall give the party assessed written 132049  
notice of the assessment in the manner provided in section 132050  
5703.37 of the Revised Code. With the notice, the commissioner 132051  
shall provide instructions on how to petition for reassessment 132052  
and request a hearing on the petition. 132053

(B) Unless the party assessed files with the tax 132054  
commissioner within sixty days after service of the notice of 132055  
assessment, ~~either personally or by certified mail,~~ a written 132056  
petition for reassessment, signed by the party assessed, or by 132057  
the party's authorized agent having knowledge of the facts, the 132058  
assessment becomes final and the amount of the assessment is due 132059  
and payable from the party assessed to the treasurer of state. 132060  
The petition shall indicate the objections of the party 132061  
assessed, but additional objections may be raised in writing if 132062  
received by the commissioner prior to the date shown on the 132063

final determination. If the petition has been properly filed, 132064  
the commissioner shall proceed under section 5703.60 of the 132065  
Revised Code. 132066

(C) After an assessment becomes final, if any portion of 132067  
the assessment remains unpaid, including accrued interest, a 132068  
certified copy of the tax commissioner's entry making the 132069  
assessment final may be filed in the office of the clerk of the 132070  
court of common pleas in the county in which the party's place 132071  
of business is located or the county in which the party assessed 132072  
resides. If the party maintains no office in this state and is 132073  
not a resident of this state, the certified copy of the entry 132074  
may be filed in the office of the clerk of the court of common 132075  
pleas of Franklin county. 132076

Immediately upon the filing of the entry, the clerk shall 132077  
enter a judgment for the state of Ohio against the party 132078  
assessed in the amount shown on the entry. The judgment may be 132079  
filed by the clerk in a loose-leaf book entitled "special 132080  
judgments for state fuel use tax," and shall have the same 132081  
effect as other judgments. Execution shall issue upon the 132082  
judgment upon the request of the commissioner, and all laws 132083  
applicable to sales on execution shall apply to sales made under 132084  
the judgment. 132085

If the assessment is not paid within sixty days after the 132086  
day the assessment was issued, the portion of the assessment 132087  
consisting of tax due shall bear interest at the rate per annum 132088  
prescribed by section 5703.47 of the Revised Code from the day 132089  
the commissioner issues the assessment until it is paid or until 132090  
it is certified to the attorney general for collection under 132091  
section 131.02 of the Revised Code, whichever comes first. If 132092  
the unpaid portion of the assessment is certified to the 132093

attorney general for collection, the entire unpaid portion of 132094  
the assessment shall bear interest at the rate per annum 132095  
prescribed by section 5703.47 of the Revised Code from the date 132096  
of certification until the date it is paid in its entirety. 132097  
Interest shall be paid in the same manner as the tax and may be 132098  
collected by the issuance of an assessment under this section. 132099

(D) All money collected by the tax commissioner under this 132100  
section shall be paid into the state treasury in the same manner 132101  
as the revenues deriving from the taxes imposed by section 132102  
5728.06 of the Revised Code. 132103

**Sec. 5729.10.** If a company fails to pay the tax levied by 132104  
section 5729.03 of the Revised Code, or to make any partial 132105  
payment thereof as required by law after a statement thereof has 132106  
been made and mailed to it, or if the annual statement required 132107  
by law to be made by it is false or incorrect, the 132108  
superintendent of insurance may revoke the license of such 132109  
company doing business in this state. Upon failure to pay the 132110  
tax or to make partial payment thereof according to law, the 132111  
~~superintendent~~treasurer of state shall certify that fact to the 132112  
attorney general, who shall thereupon begin an action against 132113  
the company in the court of common pleas of Franklin county, or 132114  
any other county ~~he~~the attorney general elects, to recover the 132115  
amount of the tax. If such company ceases to do business in this 132116  
state, it shall thereupon make a report to the superintendent of 132117  
the gross amount of premiums not theretofore reported as 132118  
provided in section 5729.02 or 5729.04 of the Revised Code 132119  
received by it from policies covering risks within this state 132120  
prior to such discontinuance of business, after deducting return 132121  
premiums and considerations received for reinsurance not 132122  
theretofore so reported, and shall forthwith pay to the 132123  
~~superintendent~~treasurer of state a like per cent of tax 132124

thereon. 132125

**Sec. 5729.18.** There is allowed a credit against the tax 132126  
imposed by section 5729.03 of the Revised Code for an insurance 132127  
company subject to that tax that holds the rights to a tax 132128  
credit certificate issued under section 122.09 of the Revised 132129  
Code. The credit shall equal the dollar amount indicated on the 132130  
certificate or the ensuing calendar year. The credit shall be 132131  
claimed in the calendar year specified in the certificate and in 132132  
the order required under section 5729.98 of the Revised Code. If 132133  
the credit exceeds the amount of tax otherwise due in that year, 132134  
the company may carry forward the excess for not more than five 132135  
ensuing years, but the amount of the excess credit claimed 132136  
against the tax for any year shall be deducted from the balance 132137  
carried forward to the next year. 132138

No credit shall be claimed under this section to the 132139  
extent the certificate was used to claim a credit under section 132140  
5725.35, 5726.62, or 5747.87 of the Revised Code. 132141

**Sec. 5729.21.** Terms used in this section have the same 132142  
meanings as in section 122.84 of the Revised Code. 132143

There is allowed a ~~nonrefunable~~ nonrefundable credit 132144  
against the tax imposed by section 5729.03 of the Revised Code 132145  
for a foreign insurance company that is issued, or to which is 132146  
transferred, a tax credit certificate under section 122.84 of 132147  
the Revised Code. The credit equals the amount stated on the 132148  
certificate and may be claimed for the calendar year that 132149  
includes the investment period that was the subject of the 132150  
application for the certificate under that section or for the 132151  
ensuing calendar year. For a credit issued during the July 132152  
application round each year, the credit may also be claimed for 132153  
the preceding calendar year. A taxpayer applying a credit for 132154

the preceding calendar year shall file an amended return or 132155  
apply that amendment on the taxpayer's original return, for that 132156  
year. 132157

The credit authorized in this section shall be claimed in 132158  
the order required under section 5729.98 of the Revised Code. If 132159  
the amount of a credit exceeds the tax otherwise due under 132160  
section 5729.03 of the Revised Code after deducting all other 132161  
credits preceding the credit in that order, the excess may be 132162  
carried forward for not more than five ensuing calendar years. 132163  
The amount of the excess credit claimed in any such year shall 132164  
be deducted from the balance carried forward to the next 132165  
calendar year. 132166

No credit shall be claimed under this section to the 132167  
extent the credit was claimed under section 5725.38, 5726.61, or 132168  
5747.86 of the Revised Code. 132169

A foreign insurance company shall not be required to pay 132170  
any additional tax levied under section 5729.06 of the Revised 132171  
Code as a result of claiming the tax credit authorized by this 132172  
section. 132173

**Sec. 5735.12.** (A) Any person required by this chapter to 132174  
file reports or pay the tax levied by this chapter who fails to 132175  
do so within the time prescribed may be liable for an additional 132176  
charge not exceeding the greater of ten per cent of the person's 132177  
tax liability for that month or fifty dollars. The tax 132178  
commissioner may remit all or a portion of the additional charge 132179  
and may adopt rules relating to the remission of all or a 132180  
portion of the charge. 132181

If any person required by this chapter to file reports or 132182  
pay the taxes, interest, or additional charge levied by this 132183

chapter fails to file the report, files an incomplete or 132184  
incorrect report, or fails to remit the full amount of the tax, 132185  
interest, or additional charge due for the period covered by the 132186  
report, the commissioner may make an assessment against the 132187  
person based upon any information in the commissioner's 132188  
possession. 132189

No assessment shall be made against any motor fuel dealer 132190  
for taxes imposed by this chapter more than four years after the 132191  
date on which the report on which the assessment was based was 132192  
due or was filed, whichever is later. This section does not bar 132193  
an assessment against any motor fuel dealer who fails to file a 132194  
report required by section 5735.06 of the Revised Code, or who 132195  
files a fraudulent motor fuel tax report. 132196

A penalty of up to fifteen per cent may be added to the 132197  
amount of every assessment made under this section. The 132198  
commissioner may adopt rules providing for the imposition and 132199  
remission of penalties added to assessments made under this 132200  
section. 132201

The commissioner shall give the party assessed written 132202  
notice of the assessment in the manner provided in section 132203  
5703.37 of the Revised Code. With the notice, the commissioner 132204  
shall provide instructions on how to petition for reassessment 132205  
and request a hearing on the petition. 132206

(B) Unless the party assessed files with the tax 132207  
commissioner within sixty days after service of the notice of 132208  
assessment, ~~either personally or by certified mail,~~ a written 132209  
petition for reassessment in writing, signed by the party 132210  
assessed or that party's authorized agent having knowledge of 132211  
the facts, the assessment becomes final and the amount of the 132212  
assessment is due and payable from the party assessed to the 132213

treasurer of state. The petition shall indicate the objections 132214  
of the party assessed, but additional objections may be raised 132215  
in writing if received by the commissioner prior to the date 132216  
shown on the final determination. If the petition has been 132217  
properly filed, the commissioner shall proceed under section 132218  
5703.60 of the Revised Code. 132219

(C) After an assessment becomes final, if any portion of 132220  
the assessment remains unpaid, including accrued interest, a 132221  
certified copy of the tax commissioner's entry making the 132222  
assessment final may be filed in the office of the clerk of the 132223  
court of common pleas in the county in which the party assessed 132224  
resides or in which the business of the party assessed is 132225  
conducted. If the party assessed maintains no place of business 132226  
in this state and is not a resident of this state, the certified 132227  
copy of the entry may be filed in the office of the clerk of the 132228  
court of common pleas of Franklin county. 132229

Immediately upon the filing of the entry, the clerk shall 132230  
enter a judgment for the state against the party assessed in the 132231  
amount shown on the entry. The judgment may be filed by the 132232  
clerk in a loose-leaf book entitled "special judgments for state 132233  
motor fuel tax," and shall have the same effect as other 132234  
judgments. Execution shall issue upon the judgment upon the 132235  
request of the tax commissioner, and all laws applicable to 132236  
sales on execution shall apply to sales made under the judgment. 132237

If the assessment is not paid in its entirety within sixty 132238  
days after the day the assessment was issued, the portion of the 132239  
assessment consisting of tax due shall bear interest at the rate 132240  
per annum prescribed by section 5703.47 of the Revised Code from 132241  
the day the commissioner issues the assessment until it is paid 132242  
or until it is certified to the attorney general for collection 132243

under section 131.02 of the Revised Code, whichever comes first. 132244  
If the unpaid portion of the assessment is certified to the 132245  
attorney general for collection, the entire unpaid portion of 132246  
the assessment shall bear interest at the rate per annum 132247  
prescribed by section 5703.47 of the Revised Code from the date 132248  
of certification until the date it is paid in its entirety. 132249  
Interest shall be paid in the same manner as the tax and may be 132250  
collected by the issuance of an assessment under this section. 132251

(D) All money collected by the tax commissioner under this 132252  
section shall be paid to the treasurer of state, and when paid 132253  
shall be considered as revenue arising from the tax imposed by 132254  
this chapter. 132255

(E) If the tax commissioner determines that the 132256  
commissioner has erroneously refunded motor fuel tax to any 132257  
person, the commissioner may make an assessment against the 132258  
person for recovery of the erroneously refunded tax. 132259

**Sec. 5736.09.** (A) The tax commissioner may make an 132260  
assessment, based on any information in the commissioner's 132261  
possession, against any person that fails to file a return or 132262  
pay any tax as required by this chapter. The commissioner shall 132263  
give the person assessed written notice of the assessment as 132264  
provided in section 5703.37 of the Revised Code. With the 132265  
notice, the commissioner shall provide instructions on the 132266  
manner in which to petition for reassessment and request a 132267  
hearing with respect to the petition. 132268

(B) Unless the person assessed, within sixty days after 132269  
service of the notice of assessment, files with the 132270  
commissioner, ~~either personally or by certified mail,~~ a written 132271  
petition signed by the person or the person's authorized agent 132272  
having knowledge of the facts, the assessment becomes final, and 132273

the amount of the assessment is due and payable from the person 132274  
assessed to the treasurer of state. The petition shall indicate 132275  
the objections of the person assessed, but additional objections 132276  
may be raised in writing if received by the commissioner prior 132277  
to the date shown on the final determination. 132278

If a petition for reassessment has been properly filed, 132279  
the commissioner shall proceed under section 5703.60 of the 132280  
Revised Code. 132281

(C) (1) After an assessment becomes final, if any portion 132282  
of the assessment, including accrued interest, remains unpaid, a 132283  
certified copy of the commissioner's entry making the assessment 132284  
final may be filed in the office of the clerk of the court of 132285  
common pleas in the county in which the person resides or has 132286  
its principal place of business in this state, or in the office 132287  
of the clerk of court of common pleas of Franklin county. 132288

(2) Immediately upon the filing of the entry, the clerk 132289  
shall enter judgment for the state against the person assessed 132290  
in the amount shown on the entry. The judgment may be filed by 132291  
the clerk in a loose-leaf book entitled, "special judgments for 132292  
the petroleum activity tax" and shall have the same effect as 132293  
other judgments. Execution shall issue upon the judgment at the 132294  
request of the commissioner, and all laws applicable to sales on 132295  
execution shall apply to sales made under the judgment. 132296

(3) If the assessment is not paid in its entirety within 132297  
sixty days after the day the assessment was issued, the portion 132298  
of the assessment consisting of tax due shall bear interest at 132299  
the rate per annum prescribed by section 5703.47 of the Revised 132300  
Code from the day the commissioner issues the assessment until 132301  
it is paid or until it is certified to the attorney general for 132302  
collection under section 131.02 of the Revised Code, whichever 132303

comes first. If the unpaid portion of the assessment is 132304  
certified to the attorney general for collection, the entire 132305  
unpaid portion of the assessment shall bear interest at the rate 132306  
per annum prescribed by section 5703.47 of the Revised Code from 132307  
the date of certification until the date it is paid in its 132308  
entirety. Interest shall be paid in the same manner as the tax 132309  
and may be collected by the issuance of an assessment under this 132310  
section. 132311

(D) If the commissioner believes that collection of the 132312  
tax will be jeopardized unless proceedings to collect or secure 132313  
collection of the tax are instituted without delay, the 132314  
commissioner may issue a jeopardy assessment against the person 132315  
liable for the tax. Immediately upon the issuance of the 132316  
jeopardy assessment, the commissioner shall file an entry with 132317  
the clerk of the court of common pleas in the manner prescribed 132318  
by division (C) of this section. Notice of the jeopardy 132319  
assessment shall be served on the person assessed or the 132320  
person's authorized agent in the manner provided in section 132321  
5703.37 of the Revised Code within five days of the filing of 132322  
the entry with the clerk. The total amount assessed is 132323  
immediately due and payable, unless the person assessed files a 132324  
petition for reassessment in accordance with division (B) of 132325  
this section and provides security in a form satisfactory to the 132326  
commissioner and in an amount sufficient to satisfy the unpaid 132327  
balance of the assessment. Full or partial payment of the 132328  
assessment does not prejudice the commissioner's consideration 132329  
of the petition for reassessment. 132330

(E) The commissioner shall immediately forward to the 132331  
treasurer of state all amounts the commissioner receives under 132332  
this section, and such amounts shall be considered as revenue 132333  
arising from the tax imposed under this chapter. 132334

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5736.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the commissioner may audit a sample of the taxpayer's calculated gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

**Sec. 5739.01.** As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships,

associations, joint-stock companies, joint ventures, clubs, 132365  
societies, corporations, the state and its political 132366  
subdivisions, and combinations of individuals of any form. 132367

(B) "Sale" and "selling" include all of the following 132368  
transactions for a consideration in any manner, whether 132369  
absolutely or conditionally, whether for a price or rental, in 132370  
money or by exchange, and by any means whatsoever: 132371

(1) All transactions by which title or possession, or 132372  
both, of tangible personal property, is or is to be transferred, 132373  
or a license to use or consume tangible personal property is or 132374  
is to be granted; 132375

(2) All transactions by which lodging by a hotel is or is 132376  
to be furnished to transient guests; 132377

(3) All transactions by which: 132378

(a) An item of tangible personal property is or is to be 132379  
repaired, except property, the purchase of which would not be 132380  
subject to the tax imposed by section 5739.02 of the Revised 132381  
Code; 132382

(b) An item of tangible personal property is or is to be 132383  
installed, except property, the purchase of which would not be 132384  
subject to the tax imposed by section 5739.02 of the Revised 132385  
Code or property that is or is to be incorporated into and will 132386  
become a part of a production, transmission, transportation, or 132387  
distribution system for the delivery of a public utility 132388  
service; 132389

(c) The service of washing, cleaning, waxing, polishing, 132390  
or painting a motor vehicle is or is to be furnished; 132391

(d) Laundry and dry cleaning services are or are to be 132392

provided; 132393

(e) Automatic data processing, computer services, or 132394  
electronic information services are or are to be provided for 132395  
use in business when the true object of the transaction is the 132396  
receipt by the consumer of automatic data processing, computer 132397  
services, or electronic information services rather than the 132398  
receipt of personal or professional services to which automatic 132399  
data processing, computer services, or electronic information 132400  
services are incidental or supplemental. Notwithstanding any 132401  
other provision of this chapter, such transactions that occur 132402  
between members of an affiliated group are not sales. An 132403  
"affiliated group" means two or more persons related in such a 132404  
way that one person owns or controls the business operation of 132405  
another member of the group. In the case of corporations with 132406  
stock, one corporation owns or controls another if it owns more 132407  
than fifty per cent of the other corporation's common stock with 132408  
voting rights. 132409

(f) Telecommunications service, including prepaid calling 132410  
service, prepaid wireless calling service, or ancillary service, 132411  
is or is to be provided, but not including coin-operated 132412  
telephone service; 132413

(g) Landscaping and lawn care service is or is to be 132414  
provided; 132415

(h) Private investigation and security service is or is to 132416  
be provided; 132417

(i) Information services or tangible personal property is 132418  
provided or ordered by means of a nine hundred telephone call; 132419

(j) Building maintenance and janitorial service is or is 132420  
to be provided; 132421

(k) Exterminating service is or is to be provided;	132422
(l) Physical fitness facility service is or is to be provided;	132423 132424
(m) Recreation and sports club service is or is to be provided;	132425 132426
(n) Satellite broadcasting service is or is to be provided;	132427 132428
(o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician, certified nurse-midwife, clinical nurse specialist, certified nurse practitioner, or chiropractor, or the cutting, coloring, or styling of an individual's hair.	132429 132430 132431 132432 132433 132434 132435 132436 132437
(p) The transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	132438 132439 132440 132441 132442 132443 132444
(q) Motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	132445 132446 132447 132448
(r) Snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of	132449 132450

snow by any mechanized means, but does not include the providing 132451  
of such service by a person that has less than five thousand 132452  
dollars in sales of such service during the calendar year. 132453

(s) Electronic publishing service is or is to be provided 132454  
to a consumer for use in business, except that such transactions 132455  
occurring between members of an affiliated group, as defined in 132456  
division (B) (3) (e) of this section, are not sales. 132457

(4) All transactions by which printed, imprinted, 132458  
overprinted, lithographic, multilithic, blueprinted, 132459  
photostatic, or other productions or reproductions of written or 132460  
graphic matter are or are to be furnished or transferred; 132461

(5) The production or fabrication of tangible personal 132462  
property for a consideration for consumers who furnish either 132463  
directly or indirectly the materials used in the production of 132464  
fabrication work; and include the furnishing, preparing, or 132465  
serving for a consideration of any tangible personal property 132466  
consumed on the premises of the person furnishing, preparing, or 132467  
serving such tangible personal property. Except as provided in 132468  
section 5739.03 of the Revised Code, a construction contract 132469  
pursuant to which tangible personal property is or is to be 132470  
incorporated into a structure or improvement on and becoming a 132471  
part of real property is not a sale of such tangible personal 132472  
property. The construction contractor is the consumer of such 132473  
tangible personal property, provided that the sale and 132474  
installation of carpeting, the sale and installation of 132475  
agricultural land tile, the sale and erection or installation of 132476  
portable grain bins, or the provision of landscaping and lawn 132477  
care service and the transfer of property as part of such 132478  
service is never a construction contract. 132479

As used in division (B) (5) of this section: 132480

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) ~~The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;~~

(9) All transactions by which tangible personal property 132510  
is or is to be stored, except such property that the consumer of 132511  
the storage holds for sale in the regular course of business; 132512

(10) All transactions in which "guaranteed auto 132513  
protection" is provided whereby a person promises to pay to the 132514  
consumer the difference between the amount the consumer receives 132515  
from motor vehicle insurance and the amount the consumer owes to 132516  
a person holding title to or a lien on the consumer's motor 132517  
vehicle in the event the consumer's motor vehicle suffers a 132518  
total loss under the terms of the motor vehicle insurance policy 132519  
or is stolen and not recovered, if the protection and its price 132520  
are included in the purchase or lease agreement; 132521

(11) (a) Except as provided in division (B) (11) (b) of this 132522  
section, all transactions by which health care services are paid 132523  
for, reimbursed, provided, delivered, arranged for, or otherwise 132524  
made available by a medicaid health insuring corporation 132525  
pursuant to the corporation's contract with the state. 132526

(b) If the centers for medicare and medicaid services of 132527  
the United States department of health and human services 132528  
determines that the taxation of transactions described in 132529  
division (B) (11) (a) of this section constitutes an impermissible 132530  
health care-related tax under the "Social Security Act," section 132531  
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 132532  
the medicaid director shall notify the tax commissioner of that 132533  
determination. Beginning with the first day of the month 132534  
following that notification, the transactions described in 132535  
division (B) (11) (a) of this section are not sales for the 132536  
purposes of this chapter or Chapter 5741. of the Revised Code. 132537  
The tax commissioner shall order that the collection of taxes 132538  
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 132539

5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 132540  
for transactions occurring on or after that date. 132541

(12) All transactions by which a specified digital product 132542  
is provided for permanent use or less than permanent use, 132543  
regardless of whether continued payment is required. 132544

(13) All transactions by a delivery network company for 132545  
the company's delivery network services, provided the company 132546  
has a waiver issued under section 5741.072 of the Revised Code. 132547

Except as provided in this section, "sale" and "selling" 132548  
do not include transfers of interest in leased property where 132549  
the original lessee and the terms of the original lease 132550  
agreement remain unchanged, or professional, insurance, or 132551  
personal service transactions that involve the transfer of 132552  
tangible personal property as an inconsequential element, for 132553  
which no separate charges are made. 132554

(C) "Vendor" means the person providing the service or by 132555  
whom the transfer effected or license given by a sale is or is 132556  
to be made or given and, for sales described in division (B)(3) 132557  
(i) of this section, the telecommunications service vendor that 132558  
provides the nine hundred telephone service; if two or more 132559  
persons are engaged in business at the same place of business 132560  
under a single trade name in which all collections on account of 132561  
sales by each are made, such persons shall constitute a single 132562  
vendor. 132563

Physicians, certified nurse-midwives, clinical nurse 132564  
specialists, certified nurse practitioners, dentists, hospitals, 132565  
and veterinarians who are engaged in selling tangible personal 132566  
property as received from others, such as eyeglasses, 132567  
mouthwashes, dentifrices, or similar articles, are vendors. 132568

Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian, physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner under federal law, are vendors.

The operator of any peer-to-peer car sharing program shall be considered to be the vendor.

(D) (1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B) (3) (f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, certified nurse-midwives, clinical nurse specialists, certified nurse practitioners, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian, physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all

tangible personal property and services purchased for use in 132599  
connection with the performance of such contract, regardless of 132600  
whether title to any such property vests in the contractee. The 132601  
purchase of such property and services is not subject to the 132602  
exception for resale under division (E) of this section. 132603

(4) (a) In the case of a person who purchases printed 132604  
matter for the purpose of distributing it or having it 132605  
distributed to the public or to a designated segment of the 132606  
public, free of charge, that person is the consumer of that 132607  
printed matter, and the purchase of that printed matter for that 132608  
purpose is a sale. 132609

(b) In the case of a person who produces, rather than 132610  
purchases, printed matter for the purpose of distributing it or 132611  
having it distributed to the public or to a designated segment 132612  
of the public, free of charge, that person is the consumer of 132613  
all tangible personal property and services purchased for use or 132614  
consumption in the production of that printed matter. ~~That~~ 132615  
~~person is not entitled to claim exemption under division (B)(42)~~ 132616  
~~(f) of section 5739.02 of the Revised Code for any material~~ 132617  
~~incorporated into the printed matter or any equipment, supplies,~~ 132618  
~~or services primarily used to produce the printed matter.~~ 132619

(c) The distribution of printed matter to the public or to 132620  
a designated segment of the public, free of charge, is not a 132621  
sale to the members of the public to whom the printed matter is 132622  
distributed or to any persons who purchase space in the printed 132623  
matter for advertising or other purposes. 132624

(5) A person who makes sales of any of the services listed 132625  
in division (B) (3) of this section is the consumer of any 132626  
tangible personal property used in performing the service. The 132627  
purchase of that property is not subject to the resale exception 132628

under division (E) of this section. 132629

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction separate from the service. 132630  
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(7) In the case of a transaction for health care services under division (B) (11) of this section, a medicaid health insuring corporation is the consumer of such services. The purchase of such services by a medicaid health insuring corporation is not subject to the exception for resale under division (E) of this section or to the exemptions provided under divisions (B) (12), (18), (19), and (22) of section 5739.02 of the Revised Code. 132635  
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(E) "Retail sale" and "sales at retail" include all sales, except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person. 132643  
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(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds. 132648  
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(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business. 132652  
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(H) (1) (a) "Price," except as provided in divisions (H) (2), (3), and (4) of this section, means the total amount of 132656  
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consideration, including cash, credit, property, and services, 132658  
for which tangible personal property or services are sold, 132659  
leased, or rented, valued in money, whether received in money or 132660  
otherwise, without any deduction for any of the following: 132661

(i) The vendor's cost of the property sold; 132662

(ii) The cost of materials used, labor or service costs, 132663  
interest, losses, all costs of transportation to the vendor, all 132664  
taxes imposed on the vendor, including the tax imposed under 132665  
Chapter 5751. of the Revised Code, and any other expense of the 132666  
vendor; 132667

(iii) Charges by the vendor for any services necessary to 132668  
complete the sale; 132669

(iv) Delivery charges. As used in this division, "delivery 132670  
charges" means charges by the vendor for preparation and 132671  
delivery to a location designated by the consumer of tangible 132672  
personal property or a service, including transportation, 132673  
shipping, postage, handling, crating, and packing. 132674

(v) Installation charges; 132675

(vi) Credit for any trade-in. 132676

(b) "Price" includes consideration received by the vendor 132677  
from a third party, if the vendor actually receives the 132678  
consideration from a party other than the consumer, and the 132679  
consideration is directly related to a price reduction or 132680  
discount on the sale; the vendor has an obligation to pass the 132681  
price reduction or discount through to the consumer; the amount 132682  
of the consideration attributable to the sale is fixed and 132683  
determinable by the vendor at the time of the sale of the item 132684  
to the consumer; and one of the following criteria is met: 132685

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 132715  
this section, any discount allowed by an automobile manufacturer 132716  
to its employee, or to the employee of a supplier, on the 132717  
purchase of a new motor vehicle from a new motor vehicle dealer 132718  
in this state. 132719

(v) The dollar value of a gift card that is not sold by a 132720  
vendor or purchased by a consumer and that is redeemed by the 132721  
consumer in purchasing tangible personal property or services if 132722  
the vendor is not reimbursed and does not receive compensation 132723  
from a third party to cover all or part of the gift card value. 132724  
For the purposes of this division, a gift card is not sold by a 132725  
vendor or purchased by a consumer if it is distributed pursuant 132726  
to an awards, loyalty, or promotional program. Past and present 132727  
purchases of tangible personal property or services by the 132728  
consumer shall not be treated as consideration exchanged for a 132729  
gift card. 132730

(2) In the case of a sale of any new motor vehicle by a 132731  
new motor vehicle dealer, as defined in section 4517.01 of the 132732  
Revised Code, in which another motor vehicle is accepted by the 132733  
dealer as part of the consideration received, "price" has the 132734  
same meaning as in division (H) (1) of this section, reduced by 132735  
the credit afforded the consumer by the dealer for the motor 132736  
vehicle received in trade. 132737

(3) In the case of a sale of any watercraft or outboard 132738  
motor by a watercraft dealer licensed in accordance with section 132739  
1547.543 of the Revised Code, in which another watercraft, 132740  
watercraft and trailer, or outboard motor is accepted by the 132741  
dealer as part of the consideration received, "price" has the 132742  
same meaning as in division (H) (1) of this section, reduced by 132743  
the credit afforded the consumer by the dealer for the 132744

watercraft, watercraft and trailer, or outboard motor received 132745  
in trade. As used in this division, "watercraft" includes an 132746  
outdrive unit attached to the watercraft. 132747

(4) In the case of transactions for health care services 132748  
under division (B)(11) of this section, "price" means the amount 132749  
of managed care premiums received each month by a medicaid 132750  
health insuring corporation. 132751

(I) "Receipts" means the total amount of the prices of the 132752  
sales of vendors, provided that the dollar value of gift cards 132753  
distributed pursuant to an awards, loyalty, or promotional 132754  
program, and cash discounts allowed and taken on sales at the 132755  
time they are consummated are not included, minus any amount 132756  
deducted as a bad debt pursuant to section 5739.121 of the 132757  
Revised Code. "Receipts" does not include the sale price of 132758  
property returned or services rejected by consumers when the 132759  
full sale price and tax are refunded either in cash or by 132760  
credit. 132761

(J) "Place of business" means any location at which a 132762  
person engages in business. 132763

(K) "Premises" includes any real property or portion 132764  
thereof upon which any person engages in selling tangible 132765  
personal property at retail or making retail sales and also 132766  
includes any real property or portion thereof designated for, or 132767  
devoted to, use in conjunction with the business engaged in by 132768  
such person. 132769

(L) "Casual sale" means a sale of an item of tangible 132770  
personal property, in person or online, that was obtained by the 132771  
person making the sale, through purchase or otherwise, for the 132772  
person's own use and was previously subject to any state's 132773

taxing jurisdiction on its sale or use, and includes such items 132774  
acquired for the seller's use that are sold by an auctioneer 132775  
employed directly by the person for such purpose, provided the 132776  
location of such sales is not the auctioneer's physical 132777  
permanent place of business. As used in this division, 132778  
"permanent place of business" includes any physical location 132779  
where such auctioneer has conducted more than two auctions 132780  
during the year. 132781

(M) "Hotel" means every establishment kept, used, 132782  
maintained, advertised, or held out to the public to be a place 132783  
where sleeping accommodations are offered to guests, in which 132784  
five or more rooms are used for the accommodation of such 132785  
guests, whether the rooms are in one or several structures, 132786  
except as otherwise provided in section 5739.091 of the Revised 132787  
Code. 132788

(N) "Transient guests" means persons occupying a room or 132789  
rooms for sleeping accommodations for less than thirty 132790  
consecutive days. 132791

(O) "Making retail sales" means the effecting of 132792  
transactions wherein one party is obligated to pay the price and 132793  
the other party is obligated to provide a service or to transfer 132794  
title to or possession of the item sold. "Making retail sales" 132795  
does not include the preliminary acts of promoting or soliciting 132796  
the retail sales, other than the distribution of printed matter 132797  
which displays or describes and prices the item offered for 132798  
sale, nor does it include delivery of a predetermined quantity 132799  
of tangible personal property or transportation of property or 132800  
personnel to or from a place where a service is performed. 132801

(P) "Used directly in the rendition of a public utility 132802  
service" means that property that is to be incorporated into and 132803

will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with

respect to a county that is a transit authority, the fiscal 132834  
officer of the county transit board if one is appointed pursuant 132835  
to section 306.03 of the Revised Code or the county auditor if 132836  
the board of county commissioners operates the county transit 132837  
system. 132838

(U) "Transit authority" means a regional transit authority 132839  
created pursuant to section 306.31 of the Revised Code or a 132840  
county in which a county transit system is created pursuant to 132841  
section 306.01 of the Revised Code. For the purposes of this 132842  
chapter, a transit authority must extend to at least the entire 132843  
area of a single county. A transit authority that includes 132844  
territory in more than one county must include all the area of 132845  
the most populous county that is a part of such transit 132846  
authority. County population shall be measured by the most 132847  
recent census taken by the United States census bureau. 132848

(V) "Legislative authority" means, with respect to a 132849  
regional transit authority, the board of trustees thereof, and 132850  
with respect to a county that is a transit authority, the board 132851  
of county commissioners. 132852

(W) "Territory of the transit authority" means all of the 132853  
area included within the territorial boundaries of a transit 132854  
authority as they from time to time exist. Such territorial 132855  
boundaries must at all times include all the area of a single 132856  
county or all the area of the most populous county that is a 132857  
part of such transit authority. County population shall be 132858  
measured by the most recent census taken by the United States 132859  
census bureau. 132860

(X) "Providing a service" means providing or furnishing 132861  
anything described in division (B) (3) of this section for 132862  
consideration. 132863

(Y) (1) (a) "Automatic data processing" means processing of 132864  
others' data, including keypunching or similar data entry 132865  
services together with verification thereof, or providing access 132866  
to computer equipment for the purpose of processing data. 132867

(b) "Computer services" means providing services 132868  
consisting of specifying computer hardware configurations and 132869  
evaluating technical processing characteristics, computer 132870  
programming, and training of computer programmers and operators, 132871  
provided in conjunction with and to support the sale, lease, or 132872  
operation of taxable computer equipment or systems. 132873

(c) "Electronic information services" means providing 132874  
access to computer equipment by means of telecommunications 132875  
equipment for the purpose of either of the following: 132876

(i) Examining or acquiring data stored in or accessible to 132877  
the computer equipment; 132878

(ii) Placing data into the computer equipment to be 132879  
retrieved by designated recipients with access to the computer 132880  
equipment. 132881

"Electronic information services" does not include 132882  
electronic publishing. 132883

(d) "Automatic data processing, computer services, or 132884  
electronic information services" shall not include personal or 132885  
professional services. 132886

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 132887  
section, "personal and professional services" means all services 132888  
other than automatic data processing, computer services, or 132889  
electronic information services, including but not limited to: 132890

(a) Accounting and legal services such as advice on tax 132891

matters, asset management, budgetary matters, quality control,	132892
information security, and auditing and any other situation where	132893
the service provider receives data or information and studies,	132894
alters, analyzes, interprets, or adjusts such material;	132895
(b) Analyzing business policies and procedures;	132896
(c) Identifying management information needs;	132897
(d) Feasibility studies, including economic and technical	132898
analysis of existing or potential computer hardware or software	132899
needs and alternatives;	132900
(e) Designing policies, procedures, and custom software	132901
for collecting business information, and determining how data	132902
should be summarized, sequenced, formatted, processed,	132903
controlled, and reported so that it will be meaningful to	132904
management;	132905
(f) Developing policies and procedures that document how	132906
business events and transactions are to be authorized, executed,	132907
and controlled;	132908
(g) Testing of business procedures;	132909
(h) Training personnel in business procedure applications;	132910
(i) Providing credit information to users of such	132911
information by a consumer reporting agency, as defined in the	132912
"Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15	132913
U.S.C. 1681a(f), or as hereafter amended, including but not	132914
limited to gathering, organizing, analyzing, recording, and	132915
furnishing such information by any oral, written, graphic, or	132916
electronic medium;	132917
(j) Providing debt collection services by any oral,	132918
written, graphic, or electronic means;	132919

(k) Providing digital advertising services;	132920
(l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other related document or schedule with a federal, state, or local government entity or to electronically remit a payment of any such individual income tax to such an entity. For the purpose of this division, "individual income tax" does not include federal, state, or local taxes withheld by an employer from an employee's compensation.	132921 132922 132923 132924 132925 132926 132927 132928
The services listed in divisions (Y) (2) (a) to (l) of this section are not automatic data processing or computer services.	132929 132930
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	132931 132932 132933
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	132934 132935 132936 132937 132938
(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z) (1) of this section;	132939 132940 132941 132942 132943 132944 132945
(3) A person who leases a motor vehicle to and operates it for a person described by division (Z) (1) or (2) of this section.	132946 132947 132948

"Highway transportation for hire" does not include 132949  
delivery network services. 132950

(AA) (1) "Telecommunications service" means the electronic 132951  
transmission, conveyance, or routing of voice, data, audio, 132952  
video, or any other information or signals to a point, or 132953  
between or among points. "Telecommunications service" includes 132954  
such transmission, conveyance, or routing in which computer 132955  
processing applications are used to act on the form, code, or 132956  
protocol of the content for purposes of transmission, 132957  
conveyance, or routing without regard to whether the service is 132958  
referred to as voice-over internet protocol service or is 132959  
classified by the federal communications commission as enhanced 132960  
or value-added. "Telecommunications service" does not include 132961  
any of the following: 132962

(a) Data processing and information services that allow 132963  
data to be generated, acquired, stored, processed, or retrieved 132964  
and delivered by an electronic transmission to a consumer where 132965  
the consumer's primary purpose for the underlying transaction is 132966  
the processed data or information; 132967

(b) Installation or maintenance of wiring or equipment on 132968  
a customer's premises; 132969

(c) Tangible personal property; 132970

(d) Advertising, including directory advertising; 132971

(e) Billing and collection services provided to third 132972  
parties; 132973

(f) Internet access service; 132974

(g) Radio and television audio and video programming 132975  
services, regardless of the medium, including the furnishing of 132976

transmission, conveyance, and routing of such services by the 132977  
programming service provider. Radio and television audio and 132978  
video programming services include, but are not limited to, 132979  
cable service, as defined in 47 U.S.C. 522(6), and audio and 132980  
video programming services delivered by commercial mobile radio 132981  
service providers, as defined in 47 C.F.R. 20.3; 132982

(h) Ancillary service; 132983

(i) Digital products delivered electronically, including 132984  
software, music, video, reading materials, or ring tones. 132985

(2) "Ancillary service" means a service that is associated 132986  
with or incidental to the provision of telecommunications 132987  
service, including conference bridging service, detailed 132988  
telecommunications billing service, directory assistance, 132989  
vertical service, and voice mail service. As used in this 132990  
division: 132991

(a) "Conference bridging service" means an ancillary 132992  
service that links two or more participants of an audio or video 132993  
conference call, including providing a telephone number. 132994  
"Conference bridging service" does not include 132995  
telecommunications services used to reach the conference bridge. 132996

(b) "Detailed telecommunications billing service" means an 132997  
ancillary service of separately stating information pertaining 132998  
to individual calls on a customer's billing statement. 132999

(c) "Directory assistance" means an ancillary service of 133000  
providing telephone number or address information. 133001

(d) "Vertical service" means an ancillary service that is 133002  
offered in connection with one or more telecommunications 133003  
services, which offers advanced calling features that allow 133004  
customers to identify callers and manage multiple calls and call 133005

connections, including conference bridging service. 133006

(e) "Voice mail service" means an ancillary service that 133007  
enables the customer to store, send, or receive recorded 133008  
messages. "Voice mail service" does not include any vertical 133009  
services that the customer may be required to have in order to 133010  
utilize the voice mail service. 133011

(3) "900 service" means an inbound toll telecommunications 133012  
service purchased by a subscriber that allows the subscriber's 133013  
customers to call in to the subscriber's prerecorded 133014  
announcement or live service, and which is typically marketed 133015  
under the name "900 service" and any subsequent numbers 133016  
designated by the federal communications commission. "900 133017  
service" does not include the charge for collection services 133018  
provided by the seller of the telecommunications service to the 133019  
subscriber, or services or products sold by the subscriber to 133020  
the subscriber's customer. 133021

(4) "Prepaid calling service" means the right to access 133022  
exclusively telecommunications services, which must be paid for 133023  
in advance and which enables the origination of calls using an 133024  
access number or authorization code, whether manually or 133025  
electronically dialed, and that is sold in predetermined units 133026  
or dollars of which the number declines with use in a known 133027  
amount. 133028

(5) "Prepaid wireless calling service" means a 133029  
telecommunications service that provides the right to utilize 133030  
mobile telecommunications service as well as other non- 133031  
telecommunications services, including the download of digital 133032  
products delivered electronically, and content and ancillary 133033  
services, that must be paid for in advance and that is sold in 133034  
predetermined units or dollars of which the number declines with 133035

use in a known amount. 133036

(6) "Value-added non-voice data service" means a 133037  
telecommunications service in which computer processing 133038  
applications are used to act on the form, content, code, or 133039  
protocol of the information or data primarily for a purpose 133040  
other than transmission, conveyance, or routing. 133041

(7) "Coin-operated telephone service" means a 133042  
telecommunications service paid for by inserting money into a 133043  
telephone accepting direct deposits of money to operate. 133044

(8) "Customer" has the same meaning as in section 5739.034 133045  
of the Revised Code. 133046

(BB) "Laundry and dry cleaning services" means removing 133047  
soil or dirt from towels, linens, articles of clothing, or other 133048  
fabric items that belong to others and supplying towels, linens, 133049  
articles of clothing, or other fabric items. "Laundry and dry 133050  
cleaning services" does not include the provision of self- 133051  
service facilities for use by consumers to remove soil or dirt 133052  
from towels, linens, articles of clothing, or other fabric 133053  
items. 133054

(CC) "Magazines distributed as controlled circulation 133055  
publications" means magazines containing at least twenty-four 133056  
pages, at least twenty-five per cent editorial content, issued 133057  
at regular intervals four or more times a year, and circulated 133058  
without charge to the recipient, provided that such magazines 133059  
are not owned or controlled by individuals or business concerns 133060  
which conduct such publications as an auxiliary to, and 133061  
essentially for the advancement of the main business or calling 133062  
of, those who own or control them. 133063

(DD) "Landscaping and lawn care service" means the 133064

services of planting, seeding, sodding, removing, cutting, 133065  
trimming, pruning, mulching, aerating, applying chemicals, 133066  
watering, fertilizing, and providing similar services to 133067  
establish, promote, or control the growth of trees, shrubs, 133068  
flowers, grass, ground cover, and other flora, or otherwise 133069  
maintaining a lawn or landscape grown or maintained by the owner 133070  
for ornamentation or other nonagricultural purpose. However, 133071  
"landscaping and lawn care service" does not include the 133072  
providing of such services by a person who has less than five 133073  
thousand dollars in sales of such services during the calendar 133074  
year. 133075

(EE) "Private investigation and security service" means 133076  
the performance of any activity for which the provider of such 133077  
service is required to be licensed pursuant to Chapter 4749. of 133078  
the Revised Code, or would be required to be so licensed in 133079  
performing such services in this state, and also includes the 133080  
services of conducting polygraph examinations and of monitoring 133081  
or overseeing the activities on or in, or the condition of, the 133082  
consumer's home, business, or other facility by means of 133083  
electronic or similar monitoring devices. "Private investigation 133084  
and security service" does not include special duty services 133085  
provided by off-duty police officers, deputy sheriffs, and other 133086  
peace officers regularly employed by the state or a political 133087  
subdivision. 133088

(FF) "Information services" means providing conversation, 133089  
giving consultation or advice, playing or making a voice or 133090  
other recording, making or keeping a record of the number of 133091  
callers, and any other service provided to a consumer by means 133092  
of a nine hundred telephone call, except when the nine hundred 133093  
telephone call is the means by which the consumer makes a 133094  
contribution to a recognized charity. 133095

(GG) "Research and development" means designing, creating, 133096  
or formulating new or enhanced products, equipment, or 133097  
manufacturing processes, and also means conducting scientific or 133098  
technological inquiry and experimentation in the physical 133099  
sciences with the goal of increasing scientific knowledge which 133100  
may reveal the bases for new or enhanced products, equipment, or 133101  
manufacturing processes. 133102

(HH) "Qualified research and development equipment" means 133103  
either of the following: 133104

(1) Capitalized tangible personal property, and leased 133105  
personal property that would be capitalized if purchased, used 133106  
by a person primarily to perform research and development; 133107

(2) Any tangible personal property used by a megaproject 133108  
operator primarily to perform research and development at the 133109  
site of a megaproject that satisfies the criteria described in 133110  
division (A) (11) (a) (ii) of section 122.17 of the Revised Code 133111  
during the period that the megaproject operator has an agreement 133112  
for such megaproject with the tax credit authority under 133113  
division (D) of that section that remains in effect and has not 133114  
expired or been terminated. 133115

"Qualified research and development equipment" does not 133116  
include tangible personal property primarily used in testing, as 133117  
defined in division (A) (4) of section 5739.011 of the Revised 133118  
Code, or used for recording or storing test results, unless such 133119  
property is primarily used by the consumer in testing the 133120  
product, equipment, or manufacturing process being created, 133121  
designed, or formulated by the consumer in the research and 133122  
development activity or in recording or storing such test 133123  
results. 133124

(II) "Building maintenance and janitorial service" means 133125  
cleaning the interior or exterior of a building and any tangible 133126  
personal property located therein or thereon, including any 133127  
services incidental to such cleaning for which no separate 133128  
charge is made. However, "building maintenance and janitorial 133129  
service" does not include the providing of such service by a 133130  
person who has less than five thousand dollars in sales of such 133131  
service during the calendar year. As used in this division, 133132  
"cleaning" does not include sanitation services necessary for an 133133  
establishment described in 21 U.S.C. 608 to comply with rules 133134  
and regulations adopted pursuant to that section. 133135

(JJ) "Exterminating service" means eradicating or 133136  
attempting to eradicate vermin infestations from a building or 133137  
structure, or the area surrounding a building or structure, and 133138  
includes activities to inspect, detect, or prevent vermin 133139  
infestation of a building or structure. 133140

(KK) "Physical fitness facility service" means all 133141  
transactions by which a membership is granted, maintained, or 133142  
renewed, including initiation fees, membership dues, renewal 133143  
fees, monthly minimum fees, and other similar fees and dues, by 133144  
a physical fitness facility such as an athletic club, health 133145  
spa, or gymnasium, which entitles the member to use the facility 133146  
for physical exercise. 133147

(LL) "Recreation and sports club service" means all 133148  
transactions by which a membership is granted, maintained, or 133149  
renewed, including initiation fees, membership dues, renewal 133150  
fees, monthly minimum fees, and other similar fees and dues, by 133151  
a recreation and sports club, which entitles the member to use 133152  
the facilities of the organization. "Recreation and sports club" 133153  
means an organization that has ownership of, or controls or 133154

leases on a continuing, long-term basis, the facilities used by 133155  
its members and includes an aviation club, gun or shooting club, 133156  
yacht club, card club, swimming club, tennis club, golf club, 133157  
country club, riding club, amateur sports club, or similar 133158  
organization. 133159

(MM) "Livestock" means farm animals commonly raised for 133160  
food, food production, or other agricultural purposes, 133161  
including, but not limited to, cattle, sheep, goats, swine, 133162  
poultry, and captive deer. "Livestock" does not include 133163  
invertebrates, amphibians, reptiles, domestic pets, animals for 133164  
use in laboratories or for exhibition, or other animals not 133165  
commonly raised for food or food production. 133166

(NN) "Livestock structure" means a building or structure 133167  
used exclusively for the housing, raising, feeding, or 133168  
sheltering of livestock, and includes feed storage or handling 133169  
structures and structures for livestock waste handling. 133170

(OO) "Horticulture" means the growing, cultivation, and 133171  
production of flowers, fruits, herbs, vegetables, sod, 133172  
mushrooms, and nursery stock. As used in this division, "nursery 133173  
stock" has the same meaning as in section 927.51 of the Revised 133174  
Code. 133175

(PP) "Horticulture structure" means a building or 133176  
structure used exclusively for the commercial growing, raising, 133177  
or overwintering of horticultural products, and includes the 133178  
area used for stocking, storing, and packing horticultural 133179  
products when done in conjunction with the production of those 133180  
products. 133181

(QQ) "Newspaper" means an unbound publication bearing a 133182  
title or name that is regularly published, at least as 133183

frequently as biweekly, and distributed from a fixed place of 133184  
business to the public in a specific geographic area, and that 133185  
contains a substantial amount of news matter of international, 133186  
national, or local events of interest to the general public. 133187

(RR) (1) "Feminine hygiene products" means tampons, panty 133188  
liners, menstrual cups, sanitary napkins, and other similar 133189  
tangible personal property designed for feminine hygiene in 133190  
connection with the human menstrual cycle, but does not include 133191  
grooming and hygiene products. 133192

(2) "Grooming and hygiene products" means soaps and 133193  
cleaning solutions, shampoo, toothpaste, mouthwash, 133194  
antiperspirants, and sun tan lotions and screens, regardless of 133195  
whether any of these products are over-the-counter drugs. 133196

(3) "Over-the-counter drugs" means a drug that contains a 133197  
label that identifies the product as a drug as required by 21 133198  
C.F.R. 201.66, which label includes a drug facts panel or a 133199  
statement of the active ingredients with a list of those 133200  
ingredients contained in the compound, substance, or 133201  
preparation. 133202

(SS) (1) "Lease" or "rental" means any transfer of the 133203  
possession or control of tangible personal property for a fixed 133204  
or indefinite term, for consideration. "Lease" or "rental" 133205  
includes future options to purchase or extend, and agreements 133206  
described in 26 U.S.C. 7701(h) (1) covering motor vehicles and 133207  
trailers where the amount of consideration may be increased or 133208  
decreased by reference to the amount realized upon the sale or 133209  
disposition of the property. "Lease" or "rental" does not 133210  
include: 133211

(a) A transfer of possession or control of tangible 133212

personal property under a security agreement or a deferred 133213  
payment plan that requires the transfer of title upon completion 133214  
of the required payments; 133215

(b) A transfer of possession or control of tangible 133216  
personal property under an agreement that requires the transfer 133217  
of title upon completion of required payments and payment of an 133218  
option price that does not exceed the greater of one hundred 133219  
dollars or one per cent of the total required payments; 133220

(c) Providing tangible personal property along with an 133221  
operator for a fixed or indefinite period of time, if the 133222  
operator is necessary for the property to perform as designed. 133223  
For purposes of this division, the operator must do more than 133224  
maintain, inspect, or set up the tangible personal property. 133225

(2) "Lease" and "rental," as defined in division (SS) of 133226  
this section, shall not apply to leases or rentals that exist 133227  
before June 26, 2003. 133228

(3) "Lease" and "rental" have the same meaning as in 133229  
division (SS) (1) of this section regardless of whether a 133230  
transaction is characterized as a lease or rental under 133231  
generally accepted accounting principles, the Internal Revenue 133232  
Code, Title XIII of the Revised Code, or other federal, state, 133233  
or local laws. 133234

(TT) "Mobile telecommunications service" has the same 133235  
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 133236  
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 133237  
amended, and, on and after August 1, 2003, includes related fees 133238  
and ancillary services, including universal service fees, 133239  
detailed billing service, directory assistance, service 133240  
initiation, voice mail service, and vertical services, such as 133241

caller ID and three-way calling. 133242

(UU) "Certified service provider" has the same meaning as 133243  
in section 5740.01 of the Revised Code. 133244

(VV) "Satellite broadcasting service" means the 133245  
distribution or broadcasting of programming or services by 133246  
satellite directly to the subscriber's receiving equipment 133247  
without the use of ground receiving or distribution equipment, 133248  
except the subscriber's receiving equipment or equipment used in 133249  
the uplink process to the satellite, and includes all service 133250  
and rental charges, premium channels or other special services, 133251  
installation and repair service charges, and any other charges 133252  
having any connection with the provision of the satellite 133253  
broadcasting service. 133254

(WW) "Tangible personal property" means personal property 133255  
that can be seen, weighed, measured, felt, or touched, or that 133256  
is in any other manner perceptible to the senses. For purposes 133257  
of this chapter and Chapter 5741. of the Revised Code, "tangible 133258  
personal property" includes motor vehicles, electricity, water, 133259  
gas, steam, and prewritten computer software. 133260

(XX) "Municipal gas utility" means a municipal corporation 133261  
that owns or operates a system for the distribution of natural 133262  
gas. 133263

(YY) "Computer" means an electronic device that accepts 133264  
information in digital or similar form and manipulates it for a 133265  
result based on a sequence of instructions. 133266

(ZZ) "Computer software" means a set of coded instructions 133267  
designed to cause a computer or automatic data processing 133268  
equipment to perform a task. 133269

(AAA) "Delivered electronically" means delivery of 133270

computer software from the seller to the purchaser by means 133271  
other than tangible storage media. 133272

(BBB) "Prewritten computer software" means computer 133273  
software, including prewritten upgrades, that is not designed 133274  
and developed by the author or other creator to the 133275  
specifications of a specific purchaser. The combining of two or 133276  
more prewritten computer software programs or prewritten 133277  
portions thereof does not cause the combination to be other than 133278  
prewritten computer software. "Prewritten computer software" 133279  
includes software designed and developed by the author or other 133280  
creator to the specifications of a specific purchaser when it is 133281  
sold to a person other than the purchaser. If a person modifies 133282  
or enhances computer software of which the person is not the 133283  
author or creator, the person shall be deemed to be the author 133284  
or creator only of such person's modifications or enhancements. 133285  
Prewritten computer software or a prewritten portion thereof 133286  
that is modified or enhanced to any degree, where such 133287  
modification or enhancement is designed and developed to the 133288  
specifications of a specific purchaser, remains prewritten 133289  
computer software; provided, however, that where there is a 133290  
reasonable, separately stated charge or an invoice or other 133291  
statement of the price given to the purchaser for the 133292  
modification or enhancement, the modification or enhancement 133293  
shall not constitute prewritten computer software. 133294

(CCC) (1) "Food" means substances, whether in liquid, 133295  
concentrated, solid, frozen, dried, or dehydrated form, that are 133296  
sold for ingestion or chewing by humans and are consumed for 133297  
their taste or nutritional value. "Food" does not include 133298  
alcoholic beverages, dietary supplements, soft drinks, or 133299  
tobacco. 133300

(2) As used in division (CCC) (1) of this section:	133301
(a) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:	133302 133303 133304 133305 133306 133307 133308 133309 133310
(i) A vitamin;	133311
(ii) A mineral;	133312
(iii) An herb or other botanical;	133313
(iv) An amino acid;	133314
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	133315 133316 133317
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (CCC) (2) (a) (i) to (v) of this section.	133318 133319 133320
(b) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	133321 133322 133323 133324 133325
(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages	133326 133327 133328

that is recognized in the official United States pharmacopoeia, 133329  
official homeopathic pharmacopoeia of the United States, or 133330  
official national formulary, and supplements to them; is 133331  
intended for use in the diagnosis, cure, mitigation, treatment, 133332  
or prevention of disease; or is intended to affect the structure 133333  
or any function of the body. 133334

(EEE) "Prescription" means an order, formula, or recipe 133335  
issued in any form of oral, written, electronic, or other means 133336  
of transmission by a duly licensed practitioner authorized by 133337  
the laws of this state to issue a prescription. 133338

(FFF) "Durable medical equipment" means equipment, 133339  
including repair and replacement parts for such equipment, that 133340  
can withstand repeated use, is primarily and customarily used to 133341  
serve a medical purpose, generally is not useful to a person in 133342  
the absence of illness or injury, and is not worn in or on the 133343  
body. "Durable medical equipment" does not include mobility 133344  
enhancing equipment. 133345

(GGG) "Mobility enhancing equipment" means equipment, 133346  
including repair and replacement parts for such equipment, that 133347  
is primarily and customarily used to provide or increase the 133348  
ability to move from one place to another and is appropriate for 133349  
use either in a home or a motor vehicle, that is not generally 133350  
used by persons with normal mobility, and that does not include 133351  
any motor vehicle or equipment on a motor vehicle normally 133352  
provided by a motor vehicle manufacturer. "Mobility enhancing 133353  
equipment" does not include durable medical equipment. 133354

(HHH) "Prosthetic device" means a replacement, corrective, 133355  
or supportive device, including repair and replacement parts for 133356  
the device, worn on or in the human body to artificially replace 133357  
a missing portion of the body, prevent or correct physical 133358

deformity or malfunction, or support a weak or deformed portion 133359  
of the body. As used in this division, before July 1, 2019, 133360  
"prosthetic device" does not include corrective eyeglasses, 133361  
contact lenses, or dental prosthesis. On or after July 1, 2019, 133362  
"prosthetic device" does not include dental prosthesis but does 133363  
include corrective eyeglasses or contact lenses. 133364

(III) (1) "Fractional aircraft ownership program" means a 133365  
program in which persons within an affiliated group sell and 133366  
manage fractional ownership program aircraft, provided that at 133367  
least one hundred airworthy aircraft are operated in the program 133368  
and the program meets all of the following criteria: 133369

(a) Management services are provided by at least one 133370  
program manager within an affiliated group on behalf of the 133371  
fractional owners. 133372

(b) Each program aircraft is owned or possessed by at 133373  
least one fractional owner. 133374

(c) Each fractional owner owns or possesses at least a 133375  
one-sixteenth interest in at least one fixed-wing program 133376  
aircraft. 133377

(d) A dry-lease aircraft interchange arrangement is in 133378  
effect among all of the fractional owners. 133379

(e) Multi-year program agreements are in effect regarding 133380  
the fractional ownership, management services, and dry-lease 133381  
aircraft interchange arrangement aspects of the program. 133382

(2) As used in division (III) (1) of this section: 133383

(a) "Affiliated group" has the same meaning as in division 133384  
(B) (3) (e) of this section. 133385

(b) "Fractional owner" means a person that owns or 133386

possesses at least a one-sixteenth interest in a program 133387  
aircraft and has entered into the agreements described in 133388  
division (III) (1) (e) of this section. 133389

(c) "Fractional ownership program aircraft" or "program 133390  
aircraft" means a turbojet aircraft that is owned or possessed 133391  
by a fractional owner and that has been included in a dry-lease 133392  
aircraft interchange arrangement and agreement under divisions 133393  
(III) (1) (d) and (e) of this section, or an aircraft a program 133394  
manager owns or possesses primarily for use in a fractional 133395  
aircraft ownership program. 133396

(d) "Management services" means administrative and 133397  
aviation support services furnished under a fractional aircraft 133398  
ownership program in accordance with a management services 133399  
agreement under division (III) (1) (e) of this section, and 133400  
offered by the program manager to the fractional owners, 133401  
including, at a minimum, the establishment and implementation of 133402  
safety guidelines; the coordination of the scheduling of the 133403  
program aircraft and crews; program aircraft maintenance; 133404  
program aircraft insurance; crew training for crews employed, 133405  
furnished, or contracted by the program manager or the 133406  
fractional owner; the satisfaction of record-keeping 133407  
requirements; and the development and use of an operations 133408  
manual and a maintenance manual for the fractional aircraft 133409  
ownership program. 133410

(e) "Program manager" means the person that offers 133411  
management services to fractional owners pursuant to a 133412  
management services agreement under division (III) (1) (e) of this 133413  
section. 133414

(JJJ) "Electronic publishing" means providing access to 133415  
one or more of the following primarily for business customers, 133416

including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

(KKK) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

(LLL) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

(MMM) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book. 133447  
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As used in division (OOO) of this section: 133450

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any. 133451  
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(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication. 133454  
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(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book. 133459  
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(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media. 133461  
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(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands. 133463  
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(QQQ) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code. 133470  
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(RRR) "Megaproject" and "megaproject operator" have the same meanings as in section 122.17 of the Revised Code. 133472  
133473

(SSS) (1) "Diaper" means an absorbent garment worn by 133474

humans who are incapable of, or have difficulty, controlling 133475  
their bladder or bowel movements. 133476

(2) "Children's diaper" means a diaper marketed to be worn 133477  
by children. 133478

(3) "Adult diaper" means a diaper other than a children's 133479  
diaper. 133480

(TTT) "Sales tax holiday" means three or more dates on 133481  
which sales of all eligible tangible personal property are 133482  
exempt from the taxes levied under sections 5739.02, 5739.021, 133483  
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 133484  
the Revised Code. 133485

(UUU) "Eligible tangible personal property" means any item 133486  
of tangible personal property that meets both of the following 133487  
requirements: 133488

(1) The price of the item does not exceed five hundred 133489  
dollars; 133490

(2) The item is not a watercraft or outboard motor 133491  
required to be titled pursuant to Chapter 1548. of the Revised 133492  
Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor 133493  
product as defined in section 5743.01 of the Revised Code, or an 133494  
item that contains marijuana as defined in section 3796.01 of 133495  
the Revised Code. 133496

(VVV) "Alcoholic beverages" means beverages that are 133497  
suitable for human consumption and contain one-half of one per 133498  
cent or more of alcohol by volume. 133499

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 133500  
tobacco, or any other item that contains tobacco. 133501

(XXX) (1) "Delivery network company" means a person that 133502

operates a business platform, including a web site or mobile application, to facilitate delivery network services. 133503  
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(2) "Delivery network courier" means an individual connected to a consumer through a delivery network company and who provides delivery network services to that consumer. 133505  
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(3) "Delivery network services" means both of the following when performed as part of a single transaction: 133508  
133509

(a) Pickup of a local product by a delivery network courier from a local merchant that is not under common ownership or control of the delivery network company through which the transaction was initiated, and which may include selection, collection, and purchase of the local product; 133510  
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(b) Delivery by the delivery network courier of that local product to a location designated by the consumer that is not more than seventy-five miles from the local merchant's place of business where the pickup described in division (XXX) (3) (a) of this section occurs. 133515  
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(4) "Local merchant" means a person engaged in selling local products from a temporary or fixed place of business in this state, including a kitchen, restaurant, grocery store, retail store, or convenience store. 133520  
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(5) "Local product" means any tangible personal property, including food, but excluding freight, mail, or a package to which postage is affixed. 133524  
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**Sec. 5739.011.** (A) As used in this section: 133527

(1) "Manufacturer" means a person who is engaged in manufacturing, processing, assembling, or refining a product for sale and, solely for the purposes of division (B) (12) of this 133528  
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section, a person who meets all the qualifications of that 133531  
division. 133532

(2) "Manufacturing facility" means a single location where 133533  
a manufacturing operation is conducted, including locations 133534  
consisting of one or more buildings or structures in a 133535  
contiguous area owned or controlled by the manufacturer. 133536

(3) "Materials handling" means the movement of the product 133537  
being or to be manufactured, during which movement the product 133538  
is not undergoing any substantial change or alteration in its 133539  
state or form. 133540

(4) "Testing" means a process or procedure to identify the 133541  
properties or assure the quality of a material or product. 133542

(5) "Completed product" means a manufactured item that is 133543  
in the form and condition as it will be sold by the 133544  
manufacturer. An item is completed when all processes that 133545  
change or alter its state or form or enhance its value are 133546  
finished, even though the item subsequently will be tested to 133547  
ensure its quality or be packaged for storage or shipment. 133548

(6) "Continuous manufacturing operation" means the process 133549  
in which raw materials or components are moved through the steps 133550  
whereby manufacturing occurs. Materials handling of raw 133551  
materials or parts from the point of receipt or preproduction 133552  
storage or of a completed product, to or from storage, to or 133553  
from packaging, or to the place from which the completed product 133554  
will be shipped, is not a part of a continuous manufacturing 133555  
operation. 133556

(7) "Food" has the same meaning as in section 3717.01 of 133557  
the Revised Code. 133558

(B) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 133559

section 5739.02 of the Revised Code, the "thing transferred" 133560  
includes, but is not limited to, any of the following: 133561

(1) Production machinery and equipment that act upon the 133562  
product or machinery and equipment that treat the materials or 133563  
parts in preparation for the manufacturing operation; 133564

(2) Materials handling equipment that moves the product 133565  
through a continuous manufacturing operation; equipment that 133566  
temporarily stores the product during the manufacturing 133567  
operation; or, excluding motor vehicles licensed to operate on 133568  
public highways, equipment used in intraplant or interplant 133569  
transfers of work in process where the plant or plants between 133570  
which such transfers occur are manufacturing facilities operated 133571  
by the same person; 133572

(3) Catalysts, solvents, water, acids, oil, and similar 133573  
consumables that interact with the product and that are an 133574  
integral part of the manufacturing operation; 133575

(4) Machinery, equipment, and other tangible personal 133576  
property used during the manufacturing operation that control, 133577  
physically support, produce power for, lubricate, or are 133578  
otherwise necessary for the functioning of production machinery 133579  
and equipment and the continuation of the manufacturing 133580  
operation; 133581

(5) Machinery, equipment, fuel, power, material, parts, 133582  
and other tangible personal property used to manufacture 133583  
machinery, equipment, or other tangible personal property used 133584  
in manufacturing a product for sale; 133585

(6) Machinery, equipment, and other tangible personal 133586  
property used by a manufacturer to test raw materials, the 133587  
product being manufactured, or the completed product; 133588

(7) Machinery and equipment used to handle or temporarily store scrap that is intended to be reused in the manufacturing operation at the same manufacturing facility;	133589 133590 133591
(8) Coke, gas, water, steam, and similar substances used in the manufacturing operation; machinery and equipment used for, and fuel consumed in, producing or extracting those substances; machinery, equipment, and other tangible personal property used to treat, filter, pump, or otherwise make the substance suitable for use in the manufacturing operation; and machinery and equipment used for, and fuel consumed in, producing electricity for use in the manufacturing operation;	133592 133593 133594 133595 133596 133597 133598 133599
(9) Machinery, equipment, and other tangible personal property used to transport or transmit electricity, coke, gas, water, steam, or similar substances used in the manufacturing operation from the point of generation, if produced by the manufacturer, or from the point where the substance enters the manufacturing facility, if purchased by the manufacturer, to the manufacturing operation;	133600 133601 133602 133603 133604 133605 133606
(10) Machinery, equipment, and other tangible personal property that treats, filters, cools, refines, or otherwise renders water, steam, acid, oil, solvents, or similar substances used in the manufacturing operation reusable, provided that the substances are intended for reuse and not for disposal, sale, or transportation from the manufacturing facility;	133607 133608 133609 133610 133611 133612
(11) Parts, components, and repair and installation services for items described in division (B) of this section;	133613 133614
(12) Machinery and equipment, detergents, supplies, solvents, and any other tangible personal property located at a manufacturing facility that are used in the process of removing	133615 133616 133617

soil, dirt, or other contaminants from, or otherwise preparing 133618  
in a suitable condition for use, towels, linens, articles of 133619  
clothing, floor mats, mop heads, or other similar items, to be 133620  
supplied to a consumer as part of laundry and dry cleaning 133621  
services, only when the towels, linens, articles of clothing, 133622  
floor mats, mop heads, or other similar items belong to the 133623  
provider of the services; 133624

(13) Equipment and supplies used to clean processing 133625  
equipment that is part of a continuous manufacturing operation 133626  
to produce food for human consumption. 133627

(C) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 133628  
section 5739.02 of the Revised Code, the "thing transferred" 133629  
does not include any of the following: 133630

(1) Tangible personal property used in administrative, 133631  
personnel, security, inventory control, record-keeping, 133632  
ordering, billing, or similar functions; 133633

(2) Tangible personal property used in storing raw 133634  
materials or parts prior to the commencement of the 133635  
manufacturing operation or used to handle or store a completed 133636  
product, including storage that actively maintains a completed 133637  
product in a marketable state or form; 133638

(3) Tangible personal property used to handle or store 133639  
scrap or waste intended for disposal, sale, or other 133640  
disposition, other than reuse in the manufacturing operation at 133641  
the same manufacturing facility; 133642

(4) Tangible personal property that is or is to be 133643  
incorporated into realty; 133644

(5) Machinery, equipment, and other tangible personal 133645  
property used for ventilation, dust or gas collection, humidity 133646

or temperature regulation, or similar environmental control, 133647  
except machinery, equipment, and other tangible personal 133648  
property that totally regulates the environment in a special and 133649  
limited area of the manufacturing facility where the regulation 133650  
is essential for production to occur; 133651

(6) Tangible personal property used for the protection and 133652  
safety of workers, unless the property is attached to or 133653  
incorporated into machinery and equipment used in a continuous 133654  
manufacturing operation; 133655

(7) Tangible personal property used to store fuel, water, 133656  
solvents, acid, oil, or similar items consumed in the 133657  
manufacturing operation; 133658

(8) Except as provided in division (B) (13) of this 133659  
section, machinery, equipment, and other tangible personal 133660  
property used to clean, repair, or maintain real or personal 133661  
property in the manufacturing facility; 133662

(9) Motor vehicles registered for operation on public 133663  
highways. 133664

(D) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 133665  
section 5739.02 of the Revised Code, if the "thing transferred" 133666  
is a machine used by a manufacturer in both a taxable and an 133667  
exempt manner, it shall be totally taxable or totally exempt 133668  
from taxation based upon its quantified primary use. If the 133669  
"things transferred" are fungibles, they shall be taxed based 133670  
upon the proportion of the fungibles used in a taxable manner. 133671

**Sec. 5739.02.** For the purpose of providing revenue with 133672  
which to meet the needs of the state, for the use of the general 133673  
revenue fund of the state, for the purpose of securing a 133674  
thorough and efficient system of common schools throughout the 133675

state, for the purpose of affording revenues, in addition to 133676  
those from general property taxes, permitted under 133677  
constitutional limitations, and from other sources, for the 133678  
support of local governmental functions, and for the purpose of 133679  
reimbursing the state for the expense of administering this 133680  
chapter, an excise tax is hereby levied on each retail sale made 133681  
in this state. 133682

(A) (1) The tax shall be collected as provided in section 133683  
5739.025 of the Revised Code. The rate of the tax shall be five 133684  
and three-fourths per cent. The tax applies and is collectible 133685  
when the sale is made, regardless of the time when the price is 133686  
paid or delivered. 133687

(2) In the case of the lease or rental, with a fixed term 133688  
of more than thirty days or an indefinite term with a minimum 133689  
period of more than thirty days, of any motor vehicles designed 133690  
by the manufacturer to carry a load of not more than one ton, 133691  
watercraft, outboard motor, or aircraft, or of any tangible 133692  
personal property, other than motor vehicles designed by the 133693  
manufacturer to carry a load of more than one ton, to be used by 133694  
the lessee or renter primarily for business purposes, the tax 133695  
shall be collected by the vendor at the time the lease or rental 133696  
is consummated and shall be calculated by the vendor on the 133697  
basis of the total amount to be paid by the lessee or renter 133698  
under the lease agreement. If the total amount of the 133699  
consideration for the lease or rental includes amounts that are 133700  
not calculated at the time the lease or rental is executed, the 133701  
tax shall be calculated and collected by the vendor at the time 133702  
such amounts are billed to the lessee or renter. In the case of 133703  
an open-end lease or rental, the tax shall be calculated by the 133704  
vendor on the basis of the total amount to be paid during the 133705  
initial fixed term of the lease or rental, and for each 133706

subsequent renewal period as it comes due. As used in this 133707  
division, "motor vehicle" has the same meaning as in section 133708  
4501.01 of the Revised Code, and "watercraft" includes an 133709  
outdrive unit attached to the watercraft. 133710

A lease with a renewal clause and a termination penalty or 133711  
similar provision that applies if the renewal clause is not 133712  
exercised is presumed to be a sham transaction. In such a case, 133713  
the tax shall be calculated and paid on the basis of the entire 133714  
length of the lease period, including any renewal periods, until 133715  
the termination penalty or similar provision no longer applies. 133716  
The taxpayer shall bear the burden, by a preponderance of the 133717  
evidence, that the transaction or series of transactions is not 133718  
a sham transaction. 133719

(3) Except as provided in division (A) (2) of this section, 133720  
in the case of a sale, the price of which consists in whole or 133721  
in part of the lease or rental of tangible personal property, 133722  
the tax shall be measured by the installments of that lease or 133723  
rental. 133724

(4) In the case of a sale of a physical fitness facility 133725  
service or recreation and sports club service, the price of 133726  
which consists in whole or in part of a membership for the 133727  
receipt of the benefit of the service, the tax applicable to the 133728  
sale shall be measured by the installments thereof. 133729

(B) The tax does not apply to the following: 133730

(1) Sales to the state or any of its political 133731  
subdivisions, or to any other state or its political 133732  
subdivisions if the laws of that state exempt from taxation 133733  
sales made to this state and its political subdivisions 133734  
including either of the following: 133735

(a) Sales or rentals of tangible personal property by 133736  
construction contractors or subcontractors to provide temporary 133737  
traffic control or temporary structures, including material and 133738  
equipment used to comply with the Ohio manual of uniform traffic 133739  
control devices adopted pursuant to section 4511.09 of the 133740  
Revised Code, whereby the state or any of its political 133741  
subdivisions take title to, or permanent or temporary possession 133742  
of, such tangible personal property for use by the state or any 133743  
of its political subdivisions, including for use by the general 133744  
public thereof; 133745

(b) Sales of services by construction contractors or 133746  
subcontractors to provide temporary traffic control or 133747  
structures, including labor used to comply with the Ohio manual 133748  
of uniform traffic control devices adopted pursuant to section 133749  
4511.09 of the Revised Code, whereby the state or any of its 133750  
political subdivisions, including the general public thereof, 133751  
receive the benefit of such services. 133752

As used in divisions (B) (1) (a) and (b) of this section, 133753  
"temporary structures" include temporary roads, bridges, drains, 133754  
and pavement. 133755

(2) Sales of food for human consumption off the premises 133756  
where sold; 133757

(3) Sales of food sold to students only in a cafeteria, 133758  
dormitory, fraternity, or sorority maintained in a private, 133759  
public, or parochial school, college, or university; 133760

(4) Sales of ~~newspapers and sales~~ or transfers of 133761  
magazines distributed as controlled circulation publications; 133762

(5) The furnishing, preparing, or serving of meals without 133763  
charge by an employer to an employee provided the employer 133764

records the meals as part compensation for services performed or 133765  
work done; 133766

(6) (a) Sales of motor fuel upon receipt, use, 133767  
distribution, or sale of which in this state a tax is imposed by 133768  
the law of this state, but this exemption shall not apply to the 133769  
sale of motor fuel on which a refund of the tax is allowable 133770  
under division (A) of section 5735.14 of the Revised Code; and 133771  
the tax commissioner may deduct the amount of tax levied by this 133772  
section applicable to the price of motor fuel when granting a 133773  
refund of motor fuel tax pursuant to division (A) of section 133774  
5735.14 of the Revised Code and shall cause the amount deducted 133775  
to be paid into the general revenue fund of this state; 133776

(b) Sales of motor fuel other than that described in 133777  
division (B) (6) (a) of this section and used for powering a 133778  
refrigeration unit on a vehicle other than one used primarily to 133779  
provide comfort to the operator or occupants of the vehicle. 133780

(7) Sales of natural gas by a natural gas company or 133781  
municipal gas utility, of water by a water-works company, or of 133782  
steam by a heating company, if in each case the thing sold is 133783  
delivered to consumers through pipes or conduits, and all sales 133784  
of communications services by a telegraph company, all terms as 133785  
defined in section 5727.01 of the Revised Code, and sales of 133786  
electricity delivered through wires; 133787

(8) Casual sales by a person, or auctioneer employed 133788  
directly by the person to conduct such sales, except as to such 133789  
sales of motor vehicles, watercraft or outboard motors required 133790  
to be titled under section 1548.06 of the Revised Code, 133791  
watercraft documented with the United States coast guard, 133792  
snowmobiles, and all-purpose vehicles as defined in section 133793  
4519.01 of the Revised Code; 133794

(9) (a) Sales of services or tangible personal property, 133795  
other than motor vehicles, mobile homes, and manufactured homes, 133796  
by churches, organizations exempt from taxation under section 133797  
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 133798  
organizations operated exclusively for charitable purposes as 133799  
defined in division (B) (12) of this section, provided that the 133800  
number of days on which such tangible personal property or 133801  
services, other than items never subject to the tax, are sold 133802  
does not exceed six in any calendar year, except as otherwise 133803  
provided in division (B) (9) (b) of this section. If the number of 133804  
days on which such sales are made exceeds six in any calendar 133805  
year, the church or organization shall be considered to be 133806  
engaged in business and all subsequent sales by it shall be 133807  
subject to the tax. In counting the number of days, all sales by 133808  
groups within a church or within an organization shall be 133809  
considered to be sales of that church or organization. 133810

(b) The limitation on the number of days on which tax- 133811  
exempt sales may be made by a church or organization under 133812  
division (B) (9) (a) of this section does not apply to sales made 133813  
by student clubs and other groups of students of a primary or 133814  
secondary school, or a parent-teacher association, booster 133815  
group, or similar organization that raises money to support or 133816  
fund curricular or extracurricular activities of a primary or 133817  
secondary school. 133818

(c) Divisions (B) (9) (a) and (b) of this section do not 133819  
apply to sales by a noncommercial educational radio or 133820  
television broadcasting station. 133821

(10) Sales not within the taxing power of this state under 133822  
the Constitution or laws of the United States or the 133823  
Constitution of this state including either of the following: 133824

(a) Sales or rentals of tangible personal property by 133825  
construction contractors or subcontractors to provide temporary 133826  
traffic control or temporary structures, including material and 133827  
equipment used to comply with the Ohio manual of uniform traffic 133828  
control devices adopted pursuant to section 4511.09 of the 133829  
Revised Code, whereby the United States takes title to, or 133830  
permanent or temporary possession of, such tangible personal 133831  
property for use by the United States including for use by the 133832  
general public thereof; 133833

(b) Sales of services by construction contractors or 133834  
subcontractors to provide temporary traffic control or 133835  
structures, including labor used to comply with the Ohio manual 133836  
of uniform traffic control devices adopted pursuant to section 133837  
4511.09 of the Revised Code, whereby the United States, 133838  
including the general public thereof, receives the benefit of 133839  
such services. 133840

As used in divisions (B) (10) (a) and (b) of this section, 133841  
"temporary structures" include temporary roads, bridges, drains, 133842  
and pavement. 133843

(11) Except for transactions that are sales under division 133844  
(B) (3) (p) of section 5739.01 of the Revised Code, the 133845  
transportation of persons or property, unless the transportation 133846  
is by a private investigation and security service; 133847

(12) Sales of tangible personal property or services to 133848  
churches, to organizations exempt from taxation under section 133849  
501(c) (3) of the Internal Revenue Code of 1986, and to any other 133850  
nonprofit organizations operated exclusively for charitable 133851  
purposes in this state, no part of the net income of which 133852  
inures to the benefit of any private shareholder or individual, 133853  
and no substantial part of the activities of which consists of 133854

carrying on propaganda or otherwise attempting to influence 133855  
legislation; sales to offices administering one or more homes 133856  
for the aged or one or more hospital facilities exempt under 133857  
section 140.08 of the Revised Code; and sales to organizations 133858  
described in division (D) of section 5709.12 of the Revised 133859  
Code. 133860

"Charitable purposes" means the relief of poverty; the 133861  
improvement of health through the alleviation of illness, 133862  
disease, or injury; the operation of an organization exclusively 133863  
for the provision of professional, laundry, printing, and 133864  
purchasing services to hospitals or charitable institutions; the 133865  
operation of a home for the aged, as defined in section 5701.13 133866  
of the Revised Code; the operation of a radio or television 133867  
broadcasting station that is licensed by the federal 133868  
communications commission as a noncommercial educational radio 133869  
or television station; the operation of a nonprofit animal 133870  
adoption service or a county humane society; the promotion of 133871  
education by an institution of learning that maintains a faculty 133872  
of qualified instructors, teaches regular continuous courses of 133873  
study, and confers a recognized diploma upon completion of a 133874  
specific curriculum; the operation of a parent-teacher 133875  
association, booster group, or similar organization primarily 133876  
engaged in the promotion and support of the curricular or 133877  
extracurricular activities of a primary or secondary school; the 133878  
operation of a community or area center in which presentations 133879  
in music, dramatics, the arts, and related fields are made in 133880  
order to foster public interest and education therein; the 133881  
production of performances in music, dramatics, and the arts; or 133882  
the promotion of education by an organization engaged in 133883  
carrying on research in, or the dissemination of, scientific and 133884  
technological knowledge and information primarily for the 133885

public. 133886

Nothing in this division shall be deemed to exempt sales 133887  
to any organization for use in the operation or carrying on of a 133888  
trade or business, or sales to a home for the aged for use in 133889  
the operation of independent living facilities as defined in 133890  
division (A) of section 5709.12 of the Revised Code. 133891

(13) Building and construction materials and services sold 133892  
to construction contractors for incorporation into a structure 133893  
or improvement to real property under a construction contract 133894  
with this state or a political subdivision of this state, or 133895  
with the United States government or any of its agencies; 133896  
building and construction materials and services sold to 133897  
construction contractors for incorporation into a structure or 133898  
improvement to real property that are accepted for ownership by 133899  
this state or any of its political subdivisions, or by the 133900  
United States government or any of its agencies at the time of 133901  
completion of the structures or improvements; building and 133902  
construction materials sold to construction contractors for 133903  
incorporation into a horticulture structure or livestock 133904  
structure for a person engaged in the business of horticulture 133905  
or producing livestock; building materials and services sold to 133906  
a construction contractor for incorporation into a house of 133907  
public worship or religious education, or a building used 133908  
exclusively for charitable purposes under a construction 133909  
contract with an organization whose purpose is as described in 133910  
division (B) (12) of this section; building materials and 133911  
services sold to a construction contractor for incorporation 133912  
into a building under a construction contract with an 133913  
organization exempt from taxation under section 501(c) (3) of the 133914  
Internal Revenue Code of 1986 when the building is to be used 133915  
exclusively for the organization's exempt purposes; tangible 133916

personal property sold for incorporation into the construction 133917  
of a sports facility under section 307.696 of the Revised Code; 133918  
building and construction materials and services sold to a 133919  
construction contractor for incorporation into real property 133920  
outside this state if such materials and services, when sold to 133921  
a construction contractor in the state in which the real 133922  
property is located for incorporation into real property in that 133923  
state, would be exempt from a tax on sales levied by that state; 133924  
building and construction materials for incorporation into a 133925  
transportation facility pursuant to a public-private agreement 133926  
entered into under sections 5501.70 to 5501.83 of the Revised 133927  
Code; until one calendar year after the construction of a 133928  
convention center that qualifies for property tax exemption 133929  
under section 5709.084 of the Revised Code is completed, 133930  
building and construction materials and services sold to a 133931  
construction contractor for incorporation into the real property 133932  
comprising that convention center; and building and construction 133933  
materials sold for incorporation into a structure or improvement 133934  
to real property that is used primarily as, or primarily in 133935  
support of, a manufacturing facility or research and development 133936  
facility and that is to be owned by a megaproject operator upon 133937  
completion and located at the site of a megaproject that 133938  
satisfies the criteria described in division (A) (11) (a) (ii) of 133939  
section 122.17 of the Revised Code, provided that the sale 133940  
occurs during the period that the megaproject operator has an 133941  
agreement for such megaproject with the tax credit authority 133942  
under division (D) of section 122.17 of the Revised Code that 133943  
remains in effect and has not expired or been terminated. 133944

This division does not apply to building and construction 133945  
materials and services sold to construction contractors for 133946  
incorporation into a structure or improvement to real property 133947

under a construction contract with a port authority if the 133948  
contract is subject to section 4582.72 of the Revised Code but 133949  
approval from the appropriate board of county commissioners, as 133950  
required by that section, has not been obtained. 133951

(14) Sales of ships or vessels or rail rolling stock used 133952  
or to be used principally in interstate or foreign commerce, and 133953  
repairs, alterations, fuel, and lubricants for such ships or 133954  
vessels or rail rolling stock; 133955

(15) Sales to persons primarily engaged in any of the 133956  
activities mentioned in division (B) (42) (a), ~~(g)~~ (f), or ~~(h)~~ (g) 133957  
of this section, to persons engaged in making retail sales, or 133958  
to persons who purchase for sale from a manufacturer tangible 133959  
personal property that was produced by the manufacturer in 133960  
accordance with specific designs provided by the purchaser, of 133961  
packages, including material, labels, and parts for packages, 133962  
and of machinery, equipment, and material for use primarily in 133963  
packaging tangible personal property produced for sale, 133964  
including any machinery, equipment, and supplies used to make 133965  
labels or packages, to prepare packages or products for 133966  
labeling, or to label packages or products, by or on the order 133967  
of the person doing the packaging, or sold at retail. "Packages" 133968  
includes bags, baskets, cartons, crates, boxes, cans, bottles, 133969  
bindings, wrappings, and other similar devices and containers, 133970  
but does not include motor vehicles or bulk tanks, trailers, or 133971  
similar devices attached to motor vehicles. "Packaging" means 133972  
placing in a package. Division (B) (15) of this section does not 133973  
apply to persons engaged in highway transportation for hire. 133974

(16) Sales of food to persons using supplemental nutrition 133975  
assistance program benefits to purchase the food. As used in 133976  
this division, "food" has the same meaning as in 7 U.S.C. 2012 133977

and federal regulations adopted pursuant to the Food and 133978  
Nutrition Act of 2008. 133979

(17) Sales to persons engaged in farming, agriculture, 133980  
horticulture, or floriculture, of tangible personal property for 133981  
use or consumption primarily in the production by farming, 133982  
agriculture, horticulture, or floriculture of other tangible 133983  
personal property for use or consumption primarily in the 133984  
production of tangible personal property for sale by farming, 133985  
agriculture, horticulture, or floriculture; or material and 133986  
parts for incorporation into any such tangible personal property 133987  
for use or consumption in production; and of tangible personal 133988  
property for such use or consumption in the conditioning or 133989  
holding of products produced by and for such use, consumption, 133990  
or sale by persons engaged in farming, agriculture, 133991  
horticulture, or floriculture, except where such property is 133992  
incorporated into real property; 133993

(18) Sales of drugs for a human being that may be 133994  
dispensed only pursuant to a prescription; insulin as recognized 133995  
in the official United States pharmacopoeia; urine and blood 133996  
testing materials when used by diabetics or persons with 133997  
hypoglycemia to test for glucose or acetone; hypodermic syringes 133998  
and needles when used by diabetics for insulin injections; 133999  
epoetin alfa when purchased for use in the treatment of persons 134000  
with medical disease; hospital beds when purchased by hospitals, 134001  
nursing homes, or other medical facilities; and medical oxygen 134002  
and medical oxygen-dispensing equipment when purchased by 134003  
hospitals, nursing homes, or other medical facilities; 134004

(19) Sales of prosthetic devices, durable medical 134005  
equipment for home use, or mobility enhancing equipment, when 134006  
made pursuant to a prescription and when such devices or 134007

equipment are for use by a human being. 134008

(20) Sales of emergency and fire protection vehicles and 134009  
equipment to nonprofit organizations for use solely in providing 134010  
fire protection and emergency services, including trauma care 134011  
and emergency medical services, for political subdivisions of 134012  
the state; 134013

(21) Sales of tangible personal property manufactured in 134014  
this state, if sold by the manufacturer in this state to a 134015  
retailer for use in the retail business of the retailer outside 134016  
of this state and if possession is taken from the manufacturer 134017  
by the purchaser within this state for the sole purpose of 134018  
immediately removing the same from this state in a vehicle owned 134019  
by the purchaser; 134020

(22) Sales of services provided by the state or any of its 134021  
political subdivisions, agencies, instrumentalities, 134022  
institutions, or authorities, or by governmental entities of the 134023  
state or any of its political subdivisions, agencies, 134024  
instrumentalities, institutions, or authorities; 134025

(23) Sales of motor vehicles to nonresidents of this state 134026  
under the circumstances described in division (B) of section 134027  
5739.029 of the Revised Code; 134028

(24) Sales to persons engaged in the preparation of eggs 134029  
for sale of tangible personal property used or consumed directly 134030  
in such preparation, including such tangible personal property 134031  
used for cleaning, sanitizing, preserving, grading, sorting, and 134032  
classifying by size; packages, including material and parts for 134033  
packages, and machinery, equipment, and material for use in 134034  
packaging eggs for sale; and handling and transportation 134035  
equipment and parts therefor, except motor vehicles licensed to 134036

operate on public highways, used in intraplant or interplant 134037  
transfers or shipment of eggs in the process of preparation for 134038  
sale, when the plant or plants within or between which such 134039  
transfers or shipments occur are operated by the same person. 134040  
"Packages" includes containers, cases, baskets, flats, fillers, 134041  
filler flats, cartons, closure materials, labels, and labeling 134042  
materials, and "packaging" means placing therein. 134043

(25) (a) Sales of water to a consumer for residential use; 134044

(b) Sales of water by a nonprofit corporation engaged 134045  
exclusively in the treatment, distribution, and sale of water to 134046  
consumers, if such water is delivered to consumers through pipes 134047  
or tubing. 134048

(26) Fees charged for inspection or reinspection of motor 134049  
vehicles under section 3704.14 of the Revised Code; 134050

(27) Sales to persons licensed to conduct a food service 134051  
operation pursuant to section 3717.43 of the Revised Code, of 134052  
tangible personal property primarily used directly for the 134053  
following: 134054

(a) To prepare food for human consumption for sale; 134055

(b) To preserve food that has been or will be prepared for 134056  
human consumption for sale by the food service operator, not 134057  
including tangible personal property used to display food for 134058  
selection by the consumer; 134059

(c) To clean tangible personal property used to prepare or 134060  
serve food for human consumption for sale. 134061

(28) Sales of animals by nonprofit animal adoption 134062  
services or county humane societies; 134063

(29) Sales of services to a corporation described in 134064

division (A) of section 5709.72 of the Revised Code, and sales 134065  
of tangible personal property that qualifies for exemption from 134066  
taxation under section 5709.72 of the Revised Code; 134067

(30) Sales and installation of agricultural land tile, as 134068  
defined in division (B) (5) (a) of section 5739.01 of the Revised 134069  
Code; 134070

(31) Sales and erection or installation of portable grain 134071  
bins, as defined in division (B) (5) (b) of section 5739.01 of the 134072  
Revised Code; 134073

(32) The sale, lease, repair, and maintenance of, parts 134074  
for, or items attached to or incorporated in, motor vehicles 134075  
that are primarily used for transporting tangible personal 134076  
property belonging to others by a person engaged in highway 134077  
transportation for hire, except for packages and packaging used 134078  
for the transportation of tangible personal property; 134079

(33) Sales to the state headquarters of any veterans' 134080  
organization in this state that is either incorporated and 134081  
issued a charter by the congress of the United States or is 134082  
recognized by the United States veterans administration, for use 134083  
by the headquarters; 134084

(34) Sales to a telecommunications service vendor, mobile 134085  
telecommunications service vendor, or satellite broadcasting 134086  
service vendor of tangible personal property and services used 134087  
directly and primarily in transmitting, receiving, switching, or 134088  
recording any interactive, one- or two-way electromagnetic 134089  
communications, including voice, image, data, and information, 134090  
through the use of any medium, including, but not limited to, 134091  
poles, wires, cables, switching equipment, computers, and record 134092  
storage devices and media, and component parts for the tangible 134093

personal property. The exemption provided in this division shall 134094  
be in lieu of all other exemptions under division (B) (42) (a) or 134095  
(n) of this section to which the vendor may otherwise be 134096  
entitled, based upon the use of the thing purchased in providing 134097  
the telecommunications, mobile telecommunications, or satellite 134098  
broadcasting service. 134099

~~(35) (a) Sales where the purpose of the consumer is to use 134100  
or consume the things transferred in making retail sales and 134101  
consisting of newspaper inserts, catalogues, coupons, flyers, 134102  
gift certificates, or other advertising material that prices and 134103  
describes tangible personal property offered for retail sale. 134104~~

~~(b) Sales to direct marketing vendors of preliminary 134105  
materials such as photographs, artwork, and typesetting that 134106  
will be used in printing advertising material; and of printed 134107  
matter that offers free merchandise or chances to win sweepstake 134108  
prizes and that is mailed to potential customers with 134109  
advertising material described in division (B) (35) (a) of this 134110  
section; 134111~~

~~(c) Sales of equipment such as telephones, computers, 134112  
facsimile machines, and similar tangible personal property 134113  
primarily used to accept orders for direct marketing retail 134114  
sales. 134115~~

~~(d) Sales of automatic food vending machines that preserve 134116  
food with a shelf life of forty-five days or less by 134117  
refrigeration and dispense it to the consumer. 134118~~

~~For purposes of division (B) (35) of this section, "direct 134119  
marketing" means the method of selling where consumers order 134120  
tangible personal property by United States mail, delivery 134121  
service, or telecommunication and the vendor delivers or ships 134122~~

~~the tangible personal property sold to the consumer from a~~ 134123  
~~warehouse, catalogue distribution center, or similar fulfillment~~ 134124  
~~facility by means of the United States mail, delivery service,~~ 134125  
~~or common carrier~~ (35) Sales of strollers meant for transporting 134126  
children from infancy to about thirty-six months of age that 134127  
meet the United States consumer product safety commission safety 134128  
standard for carriages and strollers under 16 C.F.R. 1227.2. 134129

(36) Sales to a person engaged in the business of 134130  
horticulture or producing livestock of materials to be 134131  
incorporated into a horticulture structure or livestock 134132  
structure; 134133

(37) Sales of personal computers, computer monitors, 134134  
computer keyboards, modems, and other peripheral computer 134135  
equipment to an individual who is licensed or certified to teach 134136  
in an elementary or a secondary school in this state for use by 134137  
that individual in preparation for teaching elementary or 134138  
secondary school students; 134139

(38) Sales of tangible personal property that is not 134140  
required to be registered or licensed under the laws of this 134141  
state to a citizen of a foreign nation that is not a citizen of 134142  
the United States, provided the property is delivered to a 134143  
person in this state that is not a related member of the 134144  
purchaser, is physically present in this state for the sole 134145  
purpose of temporary storage and package consolidation, and is 134146  
subsequently delivered to the purchaser at a delivery address in 134147  
a foreign nation. As used in division (B) (38) of this section, 134148  
"related member" has the same meaning as in section 5733.042 of 134149  
the Revised Code, and "temporary storage" means the storage of 134150  
tangible personal property for a period of not more than sixty 134151  
days. 134152

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B) (42) (a) or ~~(n)~~(m) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B) (3) (p) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale

by manufacturing, assembling, processing, or refining; or to use 134183  
or consume the thing transferred directly in producing tangible 134184  
personal property for sale by mining, including, without 134185  
limitation, the extraction from the earth of all substances that 134186  
are classed geologically as minerals, or directly in the 134187  
rendition of a public utility service, except that the sales tax 134188  
levied by this section shall be collected upon all meals, 134189  
drinks, and food for human consumption sold when transporting 134190  
persons. This paragraph does not exempt from "retail sale" or 134191  
"sales at retail" the sale of tangible personal property that is 134192  
to be incorporated into a structure or improvement to real 134193  
property. 134194

(b) To hold the thing transferred as security for the 134195  
performance of an obligation of the vendor; 134196

(c) To resell, hold, use, or consume the thing transferred 134197  
as evidence of a contract of insurance; 134198

(d) To use or consume the thing directly in commercial 134199  
fishing; 134200

(e) To incorporate the thing transferred as a material or 134201  
a part into, or to use or consume the thing transferred directly 134202  
in the production of, magazines distributed as controlled 134203  
circulation publications; 134204

~~(f) To use or consume the thing transferred in the 134205  
production and preparation in suitable condition for market and 134206  
sale of printed, imprinted, overprinted, lithographic, 134207  
multilithic, blueprinted, photostatic, or other productions or 134208  
reproductions of written or graphic matter; 134209~~

~~(g) To use the thing transferred, as described in section 134210  
5739.011 of the Revised Code, primarily in a manufacturing 134211~~

operation to produce tangible personal property for sale; 134212

~~(h)~~(g) To use the benefit of a warranty, maintenance or 134213  
service contract, or similar agreement, as described in division 134214  
(B) (7) of section 5739.01 of the Revised Code, to repair or 134215  
maintain tangible personal property, if all of the property that 134216  
is the subject of the warranty, contract, or agreement would not 134217  
be subject to the tax imposed by this section; 134218

~~(i)~~(h) To use the thing transferred as qualified research 134219  
and development equipment; 134220

~~(j)~~(i) To use or consume the thing transferred primarily 134221  
in storing, transporting, mailing, or otherwise handling 134222  
purchased sales inventory in a warehouse, distribution center, 134223  
or similar facility when the inventory is primarily distributed 134224  
outside this state to retail stores of the person who owns or 134225  
controls the warehouse, distribution center, or similar 134226  
facility, to retail stores of an affiliated group of which that 134227  
person is a member, or by means of direct marketing. This 134228  
division does not apply to motor vehicles registered for 134229  
operation on the public highways. As used in this division, 134230  
"affiliated group" has the same meaning as in division (B) (3) (e) 134231  
of section 5739.01 of the Revised Code and "direct marketing" 134232  
~~has the same meaning as in division (B) (35) of this section~~means 134233  
the method of selling where consumers order tangible personal 134234  
property by United States mail, delivery service, or 134235  
telecommunication and the vendor delivers or ships the tangible 134236  
personal property sold to the consumer from a warehouse, 134237  
catalogue distribution center, or similar fulfillment facility 134238  
by means of the United States mail, delivery service, or common 134239  
carrier. 134240

~~(k)~~(j) To use or consume the thing transferred to fulfill 134241

a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B) (7) of section 5739.01 of the Revised Code;

~~(l)~~ (k) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

~~(m)~~ (l) To use tangible personal property to perform a service listed in division (B) (3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

~~(n)~~ (m) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

~~(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;~~

~~(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle~~

~~by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;~~ 134271  
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134273

~~(q)~~ (n) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production. 134274  
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As used in division ~~(B) (42) (q)~~ (B) (42) (n) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the surface of the earth. 134278  
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134280  
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(i) For the purposes of division ~~(B) (42) (q)~~ (B) (42) (n) of this section, the "thing transferred" includes, but is not limited to, any of the following: 134284  
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(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments; 134287  
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(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs; 134291  
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(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services; 134294  
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(IV) Casing, tubulars, and float and centralizing equipment; 134297  
134298

(V) Trailers to which production equipment is attached;	134299
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	134300 134301 134302
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	134303 134304 134305
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	134306 134307 134308 134309
(IX) Pressure pumping equipment;	134310
(X) Artificial lift systems equipment;	134311
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	134312 134313 134314
(XII) Tangible personal property directly used to control production equipment.	134315 134316
(ii) For the purposes of division <del>(B) (42) (q)</del> <u>(B) (42) (n)</u> of this section, the "thing transferred" does not include any of the following:	134317 134318 134319
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	134320 134321 134322
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	134323 134324 134325

(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	134326
	134327
	134328
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	134329
	134330
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(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	134333
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	134336
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	134337
	134338
(VII) Well site fencing, lighting, or security systems;	134339
(VIII) Communication devices or services;	134340
(IX) Office supplies;	134341
(X) Trailers used as offices or lodging;	134342
(XI) Motor vehicles of any kind;	134343
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	134344
	134345
(XIII) Tangible personal property used primarily as a safety device;	134346
	134347
(XIV) Data collection or monitoring devices;	134348
(XV) Access ladders, stairs, or platforms attached to storage tanks.	134349
	134350
The enumeration of tangible personal property in division	134351

~~(B) (42) (q) (ii)~~ (B) (42) (n) (ii) of this section is not intended to 134352  
be exhaustive, and any tangible personal property not so 134353  
enumerated shall not necessarily be construed to be a "thing 134354  
transferred" for the purposes of division ~~(B) (42) (q)~~ (B) (42) (n) 134355  
of this section. 134356

The commissioner shall adopt and promulgate rules under 134357  
sections 119.01 to 119.13 of the Revised Code that the 134358  
commissioner deems necessary to administer division ~~(B) (42) (q)~~ 134359  
(B) (42) (n) of this section. 134360

As used in division (B) (42) of this section, "thing" 134361  
includes all transactions included in divisions (B) (3) (a), (b), 134362  
and (e) of section 5739.01 of the Revised Code. 134363

(43) Sales conducted through a coin operated device that 134364  
activates vacuum equipment or equipment that dispenses water, 134365  
whether or not in combination with soap or other cleaning agents 134366  
or wax, to the consumer for the consumer's use on the premises 134367  
in washing, cleaning, or waxing a motor vehicle, provided no 134368  
other personal property or personal service is provided as part 134369  
of the transaction. 134370

(44) Sales of replacement and modification parts for 134371  
engines, airframes, instruments, and interiors in, and paint 134372  
for, aircraft used primarily in a fractional aircraft ownership 134373  
program, and sales of services for the repair, modification, and 134374  
maintenance of such aircraft, and machinery, equipment, and 134375  
supplies primarily used to provide those services. 134376

~~(45) Sales of telecommunications service that is used 134377  
directly and primarily to perform the functions of a call 134378  
center. As used in this division, "call center" means any 134379  
physical location where telephone calls are placed or received 134380~~

~~in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions~~  
The fee imposed by section 3743.22 of the Revised Code, if it is separately stated on the invoice, bill of sale, or similar document given by the vendor to the consumer for a retail sale made in this state.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48) Sales of feminine hygiene products.

(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B) (49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of

aircraft cockpit. It includes the assemblage of equipment and 134410  
computer programs necessary to represent aircraft operations in 134411  
ground and flight conditions, a visual system providing an out- 134412  
of-the-cockpit view, and a system that provides cues at least 134413  
equivalent to those of a three-degree-of-freedom motion system, 134414  
and has the full range of capabilities of the systems installed 134415  
in the device as described in appendices A and B of part 60 of 134416  
chapter 1 of title 14 of the Code of Federal Regulations. 134417

(51) Any transfer or lease of tangible personal property 134418  
between the state and JobsOhio in accordance with section 134419  
4313.02 of the Revised Code. 134420

(52) (a) Sales to a qualifying corporation. 134421

(b) As used in division (B) (52) of this section: 134422

(i) "Qualifying corporation" means a nonprofit corporation 134423  
organized in this state that leases from an eligible county 134424  
land, buildings, structures, fixtures, and improvements to the 134425  
land that are part of or used in a public recreational facility 134426  
used by a major league professional athletic team or a class A 134427  
to class AAA minor league affiliate of a major league 134428  
professional athletic team for a significant portion of the 134429  
team's home schedule, provided the following apply: 134430

(I) The facility is leased from the eligible county 134431  
pursuant to a lease that requires substantially all of the 134432  
revenue from the operation of the business or activity conducted 134433  
by the nonprofit corporation at the facility in excess of 134434  
operating costs, capital expenditures, and reserves to be paid 134435  
to the eligible county at least once per calendar year. 134436

(II) Upon dissolution and liquidation of the nonprofit 134437  
corporation, all of its net assets are distributable to the 134438

board of commissioners of the eligible county from which the corporation leases the facility. 134439  
134440

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code. 134441  
134442

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B) (53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code. 134443  
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~~(54) Sales of a digital audio work electronically transferred for delivery through use of a machine, such as a juke box, that does all of the following:—~~ 134453  
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~~(a) Accepts direct payments to operate;—~~ 134456

~~(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B) (54) (a) of this section;—~~ 134457  
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~~(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment~~eligible tangible personal property occurring during the period of a sales tax holiday held pursuant to section 5739.41 of the Revised Code. 134460  
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(55) (a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of any year, except in 2024 or any subsequent year in which a sales tax 134465  
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holiday is held pursuant to section 5739.41 of the Revised Code:	134468
(i) An item of clothing, the price of which is seventy-	134469
five dollars or less;	134470
(ii) An item of school supplies, the price of which is	134471
twenty dollars or less;	134472
(iii) An item of school instructional material, the price	134473
of which is twenty dollars or less.	134474
(b) As used in division (B) (55) of this section:	134475
(i) "Clothing" means all human wearing apparel suitable	134476
for general use. "Clothing" includes, but is not limited to,	134477
aprons, household and shop; athletic supporters; baby receiving	134478
blankets; bathing suits and caps; beach capes and coats; belts	134479
and suspenders; boots; coats and jackets; costumes; diapers,	134480
children and adult, including disposable diapers; earmuffs;	134481
footlets; formal wear; garters and garter belts; girdles; gloves	134482
and mittens for general use; hats and caps; hosiery; insoles for	134483
shoes; lab coats; neckties; overshoes; pantyhose; rainwear;	134484
rubber pants; sandals; scarves; shoes and shoe laces; slippers;	134485
sneakers; socks and stockings; steel-toed shoes; underwear;	134486
uniforms, athletic and nonathletic; and wedding apparel.	134487
"Clothing" does not include items purchased for use in a trade	134488
or business; clothing accessories or equipment; protective	134489
equipment; sports or recreational equipment; belt buckles sold	134490
separately; costume masks sold separately; patches and emblems	134491
sold separately; sewing equipment and supplies including, but	134492
not limited to, knitting needles, patterns, pins, scissors,	134493
sewing machines, sewing needles, tape measures, and thimbles;	134494
and sewing materials that become part of "clothing" including,	134495
but not limited to, buttons, fabric, lace, thread, yarn, and	134496

zippers. 134497

(ii) "School supplies" means items commonly used by a 134498  
student in a course of study. "School supplies" includes only 134499  
the following items: binders; book bags; calculators; cellophane 134500  
tape; blackboard chalk; compasses; composition books; crayons; 134501  
erasers; folders, expandable, pocket, plastic, and manila; glue, 134502  
paste, and paste sticks; highlighters; index cards; index card 134503  
boxes; legal pads; lunch boxes; markers; notebooks; paper, 134504  
loose-leaf ruled notebook paper, copy paper, graph paper, 134505  
tracing paper, manila paper, colored paper, poster board, and 134506  
construction paper; pencil boxes and other school supply boxes; 134507  
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 134508  
and writing tablets. "School supplies" does not include any item 134509  
purchased for use in a trade or business. 134510

(iii) "School instructional material" means written 134511  
material commonly used by a student in a course of study as a 134512  
reference and to learn the subject being taught. "School 134513  
instructional material" includes only the following items: 134514  
reference books, reference maps and globes, textbooks, and 134515  
workbooks. "School instructional material" does not include any 134516  
material purchased for use in a trade or business. 134517

(56) (a) Sales of adult diapers or incontinence underpads 134518  
sold pursuant to a prescription, for the benefit of a medicaid 134519  
recipient with a diagnosis of incontinence, and by a medicaid 134520  
provider that maintains a valid provider agreement under section 134521  
5164.30 of the Revised Code with the department of medicaid, 134522  
provided that the medicaid program covers diapers or 134523  
incontinence underpads as an incontinence garment. 134524

(b) As used in division (B) (56) (a) of this section, 134525  
"incontinence underpad" means an absorbent product, not worn on 134526

the body, designed to protect furniture or other tangible 134527  
personal property from soiling or damage due to human 134528  
incontinence. 134529

(57) Sales of investment metal bullion and investment 134530  
coins. "Investment metal bullion" means any bullion described in 134531  
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 134532  
whether that bullion is in the physical possession of a trustee. 134533  
"Investment coin" means any coin composed primarily of gold, 134534  
silver, platinum, or palladium. 134535

(58) Sales of tangible personal property used primarily 134536  
for any of the following purposes by a megaproject operator at 134537  
the site of a megaproject that satisfies the criteria described 134538  
in division (A) (11) (a) (ii) of section 122.17 of the Revised 134539  
Code, provided that the sale occurs during the period that the 134540  
megaproject operator has an agreement for such megaproject with 134541  
the tax credit authority under division (D) of section 122.17 of 134542  
the Revised Code that remains in effect and has not expired or 134543  
been terminated: 134544

(a) To store, transmit, convey, distribute, recycle, 134545  
circulate, or clean water, steam, or other gases used in or 134546  
produced as a result of manufacturing activity, including items 134547  
that support or aid in the operation of such property; 134548

(b) To clean or prepare inventory, at any stage of storage 134549  
or production, or equipment used in a manufacturing activity, 134550  
including chemicals, solvents, catalysts, soaps, and other items 134551  
that support or aid in the operation of property; 134552

(c) To regulate, treat, filter, condition, improve, clean, 134553  
maintain, or monitor environmental conditions within areas where 134554  
manufacturing activities take place; 134555

(d) To handle, transport, or convey inventory during production or manufacturing.	134556 134557
(59) Documentary services charges imposed pursuant to section 4517.261 or 4781.24 of the Revised Code.	134558 134559
(60) Sales of children's diapers.	134560
(61) Sales of therapeutic or preventative creams and wipes marketed primarily for use on the skin of children.	134561 134562
(62) Sales of a child restraint device or booster seat that meets the national highway traffic safety administration standard for child restraint systems under 49 C.F.R. 571.213.	134563 134564 134565
(63) Sales of cribs intended to provide sleeping accommodations for children that comply with the United States consumer product safety commission's safety standard for full-size baby cribs under 16 C.F.R. 1219 or the commission's safety standard for non-full-size baby cribs under 16 C.F.R. 1220.	134566 134567 134568 134569 134570
<del>(64) Sales of strollers meant for transporting children from infancy to about thirty-six months of age that meet the United States consumer product safety commission safety standard for carriages and strollers under 16 C.F.R. 1227.2.</del>	134571 134572 134573 134574
<del>(65) The fee imposed by section 3743.22 of the Revised Code, if it is separately stated on the invoice, bill of sale, or similar document given by the vendor to the consumer for a retail sale made in this state.</del>	134575 134576 134577 134578
<del>(66) Sales of eligible tangible personal property occurring during the period of a sales tax holiday held pursuant to section 5739.41 of the Revised Code.</del>	134579 134580 134581
(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed	134582 134583

that all sales made in this state are subject to the tax until 134584  
the contrary is established. 134585

(D) The tax collected by the vendor from the consumer 134586  
under this chapter is not part of the price, but is a tax 134587  
collection for the benefit of the state, and of counties levying 134588  
an additional sales tax pursuant to section 5739.021 or 5739.026 134589  
of the Revised Code and of transit authorities levying an 134590  
additional sales tax pursuant to section 5739.023 of the Revised 134591  
Code. Except for the discount authorized under section 5739.12 134592  
of the Revised Code and the effects of any rounding pursuant to 134593  
section 5703.055 of the Revised Code, no person other than the 134594  
state or such a county or transit authority shall derive any 134595  
benefit from the collection or payment of the tax levied by this 134596  
section or section 5739.021, 5739.023, or 5739.026 of the 134597  
Revised Code. 134598

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 134599  
section 5739.051 of the Revised Code, the tax imposed by or 134600  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 134601  
the Revised Code shall be paid by the consumer to the vendor, 134602  
and each vendor shall collect from the consumer, as a trustee 134603  
for the state of Ohio, the full and exact amount of the tax 134604  
payable on each taxable sale, in the manner and at the times 134605  
provided as follows: 134606

(1) If the price is, at or prior to the provision of the 134607  
service or the delivery of possession of the thing sold to the 134608  
consumer, paid in currency passed from hand to hand by the 134609  
consumer or the consumer's agent to the vendor or the vendor's 134610  
agent, the vendor or the vendor's agent shall collect the tax 134611  
with and at the same time as the price; 134612

(2) If the price is otherwise paid or to be paid, the 134613

vendor or the vendor's agent shall, at or prior to the provision 134614  
of the service or the delivery of possession of the thing sold 134615  
to the consumer, charge the tax imposed by or pursuant to 134616  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 134617  
Code to the account of the consumer, which amount shall be 134618  
collected by the vendor from the consumer in addition to the 134619  
price. Such sale shall be reported on and the amount of the tax 134620  
applicable thereto shall be remitted with the return for the 134621  
period in which the sale is made, and the amount of the tax 134622  
shall become a legal charge in favor of the vendor and against 134623  
the consumer. 134624

(B) (1) (a) If any sale is claimed to be exempt under 134625  
division (E) of section 5739.01 of the Revised Code or under 134626  
section 5739.02 of the Revised Code, with the exception of 134627  
divisions (B) (1) to (11), (28), (48), (54), (55), or (59), ~~or~~ 134628  
~~(66)~~ of section 5739.02 of the Revised Code, the consumer must 134629  
provide to the vendor, and the vendor must obtain from the 134630  
consumer, a certificate specifying the reason that the sale is 134631  
not legally subject to the tax. The certificate shall be in such 134632  
form, and shall be provided either in a hard copy form or 134633  
electronic form, as the tax commissioner prescribes. 134634

(b) A vendor that obtains a fully completed exemption 134635  
certificate from a consumer is relieved of liability for 134636  
collecting and remitting tax on any sale covered by that 134637  
certificate. If it is determined the exemption was improperly 134638  
claimed, the consumer shall be liable for any tax due on that 134639  
sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or 134640  
Chapter 5741. of the Revised Code. Relief under this division 134641  
from liability does not apply to any of the following: 134642

(i) A vendor that fraudulently fails to collect tax; 134643

(ii) A vendor that solicits consumers to participate in the unlawful claim of an exemption; 134644  
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(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state; 134646  
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(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software. 134655  
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(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request. 134660  
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(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section. 134663  
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(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives 134668  
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written notice of intent to levy an assessment, from either 134673  
establishing that the sale is not subject to the tax, or 134674  
obtaining, in good faith, a fully completed exemption 134675  
certificate. 134676

(5) Certificates need not be obtained nor provided where 134677  
the identity of the consumer is such that the transaction is 134678  
never subject to the tax imposed or where the item of tangible 134679  
personal property sold or the service provided is never subject 134680  
to the tax imposed, regardless of use, or when the sale is in 134681  
interstate commerce. 134682

(6) If a transaction is claimed to be exempt under 134683  
division (B) (13) of section 5739.02 of the Revised Code, the 134684  
contractor shall obtain certification of the claimed exemption 134685  
from the contractee. This certification shall be in addition to 134686  
an exemption certificate provided by the contractor to the 134687  
vendor. A contractee that provides a certification under this 134688  
division shall be deemed to be the consumer of all items 134689  
purchased by the contractor under the claim of exemption, if it 134690  
is subsequently determined that the exemption is not properly 134691  
claimed. The certification shall be in such form as the tax 134692  
commissioner prescribes. 134693

(7) If a transaction is claimed to be exempt under 134694  
division (B) (13) of section 5739.02 of the Revised Code, the 134695  
person that leases a sports facility, as defined in section 134696  
307.696 of the Revised Code, wholly owned by a county may 134697  
provide and sign, on behalf of the county, an exemption 134698  
certificate required under this section for that exemption. 134699

(C) As used in this division, "contractee" means a person 134700  
who seeks to enter or enters into a contract or agreement with a 134701  
contractor or vendor for the construction of real property or 134702

for the sale and installation onto real property of tangible 134703  
personal property. 134704

Any contractor or vendor may request from any contractee a 134705  
certification of what portion of the property to be transferred 134706  
under such contract or agreement is to be incorporated into the 134707  
realty and what portion will retain its status as tangible 134708  
personal property after installation is completed. The 134709  
contractor or vendor shall request the certification by 134710  
certified mail delivered to the contractee, return receipt 134711  
requested. Upon receipt of such request and prior to entering 134712  
into the contract or agreement, the contractee shall provide to 134713  
the contractor or vendor a certification sufficiently detailed 134714  
to enable the contractor or vendor to ascertain the resulting 134715  
classification of all materials purchased or fabricated by the 134716  
contractor or vendor and transferred to the contractee. This 134717  
requirement applies to a contractee regardless of whether the 134718  
contractee holds a direct payment permit under section 5739.031 134719  
of the Revised Code or provides to the contractor or vendor an 134720  
exemption certificate as provided under this section. 134721

For the purposes of the taxes levied by this chapter and 134722  
Chapter 5741. of the Revised Code, the contractor or vendor may 134723  
in good faith rely on the contractee's certification. 134724  
Notwithstanding division (B) of section 5739.01 of the Revised 134725  
Code, if the tax commissioner determines that certain property 134726  
certified by the contractee as tangible personal property 134727  
pursuant to this division is, in fact, real property, the 134728  
contractee shall be considered to be the consumer of all 134729  
materials so incorporated into that real property and shall be 134730  
liable for the applicable tax, and the contractor or vendor 134731  
shall be excused from any liability on those materials. 134732

If a contractee fails to provide such certification upon 134733  
the request of the contractor or vendor, the contractor or 134734  
vendor shall comply with the provisions of this chapter and 134735  
Chapter 5741. of the Revised Code without the certification. If 134736  
the tax commissioner determines that such compliance has been 134737  
performed in good faith and that certain property treated as 134738  
tangible personal property by the contractor or vendor is, in 134739  
fact, real property, the contractee shall be considered to be 134740  
the consumer of all materials so incorporated into that real 134741  
property and shall be liable for the applicable tax, and the 134742  
construction contractor or vendor shall be excused from any 134743  
liability on those materials. 134744

This division does not apply to any contract or agreement 134745  
where the tax commissioner determines as a fact that a 134746  
certification under this division was made solely on the 134747  
decision or advice of the contractor or vendor. 134748

(D) Notwithstanding division (B) of section 5739.01 of the 134749  
Revised Code, whenever the total rate of tax imposed under this 134750  
chapter is increased after the date after a construction 134751  
contract is entered into, the contractee shall reimburse the 134752  
construction contractor for any additional tax paid on tangible 134753  
property consumed or services received pursuant to the contract. 134754

(E) A vendor who files a petition for reassessment 134755  
contesting the assessment of tax on sales for which the vendor 134756  
obtained no valid exemption certificates and for which the 134757  
vendor failed to establish that the sales were properly not 134758  
subject to the tax during the one-hundred-twenty-day period 134759  
allowed under division (B) of this section, may present to the 134760  
tax commissioner additional evidence to prove that the sales 134761  
were properly subject to a claim of exception or exemption. The 134762

vendor shall file such evidence within ninety days of the 134763  
receipt by the vendor of the notice of assessment, except that, 134764  
upon application and for reasonable cause, the period for 134765  
submitting such evidence shall be extended thirty days. 134766

The commissioner shall consider such additional evidence 134767  
in reaching the final determination on the assessment and 134768  
petition for reassessment. 134769

(F) Whenever a vendor refunds the price, minus any 134770  
separately stated delivery charge, of an item of tangible 134771  
personal property on which the tax imposed under this chapter 134772  
has been paid, the vendor shall also refund the amount of tax 134773  
paid, minus the amount of tax attributable to the delivery 134774  
charge. 134775

**Sec. 5739.07.** (A) When, pursuant to this chapter, a vendor 134776  
has paid taxes to the tax commissioner or the commissioner's 134777  
agent, the commissioner shall refund to the vendor the amount of 134778  
taxes paid, and any penalties assessed with respect to such 134779  
taxes, if the vendor has refunded to the consumer the full 134780  
amount of taxes the consumer paid illegally or erroneously or if 134781  
the vendor has illegally or erroneously billed the consumer but 134782  
has not collected the taxes from the consumer. 134783

(B) When, pursuant to this chapter, a consumer has paid 134784  
taxes directly to the tax commissioner or the commissioner's 134785  
agent, and the payment or assessment was illegal or erroneous, 134786  
the commissioner shall refund to the consumer the full amount of 134787  
illegal or erroneous taxes paid and any penalties assessed with 134788  
respect to such taxes. 134789

(C) The commissioner shall refund to the consumer amounts 134790  
paid illegally or erroneously to a vendor only if: 134791

(1) The commissioner has not refunded the tax to the vendor and the vendor has not refunded the tax to the consumer;  
or

(2) The consumer has received a refund from a manufacturer or other person, other than the vendor, of the full purchase price, but not the tax, paid to the vendor in settlement of a complaint by the consumer about the property or service purchased.

The commissioner may require the consumer to obtain or the vendor to provide a written statement confirming that the vendor has not refunded the tax to the consumer and has not filed an application for refund of the tax with the commissioner.

(D) Subject to division (E) of this section, an application for refund shall be filed with the tax commissioner on the form prescribed by the commissioner within four years from the date of the illegal or erroneous payment, unless the vendor or consumer waives the time limitation under division (A) (3) of section 5739.16 of the Revised Code. If the time limitation is waived, the refund application period shall be extended for the same period as the waiver.

(E) An application for refund shall be filed in accordance with division (D) of this section unless a person is subject to an assessment that is subject to the time limit of division (B) of section 5703.58 of the Revised Code for amounts not reported and paid between the four-year time limit described in division (D) of this section and the seven-year limit described in division (B) of section 5703.58 of the Revised Code, in which case the person may file an application within six months after the date the assessment is issued. Any refund allowed under this division shall not exceed the amount of the assessment due for

the same period. 134822

(F) On the filing of an application for a refund, the 134823  
commissioner shall determine the amount of refund to which the 134824  
applicant is entitled. If the amount is not less than that 134825  
claimed, the commissioner shall certify that amount to the 134826  
director of budget and management and the treasurer of state for 134827  
payment from the tax refund fund created by section 5703.052 of 134828  
the Revised Code. If the amount is less than that claimed, the 134829  
commissioner shall proceed in accordance with section 5703.70 of 134830  
the Revised Code. 134831

(G) When a refund is granted under this section, it shall 134832  
include interest thereon as provided by section 5739.132 of the 134833  
Revised Code, except that no such interest shall be granted when 134834  
a refund is granted for illegal or erroneous payments made 134835  
pursuant to a direct payment permit issued under section 134836  
5739.031 of the Revised Code or division (I) of section 122.175 134837  
of the Revised Code. 134838

**Sec. 5739.09.** (A) (1) A board of county commissioners may, 134839  
by resolution adopted by a majority of the members of the board, 134840  
levy an excise tax not to exceed three per cent on transactions 134841  
by which lodging by a hotel is or is to be furnished to 134842  
transient guests. The board shall establish all regulations 134843  
necessary to provide for the administration and allocation of 134844  
the tax. The regulations may prescribe the time for payment of 134845  
the tax, and may provide for the imposition of a penalty or 134846  
interest, or both, for late payments, provided that the penalty 134847  
does not exceed ten per cent of the amount of tax due, and the 134848  
rate at which interest accrues does not exceed the rate per 134849  
annum prescribed pursuant to section 5703.47 of the Revised 134850  
Code. Except as otherwise provided in this section, the 134851

regulations shall provide, after deducting the real and actual 134852  
costs of administering the tax, for the return to each municipal 134853  
corporation or township that does not levy an excise tax on the 134854  
transactions, a uniform percentage of the tax collected in the 134855  
municipal corporation or in the unincorporated portion of the 134856  
township from each transaction, not to exceed thirty-three and 134857  
one-third per cent. Except as provided in this section, the 134858  
remainder of the revenue arising from the tax shall be deposited 134859  
in a separate fund and shall be spent either (a) to make 134860  
contributions to the convention and visitors' bureau operating 134861  
within the county, including a pledge and contribution of any 134862  
portion of the remainder pursuant to an agreement authorized by 134863  
section 307.678 or 307.695 of the Revised Code or (b) to pay, if 134864  
authorized in the regulations, for public safety services in a 134865  
resort area designated under section 5739.101 of the Revised 134866  
Code. 134867

(2) If the board of county commissioners of an eligible 134868  
county as defined in section 307.678 or 307.695 of the Revised 134869  
Code adopts a resolution amending a resolution levying a tax 134870  
under division (A) of this section to provide that revenue from 134871  
the tax shall be used by the board as described in either 134872  
division (D) of section 307.678 or division (H) of section 134873  
307.695 of the Revised Code, the remainder of the revenue shall 134874  
be used as described in the resolution making that amendment. 134875

(3) Except as provided in division (B), (C), (D), (E), 134876  
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 134877  
after May 10, 1994, a board of county commissioners may not levy 134878  
an excise tax pursuant to division (A) of this section in any 134879  
municipal corporation or township located wholly or partly 134880  
within the county that has in effect an ordinance or resolution 134881  
levying an excise tax pursuant to division (B) of section 134882

5739.08 of the Revised Code. 134883

(4) The board of a county that has levied a tax under 134884  
division (M) of this section may, by resolution adopted within 134885  
ninety days after July 15, 1985, by a majority of the members of 134886  
the board, amend the resolution levying a tax under division (A) 134887  
of this section to provide for a portion of that tax to be 134888  
pledged and contributed in accordance with an agreement entered 134889  
into under section 307.695 of the Revised Code. A tax, any 134890  
revenue from which is pledged pursuant to such an agreement, 134891  
shall remain in effect at the rate at which it is imposed for 134892  
the duration of the period for which the revenue from the tax 134893  
has been so pledged. 134894

(5) The board of county commissioners of an eligible 134895  
county as defined in section 307.695 of the Revised Code may, by 134896  
resolution adopted by a majority of the members of the board, 134897  
amend a resolution levying a tax under division (A) of this 134898  
section to provide that the revenue from the tax shall be used 134899  
by the board as described in division (H) of section 307.695 of 134900  
the Revised Code, in which case the tax shall remain in effect 134901  
at the rate at which it was imposed for the duration of any 134902  
agreement entered into by the board under section 307.695 of the 134903  
Revised Code, the duration during which any securities issued by 134904  
the board under that section are outstanding, or the duration of 134905  
the period during which the board owns a project as defined in 134906  
section 307.695 of the Revised Code, whichever duration is 134907  
longest. 134908

(6) The board of county commissioners of an eligible 134909  
county as defined in section 307.678 of the Revised Code may, by 134910  
resolution, amend a resolution levying a tax under division (A) 134911  
of this section to provide that revenue from the tax, not to 134912

exceed five hundred thousand dollars each year, may be used as 134913  
described in division (E) of section 307.678 of the Revised 134914  
Code. 134915

(7) Notwithstanding division (A) of this section, the 134916  
board of county commissioners of a county described in division 134917  
(H) (1) of this section may, by resolution, amend a resolution 134918  
levying a tax under division (A) of this section to provide that 134919  
all or a portion of the revenue from the tax, including any 134920  
revenue otherwise required to be returned to townships or 134921  
municipal corporations under that division, may be used or 134922  
pledged for the payment of debt service on securities issued to 134923  
pay the costs of constructing, operating, and maintaining sports 134924  
facilities described in division (H) (2) of this section. 134925

(8) The board of county commissioners of a county 134926  
described in division (I) of this section may, by resolution, 134927  
amend a resolution levying a tax under division (A) of this 134928  
section to provide that all or a portion of the revenue from the 134929  
tax may be used for the purposes described in section 307.679 of 134930  
the Revised Code. 134931

(B) A board of county commissioners that levies an excise 134932  
tax under division (A) of this section on June 30, 1997, at a 134933  
rate of three per cent, and that has pledged revenue from the 134934  
tax to an agreement entered into under section 307.695 of the 134935  
Revised Code or, in the case of the board of county 134936  
commissioners of an eligible county as defined in section 134937  
307.695 of the Revised Code, has amended a resolution levying a 134938  
tax under division (M) of this section to provide that proceeds 134939  
from the tax shall be used by the board as described in division 134940  
(H) of section 307.695 of the Revised Code, may, at any time by 134941  
a resolution adopted by a majority of the members of the board, 134942

amend the resolution levying a tax under division (A) of this 134943  
section to provide for an increase in the rate of that tax up to 134944  
seven per cent on each transaction; to provide that revenue from 134945  
the increase in the rate shall be used as described in division 134946  
(H) of section 307.695 of the Revised Code or be spent solely to 134947  
make contributions to the convention and visitors' bureau 134948  
operating within the county to be used specifically for 134949  
promotion, advertising, and marketing of the region in which the 134950  
county is located; and to provide that the rate in excess of the 134951  
three per cent levied under division (A) of this section shall 134952  
remain in effect at the rate at which it is imposed for the 134953  
duration of the period during which any agreement is in effect 134954  
that was entered into under section 307.695 of the Revised Code 134955  
by the board of county commissioners levying a tax under 134956  
division (A) of this section, the duration of the period during 134957  
which any securities issued by the board under division (I) of 134958  
section 307.695 of the Revised Code are outstanding, or the 134959  
duration of the period during which the board owns a project as 134960  
defined in section 307.695 of the Revised Code, whichever 134961  
duration is longest. The amendment also shall provide that no 134962  
portion of that revenue need be returned to townships or 134963  
municipal corporations as would otherwise be required under 134964  
division (A) of this section. 134965

(C) (1) As used in division (C) of this section, "cost" and 134966  
"facility" have the same meanings as in section 351.01 of the 134967  
Revised Code, and "convention center" has the same meaning as in 134968  
section 307.695 of the Revised Code. 134969

(2) A board of county commissioners that levies a tax 134970  
under division (A) of this section on March 18, 1999, at a rate 134971  
of three per cent may, by resolution adopted not later than 134972  
forty-five days after March 18, 1999, amend the resolution 134973

levying the tax to provide for all of the following: 134974

(a) That the rate of the tax shall be increased by not 134975  
more than an additional four per cent on each transaction; 134976

(b) That all of the revenue from the increase in the rate 134977  
shall be pledged and contributed to a convention facilities 134978  
authority established by the board of county commissioners under 134979  
Chapter 351. of the Revised Code on or before November 15, 1998, 134980  
and used to pay costs of constructing, maintaining, operating, 134981  
and promoting a facility in the county, including paying bonds, 134982  
or notes issued in anticipation of bonds, as provided by that 134983  
chapter; 134984

(c) That no portion of the revenue arising from the 134985  
increase in rate need be returned to municipal corporations or 134986  
townships as otherwise required under division (A) of this 134987  
section; 134988

(d) That the increase in rate shall not be subject to 134989  
diminution by initiative or referendum or by law while any 134990  
bonds, or notes in anticipation of bonds, issued by the 134991  
authority under Chapter 351. of the Revised Code to which the 134992  
revenue is pledged, remain outstanding in accordance with their 134993  
terms, unless provision is made by law or by the board of county 134994  
commissioners for an adequate substitute therefor that is 134995  
satisfactory to the trustee if a trust agreement secures the 134996  
bonds. 134997

(3) Division (C) of this section does not apply to the 134998  
board of county commissioners of any county in which a 134999  
convention center or facility exists or is being constructed on 135000  
November 15, 1998, or of any county in which a convention 135001  
facilities authority levies a tax pursuant to section 351.021 of 135002

the Revised Code on that date. 135003

(D) (1) As used in division (D) of this section, "cost" has 135004  
the same meaning as in section 351.01 of the Revised Code, and 135005  
"convention center" has the same meaning as in section 307.695 135006  
of the Revised Code. 135007

(2) A board of county commissioners that levies a tax 135008  
under division (A) of this section on June 30, 2002, at a rate 135009  
of three per cent may, by resolution adopted not later than 135010  
September 30, 2002, amend the resolution levying the tax to 135011  
provide for all of the following: 135012

(a) That the rate of the tax shall be increased by not 135013  
more than an additional three and one-half per cent on each 135014  
transaction; 135015

(b) That all of the revenue from the increase in rate 135016  
shall be pledged and contributed to a convention facilities 135017  
authority established by the board of county commissioners under 135018  
Chapter 351. of the Revised Code on or before May 15, 2002, and 135019  
be used to pay costs of constructing, expanding, maintaining, 135020  
operating, or promoting a convention center in the county, 135021  
including paying bonds, or notes issued in anticipation of 135022  
bonds, as provided by that chapter; 135023

(c) That no portion of the revenue arising from the 135024  
increase in rate need be returned to municipal corporations or 135025  
townships as otherwise required under division (A) of this 135026  
section; 135027

(d) That the increase in rate shall not be subject to 135028  
diminution by initiative or referendum or by law while any 135029  
bonds, or notes in anticipation of bonds, issued by the 135030  
authority under Chapter 351. of the Revised Code to which the 135031

revenue is pledged, remain outstanding in accordance with their 135032  
terms, unless provision is made by law or by the board of county 135033  
commissioners for an adequate substitute therefor that is 135034  
satisfactory to the trustee if a trust agreement secures the 135035  
bonds. 135036

(3) Any board of county commissioners that, pursuant to 135037  
division (D)(2) of this section, has amended a resolution 135038  
levying the tax authorized by division (A) of this section may 135039  
further amend the resolution to provide that the revenue 135040  
referred to in division (D)(2)(b) of this section shall be 135041  
pledged and contributed both to a convention facilities 135042  
authority to pay the costs of constructing, expanding, 135043  
maintaining, or operating one or more convention centers in the 135044  
county, including paying bonds, or notes issued in anticipation 135045  
of bonds, as provided in Chapter 351. of the Revised Code, and 135046  
to a convention and visitors' bureau to pay the costs of 135047  
promoting one or more convention centers in the county. 135048

(4) A county having a population of seven hundred thousand 135049  
or less may not levy the increased rate described in division 135050  
(D)(2) of this section on or after the first day of the first 135051  
month beginning after the effective date of this amendment. 135052

(E)(1) As used in division (E) of this section: 135053

(a) "Port authority" means a port authority created under 135054  
Chapter 4582. of the Revised Code. 135055

(b) "Port authority military-use facility" means port 135056  
authority facilities on which or adjacent to which is located an 135057  
installation of the armed forces of the United States, a reserve 135058  
component thereof, or the national guard and at least part of 135059  
which is made available for use, for consideration, by the armed 135060

forces of the United States, a reserve component thereof, or the national guard. 135061  
135062

(2) For the purpose of contributing revenue to pay 135063  
operating expenses of a port authority that operates a port 135064  
authority military-use facility, the board of county 135065  
commissioners of a county that created, participated in the 135066  
creation of, or has joined such a port authority may do one or 135067  
both of the following: 135068

(a) Amend a resolution previously adopted under division 135069  
(A) of this section to designate some or all of the revenue from 135070  
the tax levied under the resolution to be used for that purpose, 135071  
notwithstanding that division; 135072

(b) Amend a resolution previously adopted under division 135073  
(A) of this section to increase the rate of the tax by not more 135074  
than an additional two per cent and use the revenue from the 135075  
increase exclusively for that purpose. 135076

(3) If a board of county commissioners amends a resolution 135077  
to increase the rate of a tax as authorized in division (E) (2) 135078  
(b) of this section, the board also may amend the resolution to 135079  
specify that the increase in rate of the tax does not apply to 135080  
"hotels," as otherwise defined in section 5739.01 of the Revised 135081  
Code, having fewer rooms used for the accommodation of guests 135082  
than a number of rooms specified by the board. 135083

(F) (1) A board of county commissioners of a county 135084  
organized under a county charter adopted pursuant to Article X, 135085  
Section 3, Ohio Constitution, and that levies an excise tax 135086  
under division (A) of this section at a rate of three per cent 135087  
and levies an additional excise tax under division (O) of this 135088  
section at a rate of one and one-half per cent may, by 135089

resolution adopted not later than January 1, 2008, by a majority 135090  
of the members of the board, amend the resolution levying a tax 135091  
under division (A) of this section to provide for an increase in 135092  
the rate of that tax by not more than an additional one per cent 135093  
on transactions by which lodging by a hotel is or is to be 135094  
furnished to transient guests. Notwithstanding divisions (A) and 135095  
(O) of this section, the resolution shall provide that all of 135096  
the revenue from the increase in rate, after deducting the real 135097  
and actual costs of administering the tax, shall be used to pay 135098  
the costs of improving, expanding, equipping, financing, or 135099  
operating a convention center by a convention and visitors' 135100  
bureau in the county. 135101

(2) The increase in rate shall remain in effect for the 135102  
period specified in the resolution, not to exceed ten years, and 135103  
may be extended for an additional period of time not to exceed 135104  
ten years thereafter by a resolution adopted by a majority of 135105  
the members of the board. 135106

(3) The increase in rate shall be subject to the 135107  
regulations adopted under division (A) of this section, except 135108  
that the resolution may provide that no portion of the revenue 135109  
from the increase in the rate shall be returned to townships or 135110  
municipal corporations as would otherwise be required under that 135111  
division. 135112

(G)(1) Division (G) of this section applies only to a 135113  
county with a population greater than sixty-five thousand and 135114  
less than seventy thousand according to the most recent federal 135115  
decennial census and in which, on December 31, 2006, an excise 135116  
tax is levied under division (A) of this section at a rate not 135117  
less than and not greater than three per cent, and in which the 135118  
most recent increase in the rate of that tax was enacted or took 135119

effect in November 1984. 135120

(2) The board of county commissioners of a county to which 135121  
division (G) of this section applies, by resolution adopted by a 135122  
majority of the members of the board, may increase the rate of 135123  
the tax by not more than one per cent on transactions by which 135124  
lodging by a hotel is or is to be furnished to transient guests. 135125  
The increase in rate shall be for the purpose of paying expenses 135126  
deemed necessary by the convention and visitors' bureau 135127  
operating in the county to promote travel and tourism. 135128

(3) The increase in rate shall remain in effect for the 135129  
period specified in the resolution, not to exceed twenty years, 135130  
provided that the increase in rate may not continue beyond the 135131  
time when the purpose for which the increase is levied ceases to 135132  
exist. If revenue from the increase in rate is pledged to the 135133  
payment of debt charges on securities, the increase in rate is 135134  
not subject to diminution by initiative or referendum or by law 135135  
for so long as the securities are outstanding, unless provision 135136  
is made by law or by the board of county commissioners for an 135137  
adequate substitute for that revenue that is satisfactory to the 135138  
trustee if a trust agreement secures payment of the debt 135139  
charges. 135140

(4) The increase in rate shall be subject to the 135141  
regulations adopted under division (A) of this section, except 135142  
that the resolution may provide that no portion of the revenue 135143  
from the increase in the rate shall be returned to townships or 135144  
municipal corporations as would otherwise be required under 135145  
division (A) of this section. 135146

(5) A resolution adopted under division (G) of this 135147  
section is subject to referendum under sections 305.31 to 305.99 135148  
of the Revised Code. 135149

(H) (1) Division (H) of this section applies only to a 135150  
county satisfying all of the following: 135151

(a) The population of the county is greater than one 135152  
hundred seventy-five thousand and less than two hundred twenty- 135153  
five thousand according to the most recent federal decennial 135154  
census. 135155

(b) An amusement park with an average yearly attendance in 135156  
excess of two million guests is located in the county. 135157

(c) On December 31, 2014, an excise tax was levied in the 135158  
county under division (A) of this section at a rate of three per 135159  
cent. 135160

(2) The board of county commissioners of a county to which 135161  
division (H) of this section applies, by resolution adopted by a 135162  
majority of the members of the board, may increase the rate of 135163  
the tax by not more than one per cent on transactions by which 135164  
lodging by a hotel is or is to be furnished to transient guests. 135165  
The increase in rate shall be used to pay the costs of 135166  
constructing and maintaining facilities owned by the county or 135167  
by a port authority created under Chapter 4582. of the Revised 135168  
Code, and designed to host sporting events and expenses deemed 135169  
necessary by the convention and visitors' bureau operating in 135170  
the county to promote travel and tourism with reference to the 135171  
sports facilities, and to pay or pledge to the payment of debt 135172  
service on securities issued to pay the costs of constructing, 135173  
operating, and maintaining the sports facilities. 135174

(3) The increase in rate shall remain in effect for the 135175  
period specified in the resolution. If revenue from the increase 135176  
in rate is pledged to the payment of debt charges on securities, 135177  
the increase in rate is not subject to diminution by initiative 135178

or referendum or by law for so long as the securities are 135179  
outstanding, unless provision is made by law or by the board of 135180  
county commissioners for an adequate substitute for that revenue 135181  
that is satisfactory to the trustee if a trust agreement secures 135182  
payment of the debt charges. 135183

(4) The increase in rate shall be subject to the 135184  
regulations adopted under division (A) of this section, except 135185  
that the resolution may provide that no portion of the revenue 135186  
from the increase in the rate shall be returned to townships or 135187  
municipal corporations as would otherwise be required under 135188  
division (A) of this section. 135189

(I) (1) The board of county commissioners of a county with 135190  
a population greater than seventy-five thousand and less than 135191  
seventy-eight thousand, by resolution adopted by a majority of 135192  
the members of the board not later than October 15, 2015, may 135193  
increase the rate of the tax by not more than one per cent on 135194  
transactions by which lodging by a hotel is or is to be 135195  
furnished to transient guests. The increase in rate shall be for 135196  
the purposes described in section 307.679 of the Revised Code or 135197  
for the promotion of travel and tourism in the county, including 135198  
travel and tourism to sports facilities. 135199

(2) The increase in rate shall remain in effect for the 135200  
period specified in the resolution and as necessary to fulfill 135201  
the county's obligations under a cooperative agreement entered 135202  
into under section 307.679 of the Revised Code. If the 135203  
resolution is adopted by the board before September 29, 2015, 135204  
but after that enactment becomes law, the increase in rate shall 135205  
become effective beginning on September 29, 2015. If revenue 135206  
from the increase in rate is pledged to the payment of debt 135207  
charges on securities, or to substitute for other revenues 135208

pledged to the payment of such debt, the increase in rate is not 135209  
subject to diminution by initiative or referendum or by law for 135210  
so long as the securities are outstanding, unless provision is 135211  
made by law or by the board of county commissioners for an 135212  
adequate substitute for that revenue that is satisfactory to the 135213  
trustee if a trust agreement secures payment of the debt 135214  
charges. 135215

(3) The increase in rate shall be subject to the 135216  
regulations adopted under division (A) of this section, except 135217  
that no portion of the revenue from the increase in the rate 135218  
shall be returned to townships or municipal corporations as 135219  
would otherwise be required under division (A) of this section. 135220

(J) (1) Division (J) of this section applies only to 135221  
counties satisfying either of the following: 135222

(a) A county that, on July 1, 2015, does not levy an 135223  
excise tax under division (A) of this section and that has a 135224  
population of at least thirty-nine thousand but not more than 135225  
forty thousand according to the 2010 federal decennial census; 135226

(b) A county that, on July 1, 2015, levies an excise tax 135227  
under division (A) of this section at a rate of three per cent 135228  
and that has a population of at least seventy-one thousand but 135229  
not more than seventy-five thousand according to 2010 federal 135230  
decennial census. 135231

(2) The board of county commissioners of a county to which 135232  
division (J) of this section applies, by resolution adopted by a 135233  
majority of the members of the board, may levy an excise tax at 135234  
a rate not to exceed three per cent on transactions by which 135235  
lodging by a hotel is or is to be furnished to transient guests 135236  
for the purpose of acquiring, constructing, equipping, or 135237

repairing permanent improvements, as defined in section 133.01 135238  
of the Revised Code. 135239

(3) If the board does not levy a tax under division (A) of 135240  
this section, the board shall establish regulations necessary to 135241  
provide for the administration of the tax, which may prescribe 135242  
the time for payment of the tax and the imposition of penalty or 135243  
interest subject to the limitations on penalty and interest 135244  
provided in division (A) of this section. No portion of the 135245  
revenue shall be returned to townships or municipal corporations 135246  
in the county unless otherwise provided by resolution of the 135247  
board. 135248

(4) The tax shall apply throughout the territory of the 135249  
county, including in any township or municipal corporation 135250  
levying an excise tax under division (A) or (B) of section 135251  
5739.08 of the Revised Code. The levy of the tax is subject to 135252  
referendum as provided under section 305.31 of the Revised Code. 135253

(5) The tax shall remain in effect for the period 135254  
specified in the resolution. If revenue from the increase in 135255  
rate is pledged to the payment of debt charges on securities, 135256  
the increase in rate is not subject to diminution by initiative 135257  
or referendum or by law for so long as the securities are 135258  
outstanding unless provision is made by law or by the board for 135259  
an adequate substitute for that revenue that is satisfactory to 135260  
the trustee if a trust agreement secures payment of the debt 135261  
charges. 135262

(K) (1) The board of county commissioners of an eligible 135263  
county, as defined in section 307.678 of the Revised Code, that 135264  
levies an excise tax under division (A) of this section on July 135265  
1, 2017, at a rate of three per cent may, by resolution adopted 135266  
by a majority of the members of the board, amend the resolution 135267

levying the tax to increase the rate of the tax by not more than 135268  
an additional three per cent on each transaction. 135269

(2) No portion of the revenue shall be returned to 135270  
townships or municipal corporations in the county unless 135271  
otherwise provided by resolution of the board. Otherwise, the 135272  
revenue from the increase in the rate shall be distributed and 135273  
used in the same manner described under division (A) of this 135274  
section or distributed or used to provide credit enhancement 135275  
facilities as authorized under section 307.678 of the Revised 135276  
Code. 135277

(3) The increase in rate shall remain in effect for the 135278  
period specified in the resolution. If revenue from the increase 135279  
in rate is pledged to the payment of debt charges on securities, 135280  
the increase in rate is not subject to diminution by initiative 135281  
or referendum or by law for so long as the securities are 135282  
outstanding unless provision is made by law or by the board for 135283  
an adequate substitute for that revenue that is satisfactory to 135284  
the trustee if a trust agreement secures payment of the debt 135285  
charges. 135286

(L) (1) As used in division (L) of this section: 135287

(a) "Eligible county" means a county that has a population 135288  
greater than one hundred ninety thousand and less than two 135289  
hundred thousand according to the 2010 federal decennial census 135290  
and that levies an excise tax under division (A) of this section 135291  
at a rate of three per cent. 135292

(b) "Professional sports facility" means a sports facility 135293  
that is intended to house major or minor league professional 135294  
athletic teams, including a stadium, together with all parking 135295  
facilities, walkways, and other auxiliary facilities, real and 135296

personal property, property rights, easements, and interests 135297  
that may be appropriate for, or used in connection with, the 135298  
operation of the facility. 135299

(2) Subject to division (L)(3) of this section, the board 135300  
of county commissioners of an eligible county, by resolution 135301  
adopted by a majority of the members of the board, may increase 135302  
the rate of the tax by not more than one per cent on 135303  
transactions by which lodging by a hotel is or is to be 135304  
furnished to transient guests. Revenue from the increase in rate 135305  
shall be used for the purposes of paying the costs of 135306  
constructing, improving, and maintaining a professional sports 135307  
facility in the county and paying expenses considered necessary 135308  
by the convention and visitors' bureau operating in the county 135309  
to promote travel and tourism with respect to that professional 135310  
sports facility. The tax shall take effect only after the 135311  
convention and visitors' bureau enters into a contract for the 135312  
construction, improvement, or maintenance of a professional 135313  
sports facility that is or will be located on property acquired, 135314  
in whole or in part, with revenue from the increased rate, and 135315  
thereafter shall remain in effect for the period specified in 135316  
the resolution. If revenue from the increase in rate is pledged 135317  
to the payment of debt charges on securities, the increase in 135318  
rate is not subject to diminution by initiative or referendum or 135319  
by law for so long as the securities are outstanding, unless a 135320  
provision is made by law or by the board of county commissioners 135321  
for an adequate substitute for that revenue that is satisfactory 135322  
to the trustee if a trust agreement secures payment of the debt 135323  
charges. The increase in rate shall be subject to the 135324  
regulations adopted under division (A) of this section, except 135325  
that the resolution may provide that no portion of the revenue 135326  
from the increase in the rate shall be returned to townships or 135327

municipal corporations as would otherwise be required under 135328  
division (A) of this section. 135329

(3) If, on December 31, 2019, the convention and visitors' 135330  
bureau has not entered into a contract for the construction, 135331  
improvement, or maintenance of a professional sports facility 135332  
that is or will be located on property acquired, in whole or in 135333  
part, with revenue from the increased rate, the authority to 135334  
levy the tax under division (L) (2) of this section is hereby 135335  
repealed on that date. 135336

(M) (1) For the purposes described in section 307.695 of 135337  
the Revised Code and to cover the costs of administering the 135338  
tax, a board of county commissioners of a county where a tax 135339  
imposed under division (A) of this section is in effect may, by 135340  
resolution adopted within ninety days after July 15, 1985, by a 135341  
majority of the members of the board, levy an additional excise 135342  
tax not to exceed three per cent on transactions by which 135343  
lodging by a hotel is or is to be furnished to transient guests. 135344  
The tax authorized by division (M) of this section shall be in 135345  
addition to any tax that is levied pursuant to divisions (A) to 135346  
(L) of this section, but it shall not apply to transactions 135347  
subject to a tax levied by a municipal corporation or township 135348  
pursuant to section 5739.08 of the Revised Code. 135349

(2) The board shall establish all regulations necessary to 135350  
provide for the administration and allocation of the tax. The 135351  
regulations may prescribe the time for payment of the tax, and 135352  
may provide for the imposition of a penalty or interest, or 135353  
both, for late payments, provided that the penalty does not 135354  
exceed ten per cent of the amount of tax due, and the rate at 135355  
which interest accrues does not exceed the rate per annum 135356  
prescribed pursuant to section 5703.47 of the Revised Code. 135357

(3) All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code.

(4) A tax imposed under this division shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement entered into by the board under section 307.695 of the Revised Code is in effect, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(N) (1) For the purpose of providing contributions under division (B) (1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B) (1) (b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (N) of this section shall be in addition to any tax

that is levied pursuant to divisions (A) to (M) of this section, 135389  
to any excise tax levied pursuant to section 5739.08 of the 135390  
Revised Code, and to any excise tax levied pursuant to section 135391  
351.021 of the Revised Code. 135392

(2) The board of county commissioners shall establish all 135393  
regulations necessary to provide for the administration and 135394  
allocation of the tax that are not inconsistent with this 135395  
section or section 307.671 of the Revised Code. The regulations 135396  
may prescribe the time for payment of the tax, and may provide 135397  
for the imposition of a penalty or interest, or both, for late 135398  
payments, provided that the penalty does not exceed ten per cent 135399  
of the amount of tax due, and the rate at which interest accrues 135400  
does not exceed the rate per annum prescribed pursuant to 135401  
section 5703.47 of the Revised Code. 135402

(3) All revenues arising from the tax shall be expended in 135403  
accordance with section 307.671 of the Revised Code and division 135404  
(N) of this section. The levy of a tax imposed under division 135405  
(N) of this section may not commence prior to the first day of 135406  
the month next following the execution of the cooperative 135407  
agreement authorized by section 307.671 of the Revised Code by 135408  
all parties to that agreement. 135409

(4) The tax shall remain in effect at the rate at which it 135410  
is imposed for the period of time described in division (C) of 135411  
section 307.671 of the Revised Code for which the revenue from 135412  
the tax has been pledged by the county to the corporation 135413  
pursuant to that section, but, to any extent provided for in the 135414  
cooperative agreement, for no lesser period than the period of 135415  
time required for payment of the debt service charges on bonds, 135416  
or notes in anticipation of bonds, described in division (B) (1) 135417  
(b) of that section. 135418

(O) (1) For the purpose of paying the costs of acquiring, 135419  
constructing, equipping, and improving a municipal educational 135420  
and cultural facility, including debt service charges on bonds 135421  
provided for in division (B) of section 307.672 of the Revised 135422  
Code, and for any additional purposes determined by the county 135423  
in the resolution levying the tax or amendments to the 135424  
resolution, including subsequent amendments providing for paying 135425  
costs of acquiring, constructing, renovating, rehabilitating, 135426  
equipping, and improving a port authority educational and 135427  
cultural performing arts facility, as defined in section 307.674 135428  
of the Revised Code, and including debt service charges on bonds 135429  
provided for in division (B) of section 307.674 of the Revised 135430  
Code, the legislative authority of a county, by resolution 135431  
adopted within ninety days after June 30, 1993, by a majority of 135432  
the members of the legislative authority, may levy an additional 135433  
excise tax not to exceed one and one-half per cent on 135434  
transactions by which lodging by a hotel is or is to be 135435  
furnished to transient guests. The excise tax authorized by 135436  
division (O) of this section shall be in addition to any tax 135437  
that is levied pursuant to divisions (A) to (N) of this section, 135438  
to any excise tax levied pursuant to section 5739.08 of the 135439  
Revised Code, and to any excise tax levied pursuant to section 135440  
351.021 of the Revised Code. 135441

(2) The legislative authority of the county shall 135442  
establish all regulations necessary to provide for the 135443  
administration and allocation of the tax. The regulations may 135444  
prescribe the time for payment of the tax, and may provide for 135445  
the imposition of a penalty or interest, or both, for late 135446  
payments, provided that the penalty does not exceed ten per cent 135447  
of the amount of tax due, and the rate at which interest accrues 135448  
does not exceed the rate per annum prescribed pursuant to 135449

section 5703.47 of the Revised Code. 135450

(3) All revenues arising from the tax shall be expended in 135451  
accordance with section 307.672 of the Revised Code and this 135452  
division. The levy of a tax imposed under this division shall 135453  
not commence prior to the first day of the month next following 135454  
the execution of the cooperative agreement authorized by section 135455  
307.672 of the Revised Code by all parties to that agreement. 135456  
The tax shall remain in effect at the rate at which it is 135457  
imposed for the period of time determined by the legislative 135458  
authority of the county. That period of time shall not exceed 135459  
fifteen years, except that the legislative authority of a county 135460  
with a population of less than two hundred fifty thousand 135461  
according to the most recent federal decennial census, by 135462  
resolution adopted by a majority of its members before the 135463  
original tax or any extension thereof expires, may extend the 135464  
duration of the tax for an additional period of time. The 135465  
additional period of time by which a legislative authority 135466  
extends a tax levied under division (O) of this section shall 135467  
not exceed fifteen years. 135468

(P) (1) The legislative authority of a county that has 135469  
levied a tax under division (O) of this section may, by 135470  
resolution adopted within one hundred eighty days after January 135471  
4, 2001, by a majority of the members of the legislative 135472  
authority, amend the resolution levying a tax under that 135473  
division to provide for the use of the proceeds of that tax, to 135474  
the extent that it is no longer needed for its original purpose 135475  
as determined by the parties to a cooperative agreement 135476  
amendment pursuant to division (D) of section 307.672 of the 135477  
Revised Code, to pay costs of acquiring, constructing, 135478  
renovating, rehabilitating, equipping, and improving a port 135479  
authority educational and cultural performing arts facility, 135480

including debt service charges on bonds provided for in division 135481  
(B) of section 307.674 of the Revised Code, and to pay all 135482  
obligations under any guaranty agreements, reimbursement 135483  
agreements, or other credit enhancement agreements described in 135484  
division (C) of section 307.674 of the Revised Code. 135485

(2) The resolution may also provide for the extension of 135486  
the tax at the same rate for the longer of the period of time 135487  
determined by the legislative authority of the county, but not 135488  
to exceed an additional twenty-five years, or the period of time 135489  
required to pay all debt service charges on bonds provided for 135490  
in division (B) of section 307.672 of the Revised Code and on 135491  
port authority revenue bonds provided for in division (B) of 135492  
section 307.674 of the Revised Code. 135493

(3) All revenues arising from the amendment and extension 135494  
of the tax shall be expended in accordance with section 307.674 135495  
of the Revised Code and divisions (O) and (P) of this section. 135496

(Q) (1) As used in division (Q) of this section: 135497

(a) "Convention facilities authority" has the same meaning 135498  
as in section 351.01 of the Revised Code. 135499

(b) "Convention center" has the same meaning as in section 135500  
307.695 of the Revised Code. 135501

(2) Notwithstanding any contrary provision of division (N) 135502  
of this section, the legislative authority of a county with a 135503  
population of one million or more according to the most recent 135504  
federal decennial census that has levied a tax under division 135505  
(N) of this section may, by resolution adopted by a majority of 135506  
the members of the legislative authority, provide for the 135507  
extension of such levy and may provide that the proceeds of that 135508  
tax, to the extent that they are no longer needed for their 135509

original purpose as defined by a cooperative agreement entered 135510  
into under section 307.671 of the Revised Code, shall be 135511  
deposited into the county general revenue fund. The resolution 135512  
shall provide for the extension of the tax at a rate not to 135513  
exceed the rate specified in division (N) of this section for a 135514  
period of time determined by the legislative authority of the 135515  
county, but not to exceed an additional forty years. 135516

(3) The legislative authority of a county with a 135517  
population of one million or more that has levied a tax under 135518  
division (A) of this section may, by resolution adopted by a 135519  
majority of the members of the legislative authority, increase 135520  
the rate of the tax levied by such county under division (A) of 135521  
this section to a rate not to exceed five per cent on 135522  
transactions by which lodging by a hotel is or is to be 135523  
furnished to transient guests. Notwithstanding any contrary 135524  
provision of division (A) of this section, the resolution may 135525  
provide that all collections resulting from the rate levied in 135526  
excess of three per cent, after deducting the real and actual 135527  
costs of administering the tax, shall be deposited in the county 135528  
general fund. 135529

(4) The legislative authority of a county with a 135530  
population of one million or more that has levied a tax under 135531  
division (A) of this section may, by resolution adopted on or 135532  
before August 30, 2004, by a majority of the members of the 135533  
legislative authority, provide that all or a portion of the 135534  
proceeds of the tax levied under division (A) of this section, 135535  
after deducting the real and actual costs of administering the 135536  
tax and the amounts required to be returned to townships and 135537  
municipal corporations with respect to the first three per cent 135538  
levied under division (A) of this section, shall be deposited in 135539  
the county general fund, provided that such proceeds shall be 135540

used to satisfy any pledges made in connection with an agreement 135541  
entered into under section 307.695 of the Revised Code. 135542

(5) No amount collected from a tax levied, extended, or 135543  
required to be deposited in the county general fund under 135544  
division (Q) of this section shall be contributed to a 135545  
convention facilities authority, corporation, or other entity 135546  
created after July 1, 2003, for the principal purpose of 135547  
constructing, improving, expanding, equipping, financing, or 135548  
operating a convention center unless the mayor of the municipal 135549  
corporation in which the convention center is to be operated by 135550  
that convention facilities authority, corporation, or other 135551  
entity has consented to the creation of that convention 135552  
facilities authority, corporation, or entity. Notwithstanding 135553  
any contrary provision of section 351.04 of the Revised Code, if 135554  
a tax is levied by a county under division (Q) of this section, 135555  
the board of county commissioners of that county may determine 135556  
the manner of selection, the qualifications, the number, and 135557  
terms of office of the members of the board of directors of any 135558  
convention facilities authority, corporation, or other entity 135559  
described in division (Q) (5) of this section. 135560

(6) (a) No amount collected from a tax levied, extended, or 135561  
required to be deposited in the county general fund under 135562  
division (Q) of this section may be used for any purpose other 135563  
than paying the direct and indirect costs of constructing, 135564  
improving, expanding, equipping, financing, or operating a 135565  
convention center and for the real and actual costs of 135566  
administering the tax, unless, prior to the adoption of the 135567  
resolution of the legislative authority of the county 135568  
authorizing the levy, extension, increase, or deposit, the 135569  
county and the mayor of the most populous municipal corporation 135570  
in that county have entered into an agreement as to the use of 135571

such amounts, provided that such agreement has been approved by 135572  
a majority of the mayors of the other municipal corporations in 135573  
that county. The agreement shall provide that the amounts to be 135574  
used for purposes other than paying the convention center or 135575  
administrative costs described in division (Q) (6) (a) of this 135576  
section be used only for the direct and indirect costs of 135577  
capital improvements, including the financing of capital 135578  
improvements, except that the agreement may subsequently be 135579  
amended by the parties that have entered into that agreement to 135580  
authorize such amounts to instead be used for any costs related 135581  
to the promotion or support of tourism or tourism-related 135582  
programs. 135583

(b) If the county in which the tax is levied has an 135584  
association of mayors and city managers, the approval of that 135585  
association of an agreement described in division (Q) (6) (a) of 135586  
this section shall be considered to be the approval of the 135587  
majority of the mayors of the other municipal corporations for 135588  
purposes of that division. 135589

(7) Each year, the auditor of state shall conduct an audit 135590  
of the uses of any amounts collected from taxes levied, 135591  
extended, or deposited under division (Q) of this section and 135592  
shall prepare a report of the auditor of state's findings. The 135593  
auditor of state shall submit the report to the legislative 135594  
authority of the county that has levied, extended, or deposited 135595  
the tax, the speaker of the house of representatives, the 135596  
president of the senate, and the leaders of the minority parties 135597  
of the house of representatives and the senate. 135598

(R) (1) As used in division (R) of this section: 135599

(a) "Convention facilities authority" has the same meaning 135600  
as in section 351.01 of the Revised Code. 135601

(b) "Convention center" has the same meaning as in section 135602  
307.695 of the Revised Code. 135603

(2) Notwithstanding any contrary provision of division (N) 135604  
of this section, the legislative authority of a county with a 135605  
population of one million two hundred thousand or more according 135606  
to the most recent federal decennial census or the most recent 135607  
annual population estimate published or released by the United 135608  
States census bureau at the time the resolution is adopted 135609  
placing the levy on the ballot, that has levied a tax under 135610  
division (N) of this section may, by resolution adopted by a 135611  
majority of the members of the legislative authority, provide 135612  
for the extension of such levy and may provide that the proceeds 135613  
of that tax, to the extent that the proceeds are no longer 135614  
needed for their original purpose as defined by a cooperative 135615  
agreement entered into under section 307.671 of the Revised Code 135616  
and after deducting the real and actual costs of administering 135617  
the tax, shall be used for paying the direct and indirect costs 135618  
of constructing, improving, expanding, equipping, financing, or 135619  
operating a convention center. The resolution shall provide for 135620  
the extension of the tax at a rate not to exceed the rate 135621  
specified in division (N) of this section for a period of time 135622  
determined by the legislative authority of the county, but not 135623  
to exceed an additional forty years. 135624

(3) The legislative authority of a county with a 135625  
population of one million two hundred thousand or more that has 135626  
levied a tax under division (A) of this section may, by 135627  
resolution adopted by a majority of the members of the 135628  
legislative authority, increase the rate of the tax levied by 135629  
such county under division (A) of this section to a rate not to 135630  
exceed five per cent on transactions by which lodging by a hotel 135631  
is or is to be furnished to transient guests. Notwithstanding 135632

any contrary provision of division (A) of this section, the 135633  
resolution shall provide that all collections resulting from the 135634  
rate levied in excess of three per cent, after deducting the 135635  
real and actual costs of administering the tax, shall be used 135636  
for paying the direct and indirect costs of constructing, 135637  
improving, expanding, equipping, financing, or operating a 135638  
convention center. 135639

(4) The legislative authority of a county with a 135640  
population of one million two hundred thousand or more that has 135641  
levied a tax under division (A) of this section may, by 135642  
resolution adopted on or before July 1, 2008, by a majority of 135643  
the members of the legislative authority, provide that all or a 135644  
portion of the proceeds of the tax levied under division (A) of 135645  
this section, after deducting the real and actual costs of 135646  
administering the tax and the amounts required to be returned to 135647  
townships and municipal corporations with respect to the first 135648  
three per cent levied under division (A) of this section, shall 135649  
be used to satisfy any pledges made in connection with an 135650  
agreement entered into under section 307.695 of the Revised Code 135651  
or shall otherwise be used for paying the direct and indirect 135652  
costs of constructing, improving, expanding, equipping, 135653  
financing, or operating a convention center. 135654

(5) Any amount collected from a tax levied or extended 135655  
under division (R) of this section may be contributed to a 135656  
convention facilities authority created before July 1, 2005, but 135657  
no amount collected from a tax levied or extended under division 135658  
(R) of this section may be contributed to a convention 135659  
facilities authority, corporation, or other entity created after 135660  
July 1, 2005, unless the mayor of the municipal corporation in 135661  
which the convention center is to be operated by that convention 135662  
facilities authority, corporation, or other entity has consented 135663

to the creation of that convention facilities authority, 135664  
corporation, or entity. 135665

(S) As used in division (S) of this section, "soldiers' 135666  
memorial" means a memorial constructed and funded under Chapter 135667  
345. of the Revised Code. 135668

The board of county commissioners of a county with a 135669  
population between one hundred three thousand and one hundred 135670  
seven thousand according to the most recent federal decennial 135671  
census, by resolution adopted by a majority of the members of 135672  
the board within six months after September 15, 2014, may levy a 135673  
tax not to exceed three per cent on transactions by which a 135674  
hotel is or is to be furnished to transient guests. The purpose 135675  
of the tax shall be to pay the costs of expanding, maintaining, 135676  
or operating a soldiers' memorial and the costs of administering 135677  
the tax. All revenue arising from the tax shall be credited to 135678  
one or more special funds in the county treasury and shall be 135679  
spent solely for the purposes of paying those costs. 135680

The board of county commissioners shall adopt all rules 135681  
necessary to provide for the administration of the tax subject 135682  
to the same limitations on imposing penalty or interest under 135683  
division (A) of this section. 135684

(T) As used in division (T) of this section: 135685

(1) "Eligible county" means a county in which a county 135686  
agricultural society or independent agricultural society is 135687  
organized under section 1711.01 or 1711.02 of the Revised Code, 135688  
provided the agricultural society owns a facility or site in the 135689  
county at which an annual harness horse race is conducted where 135690  
one-day attendance equals at least forty thousand attendees. 135691

(2) "Permanent improvements," "debt charges," and 135692

"financing costs" have the same meanings as in section 133.01 of the Revised Code. 135693  
135694

(3) "Costs of permanent improvements" include all costs allowed in section 133.15 of the Revised Code. 135695  
135696

A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of paying the costs of permanent improvements at sites at which one or more agricultural societies conduct fairs or exhibits, including paying financing costs and debt charges on bonds, or notes in anticipation of bonds, paying the costs of maintaining or operating such permanent improvements, and paying the costs of administering the tax. 135697  
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A resolution adopted under division (T) of this section, other than a resolution that only extends the period of time for which the tax is levied, shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (T) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote. 135708  
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The tax shall remain in effect for the period specified in the resolution, not to exceed five years, and may be extended 135721  
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for an additional period of years that is at least the number of 135723  
years required for payment of the debt charges on bonds or notes 135724  
in anticipation of bonds authorized under this division but not 135725  
in excess of fifteen years thereafter by a resolution adopted by 135726  
a majority of the members of the board. A resolution extending 135727  
the period of time for which the tax is in effect is not subject 135728  
to approval of the electors of the county, but is subject to 135729  
referendum under sections 305.31 to 305.99 of the Revised Code. 135730  
All revenue arising from the tax shall be credited to one or 135731  
more special funds in the county treasury and shall be spent 135732  
solely for the purposes of paying the costs of such permanent 135733  
improvements, including paying financing costs and debt charges 135734  
on bonds, or notes in anticipation of bonds, and maintaining or 135735  
operating the improvements. Revenue allocated for the use of a 135736  
county agricultural society may be credited to the county 135737  
agricultural society fund created in section 1711.16 of the 135738  
Revised Code upon appropriation by the board. If revenue is 135739  
credited to that fund, it shall be expended only as provided in 135740  
that section. 135741

The board of county commissioners shall adopt all rules 135742  
necessary to provide for the administration of the tax. The 135743  
rules may prescribe the time for payment of the tax, and may 135744  
provide for the imposition or penalty or interest, or both, for 135745  
late payments, provided that the penalty does not exceed ten per 135746  
cent of the amount of tax due, and the rate at which interest 135747  
accrues does not exceed the rate per annum prescribed in section 135748  
5703.47 of the Revised Code. 135749

The board of county commissioners may issue bonds, or 135750  
notes in anticipation thereof, pursuant to Chapter 133. of the 135751  
Revised Code, for the purpose of paying the costs of permanent 135752  
improvements as authorized in this division and pledge the 135753

revenue arising from the tax for that purpose. The board of 135754  
county commissioners may pledge or contribute the revenue 135755  
arising from the tax levied under this division to a port 135756  
authority created under Chapter 4582. of the Revised Code, and 135757  
the port authority may issue bonds, or notes in anticipation 135758  
thereof, pursuant to that chapter, for the purpose of paying the 135759  
costs of permanent improvements as authorized in this division. 135760

(U) As used in division (U) of this section, "eligible 135761  
county" means a county in which a tax is levied under division 135762  
(A) of this section at a rate of three per cent and whose 135763  
territory includes a part of Lake Erie the shoreline of which 135764  
represents at least fifty per cent of the linear length of the 135765  
county's border with other counties of this state. 135766

The board of county commissioners of an eligible county 135767  
that has entered into an agreement with a port authority in the 135768  
county under section 4582.56 of the Revised Code may levy an 135769  
additional lodging tax on transactions by which lodging by a 135770  
hotel is or is to be furnished to transient guests for the 135771  
purpose of financing lakeshore improvement projects constructed 135772  
or financed by the port authority under that section. The 135773  
resolution levying the tax shall specify the purpose of the tax, 135774  
the rate of the tax, which shall not exceed two per cent, and 135775  
the number of years the tax will be levied or that it will be 135776  
levied for a continuing period of time. The tax shall be 135777  
administered pursuant to the regulations adopted by the board 135778  
under division (A) of this section, except that all the proceeds 135779  
of the tax levied under this division shall be pledged to the 135780  
payment of the costs, including debt charges, of lakeshore 135781  
improvements undertaken by a port authority pursuant to the 135782  
agreement under section 4582.56 of the Revised Code. No revenue 135783  
from the tax may be used to pay the current expenses of the port 135784

authority. 135785

A resolution levying a tax under division (U) of this 135786  
section is subject to referendum under sections 305.31 to 305.41 135787  
and 305.99 of the Revised Code. 135788

(V) (1) As used in division (V) of this section: 135789

(a) "Tourism development district" means a district 135790  
designated by a municipal corporation under section 715.014 of 135791  
the Revised Code or by a township under section 503.56 of the 135792  
Revised Code. 135793

(b) "Lodging tax" means a tax levied pursuant to this 135794  
section or section 5739.08 of the Revised Code. 135795

(c) "Tourism development district lodging tax proceeds" 135796  
means all proceeds of a lodging tax derived from transactions by 135797  
which lodging by a hotel located in a tourism development 135798  
district is or is to be provided to transient guests. 135799

(d) "Eligible county" has the same meaning as in section 135800  
307.678 of the Revised Code. 135801

(2) (a) Notwithstanding division (A) of this section, the 135802  
board of county commissioners, board of township trustees, or 135803  
legislative authority of any county, township, or municipal 135804  
corporation that levies a lodging tax on September 29, 2017, and 135805  
in which any part of a tourism development district is located 135806  
on or after that date shall amend the ordinance or resolution 135807  
levying the tax to require either of the following: 135808

(i) In the case of a tax levied by a county, that all 135809  
tourism development district lodging tax proceeds from that tax 135810  
be used exclusively to foster and develop tourism in the tourism 135811  
development district; 135812

(ii) In the case of a tax levied by a township or 135813  
municipal corporation, that all tourism development district 135814  
lodging tax proceeds from that tax be used exclusively to foster 135815  
and develop tourism in the tourism development district. 135816

(b) Notwithstanding division (A) of this section, any 135817  
ordinance or resolution levying a lodging tax adopted on or 135818  
after September 29, 2017, by a county, township, or municipal 135819  
corporation in which any part of a tourism development district 135820  
is located on or after that date shall require that all tourism 135821  
development district lodging tax proceeds from that tax be used 135822  
exclusively to foster and develop tourism in the tourism 135823  
development district. 135824

(c) A county shall not use any of the proceeds described 135825  
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 135826  
convention and visitors' bureau operating within the county 135827  
approves the manner in which such proceeds are used to foster 135828  
and develop tourism in the tourism development district. Upon 135829  
obtaining such approval, the county may pay such proceeds to the 135830  
bureau to use for the agreed-upon purpose. 135831

A municipal corporation or township shall not use any of 135832  
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 135833  
this section unless the convention and visitors' bureau 135834  
operating within the municipal corporation or township approves 135835  
the manner in which such proceeds are used to foster and develop 135836  
tourism in the tourism development district. Upon obtaining such 135837  
approval, the municipal corporation or township may pay such 135838  
proceeds to the bureau to use for the agreed-upon purpose. 135839

(3) (a) Notwithstanding division (A) of this section, the 135840  
board of county commissioners of an eligible county that levies 135841  
a lodging tax on March 23, 2018, may amend the resolution 135842

levying that tax to require that all or a portion of the 135843  
proceeds of that tax otherwise required to be spent solely to 135844  
make contributions to the convention and visitors' bureau 135845  
operating within the county shall be used to foster and develop 135846  
tourism in a tourism development district. 135847

(b) Notwithstanding division (A) of this section, the 135848  
board of county commissioners of an eligible county that adopts 135849  
a resolution levying a lodging tax on or after March 23, 2018, 135850  
may require that all or a portion of the proceeds of that tax 135851  
otherwise required to be spent solely to make contributions to 135852  
the convention and visitors' bureau operating within the county 135853  
pursuant to division (A) of this section shall be used to foster 135854  
and develop tourism in a tourism development district. 135855

(c) A county shall not use any of the proceeds in the 135856  
manner described in division (V) (3) (a) or (b) of this section 135857  
unless the convention and visitors' bureau operating within the 135858  
county approves the manner in which such proceeds are used to 135859  
foster and develop tourism in the tourism development district. 135860  
Upon obtaining such approval, the county may pay such proceeds 135861  
to the bureau to use for the agreed upon purpose. 135862

(W) (1) As used in division (W) of this section: 135863

(a) "Eligible county" means a county with a population 135864  
greater than three hundred thousand and less than three hundred 135865  
fifty thousand that levies a tax under division (A) of this 135866  
section at a rate of three per cent; 135867

(b) "Cost" and "facility" have the same meanings as in 135868  
section 351.01 of the Revised Code. 135869

(2) A board of county commissioners of an eligible county, 135870  
by resolution adopted by a majority of the members of the board, 135871

may levy an excise tax at the rate of up to three per cent on 135872  
transactions by which lodging by a hotel is or is to be 135873  
furnished to transient guests. All of the revenue from the tax 135874  
shall be used to pay the costs of administering the tax or 135875  
pledged and contributed to a convention facilities authority 135876  
established by the board of county commissioners under Chapter 135877  
351. of the Revised Code and used by the authority to pay the 135878  
cost of constructing a facility in the county, including paying 135879  
bonds, or notes issued in anticipation of bonds, as provided by 135880  
that chapter, or paying the expenses of maintaining, operating, 135881  
or promoting such a facility. No portion of the revenue arising 135882  
from the tax need be returned to municipal corporations or 135883  
townships as required for taxes levied under division (A) of 135884  
this section. 135885

(3) A resolution adopted under division (W) of this 135886  
section shall direct the board of elections to submit the 135887  
question of the proposed lodging tax to the electors of the 135888  
county at a special election held on the date specified by the 135889  
board in the resolution, provided that the election occurs not 135890  
less than ninety days after a certified copy of the resolution 135891  
is transmitted to the board of elections. A resolution submitted 135892  
to the electors under division (W) of this section shall not go 135893  
into effect unless it is approved by a majority of those voting 135894  
upon it. The resolution takes effect on the date the board of 135895  
county commissioners receives notification from the board of 135896  
elections of an affirmative vote. 135897

(4) Once the tax is approved by the electors of the county 135898  
pursuant to division (W) (3) of this section, it shall not be 135899  
subject to diminution by initiative or referendum or by law 135900  
while any bonds, or notes in anticipation of bonds, issued by 135901  
the authority under Chapter 351. of the Revised Code to which 135902

the revenue is pledged, remain outstanding in accordance with 135903  
their terms, unless provision is made by law or by the board of 135904  
county commissioners for an adequate substitute therefore that 135905  
is satisfactory to the trustee if a trust agreement secures the 135906  
bonds. 135907

(5) The tax authorized by division (W) of this section 135908  
shall be in addition to any other tax that is levied pursuant to 135909  
this section. 135910

(X) (1) As used in division (X) of this section: 135911

(a) "Convention facilities authority," "cost," and 135912  
"facility" have the same meanings as in section 351.01 of the 135913  
Revised Code, except that "facility" does not include a "sports 135914  
facility," as that term is defined in that section, other than a 135915  
facility intended to house a major league soccer team. 135916

(b) "Eligible county" means a county with a population 135917  
greater than eight hundred thousand but less than one million 135918  
that levies a tax under division (A) of this section. 135919

(c) "Port authority" means a port authority created under 135920  
Chapter 4582. of the Revised Code. 135921

(2) A board of county commissioners or the legislative 135922  
authority of an eligible county may, by resolution adopted by a 135923  
majority of the members of the board or legislative authority, 135924  
levy an excise tax at a rate not to exceed one per cent on 135925  
transactions by which lodging by a hotel is or is to be 135926  
furnished to transient guests. All revenue arising from the tax 135927  
shall be used to pay the costs of administering the tax or 135928  
pledged and contributed to the convention and visitors' bureau 135929  
operating within the applicable eligible county, a convention 135930  
facilities authority within the applicable eligible county, or a 135931

port authority and used by the convention and visitors' bureau, 135932  
the convention facilities authority, or the port authority to 135933  
pay the cost of acquiring, constructing, renovating, expanding, 135934  
maintaining, or operating one or more facilities in the county, 135935  
including paying bonds, or notes issued in anticipation of 135936  
bonds, or paying the expenses of maintaining, operating, or 135937  
promoting one or more facilities. No portion of the revenue 135938  
arising from the tax need be returned to municipal corporations 135939  
or townships as required for taxes levied under division (A) of 135940  
this section. 135941

(3) The tax authorized by division (X) of this section 135942  
shall be in addition to any other tax that is levied pursuant to 135943  
this section. 135944

(4) Any board of county commissioners of an eligible 135945  
county that, pursuant to division (D) (2) of this section, has 135946  
amended a resolution levying the tax authorized by division (A) 135947  
of this section may further amend the resolution to provide that 135948  
all or a portion of the revenue referred to in division (D) (2) 135949  
(b) of this section and division (A) of this section may be 135950  
pledged and contributed to pay the costs of acquiring, 135951  
constructing, renovating, expanding, maintaining, or operating 135952  
one or more facilities in the county, including paying bonds, or 135953  
notes issued in anticipation of bonds, or paying the expenses of 135954  
maintaining, operating, or promoting one or more facilities. 135955

(Y) For the purpose of contributing revenue to pay for 135956  
public safety services in a resort area designated under section 135957  
5739.101 of the Revised Code, a board of county commissioners 135958  
may amend a resolution adopted under division (A) of this 135959  
section to increase the rate of the tax by not more than an 135960  
additional one per cent, so long as the total tax rate levied 135961

under this section by that county does not exceed five per cent. 135962  
The revenue from that increase shall be used exclusively to pay 135963  
for public safety services in the resort area. 135964

**Sec. 5739.092.** (A) Except as provided in division (B) or 135965  
(C) of this section, money collected by a county and distributed 135966  
under section 5739.09 of the Revised Code to a convention and 135967  
visitors' bureau in existence as of June 30, 2013, except for 135968  
any such money pledged, as of that date, to the payment of debt 135969  
service charges on bonds, notes, securities, or lease 135970  
agreements, shall be used solely for tourism sales, marketing 135971  
and promotion, and their associated costs, including operational 135972  
and administrative costs of the bureau, sales and marketing, and 135973  
maintenance of the physical bureau structure. 135974

(B) A convention and visitors' bureau that has entered 135975  
into an agreement under section 307.678 of the Revised Code may 135976  
use revenue it receives from a tax levied under division (A) of 135977  
section 5739.09 of the Revised Code as described in division (E) 135978  
of section 307.678 of the Revised Code. 135979

(C) The convention and visitors' bureau of a county with a 135980  
population of less than one hundred thousand and annual receipts 135981  
from one or more taxes levied pursuant to section 5739.09 of the 135982  
Revised Code in excess of five hundred thousand dollars, may, in 135983  
addition to the purposes specified in division (A) of this 135984  
section, spend revenue from a tax levied under section 5739.09 135985  
of the Revised Code to pay the costs of public safety services, 135986  
an economic development project, or an infrastructure project, 135987  
provided the services or project impact tourism. 135988

**Sec. 5739.101.** (A) The legislative authority of a 135989  
municipal corporation, by ordinance or resolution, or of a 135990  
township, by resolution, may declare the municipal corporation 135991

or township to be a resort area for the purposes of this 135992  
section, if all of the following criteria are met: 135993

(1) According to statistics published by the federal 135994  
government based on data compiled during the most recent 135995  
decennial census of the United States, at least sixty-two per 135996  
cent of total housing units in the municipal corporation or 135997  
township are classified as "for seasonal, recreational, or 135998  
occasional use"; 135999

(2) Entertainment and recreation facilities are provided 136000  
within the municipal corporation or township that are primarily 136001  
intended to provide seasonal leisure time activities for persons 136002  
other than permanent residents of the municipal corporation or 136003  
township; 136004

(3) The municipal corporation or township experiences 136005  
seasonal peaks of employment and demand for government services 136006  
as a direct result of the seasonal population increase. 136007

(B) For the purpose of providing revenue for its general 136008  
fund, the legislative authority of a municipal corporation or 136009  
township, in its ordinance or resolution declaring itself a 136010  
resort area under this section, may levy a tax on the privilege 136011  
of engaging in the business of either of the following: 136012

(1) Making sales in the municipal corporation or township, 136013  
whether wholesale or retail, but including sales of food only to 136014  
the extent such sales are subject to the tax levied under 136015  
section 5739.02 of the Revised Code; 136016

(2) Intrastate transportation of passengers or property 136017  
primarily to or from the municipal corporation or township by a 136018  
railroad, watercraft, or motor vehicle subject to regulation by 136019  
the public utilities commission, except not including 136020

transportation of passengers as part of a tour or cruise in 136021  
which the passengers will stay in the municipal corporation or 136022  
township for no more than one hour. 136023

The tax is imposed upon and shall be paid by the person 136024  
making the sales or transporting the passengers or property. ~~The~~ 136025  
Except as provided in division (G) of this section, the rate of 136026  
the tax shall be one-half, one, or one and one-half per cent of 136027  
the person's gross receipts derived from making the sales or 136028  
transporting the passengers or property to or from the municipal 136029  
corporation or township. 136030

(C) For the purpose of fostering and developing tourism in 136031  
a tourism development district designated under section 503.56 136032  
or 715.014 of the Revised Code, the legislative authority of a 136033  
municipal corporation or township, by ordinance or resolution 136034  
adopted on or before December 31, 2020, may levy a tax on the 136035  
privilege of engaging in the business of making sales in the 136036  
tourism development district, whether wholesale or retail, but 136037  
including sales of food only to the extent such sales are 136038  
subject to the tax levied under section 5739.02 of the Revised 136039  
Code. 136040

The tax is imposed upon and shall be paid by the person 136041  
making the sales. The rate of the tax shall be one-half, one, 136042  
one and one-half, or two per cent of the person's gross receipts 136043  
derived from making the sales in the tourism development 136044  
district. 136045

(D) A tax levied under division (B) or (C) of this section 136046  
shall take effect on the first day of the month that begins at 136047  
least sixty days after the effective date of the ordinance or 136048  
resolution by which it is levied. The legislative authority 136049  
shall certify copies of the ordinance or resolution to the tax 136050

commissioner and treasurer of state within five days after its 136051  
adoption. In addition, one time each week during the two weeks 136052  
following the adoption of the ordinance or resolution, the 136053  
legislative authority shall cause to be published in a newspaper 136054  
of general circulation in the municipal corporation or township, 136055  
or as provided in section 7.16 of the Revised Code, a notice 136056  
explaining the tax and stating the rate of the tax, the date it 136057  
will take effect, and that persons subject to the tax must 136058  
register with the tax commissioner under section 5739.103 of the 136059  
Revised Code. 136060

(E) No more than once a year, and subject to the rates 136061  
prescribed in division (B) or (C) of this section, the 136062  
legislative authority of the municipal corporation or township, 136063  
by ordinance or resolution, may increase or decrease the rate of 136064  
a tax levied under this section. The legislative authority, by 136065  
ordinance or resolution, at any time may repeal such a tax. The 136066  
legislative authority shall certify to the tax commissioner and 136067  
treasurer of state copies of the ordinance or resolution 136068  
repealing or changing the rate of the tax within five days after 136069  
its adoption. In addition, one time each week during the two 136070  
weeks following the adoption of the ordinance or resolution, the 136071  
legislative authority shall cause to be published in a newspaper 136072  
of general circulation in the municipal corporation or township, 136073  
or as provided in section 7.16 of the Revised Code, notice of 136074  
the repeal or change. 136075

(F) A person may separately or proportionately bill or 136076  
invoice a tax levied pursuant to division (B) or (C) of this 136077  
section to another person. 136078

(G) The legislative authority of a municipal corporation, 136079  
by ordinance or resolution, or of a township, by resolution, may 136080

increase the rate of the tax levied under division (B) of this 136081  
section to two or two and one-half per cent with the approval of 136082  
a majority of the electors of the municipal corporation or 136083  
township voting on the question at a general or special 136084  
election. The municipal corporation or township shall certify a 136085  
copy of the ordinance or resolution to the tax commissioner 136086  
within five days after its adoption. In addition, one time each 136087  
week during the two weeks following the adoption of the 136088  
ordinance or resolution, the legislative authority shall cause 136089  
to be published in a newspaper of general circulation in the 136090  
municipal corporation or township, or as provided in section 136091  
7.16 of the Revised Code, a notice explaining the tax and 136092  
stating the current rate of the tax, what the rate would be if 136093  
subject to the proposed increase, and the date it will take 136094  
effect, if approved by electors. 136095

The legislative authority of the municipal corporation or 136096  
township shall file with the board of elections at least ninety 136097  
days before the day of the election a copy of the ordinance or 136098  
resolution, which shall specify the date the election is to be 136099  
held and directs the board of elections to conduct the election. 136100  
The ballot shall be in the following form: "Shall the rate of a 136101  
resort area tax levied by \_\_\_\_\_ (name of municipal corporation or 136102  
township) from \_\_\_\_\_ % to \_\_\_\_\_ % be passed? 136103

<u>For the resort area tax</u> <u>increase</u>		
<u>Against the resort area</u> <u>tax increase</u>		"

A tax levied under division (G) of this section takes 136105

effect on the first day of the calendar quarter that begins at 136106  
least sixty-five days after the date the tax commissioner 136107  
receives notice of the affirmative vote. 136108

**Sec. 5739.12.** (A) (1) Each person who has or is required to 136109  
have a vendor's license, on or before the twenty-third day of 136110  
each month, shall make and file a return for the preceding month 136111  
in the form prescribed by the tax commissioner, and shall pay 136112  
the tax shown on the return to be due. The return shall be filed 136113  
electronically using the Ohio business gateway, as defined in 136114  
section 718.01 of the Revised Code, the Ohio telefile system, or 136115  
any other electronic means prescribed by the commissioner. 136116  
Payment of the tax shown on the return to be due shall be made 136117  
electronically in a manner approved by the commissioner. The 136118  
commissioner may require a vendor that operates from multiple 136119  
locations or has multiple vendor's licenses to report all tax 136120  
liabilities on one consolidated return. The return shall show 136121  
the amount of tax due from the vendor to the state for the 136122  
period covered by the return and such other information as the 136123  
commissioner deems necessary for the proper administration of 136124  
this chapter. The commissioner may extend the time for making 136125  
and filing returns and paying the tax, and may require that the 136126  
return for the last month of any annual or semiannual period, as 136127  
determined by the commissioner, be a reconciliation return 136128  
detailing the vendor's sales activity for the preceding annual 136129  
or semiannual period. The reconciliation return shall be filed 136130  
by the last day of the month following the last month of the 136131  
annual or semiannual period. The commissioner may remit all or 136132  
any part of amounts or penalties that may become due under this 136133  
chapter and may adopt rules relating thereto. Such return shall 136134  
be filed electronically as directed by the tax commissioner, and 136135  
payment of the amount of tax shown to be due thereon, after 136136

deduction of any discount provided for under this section, shall 136137  
be made electronically in a manner approved by the tax 136138  
commissioner. 136139

(2) Any person required to file returns and make payments 136140  
electronically under division (A)(1) of this section may apply 136141  
to the tax commissioner on a form prescribed by the commissioner 136142  
to be excused from that requirement. For good cause shown, the 136143  
commissioner may excuse the person from that requirement and may 136144  
permit the person to file the returns and make the payments 136145  
required by this section by nonelectronic means. 136146

(B)(1) If the return is filed and the amount of tax shown 136147  
thereon to be due is paid on or before the date such return is 136148  
required to be filed, the vendor shall be entitled to a discount 136149  
of three-fourths of one per cent of the amount shown to be due 136150  
on the return. The amount of the discount on the basis of sales 136151  
other than the sales of motor vehicles shall not exceed seven 136152  
hundred fifty dollars per vendor's license for each month 136153  
covered by the return. 136154

(2) A vendor that has selected a certified service 136155  
provider as its agent shall not be entitled to the discount if 136156  
the certified service provider receives a monetary allowance 136157  
pursuant to section 5739.06 of the Revised Code for performing 136158  
the vendor's sales and use tax functions in this state. Amounts 136159  
paid to the clerk of courts pursuant to section 4505.06 of the 136160  
Revised Code shall be subject to the applicable discount. The 136161  
discount shall be in consideration for prompt payment to the 136162  
clerk of courts and for other services performed by the vendor 136163  
in the collection of the tax. 136164

(C)(1) Upon application to the tax commissioner, a vendor 136165  
who is required to file monthly returns may be relieved of the 136166

requirement to report and pay the actual tax due, provided that 136167  
the vendor agrees to remit to the commissioner payment of not 136168  
less than an amount determined by the commissioner to be the 136169  
average monthly tax liability of the vendor, based upon a review 136170  
of the returns or other information pertaining to such vendor 136171  
for a period of not less than six months nor more than two years 136172  
immediately preceding the filing of the application. Vendors who 136173  
agree to the above conditions shall make and file an annual or 136174  
semiannual reconciliation return, as prescribed by the 136175  
commissioner. The reconciliation return shall be filed 136176  
electronically as directed by the tax commissioner, and payment 136177  
of the amount of tax shown to be due thereon, after deduction of 136178  
any discount provided in this section, shall be made 136179  
electronically in a manner approved by the commissioner. Failure 136180  
of a vendor to comply with any of the above conditions may 136181  
result in immediate reinstatement of the requirement of 136182  
reporting and paying the actual tax liability on each monthly 136183  
return, and the commissioner may at the commissioner's 136184  
discretion deny the vendor the right to report and pay based 136185  
upon the average monthly liability for a period not to exceed 136186  
two years. The amount ascertained by the commissioner to be the 136187  
average monthly tax liability of a vendor may be adjusted, based 136188  
upon a review of the returns or other information pertaining to 136189  
the vendor for a period of not less than six months nor more 136190  
than two years preceding such adjustment. 136191

(2) The commissioner may authorize vendors whose tax 136192  
liability is not such as to merit monthly returns, as 136193  
ascertained by the commissioner upon the basis of administrative 136194  
costs to the state, to make and file returns at less frequent 136195  
intervals. When returns are filed at less frequent intervals in 136196  
accordance with such authorization, the vendor shall be allowed 136197

the discount provided in this section in consideration for 136198  
prompt payment with the return, provided the return is filed and 136199  
payment is made of the amount of tax shown to be due thereon, at 136200  
the time specified by the commissioner, but a vendor that has 136201  
selected a certified service provider as its agent shall not be 136202  
entitled to the discount. 136203

(D) Any vendor who fails to file a return or to pay the 136204  
full amount of the tax shown on the return to be due in the 136205  
manner prescribed under this section and the rules of the 136206  
commissioner may, for each such return, be required to forfeit 136207  
and pay into the state treasury an additional charge not 136208  
exceeding fifty dollars or ten per cent of the tax required to 136209  
be paid for the reporting period, whichever is greater, as 136210  
revenue arising from the tax imposed by this chapter, and such 136211  
sum may be collected by assessment in the manner provided in 136212  
section 5739.13 of the Revised Code. The commissioner may remit 136213  
all or a portion of the additional charge and may adopt rules 136214  
relating to the imposition and remission of the additional 136215  
charge. 136216

(E) If the amount required to be collected by a vendor 136217  
from consumers is in excess of the applicable percentage of the 136218  
vendor's receipts from sales that are taxable under section 136219  
5739.02 of the Revised Code, or in the case of sales subject to 136220  
a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 136221  
of the Revised Code, in excess of the percentage equal to the 136222  
aggregate rate of such taxes and the tax levied by section 136223  
5739.02 of the Revised Code, such excess shall be remitted along 136224  
with the remittance of the amount of tax due under section 136225  
5739.10 of the Revised Code. 136226

(F) The commissioner, if the commissioner deems it 136227

necessary in order to insure the payment of the tax imposed by 136228  
this chapter, may require returns and payments to be made for 136229  
other than monthly periods. 136230

(G) Any vendor required to file a return and pay the tax 136231  
under this section whose total payment for a year equals or 136232  
exceeds the amount shown in division (A) of section 5739.122 of 136233  
the Revised Code is subject to the accelerated tax payment 136234  
requirements in divisions (B) and (C) of that section. For a 136235  
vendor that operates from multiple locations or has multiple 136236  
vendor's licenses, in determining whether the vendor's total 136237  
payment equals or exceeds the amount shown in division (A) of 136238  
that section, the vendor's total payment amount shall be the 136239  
amount of the vendor's total tax liability for the previous 136240  
calendar year for all of the vendor's locations or licenses. 136241

**Sec. 5739.13.** (A) If any vendor collects the tax imposed 136242  
by or pursuant to section 5739.02, 5739.021, 5739.023, or 136243  
5739.026 of the Revised Code, and fails to remit the tax to the 136244  
state as prescribed, or on the sale of a motor vehicle, 136245  
watercraft, or outboard motor required to be titled, fails to 136246  
remit payment to a clerk of a court of common pleas as provided 136247  
in section 1548.06 or 4505.06 of the Revised Code, the vendor 136248  
shall be personally liable for any tax collected and not 136249  
remitted. The tax commissioner may make an assessment against 136250  
such vendor based upon any information in the commissioner's 136251  
possession. 136252

If any vendor fails to collect the tax or any consumer 136253  
fails to pay the tax imposed by or pursuant to section 5739.02, 136254  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 136255  
transaction subject to the tax, the vendor or consumer shall be 136256  
personally liable for the amount of the tax applicable to the 136257

transaction. The commissioner may make an assessment against 136258  
either the vendor or consumer, as the facts may require, based 136259  
upon any information in the commissioner's possession. 136260

An assessment against a vendor when the tax imposed by or 136261  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 136262  
the Revised Code has not been collected or paid, shall not 136263  
discharge the purchaser's or consumer's liability to reimburse 136264  
the vendor for the tax applicable to such transaction. 136265

An assessment issued against either, pursuant to this 136266  
section, shall not be considered an election of remedies, nor a 136267  
bar to an assessment against the other for the tax applicable to 136268  
the same transaction, provided that no assessment shall be 136269  
issued against any person for the tax due on a particular 136270  
transaction if the tax on that transaction actually has been 136271  
paid by another. 136272

The commissioner may make an assessment against any vendor 136273  
who fails to file a return or remit the proper amount of tax 136274  
required by this chapter, or against any consumer who fails to 136275  
pay the proper amount of tax required by this chapter. When 136276  
information in the possession of the commissioner indicates that 136277  
the amount required to be collected or paid under this chapter 136278  
is greater than the amount remitted by the vendor or paid by the 136279  
consumer, the commissioner may audit a sample of the vendor's 136280  
sales or the consumer's purchases for a representative period, 136281  
to ascertain the per cent of exempt or taxable transactions or 136282  
the effective tax rate and may issue an assessment based on the 136283  
audit. The commissioner shall make a good faith effort to reach 136284  
agreement with the vendor or consumer in selecting a 136285  
representative sample. 136286

The commissioner may make an assessment, based on any 136287

information in the commissioner's possession, against any person 136288  
who fails to file a return or remit the proper amount of tax 136289  
required by section 5739.102 of the Revised Code. 136290

The commissioner may issue an assessment on any 136291  
transaction for which any tax imposed under this chapter or 136292  
Chapter 5741. of the Revised Code was due and unpaid on the date 136293  
the vendor or consumer was informed by an agent of the tax 136294  
commissioner of an investigation or audit. If the vendor or 136295  
consumer remits any payment of the tax for the period covered by 136296  
the assessment after the vendor or consumer was informed of the 136297  
investigation or audit, the payment shall be credited against 136298  
the amount of the assessment. 136299

The commissioner shall give the party assessed written 136300  
notice of the assessment in the manner provided in section 136301  
5703.37 of the Revised Code. With the notice, the commissioner 136302  
shall provide instructions on how to petition for reassessment 136303  
and request a hearing on the petition. 136304

(B) Unless the party assessed files with the commissioner 136305  
within sixty days after service of the notice of assessment, ~~—~~ 136306  
~~either personally or by certified mail,~~ a written petition for 136307  
reassessment, signed by the party assessed or that party's 136308  
authorized agent having knowledge of the facts, the assessment 136309  
becomes final and the amount of the assessment is due from the 136310  
party assessed and payable to the treasurer of state and 136311  
remitted to the tax commissioner. The petition shall indicate 136312  
the objections of the party assessed, but additional objections 136313  
may be raised in writing if received by the commissioner prior 136314  
to the date shown on the final determination. If the petition 136315  
has been properly filed, the commissioner shall proceed under 136316  
section 5703.60 of the Revised Code. 136317

(C) After an assessment becomes final, if any portion of 136318  
the assessment remains unpaid, including accrued interest, a 136319  
certified copy of the commissioner's entry making the assessment 136320  
final may be filed in the office of the clerk of the court of 136321  
common pleas in the county in which the place of business of the 136322  
party assessed is located or the county in which the party 136323  
assessed resides. If the party assessed maintains no place of 136324  
business in this state and is not a resident of this state, the 136325  
certified copy of the entry may be filed in the office of the 136326  
clerk of the court of common pleas of Franklin county. 136327

Immediately upon the filing of the entry, the clerk shall 136328  
enter a judgment for the state against the party assessed in the 136329  
amount shown on the entry. The judgment may be filed by the 136330  
clerk in a loose-leaf book entitled "special judgments for 136331  
state, county, and transit authority retail sales tax" or, if 136332  
appropriate, "special judgments for resort area excise tax," and 136333  
shall have the same effect as other judgments. Execution shall 136334  
issue upon the judgment upon the request of the tax 136335  
commissioner, and all laws applicable to sales on execution 136336  
shall apply to sales made under the judgment except as otherwise 136337  
provided in this chapter. 136338

If the assessment is not paid in its entirety within sixty 136339  
days after the date the assessment was issued, the portion of 136340  
the assessment consisting of tax due shall bear interest at the 136341  
rate per annum prescribed by section 5703.47 of the Revised Code 136342  
from the day the tax commissioner issues the assessment until 136343  
the assessment is paid or until it is certified to the attorney 136344  
general for collection under section 131.02 of the Revised Code, 136345  
whichever comes first. If the unpaid portion of the assessment 136346  
is certified to the attorney general for collection, the entire 136347  
unpaid portion of the assessment shall bear interest at the rate 136348

per annum prescribed by section 5703.47 of the Revised Code from 136349  
the date of certification until the date it is paid in its 136350  
entirety. Interest shall be paid in the same manner as the tax 136351  
and may be collected by issuing an assessment under this 136352  
section. 136353

(D) All money collected by the tax commissioner under this 136354  
section shall be paid to the treasurer of state, and when paid 136355  
shall be considered as revenue arising from the taxes imposed by 136356  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 136357

**Sec. 5739.132.** (A) If a tax, fee, or charge due under this 136358  
chapter or Chapter 128. or 5741. of the Revised Code is not paid 136359  
on or before the day the payment is required to be paid, 136360  
interest shall accrue on the unpaid tax, fee, or charge at the 136361  
rate per annum prescribed by section 5703.47 of the Revised Code 136362  
from the day the tax, fee, or charge was required to be paid 136363  
until the tax, fee, or charge is paid or until the day an 136364  
assessment is issued under section 5739.13 or 5739.15 of the 136365  
Revised Code, whichever occurs first. Interest shall be paid in 136366  
the same manner as the tax, fee, or charge, and may be collected 136367  
by assessment. 136368

~~(B) Interest~~ (B) (1) Except as provided in division (B) (2) 136369  
of this section, interest shall be allowed and paid on any 136370  
refund granted pursuant to section 128.47, 5739.07, or 5741.10 136371  
of the Revised Code from the date of the overpayment. The 136372  
interest shall be computed at the rate per annum prescribed by 136373  
section 5703.47 of the Revised Code. 136374

(2) No interest shall be allowed or paid on a refund of a 136375  
tax levied pursuant to section 5739.021, 5739.026, 5741.021, or 136376  
5741.023 of the Revised Code. 136377

**Sec. 5739.31.** (A) (1) No person shall engage in the 136378  
business of selling at retail or sell at retail incidental to 136379  
any other regularly conducted business without having a license 136380  
therefor, as required by sections 5739.01 to 5739.31 of the 136381  
Revised Code. 136382

(2) No person shall engage in the business of selling at 136383  
retail as a transient vendor, as defined in section 5739.17 of 136384  
the Revised Code, without first having obtained a license as 136385  
required by that section. 136386

(B) No person shall continue to engage in the business of 136387  
selling at retail or sell at retail incidental to any other 136388  
regularly conducted business after the license issued to that 136389  
person pursuant to section 5739.17 of the Revised Code has been 136390  
suspended by the tax commissioner under division (B) (2) of 136391  
section 5739.30 of the Revised Code, nor shall any person obtain 136392  
a new license from ~~the any~~ county auditor or the tax 136393  
commissioner while such suspension is in effect. If a 136394  
corporation's license has been suspended, none of its officers, 136395  
or employees having control or supervision of or charged with 136396  
the responsibility of filing returns and making payments of tax 136397  
due, shall obtain a license from ~~the any~~ county auditor or the 136398  
tax commissioner during the period of such suspension. The tax 136399  
commissioner may cancel any licenses granted while the 136400  
suspension is in effect. 136401

**Sec. 5743.021.** (A) As used in this section, "qualifying 136402  
regional arts and cultural district" means a regional arts and 136403  
cultural district created under section 3381.04 of the Revised 136404  
Code in a county ~~having that~~ either has a population of at least 136405  
eight hundred thousand but not more than one million two hundred 136406  
thousand or more according to the 2000 federal decennial 136407

~~consor~~ has adopted a charter under Ohio Constitution, Article 136408  
X, Section 3. 136409

(B) For one or more of the purposes for which a tax may be 136410  
levied under section 3381.16 of the Revised Code and for the 136411  
purposes of paying the expenses of administering the tax and the 136412  
expenses charged by a board of elections to hold an election on 136413  
a question submitted under this section, the board of county 136414  
commissioners of a county that has within its territorial 136415  
boundaries a qualifying regional arts and cultural district may 136416  
levy a tax on the sale of cigarettes sold for resale at retail 136417  
in the county composing the district computed on each cigarette 136418  
sold. The rate of the tax, when added to the rate of any other 136419  
tax concurrently levied by the board under this section, shall 136420  
equal one of the following: 136421

(1) If the tax begins to apply before May 1, 2023, up to 136422  
fifteen mills per cigarette; 136423

(2) If the tax begins to apply on or after ~~the first day~~ 136424  
~~of the first month after the effective date of this amendment~~ May 136425  
1, 2023, the rate, in mills per cigarette, specified in the 136426  
resolution levying the tax. 136427

Only one sale of the same article shall be used in 136428  
computing the amount of tax due. The tax may be levied for any 136429  
number of years not exceeding ten years. 136430

The tax shall be levied pursuant to a resolution of the 136431  
board of county commissioners approved by a majority of the 136432  
electors in the county voting on the question of levying the 136433  
tax. The resolution shall specify the rate of the tax, the 136434  
number of years the tax will be levied, and the purposes for 136435  
which the tax is levied. The election may be held on the date of 136436

a general, primary, or special election held not sooner than 136437  
ninety days after the date the board certifies its resolution to 136438  
the board of elections. If approved by the electors, the tax 136439  
shall take effect on the first day of the month specified in the 136440  
resolution but not sooner than the first day of the month that 136441  
is at least sixty days after the certification of the election 136442  
results by the board of elections. A copy of the resolution 136443  
levying the tax shall be certified to the tax commissioner at 136444  
least sixty days prior to the date on which the tax is to become 136445  
effective. 136446

A board of county commissioners may adopt a resolution 136447  
under this division proposing to replace a tax levied under 136448  
division (B) (1) of this section with a tax levied under division 136449  
(B) (2) of this section. Such a resolution shall state, in 136450  
addition to other information required under this division, that 136451  
the existing levy or levies terminate upon the passage of the 136452  
replacement levy. The failure of the electors to approve a 136453  
replacement levy does not terminate the existing levy or levies. 136454

(C) (1) The form of the ballot in an election held to 136455  
propose a tax under division (B) (1) of this section shall be as 136456  
follows, or in any other form acceptable to the secretary of 136457  
state: 136458

"For the purpose of \_\_\_\_\_ (insert the purpose or 136459  
purposes of the tax), shall an excise tax be levied throughout 136460  
\_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of 136461  
the qualifying regional arts and cultural district) on the sale 136462  
of cigarettes at wholesale at the rate of \_\_\_\_ mills per 136463  
cigarette for \_\_\_\_ years? 136464

136465

	For the tax
--	-------------

	Against the tax	"
--	-----------------	---

(2) The form of the ballot in an election held to propose a tax under division (B)(2) of this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of \_\_\_\_\_ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout \_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of \_\_\_ mills per cigarette for \_\_\_ years?

	For the tax	
	Against the tax	"

" 136476

If the resolution of the board of county commissioners provides that an existing levy or levies will be terminated upon the passage of a replacement levy, the ballot must, for each levy that will be terminated, include a statement that: "An existing tax of \_\_\_ mills (stating the millage of the existing tax) per cigarette, having \_\_\_ years remaining, will be terminated and replaced upon the passage of this tax."

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section and section 5743.321 of the Revised

Code and certified by the tax commissioner pursuant to section 136490  
5743.05 of the Revised Code; 136491

(2) Following the crediting of amounts pursuant to 136492  
division (D)(1) of this section: 136493

(a) To the permissive tax distribution fund created under 136494  
section 4301.423 of the Revised Code, an amount equal to ninety- 136495  
eight per cent of the remainder collected; 136496

(b) To the local excise tax administrative fund, which is 136497  
hereby created in the state treasury, an amount equal to two per 136498  
cent of such remainder, for use by the tax commissioner in 136499  
defraying costs incurred in administering the tax. 136500

On or before the tenth day of each month, the tax 136501  
commissioner shall distribute the amount credited to the 136502  
permissive tax distribution fund during the preceding month by 136503  
providing for payment of the appropriate amount to the county 136504  
treasurer of the county in which the tax is levied. 136505

(E) No tax shall be levied under divisions (B)(1) and (2) 136506  
of this section during the same month. 136507

**Sec. 5743.024.** (A) For the purposes of section 307.696 of 136508  
the Revised Code, to pay the expenses of administering the tax, 136509  
and to pay any or all of the charge the board of elections makes 136510  
against the county to hold the election on the question of 136511  
levying the tax, or for such purposes and to provide revenues to 136512  
the county for permanent improvements, the board of county 136513  
commissioners may levy a tax on sales of cigarettes sold for 136514  
resale at retail in the county. The tax shall not exceed two and 136515  
twenty-five hundredths of a mill per cigarette, and shall be 136516  
computed on each cigarette sold. The tax may be levied for any 136517  
number of years not exceeding twenty. Only one sale of the same 136518

article shall be used in computing the amount of tax due. 136519

The tax shall be levied pursuant to a resolution of the 136520  
county commissioners approved by a majority of the electors in 136521  
the county voting on the question of levying the tax. The 136522  
resolution shall specify the rate of the tax, the number of 136523  
years the tax will be levied, and the purposes for which the tax 136524  
is levied. Such election may be held on the date of a general or 136525  
special election held not sooner than ninety days after the date 136526  
the board certifies its resolution to the board of elections. If 136527  
approved by the electors, the tax shall take effect on the first 136528  
day of the month specified in the resolution but not sooner than 136529  
the first day of the month that is at least sixty days after the 136530  
certification of the election results by the board of elections. 136531  
A copy of the resolution levying the tax shall be certified to 136532  
the tax commissioner at least sixty days prior to the date on 136533  
which the tax is to become effective. 136534

A resolution under this section may be joined on the 136535  
ballot as a single question with a resolution adopted under 136536  
section 307.697 or 4301.421 of the Revised Code to levy a tax 136537  
for the same purposes and for the purpose of paying the expenses 136538  
of administering the tax. The form of the ballot in an election 136539  
held pursuant to this section shall be as prescribed in section 136540  
307.697 of the Revised Code. 136541

(B) All money arising from each county's taxes levied 136542  
under this section and section 5743.323 of the Revised Code 136543  
shall be credited as follows: 136544

(1) To the tax refund fund created by section 5703.052 of 136545  
the Revised Code, amounts equal to the refunds from each tax 136546  
levied under this section certified by the tax commissioner 136547  
pursuant to section 5743.05 of the Revised Code; 136548

(2) Following the crediting of amounts pursuant to 136549  
division (B) (1) of this section: 136550

(a) To the permissive tax distribution fund created by 136551  
division (B) (1) of section 4301.423 of the Revised Code, an 136552  
amount equal to ninety-eight per cent of the remainder 136553  
collected; 136554

(b) To the local excise tax administrative fund, which is 136555  
hereby created in the state treasury, an amount equal to two per 136556  
cent of such remainder, for use by the tax commissioner in 136557  
defraying costs incurred in administering the tax. 136558

On or before the tenth day of each month, the tax 136559  
commissioner shall distribute the amount credited to the 136560  
permissive tax distribution fund during the preceding month by 136561  
providing for payment of the appropriate amount to the county 136562  
treasurer of each county levying the tax. 136563

(C) The board of county commissioners of a county in which 136564  
a tax is imposed under this section on the effective date of the 136565  
amendment of this section by H.B. 59 of the 130th general 136566  
assembly, September 29, 2013, may levy a tax for the purpose of 136567  
section 307.673 of the Revised Code regardless of whether or not 136568  
the cooperative agreement authorized under that section has been 136569  
entered into prior to the day the resolution adopted under 136570  
division (C) (1) or (2) of this section is adopted, for the 136571  
purpose of reimbursing a county for costs incurred in the 136572  
construction of a sports facility pursuant to an agreement 136573  
entered into by the county under section 307.696 of the Revised 136574  
Code, or for the purpose of paying the costs of capital repairs 136575  
of and improvements to a sports facility. The tax shall be 136576  
levied and approved in one of the manners prescribed by division 136577  
(C) (1) or (2) of this section. 136578

(1) The tax may be levied pursuant to a resolution adopted 136579  
by a majority of the members of the board of county 136580  
commissioners not later than forty-five days after July 19, 136581  
1995. A board of county commissioners approving a tax under 136582  
division (C)(1) of this section may approve a tax under division 136583  
(D)(1) of section 307.697 or division (B)(1) of section 4301.421 136584  
of the Revised Code at the same time. Subject to the resolution 136585  
being submitted to a referendum under sections 305.31 to 305.41 136586  
of the Revised Code, the resolution shall take effect 136587  
immediately, but the tax levied pursuant to the resolution shall 136588  
not be levied prior to the day following the last day that any 136589  
tax previously levied pursuant to this division may be levied. 136590

(2) The tax may be levied pursuant to a resolution adopted 136591  
by a majority of the members of the board of county 136592  
commissioners not later than September 1, 2015, and approved by 136593  
a majority of the electors of the county voting on the question 136594  
of levying the tax. The board of county commissioners shall 136595  
certify a copy of the resolution to the board of elections 136596  
immediately upon adopting a resolution under division (C)(2) of 136597  
this section. The election may be held on the date of a general 136598  
or special election held not sooner than ninety days after the 136599  
date the board certifies its resolution to the board of 136600  
elections. The form of the ballot shall be as prescribed by 136601  
division (C) of section 307.697 of the Revised Code, except that 136602  
the phrase "paying not more than one-half of the costs of 136603  
providing a sports facility together with related redevelopment 136604  
and economic development projects" shall be replaced by the 136605  
phrase "paying the costs of constructing, renovating, improving, 136606  
or repairing a sports facility and reimbursing a county for 136607  
costs incurred by the county in the construction of a sports 136608  
facility," and the phrase ", beginning \_\_\_\_\_ (here insert 136609

the earliest date the tax would take effect)" shall be appended 136610  
after "years." A board of county commissioners submitting the 136611  
question of a tax under division (C) (2) of this section may 136612  
submit the question of a tax under division (D) (2) of section 136613  
307.697 or division (B) (2) of section 4301.421 of the Revised 136614  
Code as a single question, and the form of the ballot shall 136615  
include each of the proposed taxes. 136616

If approved by a majority of electors voting on the 136617  
question, the tax shall take effect on the day specified on the 136618  
ballot, which shall not be earlier than the day following the 136619  
last day that any tax previously levied pursuant to this 136620  
division may be levied. 136621

The rate of a tax levied pursuant to division (C) (1) or 136622  
(2) of this section shall not exceed the rate specified in 136623  
division (A) of this section. A tax levied pursuant to division 136624  
(C) (1) or (2) of this section may be levied for any number of 136625  
years not exceeding twenty. 136626

A board of county commissioners adopting a resolution 136627  
under this division shall certify a copy of the resolution to 136628  
the tax commissioner immediately upon adoption of the 136629  
resolution. 136630

(D) The board of county commissioners of a county whose 136631  
population is greater than one million one hundred thousand but 136632  
less than one million three hundred thousand may levy a tax 136633  
under this division for the purpose of section 307.673 of the 136634  
Revised Code regardless of whether or not the cooperative 136635  
agreement authorized under that section has been entered into 136636  
prior to the day the resolution adopted under division (D) of 136637  
this section is adopted, for the purpose of reimbursing a county 136638  
for costs incurred in the construction of a sports facility 136639

pursuant to an agreement entered into by the county under 136640  
section 307.696 of the Revised Code, or for the purpose of 136641  
paying the costs of constructing, equipping, furnishing, 136642  
maintaining, renovating, improving, or repairing a sports 136643  
facility. The tax may be levied for any number of years or for a 136644  
continuing period of time. 136645

The tax may be levied pursuant to a resolution adopted by 136646  
the board of county commissioners and approved by a majority of 136647  
the electors of the county voting on the question of levying the 136648  
tax. The board of county commissioners shall certify a copy of 136649  
the resolution to the board of elections immediately upon 136650  
adopting a resolution under division (D) of this section. The 136651  
election may be held on the date of a general or special 136652  
election held not sooner than ninety days after the date the 136653  
board certifies its resolution to the board of elections. The 136654  
form of the ballot shall be as follows: 136655

"For the purpose of \_\_\_\_\_ (state the purpose or 136656  
purposes), shall an excise tax be levied by \_\_\_\_\_ county at 136657  
the rate of \_\_\_\_\_ mills per cigarette on the sale of cigarettes 136658  
at wholesale in the county for \_\_\_\_\_ (number of years or a 136659  
continuing period of time), the tax beginning on \_\_\_\_\_ (the 136660  
earliest date the tax would take effect)? 136661

	<u>Yes</u>	
	<u>No</u>	"

A board of county commissioners submitting the question of 136663  
a tax under division (D) of this section may submit the question 136664  
of a tax under section 5743.511, division (E) of section 136665  
307.697, or division (C) of section 4301.421 of the Revised 136666

Code, or all, as a single question, provided that each tax is 136667  
for the same purpose and period of time and the form of the 136668  
ballot states the rate of each of the proposed taxes. 136669

If approved by a majority of electors voting on the 136670  
question, the tax shall take effect on the date specified in the 136671  
resolution but not sooner than the first day of the month that 136672  
is at least sixty days after the certification of the election 136673  
results by the board of elections. The tax levied under division 136674  
(D) of this section may be approved and take effect before the 136675  
expiration of the tax levied under division (C) of this section. 136676  
The tax levied under division (D) of this section shall 136677  
supersede and replace any tax levied under division (C) of this 136678  
section, and the tax levied under division (C) of this section 136679  
shall no longer be levied once the tax levied under division (D) 136680  
of this section takes effect. 136681

The rate of tax levied pursuant to division (D) shall be 136682  
imposed at a rate not to exceed four and one-half mills per each 136683  
cigarette sold for resale at retail in the county. The tax 136684  
levied pursuant to division (D) of this section shall be in 136685  
addition to the tax imposed by section 5743.02 of the Revised 136686  
Code. 136687

Only one sale of the same article shall be used in 136688  
computing, reporting, and paying the amount of tax due. 136689

A board of county commissioners adopting a resolution 136690  
under division (D) of this section shall certify a copy of the 136691  
resolution to the tax commissioner immediately upon adoption of 136692  
the resolution. 136693

(E) No tax shall be levied under division (A) of this 136694  
section on or after September 23, 2008. This division does not 136695

apply to a tax levied under division (C) or (D) of this section, 136696  
and does not prevent the collection of any tax levied under this 136697  
section before September 23, 2008, so long as that tax remains 136698  
effective. 136699

**Sec. 5743.081.** (A) If any wholesale dealer or retail 136700  
dealer fails to pay the tax levied under section 5743.02, 136701  
5743.021, 5743.024, or 5743.026 of the Revised Code as required 136702  
by sections 5743.01 to 5743.20 of the Revised Code, and by the 136703  
rules of the tax commissioner, or fails to collect the tax from 136704  
the purchaser or consumer, the commissioner may make an 136705  
assessment against the wholesale or retail dealer based upon any 136706  
information in the commissioner's possession. 136707

The commissioner may make an assessment against any 136708  
wholesale or retail dealer who fails to file a return required 136709  
by section 5743.03 or 5743.025 of the Revised Code. 136710

No assessment shall be made against any wholesale or 136711  
retail dealer for any taxes imposed under section 5743.02, 136712  
5743.021, 5743.024, or 5743.026 of the Revised Code more than 136713  
three years after the last day of the calendar month that 136714  
immediately follows the monthly period prescribed in section 136715  
5743.03 of the Revised Code in which the sale was made, or more 136716  
than three years after the return for the month in which the 136717  
sale was made is filed, whichever is later. This section does 136718  
not bar an assessment against any wholesale or retail dealer who 136719  
fails to file a return as required by section 5743.025 or 136720  
5743.03 of the Revised Code, or who files a fraudulent return. 136721

A penalty of up to thirty per cent may be added to the 136722  
amount of every assessment made under this section. The 136723  
commissioner may adopt rules providing for the imposition and 136724  
remission of penalties added to assessments made under this 136725

section. 136726

The commissioner shall give the party assessed written 136727  
notice of the assessment in the manner provided in section 136728  
5703.37 of the Revised Code. The notice shall specify separately 136729  
any portion of the assessment that represents a county tax. With 136730  
the notice, the commissioner shall provide instructions on how 136731  
to petition for reassessment and request a hearing on the 136732  
petition. 136733

(B) Unless the party assessed files with the tax 136734  
commissioner within sixty days after service of the notice of 136735  
assessment, ~~either personally or by certified mail,~~ a written 136736  
petition for reassessment signed by the party assessed or that 136737  
party's authorized agent having knowledge of the facts, the 136738  
assessment becomes final and the amount of the assessment is due 136739  
and payable from the party assessed to the treasurer of state. 136740  
The petition shall indicate the objections of the party 136741  
assessed, but additional objections may be raised in writing if 136742  
received by the commissioner prior to the date shown on the 136743  
final determination. If the petition has been properly filed, 136744  
the commissioner shall proceed under section 5703.60 of the 136745  
Revised Code. 136746

(C) After an assessment becomes final, if any portion of 136747  
the assessment remains unpaid, including accrued interest, a 136748  
certified copy of the tax commissioner's entry making the 136749  
assessment final may be filed in the office of the clerk of the 136750  
court of common pleas in the county in which the wholesale or 136751  
retail dealer's place of business is located or the county in 136752  
which the party assessed resides. If the party assessed 136753  
maintains no place of business in this state and is not a 136754  
resident of this state, the certified copy of the entry may be 136755

filed in the office of the clerk of the court of common pleas of Franklin county. 136756  
136757

Immediately upon the filing of the commissioner's entry, 136758  
the clerk shall enter a judgment for the state against the party 136759  
assessed in the amount shown on the entry. The judgment may be 136760  
filed by the clerk in a loose-leaf book entitled "special 136761  
judgments for state cigarette sales tax," and shall have the 136762  
same effect as other judgments. Execution shall issue upon the 136763  
judgment upon the request of the tax commissioner, and all laws 136764  
applicable to sales on execution shall apply to sales made under 136765  
the judgment, except as otherwise provided in sections 5743.01 136766  
to 5743.20 of the Revised Code. 136767

If the assessment is not paid in its entirety within sixty 136768  
days after the assessment was issued, the portion of the 136769  
assessment consisting of tax due shall bear interest at the rate 136770  
per annum prescribed by section 5703.47 of the Revised Code from 136771  
the day the commissioner issues the assessment until it is paid 136772  
or until it is certified to the attorney general for collection 136773  
under section 131.02 of the Revised Code, whichever comes first. 136774  
If the unpaid portion of the assessment is certified to the 136775  
attorney general for collection, the entire unpaid portion of 136776  
the assessment shall bear interest at the rate per annum 136777  
prescribed by section 5703.47 of the Revised Code from the date 136778  
of certification until the date it is paid in its entirety. 136779  
Interest shall be paid in the same manner as the tax and may be 136780  
collected by the issuance of an assessment under this section. 136781

(D) All money collected by the tax commissioner under this 136782  
section shall be paid to the treasurer of state, and when paid 136783  
shall be considered as revenue arising from the taxes imposed by 136784  
sections 5743.01 to 5743.20 of the Revised Code. 136785

**Sec. 5743.323.** (A) For the purposes of section 307.696 of 136786  
the Revised Code and to pay the expenses of levying the tax or 136787  
for such purposes and to provide revenues to the county for 136788  
permanent improvements, the board of county commissioners of a 136789  
county that levies a tax under division (A) of section 5743.024 136790  
of the Revised Code shall by resolution adopted by a majority of 136791  
the board levy a tax at the same rate on the use, consumption, 136792  
or storage for consumption of cigarettes by consumers in the 136793  
county, provided that the tax shall not apply if the tax levied 136794  
by division (A) of section 5743.024 of the Revised Code has been 136795  
paid. The tax shall take effect on the date that a tax levied 136796  
under division (A) of section 5743.024 of the Revised Code takes 136797  
effect, and shall remain in effect as long as the tax levied 136798  
under such division remains effective. 136799

No tax shall be levied under division (A) of this section 136800  
on or after September 23, 2008. This paragraph does not prevent 136801  
the collection of any tax levied under this section before that 136802  
date so long as that tax remains effective. 136803

(B) For the purposes of section 307.696 of the Revised 136804  
Code and to pay the expenses of levying the tax or for such 136805  
purposes and to provide revenues to the county for permanent 136806  
improvements, the board of county commissioners of a county that 136807  
levies a tax under division (C) of section 5743.024 of the 136808  
Revised Code shall by resolution adopted by a majority of the 136809  
board levy a tax at the same rate on the use, consumption, or 136810  
storage for consumption of cigarettes by consumers in the 136811  
county, provided that the tax shall not apply if the tax levied 136812  
by division (C) of section 5743.024 of the Revised Code has been 136813  
paid. The tax shall take effect on the date that a tax levied 136814  
under division (C) of section 5743.024 of the Revised Code takes 136815  
effect, and shall remain in effect as long as the tax levied 136816

under such division remains effective. 136817

(C) For the purposes set forth in division (D) of section 136818  
5743.024 of the Revised Code and to pay the expenses of levying 136819  
the tax or for such purposes and to provide revenues to the 136820  
county for permanent improvements, the board of county 136821  
commissioners of a county that levies a tax under division (D) 136822  
of section 5743.024 of the Revised Code shall adopt a resolution 136823  
levying a tax at the same rate, on the use, consumption, or 136824  
storage for consumption of cigarettes by consumers in the 136825  
county, provided that the tax shall not apply if the tax levied 136826  
by division (D) of section 5743.024 of the Revised Code has been 136827  
paid. The tax levied by division (C) of this section shall take 136828  
effect on the date that a tax levied under division (D) of 136829  
section 5743.024 of the Revised Code takes effect, and shall 136830  
remain in effect as long as the tax levied under division (D) of 136831  
section 5743.024 of the Revised Code remains effective. The tax 136832  
levied under division (C) of this section shall be in addition 136833  
to the tax levied under section 5743.32 of the Revised Code. 136834

**Sec. 5743.511.** The board of county commissioners of a 136835  
county whose population is greater than one million one hundred 136836  
thousand but less than one million three hundred thousand may 136837  
levy a tax under this section for the purpose of section 307.673 136838  
of the Revised Code regardless of whether or not the cooperative 136839  
agreement authorized under that section has been entered into 136840  
prior to the day the resolution adopted under this section is 136841  
adopted, for the purpose of reimbursing a county for costs 136842  
incurred in the construction of a sports facility pursuant to an 136843  
agreement entered into by the county under section 307.696 of 136844  
the Revised Code, or for the purpose of paying the costs of 136845  
constructing, equipping, furnishing, maintaining, renovating, 136846  
improving, or repairing a sports facility. The tax may be levied 136847

for any number of years or for a continuing period of time. 136848

The tax may be levied pursuant to a resolution adopted by 136849  
the board of county commissioners and approved by a majority of 136850  
the electors of the county voting on the question of levying the 136851  
tax. The board of county commissioners shall certify a copy of 136852  
the resolution to the board of elections immediately upon 136853  
adopting a resolution under this section. The election may be 136854  
held on the date of a general or special election held not 136855  
sooner than ninety days after the date the board certifies its 136856  
resolution to the board of elections. The form of the ballot 136857  
shall be as follows: 136858

"For the purpose of \_\_\_\_\_ (state the purpose or 136859  
purposes), shall an excise tax be levied by \_\_\_\_\_ county at 136860  
the rate of \_\_\_\_\_ per cent of the price of other tobacco 136861  
products (aside from little cigars) sold at wholesale in the 136862  
county, \_\_\_\_\_ per cent of the price of little cigars sold at 136863  
wholesale in the county, and \_\_\_\_\_ cents per vapor volume of 136864  
vapor products sold at wholesale in the county, for \_\_\_\_\_ (number 136865  
of years or a continuing period of time), the tax beginning on 136866  
\_\_\_\_\_ (the earliest date the tax would take effect)? 136867  
 136868

	<u>Yes</u>
	<u>No</u> "

A board of county commissioners submitting the question of 136869  
a tax under this section may submit the question of a tax under 136870  
division (E) of section 307.697, division (C) of section 136871  
4301.421, or division (D) of section 5743.024 of the Revised 136872  
Code, or all, as a single question, provided that each tax is 136873  
for the same purpose and period of time and the form of the 136874

ballot states the rate of each of the proposed taxes. 136875

If approved by a majority of electors voting on the 136876  
question, the tax shall take effect on the date specified in the 136877  
resolution but not sooner than the first day of the month that 136878  
is at least sixty days after the certification of the election 136879  
results by the board of elections. 136880

The rate of tax levied pursuant to this section shall be 136881  
imposed as follows: 136882

(A) At a rate not to exceed eighty-five hundredths per 136883  
cent of the wholesale price of other tobacco products, aside 136884  
from little cigars, received by a distributor in the county, 136885  
sold by a manufacturer to a retail dealer located in the county, 136886  
or delivered to a consumer in the county for storage, use, or 136887  
other consumption; 136888

(B) At a rate not to exceed one and eighty-five hundredths 136889  
per cent of the wholesale price of little cigars received by a 136890  
distributor in the county, sold by a manufacturer to a retail 136891  
dealer located in the county, or delivered to a consumer in the 136892  
county for storage, use, or other consumption; 136893

(C) At a rate not to exceed one-twentieth of one cent 136894  
multiplied by the vapor volume of vapor products the first time 136895  
such products are received by a vapor distributor in the county 136896  
or when vapor products are delivered to a consumer in the county 136897  
for storage, use, or other consumption. 136898

Only one sale of the same article shall be used in 136899  
computing, reporting, and paying the amount of tax due. The tax 136900  
levied under this section shall be in addition to the tax levied 136901  
under section 5743.51 of the Revised Code. 136902

A board of county commissioners adopting a resolution 136903

under this section shall certify a copy of the resolution to the 136904  
tax commissioner immediately upon adoption of the resolution. 136905

**Sec. 5743.52.** (A) Each distributor of tobacco products or 136906  
vapor distributor subject to the tax levied by section 5743.51 136907  
or 5743.511 of the Revised Code, on or before the twenty-third 136908  
day of each month, shall file with the tax commissioner a return 136909  
for the preceding month showing any information the tax 136910  
commissioner finds necessary for the proper administration of 136911  
this chapter, together with remittance of the tax due. The 136912  
return and payment of the tax required by this section shall be 136913  
filed and made electronically on or before the twenty-third day 136914  
of the month following the reporting period. If the return is 136915  
filed and the amount of tax shown on the return to be due is 136916  
paid on or before the date the return is required to be filed, 136917  
the distributor or vapor distributor is entitled to a discount 136918  
equal to two and five-tenths per cent of the amount shown on the 136919  
return to be due. 136920

(B) Any person who fails to timely file the return and 136921  
make payment of taxes as required under this section, section 136922  
5743.62, or section 5743.63 of the Revised Code may be required 136923  
to pay an additional charge not exceeding the greater of fifty 136924  
dollars or ten per cent of the tax due. Any additional charge 136925  
imposed under this section may be collected by assessment as 136926  
provided in section 5743.56 of the Revised Code. 136927

(C) If any tax due is not paid timely in accordance with 136928  
this section or section 5743.62 or 5743.63 of the Revised Code, 136929  
the person liable for the tax shall pay interest, calculated at 136930  
the rate per annum as prescribed by section 5703.47 of the 136931  
Revised Code, from the date the tax payment was due to the date 136932  
of payment or to the date an assessment is issued under section 136933

5743.56 of the Revised Code, whichever occurs first. The 136934  
commissioner may collect such interest by assessment pursuant to 136935  
section 5743.56 of the Revised Code. 136936

(D) The commissioner may authorize the filing of returns 136937  
and the payment of the tax required by this section, section 136938  
5743.62, or section 5743.63 of the Revised Code for periods 136939  
longer than a calendar month. 136940

(E) The commissioner may order any taxpayer to file with 136941  
the commissioner security to the satisfaction of the 136942  
commissioner conditioned upon filing the return and paying the 136943  
taxes required under this section, section 5743.62, or section 136944  
5743.63 of the Revised Code if the commissioner believes that 136945  
the collection of the tax may be in jeopardy. 136946

Sec. 5743.521. In addition to the return required by 136947  
section 5743.52 of the Revised Code, each retail dealer of 136948  
tobacco products or vapor products in a county in which a tax is 136949  
levied under section 5743.511 of the Revised Code shall, within 136950  
thirty days after the date on which the tax takes effect, make 136951  
and file a return, on a form prescribed by the tax commissioner, 136952  
showing the total number of tobacco products or vapor products 136953  
which such retail dealer had on hand as of the beginning of 136954  
business on the date on which the tax takes effect and such 136955  
other information as the commissioner deems necessary for the 136956  
administration of that section. Each such retail dealer shall 136957  
deliver the return together with a remittance of the additional 136958  
amount of tax due on the tobacco products or the vapor products 136959  
shown on such return to the commissioner. Any retail dealer of 136960  
tobacco products or vapor products who fails to file a return 136961  
under this section shall, for each day the retail dealer so 136962  
fails, forfeit and pay into the state treasury the sum of one 136963

dollar as revenue arising from the tax imposed by section 136964  
5743.511 of the Revised Code, and such sum may be collected by 136965  
assessment in the manner provided in section 5743.56 of the 136966  
Revised Code. For thirty days after the effective date of a tax 136967  
imposed by section 5743.511 of the Revised Code, a retail dealer 136968  
may possess for sale or sell in the county in which the tax is 136969  
levied tobacco products or vapor products if the tax has or will 136970  
be paid. 136971

**Sec. 5743.54.** (A) Each distributor of tobacco products and 136972  
each vapor distributor of vapor products shall maintain complete 136973  
and accurate records of all purchases and sales of tobacco 136974  
products or vapor products, and shall procure and retain all 136975  
invoices, bills of lading, and other documents relating to the 136976  
purchases and sales of those products. The distributor or vapor 136977  
distributor shall keep open records and documents during 136978  
business hours for the inspection of the tax commissioner, and 136979  
shall preserve them for a period of three years from the date 136980  
the return was due or was filed, whichever is later, unless the 136981  
commissioner, in writing, consents to their destruction within 136982  
that period, or orders that they be kept for a longer period of 136983  
time. 136984

(B) (1) Each distributor of tobacco products and each vapor 136985  
distributor of vapor products subject to the tax levied by 136986  
section 5743.51 or 5743.511 of the Revised Code shall mark on 136987  
the invoices of tobacco products or vapor products sold that the 136988  
tax levied by that section has been paid and shall indicate the 136989  
distributor's or vapor distributor's account number as assigned 136990  
by the commissioner. 136991

(2) Each vapor distributor subject to the tax imposed by 136992  
section 5743.51 of the Revised Code shall mark on all invoices 136993

the total weight of the vapor product, rounded to the nearest 136994  
one-tenth of one gram, if the vapor product is not sold in 136995  
liquid form. If the vapor product is sold in liquid form, the 136996  
invoice shall instead indicate the total volume of the vapor 136997  
product, rounded to the nearest one-tenth of one milliliter. 136998

(C) No person shall make a false entry upon any invoice or 136999  
record upon which an entry is required by this section and no 137000  
person shall present any false entry for the inspection of the 137001  
commissioner with the intent to evade the tax levied under 137002  
section 5743.51, 5743.511, 5743.62, ~~or~~ 5743.621, 5743.63, or 137003  
5743.631 of the Revised Code. 137004

**Sec. 5743.55.** Whenever the tax commissioner discovers any 137005  
tobacco products or vapor products, subject to the tax levied 137006  
under section 5743.51, 5743.511, 5743.62, ~~or~~ 5743.621, 5743.63, 137007  
or 5743.631 of the Revised Code upon which the tax has not been 137008  
paid or the commissioner has reason to believe the tax is being 137009  
avoided, the commissioner may seize and take possession of the 137010  
tobacco products or vapor products, which, upon seizure, shall 137011  
be forfeited to the state. Within a reasonable time after 137012  
seizure, the commissioner may sell the forfeited products. From 137013  
the proceeds of this sale, the commissioner shall pay the costs 137014  
incurred in the seizure and sale, and any proceeds remaining 137015  
after the sale shall be considered as revenue arising from the 137016  
tax. The seizure and sale shall not relieve any person from the 137017  
fine or imprisonment provided for violation of sections 5743.51 137018  
to 5743.66 of the Revised Code. The commissioner shall make the 137019  
sale where it is most convenient and economical, but may order 137020  
the destruction of the forfeited products if the quantity or 137021  
quality is not sufficient to warrant their sale. 137022

**Sec. 5743.56.** (A) Any person required to pay the tax 137023

imposed by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~,  
5743.63, or 5743.631 of the Revised Code is personally liable  
for the tax. The tax commissioner may make an assessment, based  
upon any information in the commissioner's possession, against  
any person who fails to file a return or pay any tax, interest,  
or additional charge as required by this chapter. The  
commissioner shall give the person assessed written notice of  
such assessment in the manner provided in section 5703.37 of the  
Revised Code. With the notice, the commissioner shall provide  
instructions on how to petition for reassessment and request a  
hearing on the petition.

(B) When the information in the possession of the tax  
commissioner indicates that a person liable for the tax imposed  
by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, or  
5743.631 of the Revised Code has not paid the full amount of tax  
due, the commissioner may audit a representative sample of the  
person's business and may issue an assessment based on such  
audit.

(C) A penalty of up to fifteen per cent may be added to  
all amounts assessed under this section. The tax commissioner  
may adopt rules providing for the imposition and remission of  
such penalties.

(D) Unless the person assessed files with the tax  
commissioner within sixty days after service of the notice of  
assessment, ~~either personally or by certified mail~~, a written  
petition for reassessment signed by the person assessed or that  
person's authorized agent having knowledge of the facts, the  
assessment becomes final and the amount of the assessment is due  
and payable from the person assessed to the treasurer of state.  
A petition shall indicate the objections of the person assessed,

but additional objections may be raised in writing if received 137054  
by the commissioner prior to the date shown on the final 137055  
determination. If the petition has been properly filed, the 137056  
commissioner shall proceed under section 5703.60 of the Revised 137057  
Code. 137058

(E) After an assessment becomes final, if any portion of 137059  
the assessment, including accrued interest, remains unpaid, a 137060  
certified copy of the tax commissioner's entry making the 137061  
assessment final may be filed in the office of the clerk of the 137062  
court of common pleas in the county in which the person assessed 137063  
resides or in which the person assessed conducts business. If 137064  
the person assessed maintains no place of business in this state 137065  
and is not a resident of this state, the certified copy of the 137066  
entry may be filed in the office of the clerk of the court of 137067  
common pleas of Franklin county. 137068

Immediately upon the filing of the entry, the clerk shall 137069  
enter a judgment for the state against the person assessed in 137070  
the amount shown on the entry. The judgment may be filed by the 137071  
clerk in a loose-leaf book entitled "special judgments for state 137072  
tobacco products tax," and shall have the same effect as other 137073  
judgments. Execution shall issue upon the judgment upon the 137074  
request of the commissioner, and all laws applicable to sales on 137075  
execution shall apply to sales made under the judgment. 137076

If the assessment is not paid in its entirety within sixty 137077  
days after the day the assessment is issued, the portion of the 137078  
assessment consisting of tax due shall bear interest at the rate 137079  
per annum prescribed by section 5703.47 of the Revised Code from 137080  
the day the commissioner issues the assessment until the 137081  
assessment is paid or until it is certified to the attorney 137082  
general for collection under section 131.02 of the Revised Code, 137083

whichever comes first. If the unpaid portion of the assessment 137084  
is certified to the attorney general for collection, the entire 137085  
unpaid portion of the assessment shall bear interest at the rate 137086  
per annum prescribed by section 5703.47 of the Revised Code from 137087  
the date of certification until the date it is paid in its 137088  
entirety. Interest shall be paid in the same manner as the tax 137089  
and may be collected by issuing an assessment under this 137090  
section. 137091

(F) If the tax commissioner believes that collection of 137092  
the tax will be jeopardized unless proceedings to collect or 137093  
secure collection of the tax are instituted without delay, the 137094  
commissioner may issue a jeopardy assessment against the person 137095  
liable for the tax. Immediately upon the issuance of the 137096  
jeopardy assessment, the commissioner shall file an entry with 137097  
the clerk of the court of common pleas in the manner prescribed 137098  
by division (E) of this section. Notice of the jeopardy 137099  
assessment shall be served on the person assessed or the legal 137100  
representative of the person assessed, as provided in section 137101  
5703.37 of the Revised Code, within five days of the filing of 137102  
the entry with the clerk. The total amount assessed is 137103  
immediately due and payable, unless the person assessed files a 137104  
petition for reassessment in accordance with division (D) of 137105  
this section and provides security in a form satisfactory to the 137106  
commissioner and in an amount sufficient to satisfy the unpaid 137107  
balance of the assessment. Full or partial payment of the 137108  
assessment does not prejudice the commissioner's consideration 137109  
of the petition for reassessment. 137110

(G) All money collected by the tax commissioner under this 137111  
section shall be paid to the treasurer of state as revenue 137112  
arising from the tax imposed by sections 5743.51, 5743.62, and 137113  
5743.63 of the Revised Code. 137114

**Sec. 5743.57.** (A) If any corporation, limited liability company, or business trust required to file returns pursuant to section 5743.52, 5743.62, or 5743.63 of the Revised Code fails to remit to the state any tax due under section 5743.51, 5743.511, 5743.62, or 5743.631 of the Revised Code, any of its employees having control or supervision of or charged with the responsibility of filing returns and making payments, and any of its officers, members, managers, trustees, or other persons who are responsible for the execution of the corporation's, limited liability company's, or business trust's fiscal responsibilities, is personally liable for the failure to remit the tax. The dissolution, termination, or bankruptcy of the corporation, limited liability company, or business trust does not discharge a responsible person's liability for the corporation's, limited liability company's, or business trust's failure to remit the tax due. The tax commissioner may assess a responsible person under section 5743.56 of the Revised Code.

(B) Except for assessments against responsible persons under division (A) of this section, no assessment of the tax imposed by section 5743.51, 5743.511, 5743.62, or 5743.631 of the Revised Code shall be made by the tax commissioner more than three years after the date on which the return for the period assessed was due or was filed, whichever date is later. This section does not bar an assessment when any of the following occurs:

(1) The person assessed failed to file a return required by section 5743.52, 5743.62, or 5743.63 of the Revised Code;

(2) The person assessed knowingly filed a false or fraudulent return;

(3) The person assessed and the tax commissioner have 137145  
waived in writing the time limitation. 137146

**Sec. 5743.59.** (A) No retail dealer of tobacco products or 137147  
vapor products shall have in the retail dealer's possession 137148  
tobacco products or vapor products on which the tax imposed by 137149  
section 5743.51 and, if applicable, section 5743.511 of the 137150  
Revised Code has not been paid unless the retail dealer is 137151  
licensed under section 5743.61 of the Revised Code. Payment may 137152  
be evidenced by invoices from distributors or vapor distributors 137153  
stating the tax has been paid. 137154

(B) The tax commissioner may inspect any place where 137155  
tobacco products or vapor products subject to the tax levied 137156  
under section 5743.51 or 5743.511 of the Revised Code are sold 137157  
or stored. 137158

(C) No person shall prevent or hinder the commissioner 137159  
from making a full inspection of any place where tobacco 137160  
products or vapor products subject to the tax imposed by section 137161  
5743.51 or 5743.511 of the Revised Code are sold or stored, or 137162  
prevent or hinder the full inspection of invoices, books, or 137163  
records required to be kept by section 5743.54 of the Revised 137164  
Code. 137165

**Sec. 5743.60.** No person shall prepare for shipment, ship, 137166  
transport, deliver, prepare for distribution, or distribute 137167  
tobacco products or vapor products, or otherwise engage or 137168  
participate in the business of distributing tobacco products or 137169  
vapor products, with the intent to avoid payment of the tax 137170  
levied by section 5743.51, 5743.511, 5743.62, ~~or 5743.621,~~ 137171  
5743.63, or 5743.631 of the Revised Code, when the wholesale 137172  
price of the tobacco products or, in the case of a tax levied 137173  
under section 5743.511, 5743.621, or 5743.631 of the Revised 137174

Code, the vapor products exceeds three hundred dollars, or when 137175  
the vapor volume of the vapor products exceeds five hundred 137176  
milliliters or five hundred grams, as applicable, during any 137177  
twelve-month period. 137178

**Sec. 5743.62.** (A) To provide revenue for the general 137179  
revenue fund of the state, an excise tax is hereby levied on the 137180  
seller of tobacco products or vapor products in this state at 137181  
one of the following rates: 137182

(1) For tobacco products other than little cigars or 137183  
premium cigars, seventeen per cent of the wholesale price of the 137184  
tobacco product whenever the tobacco product is delivered to a 137185  
consumer in this state for the storage, use, or other 137186  
consumption of such tobacco products. 137187

(2) For little cigars, thirty-seven per cent of the 137188  
wholesale price of the little cigars whenever the little cigars 137189  
are delivered to a consumer in this state for the storage, use, 137190  
or other consumption of the little cigars. 137191

(3) For premium cigars, whenever the premium cigars are 137192  
delivered to a consumer in this state for the storage, use, or 137193  
other consumption of the premium cigars, the lesser of seventeen 137194  
per cent of the wholesale price of such premium cigars or the 137195  
maximum tax amount per each such premium cigar. 137196

(4) For vapor products, one cent multiplied by the vapor 137197  
volume of vapor products when the vapor products are delivered 137198  
to a consumer in this state for the storage, use, or other 137199  
consumption of the vapor products. 137200

The tax imposed by this section applies only to sellers 137201  
having substantial nexus with this state, as defined in section 137202  
5741.01 of the Revised Code. 137203

(B) A seller of tobacco products or vapor products who has substantial nexus with this state as defined in section 5741.01 of the Revised Code shall register with the tax commissioner and supply any information concerning the seller's contacts with this state as may be required by the tax commissioner. A seller who does not have substantial nexus with this state may voluntarily register with the tax commissioner. A seller who voluntarily registers with the tax commissioner is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the tax commissioner under this division.

(C) Each seller of tobacco products or vapor products subject to the tax levied by this section or section 5743.621 of the Revised Code, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the tax commissioner on or before the twenty-third day of the month following the reporting period. If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

(D) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

(E) Each seller of tobacco products or vapor products 137235  
subject to the tax levied by this section or section 5743.621 of 137236  
the Revised Code shall mark on the invoices of tobacco products 137237  
or vapor products sold that the tax levied by that section has 137238  
been paid and shall indicate the seller's account number as 137239  
assigned by the tax commissioner. 137240

**Sec. 5743.621.** For the same purposes for which it levies a 137241  
tax under section 5743.511 of the Revised Code, the board of 137242  
county commissioners of a county that levies a tax under that 137243  
section shall adopt a resolution levying a tax at the same rate 137244  
on the sellers of tobacco products or vapor products, as 137245  
applicable, whenever the tobacco product or vapor product is 137246  
delivered to a consumer in the county in which that tax is 137247  
levied for the storage, use, or other consumption of such 137248  
product. The tax shall take effect on the date that the tax 137249  
levied under section 5743.511 of the Revised Code takes effect, 137250  
and shall remain in effect as long as the tax levied under that 137251  
section remains in effect. The tax imposed by this section 137252  
applies only to sellers having substantial nexus with this 137253  
state, as defined in section 5741.01 of the Revised Code. The 137254  
tax levied under this section shall be in addition to the tax 137255  
levied under section 5743.62 of the Revised Code. 137256

**Sec. 5743.63.** (A) To provide revenue for the general 137257  
revenue fund of the state, an excise tax is hereby levied on the 137258  
storage, use, or other consumption of tobacco products or vapor 137259  
products at one of the following rates: 137260

(1) For tobacco products other than little cigars or 137261  
premium cigars, seventeen per cent of the wholesale price of the 137262  
tobacco product. 137263

(2) For little cigars, thirty-seven per cent of the 137264

wholesale price of the little cigars. 137265

(3) For premium cigars, the lesser of seventeen per cent 137266  
of the wholesale price of the premium cigars or the maximum tax 137267  
amount per each premium cigar. 137268

(4) For vapor products, one cent multiplied by the vapor 137269  
volume of the vapor products. 137270

The tax levied under division (A) of this section is 137271  
imposed only if the tax has not been paid by the seller as 137272  
provided in section 5743.62 of the Revised Code, or by the 137273  
distributor or vapor distributor as provided in section 5743.51 137274  
of the Revised Code. 137275

(B) Each person subject to the tax levied by this section\_ 137276  
or section 5743.631 of the Revised Code, on or before the 137277  
twenty-third day of each month, shall file with the tax 137278  
commissioner a return for the preceding month showing any 137279  
information the commissioner finds necessary for the proper 137280  
administration of sections 5743.51 to 5743.66 of the Revised 137281  
Code, together with remittance of the tax due, payable to the 137282  
treasurer of state. The return and payment of the tax required 137283  
by this section shall be filed in such a manner that it is 137284  
received by the commissioner on or before the twenty-third day 137285  
of the month following the reporting period. 137286

(C) The tax commissioner shall immediately forward to the 137287  
treasurer of state all money received from the tax levied by 137288  
this section, and the treasurer shall credit the amount to the 137289  
general revenue fund. 137290

**Sec. 5743.631.** For the same purposes for which it levies a 137291  
tax under section 5743.511 of the Revised Code, the board of 137292  
county commissioners of a county that levies a tax under that 137293

section shall adopt a resolution levying a tax at the same rate 137294  
on the use, consumption, or storage for consumption of tobacco 137295  
products or vapor products, as applicable, by consumers in the 137296  
county in which that tax is levied. The tax shall take effect on 137297  
the date that the tax levied under section 5743.511 of the 137298  
Revised Code takes effect and shall remain in effect as long as 137299  
the tax levied under that section remains effective. The tax 137300  
levied under this section is imposed only if the tax has not 137301  
been paid by the seller as provided in section 5743.621 of the 137302  
Revised Code, or by the distributor or vapor distributor as 137303  
provided in section 5743.511 of the Revised Code. The tax levied 137304  
under this section shall be in addition to the tax levied under 137305  
section 5743.63 of the Revised Code. 137306

**Sec. 5743.64.** No person shall transport within this state 137307  
tobacco products that have a wholesale value in excess of three 137308  
hundred dollars, or vapor products with a vapor volume in excess 137309  
of five hundred milliliters or five hundred grams, as 137310  
applicable, unless the person has obtained consent to transport 137311  
the tobacco products or vapor products from the tax commissioner 137312  
prior to transportation. The consent is not required if the 137313  
applicable tax levied under section 5743.51, 5743.511, 5743.62, 137314  
~~or 5743.621,~~ 5743.63, or 5743.631 of the Revised Code has been 137315  
paid or will be paid by the distributor, vapor distributor, or 137316  
seller. Application for the consent shall be in the form 137317  
prescribed by the commissioner. 137318

Every person transporting tobacco products or vapor 137319  
products with the department's consent shall have the consent 137320  
with the person while transporting or possessing the tobacco 137321  
products or vapor products within this state and shall produce 137322  
the consent upon request of any law enforcement officer or 137323  
authorized agent of the tax commissioner. 137324

Any person transporting tobacco products or vapor products 137325  
without the consent required by this section shall be subject to 137326  
the provisions of sections 5743.51 to 5743.66 of the Revised 137327  
Code, including the tax imposed by section 5743.51, 5743.511, 137328  
5743.62, ~~or 5743.621,~~ 5743.63, or 5743.631 of the Revised Code. 137329

**Sec. 5745.03.** (A) For each taxable year, each taxpayer 137330  
shall file an annual report with the tax commissioner not later 137331  
than the fifteenth day of the fourth month after the end of the 137332  
taxpayer's taxable year, and shall remit with that report the 137333  
amount of tax due as shown on the report less the amount paid 137334  
for the year under section 5745.04 of the Revised Code. The 137335  
~~remittance shall be made in the form prescribed by the~~ 137336  
~~commissioner. If the amount payable with the report exceeds one~~ 137337  
~~thousand dollars, the taxpayer shall remit the any amount due~~ 137338  
with the report electronically in a manner prescribed by the 137339  
commissioner. The commissioner shall credit ninety-eight and 137340  
one-half per cent of such remittances to the municipal income 137341  
tax fund, which is hereby created in the state treasury, and 137342  
credit the remainder to the municipal income tax administrative 137343  
fund, which is hereby created in the state treasury. 137344

(B) Any taxpayer that has been granted an extension for 137345  
filing a federal income tax return ~~may request shall~~ 137346  
automatically receive an extension for filing the return 137347  
required under this section ~~by filing with the tax commissioner~~ 137348  
~~a copy of the taxpayer's request for the federal filing~~ 137349  
~~extension. The request shall be filed not later than the last~~ 137350  
~~day for filing the return as required under division (A) of this~~ 137351  
section. If such a request is properly and timely filed, and the 137352  
commissioner shall extend the last day for filing the return 137353  
required under this section ~~for the same period for which the~~ 137354  
~~federal filing extension was granted. The commissioner may deny~~ 137355

~~the filing extension request only if the taxpayer fails to~~ 137356  
~~timely file the request, fails to file a copy of the federal~~ 137357  
~~extension request, owes past due taxes, interest, or penalty~~ 137358  
~~under this chapter, or has failed to file a required report or~~ 137359  
~~other document for a prior taxable year~~to the fifteenth day of 137360  
the eleventh month after the last day of the taxable year to 137361  
which the return relates. The granting of an extension under 137362  
this section does not extend the last day for paying taxes 137363  
without penalty pursuant to this chapter unless the commissioner 137364  
extends the payment date. 137365

(C) A taxpayer that has not requested or received an 137366  
extension for filing the taxpayer's federal income tax return 137367  
may request that the commissioner grant the taxpayer a seven- 137368  
month extension of the date for filing the taxpayer's tax 137369  
return. If the commissioner receives the request on or before 137370  
the date the tax return is due, the commissioner shall grant the 137371  
taxpayer's extension request. 137372

(D) The annual report shall include statements of the 137373  
following facts as of the last day of the taxpayer's taxable 137374  
year: 137375

(1) The name of the taxpayer; 137376

~~(2) The name of the state or country under the laws of~~ 137377  
~~which it is incorporated;~~ 137378

~~(3) The location of its principal office in this state~~ 137379  
~~and, in the case of a taxpayer organized under the laws of~~ 137380  
~~another state, the principal place of business in this state and~~ 137381  
~~the name and address of the officer or agent of the taxpayer in~~ 137382  
~~charge of the business conducted in this state;~~ 137383

~~(4) The names of the president, secretary, treasurer, and~~ 137384

~~statutory agent in this state, with the post office address of~~ 137385  
~~each;~~ 137386

~~(5)~~ (2) The date on which the taxpayer's taxable year 137387  
begins and ends; 137388

~~(6)~~ (3) The taxpayer's federal taxable income during the 137389  
taxpayer's taxable year; 137390

~~(7)~~ (4) Any other information the tax commissioner requires 137391  
for the proper administration of this chapter. 137392

~~(D)~~ (E) The tax commissioner may require any reports 137393  
required under this chapter to be filed in an electronic format. 137394

~~(E)~~ (F) A municipal corporation may not require a taxpayer 137395  
required to file a report under this section to file a report of 137396  
the taxpayer's income, but a municipal corporation may require a 137397  
taxpayer to report to the municipal corporation the value of the 137398  
taxpayer's real and tangible personal property situated in the 137399  
municipal corporation, compensation paid by the taxpayer to its 137400  
employees in the municipal corporation, and sales made in the 137401  
municipal corporation by the taxpayer, to the extent necessary 137402  
for the municipal corporation to compute the taxpayer's 137403  
municipal property, payroll, and sales factors for the municipal 137404  
corporation. 137405

~~(F)~~ (G) On or before the thirty-first day of January each 137406  
year, each municipal corporation imposing a tax on income shall 137407  
certify to the tax commissioner the rate of the tax in effect on 137408  
the first day of January of that year. If any municipal 137409  
corporation fails to certify its income tax rate as required by 137410  
this division, the commissioner shall notify the director of 137411  
budget and management, who, upon receiving such notification, 137412  
shall withhold from each payment made to the municipal 137413

corporation under section 5745.05 of the Revised Code fifty per 137414  
cent of the amount of the payment otherwise due the municipal 137415  
corporation under that section as computed on the basis of the 137416  
tax rate most recently certified until the municipal corporation 137417  
certifies the tax rate in effect on the first day of January of 137418  
that year. 137419

The tax rate used to determine the tax payable to a 137420  
municipal corporation under this section for a taxpayer's 137421  
taxable year shall be the tax rate in effect in a municipal 137422  
corporation on the first day of January in that taxable year. If 137423  
a taxpayer's taxable year is for a period less than twelve 137424  
months that does not include the first day of January, the tax 137425  
rate used to determine the tax payable to a municipal 137426  
corporation under this section for the taxpayer's taxable year 137427  
shall be the tax rate in effect in a municipal corporation on 137428  
the first day of January in the preceding taxable year. 137429

**Sec. 5745.04.** (A) As used in this section, "combined tax 137430  
liability" means the total of a taxpayer's income tax 137431  
liabilities to all municipal corporations in this state for a 137432  
taxable year. 137433

(B) Each taxpayer shall file a declaration of estimated 137434  
tax report with, and remit estimated taxes to, the tax 137435  
commissioner, payable to the treasurer of state, at the times 137436  
and in the amounts prescribed in divisions (B)(1) to (4) of this 137437  
section. The first taxable year a taxpayer is subject to this 137438  
chapter, the estimated taxes the taxpayer is required to remit 137439  
under this section shall be based solely on the current taxable 137440  
year and not on the liability for the preceding taxable year. 137441

(1) Not less than twenty-five per cent of the combined tax 137442  
liability for the preceding taxable year or twenty per cent of 137443

the combined tax liability for the current taxable year shall 137444  
have been remitted not later than the fifteenth day of the 137445  
fourth month after the end of the preceding taxable year. 137446

(2) Not less than fifty per cent of the combined tax 137447  
liability for the preceding taxable year or forty per cent of 137448  
the combined tax liability for the current taxable year shall 137449  
have been remitted not later than the fifteenth day of the sixth 137450  
month after the end of the preceding taxable year. 137451

(3) Not less than seventy-five per cent of the combined 137452  
tax liability for the preceding taxable year or sixty per cent 137453  
of the combined tax liability for the current taxable year shall 137454  
have been remitted not later than the fifteenth day of the ninth 137455  
month after the end of the preceding taxable year. 137456

(4) Not less than one hundred per cent of the combined tax 137457  
liability for the preceding taxable year or eighty per cent of 137458  
the combined tax liability for the current taxable year shall 137459  
have been remitted not later than the fifteenth day of the 137460  
twelfth month after the end of the preceding taxable year. 137461

(C) Each taxpayer shall report on the declaration of 137462  
estimated tax report the portion of the remittance that the 137463  
taxpayer estimates that it owes to each municipal corporation 137464  
for the taxable year. 137465

(D) Upon receiving a declaration of estimated tax report 137466  
and remittance of estimated taxes under this section, the tax 137467  
commissioner shall credit ninety-eight and one-half per cent of 137468  
the remittance to the municipal income tax fund and credit the 137469  
remainder to the municipal income tax administrative fund. 137470

(E) ~~If any remittance of estimated taxes is for one~~ 137471  
~~thousand dollars or more, the~~ The taxpayer shall make the 137472

remittance of estimated taxes electronically as prescribed by 137473  
section 5745.041 of the Revised Code. 137474

(F) Notwithstanding section 5745.08 or 5745.09 of the 137475  
Revised Code, no penalty or interest shall be imposed on a 137476  
taxpayer if the declaration of estimated tax report is properly 137477  
filed, and the estimated tax is paid, within the time prescribed 137478  
by division (B) of this section. 137479

**Sec. 5745.09.** (A) In case of any underpayment of the 137480  
estimated tax under section 5745.04 of the Revised Code, ~~there~~ 137481  
~~shall be added~~ the tax commissioner may add to the tax an amount 137482  
determined at the rate per annum prescribed by section 5703.47 137483  
of the Revised Code upon the amount of underpayment for the 137484  
period of underpayment. 137485

(B) The amount of the underpayment shall be the excess of 137486  
division (B) (1) over division (B) (2) of this section: 137487

(1) The amount of the estimated tax payment that would be 137488  
required to be paid for the taxable year if the total estimated 137489  
tax were equal to the total tax shown to be due on the annual 137490  
report, or if no report was filed, the tax for such year; 137491

(2) The amount, if any, of the estimated tax paid on or 137492  
before the last day prescribed for such payment. 137493

(C) The period of the underpayment shall run from the date 137494  
the estimated tax payment was required to be made to the date on 137495  
which such payment is made. For purposes of this section, a 137496  
payment of estimated tax on any payment date shall be considered 137497  
a payment of any previous underpayment only to the extent such 137498  
payment exceeds the amount of the payment presently due. 137499

(D) All amounts collected under this section shall be 137500  
considered as taxes collected under this chapter and shall be 137501

credited and distributed to municipal corporations in the same 137502  
proportions as the taxpayer's taxes are distributed for the 137503  
reporting period under section 5745.05 of the Revised Code or, 137504  
if the taxpayer has filed the annual report for the year under 137505  
section 5745.03 of the Revised Code, in the amounts found to be 137506  
due to such municipal corporations on the basis of the annual 137507  
report. 137508

**Sec. 5745.12.** (A) If any taxpayer required to file a 137509  
report under this chapter fails to file the report within the 137510  
time prescribed, files an incorrect report, or fails to remit 137511  
the full amount of the tax due for the period covered by the 137512  
report, the tax commissioner may make an assessment against the 137513  
taxpayer for any deficiency for the period for which the report 137514  
or tax is due, based upon any information in the commissioner's 137515  
possession. 137516

The tax commissioner shall not make or issue an assessment 137517  
against a taxpayer more than three years after the later of the 137518  
final date the report subject to assessment was required to be 137519  
filed or the date the report was filed. Such time limit may be 137520  
extended if both the taxpayer and the commissioner consent in 137521  
writing to the extension. Any such extension shall extend the 137522  
three-year time limit in section 5745.11 of the Revised Code for 137523  
the same period of time. There shall be no bar or limit to an 137524  
assessment against a taxpayer that fails to file a report 137525  
subject to assessment as required by this chapter, or that files 137526  
a fraudulent report. The commissioner shall give the taxpayer 137527  
assessed written notice of the assessment as provided in section 137528  
5703.37 of the Revised Code. With the notice, the commissioner 137529  
shall provide instructions on how to petition for reassessment 137530  
and request a hearing on the petition. 137531

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the

assessment consisting of tax due shall bear interest at the rate 137562  
per annum prescribed by section 5703.47 of the Revised Code from 137563  
the day the commissioner issues the assessment until the 137564  
assessment is paid or until it is certified to the attorney 137565  
general for collection under section 131.02 of the Revised Code, 137566  
whichever comes first. If the unpaid portion of the assessment 137567  
is certified to the attorney general for collection, the entire 137568  
unpaid portion of the assessment shall bear interest at the rate 137569  
per annum prescribed by section 5703.47 of the Revised Code from 137570  
the date of certification until the date it is paid in its 137571  
entirety. Interest shall be paid in the same manner as the tax 137572  
and may be collected by issuing an assessment under this 137573  
section. 137574

(D) All money collected under this section shall be 137575  
credited and distributed to the municipal corporation to which 137576  
the money is owed based on the assessment issued under this 137577  
section. 137578

(E) If the tax commissioner believes that collection of 137579  
the tax imposed by this chapter will be jeopardized unless 137580  
proceedings to collect or secure collection of the tax are 137581  
instituted without delay, the commissioner may issue a jeopardy 137582  
assessment against the taxpayer liable for the tax. Immediately 137583  
upon the issuance of the jeopardy assessment, the commissioner 137584  
shall file an entry with the clerk of the court of common pleas 137585  
in the manner prescribed by division (C) of this section. Notice 137586  
of the jeopardy assessment shall be served on the taxpayer 137587  
assessed or the taxpayer's legal representative in the manner 137588  
provided in section 5703.37 of the Revised Code within five days 137589  
of the filing of the entry with the clerk. The total amount 137590  
assessed is immediately due and payable, unless the taxpayer 137591  
assessed files a petition for reassessment in accordance with 137592

division (B) of this section and provides security in a form 137593  
satisfactory to the commissioner and in an amount sufficient to 137594  
satisfy the unpaid balance of the assessment. Full or partial 137595  
payment of the assessment does not prejudice the commissioner's 137596  
consideration of the petition for reassessment. 137597

(F) Notwithstanding the fact that a petition for 137598  
reassessment is pending, the taxpayer may pay all or a portion 137599  
of the assessment that is the subject of the petition. The 137600  
acceptance of a payment by the treasurer of state does not 137601  
prejudice any claim for refund upon final determination of the 137602  
petition. 137603

If upon final determination of the petition an error in 137604  
the assessment is corrected by the tax commissioner, upon 137605  
petition so filed or pursuant to a decision of the board of tax 137606  
appeals or any court to which the determination or decision has 137607  
been appealed, so that the amount due from the taxpayer under 137608  
the corrected assessment is less than the portion paid, there 137609  
shall be issued to the taxpayer, its assigns, or legal 137610  
representative a refund in the amount of the overpayment as 137611  
provided by section 5745.11 of the Revised Code, with interest 137612  
on that amount as provided by section 5745.11 of the Revised 137613  
Code. 137614

**Sec. 5747.01.** Except as otherwise expressly provided or 137615  
clearly appearing from the context, any term used in this 137616  
chapter that is not otherwise defined in this section has the 137617  
same meaning as when used in a comparable context in the laws of 137618  
the United States relating to federal income taxes or if not 137619  
used in a comparable context in those laws, has the same meaning 137620  
as in section 5733.40 of the Revised Code. Any reference in this 137621  
chapter to the Internal Revenue Code includes other laws of the 137622

United States relating to federal income taxes.	137623
As used in this chapter:	137624
(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:	137625
	137626
	137627
	137628
(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.	137629
	137630
	137631
	137632
(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.	137633
	137634
	137635
	137636
	137637
(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.	137638
	137639
	137640
	137641
	137642
	137643
(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.	137644
	137645
(5) Deduct the following, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income:	137646
	137647
	137648
(a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement;	137649
	137650

(b) Railroad retirement benefits, other than tier 1 137651  
railroad retirement benefits, to the extent such amounts are 137652  
exempt from state taxation under federal law. 137653

(6) Deduct the amount of wages and salaries, if any, not 137654  
otherwise allowable as a deduction but that would have been 137655  
allowable as a deduction in computing federal adjusted gross 137656  
income for the taxable year, had the work opportunity tax credit 137657  
allowed and determined under sections 38, 51, and 52 of the 137658  
Internal Revenue Code not been in effect. 137659

(7) Deduct any interest or interest equivalent on public 137660  
obligations and purchase obligations to the extent that the 137661  
interest or interest equivalent is included in federal adjusted 137662  
gross income. 137663

(8) Add any loss or deduct any gain resulting from the 137664  
sale, exchange, or other disposition of public obligations to 137665  
the extent that the loss has been deducted or the gain has been 137666  
included in computing federal adjusted gross income. 137667

(9) Deduct or add amounts, as provided under section 137668  
5747.70 of the Revised Code, related to contributions made to or 137669  
tuition units purchased under a qualified tuition program 137670  
established pursuant to section 529 of the Internal Revenue 137671  
Code. 137672

(10) (a) Deduct, to the extent not otherwise allowable as a 137673  
deduction or exclusion in computing federal or Ohio adjusted 137674  
gross income for the taxable year, the amount the taxpayer paid 137675  
during the taxable year for medical care insurance and qualified 137676  
long-term care insurance for the taxpayer, the taxpayer's 137677  
spouse, and dependents. No deduction for medical care insurance 137678  
under division (A) (10) (a) of this section shall be allowed 137679

either to any taxpayer who is eligible to participate in any 137680  
subsidized health plan maintained by any employer of the 137681  
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 137682  
entitled to, or on application would be entitled to, benefits 137683  
under part A of Title XVIII of the "Social Security Act," 49 137684  
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 137685  
division (A)(10)(a) of this section, "subsidized health plan" 137686  
means a health plan for which the employer pays any portion of 137687  
the plan's cost. The deduction allowed under division (A)(10)(a) 137688  
of this section shall be the net of any related premium refunds, 137689  
related premium reimbursements, or related insurance premium 137690  
dividends received during the taxable year. 137691

(b) Deduct, to the extent not otherwise deducted or 137692  
excluded in computing federal or Ohio adjusted gross income 137693  
during the taxable year, the amount the taxpayer paid during the 137694  
taxable year, not compensated for by any insurance or otherwise, 137695  
for medical care of the taxpayer, the taxpayer's spouse, and 137696  
dependents, to the extent the expenses exceed seven and one-half 137697  
per cent of the taxpayer's federal adjusted gross income. 137698

(c) For purposes of division (A)(10) of this section, 137699  
"medical care" has the meaning given in section 213 of the 137700  
Internal Revenue Code, subject to the special rules, 137701  
limitations, and exclusions set forth therein, and "qualified 137702  
long-term care" has the same meaning given in section 7702B(c) 137703  
of the Internal Revenue Code. Solely for purposes of division 137704  
(A)(10)(a) of this section, "dependent" includes a person who 137705  
otherwise would be a "qualifying relative" and thus a 137706  
"dependent" under section 152 of the Internal Revenue Code but 137707  
for the fact that the person fails to meet the income and 137708  
support limitations under section 152(d)(1)(B) and (C) of the 137709  
Internal Revenue Code. 137710

(11) (a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A) (11) (a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a) (2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(13) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A) (13) of this section

does not apply to medical savings account deposits and earnings 137740  
otherwise deducted or excluded for the current or any other 137741  
taxable year from the taxpayer's federal adjusted gross income. 137742

(14) (a) Add an amount equal to the funds withdrawn from a 137743  
medical savings account during the taxable year, and the net 137744  
investment earnings on those funds, when the funds withdrawn 137745  
were used for any purpose other than to reimburse an account 137746  
holder for, or to pay, eligible medical expenses, in accordance 137747  
with section 3924.66 of the Revised Code; 137748

(b) Add the amounts distributed from a medical savings 137749  
account under division (A) (2) of section 3924.68 of the Revised 137750  
Code during the taxable year. 137751

(15) Add any amount claimed as a credit under section 137752  
5747.059 of the Revised Code to the extent that such amount 137753  
satisfies either of the following: 137754

(a) The amount was deducted or excluded from the 137755  
computation of the taxpayer's federal adjusted gross income as 137756  
required to be reported for the taxpayer's taxable year under 137757  
the Internal Revenue Code; 137758

(b) The amount resulted in a reduction of the taxpayer's 137759  
federal adjusted gross income as required to be reported for any 137760  
of the taxpayer's taxable years under the Internal Revenue Code. 137761

(16) Deduct the amount contributed by the taxpayer to an 137762  
individual development account program established by a county 137763  
department of job and family services pursuant to sections 137764  
329.11 to 329.14 of the Revised Code for the purpose of matching 137765  
funds deposited by program participants. On request of the tax 137766  
commissioner, the taxpayer shall provide any information that, 137767  
in the tax commissioner's opinion, is necessary to establish the 137768

amount deducted under division (A) (16) of this section. 137769

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 137770  
(v) of this section, add five-sixths of the amount of 137771  
depreciation expense allowed by subsection (k) of section 168 of 137772  
the Internal Revenue Code, including the taxpayer's 137773  
proportionate or distributive share of the amount of 137774  
depreciation expense allowed by that subsection to a pass- 137775  
through entity in which the taxpayer has a direct or indirect 137776  
ownership interest. 137777

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 137778  
of this section, add five-sixths of the amount of qualifying 137779  
section 179 depreciation expense, including the taxpayer's 137780  
proportionate or distributive share of the amount of qualifying 137781  
section 179 depreciation expense allowed to any pass-through 137782  
entity in which the taxpayer has a direct or indirect ownership 137783  
interest. 137784

(iii) Subject to division (A) (17) (a) (v) of this section, 137785  
for taxable years beginning in 2012 or thereafter, if the 137786  
increase in income taxes withheld by the taxpayer is equal to or 137787  
greater than ten per cent of income taxes withheld by the 137788  
taxpayer during the taxpayer's immediately preceding taxable 137789  
year, "two-thirds" shall be substituted for "five-sixths" for 137790  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 137791

(iv) Subject to division (A) (17) (a) (v) of this section, 137792  
for taxable years beginning in 2012 or thereafter, a taxpayer is 137793  
not required to add an amount under division (A) (17) of this 137794  
section if the increase in income taxes withheld by the taxpayer 137795  
and by any pass-through entity in which the taxpayer has a 137796  
direct or indirect ownership interest is equal to or greater 137797  
than the sum of (I) the amount of qualifying section 179 137798

depreciation expense and (II) the amount of depreciation expense 137799  
allowed to the taxpayer by subsection (k) of section 168 of the 137800  
Internal Revenue Code, and including the taxpayer's 137801  
proportionate or distributive shares of such amounts allowed to 137802  
any such pass-through entities. 137803

(v) If a taxpayer directly or indirectly incurs a net 137804  
operating loss for the taxable year for federal income tax 137805  
purposes, to the extent such loss resulted from depreciation 137806  
expense allowed by subsection (k) of section 168 of the Internal 137807  
Revenue Code and by qualifying section 179 depreciation expense, 137808  
"the entire" shall be substituted for "five-sixths of the" for 137809  
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 137810

The tax commissioner, under procedures established by the 137811  
commissioner, may waive the add-backs related to a pass-through 137812  
entity if the taxpayer owns, directly or indirectly, less than 137813  
five per cent of the pass-through entity. 137814

(b) Nothing in division (A) (17) of this section shall be 137815  
construed to adjust or modify the adjusted basis of any asset. 137816

(c) To the extent the add-back required under division (A) 137817  
(17) (a) of this section is attributable to property generating 137818  
nonbusiness income or loss allocated under section 5747.20 of 137819  
the Revised Code, the add-back shall be situated to the same 137820  
location as the nonbusiness income or loss generated by the 137821  
property for the purpose of determining the credit under 137822  
division (A) of section 5747.05 of the Revised Code. Otherwise, 137823  
the add-back shall be apportioned, subject to one or more of the 137824  
four alternative methods of apportionment enumerated in section 137825  
5747.21 of the Revised Code. 137826

(d) For the purposes of division (A) (17) (a) (v) of this 137827

section, net operating loss carryback and carryforward shall not 137828  
include the allowance of any net operating loss deduction 137829  
carryback or carryforward to the taxable year to the extent such 137830  
loss resulted from depreciation allowed by section 168(k) of the 137831  
Internal Revenue Code and by the qualifying section 179 137832  
depreciation expense amount. 137833

(e) For the purposes of divisions (A) (17) and (18) of this 137834  
section: 137835

(i) "Income taxes withheld" means the total amount 137836  
withheld and remitted under sections 5747.06 and 5747.07 of the 137837  
Revised Code by an employer during the employer's taxable year. 137838

(ii) "Increase in income taxes withheld" means the amount 137839  
by which the amount of income taxes withheld by an employer 137840  
during the employer's current taxable year exceeds the amount of 137841  
income taxes withheld by that employer during the employer's 137842  
immediately preceding taxable year. 137843

(iii) "Qualifying section 179 depreciation expense" means 137844  
the difference between (I) the amount of depreciation expense 137845  
directly or indirectly allowed to a taxpayer under section 179 137846  
of the Internal Revised Code, and (II) the amount of 137847  
depreciation expense directly or indirectly allowed to the 137848  
taxpayer under section 179 of the Internal Revenue Code as that 137849  
section existed on December 31, 2002. 137850

(18) (a) If the taxpayer was required to add an amount 137851  
under division (A) (17) (a) of this section for a taxable year, 137852  
deduct one of the following: 137853

(i) One-fifth of the amount so added for each of the five 137854  
succeeding taxable years if the amount so added was five-sixths 137855  
of qualifying section 179 depreciation expense or depreciation 137856

expense allowed by subsection (k) of section 168 of the Internal Revenue Code; 137857  
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(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense; 137859  
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(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added. 137862  
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(b) If the amount deducted under division (A) (18) (a) of this section is attributable to an add-back allocated under division (A) (17) (c) of this section, the amount deducted shall be situated to the same location. Otherwise, the ~~add-back~~ deduction shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 137865  
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(c) No deduction is available under division (A) (18) (a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A) (18) (a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A) (17) (a) of this section has been deducted. 137873  
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(19) Deduct, to the extent not otherwise deducted or 137886  
excluded in computing federal or Ohio adjusted gross income for 137887  
the taxable year, the amount the taxpayer received during the 137888  
taxable year as reimbursement for life insurance premiums under 137889  
section 5919.31 of the Revised Code. 137890

(20) Deduct, to the extent not otherwise deducted or 137891  
excluded in computing federal or Ohio adjusted gross income for 137892  
the taxable year, the amount the taxpayer received during the 137893  
taxable year as a death benefit paid by the adjutant general 137894  
under section 5919.33 of the Revised Code. 137895

(21) Deduct, to the extent included in federal adjusted 137896  
gross income and not otherwise allowable as a deduction or 137897  
exclusion in computing federal or Ohio adjusted gross income for 137898  
the taxable year, military pay and allowances received by the 137899  
taxpayer during the taxable year for active duty service in the 137900  
~~United States army, air force, navy, marine corps, or coast-~~ 137901  
~~guard~~ uniformed services or reserve components thereof or the 137902  
national guard. The deduction may not be claimed for military 137903  
pay and allowances received by the taxpayer while the taxpayer 137904  
is stationed in this state. 137905

(22) Deduct, to the extent not otherwise allowable as a 137906  
deduction or exclusion in computing federal or Ohio adjusted 137907  
gross income for the taxable year and not otherwise compensated 137908  
for by any other source, the amount of qualified organ donation 137909  
expenses incurred by the taxpayer during the taxable year, not 137910  
to exceed ten thousand dollars. A taxpayer may deduct qualified 137911  
organ donation expenses only once for all taxable years 137912  
beginning with taxable years beginning in 2007. 137913

For the purposes of division (A) (22) of this section: 137914

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired personnel pay for service in the uniformed services or reserve components thereof, or the national guard, or received by the surviving spouse or former spouse of such a taxpayer under the survivor benefit plan on account of such a taxpayer's death. If the taxpayer receives income on account of retirement paid under the federal civil service retirement system or federal employees retirement system, or under any successor retirement program enacted by the congress of the United States that is established and maintained for retired employees of the United States government, and such retirement income is based, in whole or in part, on credit for the taxpayer's uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A) (23) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A) (23) of this section on the basis

of which a credit was claimed under section 5747.055 of the Revised Code. 137946  
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(24) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5902.05 of the Revised Code. 137948  
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(25) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution. 137953  
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(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code. 137959  
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(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution. 137964  
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(28) Deduct from the portion of an individual's federal adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal adjusted gross income for the taxable year, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals. 137976  
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(29) Deduct, as provided under section 5747.78 of the Revised Code, contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code. 137983  
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(30) (a) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, all of the following: 137986  
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(i) Compensation paid to a qualifying employee described in division (A) (14) (a) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer; 137989  
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(ii) Compensation paid to a qualifying employee described in division (A) (14) (b) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state by the employee during the disaster response period on critical infrastructure owned or used by the employee's employer; 137994  
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(iii) Income received by an out-of-state disaster business for disaster work conducted in this state during a disaster response period, or, if the out-of-state disaster business is a pass-through entity, a taxpayer's distributive share of the pass-through entity's income from the business conducting 138000  
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disaster work in this state during a disaster response period, 138005  
if, in either case, the disaster work is conducted pursuant to a 138006  
qualifying solicitation received by the business. 138007

(b) All terms used in division (A) (30) of this section 138008  
have the same meanings as in section 5703.94 of the Revised 138009  
Code. 138010

(31) For a taxpayer who is a qualifying Ohio educator, 138011  
deduct, to the extent not otherwise deducted or excluded in 138012  
computing federal or Ohio adjusted gross income for the taxable 138013  
year, the lesser of ~~two~~ three hundred ~~fifty~~ dollars or the 138014  
amount of expenses described in subsections (a) (2) (D) (i) and 138015  
(ii) of section 62 of the Internal Revenue Code paid or incurred 138016  
by the taxpayer during the taxpayer's taxable year in excess of 138017  
the amount the taxpayer is authorized to deduct for that taxable 138018  
year under subsection (a) (2) (D) of that section. 138019

(32) Deduct, to the extent not otherwise deducted or 138020  
excluded in computing federal or Ohio adjusted gross income for 138021  
the taxable year, amounts received by the taxpayer as a 138022  
disability severance payment, computed under 10 U.S.C. 1212, 138023  
following discharge or release under honorable conditions from 138024  
the armed forces of the United States, as defined in section 138025  
5907.01 of the Revised Code. 138026

(33) Deduct, to the extent not otherwise deducted or 138027  
excluded in computing federal adjusted gross income or Ohio 138028  
adjusted gross income, amounts not subject to tax due to an 138029  
agreement entered into under division (A) (2) of section 5747.05 138030  
of the Revised Code. 138031

(34) Deduct amounts as provided under section 5747.79 of 138032  
the Revised Code related to the taxpayer's qualifying capital 138033

gains and deductible payroll. 138034

To the extent a qualifying capital gain described under 138035  
division (A) (34) of this section is business income, the 138036  
taxpayer shall deduct those gains under this division before 138037  
deducting any such gains under division (A) (28) of this section. 138038

(35) (a) For taxable years beginning in or after 2026, 138039  
deduct, to the extent not otherwise deducted or excluded in 138040  
computing federal or Ohio adjusted gross income for the taxable 138041  
year: 138042

(i) One hundred per cent of the capital gain received by 138043  
the taxpayer in the taxable year from a qualifying interest in 138044  
an Ohio venture capital operating company attributable to the 138045  
company's investments in Ohio businesses during the period for 138046  
which the company was an Ohio venture operating company; and 138047

(ii) Fifty per cent of the capital gain received by the 138048  
taxpayer in the taxable year from a qualifying interest in an 138049  
Ohio venture capital operating company attributable to the 138050  
company's investments in all other businesses during the period 138051  
for which the company was an Ohio venture operating company. 138052

(b) Add amounts previously deducted by the taxpayer under 138053  
division (A) (35) (a) of this section if the director of 138054  
development certifies to the tax commissioner that the 138055  
requirements for the deduction were not met. 138056

(c) All terms used in division (A) (35) of this section 138057  
have the same meanings as in section 122.851 of the Revised 138058  
Code. 138059

(d) To the extent a capital gain described in division (A) 138060  
(35) (a) of this section is business income, the taxpayer shall 138061  
apply that division before applying division (A) (28) of this 138062

section. 138063

(36) Add, to the extent not otherwise included in 138064  
computing federal or Ohio adjusted gross income for any taxable 138065  
year, the taxpayer's proportionate share of the amount of the 138066  
tax levied under section 5747.38 of the Revised Code and paid by 138067  
an electing pass-through entity for the taxable year. 138068

Notwithstanding any provision of the Revised Code to the 138069  
contrary, the portion of the addition required by division (A) 138070  
(36) of this section related to the apportioned business income 138071  
of the pass-through entity shall be considered business income 138072  
under division (B) of this section. Such addition is eligible 138073  
for the deduction in division (A) (28) of this section, subject 138074  
to the applicable dollar limitations, and the tax rate 138075  
prescribed by division (A) (4) (a) of section 5747.02 of the 138076  
Revised Code. The taxpayer shall provide, upon request of the 138077  
tax commissioner, any documentation necessary to verify the 138078  
portion of the addition that is business income under this 138079  
division. 138080

(37) Deduct, to the extent not otherwise deducted or 138081  
excluded in computing federal or Ohio adjusted gross income for 138082  
the taxable year, amounts delivered to a qualifying institution 138083  
pursuant to section 3333.128 of the Revised Code for the benefit 138084  
of the taxpayer or the taxpayer's spouse or dependent. 138085

(38) Deduct, to the extent not otherwise deducted or 138086  
excluded in computing federal or Ohio adjusted gross income for 138087  
the taxable year, amounts received under the Ohio adoption grant 138088  
program pursuant to section ~~5101.191~~ 5180.451 of the Revised 138089  
Code. 138090

(39) Deduct, to the extent included in federal adjusted 138091

gross income, income attributable to amounts provided to a 138092  
taxpayer for any of the purposes for which an exclusion would 138093  
have been authorized under section 139 of the Internal Revenue 138094  
Code if the train derailment near the city of East Palestine on 138095  
February 3, 2023, had been a qualified disaster pursuant to that 138096  
section, or to compensate for lost business resulting from that 138097  
derailment, if such amounts are provided by any of the 138098  
following: 138099

(a) A federal, state, or local government agency; 138100

(b) A railroad company, as that term is defined in section 138101  
5727.01 of the Revised Code; 138102

(c) Any subsidiary, insurer, or agent of a railroad 138103  
company or any related person. 138104

Notwithstanding any provision to the contrary, the 138105  
derailment is not required to meet the definition of a 138106  
"qualified disaster" pursuant to section 139 of the Internal 138107  
Revenue Code to qualify for the deduction under this section. 138108

(40) Deduct, to the extent included in federal adjusted 138109  
gross income, income attributable to loan repayments on behalf 138110  
of the taxpayer under the rural practice incentive program under 138111  
section 3333.135 of the Revised Code. 138112

(41) Add any income taxes deducted in computing federal or 138113  
Ohio adjusted gross income to the extent the income taxes were 138114  
derived from income subject to a tax levied in another state or 138115  
the District of Columbia when such tax was enacted for purposes 138116  
of complying with internal revenue service notice 2020-75. 138117

Notwithstanding any provision of the Revised Code to the 138118  
contrary, the portion of the addition required by division (A) 138119  
(41) of this section related to the apportioned business income 138120

of the pass-through entity shall be considered business income 138121  
under division (B) of this section. Such addition is eligible 138122  
for the deduction in division (A) (28) of this section, subject 138123  
to the applicable dollar limitations, and the tax rate 138124  
prescribed by division (A) (4) (a) of section 5747.02 of the 138125  
Revised Code. The taxpayer shall provide, upon request of the 138126  
tax commissioner, any documentation necessary to verify the 138127  
portion of the addition that is business income under this 138128  
division. 138129

(42) Deduct amounts contributed to a homeownership savings 138130  
account and calculated pursuant to divisions (B) and (C) of 138131  
section 5747.85 of the Revised Code. 138132

(43) If the taxpayer is the account owner, ~~add the amount~~ 138133  
~~of funds withdrawn from a homeownership savings account not used~~ 138134  
~~for eligible expenses, regardless of who deposited those funds~~ 138135  
of a homeownership savings account, upon withdrawal or transfer 138136  
of funds from the account, or closure of the account containing 138137  
funds that are not used for eligible expenses, add the amount of 138138  
such funds not used for an eligible expense. The addition 138139  
required under this division shall not exceed the sum of the 138140  
amounts deducted by the taxpayer for such account under division 138141  
(A) (42) of this section in any taxable year and the amount of 138142  
any funds deposited in the account by a contributor other than 138143  
the account owner. As used in division (A) (43) of this section, 138144  
"homeownership savings account," "contributor," "account owner," 138145  
and "eligible expenses" have the same meanings as in section 138146  
5747.85 of the Revised Code. 138147

(B) "Business income" means income, including gain or 138148  
loss, arising from transactions, activities, and sources in the 138149  
regular course of a trade or business and includes income, gain, 138150

or loss from real property, tangible property, and intangible 138151  
property if the acquisition, rental, management, and disposition 138152  
of the property constitute integral parts of the regular course 138153  
of a trade or business operation. "Business income" includes 138154  
income, including gain or loss, from a partial or complete 138155  
liquidation of a business, including, but not limited to, gain 138156  
or loss from the sale or other disposition of goodwill or the 138157  
sale of an equity or ownership interest in a business. 138158

As used in this division, the "sale of an equity or 138159  
ownership interest in a business" means sales to which either or 138160  
both of the following apply: 138161

(1) The sale is treated for federal income tax purposes as 138162  
the sale of assets. 138163

(2) The seller materially participated, as described in 26 138164  
C.F.R. 1.469-5T, in the activities of the business during the 138165  
taxable year in which the sale occurs or during any of the five 138166  
preceding taxable years. 138167

(C) "Nonbusiness income" means all income other than 138168  
business income and may include, but is not limited to, 138169  
compensation, rents and royalties from real or tangible personal 138170  
property, capital gains, interest, dividends and distributions, 138171  
patent or copyright royalties, or lottery winnings, prizes, and 138172  
awards. 138173

(D) "Compensation" means any form of remuneration paid to 138174  
an employee for personal services. 138175

(E) "Fiduciary" means a guardian, trustee, executor, 138176  
administrator, receiver, conservator, or any other person acting 138177  
in any fiduciary capacity for any individual, trust, or estate. 138178

(F) "Fiscal year" means an accounting period of twelve 138179

months ending on the last day of any month other than December.	138180
(G) "Individual" means any natural person.	138181
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	138182 138183
(I) "Resident" means any of the following:	138184
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	138185 138186
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I) (2) of this section.	138187 138188 138189 138190
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	138191 138192 138193
For the purposes of division (I) (3) of this section:	138194
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I) (3) (d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	138195 138196 138197 138198 138199 138200
(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I) (3) (e) (i) or (ii) of this section;	138201 138202 138203 138204
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly	138205 138206

transferred assets to an irrevocable trust, but only if at least 138207  
one of the trust's qualifying beneficiaries is domiciled in this 138208  
state for the purposes of this chapter during all or some 138209  
portion of the trust's current taxable year; 138210

(iii) A person who was domiciled in this state for the 138211  
purposes of this chapter when the trust document or instrument 138212  
or part of the trust document or instrument became irrevocable, 138213  
but only if at least one of the trust's qualifying beneficiaries 138214  
is a resident domiciled in this state for the purposes of this 138215  
chapter during all or some portion of the trust's current 138216  
taxable year. If a trust document or instrument became 138217  
irrevocable upon the death of a person who at the time of death 138218  
was domiciled in this state for purposes of this chapter, that 138219  
person is a person described in division (I) (3) (a) (iii) of this 138220  
section. 138221

(b) A trust is irrevocable to the extent that the 138222  
transferor is not considered to be the owner of the net assets 138223  
of the trust under sections 671 to 678 of the Internal Revenue 138224  
Code. 138225

(c) With respect to a trust other than a charitable lead 138226  
trust, "qualifying beneficiary" has the same meaning as 138227  
"potential current beneficiary" as defined in section 1361(e) (2) 138228  
of the Internal Revenue Code, and with respect to a charitable 138229  
lead trust "qualifying beneficiary" is any current, future, or 138230  
contingent beneficiary, but with respect to any trust 138231  
"qualifying beneficiary" excludes a person or a governmental 138232  
entity or instrumentality to any of which a contribution would 138233  
qualify for the charitable deduction under section 170 of the 138234  
Internal Revenue Code. 138235

(d) For the purposes of division (I) (3) (a) of this 138236

section, the extent to which a trust consists directly or 138237  
indirectly, in whole or in part, of assets, net of any related 138238  
liabilities, that were transferred directly or indirectly, in 138239  
whole or part, to the trust by any of the sources enumerated in 138240  
that division shall be ascertained by multiplying the fair 138241  
market value of the trust's assets, net of related liabilities, 138242  
by the qualifying ratio, which shall be computed as follows: 138243

(i) The first time the trust receives assets, the 138244  
numerator of the qualifying ratio is the fair market value of 138245  
those assets at that time, net of any related liabilities, from 138246  
sources enumerated in division (I) (3) (a) of this section. The 138247  
denominator of the qualifying ratio is the fair market value of 138248  
all the trust's assets at that time, net of any related 138249  
liabilities. 138250

(ii) Each subsequent time the trust receives assets, a 138251  
revised qualifying ratio shall be computed. The numerator of the 138252  
revised qualifying ratio is the sum of (1) the fair market value 138253  
of the trust's assets immediately prior to the subsequent 138254  
transfer, net of any related liabilities, multiplied by the 138255  
qualifying ratio last computed without regard to the subsequent 138256  
transfer, and (2) the fair market value of the subsequently 138257  
transferred assets at the time transferred, net of any related 138258  
liabilities, from sources enumerated in division (I) (3) (a) of 138259  
this section. The denominator of the revised qualifying ratio is 138260  
the fair market value of all the trust's assets immediately 138261  
after the subsequent transfer, net of any related liabilities. 138262

(iii) Whether a transfer to the trust is by or from any of 138263  
the sources enumerated in division (I) (3) (a) of this section 138264  
shall be ascertained without regard to the domicile of the 138265  
trust's beneficiaries. 138266

(e) For the purposes of division (I) (3) (a) (i) of this section: 138267  
138268

(i) A trust is described in division (I) (3) (e) (i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code. 138269  
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(ii) A trust is described in division (I) (3) (e) (ii) of this section if the transfer is a qualifying transfer described in any of divisions (I) (3) (f) (i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year. 138274  
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(f) For the purposes of division (I) (3) (e) (ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following: 138281  
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(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter. 138285  
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(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the 138291  
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trust became irrevocable while the decedent was domiciled in 138296  
this state for the purposes of this chapter. 138297

(iii) The transfer is made on account of a contractual 138298  
relationship existing directly or indirectly between the 138299  
transferor and either the decedent or the estate of the decedent 138300  
at any time prior to the date of the decedent's death, and the 138301  
decedent was domiciled in this state at the time of death for 138302  
purposes of the taxes levied under Chapter 5731. of the Revised 138303  
Code. 138304

(iv) The transfer is made to a trust on account of a 138305  
contractual relationship existing directly or indirectly between 138306  
the transferor and another person who at the time of the 138307  
decedent's death was domiciled in this state for purposes of 138308  
this chapter. 138309

(v) The transfer is made to a trust on account of the will 138310  
of a testator who was domiciled in this state at the time of the 138311  
testator's death for purposes of the taxes levied under Chapter 138312  
5731. of the Revised Code. 138313

(vi) The transfer is made to a trust created by or caused 138314  
to be created by a court, and the trust was directly or 138315  
indirectly created in connection with or as a result of the 138316  
death of an individual who, for purposes of the taxes levied 138317  
under Chapter 5731. of the Revised Code, was domiciled in this 138318  
state at the time of the individual's death. 138319

(g) The tax commissioner may adopt rules to ascertain the 138320  
part of a trust residing in this state. 138321

(J) "Nonresident" means an individual or estate that is 138322  
not a resident. An individual who is a resident for only part of 138323  
a taxable year is a nonresident for the remainder of that 138324

taxable year. 138325

(K) "Pass-through entity" has the same meaning as in 138326  
section 5733.04 of the Revised Code. 138327

(L) "Return" means the notifications and reports required 138328  
to be filed pursuant to this chapter for the purpose of 138329  
reporting the tax due and includes declarations of estimated tax 138330  
when so required. 138331

(M) "Taxable year" means the calendar year or the 138332  
taxpayer's fiscal year ending during the calendar year, or 138333  
fractional part thereof, upon which the adjusted gross income is 138334  
calculated pursuant to this chapter. 138335

(N) "Taxpayer" means any person subject to the tax imposed 138336  
by section 5747.02 of the Revised Code or any pass-through 138337  
entity that makes the election under division (D) of section 138338  
5747.08 of the Revised Code. 138339

(O) "Dependents" means one of the following: 138340

(1) For taxable years beginning on or after January 1, 138341  
2018, and before January 1, 2026, dependents as defined in the 138342  
Internal Revenue Code; 138343

(2) For all other taxable years, dependents as defined in 138344  
the Internal Revenue Code and as claimed in the taxpayer's 138345  
federal income tax return for the taxable year or which the 138346  
taxpayer would have been permitted to claim had the taxpayer 138347  
filed a federal income tax return. 138348

(P) "Principal county of employment" means, in the case of 138349  
a nonresident, the county within the state in which a taxpayer 138350  
performs services for an employer or, if those services are 138351  
performed in more than one county, the county in which the major 138352

portion of the services are performed. 138353

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code: 138354  
Code: 138355

(1) "Subdivision" means any county, municipal corporation, park district, or township. 138356  
138357

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution. 138358  
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138360  
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(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax. 138362  
138363  
138364

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows: 138365  
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138367  
138368

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section: 138369  
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(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year; 138377  
138378  
138379

(b) The net amount is attributable to the S portion of an 138380

electing small business trust for the taxable year. 138381

(2) Add interest or dividends, net of ordinary, necessary, 138382  
and reasonable expenses not deducted in computing federal 138383  
taxable income, on obligations of any authority, commission, 138384  
instrumentality, territory, or possession of the United States 138385  
to the extent that the interest or dividends are exempt from 138386  
federal income taxes but not from state income taxes, but only 138387  
to the extent that such net amount is not otherwise includible 138388  
in Ohio taxable income and is described in either division (S) 138389  
(1) (a) or (b) of this section; 138390

(3) Add the amount of personal exemption allowed to the 138391  
estate pursuant to section 642(b) of the Internal Revenue Code; 138392

(4) Deduct interest or dividends, net of related expenses 138393  
deducted in computing federal taxable income, on obligations of 138394  
the United States and its territories and possessions or of any 138395  
authority, commission, or instrumentality of the United States 138396  
to the extent that the interest or dividends are exempt from 138397  
state taxes under the laws of the United States, but only to the 138398  
extent that such amount is included in federal taxable income 138399  
and is described in either division (S) (1) (a) or (b) of this 138400  
section; 138401

(5) Deduct the amount of wages and salaries, if any, not 138402  
otherwise allowable as a deduction but that would have been 138403  
allowable as a deduction in computing federal taxable income for 138404  
the taxable year, had the work opportunity tax credit allowed 138405  
under sections 38, 51, and 52 of the Internal Revenue Code not 138406  
been in effect, but only to the extent such amount relates 138407  
either to income included in federal taxable income for the 138408  
taxable year or to income of the S portion of an electing small 138409  
business trust for the taxable year; 138410

(6) Deduct any interest or interest equivalent, net of 138411  
related expenses deducted in computing federal taxable income, 138412  
on public obligations and purchase obligations, but only to the 138413  
extent that such net amount relates either to income included in 138414  
federal taxable income for the taxable year or to income of the 138415  
S portion of an electing small business trust for the taxable 138416  
year; 138417

(7) Add any loss or deduct any gain resulting from sale, 138418  
exchange, or other disposition of public obligations to the 138419  
extent that such loss has been deducted or such gain has been 138420  
included in computing either federal taxable income or income of 138421  
the S portion of an electing small business trust for the 138422  
taxable year; 138423

(8) Except in the case of the final return of an estate, 138424  
add any amount deducted by the taxpayer on both its Ohio estate 138425  
tax return pursuant to section 5731.14 of the Revised Code, and 138426  
on its federal income tax return in determining federal taxable 138427  
income; 138428

(9) (a) Deduct any amount included in federal taxable 138429  
income solely because the amount represents a reimbursement or 138430  
refund of expenses that in a previous year the decedent had 138431  
deducted as an itemized deduction pursuant to section 63 of the 138432  
Internal Revenue Code and applicable treasury regulations. The 138433  
deduction otherwise allowed under division (S) (9) (a) of this 138434  
section shall be reduced to the extent the reimbursement is 138435  
attributable to an amount the taxpayer or decedent deducted 138436  
under this section in any taxable year. 138437

(b) Add any amount not otherwise included in Ohio taxable 138438  
income for any taxable year to the extent that the amount is 138439  
attributable to the recovery during the taxable year of any 138440

amount deducted or excluded in computing federal or Ohio taxable 138441  
income in any taxable year, but only to the extent such amount 138442  
has not been distributed to beneficiaries for the taxable year. 138443

(10) Deduct any portion of the deduction described in 138444  
section 1341(a)(2) of the Internal Revenue Code, for repaying 138445  
previously reported income received under a claim of right, that 138446  
meets both of the following requirements: 138447

(a) It is allowable for repayment of an item that was 138448  
included in the taxpayer's taxable income or the decedent's 138449  
adjusted gross income for a prior taxable year and did not 138450  
qualify for a credit under division (A) or (B) of section 138451  
5747.05 of the Revised Code for that year. 138452

(b) It does not otherwise reduce the taxpayer's taxable 138453  
income or the decedent's adjusted gross income for the current 138454  
or any other taxable year. 138455

(11) Add any amount claimed as a credit under section 138456  
5747.059 of the Revised Code to the extent that the amount 138457  
satisfies either of the following: 138458

(a) The amount was deducted or excluded from the 138459  
computation of the taxpayer's federal taxable income as required 138460  
to be reported for the taxpayer's taxable year under the 138461  
Internal Revenue Code; 138462

(b) The amount resulted in a reduction in the taxpayer's 138463  
federal taxable income as required to be reported for any of the 138464  
taxpayer's taxable years under the Internal Revenue Code. 138465

(12) Deduct any amount, net of related expenses deducted 138466  
in computing federal taxable income, that a trust is required to 138467  
report as farm income on its federal income tax return, but only 138468  
if the assets of the trust include at least ten acres of land 138469

satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be required to add or deduct under division ~~(A)(18)~~ (A)(17) or (18) of this section if the taxpayer's Ohio taxable income ~~were~~ was computed in the same manner as an individual's Ohio adjusted gross income is computed under this section.

(15) Add, to the extent not otherwise included in computing taxable income or Ohio taxable income for any taxable year, the taxpayer's proportionate share of the amount of the tax levied under section 5747.38 of the Revised Code and paid by an electing pass-through entity for the taxable year.

(16) Add any income taxes deducted in computing federal taxable income or Ohio taxable income to the extent the income taxes were derived from income subject to a tax levied in

another state or the District of Columbia when such tax was 138499  
enacted for purposes of complying with internal revenue service 138500  
notice 2020-75. 138501

(T) "School district income" and "school district income 138502  
tax" have the same meanings as in section 5748.01 of the Revised 138503  
Code. 138504

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 138505  
(7) of this section, "public obligations," "purchase 138506  
obligations," and "interest or interest equivalent" have the 138507  
same meanings as in section 5709.76 of the Revised Code. 138508

(V) "Limited liability company" means any limited 138509  
liability company formed under former Chapter 1705. of the 138510  
Revised Code as that chapter existed prior to February 11, 2022, 138511  
Chapter 1706. of the Revised Code, or the laws of any other 138512  
state. 138513

(W) "Pass-through entity investor" means any person who, 138514  
during any portion of a taxable year of a pass-through entity, 138515  
is a partner, member, shareholder, or equity investor in that 138516  
pass-through entity. 138517

(X) "Banking day" has the same meaning as in section 138518  
1304.01 of the Revised Code. 138519

(Y) "Month" means a calendar month. 138520

(Z) "Quarter" means the first three months, the second 138521  
three months, the third three months, or the last three months 138522  
of the taxpayer's taxable year. 138523

(AA) (1) "Modified business income" means the business 138524  
income included in a trust's Ohio taxable income after such 138525  
taxable income is first reduced by the qualifying trust amount, 138526

if any. 138527

(2) "Qualifying trust amount" of a trust means capital 138528  
gains and losses from the sale, exchange, or other disposition 138529  
of equity or ownership interests in, or debt obligations of, a 138530  
qualifying investee to the extent included in the trust's Ohio 138531  
taxable income, but only if the following requirements are 138532  
satisfied: 138533

(a) The book value of the qualifying investee's physical 138534  
assets in this state and everywhere, as of the last day of the 138535  
qualifying investee's fiscal or calendar year ending immediately 138536  
prior to the date on which the trust recognizes the gain or 138537  
loss, is available to the trust. 138538

(b) The requirements of section 5747.011 of the Revised 138539  
Code are satisfied for the trust's taxable year in which the 138540  
trust recognizes the gain or loss. 138541

Any gain or loss that is not a qualifying trust amount is 138542  
modified business income, qualifying investment income, or 138543  
modified nonbusiness income, as the case may be. 138544

(3) "Modified nonbusiness income" means a trust's Ohio 138545  
taxable income other than modified business income, other than 138546  
the qualifying trust amount, and other than qualifying 138547  
investment income, as defined in section 5747.012 of the Revised 138548  
Code, to the extent such qualifying investment income is not 138549  
otherwise part of modified business income. 138550

(4) "Modified Ohio taxable income" applies only to trusts, 138551  
and means the sum of the amounts described in divisions (AA) (4) 138552  
(a) to (c) of this section: 138553

(a) The fraction, calculated under section 5747.013, and 138554  
applying section 5747.231 of the Revised Code, multiplied by the 138555

sum of the following amounts: 138556

(i) The trust's modified business income; 138557

(ii) The trust's qualifying investment income, as defined 138558  
in section 5747.012 of the Revised Code, but only to the extent 138559  
the qualifying investment income does not otherwise constitute 138560  
modified business income and does not otherwise constitute a 138561  
qualifying trust amount. 138562

(b) The qualifying trust amount multiplied by a fraction, 138563  
the numerator of which is the sum of the book value of the 138564  
qualifying investee's physical assets in this state on the last 138565  
day of the qualifying investee's fiscal or calendar year ending 138566  
immediately prior to the day on which the trust recognizes the 138567  
qualifying trust amount, and the denominator of which is the sum 138568  
of the book value of the qualifying investee's total physical 138569  
assets everywhere on the last day of the qualifying investee's 138570  
fiscal or calendar year ending immediately prior to the day on 138571  
which the trust recognizes the qualifying trust amount. If, for 138572  
a taxable year, the trust recognizes a qualifying trust amount 138573  
with respect to more than one qualifying investee, the amount 138574  
described in division (AA) (4) (b) of this section shall equal the 138575  
sum of the products so computed for each such qualifying 138576  
investee. 138577

(c) (i) With respect to a trust or portion of a trust that 138578  
is a resident as ascertained in accordance with division (I) (3) 138579  
(d) of this section, its modified nonbusiness income. 138580

(ii) With respect to a trust or portion of a trust that is 138581  
not a resident as ascertained in accordance with division (I) (3) 138582  
(d) of this section, the amount of its modified nonbusiness 138583  
income satisfying the descriptions in divisions (B) (2) to (5) of 138584

section 5747.20 of the Revised Code, except as otherwise 138585  
provided in division (AA) (4) (c) (ii) of this section. With 138586  
respect to a trust or portion of a trust that is not a resident 138587  
as ascertained in accordance with division (I) (3) (d) of this 138588  
section, the trust's portion of modified nonbusiness income 138589  
recognized from the sale, exchange, or other disposition of a 138590  
debt interest in or equity interest in a section 5747.212 138591  
entity, as defined in section 5747.212 of the Revised Code, 138592  
without regard to division (A) of that section, shall not be 138593  
allocated to this state in accordance with section 5747.20 of 138594  
the Revised Code but shall be apportioned to this state in 138595  
accordance with division (B) of section 5747.212 of the Revised 138596  
Code without regard to division (A) of that section. 138597

If the allocation and apportionment of a trust's income 138598  
under divisions (AA) (4) (a) and (c) of this section do not fairly 138599  
represent the modified Ohio taxable income of the trust in this 138600  
state, the alternative methods described in division (C) of 138601  
section 5747.21 of the Revised Code may be applied in the manner 138602  
and to the same extent provided in that section. 138603

(5) (a) Except as set forth in division (AA) (5) (b) of this 138604  
section, "qualifying investee" means a person in which a trust 138605  
has an equity or ownership interest, or a person or unit of 138606  
government the debt obligations of either of which are owned by 138607  
a trust. For the purposes of division (AA) (2) (a) of this section 138608  
and for the purpose of computing the fraction described in 138609  
division (AA) (4) (b) of this section, all of the following apply: 138610

(i) If the qualifying investee is a member of a qualifying 138611  
controlled group on the last day of the qualifying investee's 138612  
fiscal or calendar year ending immediately prior to the date on 138613  
which the trust recognizes the gain or loss, then "qualifying 138614

investee" includes all persons in the qualifying controlled group on such last day. 138615  
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(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount. 138617  
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(iii) For the purposes of division (AA) (5) (a) (iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity. 138634  
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An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level 138639  
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pass-through entity's calendar or fiscal year ending within or 138645  
with the last day of the upper level pass-through entity's 138646  
fiscal or calendar year. If the upper level pass-through entity 138647  
directly and indirectly owns less than fifty per cent of the 138648  
equity of the lower level pass-through entity on each day of the 138649  
upper level pass-through entity's calendar or fiscal year in 138650  
which or with which ends the calendar or fiscal year of the 138651  
lower level pass-through entity and if, based upon clear and 138652  
convincing evidence, complete information about the location and 138653  
cost of the physical assets of the lower pass-through entity is 138654  
not available to the upper level pass-through entity, then 138655  
solely for purposes of ascertaining if a gain or loss 138656  
constitutes a qualifying trust amount, the upper level pass- 138657  
through entity shall be deemed as owning no equity of the lower 138658  
level pass-through entity for each day during the upper level 138659  
pass-through entity's calendar or fiscal year in which or with 138660  
which ends the lower level pass-through entity's calendar or 138661  
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 138662  
shall be construed to provide for any deduction or exclusion in 138663  
computing any trust's Ohio taxable income. 138664

(b) With respect to a trust that is not a resident for the 138665  
taxable year and with respect to a part of a trust that is not a 138666  
resident for the taxable year, "qualifying investee" for that 138667  
taxable year does not include a C corporation if both of the 138668  
following apply: 138669

(i) During the taxable year the trust or part of the trust 138670  
recognizes a gain or loss from the sale, exchange, or other 138671  
disposition of equity or ownership interests in, or debt 138672  
obligations of, the C corporation. 138673

(ii) Such gain or loss constitutes nonbusiness income. 138674

(6) "Available" means information is such that a person is 138675  
able to learn of the information by the due date plus 138676  
extensions, if any, for filing the return for the taxable year 138677  
in which the trust recognizes the gain or loss. 138678

(BB) "Qualifying controlled group" has the same meaning as 138679  
in section 5733.04 of the Revised Code. 138680

(CC) "Related member" has the same meaning as in section 138681  
5733.042 of the Revised Code. 138682

(DD) (1) For the purposes of division (DD) of this section: 138683

(a) "Qualifying person" means any person other than a 138684  
qualifying corporation. 138685

(b) "Qualifying corporation" means any person classified 138686  
for federal income tax purposes as an association taxable as a 138687  
corporation, except either of the following: 138688

(i) A corporation that has made an election under 138689  
subchapter S, chapter one, subtitle A, of the Internal Revenue 138690  
Code for its taxable year ending within, or on the last day of, 138691  
the investor's taxable year; 138692

(ii) A subsidiary that is wholly owned by any corporation 138693  
that has made an election under subchapter S, chapter one, 138694  
subtitle A of the Internal Revenue Code for its taxable year 138695  
ending within, or on the last day of, the investor's taxable 138696  
year. 138697

(2) For the purposes of this chapter, unless expressly 138698  
stated otherwise, no qualifying person indirectly owns any asset 138699  
directly or indirectly owned by any qualifying corporation. 138700

~~(EE) For purposes of this chapter and Chapter 5751. of the 138701  
Revised Code:~~ 138702

- ~~(1) "Trust" does not include a qualified pre-income tax trust.~~ 138703  
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- ~~(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE) (3) of this section.~~ 138705  
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- ~~(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.~~ 138708  
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- ~~(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:~~ 138719  
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- ~~(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;~~ 138721  
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- ~~(b) The trust became irrevocable upon the creation of the trust; and~~ 138723  
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- ~~(c) The grantor was domiciled in this state at the time the trust was created. "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code, "lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code, "sports gaming" has the same meaning as in section 3775.01 of the Revised Code, and "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.~~ 138725  
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(FF) "Uniformed services" means all of the following:	138732
(1) "Armed forces of the United States" as defined in section 5907.01 of the Revised Code;	138733 138734
(2) The commissioned corps of the national oceanic and atmospheric administration;	138735 138736
(3) The commissioned corps of the public health service.	138737
(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A) (28) of this section for the taxable year.	138738 138739 138740 138741 138742
(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.	138743 138744 138745 138746 138747 138748 138749 138750 138751 138752
(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under divisions (A) (28) and (34) of this section for the taxable year.	138753 138754 138755
(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is defined in section 62 of the Internal Revenue Code, and who holds a certificate, license, or permit described in Chapter 3319. or section 3301.071 of the Revised Code.	138756 138757 138758 138759 138760

(KK) "Professional employer organization," "professional employer organization agreement," and "professional employer organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code. 138761  
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(LL) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code. 138765  
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**Sec. 5747.02.** (A) For the purpose of providing revenue for 138768  
the support of schools and local government functions, to 138769  
provide relief to property taxpayers, to provide revenue for the 138770  
general revenue fund, and to meet the expenses of administering 138771  
the tax levied by this chapter, there is hereby levied on every 138772  
individual, trust, and estate residing in or earning or 138773  
receiving income in this state, on every individual, trust, and 138774  
estate earning or receiving lottery winnings, prizes, or awards 138775  
pursuant to Chapter 3770. of the Revised Code, on every 138776  
individual, trust, and estate earning or receiving winnings on 138777  
casino or sports gaming, and on every individual, trust, and 138778  
estate otherwise having nexus with or in this state under the 138779  
Constitution of the United States, an annual tax measured as 138780  
prescribed in divisions (A) (1) to (4) of this section. 138781

(1) In the case of trusts, the tax imposed by this section 138782  
shall be measured by modified Ohio taxable income under division 138783  
~~(D)~~(C) of this section and levied in the same amount as the tax 138784  
is imposed on estates as prescribed in division (A) (2) of this 138785  
section. 138786

(2) In the case of estates, the tax imposed by this 138787  
section shall be measured by Ohio taxable income. ~~The~~If the 138788  
estate has not more than twenty-six thousand fifty dollars of 138789  
such income, the tax shall be levied on such income at the rate 138790

of 1.38462% for ~~the first twenty-six thousand fifty dollars of~~ 138791  
~~such income and, for taxable years beginning in 2024, 1.31287%~~ 138792  
for taxable years beginning in 2025, and 1.27448% for taxable 138793  
years beginning in 2026 and thereafter. If the estate has income 138794  
in excess of that amount, the tax shall be levied at the same 138795  
rates prescribed in division (A) (3) of this section for 138796  
individuals. 138797

(3) In the case of individuals, the tax imposed by this 138798  
section on income other than taxable business income shall be 138799  
measured by Ohio adjusted gross income, less taxable business 138800  
income and less an exemption for the taxpayer, the taxpayer's 138801  
spouse, and each dependent as provided in section 5747.025 of 138802  
the Revised Code. If the balance thus obtained is equal to or 138803  
less than twenty-six thousand fifty dollars, no tax shall be 138804  
imposed on that balance. If the balance thus obtained is greater 138805  
than twenty-six thousand fifty dollars, the tax is hereby levied 138806  
as follows: 138807

(a) ~~For taxable years beginning in 2023:—~~ 138808  
138809

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A ~~OHIO ADJUSTED GROSS INCOME LESS TAX~~  
~~TAXABLE BUSINESS INCOME AND EXEMPTIONS~~  
~~(INDIVIDUALS) OR MODIFIED OHIO TAXABLE~~  
~~INCOME (TRUSTS) OR OHIO TAXABLE INCOME~~  
~~(ESTATES)—~~

B ~~More than \$26,050 but not more than \$360.69 plus 2.75% of the~~  
~~\$100,000 amount in excess of \$26,050—~~

C ~~More than \$100,000 but not more than \$2,394.32 plus 3.688% of the~~

	<del>\$115,300</del>	<del>amount in excess of \$100,000</del>	
D	<del>More than \$115,300</del>	<del>\$2,958.58 plus 3.75% of the amount in excess of \$115,300</del>	
	<del>(b) For taxable years beginning in 2024 and thereafter:</del>		138810
			138811
			138812

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2

A	OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES)	TAX
B	More than \$26,050 but not more than \$100,000	\$360.69 plus 2.75% of the amount in excess of \$26,050
C	More than \$100,000	\$2,394.32 plus 3.5% of the amount in excess of \$100,000

	<u>(b) For taxable years beginning in 2025:</u>		138813
			138814

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A	<u>OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME</u>	<u>TAX</u>
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(ESTATES)

B More than \$26,050 but not more than \$342.00 plus 2.75% of the  
\$100,000 amount in excess of  
\$26,050

C More than \$100,000 \$2,394.32 plus 3.125% of  
the amount in excess of  
\$100,000

(c) For taxable years beginning in 2026 and thereafter, 138815  
\$332.00 plus 2.75% of the amount in excess of \$26,050. 138816

(4) (a) In the case of individuals, the tax imposed by this 138817  
section on taxable business income shall equal three per cent of 138818  
the result obtained by subtracting any amount allowed under 138819  
division (A) (4) (b) of this section from the individual's taxable 138820  
business income. 138821

(b) If the exemptions allowed to an individual under 138822  
division (A) (3) of this section exceed the taxpayer's Ohio 138823  
adjusted gross income less taxable business income, the excess 138824  
shall be deducted from taxable business income before computing 138825  
the tax under division (A) (4) (a) of this section. 138826

(5) Except as otherwise provided in this division, in 138827  
August of each year, the tax commissioner shall make a new 138828  
adjustment to the income amounts prescribed in divisions (A) (2) 138829  
and (3) of this section by multiplying the percentage increase 138830  
in the gross domestic product deflator computed that year under 138831  
section 5747.025 of the Revised Code by each of the income 138832  
amounts resulting from the adjustment under this division in the 138833  
preceding year, adding the resulting product to the 138834  
corresponding income amount resulting from the adjustment in the 138835

preceding year, and rounding the resulting sum to the nearest 138836  
multiple of fifty dollars. The tax commissioner also shall 138837  
recompute each of the tax dollar amounts to the extent necessary 138838  
to reflect the new adjustment of the income amounts. To 138839  
recompute the tax dollar amount corresponding to the lowest tax 138840  
rate in division (A) (3) of this section, the commissioner shall 138841  
multiply the tax rate prescribed in division (A) (2) of this 138842  
section by the income amount specified in that division and as 138843  
adjusted according to this paragraph. The rates of taxation 138844  
shall not be adjusted. 138845

The adjusted amounts apply to taxable years beginning in 138846  
the calendar year in which the adjustments are made and to 138847  
taxable years beginning in each ensuing calendar year until a 138848  
calendar year in which a new adjustment is made pursuant to this 138849  
division. The tax commissioner shall not make a new adjustment 138850  
in any year in which the amount resulting from the adjustment 138851  
would be less than the amount resulting from the adjustment in 138852  
the preceding year. 138853

~~(B) If the director of budget and management makes a 138854  
certification to the tax commissioner under division (B) of 138855  
section 131.44 of the Revised Code, the amount of tax as 138856  
determined under divisions (A) (1) to (3) of this section shall 138857  
be reduced by the percentage prescribed in that certification 138858  
for taxable years beginning in the calendar year in which that 138859  
certification is made. 138860~~

~~(C) (1)~~ (B) (1) The tax imposed by this section on a trust 138861  
shall be computed by multiplying the Ohio modified taxable 138862  
income of the trust by the rates prescribed by division (A) of 138863  
this section. 138864

(2) A resident trust may claim a credit against the tax 138865

computed under division ~~(C)~~(B) of this section equal to the 138866  
lesser of (a) the tax paid to another state or the District of 138867  
Columbia on the resident trust's modified nonbusiness income, 138868  
other than the portion of the resident trust's nonbusiness 138869  
income that is qualifying investment income as defined in 138870  
section 5747.012 of the Revised Code, or (b) the effective tax 138871  
rate, based on modified Ohio taxable income, multiplied by the 138872  
resident trust's modified nonbusiness income other than the 138873  
portion of the resident trust's nonbusiness income that is 138874  
qualifying investment income. The credit applies before any 138875  
other applicable credits. 138876

(3) Any credit authorized against the tax imposed by this 138877  
section applies to a trust subject to division ~~(C)~~(B) of this 138878  
section only if the trust otherwise qualifies for the credit. To 138879  
the extent that the trust distributes income for the taxable 138880  
year for which a credit is available to the trust, the credit 138881  
shall be shared by the trust and its beneficiaries. The tax 138882  
commissioner and the trust shall be guided by applicable 138883  
regulations of the United States treasury regarding the sharing 138884  
of credits. 138885

~~(D)~~(C) For the purposes of this section, "trust" means any 138886  
trust described in Subchapter J of Chapter 1 of the Internal 138887  
Revenue Code, excluding trusts that are not irrevocable as 138888  
defined in division (I) (3) (b) of section 5747.01 of the Revised 138889  
Code and that have no modified Ohio taxable income for the 138890  
taxable year, charitable remainder trusts, qualified funeral 138891  
trusts and preneed funeral contract trusts established pursuant 138892  
to sections 4717.31 to 4717.38 of the Revised Code that are not 138893  
qualified funeral trusts, endowment and perpetual care trusts, 138894  
qualified settlement trusts and funds, designated settlement 138895  
trusts and funds, and trusts exempted from taxation under 138896

section 501(a) of the Internal Revenue Code. 138897

~~(E)~~(D) Nothing in division (A) (3) of this section shall 138898  
prohibit an individual with an Ohio adjusted gross income, less 138899  
taxable business income and exemptions, of twenty-six thousand 138900  
fifty dollars or less from filing a return under this chapter to 138901  
receive a refund of taxes withheld or to claim any refundable 138902  
credit allowed under this chapter. 138903

**Sec. 5747.021.** In addition to the tax levied under section 138904  
5747.02 of the Revised Code, the tax commissioner shall charge 138905  
the tax imposed on the school district income of an individual 138906  
~~or estate~~ by a school district under Chapter 5748. of the 138907  
Revised Code by multiplying the rate certified to be charged 138908  
under such chapter by the taxpayer's school district income with 138909  
respect to that district. 138910

**Sec. 5747.025.** (A) The personal exemption for the 138911  
taxpayer, the taxpayer's spouse, and each dependent shall be one 138912  
of the following amounts, provided the taxpayer's modified 138913  
adjusted gross income is less than seven hundred fifty thousand 138914  
dollars for taxable years beginning in 2025 or five hundred 138915  
thousand dollars for taxable years beginning in 2026 or 138916  
thereafter: 138917

(1) Two thousand three hundred fifty dollars if the 138918  
taxpayer's modified adjusted gross income for the taxable year 138919  
as shown on an individual or joint annual return is less than or 138920  
equal to forty thousand dollars; 138921

(2) Two thousand one hundred dollars if the taxpayer's 138922  
modified adjusted gross income for the taxable year as shown on 138923  
an individual or joint annual return is greater than forty 138924  
thousand dollars but less than or equal to eighty thousand 138925

dollars; 138926

(3) One thousand eight hundred fifty dollars if the 138927  
taxpayer's modified adjusted gross income for the taxable year 138928  
as shown on an individual or joint annual return is greater than 138929  
eighty thousand dollars. 138930

(B) For taxable years beginning in 2020 and thereafter, 138931  
the personal exemption amounts prescribed in division (A) of 138932  
this section shall be adjusted each year in the manner 138933  
prescribed in division (C) of this section. In the case of an 138934  
individual with respect to whom an exemption under section 138935  
5747.02 of the Revised Code is allowable to another taxpayer for 138936  
a taxable year beginning in the calendar year in which the 138937  
individual's taxable year begins, the exemption amount 138938  
applicable to such individual for such individual's taxable year 138939  
shall be zero. 138940

(C) Except as otherwise provided in this division, in 138941  
August of each year, the tax commissioner shall determine the 138942  
percentage increase in the gross domestic product deflator 138943  
determined by the bureau of economic analysis of the United 138944  
States department of commerce from the first day of January of 138945  
the preceding calendar year to the last day of December of the 138946  
preceding year, and make a new adjustment to the personal 138947  
exemption amount for taxable years beginning in the current 138948  
calendar year by multiplying that amount by the percentage 138949  
increase in the gross domestic product deflator for that period; 138950  
adding the resulting product to the personal exemption amount 138951  
for taxable years beginning in the preceding calendar year; and 138952  
rounding the resulting sum upward to the nearest multiple of 138953  
fifty dollars. The adjusted amount applies to taxable years 138954  
beginning in the calendar year in which the adjustment is made 138955

and to taxable years beginning in each ensuing calendar year 138956  
until a calendar year in which a new adjustment is made pursuant 138957  
to this division. The commissioner shall not make a new 138958  
adjustment in any calendar year in which the amount resulting 138959  
from the adjustment would be less than the amount resulting from 138960  
the adjustment in the preceding calendar year. 138961

**Sec. 5747.05.** As used in this section, "income tax" 138962  
includes both a tax on net income and a tax measured by net 138963  
income. 138964

The following credits shall be allowed against the 138965  
aggregate income tax liability imposed by section 5747.02 of the 138966  
Revised Code on individuals and estates: 138967

(A) (1) The amount of tax otherwise due under section 138968  
5747.02 of the Revised Code on such portion of the combined 138969  
adjusted gross income and taxable business income of any 138970  
nonresident taxpayer that is not allocable or apportionable to 138971  
this state pursuant to sections 5747.20 to 5747.23 of the 138972  
Revised Code. The credit provided under this division shall not 138973  
exceed the total tax due under section 5747.02 of the Revised 138974  
Code. 138975

(2) The tax commissioner may enter into an agreement with 138976  
the taxing authorities of any state or of the District of 138977  
Columbia that imposes an income tax to provide that compensation 138978  
paid in this state to a nonresident taxpayer shall not be 138979  
subject to the tax levied in section 5747.02 of the Revised Code 138980  
so long as compensation paid in such other state or in the 138981  
District of Columbia to a resident taxpayer shall likewise not 138982  
be subject to the income tax of such other state or of the 138983  
District of Columbia. 138984

(B) The lesser of division (B) (1) or (2) of this section:	138985
(1) The aggregate amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and <u>taxable</u> business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B) (1) of this section shall not exceed the total tax due under section 5747.02 of the Revised Code.	138986 138987 138988 138989 138990 138991 138992
(2) The amount of income tax liability to another state or the District of Columbia on the portion of the combined adjusted gross income and <u>taxable</u> business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B) (2) of this section shall not exceed the total amount of tax otherwise due under section 5747.02 of the Revised Code.	138993 138994 138995 138996 138997 138998 138999
(3) For the purpose of divisions (B) (1) and (2) of this section, a resident taxpayer's combined adjusted gross income and <u>taxable</u> business income that is subject to an income tax levied in another state or in the District of Columbia includes income that is subject to either (a) a tax similar to the tax imposed by division (D) (1) (a) of section 5747.08 of the Revised Code or (b) a tax enacted for purposes of complying with internal revenue service notice 2020-75. In computing a resident taxpayer's income tax paid or accrued to another state or the District of Columbia, the deduction authorized by division (A) (28) of section 5747.01 of the Revised Code shall first be deducted against business income apportioned to this state.	139000 139001 139002 139003 139004 139005 139006 139007 139008 139009 139010 139011
(4) If the credit provided under division (B) of this section is affected by a change in either the portion of the combined adjusted gross income and <u>taxable</u> business income of a	139012 139013 139014

resident taxpayer subjected to an income tax in another state or 139015  
the District of Columbia or the amount of income tax liability 139016  
that has been paid to another state or the District of Columbia, 139017  
the taxpayer shall report the change to the tax commissioner 139018  
within ninety days of the change in such form as the 139019  
commissioner requires. 139020

(a) In the case of an underpayment, the report shall be 139021  
accompanied by payment of any additional tax due as a result of 139022  
the reduction in credit together with interest on the additional 139023  
tax and is a return subject to assessment under section 5747.13 139024  
of the Revised Code solely for the purpose of assessing any 139025  
additional tax due under this division, together with any 139026  
applicable penalty and interest. It shall not reopen the 139027  
computation of the taxpayer's tax liability under this chapter 139028  
from a previously filed return no longer subject to assessment 139029  
except to the extent that such liability is affected by an 139030  
adjustment to the credit allowed by division (B) of this 139031  
section. 139032

(b) In the case of an overpayment, an application for 139033  
refund may be filed under this division within the ninety-day 139034  
period prescribed for filing the report even if it is beyond the 139035  
period prescribed in section 5747.11 of the Revised Code if it 139036  
otherwise conforms to the requirements of such section. An 139037  
application filed under this division shall only claim refund of 139038  
overpayments resulting from an adjustment to the credit allowed 139039  
by division (B) of this section unless it is also filed within 139040  
the time prescribed in section 5747.11 of the Revised Code. It 139041  
shall not reopen the computation of the taxpayer's tax liability 139042  
except to the extent that such liability is affected by an 139043  
adjustment to the credit allowed by division (B) of this 139044  
section. 139045

(5) No credit shall be allowed under division (B) of this section: 139046  
139047

(a) For income tax paid or accrued to another state or to the District of Columbia if the taxpayer, when computing federal adjusted gross income, has directly or indirectly deducted, or was required to directly or indirectly deduct, the amount of that income tax; 139048  
139049  
139050  
139051  
139052

Division (B) (5) (a) of this section does not apply to income taxes included in the computation of Ohio adjusted gross income under division (A) (41) of section 5747.01 of the Revised Code and not deducted from Ohio adjusted gross income under division (A) (28) of that section or to income taxes included in Ohio taxable income under division (S) (16) of section 5747.01 of the Revised Code. 139053  
139054  
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(b) For compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A) (3) of this section; or 139060  
139061  
139062  
139063

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid. 139064  
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(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits. 139068  
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(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under 139073  
139074

section 5747.02 of the Revised Code after subtracting any other 139075  
credits that precede the credit under that division in the order 139076  
required under section 5747.98 of the Revised Code. The credit 139077  
allowed under division (B) of this section shall be calculated 139078  
based upon the amount of tax due under section 5747.02 of the 139079  
Revised Code after subtracting any other credits that precede 139080  
the credit under that division in the order required under 139081  
section 5747.98 of the Revised Code. 139082

(E) (1) On a joint return filed by a husband and wife, each 139083  
of whom had adjusted gross income of at least five hundred 139084  
dollars, exclusive of interest, dividends and distributions, 139085  
royalties, rent, and capital gains, a credit equal to the lesser 139086  
of six hundred fifty dollars or the percentage shown in column B 139087  
that corresponds with the taxpayer's modified adjusted gross 139088  
income, less exemptions for the taxable year, of the total 139089  
amount of tax due after allowing for any other credit that 139090  
precedes this credit as required under section 5747.98 of the 139091  
Revised Code, subject to division (E) (2) of this section: 139092

139093

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A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%

E	More than \$50,000 but not more than \$75,000	10%
F	More than \$75,000	5%

(2) The credit shall be claimed in the order required 139094  
under section 5747.98 of the Revised Code.—No taxpayer shall 139095  
claim this credit unless the taxpayer's modified adjusted gross 139096  
income is less than seven hundred fifty thousand dollars for 139097  
taxable years beginning in 2025 or less than five hundred 139098  
thousand dollars for taxable years beginning in 2026 or 139099  
thereafter. 139100

(F) No claim for credit under this section shall be 139101  
allowed unless the claimant furnishes such supporting 139102  
information as the tax commissioner prescribes by rules. 139103

**Sec. 5747.062.** As used in this section, ~~"transferee"~~: 139104

"Transferee" has the same meaning as in section 3770.10 of 139105  
the Revised Code, ~~and "recipient"~~. 139106

"Recipient" includes a transferee. 139107

"Lottery prize award" does not include a prize award from 139108  
a video lottery terminal and does not include winnings from 139109  
lottery sports gaming, except that "lottery prize award" 139110  
includes winnings from lottery sports gaming wagers placed 139111  
through a terminal described in division (B) (3) of section 139112  
3770.24 of the Revised Code. 139113

(A) (1) Before making any other deduction required by 139114  
Chapter 3770. of the Revised Code, the state lottery commission 139115  
shall deduct and withhold an amount equal to ~~four~~ three and one- 139116  
eighth per cent for calendar year 2025, after the effective date 139117

of this amendment, and two and three-quarters per cent for 139118  
calendar year 2026 and thereafter of the payment from each 139119  
lottery prize award payment that is of an amount for which 139120  
reporting to the internal revenue service of the amount is 139121  
required by section 6041 of the Internal Revenue Code, as 139122  
amended. 139123

(2) On or before the tenth day of each month, the state 139124  
lottery commission, and each transferee required to deduct and 139125  
withhold amounts pursuant to section 3770.072 of the Revised 139126  
Code, shall file a return and remit to the tax commissioner all 139127  
amounts deducted and withheld pursuant to this section during 139128  
the preceding month. 139129

(3) On or before the thirty-first day of January of each 139130  
year, the state lottery commission, and each transferee required 139131  
to deduct and withhold amounts pursuant to section 3770.072 of 139132  
the Revised Code, shall file with the commissioner an annual 139133  
return, in the form prescribed by the tax commissioner, 139134  
indicating the total amount deducted and withheld pursuant to 139135  
this section or section 3770.072 of the Revised Code during the 139136  
preceding calendar year. At the time of filing that return, the 139137  
state lottery commission or transferee shall remit any amount 139138  
deducted and withheld during the preceding calendar year that 139139  
was not previously remitted. 139140

(4) The state lottery commission, and each transferee 139141  
required to deduct and withhold amounts pursuant to section 139142  
3770.072 of the Revised Code, shall issue to each person with 139143  
respect to whom tax has been deducted and withheld by the 139144  
commission or transferee pursuant to this section or section 139145  
3770.072 of the Revised Code during the preceding calendar year, 139146  
an information return in the form prescribed by the 139147

commissioner. 139148

(B) (1) Division (B) (1) of this section does not apply to 139149  
persons classified for federal income tax purposes as 139150  
associations taxable as corporations. 139151

Amounts withheld pursuant to this section or section 139152  
3770.072 of the Revised Code shall be allowed as a credit 139153  
against payment of the tax imposed pursuant to section 5747.02 139154  
of the Revised Code upon the lottery prize award recipient, upon 139155  
a beneficiary of such a recipient, or upon any investor in such 139156  
a recipient if the recipient is a pass-through entity or 139157  
disregarded entity, and shall be treated as taxes paid by the 139158  
recipient, beneficiary, or investor for purposes of section 139159  
5747.09 of the Revised Code. The credit is available to the 139160  
recipient, beneficiary, or investor even if the commission or 139161  
transferee does not remit to the tax commissioner the amount 139162  
withheld. 139163

(2) Division (B) (2) of this section applies only to 139164  
persons classified for federal income tax purposes as 139165  
associations taxable as corporations. 139166

Amounts withheld pursuant to this section or section 139167  
3770.072 of the Revised Code shall be treated as a credit 139168  
against the tax imposed pursuant to section 5733.06 of the 139169  
Revised Code for the tax year immediately following the date on 139170  
which those amounts are deducted and withheld, upon the lottery 139171  
prize award recipient, upon a beneficiary of such a recipient, 139172  
or upon an investor in such a recipient if the recipient is a 139173  
pass-through entity or disregarded entity, and shall be treated 139174  
as paid by the recipient, beneficiary, or investor on the date 139175  
on which those amounts are deducted and withheld. The credit is 139176  
a refundable credit and shall be claimed in the order required 139177

under section 5733.98 of the Revised Code. The credit is 139178  
available to the recipient, beneficiary, or investor even if the 139179  
commission or transferee does not remit to the tax commissioner 139180  
the amount withheld. 139181

(3) Nothing in division (B) (1) or (2) of this section 139182  
shall be construed to allow more than one person to claim the 139183  
credit for any portion of each amount deducted and withheld. 139184

(C) Failure of the commission or any transferee to deduct 139185  
and withhold the required amounts from lottery prize awards or 139186  
to remit amounts withheld as required by this section and 139187  
section 3770.072 of the Revised Code shall not relieve a 139188  
taxpayer described in division (B) of this section from 139189  
liability for the tax imposed by section 5733.06 or 5747.02 of 139190  
the Revised Code. 139191

**Sec. 5747.063.** The requirements imposed under this section 139192  
are in addition to the municipal income tax withholding 139193  
requirements under section 718.031 of the Revised Code. As used 139194  
in this section, "sports gaming proprietor" and "sports gaming 139195  
facility" have the same meanings as in section 3775.01 of the 139196  
Revised Code. 139197

(A) (1) If Subject to division (F) of this section, if a 139198  
person's winnings from casino gaming or from sports gaming are 139199  
an amount for which reporting to the internal revenue service of 139200  
the amount is required by section 6041 of the Internal Revenue 139201  
Code, as amended, a casino operator or sports gaming proprietor 139202  
shall deduct and withhold Ohio income tax from the person's 139203  
winnings at a rate of four-three and one-eighth per cent for 139204  
calendar year 2025, after the effective date of this amendment, 139205  
and two and three-quarters per cent for calendar year 2026 and 139206  
thereafter of the amount won. A person's amount of winnings from 139207

casino gaming shall be determined each time the person exchanges 139208  
amounts won in tokens, chips, casino credit, or other prepaid 139209  
representations of value for cash or a cash equivalent. The 139210  
casino operator or sports gaming proprietor shall issue, to a 139211  
person from whose winnings an amount has been deducted and 139212  
withheld, a receipt for the amount deducted and withheld, and 139213  
also shall obtain from the person additional information that 139214  
will be necessary for the casino operator or sports gaming 139215  
proprietor to prepare the returns required by this section. 139216

(2) If a person's winnings from casino gaming or sports 139217  
gaming require reporting to the internal revenue service under 139218  
division (A) (1) of this section, the casino operator or sports 139219  
gaming proprietor also shall require the person to state in 139220  
writing, under penalty of falsification, whether the person is 139221  
in default under a support order. 139222

(B) Amounts deducted and withheld by a casino operator or 139223  
sports gaming proprietor are held in trust for the benefit of 139224  
the state. 139225

(1) On or before the tenth day of each month, the casino 139226  
operator or sports gaming proprietor shall file a return 139227  
electronically with the tax commissioner identifying the persons 139228  
from whose winnings amounts were deducted and withheld, the 139229  
amount of each such deduction and withholding during the 139230  
preceding calendar month, the amount of the winnings from which 139231  
each such amount was withheld, the type of casino gaming or 139232  
sports gaming that resulted in such winnings, and any other 139233  
information required by the tax commissioner. With the return, 139234  
the casino operator or sports gaming proprietor shall remit 139235  
electronically to the commissioner all the amounts deducted and 139236  
withheld during the preceding month. 139237

(2) (a) A casino operator or sports gaming proprietor shall 139238  
maintain a record of each written statement provided under 139239  
division (A) (2) of this section in which a person admits to 139240  
being in default under a support order. The casino operator or 139241  
sports gaming proprietor shall make these records available to 139242  
the director of job and family services upon request. 139243

(b) A casino operator or sports gaming proprietor shall 139244  
maintain copies of receipts issued under division (A) (1) of this 139245  
section and of written statements provided under division (A) (2) 139246  
of this section and shall make these copies available to the tax 139247  
commissioner upon request. 139248

(c) A casino operator or sports gaming proprietor shall 139249  
maintain the information described in divisions (B) (2) (a) and 139250  
(b) of this section in accordance with section 5747.17 of the 139251  
Revised Code and any rules adopted pursuant thereto. 139252

(3) Annually, on or before the thirty-first day of 139253  
January, a casino operator or sports gaming proprietor shall 139254  
file an annual return electronically with the tax commissioner 139255  
indicating the total amount deducted and withheld during the 139256  
preceding calendar year. The casino operator or sports gaming 139257  
proprietor shall remit electronically with the annual return any 139258  
amount that was deducted and withheld and that was not 139259  
previously remitted. If the identity of a person and the amount 139260  
deducted and withheld with respect to that person were omitted 139261  
on a monthly return, that information shall be indicated on the 139262  
annual return. 139263

(4) (a) A casino operator or sports gaming proprietor who 139264  
fails to file a return and remit the amounts deducted and 139265  
withheld is personally liable for the amount deducted and 139266  
withheld and not remitted. The commissioner may impose a penalty 139267

up to one thousand dollars if a return is filed late, if amounts 139268  
deducted and withheld are remitted late, if a return is not 139269  
filed, or if amounts deducted and withheld are not remitted. 139270  
Interest accrues on past due amounts deducted and withheld at 139271  
the rate prescribed in section 5703.47 of the Revised Code. The 139272  
commissioner may collect past due amounts deducted and withheld 139273  
and penalties and interest thereon by assessment under section 139274  
5747.13 of the Revised Code as if they were income taxes 139275  
collected by an employer. 139276

(b) If a casino operator or sports gaming proprietor sells 139277  
the casino facility or sports gaming facility, or otherwise 139278  
quits the casino or sports gaming business, the amounts deducted 139279  
and withheld and any penalties and interest thereon are 139280  
immediately due and payable. The successor shall withhold an 139281  
amount of the purchase money that is sufficient to cover the 139282  
amounts deducted and withheld and penalties and interest thereon 139283  
until the predecessor casino operator or sports gaming 139284  
proprietor produces either a receipt from the commissioner 139285  
showing that the amounts deducted and withheld and penalties and 139286  
interest thereon have been paid or a certificate from the 139287  
commissioner indicating that no amounts deducted and withheld or 139288  
penalties and interest thereon are due. If the successor fails 139289  
to withhold purchase money, the successor is personally liable 139290  
for payment of the amounts deducted and withheld and penalties 139291  
and interest thereon, up to the amount of the purchase money. 139292

~~(C)(1)~~ (C) Annually, on or before the thirty-first day of 139293  
January, a casino operator or sports gaming proprietor shall 139294  
issue an information return to each person with respect to whom 139295  
an amount has been deducted and withheld during the preceding 139296  
calendar year. The information return shall show the total 139297  
amount deducted from the person's winnings by the casino 139298

operator or sports gaming proprietor during the preceding 139299  
calendar year. 139300

~~(2) Annually, on or before the thirty-first day of 139301  
January, a casino operator or sports gaming proprietor shall 139302  
provide to the commissioner a copy of each information return 139303  
issued under division (C) (1) of this section for the preceding 139304  
calendar year. The commissioner may require that the copies be 139305  
transmitted electronically. 139306~~

(D) Amounts deducted and withheld shall be allowed as a 139307  
credit against payment of the tax imposed by section 5747.02 of 139308  
the Revised Code and shall be treated as taxes paid for purposes 139309  
of section 5747.09 of the Revised Code. This division applies 139310  
only to the person for whom the amount is deducted and withheld. 139311

(E) The failure of a casino operator or sports gaming 139312  
proprietor to deduct and withhold the required amount from a 139313  
person's winnings does not relieve the person from liability for 139314  
the tax imposed by section 5747.02 of the Revised Code with 139315  
respect to those winnings. And compliance with this section does 139316  
not relieve a casino operator or sports gaming proprietor or a 139317  
person who has winnings from casino gaming or sports gaming from 139318  
compliance with relevant provisions of federal tax laws. 139319

(F) A sports gaming proprietor that offers lottery sports 139320  
gaming through a terminal described in division (B) (3) of 139321  
section 3770.24 of the Revised Code shall not withhold amounts 139322  
under this section from winnings from wagers placed through that 139323  
terminal. The state lottery commission shall withhold amounts 139324  
from those winnings under section 5747.062 of the Revised Code. 139325

(G) The commissioner shall prescribe the form of the 139326  
receipt and returns required by this section. The director of 139327

job and family services shall prescribe the form of the 139328  
statement required by this section. 139329

~~(G)~~(H) The commissioner may adopt rules that are necessary 139330  
to administer this section. 139331

**Sec. 5747.064.** The requirements imposed under this section 139332  
are in addition to the municipal income tax withholding 139333  
requirements under section 718.031 of the Revised Code. 139334

(A) As used in this section: 139335

~~(1) "Video lottery terminal",~~ "video lottery sales agent" 139336  
has the same meaning as in section ~~3770.21~~ 3770.10 of the 139337  
Revised Code. 139338

~~(2) "Lottery sports gaming" has the same meaning as in~~ 139339  
~~section 3770.23 of the Revised Code.~~ 139340

(B) If a person's prize award from a video lottery 139341  
terminal ~~or from lottery sports gaming offered in a video~~ 139342  
~~lottery terminal facility~~ is an amount for which reporting to 139343  
the internal revenue service of the amount is required by 139344  
section 6041 of the Internal Revenue Code, as amended, the video 139345  
lottery sales agent shall deduct and withhold Ohio income tax 139346  
from the person's prize award at a rate of ~~four~~ three and one- 139347  
eighth per cent for calendar year 2025, after the effective date 139348  
of this amendment, and two and three-quarters per cent for 139349  
calendar year 2026 and thereafter of the amount won. The video 139350  
lottery sales agent shall issue, to a person from whose prize 139351  
award an amount has been deducted or withheld, a receipt for the 139352  
amount deducted and withheld, and also shall obtain from the 139353  
person additional information that will be necessary for the 139354  
video lottery sales agent to prepare the returns required by 139355  
this section. 139356

(C) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the state. 139357  
139358

(1) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the tax commissioner identifying the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding month, the amount of the prize award from which each such amount was withheld, and any other information required by the commissioner. With the return, the video lottery sales agent shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month. 139359  
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(2) A video lottery sales agent shall maintain a record of all receipts issued under division (B) of this section and shall make those records available to the commissioner upon request. Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto. 139369  
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(3) Annually, on or before the thirty-first day of January, a video lottery sales agent shall file an annual return electronically with the tax commissioner indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly return, that information shall be indicated on the annual return. 139375  
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(4) (a) A video lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally 139385  
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liable for the amount deducted and withheld and not remitted. 139387  
The commissioner may impose a penalty of up to one thousand 139388  
dollars if a return is filed late, if amounts deducted and 139389  
withheld are remitted late, if a return is not filed, or if 139390  
amounts deducted and withheld are not remitted. Interest accrues 139391  
on past due amounts deducted and withheld at the rate prescribed 139392  
in section 5703.47 of the Revised Code. The commissioner may 139393  
collect past due amounts deducted and withheld and penalties and 139394  
interest thereon by assessment under section 5747.13 of the 139395  
Revised Code as if they were income taxes collected by an 139396  
employer. 139397

(b) If a video lottery sales agent ceases to operate video 139398  
lottery terminals, the amounts deducted and withheld and any 139399  
penalties and interest thereon are immediately due and payable. 139400  
A successor of the video lottery sales agent that purchases the 139401  
video lottery terminals from the agent shall withhold an amount 139402  
of the purchase money that is sufficient to cover the amounts 139403  
deducted and withheld and penalties and interest thereon until 139404  
the predecessor video lottery sales agent produces either a 139405  
receipt from the tax commissioner showing that the amounts 139406  
deducted and withheld and penalties and interest thereon have 139407  
been paid or a certificate from the commissioner indicating that 139408  
no amounts deducted and withheld or penalties and interest 139409  
thereon are due. If the successor fails to withhold purchase 139410  
money, the successor is personally liable for payment of the 139411  
amounts deducted and withheld and penalties and interest 139412  
thereon, up to the amount of the purchase money. 139413

~~(D)~~(1)(D) Annually, on or before the thirty-first day of 139414  
January, a video lottery sales agent shall issue an information 139415  
return to each person with respect to whom an amount has been 139416  
deducted and withheld during the preceding calendar year. The 139417

information return shall show the total amount deducted from the 139418  
person's prize award by the video lottery sales agent during the 139419  
preceding year. 139420

~~(2) Annually, on or before the thirty-first day of 139421  
January, a lottery sales agent shall provide to the tax- 139422  
commissioner a copy of each information return issued under 139423  
division (D) (1) of this section for the preceding calendar year. 139424  
The commissioner may require that such copies be transmitted- 139425  
electronically. 139426~~

(E) Amounts deducted and withheld shall be allowed as a 139427  
credit against payment of the tax imposed by section 5747.02 of 139428  
the Revised Code and shall be treated as taxes paid for purposes 139429  
of section 5747.09 of the Revised Code. This division applies 139430  
only to the person for whom the amount is deducted and withheld. 139431

(F) The failure of a video lottery sales agent to deduct 139432  
and withhold the required amount from a person's prize award 139433  
does not relieve the person from liability for the tax imposed 139434  
by section 5747.02 of the Revised Code with respect to that 139435  
income. Compliance with this section does not relieve a video 139436  
lottery sales agent or a person who has a prize award from 139437  
compliance with relevant provisions of federal tax laws. 139438

(G) The commissioner shall prescribe the form of the 139439  
receipt and returns required by this section and may promulgate 139440  
any rules necessary to administer the section. 139441

**Sec. 5747.07.** (A) As used in this section: 139442

(1) "Partial weekly withholding period" means a period 139443  
during which an employer directly, indirectly, or constructively 139444  
pays compensation to, or credits compensation to the benefit of, 139445  
an employee, and that consists of a consecutive Saturday, 139446

Sunday, Monday, and Tuesday or a consecutive Wednesday, 139447  
Thursday, and Friday. There are two partial weekly withholding 139448  
periods each week, except that a partial weekly withholding 139449  
period cannot extend from one calendar year into the next 139450  
calendar year; if the first day of January falls on a day other 139451  
than Saturday or Wednesday, the partial weekly withholding 139452  
period ends on the thirty-first day of December and there are 139453  
three partial weekly withholding periods during that week. 139454

(2) "Undeposited taxes" means the taxes an employer is 139455  
required to deduct and withhold from an employee's compensation 139456  
pursuant to section 5747.06 of the Revised Code that have not 139457  
been remitted to the tax commissioner pursuant to this section 139458  
or section 5747.072 of the Revised Code. 139459

(3) A "week" begins on Saturday and concludes at the end 139460  
of the following Friday. 139461

~~(4) "Professional employer organization," "professional 139462  
employer organization agreement," and "professional employer 139463  
organization reporting entity" have the same meanings as in 139464  
section 4125.01 of the Revised Code. 139465~~

~~(5) "Alternate employer organization" and "alternate 139466  
employer organization agreement" have the same meanings as in 139467  
section 4133.01 of the Revised Code. 139468~~

~~(6) "Client employer" has the same meaning as in section 139469  
4125.01 of the Revised Code in the context of a professional 139470  
employer organization or a professional employer organization 139471  
reporting entity, or the same meaning as in section 4133.01 of 139472  
the Revised Code in the context of an alternate employer 139473  
organization. 139474~~

(B) Except as provided in divisions (C) and (D) of this 139475

section and in division (A) of section 5747.072 of the Revised Code, every employer required to deduct and withhold any amount under section 5747.06 of the Revised Code shall file a return and shall pay the amount required by law as follows:

(1) An employer who accumulates or is required to accumulate undeposited taxes of one hundred thousand dollars or more during a partial weekly withholding period shall make the payment of the undeposited taxes by the close of the first banking day after the day on which the accumulation reaches one hundred thousand dollars. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code.

(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within three banking days after the close of a partial weekly withholding period during which the employer was required to deduct and withhold any amount under this chapter. If required under division (I) of this section, the payment shall be made electronically under section 5747.072 of the Revised Code.

(3) Except as required by divisions (B)(1) and (2) of this section, if an employer's actual or required payments were more than two thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year, the employer shall make the payment of undeposited taxes for each month during which they were required to be withheld no later than fifteen days following the last day of that month. The

employer shall file the return prescribed by the tax 139506  
commissioner with the payment. 139507

(4) Except as required by divisions (B) (1), (2), and (3) 139508  
of this section, an employer shall make the payment of 139509  
undeposited taxes for each calendar quarter during which they 139510  
were required to be withheld no later than the last day of the 139511  
month following the last day of March, June, September, and 139512  
December each year. The employer shall file the return 139513  
prescribed by the tax commissioner with the payment. 139514

(C) The return and payment schedules prescribed by 139515  
divisions (B) (1) and (2) of this section do not apply to the 139516  
return and payment of undeposited school district income taxes 139517  
arising from taxes levied pursuant to Chapter 5748. of the 139518  
Revised Code. Undeposited school district income taxes shall be 139519  
returned and paid pursuant to divisions (B) (3) and (4) of this 139520  
section, as applicable. 139521

(D) (1) The requirements of division (B) of this section 139522  
are met if the amount paid is not less than ninety-five per cent 139523  
of the actual tax withheld or required to be withheld for the 139524  
prior quarterly, monthly, or partial weekly withholding period, 139525  
and the underpayment is not due to willful neglect. Any 139526  
underpayment of withheld tax shall be paid within thirty days of 139527  
the date on which the withheld tax was due without regard to 139528  
division (D) (1) of this section. An employer described in 139529  
division (B) (1) or (2) of this section shall make the payment 139530  
electronically under section 5747.072 of the Revised Code. 139531

(2) If the tax commissioner believes that quarterly or 139532  
monthly payments would result in a delay that might jeopardize 139533  
the remittance of withholding payments, the commissioner may 139534  
order that the payments be made weekly, or more frequently if 139535

necessary, and the payments shall be made no later than three 139536  
banking days following the close of the period for which the 139537  
jeopardy order is made. An order requiring weekly or more 139538  
frequent payments shall be delivered to the employer in the 139539  
manner provided in section 5703.37 of the Revised Code and 139540  
remains in effect until the commissioner notifies the employer 139541  
to the contrary. 139542

(3) If compelling circumstances exist concerning the 139543  
remittance of undeposited taxes, the commissioner may order the 139544  
employer to make payments under any of the payment schedules 139545  
under division (B) of this section. The order shall be delivered 139546  
to the employer in the manner provided in section 5703.37 of the 139547  
Revised Code and shall remain in effect until the commissioner 139548  
notifies the employer to the contrary. For purposes of division 139549  
(D) (3) of this section, "compelling circumstances" exist if 139550  
either or both of the following are true: 139551

(a) Based upon annualization of payments made or required 139552  
to be made during the preceding calendar year and during the 139553  
current calendar year, the employer would be required for the 139554  
next calendar year to make payments under division (B) (2) of 139555  
this section. 139556

(b) Based upon annualization of payments made or required 139557  
to be made during the current calendar year, the employer would 139558  
be required for the next calendar year to make payments under 139559  
division (B) (2) of this section. 139560

(E) (1) In addition to other returns required to be filed 139561  
and payments required to be made under this section, every 139562  
employer required to deduct and withhold taxes shall file, not 139563  
later than the thirty-first day of January of each year, an 139564  
annual return covering, but not limited to, both the aggregate 139565

amount deducted and withheld and the aggregate amount required 139566  
to be deducted and withheld during the entire preceding year for 139567  
the tax imposed under section 5747.02 of the Revised Code and 139568  
for each tax imposed under Chapter 5748. of the Revised Code. At 139569  
the time of filing that return, the employer shall pay over any 139570  
amounts of undeposited taxes for the preceding year, whether 139571  
actually deducted and withheld or required to be deducted and 139572  
withheld, that have not been previously paid. The employer shall 139573  
make the annual report, to each employee and to the tax 139574  
commissioner, of the compensation paid and each tax withheld, as 139575  
the commissioner by rule may prescribe. 139576

(2) Each employer required to deduct and withhold any tax 139577  
is liable for the payment of that amount required to be deducted 139578  
and withheld, whether or not the tax has in fact been withheld, 139579  
unless the failure to withhold was based upon the employer's 139580  
good faith in reliance upon the statement of the employee as to 139581  
liability, and the amount shall be deemed to be a special fund 139582  
in trust for the general revenue fund. 139583

(F) Each employer shall file with the employer's annual 139584  
return the following items of information on employees for whom 139585  
withholding is required under section 5747.06 of the Revised 139586  
Code: 139587

(1) The full name of each employee, the employee's 139588  
address, the employee's school district of residence, and in the 139589  
case of a nonresident employee, the employee's principal county 139590  
of employment; 139591

(2) The social security number of each employee; 139592

(3) The total amount of compensation paid before any 139593  
deductions to each employee for the period for which the annual 139594

return is made; 139595

(4) The amount of the tax imposed by section 5747.02 of 139596  
the Revised Code and the amount of each tax imposed under 139597  
Chapter 5748. of the Revised Code withheld from the compensation 139598  
of the employee for the period for which the annual return is 139599  
made. The commissioner may extend upon good cause the period for 139600  
filing any notice or return required to be filed under this 139601  
section and may adopt rules relating to extensions of time. If 139602  
the extension results in an extension of time for the payment of 139603  
the amounts withheld with respect to which the return is filed, 139604  
the employer shall pay, at the time the amount withheld is paid, 139605  
an amount of interest computed at the rate per annum prescribed 139606  
by section 5703.47 of the Revised Code on that amount withheld, 139607  
from the day that amount was originally required to be paid to 139608  
the day of actual payment or to the day an assessment is issued 139609  
under section 5747.13 of the Revised Code, whichever occurs 139610  
first. 139611

(5) In addition to all other interest charges and 139612  
penalties imposed, all amounts of taxes withheld or required to 139613  
be withheld and remaining unpaid after the day the amounts are 139614  
required to be paid shall bear interest from the date prescribed 139615  
for payment at the rate per annum prescribed by section 5703.47 139616  
of the Revised Code on the amount unpaid, in addition to the 139617  
amount withheld, until paid or until the day an assessment is 139618  
issued under section 5747.13 of the Revised Code, whichever 139619  
occurs first. 139620

(G) An employee of a corporation, limited liability 139621  
company, or business trust having control or supervision of or 139622  
charged with the responsibility of filing the report and making 139623  
payment, or an officer, member, manager, or trustee of a 139624

corporation, limited liability company, or business trust who is 139625  
responsible for the execution of the corporation's, limited 139626  
liability company's, or business trust's fiscal 139627  
responsibilities, shall be personally liable for failure to file 139628  
the report or pay the tax due as required by this section. The 139629  
dissolution, termination, or bankruptcy of a corporation, 139630  
limited liability company, or business trust does not discharge 139631  
a responsible officer's, member's, manager's, employee's, or 139632  
trustee's liability for a failure of the corporation, limited 139633  
liability company, or business trust to file returns or pay tax 139634  
due. 139635

(H) If an employer required to deduct and withhold income 139636  
tax from compensation and to pay that tax to the state under 139637  
sections 5747.06 and 5747.07 of the Revised Code sells the 139638  
employer's business or stock of merchandise or quits the 139639  
employer's business, the taxes required to be deducted and 139640  
withheld and paid to the state pursuant to those sections prior 139641  
to that time, together with any interest and penalties imposed 139642  
on those taxes, become due and payable immediately, and that 139643  
person shall make a final return within fifteen days after the 139644  
date of selling or quitting business. The employer's successor 139645  
shall withhold a sufficient amount of the purchase money to 139646  
cover the amount of the taxes, interest, and penalties due and 139647  
unpaid, until the former owner produces a receipt from the tax 139648  
commissioner showing that the taxes, interest, and penalties 139649  
have been paid or a certificate indicating that no such taxes 139650  
are due. If the purchaser of the business or stock of 139651  
merchandise fails to withhold purchase money, the purchaser 139652  
shall be personally liable for the payment of the taxes, 139653  
interest, and penalties accrued and unpaid during the operation 139654  
of the business by the former owner. If the amount of taxes, 139655

interest, and penalties outstanding at the time of the purchase 139656  
exceeds the total purchase money, the tax commissioner in the 139657  
commissioner's discretion may adjust the liability of the seller 139658  
or the responsibility of the purchaser to pay that liability to 139659  
maximize the collection of withholding tax revenue. 139660

(I) An employer whose actual or required payments under 139661  
this section exceeded eighty-four thousand dollars during the 139662  
twelve-month period ending on the thirtieth day of June of the 139663  
preceding calendar year shall make all payments required by this 139664  
section for the year electronically under section 5747.072 of 139665  
the Revised Code. 139666

(J) (1) Every professional employer organization, 139667  
professional employer organization reporting entity, and 139668  
alternate employer organization shall file a report with the tax 139669  
commissioner within thirty days after commencing business in 139670  
this state that includes all of the following information: 139671

(a) The name, address, number the employer receives from 139672  
the secretary of state to do business in this state, if 139673  
applicable, and federal employer identification number of each 139674  
client employer of the organization or entity; 139675

(b) The date that each client employer became a client of 139676  
the organization or entity; 139677

(c) The names and mailing addresses of the chief executive 139678  
officer and the chief financial officer of each client employer 139679  
for taxation of the client employer. 139680

(2) Beginning with the calendar quarter ending after a 139681  
professional employer organization, professional employer 139682  
organization reporting entity, or alternate employer 139683  
organization files the report required under division (J) (1) of 139684

this section, and every calendar quarter thereafter, the 139685  
organization or entity shall file an updated report with the tax 139686  
commissioner. The organization or entity shall file the updated 139687  
report not later than the last day of the month following the 139688  
end of the calendar quarter and shall include all of the 139689  
following information in the report: 139690

(a) If an entity became a client employer of the 139691  
professional employer organization, professional employer 139692  
organization reporting entity, or alternate employer 139693  
organization at any time during the calendar quarter, all of the 139694  
information required under division (J) (1) of this section for 139695  
each new client employer; 139696

(b) If an entity terminated the professional employer 139697  
organization agreement or the alternate employer organization 139698  
agreement between the entity and the professional employer 139699  
organization, professional employer organization reporting 139700  
entity, or alternate employer organization, as applicable, at 139701  
any time during the calendar quarter, the information described 139702  
in division (J) (1) (a) of this section for that entity, the date 139703  
during the calendar quarter that the entity ceased being a 139704  
client of the organization or reporting entity, if applicable, 139705  
or the date the entity ceased business operations in this state, 139706  
if applicable; 139707

(c) If the name or mailing address of the chief executive 139708  
officer or the chief financial officer of a client employer has 139709  
changed since the professional employer organization, 139710  
professional employer organization reporting entity, or 139711  
alternate employer organization previously submitted a report 139712  
under division (J) (1) or (2) of this section, the updated name 139713  
or mailing address, or both, of the chief executive officer or 139714

the chief financial officer, as applicable; 139715

(d) If none of the events described in divisions (J) (2) (a) 139716  
to (c) of this section occurred during the calendar quarter, a 139717  
statement of that fact. 139718

**Sec. 5747.071.** (A) As used in this section: 139719

(1) "Retirement system" means the public employees 139720  
retirement system, state teachers retirement system, school 139721  
employees retirement system, Ohio police and fire pension fund, 139722  
state highway patrol retirement system, and any municipal 139723  
retirement system. 139724

(2) "Retirement plan" means a person, other than a 139725  
retirement system, that manages a group or individual retirement 139726  
account, fund, or plan. 139727

(3) "Benefits" means all annuities, allowances, pensions, 139728  
and other benefits paid by a retirement system or retirement 139729  
plan. 139730

~~(3)~~(4) "Recipient" means any person receiving benefits 139731  
from a retirement system or retirement plan. 139732

(B) Any recipient may request the recipient's retirement 139733  
system or retirement plan to deduct and withhold from the 139734  
recipient's benefits an amount during the calendar year 139735  
reasonably estimated to be equal to the tax due from the 139736  
recipient under this chapter and Chapter 5748. of the Revised 139737  
Code for the year with respect to the recipient's benefits from 139738  
the retirement system or retirement plan that are included in 139739  
the recipient's adjusted gross income. The request shall be made 139740  
pursuant to an application filed with the retirement system or 139741  
retirement plan, on a form the system or plan shall supply, and 139742  
shall include ~~the~~ an estimate ~~of~~ from the recipient of the 139743

amount of state income taxes that will be due in the ensuing 139744  
calendar year with respect to the benefits from the retirement 139745  
system or retirement plan. 139746

(C) A retirement system or retirement plan with which an 139747  
application is filed under this section, commencing with the 139748  
calendar year following the year in which the application is 139749  
filed, shall withhold from the benefits of the recipient an 139750  
amount that equals for the calendar year, the amount of taxes 139751  
that the recipient estimated would be due for the year. The 139752  
amount to be withheld for a calendar year shall be apportioned 139753  
throughout the calendar year. 139754

(D) A recipient may submit an amended application to 139755  
increase or decrease the amount that will be withheld by the 139756  
retirement system or retirement plan in an ensuing year. 139757

(E) A retirement system or retirement plan that withholds 139758  
a portion of the benefits of a recipient under this section 139759  
shall file returns and pay the amounts withheld in accordance 139760  
with the requirements of section 5747.07 of the Revised Code. 139761  
The tax commissioner may collect from a retirement plan past due 139762  
amounts deducted and withheld and penalties and interest thereon 139763  
by assessment under section 5747.13 of the Revised Code as if 139764  
those amounts were income taxes collected by an employer. 139765

(F) Every retirement system or retirement plan required to 139766  
deduct and withhold tax from benefits pursuant to this section 139767  
shall furnish to the recipient, with respect to the benefits 139768  
paid to the recipient during the calendar year, on or before the 139769  
thirty-first day of January of the succeeding year, a written 139770  
statement showing the amount of benefits deducted and withheld 139771  
as state income tax, any amount deducted and withheld as school 139772  
district income tax for each applicable school district, and 139773

such other information as the tax commissioner requires. 139774

(G) A retirement system or, in the case of a retirement 139775  
plan, the tax commissioner may adopt rules governing withholding 139776  
under this section. 139777

**Sec. 5747.073.** (A) As used in this section: 139778

(1) "Bulk filer" means a payroll service provider or 139779  
similar entity that is registered with the tax commissioner to 139780  
submit employer withholding tax returns in accordance with this 139781  
section. 139782

(2) "Payroll service provider" means a third party that 139783  
assists an employer with payroll administration and state 139784  
employer withholding tax obligations. A payroll service provider 139785  
may include a professional employer organization or alternate 139786  
employer organization. 139787

(3) "Client company" means an employer on whose behalf a 139788  
bulk filer agrees to submit employer withholding returns in 139789  
accordance with this section. 139790

(B) (1) An employer may elect to use a bulk filer to comply 139791  
with its state and school district income tax withholding 139792  
obligations under this chapter. 139793

(2) (a) Within five days after becoming a client company, 139794  
the employer shall notify the tax commissioner, in a format 139795  
prescribed by the commissioner, of the name of the approved bulk 139796  
filer it is electing to use and the taxes the bulk filer will be 139797  
remitting on its behalf. 139798

(b) When using a bulk filer, the client company shall 139799  
maintain all registrations required by the tax commissioner 139800  
related to electronic filing and payment of the amounts 139801

described in divisions (A) and (E) of section 5747.06 of the 139802  
Revised Code. 139803

(C) (1) The tax commissioner shall approve each bulk filer 139804  
before the bulk filer can file withholding tax returns on behalf 139805  
of client companies. The commissioner shall prescribe guidelines 139806  
and conditions of participation in the bulk file program that 139807  
include standards of conduct, software tests, and file formats. 139808

(2) The commissioner shall maintain a list of approved 139809  
bulk filers on the department of taxation's official web site. 139810  
Such information is not prohibited from disclosure under section 139811  
5703.21 of the Revised Code. 139812

(3) Each bulk filer shall comply with all requirements of 139813  
law pertaining to employers maintaining an office or transacting 139814  
business in this state and paying compensation to an employee 139815  
who is a taxpayer. 139816

(4) A bulk filer that is not a professional employer 139817  
organization, professional employer organization reporting 139818  
entity, or alternate employer organization shall file a report 139819  
in the same manner and frequency as required of a professional 139820  
employer organization, professional employer organization 139821  
reporting entity, or alternate employer organization under 139822  
division (J) of section 5747.07 of the Revised Code. For 139823  
purposes of this division, "client company" shall be substituted 139824  
for "client employer" wherever "client employer" appears in that 139825  
division. 139826

(D) All returns, reports, and payments filed or remitted 139827  
by a bulk filer shall be made through an electronic means as 139828  
prescribed by the tax commissioner, regardless of the bulk 139829  
filer's number of client companies, or the number of returns, 139830

reports, or payments being filed or remitted. The bulk filer 139831  
shall register for and maintain all accounts needed to 139832  
electronically make such filings and payments. 139833

(E) (1) A bulk filer's authorization under this section is 139834  
valid until either of the following events occurs: 139835

(a) The bulk filer dissolves, loses its existence as the 139836  
result of a merger, or otherwise ceases business; 139837

(b) The authorization is rescinded or suspended by the tax 139838  
commissioner for failure to meet the guidelines and conditions 139839  
of participation in the bulk file program, including any 139840  
guidelines or conditions established or modified after the bulk 139841  
filer receives its authorization. 139842

(2) A bulk filer shall notify its client companies within 139843  
five days after the bulk filer's authorization is rescinded, 139844  
suspended, or is otherwise no longer valid or active. If an 139845  
entity no longer meets the requirements to be a bulk filer, the 139846  
client companies of the former bulk filer shall immediately 139847  
resume their state and school district withholding filing and 139848  
payment obligations under this chapter. 139849

(F) (1) The tax commissioner may collect past due amounts 139850  
from a bulk filer, including penalties and interest thereon, by 139851  
assessment under section 5747.13 of the Revised Code as if the 139852  
amounts were taxes collected by an employer. 139853

(2) A bulk filer is subject to all applicable penalties 139854  
under Title LVII of the Revised Code as if the bulk filer were 139855  
the client company. 139856

(3) Notwithstanding the commissioner's authority under 139857  
division (F) (1) of this section, a client company remains 139858  
subject to assessment if its bulk filer fails to timely file all 139859

returns or reports, or to timely remit any payment, on the 139860  
client company's behalf. The use of a bulk filer does not 139861  
abrogate the ability of the commissioner to hold employees, 139862  
officers, members, managers, or trustees of the client company 139863  
personally liable under division (G) of section 5747.07 of the 139864  
Revised Code. 139865

(4) Any liability assessed against both a bulk filer and a 139866  
client company shall be joint and several. 139867

(5) A client company is not responsible for filings or 139868  
amounts that a bulk filer fails to make or remit on behalf of 139869  
another client company. 139870

(6) A bulk filer is subject to division (H) of section 139871  
5747.07 of the Revised Code as if it were an employer subject to 139872  
that section. 139873

(G) A bulk filer may file a refund application pursuant to 139874  
section 5747.11 of the Revised Code on behalf of one or more of 139875  
its client companies. 139876

**Sec. 5747.08.** An annual return with respect to the tax 139877  
imposed by section 5747.02 of the Revised Code and each tax 139878  
imposed under Chapter 5748. of the Revised Code shall be made by 139879  
every taxpayer for any taxable year for which the taxpayer is 139880  
liable for the tax imposed by that section or under that 139881  
chapter, unless the total credits allowed under division (E) of 139882  
section 5747.05 and divisions (F) and (G) of section 5747.055 of 139883  
the Revised Code for the year are equal to or exceed the tax 139884  
imposed by section 5747.02 of the Revised Code, in which case no 139885  
return shall be required unless the taxpayer is liable for a tax 139886  
imposed pursuant to Chapter 5748. of the Revised Code. 139887

(A) If an individual is deceased, any return or notice 139888

required of that individual under this chapter shall be made and 139889  
filed by that decedent's executor, administrator, or other 139890  
person charged with the property of that decedent. 139891

(B) If an individual is unable to make a return or notice 139892  
required by this chapter, the return or notice required of that 139893  
individual shall be made and filed by the individual's duly 139894  
authorized agent, guardian, conservator, fiduciary, or other 139895  
person charged with the care of the person or property of that 139896  
individual. 139897

(C) Returns or notices required of an estate or a trust 139898  
shall be made and filed by the fiduciary of the estate or trust. 139899

(D) (1) (a) Except as otherwise provided in division (D) (1) 139900  
(b) of this section, any pass-through entity may file a single 139901  
return on behalf of one or more of the entity's investors other 139902  
than an investor that is a person subject to the tax imposed 139903  
under section 5733.06 of the Revised Code. The single return 139904  
shall set forth the name, address, and social security number or 139905  
other identifying number of each of those pass-through entity 139906  
investors and shall indicate the distributive share of each of 139907  
those pass-through entity investor's income taxable in this 139908  
state in accordance with sections 5747.20 to 5747.231 of the 139909  
Revised Code. Such pass-through entity investors for whom the 139910  
pass-through entity elects to file a single return are not 139911  
entitled to the exemption or credit provided for by sections 139912  
5747.02 and 5747.022 of the Revised Code; shall calculate the 139913  
tax before business credits at the highest rate of tax set forth 139914  
in section 5747.02 of the Revised Code for the taxable year for 139915  
which the return is filed; and are entitled to only their 139916  
distributive share of the business credits as defined in 139917  
division (D) (2) of this section. A single check drawn by the 139918

pass-through entity shall accompany the return in full payment 139919  
of the tax due, as shown on the single return, for such 139920  
investors, other than investors who are persons subject to the 139921  
tax imposed under section 5733.06 of the Revised Code. 139922

(b) (i) A pass-through entity shall not include in such a 139923  
single return any investor that is a trust to the extent that 139924  
any direct or indirect current, future, or contingent 139925  
beneficiary of the trust is a person subject to the tax imposed 139926  
under section 5733.06 of the Revised Code. 139927

(ii) A pass-through entity shall not include in such a 139928  
single return any investor that is itself a pass-through entity 139929  
to the extent that any direct or indirect investor in the second 139930  
pass-through entity is a person subject to the tax imposed under 139931  
section 5733.06 of the Revised Code. 139932

(c) Except as provided by division (L) of this section, 139933  
nothing in division (D) of this section precludes the tax 139934  
commissioner from requiring such investors to file the return 139935  
and make the payment of taxes and related interest, penalty, and 139936  
interest penalty required by this section or section 5747.02, 139937  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 139938  
of this section precludes such an investor from filing the 139939  
annual return under this section, utilizing the refundable 139940  
credit equal to the investor's proportionate share of the tax 139941  
paid by the pass-through entity on behalf of the investor under 139942  
division (I) of this section, and making the payment of taxes 139943  
imposed under section 5747.02 of the Revised Code. Nothing in 139944  
division (D) of this section shall be construed to provide to 139945  
such an investor or pass-through entity any additional deduction 139946  
or credit, other than the credit provided by division (I) of 139947  
this section, solely on account of the entity's filing a return 139948

in accordance with this section. Such a pass-through entity also 139949  
shall make the filing and payment of estimated taxes on behalf 139950  
of the pass-through entity investors other than an investor that 139951  
is a person subject to the tax imposed under section 5733.06 of 139952  
the Revised Code. 139953

(2) For the purposes of this section, "business credits" 139954  
means the credits listed in section 5747.98 of the Revised Code 139955  
excluding the following credits: 139956

(a) The retirement income credit under division (B) of 139957  
section 5747.055 of the Revised Code; 139958

(b) The senior citizen credit under division (F) of 139959  
section 5747.055 of the Revised Code; 139960

(c) The lump sum distribution credit under division (G) of 139961  
section 5747.055 of the Revised Code; 139962

(d) The dependent care credit under section 5747.054 of 139963  
the Revised Code; 139964

(e) The lump sum retirement income credit under division 139965  
(C) of section 5747.055 of the Revised Code; 139966

(f) The lump sum retirement income credit under division 139967  
(D) of section 5747.055 of the Revised Code; 139968

(g) The lump sum retirement income credit under division 139969  
(E) of section 5747.055 of the Revised Code; 139970

(h) The credit for displaced workers who pay for job 139971  
training under section 5747.27 of the Revised Code; 139972

(i) The twenty-dollar personal exemption credit under 139973  
section 5747.022 of the Revised Code; 139974

(j) The joint filing credit under division (E) of section 139975

5747.05 of the Revised Code;	139976
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	139977 139978
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	139979 139980
(m) The earned income tax credit under section 5747.71 of the Revised Code;	139981 139982
(n) The lead abatement credit under section 5747.26 of the Revised Code;	139983 139984
(o) The credit for education expenses under section 5747.72 of the Revised Code;	139985 139986
(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code.	139987 139988
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	139989 139990 139991 139992 139993 139994 139995 139996
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to	139997 139998 139999 140000 140001 140002 140003

limit or alter the liability, if any, imposed on pass-through 140004  
entity investors for unpaid or underpaid taxes, interest, 140005  
interest penalty, or penalties as a result of the pass-through 140006  
entity's making the election provided for under division (D) of 140007  
this section. For the purposes of division (D) of this section, 140008  
"correct tax due" means the tax that would have been paid by the 140009  
pass-through entity had the single return been filed in a manner 140010  
reflecting the commissioner's findings. Nothing in division (D) 140011  
of this section shall be construed to make or hold a pass- 140012  
through entity liable for tax attributable to a pass-through 140013  
entity investor's income from a source other than the pass- 140014  
through entity electing to file the single return. 140015

(E) If a husband and wife file a joint federal income tax 140016  
return for a taxable year, they shall file a joint return under 140017  
this section for that taxable year, and their liabilities are 140018  
joint and several, but, if the federal income tax liability of 140019  
either spouse is determined on a separate federal income tax 140020  
return, they shall file separate returns under this section. 140021

If either spouse is not required to file a federal income 140022  
tax return and either or both are required to file a return 140023  
pursuant to this chapter, they may elect to file separate or 140024  
joint returns, and, pursuant to that election, their liabilities 140025  
are separate or joint and several. If a husband and wife file 140026  
separate returns pursuant to this chapter, each must claim the 140027  
taxpayer's own exemption, but not both, as authorized under 140028  
section 5747.02 of the Revised Code on the taxpayer's own 140029  
return. 140030

(F) Each return or notice required to be filed under this 140031  
section shall contain the signature of the taxpayer or the 140032  
taxpayer's duly authorized agent and of the person who prepared 140033

the return for the taxpayer, and shall include the taxpayer's 140034  
social security number. Each return shall be verified by a 140035  
declaration under the penalties of perjury. The tax commissioner 140036  
shall prescribe the form that the signature and declaration 140037  
shall take. 140038

(G) Each return or notice required to be filed under this 140039  
section shall be made and filed as required by section 5747.04 140040  
of the Revised Code, on or before the fifteenth day of April of 140041  
each year, on forms that the tax commissioner shall prescribe, 140042  
together with remittance made payable to the treasurer of state 140043  
in the combined amount of the state and all school district 140044  
income taxes shown to be due on the form. 140045

Upon good cause shown, the commissioner may extend the 140046  
period for filing any notice or return required to be filed 140047  
under this section and may adopt rules relating to extensions. 140048  
If the extension results in an extension of time for the payment 140049  
of any state or school district income tax liability with 140050  
respect to which the return is filed, the taxpayer shall pay at 140051  
the time the tax liability is paid an amount of interest 140052  
computed at the rate per annum prescribed by section 5703.47 of 140053  
the Revised Code on that liability from the time that payment is 140054  
due without extension to the time of actual payment. Except as 140055  
provided in section 5747.132 of the Revised Code, in addition to 140056  
all other interest charges and penalties, all taxes imposed 140057  
under this chapter or Chapter 5748. of the Revised Code and 140058  
remaining unpaid after they become due, except combined amounts 140059  
due of one dollar or less, bear interest at the rate per annum 140060  
prescribed by section 5703.47 of the Revised Code until paid or 140061  
until the day an assessment is issued under section 5747.13 of 140062  
the Revised Code, whichever occurs first. 140063

If the commissioner considers it necessary in order to 140064  
ensure the payment of the tax imposed by section 5747.02 of the 140065  
Revised Code or any tax imposed under Chapter 5748. of the 140066  
Revised Code, the commissioner may require returns and payments 140067  
to be made otherwise than as provided in this section. 140068

To the extent that any provision in this division 140069  
conflicts with any provision in section 5747.026 of the Revised 140070  
Code, the provision in that section prevails. 140071

(H) The amounts withheld pursuant to section 5747.06, 140072  
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 140073  
Revised Code shall be allowed to the ultimate recipient of the 140074  
income as credits against payment of the appropriate taxes 140075  
imposed on the ultimate recipient by section 5747.02 and under 140076  
Chapter 5748. of the Revised Code. As used in this division, 140077  
"ultimate recipient" means the person who is required to report 140078  
income from which amounts are withheld pursuant to section 140079  
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 140080  
the Revised Code on the annual return required to be filed under 140081  
this section. 140082

(I) If a pass-through entity elects to file a single 140083  
return under division (D) of this section and if any investor is 140084  
required to file the annual return and make the payment of taxes 140085  
required by this chapter on account of the investor's other 140086  
income that is not included in a single return filed by a pass- 140087  
through entity or any other investor elects to file the annual 140088  
return, the investor is entitled to a refundable credit equal to 140089  
the investor's proportionate share of the lesser of the tax due 140090  
or the tax paid by the pass-through entity on behalf of the 140091  
investor. The investor shall claim the credit for the investor's 140092  
taxable year in which or with which ends the taxable year of the 140093

pass-through entity. Nothing in this chapter shall be construed 140094  
to allow any credit provided in this chapter to be claimed more 140095  
than once. For the purpose of computing any interest, penalty, 140096  
or interest penalty, the investor shall be deemed to have paid 140097  
the refundable credit provided by this division on the day that 140098  
the pass-through entity paid the estimated tax or the tax giving 140099  
rise to the credit. 140100

(J) The tax commissioner shall ensure that each return 140101  
required to be filed under this section includes a box that the 140102  
taxpayer may check to authorize a paid tax preparer who prepared 140103  
the return to communicate with the department of taxation about 140104  
matters pertaining to the return. The return or instructions 140105  
accompanying the return shall indicate that by checking the box 140106  
the taxpayer authorizes the department of taxation to contact 140107  
the preparer concerning questions that arise during the 140108  
processing of the return and authorizes the preparer only to 140109  
provide the department with information that is missing from the 140110  
return, to contact the department for information about the 140111  
processing of the return or the status of the taxpayer's refund 140112  
or payments, and to respond to notices about mathematical 140113  
errors, offsets, or return preparation that the taxpayer has 140114  
received from the department and has shown to the preparer. 140115

(K) The tax commissioner shall permit individual taxpayers 140116  
to instruct the department of taxation to cause any refund of 140117  
overpaid taxes to be deposited directly into a checking account, 140118  
savings account, or an individual retirement account or 140119  
individual retirement annuity, or preexisting college savings 140120  
plan or program account offered by the Ohio tuition trust 140121  
authority under Chapter 3334. of the Revised Code, as designated 140122  
by the taxpayer, when the taxpayer files the annual return 140123  
required by this section electronically. 140124

(L) If, for the taxable year, a nonresident or trust that 140125  
is the owner of an electing pass-through entity, as defined in 140126  
section 5747.38 of the Revised Code, does not have Ohio adjusted 140127  
gross income or, in the case of a trust, modified Ohio taxable 140128  
income other than from one or more electing pass-through 140129  
entities, the nonresident or trust shall not be required to file 140130  
an annual return under this section. Nothing in this division 140131  
precludes such an owner from filing the annual return under this 140132  
section, utilizing the refundable credit under section 5747.39 140133  
of the Revised Code equal to the owner's proportionate share of 140134  
the tax levied under section 5747.38 of the Revised Code and 140135  
paid by the electing pass-through entity, and making the payment 140136  
of taxes imposed under section 5747.02 of the Revised Code. 140137

(M) The tax commissioner may adopt rules to administer 140138  
this section. 140139

**Sec. 5747.09.** (A) As used in this section: 140140

(1) "Estimated taxes" means the amount that the taxpayer 140141  
estimates to be the taxpayer's combined tax liability under this 140142  
chapter and Chapter 5748. of the Revised Code for the current 140143  
taxable year. 140144

(2) "Tax liability" means the total taxes due for the 140145  
taxable year, after allowing any credit to which the taxpayer is 140146  
entitled, but prior to applying any estimated tax payment, 140147  
withholding payment, or refund from another tax year. 140148

(3) "Taxes paid" include payments of estimated taxes made 140149  
under division (C) of this section, taxes withheld from the 140150  
taxpayer's compensation, and tax refunds applied by the taxpayer 140151  
in payment of estimated taxes. 140152

(4) "Required installment" means a payment equal to 140153

twenty-five per cent of the lesser of the following: 140154

(a) Ninety per cent of the tax liability for the taxable 140155  
year; 140156

(b) One hundred per cent of the tax liability shown on the 140157  
return of a taxpayer for the preceding taxable year. 140158

Division (A) (4) (b) of this section applies only if the 140159  
taxpayer filed a return under section 5747.08 of the Revised 140160  
Code for the preceding taxable year and if the preceding taxable 140161  
year was a twelve-month taxable year. 140162

(B) Every taxpayer shall make declaration of estimated 140163  
taxes for the current taxable year, in the form that the tax 140164  
commissioner shall prescribe, if the amount payable as estimated 140165  
taxes, less the amount to be withheld from the taxpayer's 140166  
compensation, is more than five hundred dollars. For purposes of 140167  
this section, taxes withheld from compensation shall be 140168  
considered as paid in equal amounts on each payment date unless 140169  
the taxpayer establishes the dates on which all amounts were 140170  
actually withheld, in which case the amounts withheld shall be 140171  
considered as paid on the dates on which the amounts were 140172  
actually withheld. Taxpayers filing joint returns pursuant to 140173  
section 5747.08 of the Revised Code shall file joint 140174  
declarations of estimated taxes. A taxpayer may amend a 140175  
declaration under rules prescribed by the commissioner. A 140176  
taxpayer having a taxable year of less than twelve months shall 140177  
make a declaration under rules prescribed by the commissioner. 140178  
The declaration of estimated taxes for an individual under a 140179  
disability shall be made and filed by the person who is required 140180  
to file the income tax return. 140181

The declaration of estimated taxes shall be filed on or 140182

before the fifteenth day of April of each year or on or before 140183  
the fifteenth day of the fourth month after the taxpayer becomes 140184  
subject to tax for the first time. 140185

Taxpayers reporting on a fiscal year basis shall file a 140186  
declaration on or before the fifteenth day of the fourth month 140187  
after the beginning of each fiscal year or period. 140188

The declaration shall be filed upon a form prescribed by 140189  
the commissioner and furnished by or obtainable from the 140190  
commissioner. 140191

The original declaration or any subsequent amendment may 140192  
be increased or decreased on or before any subsequent quarterly 140193  
payment day as provided in this section. 140194

(C) The required portion of the tax liability for the 140195  
taxable year that shall be paid through estimated taxes made 140196  
payable to the treasurer of state, including the application of 140197  
tax refunds to estimated taxes, and withholding on or before the 140198  
applicable payment date shall be as follows: 140199

(1) On or before the fifteenth day of the fourth month 140200  
after the beginning of the taxable year, twenty-two and one-half 140201  
per cent of the tax liability for the taxable year; 140202

(2) On or before the fifteenth day of the sixth month 140203  
after the beginning of the taxable year, forty-five per cent of 140204  
the tax liability for the taxable year; 140205

(3) On or before the fifteenth day of the ninth month 140206  
after the beginning of the taxable year, sixty-seven and one- 140207  
half per cent of the tax liability for the taxable year; 140208

(4) On or before the fifteenth day of the first month of 140209  
the following taxable year, ninety per cent of the tax liability 140210

for the taxable year. 140211

When an amended return has been filed, the unpaid balance 140212  
shown due on the amended return shall be paid in equal 140213  
installments on or before the remaining payment dates. 140214

On or before the fifteenth day of the fourth month of the 140215  
year following that for which the declaration or amended 140216  
declaration was filed, an annual return shall be filed and any 140217  
balance which may be due shall be paid with the return in 140218  
accordance with section 5747.08 of the Revised Code. 140219

(D) In the case of any underpayment of estimated taxes, an 140220  
interest penalty ~~shall~~ may be added to the taxes for the tax 140221  
year at the rate per annum prescribed by section 5703.47 of the 140222  
Revised Code upon the amount of underpayment for the period of 140223  
underpayment, unless the underpayment is due to reasonable cause 140224  
as described in division (E) of this section. The amount of the 140225  
underpayment shall be determined as follows: 140226

(1) For the first payment of estimated taxes each year, 140227  
the required installment less the amount of taxes paid by the 140228  
date prescribed for that payment; 140229

(2) For the second payment of estimated taxes each year, 140230  
the required installment less the amount of taxes paid by the 140231  
date prescribed for that payment; 140232

(3) For the third payment of estimated taxes each year, 140233  
the required installment less the amount of taxes paid by the 140234  
date prescribed for that payment; 140235

(4) For the fourth payment of estimated taxes each year, 140236  
the required installment less the amount of taxes paid by the 140237  
date prescribed for that payment. 140238

The period of the underpayment shall run from the day the  
estimated payment was required to be made to the date on which  
the payment is made. For purposes of this section, a payment of  
estimated taxes on or before any payment date shall be  
considered a payment of any previous underpayment only to the  
extent the payment of estimated taxes exceeds the amount of the  
payment presently required to be paid to avoid any penalty.

The tax commissioner may abate, in whole or in part, the  
interest penalty imposed under division (D) of this section. Any  
such penalty imposed shall be in lieu of any other interest  
charge or penalty imposed for failure to file an estimated  
return and make estimated payments as required by this section.

(E) An underpayment of estimated taxes determined under  
division (D) of this section shall be due to reasonable cause  
and the interest penalty imposed by this section shall not be  
added to the taxes for the tax year if either of the following  
apply:

(1) The amount of tax that was paid equals at least ninety  
per cent of the tax liability for the current taxable year,  
determined by annualizing the income received during the year up  
to the end of the month immediately preceding the month in which  
the payment is due;

(2) The amount of tax that was paid equals at least one  
hundred per cent of the tax liability shown on the return of the  
taxpayer for the preceding taxable year, provided that the  
immediately preceding taxable year reflected a period of twelve  
months and the taxpayer filed a return under section 5747.08 of  
the Revised Code for that year.

The tax commissioner may waive the requirement for filing

a declaration of estimated taxes for any class of taxpayers 140268  
after finding that the waiver is reasonable and proper in view 140269  
of administrative costs and other factors. 140270

**Sec. 5747.10.** (A) As used in this section: 140271

(1) "Audited partnership" means a partnership subject to 140272  
an examination by the internal revenue service pursuant to 140273  
subchapter C, chapter 63, subtitle F of the Internal Revenue 140274  
Code resulting in a federal adjustment. 140275

(2) (a) "Direct investor" means a partner or other investor 140276  
that holds a direct interest in a pass-through entity. 140277

(b) "Indirect investor" means a partner or other investor 140278  
that holds an interest in a pass-through entity that itself 140279  
holds an interest, directly or through another indirect partner 140280  
or other investor, in a pass-through entity. 140281

(3) "Exempt partner" means a partner that is neither a 140282  
pass-through entity nor a person subject to the tax imposed by 140283  
section 5747.02 of the Revised Code. 140284

(4) "Federal adjustment" means a change to an item or 140285  
amount required to be determined under the Internal Revenue Code 140286  
that directly or indirectly affects a taxpayer's aggregate tax 140287  
liability under section 5747.02 or Chapter 5748. of the Revised 140288  
Code and that results from an action or examination by the 140289  
internal revenue service, or from the filing of an amended 140290  
federal tax return, a claim for a federal tax refund, or an 140291  
administrative adjustment request filed by a partnership under 140292  
section 6227 of the Internal Revenue Code. 140293

(5) "Federal adjustments return" means the form or other 140294  
document prescribed by the tax commissioner for use by a 140295  
taxpayer in reporting final federal adjustments. 140296

(6) "State partnership representative" means either of the following: 140297  
140298

(a) The person who served as the partnership's representative for federal income tax purposes, pursuant to section 6223(a) of the Internal Revenue Code, during the corresponding federal partnership audit; 140299  
140300  
140301  
140302

(b) The person designated, on a form prescribed by the tax commissioner, to serve as the partnership's representative during the state partnership audit. The commissioner may establish reasonable qualifications and procedures for a person to be designated as a state partnership representative under this division. 140303  
140304  
140305  
140306  
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140308

(7) A federal adjustment is "final" or "agreed to or finally determined for federal income tax purposes" on any of the following: 140309  
140310  
140311

(a) The day after which the period for appeal of a federal assessment has expired; 140312  
140313

(b) The date on a refund check issued by the internal revenue service; or 140314  
140315

(c) For agreements required to be signed by the internal revenue service and the taxpayer or audited partnership, the date on which the last party signed the agreement. 140316  
140317  
140318

(B) (1) If any of the facts, figures, computations, or attachments required in a taxpayer's annual return to determine the tax charged by this chapter or Chapter 5748. of the Revised Code must be altered as the result of a final federal adjustment, and the federal adjustment is not required to be reported under division (C) of this section, the taxpayer shall file an amended return with the tax commissioner in such form as 140319  
140320  
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140325

the commissioner requires. The amended return shall be filed not 140326  
later than ninety days after the federal adjustment has been 140327  
agreed to or finally determined for federal income tax purposes. 140328

(2) "One hundred eighty" shall be substituted for "ninety" 140329  
in divisions (B)(1) and (E)(1) of this section if, for any 140330  
taxable year, the final federal adjustment results from taxes 140331  
paid by the taxpayer on an amount described in division (A)(32) 140332  
of section 5747.01 of the Revised Code. 140333

(C) Except for adjustments required to be reported for 140334  
federal purposes pursuant to section 6225(a)(2) of the Internal 140335  
Revenue Code and adjustments that are taken into account on a 140336  
federal amended return or similar report filed pursuant to 140337  
section 6225(c)(2) of the Internal Revenue Code, partnerships 140338  
and partners shall report final federal adjustments and make 140339  
payments as required under division (C) of this section. 140340

(1) With respect to an action required or permitted to be 140341  
taken by a partnership under this section, and any petition for 140342  
reassessment or appeal to the board of tax appeals or any court 140343  
with respect to such an action, the state partnership 140344  
representative shall have the sole authority to act on behalf of 140345  
the audited partnership, and the partnership's direct and 140346  
indirect investors shall be bound by those actions. 140347

(2) Unless an audited partnership makes the election under 140348  
division (C)(3) of this section: 140349

(a) The audited partnership, through its state partnership 140350  
representative, shall do all of the following within ninety days 140351  
after the federal adjustment is final: 140352

(i) File a federal adjustments return with the tax 140353  
commissioner, including a copy of the notifications provided 140354

under division (C) (2) (a) (ii) of this section; 140355

(ii) Notify each of its direct investors, on a form 140356  
prescribed by the commissioner, of the investor's distributive 140357  
share of the final federal adjustments; 140358

(iii) File an amended tax return on behalf of its 140359  
nonresident direct investors and pay any additional tax that 140360  
would have been due under sections 5733.41 and 5747.41, or 140361  
division (D) of section 5747.08, of the Revised Code with 140362  
respect to those direct investors had the final federal 140363  
adjustments been reported properly on the original filing. 140364

(b) Each direct investor that is subject to the tax 140365  
imposed by section 5747.02 of the Revised Code shall file an 140366  
original or amended tax return to include the investor's 140367  
distributive share of the adjustments reported to the direct 140368  
investor under division (C) (2) (a) of this section, and pay any 140369  
additional tax due, within ninety days after the audited 140370  
partnership files its federal adjustments return with the 140371  
commissioner. 140372

(c) (i) Each direct and indirect investor of an audited 140373  
partnership that is a pass-through entity and all investors in 140374  
such a pass-through entity that are subject to the filing and 140375  
payment requirements of Chapters 5733. and 5747. of the Revised 140376  
Code are subject to the reporting and payment requirements of 140377  
division (C) (2) or, upon a timely election, division (C) (3) of 140378  
this section. 140379

(ii) Such direct and indirect investors shall make the 140380  
required returns and payments within ninety days after the 140381  
deadline for filing and furnishing statements under section 140382  
6226(b) (4) of the Internal Revenue Code and applicable treasury 140383

regulations. 140384

(3) If an audited partnership makes the election under 140385  
this division, the audited partnership, through its state 140386  
partnership representative, shall do all of the following within 140387  
ninety days after all federal adjustments are final: 140388

(a) File a federal adjustments return with the tax 140389  
commissioner indicating the partnership has made the election 140390  
under division (C) (3) of this section; 140391

(b) Pay the amount of combined additional tax due under 140392  
division (D) (2) of this section, calculated by multiplying the 140393  
highest rate of tax set forth in section 5747.02 of the Revised 140394  
Code by the sum of the following: 140395

(i) The distributive shares of the final federal 140396  
adjustments that are allocable or apportionable to this state of 140397  
each investor who is a nonresident taxpayer or pass-through 140398  
entity; 140399

(ii) The distributive share of the final federal 140400  
adjustments for each investor who is a resident taxpayer. 140401

(c) Notify each of its direct investors, on a form 140402  
prescribed by the commissioner, of the investor's distributive 140403  
share of the final federal adjustments and the amount paid on 140404  
their behalf pursuant to division (C) (3) (b) of this section. 140405

(4) (a) A direct investor of an audited partnership is not 140406  
required to file an amended return or pay tax otherwise due 140407  
under section 5747.02 of the Revised Code if the audited 140408  
partnership properly reports and pays the tax under division (C) 140409  
(3) of this section. 140410

(b) (i) Nothing in division (C) of this section precludes a 140411

direct or indirect investor in the audited partnership from 140412  
filing a return to report the investor's share of the final 140413  
federal adjustments. Such an investor who files a return and 140414  
reports the income related to the final federal adjustments is 140415  
entitled to a refundable credit for taxes paid by the audited 140416  
partnership under division (C) (3) (b) of this section. The credit 140417  
shall be computed and claimed in the same manner as the credit 140418  
allowed under division (I) of section 5747.08 of the Revised 140419  
Code. 140420

(ii) Notwithstanding division (C) (4) (b) (i) of this 140421  
section, an exempt partner, whether a direct or indirect 140422  
investor, may file an application for refund of its 140423  
proportionate share of the amounts erroneously paid by the 140424  
audited partnership pursuant to division (C) (3) (b) of this 140425  
section on the exempt partner's behalf. 140426

(5) Upon request by an audited partnership, the tax 140427  
commissioner may agree, in writing, to allow an alternative 140428  
method of reporting and payment than required by division (C) (2) 140429  
or (3) of this section. The request must be submitted to the 140430  
commissioner in writing before the applicable deadline for 140431  
filing a return under division (C) (2) (a) or (3) of this section. 140432  
The commissioner's decision on whether to enter into an 140433  
agreement under this division is not subject to further 140434  
administrative review or appeal. 140435

(6) Nothing in division (C) of this section precludes 140436  
either of the following: 140437

(a) A resident taxpayer from filing a return to claim the 140438  
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 140439  
(B) (2) of section 5747.02 of the Revised Code based upon any 140440  
amounts paid by the audited partnership on such investor's 140441

behalf to another state. 140442

(b) The tax commissioner from issuing an assessment under 140443  
this chapter against any direct or indirect investor for taxes 140444  
due from the investor if an audited partnership, or direct and 140445  
indirect investor of an audited partnership that is a pass- 140446  
through entity, fails to timely file any return or remit any 140447  
payment required by this section or underreports income or 140448  
underpays tax on behalf of an indirect investor who is a 140449  
resident taxpayer. 140450

(D) In the case of an underpayment, and unless otherwise 140451  
agreed to in writing by the tax commissioner: 140452

(1) The taxpayer's amended return shall be accompanied by 140453  
payment of any combined additional tax due together with 140454  
interest thereon. An amended return required by this section is 140455  
a return subject to assessment under section 5747.13 of the 140456  
Revised Code for the purpose of assessing any additional tax due 140457  
under this section, together with any applicable penalty and 140458  
interest. It shall not reopen those facts, figures, 140459  
computations, or attachments from a previously filed return no 140460  
longer subject to assessment that are not affected, either 140461  
directly or indirectly, by the final federal adjustment to the 140462  
taxpayer's federal income tax return. 140463

(2) The audited partnership's federal adjustments return 140464  
shall be accompanied by payment of any combined additional tax 140465  
due together with interest thereon. The federal adjustments 140466  
return required by this section is a return subject to 140467  
assessment under section 5747.13 of the Revised Code for the 140468  
purpose of assessing any additional tax due under this section, 140469  
together with any applicable penalty and interest. It shall not 140470  
reopen those facts, figures, computations, or attachments from a 140471

previously filed return no longer subject to assessment that are 140472  
not affected, either directly or indirectly, by the final 140473  
federal adjustment. 140474

(3) The tax commissioner may accept estimated payments of 140475  
the tax arising from pending federal adjustments before the date 140476  
for filing a federal adjustments return. The commissioner may 140477  
adopt rules for the payment of such estimated taxes. 140478

(E) In the case of an overpayment, and unless otherwise 140479  
agreed to in writing by the tax commissioner: 140480

(1) A taxpayer may file an application for refund under 140481  
this division within the ninety-day period prescribed for filing 140482  
the amended return even if it is filed beyond the period 140483  
prescribed in section 5747.11 of the Revised Code if it 140484  
otherwise conforms to the requirements of such section. An 140485  
application filed under this division shall claim refund of 140486  
overpayments resulting from alterations to only those facts, 140487  
figures, computations, or attachments required in the taxpayer's 140488  
annual return that are affected, either directly or indirectly, 140489  
by the final federal adjustment to the taxpayer's federal income 140490  
tax return unless it is also filed within the time prescribed in 140491  
section 5747.11 of the Revised Code. It shall not reopen those 140492  
facts, figures, computations, or attachments that are not 140493  
affected, either directly or indirectly, by the adjustment to 140494  
the taxpayer's federal income tax return. 140495

(2) (a) Except as otherwise provided in division (E) (2) (b) 140496  
of this section, an audited partnership may file an application 140497  
for a refund under this division within the ninety-day period 140498  
prescribed for filing the federal adjustments return, even if it 140499  
is filed beyond the period prescribed by section 5747.11 of the 140500  
Revised Code, if it otherwise conforms to the requirements of 140501

that section. An application filed under this division may claim 140502  
a refund of overpayments resulting only from final federal 140503  
adjustments unless it is also filed within the time prescribed 140504  
by section 5747.11 of the Revised Code. It shall not reopen 140505  
those facts, figures, computations, or attachments that are not 140506  
affected, either directly or indirectly, by the federal 140507  
adjustment. 140508

(b) An audited partnership may not file an application for 140509  
refund under division (E) of this section based on final federal 140510  
adjustments described in section 6225(a)(2) of the Internal 140511  
Revenue Code. 140512

(3) Any refund granted to a pass-through entity filing an 140513  
application for refund under division (E) of this section shall 140514  
be reduced by amounts previously claimed as a credit under 140515  
section 5747.059 or division (I) of section 5747.08 of the 140516  
Revised Code by the pass-through entity's direct or indirect 140517  
investors. 140518

(F) Excluding the deadline in division (C)(2)(c)(ii) of 140519  
this section, an audited partnership, or a direct or indirect 140520  
investor of an audited partnership that is a pass-through 140521  
entity, may automatically extend the deadline for reporting, 140522  
payments, and refunds under this section by sixty days if the 140523  
entity has ten thousand or more direct investors and notifies 140524  
the commissioner of such extension, in writing, before the 140525  
unextended deadline. 140526

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 140527  
section 5747.11 of the Revised Code who wishes to contribute any 140528  
part of the taxpayer's refund to the natural areas and preserves 140529  
fund created in section 1517.11 of the Revised Code, the nongame 140530  
and endangered wildlife fund created in section 1531.26 of the 140531

Revised Code, the military injury relief fund created in section 140532  
5902.05 of the Revised Code, the Ohio history fund created in 140533  
section 149.308 of the Revised Code, the breast and cervical 140534  
cancer project income tax contribution fund created in section 140535  
3701.601 of the Revised Code, the wishes for sick children 140536  
income tax contribution fund created in section 3701.602 of the 140537  
Revised Code, the companion animal fund created in section 140538  
955.202 of the Revised Code, or all of those funds may designate 140539  
on the taxpayer's income tax return the amount that the taxpayer 140540  
wishes to contribute to the fund or funds. A designated 140541  
contribution is irrevocable upon the filing of the return and 140542  
shall be made in the full amount designated if the refund found 140543  
due the taxpayer upon the initial processing of the taxpayer's 140544  
return, after any deductions including those required by section 140545  
5747.12 of the Revised Code, is greater than or equal to the 140546  
designated contribution. If the refund due as initially 140547  
determined is less than the designated contribution, the 140548  
contribution shall be made in the full amount of the refund. The 140549  
tax commissioner shall subtract the amount of the contribution 140550  
from the amount of the refund initially found due the taxpayer 140551  
and shall certify the difference to the director of budget and 140552  
management and treasurer of state for payment to the taxpayer in 140553  
accordance with section 5747.11 of the Revised Code. For the 140554  
purpose of any subsequent determination of the taxpayer's net 140555  
tax payment, the contribution shall be considered a part of the 140556  
refund paid to the taxpayer. 140557

(B) The tax commissioner shall provide a space on the 140558  
income tax return form in which a taxpayer may indicate that the 140559  
taxpayer wishes to make a donation in accordance with this 140560  
section. The tax commissioner shall also print in the 140561  
instructions accompanying the income tax return form a 140562

description of the purposes for which the natural areas and 140563  
preserves fund, the nongame and endangered wildlife fund, the 140564  
military injury relief fund, the Ohio history fund, the breast 140565  
and cervical cancer project income tax contribution fund, ~~and~~ 140566  
the wishes for sick children income tax contribution fund, and 140567  
the companion animal fund were created and the use of moneys 140568  
from the income tax refund contribution system established in 140569  
this section. No person shall designate on the person's income 140570  
tax return any part of a refund claimed under section 5747.11 of 140571  
the Revised Code as a contribution to any fund other than the 140572  
natural areas and preserves fund, the nongame and endangered 140573  
wildlife fund, the military injury relief fund, the Ohio history 140574  
fund, the breast and cervical cancer project income tax 140575  
contribution fund, ~~or~~ the wishes for sick children income tax 140576  
contribution fund, or the companion animal fund. 140577

(C) The money collected under the income tax refund 140578  
contribution system established in this section shall be 140579  
deposited by the tax commissioner into the natural areas and 140580  
preserves fund, the nongame and endangered wildlife fund, the 140581  
military injury relief fund, the Ohio history fund, the breast 140582  
and cervical cancer project income tax contribution fund, ~~and~~ 140583  
the wishes for sick children income tax contribution fund, and 140584  
the companion animal fund in the amounts designated on the tax 140585  
returns. 140586

(D) If the total amount contributed to a fund under this 140587  
section, as annually determined by the tax commissioner, is less 140588  
than fifty thousand dollars in each of five consecutive calendar 140589  
years, no person may designate a contribution to that fund for 140590  
any taxable year ending after the last day of that five-year 140591  
period. In such a case, the commissioner shall remove the space 140592  
dedicated to the fund on the income tax return and the 140593

description of the fund in the instructions accompanying the 140594  
income tax return. 140595

~~(E) The general assembly may authorize taxpayer refund 140596  
contributions to no more than six funds under the income tax 140597  
refund contribution system established in this section. If the 140598  
general assembly authorizes income tax refund contributions to a 140599  
fund other than the natural areas and preserves fund, the 140600  
nongame and endangered wildlife fund, the military injury relief 140601  
fund, the Ohio history fund, the breast and cervical cancer 140602  
project income tax contribution fund, or the wishes for sick 140603  
children income tax contribution fund, such contributions may be 140604  
authorized only for a period of two calendar years. 140605~~

With the exception of the Ohio history fund and the 140606  
companion animal fund, the general assembly may authorize income 140607  
tax refund contributions to a fund only if all the money in the 140608  
fund will be expended or distributed by a state agency as 140609  
defined in section 1.60 of the Revised Code. 140610

(F) (1) The director of natural resources, in January of 140611  
every odd-numbered year, shall report to the general assembly on 140612  
the effectiveness of the income tax refund contribution system 140613  
as it pertains to the natural areas and preserves fund and the 140614  
nongame and endangered wildlife fund. The report shall include 140615  
the amount of money contributed to each fund in each of the 140616  
previous five years, the amount of money contributed directly to 140617  
each fund in addition to or independently of the income tax 140618  
refund contribution system in each of the previous five years, 140619  
and the purposes for which the money was expended. 140620

(2) The director of veterans services, the director of the 140621  
Ohio history connection, the director of the Ohio pet fund, and 140622  
the director of health, in January of every odd-numbered year, 140623

each shall report to the general assembly on the effectiveness 140624  
of the income tax refund contribution system as it pertains to 140625  
the military injury relief fund, the Ohio history fund, the 140626  
companion animal fund, the breast and cervical cancer project 140627  
income tax contribution fund, and the wishes for sick children 140628  
income tax contribution fund respectively. The report shall 140629  
include the amount of money contributed to the fund in each of 140630  
the previous five years, the amount of money contributed 140631  
directly to the fund in addition to or independently of the 140632  
income tax refund contribution system in each of the previous 140633  
five years, and the purposes for which the money was expended. 140634

Sec. 5747.124. (A) As used in this section, "judgment 140635  
creditor" excludes all state and federal agencies, 140636  
instrumentalities, and political subdivisions. 140637

(B) If a person entitled to a refund under this chapter is 140638  
a judgment debtor indebted to a judgment creditor, as defined in 140639  
section 2716.01 of the Revised Code, the amount refundable shall 140640  
be subject to an order of garnishment of property, other than 140641  
personal earnings, issued under sections 2716.11 and 2716.13 of 140642  
the Revised Code. Upon receipt of such an order, the tax 140643  
commissioner shall pay the amount of the refund not already paid 140644  
to the person entitled to the refund to the clerk of court that 140645  
issued the order, unless otherwise payable in accordance with 140646  
section 5747.12, 5747.121, 5747.122, or 5747.123 of the Revised 140647  
Code, provided all of the following are true: 140648

(1) The judgment creditor has made reasonable efforts to 140649  
collect the debt before submitting the garnishment order to the 140650  
tax commissioners; 140651

(2) The principal balance of the judgment, excluding 140652  
interest and post-judgment fees, is greater than two hundred 140653

fifty dollars; 140654

(3) The judgment underlying the garnishment order was 140655  
issued not less than one and not more than seven years before it 140656  
is submitted to the tax commissioner. 140657

(C) Any order of garnishment submitted under this section 140658  
shall be satisfied after overdue child support subject to 140659  
section 5747.121 of the Revised Code and debts described in 140660  
division (A) of section 5747.12 of the Revised Code. 140661

(D) If the amount refundable is less than the amount 140662  
stated on the order of garnishment, it may be applied in partial 140663  
satisfaction of that amount. If the amount refundable is greater 140664  
than the amount stated on the order, the amount remaining after 140665  
satisfaction of the order shall be refunded. 140666

(E) The tax commissioner shall charge each respective 140667  
judgment creditor a fee of fifteen dollars for the 140668  
commissioner's cost in applying refunds to satisfy an order of 140669  
garnishment. 140670

(F) If the tax commissioner receives multiple orders of 140671  
garnishment of property, other than personal earnings for 140672  
amounts owed by the same person, the commissioner shall satisfy 140673  
the orders in the sequence they were received. 140674

(G) The tax commissioner may adopt rules to implement this 140675  
section, including rules to apportion the amount of a tax return 140676  
available to satisfy an order of garnishment in the case of 140677  
persons filing a joint return who do not jointly owe the debt or 140678  
certified claim. 140679

**Sec. 5747.13.** (A) If any employer collects the tax imposed 140680  
by section 5747.02 or under Chapter 5748. of the Revised Code 140681  
and fails to remit the tax as required by law, or fails to 140682

collect the tax, the employer is personally liable for any 140683  
amount collected that the employer fails to remit, or any amount 140684  
that the employer fails to collect. If any taxpayer fails to 140685  
file a return or fails to pay the tax imposed by section 5747.02 140686  
or under Chapter 5748. of the Revised Code, the taxpayer is 140687  
personally liable for the amount of the tax. 140688

If any employer, taxpayer, qualifying entity, or electing 140689  
pass-through entity required to file a return under this chapter 140690  
fails to file the return within the time prescribed, files an 140691  
incorrect return, fails to remit the full amount of the taxes 140692  
due for the period covered by the return, or fails to remit any 140693  
additional tax due as a result of a reduction in the amount of 140694  
the credit allowed under division (B) of section 5747.05 of the 140695  
Revised Code together with interest on the additional tax within 140696  
the time prescribed by that division, the tax commissioner may 140697  
make an assessment against any person liable for any deficiency 140698  
for the period for which the return is or taxes are due, based 140699  
upon any information in the commissioner's possession. 140700

An assessment issued against either the employer or the 140701  
taxpayer pursuant to this section shall not be considered an 140702  
election of remedies or a bar to an assessment against the other 140703  
for failure to report or pay the same tax. No assessment shall 140704  
be issued against any person if the tax actually has been paid 140705  
by another. 140706

No assessment shall be made or issued against an employer, 140707  
a taxpayer, a qualifying entity, or an electing pass-through 140708  
entity more than four years after the final date the return 140709  
subject to assessment was required to be filed or the date the 140710  
return was filed, whichever is later. However, the commissioner 140711  
may assess any balance due as the result of a reduction in the 140712

credit allowed under division (B) of section 5747.05 of the Revised Code, including applicable penalty and interest, within four years of the date on which the taxpayer reports a change in either the portion of the taxpayer's adjusted gross income subjected to an income tax or tax measured by income in another state or the District of Columbia, or the amount of liability for an income tax or tax measured by income to another state or the District of Columbia, as required by division (B)(4) of section 5747.05 of the Revised Code. Such time limits may be extended if both the employer, taxpayer, qualifying entity, or electing pass-through entity and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limits has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit in division (B) of section 5747.11 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against an employer for taxes withheld from employees and not remitted to the state, against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity that fails to file a return subject to assessment as required by this chapter, or against an employer, a taxpayer, a qualifying entity, or an electing pass-through entity that files a fraudulent return.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written

petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the party assessed to the commissioner with remittance made payable to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the employer's, taxpayer's, qualifying entity's, or electing pass-through entity's place of business is located or the county in which the party assessed resides. If the party assessed is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the party assessed in the amount shown on the entry. The judgment shall be filed by the clerk in one of two loose-leaf books, one entitled "special judgments for state and school district income taxes," and the other entitled "special judgments for qualifying entity and electing pass-through entity taxes." The judgment shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to

sales on execution shall apply to sales made under the judgment. 140775

If the assessment is not paid in its entirety within sixty 140776  
days after the assessment was issued, the portion of the 140777  
assessment consisting of tax due shall bear interest at the rate 140778  
per annum prescribed by section 5703.47 of the Revised Code from 140779  
the day the tax commissioner issues the assessment until it is 140780  
paid or until it is certified to the attorney general for 140781  
collection under section 131.02 of the Revised Code, whichever 140782  
comes first. If the unpaid portion of the assessment is 140783  
certified to the attorney general for collection, the entire 140784  
unpaid portion of the assessment shall bear interest at the rate 140785  
per annum prescribed by section 5703.47 of the Revised Code from 140786  
the date of certification until the date it is paid in its 140787  
entirety. Interest shall be paid in the same manner as the tax 140788  
and may be collected by the issuance of an assessment under this 140789  
section. 140790

(D) All money collected under this section shall be 140791  
considered as revenue arising from the taxes imposed by this 140792  
chapter or Chapter 5733. or 5748. of the Revised Code, as 140793  
appropriate. 140794

(E) If the party assessed files a petition for 140795  
reassessment under division (B) of this section, the person, on 140796  
or before the last day the petition may be filed, shall pay the 140797  
assessed amount, including assessed interest and assessed 140798  
penalties, if any of the following conditions exists: 140799

(1) The person files a tax return reporting Ohio adjusted 140800  
gross income, less the exemptions allowed by section 5747.025 of 140801  
the Revised Code, in an amount less than one cent, and the 140802  
reported amount is not based on the computations required under 140803  
division (A) of section 5747.01 or section 5747.025 of the 140804

Revised Code. 140805

(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous. 140806  
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(3) The person fails to file a tax return, and the basis for this failure is not either of the following: 140809  
140810

(a) An assertion that the person has no nexus with this state; 140811  
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(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent. 140813  
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(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition. 140817  
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If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 5747.12 of the Revised Code. 140823  
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Sec. 5747.38. (A) As used in this section and section 140834  
5747.39 of the Revised Code and in other sections of Chapter 140835  
5747. of the Revised Code in the context of the tax imposed 140836  
under this section: 140837

(1) "Electing pass-through entity" means a qualifying 140838  
pass-through entity that elects to be subject to the tax levied 140839  
under this section for a taxable year pursuant to division (C) 140840  
of this section. 140841

(2) "Owner" means a person that is a partner, member, 140842  
shareholder, or investor in an electing pass-through entity for 140843  
any portion of the taxable year. 140844

(3) "Income" means the sum of owners' distributive shares 140845  
of the income, gain, expense, or loss of an electing pass- 140846  
through entity for the taxable year, as reported for federal 140847  
income tax purposes. 140848

(4) "Qualifying taxable income" means the sum of the 140849  
following: 140850

(a) The portion of an electing pass-through entity's 140851  
income that is business income, subject to the applicable 140852  
adjustments in divisions (A) (2) to (7) of section 5733.40 of the 140853  
Revised Code, multiplied by the fraction described in division 140854  
(B) (1) of that section; 140855

(b) The portion of the electing pass-through entity's 140856  
income that is nonbusiness income allocated to this state under 140857  
section 5747.20 of the Revised Code. 140858

(B) For the same purposes for which the tax is levied 140859  
under section 5747.02 of the Revised Code, a tax is hereby 140860  
levied on each electing pass-through entity on the entity's 140861  
qualifying taxable income for the taxable year, at the following 140862

rates: 140863

(1) For an electing pass-through entity's taxable year 140864  
that begins in 2022, five per cent; 140865

(2) For an electing pass-through entity's taxable year 140866  
that begins in 2023 and in any year thereafter, the rate equal 140867  
to the tax rate imposed on taxable business income under 140868  
division (A) (4) (a) of section 5747.02 of the Revised Code 140869  
applicable to that taxable year. 140870

(C) A pass-through entity that is not a disregarded 140871  
entity, as defined in section 5733.01 of the Revised Code, may 140872  
elect to be subject to the tax levied under this section by 140873  
filing with the tax commissioner a form prescribed by the 140874  
commissioner making such election on or before the deadline to 140875  
file the return under section 5747.42 of the Revised Code for 140876  
the taxable year. Such election applies only to the taxable year 140877  
for which the election is made and is, once made, irrevocable 140878  
for that year. 140879

(D) The Except as otherwise provided in this division, the 140880  
tax levied under this section shall be calculated without regard 140881  
to any deductions or credits otherwise permitted to be claimed 140882  
by an owner of the electing pass-through entity in computing the 140883  
owner's aggregate tax liability under section 5747.02 of the 140884  
Revised Code. In calculating its tax due under this section, an 140885  
electing pass-through entity may claim the refundable credits 140886  
authorized under section 5747.059 or 5747.39 of the Revised Code 140887  
or division (I) of section 5747.08 of the Revised Code if that 140888  
credit is available to one or more of the entity's owners as if 140889  
the entity were the owner or owners. 140890

(E) The tax levied under this section is intended to 140891

comply with the provisions of internal revenue service notice 140892  
2020-75 in which such tax paid by an electing pass-through 140893  
entity is deductible to the entity for federal income tax 140894  
purposes. 140895

(F) The tax commissioner shall adopt rules to administer 140896  
the tax levied under this section. Such rules shall include a 140897  
description of how the adjustments to income under divisions (A) 140898  
(36) and (S) (15) of section 5747.01 of the Revised Code and the 140899  
credit under section 5747.39 of the Revised Code apply to direct 140900  
or indirect owners of an electing pass-through entity based on 140901  
various ownership structures. Any rule adopted under this 140902  
section is not a regulatory restriction for the purpose of 140903  
section 121.95 of the Revised Code. 140904

**Sec. 5747.39.** There is hereby allowed a refundable credit 140905  
against a taxpayer's aggregate tax liability under section 140906  
5747.02 of the Revised Code for a taxpayer who is an owner of an 140907  
electing pass-through entity. The credit shall equal the owner's 140908  
proportionate share of the lesser of the tax levied due or paid 140909  
under section 5747.38 of the Revised Code ~~remitted by the~~ 140910  
~~owner's~~ for the taxable year of the electing pass-through entity 140911  
~~for that ends in the the taxable year of the taxpayer.~~ 140912

The credit shall be claimed for the taxpayer's taxable 140913  
year that includes the last day of the electing pass-through 140914  
entity's taxable year for which the tax levied under that 140915  
section was paid and in the order required under section 5747.98 140916  
of the Revised Code. If the credit exceeds the aggregate amount 140917  
of tax otherwise due, the excess shall be refunded to the 140918  
taxpayer. 140919

The tax commissioner may request that a taxpayer claiming 140920  
a credit under this section furnish information as is necessary 140921

to support the claim for the credit under this section, and no 140922  
credit shall be allowed unless the requested information is 140923  
provided. 140924

**Sec. 5747.40.** Any term used in sections 5747.40 to 5747.43 140925  
of the Revised Code has the same meaning as defined in section 140926  
5733.40 of the Revised Code. 140927

The purpose of sections 5747.40 to 5747.43 of the Revised 140928  
Code is to complement and to reinforce the tax levied under 140929  
section 5747.02 of the Revised Code. Those sections do not apply 140930  
to a pass-through entity if all of the investors of the pass- 140931  
through entity are resident taxpayers for the purposes of this 140932  
chapter for the entire qualifying taxable year of the pass- 140933  
through entity, or to a trust if all of the beneficiaries of the 140934  
trust are resident taxpayers for the purposes of this chapter 140935  
for the entire qualifying taxable year of the trust, except that 140936  
sections 5747.42 and 5747.43 of the Revised Code apply to all 140937  
pass-through entities that elect to be subject to the tax levied 140938  
under section 5747.38 of the Revised Code. 140939

**Sec. 5747.43.** (A) As used in this section: 140940

(1) "Estimated taxes" means the amount that a qualifying 140941  
entity or electing pass-through entity estimates to be the sum 140942  
of its liability under sections 5733.41 and 5747.41 or section 140943  
5747.38 of the Revised Code for its current qualifying taxable 140944  
year or taxable year, as applicable. 140945

(2) "Tax liability" means the total of the taxes and 140946  
withholding taxes due under sections 5733.41 and 5747.41 of the 140947  
Revised Code or the tax due under section 5747.38 of the Revised 140948  
Code for the applicable taxable year prior to applying any 140949  
estimated tax payment or refund from another year. 140950

(3) "Taxes paid" includes payments of estimated taxes made under division (C) of this section and tax refunds applied by the qualifying entity or electing pass-through entity in payment of estimated taxes.

(4) "Required installment" means a payment equal to twenty-five per cent of the lesser of the following:

(a) Ninety per cent of the tax liability for the qualifying taxable year;

(b) One hundred per cent of the tax liability shown on the return of a qualifying entity or an electing pass-through entity for the preceding taxable year.

Division (A) (4) (b) of this section applies only if the entity filed a return under section 5747.42 of the Revised Code for the preceding taxable year and if the preceding taxable year was a twelve-month taxable year.

(B) In addition to the return required to be filed pursuant to section 5747.42 of the Revised Code, each qualifying entity or electing pass-through entity that is subject to the tax imposed under section 5733.41 and to the withholding tax imposed by section 5747.41 of the Revised Code or that is subject to the tax imposed under section 5747.38 of the Revised Code shall file an estimated tax return and pay a portion of the entity's tax liability for its taxable year. The portion of those taxes required to be paid, and the last day prescribed for payment thereof, shall be as prescribed by divisions (B) (1), (2), (3), and (4) of this section:

(1) On or before the fifteenth day of the fourth month following after the last day of the first quarter of beginning of the entity's taxable year, twenty-two and one-half per cent

of the entity's estimated tax liability for that taxable year; 140980

(2) On or before the fifteenth day of the sixth month 140981  
~~following after the last day of the second quarter of beginning~~ 140982  
of the entity's taxable year, forty-five per cent of the 140983  
entity's estimated tax liability for that taxable year; 140984

(3) On or before the fifteenth day of the ninth month 140985  
~~following after the last day of the third quarter of beginning~~ 140986  
of the entity's taxable year, sixty-seven and one-half per cent 140987  
of the entity's estimated tax liability for that taxable year; 140988

(4) On or before the fifteenth day of the first month 140989  
~~following of the last day of the fourth quarter of the entity's~~ 140990  
following taxable year, ninety per cent of the entity's 140991  
estimated tax liability for that taxable year. 140992

Payments of estimated taxes shall be made payable to the 140993  
treasurer of state. 140994

(C) If a payment of estimated taxes is not paid in the 140995  
full amount required under division (B) of this section, a 140996  
penalty ~~shall~~ may be added to the taxes charged for the 140997  
qualifying taxable year or taxable year, as applicable, unless 140998  
the underpayment is due to reasonable cause as described in 140999  
division (D) of this section. The penalty shall accrue at the 141000  
rate per annum prescribed by section 5703.47 of the Revised Code 141001  
upon the amount of underpayment from the day the estimated 141002  
payment was required to be made to the day the payment is made. 141003

The amount of the underpayment upon which the penalty 141004  
shall accrue shall be determined as follows: 141005

(1) For the first payment of estimated taxes each year, 141006  
the required installment less the amount of taxes paid by the 141007  
date prescribed for that payment; 141008

(2) For the second payment of estimated taxes each year, 141009  
the required installment less the amount of taxes paid by the 141010  
date prescribed for that payment; 141011

(3) For the third payment of estimated taxes each year, 141012  
the required installment less the amount of taxes paid by the 141013  
date prescribed for that payment; 141014

(4) For the fourth payment of estimated taxes each year, 141015  
the required installment less the amount of taxes paid by the 141016  
date prescribed for that payment. 141017

For the purposes of this section, a payment of estimated 141018  
taxes on or before any payment date shall be considered a 141019  
payment of a previous underpayment only to the extent the 141020  
payment of estimated taxes exceeds the amount of the payment 141021  
presently required to be paid to avoid any penalty. 141022

The tax commissioner may abate, in whole or in part, the 141023  
penalty imposed under division (C) of this section. Any such 141024  
penalty is in lieu of any other interest charge or penalty 141025  
imposed for failure to file a declaration of estimated tax 141026  
report and make estimated payments as required by this section. 141027

(D) An underpayment of estimated taxes determined under 141028  
division (C) of this section is due to reasonable cause if any 141029  
of the following apply: 141030

(1) The amount of tax that was paid equals at least ninety 141031  
per cent of the tax liability for the current taxable year, 141032  
determined by annualizing the income received during that year 141033  
up to the end of the month immediately preceding the month in 141034  
which the payment is due; 141035

(2) The amount of tax liability that was paid equals at 141036  
least ninety per cent of the tax liability for the current 141037

taxable year; 141038

(3) The amount of tax liability that was paid equals at 141039  
least one hundred per cent of the tax liability shown on the 141040  
return of the entity for the preceding taxable year, provided 141041  
that the immediately preceding taxable year reflected a period 141042  
of twelve months and the entity filed a return under section 141043  
5747.42 of the Revised Code for that year. 141044

(E)(1) Divisions (B) and (C) of this section do not apply 141045  
for a taxable year if either of the following applies to the 141046  
entity: 141047

(a) For the immediately preceding taxable year, the entity 141048  
computes in good faith and in a reasonable manner that the sum 141049  
of its adjusted qualifying amounts or its qualifying taxable 141050  
income, as applicable, is ten thousand dollars or less. 141051

(b) For the taxable year the entity computes in good faith 141052  
and in a reasonable manner that the sum of its adjusted 141053  
qualifying amounts or its qualifying taxable income, as 141054  
applicable, is ten thousand dollars or less. 141055

(2) Notwithstanding any other provision of Title LVII of 141056  
the Revised Code to the contrary, the entity shall establish by 141057  
a preponderance of the evidence that its computation of the 141058  
adjusted qualifying amounts or qualifying taxable income, as 141059  
applicable, for the immediately preceding taxable year and the 141060  
taxable year was, in fact, made in good faith and in a 141061  
reasonable manner. 141062

(F) The tax commissioner may waive the requirement for 141063  
filing a declaration of estimated taxes for any class of 141064  
qualifying entities if the commissioner finds the waiver is 141065  
reasonable and proper in view of administrative costs and other 141066

factors.	141067
(G) Estimated taxes paid by a qualifying entity or an electing pass-through entity may be applied to satisfy the entity's tax liability under section 5733.41, 5747.38, or 5747.41 of the Revised Code. Nothing in this section authorizes such an entity to apply estimated taxes paid against more than one tax.	141068 141069 141070 141071 141072 141073
<b>Sec. 5747.502.</b> (A) As used in this section:	141074
(1) "Traffic law photo-monitoring device" has the same meaning as in section 4511.092 of the Revised Code.	141075 141076
(2) "School zone" has the same meaning as in section 4511.21 of the Revised Code.	141077 141078
(3) "Transportation district" means a territorial district established by the director of transportation under section 5501.14 of the Revised Code.	141079 141080 141081
(4) "District deputy director" means the person appointed and assigned by the director of transportation under section 5501.14 of the Revised Code to administer the activities of a transportation district.	141082 141083 141084 141085
(5) "Gross amount" means the entire amount of traffic camera fines and fees paid by a driver.	141086 141087
(6) "Local government fund adjustment" or "LGF adjustment" means the sum of:	141088 141089
(a) The gross amount of all traffic camera fines collected by a local authority during the preceding fiscal year, as reported under division (B)(1) of this section, if such a report is required; plus	141090 141091 141092 141093

(b) The residual adjustment computed for the local authority under division (B) (4) of this section, if such an adjustment applies. 1411094  
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(7) "Local government fund payments" or "LGF payments" means the payments a local authority would receive under sections 5747.503, 5747.51, and 5747.53, and division (C) of section 5747.50 of the Revised Code, as applicable, if not for the reductions required by divisions (C) and (D) of this section. 1411097  
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(8) "Residual adjustment" means the most recent LGF adjustment computed for a local authority under division (B) (2) or (3) of this section minus the sum of the reductions applied after that computation under division (C) of this section to the local authority's LGF payments. 1411103  
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(9) "Traffic camera fines" means civil fines for any violation of any local ordinance or resolution that are based upon evidence recorded by a traffic law photo-monitoring device. 1411108  
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(10) "Qualifying village" has the same meaning as in section 5747.503 of the Revised Code. 1411111  
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(11) "Local authority" means a municipal corporation, county, or township. 1411113  
1411114

(B) (1) Annually, on or before the thirty-first day of July, any local authority that directly or indirectly collected traffic camera fines during the preceding fiscal year shall file a report with the tax commissioner that includes a detailed statement of the gross amount of all traffic camera fines the local authority collected during that period and the gross amount of such fines that the local authority collected for violations that occurred within a school zone. 1411115  
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(2) Annually, on or before the tenth day of August, and 141123  
except as otherwise provided in this division, the commissioner 141124  
shall compute a local government fund adjustment for each local 141125  
authority that files a report under division (B)(1) of this 141126  
section or with respect to which a residual adjustment applies. 141127  
Subject to division (B)(3) of this section, the LGF adjustment 141128  
shall be used by the commissioner to determine the amount of the 141129  
reductions required under division (C) of this section for each 141130  
of the next twelve months, starting with the month in which the 141131  
LGF adjustment is computed. After those twelve months, the LGF 141132  
adjustment ceases to apply and, if an LGF adjustment continues 141133  
to be required, the amount of the reductions required under 141134  
division (C) of this section shall be determined based on an 141135  
updated LGF adjustment computed under this division. 141136

After the effective date of this amendment, no LGF 141137  
adjustment shall be calculated for a county or township 141138  
prohibited from operating a traffic law photo-monitoring device 141139  
by section 4511.093 of the Revised Code. An LGF adjustment that 141140  
applies to a county or township on the effective date of this 141141  
amendment ceases to apply as of that date. 141142

(3) Upon receipt of a report described by division (B)(1) 141143  
of this section that is not timely filed, the commissioner shall 141144  
do both of the following: 141145

(a) If one or more payments to the local authority has 141146  
been withheld under division (D) of this section because of the 141147  
local authority's failure to file the report, notify the county 141148  
auditor and county treasurer of the appropriate county that the 141149  
report has been received and that, subject to division (C) of 141150  
this section, payments to the local authority from the undivided 141151  
local government fund are to resume. 141152

(b) Compute the local authority's LGF adjustment using the 141153  
information in the report. An LGF adjustment computed under this 141154  
division shall be used by the commissioner to determine the 141155  
amount of the reductions required under division (C) of this 141156  
section starting with the next required reduction. The LGF 141157  
adjustment ceases to apply on the thirty-first day of the 141158  
ensuing July, following which, if an LGF adjustment continues to 141159  
be required, the amount of the reductions required under 141160  
division (C) of this section shall be determined based on an 141161  
updated LGF adjustment computed under division (B) (2) of this 141162  
section. 141163

(4) Annually, on or before the tenth day of August, the 141164  
commissioner shall compute a residual adjustment for each local 141165  
authority whose LGF adjustment for the preceding year exceeds 141166  
the amount by which the local authority's LGF payments were 141167  
reduced during that year under division (C) of this section. The 141168  
residual adjustment shall be used to compute the LGF adjustment 141169  
for the ensuing year under division (B) (2) of this section. 141170

(C) The commissioner shall do the following, as 141171  
applicable, respecting any local authority to which an LGF 141172  
adjustment computed under division (B) of this section applies: 141173

(1) If the local authority is a municipal corporation with 141174  
a population of one thousand or more, reduce payments to the 141175  
municipal corporation under division (C) of section 5747.50 of 141176  
the Revised Code by one-twelfth of the LGF adjustment. If one- 141177  
twelfth of the LGF adjustment exceeds the amount of money the 141178  
municipal corporation would otherwise receive under division (C) 141179  
of section 5747.50 of the Revised Code, the commissioner also 141180  
shall reduce payments to the appropriate county undivided local 141181  
government fund under division (B) of section 5747.50 of the 141182

Revised Code by an amount equal to the lesser of (a) one-twelfth 141183  
of the excess, or (b) the amount of the payment the municipal 141184  
corporation would otherwise receive from the fund under section 141185  
5747.51 or 5747.53 of the Revised Code. 141186

(2) If the local authority is a township or qualifying 141187  
village, reduce the supplemental payments to the appropriate 141188  
county undivided local government fund under section 5747.503 of 141189  
the Revised Code by the lesser of one-twelfth of the LGF 141190  
adjustment, or the amount of money the township or qualifying 141191  
village would otherwise receive under that section. If one- 141192  
twelfth of the LGF adjustment exceeds the amount of money the 141193  
township or qualifying village would otherwise receive under 141194  
section 5747.503 of the Revised Code, the commissioner also 141195  
shall reduce payments to the appropriate county undivided local 141196  
government fund under division (B) of section 5747.50 of the 141197  
Revised Code by an amount equal to the lesser of (a) one-twelfth 141198  
of the excess, or (b) the amount of the payment the township or 141199  
qualifying village would otherwise receive from the fund under 141200  
section 5747.51 or 5747.53 of the Revised Code. 141201

(3) If the local authority is a county, reduce payments to 141202  
the appropriate county undivided local government fund under 141203  
division (B) of section 5747.50 of the Revised Code by an amount 141204  
equal to the lesser of (a) one-twelfth of the LGF adjustment, or 141205  
(b) the amount of the payment the county would otherwise receive 141206  
from the fund under section 5747.51 or 5747.53 of the Revised 141207  
Code. 141208

(4) For any local authority, on or before the tenth day of 141209  
each month a reduction is made under division (C) (1), (2), or 141210  
(3) of this section, make a payment to the local authority in an 141211  
amount equal to the lesser of (a) one-twelfth of the gross 141212

amount of traffic camera fines the local authority collected in 141213  
the preceding fiscal year for violations that occurred within a 141214  
school zone, as indicated on the report filed by the local 141215  
authority pursuant to division (B) (1) of this section, or (b) 141216  
the amount by which the local authority's LGF payments were 141217  
reduced that month pursuant to division (C) (1), (2), or (3) of 141218  
this section. Payments received by a local authority under this 141219  
division shall be used by the local authority for school safety 141220  
purposes. 141221

(D) Upon discovery, based on information in the 141222  
commissioner's possession, that a local authority required to 141223  
file a report under division (B) (1) of this section has failed 141224  
to do so, the commissioner shall do the following, as 141225  
applicable: 141226

(1) If the local authority is a municipal corporation with 141227  
a population of one thousand or more, cease providing for 141228  
payments to the municipal corporation under section 5747.50 of 141229  
the Revised Code beginning with the next required payment and 141230  
until such time as the report is received by the commissioner; 141231

(2) If the local authority is a township or qualifying 141232  
village, reduce the supplemental payments to the appropriate 141233  
county undivided local government fund under section 5747.503 of 141234  
the Revised Code by an amount equal to the amount of such 141235  
payments the local authority would otherwise receive under that 141236  
section, beginning with the next required payment and until such 141237  
time as the report is received by the commissioner; 141238

(3) For any local authority, reduce payments to the 141239  
appropriate county undivided local government fund under 141240  
division (B) of section 5747.50 of the Revised Code by an amount 141241  
equal to the amount of such payments the local authority would 141242

otherwise receive under section 5747.51 or 5747.53 of the 141243  
Revised Code, beginning with the next required payment and until 141244  
such time as the report is received by the commissioner; 141245

(4) For any local authority, notify the county auditor and 141246  
county treasurer that such payments are to cease until the 141247  
commissioner notifies the auditor and treasurer under division 141248  
(E) of this section that the payments are to resume. 141249

(E) The commissioner shall notify the county auditor and 141250  
county treasurer on or before the day the commissioner first 141251  
reduces a county undivided local government fund payment to that 141252  
county under division (C) of this section. The notice shall 141253  
include the full amount of the reduction, a list of the local 141254  
authorities to which the reduction applies, and the amount of 141255  
reduction attributed to each such local authority. The 141256  
commissioner shall send an updated notice to the county auditor 141257  
and county treasurer any time the amount the reduction 141258  
attributed to any local authority changes. 141259

A county treasurer that receives a notice from the 141260  
commissioner under this division or division (B) (3) (a) or (D) (4) 141261  
of this section shall reduce, cease, or resume payments from the 141262  
undivided local government fund to the local authority that is 141263  
the subject of the notice as specified by the commissioner in 141264  
the notice. Unless otherwise specified in the notice, the 141265  
payments shall be reduced, ceased, or resumed beginning with the 141266  
next required payment. 141267

~~(F)~~ (F) (1) There is hereby created in the state treasury 141268  
the Ohio highway and transportation safety fund. On or before 141269  
the tenth day of each month, the commissioner shall deposit in 141270  
the fund an amount equal to the total amount by which payments 141271  
to local authorities were reduced or ceased under division (C) 141272

or (D) of this section minus the total amount of payments made 141273  
under division (C) (4) of this section. ~~The~~ Except as provided in 141274  
division (F) (2) of this section, the amount deposited with 141275  
respect to a local authority shall be credited to an account to 141276  
be created in the fund for the transportation district in which 141277  
that local authority is located. If the local authority is 141278  
located within more than one transportation district, the amount 141279  
credited to the account of each such transportation district 141280  
shall be prorated on the basis of the number of centerline miles 141281  
of public roads and highways in both the local authority and the 141282  
respective districts. Amounts credited to a transportation 141283  
district's account shall be used by the department of 141284  
transportation and the district deputy director exclusively to 141285  
enhance public safety on public roads and highways within that 141286  
transportation district. 141287

(2) Notwithstanding division (F) (1) of this section, in 141288  
fiscal year 2026, six million dollars of the amount in the Ohio 141289  
highway and transportation safety fund, including any account 141290  
thereof, shall be used for rail development infrastructure 141291  
projects pursuant to an appropriation made by the general 141292  
assembly. The amounts credited to each account of a 141293  
transportation district pursuant to division (F) (1) of this 141294  
section shall be reduced in the same proportion that the amount 141295  
deposited in each account is of the total fund balance. 141296

**Sec. 5747.51.** (A) On or before the twenty-fifth day of 141297  
July of each year, the tax commissioner shall make and certify 141298  
to the county auditor of each county an estimate of the amount 141299  
of the local government fund to be allocated to the undivided 141300  
local government fund of each county for the ensuing calendar 141301  
year, adjusting the total as required to account for 141302  
subdivisions receiving local government funds under section 141303

5747.502 of the Revised Code. 141304

(B) At each annual regular session of the county budget 141305  
commission convened pursuant to section 5705.27 of the Revised 141306  
Code, each auditor shall present to the commission the 141307  
certificate of the commissioner, the annual tax budget and 141308  
estimates, and the records showing the action of the commission 141309  
in its last preceding regular session. The commission, after 141310  
extending to the representatives of each subdivision an 141311  
opportunity to be heard, under oath administered by any member 141312  
of the commission, and considering all the facts and information 141313  
presented to it by the auditor, shall determine the amount of 141314  
the undivided local government fund needed by and to be 141315  
apportioned to each subdivision for current operating expenses, 141316  
as shown in the tax budget of the subdivision. This 141317  
determination shall be made pursuant to divisions (C) to (I) of 141318  
this section, unless the commission has provided for a formula 141319  
pursuant to section 5747.53 of the Revised Code. The 141320  
commissioner shall reduce the amount of funds from the undivided 141321  
local government fund to a subdivision required to receive 141322  
reduced funds under section 5747.502 of the Revised Code. 141323

Nothing in this section prevents the budget commission, 141324  
for the purpose of apportioning the undivided local government 141325  
fund, from inquiring into the claimed needs of any subdivision 141326  
as stated in its tax budget, or from adjusting claimed needs to 141327  
reflect actual needs. For the purposes of this section, "current 141328  
operating expenses" means the lawful expenditures of a 141329  
subdivision, except those for permanent improvements and except 141330  
payments for interest, sinking fund, and retirement of bonds, 141331  
notes, and certificates of indebtedness of the subdivision. 141332

(C) The commission shall determine the combined total of 141333

the estimated expenditures, including transfers, from the 141334  
general fund and any special funds other than special funds 141335  
established for road and bridge; street construction, 141336  
maintenance, and repair; state highway improvement; and gas, 141337  
water, sewer, and electric public utilities operated by a 141338  
subdivision, as shown in the subdivision's tax budget for the 141339  
ensuing calendar year. 141340

(D) From the combined total of expenditures calculated 141341  
pursuant to division (C) of this section, the commission shall 141342  
deduct the following expenditures, if included in these funds in 141343  
the tax budget: 141344

(1) Expenditures for permanent improvements as defined in 141345  
division (E) of section 5705.01 of the Revised Code; 141346

(2) In the case of counties and townships, transfers to 141347  
the road and bridge fund, and in the case of municipalities, 141348  
transfers to the street construction, maintenance, and repair 141349  
fund and the state highway improvement fund; 141350

(3) Expenditures for the payment of debt charges; 141351

(4) Expenditures for the payment of judgments. 141352

(E) In addition to the deductions made pursuant to 141353  
division (D) of this section, revenues accruing to the general 141354  
fund and any special fund considered under division (C) of this 141355  
section from the following sources shall be deducted from the 141356  
combined total of expenditures calculated pursuant to division 141357  
(C) of this section: 141358

(1) Taxes levied within the ten-mill limitation, as 141359  
defined in section 5705.02 of the Revised Code; 141360

(2) The budget commission allocation of estimated county 141361

public library fund revenues to be distributed pursuant to 141362  
section 5747.48 of the Revised Code; 141363

(3) Estimated unencumbered balances as shown on the tax 141364  
budget as of the thirty-first day of December of the current 141365  
year in the general fund, but not any estimated balance in any 141366  
special fund considered in division (C) of this section; 141367

(4) Revenue, including transfers, shown in the general 141368  
fund and any special funds other than special funds established 141369  
for road and bridge; street construction, maintenance, and 141370  
repair; state highway improvement; and gas, water, sewer, and 141371  
electric public utilities, from all other sources except those 141372  
that a subdivision receives from an additional tax or service 141373  
charge voted by its electorate or receives from special 141374  
assessment or revenue bond collection. For the purposes of this 141375  
division, where the charter of a municipal corporation prohibits 141376  
the levy of an income tax, an income tax levied by the 141377  
legislative authority of such municipal corporation pursuant to 141378  
an amendment of the charter of that municipal corporation to 141379  
authorize such a levy represents an additional tax voted by the 141380  
electorate of that municipal corporation. For the purposes of 141381  
this division, any measure adopted by a board of county 141382  
commissioners pursuant to section 322.02, 4504.02, or 5739.021 141383  
of the Revised Code, including those measures upheld by the 141384  
electorate in a referendum conducted pursuant to section 141385  
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 141386  
considered an additional tax voted by the electorate. 141387

~~Subject to division (F) of section 5705.29 of the Revised~~ 141388  
~~Code, money~~ Money in a reserve balance account established by a 141389  
county, township, or municipal corporation under section 5705.13 141390  
of the Revised Code shall not be considered an unencumbered 141391

balance or revenue under division (E) (3) or (4) of this section. 141392  
Money in a reserve balance account established by a township 141393  
under section 5705.132 of the Revised Code shall not be 141394  
considered an unencumbered balance or revenue under division (E) 141395  
(3) or (4) of this section. 141396

If a county, township, or municipal corporation has 141397  
created and maintains a nonexpendable trust fund under section 141398  
5705.131 of the Revised Code, the principal of the fund, and any 141399  
additions to the principal arising from sources other than the 141400  
reinvestment of investment earnings arising from such a fund, 141401  
shall not be considered an unencumbered balance or revenue under 141402  
division (E) (3) or (4) of this section. Only investment earnings 141403  
arising from investment of the principal or investment of such 141404  
additions to principal may be considered an unencumbered balance 141405  
or revenue under those divisions. 141406

(F) The total expenditures calculated pursuant to division 141407  
(C) of this section, less the deductions authorized in divisions 141408  
(D) and (E) of this section, shall be known as the "relative 141409  
need" of the subdivision, for the purposes of this section. 141410

(G) The budget commission shall total the relative need of 141411  
all participating subdivisions in the county, and shall compute 141412  
a relative need factor by dividing the total estimate of the 141413  
undivided local government fund by the total relative need of 141414  
all participating subdivisions. 141415

(H) The relative need of each subdivision shall be 141416  
multiplied by the relative need factor to determine the 141417  
proportionate share of the subdivision in the undivided local 141418  
government fund of the county; provided, that the maximum 141419  
proportionate share of a county shall not exceed the following 141420  
maximum percentages of the total estimate of the undivided local 141421

government fund governed by the relationship of the percentage 141422  
of the population of the county that resides within municipal 141423  
corporations within the county to the total population of the 141424  
county as reported in the reports on population in Ohio by the 141425  
department of development as of the twentieth day of July of the 141426  
year in which the tax budget is filed with the budget 141427  
commission: 141428  
141429

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 141430  
limitations established in this division, the budget commission 141431  
shall adjust the proportionate shares determined pursuant to 141432  
this division so that the proportionate share of the county does 141433  
not exceed these limitations, and it shall increase the 141434  
proportionate shares of all other subdivisions on a pro rata 141435  
basis. In counties having a population of less than one hundred 141436  
thousand, not less than ten per cent shall be distributed to the 141437  
townships therein. 141438

(I) The proportionate share of each subdivision in the 141439  
undivided local government fund determined pursuant to division 141440  
(H) of this section for any calendar year shall not be less than 141441

the product of the average of the percentages of the undivided 141442  
local government fund of the county as apportioned to that 141443  
subdivision for the calendar years 1968, 1969, and 1970, 141444  
multiplied by the total amount of the undivided local government 141445  
fund of the county apportioned pursuant to former section 141446  
5739.23 of the Revised Code for the calendar year 1970. For the 141447  
purposes of this division, the total apportioned amount for the 141448  
calendar year 1970 shall be the amount actually allocated to the 141449  
county in 1970 from the state collected intangible tax as levied 141450  
by section 5707.03 of the Revised Code and distributed pursuant 141451  
to section 5725.24 of the Revised Code, plus the amount received 141452  
by the county in the calendar year 1970 pursuant to division (B) 141453  
(1) of former section 5739.21 of the Revised Code, and 141454  
distributed pursuant to former section 5739.22 of the Revised 141455  
Code. If the total amount of the undivided local government fund 141456  
for any calendar year is less than the amount of the undivided 141457  
local government fund apportioned pursuant to former section 141458  
5739.23 of the Revised Code for the calendar year 1970, the 141459  
minimum amount guaranteed to each subdivision for that calendar 141460  
year pursuant to this division shall be reduced on a basis 141461  
proportionate to the amount by which the amount of the undivided 141462  
local government fund for that calendar year is less than the 141463  
amount of the undivided local government fund apportioned for 141464  
the calendar year 1970. 141465

(J) On the basis of such apportionment, the county auditor 141466  
shall compute the percentage share of each such subdivision in 141467  
the undivided local government fund and shall at the same time 141468  
certify to the tax commissioner the percentage share of the 141469  
county as a subdivision. No payment shall be made from the 141470  
undivided local government fund, except in accordance with such 141471  
percentage shares. 141472

Within ten days after the budget commission has made its 141473  
apportionment, whether conducted pursuant to section 5747.51 or 141474  
5747.53 of the Revised Code, the auditor shall publish a list of 141475  
the subdivisions and the amount each is to receive from the 141476  
undivided local government fund and the percentage share of each 141477  
subdivision, in a newspaper or newspapers of countywide 141478  
circulation, and send a copy of such allocation to the tax 141479  
commissioner. 141480

The county auditor shall also send a copy of such 141481  
allocation by ordinary or electronic mail to the fiscal officer 141482  
of each subdivision entitled to participate in the allocation of 141483  
the undivided local government fund of the county. This copy 141484  
shall constitute the official notice of the commission action 141485  
referred to in section 5705.37 of the Revised Code. 141486

All money received into the treasury of a subdivision from 141487  
the undivided local government fund in a county treasury shall 141488  
be paid into the general fund and used for the current operating 141489  
expenses of the subdivision. 141490

If a municipal corporation maintains a municipal 141491  
university, such municipal university, when the board of 141492  
trustees so requests the legislative authority of the municipal 141493  
corporation, shall participate in the money apportioned to such 141494  
municipal corporation from the total local government fund, 141495  
however created and constituted, in such amount as requested by 141496  
the board of trustees, provided such sum does not exceed nine 141497  
per cent of the total amount paid to the municipal corporation. 141498

If any public official fails to maintain the records 141499  
required by sections 5747.50 to 5747.55 of the Revised Code or 141500  
by the rules issued by the tax commissioner, the auditor of 141501  
state, or the treasurer of state pursuant to such sections, or 141502

fails to comply with any law relating to the enforcement of such 141503  
sections, the local government fund money allocated to the 141504  
county may be withheld until such time as the public official 141505  
has complied with such sections or such law or the rules issued 141506  
pursuant thereto. 141507

**Sec. 5747.86.** Terms used in this section have the same 141508  
meanings as in section 122.84 of the Revised Code. 141509

There is hereby allowed a nonrefundable credit against a 141510  
taxpayer's aggregate tax liability under section 5747.02 of the 141511  
Revised Code for a taxpayer who is issued, or to whom is 141512  
transferred, a tax credit certificate under section 122.84 of 141513  
the Revised Code. The credit equals the amount stated on the 141514  
certificate and may be claimed for the taxable year that 141515  
includes the first day of the investment period that was the 141516  
subject of the application for the certificate under that 141517  
section or for the ensuing taxable year. For a credit issued 141518  
during the July application round each year, the credit may also 141519  
be claimed for the preceding taxable year. A taxpayer applying a 141520  
credit for the preceding taxable year shall file an amended 141521  
return or apply that amendment on the taxpayer's original 141522  
return, for that year. 141523

If the certificate is held by a pass-through entity, any 141524  
taxpayer that is a direct or indirect investor in the pass- 141525  
through entity on the last day of the entity's qualifying 141526  
taxable year may claim the taxpayer's proportionate or 141527  
distributive share of the credit against the taxpayer's 141528  
aggregate amount of tax levied under section 5747.02 of the 141529  
Revised Code. 141530

The credit shall be claimed in the order required under 141531  
section 5747.98 of the Revised Code. If the credit exceeds the 141532

taxpayer's aggregate tax due under section 5747.02 of the 141533  
Revised Code for that taxable year after allowing for credits 141534  
that precede the credit under this section in that order, such 141535  
excess shall be allowed as a credit in each of the ensuing five 141536  
taxable years, but the amount of any excess credit allowed in 141537  
any such taxable year shall be deducted from the balance carried 141538  
forward to the ensuing taxable year. 141539

No credit shall be claimed under this section to the 141540  
extent the credit was claimed under section 5725.38, 5726.61, or 141541  
5729.21 of the Revised Code. 141542

Sec. 5747.87. There is allowed a nonrefundable credit 141543  
against a taxpayer's aggregate tax liability under section 141544  
5747.02 of the Revised Code for a taxpayer who holds the rights 141545  
to a tax credit certificate that is issued on or after the 141546  
effective date of this section under section 122.09 of the 141547  
Revised Code. The credit equals the amount stated on the 141548  
certificate and may be claimed for the taxable year ending in 141549  
the calendar year specified in the certificate or in the ensuing 141550  
calendar year. The credit shall be claimed in the order required 141551  
under section 5747.98 of the Revised Code. If the credit exceeds 141552  
the taxpayer's aggregate tax due under section 5747.02 of the 141553  
Revised Code for that taxable year after allowing for credits 141554  
that precede the credit under this section in that order, the 141555  
excess may be carried forward for five ensuing taxable years, 141556  
but the amount of any excess credit allowed in any such taxable 141557  
year shall be deducted from the balance carried forward to the 141558  
ensuing taxable year. Nothing in this section limits or 141559  
disallows pass-through treatment of the credit if the person 141560  
holding the rights to a tax credit certificate is a pass-through 141561  
entity. 141562

No credit shall be claimed under this section to the extent the certificate was used to claim a credit under section 5725.35, 5726.62, or 5729.18 of the Revised Code.

**Sec. 5747.98.** (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

~~The campaign contribution credit under section 5747.29 of the Revised Code;~~

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division ~~(G)~~(E) of section 5747.05 of the Revised Code;

The earned income credit under section 5747.71 of the Revised Code;

The nonrefundable credit for education expenses under

section 5747.72 of the Revised Code;	141590
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	141591 141592 141593
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	141594 141595 141596
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	141597 141598
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	141599 141600
The enterprise zone credit under section 5709.66 of the Revised Code;	141601 141602
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	141603 141604 141605
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	141606 141607
The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;	141608 141609
<u>The nonrefundable credit for transformational mixed use development tax credit certificate holders under section 5747.87 of the Revised Code;</u>	141610 141611 141612
The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	141613 141614 141615
The credit for purchases of qualifying grape production	141616

property under section 5747.28 of the Revised Code;	141617
The small business investment credit under section 5747.81	141618
of the Revised Code;	141619
The nonrefundable lead abatement credit under section	141620
5747.26 of the Revised Code;	141621
The opportunity zone investment credit under section	141622
5747.86 of the Revised Code;	141623
The enterprise zone credits under section 5709.65 of the	141624
Revised Code;	141625
The research and development credit under section 5747.331	141626
of the Revised Code;	141627
The credit for rehabilitating a historic building under	141628
section 5747.76 of the Revised Code;	141629
The nonrefundable Ohio low-income housing tax credit under	141630
section 5747.83 of the Revised Code;	141631
The nonrefundable affordable single-family home credit	141632
under section 5747.84 of the Revised Code;	141633
The nonresident credit under division (A) of section	141634
5747.05 of the Revised Code;	141635
The credit for a resident's out-of-state income under	141636
division (B) of section 5747.05 of the Revised Code;	141637
The refundable motion picture and Broadway theatrical	141638
production credit under section 5747.66 of the Revised Code;	141639
<del>    The refundable credit for film and theater capital</del>	141640
<del>improvement projects under section 5747.67 of the Revised Code;</del>	141641
The refundable jobs creation credit or job retention	141642

credit under division (A) of section 5747.058 of the Revised Code;	141643 141644
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	141645 141646
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	141647 141648 141649
The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	141650 141651 141652
The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	141653 141654
The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.	141655 141656 141657
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	141658 141659 141660 141661 141662 141663 141664 141665 141666 141667 141668
<b>Sec. 5748.01.</b> As used in this chapter:	141669
(A) "School district income tax" means an income tax	141670

adopted under one of the following:	141671
(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;	141672 141673 141674
(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;	141675 141676
(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;	141677 141678 141679
(4) Section 5748.021 of the Revised Code;	141680
(5) Section 5748.081 of the Revised Code;	141681
(6) Section 5748.09 of the Revised Code.	141682
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	141683 141684
(C) <del>"Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code</del> "Market value" and "estimated effective rate" have the same meanings as in section 5705.01 of the Revised Code.	141685 141686 141687 141688
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	141689 141690
(E) "Taxable income" means:	141691
<del>(1) In the case of an individual,</del> one of the following, as specified in the resolution imposing the tax:	141692 141693
<del>(a)</del> (1) Modified adjusted gross income for the taxable year, as defined in section 5747.01 of the Revised Code, less the exemptions provided by section 5747.025 of the Revised Code;	141694 141695 141696

~~(b)(2)~~ Wages, salaries, tips, and other employee 141697  
compensation to the extent included in modified adjusted gross 141698  
income as defined in section 5747.01 of the Revised Code, and 141699  
net earnings from self-employment, as defined in section 1402(a) 141700  
of the Internal Revenue Code, to the extent included in modified 141701  
adjusted gross income. 141702

~~(2) In the case of an estate, taxable income for the~~ 141703  
~~taxable year as defined in division (S) of section 5747.01 of~~ 141704  
~~the Revised Code.~~ 141705

(F) "Resident" of the school district means: 141706

~~(1) An~~ an individual who is a resident of this state as 141707  
defined in division (I) of section 5747.01 of the Revised Code 141708  
during all or a portion of the taxable year and who, during all 141709  
or a portion of such period of state residency, is domiciled in 141710  
the school district or lives in and maintains a permanent place 141711  
of abode in the school district; 141712

~~(2) An estate of a decedent who, at the time of death, was~~ 141713  
~~domiciled in the school district.~~ 141714

(G) "School district income" means: 141715

~~(1) With respect to an individual,~~ the portion of the 141716  
taxable income of an individual that is received by the 141717  
individual during the portion of the taxable year that the 141718  
individual is a resident of the school district and the school 141719  
district income tax is in effect in that school district. An 141720  
individual may have school district income with respect to more 141721  
than one school district. 141722

~~(2) With respect to an estate, the taxable income of the~~ 141723  
~~estate for the portion of the taxable year that the school~~ 141724  
~~district income tax is in effect in that school district.~~ 141725

(H) "Taxpayer" means an individual ~~or estate~~ having school district income upon which a school district income tax is imposed. 141726  
141727  
141728

(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to division (A) of section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code. 141729  
141730  
141731  
141732

~~(J) "The county auditor's appraised value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.~~ 141733  
141734  
141735

**Sec. 5748.02.** (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income ~~of individuals and estates~~ as defined in ~~divisions (E)(1)(a) and~~ division (E)(1) or (2) of section 5748.01 of the Revised Code ~~or taxable income of individuals as defined in division (E)(1)(b) of that section.~~ A copy of the resolution shall be certified to the tax commissioner no later than one hundred days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following: 141736  
141737  
141738  
141739  
141740  
141741  
141742  
141743  
141744  
141745  
141746  
141747  
141748  
141749

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money; 141750  
141751  
141752

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount 141753  
141754

of money from a school district income tax. 141755

Within ten days of receiving the copy of the board's 141756  
resolution, the commissioner shall prepare these estimates and 141757  
certify them to the board. Upon receipt of the certification, 141758  
the board may adopt a resolution proposing an income tax under 141759  
division (B) of this section at the estimated rate contained in 141760  
the certification rounded to the nearest one-fourth of one per 141761  
cent. The commissioner's certification applies only to the 141762  
board's proposal to levy an income tax at the election for which 141763  
the board requested the certification. If the board intends to 141764  
submit a proposal to levy an income tax at any other election, 141765  
it shall request another certification for that election in the 141766  
manner prescribed in this division. 141767

(B) (1) Upon the receipt of a certification from the tax 141768  
commissioner under division (A) of this section, a majority of 141769  
the members of a board of education may adopt a resolution 141770  
proposing the levy of an annual tax for school district purposes 141771  
on school district income. The proposed levy may be for a 141772  
continuing period of time or for a specified number of years. 141773  
The resolution shall set forth the purpose for which the tax is 141774  
to be imposed, the rate of the tax, which shall be the rate set 141775  
forth in the commissioner's certification rounded to the nearest 141776  
one-fourth of one per cent, the number of years the tax will be 141777  
levied or that it will be levied for a continuing period of 141778  
time, the date on which the tax shall take effect, which shall 141779  
be the first day of January of any year following the year in 141780  
which the question is submitted, and the date of the election at 141781  
which the proposal shall be submitted to the electors of the 141782  
district, which shall be on the date of a primary, general, or 141783  
special election the date of which is consistent with section 141784  
3501.01 of the Revised Code. The resolution shall specify 141785

whether the income that is to be subject to the tax is taxable 141786  
~~income of individuals and estates as defined in divisions (E) (1)~~ 141787  
~~(a) and division (E) (1) or (2) of section 5748.01 of the Revised~~ 141788  
~~Code or taxable income of individuals as defined in division (E)~~ 141789  
~~(1) (b) of that section.~~ The specification shall be the same as 141790  
the specification in the resolution adopted and certified under 141791  
division (A) of this section. 141792

If the tax is to be levied for current expenses and 141793  
permanent improvements, the resolution shall apportion the 141794  
annual rate of the tax. The apportionment may be the same or 141795  
different for each year the tax is levied, but the respective 141796  
portions of the rate actually levied each year for current 141797  
expenses and for permanent improvements shall be limited by the 141798  
apportionment. 141799

If the board of education currently imposes an income tax 141800  
pursuant to this chapter that is due to expire and a question is 141801  
submitted under this section for a proposed income tax to take 141802  
effect upon the expiration of the existing tax, the board may 141803  
specify in the resolution that the proposed tax renews the 141804  
expiring tax. Two or more expiring income taxes may be renewed 141805  
under this paragraph if the taxes are due to expire on the same 141806  
date. If the tax rate being proposed is no higher than the total 141807  
tax rate imposed by the expiring tax or taxes, the resolution 141808  
may state that the proposed tax is not an additional income tax. 141809

(2) A board of education adopting a resolution under 141810  
division (B) (1) of this section proposing a school district 141811  
income tax for a continuing period of time and limited to the 141812  
purpose of current expenses may propose in that resolution to 141813  
reduce the rate or rates of one or more of the school district's 141814  
property taxes levied for a continuing period of time in excess 141815

of the ten-mill limitation for the purpose of current expenses. 141816  
The reduction in the rate of a property tax may be any amount, 141817  
not exceeding the rate at which the tax is authorized to be 141818  
levied. The reduction in the rate of a tax shall first take 141819  
effect for the tax year that includes the day on which the 141820  
school district income tax first takes effect, and shall 141821  
continue for each tax year that both the school district income 141822  
tax and the property tax levy are in effect. 141823

In addition to the matters required to be set forth in the 141824  
resolution under division (B) (1) of this section, a resolution 141825  
containing a proposal to reduce the rate of one or more property 141826  
taxes shall state for each such tax the maximum rate at which it 141827  
currently may be levied and the maximum rate at which the tax 141828  
could be levied after the proposed reduction, expressed in mills 141829  
for each one dollar of taxable value, and that the tax is levied 141830  
for a continuing period of time. 141831

A board proposing to reduce the rate of one or more 141832  
property taxes under division (B) (2) of this section shall 141833  
comply with division (B) of section 5705.03 of the Revised Code. 141834  
In addition to the amounts required in division (B) (2) of that 141835  
section, the county auditor shall certify to the board the 141836  
levy's effective rate for both the last year before the levy's 141837  
proposed reduction and the first year that the reduction 141838  
applies, both expressed in dollars for each one hundred thousand 141839  
dollars of ~~the county auditor's appraised~~ market value. 141840

If a board of education proposes to reduce the rate of one 141841  
or more property taxes under division (B) (2) of this section, 141842  
the board, when it makes the certification required under 141843  
division (A) of this section, shall designate the specific levy 141844  
or levies to be reduced, the maximum rate at which each levy 141845

currently is authorized to be levied, and the rate by which each 141846  
levy is proposed to be reduced. The tax commissioner, when 141847  
making the certification to the board under division (A) of this 141848  
section, also shall certify the reduction in the total effective 141849  
tax rate for current expenses for each class of property that 141850  
would have resulted if the proposed reduction in the rate or 141851  
rates had been in effect the previous tax year. As used in this 141852  
paragraph, "effective tax rate" has the same meaning as in 141853  
section 323.08 of the Revised Code. 141854

(C) A resolution adopted under division (B) of this 141855  
section shall go into immediate effect upon its passage, and no 141856  
publication of the resolution shall be necessary other than that 141857  
provided for in the notice of election. Immediately after its 141858  
adoption and at least ninety days prior to the election at which 141859  
the question will appear on the ballot, a copy of the resolution 141860  
and, if applicable, the county auditor's certifications under 141861  
section 5705.03 of the Revised Code shall be certified to the 141862  
board of elections of the proper county, which shall submit the 141863  
proposal to the electors on the date specified in the 141864  
resolution. The board of education shall send to the tax 141865  
commissioner a copy of the resolution certified to the board of 141866  
elections. The form of the ballot shall be as provided in 141867  
section 5748.03 of the Revised Code. Publication of notice of 141868  
the election shall be made in a newspaper of general circulation 141869  
in the county once a week for two consecutive weeks, or as 141870  
provided in section 7.16 of the Revised Code, prior to the 141871  
election. If the board of elections operates and maintains a web 141872  
site, the board of elections shall post notice of the election 141873  
on its web site for thirty days prior to the election. The 141874  
notice shall contain the time and place of the election and the 141875  
question to be submitted to the electors. The question covered 141876

by the resolution shall be submitted as a separate proposition, 141877  
but may be printed on the same ballot with any other proposition 141878  
submitted at the same election, other than the election of 141879  
officers. 141880

(D) No board of education shall submit the question of a 141881  
tax on school district income to the electors of the district 141882  
more than twice in any calendar year. If a board submits the 141883  
question twice in any calendar year, one of the elections on the 141884  
question shall be held on the date of the general election. 141885

(E) (1) No board of education may submit to the electors of 141886  
the district the question of a tax on school district income on 141887  
~~the taxable income of individuals~~ as defined in division ~~(E) (1)~~ 141888  
~~(b)~~ (E) (2) of section 5748.01 of the Revised Code if that tax 141889  
would be in addition to an existing tax on ~~the taxable income of~~ 141890  
~~individuals and estates~~ as defined in ~~divisions (E) (1) (a) and~~ 141891  
~~(2)~~ division (E) (1) of that section. 141892

(2) No board of education may submit to the electors of 141893  
the district the question of a tax on school district income on 141894  
~~the taxable income of individuals and estates~~ as defined in 141895  
~~divisions (E) (1) (a) and (2)~~ division (E) (1) of section 5748.01 141896  
of the Revised Code if that tax would be in addition to an 141897  
existing tax on ~~the taxable income of individuals~~ as defined in 141898  
division ~~(E) (1) (b)~~ (E) (2) of that section. 141899

**Sec. 5748.021.** A board of education that levies a tax 141900  
under section 5748.02 of the Revised Code on the school district 141901  
income of individuals ~~and estates~~ as defined in divisions (G) 141902  
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 141903  
Code may declare, at any time, by a resolution adopted by a 141904  
majority of its members, the necessity of raising annually a 141905  
specified amount of money for school district purposes by 141906

replacing the existing tax with a tax on ~~the~~ school district 141907  
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 141908  
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. The 141909  
specified amount of money to be raised annually may be the same 141910  
as, or more or less than, the amount of money raised annually by 141911  
the existing tax. 141912

The board shall certify a copy of the resolution to the 141913  
tax commissioner not later than the eighty-fifth day before the 141914  
date of the election at which the board intends to propose the 141915  
replacement to the electors of the school district. Not later 141916  
than the tenth day after receiving the resolution, the tax 141917  
commissioner shall estimate the tax rate that would be required 141918  
in the school district annually to raise the amount of money 141919  
specified in the resolution. The tax commissioner shall certify 141920  
the estimate to the board. 141921

Upon receipt of the tax commissioner's estimate, the board 141922  
may propose, by a resolution adopted by a majority of its 141923  
members, to replace the existing tax on ~~the~~ school district 141924  
income ~~of individuals and estates~~ as defined in divisions (G) 141925  
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 141926  
Code with the levy of an annual tax on ~~the~~ school district 141927  
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 141928  
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 141929  
resolution, the board shall specify the rate of the replacement 141930  
tax, whether the replacement tax is to be levied for a specified 141931  
number of years or for a continuing time, the specific school 141932  
district purposes for which the replacement tax is to be levied, 141933  
the date on which the replacement tax will begin to be levied, 141934  
the date of the election at which the question of the 141935  
replacement is to be submitted to the electors of the school 141936  
district, that the existing tax will cease to be levied and the 141937

replacement tax will begin to be levied if the replacement is 141938  
approved by a majority of the electors voting on the 141939  
replacement, and that if the replacement is not approved by a 141940  
majority of the electors voting on the replacement the existing 141941  
tax will remain in effect under its original authority for the 141942  
remainder of its previously approved term. The resolution goes 141943  
into immediate effect upon its adoption. Publication of the 141944  
resolution is not necessary, and the information that will be 141945  
provided in the notice of election is sufficient notice. At 141946  
least seventy-five days before the date of the election at which 141947  
the question of the replacement will be submitted to the 141948  
electors of the school district, the board shall certify a copy 141949  
of the resolution to the board of elections. The board of 141950  
education shall send to the tax commissioner a copy of the 141951  
resolution certified to the board of elections. 141952

The replacement tax shall have the same specific school 141953  
district purposes as the existing tax, and its rate shall be the 141954  
same as the tax commissioner's estimate rounded to the nearest 141955  
one-fourth of one per cent. The replacement tax shall begin to 141956  
be levied on the first day of January of the year following the 141957  
year in which the question of the replacement is submitted to 141958  
and approved by the electors of the school district or on the 141959  
first day of January of a later year, as specified in the 141960  
resolution. The date of the election shall be the date of an 141961  
otherwise scheduled primary, general, or special election. 141962

The board of elections shall make arrangements to submit 141963  
the question of the replacement to the electors of the school 141964  
district on the date specified in the resolution. The board of 141965  
elections shall publish notice of the election on the question 141966  
of the replacement in one newspaper of general circulation in 141967  
the school district once a week for four consecutive weeks or as 141968

provided in section 7.16 of the Revised Code. The notice shall 141969  
 set forth the question to be submitted to the electors and the 141970  
 time and place of the election thereon. 141971

The question shall be submitted to the electors of the 141972  
 school district as a separate proposition, but may be printed on 141973  
 the same ballot with other propositions that are submitted at 141974  
 the same election, other than the election of officers. The form 141975  
 of the ballot shall be substantially as follows: 141976

"Shall the existing tax of \_\_\_\_\_ (state the rate) on the 141977  
 school district income of individuals ~~and estates~~ imposed by 141978  
 \_\_\_\_\_ (state the name of the school district) be replaced by a 141979  
 tax of \_\_\_\_\_ (state the rate) on the earned income of 141980  
 individuals residing in the school district for \_\_\_\_\_ (state the 141981  
 number of years the tax is to be in effect or that it will be in 141982  
 effect for a continuing time), beginning \_\_\_\_\_ (state the date 141983  
 the new tax will take effect), for the purpose of \_\_\_\_\_ (state 141984  
 the specific school district purposes of the tax)? If the new 141985  
 tax is not approved, the existing tax will remain in effect 141986  
 under its original authority, for the remainder of its 141987  
 previously approved term. 141988  
 141989

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

The board of elections shall conduct and canvass the 141990  
 election in the same manner as regular elections in the school 141991  
 district for the election of county officers. The board shall 141992  
 certify the results of the election to the board of education 141993  
 and to the tax commissioner. If a majority of the electors 141994  
 voting on the question vote in favor of the replacement, the 141995

existing tax shall cease to be levied, and the replacement tax 141996  
shall begin to be levied, on the date specified in the ballot 141997  
question. If a majority of the electors voting on the question 141998  
vote against the replacement, the existing tax shall continue to 141999  
be levied under its original authority, for the remainder of its 142000  
previously approved term. 142001

A board of education may not submit the question of 142002  
replacing a tax more than twice in a calendar year. If a board 142003  
submits the question more than once, one of the elections at 142004  
which the question is submitted shall be on the date of a 142005  
general election. 142006

If a board of education later intends to renew a 142007  
replacement tax levied under this section, it shall repeat the 142008  
procedure outlined in this section to do so, the replacement tax 142009  
then being levied being the "existing tax" and the renewed 142010  
replacement tax being the "replacement tax." 142011

**Sec. 5748.03.** (A) The form of the ballot on a question 142012  
submitted to the electors under section 5748.02 of the Revised 142013  
Code shall be as follows: 142014

"Shall an annual income tax of \_\_\_\_\_ (state the proposed 142015  
rate of tax) on the school district income of individuals ~~and of~~ 142016  
~~estates~~ be imposed by \_\_\_\_\_ (state the name of the school 142017  
district), for \_\_\_\_\_ (state the number of years the tax would 142018  
be levied, or that it would be levied for a continuing period of 142019  
time), beginning \_\_\_\_\_ (state the date the tax would first 142020  
take effect), for the purpose of \_\_\_\_\_ (state the purpose of 142021  
the tax)? 142022

142023

	FOR THE TAX
--	-------------

	AGAINST THE TAX	"
--	-----------------	---

(B) (1) If the question submitted to electors proposes a school district income tax only on ~~the taxable income of~~ individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(2) If the question submitted to electors proposes to renew one or more expiring income tax levies, the ballot shall be modified by adding the following language immediately after the name of the school district that would impose the tax: "to renew an income tax (or income taxes) expiring at the end of \_\_\_\_\_ (state the last year the existing income tax or taxes may be levied)."

(3) If the question includes a proposal under division (B) (2) of section 5748.02 of the Revised Code to reduce the rate of one or more school district property taxes, the ballot shall state that the purpose of the school district income tax is for current expenses, and the form of the ballot shall be modified by adding the following language immediately after the statement of the purpose of the proposed income tax: ", and shall the rate of an existing tax on property, currently levied for the purpose of current expenses at the rate of \_\_\_\_\_ mills, be REDUCED to \_\_\_\_\_ mills for each \$1 of taxable value, which amounts to a reduction from \$\_\_\_\_\_ (effective rate) to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county auditor's appraised market~~ value, that the county auditor estimates will collect \$\_\_\_\_\_ annually, the reduction continuing until any such time as the income tax is repealed." In lieu of "for the tax" and "against

the tax," the phrases "for the issue" and "against the issue," 142053  
respectively, shall be used. If a board of education proposes a 142054  
reduction in the rates of more than one tax, the ballot language 142055  
shall be modified accordingly to express the rates at which 142056  
those taxes currently are levied and the rates to which the 142057  
taxes will be reduced. 142058

(C) The board of elections shall certify the results of 142059  
the election to the board of education and to the tax 142060  
commissioner. If a majority of the electors voting on the 142061  
question vote in favor of it, the income tax, the applicable 142062  
provisions of Chapter 5747. of the Revised Code, and the 142063  
reduction in the rate or rates of existing property taxes if the 142064  
question included such a reduction shall take effect on the date 142065  
specified in the resolution. If the question approved by the 142066  
voters includes a reduction in the rate of a school district 142067  
property tax, the board of education shall not levy the tax at a 142068  
rate greater than the rate to which the tax is reduced, unless 142069  
the school district income tax is repealed in an election under 142070  
section 5748.04 of the Revised Code. 142071

(D) If the rate at which a property tax is levied and 142072  
collected is reduced pursuant to a question approved under this 142073  
section, the tax commissioner shall compute the percentage 142074  
required to be computed for that tax under division (D) of 142075  
section 319.301 of the Revised Code each year the rate is 142076  
reduced as if the tax had been levied in the preceding year at 142077  
the rate at which it has been reduced. If the rate of a property 142078  
tax increases due to the repeal of the school district income 142079  
tax pursuant to section 5748.04 of the Revised Code, the tax 142080  
commissioner, for the first year for which the rate increases, 142081  
shall compute the percentage as if the tax in the preceding year 142082  
had been levied at the rate at which the tax was authorized to 142083

be levied prior to any rate reduction. 142084

**Sec. 5748.04.** (A) The question of the repeal of a school 142085  
district income tax levied for more than five years may be 142086  
initiated not more than once in any five-year period by filing 142087  
with the board of elections of the appropriate counties not 142088  
later than ninety days before the general election in any year 142089  
after the year in which it is approved by the electors a 142090  
petition requesting that an election be held on the question. 142091  
The petition shall be signed by qualified electors residing in 142092  
the school district levying the income tax equal in number to 142093  
ten per cent of those voting for governor at the most recent 142094  
gubernatorial election. 142095

The board of elections shall determine whether the 142096  
petition is valid, and if it so determines, it shall do ~~both~~ all 142097  
of the following: 142098

(1) Submit the question to the electors of the district at 142099  
the next general election; 142100

(2) Send a copy of the petition to the tax commissioner; 142101

(3) If the rate of one or more property tax levies was 142102  
reduced for the duration of the income tax levy pursuant to 142103  
division (B) (2) of section 5748.02 of the Revised Code, request 142104  
that the county auditor certify to the board, in the same manner 142105  
as required for a tax levy under section 5705.03 of the Revised 142106  
Code, an estimate of the levies' annual collections for the 142107  
first year in which the levies are increased, rounded to the 142108  
nearest dollar, and the levies' effective rates for the year 142109  
before the proposed increase and the levies' effective rates for 142110  
the first year that the increase applies, both of which shall be 142111  
expressed in dollars, rounded to the nearest dollar, for each 142112

one hundred thousand dollars of ~~the county auditor's appraised~~ 142113  
market value. 142114

The county auditor shall certify such information to the 142115  
board of elections within ten days after receiving the board's 142116  
request. If a school district is located in more than one 142117  
county, the county auditor shall obtain from the county auditor 142118  
of each other county in which the district is located the tax 142119  
valuation applicable to the portion of the district in that 142120  
county. 142121

The election shall be conducted, canvassed, and certified 142122  
in the same manner as regular elections for county offices in 142123  
the county. Notice of the election shall be published in a 142124  
newspaper of general circulation in the district once a week for 142125  
two consecutive weeks, or as provided in section 7.16 of the 142126  
Revised Code, prior to the election. If the board of elections 142127  
operates and maintains a web site, the board of elections shall 142128  
post notice of the election on its web site for thirty days 142129  
prior to the election. The notice shall state the time and place 142130  
of the election and the question to be submitted to the 142131  
electors. The form of the ballot cast at the election shall be 142132  
as follows: 142133

"Shall the annual income tax of \_\_\_\_ per cent, currently 142134  
levied on the school district income of individuals ~~and estates~~ 142135  
by \_\_\_\_\_ (state the name of the school district) for the 142136  
purpose of \_\_\_\_\_ (state purpose of the tax), be repealed? 142137  
142138

	For repeal of the income tax	
	Against repeal of the income tax	"

(B) (1) If the tax is imposed on taxable income as defined 142139  
in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 142140  
Code, the form of the ballot shall be modified by stating that 142141  
the tax currently is levied on the "earned income of individuals 142142  
residing in the school district" in lieu of the "school district 142143  
income of individuals ~~and estates.~~" 142144

(2) If the rate of one or more property tax levies was 142145  
reduced for the duration of the income tax levy pursuant to 142146  
division (B) (2) of section 5748.02 of the Revised Code, the form 142147  
of the ballot shall be modified by adding the following language 142148  
immediately after "repealed": ", and shall the rate of an 142149  
existing tax on property for the purpose of current expenses, 142150  
which rate was reduced for the duration of the income tax, be 142151  
INCREASED from \_\_\_\_\_ mills to \_\_\_\_\_ mills for each \$1 of taxable 142152  
value which amounts to an increase from \$\_\_\_\_\_ (effective rate) 142153  
to \$\_\_\_\_\_ (effective rate) for each \$100,000 of ~~the county~~ 142154  
~~auditor's appraised market value~~, that the county auditor 142155  
estimates will collect \$\_\_\_\_\_ annually, beginning in \_\_\_\_\_ 142156  
(state the first year for which the rate of the property tax 142157  
will increase)." In lieu of "for repeal of the income tax" and 142158  
"against repeal of the income tax," the phrases "for the issue" 142159  
and "against the issue," respectively, shall be substituted. 142160

(3) If the rate of more than one property tax was reduced 142161  
for the duration of the income tax, the ballot language shall be 142162  
modified accordingly to express the rates at which those taxes 142163  
currently are levied and the rates to which the taxes would be 142164  
increased. 142165

(C) The question covered by the petition shall be 142166  
submitted as a separate proposition, but it may be printed on 142167  
the same ballot with any other proposition submitted at the same 142168

election other than the election of officers. If a majority of 142169  
the qualified electors voting on the question vote in favor of 142170  
it, the result shall be certified immediately after the canvass 142171  
by the board of elections to the board of education of the 142172  
school district and the tax commissioner, who shall thereupon, 142173  
after the current year, cease to levy the tax, except that if 142174  
notes have been issued pursuant to section 5748.05 of the 142175  
Revised Code the tax commissioner shall continue to levy and 142176  
collect under authority of the election authorizing the levy an 142177  
annual amount, rounded upward to the nearest one-fourth of one 142178  
per cent, as will be sufficient to pay the debt charges on the 142179  
notes as they fall due. 142180

(D) If a school district income tax repealed pursuant to 142181  
this section was approved in conjunction with a reduction in the 142182  
rate of one or more school district property taxes as provided 142183  
in division (B) (2) of section 5748.02 of the Revised Code, then 142184  
each such property tax may be levied after the current year at 142185  
the rate at which it could be levied prior to the reduction, 142186  
subject to any adjustments required by the county budget 142187  
commission pursuant to Chapter 5705. of the Revised Code. Upon 142188  
the repeal of a school district income tax under this section, 142189  
the board of education may resume levying a property tax, the 142190  
rate of which has been reduced pursuant to a question approved 142191  
under section 5748.02 of the Revised Code, at the rate the board 142192  
originally was authorized to levy the tax. A reduction in the 142193  
rate of a property tax under section 5748.02 of the Revised Code 142194  
is a reduction in the rate at which a board of education may 142195  
levy that tax only for the period during which a school district 142196  
income tax is levied prior to any repeal pursuant to this 142197  
section. The resumption of the authority to levy the tax upon 142198  
such a repeal does not constitute a tax levied in excess of the 142199

one per cent limitation prescribed by Section 2 of Article XII, 142200  
Ohio Constitution, or in excess of the ten-mill limitation. 142201

(E) This section does not apply to school district income 142202  
tax levies that are levied for five or fewer years. 142203

**Sec. 5748.08.** (A) The board of education of a city, local, 142204  
or exempted village school district, at any time by a vote of 142205  
two-thirds of all its members, may declare by resolution that it 142206  
may be necessary for the school district to do all of the 142207  
following: 142208

(1) Raise a specified amount of money for school district 142209  
purposes by levying an annual tax on school district income; 142210

(2) Issue general obligation bonds for permanent 142211  
improvements, stating in the resolution the necessity and 142212  
purpose of the bond issue and the amount, approximate date, 142213  
estimated rate of interest, and maximum number of years over 142214  
which the principal of the bonds may be paid; 142215

(3) Levy a tax outside the ten-mill limitation to pay debt 142216  
charges on the bonds and any anticipatory securities; 142217

(4) Submit the question of the school district income tax 142218  
and bond issue to the electors of the district at a special 142219  
election. 142220

The resolution shall specify whether the income that is to 142221  
be subject to the tax is taxable income ~~of individuals and~~ 142222  
~~estates as defined in divisions (E)(1)(a) and division (E)(1) or~~ 142223  
(2) of section 5748.01 of the Revised Code ~~or taxable income of~~ 142224  
~~individuals as defined in division (E)(1)(b) of that section.~~ 142225

On adoption of the resolution, the board shall certify a 142226  
copy of it to the tax commissioner and the county auditor no 142227

later than one hundred five days prior to the date of the 142228  
special election at which the board intends to propose the 142229  
income tax and bond issue. Not later than ten days of receipt of 142230  
the resolution, the tax commissioner, in the same manner as 142231  
required by division (A) of section 5748.02 of the Revised Code, 142232  
shall estimate the rates designated in divisions (A) (1) and (2) 142233  
of that section and certify them to the board. Not later than 142234  
ten days of receipt of the resolution, the county auditor shall 142235  
estimate and certify to the board the average annual property 142236  
tax rate required throughout the stated maturity of the bonds to 142237  
pay debt charges on the bonds, in the same manner as under 142238  
division (C) of section 133.18 of the Revised Code. 142239

(B) On receipt of the tax commissioner's and county 142240  
auditor's certifications prepared under division (A) of this 142241  
section, the board of education of the city, local, or exempted 142242  
village school district, by a vote of two-thirds of all its 142243  
members, may adopt a resolution proposing for a specified number 142244  
of years or for a continuing period of time the levy of an 142245  
annual tax for school district purposes on school district 142246  
income and declaring that the amount of taxes that can be raised 142247  
within the ten-mill limitation will be insufficient to provide 142248  
an adequate amount for the present and future requirements of 142249  
the school district; that it is necessary to issue general 142250  
obligation bonds of the school district for specified permanent 142251  
improvements and to levy an additional tax in excess of the ten- 142252  
mill limitation to pay the debt charges on the bonds and any 142253  
anticipatory securities; and that the question of the bonds and 142254  
taxes shall be submitted to the electors of the school district 142255  
at a special election, which shall not be earlier than ninety 142256  
days after certification of the resolution to the board of 142257  
elections, and the date of which shall be consistent with 142258

section 3501.01 of the Revised Code. The resolution shall 142259  
specify all of the following: 142260

(1) The purpose for which the school district income tax 142261  
is to be imposed and the rate of the tax, which shall be the 142262  
rate set forth in the tax commissioner's certification rounded 142263  
to the nearest one-fourth of one per cent; 142264

(2) Whether the income that is to be subject to the tax is 142265  
taxable income ~~of individuals and estates as defined in~~ 142266  
~~divisions (E) (1) (a) and~~ division (E) (1) or (2) of section 142267  
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 142268  
~~defined in division (E) (1) (b) of that section.~~ The specification 142269  
shall be the same as the specification in the resolution adopted 142270  
and certified under division (A) of this section. 142271

(3) The number of years the tax will be levied, or that it 142272  
will be levied for a continuing period of time; 142273

(4) The date on which the tax shall take effect, which 142274  
shall be the first day of January of any year following the year 142275  
in which the question is submitted; 142276

(5) The amount of the estimated average annual property 142277  
tax levy, expressed in mills for each one dollar of taxable 142278  
value and dollars for each one hundred thousand dollars of ~~the~~ 142279  
~~county auditor's appraised market~~ value, as certified by the 142280  
county auditor under division (A) of this section. 142281

(C) A resolution adopted under division (B) of this 142282  
section shall go into immediate effect upon its passage, and no 142283  
publication of the resolution shall be necessary other than that 142284  
provided for in the notice of election. Immediately after its 142285  
adoption and at least ninety days prior to the election at which 142286  
the question will appear on the ballot, the board of education 142287

shall certify a copy of the resolution, along with copies of the auditor's estimate and its resolution under division (A) of this section, to the board of elections of the proper county. The board of education shall send to the tax commissioner a copy of the resolution adopted under division (B) of this section and certified to the board of elections. The board of elections shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers.

The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax, the bond issue, and the levy to pay debt charges on the bonds and any anticipatory securities. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, it also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following:

- (1) The questions to be submitted to the electors;
- (2) The rate of the school district income tax;
- (3) The principal amount of the proposed bond issue;
- (4) The permanent improvements for which the bonds are to be issued;
- (5) The maximum number of years over which the principal

of the bonds may be paid; 142317

(6) The estimated additional average annual property tax 142318  
rate to pay the debt charges on the bonds, as certified by the 142319  
county auditor, and expressed in mills for each one dollar of 142320  
taxable value and in dollars for each one hundred thousand 142321  
dollars of ~~the county auditor's appraised market~~ value; 142322

(7) The time and place of the special election. 142323

(D) The form of the ballot on a question submitted to the 142324  
electors under this section shall be as follows: 142325

"Shall the \_\_\_\_\_ school district be authorized to do 142326  
both of the following: 142327

(1) Impose an annual income tax of \_\_\_\_\_ (state the 142328  
proposed rate of tax) on the school district income of 142329  
individuals ~~and of estates~~, for \_\_\_\_\_ (state the number of 142330  
years the tax would be levied, or that it would be levied for a 142331  
continuing period of time), beginning \_\_\_\_\_ (state the date 142332  
the tax would first take effect), for the purpose of \_\_\_\_\_ 142333  
(state the purpose of the tax)? 142334

(2) Issue bonds for the purpose of \_\_\_\_\_ in the 142335  
principal amount of \$\_\_\_\_\_, to be repaid annually over a 142336  
maximum period of \_\_\_\_\_ years, and levy a property tax outside 142337  
the ten-mill limitation estimated by the county auditor to 142338  
average over the bond repayment period \_\_\_\_\_ mills for each \$1 142339  
of taxable value, which amounts to \$\_\_\_\_\_ for each \$100,000 of 142340  
~~the county auditor's appraised market~~ value, to pay the annual 142341  
debt charges on the bonds, and to pay debt charges on any notes 142342  
issued in anticipation of those bonds? 142343  
142344

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed

five years, and may have a principal payment in the year of 142372  
their issuance. 142373

(H) The question of repeal of a school district income tax 142374  
levied for more than five years may be initiated and submitted 142375  
in accordance with section 5748.04 of the Revised Code. 142376

(I) No board of education shall submit a question under 142377  
this section to the electors of the school district more than 142378  
twice in any calendar year. If a board submits the question 142379  
twice in any calendar year, one of the elections on the question 142380  
shall be held on the date of the general election. 142381

**Sec. 5748.081.** A board of education of a school district 142382  
that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 142383  
or under section 5748.09 of the Revised Code, levies a tax on 142384  
the school district income of individuals ~~and estates~~ as defined 142385  
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 142386  
of the Revised Code may replace that tax with a tax on ~~the~~ 142387  
school district income ~~of individuals~~ as defined in divisions 142388  
~~(G) (1) (G)~~ and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 142389  
Code by following the procedure outlined in, and subject to the 142390  
conditions specified in, section 5748.021 of the Revised Code, 142391  
as if the existing tax levied under section 5748.08 or 5748.09 142392  
were levied under section 5748.02 of the Revised Code. The tax 142393  
commissioner and the board of elections shall perform duties in 142394  
response to the actions of the board of education under this 142395  
section as directed in section 5748.021 of the Revised Code. 142396

**Sec. 5748.09.** (A) The board of education of a city, local, 142397  
or exempted village school district, at any time before the 142398  
effective date of this amendment by a vote of two-thirds of all 142399  
its members, may declare by resolution that it may be necessary 142400  
for the school district to do all of the following: 142401

(1) Raise a specified amount of money for school district purposes by levying an annual tax on school district income; 142402  
142403

(2) Levy an additional property tax in excess of the ten-mill limitation for the purpose of providing for the necessary requirements of the district, stating in the resolution the amount of money to be raised each year for such purpose; 142404  
142405  
142406  
142407

(3) Submit the question of the school district income tax and property tax to the electors of the district at a special election. 142408  
142409  
142410

The resolution shall specify whether the income that is to be subject to the tax is taxable income ~~of individuals and estates as defined in divisions (E) (1) (a) and~~ division (E) (1) or (2) of section 5748.01 of the Revised Code ~~or taxable income of individuals as defined in division (E) (1) (b) of that section.~~ 142411  
142412  
142413  
142414  
142415

On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor not later than one hundred days prior to the date of the special election at which the board intends to propose the income tax and property tax. Not later than ten days after receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in divisions (A) (1) and (2) of that section and certify them to the board. Not later than ten days after receipt of the resolution, the county auditor, ~~in the same manner as required by section 5705.195 of the Revised Code,~~ shall make the calculation specified in that section and certify it to the board. 142416  
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142420  
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142428

(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this 142429  
142430

section, the board of education of the city, local, or exempted 142431  
village school district, by a vote of two-thirds of all its 142432  
members, may adopt a resolution declaring that the amount of 142433  
taxes that can be raised by all tax levies the district is 142434  
authorized to impose, when combined with state and federal 142435  
revenues, will be insufficient to provide an adequate amount for 142436  
the present and future requirements of the school district, and 142437  
that it is therefore necessary to levy, for a specified number 142438  
of years or for a continuing period of time, an annual tax for 142439  
school district purposes on school district income, and to levy, 142440  
for a specified number of years not exceeding ten or for a 142441  
continuing period of time, an additional property tax in excess 142442  
of the ten-mill limitation for the purpose of providing for the 142443  
necessary requirements of the district, and declaring that the 142444  
question of the school district income tax and property tax 142445  
shall be submitted to the electors of the school district at a 142446  
special election, which shall not be earlier than ninety days 142447  
after certification of the resolution to the board of elections, 142448  
and the date of which shall be consistent with section 3501.01 142449  
of the Revised Code. The resolution shall specify all of the 142450  
following: 142451

(1) The purpose for which the school district income tax 142452  
is to be imposed and the rate of the tax, which shall be the 142453  
rate set forth in the tax commissioner's certification rounded 142454  
to the nearest one-fourth of one per cent; 142455

(2) Whether the income that is to be subject to the tax is 142456  
taxable income ~~of individuals and estates as defined in~~ 142457  
~~divisions (E)(1)(a) and division (E)(1) or (2) of section~~ 142458  
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 142459  
~~defined in division (E)(1)(b) of that section.~~ The specification 142460  
shall be the same as the specification in the resolution adopted 142461

and certified under division (A) of this section. 142462

(3) The number of years the school district income tax 142463  
will be levied, or that it will be levied for a continuing 142464  
period of time; 142465

(4) The date on which the school district income tax shall 142466  
take effect, which shall be the first day of January of any year 142467  
following the year in which the question is submitted; 142468

(5) The amount of money it is necessary to raise for the 142469  
purpose of providing for the necessary requirements of the 142470  
district for each year the property tax is to be imposed; 142471

(6) The number of years the property tax will be levied, 142472  
or that it will be levied for a continuing period of time; 142473

(7) The tax list upon which the property tax shall be 142474  
first levied, which may be the current year's tax list; 142475

(8) The amount of the average tax levy, expressed in 142476  
dollars for each one hundred thousand dollars of ~~the county~~ 142477  
~~auditor's appraised market~~ value as well as in mills for each 142478  
one dollar of taxable value, estimated by the county auditor 142479  
under division (A) of this section. 142480

(C) A resolution adopted under division (B) of this 142481  
section shall go into immediate effect upon its passage, and no 142482  
publication of the resolution shall be necessary other than that 142483  
provided for in the notice of election. Immediately after its 142484  
adoption and at least ninety days prior to the election at which 142485  
the question will appear on the ballot, the board of education 142486  
shall certify a copy of the resolution, along with copies of the 142487  
county auditor's certification and the resolution under division 142488  
(A) of this section, to the board of elections of the proper 142489  
county. The board of education shall send to the tax 142490

commissioner a copy of the resolution adopted under division (B) 142491  
of this section and certified to the board of elections. The 142492  
board of education shall make the arrangements for the 142493  
submission of the question to the electors of the school 142494  
district, and the election shall be conducted, canvassed, and 142495  
certified in the same manner as regular elections in the 142496  
district for the election of county officers. 142497

The resolution shall be put before the electors as one 142498  
ballot question, with a majority vote indicating approval of the 142499  
school district income tax and the property tax. The board of 142500  
elections shall publish the notice of the election in a 142501  
newspaper of general circulation in the school district once a 142502  
week for two consecutive weeks, or as provided in section 7.16 142503  
of the Revised Code, prior to the election. If the board of 142504  
elections operates and maintains a web site, ~~also the board~~ 142505  
shall also post the notice of the election on its web site for 142506  
thirty days prior to the election. The notice of the election 142507  
shall state all of the following: 142508

(1) The questions to be submitted to the electors as a 142509  
single ballot question; 142510

(2) The rate of the school district income tax; 142511

(3) The number of years the school district income tax 142512  
will be levied or that it will be levied for a continuing period 142513  
of time; 142514

(4) The annual proceeds of the proposed property tax levy 142515  
for the purpose of providing for the necessary requirements of 142516  
the district; 142517

(5) The number of years during which the property tax levy 142518  
shall be levied, or that it shall be levied for a continuing 142519

period of time; 142520

(6) The estimated average additional tax rate of the 142521  
property tax, expressed in dollars for each one hundred thousand 142522  
dollars of ~~the county auditor's appraised market~~ value as well 142523  
as in mills for each one dollar of taxable value, outside the 142524  
limitation imposed by Section 2 of Article XII, Ohio 142525  
Constitution, as certified by the county auditor; 142526

(7) The time and place of the special election. 142527

(D) The form of the ballot on a question submitted to the 142528  
electors under this section shall be as follows: 142529

"Shall the \_\_\_\_\_ school district be authorized to do both 142530  
of the following: 142531

(1) Impose an annual income tax of \_\_\_\_\_ (state the 142532  
proposed rate of tax) on the school district income of 142533  
individuals ~~and of estates~~, for \_\_\_\_\_ (state the number of 142534  
years the tax would be levied, or that it would be levied for a 142535  
continuing period of time), beginning \_\_\_\_\_ (state the date 142536  
the tax would first take effect), for the purpose of \_\_\_\_\_ 142537  
(state the purpose of the tax)? 142538

(2) Impose a property tax levy outside of the ten-mill 142539  
limitation for the purpose of providing for the necessary 142540  
requirements of the district in the sum of \$ \_\_\_\_\_ 142541  
(here insert annual amount the levy is to produce), estimated by 142542  
the county auditor to average \_\_\_\_\_ mills for each \$1 142543  
of taxable value, which amounts to \$ \_\_\_\_\_ for each 142544  
\$100,000 of ~~the county auditor's appraised market~~ value, for 142545  
\_\_\_\_\_ (state the number of years the tax is to be 142546  
imposed or that it will be imposed for a continuing period of 142547  
time), commencing in \_\_\_\_\_ (first year the tax is to be 142548

levied), first due in calendar year \_\_\_\_\_ (first calendar year in which the tax shall be due)?

142549  
142550  
142551

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

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142553  
142554  
142555  
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142558

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it:

142559  
142560  
142561  
142562  
142563

(1) The income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution.

142564  
142565  
142566

(2) The board of education of the school district may make the additional property tax levy necessary to raise the amount specified on the ballot for the purpose of providing for the necessary requirements of the district. The property tax levy shall be included in the next tax budget that is certified to the county budget commission.

142567  
142568  
142569  
142570  
142571  
142572

(F) (1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds

142573  
142574

of the school district income tax in accordance with section 142575  
5748.05 of the Revised Code. Any anticipation notes under this 142576  
division shall be issued as provided in section 133.24 of the 142577  
Revised Code, shall have principal payments during each year 142578  
after the year of their issuance over a period not to exceed 142579  
five years, and may have a principal payment in the year of 142580  
their issuance. 142581

(2) After the approval of a question under this section 142582  
and prior to the time when the first tax collection from the 142583  
property tax levy can be made, the board of education may 142584  
anticipate a fraction of the proceeds of the levy and issue 142585  
anticipation notes in an amount not exceeding the total 142586  
estimated proceeds of the levy to be collected during the first 142587  
year of the levy. Any anticipation notes under this division 142588  
shall be issued as provided in section 133.24 of the Revised 142589  
Code, shall have principal payments during each year after the 142590  
year of their issuance over a period not to exceed five years, 142591  
and may have a principal payment in the year of their issuance. 142592

(G) (1) The question of repeal of a school district income 142593  
tax levied for more than five years may be initiated and 142594  
submitted in accordance with section 5748.04 of the Revised 142595  
Code. 142596

(2) A property tax levy for a continuing period of time 142597  
may be reduced in the manner provided under section 5705.261 of 142598  
the Revised Code. 142599

(H) No board of education shall submit a question under 142600  
this section to the electors of the school district more than 142601  
twice in any calendar year. If a board submits the question 142602  
twice in any calendar year, one of the elections on the question 142603  
shall be held on the date of the general election. 142604

(I) If the electors of the school district approve a question under this section, and if the last calendar year the school district income tax is in effect and the last calendar year of collection of the property tax are the same, the board of education of the school district may propose, before the effective date of this amendment, to submit under this section the combined question of a school district income tax to take effect upon the expiration of the existing income tax and a property tax to be first collected in the calendar year after the calendar year of last collection of the existing property tax, and specify in the resolutions adopted under this section that the proposed taxes would renew the existing taxes. The form of the ballot on a question submitted to the electors under division (I) of this section shall be as follows:

"Shall the \_\_\_\_\_ school district be authorized to do both of the following:

(1) Impose an annual income tax of \_\_\_\_\_ (state the proposed rate of tax) on the school district income of individuals ~~and of estates~~ to renew an income tax expiring at the end of \_\_\_\_\_ (state the last year the existing income tax may be levied) for \_\_\_\_\_ (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning \_\_\_\_\_ (state the date the tax would first take effect), for the purpose of \_\_\_\_\_ (state the purpose of the tax)?

(2) Impose a property tax levy renewing an existing levy outside of the ten-mill limitation for the purpose of providing for the necessary requirements of the district in the sum of \$\_\_\_\_\_ (here insert annual amount the levy is to produce), estimated by the county auditor to average

\_\_\_\_\_ mills for each \$1 of taxable value, which 142635  
amounts to \$ \_\_\_\_\_ for each \$100,000 of ~~the county~~ 142636  
~~auditor's appraised market~~ value, for \_\_\_\_\_ (state the 142637  
number of years the tax is to be imposed or that it will be 142638  
imposed for a continuing period of time), commencing in 142639  
\_\_\_\_\_ (first year the tax is to be levied), first due in 142640  
calendar year \_\_\_\_\_ (first calendar year in which the tax 142641  
shall be due)? 142642  
142643

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

If the question submitted to electors proposes a school 142644  
district income tax only on the taxable income of individuals as 142645  
defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 142646  
Revised Code, the form of the ballot shall be modified by 142647  
stating that the tax is to be levied on the "earned income of 142648  
individuals residing in the school district" in lieu of the 142649  
"school district income of individuals ~~and of estates.~~" 142650

(J) (1) If the electors of the school district approve a 142651  
question under this section, and if the last calendar year the 142652  
school district income tax is in effect and the last calendar 142653  
year in which the property tax is collected are the same, the 142654  
board of education of the school district may propose, before 142655  
the effective date of this amendment, to submit under this 142656  
section the combined question of all of the following: 142657

(a) The renewal of the school district income tax levied 142658  
under this section, to take effect upon the expiration of the 142659  
existing income tax; 142660

(b) The renewal of the property tax levied under this 142661  
section, to be levied beginning in the tax year after the tax 142662  
year in which the existing property tax expires; 142663

(c) The renewal of a property tax levied under section 142664  
5705.194 of the Revised Code, regardless of the year it expires, 142665  
to be levied beginning in the same tax year that the tax 142666  
described in division (J) (1) (b) of this section is first levied. 142667

If the combined question is approved, the existing tax 142668  
levied under section 5705.194 of the Revised Code may not be 142669  
levied for the first tax year the renewal tax is levied or any 142670  
following tax year. 142671

(2) In its resolution to be submitted to the tax 142672  
commissioner and county auditor, the board of education shall 142673  
include, in addition to the applicable requirements of division 142674  
(A) of this section, a declaration of the necessity for the 142675  
renewal of the property tax levied under section 5705.194 of the 142676  
Revised Code, the purpose of the tax as specified under that 142677  
section, and the necessity of the submission of the question of 142678  
the renewal of the school district income tax and both property 142679  
taxes to the electors of the district at a special election. Not 142680  
later than ten days after receipt of the resolution, the county 142681  
auditor shall make a separate calculation and certification with 142682  
respect to the renewal tax described in division (J) (1) (c) of 142683  
~~this section in the same manner as required by section 5705.195~~ 142684  
~~of the Revised Code.~~ 142685

In its resolution adopted upon receipt of the 142686  
commissioner's and county auditor's certifications, the board of 142687  
education shall include, in addition to the applicable 142688  
requirements of division (B) of this section, a declaration that 142689  
the amount of taxes that can be raised by all tax levies the 142690

district is authorized to impose, when combined with state and 142691  
federal revenues, will be insufficient to provide an adequate 142692  
amount for the present and future requirements of the school 142693  
district, and that it is therefore necessary to renew the 142694  
existing property tax being levied in excess of the ten-mill 142695  
limitation under section 5705.194 of the Revised Code for the 142696  
purpose as specified in that section, for a specified number of 142697  
years not exceeding ten or for a continuing period of time, and 142698  
that the question of the renewal of the school district income 142699  
tax and of both property taxes shall be submitted to the 142700  
electors of the school district at a special election as 142701  
described in division (B) of this section. With respect to the 142702  
renewal tax described in division (J) (1) (c) of this section, the 142703  
resolution shall specify the amount of money it is necessary to 142704  
raise for the specified purpose for each calendar year the 142705  
millage is to be imposed, the tax year that tax is to be first 142706  
levied, and the estimated rate of that tax, expressed in dollars 142707  
for each one hundred thousand dollars of ~~the county auditor's~~ 142708  
~~appraised market~~ value as well as in mills for each one dollar 142709  
of taxable value, as certified by the county auditor. 142710

(3) In addition to the requirements of division (C) of 142711  
this section, the notice of election shall separately state, 142712  
with respect to the renewal tax described in division (J) (1) (c) 142713  
of this section, the annual proceeds of the proposed levy for 142714  
the specified purpose; the number of years the proposed tax will 142715  
be levied, or that it shall be levied for a continuing period of 142716  
time; and the estimated rate of the proposed levy, expressed in 142717  
dollars for each one hundred thousand dollars of ~~the county~~ 142718  
~~auditor's appraised market~~ value as well as in mills for each 142719  
one dollar of taxable value, as certified by the county auditor. 142720

(4) The form of the ballot on a question submitted to the 142721

electors under division (J) of this section shall be identical 142722  
to the form of the ballot prescribed in division (I) of this 142723  
section, except that the following shall be added after the 142724  
third paragraph and in place of the voting box: "(3) Impose a 142725  
property tax levy renewing an existing levy outside of the ten- 142726  
mill limitation for the purpose of \_\_\_\_\_ (here insert 142727  
purpose of levy as specified in section 5705.194 of the Revised 142728  
Code and determined by the board of education) in the sum of \$ 142729  
\_\_\_\_\_ (here insert annual amount the levy is to produce), 142730  
estimated by the county auditor to average \_\_\_\_\_ mills for 142731  
each \$1 of taxable value, which amounts to \$\_\_\_\_\_ for each 142732  
\$100,000 of ~~the county auditor's appraised market~~ value, for 142733  
\_\_\_\_\_ (state the number of years the tax is to be imposed 142734  
or that it will be imposed for a continuing period of time), 142735  
commencing in \_\_\_\_\_ (first year the tax is to be levied), 142736  
first due in calendar year \_\_\_\_\_ (first calendar year in 142737  
which the tax shall be due)? 142738  
142739

	FOR THE INCOME TAX AND PROPERTY TAXES
	AGAINST THE INCOME TAX AND PROPERTY TAXES

"

If the existing property tax being levied under section 142740  
5705.194 of the Revised Code is scheduled to expire in a tax 142741  
year different from that of the existing property tax being 142742  
levied under this section, the form of the ballot shall be 142743  
modified by adding the following statement at the end of the 142744  
paragraph prescribed in this division: "If approved, any 142745  
remaining tax years on the existing levy will not be levied 142746  
after tax year \_\_\_\_\_ (last tax year the tax will be levied), 142747  
last due in \_\_\_\_\_ (last calendar year in which the tax shall 142748  
be due)." 142749

(5) If a majority of the electors voting on the question submitted under division (J) of this section vote in favor of it, the board of education of the school district may, in addition to any other authorization in the Revised Code and prior to the time when the first tax collection from the renewal tax levy can be made, anticipate a fraction of the proceeds of the renewal levy described in division (J)(1)(c) of this section and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any such anticipation notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(K) The question of a renewal levy under division (I) or (J) of this section shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in August, during the last year the existing property tax levy described in division (J)(1)(b) of this section may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year.

The failure by the electors to approve the question of a renewal levy under division (I) or (J) of this section does not terminate the authority previously granted by the electors to levy the taxes proposed to be renewed for their previously approved duration.

(L) If the electors of the school district approve a question under this section, the board of education of the

school district may propose to renew any of the existing taxes 142780  
as individual ballot questions in accordance with section 142781  
5748.02 of the Revised Code, for the school district income tax, 142782  
or section 5705.194 of the Revised Code, for the property tax or 142783  
taxes. 142784

**Sec. 5749.02.** (A) For the purpose of providing revenue to 142785  
administer the state's coal mining and reclamation regulatory 142786  
program, to meet the environmental and resource management needs 142787  
of this state, and to reclaim land affected by mining, an excise 142788  
tax is hereby levied on the privilege of engaging in the 142789  
severance of natural resources from the soil or water of this 142790  
state. The tax shall be imposed upon the severer at the rates 142791  
prescribed by this section: 142792

- (1) ~~Ten~~Eight cents per ton of coal; 142793
- (2) Four cents per ton of salt; 142794
- (3) Two cents per ton of limestone or dolomite; 142795
- (4) Two cents per ton of sand and gravel; 142796
- (5) Ten cents per barrel of oil; 142797
- (6) Two and one-half cents per thousand cubic feet of 142798  
natural gas; 142799
- (7) One cent per ton of clay, sandstone or conglomerate, 142800  
shale, gypsum, or quartzite; 142801
- (8) Except as otherwise provided in this division or in 142802  
rules adopted by the reclamation forfeiture fund advisory board 142803  
under section 1513.182 of the Revised Code, an additional 142804  
fourteen cents per ton of coal produced from an area under a 142805  
coal mining and reclamation permit issued under Chapter 1513. of 142806  
the Revised Code for which the performance security is provided 142807

under division (C) (2) of section 1513.08 of the Revised Code. 142808  
Beginning July 1, 2007, if at the end of a fiscal biennium the 142809  
balance of the reclamation forfeiture fund created in section 142810  
1513.18 of the Revised Code is equal to or greater than ten 142811  
million dollars, the rate levied shall be twelve cents per ton. 142812  
Beginning July 1, 2007, if at the end of a fiscal biennium the 142813  
balance of the fund is at least five million dollars, but less 142814  
than ten million dollars, the rate levied shall be fourteen 142815  
cents per ton. Beginning July 1, 2007, if at the end of a fiscal 142816  
biennium the balance of the fund is less than five million 142817  
dollars, the rate levied shall be sixteen cents per ton. 142818  
Beginning July 1, 2009, not later than thirty days after the 142819  
close of a fiscal biennium, the chief of the division of mineral 142820  
resources management shall certify to the tax commissioner the 142821  
amount of the balance of the reclamation forfeiture fund as of 142822  
the close of the fiscal biennium. Any necessary adjustment of 142823  
the rate levied shall take effect on the first day of the 142824  
following January and shall remain in effect during the calendar 142825  
biennium that begins on that date. 142826

(9) An additional one and two-tenths cents per ton of coal 142827  
mined by surface mining methods. 142828

(B) After the director of budget and management transfers 142829  
money from the severance tax receipts fund as required in 142830  
division (H) of section 5749.06 of the Revised Code, money 142831  
remaining in the severance tax receipts fund, except for money 142832  
in the fund from the amounts due under section 1509.50 of the 142833  
Revised Code, shall be credited as follows: 142834

(1) All of the moneys in the fund from the tax levied in 142835  
division (A) (1) of this section shall be credited to the mining 142836  
regulation and safety fund created in section 1513.30 of the 142837

Revised Code.	142838
(2) The money in the fund from the tax levied in division	142839
(A) (2) of this section shall be credited to the mining	142840
regulation and safety fund.	142841
(3) Of the moneys in the fund from the tax levied in	142842
divisions (A) (3) and (4) of this section, seven and five-tenths	142843
per cent shall be credited to the geological mapping fund and	142844
the remainder shall be credited to the mining regulation and	142845
safety fund created in section 1513.30 of the Revised Code.	142846
(4) Of the moneys in the fund from the tax levied in	142847
divisions (A) (5) and (6) of this section, ninety per cent shall	142848
be credited to the oil and gas well fund and ten per cent shall	142849
be credited to the geological mapping fund.	142850
(5) All of the moneys in the fund from the tax levied in	142851
division (A) (7) of this section shall be credited to the mining	142852
regulation and safety fund.	142853
(6) All of the moneys in the fund from the tax levied in	142854
division (A) (8) of this section shall be credited to the	142855
reclamation forfeiture fund.	142856
(7) All of the moneys in the fund from the tax levied in	142857
division (A) (9) of this section shall be credited to the mining	142858
regulation and safety fund.	142859
(C) When, at the close of any fiscal year, the chief finds	142860
that the balance of the reclamation forfeiture fund, plus the	142861
estimated revenues from the tax levied by division (A) (8) of	142862
this section for the remainder of the calendar year that	142863
includes the close of the fiscal year, are sufficient to	142864
complete the reclamation of all lands for which the performance	142865
security has been provided under division (C) (2) of section	142866

1513.08 of the Revised Code, the purposes for which the tax 142867  
under division (A) (8) of this section is levied shall be deemed 142868  
accomplished at the end of that calendar year. The chief, within 142869  
thirty days after the close of the fiscal year, shall certify 142870  
those findings to the tax commissioner, and the tax levied under 142871  
division (A) (8) of this section shall cease to be imposed for 142872  
the subsequent calendar year after the last day of that calendar 142873  
year on coal produced under a coal mining and reclamation permit 142874  
issued under Chapter 1513. of the Revised Code if the permittee 142875  
has made tax payments under division (A) (8) of this section 142876  
during each of the preceding five full calendar years. Not later 142877  
than thirty days after the close of a fiscal year, the chief 142878  
shall certify to the tax commissioner the identity of any 142879  
permittees who accordingly no longer are required to pay the tax 142880  
levied under division (A) (8) of this section for the subsequent 142881  
calendar year. 142882

**Sec. 5749.07.** (A) If any severer required by this chapter 142883  
to make and file returns and pay the tax levied by section 142884  
5749.02 of the Revised Code, or any severer or owner liable for 142885  
the amounts due under section 1509.50 of the Revised Code, fails 142886  
to make such return or pay such tax or amounts, the tax 142887  
commissioner may make an assessment against the severer or owner 142888  
based upon any information in the commissioner's possession. 142889

No assessment shall be made or issued against any severer 142890  
for any tax imposed by section 5749.02 of the Revised Code or 142891  
against any severer or owner for any amount due under section 142892  
1509.50 of the Revised Code more than four years after the 142893  
return was due or was filed, whichever is later. This section 142894  
does not bar an assessment against a severer or owner who fails 142895  
to file a return as required by this chapter, or who files a 142896  
fraudulent return. 142897

The commissioner shall give the party assessed written notice of such assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the party's business is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of such entry, the clerk shall enter a judgment for the state against the party assessed in the

amount shown on the entry. The judgment may be filed by the 142928  
clerk in a loose-leaf book entitled "special judgments for state 142929  
severance tax," and shall have the same effect as other 142930  
judgments. Execution shall issue upon the judgment upon the 142931  
request of the commissioner, and all laws applicable to sales on 142932  
execution shall apply to sales made under the judgment. 142933

If the assessment is not paid in its entirety within sixty 142934  
days after the day the assessment is issued, the portion of the 142935  
assessment consisting of tax due or amounts due under section 142936  
1509.50 of the Revised Code shall bear interest at the rate per 142937  
annum prescribed by section 5703.47 of the Revised Code from the 142938  
day the commissioner issues the assessment until it is paid or 142939  
until it is certified to the attorney general for collection 142940  
under section 131.02 of the Revised Code, whichever comes first. 142941  
If the unpaid portion of the assessment is certified to the 142942  
attorney general for collection, the entire unpaid portion of 142943  
the assessment shall bear interest at the rate per annum 142944  
prescribed by section 5703.47 of the Revised Code from the date 142945  
of certification until the date it is paid in its entirety. 142946  
Interest shall be paid in the same manner as the tax and may be 142947  
collected by the issuance of an assessment under this section. 142948

(D) All money collected by the commissioner under this 142949  
section shall be paid to the treasurer of state, and when paid 142950  
shall be considered as revenue arising from the tax imposed by 142951  
section 5749.02 of the Revised Code and the amount due under 142952  
section 1509.50 of the Revised Code, as applicable. 142953

**Sec. 5751.01.** As used in this chapter: 142954

(A) "Person" means, but is not limited to, individuals, 142955  
combinations of individuals of any form, receivers, assignees, 142956  
trustees in bankruptcy, firms, companies, joint-stock companies, 142957

business trusts, estates, partnerships, limited liability 142958  
partnerships, limited liability companies, associations, joint 142959  
ventures, clubs, societies, for-profit corporations, S 142960  
corporations, qualified subchapter S subsidiaries, qualified 142961  
subchapter S trusts, trusts, entities that are disregarded for 142962  
federal income tax purposes, and any other entities. 142963

(B) "Consolidated elected taxpayer" means a group of two 142964  
or more persons treated as a single taxpayer for purposes of 142965  
this chapter as the result of an election made under section 142966  
5751.011 of the Revised Code. 142967

(C) "Combined taxpayer" means a group of two or more 142968  
persons treated as a single taxpayer for purposes of this 142969  
chapter under section 5751.012 of the Revised Code. 142970

(D) "Taxpayer" means any person, or any group of persons 142971  
in the case of a consolidated elected taxpayer or combined 142972  
taxpayer treated as one taxpayer, required to register or pay 142973  
tax under this chapter. "Taxpayer" does not include excluded 142974  
persons. 142975

(E) "Excluded person" means any of the following: 142976

(1) Any person with not more than one hundred fifty 142977  
thousand dollars of taxable gross receipts during the calendar 142978  
year. Division (E)(1) of this section does not apply to a person 142979  
that is a member of a consolidated elected taxpayer. 142980

(2) A public utility that paid the excise tax imposed by 142981  
section 5727.24 or 5727.30 of the Revised Code based on one or 142982  
more measurement periods that include the entire tax period 142983  
under this chapter, except in the following circumstances: 142984

(a) A public utility that is a combined company is a 142985  
taxpayer with regard to the following gross receipts: 142986

(i) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;	142987
	142988
	142989
	142990
(ii) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E) (2) (a) (i) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;	142991
	142992
	142993
	142994
	142995
	142996
(iii) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.	142997
	142998
	142999
	143000
	143001
	143002
	143003
	143004
(b) A heating company that became exempt from the excise tax imposed by section 5727.30 of the Revised Code on May 1, 2023, shall not be an excluded person for tax periods beginning on or after July 1, 2023.	143005
	143006
	143007
	143008
As used in division (E) (2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.	143009
	143010
	143011
(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;	143012
	143013
	143014
	143015

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1706.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized

insurance company whose gross premiums are subject to tax under 143045  
section 3905.36 of the Revised Code based on one or more 143046  
measurement periods that include the entire tax period under 143047  
this chapter; 143048

(6) A person that solely facilitates or services one or 143049  
more securitizations of phase-in-recovery property pursuant to a 143050  
final financing order as those terms are defined in section 143051  
4928.23 of the Revised Code. For purposes of this division, 143052  
"securitization" means transferring one or more assets to one or 143053  
more persons and then issuing securities backed by the right to 143054  
receive payment from the asset or assets so transferred. 143055

(7) Except as otherwise provided in this division, a pre- 143056  
income tax trust ~~as defined in section 5747.01 of the Revised~~ 143057  
~~Code~~ and any pass-through entity of which such pre-income tax 143058  
trust owns or controls, directly, indirectly, or constructively 143059  
through related interests, more than five per cent of the 143060  
ownership or equity interests. ~~If the pre-income tax trust has~~ 143061  
~~made a qualifying pre-income tax trust election under division~~ 143062  
~~(EE) of section 5747.01 of the Revised Code, then the trust and~~ 143063  
~~the pass-through entities of which it owns or controls,~~ 143064  
~~directly, indirectly, or constructively through related~~ 143065  
~~interests, more than five per cent of the ownership or equity~~ 143066  
~~interests, shall not be excluded persons for purposes of the tax~~ 143067  
~~imposed under section 5751.02 of the Revised Code~~As used in 143068  
division (E) (7) of this section, "pre-income tax trust" means a 143069  
trust that satisfies all of the following: 143070

(a) The document or instrument creating the trust was 143071  
executed by the grantor before January 1, 1972; 143072

(b) The trust became irrevocable upon the creation of the 143073  
trust; 143074

<u>(c) The grantor was domiciled in this state at the time</u>	143075
<u>the trust was created.</u>	143076
(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.	143077 143078
(F) Except as otherwise provided in divisions (F) (2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.	143079 143080 143081 143082 143083 143084 143085
(1) The following are examples of gross receipts:	143086
(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;	143087 143088
(b) Amounts realized from the taxpayer's performance of services for another;	143089 143090
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	143091 143092
(d) Any combination of the foregoing amounts.	143093
(2) "Gross receipts" excludes the following amounts:	143094
(a) Interest income except interest on credit sales;	143095
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	143096 143097 143098 143099
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal	143100 143101

Revenue Code, without regard to the length of time the person 143102  
held the asset. Notwithstanding section 1221 of the Internal 143103  
Revenue Code, receipts from hedging transactions also are 143104  
excluded to the extent the transactions are entered into 143105  
primarily to protect a financial position, such as managing the 143106  
risk of exposure to (i) foreign currency fluctuations that 143107  
affect assets, liabilities, profits, losses, equity, or 143108  
investments in foreign operations; (ii) interest rate 143109  
fluctuations; or (iii) commodity price fluctuations. As used in 143110  
division (F)(2)(c) of this section, "hedging transaction" has 143111  
the same meaning as used in section 1221 of the Internal Revenue 143112  
Code and also includes transactions accorded hedge accounting 143113  
treatment under statement of financial accounting standards 143114  
number 133 of the financial accounting standards board. For the 143115  
purposes of division (F)(2)(c) of this section, the actual 143116  
transfer of title of real or tangible personal property to 143117  
another entity is not a hedging transaction. 143118

(d) Proceeds received attributable to the repayment, 143119  
maturity, or redemption of the principal of a loan, bond, mutual 143120  
fund, certificate of deposit, or marketable instrument; 143121

(e) The principal amount received under a repurchase 143122  
agreement or on account of any transaction properly 143123  
characterized as a loan to the person; 143124

(f) Contributions received by a trust, plan, or other 143125  
arrangement, any of which is described in section 501(a) of the 143126  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 143127  
1, Subchapter (D) of the Internal Revenue Code applies; 143128

(g) Compensation, whether current or deferred, and whether 143129  
in cash or in kind, received or to be received by an employee, 143130  
former employee, or the employee's legal successor for services 143131

rendered to or for an employer, including reimbursements 143132  
received by or for an individual for medical or education 143133  
expenses, health insurance premiums, or employee expenses, or on 143134  
account of a dependent care spending account, legal services 143135  
plan, any cafeteria plan described in section 125 of the 143136  
Internal Revenue Code, or any similar employee reimbursement; 143137

(h) Proceeds received from the issuance of the taxpayer's 143138  
own stock, options, warrants, puts, or calls, or from the sale 143139  
of the taxpayer's treasury stock; 143140

(i) Proceeds received on the account of payments from 143141  
insurance policies, except those proceeds received for the loss 143142  
of business revenue; 143143

(j) Gifts or charitable contributions received; membership 143144  
dues received by trade, professional, homeowners', or 143145  
condominium associations; payments received for educational 143146  
courses, meetings, meals, or similar payments to a trade, 143147  
professional, or other similar association; and fundraising 143148  
receipts received by any person when any excess receipts are 143149  
donated or used exclusively for charitable purposes; 143150

(k) Damages received as the result of litigation in excess 143151  
of amounts that, if received without litigation, would be gross 143152  
receipts; 143153

(l) Property, money, and other amounts received or 143154  
acquired by an agent on behalf of another in excess of the 143155  
agent's commission, fee, or other remuneration; 143156

(m) Tax refunds, other tax benefit recoveries, and 143157  
reimbursements for the tax imposed under this chapter made by 143158  
entities that are part of the same combined taxpayer or 143159  
consolidated elected taxpayer group, and reimbursements made by 143160

entities that are not members of a combined taxpayer or 143161  
consolidated elected taxpayer group that are required to be made 143162  
for economic parity among multiple owners of an entity whose tax 143163  
obligation under this chapter is required to be reported and 143164  
paid entirely by one owner, pursuant to the requirements of 143165  
sections 5751.011 and 5751.012 of the Revised Code; 143166

(n) Pension reversions; 143167

(o) Contributions to capital; 143168

(p) Sales or use taxes collected as a vendor or an out-of- 143169  
state seller on behalf of the taxing jurisdiction from a 143170  
consumer or other taxes the taxpayer is required by law to 143171  
collect directly from a purchaser and remit to a local, state, 143172  
or federal tax authority; 143173

(q) In the case of receipts from the sale of cigarettes, 143174  
tobacco products, or vapor products by a wholesale dealer, 143175  
retail dealer, distributor, manufacturer, vapor distributor, or 143176  
seller, all as defined in section 5743.01 of the Revised Code, 143177  
an amount equal to the federal and state excise taxes paid by 143178  
any person on or for such cigarettes, tobacco products, or vapor 143179  
products under subtitle E of the Internal Revenue Code or 143180  
Chapter 5743. of the Revised Code; 143181

(r) In the case of receipts from the sale, transfer, 143182  
exchange, or other disposition of motor fuel as "motor fuel" is 143183  
defined in section 5736.01 of the Revised Code, an amount equal 143184  
to the value of the motor fuel, including federal and state 143185  
motor fuel excise taxes and receipts from billing or invoicing 143186  
the tax imposed under section 5736.02 of the Revised Code to 143187  
another person; 143188

(s) In the case of receipts from the sale of beer or 143189

intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)

(w) of this section have the same meanings as in section 1322.01 143220  
of the Revised Code, except "mortgage broker" means a person 143221  
assisting a buyer in obtaining a mortgage loan for a fee or 143222  
other consideration paid by the buyer or a lender, or a person 143223  
engaged in table-funding or warehouse-lending mortgage loans 143224  
that are first lien mortgage loans. 143225

(x) Property, money, and other amounts received by a 143226  
professional employer organization, as defined in section 143227  
4125.01 of the Revised Code, or an alternate employer 143228  
organization, as defined in section 4133.01 of the Revised Code, 143229  
from a client employer, as defined in either of those sections 143230  
as applicable, in excess of the administrative fee charged by 143231  
the professional employer organization or the alternate employer 143232  
organization to the client employer; 143233

(y) In the case of amounts retained as commissions by a 143234  
permit holder under Chapter 3769. of the Revised Code, an amount 143235  
equal to the amounts specified under that chapter that must be 143236  
paid to or collected by the tax commissioner as a tax and the 143237  
amounts specified under that chapter to be used as purse money; 143238

(z) Qualifying distribution center receipts as determined 143239  
under section 5751.40 of the Revised Code; 143240

(aa) Receipts of an employer from payroll deductions 143241  
relating to the reimbursement of the employer for advancing 143242  
moneys to an unrelated third party on an employee's behalf; 143243

(bb) Cash discounts allowed and taken; 143244

(cc) Returns and allowances; 143245

(dd) Bad debts from receipts on the basis of which the tax 143246  
imposed by this chapter was paid in a prior quarterly tax 143247  
payment period. For the purpose of this division, "bad debts" 143248

means any debts that have become worthless or uncollectible 143249  
between the preceding and current quarterly tax payment periods, 143250  
have been uncollected for at least six months, and that may be 143251  
claimed as a deduction under section 166 of the Internal Revenue 143252  
Code and the regulations adopted under that section, or that 143253  
could be claimed as such if the taxpayer kept its accounts on 143254  
the accrual basis. "Bad debts" does not include repossessed 143255  
property, uncollectible amounts on property that remains in the 143256  
possession of the taxpayer until the full purchase price is 143257  
paid, or expenses in attempting to collect any account 143258  
receivable or for any portion of the debt recovered. 143259

(ee) Any amount realized from the sale of an account 143260  
receivable to the extent the receipts from the underlying 143261  
transaction giving rise to the account receivable were included 143262  
in the gross receipts of the taxpayer; 143263

(ff) Any receipts directly attributed to a transfer 143264  
agreement or to the enterprise transferred under that agreement 143265  
under section 4313.02 of the Revised Code; 143266

(gg) Qualified uranium receipts as determined under 143267  
section 5751.41 of the Revised Code; 143268

(hh) In the case of amounts collected by a licensed casino 143269  
operator from casino gaming, amounts in excess of the casino 143270  
operator's gross casino revenue. In this division, "casino 143271  
operator" and "casino gaming" have the meanings defined in 143272  
section 3772.01 of the Revised Code, and "gross casino revenue" 143273  
has the meaning defined in section 5753.01 of the Revised Code. 143274

(ii) Receipts realized from the sale of agricultural 143275  
commodities by an agricultural commodity handler, both as 143276  
defined in section 926.01 of the Revised Code, that is licensed 143277

by the director of agriculture to handle agricultural 143278  
commodities in this state; 143279

(jj) Qualifying integrated supply chain receipts as 143280  
determined under section 5751.42 of the Revised Code; 143281

(kk) In the case of a railroad company described in 143282  
division (D) (9) of section 5727.01 of the Revised Code that 143283  
purchases dyed diesel fuel directly from a supplier as defined 143284  
by section 5736.01 of the Revised Code, an amount equal to the 143285  
product of the number of gallons of dyed diesel fuel purchased 143286  
directly from such a supplier multiplied by the average 143287  
wholesale price for a gallon of diesel fuel as determined under 143288  
section 5736.02 of the Revised Code for the period during which 143289  
the fuel was purchased multiplied by a fraction, the numerator 143290  
of which equals the rate of tax levied by section 5736.02 of the 143291  
Revised Code less the rate of tax computed in section 5751.03 of 143292  
the Revised Code, and the denominator of which equals the rate 143293  
of tax computed in section 5751.03 of the Revised Code; 143294

(ll) Receipts realized by an out-of-state disaster 143295  
business from disaster work conducted in this state during a 143296  
disaster response period pursuant to a qualifying solicitation 143297  
received by the business. Terms used in division (F) (2) (ll) of 143298  
this section have the same meanings as in section 5703.94 of the 143299  
Revised Code. 143300

(mm) In the case of receipts from the sale or transfer of 143301  
a mortgage-backed security or a mortgage loan by a mortgage 143302  
lender holding a valid certificate of registration issued under 143303  
Chapter 1322. of the Revised Code or by a person that is a 143304  
member of the mortgage lender's consolidated elected taxpayer 143305  
group, an amount equal to the principal balance of the mortgage 143306  
loan; 143307

(nn) Amounts of excess surplus of the state insurance fund 143308  
received by the taxpayer from the Ohio bureau of workers' 143309  
compensation pursuant to rules adopted under section 4123.321 of 143310  
the Revised Code; 143311

(oo) Except as otherwise provided in division (B) of 143312  
section 5751.091 of the Revised Code, receipts of a megaproject 143313  
supplier from sales of tangible personal property directly to a 143314  
megaproject operator in this state for use at the site of the 143315  
megaproject operator's megaproject, provided that the sale 143316  
occurs during the period that the megaproject operator has an 143317  
agreement with the tax credit authority for the megaproject 143318  
under division (D) of section 122.17 of the Revised Code that 143319  
remains in effect and has not expired or been terminated, and 143320  
provided the megaproject supplier holds a certificate for such 143321  
megaproject issued under section 5751.052 of the Revised Code 143322  
for the calendar year in which the sales are made and, if the 143323  
megaproject supplier meets the requirements described in 143324  
division (A)(13)(b) of section 122.17 of the Revised Code, the 143325  
megaproject supplier holds a certificate for such megaproject 143326  
issued under division (D)(11) of section 122.17 of the Revised 143327  
Code on the first day of that calendar year; 143328

(pp) Receipts from the sale of each new piece of capital 143329  
equipment that has a cost in excess of one hundred million 143330  
dollars and that is used at the site of a megaproject that 143331  
satisfies the criteria described in division (A)(11)(a)(ii) of 143332  
section 122.17 of the Revised Code, provided that the sale 143333  
occurs during the period that a megaproject operator has an 143334  
agreement for that megaproject with the tax credit authority 143335  
under division (D) of section 122.17 of the Revised Code that 143336  
remains in effect and has not expired or been terminated; 143337

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;

(ii) A railroad company, as that term is defined in section 5727.01 of the Revised Code;

(iii) Any subsidiary, insurer, or agent of a railroad company or any related person.

(tt) An amount equal to the fee imposed by section 3743.22 of the Revised Code billed to the purchaser, collected by the taxpayer, and remitted to the fire marshal during the tax period, provided that the fee is separately stated on the invoice, bill of sale, or similar document given to the purchaser of 1.4G fireworks in this state;

(uu) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state;

(vv) Receipts from fees imposed under sections 128.41 and 128.42 of the Revised Code.	143367 143368
(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.	143369 143370 143371 143372 143373 143374 143375 143376 143377
(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.	143378 143379 143380 143381 143382 143383 143384
(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.	143385 143386
(H) A person has "substantial nexus with this state" if any of the following applies. The person:	143387 143388
(1) Owns or uses a part or all of its capital in this state;	143389 143390
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	143391 143392
(3) Has bright-line presence in this state;	143393
(4) Otherwise has nexus with this state to an extent that	143394

the person can be required to remit the tax imposed under this chapter under the Constitution of the United States. 143395  
143396

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person: 143397  
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(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge. 143400  
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(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following: 143405  
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(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code; 143408  
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(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and 143410  
143411  
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(c) Any amount the person pays for services performed in this state on its behalf by another. 143413  
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(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars; 143415  
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(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts; 143417  
143418  
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(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes. 143420  
143421

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	143422 143423
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	143424 143425 143426 143427 143428 143429 143430 143431
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	143432 143433 143434
(M) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	143435 143436 143437
(N) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	143438 143439 143440
(1) A person receiving a fee to sell financial instruments;	143441 143442
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	143443 143444 143445
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	143446 143447
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	143448 143449

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 143450  
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(O) "Received" includes amounts accrued under the accrual method of accounting. 143452  
143453

(P) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 143454  
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(Q) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code. 143461  
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(R) "Exclusion amount" means three million dollars beginning in 2024 and six million dollars beginning in 2025. 143464  
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**Sec. 5751.02.** (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The 143466  
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tax levied under this section is imposed on the person receiving 143479  
the gross receipts and is not a tax imposed directly on a 143480  
purchaser. The tax imposed by this section is an annual 143481  
privilege tax for the calendar year that contains all tax 143482  
periods in the calendar year. A taxpayer is subject to the 143483  
annual privilege tax for doing business during any portion of 143484  
such calendar year. 143485

(B) The tax imposed by this section is a tax on the 143486  
taxpayer and shall not be billed or invoiced to another person. 143487  
Even if the tax or any portion thereof is billed or invoiced and 143488  
separately stated, such amounts remain part of the price for 143489  
purposes of the sales and use taxes levied under Chapters 5739. 143490  
and 5741. of the Revised Code. Nothing in division (B) of this 143491  
section prohibits: 143492

(1) A person from including in the price charged for a 143493  
good or service an amount sufficient to recover the tax imposed 143494  
by this section; or 143495

(2) A lessor from including an amount sufficient to 143496  
recover the tax imposed by this section in a lease payment 143497  
charged, or from including such an amount on a billing or 143498  
invoice pursuant to the terms of a written lease agreement 143499  
providing for the recovery of the lessor's tax costs. The 143500  
recovery of such costs shall be based on an estimate of the 143501  
total tax cost of the lessor during the tax period, as the tax 143502  
liability of the lessor cannot be calculated until the end of 143503  
that period. 143504

(C) (1) The commercial activities tax receipts fund is 143505  
hereby created in the state treasury and shall consist of money 143506  
arising from the tax imposed under this chapter. Sixty-five one- 143507  
hundredths of one per cent of the money credited to that fund 143508

shall be credited to the revenue enhancement fund and shall be 143509  
used to defray the costs incurred by the department of taxation 143510  
in administering the tax imposed by this chapter and in 143511  
implementing tax reform measures. The remainder of the money in 143512  
the commercial activities tax receipts fund shall first be 143513  
credited to the ~~funds~~ fund described in division (C) (2) of this 143514  
section, as provided in that division, and the remainder shall 143515  
be credited to the general revenue fund. 143516

(2) Not later than the twentieth day of February, May, 143517  
August, and November of each year, the commissioner shall 143518  
provide for payment ~~of the following amounts from the commercial~~ 143519  
~~activities tax receipts fund:~~ 143520

~~(a) To~~ to the commercial activity tax motor fuel receipts 143521  
fund, of an amount that bears the same ratio to the balance in 143522  
the commercial activities tax receipts fund that (a) the taxable 143523  
gross receipts attributed to motor fuel used for propelling 143524  
vehicles on public highways as indicated by returns filed by the 143525  
tenth day of that month for a liability that is due and payable 143526  
on or after July 1, 2013, for a tax period ending before July 1, 143527  
2014, bears to (b) all taxable gross receipts as indicated by 143528  
those returns for such liabilities; 143529

~~(b) To the school district tangible property tax~~ 143530  
~~replacement fund, which is hereby created in the state treasury~~ 143531  
~~for the purpose of making the payments described in section~~ 143532  
~~5709.92 of the Revised Code, an amount necessary to make those~~ 143533  
~~payments;~~ 143534

~~(c) To the local government tangible property tax~~ 143535  
~~replacement fund, which is hereby created in the state treasury~~ 143536  
~~for the purpose of making the payments described in section~~ 143537  
~~5709.93 of the Revised Code, an amount necessary to make those~~ 143538

~~payments.~~ 143539

~~(D) (1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.~~ 143540  
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143542  
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~~(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.~~ 143544  
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~~(E) (1)~~ (D) (1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund. 143548  
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(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued. 143550  
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(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and 143566  
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management shall determine an amount up to but not exceeding the 143568  
amount certified under division ~~(E) (2)~~ (D) (2) of this section and 143569  
shall reserve that amount from the cash balance in the petroleum 143570  
activity tax public highways fund or the commercial activity tax 143571  
motor fuel receipts fund for transfer to the general revenue 143572  
fund at times and in amounts to be determined by the director. 143573  
The director shall transfer the cash balance in the petroleum 143574  
activity tax public highways fund or the commercial activity tax 143575  
motor fuel receipts fund in excess of the amount so reserved to 143576  
the highway operating fund on or before the thirtieth day of 143577  
June of the current fiscal year. 143578

**Sec. 5751.09.** (A) The tax commissioner may make an 143579  
assessment, based on any information in the commissioner's 143580  
possession, against any person that fails to file a return or 143581  
pay any tax as required by this chapter. The commissioner shall 143582  
give the person assessed written notice of the assessment as 143583  
provided in section 5703.37 of the Revised Code. With the 143584  
notice, the commissioner shall provide instructions on the 143585  
manner in which to petition for reassessment and request a 143586  
hearing with respect to the petition. The commissioner shall 143587  
send any assessments against consolidated elected taxpayer and 143588  
combined taxpayer groups under section 5751.011 or 5751.012 of 143589  
the Revised Code to the taxpayer's reporting person. The 143590  
reporting person shall notify all members of the group of the 143591  
assessment and all outstanding taxes, interest, and penalties 143592  
for which the assessment is issued. 143593

(B) Unless the person assessed, within sixty days after 143594  
service of the notice of assessment, files with the tax 143595  
commissioner, ~~either personally or by certified mail,~~ a written 143596  
petition signed by the person or the person's authorized agent 143597  
having knowledge of the facts, the assessment becomes final, and 143598

the amount of the assessment is due and payable from the person 143599  
assessed to the treasurer of state. The petition shall indicate 143600  
the objections of the person assessed, but additional objections 143601  
may be raised in writing if received by the commissioner prior 143602  
to the date shown on the final determination. 143603

If a petition for reassessment has been properly filed, 143604  
the commissioner shall proceed under section 5703.60 of the 143605  
Revised Code. 143606

(C) (1) After an assessment becomes final, if any portion 143607  
of the assessment, including accrued interest, remains unpaid, a 143608  
certified copy of the tax commissioner's entry making the 143609  
assessment final may be filed in the office of the clerk of the 143610  
court of common pleas in the county in which the person resides 143611  
or has its principal place of business in this state, or in the 143612  
office of the clerk of court of common pleas of Franklin county. 143613

(2) Immediately upon the filing of the entry, the clerk 143614  
shall enter judgment for the state against the person assessed 143615  
in the amount shown on the entry. The judgment may be filed by 143616  
the clerk in a loose-leaf book entitled, "special judgments for 143617  
the commercial activity tax" and shall have the same effect as 143618  
other judgments. Execution shall issue upon the judgment at the 143619  
request of the tax commissioner, and all laws applicable to 143620  
sales on execution shall apply to sales made under the judgment. 143621

(3) If the assessment is not paid in its entirety within 143622  
sixty days after the day the assessment was issued, the portion 143623  
of the assessment consisting of tax due shall bear interest at 143624  
the rate per annum prescribed by section 5703.47 of the Revised 143625  
Code from the day the tax commissioner issues the assessment 143626  
until it is paid or until it is certified to the attorney 143627  
general for collection under section 131.02 of the Revised Code, 143628

whichever comes first. If the unpaid portion of the assessment 143629  
is certified to the attorney general for collection, the entire 143630  
unpaid portion of the assessment shall bear interest at the rate 143631  
per annum prescribed by section 5703.47 of the Revised Code from 143632  
the date of certification until the date it is paid in its 143633  
entirety. Interest shall be paid in the same manner as the tax 143634  
and may be collected by the issuance of an assessment under this 143635  
section. 143636

(D) If the tax commissioner believes that collection of 143637  
the tax will be jeopardized unless proceedings to collect or 143638  
secure collection of the tax are instituted without delay, the 143639  
commissioner may issue a jeopardy assessment against the person 143640  
liable for the tax. Immediately upon the issuance of the 143641  
jeopardy assessment, the commissioner shall file an entry with 143642  
the clerk of the court of common pleas in the manner prescribed 143643  
by division (C) of this section. Notice of the jeopardy 143644  
assessment shall be served on the person assessed or the 143645  
person's authorized agent in the manner provided in section 143646  
5703.37 of the Revised Code within five days of the filing of 143647  
the entry with the clerk. The total amount assessed is 143648  
immediately due and payable, unless the person assessed files a 143649  
petition for reassessment in accordance with division (B) of 143650  
this section and provides security in a form satisfactory to the 143651  
commissioner and in an amount sufficient to satisfy the unpaid 143652  
balance of the assessment. Full or partial payment of the 143653  
assessment does not prejudice the commissioner's consideration 143654  
of the petition for reassessment. 143655

(E) The tax commissioner shall immediately forward to the 143656  
treasurer of state all amounts the commissioner receives under 143657  
this section, and such amounts shall be considered as revenue 143658  
arising from the tax imposed under this chapter. 143659

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5751.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

**Sec. 5751.53.** (A) As used in this section:

(1) "Net income" and "taxable year" have the same meanings as in section 5733.04 of the Revised Code.

(2) "Franchise tax year" means "tax year" as defined in section 5733.04 of the Revised Code. 143690  
143691

(3) "Deductible temporary differences" and "taxable temporary differences" have the same meanings as those terms have for purposes of paragraph 13 of the statement of financial accounting standards, number 109. 143692  
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(4) "Qualifying taxpayer" means a taxpayer under this chapter that has a qualifying Ohio net operating loss carryforward equal to or greater than the qualifying amount. 143696  
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(5) "Qualifying Ohio net operating loss carryforward" means an Ohio net operating loss carryforward that the taxpayer could deduct in whole or in part for franchise tax year 2006 under section 5733.04 of the Revised Code but for the application of division (H) of this section. A qualifying Ohio net operating loss carryforward shall not exceed the amount of loss carryforward from franchise tax year 2005 as reported by the taxpayer either on a franchise tax report for franchise tax year 2005 pursuant to section 5733.02 of the Revised Code or on an amended franchise tax report prepared in good faith for such year and filed before July 1, 2006. 143699  
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(6) "Disallowed Ohio net operating loss carryforward" means the lesser of the amounts described in division (A) (6) (a) or (b) of this section, but the amounts described in divisions (A) (6) (a) and (b) of this section shall each be reduced by the qualifying amount. 143710  
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(a) The qualifying taxpayer's qualifying Ohio net operating loss carryforward; 143715  
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(b) The Ohio net operating loss carryforward amount that the qualifying taxpayer used to compute the related deferred tax 143717  
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asset reflected on its books and records on the last day of its 143719  
taxable year ending in 2004, adjusted for return to accrual, but 143720  
this amount shall be reduced by the qualifying related valuation 143721  
allowance amount. For the purposes of this section, the 143722  
"qualifying related valuation allowance amount" is the amount of 143723  
Ohio net operating loss reflected in the qualifying taxpayer's 143724  
computation of the valuation allowance account, as shown on its 143725  
books and records on the last day of its taxable year ending in 143726  
2004, with respect to the deferred tax asset relating to its 143727  
Ohio net operating loss carryforward amount. 143728

(7) "Other net deferred tax items apportioned to this 143729  
state" is the product of (a) the amount of other net deferred 143730  
tax items and (b) the fraction described in division (B)(2) of 143731  
section 5733.05 for the qualifying taxpayer's franchise tax year 143732  
2005. 143733

(8) (a) Subject to divisions (A) (8) (b) to (d) of this 143734  
section, the "amount of other net deferred tax items" is the 143735  
difference between (i) the qualifying taxpayer's deductible 143736  
temporary differences, net of related valuation allowance 143737  
amounts, shown on the qualifying taxpayer's books and records on 143738  
the last day of its taxable year ending in 2004, and (ii) the 143739  
qualifying taxpayer's taxable temporary differences as shown on 143740  
those books and records on that date. The amount of other net 143741  
deferred tax items may be less than zero. 143742

(b) For the purposes of computing the amount of the 143743  
qualifying taxpayer's other net deferred tax items described in 143744  
division (A) (8) (a) of this section, any credit carryforward 143745  
allowed under Chapter 5733. of the Revised Code shall be 143746  
excluded from the amount of deductible temporary differences to 143747  
the extent such credit carryforward amount, net of any related 143748

valuation allowance amount, is otherwise included in the 143749  
qualifying taxpayer's deductible temporary differences, net of 143750  
related valuation allowance amounts, shown on the qualifying 143751  
taxpayer's books and records on the last day of the qualifying 143752  
taxpayer's taxable year ending in 2004. 143753

(c) No portion of the disallowed Ohio net operating loss 143754  
carryforward shall be included in the computation of the amount 143755  
of the qualifying taxpayer's other net deferred tax items 143756  
described in division (A) (8) (a) of this section. 143757

(d) In no event shall the amount of other net deferred tax 143758  
items apportioned to this state exceed twenty-five per cent of 143759  
the qualifying Ohio net operating loss carryforward. 143760

(9) "Amortizable amount" means: 143761

(a) If the qualifying taxpayer's other net deferred tax 143762  
items apportioned to this state is equal to or greater than 143763  
zero, eight per cent of the sum of the qualifying taxpayer's 143764  
disallowed Ohio net operating loss carryforward and the 143765  
qualifying taxpayer's other net deferred tax items apportioned 143766  
to this state; 143767

(b) If the amount of the qualifying taxpayer's other net 143768  
deferred tax items apportioned to this state is less than zero 143769  
and if the absolute value of the amount of qualifying taxpayer's 143770  
other net deferred tax items apportioned to this state is less 143771  
than the qualifying taxpayer's disallowed net operating loss, 143772  
eight per cent of the difference between the qualifying 143773  
taxpayer's disallowed net operating loss carryforward and the 143774  
absolute value of the qualifying taxpayer's other net deferred 143775  
tax items apportioned to this state; 143776

(c) If the amount of the qualifying taxpayer's other net 143777

deferred tax items apportioned to this state is less than zero 143778  
and if the absolute value of the amount of qualifying taxpayer's 143779  
other net deferred tax items apportioned to this state is equal 143780  
to or greater than the qualifying taxpayer's disallowed net 143781  
operating loss, zero. 143782

(10) "Books and records" means the qualifying taxpayer's 143783  
books, records, and all other information, all of which the 143784  
qualifying taxpayer maintains and uses to prepare and issue its 143785  
financial statements in accordance with generally accepted 143786  
accounting principles. 143787

(11) (a) Except as modified by division (A) (11) (b) of this 143788  
section, "qualifying amount" means fifty million dollars per 143789  
person. 143790

(b) If for franchise tax year 2005 the person was a member 143791  
of a combined franchise tax report, as provided by section 143792  
5733.052 of the Revised Code, the "qualifying amount" is, in the 143793  
aggregate, fifty million dollars for all members of that 143794  
combined franchise tax report, and for purposes of divisions (A) 143795  
(6) (a) and (b) of this section, those members shall allocate to 143796  
each member any portion of the fifty million dollar amount. The 143797  
total amount allocated to the members who are qualifying 143798  
taxpayers shall equal fifty million dollars. 143799

(B) For each calendar period beginning prior to January 1, 143800  
2030, there is hereby allowed a nonrefundable tax credit against 143801  
the tax levied each year by this chapter on each qualifying 143802  
taxpayer, on each consolidated elected taxpayer having one or 143803  
more qualifying taxpayers as a member, and on each combined 143804  
taxpayer having one or more qualifying taxpayers as a member. 143805  
The credit shall be claimed in the order specified in section 143806  
5751.98 of the Revised Code and is allowed only to reduce the 143807

first one-half of any tax remaining after allowance of the 143808  
credits that precede it in section 5751.98 of the Revised Code. 143809  
No credit under division (B) of this section shall be allowed 143810  
against the second one-half of such remaining tax. 143811

Except as otherwise limited by divisions (C) and (D) of 143812  
this section, the maximum amount of the nonrefundable credit 143813  
that may be used against the first one-half of the remaining tax 143814  
for each calendar year is as follows: 143815

(1) For calendar year 2010, ten per cent of the 143816  
amortizable amount; 143817

(2) For calendar year 2011, twenty per cent of the 143818  
amortizable amount, less all amounts previously used; 143819

(3) For calendar year 2012, thirty per cent of the 143820  
amortizable amount, less all amounts previously used; 143821

(4) For calendar year 2013, forty per cent of the 143822  
amortizable amount, less all amounts previously used; 143823

(5) For calendar year 2014, fifty per cent of the 143824  
amortizable amount, less all amounts previously used; 143825

(6) For calendar year 2015, sixty per cent of the 143826  
amortizable amount, less all amounts previously used; 143827

(7) For calendar year 2016, seventy per cent of the 143828  
amortizable amount, less all amounts previously used; 143829

(8) For calendar year 2017, eighty per cent of the 143830  
amortizable amount, less all amounts previously used; 143831

(9) For calendar year 2018, ninety per cent of the 143832  
amortizable amount, less all amounts previously used; 143833

(10) For each of calendar years 2019 through 2029, one 143834

hundred per cent of the amortizable amount, less all amounts 143835  
used in all previous years. 143836

In no event shall the cumulative credit ~~used for calendar-~~ 143837  
~~years 2010 through 2029~~ claimed under this section exceed one 143838  
hundred per cent of the amortizable amount. 143839

~~(C) (1) Except as otherwise set forth in division (C) (2) of~~ 143840  
~~this section~~ (C) For tax periods beginning January 1, 2030, and 143841  
thereafter, a refundable nonrefundable credit is allowed in- 143842  
~~calendar year 2030~~ for any portion of the qualifying taxpayer's 143843  
amortizable amount that is not used in accordance with division 143844  
(B) of this section against the tax levied by this chapter on 143845  
all taxpayers. The credit shall be claimed in the order 143846  
prescribed in section 5751.98 of the Revised Code and shall not 143847  
exceed the tax due after allowance of any other credits that 143848  
precede it in that order. The balance of the qualifying 143849  
taxpayer's amortizable amount may be carried forward until fully 143850  
used, provided that the amount of the credit claimed against the 143851  
tax for any tax period shall be deducted from the balance 143852  
carried forward to the next period. 143853

~~(2) Division (C) (1) of this section shall not apply and no~~ 143854  
~~refundable credit shall be available to any person if during any~~ 143855  
~~portion of the calendar year 2030 the person is not subject to~~ 143856  
~~the tax imposed by this chapter.~~ 143857

(D) Not later than June 30, 2006, each qualifying 143858  
taxpayer, consolidated elected taxpayer, or combined taxpayer 143859  
that will claim for any year the credit allowed in divisions (B) 143860  
and (C) of this section shall file with the tax commissioner a 143861  
report setting forth the amortizable amount available to such 143862  
taxpayer and all other related information that the 143863  
commissioner, by rule, requires. If the taxpayer does not timely 143864

file the report or fails to provide timely all information 143865  
required by this division, the taxpayer is precluded from 143866  
claiming any credit amounts described in divisions (B) and (C) 143867  
of this section. Unless extended by mutual consent, the tax 143868  
commissioner may, until June 30, 2010, audit the accuracy of the 143869  
amortizable amount available to each taxpayer that will claim 143870  
the credit, and adjust the amortizable amount or, if 143871  
appropriate, issue any assessment or final determination, as 143872  
applicable, necessary to correct any errors found upon audit. 143873

(E) For the purpose of calculating the amortizable amount, 143874  
if the tax commissioner ascertains that any portion of that 143875  
amount is the result of a sham transaction as described in 143876  
section 5703.56 of the Revised Code, the commissioner shall 143877  
reduce the amortizable amount by two times the adjustment. 143878

(F) If one entity transfers all or a portion of its assets 143879  
and equity to another entity as part of an entity organization 143880  
or reorganization or subsequent entity organization or 143881  
reorganization for which no gain or loss is recognized in whole 143882  
or in part for federal income tax purposes under the Internal 143883  
Revenue Code, the credits allowed by this section shall be 143884  
computed in a manner consistent with that used to compute the 143885  
portion, if any, of federal net operating losses allowed to the 143886  
respective entities under the Internal Revenue Code. The tax 143887  
commissioner may prescribe forms or rules for making the 143888  
computations required by this division. 143889

(G) (1) Except as provided in division (F) of this section, 143890  
no person shall pledge, collateralize, hypothecate, assign, 143891  
convey, sell, exchange, or otherwise dispose of any or all tax 143892  
credits, or any portion of any or all tax credits allowed under 143893  
this section. 143894

(2) No credit allowed under this section is subject to execution, attachment, lien, levy, or other judicial proceeding. 143895  
143896

(H) (1) (a) Except as set forth in division (H) (1) (b) of this section and notwithstanding division (I) (1) of section 5733.04 of the Revised Code to the contrary, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction or adjustment for any Ohio net operating loss carried forward to any one or more franchise tax years after franchise tax year 2005. 143897  
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(b) Division (H) (1) (a) of this section applies only to the portion of the Ohio net operating loss represented by the disallowed Ohio net operating loss carryforward. 143905  
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(2) Notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction, exclusion, or adjustment with respect to deductible temporary differences reflected on the person's books and records on the last day of its taxable year ending in 2004. 143908  
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(3) (a) Except as set forth in division (H) (3) (b) of this section and notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall exclude from Ohio net income all taxable temporary differences reflected on the person's books and records on the last day of its taxable year ending in 143917  
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2004.	143925
(b) In no event shall the exclusion provided by division	143926
(H) (3) (a) of this section for any franchise tax year exceed the	143927
amount of the taxable temporary differences otherwise included	143928
in Ohio net income for that year.	143929
(4) Divisions (H) (2) and (3) of this section shall apply	143930
only to the extent such items were used in the calculations of	143931
the credit provided by this section.	143932
<b>Sec. 5751.98.</b> (A) To provide a uniform procedure for	143933
calculating the amount of tax due under this chapter, a taxpayer	143934
shall claim any credits to which it is entitled in the following	143935
order:	143936
The nonrefundable jobs retention credit under division (B)	143937
of section 5751.50 of the Revised Code;	143938
The nonrefundable credit for qualified research expenses	143939
under division (B) of section 5751.51 of the Revised Code;	143940
The nonrefundable credit for a borrower's qualified	143941
research and development loan payments under division (B) of	143942
section 5751.52 of the Revised Code;	143943
The nonrefundable credit for <del>calendar years 2010 to 2029</del>	143944
<del>for</del> unused net operating losses under <del>division (B) of</del> section	143945
5751.53 of the Revised Code;	143946
The refundable motion picture and Broadway theatrical	143947
production credit under section 5751.54 of the Revised Code;	143948
<del>The refundable credit for film and theater capital</del>	143949
<del>improvement projects under section 5751.55 of the Revised Code;</del>	143950
The refundable jobs creation credit or job retention	143951

credit under division (A) of section 5751.50 of the Revised Code;— 143952  
143953

~~The refundable credit for calendar year 2030 for unused net operating losses under division (C) of section 5751.53 of the Revised Code.~~ 143954  
143955  
143956

(B) For any credit except the refundable credits 143957  
enumerated in this section, the amount of the credit for a tax 143958  
period shall not exceed the tax due after allowing for any other 143959  
credit that precedes it in the order required under this 143960  
section. Any excess amount of a particular credit may be carried 143961  
forward if authorized under the section creating the credit. 143962

**Sec. 5753.031.** (A) For the purpose of receiving and 143963  
distributing, and accounting for, revenue received from the tax 143964  
levied by section 5753.021 of the Revised Code and from fines 143965  
imposed under Chapter 3775. of the Revised Code, the following 143966  
funds are created in the state treasury: 143967

(1) The sports gaming revenue fund; 143968

(2) The sports gaming tax administration fund, which the 143969  
tax commissioner shall use to defray the costs incurred in 143970  
administering the tax levied by section 5753.021 of the Revised 143971  
Code; 143972

(3) The sports gaming profits education fund, which shall 143973  
be used for the support of public and nonpublic education for 143974  
students in grades kindergarten through twelve as determined in 143975  
appropriations made by the general assembly. 143976

(4) The problem sports gaming fund. 143977

(B) (1) All of the following shall be deposited into the 143978  
sports gaming revenue fund: 143979

(a) All money collected from the tax levied under section 5753.021 of the Revised Code;	143980 143981
(b) The remainder of the fees described in division (G) (2) of section 3775.02 of the Revised Code, after the Ohio casino control commission deposits the required amount in the sports gaming profits veterans fund under that division;	143982 143983 143984 143985
(c) Unclaimed winnings collected under division (F) of section 3775.10 of the Revised Code;	143986 143987
(d) Any fines collected under Chapter 3775. of the Revised Code.	143988 143989
(2) All other fees collected under Chapter 3775. of the Revised Code shall be deposited into the casino control commission fund created under section 5753.03 of the Revised Code.	143990 143991 143992 143993
(C) (1) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code.	143994 143995 143996 143997 143998 143999
(2) Not later than the fifteenth day of each month, the director of budget and management shall transfer from the sports gaming revenue fund to the sports gaming tax administration fund the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under section 5753.021 of the Revised Code.	144000 144001 144002 144003 144004 144005
(3) Of the amount in the sports gaming revenue fund remaining after making the transfers required by divisions (C) (1) and (2) of this section, the director of budget and	144006 144007 144008

management shall transfer, on or before the fifteenth day of the 144009  
month following the end of each calendar quarter, amounts to 144010  
each fund as follows: 144011

(a) Ninety-eight per cent to the sports gaming profits 144012  
education fund; 144013

(b) Two per cent to the problem sports gaming fund. 144014

(D) ~~All interest~~ Interest generated by the following funds 144015  
created under this section shall be credited back to them: 144016

(1) The sports gaming revenue fund; 144017

(2) The sports gaming tax administration fund; 144018

(3) The problem sports gaming fund. 144019

**Sec. 5753.07.** (A) (1) The tax commissioner may issue an 144020  
assessment, based on any information in the tax commissioner's 144021  
possession, against a taxpayer who fails to pay the tax levied 144022  
under section 5753.02 or 5753.021 of the Revised Code or to file 144023  
a return under section 5753.04 of the Revised Code. The tax 144024  
commissioner shall give the taxpayer written notice of the 144025  
assessment under section 5703.37 of the Revised Code. With the 144026  
notice, the tax commissioner shall include instructions on how 144027  
to petition for reassessment and on how to request a hearing 144028  
with respect to the petition. 144029

(2) Unless the taxpayer, within sixty days after service 144030  
of the notice of assessment, files with the tax commissioner, ~~—~~ 144031  
~~either personally or by certified mail,~~ a written petition 144032  
signed by the taxpayer, or by the taxpayer's authorized agent 144033  
who has knowledge of the facts, the assessment becomes final, 144034  
and the amount of the assessment is due and payable from the 144035  
taxpayer to the treasurer of state. The petition shall indicate 144036

the taxpayer's objections to the assessment. Additional 144037  
objections may be raised in writing if they are received by the 144038  
tax commissioner before the date shown on the final 144039  
determination. 144040

(3) If a petition for reassessment has been properly 144041  
filed, the tax commissioner shall proceed under section 5703.60 144042  
of the Revised Code. 144043

(4) After an assessment becomes final, if any portion of 144044  
the assessment, including penalties and accrued interest, 144045  
remains unpaid, the tax commissioner may file a certified copy 144046  
of the entry making the assessment final in the office of the 144047  
clerk of the court of common pleas of Franklin county or in the 144048  
office of the clerk of the court of common pleas of the county 144049  
in which the taxpayer resides, the taxpayer's casino facility or 144050  
sports gaming facility is located, or the taxpayer's principal 144051  
place of business in this state is located. Immediately upon the 144052  
filing of the entry, the clerk shall enter a judgment for the 144053  
state against the taxpayer assessed in the amount shown on the 144054  
entry. The judgment may be filed by the clerk in a loose-leaf 144055  
book entitled, "special judgments for the gross casino revenue 144056  
tax and sports gaming receipts tax." The judgment has the same 144057  
effect as other judgments. Execution shall issue upon the 144058  
judgment at the request of the tax commissioner, and all laws 144059  
applicable to sales on execution apply to sales made under the 144060  
judgment. 144061

(5) If the assessment is not paid in its entirety within 144062  
sixty days after the day the assessment was issued, the portion 144063  
of the assessment consisting of tax due shall bear interest at 144064  
the rate per annum prescribed by section 5703.47 of the Revised 144065  
Code from the day the tax commissioner issued the assessment 144066

until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable, and may be collected by the issuance of an assessment under this section.

(B) If the tax commissioner believes that collection of the tax levied under section 5753.02 or 5753.021 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer that is liable for the tax. Immediately upon the issuance of a jeopardy assessment, the tax commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (A) (4) of this section, and the clerk shall proceed as directed in that division. Notice of the jeopardy assessment shall be served on the taxpayer or the taxpayer's authorized agent under section 5703.37 of the Revised Code within five days after the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment under division (A) (2) of this section and provides security in a form satisfactory to the tax commissioner that is in an amount sufficient to satisfy the unpaid balance of the assessment. If a petition for reassessment has been filed, and if satisfactory security has been provided, the tax commissioner shall proceed

under division (A) (3) of this section. Full or partial payment 144098  
of the assessment does not prejudice the tax commissioner's 144099  
consideration of the petition for reassessment. 144100

(C) The tax commissioner shall immediately forward to the 144101  
treasurer of state all amounts the tax commissioner receives 144102  
under this section, and the amounts forwarded shall be treated 144103  
as if they were revenue arising from the tax levied under 144104  
section 5753.02 or 5753.021 of the Revised Code, as applicable. 144105

(D) Except as otherwise provided in this division, no 144106  
assessment shall be issued against a taxpayer for the tax levied 144107  
under section 5753.02 or 5753.021 of the Revised Code more than 144108  
four years after the due date for filing the return for the tax 144109  
period for which the tax was reported, or more than four years 144110  
after the return for the tax period was filed, whichever is 144111  
later. This division does not bar an assessment against a 144112  
taxpayer who fails to file a return as required by section 144113  
5753.04 of the Revised Code or who files a fraudulent return, or 144114  
when the taxpayer and the tax commissioner waive in writing the 144115  
time limitation. 144116

(E) If the tax commissioner possesses information that 144117  
indicates that the amount of tax a taxpayer is liable to pay 144118  
under section 5753.02 or 5753.021 of the Revised Code exceeds 144119  
the amount the taxpayer paid, the tax commissioner may audit a 144120  
sample of the taxpayer's gross casino revenue or sports gaming 144121  
receipts, as applicable, over a representative period of time to 144122  
ascertain the amount of tax due, and may issue an assessment 144123  
based on the audit. The tax commissioner shall make a good faith 144124  
effort to reach agreement with the taxpayer in selecting a 144125  
representative sample. The tax commissioner may apply a sampling 144126  
method only if the tax commissioner has prescribed the method by 144127

rule. 144128

(F) If the whereabouts of a taxpayer who is liable for the 144129  
tax levied under section 5753.02 or 5753.021 of the Revised Code 144130  
are unknown to the tax commissioner, the tax commissioner shall 144131  
proceed under section 5703.37 of the Revised Code. 144132

**Sec. 5907.11.** ~~(A)~~—The superintendent of the Ohio veterans' 144133  
homes, with the approval of the director of veterans services, 144134  
may establish a local fund for each veterans' home to be used 144135  
for the entertainment and welfare of the residents of the home. 144136  
Each fund shall be designated as the residents' benefit fund and 144137  
shall be operated for the exclusive benefit of the residents of 144138  
the associated home. Each fund shall receive all revenue from 144139  
the sale of commissary items at the associated home and shall 144140  
receive all moneys received as donations by the associated home 144141  
from any source. 144142

~~(B) The superintendent, subject to the approval of the 144143  
director, shall establish rules for the operation of the 144144  
residents' benefit funds. 144145~~

**Sec. 5907.17.** (A) As used in this section, 144146  
~~"physician" "clinician" means an individual authorized under 144147  
Chapter 4731. of the Revised Code to practice medicine and 144148  
surgery or osteopathic medicine and surgery~~any of the following: 144149

(1) An advanced practice registered nurse, licensed 144150  
practical nurse, physician, physician's assistant, or registered 144151  
nurse as defined in section 4723.01 of the Revised Code; 144152

(2) An individual registered in the state nurse aide 144153  
registry pursuant to section 3721.32 of the Revised Code; 144154

(3) Any Ohio veterans' home employee who is a licensed 144155  
medical professional in this state and is not exempt from a 144156

student loan repayment program under a union contract or other 144157  
law. 144158

(B) The department of veterans services may establish a 144159  
~~physician-clinician~~ recruitment program under which the 144160  
department agrees to repay all or part of the principal and 144161  
interest of a governmental or other educational loan incurred by 144162  
a ~~physician-clinician~~ who agrees to provide services to 144163  
institutions under the department's administration. 144164

(C) A ~~physician-clinician~~ is eligible to participate in 144165  
the recruitment program if the ~~physician attended a medical or-~~ 144166  
~~osteopathic medical school that was, at the time of attendance,-~~ 144167  
~~either located in the United States and accredited by the-~~ 144168  
~~liaison committee on medical education or the American-~~ 144169  
~~osteopathic association or located outside the United States and~~ 144170  
~~acknowledged by the world health organization and verified by a-~~ 144171  
~~member state of that organization as operating within that-~~ 144172  
~~state's jurisdiction~~ clinician meets all of the following 144173  
requirements: 144174

(1) The clinician is licensed in this state by the 144175  
appropriate licensing authority and works in that discipline at 144176  
an Ohio veterans' home; 144177

(2) The clinician has worked at an Ohio veterans' home for 144178  
at least one year; 144179

(3) The clinician has not been subject to formal 144180  
discipline while employed by an Ohio veterans' home; 144181

(4) The clinician provides evidence sufficient for the 144182  
director of veterans services, or the director's designee, to 144183  
determine that the clinician attended a school or medical 144184  
program accredited by a national or regional accrediting 144185

organization; 144186

(5) The clinician agrees to the contract terms subject to 144187  
division (D) of this section and any rules adopted under 144188  
division (E) of this section. 144189

(D) The department and each ~~physician-clinician~~ it 144190  
recruits shall enter into a contract that includes all of the 144191  
following terms: 144192

(1) The ~~physician-clinician~~ agrees to maintain appropriate 144193  
licensure and provide a specified scope of medical or- 144194  
~~osteopathic medical health care services~~ for a specified number 144195  
of hours per week and for a specified number of years of one or 144196  
more years to patients-residents of one or more specified- 144197  
~~institutions administered by the department~~ the Ohio veterans' 144198  
homes. 144199

(2) The department agrees to repay all or a specified 144200  
portion of the principal and interest of a governmental or other 144201  
educational loan taken by the ~~physician-clinician~~ for the 144202  
following expenses if the ~~physician-clinician~~ meets the service 144203  
obligation agreed to and the expenses were incurred while the 144204  
~~physician-clinician~~ was enrolled in, for up to a maximum of four 144205  
years, a school or medical program accredited by a national or 144206  
regional accrediting organization~~that qualifies the physician to~~ 144207  
~~participate in the program:~~ 144208

(a) Tuition; 144209

(b) Other educational expenses for specific purposes, 144210  
including fees, books, and laboratory expenses, in amounts 144211  
determined to be reasonable in accordance with rules adopted 144212  
under division (E) of this section; 144213

(c) Room and board, in an amount determined to be 144214

reasonable in accordance with rules adopted under division (E) 144215  
of this section. 144216

(3) The ~~physician-clinician~~ agrees to pay the department a 144217  
specified amount, which shall be not less than the amount 144218  
already paid by the department pursuant to its agreement, as 144219  
damages if the ~~physician-clinician~~ fails to complete the service 144220  
obligation agreed to or fails to comply with other specified 144221  
terms of the contract. The contract may vary the amount of 144222  
damages based on the portion of the ~~physician's-clinician's~~ 144223  
service obligation that remains uncompleted as determined by the 144224  
department. 144225

(4) Other terms agreed upon by the parties. 144226

(E) The department shall adopt rules under Chapter 119. of 144227  
the Revised Code that establish all of the following: 144228

(1) Criteria for designating institutions for which 144229  
~~physicians-clinicians~~ will be recruited; 144230

(2) Criteria for selecting ~~physicians-clinicians~~ for 144231  
participation in the program; 144232

(3) Criteria for determining the portion of a ~~physician's-~~ 144233  
clinician's loan that the department will agree to repay; 144234

(4) Criteria for determining reasonable amounts of the 144235  
expenses described in divisions (D) (2) (b) and (c) of this 144236  
section; 144237

(5) Procedures for monitoring compliance by ~~physicians-~~ 144238  
clinicians with the terms of their contracts; and 144239

(6) Any other criteria or procedures necessary to 144240  
implement the program. 144241

(F) The director or the director's designee may allocate 144242  
funds among clinicians recruited under the program for any 144243  
purpose the director or director's designee considers necessary 144244  
to best serve clinician staffing needs, including department 144245  
eligibility for benefits from incentive programs from federal or 144246  
other entities, in consideration of maximizing the overall 144247  
benefit to the Ohio veterans' homes. 144248

**Sec. 5923.30.** Whenever it is ascertained by the adjutant 144249  
general ~~or the auditor of state~~ that any officer of the 144250  
organized militia is unable to properly account for the property 144251  
or moneys in ~~his~~ the officer's possession ~~he~~, the adjutant 144252  
general shall give immediate notice thereof to the attorney 144253  
general for action against such officer and ~~his bondsmen~~ the 144254  
officer's bonder, and the attorney general shall bring such 144255  
action. 144256

**Sec. 6101.53.** To maintain, operate, and preserve the 144257  
reservoirs, ditches, drains, dams, levies, canals, sewers, 144258  
pumping stations, treatment and disposal works, or other 144259  
properties or improvements acquired or made pursuant to this 144260  
chapter, to strengthen, repair, and restore the same, when 144261  
needed, and to defray the current expenses of the conservancy 144262  
district, the board of directors of the district may, upon the 144263  
substantial completion of the improvements and on or before the 144264  
thirtieth day of September in each year thereafter, levy an 144265  
assessment upon each tract or parcel of land and upon each 144266  
public corporation within the district, subject to assessments 144267  
under this chapter, to be known as a conservancy maintenance 144268  
assessment. No assessment shall be made with respect to works 144269  
and improvements acquired or constructed for the purpose of 144270  
providing a water supply for domestic, industrial, and public 144271  
use within the district, when the water supply can be metered or 144272

measured when furnished to persons or public corporations. If 144273  
the district, for the benefit of one or more persons or 144274  
political subdivisions, provides a water supply that recharges 144275  
underground aquifers and thereby replenishes wells or provides a 144276  
source of water for new wells, or increases the natural low flow 144277  
of a stream used for water supply, or creates an impoundment, in 144278  
such a way that the augmented use of water cannot be metered or 144279  
measured for individual or public consumption, the board may 144280  
make a maintenance assessment against benefited property and 144281  
public corporations in the same manner provided in this section 144282  
for maintenance of other properties or improvements. 144283

The maintenance assessment shall be apportioned upon the 144284  
basis of the total appraisal of benefits accruing for original 144285  
and subsequent construction, shall not exceed one per cent of 144286  
the total appraisal of benefits in any one year unless the court 144287  
by its order authorizes an assessment of a larger percentage, 144288  
~~shall not be less than two dollars,~~ and shall be certified to 144289  
the county auditor of each county in which lands of the district 144290  
are located in the conservancy assessment record but in a 144291  
separate column in like manner and at the same time as the 144292  
annual installment of the assessment levied under section 144293  
6101.48 of the Revised Code is certified, under the heading 144294  
maintenance assessment. The auditor shall certify the same to 144295  
the county treasurer of the county at the same time that the 144296  
auditor certifies the annual installment of the assessments 144297  
levied under that section, and the sum of the levies for any 144298  
tract or public corporation may be certified as a single item. 144299  
The treasurer shall demand and collect the maintenance 144300  
assessment and make return of it, and shall be liable for the 144301  
same penalties for failure to do so as are provided for the 144302  
annual installment of the assessment levied under section 144303

6101.48 of the Revised Code. 144304

The amount of the maintenance assessment paid by any 144305  
parcel of land or public corporation shall not be credited 144306  
against the benefits assessed against the parcel of land or 144307  
public corporation, but the maintenance assessment shall be in 144308  
addition to any assessment that has been or can be levied under 144309  
section 6101.48 of the Revised Code. 144310

To maintain, operate, and preserve the works and 144311  
improvements of the district acquired or constructed for the 144312  
purpose of providing a water supply, to strengthen, repair, and 144313  
restore the same, and to defray the current expenses of the 144314  
district for this purpose, the board may impose rates for the 144315  
sale of water to public corporations and persons within the 144316  
district. The rates to be charged for the water shall be fixed 144317  
and adjusted by the board at intervals of not less than one 144318  
year, so that the income thus produced will be adequate to 144319  
provide a maintenance fund for the purpose of water supply. 144320  
Contracts for supplying water to public corporations and persons 144321  
shall be entered into before the service is rendered by the 144322  
district. Contracts shall specify the maximum quantity of water 144323  
to be furnished to the public corporation or person, and the 144324  
quantity shall be fixed so as equitably to distribute the 144325  
supply. Preference shall be given to water supply furnished to 144326  
public corporations for domestic and public uses. Bills for 144327  
water supplied to public corporations shall be rendered at 144328  
regular intervals and shall be payable from the waterworks fund 144329  
of the public corporation or, if it is not sufficient, from the 144330  
general fund. 144331

For tax years 2020 to 2024, qualifying real property, as 144332  
defined in section 727.031 of the Revised Code, is exempt from 144333

special assessments levied under this section, provided no 144334  
delinquent special assessments and related interest and 144335  
penalties are levied or assessed against any property owned by 144336  
the owner and operator of the qualifying real property for that 144337  
tax year. 144338

**Sec. 6101.54.** Whenever the owners or representatives of 144339  
twenty-five per cent or more of the acreage or value of the 144340  
lands in a conservancy district or the board of directors of a 144341  
conservancy district file a petition with the clerk of the court 144342  
having jurisdiction in the original case, stating that there has 144343  
been a material change in the values of the property in the 144344  
district or additional benefits are being derived from the works 144345  
and the improvements of the district since the last previous 144346  
appraisal of benefits, and praying for a readjustment of the 144347  
appraisal of benefits for the purpose of making a more equitable 144348  
basis for the levy of the maintenance assessment under section 144349  
6101.53 of the Revised Code, the clerk shall give notice of the 144350  
filing and of a hearing of the petition by publication. 144351

Upon hearing of the petition, if the court finds there has 144352  
been a material change in the values of property in the 144353  
district, or that additional benefits are derived from the works 144354  
and improvements of the district, or both, since the last 144355  
previous appraisal of benefits, the court shall order that there 144356  
be a readjustment of the appraisal of benefits for the purpose 144357  
of providing a basis upon which to levy the maintenance 144358  
assessment of the district. The court then shall direct the 144359  
board of appraisers of the conservancy district to make the 144360  
readjustment in the manner provided in this chapter, and the 144361  
board shall make its report. The same proceedings shall be had 144362  
on it, as nearly as may be, as are provided in this chapter for 144363  
the appraisal of benefits accruing for original construction. In 144364

making the readjustment of the appraisal of benefits, the 144365  
readjusted appraisal shall not be limited to the aggregate 144366  
amount of or to the benefits or properties or persons listed in 144367  
the original or any previous appraisal of benefits, and, after 144368  
the making of the readjustment, the limitation of the annual 144369  
maintenance assessment to one per cent of the total appraised 144370  
benefits, ~~but not less than two dollars,~~ shall apply to the 144371  
amount of the benefits as readjusted. There shall be no 144372  
readjustment of benefits more often than once in six years. 144373

**Sec. 6101.55.** The board of directors of a conservancy 144374  
district shall each year after the original assessment has been 144375  
levied determine, order, and levy the annual levy, which shall 144376  
include all assessments, or installments of assessments, 144377  
together with interest, levied under this chapter, which become 144378  
due in the ensuing year. The annual levy shall be due and be 144379  
collected at the same time that state and county taxes are due 144380  
and collected. After bonds have been sold, in the determination 144381  
of an annual levy, the rate of interest upon the unpaid 144382  
installments of an assessment shall be the rate borne by the 144383  
bonds that have been issued and sold pursuant to the assessment. 144384  
The annual levy shall be recorded in the conservancy assessment 144385  
record, shall be signed and certified by the president of the 144386  
board and by the secretary of the conservancy district not later 144387  
than the thirtieth day of September each year, and shall 144388  
thereafter become a permanent record in the office of the 144389  
district. 144390

The certificate of the annual levy shall be substantially 144391  
as set forth in section 6101.84 of the Revised Code. Then shall 144392  
follow both of the following: 144393

(A) The descriptions of the property opposite the names of 144394

the owners; 144395

(B) The total amount of the annual levy on each piece of 144396  
property and on each public corporation for the account of all 144397  
funds and the amount of each item making up the total. 144398

The form of the annual levy portion of the conservancy 144399  
assessment record as prescribed in this section may be modified 144400  
with the approval of the ~~auditor of state~~court. The certificate 144401  
of the annual levy and the annual levy portion of the 144402  
conservancy assessment record shall be named " Assessment Record 144403  
of \_\_\_\_\_ District, \_\_\_\_\_ County, Ohio." 144404

One copy of that part of the assessment record affecting 144405  
lands and public corporations in any county shall be forwarded 144406  
to the county auditor of that county. The auditor of each county 144407  
shall set up as a charge upon the county treasurer the total 144408  
amount of assessments levied as shown by the assessment record, 144409  
and shall certify the record as other tax records to the county 144410  
treasurer of the county. The treasurer shall collect the amount 144411  
according to law. The assessment record shall be the treasurer's 144412  
warrant and authority to demand and receive the assessments due 144413  
in the county as found in the record. 144414

In the event of any failure of the board to determine and 144415  
order an annual levy for the purpose of paying the interest and 144416  
principal of any bonds pursuant to this chapter, the auditor of 144417  
the county in which the lands and public corporations subject to 144418  
the assessments are situated shall make and complete a levy of 144419  
the special assessments necessary for the purpose against the 144420  
lands and public corporations in the district, and each piece of 144421  
property in that county against which benefits have been 144422  
appraised. Any assessment so made and completed by the auditor 144423  
shall be made and completed by the auditor in the manner 144424

provided for the making and completion of an assessment by the 144425  
board, and shall have the same effect as a levy of assessments 144426  
determined and ordered by the board. 144427

**Sec. 6111.01.** As used in this chapter: 144428

(A) "Pollution" means the placing of any sewage, sludge, 144429  
sludge materials, industrial waste, or other wastes in any 144430  
waters of the state. 144431

(B) "Sewage" means any liquid waste containing sludge, 144432  
sludge materials, or animal or vegetable matter in suspension or 144433  
solution, and may include household wastes as commonly 144434  
discharged from residences and from commercial, institutional, 144435  
or similar facilities. 144436

(C) "Industrial waste" means any liquid, gaseous, or solid 144437  
waste substance resulting from any process of industry, 144438  
manufacture, trade, or business, or from the development, 144439  
processing, or recovery of any natural resource, together with 144440  
such sewage as is present. 144441

(D) "Other wastes" means garbage, refuse, decayed wood, 144442  
sawdust, shavings, bark, and other wood debris, lime, sand, 144443  
ashes, offal, night soil, oil, tar, coal dust, dredged or fill 144444  
material, or silt, other substances that are not sewage, sludge, 144445  
sludge materials, or industrial waste, and any other 144446  
"pollutants" or "toxic pollutants" as defined in the Federal 144447  
Water Pollution Control Act that are not sewage, sludge, sludge 144448  
materials, or industrial waste. 144449

(E) "Sewerage system" means pipelines or conduits, pumping 144450  
stations, and force mains, and all other constructions, devices, 144451  
appurtenances, and facilities used for collecting or conducting 144452  
water-borne sewage, industrial waste, or other wastes to a point 144453

of disposal or treatment, but does not include plumbing 144454  
fixtures, building drains and subdrains, building sewers, and 144455  
building storm sewers. 144456

(F) "Treatment works" means any plant, disposal field, 144457  
lagoon, dam, pumping station, building sewer connected directly 144458  
to treatment works, incinerator, or other works used for the 144459  
purpose of treating, stabilizing, blending, composting, or 144460  
holding sewage, sludge, sludge materials, industrial waste, or 144461  
other wastes, except as otherwise defined. 144462

(G) "Disposal system" means a system for disposing of 144463  
sewage, sludge, sludge materials, industrial waste, or other 144464  
wastes and includes sewerage systems and treatment works. 144465

(H) "Waters of the state" means all streams, lakes, ponds, 144466  
marshes, watercourses, waterways, wells, springs, irrigation 144467  
systems, drainage systems, and other bodies or accumulations of 144468  
water, surface and underground, natural or artificial, 144469  
regardless of the depth of the strata in which underground water 144470  
is located, that are situated wholly or partly within, or border 144471  
upon, this state, or are within its jurisdiction, except those 144472  
private waters that do not combine or effect a junction with 144473  
natural surface or underground waters. "Waters of the state" 144474  
does not include an ephemeral feature for which the United 144475  
States army corps of engineers lacks the authority to issue a 144476  
permit under 33 U.S.C. 1344. 144477

(I) "Person" means the state, any municipal corporation, 144478  
any other political subdivision of the state, any person as 144479  
defined in section 1.59 of the Revised Code, any interstate body 144480  
created by compact, or the federal government or any department, 144481  
agency, or instrumentality thereof. 144482

(J) "Industrial water pollution control facility" means 144483  
any disposal system or any treatment works, pretreatment works, 144484  
appliance, equipment, machinery, pipeline or conduit, pumping 144485  
station, force main, or installation constructed, used, or 144486  
placed in operation primarily for the purpose of collecting or 144487  
conducting industrial waste to a point of disposal or treatment; 144488  
reducing, controlling, or eliminating water pollution caused by 144489  
industrial waste; or reducing, controlling, or eliminating the 144490  
discharge into a disposal system of industrial waste or what 144491  
would be industrial waste if discharged into the waters of the 144492  
state. 144493

(K) "Schedule of compliance" means a schedule of remedial 144494  
measures including an enforceable sequence of actions or 144495  
operations leading to compliance with standards and rules 144496  
adopted under sections 6111.041 and 6111.042 of the Revised Code 144497  
or compliance with terms and conditions of permits set under 144498  
division (J) of section 6111.03 of the Revised Code. 144499

(L) "Federal Water Pollution Control Act" means the 144500  
"Federal Water Pollution Control Act Amendments of 1972," 86 144501  
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 144502  
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 144503  
amendments to that act. 144504

(M) "Historically channelized watercourse" means the 144505  
portion of a watercourse on which an improvement, as defined in 144506  
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 144507  
was constructed pursuant to Chapter 940., 6131., or 6133. of the 144508  
Revised Code or a similar state law that preceded any of those 144509  
chapters and authorized such an improvement. 144510

(N) "Sludge" means sewage sludge and a solid, semi-solid, 144511  
or liquid residue that is generated from an industrial 144512

wastewater treatment process and that is applied to land for agronomic benefit. "Sludge" does not include ash generated during the firing of sludge in a sludge incinerator, grit and screening generated during preliminary treatment of sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(O) "Sludge materials" means solid, semi-solid, or liquid materials derived from sludge and includes products from a treatment works that result from the treatment, blending, or composting of sludge.

(P) "Storage of sludge" means the placement of sludge on land on which the sludge remains for not longer than two years, but does not include the placement of sludge on land for treatment.

(Q) "Sludge disposal program" means any program used by an entity that begins with the generation of sludge and includes treatment or disposal of the sludge, as "treatment" and "disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of the Revised Code.

(R) "Agronomic benefit" means any process that promotes or enhances plant growth and includes, but is not limited to, a process that increases soil fertility and moisture retention.

(S) "Sludge management" means the use, storage, treatment, or disposal of, and management practices related to, sludge and sludge materials.

(T) "Sludge management permit" means a permit for sludge management that is issued under division (J) of section 6111.03 of the Revised Code.

(U) "Sewage sludge" has the same meaning as in division

~~(Y)~~(X) of section 3745.11 of the Revised Code. 144542

(V) "Ephemeral feature" means surface water flowing or 144543  
pooling only in direct response to precipitation, such as rain 144544  
or snow. "Ephemeral feature" does not include a wetland, as 144545  
defined in section 6111.02 of the Revised Code. 144546

**Sec. 6111.04.** (A) Both of the following apply except as 144547  
otherwise provided in division (A) or (F) of this section: 144548

(1) No person shall cause pollution or place or cause to 144549  
be placed any sewage, sludge, sludge materials, industrial 144550  
waste, or other wastes in a location where they cause pollution 144551  
of any waters of the state. 144552

(2) Such an action prohibited under division (A)(1) of 144553  
this section is hereby declared to be a public nuisance. 144554

Divisions (A)(1) and (2) of this section do not apply if 144555  
the person causing pollution or placing or causing to be placed 144556  
wastes in a location in which they cause pollution of any waters 144557  
of the state holds a valid, unexpired permit, or renewal of a 144558  
permit, governing the causing or placement as provided in 144559  
sections 6111.01 to 6111.08 of the Revised Code or if the 144560  
person's application for renewal of such a permit is pending. 144561

(B) If the director of environmental protection 144562  
administers a sludge management program pursuant to division (R) 144563  
of section 6111.03 of the Revised Code, both of the following 144564  
apply except as otherwise provided in division (B) or (F) of 144565  
this section: 144566

(1) No person, in the course of sludge management, shall 144567  
place on land located in the state or release into the air of 144568  
the state any sludge or sludge materials. 144569

(2) An action prohibited under division (B) (1) of this section is hereby declared to be a public nuisance. 144570  
144571

Divisions (B) (1) and (2) of this section do not apply if 144572  
the person placing or releasing the sludge or sludge materials 144573  
holds a valid, unexpired permit, or renewal of a permit, 144574  
governing the placement or release as provided in sections 144575  
6111.01 to 6111.08 of the Revised Code or if the person's 144576  
application for renewal of such a permit is pending. 144577

(C) No person to whom a permit has been issued shall place 144578  
or discharge, or cause to be placed or discharged, in any waters 144579  
of the state any sewage, sludge, sludge materials, industrial 144580  
waste, or other wastes in excess of the permissive discharges 144581  
specified under an existing permit without first receiving a 144582  
permit from the director to do so. 144583

(D) No person to whom a sludge management permit has been 144584  
issued shall place on the land or release into the air of the 144585  
state any sludge or sludge materials in excess of the permissive 144586  
amounts specified under the existing sludge management permit 144587  
without first receiving a modification of the existing sludge 144588  
management permit or a new sludge management permit to do so 144589  
from the director. 144590

(E) The director may require the submission of plans, 144591  
specifications, and other information that the director 144592  
considers relevant in connection with the issuance of permits. 144593

(F) This section does not apply to any of the following: 144594

(1) Waters used in washing sand, gravel, other aggregates, 144595  
or mineral products when the washing and the ultimate disposal 144596  
of the water used in the washing, including any sewage, 144597  
industrial waste, or other wastes contained in the waters, are 144598

entirely confined to the land under the control of the person 144599  
engaged in the recovery and processing of the sand, gravel, 144600  
other aggregates, or mineral products and do not result in the 144601  
pollution of waters of the state; 144602

(2) Water, gas, or other material injected into a well to 144603  
facilitate, or that is incidental to, the production of oil, 144604  
gas, artificial brine, or water derived in association with oil 144605  
or gas production and disposed of in a well, in compliance with 144606  
a permit issued under Chapter 1509. of the Revised Code, or 144607  
sewage, industrial waste, or other wastes injected into a well 144608  
in compliance with an injection well operating permit. Division 144609  
(F)(2) of this section does not authorize, without a permit, any 144610  
discharge that is prohibited by, or for which a permit is 144611  
required by, regulation of the United States environmental 144612  
protection agency. 144613

(3) Application of any materials to land for agricultural 144614  
purposes or runoff of the materials from that application or 144615  
pollution by residual farm products, manure, or soil sediment, 144616  
including attached substances, resulting from farming, 144617  
silvicultural, or earthmoving activities regulated by Chapter 144618  
307. or 939. of the Revised Code. Division (F)(3) of this 144619  
section does not authorize, without a permit, any discharge that 144620  
is prohibited by, or for which a permit is required by, the 144621  
Federal Water Pollution Control Act or regulations adopted under 144622  
it. As used in division (F)(3) of this section, "residual farm 144623  
products" and "manure" have the same meanings as in section 144624  
939.01 of the Revised Code. 144625

(4) The excrement of domestic and farm animals defecated 144626  
on land or runoff therefrom into any waters of the state. 144627  
Division (F)(4) of this section does not authorize, without a 144628

permit, any discharge that is prohibited by, or for which a 144629  
permit is required by, the Federal Water Pollution Control Act 144630  
or regulations adopted under it. 144631

(5) On and after the date on which the United States 144632  
environmental protection agency approves the NPDES program 144633  
submitted by the director of agriculture under section 903.08 of 144634  
the Revised Code, any discharge that is within the scope of the 144635  
approved NPDES program submitted by the director of agriculture; 144636

(6) The discharge of sewage, industrial waste, or other 144637  
wastes into a sewerage system tributary to a treatment works. 144638  
Division (F) (6) of this section does not authorize any discharge 144639  
into a publicly owned treatment works in violation of a 144640  
pretreatment program applicable to the publicly owned treatment 144641  
works or any discharge to a privately owned treatment works in 144642  
violation of any permit conditions established in accordance 144643  
with 40 C.F.R. 122.44(m). 144644

(7) A household sewage treatment system or a small flow 144645  
on-site sewage treatment system, as applicable, as defined in 144646  
section 3718.01 of the Revised Code that is installed in 144647  
compliance with Chapter 3718. of the Revised Code and rules 144648  
adopted under it. Division (F) (7) of this section does not 144649  
authorize, without a permit, any discharge that is prohibited 144650  
by, or for which a permit is required by, regulation of the 144651  
United States environmental protection agency. 144652

(8) Exceptional quality sludge generated outside of this 144653  
state and contained in bags or other containers not greater than 144654  
one hundred pounds in capacity. As used in division (F) (8) of 144655  
this section, "exceptional quality sludge" has the same meaning 144656  
as in division ~~(Y)~~(X) of section 3745.11 of the Revised Code. 144657

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture.

Sec. 6303.01. (A) The education and workforce data insights board is established within the governor's office of workforce transformation to make the state's education and workforce data more useful, applicable, and beneficial to this state's citizens. The board shall oversee the secure linkages of cross-agency data and build system capacity to support research that gives insight to the education and workforce pipeline to students, families, educators, workforce leaders, employers, policymakers, researchers, and other stakeholders. The board shall provide policy leadership on education and workforce data and publicly share tools, dashboards, and research insights while protecting data privacy and system security.

(B) (1) The scope of the board's oversight is limited to education and workforce data that improve understanding of long-term student outcomes and the return on investment for education and workforce initiatives, as determined by the board.

(2) The board may, by majority vote, enter an agreement 144688  
with agencies to include additional data related to the mission 144689  
of the board. The board shall endeavor to enhance the work of 144690  
all agencies that contribute data related to education and 144691  
workforce. 144692

(C) Not later than two hundred seventy days after the 144693  
effective date of this section, the board shall develop a 144694  
vision, mission, and strategic plan. The board shall review this 144695  
strategic plan at least once every five years. 144696

(D) (1) The board shall identify and secure the means to 144697  
implement its activities and objectives established under 144698  
section 6303.04 of the Revised Code. The board shall identify 144699  
the entity or entities to support the board and implement those 144700  
activities and objectives, which may include state agency staff, 144701  
universities, or other external entities approved by the board. 144702

(2) The board may create a single, independent entity to 144703  
implement its activities and objectives as described under this 144704  
division. If the board creates an independent entity under this 144705  
division it shall also do all of the following: 144706

(a) Identify the entity's roles and responsibilities; 144707

(b) Secure funding and support for the entity; 144708

(c) Appoint and oversee the leader of the entity; 144709

(d) Oversee the operations and regulatory compliance of 144710  
the entity. 144711

(E) The board shall adhere to all relevant state and 144712  
federal privacy and data security laws including the "Family 144713  
Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g. 144714

Sec. 6303.02. (A) The education and workforce data 144715

<u>insights board consists of not more than fifteen members. The</u>	144716
<u>membership includes the following members:</u>	144717
<u>(1) The director of the governor's office of workforce</u>	144718
<u>transformation;</u>	144719
<u>(2) The director of children and youth;</u>	144720
<u>(3) The director of education and workforce;</u>	144721
<u>(4) The chancellor of higher education;</u>	144722
<u>(5) The director of job and family services;</u>	144723
<u>(6) The director of development;</u>	144724
<u>(7) If determined necessary by the governor, the director</u>	144725
<u>of additional state agencies;</u>	144726
<u>(8) A representative of each of the following appointed by</u>	144727
<u>the governor:</u>	144728
<u>(a) The early childhood education system;</u>	144729
<u>(b) The primary and secondary education system;</u>	144730
<u>(c) The higher education system;</u>	144731
<u>(d) The workforce development system;</u>	144732
<u>(e) The business community.</u>	144733
<u>(9) If determined necessary by the governor, any of the</u>	144734
<u>following:</u>	144735
<u>(a) Representatives of other stakeholder groups;</u>	144736
<u>(b) Members of the public that have extensive experience</u>	144737
<u>in at least one of the following areas:</u>	144738
<u>(i) Academic research;</u>	144739

<u>(ii) Data systems and advanced technologies;</u>	144740
<u>(iii) Data ethics;</u>	144741
<u>(iv) Early childhood, primary and secondary, or higher education;</u>	144742 144743
<u>(v) Business, economic development, or workforce development.</u>	144744 144745
<u>(B) Each board member appointed by the governor under division (A) (8) or (9) of this section shall serve a two-year, renewable term.</u>	144746 144747 144748
<u>(C) The director of each state agency who is on the board is expected to attend meetings of the board. When a director is not able to attend a meeting, the director may appoint a temporary designee to serve in the director's place on the board. The temporary designee shall be a senior leader from that director's department who has decision-making authority over the agency's data and policy offices, such as a deputy director or chief of staff.</u>	144749 144750 144751 144752 144753 144754 144755 144756
<u>(D) The representatives appointed under division (A) (8) of this section shall have experience using data to conduct research, implement policy, run programs, or otherwise improve education and workforce outcomes.</u>	144757 144758 144759 144760
<u>(E) The chairperson of the board shall be selected by the members of the board. The chairperson shall serve a two-year, renewable term as chair. The chairperson has the same voting power as any other member of the board, except that, in the event of a tie vote, the chairperson shall determine the resolution of the vote.</u>	144761 144762 144763 144764 144765 144766
<u>(F) The chairperson of the board, in collaboration with</u>	144767

board members and staff, shall manage the board's operations. 144768

**Sec. 6303.03.** (A) The education and workforce data 144769  
insights board shall meet at least quarterly in a public 144770  
setting. The board shall publish notice of each meeting's date, 144771  
time, and location at least one week in advance. The board shall 144772  
post meeting materials and, if possible, recordings to a 144773  
dedicated web site for the board following each meeting. The 144774  
board shall not publicly review personally identifiable 144775  
information during meetings or post personally identifiable 144776  
information as part of the meeting materials. 144777

(B) (1) The chairperson of the board may create advisory 144778  
committees to research or discuss specialized topics, solicit 144779  
stakeholder feedback, complete projects, or generate 144780  
recommendations for the full board. 144781

(2) Committee meetings shall be held in the same manner as 144782  
meetings under division (A) of this section unless the board 144783  
votes to make the meetings private for privacy or security 144784  
reasons. 144785

(3) The chairperson of the board may appoint individuals 144786  
who are not board members to serve on a committee. Individuals 144787  
serving on committees who are not board members may vote during 144788  
committee meetings but shall not vote during full board 144789  
meetings. 144790

**Sec. 6303.04.** The education and workforce data insights 144791  
board shall work collaboratively to achieve the following 144792  
objectives: 144793

(A) Create a research framework that reflects the broad, 144794  
cross-agency policy areas that are priorities for policy leaders 144795  
and state agencies related to education and workforce. The 144796

research framework shall guide where research is needed and help 144797  
prioritize state research and data access requests. The board 144798  
shall do all of the following for the research framework: 144799

(1) Ensure that the necessary data connections exist to 144800  
implement the research framework; 144801

(2) Discuss the progress implementing the research 144802  
framework at each meeting; 144803

(3) Update the framework every two years with stakeholder 144804  
input. 144805

(B) Adopt a data access and use policy for cross-agency 144806  
data requests that streamlines data access for stakeholders. The 144807  
policy shall be guided by and adhere to all relevant state and 144808  
federal privacy and data security laws including the "Family 144809  
Educational Rights and Privacy Act of 1974," U.S.C. 1232g; 144810

(C) Identify and implement strategies to make data 144811  
collection and reporting more efficient for local and regional 144812  
education and workforce entities so as to reduce duplication of 144813  
efforts; 144814

(D) Take actions to increase the capacity of the state to 144815  
securely process cross-agency data access and research requests 144816  
with the goal of reducing the time and cost required to fulfill 144817  
such requests; 144818

(E) Support critical education and workforce initiatives 144819  
adopted by the state that rely on cross-agency data and, when 144820  
possible, support local and regional education and workforce 144821  
initiatives; 144822

(F) Coordinate the creation of tools, dashboards, reports, 144823  
and research that use cross-agency education and workforce data; 144824

(G) Share and promote the tools, dashboards, reports, and research created by the board using cross-agency education and workforce data. Additionally, the board may share and promote similar resources created by other entities, including state agencies, with the permission of the originating entity. 144825  
144826  
144827  
144828  
144829

(H) Discuss and direct the implementation of enhancements to education and workforce data systems, technologies, data security, and privacy. 144830  
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144832

**Sec. 6303.05.** The education and workforce data insights board annually shall submit a report to the governor, speaker of the house of representatives, and the president of the senate that includes all of the following: 144833  
144834  
144835  
144836

(A) The board's mission, vision, and progress implementing its strategic plan and its plans for the next year; 144837  
144838

(B) The research framework created under section 6303.04 of the Revised Code and progress implementing the framework; 144839  
144840

(C) A digest of the tools, dashboards, reports, and research produced using cross-agency education and workforce data, including how each is benefiting stakeholders; 144841  
144842  
144843

(D) Metrics on the access and use of education and workforce data managed by the board, including the number of access requests fulfilled, not fulfilled, reasons the requests were not fulfilled, and average time for access requests to be resolved; 144844  
144845  
144846  
144847  
144848

(E) Any recommendations for improving the governance, administration, or system security of the data systems that support the board's mission and research framework the board chooses to include. 144849  
144850  
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144852

**Section 101.02.** That existing sections 9.03, 9.07, 9.239, 144853  
9.24, 9.28, 9.312, 9.331, 9.334, 9.35, 9.681, 9.821, 101.352, 144854  
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5751.98, 5753.031, 5753.07, 5907.11, 5907.17, 5923.30, 6101.53, 145054  
6101.54, 6101.55, 6111.01, and 6111.04 of the Revised Code are 145055  
hereby repealed. 145056

**Section 105.01.** That sections 9.47, 101.38, 103.053, 145057  
103.054, 103.24, 103.72, 103.73, 111.12, 113.06, 117.113, 145058  
117.251, 117.441, 117.51, 122.451, 122.55, 122.56, 122.561, 145059  
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3333.801, 3379.10, 3513.254, 3513.255, 3513.256, 3513.259, 145065  
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5123.352, 5160.23, 5163.05, 5165.261, 5166.45, 5180.23, 5180.24, 145070  
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5310.11, 5310.12, 5310.13, 5310.14, 5537.24, 5705.195, 5705.196, 145072  
5705.197, 5726.59, 5747.67, 5751.55, 5902.06, and 5902.20 of the 145073  
Revised Code are hereby repealed. 145074

**Section 105.05.** That sections 103.60, 107.034, 113.78, 145075

3313.902, 3314.38, 3317.036, 3317.23, 3317.231, 3317.24,  
3345.86, 3354.24, 5705.192, 5739.071, and 5747.29 of the Revised  
Code are hereby repealed, as of the dates specified below in the  
sections prefixed with number 105.

**Section 105.10.** That section 3354.24 of the Revised Code  
is hereby repealed, effective June 30, 2027.

**Section 105.20.** That section 107.034 of the Revised Code  
is hereby repealed, effective July 1, 2026.

**Section 105.30.** That section 113.78 of the Revised Code is  
hereby repealed, effective July 1, 2026.

**Section 105.40.** That section 103.60 of the Revised Code is  
hereby repealed, effective December 31, 2025.

**Section 105.50.** That section 5739.071 of the Revised Code  
is hereby repealed, effective January 1, 2026.

**Section 105.60.** That section 5747.29 of the Revised Code  
is hereby repealed, effective January 1, 2026.

**Section 105.70.** That section 5705.192 of the Revised Code  
is hereby repealed, effective January 1, 2026.

**Section 105.80.** That sections 3313.902, 3314.38, 3317.036,  
3317.23, 3317.231, 3317.24, and 3345.86 are hereby repealed,  
effective July 1, 2026.

**Section 107.10.** That Section 733.61 of H.B. 166 of the  
133rd General Assembly (as amended by H.B. 33 of the 135th  
General Assembly) be amended to codify it as section 3313.6033  
of the Revised Code to read as follows:

**Sec. ~~733.61~~ 3313.6033.** (A) Notwithstanding section  
3319.236 of the Revised Code, ~~for the 2019-2020 school year~~

~~through the 2024-2025 school year only,~~ a school district, 145103  
community school established under Chapter 3314. of the Revised 145104  
Code, or science, technology, engineering, and mathematics 145105  
school established under Chapter 3326. of the Revised Code may 145106  
permit an individual who holds a valid educator license in any 145107  
of grades kindergarten through twelve to teach a computer 145108  
science course if, ~~prior to teaching the course~~in the last five 145109  
years, the individual ~~completes~~ has completed a professional 145110  
development program approved by the district superintendent or 145111  
school principal that provides content knowledge specific to the 145112  
course the individual will teach. To continue teaching computer 145113  
science under this section, an individual shall complete the 145114  
professional development program every five years in accordance 145115  
with the educator licensure recertification process. The 145116  
superintendent or principal shall approve any professional 145117  
development program endorsed by the organization that creates 145118  
and administers the national ~~Advanced Placement~~ advanced 145119  
placement examinations as appropriate for the course the 145120  
individual will teach. 145121

(B) Nothing in this section shall permit an individual 145122  
described in division (A) of this section to teach a computer 145123  
science course in a school district or school other than the 145124  
school district or school that employed the individual at the 145125  
time the individual completed the professional development 145126  
program required by that division. 145127

(C) ~~Beginning July 1, 2025, a school district or public~~ 145128  
~~school shall permit an individual to teach a computer science~~ 145129  
~~course only in accordance with section 3319.236 of the Revised~~ 145130  
~~Code.~~ 145131

~~(D)~~ Notwithstanding section 3301.012 of the Revised Code, 145132

as used in this section, "computer science course" means any 145133  
course that is reported in the education management information 145134  
system established under section 3301.0714 of the Revised Code 145135  
as a computer science course. 145136

**Section 107.11.** That existing Section 733.61 of H.B. 166 145137  
of the 133rd General Assembly (as amended by H.B. 33 of the 145138  
135th General Assembly) is hereby repealed. 145139

**Section 125.10.** The amendment by this act of section 145140  
4785.041 of the Revised Code does not supersede the repeal of 145141  
that section on April 3, 2033, as prescribed by Sections 4 and 5 145142  
of H.B. 107 of the 134th General Assembly. 145143

**Section 125.20.** That the versions of sections 117.12 and 145144  
117.56 of the Revised Code that are scheduled to take effect 145145  
October 1, 2025, are hereby repealed. 145146

**Section 125.21.** That Section 101.02 of H.B. 54 of the 145147  
136th General Assembly be amended to read as follows: 145148

**Sec. 101.02.** That existing sections 101.27, ~~117.12,~~ 145149  
154.01, 306.30, 306.35, 306.43, 717.02, 1548.061, 2935.03, 145150  
3503.11, 3704.14, 4501.01, 4503.10, 4503.102, 4503.103, 4503.21, 145151  
4505.08, 4506.01, 4506.09, 4506.11, 4507.01, 4507.061, 4507.13, 145152  
4507.21, 4507.52, 4508.02, 4511.01, 4511.031, 4511.09, 4511.091, 145153  
4511.092, 4511.093, 4511.094, 4511.11, 4511.13, 4511.131, 145154  
4511.132, 4511.18, 4511.204, 4511.21, 4511.211, 4511.214, 145155  
4511.432, 4511.46, 4511.48, 4511.512, 4511.61, 4511.62, 4511.64, 145156  
4511.65, 4511.68, 4511.701, 4511.712, 4511.76, 4513.071, 145157  
4513.38, 4513.41, 4517.02, 4517.24, 4519.401, 4955.50, 4955.51, 145158  
5501.20, 5501.41, 5501.441, 5512.07, 5513.01, 5515.01, 5515.02, 145159  
5515.99, 5517.02, 5517.021, 5521.01, 5525.03, 5525.04, 5525.08, 145160  
5525.14, 5525.16, 5537.02, 5571.01, and 5747.502 of the Revised 145161

Code are hereby repealed. 145162

**Section 125.22.** That existing Section 101.02 of H.B. 54 of 145163  
the 136th General Assembly is hereby repealed. 145164

**Section 125.23.** That Section 820.50 of H.B. 54 of the 145165  
136th General Assembly is hereby repealed. 145166

**Section 125.24.** Sections 125.20 and 125.21 of this act 145167  
remove the limitations imposed on the continued existence of 145168  
section 117.12 of the Revised Code. 145169

**Section 201.10.** APPROPRIATIONS 145170

Except as otherwise provided in this act, all 145171  
appropriation items in this act are appropriated out of any 145172  
moneys in the state treasury to the credit of the designated 145173  
fund that are not otherwise appropriated. For all appropriations 145174  
made in this act, the amounts in the first column are for fiscal 145175  
year 2026 and the amounts in the second column are for fiscal 145176  
year 2027. 145177

**Section 203.10.** 145178  
145179

1	2	3	4	5
A	ACC ACCOUNTANCY BOARD OF OHIO			
B	Dedicated Purpose Fund Group			
C	4J80 889601 CPA Education Assistance		\$260,000	\$275,000
D	4K90 889609 Operating Expenses		\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total		\$1,619,075	\$1,675,531

F TOTAL ALL BUDGET FUND GROUPS \$1,619,075 \$1,675,531

**Section 205.10.**

145180

145181

1 2 3 4 5

A ADJ ADJUTANT GENERAL

B General Revenue Fund

C GRF 745401 Ohio Military Reserve \$56,162 \$56,162

D GRF 745404 Air National Guard \$2,406,436 \$2,689,830

E GRF 745407 National Guard Benefits \$174,000 \$174,000

F GRF 745409 Central Administration \$3,585,342 \$3,684,085

G GRF 745499 Army National Guard \$5,402,863 \$6,082,457

H GRF 745503 Ohio Cyber Reserve \$1,151,000 \$1,151,000

I GRF 745504 Ohio Cyber Range \$2,650,000 \$2,650,000

J GRF 745505 State Active Duty \$70,000 \$70,000

K General Revenue Fund Total \$15,495,803 \$16,557,534

L Dedicated Purpose Fund Group

M 5340 745612 Property Operations \$682,195 \$682,292  
Management

N 5360 745620 Camp Perry and Buckeye \$1,064,057 \$1,074,431  
Inn Operations

O	5370	745604	Ohio National Guard Facilities Maintenance	\$60,131	\$60,131
P	5U80	745613	Community Match Armories	\$349,965	\$349,965
Q			Dedicated Purpose Fund Group Total	\$2,156,348	\$2,166,819
R			Federal Fund Group		
S	3420	745616	Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80	745628	Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80	745603	Counter Drug Operations	\$26,606	\$26,606
V			Federal Fund Group Total	\$43,038,318	\$43,723,534
W			TOTAL ALL BUDGET FUND GROUPS	\$60,690,469	\$62,447,887

**Section 205.20. NATIONAL GUARD BENEFITS** 145182

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 145183  
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If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request that the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. 145187  
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The Adjutant General may subsequently seek Controlling Board 145193  
approval to restore the appropriation in the appropriation item 145194  
from which such a transfer was made. 145195

For active duty members of the Ohio National Guard who 145196  
died after October 7, 2001, while performing active duty, the 145197  
death benefit, pursuant to section 5919.33 of the Revised Code, 145198  
shall be paid to the beneficiary or beneficiaries designated on 145199  
the member's Service members' Group Life Insurance Policy. 145200

OHIO CYBER RESERVE 145201

The foregoing appropriation item 745503, Ohio Cyber 145202  
Reserve, shall be used for purposes of providing support for the 145203  
administration of the Ohio Cyber Reserve, a civilian cyber 145204  
reserve force that is part of the Ohio organized militia, 145205  
capable of being expanded and trained to educate and protect all 145206  
levels of state government, critical infrastructure, and the 145207  
citizens of this state from cyber attacks and incidences under 145208  
sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as 145209  
well as for the purpose of paying expenses related to cyber 145210  
state active duty of members of the Ohio Cyber Reserve, in 145211  
accordance with a proclamation or order of the Governor. 145212  
Expenses include, but are not limited to, the cost of equipment, 145213  
supplies, and services, as determined by the Adjutant General. 145214

OHIO CYBER RANGE 145215

The foregoing appropriation item 745504, Ohio Cyber Range, 145216  
shall be used by the Adjutant General's Department to establish 145217  
and maintain the cyber range for purposes of providing cyber 145218  
training and education to K-12 students, higher education 145219  
students, members of the Ohio National Guard, federal employees, 145220  
and state and local government employees, and provide for 145221

emergency preparedness exercises and trainings. 145222

The Adjutant General's Department, in conjunction and 145223  
collaboration with the Department of Administrative Services, 145224  
the Department of Public Safety, the Department of Higher 145225  
Education, and the Department of Education and Workforce shall 145226  
establish and maintain a cyber range. The Adjutant General's 145227  
Department may work with federal agencies to assist in 145228  
accomplishing this objective. The state agencies identified in 145229  
this paragraph may procure any necessary goods and services 145230  
including, but not limited to, contracted services, hardware, 145231  
networking services, maintenance costs, and the training and 145232  
management costs of a cyber range. These state agencies shall 145233  
determine the amount of funds each agency will contribute from 145234  
available funds and appropriations enacted herein in order to 145235  
establish and maintain a cyber range. 145236

STATE ACTIVE DUTY 145237

The foregoing appropriation item 745505, State Active 145238  
Duty, shall be used for the purpose of paying expenses related 145239  
to state active duty of members of the Ohio organized militia, 145240  
not including the civilian cyber security reserve forces, in 145241  
accordance with a proclamation or order of the Governor. 145242  
Expenses include, but are not limited to, cost of equipment, 145243  
supplies, and services, as determined by the Adjutant General. 145244

**Section 207.10.** 145245

145246

1 2 3 4 5

A DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

B General Revenue Fund

C	GRF	100413	EDCS Lease Rental Payments	\$9,300,000	\$9,300,000
D	GRF	100414	MARCS Lease Rental Payments	\$6,450,000	\$6,450,000
E	GRF	100415	OAKS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	100416	STARS Lease Rental Payments	\$1,100,000	\$1,100,000
G	GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$45,500,000	\$60,500,000
H	GRF	100456	State IT Services	\$978,412	\$1,512,297
I	GRF	100459	Ohio Business Gateway	\$14,325,421	\$14,368,107
J	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
K	GRF	130321	State Agency Support Services	\$28,000,000	\$28,000,000
L			General Revenue Fund Total	\$108,325,833	\$123,902,404
M			Dedicated Purpose Fund Group		
N	4K90	100673	Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
O	5AB1	100674	Next Generation 9-1-1	\$3,500,000	\$0

P	5L70	100610	Professional Development	\$2,013,841	\$2,014,854
Q	5NM0	100663	9-1-1 Program	\$956,663	\$980,078
R	5V60	100619	Employee Educational Development	\$1,234,461	\$1,268,484
S	7093	100675	Next Generation 9-1-1	\$13,469,622	\$14,804,264
T	Dedicated Purpose Fund Group Total			\$28,350,314	\$26,506,749
U	Internal Service Activity Fund Group				
V	1120	100616	DAS Administration	\$14,683,912	\$15,113,177
W	1170	100644	General Services Division - Operating	\$23,091,398	\$22,574,348
X	1220	100637	Fleet Management	\$25,449,633	\$22,866,905
Y	1250	100622	Human Resources Division - Operating	\$26,081,909	\$26,319,177
Z	1250	100657	Benefits Communication	\$620,036	\$628,275
AA	1300	100606	Risk Management Reserve	\$24,015,458	\$24,051,115
AB	1320	100631	DAS Building Management	\$53,101,399	\$54,715,341
AC	1330	100607	IT Services Delivery	\$194,935,390	\$197,374,206
AD	2100	100612	State Printing	\$31,450,162	\$32,512,922
AE	2290	100630	IT Governance	\$40,176,321	\$40,741,507

AF 2290 100640 Consolidated IT Purchases	\$28,265,838	\$28,265,838
AG 4270 100602 Investment Recovery	\$1,835,187	\$1,891,267
AH 4N60 100617 Major IT Purchases	\$3,984,131	\$3,984,131
AI 5C20 100605 MARCS Administration	\$35,336,608	\$35,689,974
AJ 5EB0 100635 OAKS Support Organization	\$101,832,561	\$104,303,226
AK 5EB0 100656 OAKS Updates and Developments	\$11,427,405	\$11,403,567
AL 5KZ0 100659 Building Improvement	\$2,276,705	\$2,777,458
AM 5LJ0 100661 IT Development	\$12,839,922	\$12,839,922
AN 5PC0 100665 Enterprise Applications	\$14,160,852	\$14,244,654
AO 5WU0 100672 Ohio Benefits	\$151,980,462	\$0
AP Internal Service Activity Fund Group Total	\$797,545,289	\$652,297,010
AQ Fiduciary Fund Group		
AR 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AS Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AT TOTAL ALL BUDGET FUND GROUPS	\$935,811,436	\$804,346,163

**Section 207.20.** EDCS LEASE RENTAL PAYMENTS 145247

The foregoing appropriation item 100413, EDCS Lease Rental 145248  
 Payments, shall be used to make payments during the period from 145249

July 1, 2025, through June 30, 2027, pursuant to leases and 145250  
agreements entered into under Chapter 125. of the Revised Code, 145251  
as supplemented by Section 701.10 of H.B. 529 of the 132nd 145252  
General Assembly, as amended by Section 601.10 of H.B. 166 of 145253  
the 133rd General Assembly, and other prior acts of the General 145254  
Assembly, with respect to financing the costs associated with 145255  
the acquisition, development, implementation, and integration of 145256  
the Enterprise Data Center Solutions (EDCS) information 145257  
technology initiative. 145258

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 145259  
PAYMENTS 145260

The foregoing appropriation item 100414, MARCS Lease 145261  
Rental Payments, shall be used to make payments during the 145262  
period from July 1, 2025, through June 30, 2027, pursuant to 145263  
leases and agreements entered into under Chapter 125. of the 145264  
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 145265  
of the 130th General Assembly and other prior acts of the 145266  
General Assembly, with respect to financing the costs associated 145267  
with the acquisition, development, implementation, and 145268  
integration of the Multi-Agency Radio Communications System 145269  
(MARCS) upgrade. 145270

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 145271

The foregoing appropriation item 100415, OAKS Lease Rental 145272  
Payments, shall be used to make payments during the period from 145273  
July 1, 2025, through June 30, 2027, pursuant to leases and 145274  
agreements entered into under Chapter 125. of the Revised Code, 145275  
as supplemented by Section 701.10 of H.B. 529 of the 132nd 145276  
General Assembly and other prior acts of the General Assembly, 145277  
with respect to financing the costs associated with the 145278  
acquisition, development, implementation, and integration of the 145279

Ohio Administrative Knowledge System (OAKS).	145280
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL	145281
PAYMENTS	145282
The foregoing appropriation item 100416, STARS Lease	145283
Rental Payments, shall be used to make payments during the	145284
period from July 1, 2025, through June 30, 2027, pursuant to	145285
leases and agreements entered into under Chapter 125. of the	145286
Revised Code, as supplemented by Section 701.30 of H.B. 529 of	145287
the 132nd General Assembly and other prior acts of the General	145288
Assembly, with respect to financing the costs associated with	145289
the acquisition, development, implementation, and integration of	145290
the State Taxation Accounting and Revenue System (STARS).	145291
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	145292
The foregoing appropriation item 100447, Administrative	145293
Buildings Lease Rental Bond Payments, shall be used to meet all	145294
payments during the period from July 1, 2025, through June 30,	145295
2027, by the Department of Administrative Services pursuant to	145296
leases and agreements under Chapters 152. and 154. of the	145297
Revised Code. These appropriations are the source of funds	145298
pledged for bond service charges on related obligations issued	145299
under Chapters 152. and 154. of the Revised Code.	145300
DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT	145301
FUND	145302
The foregoing appropriation item 130321, State Agency	145303
Support Services, may be used to provide funding for the cost of	145304
property appraisals or building studies that the Department of	145305
Administrative Services may be required to obtain for property	145306
that is being sold by the state or property under consideration	145307
to be renovated or purchased by the state.	145308

Notwithstanding section 125.28 of the Revised Code, the 145309  
foregoing appropriation item 130321, State Agency Support 145310  
Services, also may be used to pay the operating expenses of 145311  
state facilities maintained by the Department of Administrative 145312  
Services that are not billed to building tenants, other costs 145313  
associated with the Voinovich Center in Youngstown, Ohio, or 145314  
costs of repairing vehicles donated pursuant to section 125.13 145315  
of the Revised Code. These expenses may include, but are not 145316  
limited to, the costs for vacant space and space undergoing 145317  
renovation, and the rent expenses of tenants that are relocated 145318  
because of building renovations. These payments may be processed 145319  
by the Department of Administrative Services through intrastate 145320  
transfer vouchers and placed into the Building Management Fund 145321  
(Fund 1320). 145322

At least once per year, the portion of appropriation item 145323  
130321, State Agency Support Services, that is not used for the 145324  
regular expenses of the appropriation item may be processed by 145325  
the Department of Administrative Services through intrastate 145326  
transfer voucher and placed in the Building Improvement Fund 145327  
(Fund 5KZ0). 145328

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 145329

Of the foregoing appropriation item 100610, Professional 145330  
Development, up to \$1,400,000 in each fiscal year shall be used 145331  
to make payments from the Professional Development Fund (Fund 145332  
5L70) under section 124.182 of the Revised Code. 145333

Of the foregoing appropriation item 100610, Professional 145334  
Development, up to \$1,200,000 during the FY 2026-FY 2027 145335  
biennium may be used by the Director of Administrative Services 145336  
for the creation, staffing, and administration of the Ohio 145337  
Digital Academy. The Ohio Digital Academy shall exist to 145338

generate high-tech workforce capacity and serve the state of 145339  
Ohio in advanced technology and cybersecurity needs. The goals 145340  
of the Ohio Digital Academy shall be to educate, train, and 145341  
subsequently employ analysts in completing boot camps, 145342  
certifications, or degree programs in cybersecurity, coding, 145343  
software engineering, user experience designers, and related 145344  
fields. 145345

In consultation with CyberOhio, the Department of 145346  
Administrative Services shall have full authority to select 145347  
qualified candidates for the Ohio Digital Academy. Candidates 145348  
shall be subject to all applicable background checks and if 145349  
selected, shall be required to commit to three years of service 145350  
with the state of Ohio. Ohio Digital Academy candidates may be 145351  
placed in an unclassified, administrative staff position 145352  
pursuant to division (A) (30) of section 124.11 of the Revised 145353  
Code for which the Director of Administrative Services is hereby 145354  
given specific authority to set compensation, or with other 145355  
public or private employers identified by the Department with 145356  
which a partnership agreement has been established. 145357  
Notwithstanding any provision of law to the contrary, the 145358  
Department may use the foregoing appropriation to reimburse 145359  
selected students' tuition expenses for coursework, 145360  
certification achieved, or other necessary expenses, prior to 145361  
acceptance in the program, which is directly attributable to the 145362  
targeted skills of the program if completed within one year 145363  
prior to the effective date of this section. Upon hiring, 145364  
candidates shall also be eligible for reimbursement of costs for 145365  
continuing education or certification at the discretion of the 145366  
Director to support the development of specialized skills in the 145367  
areas of information technology and cybersecurity. Each 145368  
candidate shall be responsible for any tax implications 145369

associated with the tuition. The Department reserves the right 145370  
to recover all or a portion of funds provided to an Ohio Digital 145371  
Academy participant who fails to complete the agreed upon three 145372  
years of service commitment to the state. 145373

On July 1, 2025, or as soon as possible thereafter, the 145374  
Department of Administrative Services may select and enter into 145375  
a subgrant agreement with a regionally accredited Ohio 145376  
institution of higher education with demonstrated significant 145377  
coursework and programming in cybersecurity to serve as a 145378  
Digital Analyst Training Academy (D.A.T.A.) Center. The Center 145379  
shall be responsible for paying for costs associated with the 145380  
work of the Ohio Digital Academy as designated by the Department 145381  
of Administrative Services. On behalf of the Center, the 145382  
selected institution shall do all the following: 145383

(A) Provide necessary educational coursework or training 145384  
for the selected students' successful completion of a 145385  
certificate or degree program as prescribed by the Department of 145386  
Administrative Services at no cost to the selected students; 145387

(B) Administer weekly professional development programs 145388  
for students in an academic setting; 145389

(C) Prepare analysts for summer mandatory recruit training 145390  
as prescribed by the Department of Administrative Services; 145391

(D) Coordinate and manage summer scenarios; 145392

(E) Submit a quarterly report to the Department of 145393  
Administrative Services that contains detailed information on 145394  
the amount of grant funds expended for the aforementioned 145395  
purposes; 145396

(F) Submit an annual report to the Department of 145397  
Administrative Services of all achievements, including a status 145398

report of all expenditures, number of students enrolled by 145399  
program area, number of students graduated or certifications 145400  
achieved by program area, program expansion opportunities, and 145401  
projected costs to continue operating the Center. 145402

Additional Centers may be added over the biennium subject 145403  
to the approval of the Director of Administrative Services. 145404

9-1-1 PROGRAM 145405

The foregoing appropriation item 100663, 9-1-1 Program, 145406  
shall be used by the Department of Administrative Services to 145407  
pay the administrative and educational costs of the Statewide 145408  
Emergency Services Internet Protocol Network program. 145409

EMPLOYEE EDUCATIONAL DEVELOPMENT 145410

The foregoing appropriation item 100619, Employee 145411  
Educational Development, shall be used to make payments from the 145412  
Employee Educational Development Fund (Fund 5V60) under section 145413  
124.86 of the Revised Code. The fund shall be used to pay the 145414  
costs of administering educational programs under existing 145415  
collective bargaining agreements with District 1199, the Health 145416  
Care and Social Service Union, Service Employees International 145417  
Union; State Council of Professional Educators; Ohio Education 145418  
Association and National Education Association; the Fraternal 145419  
Order of Police State of Ohio, Unit 2 Association; and the Ohio 145420  
State Troopers Association, Units 1 and 15. 145421

If it is determined by the Director of Budget and 145422  
Management that additional amounts are necessary, the amounts 145423  
are hereby appropriated. 145424

**Section 207.40. GENERAL SERVICE CHARGES** 145425

The Department of Administrative Services, with the 145426

approval of the Director of Budget and Management, shall 145427  
establish charges for recovering the costs of administering the 145428  
programs funded by the General Services Fund (Fund 1170) and the 145429  
State Printing Fund (Fund 2100). 145430

COLLECTIVE BARGAINING ARBITRATION EXPENSES 145431

The Department of Administrative Services may seek 145432  
reimbursement from state agencies for the actual costs and 145433  
expenses the Department incurs in the collective bargaining 145434  
arbitration process. The reimbursements shall be processed 145435  
through intrastate transfer vouchers and credited to the Human 145436  
Resources Services Fund (Fund 1250). 145437

RISK MANAGEMENT RESERVE 145438

The foregoing appropriation item 100606, Risk Management 145439  
Reserve, shall be used to make payments from the Risk Management 145440  
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 145441  
Revised Code. 145442

CONSOLIDATED IT PURCHASES 145443

The foregoing appropriation item 100640, Consolidated IT 145444  
Purchases, shall be used by the Department of Administrative 145445  
Services acting as the purchasing agent for one or more 145446  
government entities under the authority of division (G) of 145447  
section 125.18 of the Revised Code to make information 145448  
technology purchases at a lower aggregate cost than each 145449  
individual government entity could have obtained independently 145450  
for that information technology purchase. 145451

INVESTMENT RECOVERY FUND 145452

Notwithstanding division (B) of section 125.14 of the 145453  
Revised Code, cash balances in the Investment Recovery Fund 145454

(Fund 4270) may be used to support the operating expenses of the 145455  
Federal Surplus Operating Program created in sections 125.84 to 145456  
125.90 of the Revised Code. 145457

MAJOR IT PURCHASES CHARGES 145458

Upon the request of the Director of Administrative 145459  
Services, the Director of Budget and Management may transfer up 145460  
to \$2,000,000 cash in each fiscal year of the amount collected 145461  
for statewide indirect costs attributable to debt service paid 145462  
for the enterprise data center solutions project from the 145463  
General Revenue Fund to the Major Information Technology 145464  
Purchases Fund (Fund 4N60). 145465

MARCS ADMINISTRATION 145466

Of the foregoing appropriation item 100605, MARCS 145467  
Administration, \$10,500,000 in each fiscal year shall be used to 145468  
reduce MARCS subscriber fees paid by villages, municipal 145469  
corporations, townships, counties, and regional public safety 145470  
and first response agencies. 145471

PROFESSIONS LICENSING SYSTEM 145472

The foregoing appropriation item, 100673, Ohio 145473  
Professionals Licensing System, shall be used to purchase the 145474  
equipment, products, and services necessary to update and 145475  
maintain an automated licensing system for the professional 145476  
licensing boards. 145477

The Department of Administrative Services shall establish 145478  
charges for recovering the costs of ongoing maintenance of the 145479  
system that are not otherwise recovered under section 125.18 of 145480  
the Revised Code. The charges shall be proportionate to each 145481  
benefiting state agency, board, or commission's use of the 145482  
system. For agencies, boards, or commissions whose operations 145483

are not funded by appropriations from the Occupational Licensing and Regulatory Fund (Fund 4K90), the Director of Administrative Services shall certify to the Director of Budget and Management these entities' proportionate charges for use of the state's enterprise electronic licensing system. The Director of Budget and Management shall transfer cash equaling the certified amounts from these entities' respective operating funds into the Occupational Licensing and Regulatory Fund (Fund 4K90).

On July 1, 2025, or as soon as possible thereafter, the State Board of Education shall consult with the Department of Administrative Services on the utilization of the Ohio Professional Licensing System. As part of this consultation, the State Board of Education shall consider opportunities to reduce the number of license and certification types.

**Section 207.45. BUILDING IMPROVEMENT FUND**

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and may maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may transfer cash from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to

tenants during the same fiscal year. 145514

Should the cash balance in Fund 1320 be determined to be 145515  
sufficient, the Director of Administrative Services may request 145516  
that the Director of Budget and Management transfer cash from 145517  
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 145518  
transfer made under this section. 145519

INFORMATION TECHNOLOGY DEVELOPMENT 145520

The foregoing appropriation item 100661, IT Development, 145521  
shall be used by the Department of Administrative Services to 145522  
pay the costs of modernizing the state's information technology 145523  
management and investment practices away from a limited, agency- 145524  
specific focus in favor of a statewide methodology supporting 145525  
development of enterprise solutions. This appropriation item may 145526  
be used to pay the costs of enterprise information technology 145527  
initiatives affecting state agencies or their customers. 145528

Notwithstanding any provision of law to the contrary, the 145529  
Department of Administrative Services, with the approval of the 145530  
Director of Budget and Management, may charge state agencies an 145531  
information technology development assessment based on state 145532  
agencies' information technology expenditures or other 145533  
methodology and may assess fees or charges to entities that are 145534  
not state agencies to offset the cost of specific technology 145535  
events or services. The revenue from these assessments, fees, or 145536  
charges shall be deposited into the Information Technology 145537  
Development Fund (Fund 5LJ0), which is hereby created. 145538

ENTERPRISE APPLICATIONS 145539

The foregoing appropriation item 100665, Enterprise 145540  
Applications, shall be used for the operation and management of 145541  
information technology applications that support state agencies' 145542

objectives. Charges billed to benefiting agencies shall be 145543  
deposited to the credit of the Enterprise Applications Fund 145544  
(Fund 5PC0). 145545

**Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION** 145546

The Director of Administrative Services shall determine 145547  
and implement strategies that benefit the enterprise by 145548  
improving efficiency, reducing costs, or enhancing capacity of 145549  
information technology (IT) services. Such improvements and 145550  
efficiencies may result in the consolidation and transfer of 145551  
such services. As determined to be necessary for successful 145552  
implementation of this section and notwithstanding any provision 145553  
of law to the contrary, the Director of Administrative Services 145554  
may request the Director of Budget and Management to consolidate 145555  
or transfer IT-specific budget authority between agencies or 145556  
within an agency as necessary to implement enterprise IT cost 145557  
containment strategies and related efficiencies. Once the 145558  
Director of Budget and Management is satisfied that the proposed 145559  
initiative is cost advantageous to the enterprise, the Director 145560  
of Budget and Management may request Controlling Board approval 145561  
to transfer appropriations, funds, and cash to implement the 145562  
proposed initiative. The establishment of any new fund or 145563  
additional appropriation as a result of this section shall also 145564  
be subject to Controlling Board approval. 145565

The Director of Budget and Management and the Director of 145566  
Administrative Services may transfer any employees, assets, and 145567  
liabilities, including, but not limited to, records, contracts, 145568  
and agreements in order to facilitate the improvements 145569  
determined in accordance with this section. 145570

**Section 209.10.** 145571

145572

	1	2	3	4	5
A					AGE DEPARTMENT OF AGING
B					General Revenue Fund
C	GRF	490321	Operating Expenses	\$1,944,405	\$2,033,308
D	GRF	490410	Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF	490411	Senior Community Services	\$11,107,903	\$11,145,146
F	GRF	490414	Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF	490510	Community Projects	\$485,000	\$0
H	GRF	656423	Long-Term Care Budget - State	\$5,222,431	\$5,339,477
I			General Revenue Fund Total	\$26,176,887	\$25,940,126
J			Dedicated Purpose Fund Group		
K	4800	490606	Senior Community Outreach and Education	\$150,000	\$150,000
L	4C40	490609	Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000
M	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
N	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000

O	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
P	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
Q	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
R	Dedicated Purpose Fund Group Total			\$17,146,359	\$17,181,358
S	Federal Fund Group				
T	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
U	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
V	3M40	490612	Federal Independence Services	\$66,495,000	\$69,820,000
W	Federal Fund Group Total			\$84,457,626	\$88,299,625
X	TOTAL ALL BUDGET FUND GROUPS			\$127,780,872	\$131,421,109

**Section 209.20. LONG-TERM CARE** 145573

Pursuant to an interagency agreement, the Department of 145574  
 Medicaid may designate the Department of Aging to perform 145575  
 assessments under section 5165.04 of the Revised Code. The 145576  
 Department of Aging shall provide long-term care consultations 145577  
 under section 173.42 of the Revised Code to assist individuals 145578  
 in planning for their long-term health care needs. 145579

The Department of Aging shall administer the Medicaid 145580  
waiver-funded PASSPORT Home Care Program, the Assisted Living 145581  
Program, and PACE as delegated by the Department of Medicaid in 145582  
an interagency agreement. 145583

PERFORMANCE-BASED REIMBURSEMENT 145584

In order to improve health outcomes among populations 145585  
served by PASSPORT administrative agencies, the Department of 145586  
Aging, through rules adopted in accordance with Chapter 119. of 145587  
the Revised Code, may design and utilize a payment method for 145588  
PASSPORT administrative agency operations that includes a pay- 145589  
for-performance incentive component that is earned by a PASSPORT 145590  
administrative agency when defined consumer and policy outcomes 145591  
are achieved. Prior to filing with the Joint Committee on Agency 145592  
Rule Review, as provided in section 119.03 of the Revised Code, 145593  
a proposed rule related to a payment method that includes a pay- 145594  
for-performance incentive component, the Department shall submit 145595  
a report to the Joint Medicaid Oversight Committee outlining the 145596  
payment method. 145597

**Section 209.30. MYCARE OHIO** 145598

The authority of the Office of the State Long-Term Care 145599  
Ombudsman as described in sections 173.14 to 173.28 of the 145600  
Revised Code extends to MyCare Ohio during the period of the 145601  
federal financial alignment demonstration program. 145602

SENIOR COMMUNITY SERVICES 145603

The foregoing appropriation item 490411, Senior Community 145604  
Services, may be used for programs, services, and activities 145605  
designated by the Department of Aging, including, but not 145606  
limited to, home-delivered meals, congregate dining, 145607  
transportation, personal care, respite, adult day services, home 145608

maintenance and chores, minor home modification, case 145609  
management, evidence-based disease prevention and health 145610  
promotion, and information assistance. Funds may also be used to 145611  
provide grants to community organizations to support and expand 145612  
older adult programming. Services priority shall be given to 145613  
low-income, high-need persons, and/or persons with a cognitive 145614  
impairment who are sixty years of age or over. The Department 145615  
shall not use any of these funds for administrative expenses. 145616

COMMUNITY PROJECTS 145617

Of the foregoing appropriation item 490510, Community 145618  
Projects, \$285,000 in fiscal year 2026 shall be distributed to 145619  
Jewish Family Services to support Ohio's Holocaust survivors. 145620

Of the foregoing appropriation item 490510, Community 145621  
Projects, \$200,000 in fiscal year 2026 shall be distributed to 145622  
the Benjamin Rose Institute on Aging. These funds shall be used 145623  
to provide services to disadvantaged seniors that address food 145624  
insecurity, mental health, and financial literacy. 145625

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 145626

The foregoing appropriation item 490627, Board of 145627  
Executives of Long-Term Services and Supports, may be used by 145628  
the Board of Executives of Long-Term Services and Supports to 145629  
administer and enforce Chapter 4751. of the Revised Code and 145630  
rules adopted under it. 145631

**Section 211.10.** 145632

145633

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B	General Revenue Fund		
C	GRF 700401 Animal Health Programs	\$8,683,000	\$8,893,400
D	GRF 700403 Dairy Division	\$1,569,000	\$1,613,000
E	GRF 700406 Consumer Protection Lab	\$1,880,000	\$1,906,000
F	GRF 700407 Food Safety	\$1,705,000	\$1,752,000
G	GRF 700410 Plant Industry	\$542,000	\$594,000
H	GRF 700412 Weights and Measures	\$825,000	\$849,000
I	GRF 700415 Poultry Inspection	\$1,597,500	\$1,619,500
J	GRF 700418 Livestock Regulation Program	\$1,600,000	\$1,649,000
K	GRF 700424 Livestock Testing and Inspections	\$135,000	\$138,000
L	GRF 700426 Dangerous Animals and Emergency Management	\$708,000	\$716,000
M	GRF 700427 High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
N	GRF 700428 Soil and Water Division	\$4,179,000	\$4,357,000
O	GRF 700499 Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
P	GRF 700501 County Agricultural Societies	\$630,000	\$630,000

Q	GRF	700509	Soil and Water District Support	\$12,527,000	\$12,533,000
R	GRF	700511	Ride Inspection	\$779,000	\$801,000
S	GRF	700674	Plant Testing	\$247,000	\$218,000
T	General Revenue Fund Total			\$47,231,500	\$48,125,900
U	Dedicated Purpose Fund Group				
V	4900	700651	License Plates - Sustainable Agriculture	\$16,800	\$16,800
W	4940	700612	Agricultural Commodity Marketing Program	\$125,000	\$125,000
X	4960	700626	Ohio Grape Industries	\$1,200,000	\$1,200,000
Y	4970	700627	Grain Warehouse Program	\$500,000	\$500,000
Z	4C90	700605	Commercial Feed and Seed	\$2,273,000	\$2,329,000
AA	4D20	700609	Auction Education	\$53,000	\$54,000
AB	4E40	700606	Utility Radiological Safety	\$136,000	\$142,000
AC	4P70	700610	Food Safety Inspection	\$1,353,000	\$1,396,000
AD	4R00	700636	Ohio Proud Marketing	\$25,000	\$25,000
AE	4R20	700637	Dairy Industry Inspection	\$1,751,000	\$1,787,000
AF	4T60	700611	Poultry and Meat	\$113,500	\$117,000

Inspection				
AG 5780	700620	Ride Inspection	\$1,245,000	\$1,273,000
AH 5B80	700629	Auctioneers	\$230,000	\$236,000
AI 5BV0	700660	Heidelberg Water Quality Lab	\$275,000	\$275,000
AJ 5BV0	700661	Soil and Water Districts	\$10,507,000	\$10,509,000
AK 5FC0	700648	Plant Pest Program	\$1,200,000	\$1,200,000
AL 5H20	700608	Metrology Lab and Scale Certification	\$1,194,000	\$1,240,000
AM 5L80	700604	Livestock Management Program	\$186,800	\$189,800
AN 5MR0	700658	Commercial Dog Breeding	\$450,000	\$465,000
AO 5MS0	700659	Animal and Consumer Protection	\$8,400	\$8,400
AP 5QW0	700653	Watershed Assistance	\$857,000	\$832,000
AQ 5WJ0	700671	Hemp Program	\$367,000	\$375,000
AR 6520	700634	Animal, Consumer, and ATL Labs	\$8,483,900	\$8,328,800
AS 6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000	\$4,649,000

AT 6H20 700670 H2Ohio	\$56,100,000	\$56,100,000
AU Dedicated Purpose Fund Group Total	\$93,183,400	\$93,372,800
AV Internal Service Activity Fund Group		
AW 5DA0 700644 Laboratory Administration Support	\$1,300,000	\$1,339,000
AX 5GH0 700655 Administrative Support	\$7,614,000	\$7,990,000
AY Internal Service Activity Fund Group Total	\$8,914,000	\$9,329,000
AZ Capital Projects Fund Group		
BA 7057 700632 Clean Ohio Agricultural Easement Operating	\$512,000	\$515,000
BB Capital Projects Fund Group Total	\$512,000	\$515,000
BC Federal Fund Group		
BD 3260 700618 Meat Inspection Program - Federal Share	\$5,891,000	\$6,133,000
BE 3360 700617 Ohio Farm Loan - Revolving	\$317,000	\$200,000
BF 3820 700601 Federal Cooperative Contracts	\$11,612,000	\$9,669,000
BG 3J40 700607 Federal Administrative Programs	\$2,000,000	\$2,055,000

BH 3R20 700614 Federal Plant Industry	\$6,843,000	\$7,189,000
BI Federal Fund Group Total	\$26,663,000	\$25,246,000
BJ TOTAL ALL BUDGET FUND GROUPS	\$176,503,900	\$176,588,700

**Section 211.20.** 145634

COUNTY AGRICULTURAL SOCIETIES 145635

Of the foregoing appropriation item 700501, County 145636  
 Agricultural Societies, up to \$380,000 in each fiscal year shall 145637  
 be used to reimburse county and independent agricultural 145638  
 societies for expenses related to Junior Fair activities. 145639

Of the foregoing appropriation item 700501, County 145640  
 Agricultural Societies, up to \$250,000 in each fiscal year shall 145641  
 be used to support the Future Farmers of America, urban 145642  
 agriculture, and agriculture literacy programs around the state. 145643

SUPPORT FOR SOIL AND WATER DISTRICTS 145644

Of the foregoing appropriation item 700509, Soil and Water 145645  
 District Support, \$4,200,000 in each fiscal year shall be used 145646  
 to support county soil and water conservation districts in 145647  
 priority regions as defined by the director of Agriculture, for 145648  
 staffing costs and to assist in soil testing and nutrient 145649  
 management plan development, including manure transformation and 145650  
 manure conversion technologies, enhanced filter strips, water 145651  
 management, and H2Ohio Program support. 145652

SOIL AND WATER DISTRICTS 145653

In addition to state payments to soil and water 145654  
 conservation districts authorized by section 940.15 of the 145655  
 Revised Code, the Department of Agriculture may use 145656

appropriation item 700661, Soil and Water Districts, to pay any 145657  
soil and water conservation district an annual amount not to 145658  
exceed \$40,000 upon receipt of a request and justification from 145659  
the district and approval by the Ohio Soil and Water 145660  
Conservation Commission. The county auditor shall credit the 145661  
payments to the special fund established under section 940.12 of 145662  
the Revised Code for use by the local soil and water 145663  
conservation district. The amounts received by each district 145664  
shall be expended for the purposes of the district. 145665

H2OHIO FUND 145666

The Department of Agriculture shall establish programs to 145667  
assist in reducing total phosphorus, dissolved reactive 145668  
phosphorus, sediment, and other nutrients in the Western Lake 145669  
Erie Basin and other critical regions in the state as defined by 145670  
the Director of Agriculture. 145671

The foregoing appropriation item 700670, H2Ohio, shall be 145672  
used to support the programs described above, which may include, 145673  
but not be limited to, the following: (1) equipment for 145674  
subsurface placement of nutrients into the soil; (2) equipment 145675  
for nutrient placement based on geographic information system 145676  
data; (3) soil testing; (4) implementation of variable rate 145677  
technology; (5) equipment implementing manure transformation and 145678  
manure conversion technologies; (6) tributary monitoring; (7) 145679  
best management practices recognized to reduce nutrients; (8) a 145680  
revolving loan program; and (9) matching funds for the 145681  
Conservation Reserve Enhancement Program. 145682

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 145683

The foregoing appropriation item 700632, Clean Ohio 145684  
Agricultural Easement Operating, shall be used by the Department 145685

of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 145686  
145687  
145688

**Section 213.10.** 145689  
145690

	1	2	3	4	5
A	AIR AIR QUALITY DEVELOPMENT AUTHORITY				
B	Dedicated Purpose Fund Group				
C	4Z90	898602	Small Business Ombudsman	\$246,000	\$248,000
D	5700	898601	Operating Expenses	\$3,600,000	\$4,300,000
E	5A00	898603	Small Business Assistance	\$150,000	\$225,000
F	Dedicated Purpose Fund Group Total			\$3,996,000	\$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS			\$3,996,000	\$4,773,000

**Section 213.20.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT AUTHORITY TRUST ACCOUNT 145691  
145692

Notwithstanding any other provision of law to the contrary, the Air Quality Development Authority may reimburse the Air Quality Development Authority trust account established under section 3706.10 of the Revised Code from all operating funds of the agency for expenses pertaining to the administration and shared costs incurred by the Air Quality Development Authority in the execution of responsibilities as prescribed in Chapter 3706. of the Revised Code. The reimbursement shall occur in accordance with an administrative cost recovery plan approved by the Air Quality Development 145693  
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Authority Board. 145703

**Section 215.10.** 145704

145705

	1	2	3	4	5
A	ARC ARCHITECTS BOARDS				
B	Dedicated Purpose Fund Group				
C	4K90	891609	Operating	\$674,000	\$690,001
D	Dedicated Purpose Fund Group Total			\$674,000	\$690,001
E	TOTAL ALL BUDGET FUND GROUPS			\$674,000	\$690,001

**Section 217.10.** 145706

145707

	1	2	3	4	5
A	ART OHIO ARTS COUNCIL				
B	General Revenue Fund				
C	GRF	370321	Operating Expenses	\$3,172,595	\$3,243,201
D	GRF	370502	State Program Subsidies	\$23,538,000	\$23,538,000
E	General Revenue Fund Total			\$26,710,595	\$26,781,201
F	Dedicated Purpose Fund Group				
G	4600	370602	Arts Council Program Support	\$345,000	\$345,000
H	4B70	370603	Percent For Art	\$165,000	\$0

Acquisitions

I	Dedicated Purpose Fund Group Total	\$510,000	\$345,000
J	Federal Fund Group		
K	3140 370601 Federal Support	\$1,350,000	\$1,350,000
L	Federal Fund Group Total	\$1,350,000	\$1,350,000
M	TOTAL ALL BUDGET FUND GROUPS	\$28,570,595	\$28,476,201

**Section 217.20.** FEDERAL SUPPORT 145708

Notwithstanding any provision of law to the contrary, the 145709  
foregoing appropriation item 370601, Federal Support, shall be 145710  
used by the Ohio Arts Council for subsidies only, and not for 145711  
its administrative costs, unless the Council is required to use 145712  
a portion of the funds for administrative costs under conditions 145713  
of the federal grant. 145714

**Section 219.10.** 145715

145716

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A ATH ATHLETIC COMMISSION

B	Dedicated Purpose Fund Group		
C	4K90 175609 Operating Expenses	\$367,022	\$371,995
D	Dedicated Purpose Fund Group Total	\$367,022	\$371,995
E	TOTAL ALL BUDGET FUND GROUPS	\$367,022	\$371,995

**Section 221.10.** 145717

145718

1	2	3	4	5
A		AGO ATTORNEY GENERAL		
B	General Revenue Fund			
C	GRF 055321	Operating Expenses	\$92,785,225	\$92,785,225
D	GRF 055405	Law-Related Education	\$68,000	\$68,000
E	GRF 055406	BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF 055411	County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685
G	GRF 055415	County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF 055431	Drug Abuse Response Team Grants	\$0	\$1,500,000
I	GRF 055432	Drug Testing Equipment	\$964,000	\$964,000
J	GRF 055434	Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF 055441	Victims of Crime	\$6,700,000	\$5,700,000
L	GRF 055446	Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF 055501	Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF 055502	School Safety Training	\$10,000,000	\$10,000,000

Grants

O	GRF	055504	Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505	Pike County Capital Case	\$600,000	\$0
Q	GRF	055509	Law Enforcement Training	\$30,000,000	\$35,000,000
R			General Revenue Fund Total	\$172,955,419	\$177,900,663
S			Dedicated Purpose Fund Group		
T	1060	055612	Attorney General Operating	\$63,216,225	\$64,034,683
U	4020	055616	Victims of Crime	\$11,500,000	\$12,000,000
V	4170	055621	Domestic Violence Shelter	\$25,000	\$25,000
W	4180	055615	Charitable Foundations	\$11,500,000	\$11,000,000
X	4190	055623	Claims Section	\$77,520,063	\$86,393,854
Y	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Z	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
AA	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AB	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841

AC 4Y70 055608	Title Defect Recision	\$1,032,267	\$1,038,534
AD 4Z20 055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AE 5900 055633	Peace Officer Private Security Training	\$101,306	\$103,330
AF 5A90 055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AG 5LR0 055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AH 5TL0 055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AI 5TZ0 055610	Drug Abuse Response Team Grants	\$1,800,000	\$0
AJ 5TZ0 055614	Narcotics Task Forces	\$500,000	\$500,000
AK 5VL0 055435	Stop Bullying License Plate	\$2,500	\$2,500
AL 6310 055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000
AM 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AN U087 055402	Tobacco Settlement Oversight, Administration, and	\$2,500,000	\$2,500,000

Enforcement

AO Dedicated Purpose Fund Group Total	\$201,921,959	\$209,262,366
AP Internal Service Activity Fund Group		
AQ 1950 055660 Workers' Compensation Section	\$9,570,750	\$9,905,726
AR Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AS Holding Account Fund Group		
AT 5BY1 055674 Charitable Law Distributions	\$750,000	\$750,000
AU R004 055631 General Holding Account	\$1,000,000	\$1,000,000
AV R005 055632 Antitrust Settlements	\$1,000,000	\$1,000,000
AW R018 055630 Consumer Frauds	\$1,000,000	\$1,000,000
AX R042 055601 Organized Crime Commission Distributions	\$750,000	\$750,000
AY R054 055650 Collection Payment Redistribution	\$4,500,000	\$4,500,000
AZ Holding Account Fund Group Total	\$9,000,000	\$9,000,000
BA Federal Fund Group		
BB 3060 055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905

BC 3830 055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BD 3E50 055638 Attorney General Pass- Through Funds	\$8,020,999	\$8,020,999
BE 3FV0 055656 Crime Victim Compensation	\$7,200,000	\$7,400,000
BF 3R60 055613 Attorney General Federal Funds	\$5,500,000	\$5,500,000
BG Federal Fund Group Total	\$77,780,069	\$78,808,904
BH TOTAL ALL BUDGET FUND GROUPS	\$471,228,197	\$484,877,659

<b>Section 221.20.</b> OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE	145719
	145720
Of the foregoing appropriation item 055321, Operating Expenses, \$650,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields.	145721 145722 145723 145724 145725 145726 145727
DOMESTIC VIOLENCE PROGRAM	145728
Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.	145729 145730 145731 145732 145733
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS)	145734
LEASE RENTAL PAYMENTS	145735

The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.

COUNTY SHERIFFS' PAY SUPPLEMENT

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any

appropriation so transferred shall be used to supplement the 145765  
annual compensation of county prosecutors as required by section 145766  
325.111 of the Revised Code. 145767

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 145768

The Attorney General shall maintain the Drug Abuse 145769  
Response Team Grant Program for the purpose of replicating or 145770  
expanding successful law enforcement programs that address the 145771  
opioid epidemic similar to the Drug Abuse Response Team 145772  
established by the Lucas County Sheriff's Department, and the 145773  
Quick Response Teams established in Colerain Township's 145774  
Department of Public Safety in Hamilton County and Summit 145775  
County. Any grants awarded by this grant program may include 145776  
requirements for private or nonprofit matching support. 145777

The foregoing appropriation items 055431, Drug Abuse 145778  
Response Team Grants, and 055610, Drug Abuse Response Team 145779  
Grants, shall be used by the Attorney General to fund grants to 145780  
law enforcement or other government agencies; the primary 145781  
purpose of the grants shall be to replicate or expand successful 145782  
law enforcement programs that address the opioid epidemic 145783  
similar to the Drug Abuse Response Team established by the Lucas 145784  
County Sheriff's Department and the Quick Response Teams 145785  
established in Colerain Township's Department of Public Safety 145786  
in Hamilton County and Summit County. 145787

Each recipient of a grant under this program shall, within 145788  
six months of the end date of the grant, submit a written report 145789  
describing the outcomes that resulted from the grant to the 145790  
Governor, the President of the Senate, the Speaker of the House 145791  
of Representatives, the Minority Leader of the Senate, and the 145792  
Minority Leader of the House of Representatives. 145793

DRUG TESTING EQUIPMENT	145794
The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase, operate, and maintain drug testing equipment for the Bureau of Criminal Identification and Investigation.	145795 145796 145797 145798
INTERNET CRIMES AGAINST CHILDREN TASK FORCE	145799
The foregoing appropriation item 055434, Internet Crimes Against Children Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code.	145800 145801 145802 145803 145804
VICTIMS OF CRIME	145805
The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Services Section. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act.	145806 145807 145808 145809 145810
CLEVELAND RAPE CRISIS CENTER	145811
Of the foregoing appropriation item 055501, Rape Crisis Centers, \$300,000 in each fiscal year shall be distributed to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center.	145812 145813 145814 145815 145816
SCHOOL SAFETY TRAINING GRANTS	145817
(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Director of Education and Workforce and the Director of Behavioral Health, solely to make grants to	145818 145819 145820 145821

public and chartered nonpublic schools, educational service 145822  
centers, local law enforcement agencies, and schools operated by 145823  
county boards of developmental disabilities administering 145824  
special education services programs pursuant to section 5126.05 145825  
of the Revised Code for school safety and school climate 145826  
programs and training. 145827

(B) The use of the grants includes, but is not limited to, 145828  
all of the following: 145829

(1) The support of school resource officer certification 145830  
training; 145831

(2) Any type of active shooter and school safety training 145832  
or equipment; 145833

(3) All grade level type educational resources; 145834

(4) Training to identify and assist students with mental 145835  
health issues; 145836

(5) School supplies or equipment related to school safety 145837  
or for implementing the school's safety plan; 145838

(6) Any other training, supplies, services, or equipment 145839  
related to school safety. 145840

(C) The schools, educational service centers, and county 145841  
boards shall work or contract with the county sheriff's office 145842  
or a local police department in whose jurisdiction they are 145843  
located to develop the programs and training described in 145844  
divisions (B) (1), (2), (3), (5), and (6) of this section. Any 145845  
grant awarded directly to a local law enforcement agency, or to 145846  
a nonprofit or charitable law enforcement training organization 145847  
on the law enforcement agency's behalf, shall not be used to 145848  
fund a similar request made by a school located within the 145849

jurisdiction of the local law enforcement agency. 145850

(D) The Attorney General is authorized to make payments 145851  
directly to school or law enforcement nonprofit or charitable 145852  
training organizations on behalf of any public and chartered 145853  
nonpublic schools, educational service centers, local law 145854  
enforcement agencies, and schools operated by county boards of 145855  
developmental disabilities administering special education 145856  
services. 145857

(E) As used in this section, "public school" means any 145858  
school operated by a school district board of education, any 145859  
community school established under Chapter 3314. of the Revised 145860  
Code, and any STEM school established under Chapter 3326. of the 145861  
Revised Code. 145862

DOMESTIC VIOLENCE PROGRAMS 145863

The foregoing appropriation item 055504, Domestic Violence 145864  
Programs, shall be used by the Attorney General for the purpose 145865  
of funding domestic violence programs as defined in section 145866  
109.46 of the Revised Code. 145867

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 145868

Of the foregoing appropriation item 055504, Domestic 145869  
Violence Programs, \$300,000 in each fiscal year shall be 145870  
distributed to the Battered Women's Shelter of Summit and Medina 145871  
counties for expenses related to the creation and implementation 145872  
of a pilot program called "Finding my Childhood Again." 145873

BATTERED WOMEN'S SHELTER 145874

Of the foregoing appropriation item 055504, Domestic 145875  
Violence Programs, \$50,000 in each fiscal year shall be 145876  
distributed to the Battered Women's Shelter of Summit and Medina 145877

counties for the cost of operating the commercial kitchen 145878  
located at its Market Street Facility, and \$50,000 in each 145879  
fiscal year shall be distributed to the Battered Women's Shelter 145880  
of Portage County. 145881

TRANSPORTATION GRANTS 145882

Of the foregoing appropriation item 055504, Domestic 145883  
Violence Programs, \$25,000 in fiscal year 2026 shall be provided 145884  
as grants to Ohio domestic violence shelters to buy 145885  
transportation vouchers, ridesharing credits, or gas cards for 145886  
eligible clients. The Attorney General shall adopt any rules 145887  
necessary for the administration of the grant program. 145888

PIKE COUNTY CAPITAL CASE 145889

An amount equal to the unexpended, unencumbered balance of 145890  
appropriation item 055505, Pike County Capital Case, at the end 145891  
of fiscal year 2025 is hereby reappropriated to the same 145892  
appropriation item for the same purpose in fiscal year 2026. 145893

An amount equal to the unexpended, unencumbered balance of 145894  
appropriation item 055505, Pike County Capital Case, at the end 145895  
of fiscal year 2026 is hereby reappropriated to the same 145896  
appropriation item for the same purpose in fiscal year 2027. 145897

LAW ENFORCEMENT TRAINING 145898

The foregoing appropriation item 055509, Law Enforcement 145899  
Training, shall be used by the Attorney General for state 145900  
funding of the training of peace officers and troopers that is 145901  
required under section 109.803 of the Revised Code. 145902

Of the foregoing appropriation item 055509, Law 145903  
Enforcement Training, the Attorney General may use up to 145904  
\$150,000 in each fiscal year for administrative expenses 145905

associated with the program, including curriculum development.	145906
ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS	145907
The foregoing appropriation item 055668, Collections	145908
System Lease Rental Payments, shall be used to make payments	145909
during the period from July 1, 2025, through June 30, 2027,	145910
pursuant to leases and agreements entered into under Section	145911
701.10 of S.B. 310 of the 133rd General Assembly or Section	145912
709.01 of H.B. 687 of the 134th General Assembly, with respect	145913
to financing the costs associated with the acquisition,	145914
development, implementation, and integration of the Attorney	145915
General New Collection System.	145916
NARCOTICS TASK FORCES	145917
The foregoing appropriation item 055614, Narcotics Task	145918
Forces, shall be used to support narcotics task forces funded by	145919
the Attorney General.	145920
WORKERS' COMPENSATION SECTION	145921
The Workers' Compensation Fund (Fund 1950) is entitled to	145922
receive quarterly payments from the Bureau of Workers'	145923
Compensation and the Ohio Industrial Commission to fund legal	145924
services provided to the Bureau of Workers' Compensation and the	145925
Ohio Industrial Commission during the fiscal year.	145926
In addition, the Bureau of Workers' Compensation shall	145927
transfer payments for the support of the Workers' Compensation	145928
Fraud Unit.	145929
All amounts shall be mutually agreed upon by the Attorney	145930
General, the Bureau of Workers' Compensation, and the Ohio	145931
Industrial Commission.	145932
GENERAL HOLDING ACCOUNT	145933

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS 145940

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out-of-court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CHARITABLE SETTLEMENT HOLDING ACCOUNT 145948

The foregoing appropriation item 055674, Charitable Settlement Holding Account, shall be used to distribute money in the Charitable Settlements Holding Account Fund (Fund 5BY1), which is created in the state treasury, under the terms of relevant court orders or other settlements received in the charitable law cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

On July 1, 2025, or as soon as possible thereafter, the Attorney General shall certify to the Director of Budget and Management the amount of cash receipts related to settlements received in charitable law cases and credited to the General Holding Account (Fund R004). The Director of Budget and Management shall transfer the amounts certified to the

Charitable Settlements Holding Account Fund (Fund 5BY1).	145963
CONSUMER FRAUDS	145964
The foregoing appropriation item 055630, Consumer Frauds,	145965
shall be used for distribution of moneys from court-ordered	145966
judgments against sellers in actions brought by the Office of	145967
the Attorney General under sections 1334.08 and 4549.48 and	145968
division (B) of section 1345.07 of the Revised Code. These	145969
moneys shall be used to provide restitution to consumers	145970
victimized by the fraud that generated the court-ordered	145971
judgments. If it is determined that additional amounts are	145972
necessary for this purpose, the amounts are hereby appropriated.	145973
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	145974
The foregoing appropriation item 055601, Organized Crime	145975
Commission Distributions, shall be used by the Organized Crime	145976
Investigations Commission, as provided by section 177.011 of the	145977
Revised Code, to reimburse political subdivisions for the	145978
expenses the political subdivisions incur when their law	145979
enforcement officers participate in an organized crime task	145980
force and to support the operations of the retail theft task	145981
force. If it is determined that additional amounts are necessary	145982
for this purpose, the amounts are hereby appropriated.	145983
COLLECTION PAYMENT REDISTRIBUTION	145984
The foregoing appropriation item 055650, Collection	145985
Payment Redistribution, shall be used for the purpose of	145986
allocating the revenue where debtors mistakenly paid the client	145987
agencies instead of the Attorney General's Collections	145988
Enforcement Section. If it is determined that additional amounts	145989
are necessary for this purpose, the amounts are hereby	145990
appropriated.	145991

**Section 221.30.** On January 15, 2027, or as soon as possible thereafter, the Attorney General shall certify and remit to the Director of Budget and Management the balance of all proceeds received by the state under the settlement agreement in State of Ohio v. McKesson Corp., Case No. CVH20180055 (C.P. Madison Co., settlement agreement of October 7, 2021). Upon certification, the Director of Budget and Management shall remit the amounts certified to the Targeted Addiction Assistance Fund (Fund 5TZ0), created in section 126.67 of the Revised Code.

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**Section 223.10.**

	1	2	3	4	5
A	AUD AUDITOR OF STATE				
B	General Revenue Fund				
C	GRF	070401	Audit Management and Services	\$15,067,887	\$16,035,566
D	GRF	070402	Performance Audits	\$3,505,464	\$3,257,092
E	GRF	070403	Fiscal Distress Technical Assistance	\$650,000	\$650,000
F	GRF	070404	Fraud/Corruption Audits and Investigations	\$4,915,927	\$5,534,546
G	GRF	070412	Local Government Audit Support	\$21,000,000	\$23,250,000
H	General Revenue Fund Total			\$45,139,278	\$48,727,204

I	Dedicated Purpose Fund Group		
J	1090 070601	Public Audit Expense - Intrastate	\$13,737,026      \$13,914,164
K	4220 070602	Public Audit Expense - Local Government	\$33,000,000      \$33,000,000
L	5840 070603	Training Program	\$250,000      \$250,000
M	5JZ0 070606	Auditor's Innovation Fund	\$300,000      \$300,000
N	5VP0 070611	Local Government Audit Support Fund	\$21,000,000      \$23,250,000
O	6750 070605	Uniform Accounting Network	\$7,306,872      \$6,804,086
P	Dedicated Purpose Fund Group Total		\$75,593,898      \$77,518,250
Q	TOTAL ALL BUDGET FUND GROUPS		\$120,733,176      \$126,245,454

**Section 223.20. AUDIT MANAGEMENT AND SERVICES** 146004

The foregoing appropriation item 070401, Audit Management 146005  
and Services, shall be used pursuant to section 117.13 of the 146006  
Revised Code to support costs of the Auditor of State that are 146007  
not recovered through charges to local governments and state 146008  
entities, including costs that cannot be recovered from audit 146009  
clients under federal indirect cost allocation guidelines. This 146010  
appropriation item also shall be used to cover costs of the 146011  
Local Government Services Section that are not charged to 146012  
clients. 146013

PERFORMANCE AUDITS 146014

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

Of the foregoing appropriation item 070402, Performance Audits, up to \$500,000 in fiscal year 2026 shall be used to conduct a performance audit of indigent defense services within Ohio. The performance audit shall review the challenges of the delivery of indigent defense services, including, but not limited to, the costs, accounting, and payment processes of the Office of the Public Defender and at least five counties that represent each of the various indigent defense delivery methods in the state. The audit shall be completed and a report submitted to the President and Minority Leader of the Senate and to the Speaker and Minority Leader of the House of Representatives by January 1, 2027.

FISCAL DISTRESS TECHNICAL ASSISTANCE 146035

The foregoing appropriation item 070403, Fiscal Distress Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118., 3316., and 3345. of the Revised Code to provide services to local governments, schools, or colleges and universities in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT 146043

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

**Section 229.10.**

1	2	3	4	5
A	OBM OFFICE OF BUDGET AND MANAGEMENT			
B	General Revenue Fund			
C	GRF 042321	Operating Expenses	\$4,400,000	\$4,592,000
D	GRF 042435	Gubernatorial Transition	\$0	\$250,000
E	General Revenue Fund Total		\$4,400,000	\$4,842,000
F	Dedicated Purpose Fund Group			
G	5AT1 042637	Statewide Children's Vision Initiative	\$5,000,000	\$0
H	5AY1 042509	One Time Strategic Community Investments	\$2,000,000	\$0

I	Dedicated Purpose Fund Group Total	\$7,000,000	\$0
J	Internal Service Activity Fund Group		
K	1050 042603 Financial Management	\$27,744,976	\$28,843,309
L	Internal Service Activity Fund Group Total	\$27,744,976	\$28,843,309
M	Fiduciary Fund Group		
N	5EH0 042604 Forgery Recovery	\$30,000	\$30,000
O	Fiduciary Fund Group Total	\$30,000	\$30,000
P	TOTAL ALL BUDGET FUND GROUPS	\$39,174,976	\$33,715,309

**Section 229.20. STATEWIDE CHILDREN'S VISION INITIATIVE** 146057

The foregoing appropriation item 042637, Statewide 146058  
 Children's Vision Initiative, shall be used for the purpose of 146059  
 delivering a statewide vision care project and an independent 146060  
 evaluator contract. The Director of Budget and Management shall 146061  
 consult with the Ohio Optometric Foundation regarding the 146062  
 implementation of the vision project and the use of funds before 146063  
 distributing funds from appropriation item 042637. 146064

Any unexpended and unencumbered amount of appropriation 146065  
 item 042637, Statewide Children's Vision Initiative, remaining 146066  
 at the end of fiscal year 2026 is hereby reappropriated in 146067  
 fiscal year 2027, to be used for the same purpose. 146068

**Section 229.30. ONE TIME STRATEGIC COMMUNITY INVESTMENTS** 146069

The foregoing appropriation item 042509, One Time 146070  
 Strategic Community Investments, shall be used by the Office of 146071

Budget and Management to provide grants for the projects listed 146072  
in this section in the amounts listed. Prior to disbursing a 146073  
grant to a recipient, the Office of Budget and Management shall 146074  
enter into a grant agreement with the recipient. As part of the 146075  
grant agreement, the recipient shall agree to complete a final 146076  
report, in a form and manner to be prescribed by the Office of 146077  
Budget and Management, detailing how the recipient used the 146078  
grant and submit the report to the Office of Budget and 146079  
Management. 146080

An amount equal to the unexpended, unencumbered balance of 146081  
the foregoing appropriation item 042509, One Time Strategic 146082  
Community Investments, at the end of fiscal year 2026 is hereby 146083  
reappropriated for the same purpose in fiscal year 2027. 146084  
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A	Project	Amount
B	Say Yes Cleveland	\$750,000
C	University Circle	\$250,000
D	Cleveland Neighborhood Progress for the Middle Neighborhood Investment Project	\$500,000
E	Great Lakes Science Center	\$500,000

AUDIT COSTS 146086

All centralized audit costs associated with either Single 146087  
Audit Schedules or financial statements prepared in conformance 146088  
with generally accepted accounting principles for the state 146089  
shall be paid from the foregoing appropriation item 042603, 146090

Financial Management.	146091
Costs associated with the audit of the Auditor of State	146092
shall be paid from the foregoing appropriation item 042321,	146093
Operating Expenses.	146094
SHARED SERVICES CENTER	146095
The foregoing appropriation item 042603, Financial	146096
Management, shall be used by the Director of Budget and	146097
Management to support the Shared Services program pursuant to	146098
division (D) of section 126.21 of the Revised Code.	146099
The Director of Budget and Management shall include the	146100
recovery of costs to operate the Shared Services program in the	146101
accounting and budgeting services payroll rate and through	146102
direct charges using intrastate transfer vouchers billed to	146103
agencies for services rendered using a methodology determined by	146104
the Director of Budget and Management. Such cost recovery	146105
revenues shall be deposited to the credit of the Accounting and	146106
Budgeting Fund (Fund 1050).	146107
INTERNAL AUDIT	146108
The Director of Budget and Management shall include the	146109
recovery of costs to operate the Internal Audit Program pursuant	146110
to section 126.45 of the Revised Code in the accounting and	146111
budgeting services payroll rate using a methodology determined	146112
by the Director of Budget and Management. Such cost recovery	146113
revenues shall be deposited to the credit of Fund 1050.	146114
FORGERY RECOVERY	146115
The foregoing appropriation item 042604, Forgery Recovery,	146116
shall be used to reissue warrants that have been certified as	146117
forgeries by the rightful recipient as determined by the Bureau	146118

of Criminal Identification and Investigation and the Treasurer 146119  
of State. Upon receipt of funds to cover the reissuance of the 146120  
warrant, the Director of Budget and Management shall reissue a 146121  
state warrant of the same amount. Any additional amounts needed 146122  
to reissue warrants backed by the receipt of funds are hereby 146123  
appropriated. 146124

**Section 229.40. MAJOR SPORTS FACILITIES PERFORMANCE GRANTS** 146125

On January 1, 2026, or as soon as possible thereafter, of 146126  
the unclaimed funds and interest that escheat to the state under 146127  
division (I) of section 169.08 of the Revised Code, the Director 146128  
of Commerce shall remit \$600,000,000 to the state treasury for 146129  
deposit into the Ohio Cultural and Sports Facility Performance 146130  
Grant Fund (Fund 5CY1). Notwithstanding section 123.282 or 146131  
division (I)(4) of section 169.08 of the Revised Code, the 146132  
remaining portion of the unclaimed funds and interest that 146133  
escheat to the state on January 1, 2026, shall be deposited into 146134  
the Ohio Escheatment Fund, which is hereby created in the state 146135  
treasury. After January 1, 2026, unclaimed funds and interest 146136  
that escheat to the state shall be deposited into the Ohio 146137  
Cultural and Sports Facility Performance Grant Fund (Fund 5CY1) 146138  
in accordance with section 123.282 and division (I)(4) of 146139  
section 169.08 of the Revised Code. 146140

There is hereby appropriated \$600,000,000 in fiscal year 146141  
2026 to appropriation item 042428, Major Sports Facilities 146142  
Performance Grants, from revenues received in the Ohio Cultural 146143  
and Sports Facility Performance Grant Fund (Fund 5CY1). The 146144  
Office of Budget and Management shall use appropriation item 146145  
042428, Major Sports Facilities Performance Grants, to support 146146  
construction of a transformational major sports facility mixed- 146147  
use project pursuant to section 123.281 of the Revised Code that 146148

is associated with a Brook Park economic development project, 146149  
except that no performance grants from appropriation item 146150  
042428, Major Sports Facilities Performance Grants, shall be 146151  
disbursed prior to February 1, 2026. 146152

Given that the Brook Park economic development project, 146153  
which is to be located in the territorial boundary of a 146154  
transformational major sports facility mixed-use project 146155  
district, will be under construction in calendar years 2026, 146156  
2027, and 2028, the General Assembly establishes, in accordance 146157  
with section 123.28 of the Revised Code, that the base 146158  
professional sports franchise state tax revenues will be 146159  
realized and offset by the actual revenues generated each of 146160  
those years through the continuing economic activity and state 146161  
taxes levied and realized under Chapters 5739., 5741., 5747., 146162  
and 5751. of the Revised Code at the stadium in Cleveland. As a 146163  
result, the simultaneous economic activity and state tax 146164  
revenues levied and realized under Chapters 5739., 5741., 5747., 146165  
and 5751. of the Revised Code in the district each of those 146166  
three years will exceed the base professional sports franchise 146167  
state tax revenues. Thus, for that three-year period only, the 146168  
General Assembly establishes, in accordance with section 123.28 146169  
of the Revised Code, that the incremental major sports facility 146170  
mixed-use project district state tax revenues generated during 146171  
each of those years equal the state taxes levied and realized 146172  
under Chapters 5739., 5741., 5747., and 5751. of the Revised 146173  
Code for the construction of, and the purchasing of or leasing 146174  
of materials and items used in the construction of, the project. 146175  
For calendar year 2029 and beyond, the base professional sports 146176  
franchise state tax revenues and the incremental major sports 146177  
facility mixed-use project district state tax revenues shall be 146178  
determined as provided in section 123.28 of the Revised Code. 146179

Further, nothing in this section modifies, changes, or otherwise 146180  
alters the four-year target amounts described under division (H) 146181  
(5) (a) of section 123.281 of the Revised Code. 146182

An amount equal to the unexpended, unencumbered balance of 146183  
the foregoing appropriation item 042428, Major Sports Facilities 146184  
Performance Grants, at the end of fiscal year 2026 is hereby 146185  
reappropriated to the same appropriation item in fiscal year 146186  
2027. 146187

**Section 231.10.** 146188  
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	1	2	3	4	5
A	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				
B	General Revenue Fund				
C	GRF	874321	Operating Expenses	\$7,003,530	\$7,212,135
D	GRF	874400	Statehouse Facility Improvements	\$6,000,000	\$0
E	General Revenue Fund Total			\$13,003,530	\$7,212,135
F	Dedicated Purpose Fund Group				
G	2080	874601	Underground Parking Garage Operations	\$4,245,906	\$4,245,906
H	4G50	874603	Capitol Square Education Center and Arts	\$6,000	\$6,000
I	5AN1	874608	Capitol Square Improvements	\$1,927,921	\$0

J	Dedicated Purpose Fund Group Total	\$6,179,827	\$4,251,906
K	Internal Service Activity Fund Group		
L	4S70 874602 Statehouse Gift Shop/Events	\$1,000,000	\$1,000,000
M	Internal Service Activity Fund Group Total	\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS	\$20,183,357	\$12,464,041

**Section 231.20. OPERATING EXPENSES** 146190

Of the foregoing appropriation item 874321, Operating Expenses, up to \$50,000 in each fiscal year shall be used to display inside the Statehouse borrowed or purchased United States, Ohio, or Ohio military flags that have historical significance to the state of Ohio. 146191  
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On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated for fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item 874321, Operating Expenses, for fiscal year 2026. 146196  
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On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the 146205  
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foregoing appropriation item 874321, Operating Expenses, at the 146209  
end of fiscal year 2026 to be reappropriated for fiscal year 146210  
2027. The amount certified is hereby reappropriated to the same 146211  
appropriation item 874321, Operating Expenses, for fiscal year 146212  
2027. 146213

STATEHOUSE FACILITY IMPROVEMENTS 146214

On July 1, 2026, or as soon as possible thereafter, the 146215  
Executive Director of the Capitol Square Review and Advisory 146216  
Board may certify to the Director of Budget and Management an 146217  
amount up to the unexpended, unencumbered balance of the 146218  
foregoing appropriation item 874400, Statehouse Facility 146219  
Improvements, at the end of fiscal year 2026 to be 146220  
reappropriated for fiscal year 2027. The amount certified is 146221  
hereby reappropriated to the same appropriation item 874400, 146222  
Statehouse Facility Improvements, for fiscal year 2027. 146223

CAPITOL SQUARE IMPROVEMENTS 146224

On July 1, 2025, or as soon as possible thereafter, the 146225  
Executive Director of the Capitol Square Review and Advisory 146226  
Board may certify to the Director of Budget and Management an 146227  
amount up to the unexpended, unencumbered balance of the 146228  
foregoing appropriation item 874608, Capitol Square 146229  
Improvements, at the end of fiscal year 2025 to be 146230  
reappropriated for fiscal year 2026. The amount certified is 146231  
hereby appropriated to the same appropriation item 874608, 146232  
Capitol Square Improvements, for fiscal year 2026. 146233

On July 1, 2026, or as soon as possible thereafter, the 146234  
Executive Director of the Capitol Square Review and Advisory 146235  
Board may certify to the Director of Budget and Management an 146236  
amount up to the unexpended, unencumbered balance of the 146237

foregoing appropriation item 874608, Capitol Square 146238  
Improvements, at the end of fiscal year 2026 to be 146239  
reappropriated for fiscal year 2027. The amount certified is 146240  
hereby appropriated to the same appropriation item 874608, 146241  
Capitol Square Improvements, for fiscal year 2027. 146242

UNDERGROUND PARKING GARAGE FUND 146243

Notwithstanding division (G) of section 105.41 of the 146244  
Revised Code and any other provision to the contrary, moneys in 146245  
the Underground Parking Garage Fund (Fund 2080) may be used for 146246  
personnel and operating costs related to the operations of the 146247  
Statehouse and the Statehouse Underground Parking Garage. 146248

HOUSE AND SENATE PARKING REIMBURSEMENT 146249

On July 1 of each fiscal year, or as soon as possible 146250  
thereafter, the Director of Budget and Management shall transfer 146251  
\$500,000 cash from the General Revenue Fund to the Underground 146252  
Parking Garage Fund (Fund 2080). The amounts transferred under 146253  
this section shall be used to reimburse the Capitol Square 146254  
Review and Advisory Board for legislative parking costs. 146255

UNDERGROUND PARKING GARAGE FUND TRANSFER 146256

On July 1, 2025, or as soon as possible thereafter, the 146257  
Director of Budget and Management shall transfer \$1,000,000 cash 146258  
from the Underground Parking Garage Fund (Fund 2080) to the 146259  
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount 146260  
transferred under this section shall be used for personnel and 146261  
operating costs related to the operations of the Statehouse Gift 146262  
Shop and events. 146263

**Section 233.10.** 146264

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	1	2	3	4	5
A	SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS				
B	Dedicated Purpose Fund Group				
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D	Dedicated Purpose Fund Group Total			\$581,189	\$593,979
E	TOTAL ALL BUDGET FUND GROUPS			\$581,189	\$593,979

**Section 235.10.**

146266  
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	1	2	3	4	5
A	CAC CASINO CONTROL COMMISSION				
B	Dedicated Purpose Fund Group				
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000
F	Dedicated Purpose Fund Group Total			\$21,512,608	\$22,549,742
G	TOTAL ALL BUDGET FUND GROUPS			\$21,512,608	\$22,549,742

**Section 237.10.**

146268  
146269

	1	2	3	4	5
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D	General Revenue Fund Total	\$7,464,880	\$7,763,235
E	Dedicated Purpose Fund Group		
F	2170 876604 Operations Support	\$5,000	\$5,000
G	Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H	Federal Fund Group		
I	3340 876601 Federal Programs	\$3,614,239	\$3,676,006
J	Federal Fund Group Total	\$3,614,239	\$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

**Section 243.10.**

146274

146275

	1	2	3	4	5
A	COM DEPARTMENT OF COMMERCE				
B	Dedicated Purpose Fund Group				
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000
D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176
F	5430	800602	Unclaimed Funds - Operating	\$17,777,906	\$17,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000

H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$15,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863
U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000

W	5LNO	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$16,339,688	\$16,180,201
AA	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AB	5X60	800623	Video Service	\$429,981	\$441,076
AC	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AD	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AE	Dedicated Purpose Fund Group Total			\$293,153,418	\$286,806,514
AF	Internal Service Activity Fund Group				
AG	1630	800620	Division of Administration	\$11,532,983	\$11,239,902
AH	1630	800637	Information Technology	\$12,728,427	\$13,134,526
AI	Internal Service Activity Fund Group Total			\$24,261,410	\$24,374,428
AJ	Federal Fund Group				

AK 3480 800622	Underground Storage Tanks	\$779,620	\$779,620
AL 3480 800624	Leaking Underground Storage Tanks	\$1,899,016	\$1,899,016
AM	Federal Fund Group Total	\$2,678,636	\$2,678,636
AN	TOTAL ALL BUDGET FUND GROUPS	\$320,093,464	\$313,859,578

**Section 243.20.** UNCLAIMED FUNDS - OPERATING 146276

Of the foregoing appropriation item 800602, Unclaimed 146277  
Funds - Operating, \$1,000,000 in each fiscal year shall be used 146278  
by the Division of Unclaimed Funds to use technologies, 146279  
outreach, advertising, and other direct or indirect methods to 146280  
locate and notify owners of unclaimed funds, or persons with an 146281  
established right to ownership of unclaimed funds, and assist 146282  
them with filing claims to those unclaimed funds. 146283

UNCLAIMED FUNDS PAYMENTS 146284

The foregoing appropriation item 800625, Unclaimed Funds- 146285  
Claims, shall be used to pay claims under section 169.08 of the 146286  
Revised Code. If it is determined by the Director of Commerce 146287  
that additional appropriation amounts are necessary to make such 146288  
payments, the Director of Commerce may request that the Director 146289  
of Budget and Management approve such increases. Any approved 146290  
increases are hereby appropriated. 146291

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 146292

The foregoing appropriation item 800631, Real Estate 146293  
Appraisal Recovery, shall be used to pay settlements, judgments, 146294  
and court orders under section 4763.16 of the Revised Code. If 146295  
it is determined by the Director of Commerce that additional 146296

appropriation amounts are necessary to make such payments, the 146297  
Director of Commerce may request that the Director of Budget and 146298  
Management approve such increases. Any approved increases are 146299  
hereby appropriated. 146300

The foregoing appropriation item 800611, Real Estate 146301  
Recovery, shall be used to pay settlements, judgments, and court 146302  
orders under section 4735.12 of the Revised Code. If it is 146303  
determined by the Director of Commerce that additional 146304  
appropriation amounts are necessary to make such payments, the 146305  
Director of Commerce may request that the Director of Budget and 146306  
Management approve such increases. Any approved increases are 146307  
hereby appropriated. 146308

The foregoing appropriation item 800653, Real Estate Home 146309  
Inspector Recovery, shall be used to pay settlements, judgments, 146310  
and court orders under section 4764.21 of the Revised Code. If 146311  
it is determined by the Director of Commerce that additional 146312  
appropriation amounts are necessary to make such payments, the 146313  
Director of Commerce may request that the Director of Budget and 146314  
Management approve such increases. Any approved increases are 146315  
hereby appropriated. 146316

FIRE DEPARTMENT GRANTS 146317

(A) The foregoing appropriation item 800639, Fire 146318  
Department Grants, shall be used to make annual grants to the 146319  
following eligible recipients: volunteer fire departments, fire 146320  
departments that serve one or more small municipalities or small 146321  
townships, joint fire districts comprised of fire departments 146322  
that primarily serve small municipalities or small townships, 146323  
local units of government responsible for such fire departments, 146324  
and local units of government responsible for the provision of 146325  
fire protection services for small municipalities or small 146326

townships. For the purposes of these grants, a private fire 146327  
company, as that phrase is defined in section 9.60 of the 146328  
Revised Code, that is providing fire protection services under a 146329  
contract to a political subdivision of the state, is an 146330  
additional eligible recipient for a training grant. 146331

Eligible recipients that consist of small municipalities 146332  
or small townships that all intend to contract with the same 146333  
fire department or private fire company for fire protection 146334  
services may jointly apply and be considered for a grant. If a 146335  
joint applicant is awarded a grant, the State Fire Marshal 146336  
shall, if feasible, proportionately award the grant and any 146337  
equipment purchased with grant funds to each of the joint 146338  
applicants based upon each applicant's contribution to and 146339  
demonstrated need for fire protection services. For the purpose 146340  
of this grant program, an eligible recipient or any firefighting 146341  
entity that is contracted to serve an eligible recipient may 146342  
only file, be listed as joint applicant, or be designated as a 146343  
service provider on one grant application per fiscal year. 146344

If the grant awarded to joint applicants is an equipment 146345  
grant and the equipment to be purchased cannot be readily 146346  
distributed or possessed by multiple recipients, each of the 146347  
joint applicants shall be awarded by the State Fire Marshal an 146348  
ownership interest in the equipment so purchased in proportion 146349  
to each applicant's contribution to and demonstrated need for 146350  
fire protection services. The joint applicants shall then 146351  
mutually agree on how the equipment is to be maintained, 146352  
operated, stored, or disposed of. If, for any reason, the joint 146353  
applicants cannot agree as to how jointly owned equipment is to 146354  
be maintained, operated, stored, or disposed of or any of the 146355  
joint applicants no longer maintain a contract with the same 146356  
fire protection service provider as the other applicants, then 146357

the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,300,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$4,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity

may receive a grant for up to \$15,000 per fiscal year for full 146418  
or partial reimbursement of the documented costs of firefighter 146419  
training. For each fiscal year, the State Fire Marshal shall 146420  
determine the total amounts to be allocated for each eligible 146421  
purpose. 146422

(4) Of the foregoing appropriation item 800639, Fire 146423  
Department Grants, \$8,000,000 in fiscal year 2026 shall be used 146424  
to issue grants to small county volunteer fire departments 146425  
located within counties having a total population that is 70,000 146426  
or lower as of the most recent decennial census. 146427

Small county volunteer fire department grants may be up to 146428  
\$50,000per recipient. Grant awards are to be used for 146429  
firefighting or rescue equipment or gear, or for fire department 146430  
costs associated with the provision of fire protection services. 146431

(C) The grants shall be administered by the State Fire 146432  
Marshal in accordance with rules the State Fire Marshal adopts 146433  
as part of the state fire code adopted pursuant to section 146434  
3737.82 of the Revised Code that are necessary for the 146435  
administration and operation of the grant program. The rules may 146436  
further define the entities eligible to receive grants and 146437  
establish criteria for the awarding and expenditure of grant 146438  
funds, including methods the State Fire Marshal may use to 146439  
verify the proper use of grant funds or to obtain reimbursement 146440  
for or the return of equipment for improperly used grant funds. 146441  
To the extent consistent with this section and until the rules 146442  
are updated, the existing rules in the state fire code adopted 146443  
pursuant to section 3737.82 of the Revised Code for fire 146444  
department grants under this section apply to MARCS Grants. Any 146445  
amounts in appropriation item 800639, Fire Department Grants, in 146446  
excess of the amount allocated for these grants may be used for 146447

the administration of the grant program.	146448
CASH TRANSFER FROM THE OHIO HIGHWAY AND TRANSPORTATION	146449
SAFETY FUND TO THE STATE FIRE MARSHAL FUND	146450
On July 1, 2025 or as soon as possible thereafter, the	146451
Director of Budget and Management shall transfer \$8,000,000 cash	146452
from the Ohio Highway and Transportation Safety Fund (Fund 5XI0)	146453
to the State Fire Marshal Fund (Fund 5460).	146454
<b>Section 243.30.</b> CASH TRANSFERS TO DIVISION OF REAL ESTATE	146455
OPERATING FUND	146456
If the Real Estate Recovery Fund (Fund 5480) cash balance	146457
exceeds \$250,000 during the biennium ending June 30, 2027, the	146458
Director of Budget and Management, upon the written request of	146459
the Director of Commerce, and subject to Controlling Board	146460
approval, may transfer cash from Fund 5480 to the Division of	146461
Real Estate Operating Fund (Fund 5490), such that the amount	146462
available in Fund 5480 is not less than \$250,000.	146463
If the Real Estate Appraiser Recovery Fund (Fund 4B20)	146464
cash balance exceeds \$200,000 during the biennium ending June	146465
30, 2027, the Director of Budget and Management, upon the	146466
written request of the Director of Commerce, and subject to	146467
Controlling Board approval, may transfer cash from Fund 4B20 to	146468
the Division of Real Estate Operating Fund (Fund 5490), such	146469
that the amount available in Fund 4B20 is not less than	146470
\$200,000.	146471
CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT	146472
SERVICES REVOLVING LOAN FUND	146473
Upon the written request of the Director of Commerce, the	146474
Director of Budget and Management, subject to Controlling Board	146475
approval, may transfer up to \$600,000 in cash from the State	146476

Fire Marshal Fund (Fund 5460) to the Small Government Fire 146477  
Department Services Revolving Loan Fund (Fund 5F10) during the 146478  
biennium ending June 30, 2027. 146479

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 146480

Upon the written request of the Director of Commerce, the 146481  
Director of Budget and Management may transfer up to \$2,500,000 146482  
in each fiscal year from the Division of Securities Fund (Fund 146483  
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 146484  
biennium ending June 30, 2027. The Director of Commerce may 146485  
request the transfer of cash in addition to the \$2,500,000, and 146486  
the Director of Budget and Management may transfer additional 146487  
cash in an amount agreed upon with the Director of Commerce, if 146488  
sufficient cash is available in Fund 5500. An amount equal to 146489  
the additional cash transferred under this section is hereby 146490  
appropriated to appropriation item 800657, Ohio Investor 146491  
Recovery. 146492

The foregoing appropriation item 800657, Ohio Investor 146493  
Recovery, shall be used by the Department of Commerce pursuant 146494  
to section 1707.47 of the Revised Code to provide restitution 146495  
assistance to victims who: (1) are identified in a final 146496  
administrative order issued by the Division of Securities or a 146497  
final court order in a civil or criminal proceeding initiated by 146498  
the Division as a purchaser damaged by a sale or contract for 146499  
sale made in violation of Chapter 1707. of the Revised Code; and 146500  
(2) have not received the full amount of any restitution ordered 146501  
in a final order before the application for restitution 146502  
assistance is due. 146503

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 146504  
FUND 146505

Upon the written request of the Director of Commerce, the	146506
Director of Budget and Management, at least once every three	146507
months, may transfer cash equal to five per cent of all charges,	146508
penalties, and forfeitures received into the Consumer Finance	146509
Fund (Fund 5530) to the Financial Literacy Education Fund (Fund	146510
5FW0) created under section 121.085 of the Revised Code.	146511

<b>Section 245.10.</b>	146512
	146513

	1	2	3	4	5
A			OCC OFFICE OF CONSUMERS' COUNSEL		
B			Dedicated Purpose Fund Group		
C	5F50	053601	Consumers' Counsel Operating	\$6,720,220	\$6,972,030
D			Dedicated Purpose Fund Group Total	\$6,720,220	\$6,972,030
E			TOTAL ALL BUDGET FUND GROUPS	\$6,720,220	\$6,972,030

<b>Section 247.10.</b>	146514
	146515

	1	2	3	4	5
A			CEB CONTROLLING BOARD		
B			Internal Service Activity Fund Group		
C	5KM0	911614	Controlling Board Emergency Purposes/Contingencies	\$10,000,000	\$10,000,000





A	DEN STATE DENTAL BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 880609 Operating Expenses	\$2,281,030	\$2,372,258
D	Dedicated Purpose Fund Group Total	\$2,281,030	\$2,372,258
E	TOTAL ALL BUDGET FUND GROUPS	\$2,281,030	\$2,372,258

**Section 257.10.** 146531  
146532

1 2 3 4 5

A	BDP BOARD OF DEPOSIT		
B	Dedicated Purpose Fund Group		
C	4M20 974601 Board of Deposit	\$1,688,400	\$1,688,400
D	Dedicated Purpose Fund Group Total	\$1,688,400	\$1,688,400
E	TOTAL ALL BUDGET FUND GROUPS	\$1,688,400	\$1,688,400

**Section 257.20. BOARD OF DEPOSIT EXPENSE FUND** 146533

Upon receiving certification of expenses from the 146534  
Treasurer of State, the Director of Budget and Management shall 146535  
transfer cash from the Investment Earnings Redistribution Fund 146536  
(Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). 146537  
The latter fund shall be used pursuant to section 135.02 of the 146538  
Revised Code to pay for any and all necessary expenses of the 146539  
Board of Deposit or for banking charges and fees required for 146540  
the operation of the State of Ohio Regular Account. 146541

**Section 259.10.**

146542

146543

1	2	3	4	5
A		DEV DEPARTMENT OF DEVELOPMENT		
B	General Revenue Fund			
C	GRF 195402	Coal Research and Development Program	\$175,000	\$175,000
D	GRF 195405	Minority Business Development	\$7,500,000	\$8,500,000
E	GRF 195406	Helping Ohioans Stay in Their Homes	\$4,000,000	\$4,000,000
F	GRF 195415	Business Development Services	\$3,864,894	\$3,807,217
G	GRF 195426	Redevelopment Assistance	\$1,125,000	\$1,141,982
H	GRF 195453	Technology Programs and Grants	\$859,360	\$868,648
I	GRF 195454	Small Business and Export Assistance	\$3,537,643	\$3,807,014
J	GRF 195455	Appalachia Assistance	\$10,780,362	\$10,782,630
K	GRF 195497	CDBG Operating Match	\$1,445,867	\$1,473,181
L	GRF 195499	BSD Federal Programs Match	\$13,441,064	\$13,499,251
M	GRF 1954A7	Residential Economic	\$10,000,000	\$15,000,000

			Development District Program		
N	GRF	195503	Local Development Projects	\$85,000	\$0
O	GRF	195537	Ohio-Israel Agricultural Initiative	\$500,000	\$500,000
P	GRF	195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
Q	GRF	195556	TechCred Program	\$23,205,470	\$24,207,322
R	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
S	GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$45,000,000	\$45,000,000
T			General Revenue Fund Total	\$134,569,660	\$140,287,245
U			Dedicated Purpose Fund Group		
V	4500	195624	Minority Business Bonding Program Administration	\$9,875	\$9,875
W	4510	195649	Business Assistance Programs	\$3,000,000	\$3,000,000
X	4F20	195639	State Special Projects	\$500,000	\$500,000

Y	4F20	195655	Workforce Development Programs	\$188,100	\$188,100
Z	4F20	195699	Utility Community Assistance	\$686,947	\$0
AA	4F20	1956B7	One-Time Emergency Projects	\$500,000	\$0
AB	4W10	195646	Minority Business Enterprise Loan	\$2,000,000	\$2,000,000
AC	5AI1	1956G9	Broadband Pole Replacement and Undergrounding Program	\$31,361,299	\$0
AD	5A00	1956H2	Priority Projects	\$6,800,000	\$6,500,000
AE	5AP1	1956H3	Welcome Home Ohio Program	\$45,625,000	\$45,625,000
AF	5CT1	1956B8	Residential Development Revolving Loan Program	\$100,000,000	\$0
AG	5GT0	195550	Broadband Development Grants	\$2,800,000	\$2,800,000
AH	5JR0	195635	Tax Incentives Operating	\$1,200,000	\$1,200,000
AI	5KP0	195645	Historic Rehabilitation Operating	\$1,800,000	\$1,800,000
AJ	5M40	195659	Low Income Energy Assistance (USF)	\$336,627,830	\$176,222,102
AK	5M50	195660	Advanced Energy Loan	\$8,932,168	\$8,940,462

Programs

AL	5MH0	195644	SiteOhio Administration	\$5,000	\$5,000
AM	5MJ0	195683	TourismOhio Administration	\$7,500,000	\$7,500,000
AN	5UL0	195627	Brownfields Revolving Loan Program	\$1,750,000	\$1,750,000
AO	5UY0	195496	Sports Events Grants	\$3,000,000	\$3,000,000
AP	5W60	195691	International Trade Cooperative Projects	\$50,000	\$50,000
AQ	5XH0	195632	Women Owned Business Loans	\$5,000,000	\$5,000,000
AR	5XH0	195694	Micro-Loan	\$2,500,000	\$2,500,000
AS	5XH0	1956I1	Minority Business Development Loan Administration	\$2,000,000	\$2,000,000
AT	5YE0	1956A2	Brownfield Remediation	\$125,000,000	\$125,000,000
AU	5YF0	1956A3	Demolition and Site Revitalization	\$21,500,000	\$21,500,000
AV	6170	195654	Volume Cap Administration	\$40,000	\$40,000
AW	6460	195638	Low- and Moderate-Income Housing Programs	\$64,402,825	\$64,435,386
AX	Dedicated Purpose Fund Group Total			\$774,779,044	\$481,565,925
AY	Internal Service Activity Fund Group				

AZ 1350 195684	Development Operations	\$15,263,246	\$15,609,260
BA 6850 195636	Development Services	\$250,000	\$250,000
	Reimbursable Expenditures		
BB	Internal Service Activity Fund Group	\$15,513,246	\$15,859,260
	Total		
BC	Facilities Establishment Fund Group		
BD 4Z60 195647	Rural Industrial Park Loan	\$5,000,000	\$5,000,000
BE 5S90 195628	Capital Access Loan	\$1,000,000	\$1,000,000
	Program		
BF 7009 195664	Innovation Ohio	\$17,426,036	\$0
BG 7010 195665	Research and Development	\$36,032,990	\$0
BH 7037 195615	Facilities Establishment	\$10,000,000	\$10,000,000
BI	Facilities Establishment Fund Group	\$69,459,026	\$16,000,000
	Total		
BJ	Bond Research and Development Fund Group		
BK 7011 195686	Third Frontier Tax Exempt	\$1,000,000	\$1,000,000
	- Operating		
BL 7011 195687	Third Frontier Research	\$1,000,000	\$1,000,000
	and Development Projects		
BM 7014 195620	Third Frontier Taxable -	\$2,710,000	\$2,710,000
	Operating		

BN 7014 195692	Research and Development Taxable Bond Projects	\$100,000,000	\$20,000,000
BO	Bond Research and Development Fund Group Total	\$104,710,000	\$24,710,000
BP	Federal Fund Group		
BQ 3080 195581	Energy Efficiency Revolving Loan Fund Capitalization Grant	\$2,500,000	\$2,500,000
BR 3080 195602	Appalachian Regional Commission	\$7,500,000	\$7,500,000
BS 3080 195603	Housing Assistance Programs	\$12,571,729	\$12,576,756
BT 3080 195609	Small Business Administration Grants	\$5,550,000	\$5,550,000
BU 3080 195618	Energy Grants	\$11,650,326	\$11,661,160
BV 3080 195670	Home Weatherization Program	\$86,079,636	\$0
BW 3080 195672	Manufacturing Extension Partnership	\$6,600,000	\$6,600,000
BX 3080 195675	Procurement Technical Assistance	\$1,500,000	\$1,500,000
BY 3080 195696	State Trade and Export Promotion	\$500,000	\$500,000

BZ	3350	195610	Energy Programs	\$350,000	\$350,000
CA	3AE0	195643	Workforce Development Initiatives	\$2,000,000	\$2,000,000
CB	3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$2,000,000	\$2,000,000
CC	3IC0	1956D9	Growth Capital Fund	\$3,250,000	\$3,250,000
CD	3IC0	1956E1	Early-Stage Focus Fund	\$1,500,000	\$1,500,000
CE	3IC0	1956E2	Community Development Financial Institution Loan Participation	\$10,000,000	\$10,000,000
CF	3IC0	1956E3	Collateral Enhancement Program	\$6,000,000	\$6,000,000
CG	3IC0	1956H5	State Small Business Credit Initiative Technical Assistance	\$1,500,000	\$1,500,000
CH	3IF0	1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$793,000,000	\$0
CI	3IF0	1956E5	Broadband Digital Equity Acts Program	\$23,800,000	\$476,000
CJ	3IM0	195582	Home-Owner Managing Energy Savings Rebate Program	\$15,000,000	\$15,000,000

CK 3IM0 195583	High-Efficiency Electric Home Rebate Program	\$15,000,000	\$15,000,000
CL 3K80 195613	Community Development Block Grant	\$57,500,000	\$57,500,000
CM 3K90 195611	Home Energy Assistance Block Grant	\$180,000,000	\$0
CN 3K90 195614	HEAP Weatherization	\$44,000,000	\$0
CO 3L00 195612	Community Services Block Grant	\$32,000,000	\$0
CP 3V10 195601	HOME Program	\$53,750,000	\$53,750,000
CQ	Federal Fund Group Total	\$1,375,101,691	\$216,713,916
CR	TOTAL ALL BUDGET FUND GROUPS	\$2,474,132,667	\$895,136,346

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 146544

The foregoing appropriation item 195402, Coal Research and 146545  
Development Program, shall be used for the operating expenses of 146546  
the Community Services Division in support of the Ohio Coal 146547  
Development Office. 146548

MINORITY BUSINESS DEVELOPMENT 146549

The foregoing appropriation item 195405, Minority Business 146550  
Development, shall be used to support the activities of the 146551  
Minority Business Development Division, including providing 146552  
grants to local nonprofit organizations to support economic 146553  
development activities that promote minority business 146554  
development, in conjunction with local organizations funded 146555

through appropriation item 195454, Small Business and Export Assistance. 146556  
146557

HELPING OHIOANS STAY IN THEIR HOMES 146558

The foregoing appropriation item 195406, Helping Ohioans Stay in their Homes, shall be granted to People Working Cooperatively for the Safe and Healthy at Home Initiative. 146559  
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BUSINESS DEVELOPMENT SERVICES 146562

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices. 146563  
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Of the foregoing appropriation item 195415, Business Development Services, \$1,550,000 in fiscal year 2026 and \$1,450,000 in fiscal year 2027 shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security-related initiatives. 146567  
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REDEVELOPMENT ASSISTANCE 146582

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the 146583  
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energy, redevelopment, and other revitalization programs that 146585  
may be implemented, and may be used to match federal grant 146586  
funding. 146587

TECHNOLOGY PROGRAMS AND GRANTS 146588

The foregoing appropriation item 195453, Technology 146589  
Programs and Grants, shall be used for operating expenses 146590  
incurred in administering the Ohio Third Frontier Programs and 146591  
other technology focused programs that may be implemented. 146592

SMALL BUSINESS AND EXPORT ASSISTANCE 146593

The foregoing appropriation item 195454, Small Business 146594  
and Export Assistance, may be used to provide a range of 146595  
business assistance, including grants to local organizations to 146596  
support economic development activities that promote small 146597  
business development, entrepreneurship, and exports of Ohio's 146598  
goods and services, in conjunction with local organizations 146599  
funded through appropriation item 195405, Minority Business 146600  
Development. The foregoing appropriation item shall also be used 146601  
as matching funds for grants from the United States Small 146602  
Business Administration and other federal agencies, pursuant to 146603  
Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and 146604  
regulations and policy guidelines for the programs pursuant 146605  
thereto. 146606

APPALACHIA ASSISTANCE 146607

The foregoing appropriation item 195455, Appalachia 146608  
Assistance, may be used for the administrative costs of planning 146609  
and liaison activities for the Governor's Office of Appalachia, 146610  
to provide financial assistance to projects in Ohio's 146611  
Appalachian counties, to support four local development 146612  
districts, and to pay dues for the Appalachian Regional 146613

Commission. These funds may be used to match federal funds from 146614  
the Appalachian Regional Commission. Programs funded through the 146615  
appropriation item shall be identified and recommended by the 146616  
local development districts and approved by the Governor's 146617  
Office of Appalachia. The Department of Development shall 146618  
conduct compliance and regulatory review of the programs 146619  
recommended by the local development districts. Moneys allocated 146620  
under the appropriation item may be used to fund projects 146621  
including, but not limited to, those designated by the local 146622  
development districts as community investment and rapid response 146623  
projects. 146624

Of the foregoing appropriation item 195455, Appalachia 146625  
Assistance, in each fiscal year, \$210,000 shall be allocated to 146626  
the Ohio Valley Regional Development Commission, \$210,000 shall 146627  
be allocated to the Ohio Mid-Eastern Government Association, 146628  
\$210,000 shall be allocated to the Buckeye Hills Regional 146629  
Council, and \$210,000 shall be allocated to the Eastgate 146630  
Regional Council of Governments. Local development districts 146631  
receiving funding under this section shall use the funds for the 146632  
implementation and administration of programs and duties under 146633  
section 107.21 of the Revised Code. 146634

Of the foregoing appropriation item 195455, Appalachia 146635  
Assistance, in each fiscal year, \$2,750,000 shall be allocated 146636  
to the Foundation for Appalachian Ohio. 146637

Of the foregoing appropriation item 195455, Appalachia 146638  
Assistance, in each fiscal year, \$850,000 shall be allocated to 146639  
Ohio University's Voinovich School of Leadership and Public 146640  
Service to work on behalf of the Mayor's Partnership for 146641  
Progress. 146642

CDBG OPERATING MATCH 146643

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

BSD FEDERAL PROGRAMS MATCH

The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Department of Defense APEX Accelerator Program, and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The appropriation item shall also be used for operating expenses of the Business Services Division.

LOCAL DEVELOPMENT PROJECTS

Of the foregoing appropriation item 195503, Local Development Projects, \$85,000 in fiscal year 2026 shall be granted to the Stark County Minority Business Association to support the development and operation of the Kirk Schuring Business Development Center and Innovation Hub.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative. The appropriation shall not be used for travel and entertainment expenses incurred under the initiative.

SECTOR PARTNERSHIP NETWORKS

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The foregoing appropriation item 195553, Industry Sector Partnerships, shall be used for the grant program described in section 122.179 of the Revised Code. 146673  
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TECHCRED PROGRAM 146676

The foregoing appropriation item 195556, TechCred Program, shall be used for the programs described under sections 122.178 and 122.1710 of the Revised Code. 146677  
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RESIDENTIAL ECONOMIC DEVELOPMENT DISTRICT PROGRAM 146680

The foregoing appropriation item 1954A7, Residential Economic Development District Program , shall be used to issue grants to support workforce housing development under section 122.636 of the Revised Code. 146681  
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An amount equal to the unexpended, unencumbered balance of appropriation item 1954A7, Residential Economic Development District Program, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027. 146685  
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**Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE** 146690  
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The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.07 of the Revised Code. 146692  
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THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE 146698  
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The foregoing appropriation item 195905, Third Frontier 146700

Research and Development General Obligation Bond Debt Service, 146701  
shall be used to pay all debt service and related financing 146702  
costs during the period from July 1, 2025, through June 30, 146703  
2027, on obligations issued under sections 151.01 and 151.10 of 146704  
the Revised Code. 146705

**Section 259.30. BUSINESS ASSISTANCE PROGRAMS** 146706

The foregoing appropriation item 195649, Business 146707  
Assistance Programs, shall be used for administrative expenses 146708  
associated with the operation of loan incentives. 146709

**STATE SPECIAL PROJECTS** 146710

The State Special Projects Fund (Fund 4F20), may be used 146711  
for the deposit of private-sector funds from utility companies 146712  
and for the deposit of other miscellaneous state funds. State 146713  
moneys so deposited may also be used to match federal funding 146714  
and to support programs of the Community Service Division and 146715  
Business Services Division. 146716

**ONE-TIME EMERGENCY PROJECTS** 146717

The foregoing appropriation item 1956B7, One-Time 146718  
Emergency Projects, shall be granted to Boardman Township to 146719  
provide matching funds for the flood mitigation assistance grant 146720  
awarded to the township by the Federal Emergency Management 146721  
Agency. 146722

**CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 146723**  
**PURPOSES/CONTINGENCIES FUND TO THE STATE SPECIAL PROJECTS FUND** 146724

On July 1 2025, or as soon as possible thereafter, the 146725  
Director of Budget and Management shall transfer up to \$500,000 146726  
cash from the Controlling Board Emergency Purposes/Contingencies 146727  
Fund (Fund 5KM0) to the State Special Projects Fund (Fund 4F20). 146728

MINORITY BUSINESS ENTERPRISE LOAN	146729
The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the state treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).	146730 146731 146732 146733 146734 146735 146736
BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM	146737
The foregoing appropriation item 1956G9, Broadband Pole Replacement and Undergrounding Program, shall be used by the Department of Development to support the Broadband Pole Replacement and Undergrounding Program under section 191.27 of the Revised Code.	146738 146739 146740 146741 146742
TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND	146743 146744
On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$3,600,000 cash from the Broadband Pole Replacement and Undergrounding Program Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion Grant Program Fund (Fund 5GT0).	146745 146746 146747 146748 146749
PRIORITY PROJECTS	146750
(A) Of the foregoing appropriation item 1956H2, Priority Projects, \$750,000 in each fiscal year shall be allocated to the Center on Appalachian Innovation at Marietta College.	146751 146752 146753
(B) Of the foregoing appropriation item 1956H2, Priority Projects, \$625,000 in each fiscal year shall be allocated to the Excellence Training Center at Youngstown State University.	146754 146755 146756

(C) Of the foregoing appropriation item 1956H2, Priority Projects, \$500,000 in each fiscal year shall be used to continue support and expansion of the Clark County unmanned and general aviation STEM pilot programs in all Ohio counties.

(D) Of the foregoing appropriation item 1956H2, Priority Projects, \$500,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

(E) Of the foregoing appropriation item 1956H2, Priority Projects, \$400,000 in fiscal year 2026 shall be distributed to the Showers Family Foundation to support the high school education of students with multiple disabilities, including Autism and Down Syndrome, provided that a local match in the same amount is provided.

(F) Of the foregoing appropriation item 1956H2, Priority Projects, \$250,000 in each fiscal year shall be used to support the U.S. Route 30 expansion in Carroll, Stark, and Columbiana counties.

(G) Of the foregoing appropriation item 1956H2, Priority Projects, \$350,000 in each fiscal year shall be distributed to the Fairfield County Workforce Center to support pre-apprenticeship program costs, including those for instructors, certification exams, books, software licenses, and tools needed for students.

(H) Of the foregoing appropriation item 1956H2, Priority Projects, \$100,000 in each fiscal year shall be distributed to S.U.C.C.E.S.S. for Autism to expand an interprofessional pilot program for the purpose of training professionals in The S.U.C.C.E.S.S. Approach, a comprehensive neurodevelopmental learning model for all students.

(I) Of the foregoing appropriation item 1956H2, Priority Projects, \$250,000 in fiscal year 2026 shall be granted to the Eastgate Regional Council of Governments to support the study and construction of an oil and natural gas pipeline within Ashtabula, Columbiana, Mahoning, and Trumbull counties. 146786  
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(J) Of the foregoing appropriation item 1956H2, Priority Projects, \$175,000 in each fiscal year shall be granted to the Buckeye Lake Regional Corporation to support community development. 146791  
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(K) Of the foregoing appropriation item 1956H2, Priority Projects, \$200,000 in fiscal year 2026 and \$250,000 in fiscal year 2027 shall be distributed to the Mid-East Career and Technology Centers for the purchase of CDL training simulators. 146795  
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(L) Of the foregoing appropriation item 1956H2, Priority Projects, \$1,250,000 in each fiscal year shall be granted to the Ohio Life Sciences Foundation for workforce development projects. 146799  
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146801  
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(M) Of the foregoing appropriation item 1956H2, Priority Projects, \$1,000,000 in fiscal year 2026 and \$1,500,000 in fiscal year 2027 shall be distributed to Southern State Community College for the Ohio Code-Scholar Program under section 3313.905 of the Revised Code, as reenacted by this act. 146803  
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(N) Of the foregoing appropriation item 1956H2, Priority Projects, up to \$200,000 in fiscal year 2026 shall be used to provide public safety services at the Voices of America Country Music Festival in West Chester Township on the condition that a local match in the same amount is provided. 146808  
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(O) Of the foregoing appropriation item 1956H2, Priority Projects, \$250,000 in each fiscal year shall be used to support 146813  
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The Ohio State University East Side Dental Clinic.	146815
WELCOME HOME OHIO PROGRAM	146816
The foregoing appropriation item 1956H3, Welcome Home Ohio	146817
Program, shall be used for grants under the Welcome Home Ohio	146818
Program established in sections 122.631 through 122.633 of the	146819
Revised Code. Of the foregoing appropriation item 1956H3,	146820
Welcome Home Ohio Program, \$22,812,500 in each fiscal year shall	146821
be used to distribute grants to purchase residential property at	146822
foreclosure sales under section 122.631 of the Revised Code. Of	146823
the foregoing appropriation item 1956H3, Welcome Home Ohio	146824
Program, \$22,812,500 in each fiscal year shall be used to	146825
distribute grants to rehabilitate or construct residential	146826
property for income-restricted owners under section 122.632 of	146827
the Revised Code.	146828
On July 1, 2025, or as soon as possible thereafter, the	146829
Director of Budget and Management shall transfer \$50,000,000	146830
cash from the Local Government Tangible Property Tax Replacement	146831
Fund (Fund 7081) to the Welcome Home Ohio Fund (Fund 5AP1).	146832
ADVANCED ENERGY LOAN PROGRAMS	146833
The foregoing appropriation item 195660, Advanced Energy	146834
Loan Programs, shall be used to provide financial assistance to	146835
customers for eligible advanced energy projects for residential,	146836
commercial, and industrial business, local government,	146837
educational institution, nonprofit, and agriculture customers.	146838
The appropriation item may be used to match federal grant	146839
funding and to pay for the program's administrative costs as	146840
provided in sections 4928.61 to 4928.63 of the Revised Code and	146841
rules adopted by the Director of Development.	146842
SPORTS EVENTS GRANTS	146843

The foregoing appropriation item 195496, Sports Events 146844  
Grants, shall be used for grants as described in sections 122.12 146845  
and 122.121 of the Revised Code. 146846

WOMEN OWNED BUSINESS LOAN 146847

The foregoing appropriation item 195632, Women Owned 146848  
Business Loan, shall be used to operate the Women Owned Business 146849  
Loan Program. 146850

MINORITY BUSINESS MICRO-LOAN 146851

The foregoing appropriation item 195694, Micro-Loan, shall 146852  
be used to operate the Minority Business Micro-Loan Program. 146853

MBD LOAN ADMINISTRATION 146854

The foregoing appropriation item 1956I1, MBD Loan 146855  
Administration, shall be used to operate the Women Owned Loan 146856  
and Minority Business Micro-Loan Programs. 146857

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE 146858  
FUND TO THE MBD FINANCIAL ASSISTANCE FUND 146859

On July 1, 2025, or as soon as possible thereafter, the 146860  
Director of Budget and Management may transfer \$4,000,000 cash 146861  
from the State Small Business Credit Initiative Fund (Fund 3FJ0) 146862  
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments 146863  
of loans issued under Fund 5XH0 shall be credited to the fund. 146864

Upon the completion of the original Collateral Enhancement 146865  
Program, the Director of Development shall certify to the 146866  
Director of Budget and Management the remaining cash balance in 146867  
the State Small Business Credit Initiative Fund (Fund 3FJ0). The 146868  
Director of Budget and Management may transfer the certified 146869  
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 146870  
5XH0). 146871

ALL OHIO FUTURE FUND	146872
The foregoing appropriation item 195576, All Ohio Future Fund, shall be used for the purposes enumerated in section 126.62 of the Revised Code.	146873 146874 146875
BROWNFIELD REMEDIATION	146876
The foregoing appropriation item 1956A2, Brownfield Remediation, shall be used to award grants under the Brownfield Remediation Program as described in section 122.6511 of the Revised Code. Of the foregoing appropriation item 1956A2, Brownfield Remediation, up to two and one-half percent in each fiscal year may be used to pay the administrative costs of the program.	146877 146878 146879 146880 146881 146882 146883
On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$250,000,000 cash from the All Ohio Future Fund (Fund 5XM0) to the Brownfield Remediation Fund (Fund 5YE0).	146884 146885 146886 146887
DEMOLITION AND SITE REVITALIZATION	146888
The appropriation item 1956A3, Demolition and Site Revitalization, shall be used to award grants and to pay associated administrative costs under the Building Demolition and Site Revitalization Program as described in section 122.6512 of the Revised Code.	146889 146890 146891 146892 146893
An amount equal to the unexpended, unencumbered balance of appropriation item 1956A3, Demolition and Site Revitalization, at the end of fiscal year 2026 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2027.	146894 146895 146896 146897 146898
On July 1 of each fiscal year, or as soon as possible	146899

thereafter, the Director of Budget and Management shall transfer 146900  
\$20,000,000 cash from the Local Government Tangible Property Tax 146901  
Replacement Fund (Fund 7081) to the Building Demolition and Site 146902  
Revitalization Fund (Fund 5YF0). 146903

VOLUME CAP ADMINISTRATION 146904

The foregoing appropriation item 195654, Volume Cap 146905  
Administration, shall be used for expenses related to the 146906  
administration of the Volume Cap Program. Revenues received by 146907  
the Volume Cap Administration Fund (Fund 6170) shall consist of 146908  
application fees, forfeited deposits, and interest earned from 146909  
the custodial account held by the Treasurer of State. 146910

RESIDENTIAL DEVELOPMENT REVOLVING LOAN PROGRAM 146911

The foregoing appropriation item 1956B8, Residential 146912  
Development Revolving Loan Program, shall be used to award loans 146913  
under the Residential Development Loan Program as described in 146914  
sections 122.98 and 122.981 of the Revised Code. 146915

The unexpended, unencumbered balance of appropriation item 146916  
1956B8, Residential Development Revolving Loan Program, at the 146917  
end of fiscal year 2026 is hereby reappropriated to the same 146918  
appropriation item for the same purpose in fiscal year 2027. 146919

**Section 259.40.** DEVELOPMENT OPERATIONS 146920

The Director of Development may assess offices of the 146921  
department for the cost of central service operations. An 146922  
assessment shall contain the characteristics of administrative 146923  
ease and uniform application. A division's payments shall be 146924  
credited to the Supportive Services Fund (Fund 1350) using an 146925  
intrastate transfer voucher. 146926

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 146927

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

**Section 259.50. RURAL INDUSTRIAL PARK LOAN**

The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Rural Industrial Park Loans awarded under the appropriation item shall not exceed \$4,000,000.

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO THE BUSINESS ASSISTANCE FUND

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer up to \$3,000,000 cash in each fiscal year from the Research and Development Loan Fund (Fund 7010) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

**CAPITAL ACCESS LOAN PROGRAM**

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed \$1,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

**FACILITIES ESTABLISHMENT**

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.

In the biennium ending June 30, 2027, notwithstanding section 127.14 and division (B) of section 131.35 of the Revised Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, but not to exceed the limitation set in division (E) of section 131.35 of the Revised Code, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated.

**Section 259.60. THIRD FRONTIER OPERATING COSTS**

The foregoing appropriation items 195686, Third Frontier Tax Exempt Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research and Development Fund (Fund 7011), and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded

from the Third Frontier Research and Development Taxable Bond 146986  
Project Fund (Fund 7014). 146987

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX 146988  
EXEMPT PROJECTS 146989

The foregoing appropriation items 195687, Third Frontier 146990  
Research and Development Projects, and 195692, Research and 146991  
Development Taxable Bond Projects, shall be used to fund 146992  
selected projects, which may include internship programs. 146993  
Eligible costs are those costs of research and development 146994  
projects to which the proceeds of Fund 7011 and Fund 7014 are to 146995  
be applied. 146996

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 146997

The Director of Budget and Management may approve written 146998  
requests from the Director of Development for the transfer of 146999  
appropriations between appropriation items 195687, Third 147000  
Frontier Research and Development Projects, and 195692, Research 147001  
and Development Taxable Bond Projects, based upon awards 147002  
recommended by the Third Frontier Commission. 147003

In fiscal year 2026, the Director of Development may 147004  
request that the Director of Budget and Management reappropriate 147005  
any unexpended, unencumbered balances of the prior fiscal year's 147006  
appropriation to the foregoing appropriation items 195687, Third 147007  
Frontier Research and Development Projects, and 195692, Research 147008  
and Development Taxable Bond Projects, for fiscal year 2026. The 147009  
Director of Budget and Management may request additional 147010  
information necessary for evaluating these requests, and the 147011  
Director of Development shall provide the requested information 147012  
to the Director of Budget and Management. Based on the 147013  
information provided by the Director of Development, the 147014

Director of Budget and Management shall determine the amounts to 147015  
 be reappropriated, and those amounts are hereby reappropriated 147016  
 for fiscal year 2026. 147017

**Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT** 147018  
 PROGRAM (BEAD) 147019

The foregoing appropriation item 1956E4, Broadband Equity, 147020  
 Access, and Deployment Program (BEAD), shall be used to build 147021  
 infrastructure that supports the adoption of high-speed 147022  
 internet. 147023

HEAP WEATHERIZATION 147024

Up to twenty-five per cent of the federal funds deposited 147025  
 to the credit of the Home Energy Assistance Block Grant Fund 147026  
 (Fund 3K90) may be expended from appropriation item 195614, HEAP 147027  
 Weatherization, to provide home weatherization services in the 147028  
 state as determined by the Director of Development. 147029

**Section 261.10.** 147030

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A	DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES				
B	General Revenue Fund				
C	GRF	320411	Special Olympics	\$250,000	\$250,000
D	GRF	320412	Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415	Developmental Disabilities Facilities Lease Rental Bond	\$27,500,000	\$24,200,000

Payments

F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$2,700,000	\$2,700,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$1,115,000	\$944,000
J	GRF	322510	Best Buddies Ohio	\$100,000	\$100,000
K	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,300,000
L	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000
M			General Revenue Fund Total	\$1,177,855,217	\$1,188,021,000
N			Dedicated Purpose Fund Group		
O	2210	322620	Supplement Service Trust	\$500,000	\$500,000
P	4890	653632	Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
Q	5DK0	322629	Capital Replacement Facilities	\$750,000	\$750,000
R	5EV0	653627	Medicaid Program Support	\$2,540,000	\$2,540,000
S	5GE0	320606	Central Office Operating Expenses	\$20,914,384	\$21,180,026

T	5GEO	653606	ICF/IID and Waiver Match	\$60,000,000	\$60,000,000
U	5H00	322619	Medicaid Repayment	\$900,000	\$900,000
V	5S20	653622	Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
W	5Z10	653624	County Board Waiver Match	\$688,000,000	\$752,000,000
X	Dedicated Purpose Fund Group Total			\$816,604,384	\$880,870,026
Y	Internal Service Activity Fund Group				
Z	1520	653609	DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000
AA	Internal Service Activity Fund Group Total			\$20,000,000	\$20,000,000
AB	Federal Fund Group				
AC	3250	322612	Community Social Service Programs	\$15,075,000	\$15,075,000
AD	3A40	653654	Medicaid Services	\$3,385,530,510	\$3,545,767,920
AE	3A40	653655	Medicaid Support	\$92,000,000	\$97,000,000
AF	3A50	320613	Developmental Disabilities Council	\$3,369,230	\$3,408,234
AG	Federal Fund Group Total			\$3,495,974,740	\$3,661,251,154
AH	TOTAL ALL BUDGET FUND GROUPS			\$5,510,434,341	\$5,750,142,180

**Section 261.20. SPECIAL OLYMPICS** 147032

The foregoing appropriation item 320411, Special Olympics, 147033  
shall be distributed by the Ohio Department of Developmental 147034  
Disabilities to the Special Olympics of Ohio in support of the 147035  
Ohio Special Olympics Summer Games. 147036

**Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES** 147037  
**LEASE-RENTAL BOND PAYMENTS** 147038

The foregoing appropriation item 320415, Developmental 147039  
Disabilities Facilities Lease Rental Bond Payments, shall be 147040  
used to meet all payments during the period from July 1, 2025, 147041  
through June 30, 2027, by the Department of Developmental 147042  
Disabilities pursuant to leases and agreements made under 147043  
section 154.20 of the Revised Code. These appropriations are the 147044  
source of funds pledged for bond service charges on related 147045  
obligations issued under Chapter 154. of the Revised Code. 147046

**Section 261.40. MULTI-SYSTEM YOUTH** 147047

Of the foregoing appropriation item 322422, Multi-System 147048  
Youth, a portion may be used to provide a subsidy to eligible 147049  
county boards of developmental disabilities for the provision of 147050  
respite services and other services and supports for youth with 147051  
complex or multi-system needs to enable them to remain in their 147052  
homes with their families or in their communities. The Director 147053  
of Developmental Disabilities shall establish the total amount 147054  
available for the subsidy, a formula for distributing the 147055  
subsidy to eligible county boards, and the eligibility 147056  
requirements county boards must satisfy to receive the subsidy. 147057

**Section 261.50. TECHNOLOGY FIRST** 147058

Of the foregoing appropriation item 322423, Technology 147059  
First, a portion may be used to increase access and utilization 147060

of innovative technology for people with developmental 147061  
disabilities in accordance with the Technology First Policy 147062  
established in section 5123.025 of the Revised Code. 147063

**Section 261.60. EMPLOYMENT FIRST INITIATIVE** 147064

The foregoing appropriation item 322508, Employment First 147065  
Initiative, shall be used to increase employment opportunities 147066  
for individuals with developmental disabilities through the 147067  
Employment First Initiative in accordance with section 5123.022 147068  
of the Revised Code. 147069

Of the foregoing appropriation item, 322508, Employment 147070  
First Initiative, the Director of Developmental Disabilities 147071  
shall transfer, in each fiscal year, to the Opportunities for 147072  
Ohioans with Disabilities Agency an amount agreed upon by the 147073  
Director of Developmental Disabilities and the Executive 147074  
Director of the Opportunities for Ohioans with Disabilities 147075  
Agency. The transfer shall be made via an intrastate transfer 147076  
voucher. The transferred funds shall be used to support the 147077  
Employment First Initiative. The Opportunities for Ohioans with 147078  
Disabilities Agency shall use the funds transferred as state 147079  
matching funds to obtain available federal grant dollars for 147080  
vocational rehabilitation services. Any federal match dollars 147081  
received by the Opportunities for Ohioans with Disabilities 147082  
Agency shall be used for the initiative. The Director of 147083  
Developmental Disabilities and the Executive Director of the 147084  
Opportunities for Ohioans with Disabilities Agency shall enter 147085  
into an interagency agreement in accordance with section 147086  
3304.181 of the Revised Code that will specify the 147087  
responsibilities of each agency under the initiative. Under the 147088  
interagency agreement, the Opportunities for Ohioans with 147089  
Disabilities Agency shall retain responsibility for eligibility 147090

determination, order of selection, plan approval, plan amendment, and release of vendor payments. 147091  
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The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code. 147093  
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**Section 261.61. ACHIEVEMENT CENTERS FOR CHILDREN** 147098

Of the foregoing appropriation item 322509, Community Supports and Rental Assistance, \$190,000 in each fiscal year shall be distributed to the Achievement Centers for Children to provide family support services and respite care for children with disabilities and their families. 147099  
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**Section 261.62. HUDSON COMMUNITY LIVING** 147104

Of the foregoing appropriation item 322509, Community Supports and Rental Assistance, \$225,000 in fiscal year 2026 and \$54,000 in fiscal year 2027 shall be distributed to Hudson Community Living to support maintenance and operations in serving adults with developmental disabilities. 147105  
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**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 147110

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver 147111  
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component providing home and community-based services after 147120  
receiving preadmission counseling pursuant to section 5124.68 of 147121  
the Revised Code. The Director shall establish the methodology 147122  
for determining the amount and distribution of such funding. 147123

**Section 261.73. BEST BUDDIES OHIO** 147124

The foregoing appropriation item 322510, Best Buddies 147125  
Ohio, shall be provided to the Best Buddies Ohio program to 147126  
support the delivery and expansion of skills-building services 147127  
throughout Ohio schools and communities. 147128

**Section 261.80. MEDICAID SERVICES** 147129

(A) As used in this section: 147130

(1) "Home and community-based services" has the same 147131  
meaning as in section 5123.01 of the Revised Code. 147132

(2) "ICF/IID services" has the same meaning as in section 147133  
5124.01 of the Revised Code. 147134

(B) Except as provided in section 5123.0416 of the Revised 147135  
Code, the purposes for which the foregoing appropriation item 147136  
653407, Medicaid Services, shall be used include the following: 147137

(1) Home and community-based services; 147138

(2) ICF/IID services; and 147139

(3) Other programs as identified by the Director of 147140  
Developmental Disabilities. 147141

**Section 261.90. CENTRAL OFFICE OPERATING EXPENSES** 147142

Of the foregoing appropriation item 320606, Central Office 147143  
Operating Expenses, \$100,000 in each fiscal year shall be 147144  
provided to the Ohio Center for Autism and Low Incidence to 147145  
establish a lifespan autism hub to support families and 147146

professionals. 147147

**Section 261.100.** COUNTY BOARD SHARE OF WAIVER SERVICES 147148

As used in this section, "home and community-based 147149  
services" has the same meaning as in section 5123.01 of the 147150  
Revised Code. 147151

The Director of Developmental Disabilities shall establish 147152  
a methodology to be used in fiscal year 2026 and fiscal year 147153  
2027 to estimate the quarterly amount each county board of 147154  
developmental disabilities is to pay of the nonfederal share of 147155  
home and community-based services that section 5126.0510 of the 147156  
Revised Code requires county boards to pay. Each quarter, the 147157  
Director shall submit to a county board written notice of the 147158  
amount the county board is to pay for that quarter. The notice 147159  
shall specify when the payment is due. 147160

**Section 261.110.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 147161

If a county board of developmental disabilities does not 147162  
fully pay any amount owed to the Department of Developmental 147163  
Disabilities by the due date established by the Department, the 147164  
Director of Developmental Disabilities may withhold the amount 147165  
the county board did not pay from any amounts due to the county 147166  
board. The Director may use any appropriation item or fund used 147167  
by the Department to transfer cash to any other fund used by the 147168  
Department in an amount equal to the amount owed the Department 147169  
that the county board did not pay. Transfers under this section 147170  
shall be made using an intrastate transfer voucher. 147171

**Section 261.120.** ODODD INNOVATIVE PILOT PROJECTS 147172

(A) In fiscal year 2026 and fiscal year 2027, the Director 147173  
of Developmental Disabilities may authorize the continuation or 147174  
implementation of one or more innovative pilot projects that, in 147175

the judgment of the Director, are likely to assist in promoting 147176  
the objectives of Chapter 5123. or 5126. of the Revised Code. 147177  
Subject to division (B) of this section and notwithstanding any 147178  
provision of Chapters 5123. and 5126. of the Revised Code and 147179  
any rule adopted under either chapter, a pilot project 147180  
authorized by the Director may be continued or implemented in a 147181  
manner inconsistent with one or more provisions of either 147182  
chapter or one or more rules adopted under either chapter. 147183  
Before authorizing a pilot program, the Director shall consult 147184  
with entities interested in the issue of developmental 147185  
disabilities, including the Ohio Provider Resource Association, 147186  
Ohio Association of County Boards of Developmental Disabilities, 147187  
Ohio Health Care Association/Ohio Centers for Intellectual 147188  
Disabilities, the Values and Faith Alliance, and ARC of Ohio. 147189

(B) The Director may not authorize a pilot project to be 147190  
implemented in a manner that would cause the state to be out of 147191  
compliance with any requirements for a program funded in whole 147192  
or in part with federal funds. 147193

**Section 261.130. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 147194**  
**SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 147195**

(A) As used in this section: 147196

(1) "Converted facility" means an ICF/IID, or former 147197  
ICF/IID, that converted some or all of its beds to providing 147198  
home and community-based services under the IO Waiver pursuant 147199  
to section 5124.60 of the Revised Code. 147200

(2) "Developmental center" and "ICF/IID" have the same 147201  
meanings as in section 5124.01 of the Revised Code. 147202

(3) "IO Waiver" means the Medicaid waiver component, as 147203  
defined in section 5166.01 of the Revised Code, known as 147204

Individual Options.	147205
(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	147206 147207
(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.	147208 147209
(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:	147210 147211
(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.	147212 147213 147214
(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.	147215 147216 147217 147218 147219
(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.	147220 147221 147222 147223 147224 147225
(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO	147226 147227 147228 147229 147230 147231 147232 147233

enrollee. 147234

(C) Division (B) of this section applies to the first 147235  
 twelve months, consecutive or otherwise, that a Medicaid 147236  
 provider, during the period beginning July 1, 2025, and ending 147237  
 July 1, 2027, provides routine homemaker/personal care services 147238  
 to a qualifying IO enrollee. 147239

(D) Of the foregoing appropriation items 653407, Medicaid 147240  
 Services, and 653654, Medicaid Services, portions shall be used 147241  
 to pay the Medicaid payment rate determined in accordance with 147242  
 this section for routine homemaker/personal care services 147243  
 provided to qualifying IO enrollees. 147244

**Section 261.140.** ICF WORKFORCE DEVELOPMENT PAYMENTS 147245

Of the foregoing appropriation items 653407, Medicaid 147246  
 Services, and 653654, Medicaid Services, a portion of each 147247  
 appropriation item shall be used in fiscal year 2026 in 147248  
 accordance with this section and section 5124.15 of the Revised 147249  
 Code. The funds shall be used to maintain rates supporting the 147250  
 professional workforce development payment, as provided in 147251  
 division (A) (5) (c) of section 5124.15 of the Revised Code. 147252

**Section 263.10.** 147253

1 2 3 4 5

A SBE STATE BOARD OF EDUCATION

B Dedicated Purpose Fund Group

C 4K90 210602 Operating Expenses \$15,010,991 \$15,519,872

D Dedicated Purpose Fund Group Total \$15,010,991 \$15,519,872

E	Federal Fund Group		
F	3ISO 210601 Title II A/Supporting Effective Instruction	\$1,355,000	\$1,355,000
G	Federal Fund Group Total	\$1,355,000	\$1,355,000
H	TOTAL ALL BUDGET FUND GROUPS	\$16,365,991	\$16,874,872

**Section 263.20.** CASH TRANSFER FROM THE STATE BOARD OF 147255  
EDUCATION LICENSURE FUND TO THE OCCUPATIONAL LICENSING AND 147256  
REGULATORY FUND 147257

On July 1, 2025, or as soon as possible thereafter, the 147258  
Director of Budget and Management shall transfer the cash 147259  
balance in the State Board of Education Licensure Fund (Fund 147260  
4L20) to the Occupational Licensing and Regulatory Fund (Fund 147261  
4K90). Upon completion of the transfer, Fund 4L20 is hereby 147262  
abolished. The Director shall cancel any existing encumbrances 147263  
against appropriation item 210600, Operating Expenses, and 147264  
reestablish them against appropriation item 210602, Operating 147265  
Expenses. The reestablished encumbrance amounts are hereby 147266  
appropriated. 147267

**Section 265.10.** 147268  
147269

	1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE				
B	General Revenue Fund				
C	GRF	200321	Operating Expenses	\$14,474,898	\$15,054,312

D	GRF	200416	Career Technical Education	\$2,500,000	\$2,500,000
E	GRF	200420	Information Technology Development and Support	\$4,231,479	\$4,316,527
F	GRF	200422	School Management Assistance	\$2,800,000	\$2,800,000
G	GRF	200424	Policy Analysis	\$500,000	\$516,419
H	GRF	200426	Ohio Educational Computer Network	\$18,994,000	\$18,994,000
I	GRF	200427	Academic Standards	\$5,035,410	\$5,429,033
J	GRF	200437	Student Assessment	\$50,609,125	\$50,882,346
K	GRF	200439	Accountability/Report Cards	\$7,369,440	\$7,437,742
L	GRF	200446	Education Management Information System	\$9,958,226	\$10,325,278
M	GRF	200448	Educator and Principal Preparation	\$2,163,493	\$2,176,754
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165	\$4,446,705
O	GRF	200465	Education Technology Resources	\$2,893,949	\$2,906,346
P	GRF	200478	Industry-Recognized	\$16,000,000	\$16,000,000

			Credentials High School Students		
Q	GRF	200502	Pupil Transportation	\$881,585,414	\$958,729,701
R	GRF	200505	School Meal Programs	\$13,163,000	\$13,163,000
S	GRF	200511	Auxiliary Services	\$170,292,963	\$172,262,613
T	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110	\$77,824,960
U	GRF	200540	Special Education Enhancements	\$192,272,426	\$192,272,426
V	GRF	200545	Career-Technical Education Enhancements	\$12,913,000	\$12,913,000
W	GRF	200550	Foundation Funding - All Students	\$8,447,098,772	\$8,704,717,991
X	GRF	200566	Literacy Improvement	\$2,472,674	\$2,500,000
Y	GRF	200572	Adult Education Programs	\$9,348,399	\$15,688,404
Z	GRF	200574	Half-Mill Maintenance Equalization	\$6,420,640	\$6,152,450
AA	GRF	200576	Adaptive Sports Program	\$400,000	\$400,000
AB			General Revenue Fund Total	\$9,954,802,583	\$10,300,410,007
AC			Dedicated Purpose Fund Group		
AD	4520	200638	Charges and	\$1,500,000	\$1,500,000

Reimbursements				
AE 5980	200659	Auxiliary Services Reimbursement	\$650,000	\$650,000
AF 5DA1	2006B1	Education Demonstration Projects	\$15,000,000	\$35,000,000
AG 5H30	200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AH 5KX0	200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AI 5MM0	200677	Child Nutrition Refunds	\$550,000	\$550,000
AJ 5U20	200685	National Education Statistics	\$185,000	\$185,000
AK 5VS0	200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AL 5Y00	200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000
AM 6200	200615	Educational Improvement Grants	\$600,000	\$600,000
AN	Dedicated Purpose Fund Group Total		\$793,585,000	\$813,585,000
AO	Internal Service Activity Fund Group			
AP 1380	200606	Information Technology Development and Support	\$18,394,387	\$18,597,721

AQ 4R70 200695	Indirect Operational Support	\$9,944,311	\$10,166,435
AR 4V70 200633	Interagency Program Support	\$3,000,000	\$3,000,000
AS	Internal Service Activity Fund Group Total	\$31,338,698	\$31,764,156
AT	State Lottery Fund Group		
AU 7017 200612	Foundation Funding - All Students	\$1,427,583,202	\$1,380,174,884
AV 7017 200614	Accelerate Great Schools	\$1,500,000	\$1,500,000
AW 7017 200631	Quality Community and Independent STEM Schools Support	\$115,000,000	\$125,000,000
AX 7017 200684	Community School Facilities	\$99,155,000	\$108,155,000
AY 7017 2006A7	Literacy Coaches	\$12,000,000	\$12,000,000
AZ	State Lottery Fund Group Total	\$1,655,238,202	\$1,626,829,884
BA	Federal Fund Group		
BB 3120 2006A9	Aspire - Federal	\$0	\$18,996,799
BC 3670 200607	School Food Services	\$13,379,350	\$13,379,350
BD 3700 200624	Education of Exceptional Children	\$1,750,000	\$1,750,000

BE	3AF0	657601	Schools Medicaid Administrative Claims	\$150,000	\$150,000
BF	3EH0	200620	Migrant Education	\$1,700,000	\$1,700,000
BG	3EJ0	200622	Homeless Children Education	\$4,823,000	\$5,112,380
BH	3GE0	200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BI	3GG0	200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BJ	3HF0	200649	Federal Education Grants	\$5,000,000	\$5,000,000
BK	3HI0	200634	Student Support and Academic Enrichment	\$54,131,000	\$50,604,930
BL	3HL0	200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000
BM	3L60	200617	Federal School Lunch	\$565,999,000	\$595,000,000
BN	3L70	200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BO	3L80	200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BP	3L90	200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BQ	3M00	200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BR	3M20	200680	Individuals with Disabilities Education	\$530,400,000	\$541,008,000

Act			
BS 3Y20	200688	21st Century Community Learning Centers	\$47,940,000      \$48,898,800
BT 3Y60	200635	Improving Teacher Quality	\$77,157,900      \$78,701,058
BU 3Y70	200689	English Language Acquisition	\$13,728,000      \$14,277,120
BV 3Y80	200639	Rural and Low Income Technical Assistance	\$3,300,000      \$3,300,000
BW 3Z20	200690	State Assessments	\$11,500,000      \$11,500,000
BX 3Z30	200645	Consolidated Federal Grant Administration	\$15,000,000      \$15,000,000
BY	Federal Fund Group Total		\$2,434,508,250      \$2,528,027,837
BZ	TOTAL ALL BUDGET FUND GROUPS		\$14,869,472,733      \$15,300,616,884

**Section 265.20. CAREER-TECHNICAL EDUCATION** 147270

A portion of the foregoing appropriation item 200416, 147271  
 Career-Technical Education, shall be used by the Department of 147272  
 Education and Workforce to provide matching funds related to 147273  
 career-technical education under 20 U.S.C. 2321. 147274

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT** 147275  
147276

The foregoing appropriation item 200420, Information 147277  
 Technology Development and Support, shall be used to support the 147278  
 development and implementation of information technology 147279

solutions designed to improve the performance and services of 147280  
the Department of Education and Workforce. Funds may be used for 147281  
personnel, maintenance, and equipment costs related to the 147282  
development and implementation of these technical system 147283  
projects. Implementation of these systems shall allow the 147284  
Department to provide greater levels of assistance to school 147285  
districts and to provide more timely information to the public, 147286  
including school districts, administrators, and legislators. 147287  
Funds may also be used to support data-driven decision-making 147288  
and differentiated instruction, as well as to communicate 147289  
academic content standards and curriculum models to schools 147290  
through web-based applications. 147291

**Section 265.40. SCHOOL MANAGEMENT ASSISTANCE** 147292

The foregoing appropriation item 200422, School Management 147293  
Assistance, shall be used by the Department of Education and 147294  
Workforce to provide fiscal technical assistance and inservice 147295  
education for school district management personnel and to 147296  
administer, monitor, and implement the fiscal caution, fiscal 147297  
watch, and fiscal emergency provisions under Chapter 3316. of 147298  
the Revised Code. 147299

**Section 265.50. POLICY ANALYSIS** 147300

The foregoing appropriation item 200424, Policy Analysis, 147301  
shall be used by the Department of Education and Workforce to 147302  
support a system of administrative and statistical education 147303  
information to be used for policy analysis. Staff supported by 147304  
this appropriation shall administer the development of reports, 147305  
analyses, and briefings regarding current trends in education 147306  
practice, efficient and effective use of resources, and 147307  
evaluation of programs to improve education results. A portion 147308  
of these funds shall be used to maintain a longitudinal database 147309

to support the assessment of the impact of policies and programs 147310  
on Ohio's education and workforce development systems. The 147311  
research efforts supported by this appropriation item shall be 147312  
used to supply information and analysis of data to and in 147313  
consultation with the General Assembly and other state 147314  
policymakers, including the Office of Budget and Management and 147315  
the Legislative Service Commission. 147316

**Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK** 147317

The foregoing appropriation item 200426, Ohio Educational 147318  
Computer Network, shall be used by the Department of Education 147319  
and Workforce to maintain a system of information technology 147320  
throughout Ohio and to provide technical assistance for such a 147321  
system. 147322

Of the foregoing appropriation item 200426, Ohio 147323  
Educational Computer Network, up to \$8,425,500 in each fiscal 147324  
year shall be used by the Department to support connection of 147325  
all public school buildings and participating chartered 147326  
nonpublic schools to the state's education network, to each 147327  
other, and to the Internet. In each fiscal year, the Department 147328  
shall use these funds to assist information technology centers 147329  
or school districts with the operational costs associated with 147330  
this connectivity. The Department shall develop a formula and 147331  
guidelines for the distribution of these funds to information 147332  
technology centers or individual school districts. As used in 147333  
this section, "public school building" means a school building 147334  
of any city, local, exempted village, or joint vocational school 147335  
district, any community school established under Chapter 3314. 147336  
of the Revised Code, any college preparatory boarding school 147337  
established under Chapter 3328. of the Revised Code, any STEM 147338  
school established under Chapter 3326. of the Revised Code, any 147339

educational service center building used for instructional 147340  
purposes, the Ohio School for the Deaf and the Ohio State School 147341  
for the Blind, high schools chartered by the Ohio Department of 147342  
Youth Services, or high schools operated by Ohio Department of 147343  
Rehabilitation and Corrections' Ohio Central School System. 147344

Of the foregoing appropriation item 200426, Ohio 147345  
Educational Computer Network, up to \$6,305,000 in each fiscal 147346  
year shall be used, through a formula and guidelines devised by 147347  
the Department, to support the activities of designated 147348  
information technology centers, as defined by Department of 147349  
Education and Workforce rules, to provide school districts and 147350  
chartered nonpublic schools with computer-based student and 147351  
teacher instructional and administrative information services, 147352  
including approved computerized financial accounting, to ensure 147353  
the effective operation of local automated administrative and 147354  
instructional systems, and to monitor and support the quality of 147355  
data submitted to the Department. 147356

Of the foregoing appropriation item 200426, Ohio 147357  
Educational Computer Network, up to \$1,650,000 in each fiscal 147358  
year shall be used by the Department to support cybersecurity 147359  
initiatives led by the Management Council of the Ohio Computer 147360  
Education Network in public and nonpublic schools. Efforts may 147361  
include, but shall not be limited to, vulnerability management, 147362  
security awareness training, multifactor authentication, and 147363  
endpoint detection and response capabilities. In determining the 147364  
specific cybersecurity programs and initiatives the foregoing 147365  
appropriation item will support, the Department shall consult 147366  
with the Governor's Cybersecurity Strategic Advisor. 147367

The remainder of appropriation item 200426, Ohio 147368  
Educational Computer Network, shall be used to support the work 147369

of the development, maintenance, and operation of a network of 147370  
uniform and compatible computer-based information systems as 147371  
well as the teacher student linkage/roster verification process 147372  
and systems to support electronic sharing of student records and 147373  
transcripts between entities. This technical assistance shall 147374  
include, but not be restricted to, development and maintenance 147375  
of adequate computer software systems to support network 147376  
activities. In order to improve the efficiency of network 147377  
activities, the Department and information technology centers 147378  
may jointly purchase equipment, materials, and services from 147379  
funds provided under this appropriation for use by the network 147380  
and, when considered practical by the Department, may utilize 147381  
the services of appropriate state purchasing agencies. 147382

**Section 265.70. ACADEMIC STANDARDS** 147383

The foregoing appropriation item 200427, Academic 147384  
Standards, shall be used by the Department of Education and 147385  
Workforce to develop and communicate to school districts 147386  
academic content standards and curriculum models and to develop 147387  
professional development programs and other tools on the new 147388  
content standards and model curricula. 147389

**Section 265.80. STUDENT ASSESSMENT** 147390

Of the foregoing appropriation item 200437, Student 147391  
Assessment, up to \$622,713 in each fiscal year shall be used to 147392  
reimburse a portion of the costs associated with Advanced 147393  
Placement and College-Level Examination Program tests for low- 147394  
income students, as determined by the Department. If the funds 147395  
provided by the Department through this set-aside and federal 147396  
funds are not sufficient to cover the costs of Advanced 147397  
Placement, College-Level Examination, and International 147398  
Baccalaureate tests for low-income students, school districts 147399

and other public schools shall pay the remainder of the costs 147400  
using other funds. 147401

The remainder of appropriation item 200437, Student 147402  
Assessment, shall be used to develop, field test, print, 147403  
distribute, score, report results, and support other associated 147404  
costs for the tests required under sections 3301.0710, 147405  
3301.0711, and 3301.0712 of the Revised Code and for similar 147406  
purposes as required by section 3301.27 of the Revised Code. The 147407  
funds may also be used to update and develop diagnostic 147408  
assessments administered under sections 3301.079, 3301.0715, and 147409  
3313.608 of the Revised Code and to support readiness 147410  
assessments for students in grades three and higher that assist 147411  
districts and schools with identifying and benchmarking student 147412  
progress. 147413

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 147414  
TRANSFERS FOR STUDENT ASSESSMENT 147415

In fiscal year 2026 and fiscal year 2027, if the Director 147416  
of Education and Workforce determines that additional funds are 147417  
needed to fully fund the requirements of sections 3301.0710, 147418  
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 147419  
act for assessments of student performance, the Director may 147420  
recommend to the Director of Budget and Management the 147421  
reallocation of unexpended and unencumbered General Revenue Fund 147422  
appropriations within the Department of Education and Workforce 147423  
to appropriation item 200437, Student Assessment. If the 147424  
Director of Budget and Management determines that such a 147425  
reallocation is required, the Director, subject to Controlling 147426  
Board approval, may transfer unexpended and unencumbered 147427  
appropriations within the Department of Education and Workforce 147428  
as necessary to appropriation item 200437, Student Assessment. 147429

**Section 265.90.** ACCOUNTABILITY/REPORT CARDS 147430

Of the foregoing appropriation item 200439, 147431  
Accountability/Report Cards, a portion in each fiscal year shall 147432  
be used to train district and regional specialists and district 147433  
educators in the use of the value-added progress dimension and 147434  
in the use of data as it relates to improving student 147435  
achievement. This training may include teacher and administrator 147436  
professional development in the use of data to improve 147437  
instruction and student learning, and teacher and administrator 147438  
training in understanding teacher value-added reports and how 147439  
they can be used as a component in measuring teacher and 147440  
administrator effectiveness. 147441

The remainder of appropriation item 200439, 147442  
Accountability/Report Cards, shall be used by the Department of 147443  
Education and Workforce to incorporate a statewide value-added 147444  
progress dimension into performance ratings for school districts 147445  
and for the development of an accountability system that 147446  
includes the preparation and distribution of school report 147447  
cards, funding and expenditure accountability reports under 147448  
sections 3302.03 and 3302.031 of the Revised Code, the 147449  
development and maintenance of teacher value-added reports, the 147450  
teacher student linkage/roster verification process, and the 147451  
performance management section of the Department's web site 147452  
required by section 3302.26 of the Revised Code. 147453

**Section 265.100.** EDUCATION MANAGEMENT INFORMATION SYSTEM 147454

The foregoing appropriation item 200446, Education 147455  
Management Information System, shall be used by the Department 147456  
of Education and Workforce to maintain and improve the Education 147457  
Management Information System (EMIS). 147458

Of the foregoing appropriation item 200446, Education Management Information System, up to \$405,000 in each fiscal year shall be used to support grants to information technology centers to provide professional development opportunities to district and school personnel related to the EMIS, with a focus placed on data submission and data quality.

Of the foregoing appropriation item 200446, Education Management Information System, up to \$950,000 in each fiscal year shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services.

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Director of Education and Workforce, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

**Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION**

(A) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to \$1,612,500 in each fiscal year shall be used, in consultation with the Department of Veterans Services, to support the Ohio Military Veteran Educators Program, which may do all of the following:

(1) Administer a grant program for institutions of higher education to provide financial incentives and assistance for eligible military individuals, as defined in section 3319.285 of the Revised Code, to enroll in and complete an educator preparation program approved under section 3333.048 of the Revised Code;

(2) Subsidize the costs for eligible military individuals associated with completing college coursework or professional development in pedagogy for the purpose of obtaining an alternative military educator license pursuant to section 3319.285 of the Revised Code or advancing to the professional license pursuant to section 3319.22 of the Revised Code;

(3) Provide funds to public schools, educational service centers, and county boards of developmental disabilities to support activities to recruit eligible military individuals to work in public schools and support bonuses to public schools that hire eligible military individuals;

(4) Reimburse public schools, educational service centers, and county boards of developmental disabilities that pay financial bonuses to eligible military individuals who complete at least one year of employment with the school;

(5) In consultation with the Department of Veterans Services, establish and support the Governor's Ohio Military Veteran Educators Fellowship Pilot Program to recruit and train eligible military individuals to become licensed to teach in low-performing public schools.

(B) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to \$350,993 in fiscal year 2026 and up to \$364,254 in fiscal year 2027 may be used by the

Department of Education and Workforce to monitor and support 147517  
Ohio's State System of Support, as defined by the Every Student 147518  
Succeeds Act. 147519

(C) Of the foregoing appropriation item 200448, Educator 147520  
and Principal Preparation, \$200,000 in each fiscal year shall be 147521  
used to support selected school staff through the FASTER Saves 147522  
Lives Program for the purpose of stopping active shooters and 147523  
treating casualties. 147524

(D) Notwithstanding any provision of law to the contrary, 147525  
awards under this section may be used by recipients for award- 147526  
related expenses incurred for a period not to exceed two years 147527  
from the date of the award. 147528

**Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 147529

The foregoing appropriation item 200455, Community Schools 147530  
and Choice Programs, may be used by the Department of Education 147531  
and Workforce for the oversight and support of community schools 147532  
established under Chapter 3314. of the Revised Code, community 147533  
school sponsors, and nonpublic schools; and the administration 147534  
of school choice programs. The funds may be used to support the 147535  
sponsor evaluation system in accordance with section 3314.016 of 147536  
the Revised Code. 147537

**Section 265.130. EDUCATION TECHNOLOGY RESOURCES** 147538

Of the foregoing appropriation item 200465, Education 147539  
Technology Resources, up to \$2,500,000 in each fiscal year shall 147540  
be used for the Union Catalog and InfOhio Network and to support 147541  
the provision of electronic resources with priority given to 147542  
resources that support the teaching of state academic content 147543  
standards in all public schools and resources in support of 147544  
Ohio's Plan to Raise Literacy Achievement. The Department of 147545

Education and Workforce shall consider coordinating the 147546  
allocation of these moneys with the efforts of Libraries Connect 147547  
Ohio, whose members include OhioLINK, the Ohio Public 147548  
Information Network, and the State Library of Ohio. 147549

**Section 265.140.** INDUSTRY-RECOGNIZED CREDENTIALS HIGH 147550  
SCHOOL STUDENTS 147551

City, local, and exempted village school districts, 147552  
community schools, STEM schools, and joint vocational school 147553  
districts shall inform students enrolled in career-technical 147554  
education courses that lead to an industry-recognized credential 147555  
about the opportunity to earn these credentials. The educating 147556  
entity shall pay for the cost of the credential. 147557

The foregoing appropriation item 200478, Industry- 147558  
Recognized Credentials High School Students, shall be used by 147559  
the Department of Education and Workforce and the Governor's 147560  
Office of Workforce Transformation to operate the Innovative 147561  
Workforce Incentive Program. The Office of Workforce 147562  
Transformation shall maintain a list of credentials that qualify 147563  
for the program. The Department of Education and Workforce shall 147564  
pay each city, local, and exempted village school district, 147565  
community school, STEM school, and joint vocational school 147566  
district an amount equal to \$725 for each qualifying credential 147567  
a student attending the district or school earned in the school 147568  
year preceding the fiscal year in which the funds are 147569  
appropriated. If the amount appropriated is not sufficient, the 147570  
Department shall prorate the amounts so that the aggregate 147571  
amount appropriated is not exceeded. 147572

**Section 265.150.** PUPIL TRANSPORTATION 147573

Of the foregoing appropriation item 200502, Pupil 147574

Transportation, up to \$1,088,930 in each fiscal year may be used 147575  
by the Department of Education and Workforce for training 147576  
prospective and experienced school bus drivers in accordance 147577  
with training programs prescribed by the Department. A portion 147578  
of these funds may also be used to pay for costs associated with 147579  
the enrollment of bus drivers in the retained applicant 147580  
fingerprint database. 147581

Of the foregoing appropriation item 200502, Pupil 147582  
Transportation, up to \$176,897,678 in fiscal year 2026 and up to 147583  
\$194,820,866 in fiscal year 2027 may be used by the Department 147584  
for special education transportation reimbursements to school 147585  
districts, educational service centers, and county boards of 147586  
developmental disabilities for transportation operating costs as 147587  
provided in divisions (C) and (F) of section 3317.024 of the 147588  
Revised Code. 147589

Of the foregoing appropriation item 200502, Pupil 147590  
Transportation, up to \$250,000 in fiscal year 2026 shall be used 147591  
to support the Montgomery County Pupil Transportation Pilot 147592  
Program established in Section 265.550 of H.B. 33 of the 135th 147593  
General Assembly, as amended by this act. 147594

The remainder of the foregoing appropriation item 200502, 147595  
Pupil Transportation, shall be used to distribute the amounts 147596  
calculated for transportation aid under division (A)(2) of 147597  
section 3317.019 and divisions (E), (F), (G), (H), and (I) of 147598  
section 3317.0212 of the Revised Code. 147599

**PAYMENTS IN LIEU OF TRANSPORTATION** 147600

For purposes of division (D) of section 3327.02 of the 147601  
Revised Code, if a parent, guardian, or other person in charge 147602  
of a pupil accepts an offer from a school district of payment in 147603

lieu of providing transportation for the pupil, the school 147604  
district shall pay that parent, guardian, or other person an 147605  
amount not less than fifty per cent and not more than the amount 147606  
determined by the Department under division (C) of section 147607  
3317.0212 of the Revised Code for the most recent school year 147608  
for which data is available. Payment may be prorated if the time 147609  
period involved is only a part of the school year. 147610

**Section 265.160. SCHOOL MEAL PROGRAMS** 147611

(A) The foregoing appropriation item 200505, School Meal 147612  
Programs, shall be used to support the reimbursements required 147613  
by section 3301.91 of the Revised Code and provide matching 147614  
funds to obtain federal funds for the school lunch program. 147615

(B) Any remaining appropriation after providing matching 147616  
funds for the school lunch program may be used to do the 147617  
following: 147618

(1) Partially reimburse school buildings within school 147619  
districts that are required to have a school breakfast program 147620  
under section 3313.813 of the Revised Code, at a rate decided by 147621  
the Department; 147622

(2) Support the Summer EBT Program in coordination with 147623  
the Department of Job and Family Services. 147624

**Section 265.170. AUXILIARY SERVICES** 147625

Of the foregoing appropriation item 200511, Auxiliary 147626  
Services, up to \$2,600,000 in each fiscal year may be used for 147627  
payment of the College Credit Plus Program for nonpublic 147628  
secondary school participants. The Department of Education and 147629  
Workforce shall distribute these funds according to rule 3333-1- 147630  
65.8 of the Administrative Code, adopted by the Department of 147631  
Higher Education pursuant to division (A) of section 3365.071 of 147632

the Revised Code. 147633

The remainder of the foregoing appropriation item 200511, 147634  
Auxiliary Services, shall be used by the Department to make 147635  
payments under division (E) of section 3317.024 of the Revised 147636  
Code to implement sections 3317.06 and 3317.062 of the Revised 147637  
Code. Notwithstanding any provision of law to the contrary, for 147638  
fiscal year 2026, school districts or chartered nonpublic 147639  
schools may use the auxiliary services funding provided under 147640  
division (E) of section 3317.024 of the Revised Code to provide 147641  
diagnostic or therapeutic mental health services to students 147642  
enrolled in chartered nonpublic schools at any time during the 147643  
fiscal year. 147644

**Section 265.180. NONPUBLIC ADMINISTRATIVE COST** 147645  
REIMBURSEMENT 147646

The foregoing appropriation item 200532, Nonpublic 147647  
Administrative Cost Reimbursement, shall be used by the 147648  
Department of Education and Workforce for the purpose of 147649  
implementing section 3317.063 of the Revised Code. Payments made 147650  
by the Department for this purpose shall not exceed four hundred 147651  
seventy-five dollars per student for each school year. 147652

**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 147653

Of the foregoing appropriation item 200540, Special 147654  
Education Enhancements, up to \$33,945,594 in each fiscal year 147655  
shall be used to fund special education and related services at 147656  
county boards of developmental disabilities for eligible 147657  
students under section 3317.20 of the Revised Code and at 147658  
institutions for eligible students under section 3317.201 of the 147659  
Revised Code. If necessary, the Department of Education and 147660  
Workforce shall proportionately reduce the amount calculated for 147661

each county board of developmental disabilities and institution 147662  
so as not to exceed the amount appropriated in each fiscal year. 147663

Of the foregoing appropriation item 200540, Special 147664  
Education Enhancements, up to \$1,350,000 in each fiscal year 147665  
shall be used for parent mentoring programs. 147666

Of the foregoing appropriation item 200540, Special 147667  
Education Enhancements, up to \$3,000,000 in each fiscal year may 147668  
be used for school psychology interns. 147669

The remainder of appropriation item 200540, Special 147670  
Education Enhancements, shall be distributed by the Department 147671  
of Education and Workforce to school districts and institutions, 147672  
as defined in section 3323.091 of the Revised Code, for 147673  
preschool special education funding under section 3317.0213 of 147674  
the Revised Code. 147675

The Department may reimburse school districts and 147676  
institutions for services provided by instructional assistants, 147677  
related services, as defined in rule 3301-51-11 of the 147678  
Administrative Code, physical therapy services provided by a 147679  
licensed physical therapist or physical therapist assistant 147680  
under the supervision of a licensed physical therapist, as 147681  
required under Chapter 4755. of the Revised Code and Chapter 147682  
4755-27 of the Administrative Code, and occupational therapy 147683  
services provided by a licensed occupational therapist or 147684  
occupational therapy assistant under the supervision of a 147685  
licensed occupational therapist, as required under Chapter 4755. 147686  
of the Revised Code and Chapter 4755-7 of the Administrative 147687  
Code. Nothing in this section authorizes occupational therapy 147688  
assistants or physical therapist assistants to generate or 147689  
manage their own caseloads. 147690

The Department shall require school districts that serve 147691  
preschool special education students and either receive funds 147692  
under the Early Childhood Education Grant Program established 147693  
pursuant to section 5104.53 of the Revised Code or provide 147694  
publicly funded child care as defined in section 5104.01 of the 147695  
Revised Code, educational service centers, county boards of 147696  
developmental disabilities, and institutions serving preschool 147697  
children with disabilities to adhere to the Step Up to Quality 147698  
Program established pursuant to section 5104.29 of the Revised 147699  
Code. 147700

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 147701

Of the foregoing appropriation item 200545, Career- 147702  
Technical Education Enhancements, up to \$5,000,000 in each 147703  
fiscal year shall be used to pay career awareness and 147704  
exploration funds pursuant to division (E) of section 3317.014 147705  
of the Revised Code. If the amount appropriated is not 147706  
sufficient, the Department of Education and Workforce shall 147707  
prorate the amounts so that the aggregate amount appropriated is 147708  
not exceeded. 147709

Of the foregoing appropriation item 200545, Career- 147710  
Technical Education Enhancements, up to \$2,563,000 in each 147711  
fiscal year shall be used to fund secondary career-technical 147712  
education at institutions and Ohio Deaf and Blind Education 147713  
Services using a grant-based methodology, notwithstanding 147714  
section 3317.05 of the Revised Code. 147715

Of the foregoing appropriation item 200545, Career- 147716  
Technical Education Enhancements, up to \$4,000,000 in each 147717  
fiscal year shall be used by the Department to fund competitive 147718  
grants to an entity in each of the JobsOhio regions to expand 147719  
the number of students with access to career-technical 147720

education, to support and provide technical assistance to 147721  
schools and districts in the provision and expansion of career- 147722  
technical education, to provide mentoring and career planning 147723  
and advising to students attending public and chartered 147724  
nonpublic schools, and to support adults who have a high school 147725  
diploma but have never enrolled in post-secondary education. 147726  
Notwithstanding any provision of law to the contrary, awards 147727  
under this paragraph may be used by recipients for award-related 147728  
expenses according to guidelines established by the Department 147729  
of Education and Workforce for a period not to exceed two years 147730  
from the date of the award. 147731

Of the foregoing appropriation item 200545, Career- 147732  
Technical Education Enhancements, up to \$600,000 in each fiscal 147733  
year shall be used by the Department to enable students in 147734  
agricultural programs to enroll in a fifth quarter of 147735  
instruction based on the agricultural education model of 147736  
delivering work-based learning through supervised agricultural 147737  
experience. The Department shall determine eligibility criteria 147738  
and the reporting process for the Agriculture 5th Quarter 147739  
Project and shall fund as many programs as possible given the 147740  
set-aside. The eligibility criteria developed by the Department 147741  
shall allow these funds to support supervised agricultural 147742  
experience that occurs anytime outside of the regular school 147743  
day. 147744

Of the foregoing appropriation item 200545, Career- 147745  
Technical Education Enhancements, up to \$500,000 in each fiscal 147746  
year may be used to support career planning and reporting 147747  
through the OhioMeansJobs web site. 147748

Of the foregoing appropriation item 200545, Career- 147749  
Technical Education Enhancements, \$250,000 in each fiscal year 147750

shall be used to prepare students for careers in culinary arts 147751  
and restaurant management under the Ohio ProStart school 147752  
restaurant program. 147753

**Section 265.210. FOUNDATION FUNDING - ALL STUDENTS** 147754

Of the portion of the formula aid distributed to city, 147755  
local, and exempted village school districts, joint vocational 147756  
school districts, community schools, and STEM schools under this 147757  
section, an amount in each fiscal year, as calculated by the 147758  
Department of Education and Workforce, shall be used for the 147759  
purposes of division (B) of section 3317.0215 of the Revised 147760  
Code. 147761

Of the foregoing appropriation item 200550, Foundation 147762  
Funding - All Students, up to \$5,733,404 in each fiscal year 147763  
shall be used to fund gifted education at educational service 147764  
centers. The Department shall distribute the funding through the 147765  
unit-based funding methodology in place under division (L) of 147766  
section 3317.024, division (E) of section 3317.05, and divisions 147767  
(A), (B), and (C) of section 3317.053 of the Revised Code as 147768  
they existed prior to fiscal year 2010. 147769

Of the foregoing appropriation item 200550, Foundation 147770  
Funding - All Students, up to \$49,152,105 in fiscal year 2026 147771  
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 147772  
fund the state reimbursement of educational service centers 147773  
under section 3317.11 of the Revised Code. 147774

Of the foregoing appropriation item 200550, Foundation 147775  
Funding - All Students, up to \$3,500,000 in each fiscal year 147776  
shall be distributed to educational service centers for school 147777  
improvement initiatives and for the provision of technical 147778  
assistance to schools and districts consistent with requirements 147779

of section 3312.01 of the Revised Code. The Department may 147780  
distribute these funds through a competitive grant process. 147781

Of the foregoing appropriation item 200550, Foundation 147782  
Funding - All Students, up to \$7,000,000 in each fiscal year 147783  
shall be reserved for payments under the section of this act 147784  
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 147785  
not sufficient, the Director of Education and Workforce may 147786  
reallocate excess funds for other purposes supported by this 147787  
appropriation item in order to fully pay the amounts required by 147788  
that section, provided that the aggregate amount appropriated in 147789  
appropriation item 200550, Foundation Funding - All Students, is 147790  
not exceeded. 147791

Of the foregoing appropriation item 200550, Foundation 147792  
Funding - All Students, up to \$10,400,000 in fiscal year 2026 147793  
and up to \$10,800,000 in fiscal year 2027 shall be used to 147794  
support the administration of state scholarship programs. 147795

Of the foregoing appropriation item 200550, Foundation 147796  
Funding - All Students, up to \$1,000,000 in each fiscal year 147797  
shall be distributed to the Cleveland Municipal School District 147798  
to provide tutorial assistance as provided in division (B) of 147799  
section 3313.979 of the Revised Code. The Cleveland Municipal 147800  
School District shall report the use of these funds in the 147801  
district's three-year continuous improvement plan as described 147802  
in section 3302.04 of the Revised Code in a manner approved by 147803  
the Department. 147804

Of the foregoing appropriation item 200550, Foundation 147805  
Funding - All Students, up to \$3,500,000 in each fiscal year may 147806  
be used for payment of the College Credit Plus Program for 147807  
students instructed at home pursuant to section 3321.04 of the 147808  
Revised Code. 147809

Of the foregoing appropriation item 200550, Foundation 147810  
Funding - All Students, an amount shall be available in each 147811  
fiscal year to be paid to joint vocational school districts in 147812  
accordance with sections 3317.16 and 3317.162 of the Revised 147813  
Code and the section of this act entitled "FORMULA TRANSITION 147814  
SUPPLEMENT." 147815

Of the foregoing appropriation item 200550, Foundation 147816  
Funding - All Students, up to \$700,000 in each fiscal year shall 147817  
be used by the Department for a program to pay for educational 147818  
services for youth who have been assigned by a juvenile court or 147819  
other authorized agency to any of the facilities described in 147820  
division (A) of the section of this act entitled "PRIVATE 147821  
TREATMENT FACILITY PROJECT." 147822

Of the foregoing appropriation item 200550, Foundation 147823  
Funding - All Students, a portion may be used to pay college- 147824  
preparatory boarding schools the per pupil boarding amount 147825  
pursuant to section 3328.34 of the Revised Code. 147826

Of the foregoing appropriation item 200550, Foundation 147827  
Funding - All Students, up to \$1,500,000 in each fiscal year 147828  
shall be distributed to the Ohio STEM Learning Network to 147829  
support the expansion of free STEM programming aligned to Ohio's 147830  
STEM priorities, to create regional STEM supports targeting 147831  
underserved student populations, and to support the Ohio STEM 147832  
Committee's STEM school designation process. 147833

Of the foregoing appropriation item 200550, Foundation 147834  
Funding - All Students, up to \$750,000 in fiscal year 2026 shall 147835  
be used to make payments pursuant to the section of this act 147836  
entitled "AIM HIGHER PILOT PROGRAM." 147837

The remainder of the foregoing appropriation item 200550, 147838

Foundation Funding - All Students, shall be used to distribute 147839  
the amounts calculated for formula aid under division (A) (1) of 147840  
section 3317.019 of the Revised Code, sections 3317.022 and 147841  
3317.22 of the Revised Code, and the sections of this act 147842  
entitled "FORMULA TRANSITION SUPPLEMENT" and "FUNDING 147843  
SUPPLEMENTS." 147844

Appropriation items 200502, Pupil Transportation, and 147845  
200550, Foundation Funding - All Students, other than specific 147846  
set-asides, are collectively used in each fiscal year to pay 147847  
state formula aid obligations for school districts, community 147848  
schools, STEM schools, college preparatory boarding schools, 147849  
joint vocational school districts, and state scholarship 147850  
programs under this act. The first priority of these 147851  
appropriation items, with the exception of specific set-asides, 147852  
is to fund state formula aid obligations. It may be necessary to 147853  
reallocate funds among these appropriation items or use excess 147854  
funds from other General Revenue Fund appropriation items in the 147855  
Department of Education and Workforce's budget, including 147856  
appropriation item 200903, Property Tax Reimbursement - 147857  
Education, in each fiscal year in order to meet state formula 147858  
aid obligations. If it is determined that it is necessary to 147859  
transfer funds among these appropriation items or to transfer 147860  
funds from other General Revenue Fund appropriations in the 147861  
Department's budget to meet state formula aid obligations, the 147862  
Director of Education and Workforce shall seek approval from the 147863  
Director of Budget and Management to transfer funds as needed. 147864

The Director of Education and Workforce shall make 147865  
payments, transfers, and deductions, as authorized by Title 147866  
XXXVIII of the Revised Code in amounts substantially equal to 147867  
those made in the prior year, or otherwise, at the discretion of 147868  
the Director, until at least the effective date of the 147869

amendments and enactments made to Title XXXIII of the Revised 147870  
Code by this act. Any funds paid to districts or schools under 147871  
this section shall be credited toward the annual funds 147872  
calculated for the district or school after the changes made to 147873  
Title XXXIII of the Revised Code in this act are effective. Upon 147874  
the effective date of changes made to Title XXXIII of the 147875  
Revised Code in this act, funds shall be calculated as an annual 147876  
amount. 147877

**Section 265.215. ECONOMICALLY DISADVANTAGED STUDENT 147878**  
AVERAGE DAILY MEMBERSHIP 147879

(A) As used in this section: 147880

(1) "Directly certified ADM" means the average daily 147881  
membership of students enrolled in a district or school for a 147882  
fiscal year who are certified as categorically eligible for free 147883  
meals as described in 7 C.F.R. 245.6 or successor regulations, 147884  
as determined by the Department of Education and Workforce. 147885

(2) "Qualifying public school" means any of the following: 147886

(a) A city, local, or exempted village school district; 147887

(b) A joint vocational school district; 147888

(c) A community school established under Chapter 3314. of 147889  
the Revised Code that is not a newly opened community school; 147890

(d) A STEM school established under Chapter 3326. of the 147891  
Revised Code. 147892

(3) "Newly opened community school" means a community 147893  
school that opens for the first time in fiscal year 2026 or 147894  
2027. 147895

(C) Notwithstanding anything in the Revised Code to the 147896

contrary, for fiscal years 2026 and 2027, the average daily membership of economically disadvantaged students for a qualifying public school is the average daily membership of economically disadvantaged students certified or reported to the Department for fiscal year 2025, as of June 1, 2025, under section 3314.08, 3317.03, or 3326.32 of the Revised Code. The Department shall calculate disadvantaged pupil impact aid for each qualifying public school under section 3317.022, 3317.026, or 3317.16 of the Revised Code for fiscal years 2026 and 2027, as follows:

(The qualifying public school's average daily membership of economically disadvantaged students X 0.75 for fiscal year 2026 or 0.65 for fiscal year 2027) + (The qualifying public school's directly certified ADM for the fiscal year X 0.25 for fiscal year 2026 or 0.35 for fiscal year 2027)

(D) Notwithstanding anything in the Revised Code to the contrary, for fiscal years 2026 and 2027, the Department shall calculate disadvantaged pupil impact aid for each newly opened community school under sections 3317.022 and 3317.026 of the Revised Code using the school's directly certified ADM for the fiscal year.

**Section 265.220. PHASE-IN PERCENTAGES**

For purposes of division (X) (1) of section 3317.02 of the Revised Code, the General Assembly has determined that the general phase-in percentage for fiscal year 2026 shall be 83.33 per cent and the general phase-in percentage for fiscal year 2027 shall be 100 per cent.

For purposes of division (X) (2) of section 3317.02 of the Revised Code, the General Assembly has determined that the

phase-in percentage for disadvantaged pupil impact aid for 147926  
fiscal year 2026 shall be 83.33 per cent and the phase-in 147927  
percentage for disadvantaged pupil impact aid for fiscal year 147928  
2027 shall be 100 per cent. 147929

**Section 265.230.** FORMULA TRANSITION SUPPLEMENT 147930

(A) (1) For fiscal years 2026 and 2027, the Department of 147931  
Education and Workforce shall pay a formula transition 147932  
supplement to each city, local, and exempted village school 147933  
district according to the following formula: 147934

(The district's funding base for fiscal year 2021) - (the 147935  
district's payments for the fiscal year for which the supplement 147936  
is calculated under sections 3317.019, 3317.022, and 3317.0212 147937  
of the Revised Code) 147938

If the computation made under division (A) (1) of this 147939  
section for a fiscal year results in a negative number, the 147940  
district's formula transition supplement for that fiscal year 147941  
shall be zero. 147942

(2) For purposes of division (A) (1) of this section, a 147943  
city, local, or exempted village school district's "funding base 147944  
for fiscal year 2021" means the amount calculated as follows: 147945

(a) Compute the sum of the following: 147946

(i) The amount calculated for the district for fiscal year 147947  
2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 147948  
133rd General Assembly after any adjustments required under 147949  
Section 265.227 of H.B. 166 of the 133rd General Assembly and 147950  
before any funding reductions authorized by Executive Order 147951  
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 147952  
issued on January 22, 2021; 147953

(ii) The amount calculated for the district for fiscal year 2021 under division (A) (2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 147954  
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(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly; 147959  
147960  
147961

(iv) The district's payments for fiscal year 2021 under divisions (C) (1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021; 147962  
147963  
147964  
147965

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly. 147966  
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147969

(b) Subtract from the amount calculated in division (A) (2) (a) of this section the sum of the following: 147970  
147971

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; 147972  
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(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay a formula transition supplement to each joint vocational school district according to

the following formula: 148013

(The district's funding base for fiscal year 2021) - (the 148014  
district's payments for the fiscal year for which the supplement 148015  
is calculated under sections 3317.16 and 3317.162 of the Revised 148016  
Code) 148017

If the computation made under division (B)(1) of this 148018  
section for a fiscal year results in a negative number, the 148019  
district's formula transition supplement for that fiscal year 148020  
shall be zero. 148021

(2) For purposes of division (B)(1) of this section, a 148022  
joint vocational district's "funding base for fiscal year 2021" 148023  
means the sum of the following: 148024

(a) The district's payments for fiscal year 2021 under 148025  
Section 265.225 of H.B. 166 of the 133rd General Assembly after 148026  
any adjustments required under Section 265.227 of H.B. 166 of 148027  
the 133rd General Assembly; 148028

(b) The district's payments for fiscal year 2021 under 148029  
divisions (D)(1) and (2) of section 3313.981 of the Revised 148030  
Code, as those divisions existed for payments for fiscal year 148031  
2021; 148032

(c) The district's payments for fiscal year 2021 under 148033  
section 3317.163 of the Revised Code as that section existed for 148034  
payments for fiscal year 2021 and under Section 20 of S.B. 310 148035  
of the 133rd General Assembly. 148036

(C)(1) For fiscal years 2026 and 2027, the Department of 148037  
Education and Workforce shall pay a formula transition 148038  
supplement to each community school established under Chapter 148039  
3314. of the Revised Code according to the following formula: 148040

[(The school's funding base for fiscal year 2021 / the number of students enrolled in the school for fiscal year 2021) - (the sum of the school's payments under sections 3317.022 and 3317.0212 of the Revised Code for the fiscal year for which the supplement is calculated / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

If the computation made under division (C)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (C)(1) of this section, a community school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under division (C)(1) of section 3314.08 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section

existed for payments for fiscal year 2021 and under Section 20 148070  
of S.B. 310 of the 133rd General Assembly. 148071

(D) (1) For fiscal years 2026 and 2027, the Department of 148072  
Education and Workforce shall pay a formula transition 148073  
supplement to each science, technology, engineering, and 148074  
mathematics school established under Chapter 3326. of the 148075  
Revised Code according to the following formula: 148076

[(The school's funding base for fiscal year 2021 / the number of 148077  
students enrolled in the school for fiscal year 2021) - (the 148078  
school's payments for the fiscal year for which the supplement 148079  
is calculated under section 3317.022 of the Revised Code / the 148080  
number of students enrolled in the school for the fiscal year 148081  
for which the supplement is calculated)] X the number of 148082  
students enrolled in the school for the fiscal year for which 148083  
the supplement is calculated. 148084

If the computation made under division (D) (1) of this 148085  
section for a fiscal year results in a negative number, the 148086  
school's formula transition supplement for that fiscal year 148087  
shall be zero. 148088

(2) For purposes of division (D) (1) of this section, a 148089  
science, technology, engineering, and mathematics school's 148090  
"funding base for fiscal year 2021" means the sum of the 148091  
following: 148092

(a) The amount calculated for the school for fiscal year 148093  
2021 under section 3326.33 of the Revised Code as that section 148094  
existed for payments for fiscal year 2021, before any funding 148095  
reductions authorized by Executive Order 2020-19D, issued on May 148096  
7, 2020, and Executive Order 2021-01D, issued on January 22, 148097  
2021; 148098

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

**Section 265.237. FUNDING SUPPLEMENTS**

(A) As used in this section, "traditional school district" means a city, local, or exempted village school district.

(B) For fiscal years 2026 and 2027, the Department of Education and Workforce shall pay each traditional school district an enrollment growth supplement, as follows:

(1) The Department shall calculate an enrollment change percentage for the district for the fiscal year, as follows:

(a) For fiscal year 2026, the percentage is calculated according to the following formula:

(The district's enrolled ADM for fiscal year 2025 - the district's enrolled ADM for fiscal year 2022) / the district's enrolled ADM for fiscal year 2022 X 100%

(b) For fiscal year 2027, the percentage is calculated according to the following formula:

(The district's enrolled ADM for fiscal year 2026 - the district's enrolled ADM for fiscal year 2023) / the district's enrolled ADM for fiscal year 2023 X 100%

(2) For fiscal year 2026, for a district that has an enrollment change percentage that is five per cent or higher for

the fiscal year, the Department shall pay the district an amount 148126  
equal to the product of the district's enrolled ADM for the 148127  
fiscal year multiplied by \$225. The Department shall not make a 148128  
payment for fiscal year 2026 to a district that has an 148129  
enrollment change percentage for the fiscal year that is less 148130  
than five per cent. 148131

(3) For fiscal year 2027, for a district that has an 148132  
enrollment change percentage that is three per cent or higher 148133  
for the fiscal year, the Department shall pay the district an 148134  
amount equal to the product of the district's enrolled ADM for 148135  
the fiscal year multiplied by \$250. The Department shall not 148136  
make a payment for fiscal year 2027 to a district that has an 148137  
enrollment change percentage for the fiscal year that is less 148138  
than three per cent. 148139

(C) For fiscal years 2026 and 2027, the Department shall 148140  
pay each traditional school district a per-pupil performance 148141  
supplement, as follows: 148142

(1) The Department shall determine whether a district is 148143  
eligible for the supplement based on whether the district 148144  
received any of the following on the state report card issued 148145  
under section 3302.03 of the Revised Code for the 2023-2024 148146  
school year: 148147

(a) An overall performance rating of four or more stars; 148148

(b) A performance rating of three or more stars for the 148149  
Progress component; 148150

(c) A higher performance rating on the Progress component 148151  
than the district received for that component on the state 148152  
report card issued for the 2022-2023 school year. 148153

(2) The Department shall calculate and pay the supplement 148154

to an eligible district for a fiscal year, as follows: 148155

The district's enrolled ADM for the fiscal year X \$26 X the 148156  
greater of the number of stars the district received for either 148157  
the overall performance rating or the performance rating for the 148158  
Progress component on the state report card for the 2023-2024 148159  
school year 148160

**Section 265.240. POWER PLANT VALUATION ADJUSTMENT** 148161

(A) (1) On or before May 15, 2026, the Tax Commissioner 148162  
shall determine all of the following for each city, local, 148163  
exempted village, and joint vocational school district that has 148164  
at least one power plant located within its territory: 148165

(a) Whether the taxable value of all utility tangible 148166  
personal property subject to taxation by the district in tax 148167  
year 2025 was less than the taxable value of such property 148168  
during tax year 2017; 148169

(b) Whether the taxable value of all utility tangible 148170  
personal property subject to taxation by the district in tax 148171  
year 2025 was less than the taxable value of such property 148172  
during tax year 2024. 148173

(2) If the decrease determined under division (A) (1) (a) or 148174  
(b) of this section exceeds ten per cent and the overall change 148175  
in utility tangible personal property subject to taxation is 148176  
negative, the Tax Commissioner shall certify all of the 148177  
following to the Department of Education and Workforce and the 148178  
Office of Budget and Management: 148179

(a) The district's total taxable value for tax year 2025; 148180

(b) The change in taxes charged and payable on the 148181  
district's total taxable value for tax year 2017 and tax year 148182

2025;	148183
(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;	148184 148185 148186
(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.	148187 148188 148189
(3) Upon receipt of a certification under division (A) (2) of this section, the Department of Education and Workforce shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A) (2) (a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:	148190 148191 148192 148193 148194 148195 148196 148197 148198 148199
(a) The lesser of the following:	148200
(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A) (3) of this section and the district's recomputed state education aid for fiscal year 2019;	148201 148202 148203 148204
(ii) The absolute value of the amount certified under division (A) (2) (b) of this section.	148205 148206
(b) The absolute value of the amount certified under division (A) (2) (b) of this section X 0.50.	148207 148208
(B) (1) On or before May 15, 2027, the Tax Commissioner shall determine for each city, local, exempted village, and	148209 148210

joint vocational school district that has at least one power	148211
plant located within its territory:	148212
(a) Whether the taxable value of all utility tangible	148213
personal property subject to taxation by the district in tax	148214
year 2026 was less than the taxable value of such property	148215
during tax year 2017;	148216
(b) Whether the taxable value of all utility tangible	148217
personal property subject to taxation by the district in tax	148218
year 2026 was less than the taxable value of such property	148219
during tax year 2025.	148220
(2) If the decrease determined under division (B) (1) (a) or	148221
(b) of this section exceeds ten per cent and the overall change	148222
in utility tangible personal property subject to taxation is	148223
negative, the Tax Commissioner shall certify all of the	148224
following to the Department of Education and Workforce and the	148225
Office of Budget and Management:	148226
(a) The district's total taxable value for tax year 2026;	148227
(b) The change in taxes charged and payable on the	148228
district's total taxable value for tax year 2017 and tax year	148229
2026;	148230
(c) The taxable value of the utility tangible personal	148231
property decrease, which shall be considered a change in	148232
valuation;	148233
(d) The change in taxes charged and payable on such change	148234
in taxable value calculated in the same manner as in division	148235
(A) (3) of section 3317.021 of the Revised Code.	148236
(3) Upon receipt of a certification under division (B) (2)	148237
of this section, the Department of Education and Workforce shall	148238

replace the three-year average valuations that were used in 148239  
computing the district's state education aid for fiscal year 148240  
2019 with the taxable value certified under division (B) (2) (a) 148241  
of this section and shall recompute the district's state 148242  
education aid for fiscal year 2019 without applying any funding 148243  
limitations enacted by the General Assembly to the computation. 148244  
The Department shall pay to the district an amount equal to the 148245  
greater of the following: 148246

(a) The lesser of the following: 148247

(i) The positive difference between the district's state 148248  
education aid for fiscal year 2019 prior to the recomputation 148249  
under division (B) (3) of this section and the district's 148250  
recomputed state education aid for fiscal year 2019; 148251

(ii) The absolute value of the amount certified under 148252  
division (B) (2) (b) of this section. 148253

(b) The absolute value of the amount certified under 148254  
division (B) (2) (b) of this section X 0.50. 148255

(C) The Department of Education and Workforce shall make 148256  
payments under division (A) (3) of this section between June 1, 148257  
2026, and June 30, 2026, and the Department shall make payments 148258  
under division (B) (3) of this section between June 1, 2027, and 148259  
June 30, 2027. The Department shall not calculate or make 148260  
payments under section 3317.028 of the Revised Code for fiscal 148261  
years 2026 and 2027. 148262

**Section 265.250. LITERACY IMPROVEMENT** 148263

The foregoing appropriation item 200566, Literacy 148264  
Improvement, shall be used by the Department of Education and 148265  
Workforce to support literacy activities to align state, local, 148266  
and federal efforts in order to bolster all students' reading 148267

success. Funds may be distributed to educational service centers 148268  
to establish and support regional literacy professional 148269  
development teams consistent with section 3312.01 of the Revised 148270  
Code. A portion of the funds may be used by the Department for 148271  
program administration, monitoring, technical assistance, 148272  
support, research, and evaluation. 148273

LITERACY COACHES 148274

The foregoing appropriation item 2006A7, Literacy Coaches, 148275  
shall be used for coaches to provide literacy supports to school 148276  
districts, community schools, and STEM schools with the lowest 148277  
rates of proficiency in literacy based on their performance on 148278  
the English language arts assessments prescribed under section 148279  
3301.0710 of the Revised Code. The coaches shall have training 148280  
in the science of reading and evidence-based strategies for 148281  
effective literacy instruction and intervention and shall 148282  
implement Ohio's Coaching Model, as described in Ohio's Plan to 148283  
Raise Literacy Achievement. The coaches shall be under the 148284  
direction of the Department but shall not be employed by the 148285  
Department. 148286

**Section 265.260. ADULT EDUCATION PROGRAMS** 148287

A portion of the foregoing appropriation item 200572, 148288  
Adult Education Programs, shall be used to make payments in 148289  
fiscal year 2027 under sections 3313.902, 3314.38, and 3345.86 148290  
of the Revised Code, as reenacted by this act effective July 1, 148291  
2026. 148292

Each career-technical planning district shall reimburse 148293  
individuals taking a nationally recognized high school 148294  
equivalency examination approved by the Department of Education 148295  
and Workforce for the first time for application fees, 148296

examination fees, or both, in excess of \$40, up to a maximum 148297  
reimbursement per individual of \$80. Each career-technical 148298  
planning district shall designate a site or sites where 148299  
individuals may register and take an approved examination. For 148300  
each individual who registers for an approved examination, the 148301  
career-technical planning district shall make available and 148302  
offer career counseling services, including information on adult 148303  
education programs that are available. A portion of the 148304  
foregoing appropriation item 200572, Adult Education Programs, 148305  
may be used to reimburse the Department of Youth Services and 148306  
the Department of Rehabilitation and Correction for individuals 148307  
in these facilities who have taken an approved examination for 148308  
the first time. The amounts reimbursed shall not exceed the per- 148309  
individual amounts reimbursed to other individuals under this 148310  
section for an approved examination. 148311

Of the foregoing appropriation item 200572, Adult 148312  
Education Programs, \$6,322,267 shall be used to support the 148313  
Aspire program in fiscal year 2027. The supported programs shall 148314  
satisfy the state match and maintenance of effort requirements 148315  
for the state-administered grant program. The funds may be used 148316  
to support students that speak English as their second language. 148317

A portion of the foregoing appropriation item 200572, 148318  
Adult Education Programs, may be used for program 148319  
administration, technical assistance, support, research, and 148320  
evaluation of adult education programs, including high school 148321  
equivalency examinations approved by the Department of Education 148322  
and Workforce. 148323

**Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION** 148324

The foregoing appropriation item 200574, Half-Mill 148325  
Maintenance Equalization, shall be used to make payments 148326

pursuant to section 3318.18 of the Revised Code. If the amount 148327  
appropriated is not sufficient, the Department of Education and 148328  
Workforce shall prorate the amounts so that the aggregate amount 148329  
appropriated is not exceeded. 148330

**ADAPTIVE SPORTS PROGRAM** 148331

The foregoing appropriation item 200576, Adaptive Sports 148332  
Program, shall be used by the Department of Education and 148333  
Workforce, in collaboration with the Adaptive Sports Program of 148334  
Ohio, to fund adaptive sports programs in school districts 148335  
across the state for students with disabilities. 148336

**Section 265.287. EDUCATION DEMONSTRATION PROJECTS** 148337

The foregoing appropriation item 2006B1, Education 148338  
Demonstration Projects, shall be used to support grants for 148339  
primary education-related demonstration projects. The Department 148340  
shall develop application procedures and guidelines for awarding 148341  
grants under this section and shall advertise for proposals from 148342  
organizations that have a demonstrated record of increased 148343  
student achievement or improved test results. The Department 148344  
shall award the initial round of grants under this section not 148345  
later than January 1, 2026. 148346

**Section 265.290. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 148347

(A) The foregoing appropriation item 200687, School 148348  
District Solvency Assistance, shall be allocated to the School 148349  
District Shared Resource Account and the Catastrophic 148350  
Expenditures Account in amounts determined by the Director of 148351  
Education and Workforce. These funds shall be used to provide 148352  
assistance and grants to school districts to enable them to 148353  
remain solvent under section 3316.20 of the Revised Code. 148354  
Assistance and grants shall be subject to approval by the 148355

Controlling Board. Except as provided under division (C) of this 148356  
section, any required reimbursements from school districts for 148357  
solvency assistance shall be made to the appropriate account in 148358  
the School District Solvency Assistance Fund (Fund 5H30). 148359

(B) Notwithstanding any provision of law to the contrary, 148360  
upon the request of the Director of Education and Workforce and 148361  
the approval of the Controlling Board, the Director of Budget 148362  
and Management may make transfers to the School District 148363  
Solvency Assistance Fund (Fund 5H30) from any fund used by the 148364  
Department of Education and Workforce, the Lottery Profits 148365  
Education Reserve Fund (Fund 7018), or the General Revenue Fund 148366  
to maintain sufficient cash balances in Fund 5H30 in fiscal 148367  
years 2026 and 2027. Any cash transferred is hereby 148368  
appropriated. The transferred cash may be used by the Department 148369  
to provide assistance and grants to school districts to enable 148370  
them to remain solvent and to pay unforeseeable expenses of a 148371  
temporary or emergency nature that the school district is unable 148372  
to pay from existing resources. 148373

**Section 265.300. FOUNDATION FUNDING - ALL STUDENTS** 148374

The foregoing appropriation item 200604, Foundation 148375  
Funding - All Students, shall be used in conjunction with 148376  
appropriation items 200550, Foundation Funding - All Students, 148377  
and 200612, Foundation Funding - All Students, to distribute the 148378  
amounts calculated for disadvantaged pupil impact aid under 148379  
sections 3317.022 and 3317.16 of the Revised Code and the 148380  
portions of the state share of the base cost calculated under 148381  
those sections that are attributable to the staffing cost for 148382  
the student wellness and success component of the base cost, as 148383  
determined by the Department of Education and Workforce. 148384

**Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT** 148385

The foregoing appropriation item 200491, Public and Nonpublic Education Support, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 148391

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

The Department of Education and Workforce, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

**Section 265.340. ACCELERATE GREAT SCHOOLS** 148405

The foregoing appropriation item 200614, Accelerate Great Schools, shall be used by the Department of Education and Workforce to support the Accelerate Great Schools public-private partnership.

**Section 265.350. QUALITY COMMUNITY AND INDEPENDENT STEM SCHOOLS SUPPORT** 148410  
148411

The foregoing appropriation item 200631, Quality Community and Independent STEM Schools Support, shall be used to distribute the amounts calculated under sections 3317.27 and

3317.29 of the Revised Code for the Quality Community School Support and the Quality Independent STEM School Support programs. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

**Section 265.360. COMMUNITY SCHOOL FACILITIES** 148420

The foregoing appropriation item 200684, Community School Facilities, shall be used to distribute the amounts calculated under section 3317.31 of the Revised Code for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

**Section 265.370. LOTTERY PROFITS EDUCATION RESERVE FUND** 148427

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2026 and fiscal year 2027.

(C) On July 15, 2025, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,440,000,000 in fiscal year 2025.

(D) On July 15, 2026, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,465,138,202 in fiscal year 2026.

(E) Notwithstanding any provision of law to the contrary, 148444  
in fiscal year 2026 and fiscal year 2027, the Director of Budget 148445  
and Management may transfer cash in excess of the amounts 148446  
necessary to support appropriations in Fund 7017 from that fund 148447  
to Fund 7018. 148448

**Section 265.375. STUDENT SUPPORT AND ACADEMIC ENRICHMENT** 148449

The foregoing appropriation item 200634, Student Support 148450  
and Academic Enrichment, may be used by school districts, in 148451  
accordance with state objectives and applicable federal grant 148452  
requirements, to do the following: 148453

(A) Provide a well-rounded education, including emphasis 148454  
on numeracy and the science of reading; 148455

(B) Provide a safe and drug-free learning environment and 148456  
healthy students through use of the "Success Sequence" as 148457  
provided by Ohio Adolescent Health Centers; 148458

(C) Promote the effective use of technology through use of 148459  
the "Success Sequence" as provided by Ohio Adolescent Health 148460  
Centers. 148461

**Section 265.380.** Notwithstanding division (C) of Section 148462  
265.355 of H.B. 110 of the 134th General Assembly and any other 148463  
provision of law to the contrary, the Department of Education 148464  
and Workforce shall use the funds authorized under Title II, 148465  
Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act 148466  
of 2021," Pub. L. No. 117-2, as necessary to support the After 148467  
school Child Enrichment (ACE) Educational Savings Account 148468  
Program pursuant to section 3310.70 of the Revised Code in 148469  
fiscal year 2026. Notwithstanding division (C)(1) of section 148470  
3310.70 of the Revised Code, the Department may extend the 148471  
contract with the vendor administering the program as of the 148472

effective date of this amendment through fiscal year 2026 and 148473  
may pay the vendor more than three per cent of the amount 148474  
appropriated for the program for fiscal year 2026. 148475

**Section 265.390. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 148476**  
ASSESSMENT OF EDUCATIONAL PROGRESS 148477

The General Assembly intends for the Director of Education 148478  
and Workforce to provide for school district participation in 148479  
the administration of the National Assessment of Educational 148480  
Progress in accordance with section 3301.27 of the Revised Code. 148481  
Each school and school district selected for participation by 148482  
the Director shall participate. 148483

**Section 265.400. EARMARK ACCOUNTABILITY 148484**

At the request of the Director of Education and Workforce, 148485  
any entity that receives a budget earmark under the Department 148486  
of Education and Workforce shall submit annually to the 148487  
Department a report that includes a description of the services 148488  
supported by the funds, a description of the results achieved by 148489  
those services, an analysis of the effectiveness of the program, 148490  
and an opinion as to the program's applicability to other school 148491  
districts. For an earmarked entity that received state funds 148492  
from an earmark in the prior fiscal year, no funds shall be 148493  
provided by the Department to an earmarked entity for a fiscal 148494  
year until its report for the prior fiscal year has been 148495  
submitted. 148496

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 148497**

A community school established under Chapter 3314. of the 148498  
Revised Code that was open for operation as a community school 148499  
as of May 1, 2005, may operate from or in any home, as defined 148500  
in section 3313.64 of the Revised Code, located in the state, 148501

regardless of when the community school's operations from or in 148502  
a particular home began. 148503

**Section 265.420. USE OF VOLUNTEERS** 148504

The Department of Education and Workforce may utilize the 148505  
services of volunteers to accomplish any of the purposes of the 148506  
Department. The Director of Education and Workforce shall 148507  
approve for what purposes volunteers may be used and for these 148508  
purposes may recruit, train, and oversee the services of 148509  
volunteers. The Director may reimburse volunteers for necessary 148510  
and appropriate expenses in accordance with state guidelines and 148511  
may designate volunteers as state employees for the purpose of 148512  
motor vehicle accident liability insurance under section 9.83 of 148513  
the Revised Code, for immunity under section 9.86 of the Revised 148514  
Code, and for indemnification from liability incurred in the 148515  
performance of their duties under section 9.87 of the Revised 148516  
Code. 148517

**Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND** 148518  
**CHILDREN** 148519

In collaboration with the County Family and Children First 148520  
Council, a city, local, or exempted village school district, 148521  
community school, STEM school, joint vocational school district, 148522  
educational service center, or county board of developmental 148523  
disabilities that receives allocations from the Department of 148524  
Education and Workforce from appropriation item 200550, 148525  
Foundation Funding - All Students, or appropriation item 200540, 148526  
Special Education Enhancements, may transfer portions of those 148527  
allocations to a flexible funding pool authorized by the section 148528  
of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 148529  
POOL." Allocations used for maintenance of effort or for federal 148530  
or state funding matching requirements shall not be transferred 148531

unless the allocation may still be used to meet such 148532  
requirements. 148533

**Section 265.440.** PRIVATE TREATMENT FACILITY PROJECT 148534

(A) As used in this section: 148535

(1) The following are "participating residential treatment 148536  
centers": 148537

(a) Private residential treatment facilities that have 148538  
entered into a contract with the Department of Youth Services to 148539  
provide services to children placed at the facility by the 148540  
Department and which, in fiscal year 2026 or fiscal year 2027 or 148541  
both, the Department pays through appropriation item 470401, 148542  
RECLAIM Ohio; 148543

(b) Abraxas, in Shelby; 148544

(c) Paint Creek, in Bainbridge; 148545

(d) F.I.R.S.T., in Mansfield. 148546

(2) "Education program" means an elementary or secondary 148547  
education program or a special education program and related 148548  
services. 148549

(3) "Served child" means any child receiving an education 148550  
program pursuant to division (B) of this section. 148551

(4) "School district responsible for tuition" means a 148552  
city, exempted village, or local school district that, if 148553  
tuition payment for a child by a school district is required 148554  
under law that existed in fiscal year 1998, is the school 148555  
district required to pay that tuition. 148556

(5) "Residential child" means a child who resides in a 148557  
participating residential treatment center and who is receiving 148558

an educational program under division (B) of this section. 148559

(B) A youth who is a resident of the state and has been 148560  
assigned by a juvenile court or other authorized agency to a 148561  
residential treatment facility specified in division (A) of this 148562  
section shall be enrolled in an approved educational program 148563  
located in or near the facility. Approval of the educational 148564  
program shall be contingent upon compliance with the criteria 148565  
established for such programs by the Department of Education and 148566  
Workforce. The educational program shall be provided by a school 148567  
district or educational service center, or by the residential 148568  
facility itself. Maximum flexibility shall be given to the 148569  
residential treatment facility to determine the provider. In the 148570  
event that a voluntary agreement cannot be reached and the 148571  
residential facility does not choose to provide the educational 148572  
program, the educational service center in the county in which 148573  
the facility is located shall provide the educational program at 148574  
the treatment center to children under twenty-two years of age 148575  
residing in the treatment center. 148576

(C) Any school district responsible for tuition for a 148577  
residential child shall, notwithstanding any conflicting 148578  
provision of the Revised Code regarding tuition payment, pay 148579  
tuition for the child for fiscal year 2026 and fiscal year 2027 148580  
to the education program provider and in the amount specified in 148581  
this division. If there is no school district responsible for 148582  
tuition for a residential child and if the participating 148583  
residential treatment center to which the child is assigned is 148584  
located in the city, exempted village, or local school district 148585  
that, if the child were not a resident of that treatment center, 148586  
would be the school district where the child is entitled to 148587  
attend school under sections 3313.64 and 3313.65 of the Revised 148588  
Code, that school district, notwithstanding any conflicting 148589

provision of the Revised Code, shall pay tuition for the child 148590  
for fiscal year 2026 and fiscal year 2027 under this division 148591  
unless that school district is providing the educational program 148592  
to the child under division (B) of this section. 148593

A tuition payment under this division shall be made to the 148594  
school district, educational service center, or residential 148595  
treatment facility providing the educational program to the 148596  
child. 148597

The amount of tuition paid shall be: 148598

(1) The amount of tuition determined for the district 148599  
under division (A) of section 3317.08 of the Revised Code; 148600

(2) In addition, for any student receiving special 148601  
education pursuant to an individualized education program as 148602  
defined in section 3323.01 of the Revised Code, a payment for 148603  
excess costs. This payment shall equal the actual cost to the 148604  
school district, educational service center, or residential 148605  
treatment facility of providing special education and related 148606  
services to the student pursuant to the student's individualized 148607  
education program, minus the tuition paid for the child under 148608  
division (C) (1) of this section. 148609

A school district paying tuition under this division shall 148610  
not include the child for whom tuition is paid in the district's 148611  
average daily membership certified under division (A) of section 148612  
3317.03 of the Revised Code. 148613

(D) In each of fiscal years 2026 and 2027, the Department 148614  
of Education and Workforce shall reimburse, from appropriations 148615  
made for the purpose, a school district, educational service 148616  
center, or residential treatment facility, whichever is 148617  
providing the service, that has demonstrated that it is in 148618

compliance with the funding criteria for each served child for 148619  
whom a school district must pay tuition under division (C) of 148620  
this section. The amount of the reimbursement shall be the 148621  
amount appropriated for this purpose divided by the full-time 148622  
equivalent number of children for whom reimbursement is to be 148623  
made. 148624

(E) Funds provided to a school district, educational 148625  
service center, or residential treatment facility under this 148626  
section shall be used to supplement, not supplant, funds from 148627  
other public sources for which the school district, service 148628  
center, or residential treatment facility is entitled or 148629  
eligible. 148630

(F) The Department of Education and Workforce shall track 148631  
the utilization of funds provided to school districts, 148632  
educational service centers, and residential treatment 148633  
facilities under this section and monitor the effect of the 148634  
funding on the educational programs they provide in 148635  
participating residential treatment facilities. The Department 148636  
shall monitor the programs for educational accountability. 148637

**Section 265.450.** Notwithstanding anything to the contrary 148638  
in section 3317.011 of the Revised Code, for fiscal years 2026 148639  
and 2027, the Department of Education and Workforce shall do all 148640  
of the following: 148641

(A) Calculate a school district's academic co-curricular 148642  
activities cost under division (E) (4) of that section using the 148643  
sum of the enrolled ADM of every school district that reported 148644  
the data specified in division (E) (4) (a) of that section; 148645

(B) Calculate a district's supplies and academic content 148646  
cost under division (E) (6) of that section using the sum of the 148647

enrolled ADM of every school district that reported the data 148648  
specified in division (E) (6) (a) of that section; 148649

(C) Calculate a district's athletic co-curricular 148650  
activities base cost under division (H) of that section using 148651  
the sum of the enrolled ADM of every school district that 148652  
reported the data specified in division (H) (2) of that section; 148653

(D) Calculate a district's building operations cost under 148654  
division (G) (3) of that section using the sum of the enrolled 148655  
ADM of every city, local, and exempted village school district 148656  
that reported the data specified in divisions (G) (3) (a) (i) and 148657  
(ii) of that section. 148658

**Section 265.560. AIM HIGHER PILOT PROGRAM** 148659

(A) The Department of Education and Workforce shall 148660  
establish a pilot program to provide additional funding to each 148661  
joint vocational school district that operates a dropout 148662  
prevention and recovery program in fiscal year 2026. Such a 148663  
district may choose to participate in the program by notifying 148664  
the Department of its intent to participate in a form and manner 148665  
and by a date determined by the Department. 148666

(B) The Department shall pay a participating district a 148667  
sum equal to the following for each student newly enrolled in 148668  
the district's dropout prevention and recovery program in fiscal 148669  
year 2026 or fiscal year 2027: 148670

(1) \$500 X the number of credits earned by the student in 148671  
fiscal year 2026; 148672

(2) \$2,500 if the student obtains an industry-recognized 148673  
credential, or group of credentials, approved under section 148674  
3313.6113 of the Revised Code in fiscal year 2026 that meet the 148675  
criteria established under that section to help the student 148676

qualify for a high school diploma, as determined by the Department. 148677  
148678

(C) The Department shall make a one-time grant payment of \$250,000 in fiscal year 2026 to any participating district that has a dropout prevention and recovery program in its first three years of operation and requests a payment under this division. The participating district shall designate \$175,000 of the grant for career-technical education equipment and \$75,000 of the grant for building renovation. 148679  
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148684  
148685

(D) A participating district shall spend the balance of any payments made under this section prior to July 1, 2027. 148686  
148687

(E) The Department shall adopt guidelines and procedures to operate the pilot program." 148688  
148689

**Section 265.660.** For fiscal year 2026, each school district board of education shall make the initial submission of current budget information and three-year projections required under division (A) of section 5705.391 of the Revised Code not later than October 15, 2025. Each board shall submit the required information in accordance with the joint rules of the Department of Education and Workforce and the Auditor of State existing as of the effective date of this section. 148690  
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**Section 269.10.** 148698  
148699

	1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS				
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and	\$250,000	\$250,000



	Fund		
J	8110 995671 Parental Leave Benefit	\$18,601,000	\$19,159,030
	Fund		
K	8130 995672 Health Care Spending	\$19,690,922	\$20,694,694
	Account		
L	Fiduciary Fund Group Total	\$2,288,610,951	\$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS	\$2,288,610,951	\$2,389,615,657

**Section 271.20. PAYROLL DEDUCTION FUND** 148702

The foregoing appropriation item 995673, Payroll 148703  
Deductions, shall be used to make payments from the Payroll 148704  
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 148705  
Revised Code. If it is determined by the Director of Budget and 148706  
Management that additional amounts are necessary, the amounts 148707  
are hereby appropriated. 148708

**ACCRUED LEAVE LIABILITY FUND** 148709

The foregoing appropriation item 995666, Accrued Leave 148710  
Fund, shall be used to make payments from the Accrued Leave 148711  
Liability Fund (Fund 8060) pursuant to section 125.211 of the 148712  
Revised Code. If it is determined by the Director of Budget and 148713  
Management that additional amounts are necessary, the amounts 148714  
are hereby appropriated. 148715

**STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND** 148716

The foregoing appropriation item 995667, Disability Fund, 148717  
shall be used to make payments from the State Employee 148718  
Disability Leave Benefit Fund (Fund 8070) pursuant to section 148719

124.83 of the Revised Code. If it is determined by the Director 148720  
of Budget and Management that additional amounts are necessary, 148721  
the amounts are hereby appropriated. 148722

STATE EMPLOYEE HEALTH BENEFIT FUND 148723

The foregoing appropriation item 995668, State Employee 148724  
Health Benefit Fund, shall be used to make payments from the 148725  
State Employee Health Benefit Fund (Fund 8080) pursuant to 148726  
section 124.87 of the Revised Code. If it is determined by the 148727  
Director of Budget and Management that additional amounts are 148728  
necessary, the amounts are hereby appropriated. 148729

DEPENDENT CARE SPENDING FUND 148730

The foregoing appropriation item 995669, Dependent Care 148731  
Spending Account, shall be used to make payments from the 148732  
Dependent Care Spending Fund (Fund 8090) to employees eligible 148733  
for dependent care expenses pursuant to section 124.822 of the 148734  
Revised Code. If it is determined by the Director of Budget and 148735  
Management that additional amounts are necessary, the amounts 148736  
are hereby appropriated. 148737

LIFE INSURANCE INVESTMENT FUND 148738

The foregoing appropriation item 995670, Life Insurance 148739  
Investment Fund, shall be used to make payments from the Life 148740  
Insurance Investment Fund (Fund 8100) for the costs and expenses 148741  
of the state's life insurance benefit program pursuant to 148742  
section 125.212 of the Revised Code. If it is determined by the 148743  
Director of Budget and Management that additional amounts are 148744  
necessary, the amounts are hereby appropriated. 148745

PARENTAL LEAVE BENEFIT FUND 148746

The foregoing appropriation item 995671, Parental Leave 148747

Benefit Fund, shall be used to make payments from the Parental 148748  
Leave Benefit Fund (Fund 8110) to employees eligible for 148749  
parental leave benefits pursuant to sections 124.136 and 124.137 148750  
of the Revised Code. If it is determined by the Director of 148751  
Budget and Management that additional amounts are necessary, the 148752  
amounts are hereby appropriated. 148753

HEALTH CARE SPENDING ACCOUNT FUND 148754

The foregoing appropriation item 995672, Health Care 148755  
Spending Account, shall be used to make payments from the Health 148756  
Care Spending Account Fund (Fund 8130) for payments pursuant to 148757  
state employees' participation in a flexible spending account 148758  
for nonreimbursed health care expenses and section 124.821 of 148759  
the Revised Code. If it is determined by the Director of Budget 148760  
and Management that additional amounts are necessary, the 148761  
amounts are hereby appropriated. 148762

COMMUTER BENEFITS 148763

The foregoing appropriation item 995675, Commuter 148764  
Benefits, shall be used to make payments from the Commuter 148765  
Benefits Fund (Fund 8050) for employees who elect to participate 148766  
in the Commuter Benefits Program. If the Director of Budget and 148767  
Management determines that additional amounts are necessary, the 148768  
amounts are hereby appropriated. 148769

**Section 273.10.** 148770

1 2 3 4 5 148771

A ERB STATE EMPLOYMENT RELATIONS BOARD

B General Revenue Fund



Program			
D	General Revenue Fund Total	\$13,232,534	\$13,265,775
E	Dedicated Purpose Fund Group		
F	4D50 715618 Recycled State Materials	\$11,500	\$11,500
G	4J00 715638 Underground Injection Control	\$514,242	\$530,276
H	4K20 715648 Clean Air - Non Title V	\$4,516,349	\$4,593,901
I	4K30 715649 Solid Waste	\$14,791,311	\$15,098,763
J	4K40 715650 Surface Water Protection	\$11,864,197	\$12,101,940
K	4K50 715651 Drinking Water Protection	\$8,774,797	\$9,027,993
L	4P50 715654 Cozart Landfill	\$7,500	\$7,500
M	4R50 715656 Scrap Tire Management	\$3,558,044	\$3,581,336
N	4R90 715658 Voluntary Action Program	\$1,188,026	\$1,217,345
O	4T30 715659 Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
P	5000 715608 Immediate Removal Special Account	\$747,051	\$769,463
Q	5030 715621 Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
R	5050 715623 Hazardous Waste Cleanup	\$9,334,680	\$9,559,074

S	5050	715698	Response and Investigations	\$3,822,060	\$4,211,500
T	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276
U	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
V	5420	715671	Risk Management Reporting	\$144,047	\$147,307
W	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
X	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000
Y	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
Z	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AA	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AB	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AC	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AD	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AE	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000
AF	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AG	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027

AH	5BT0	715679	C&DD Groundwater Monitoring	\$50,000	\$50,000
AI	5PZ0	715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600
AJ	5Y30	715685	Surface Water Improvement	\$520,000	\$520,000
AK	5YY0	715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000
AL	6440	715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AM	6760	715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500
AN	6760	715699	Water Quality Administration	\$5,123,741	\$5,250,489
AO	6790	715636	Emergency Planning	\$2,917,000	\$2,917,000
AP	6960	715643	Air Pollution Control Administration	\$150,000	\$150,000
AQ	6990	715644	Water Pollution Control Administration	\$307,859	\$307,858
AR	6A10	715645	Environmental Education	\$550,316	\$550,427
AS	6H20	715695	H2Ohio	\$7,500,000	\$7,500,000
AT	Dedicated Purpose Fund Group Total			\$177,835,570	\$181,391,307
AU	Internal Service Activity Fund Group				

AV 1990 715602	Laboratory Services	\$500,000	\$500,000
AW 2190 715604	Central Support Indirect	\$10,657,300	\$10,657,300
AX 4A10 715640	Operating Expenses	\$1,092,000	\$1,117,000
AY	Internal Service Activity Fund Group Total	\$12,249,300	\$12,274,300
AZ	Federal Fund Group		
BA 3530 715612	Public Water Supply	\$2,564,882	\$2,626,504
BB 3570 715619	Air Pollution Control - Federal	\$6,806,147	\$6,929,318
BC 3620 715605	Underground Injection Control - Federal	\$165,382	\$169,516
BD 3BU0 715684	Water Quality Protection	\$16,230,503	\$16,230,503
BE 3CS0 715688	Federal NRD Settlements	\$1,500,000	\$1,500,000
BF 3F30 715632	Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BG 3HE0 715697	Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BH 3T30 715669	Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894
BI 3V70 715606	Agencywide Grants	\$746,900	\$746,900
BJ	Federal Fund Group Total	\$51,674,302	\$52,250,985

BK TOTAL ALL BUDGET FUND GROUPS \$254,991,706 \$259,182,367

**Section 277.20.** AREAWIDE PLANNING AGENCIES 148776

The Director of Environmental Protection may award grants 148777  
from appropriation item 715687, Areawide Planning Agencies, to 148778  
areawide planning agencies engaged in areawide water quality 148779  
management and planning activities in accordance with Section 148780  
208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 148781

AUTOMOBILE EMISSION TESTING PROGRAM 148782

The foregoing appropriation item GRF 715502, Auto 148783  
Emissions E-Check Program, shall be used by the Environmental 148784  
Protection Agency to support the automobile emission testing 148785  
program. On July 1, 2025, or as soon as possible thereafter, the 148786  
Director of Environmental Protection may request that the 148787  
Director of Administrative Services extend the contract with the 148788  
vendor operating in accordance with division (A)(1) of section 148789  
3704.14 of the Revised Code for not longer than twelve months. 148790  
The Director of Administrative Services may enter into a 148791  
contract extension provided that the contract contains the same 148792  
terms and no funds are paid for incomplete work, utilizing 148793  
appropriation item GRF 715502, Auto Emissions E-Check Program, 148794  
in the event that the contractor selected in accordance with 148795  
division (A)(2) of section 3704.14 of the Revised Code cannot 148796  
complete the required work prior to July 1, 2025. 148797

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE 148798  
SCRAP TIRE MANAGEMENT FUND 148799

The Director of Budget and Management, at the request of 148800  
the Director of Environmental Protection, and upon approval by 148801  
the Controlling Board, may transfer up to \$1,400,000 cash in 148802

each fiscal year from the Scrap Tire Management Fund (Fund 4R50) 148803  
to the Auto Emissions Test Fund (Fund 5BY0). 148804

**Section 279.10.** 148805  
148806

	1	2	3	4	5
A	EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				
B	General Revenue Fund				
C	GRF	172321	Operating Expenses	\$730,000	\$765,000
D	General Revenue Fund Total			\$730,000	\$765,000
E	TOTAL ALL BUDGET FUND GROUPS			\$730,000	\$765,000

**Section 281.10.** 148807  
148808

	1	2	3	4	5
A	ETC BROADCAST EDUCATIONAL MEDIA COMMISSION				
B	General Revenue Fund				
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	\$3,409,000	\$2,909,000

F	GRF	935430 Broadcast Education Operating	\$4,108,706	\$4,008,569
G		General Revenue Fund Total	\$10,264,106	\$9,663,969
H		Dedicated Purpose Fund Group		
I	5FK0	935608 Media Services	\$50,000	\$50,000
J	5VB0	935650 Facility Rental	\$10,000	\$10,000
K		Dedicated Purpose Fund Group Total	\$60,000	\$60,000
L		Internal Service Activity Fund Group		
M	4F30	935603 Affiliate Services	\$4,200	\$4,200
N	4T20	935605 Government Television/ Telecommunications Operating	\$55,459	\$0
O		Internal Service Activity Fund Group Total	\$59,659	\$4,200
P		TOTAL ALL BUDGET FUND GROUPS	\$10,383,765	\$9,728,169

**Section 281.20. STATEHOUSE NEWS BUREAU** 148809

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 148810  
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**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 148813

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the 148814  
148815

operations of Ohio Government Telecommunications Services which 148816  
include providing multimedia support to the state government and 148817  
its affiliated organizations and broadcasting the activities of 148818  
the legislative, judicial, and executive branches of state 148819  
government, among its other functions. 148820

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 148821

The foregoing appropriation item 935410, Content 148822  
Development, Acquisition, and Distribution, shall be used for 148823  
the development, acquisition, and distribution of information 148824  
resources by public media and radio reading services and for 148825  
educational use in the classroom and online. 148826

Of the foregoing appropriation item 935410, Content 148827  
Development, Acquisition, and Distribution, up to \$841,567 in 148828  
fiscal year 2026 and \$718,134 in fiscal year 2027 shall be 148829  
allocated equally among the Ohio educational television 148830  
stations. Funds shall be used for the production of interactive 148831  
instructional programming series with priority given to 148832  
resources aligned with state academic content standards. 148833

Of the foregoing appropriation item 935410, Content 148834  
Development, Acquisition, and Distribution, up to \$2,311,039 in 148835  
fiscal year 2026 and \$1,972,077 in fiscal year 2027 shall be 148836  
distributed by the Broadcast Educational Media Commission to 148837  
Ohio's qualified public educational television stations and 148838  
educational radio stations to support their operations. The 148839  
funds shall be distributed pursuant to an allocation formula 148840  
used by the Broadcast Educational Media Commission in 148841  
consultation with Ohio's qualified public educational television 148842  
stations and educational radio stations. 148843

Of the foregoing appropriation item 935410, Content 148844

Development, Acquisition, and Distribution, up to \$256,394 in 148845  
 fiscal year 2026 and \$218,789 in fiscal year 2027 shall be 148846  
 distributed by the Broadcast Educational Media Commission to 148847  
 Ohio's qualified radio reading services to support their 148848  
 operations. The funds shall be distributed pursuant to an 148849  
 allocation formula used by the Broadcast Educational Media 148850  
 Commission in consultation with Ohio's qualified radio reading 148851  
 services. 148852

**Section 283.10.** 148853  
 148854

	1	2	3	4	5
A	ETH OHIO ETHICS COMMISSION				
B	General Revenue Fund				
C	GRF	146321	Operating Expenses	\$2,480,744	\$2,603,142
D	General Revenue Fund Total			\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group				
F	4M60	146601	Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total			\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS			\$3,130,525	\$3,273,935

**Section 285.10.** 148855  
 148856

	1	2	3	4	5
A	EXP OHIO EXPOSITIONS COMMISSION				

B	General Revenue Fund		
C	GRF 723403 Junior Fair Subsidy	\$380,000	\$380,000
D	General Revenue Fund Total	\$380,000	\$380,000
E	Dedicated Purpose Fund Group		
F	4N20 723602 Ohio State Fair Harness Racing	\$350,000	\$350,000
G	5060 723601 Operating Expenses	\$20,000,000	\$20,000,000
H	5060 723604 Grounds Maintenance and Repairs	\$300,000	\$300,000
I	Dedicated Purpose Fund Group Total	\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS	\$21,030,000	\$21,030,000

**Section 285.20. STATE FAIR RESERVE** 148857

The General Manager of the Expositions Commission, in 148858  
consultation with the Director of Budget and Management, may 148859  
submit a request to the Controlling Board to use available 148860  
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 148861  
from either the 2025 or the 2026 Ohio State Fair are 148862  
unexpectedly low. 148863

On July 1 of each fiscal year, or as soon as possible 148864  
thereafter, the Director of Budget and Management, in 148865  
consultation with the General Manager of the Expositions 148866  
Commission, may determine that the Ohio Expositions Fund (Fund 148867  
5060) has a cash balance in excess of the anticipated operating 148868  
costs of the Exposition Commission in that fiscal year. 148869

Notwithstanding section 991.04 of the Revised Code, the Director of Budget and Management may transfer an amount up to the excess cash from Fund 5060 to Fund 6400 in each fiscal year.

**Section 287.10.**

	1	2	3	4	5
A	FCC OHIO FACILITIES CONSTRUCTION COMMISSION				
B	General Revenue Fund				
C	GRF	230321	Operating Expenses	\$10,750,000	\$10,750,000
D	GRF	230401	Cultural Facilities Lease Rental Bond Payments	\$37,500,000	\$37,500,000
E	GRF	230908	Common Schools General Obligation Bond Debt Service	\$255,000,000	\$230,000,000
F	General Revenue Fund Total			\$303,250,000	\$278,250,000
G	Internal Service Activity Fund Group				
H	1310	230639	State Construction Management Operations	\$9,590,355	\$10,233,822
I	Internal Service Activity Fund Group Total			\$9,590,355	\$10,233,822
J	TOTAL ALL BUDGET FUND GROUPS			\$312,840,355	\$288,483,822

**Section 287.20.** CULTURAL FACILITIES LEASE RENTAL BOND PAYMENTS

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The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 148886

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2025, through June 30, 2027, on obligations issued under sections 151.01 and 151.03 of the Revised Code.

**Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION** 148892  
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At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within sixteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

**Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND** 148905

APPROPRIATIONS 148906

On July 1, 2025, or as soon as possible thereafter, the 148907  
Executive Director of the Ohio Facilities Construction 148908  
Commission shall certify to the Director of Budget and 148909  
Management the amount of cash receipts and related investment 148910  
income, irrevocable letters of credit from a bank, or 148911  
certification of the availability of funds that have been 148912  
received from a county or a municipal corporation for deposit 148913  
into the Capital Donations Fund (Fund 5A10) and that are related 148914  
to an anticipated project. These amounts are hereby appropriated 148915  
to appropriation item C230E2, Capital Donations. Prior to 148916  
certifying these amounts to the Director, the Executive Director 148917  
shall make a written agreement with the participating entity on 148918  
the necessary cash flows required for the anticipated 148919  
construction or equipment acquisition project. 148920

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 148921  
MAINTENANCE LEVY 148922

The Ohio Facilities Construction Commission shall amend 148923  
the project agreement between the Commission and a school 148924  
district that is participating in the Accelerated Urban School 148925  
Building Assistance Program as of September 29, 2018, if the 148926  
Commission determines that it is necessary to do so in order to 148927  
comply with division (B) (3) (c) of section 3318.38 of the Revised 148928  
Code. 148929

**Section 287.60.** Notwithstanding any other provision of law 148930  
to the contrary, the Ohio Facilities Construction Commission may 148931  
determine the amount of funding available for disbursement in a 148932  
given fiscal year for any project approved under sections 148933  
3318.01 to 3318.20 of the Revised Code in order to keep 148934  
aggregate state capital spending within approved limits and may 148935

take actions including, but not limited to, determining the 148936  
 schedule for design or bidding of approved projects, to ensure 148937  
 appropriate and supportable cash flow. 148938

**Section 287.70. RETURNED OR RECOVERED FUNDS** 148939

Notwithstanding any provision of law to the contrary, any 148940  
 moneys a school district transfers to the Ohio Facilities 148941  
 Construction Commission under division (C)(2) or (3) of section 148942  
 3318.12 of the Revised Code as well as any moneys recovered from 148943  
 settlements with or judgments against parties relating to their 148944  
 involvement in a classroom facilities project shall be deposited 148945  
 into the fund from which the capital appropriation for the 148946  
 project was made. In any fiscal year in which the Commission has 148947  
 made a deposit under this section, the Executive Director of the 148948  
 Ohio Facilities Construction Commission may seek Controlling 148949  
 Board approval to increase appropriations from those funds and 148950  
 specified appropriation items in an amount equal to the amount 148951  
 of the funds deposited under this section. The additional 148952  
 amounts, if approved, shall be used in accordance with the 148953  
 purposes of Chapter 3318. of the Revised Code for projects 148954  
 pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 148955  
 3318.45 of the Revised Code. Upon approval of the Controlling 148956  
 Board, the additional amounts are hereby appropriated. 148957

**Section 289.10.** 148958

	1	2	3	4	5
A	GOV OFFICE OF THE GOVERNOR				
B	General Revenue Fund				
C	GRF	040321	Operating Expenses	\$3,481,221	\$3,580,624

D	General Revenue Fund Total	\$3,481,221	\$3,580,624
E	Internal Service Activity Fund Group		
F	5AK0 040607 Government Relations	\$715,600	\$734,442
G	Internal Service Activity Fund Group Total	\$715,600	\$734,442
H	TOTAL ALL BUDGET FUND GROUPS	\$4,196,821	\$4,315,066

**Section 289.20. OPERATING EXPENSES** 148960

On July 1, 2025, or as soon as possible thereafter, the 148961  
Governor or the Governor's designee may certify to the Director 148962  
of Budget and Management an amount up to the unexpended, 148963  
unencumbered balance of the foregoing appropriation item 040321, 148964  
Operating Expenses, at the end of fiscal year 2025 to be 148965  
reappropriated for fiscal year 2026. The amount certified is 148966  
hereby reappropriated to the same appropriation item for fiscal 148967  
year 2026. 148968

On July 1, 2026, or as soon as possible thereafter, the 148969  
Governor or the Governor's designee may certify to the Director 148970  
of Budget and Management an amount up to the unexpended, 148971  
unencumbered balance of the foregoing appropriation item 040321, 148972  
Operating Expenses, at the end of fiscal year 2026 to be 148973  
reappropriated for fiscal year 2027. The amount certified is 148974  
hereby reappropriated to the same appropriation item for fiscal 148975  
year 2027. 148976

GOVERNMENT RELATIONS 148977

The Office of the Governor may issue an intrastate 148978  
transfer voucher to charge any state agency of the executive 148979

branch such amounts necessary to represent the interests of Ohio 148980  
to federal, state, and local government units and to cover the 148981  
costs or membership dues related to Ohio's participation in 148982  
national and regional associations. Amounts collected shall be 148983  
deposited in the Government Relations Fund (Fund 5AK0). 148984

**Section 291.10.**

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	1	2	3	4	5
A			DOH DEPARTMENT OF HEALTH		
B			General Revenue Fund		
C	GRF	440413	Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416	Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431	Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438	Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444	AIDS Prevention	\$3,610,779	\$3,623,351
H	GRF	440451	Public Health Laboratory	\$3,893,355	\$3,926,237
I	GRF	440452	Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453	Health Care Quality Assurance	\$6,868,538	\$7,023,632

K	GRF	440454	Environmental Health/Radiation Protection	\$5,241,349	\$5,241,615
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992
N	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$1,968,750	\$2,195,097
O	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
P	GRF	440484	Public Health Technology Innovation	\$909,147	\$929,959
Q	GRF	440485	Health Program Support	\$10,925,000	\$10,625,000
R	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000
S	GRF	440505	Children and Youth with Special Health Care Needs	\$13,115,000	\$12,615,000
T	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
U	GRF	440527	Lead Abatement	\$250,000	\$250,000
V	GRF	440672	Youth Homelessness	\$2,504,474	\$2,505,903
W	GRF	654453	Medicaid - State Health	\$4,478,896	\$4,581,836

Program Support

X	General Revenue Fund Total	\$76,331,457	\$76,254,264
Y	Highway Safety Fund Group		
Z	4T40 440603 Child Highway Safety	\$200,000	\$200,000
AA	Highway Safety Fund Group Total	\$200,000	\$200,000
AB	Dedicated Purpose Fund Group		
AC	4700 440605 Emergency Preparation and Response	\$2,500,000	\$2,500,000
AD	4700 440647 Fee Supported Programs	\$32,650,000	\$33,629,000
AE	4710 440619 Certificate of Need	\$408,045	\$408,045
AF	4730 440622 Lab Operating Expenses	\$8,985,000	\$9,254,001
AG	4770 440627 Children and Youth with Special Health Care Needs Audit	\$4,942,318	\$4,973,075
AH	4D60 440608 Genetics Services	\$3,316,583	\$3,416,000
AI	4F90 440610 Sickle Cell Disease Control	\$850,000	\$850,000
AJ	4G00 440636 Heirloom Birth Certificate	\$15,000	\$15,000
AK	4G00 440637 Birth Certificate Surcharge	\$15,000	\$15,000

AL 4L30	440609	HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
AM 4P40	440628	Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000
AN 4V60	440641	Save Our Sight	\$2,505,000	\$2,580,000
AO 5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000
AP 5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$6,000,000	\$6,000,000
AQ 5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AR 5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AS 5G40	440639	Adoption Services	\$100,000	\$100,000
AT 5PE0	440659	Breast and Cervical Cancer Services	\$500,000	\$500,000
AU 5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AV 5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
AW 5YS0	440491	Chiropractic Loan Repayment	\$30,000	\$30,000
AX 5Z70	440624	Ohio Dentist Loan	\$275,000	\$275,000

		Repayment		
AY	6100	440626	Radiation Emergency Response	\$1,551,682      \$1,598,000
AZ	6660	440607	Children and Youth with Special Health Care Needs - County Assessments	\$24,060,000      \$24,060,001
BA	6980	440634	Nurse Aide Training	\$126,600      \$126,600
BB			Dedicated Purpose Fund Group Total	\$150,827,769      \$152,499,263
BC			Internal Service Activity Fund Group	
BD	1420	440646	Agency Health Services	\$11,575,000      \$11,575,000
BE	2110	440613	Central Support Indirect Costs	\$39,575,839      \$40,763,000
BF			Internal Service Activity Fund Group Total	\$51,150,839      \$52,338,000
BG			Holding Account Fund Group	
BH	R014	440631	Vital Statistics	\$155,000      \$155,000
BI	R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$20,000      \$20,000
BJ			Holding Account Fund Group Total	\$175,000      \$175,000
BK			Federal Fund Group	

BL 3200	440601	Maternal Child Health Block Grant	\$25,000,000	\$25,750,000
BM 3870	440602	Preventive Health Block Grant	\$11,800,000	\$12,154,000
BN 3890	440604	Women, Infants, and Children	\$250,000,000	\$250,000,001
BO 3910	440606	Medicare Survey and Certification	\$21,800,000	\$22,454,000
BP 3920	440618	Federal Public Health Programs	\$149,503,000	\$153,988,000
BQ 3GD0	654601	Medicaid Program Support	\$41,186,077	\$41,508,003
BR 3GN0	440660	Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BS 3HP0	440673	Public Health Emergency Response	\$100,500,000	\$100,500,000
BT 3HP0	440686	ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BU	Federal Fund Group Total		\$685,614,077	\$694,453,004
BV	TOTAL ALL BUDGET FUND GROUPS		\$964,299,142	\$975,919,531

**Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 148987

Of the foregoing appropriation item 440416, Mothers and	148988
Children Safety Net Services, up to \$200,000 in each fiscal year	148989
may be used to assist families with children who have hearing	148990

loss or hearing disorders under twenty-six years of age in 148991  
purchasing hearing aids and hearing assistive technology. The 148992  
Director of Health shall adopt rules governing the distribution 148993  
of these funds, including rules that do both of the following: 148994  
(1) establish eligibility criteria to include families with 148995  
incomes at or below four hundred per cent of the federal poverty 148996  
guidelines as defined in section 5101.46 of the Revised Code and 148997  
(2) develop a sliding scale of disbursements under this section 148998  
based on family income. The Director may adopt other rules as 148999  
necessary to implement this section. Rules adopted under this 149000  
section shall be adopted in accordance with Chapter 119. of the 149001  
Revised Code. 149002

FREE CLINIC SAFETY NET SERVICES 149003

The foregoing appropriation item 440431, Free Clinic 149004  
Safety Net Services, shall be provided to the Charitable 149005  
Healthcare Network. Funds may be used to reimburse free clinics 149006  
for health care services provided, as well as for administrative 149007  
services, information technology costs, infrastructure repair, 149008  
or other clinic necessities. Additionally, the Director of 149009  
Health may designate up to five per cent of the appropriation in 149010  
each fiscal year to pay the administrative costs the Department 149011  
of Health incurs for operating the program. 149012

AIDS PREVENTION 149013

The foregoing appropriation item 440444, AIDS Prevention, 149014  
shall be used to administer educational and other prevention 149015  
initiatives. 149016

FQHC PRIMARY CARE WORKFORCE INITIATIVE 149017

The foregoing appropriation item 440465, FQHC Primary Care 149018  
Workforce Initiative, shall be provided to the Ohio Association 149019

of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 149028

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention, and Drug Overdose, \$1,200,000 in fiscal year 2026 and \$200,000 in fiscal year 2027 shall be used to administer the Parkinson's disease registry, in accordance with section 3701.25 of the Revised Code, and the stroke registry database, in accordance with section 3727.131 of the Revised Code. The Department of Health shall develop the Parkinson's disease registry utilizing an existing public health population system managed under the Department.

The remainder of appropriation item 440482, Chronic Disease, Injury Prevention, and Drug Overdose, shall be used to support the Department of Health's ongoing health improvement and wellness efforts, health promotion, and related activities.

HEALTH PROGRAM SUPPORT 149042

Of the forgoing appropriation item 440485, Health Program Support, \$7,500,000 in each fiscal year shall be used by the Department of Health, in consultation with the Department of Education and Workforce, to support school-based health centers in high-need counties, as determined by the departments. Prior to establishing a patient-provider relationship with a minor, a

school-based health center shall obtain general consent to treat 149049  
the child from the child's parent, legal guardian, grandparent 149050  
acting under section 3109.65 of the Revised Code, or other 149051  
person authorized under Ohio law to consent to the child's 149052  
medical care . This does not apply in emergency situations, 149053  
first aid, other unanticipated minor health care services, or 149054  
health care services provided pursuant to a student's IEP or a 149055  
school district's obligation under section 504 of the 149056  
"Rehabilitation Act of 1973," 29 U.S.C. 794. 149057

Of the foregoing appropriation item 440485, Health Program 149058  
Support, \$1,000,000 in each fiscal year shall be distributed to 149059  
Ohio organizations currently providing all of the following 149060  
services: wraparound care, including multidisciplinary clinical 149061  
care; local case management services by health care 149062  
professionals; durable medical and augmentative communication 149063  
devices; state and federal advocacy; and support groups and 149064  
patient grants for those diagnosed with amyotrophic lateral 149065  
sclerosis (ALS). The distribution of funds shall be based on 149066  
each awarded organization's identified Ohio county coverage and 149067  
by the prevalence rate of persons living with ALS using the most 149068  
recent population estimates available from the United States 149069  
Census Bureau. Funds shall be used to support persons living 149070  
with ALS, including any of the following: wraparound care, case 149071  
management, purchase and distribution of durable medical 149072  
equipment and augmentative communication devices, and patient 149073  
grants for disease-related expenses. Funding is required to be 149074  
designated in service to Ohioans and shall not be used for 149075  
persons living outside of the state of Ohio. 149076

Of the foregoing appropriation item 440485, Health Program 149077  
Support, \$125,000 in each fiscal year shall be provided to Ohio 149078  
Adolescent Health Centers to support sexual risk avoidance 149079

programs in schools. 149080

Of the foregoing appropriation item 440485, Health Program 149081  
Support, \$300,000 in fiscal year 2026 shall be distributed to 149082  
the Transplant House of Cleveland to support organ transplant 149083  
recipients and caregivers. 149084

Of the foregoing appropriation item 440485, Health Program 149085  
Support, \$1,000,000 in each fiscal year shall be distributed to 149086  
hospitals and used to support graduate medical education 149087  
residency slots for residents placed in family medicine or 149088  
psychiatry fields. The Department shall establish requirements 149089  
regarding the distribution of funds, including the requirement 149090  
that funds are used to support residents placed in family 149091  
medicine or psychiatry slots. 149092

TOXICOLOGY SCREENINGS 149093

The foregoing appropriation item 440495, Toxicology 149094  
Screenings, shall be used to reimburse county coroners in 149095  
counties in which the coroner has performed toxicology 149096  
screenings on victims of a drug overdose. The Director of Health 149097  
shall transfer the funds to the counties in proportion to the 149098  
numbers of toxicology screenings performed per county. 149099

TARGETED HEALTH CARE SERVICES-OVER 21 149100

The foregoing appropriation item 440507, Targeted Health 149101  
Care Services-Over 21, shall be used to administer the Cystic 149102  
Fibrosis Program and to implement the Hemophilia Insurance 149103  
Premium Payment Program. The Department of Health shall expend 149104  
up to \$100,000 in each fiscal year to implement the Hemophilia 149105  
Insurance Premium Payment Program. 149106

The foregoing appropriation item 440507, Targeted Health 149107  
Care Services-Over 21, shall also be used to do the following: 149108

cover services provided to adults over the age of twenty-one 149109  
with Cystic Fibrosis who are eligible for treatment under the 149110  
Cystic Fibrosis Program; provide essential medications; and pay 149111  
the copayments for drugs approved by the Department of Health 149112  
and covered by Medicare Part D that are dispensed to Program for 149113  
Children and Youth with Special Health Care Needs participants 149114  
for the Cystic Fibrosis Program. 149115

LEAD ABATEMENT 149116

Of the foregoing appropriation item 440527, Lead 149117  
Abatement, \$250,000 in each fiscal year shall be used by the 149118  
Department of Health to distribute funds to local governments 149119  
for projects that include, but are not limited to, lead hazard 149120  
control and housing rehabilitation initiatives that expand the 149121  
Department's lead hazard control and prevention efforts. 149122

YOUTH HOMELESSNESS 149123

The foregoing appropriation item 440672, Youth 149124  
Homelessness, shall be used to address homelessness in youth and 149125  
pregnant women by providing assertive outreach to provide stable 149126  
housing, including recovery housing. No funds shall be 149127  
distributed to youth shelters that promote or affirm social 149128  
gender transition, in which an individual goes from identifying 149129  
with and living as a gender that corresponds to the individual's 149130  
biological sex to identifying with and living as a gender 149131  
different from the individual's biological sex. 149132

EMERGENCY PREPARATION AND RESPONSE 149133

The foregoing appropriation item 440605, Emergency 149134  
Preparation and Response, shall be used to support public health 149135  
emergency preparedness and response efforts. This appropriation 149136  
may also be used to support data infrastructure projects and 149137

other data analysis and analytics work.	149138
CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY	149139
PURPOSES/CONTINGENCIES FUND TO THE GENERAL OPERATIONS FUND	149140
On July 1 of each fiscal year, or as soon as possible	149141
thereafter, the Director of Budget and Management shall transfer	149142
up to \$2,500,000 cash from the Controlling Board Emergency	149143
Purposes/Contingencies Fund (Fund 5KM0) to the General	149144
Operations Fund (Fund 4700).	149145
FEE SUPPORTED PROGRAMS	149146
Of the foregoing appropriation item 440647, Fee Supported	149147
Programs, \$2,160,000 in each fiscal year shall be used to	149148
distribute subsidies, on a per capita basis, to local health	149149
departments accredited through the Public Health Accreditation	149150
Board, or local health departments that are in the process of	149151
earning accreditation.	149152
Of the foregoing appropriation item 440647, Fee Supported	149153
Programs, \$1,840,000 in each fiscal year shall be used to	149154
distribute subsidies to local health departments accredited	149155
through the Public Health Accreditation Board on a per capita	149156
basis.	149157
CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT	149158
The Children and Youth with Special Health Care Needs	149159
Audit Fund (Fund 4770) shall receive revenue from audits of	149160
hospitals and recoveries from third-party payers. Moneys may be	149161
expended for payment of audit settlements and for costs directly	149162
related to obtaining recoveries from third-party payers and for	149163
encouraging Program for Children and Youth with Special Health	149164
Care Needs recipients to apply for third-party benefits. Moneys	149165
also may be expended for payments for diagnostic and treatment	149166

services on behalf of children and youth with special health 149167  
care needs, as defined in division (A) of section 3701.022 of 149168  
the Revised Code, and Ohio residents who are twenty-one or more 149169  
years of age and who are suffering from cystic fibrosis or 149170  
hemophilia. Moneys may also be expended for administrative 149171  
expenses incurred in operating the Program for Children and 149172  
Youth with Special Health Care Needs. 149173

GENETICS SERVICES 149174

The foregoing appropriation item 440608, Genetics 149175  
Services, shall be used by the Department of Health to 149176  
administer programs authorized by sections 3701.501 and 3701.502 149177  
of the Revised Code. None of these funds shall be used to 149178  
counsel or refer for abortion. 149179

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 149180

Of the foregoing appropriation item 440656, Tobacco Use 149181  
Prevention, Cessation, and Enforcement, \$1,000,000 in each 149182  
fiscal year shall be used by the Director of Health, in 149183  
consultation with the Director of Children and Youth, to award 149184  
funds to private, nonprofit, or government entities. The 149185  
Directors shall determine how the funds are to be distributed, 149186  
but shall prioritize awards to entities that serve women who 149187  
reside in communities that have the highest infant mortality 149188  
rates in this state, as identified under section 3701.142 of the 149189  
Revised Code. Recognizing the significant health risks posed to 149190  
women and their children by tobacco use during and after 149191  
pregnancy, the Department of Health shall award grants to 149192  
private, nonprofit, or government entities that demonstrate the 149193  
ability to deliver evidence-based tobacco cessation 149194  
interventions to women. 149195

The remainder of appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, shall be used to administer tobacco use prevention and cessation activities and programs, to administer compliance checks, retailer education, and programs related to legal age restrictions, and to enforce the Ohio Smoke-Free Workplace Act.

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Children and Youth with Special Health Care Needs - County Assessments, shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

FEDERAL PUBLIC HEALTH PROGRAMS

Of the foregoing appropriation item 440618, Federal Public Health Programs, \$7,800,000 in each fiscal year shall be provided to Ohio Adolescent Health Centers.

**Section 293.10.**

1	2	3	4	5
A	HEF HIGHER EDUCATIONAL FACILITY COMMISSION			
B	Dedicated Purpose Fund Group			
C	4610 372601	Operating Expenses	\$15,513	\$15,513
D	Dedicated Purpose Fund Group Total			\$15,513
E	TOTAL ALL BUDGET FUND GROUPS			\$15,513

**Section 295.10.**

149215

1	2	3	4	5
A		SPA COMMISSION ON HISPANIC/LATINO AFFAIRS		
B	General Revenue Fund			
C	GRF 148321	Operating Expenses	\$466,248	\$483,670
D	General Revenue Fund Total		\$466,248	\$483,670
E	Dedicated Purpose Fund Group			
F	6010 148602	Special Initiatives	\$50,000	\$50,000
G	Dedicated Purpose Fund Group Total		\$50,000	\$50,000
H	TOTAL ALL BUDGET FUND GROUPS		\$516,248	\$533,670

**Section 297.10.**

149216

149217

1	2	3	4	5
A		OHS OHIO HISTORY CONNECTION		
B	General Revenue Fund			
C	GRF 360400	Holocaust and Genocide Memorial and Education Commission	\$1,110,000	\$1,110,000
D	GRF 360401	Ohio Commission for the U.S. Semiquincentennial	\$8,750,000	\$2,000,000
E	GRF 360402	UNESCO World Heritage	\$2,000,000	\$2,500,000

		Sites			
F	GRF	360501	Education and Collections	\$6,139,320	\$6,147,040
G	GRF	360502	Site and Museum Operations	\$8,752,200	\$8,752,200
H	GRF	360504	Ohio Preservation Office	\$965,287	\$965,287
I	GRF	360505	National Afro-American Museum	\$811,000	\$811,000
J	GRF	360506	Hayes Presidential Center	\$750,000	\$750,000
K	GRF	360508	State Historical Grants	\$700,000	\$700,000
L	General Revenue Fund Total			\$29,977,807	\$23,735,527
M	Dedicated Purpose Fund Group				
N	5KL0	360602	Ohio History Tax Check- off	\$150,000	\$150,000
O	5PD0	360603	Ohio History License Plate	\$10,000	\$10,000
P	Dedicated Purpose Fund Group Total			\$160,000	\$160,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$30,137,807	\$23,895,527

**Section 297.20. SUBSIDY APPROPRIATION** 149218

Upon approval by the Director of Budget and Management,	149219
the foregoing appropriation items shall be released to the Ohio	149220
History Connection in quarterly amounts that in total do not	149221

exceed the annual appropriations. The funds and fiscal records 149222  
of the Ohio History Connection for fiscal year 2026 and fiscal 149223  
year 2027 shall be examined by independent certified public 149224  
accountants approved by the Auditor of State, and a copy of the 149225  
audited financial statements shall be filed with the Office of 149226  
Budget and Management. 149227

The foregoing appropriations shall be considered to be the 149228  
contractual consideration provided by the state to support the 149229  
state's offer to contract with the Ohio History Connection under 149230  
section 149.30 of the Revised Code. 149231

HOLOCAUST AND GENOCIDE MEMORIAL COMMISSION 149232

Of the foregoing appropriation item 360400, Holocaust and 149233  
Genocide Memorial and Education Commission, \$125,000 in each 149234  
fiscal year shall be used for The Nancy and David Wolf Holocaust 149235  
and Humanity Center. 149236

OHIO COMMISSION FOR THE U.S. SEMIQUINCENTENNIAL 149237

The foregoing appropriation item 360401, Ohio Commission 149238  
for the U.S. Semiquincentennial, shall be used for grants across 149239  
the state in support of the U.S. Semiquincentennial. 149240

UNESCO WORLD HERITAGE SITES 149241

The foregoing appropriation item 360402, UNESCO World 149242  
Heritage Sites, shall be used for operating costs for approved 149243  
United Nations Educational, Scientific and Cultural Organization 149244  
(UNESCO) World Heritage sites in Ohio. 149245

STATE HISTORICAL GRANTS 149246

Of the foregoing appropriation item 360508, State 149247  
Historical Grants, \$350,000 in each fiscal year shall be used 149248  
for the Western Reserve Historical Society, and \$350,000 in each 149249

fiscal year shall be used for the Cincinnati Museum Center. 149250

**Section 299.10.** 149251  
 149252

1	2	3	4	5
A	REP OHIO HOUSE OF REPRESENTATIVES			
B	General Revenue Fund			
C	GRF 025321	Operating Expenses	\$35,100,000	\$36,210,000
D	General Revenue Fund Total		\$35,100,000	\$36,210,000
E	Internal Service Activity Fund Group			
F	1030 025601	House of Representatives Reimbursement	\$1,433,664	\$1,433,664
G	4A40 025602	Miscellaneous Sales	\$50,000	\$50,000
H	Internal Service Activity Fund Group Total		\$1,483,664	\$1,483,664
I	TOTAL ALL BUDGET FUND GROUPS		\$36,583,664	\$37,693,664

**Section 299.20. OPERATING EXPENSES** 149253

On July 1, 2025, or as soon as possible thereafter, the 149254  
 Chief Administrative Officer of the House of Representatives may 149255  
 certify to the Director of Budget and Management an amount up to 149256  
 the unexpended, unencumbered balance of the foregoing 149257  
 appropriation item 025321, Operating Expenses, at the end of 149258  
 fiscal year 2025 to be reappropriated to fiscal year 2026. The 149259  
 amount certified is hereby reappropriated to the same 149260

appropriation item for fiscal year 2026. 149261

On July 1, 2026, or as soon as possible thereafter, the 149262  
 Chief Administrative Officer of the House of Representatives may 149263  
 certify to the Director of Budget and Management an amount up to 149264  
 the unexpended, unencumbered balance of the foregoing 149265  
 appropriation item 025321, Operating Expenses, at the end of 149266  
 fiscal year 2026 to be reappropriated to fiscal year 2027. The 149267  
 amount certified is hereby reappropriated to the same 149268  
 appropriation item for fiscal year 2027. 149269

HOUSE REIMBURSEMENT 149270

If it is determined by the Chief Administrative Officer of 149271  
 the House of Representatives that additional appropriations are 149272  
 necessary for the foregoing appropriation item 025601, House of 149273  
 Representatives Reimbursement, the amounts are hereby 149274  
 appropriated. 149275

**Section 301.10.** 149276

1 2 3 4 5

A	HFA OHIO HOUSING FINANCE AGENCY				
B	Dedicated Purpose Fund Group				
C	5AZ0 997601 Housing Finance Agency		\$19,760,000	\$20,485,000	
	Personal Services				
D	Dedicated Purpose Fund Group Total			\$19,760,000	\$20,485,000
E	TOTAL ALL BUDGET FUND GROUPS			\$19,760,000	\$20,485,000

**Section 303.10.** 149278

149279

1	2	3	4	5
A	IGO OFFICE OF THE INSPECTOR GENERAL			
B	General Revenue Fund			
C	GRF	965321 Operating Expenses	\$2,079,000	\$2,158,000
D	General Revenue Fund Total		\$2,079,000	\$2,158,000
E	Internal Service Activity Fund Group			
F	5FA0	965603 Deputy Inspector General for ODOT	\$400,000	\$400,000
G	5FT0	965604 Deputy Inspector General for BWC/OIC	\$425,000	\$425,000
H	Internal Service Activity Fund Group Total		\$825,000	\$825,000
I	TOTAL ALL BUDGET FUND GROUPS		\$2,904,000	\$2,983,000

**Section 305.10.**

149280

149281

1	2	3	4	5
A	INS DEPARTMENT OF INSURANCE			
B	Dedicated Purpose Fund Group			
C	5540	820401 Examination	\$11,242,604	\$11,690,798
D	5540	820601 Operating Expenses -	\$400,670	\$414,002



Effort

D	GRF	600450	Program Operations	\$155,325,446	\$156,655,581
E	GRF	600502	Child Support - Local	\$26,400,000	\$26,400,000
F	GRF	600521	Family Assistance - Local	\$50,000,000	\$50,000,000
G	GRF	600533	Child, Family, and Community Protection Services	\$13,500,000	\$13,500,000
H	GRF	600534	Adult Protective Services	\$9,720,000	\$9,720,000
I	GRF	655425	Medicaid Program Support	\$15,779,739	\$16,393,535
J	GRF	655522	Medicaid Program Support - Local	\$44,000,000	\$44,000,000
K	GRF	655523	Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000
L	General Revenue Fund Total			\$505,424,268	\$507,368,199
M	Dedicated Purpose Fund Group				
N	4A80	600658	Public Assistance Activities	\$21,400,000	\$21,400,000
O	4A90	600607	Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
P	5CI1	6006B6	Utility Community Assistance	\$0	\$686,947

Q	5ES0	600630	Food Bank Assistance	\$500,000	\$500,000
R	5RY0	600698	Human Services Project	\$10,000,000	\$10,000,000
S	Dedicated Purpose Fund Group Total			\$77,080,000	\$69,256,947
T	Internal Service Activity Fund Group				
U	5HL0	600602	State and County Shared Services	\$2,000,000	\$2,000,000
V	5WU0	6006C2	Ohio Benefits	\$0	\$169,005,914
W	Internal Service Activity Fund Group Total			\$2,000,000	\$171,005,914
X	Fiduciary Fund Group				
Y	1920	600646	Child Support Intercept- Federal	\$100,000,000	\$100,000,000
Z	5830	600642	Child Support Intercept- State	\$13,000,000	\$13,000,000
AA	5B60	600601	Food Assistance Intercept	\$9,000,000	\$9,000,000
AB	Fiduciary Fund Group Total			\$122,000,000	\$122,000,000
AC	Holding Account Fund Group				
AD	R012	600643	Refunds and Audit Settlements	\$500,000	\$500,000
AE	Holding Account Fund Group Total			\$500,000	\$500,000

AF	Federal Fund Group		
AG	3310 600615 Veterans Programs	\$9,729,693	\$10,046,576
AH	3310 600624 Employment Services	\$33,757,412	\$33,361,820
AI	3310 600686 Workforce Programs	\$3,726,601	\$3,831,863
AJ	3840 600610 Food Assistance Programs	\$353,577,548	\$355,477,007
AK	3850 600614 Refugee Services	\$43,221,914	\$47,817,949
AL	3950 600616 Federal Discretionary Grants	\$4,500,000	\$4,500,000
AM	3960 600620 Social Services Block Grant	\$38,100,747	\$38,339,506
AN	3970 600626 Child Support - Federal	\$206,615,245	\$206,484,306
AO	3F01 655624 Medicaid Program Support - Federal	\$221,532,699	\$222,146,496
AP	3F10 6006B4 Home Weatherization Program	\$0	\$45,000,000
AQ	3K90 6006B3 Home Energy Assistance Block Grant	\$0	\$180,000,000
AR	3K90 6006B7 HEAP Weatherization	\$0	\$44,000,000
AS	3L00 6006B8 Community Services Block Grant	\$0	\$32,000,000
AT	3S50 600622 Child Support Projects	\$539,000	\$539,000

AU 3V00 600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AV 3V40 600632	Trade Programs	\$3,001,000	\$3,001,000
AW 3V40 600678	Federal Unemployment Programs	\$122,666,388	\$125,686,620
AX 3V40 600679	Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
AY 3V60 600689	TANF Block Grant	\$561,481,981	\$561,481,981
AZ	Federal Fund Group Total	\$1,773,986,488	\$2,092,041,882
BA	TOTAL ALL BUDGET FUND GROUPS	\$2,480,990,756	\$2,962,172,942

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 149294

(A) Of the foregoing appropriation item 600521, Family Assistance - Local, up to \$46,000,000 in each fiscal year shall be provided to county departments of job and family services to administer food assistance and disability assistance programs. 149295  
149296  
149297  
149298

(B) Of the foregoing appropriation item 600521, Family Assistance -Local, an additional \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 149299  
149300  
149301  
149302  
149303  
149304

(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, shall be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 149305  
149306  
149307  
149308

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.

**Section 307.30. NAME OF FOOD STAMP PROGRAM**

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

**Section 307.40. OHIO ASSOCIATION OF FOOD BANKS**

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of up to \$22,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens.

Notwithstanding section 5101.46 of the Revised Code and

any other provision in this act, the Director of Job and Family 149338  
Services shall provide assistance from eligible funds to the 149339  
Ohio Association of Food Banks in an amount up to \$24,550,000 in 149340  
each fiscal year. This amount includes the funds designated to 149341  
the Ohio Association of Food Banks in the first paragraph of 149342  
this section. 149343

Eligible nonfederal expenditures made by member food banks 149344  
of the Association shall be counted by the Department of Job and 149345  
Family Services toward the TANF maintenance of effort 149346  
requirements of 42 U.S.C. 609(a) (7). The Director of Job and 149347  
Family Services shall enter into an agreement with the Ohio 149348  
Association of Food Banks, in accordance with sections 5101.80 149349  
and 5101.801 of the Revised Code, to carry out the requirements 149350  
under this section. 149351

**Section 307.50. OHIO ASSOCIATION OF FOODBANKS SUBGRANT** 149352

The Department of Job and Family Services shall enter into 149353  
a subgrant agreement with the Ohio Association of Foodbanks to 149354  
enable the Association to provide food distribution to low- 149355  
income families and individuals via the statewide charitable 149356  
emergency food provider network and to support transportation of 149357  
meals for the Governor's Office of Faith-Based and Community 149358  
Initiatives Innovative Summer Meals programs for children and 149359  
provide capacity building equipment for food pantries and soup 149360  
kitchens. 149361

The Ohio Association of Foodbanks shall do all of the 149362  
following: 149363

(A) Purchase food for the Agriculture Clearance and Ohio 149364  
Food Programs. Information regarding the food purchase shall be 149365  
reflected in the plan for statewide distribution of food 149366

products to local food distribution agencies. 149367

(B) Support the Capacity Building Grant program and 149368  
purchase equipment for partner agencies that is needed to 149369  
increase their capacity to serve more families eligible under 149370  
the Temporary Assistance for Needy Families program with 149371  
perishable foods, fruits, and vegetables. This equipment 149372  
purchase shall include, but is not limited to, shelving, pallet 149373  
jacks, commercial refrigerators, and commercial freezers. 149374

(C) Submit a quarterly report to the Department of Job and 149375  
Family Services not later than sixty days after the close of the 149376  
quarter to which the report pertains. The quarterly report shall 149377  
include all of the following: 149378

(1) A summary of the allocation and expenditure of grant 149379  
funds; 149380

(2) Product type and pounds distributed by foodbank 149381  
service region and county; 149382

(3) The number of households, households with children, a 149383  
breakdown of individuals served by age, including those over the 149384  
age of sixty, those between the ages of nineteen and fifty-nine, 149385  
and those up to the age of eighteen, and the number of meals 149386  
served. 149387

(D) Submit an annual report to the Agreement Manager at 149388  
the Department of Job and Family Services not later than one 149389  
hundred twenty days after the end of the fiscal year. The annual 149390  
report shall include the following: 149391

(1) A summary of the allocation and expenditure of grant 149392  
funds; 149393

(2) The number of households, households with children, a 149394

breakdown of individuals served by age, including those over the 149395  
age of sixty, those between the ages of nineteen and fifty-nine, 149396  
and those up to the age of eighteen, and the number of meals 149397  
served. 149398

(3) The quantity and type of food distributed and the 149399  
total per pound cost of the food purchased; 149400

(4) Information on the cost of storage, transportation, 149401  
and processing; 149402

(5) An evaluation of the success in achieving expected 149403  
performance outcomes. 149404

**Section 307.60. FOOD STAMPS TRANSFER** 149405

On July 1, 2025, or as soon as possible thereafter, and 149406  
upon request of the Director of Job and Family Services, the 149407  
Director of Budget and Management may transfer up to \$1,000,000 149408  
cash from the Food Stamp Offset Fund (Fund 5B60), to the Food 149409  
Assistance Fund (Fund 5ES0). 149410

**Section 307.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 149411

The foregoing appropriation item 600658, Public Assistance 149412  
Activities, shall be used by the Department of Job and Family 149413  
Services to meet the TANF maintenance of effort requirements of 149414  
42 U.S.C. 609(a)(7). When the state is assured that it will meet 149415  
the maintenance of effort requirement, the Department of Job and 149416  
Family Services may use funds from appropriation item 600658, 149417  
Public Assistance Activities, to support public assistance 149418  
activities. 149419

**Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES** 149420  
**FUNDS** 149421

(A) Of the foregoing appropriation items 600410, TANF 149422

State Maintenance of Effort, and 600689, TANF Block Grant, up to 149423  
\$13,410,000 in each fiscal year shall be used, in accordance 149424  
with sections 5101.80 and 5101.801 of the Revised Code, to 149425  
provide support to programs or organizations that provide 149426  
services that align with the mission and goals of the Governor's 149427  
Office of Faith-Based and Community Initiatives, as outlined in 149428  
section 107.12 of the Revised Code, and that further at least 149429  
one of the four purposes of the TANF program, as specified in 42 149430  
U.S.C. 601. 149431

(B) Of the foregoing appropriation items 600410, TANF 149432  
State Maintenance of Effort, and 600689, TANF Block Grant, 149433  
\$8,500,000 in each fiscal year shall be provided, in accordance 149434  
with sections 5101.80 and 5101.801 of the Revised Code, to the 149435  
Ohio Alliance of Boys and Girls Clubs to provide after-school 149436  
and summer programs that protect at-risk children and enable 149437  
youth to become responsible adults. 149438

(C) Of the foregoing appropriation item 600689, TANF Block 149439  
Grant, \$2,500,000 in each fiscal year shall be provided, in 149440  
accordance with sections 5101.80 and 5101.801 of the Revised 149441  
Code, to the Children's Hunger Alliance to assist with meal 149442  
sponsorship, early child care programs, child care, 149443  
consultations and nutrition education, school district nutrition 149444  
programs, after school nutrition programs, and summer nutrition 149445  
programs. 149446

(D) Of the foregoing appropriation item 600689, TANF Block 149447  
Grant, \$250,000 in each fiscal year shall be provided to the 149448  
Toledo Seagate Foodbank, in accordance with sections 5101.80 and 149449  
5101.801 of the Revised Code. 149450

(E) Of the foregoing appropriation item 600689, TANF Block 149451  
Grant, \$1,500,000 in each fiscal year shall be provided, in 149452

accordance with sections 5101.80 and 5101.801 of the Revised Code, to Open Doors Academy. 149453  
149454

(F) Of the foregoing appropriation item 600689, TANF Block Grant, \$1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Produce Perks. 149455  
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(G) Of the foregoing appropriation item 600689, TANF Block Grant, \$100,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio YMCA to support day camps and before and after school programs to help students remove barriers to their learning. 149459  
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(H) Of the foregoing appropriation item 600689, TANF Block Grant, \$100,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Country Neighbor Program. 149465  
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(I) Of the foregoing appropriation item 600689, TANF Block Grant, \$400,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Southside Life Station Food Pantry in Toledo. 149469  
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(J) Of the foregoing appropriation item 600689, TANF Block Grant, \$400,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Simon Kenton Council for the administration of the ScoutReach program. Funding shall be used for the following: to expand access to scouting in under-resourced communities; to provide financial assistance for participating families; to hire two additional program coordinators, a risk manager, and a social worker; to purchase program supplies; and to provide 149473  
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marketing resources to enhance outreach and engagement. Funds 149482  
shall be distributed in accordance with guidelines established 149483  
for nonprofit educational and youth development programs. The 149484  
Simon Kenton Council shall submit an annual report to the 149485  
Department of Job and Family Services detailing the program's 149486  
expansion, impact, and financial expenditures. 149487

(K) Of the foregoing appropriation item 600689, TANF Block 149488  
Grant, \$1,500,000 in each fiscal year shall be provided, in 149489  
accordance with sections 5101.80 and 5101.801 of the Revised 149490  
Code, to La Soupe to support and expand its core food security 149491  
programs across Ohio. 149492

(L) Of the foregoing appropriation item 600689, TANF Block 149493  
Grant, \$400,000 in fiscal year 2026 shall be provided, in 149494  
accordance with sections 5101.80 and 5101.801 of the Revised 149495  
Code, to The Foundry Row, Sail, Dream Program. 149496

(M) Of the foregoing appropriation item 600689, TANF Block 149497  
Grant, \$500,000 in each fiscal year shall be distributed, in 149498  
accordance with sections 5101.80 and 5101.801 of the Revised 149499  
Code, to the African American Male Wellness Agency for the 149500  
Uplift Her initiative. 149501

**Section 307.90. PROGRAM OPERATIONS** 149502

Of the foregoing appropriation item 600450, Program 149503  
Operations, \$10,000,000 in each fiscal year shall be allocated 149504  
for the GRIT program to be administered by the Department of Job 149505  
and Family Services, in coordination with the Governor's Office 149506  
of Appalachia and the Department of Development. The program 149507  
shall expand the qualified worker pipeline, remove barriers to 149508  
fill local and remote jobs, and promote entrepreneurial 149509  
endeavors in economically distressed and at-risk areas within 149510

the Appalachian region of Ohio, as defined in section 107.21 of 149511  
the Revised Code, and other like counties within the state. The 149512  
amount set aside for the GRIT program under this section shall 149513  
be used for the following: 149514

(A) To establish, in collaboration with private businesses 149515  
and public sector partners, virtual workforce development 149516  
centers and supportive resources and to place unemployed and 149517  
underemployed youth and adults into jobs; 149518

(B) To support assessment, coaching, wraparound services, 149519  
and other career development and training activities for both 149520  
high school youth and adults. 149521

The amount set aside for the GRIT program under this 149522  
section may be used for operating costs. 149523

**Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION 149524**  
SERVICES 149525

(A) The foregoing appropriation item 600533, Child, 149526  
Family, and Community Protection Services, shall be distributed 149527  
to county departments of job and family services. County 149528  
departments shall use the funds distributed to them under this 149529  
section as follows, in accordance with the written plan of 149530  
cooperation entered into under section 307.983 of the Revised 149531  
Code: 149532

(1) To assist individuals in achieving or maintaining 149533  
self-sufficiency, including by reducing or preventing dependency 149534  
among individuals with family income not exceeding two hundred 149535  
per cent of the federal poverty guidelines; 149536

(2) Subject to division (B) of this section, to respond to 149537  
reports of abuse, neglect, or exploitation of children and 149538  
adults, including through the differential response approach 149539

program; 149540

(3) To provide outreach and referral services regarding 149541  
home and community-based services to individuals at risk of 149542  
placement in a group home or institution, regardless of the 149543  
individuals' family income and without need for a written 149544  
application; 149545

(4) To provide outreach, referral, application assistance, 149546  
and other services to assist individuals to receive assistance, 149547  
benefits, or services under Medicaid; Title IV-A programs, as 149548  
defined in section 5101.80 of the Revised Code; the Supplemental 149549  
Nutrition Assistance Program; and other public assistance 149550  
programs. 149551

(B) Protective services may be provided to a child or 149552  
adult as part of a response, under division (A)(2) of this 149553  
section, to a report of abuse, neglect, or exploitation without 149554  
regard to a child or adult's family income and without need for 149555  
a written application. The protective services may be provided 149556  
if the case record documents circumstances of actual or 149557  
potential abuse, neglect, or exploitation. 149558

**Section 307.110. ADULT PROTECTIVE SERVICES** 149559

Of the foregoing appropriation item 600534, Adult 149560  
Protective Services, \$7,040,000 in each fiscal year shall be 149561  
used to provide an initial allocation of \$80,000 to each county. 149562  
The remainder of appropriation item 600534 shall be provided to 149563  
counties in accordance with the formula established in section 149564  
5101.612 of the Revised Code. 149565

**Section 307.117. UNEMPLOYMENT COMPENSATION FUND** 149566

A portion of the foregoing appropriation item 600607, 149567  
Unemployment Compensation Administration Fund, in each fiscal 149568

year shall be used to make payments pursuant to leases and 149569  
agreements entered into under Chapter 125. of the Revised Code, 149570  
as supplemented by Section 701.40 of H.B. 529 of the 132nd 149571  
General Assembly, with respect to financing the costs associated 149572  
with the acquisition, development, implementation, and 149573  
integration of the Unemployment Insurance System. 149574

**Section 307.119.** TEMPORARY TRANSFER TO UNEMPLOYMENT 149575  
COMPENSATION SPECIAL ADMINISTRATIVE FUND 149576

On July 1, 2025, or as soon as possible thereafter, the 149577  
Director of Budget and Management may transfer up to \$15,000,000 149578  
cash from any fund used by the Department of Job and Family 149579  
Services, except General Revenue Funds, to the Unemployment 149580  
Compensation Special Administrative Fund (Fund 4A90) to pay the 149581  
costs of building and developing a new unemployment insurance 149582  
information technology system. 149583

Not later than June 30, 2027, the Director of Budget and 149584  
Management, upon the request of the Director of Job and Family 149585  
Services, shall transfer cash equal to the amount previously 149586  
transferred to Fund 4A90 from the fund selected above in fiscal 149587  
year 2026, from Fund 4A90 back into the selected fund. 149588

**Section 307.120.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 149589

The Fiduciary Fund Group and Holding Account Fund Group 149590  
shall be used to hold revenues until the appropriate fund is 149591  
determined or until the revenues are directed to the appropriate 149592  
governmental agency other than the Department of Job and Family 149593  
Services. Any Department of Job and Family Services refunds or 149594  
reconciliations received or held by the Department of Medicaid 149595  
shall be transferred or credited to the Refunds and Audit 149596  
Settlement Fund (Fund R012). If receipts credited to the Support 149597

Intercept - Federal Fund (Fund 1920), the Support Intercept - 149598  
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 149599  
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 149600  
amounts appropriated from the fund, the Director of Job and 149601  
Family Services may request the Director of Budget and 149602  
Management to authorize expenditures from the fund in excess of 149603  
the amounts appropriated. Upon the approval of the Director of 149604  
Budget and Management, the additional amounts are hereby 149605  
appropriated. 149606

**Section 307.130. HEAP WEATHERIZATION** 149607

Up to twenty-five per cent of the federal funds deposited 149608  
to the credit of the Home Energy Assistance Block Grant (Fund 149609  
3K90) may be expended from appropriation item 6006B7, HEAP 149610  
Weatherization, to provide home weatherization services in the 149611  
state as determined by the Director of Job and Family Services. 149612

**Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR** 149613  
**CHILDREN FUND** 149614

(A) The Summer Electronic Benefits Transfer for Children 149615  
Fund is created, which shall be in the custody of the Treasurer 149616  
of State but shall not be part of the state treasury. The fund 149617  
shall consist of all money awarded by the United States 149618  
Department of Agriculture as benefits under 42 U.S.C. 1762. All 149619  
money in the fund shall be used by the Director of Job and 149620  
Family Services solely for the purpose of paying eligible 149621  
charges incurred by children and families eligible for, and 149622  
participating in, the Summer Electronic Benefits Transfer for 149623  
Children Program. 149624

(B) On or before August 1 of each fiscal year, the 149625  
Director shall submit to the Governor, the Director of Budget 149626

and Management, the President of the Senate, the Speaker of the 149627  
House of Representatives, the Minority Leader of the Senate, and 149628  
the Minority Leader of the House of Representatives information 149629  
regarding the Summer Electronic Benefits Transfer for Children 149630  
Program created under 42 U.S.C. 1762, including the amount of 149631  
federal funding received for the program in the previous fiscal 149632  
year. 149633

**Section 307.150. WORK REQUIREMENTS** 149634

The Director of Job and Family Services may refer Ohio 149635  
Works First and Supplemental Nutrition Assistance Program 149636  
participants who have indicated that they have a mental or 149637  
physical illness or impairment to the agency for vocational 149638  
rehabilitation assessment and support services. Such 149639  
participants must continue with vocational rehabilitation 149640  
services pursuant to this section in order to meet Ohio Works 149641  
First and Supplemental Nutrition Assistance Program work 149642  
requirements, unless they are determined unable to work by the 149643  
Opportunities for Ohioans with Disabilities agency, or otherwise 149644  
meet minimum program work requirements. Participants who are not 149645  
determined unable to work by the Opportunities for Ohioans with 149646  
Disabilities agency and who do not participate with vocational 149647  
rehabilitation services pursuant to this section or otherwise 149648  
meet minimum program work requirements will have benefits 149649  
terminated in accordance with federal regulations. 149650

**Section 309.10.** 149651  
149652

1 2 3 4 5

B	General Revenue Fund		
C	GRF 029321 Operating Expenses	\$570,000	\$570,000
D	General Revenue Fund Total	\$570,000	\$570,000
E	TOTAL ALL BUDGET FUND GROUPS	\$570,000	\$570,000

**Section 309.20.** OPERATING GUIDANCE 149653

The Legislative Service Commission shall act as fiscal 149654  
agent for the Joint Committee on Agency Rule Review. Members of 149655  
the Committee shall be paid in accordance with section 101.35 of 149656  
the Revised Code. 149657

OPERATING EXPENSES 149658

On July 1, 2025, or as soon as possible thereafter, the 149659  
Executive Director of the Joint Committee on Agency Rule Review 149660  
may certify to the Director of Budget and Management an amount 149661  
up to the unexpended, unencumbered balance of the foregoing 149662  
appropriation item 029321, Operating Expenses, at the end of 149663  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 149664  
amount certified is hereby reappropriated to the same 149665  
appropriation item for fiscal year 2026. 149666

On July 1, 2026, or as soon as possible thereafter, the 149667  
Executive Director of the Joint Committee on Agency Rule Review 149668  
may certify to the Director of Budget and Management an amount 149669  
up to the unexpended, unencumbered balance of the foregoing 149670  
appropriation item 029321, Operating Expenses, at the end of 149671  
fiscal year 2026 to be reappropriated to fiscal year 2027. The 149672  
amount certified is hereby reappropriated to the same 149673  
appropriation item for fiscal year 2027. 149674

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						149676
	1	2	3	4	5	
A			JMO JOINT MEDICAID OVERSIGHT COMMITTEE			
B			General Revenue Fund			
C	GRF	048321	Operating Expenses	\$530,532	\$654,606	
D			General Revenue Fund Total	\$530,532	\$654,606	
E			TOTAL ALL BUDGET FUND GROUPS	\$530,532	\$654,606	

**Section 313.20. OPERATING EXPENSES** 149677

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code. 149678  
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149680  
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On July 1, 2025, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2025 to be reappropriated to fiscal year 2026. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2026. 149682  
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On July 1, 2026, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of 149690  
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fiscal year 2026 to be reappropriated to fiscal year 2027. The 149695  
amount certified is hereby reappropriated to the same 149696  
appropriation item for fiscal year 2027. 149697

**Section 315.10.** 149698  
149699

1	2	3	4	5
A	JCO JUDICIAL CONFERENCE OF OHIO			
B	General Revenue Fund			
C	GRF 018321	Operating Expenses	\$1,398,265	\$1,475,131
D	General Revenue Fund Total		\$1,398,265	\$1,475,131
E	Dedicated Purpose Fund Group			
F	4030 018601	Ohio Jury Instructions	\$746,000	\$814,899
G	Dedicated Purpose Fund Group Total		\$746,000	\$814,899
H	TOTAL ALL BUDGET FUND GROUPS		\$2,144,265	\$2,290,030

**Section 315.20.** STATE COUNCIL OF UNIFORM STATE LAWS 149700

Notwithstanding section 105.26 of the Revised Code, of the 149701  
foregoing appropriation item 018321, Operating Expenses, up to 149702  
\$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 149703  
2027 shall be used to pay the expenses of the State Council of 149704  
Uniform State Laws, including membership dues to the National 149705  
Conference of Commissioners on Uniform State Laws. 149706

OHIO JURY INSTRUCTIONS FUND 149707

The Ohio Jury Instructions Fund (Fund 4030) shall consist 149708

of grants, royalties, dues, conference fees, bequests, devises, 149709  
and other gifts received for the purpose of supporting costs 149710  
incurred by the Judicial Conference of Ohio in its activities as 149711  
a part of the judicial system of the state as determined by the 149712  
Judicial Conference Executive Committee. Fund 4030 shall be used 149713  
by the Judicial Conference of Ohio to pay expenses incurred in 149714  
its activities as a part of the judicial system of the state as 149715  
determined by the Judicial Conference Executive Committee. All 149716  
moneys accruing to Fund 4030 in excess of the amount 149717  
appropriated for the current fiscal year are hereby appropriated 149718  
for the purposes authorized. No money in Fund 4030 shall be 149719  
transferred to any other fund by the Director of Budget and 149720  
Management or the Controlling Board. 149721

**Section 317.10.**

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A		JSC THE JUDICIARY/SUPREME COURT		
B		General Revenue Fund		
C	GRF 005321	Operating Expenses - Judiciary/Supreme Court	\$218,911,023	\$230,757,735
D	GRF 005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731
E	GRF 005406	Law-Related Education	\$250,000	\$250,000
F	GRF 005409	Ohio Courts Technology Initiative	\$1,155,000	\$1,155,000
G		General Revenue Fund Total	\$221,822,165	\$233,764,466

H	Dedicated Purpose Fund Group		
I	4C80 005605 Attorney Services	\$10,718,083	\$10,721,022
J	5HT0 005617 Court Interpreter Certification	\$9,000	\$9,000
K	5SP0 005626 Civil Justice Grant Program	\$425,000	\$425,000
L	5T80 005609 Grants and Awards	\$1,000	\$1,000
M	6720 005601 Continuing Judicial Education	\$37,500	\$37,500
N	Dedicated Purpose Fund Group Total	\$11,190,583	\$11,193,522
O	Fiduciary Fund Group		
P	5JY0 005620 County Law Library Resources Boards	\$313,800	\$318,500
Q	Fiduciary Fund Group Total	\$313,800	\$318,500
R	Federal Fund Group		
S	3J00 005603 Federal Grants	\$1,810,907	\$1,157,600
T	Federal Fund Group Total	\$1,810,907	\$1,157,600
U	TOTAL ALL BUDGET FUND GROUPS	\$235,137,455	\$246,434,088

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 149724

The foregoing appropriation item 005401, State Criminal 149725  
 Sentencing Commission, shall be used for the operation of the 149726

State Criminal Sentencing Commission established by section	149727
181.21 of the Revised Code.	149728
LAW-RELATED EDUCATION	149729
Of the foregoing appropriation item 005406, Law-Related	149730
Education, \$250,000 in each fiscal year shall be distributed	149731
directly to the Ohio Center for Law-Related Education for the	149732
purposes of providing continuing citizenship education	149733
activities to primary and secondary students, expanding	149734
delinquency prevention programs, increasing activities for at-	149735
risk youth, and accessing additional public and private money	149736
for new programs.	149737
OHIO COURTS TECHNOLOGY INITIATIVE	149738
The foregoing appropriation item 005409, Ohio Courts	149739
Technology Initiative, shall be used to fund an initiative by	149740
the Supreme Court to facilitate the exchange of information and	149741
warehousing of data by and between Ohio courts and other justice	149742
system partners through the maintenance of an Ohio Courts	149743
Network.	149744
ATTORNEY SERVICES	149745
The Attorney Registration Fund (Fund 4C80) shall consist	149746
of money received by the Supreme Court (The Judiciary) pursuant	149747
to the Rules for the Government of the Bar of Ohio. In addition	149748
to funding other activities considered appropriate by the	149749
Supreme Court, the foregoing appropriation item 005605, Attorney	149750
Services, may be used to compensate employees and to fund	149751
appropriate activities of the following offices established by	149752
the Supreme Court: the Office of Disciplinary Counsel, the Board	149753
of Commissioners on Grievances and Discipline, the Clients'	149754
Security Fund, and the Attorney Services Division which include	149755

the Office of Bar Admissions. If it is determined by the 149756  
Administrative Director of the Supreme Court that changes to the 149757  
appropriation are necessary, the amounts are hereby 149758  
appropriated. 149759

No money in Fund 4C80 shall be transferred to any other 149760  
fund by the Director of Budget and Management or the Controlling 149761  
Board. Interest earned on money in Fund 4C80 shall be credited 149762  
to the fund. 149763

COURT INTERPRETER CERTIFICATION 149764

The Court Interpreter Certification Fund (Fund 5HT0) shall 149765  
consist of money received by the Supreme Court (The Judiciary) 149766  
pursuant to Rules 80 through 87 of the Rules of Superintendence 149767  
for the Courts of Ohio. The foregoing appropriation item 005617, 149768  
Court Interpreter Certification, shall be used to provide 149769  
training, to provide the written examination, and to pay 149770  
language experts to rate, or grade, the oral examinations of 149771  
those applying to become certified court interpreters. If it is 149772  
determined by the Administrative Director of the Supreme Court 149773  
that changes to the appropriation are necessary, the amounts are 149774  
hereby appropriated. 149775

No money in Fund 5HT0 shall be transferred to any other 149776  
fund by the Director of Budget and Management or the Controlling 149777  
Board. Interest earned on money in Fund 5HT0 shall be credited 149778  
to the fund. 149779

CIVIL JUSTICE GRANT PROGRAM 149780

The Civil Justice Program Fund (Fund 5SP0) shall consist 149781  
of (1) \$50 voluntary donations made as part of the biennium 149782  
attorney registration process and (2) \$150 of the pro hac vice 149783  
fees for out-of-state attorneys pursuant to Government of the 149784

Bar Rule amendments. The foregoing appropriation item 005626, 149785  
Civil Justice Grant Program, shall be used by the Supreme Court 149786  
of Ohio for grants to not-for-profit organizations and agencies 149787  
dedicated to providing civil legal aid to underserved 149788  
populations, to fund innovative programs directed at this 149789  
purpose, and to increase access to judicial service to that 149790  
population. If it is determined by the Administrative Director 149791  
of the Supreme Court that changes to the appropriation are 149792  
necessary, the amounts are hereby appropriated. 149793

No money in Fund 5SP0 shall be transferred to any other 149794  
fund by the Director of Budget and Management or the Controlling 149795  
Board. Interest earned on money in Fund 5SP0 shall be credited 149796  
to the fund. 149797

GRANTS AND AWARDS 149798

The Grants and Awards Fund (Fund 5T80) shall consist of 149799  
grants and other money awarded to the Supreme Court (The 149800  
Judiciary) by the State Justice Institute, the Division of 149801  
Criminal Justice Services, or other entities. The foregoing 149802  
appropriation item 005609, Grants and Awards, shall be used in a 149803  
manner consistent with the purpose of the grant or award. If it 149804  
is determined by the Administrative Director of the Supreme 149805  
Court that changes to the appropriation are necessary, the 149806  
amounts are hereby appropriated. 149807

No money in Fund 5T80 shall be transferred to any other 149808  
fund by the Director of Budget and Management or the Controlling 149809  
Board. Interest earned on money in Fund 5T80 shall be credited 149810  
or transferred to the General Revenue Fund. 149811

JUDICIARY/SUPREME COURT EDUCATION 149812

The Judiciary/Supreme Court Education Fund (Fund 6720) 149813

shall consist of fees paid for attending judicial and public 149814  
education on the law, reimbursement of costs for judicial and 149815  
public education on the law, and other gifts and grants received 149816  
for the purpose of judicial and public education on the law. The 149817  
foregoing appropriation item 005601, Continuing Judicial 149818  
Education, shall be used to pay expenses for judicial education 149819  
courses for judges, court personnel, and those who serve the 149820  
courts, and for public education on the law. If it is determined 149821  
by the Administrative Director of the Supreme Court that changes 149822  
to the appropriation are necessary, the amounts are hereby 149823  
appropriated. 149824

No money in Fund 6720 shall be transferred to any other 149825  
fund by the Director of Budget and Management or the Controlling 149826  
Board. Interest earned on money in Fund 6720 shall be credited 149827  
to the fund. 149828

COUNTY LAW LIBRARY RESOURCES BOARDS 149829

The Statewide Consortium of County Law Library Resources 149830  
Boards Fund (Fund 5JY0) shall consist of moneys deposited 149831  
pursuant to section 307.515 of the Revised Code into a county's 149832  
law library resources fund and forwarded by that county's 149833  
treasurer for deposit in the state treasury pursuant to division 149834  
(E) (1) of section 3375.481 of the Revised Code. The foregoing 149835  
appropriation item 005620, County Law Library Resources Boards, 149836  
shall be used for the operation of the Statewide Consortium of 149837  
County Law Library Resources Boards. If it is determined by the 149838  
Administrative Director of the Supreme Court that changes to the 149839  
appropriation are necessary, the amounts are hereby 149840  
appropriated. 149841

No money in Fund 5JY0 shall be transferred to any other 149842  
fund by the Director of Budget and Management or the Controlling 149843

Board. Interest earned on money in Fund 5JY0 shall be credited 149844  
to the fund. 149845

FEDERAL GRANTS 149846

The Federal Grants Fund (Fund 3J00) shall consist of 149847  
grants and other moneys awarded to the Supreme Court (The 149848  
Judiciary) by the United States Government or other entities 149849  
that receive the moneys directly from the United States 149850  
Government and distribute those moneys to the Supreme Court (The 149851  
Judiciary). The foregoing appropriation item 005603, Federal 149852  
Grants, shall be used in a manner consistent with the purpose of 149853  
the grant or award. If it is determined by the Administrative 149854  
Director of the Supreme Court that changes to the appropriation 149855  
are necessary, the amounts are hereby appropriated. 149856

No money in Fund 3J00 shall be transferred to any other 149857  
fund by the Director of Budget and Management or the Controlling 149858  
Board. However, interest earned on money in Fund 3J00 shall be 149859  
credited or transferred to the General Revenue Fund. 149860

**Section 319.10.** 149861

1 2 3 4 5 149862

A LEC LAKE ERIE COMMISSION

B Dedicated Purpose Fund Group

C	4C00	780601	Lake Erie Protection	\$900,000	\$940,000
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D	6H20	780604	H2Ohio	\$132,000	\$132,000
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E	Dedicated Purpose Fund Group Total			\$1,032,000	\$1,072,000
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F	Federal Fund Group		
G	3EP0 780603 LEC Federal Grants	\$1,140,000	\$1,140,000
H	Federal Fund Group Total	\$1,140,000	\$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS	\$2,172,000	\$2,212,000

**Section 319.20.** CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 149863  
 FUND 149864

On July 1 of each fiscal year, or as soon as possible 149865  
 thereafter, the Director of Budget and Management may transfer 149866  
 cash from the funds specified below, up to the amounts specified 149867  
 below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 149868  
 may accept contributions and transfers made to the fund. 149869  
 149870

	1	2	3	4	5
A	Fund	Fund Name	User	FY 2026	FY 2027
B	5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
C	6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
D	4700	General Operations	Department of Health	\$25,000	\$25,000
E	1570	Program Support	Department of Natural Resources	\$25,000	\$25,000
F	1350	Supportive	Department of	\$25,000	\$25,000

Services		Development		
1	2	3	4	5
<b>Section 321.10.</b>				149871
				149872
A	JLE JOINT LEGISLATIVE ETHICS COMMITTEE			
B	General Revenue Fund			
C	GRF 028321	Legislative Ethics Committee	\$713,000	\$713,000
D	General Revenue Fund Total		\$713,000	\$713,000
E	Dedicated Purpose Fund Group			
F	4G70 028601	Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HN0 028602	Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total		\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS		\$873,000	\$873,000
<b>Section 321.20. LEGISLATIVE ETHICS COMMITTEE</b>				149873
On July 1, 2025, or as soon as possible thereafter, the				149874
Legislative Inspector General of the Joint Legislative Ethics				149875
Committee may certify to the Director of Budget and Management				149876
an amount up to the unexpended, unencumbered balance of the				149877
foregoing appropriation item 028321, Legislative Ethics				149878
Committee, at the end of fiscal year 2025 to be reappropriated				149879

to fiscal year 2026. The amount certified is hereby 149880  
reappropriated to the same appropriation item for fiscal year 149881  
2026. 149882

On July 1, 2026, or as soon as possible thereafter, the 149883  
Legislative Inspector General of the Joint Legislative Ethics 149884  
Committee may certify to the Director of Budget and Management 149885  
an amount up to the unexpended, unencumbered balance of the 149886  
foregoing appropriation item 028321, Legislative Ethics 149887  
Committee, at the end of fiscal year 2026 to be reappropriated 149888  
to fiscal year 2027. The amount certified is hereby 149889  
reappropriated to the same appropriation item for fiscal year 149890  
2027. 149891

**Section 323.10.**

149892  
149893

	1	2	3	4	5
A	LSC LEGISLATIVE SERVICE COMMISSION				
B	General Revenue Fund				
C	GRF	035321	Operating Expenses	\$24,800,000	\$24,800,000
D	GRF	035402	Legislative Fellows	\$1,200,000	\$1,200,000
E	GRF	035405	Correctional Institution Inspection Committee	\$497,000	\$522,000
F	GRF	035407	Legislative Task Force on Redistricting	\$100,000	\$0
G	GRF	035409	National Associations	\$712,000	\$712,000
H	GRF	035410	Legislative Information	\$15,000,000	\$15,000,000

Systems

I	GRF 035501 Litigation	\$1,000,000	\$1,000,000
J	General Revenue Fund Total	\$43,309,000	\$43,234,000
K	TOTAL ALL BUDGET FUND GROUPS	\$43,309,000	\$43,234,000

**Section 323.20. OPERATING EXPENSES** 149894

On July 1, 2025, or as soon as possible thereafter, the 149895  
 Director of the Legislative Service Commission may certify to 149896  
 the Director of Budget and Management an amount up to the 149897  
 unexpended, unencumbered balance of the foregoing appropriation 149898  
 item 035321, Operating Expenses, at the end of fiscal year 2025 149899  
 to be reappropriated to fiscal year 2026. The amount certified 149900  
 is hereby reappropriated to the same appropriation item for 149901  
 fiscal year 2026. 149902

On July 1, 2026, or as soon as possible thereafter, the 149903  
 Director of the Legislative Service Commission may certify to 149904  
 the Director of Budget and Management an amount up to the 149905  
 unexpended, unencumbered balance of the foregoing appropriation 149906  
 item 035321, Operating Expenses, at the end of fiscal year 2026 149907  
 to be reappropriated to fiscal year 2027. The amount certified 149908  
 is hereby reappropriated to the same appropriation item for 149909  
 fiscal year 2027. 149910

**CORRECTIONAL INSTITUTION INSPECTION COMMITTEE** 149911

On July 1, 2025, or as soon as possible thereafter, the 149912  
 Director of the Legislative Service Commission may certify to 149913  
 the Director of Budget and Management an amount up to the 149914  
 unexpended, unencumbered balance of the foregoing appropriation 149915  
 item 035405, Correctional Institution Inspection Committee, at 149916

the end of fiscal year 2025 to be reappropriated to fiscal year 149917  
2026. The amount certified is hereby reappropriated to the same 149918  
appropriation item for fiscal year 2026. 149919

On July 1, 2026, or as soon as possible thereafter, the 149920  
Director of the Legislative Service Commission may certify to 149921  
the Director of Budget and Management an amount up to the 149922  
unexpended, unencumbered balance of the foregoing appropriation 149923  
item 035405, Correctional Institution Inspection Committee, at 149924  
the end of fiscal year 2026 to be reappropriated to fiscal year 149925  
2027. The amount certified is hereby reappropriated to the same 149926  
appropriation item for fiscal year 2027. 149927

LEGISLATIVE TASK FORCE ON REDISTRICTING 149928

An amount equal to the unexpended, unencumbered balance of 149929  
the foregoing appropriation item 035407, Legislative Task Force 149930  
on Redistricting, at the end of fiscal year 2025 is hereby 149931  
reappropriated to the Legislative Service Commission for the 149932  
same purpose for fiscal year 2026. 149933

An amount equal to the unexpended, unencumbered balance of 149934  
the foregoing appropriation item 035407, Legislative Task Force 149935  
on Redistricting, at the end of fiscal year 2026 is hereby 149936  
reappropriated to the Legislative Service Commission for the 149937  
same purpose for fiscal year 2027. 149938

LEGISLATIVE INFORMATION SYSTEMS 149939

On July 1, 2025, or as soon as possible thereafter, the 149940  
Director of the Legislative Service Commission may certify to 149941  
the Director of Budget and Management an amount up to the 149942  
unexpended, unencumbered balance of the foregoing appropriation 149943  
item 035410, Legislative Information Systems, at the end of 149944  
fiscal year 2025 to be reappropriated to fiscal year 2026. The 149945

amount certified is hereby reappropriated to the same 149946  
appropriation item for fiscal year 2026. 149947

On July 1, 2026, or as soon as possible thereafter, the 149948  
Director of the Legislative Service Commission may certify to 149949  
the Director of Budget and Management an amount up to the 149950  
unexpended, unencumbered balance of the foregoing appropriation 149951  
item 035410, Legislative Information Systems, at the end of 149952  
fiscal year 2026 to be reappropriated to fiscal year 2027. The 149953  
amount certified is hereby reappropriated to the same 149954  
appropriation item for fiscal year 2027. 149955

LITIGATION 149956

The foregoing appropriation item 035501, Litigation, shall 149957  
be used for any lawsuit in which the General Assembly, or either 149958  
house of the General Assembly, is made a party. The chairperson 149959  
and vice-chairperson of the Legislative Service Commission shall 149960  
both approve the use of the appropriated moneys. 149961

An amount equal to the unexpended, unencumbered balance of 149962  
the foregoing appropriation item 035501, Litigation, at the end 149963  
of fiscal year 2025 is hereby reappropriated to the Legislative 149964  
Service Commission for the same purpose for fiscal year 2026. 149965

An amount equal to the unexpended, unencumbered balance of 149966  
the foregoing appropriation item 035501, Litigation, at the end 149967  
of fiscal year 2026 is hereby reappropriated to the Legislative 149968  
Service Commission for the same purpose for fiscal year 2027. 149969

**Section 325.10.** 149970  
149971

1 2 3 4 5

B	Dedicated Purpose Fund Group				
C	4590	350603	Services for Libraries	\$6,748,455	\$6,783,244
D	4S40	350604	Ohio Public Library Information Network	\$5,567,715	\$5,587,432
E	5CW1	350608	Ohioana Library Association	\$310,516	\$310,516
F	5CX1	350609	Regional Library Systems	\$494,000	\$494,000
G	5CZ1	350607	Operating Expenses	\$4,527,036	\$4,527,474
H	5GB0	350605	Library for the Blind	\$1,274,194	\$1,274,194
I	Dedicated Purpose Fund Group Total			\$18,921,916	\$18,976,860
J	Internal Service Activity Fund Group				
K	1390	350602	Services for State Agencies	\$8,000	\$8,000
L	Internal Service Activity Fund Group Total			\$8,000	\$8,000
M	Federal Fund Group				
N	3130	350601	LSTA Federal	\$5,554,767	\$5,609,015
O	Federal Fund Group Total			\$5,554,767	\$5,609,015
P	TOTAL ALL BUDGET FUND GROUPS			\$24,484,683	\$24,593,875

Of the foregoing appropriation item 350608, Ohioana Library Association, \$191,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 149973  
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The remainder of the foregoing appropriation item 350608, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 149978  
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REGIONAL LIBRARY SYSTEMS 149982

The foregoing appropriation item 350609, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 149983  
149984  
149985  
149986

OHIO PUBLIC LIBRARY INFORMATION NETWORK 149987

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 149988  
149989  
149990  
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The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 149993  
149994  
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(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the 149997  
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150001

Speaker and Minority Leader of the House of Representatives, and 150002  
the President and Minority Leader of the Senate on any steps 150003  
being taken by OPLIN and public libraries in the state to limit 150004  
and control such improper usage as well as information on 150005  
technological, legal, and law enforcement trends nationally and 150006  
internationally affecting this area of public access and 150007  
service. 150008

(C) The Ohio Public Library Information Network, INFOhio, 150009  
and OhioLINK shall, to the extent feasible, coordinate and 150010  
cooperate in their purchase or other acquisition of the use of 150011  
electronic databases for their respective users and shall 150012  
contribute funds in an equitable manner to such effort. 150013

LIBRARY FOR THE BLIND 150014

The foregoing appropriation item 350605, Library for the 150015  
Blind, shall be used for the statewide Talking Book Program to 150016  
assist the blind and disabled. 150017

TRANSFER TO OPLIN TECHNOLOGY FUND 150018

Notwithstanding sections 5747.03 and 5747.47 of the 150019  
Revised Code and any other provision of law to the contrary, in 150020  
accordance with a schedule established by the Director of Budget 150021  
and Management, the Director of Budget and Management shall 150022  
transfer \$3,689,788 cash in each fiscal year from the Public 150023  
Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 150024  
4S40). 150025

TRANSFER TO LIBRARY FOR THE BLIND FUND 150026

Notwithstanding sections 5747.03 and 5747.47 of the 150027  
Revised Code and any other provision of law to the contrary, in 150028  
accordance with a schedule established by the Director of Budget 150029  
and Management, the Director of Budget and Management shall 150030

transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 150031  
150032  
150033

TRANSFER TO STATE LIBRARY OPERATING EXPENSES FUND 150034

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$4,527,036 cash in fiscal year 2026 and \$4,527,474 cash in fiscal year 2027 from the Public Library Fund (Fund 7065) to the State Library Operating Expenses Fund (Fund 5CZ1), which is hereby created in the state treasury. 150035  
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150040  
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TRANSFER TO THE OHIOANA LIBRARY ASSOCIATION FUND 150043

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$310,516 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Ohioana Library Association Fund (Fund 5CW1), which is hereby created in the state treasury. 150044  
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TRANSFER TO REGIONAL LIBRARY SYSTEMS FUND 150051

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$494,000 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Regional Library Systems Fund (Fund 5CX1), which is hereby created in the state treasury. 150052  
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**Section 327.10.** 150059

150060

	1	2	3	4	5
A					
B					
C	5LP0	970601	Commission Operating Expenses	\$1,177,114	\$1,241,735
D			Dedicated Purpose Fund Group Total	\$1,177,114	\$1,241,735
E			TOTAL ALL BUDGET FUND GROUPS	\$1,177,114	\$1,241,735

**Section 329.10.**

150061

150062

	1	2	3	4	5
A					
B					
C	7044	950321	Operating Expenses	\$70,000,000	\$71,000,000
D	7044	950402	Advertising Contracts	\$30,811,375	\$30,811,375
E	7044	950403	Gaming Contracts	\$123,355,327	\$128,639,066
F	7044	950601	Direct Prize Payments	\$183,030,000	\$183,282,000
G	7044	950605	Responsible Gambling	\$5,000,000	\$5,000,000
H	8710	950602	Annuity Prizes	\$35,637,000	\$34,737,000
I			State Lottery Fund Group Total	\$447,833,702	\$453,469,441

J TOTAL ALL BUDGET FUND GROUPS \$447,833,702 \$453,469,441

**Section 329.20. OPERATING EXPENSES** 150063

Notwithstanding sections 127.14 and 131.35 of the Revised 150064  
Code, the Controlling Board may, at the request of the State 150065  
Lottery Commission, authorize expenditures from the State 150066  
Lottery Fund in excess of the amount appropriated in each fiscal 150067  
year, up to a maximum of 10 per cent of the amount appropriated 150068  
that fiscal year in the foregoing appropriation item 950321, 150069  
Operating Expenses. Upon the approval of the Controlling Board, 150070  
the additional amounts are hereby appropriated. 150071

**DIRECT PRIZE PAYMENTS** 150072

Any amounts, in addition to the amounts appropriated in 150073  
appropriation item 950601, Direct Prize Payments, that the 150074  
Director of the State Lottery Commission determines to be 150075  
necessary to fund prizes are hereby appropriated. 150076

**ANNUITY PRIZES** 150077

Upon request of the State Lottery Commission, the Director 150078  
of Budget and Management may transfer cash from the State 150079  
Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 150080  
8710) in an amount sufficient to fund deferred prizes. The 150081  
Treasurer of State, from time to time, shall credit the Deferred 150082  
Prizes Trust Fund (Fund 8710) the pro rata share of interest 150083  
earned by the Treasurer of State on invested balances. 150084

Any amounts, in addition to the amounts appropriated in 150085  
appropriation item 950602, Annuity Prizes, that the Director of 150086  
the State Lottery Commission determines to be necessary to fund 150087  
deferred prizes and interest are hereby appropriated. 150088

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	150089
Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,465,138,202 in fiscal year 2026 and \$1,471,729,884 in fiscal year 2027. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.	150090 150091 150092 150093 150094 150095
<b>Section 333.10.</b>	150096 150097

	1	2	3	4	5
A	MCD DEPARTMENT OF MEDICAID				
B	General Revenue Fund				
C	GRF	651425	Medicaid Program Support - State	\$164,527,244	\$158,222,590
D	GRF	651525	Medicaid Health Care Services - Total	\$19,965,971,019	\$20,803,854,551
E			Medicaid Health Care Services - State	\$5,548,774,202	\$5,727,316,637
F			Medicaid Health Care Services - Federal	\$14,417,196,817	\$15,076,537,914
G	GRF	651526	Medicare Part D	\$745,500,073	\$829,099,684
H	General Revenue Fund Total			\$20,875,998,336	\$21,791,176,825
I	Dedicated Purpose Fund Group				

J	4E30	651605	Resident Protection Fund	\$7,000,000	\$7,000,000
K	5AN0	651686	State Directed Payment Program	\$233,410,621	\$233,212,717
L	5DL0	651639	Medicaid Services - Recoveries	\$938,907,575	\$896,537,969
M	5DL0	651685	Medicaid Recoveries - Program Support	\$89,560,719	\$91,388,371
N	5DL0	651690	Multi-system Youth Custody Relinquishment	\$20,000,000	\$20,000,000
O	5FX0	651638	Medicaid Services - Payment Withholding	\$12,000,000	\$12,000,000
P	5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20	651608	Medicaid Services-Long Term	\$451,000,000	\$451,000,000
R	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
S	6510	651649	Medicaid Services- Hospital Care Assurance Program	\$320,543,800	\$168,455,600
T	Dedicated Purpose Fund Group Total			\$5,584,510,582	\$5,778,648,583
U	Holding Account Fund Group				
V	R055	651644	Refunds and	\$14,001,665	\$14,001,665



for mental health services that promote or affirm social gender 150108  
transition, in which an individual goes from identifying with 150109  
and living as a gender that corresponds to the individual's 150110  
biological sex to identifying with and living as a gender 150111  
different from the individual's biological sex. 150112

**Section 333.15. MEDICAID IN SCHOOLS PROGRAM** 150113

Of the foregoing appropriation items 651425, Medicaid 150114  
Program Support - State, and 651624, Medicaid Program Support - 150115  
Federal, \$349,925 in each line item in fiscal year 2026 and 150116  
\$358,362 in each line item in fiscal year 2027 shall be used by 150117  
the Department of Medicaid to support the Medicaid in Schools 150118  
Program. 150119

**Section 333.30. LODGING FOR FAMILIES** 150120

Of the foregoing appropriation item 651525, Medicaid 150121  
Health Care Services, \$2,500,000 in each fiscal year shall be 150122  
used by the Medicaid Director to work with the Centers for 150123  
Medicare and Medicaid Services to continue lodging as an 150124  
administrative service affiliated with Ohio children's hospitals 150125  
available for families with children who have special health 150126  
care needs. 150127

**Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT** 150128

Upon the request of the Medicaid Director, the Director of 150129  
Budget and Management may transfer up to \$2,200,000 150130  
appropriation in fiscal year 2026 and \$4,400,000 appropriation 150131  
in fiscal year 2027 from appropriation item 651525, Medicaid 150132  
Health Care Services, to appropriation items in the Department 150133  
of Developmental Disabilities. This funding shall be used to 150134  
support an increase in the personal needs allowance for 150135  
individuals residing in an intermediate care facility for 150136

individuals with intellectual disabilities. The Medicaid 150137  
Director may transfer federal funds as the state's single state 150138  
agency for Medicaid reimbursements, as drawn for these 150139  
transactions. Any amounts transferred are hereby appropriated. 150140

**Section 333.50. MEDICARE PART D** 150141

The foregoing appropriation item 651526, Medicare Part D, 150142  
may be used by the Department of Medicaid for the implementation 150143  
and operation of the Medicare Part D requirements contained in 150144  
the "Medicare Prescription Drug, Improvement, and Modernization 150145  
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 150146  
of the Medicaid Director, the Director of Budget and Management 150147  
may transfer the state share of appropriations between 150148  
appropriation item 651525, Medicaid Health Care Services, and 150149  
appropriation item 651526, Medicare Part D. If the state share 150150  
of appropriation item 651525, Medicaid Health Care Services, is 150151  
adjusted, the Director of Budget and Management shall adjust the 150152  
federal share accordingly. The Department of Medicaid shall 150153  
provide notification to the Controlling Board of any transfers 150154  
at the next scheduled Controlling Board meeting. 150155

**Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 150156**  
**COSTS** 150157

Upon the request of the Medicaid Director, the Director of 150158  
Budget and Management may transfer state share appropriations in 150159  
each fiscal year between appropriation item 651525, Medicaid 150160  
Health Care Services, within the Department of Medicaid, and 150161  
655522, Medicaid Program Support - Local, within the Department 150162  
of Job and Family Services. If such a transfer occurs, the 150163  
Director of Budget and Management shall adjust, using the 150164  
federal reimbursement rate, the federal share appropriations of 150165  
appropriation item 651525, Medicaid Health Care Services, within 150166

the Department of Medicaid, and appropriation item 655624, 150167  
Medicaid Program Support - Federal, within the Department of Job 150168  
and Family Services. Any increase in funding shall be provided 150169  
to county departments of job and family services and shall only 150170  
be used for costs related to processing cases for work 150171  
requirements for the expansion eligibility group that are 150172  
established under the medicaid waiver component required under 150173  
section 5166.37 of the Revised Code, and as prescribed by the 150174  
Medicaid Director. These funds shall not be used for existing 150175  
and ongoing operating expenses. The Medicaid Director shall 150176  
establish criteria for distributing these funds and for county 150177  
departments of job and family services to submit allowable 150178  
expenses. 150179

**Section 333.80. DEPOSITS TO THE HEALTH CARE/MEDICAID 150180**  
SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT 150181

Of the amount received by the Department of Medicaid 150182  
during fiscal year 2026 and fiscal year 2027 from the 150183  
intergovernmental transfers paid under any directed payment 150184  
program as authorized under 42 CFR 438.6(c), the Medicaid 150185  
Director shall deposit a portion of the payments into the state 150186  
treasury to the credit of the Health Care/Medicaid Support and 150187  
Recoveries Fund (Fund 5DL0). The Director of Budget and 150188  
Management may adjust appropriations in line item 651685, 150189  
Medicaid Recoveries - Program Support, along with the 150190  
corresponding federal share in line item 651624, Medicaid 150191  
Program Support - Federal, based on the amount of the deposits 150192  
to Fund 5DL0 made under this section. Any adjusted amounts are 150193  
hereby appropriated. 150194

**Section 333.85. DEPOSITS TO THE STATE DIRECTED PAYMENT 150195**  
PROGRAM FUND 150196

(A) Transfers made for the Hospital Directed Payment 150197  
Program or a state directed payment program authorized by the 150198  
Joint Medicaid Oversight Committee under section 5162.25 of the 150199  
Revised Code shall be deposited into the State Directed Payment 150200  
Program Fund (Fund 5AN0). The state share of the program shall 150201  
be derived from deposits attributable to the intergovernmental 150202  
transfers received for the Hospital Directed Payment Program, 150203  
and the corresponding federal share in appropriation item 150204  
651623, Medicaid Services - Federal, shall be used for the 150205  
Hospital Directed Payment Program. Except for deposits under 150206  
Section 333.80 of this act, the Director of Budget and 150207  
Management may transfer any remaining cash in Fund 5DL0 at the 150208  
end of the fiscal year 2025 attributable to the Hospital 150209  
Directed Payment Program to Fund 5AN0 to the credit of the 150210  
Hospital Directed Payment Program. 150211

(B) If the Medicaid Director determines additional amounts 150212  
are needed to support any authorized State Directed Payment 150213  
Programs, the Director may certify the amount to the Director of 150214  
Budget and Management. The Director of Budget and Management 150215  
shall increase appropriation item 651686, State Directed Payment 150216  
Program, subject to division (C) of this section, as well as 150217  
adjusting corresponding federal share in appropriation item 150218  
651623, Medicaid Services - Federal. Any adjusted amounts are 150219  
hereby appropriated. 150220

(C) During fiscal year 2026, the Director of Budget and 150221  
Management shall not increase appropriations in appropriation 150222  
item 651686, State Directed Payment Program, beyond 150223  
\$300,000,000, unless such increases are approved by the 150224  
Controlling Board. 150225

During fiscal year 2027, the Director of Budget and 150226

Management shall not increase appropriations in appropriation 150227  
item 651686, State Directed Payment Program, beyond 150228  
\$850,000,000, unless such increases are approved by the 150229  
Controlling Board. 150230

(D) The Medicaid Director shall terminate the Hospital 150231  
Directed Payment Program if funds deposited are insufficient to 150232  
operate the program. 150233

**Section 333.90. DEPOSITS TO THE HEALTH CARE/MEDICAID 150234**  
SUPPORT AND RECOVERIES FUND 150235

Of the amount received by the Department of Medicaid 150236  
during fiscal year 2026 and fiscal year 2027 from the first 150237  
installment of assessments paid under section 5168.06 of the 150238  
Revised Code and intergovernmental transfers made under section 150239  
5168.07 of the Revised Code, the Medicaid Director shall deposit 150240  
\$2,500,000 cash in each fiscal year into the state treasury to 150241  
the credit of the Health Care/Medicaid Support and Recoveries 150242  
Fund (Fund 5DL0). 150243

**Section 333.100. CASH TRANSFERS FROM THE HEALTH 150244**  
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 150245  
HEALTH CARE FUND 150246

Upon the request of the Medicaid Director, the Director of 150247  
Budget and Management may transfer up to \$2,200,000 cash in each 150248  
fiscal year from the Health Care/Medicaid Support and Recoveries 150249  
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 150250  
used by the Department of Behavioral Health. Any transferred 150251  
funds shall be used to support Centers of Excellence and related 150252  
activities. Any transferred amounts are hereby appropriated. 150253

**Section 333.110. HOSPITAL FRANCHISE FEE PROGRAM 150254**

The Director of Budget and Management may authorize 150255

additional expenditures from appropriation item 651623, Medicaid 150256  
Services - Federal, appropriation item 651525, Medicaid Health 150257  
Care Services, and appropriation item 651656, Medicaid Services 150258  
- Hospital Franchise Fee, in order to implement the programs 150259  
authorized by sections 5168.20 through 5168.28 of the Revised 150260  
Code. Any amounts authorized are hereby appropriated. 150261

**Section 333.120. HEALTH INSURING CORPORATION CLASS 150262**  
FRANCHISE FEE 150263

If receipts credited to the Health Insuring Corporation 150264  
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 150265  
appropriated from the fund, the Medicaid Director may request 150266  
the Director of Budget and Management to authorize expenditures 150267  
from the fund in excess of the amounts appropriated. If any 150268  
additional amounts are authorized, the Director of Budget and 150269  
Management shall adjust, using the federal reimbursement rate, 150270  
the federal appropriation item identified by the Medicaid 150271  
Director accordingly. Any authorized amounts and any 150272  
corresponding federal adjustments are hereby appropriated. 150273

**Section 333.130. HOSPITAL CARE ASSURANCE MATCH 150274**

If receipts credited to the Health Care Federal Fund (Fund 150275  
3F00) exceed the amounts appropriated from the fund for making 150276  
the hospital care assurance program distribution, the Medicaid 150277  
Director may request the Director of Budget and Management to 150278  
authorize expenditures from the fund in excess of the amounts 150279  
appropriated. Upon the approval of the Director of Budget and 150280  
Management, the additional amounts are hereby appropriated. 150281

The foregoing appropriation item 651649, Medicaid Services 150282  
- Health Care Assurance Program, shall be used by the Department 150283  
of Medicaid for distributing the state share of all hospital 150284

care assurance program funds to hospitals under section 5168.09 150285  
of the Revised Code. If receipts credited to the Hospital Care 150286  
Assurance Program Fund (Fund 6510) exceed the amounts 150287  
appropriated from the fund for making the hospital care 150288  
assurance program distribution, the Medicaid Director may 150289  
request the Director of Budget and Management to authorize 150290  
expenditures from the fund in excess of the amounts 150291  
appropriated. Upon the approval of the Director of Budget and 150292  
Management, the additional amounts are hereby appropriated. 150293

**Section 333.140. HOSPITAL ADDITIONAL PAYMENTS PROGRAM** 150294

The Hospital Additional Payment Program is created. The 150295  
program shall be a state directed payment program for inpatient 150296  
and outpatient hospital services provided to Medicaid care 150297  
management system enrollees receiving care at in-state 150298  
hospitals. Participating hospitals or hospital industry 150299  
representatives shall work collaboratively with the Department 150300  
of Medicaid to establish quality improvement initiatives that 150301  
are approved by the Medicaid Director and that align with and 150302  
advance the goals of the Department of Medicaid's quality 150303  
strategy required under 42. C.F.R. 438.340. Participating 150304  
hospitals shall receive payments directly for services provided 150305  
under the program. 150306

The non-federal share of services under the program shall 150307  
be funded through the hospital franchise fee. Hospital franchise 150308  
fees made for this program shall be deposited into the Medicaid 150309  
Hospital Fund (Fund 5GF0). The state share of this program shall 150310  
be derived from deposits attributable to the incremental 150311  
franchise fee for the program, and the corresponding federal 150312  
share in appropriation item 651623, Medicaid Services - Federal, 150313  
shall be used for the HAP Program. The Medicaid Director shall 150314

seek approval from the Centers for Medicare and Medicaid 150315  
Services for the program in accordance with section 5162.07 of 150316  
the Revised Code. 150317

**Section 333.150. REFUNDS AND RECONCILIATION FUND 150318**

If estimated receipts to the Refunds and Reconciliation 150319  
Fund (Fund R055) exceed the amounts appropriated from the fund, 150320  
the Medicaid Director may request the Director of Budget and 150321  
Management to authorize expenditures from the fund in excess of 150322  
the amounts appropriated. Upon approval of the Director of 150323  
Budget and Management, the additional amounts are hereby 150324  
appropriated. 150325

**Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION 150326**

In order to ensure access to a non-emergency medical 150327  
transportation brokerage program established pursuant to section 150328  
1902(a) (70) of the "Social Security Act," 42 U.S.C. 1396a(a) 150329  
(70), upon the request of the Medicaid Director, the Director of 150330  
Budget and Management may transfer the state share 150331  
appropriations between General Revenue Fund appropriation item 150332  
651525, Medicaid Health Care Services, within the Department of 150333  
Medicaid and 655523, Medicaid Program Support - Local 150334  
Transportation, within the Department of Job and Family 150335  
Services. If such a transfer occurs, the Director of Budget and 150336  
Management shall adjust, using the federal reimbursement rate, 150337  
the federal share appropriations of appropriation item 651525, 150338  
Medicaid Health Care Services, within the Department of 150339  
Medicaid, and appropriation item 655624, Medicaid Program 150340  
Support - Federal, within the Department of Job and Family 150341  
Services. The Medicaid Director may transfer federal funds as 150342  
the state's single state agency for Medicaid reimbursements, as 150343  
drawn for these transactions. Any amounts transferred are hereby 150344

appropriated.	150345
<b>Section 333.200.</b> PUBLIC ASSISTANCE FOR ELIGIBILITY	150346
REDETERMINATIONS	150347
Up to \$5,000,000 in each fiscal year of funds within	150348
appropriation item 655522, Medicaid Program Support - Local, may	150349
be distributed based on performance criteria established by the	150350
Ohio Department of Medicaid. Performance based amounts and	150351
criteria, and criteria for transfer approval may include but are	150352
not limited to timeliness and accuracy of application and	150353
renewal processing.	150354
<b>Section 333.210.</b> CASH TRANSFERS FROM FRANCHISE PERMIT FEE	150355
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING	150356
Upon the request of the Medicaid Director, the Director of	150357
Budget and Management may transfer up to \$5,000,000 cash in each	150358
fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20)	150359
to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used	150360
by the Department of Health. Also, upon the request of the	150361
Medicaid Director, the Director of Budget and Management may	150362
transfer up to \$9,300,000 cash in each fiscal year from the	150363
Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman	150364
Support Fund (Fund 5BA0), used by the Department of Aging. All	150365
transferred funds shall be utilized in accordance with section	150366
5168.54 of the Revised Code. At the end of each fiscal year, the	150367
Department of Health and the Department of Aging shall report on	150368
spending activities to the Office of Budget and Management.	150369
<b>Section 333.230.</b> MEDICAID INTERAGENCY PASS-THROUGH	150370
The Medicaid Director may request the Director of Budget	150371
and Management to increase appropriation item 651655, Medicaid	150372
Interagency Pass-Through. Upon the approval of the Director of	150373

Budget and Management, the additional amounts are hereby 150374  
appropriated. 150375

**Section 333.240. MEDICAID SERVICES RECOVERIES** 150376

The Medicaid Director may request the Director of Budget 150377  
and Management to increase appropriation item 651639, Medicaid 150378  
Services Recoveries. Upon the approval of the Director of Budget 150379  
and Management, the additional amounts are hereby appropriated. 150380

**Section 333.250. MYCARE OHIO EXPANSION** 150381

(A) As required by H.B. 33 of the 135th General Assembly, 150382  
the Medicaid Director shall continue, during fiscal years 2026 150383  
and 2027, to expand the Integrated Care Delivery System, as that 150384  
phrase is defined in section 5164.01 of the Revised Code, or if 150385  
the Director terminates the Integrated Care Delivery System, the 150386  
successor program developed by the Director and approved by the 150387  
United States Centers for Medicare and Medicaid Services, to all 150388  
counties of this state. 150389

(B) The entities selected for the expanded Integrated Care 150390  
Delivery System shall be selected by the Department. 150391

(C) The Department shall establish requirements for care 150392  
management and coordination of waiver services in the expanded 150393  
Integrated Care Delivery System, subject to all of the 150394  
following: 150395

(1) The entities selected pursuant to division (B) of this 150396  
section shall employ the applicable area agency on aging to be 150397  
coordinators of home and community-based services available 150398  
under a Medicaid waiver component available for eligible 150399  
individuals over the age of fifty-nine; 150400

(2) The entities may delegate to the applicable area 150401

agency on aging full care coordination function for home and 150402  
community-based services and other health care services received 150403  
by those eligible individuals; 150404

(3) Individuals enrolled in an entity's plan or plans may 150405  
choose the entity or its designee as the care coordinator as an 150406  
alternative to the area agency on aging; 150407

(4) The Department may specify an alternative approach to 150408  
care management and coordination of waiver services if the 150409  
performance of the area agency on aging does not meet the 150410  
requirements of the Integrated Care Delivery System or if the 150411  
Department determines that the needs of a defined group of 150412  
individuals requires an alternative approach. 150413

**Section 333.260. INCREASING CHILDREN'S ACCESS TO VISION 150414**  
**AND DENTAL SERVICES 150415**

Upon the request of the Medicaid Director, the Director of 150416  
Budget and Management may transfer up to \$4,660,000 in 150417  
appropriations in fiscal year 2026 and \$4,295,000 in 150418  
appropriations in fiscal year 2027 from appropriation item 150419  
651525, Medicaid Health Care Services, to appropriation items in 150420  
the Department of Health. This funding shall be used to support 150421  
public health programs or the provision of certain services, 150422  
including preventive care and other interventions, to improve 150423  
the health of low-income children. 150424

Of the transferred funds, up to \$2,660,000 in fiscal year 150425  
2026 and \$2,295,000 in fiscal year 2027 shall be used to 150426  
increase children's access to vision care, and up to \$2,000,000 150427  
in each fiscal year shall be used to increase children's access 150428  
to dental care. The Director of Medicaid may transfer federal 150429  
funds as the state's single state agency for Medicaid 150430

reimbursements, as drawn for these transactions. Any transferred 150431  
amounts are hereby appropriated. 150432

**Section 333.263.** MEDICAID ADD-ON PAYMENT FOR NURSING 150433  
FACILITY DIALYSIS SERVICES 150434

For fiscal year 2026 and fiscal year 2027, the Department 150435  
of Medicaid shall pay a rate add-on of one hundred ten dollars 150436  
per treatment for dialysis services provided in a nursing 150437  
facility, as defined in section 5165.01 of the Revised Code, to 150438  
a resident enrolled in the Medicaid program. 150439

**Section 333.270.** HCBS DIRECT CARE WORKER WAGES 150440

The Department of Medicaid, jointly, with the Department 150441  
of Aging and the Department of Developmental Disabilities, shall 150442  
collect data from providers regarding the wages paid to direct 150443  
care workers providing direct care services under the Medicaid 150444  
home and community-based waiver components administered by those 150445  
agencies. Not later than the last day in December of each fiscal 150446  
year of the biennium, the Department of Medicaid shall compile a 150447  
report and submit the report to the Governor, the President and 150448  
Minority Leader of the Senate, the Speaker and Minority Leader 150449  
of the House of Representatives, and the chairperson of the 150450  
standing committees handling Medicaid matters in both the House 150451  
of Representatives and the Senate. 150452

**Section 333.280.** GRADUAL IMPLEMENTATION OF PDPM TO 150453  
CALCULATE NURSING FACILITY DIRECT CARE RATES 150454

(A) For the period beginning July 1, 2025, and ending 150455  
December 31, 2025, the Department of Medicaid shall determine 150456  
each nursing facility's per medicaid day payment rate for direct 150457  
care costs by multiplying the cost per case-mix unit determined 150458  
under division (C) of section 5165.19 of the Revised Code for 150459

the facility's peer group by the following case-mix score: 150460

(1) If the facility's case-mix score during fiscal year 150461  
2025 is the case-mix score specified in division (A) (2) (b) of 150462  
section 5165.19 of the Revised Code, that case-mix score; 150463

(2) If the facility's case-mix score during fiscal year 150464  
2025 is the semiannual case-mix score determined for the 150465  
facility under division (A) (1) of section 5165.19 of the Revised 150466  
Code, the semiannual case-mix score determined under that 150467  
division for the semiannual period beginning July 1, 2025. 150468  
Beginning January 1, 2026, the increase or decrease in a nursing 150469  
facility's direct care rate shall be one-third of the difference 150470  
between the direct care rate on January 1, 2025, and the direct 150471  
care rate determined utilizing case mix scores calculated in 150472  
accordance with section 5165.192 of the Revised Code. 150473

In fiscal year 2027, the increase or decrease to a nursing 150474  
facility's direct care rate shall be two-thirds of the 150475  
difference between the direct care rate on January 1, 2025, and 150476  
the direct care rate determined utilizing case mix scores 150477  
calculated in accordance with section 5165.192 of the Revised 150478  
Code. Thereafter, a nursing facility's direct care rate shall be 150479  
determined utilizing case mix scores calculated in accordance 150480  
with section 5165.192 of the Revised Code. 150481

(B) Beginning October 1, 2025, quarterly during fiscal 150482  
year 2026 and fiscal year 2027, the Department of Medicaid shall 150483  
report to the General Assembly on the progress of its transition 150484  
to using the patient driven patient model to calculate nursing 150485  
facility per Medicaid day payment rates. The report shall cover 150486  
the progress during the previous quarter. The report shall be 150487  
submitted to the chairperson and the ranking member of the 150488  
standing committees in both the House of Representatives and in 150489

the Senate overseeing Medicaid matters.	150490
(C) The implementation of this section for nursing facility direct care costs and per Medicaid day payment rates is intended to be budget neutral during fiscal years 2026 and 2027 and to not increase nursing facility payment rates during the fiscal biennium.	150491 150492 150493 150494 150495
<b>Section 333.290. RURAL OHIO HOSPITAL TAX PILOT PROGRAM</b>	150496
(A) As used in this section:	150497
(1) "Critical access hospital" means a hospital located in a county that has a hospital tax assessment and is certified as a critical access hospital by the United States Centers for Medicare and Medicaid Services and designated as a critical access hospital by the department of health pursuant to section 3701.073 of the Revised Code.	150498 150499 150500 150501 150502 150503
(2) "Hospital tax assessment" means an assessment imposed under Section 333.300 of this act to fund the nonfederal share of the Rural Ohio Hospital Tax Pilot Program.	150504 150505 150506
(3) "Preprint" means a form created by the United States Centers for Medicare and Medicaid Services to request approval of a state directed payment program as required under 42 C.F.R. 438.6(c).	150507 150508 150509 150510
(4) "Rural hospital" means a hospital located in a county that has a hospital tax assessment and is not classified into core based statistical areas as designated in the inpatient prospective payment system case-mix and wage index table published by the United States Centers for Medicare and Medicaid Services. "Rural hospital" includes any hospital located in the following counties: Fayette, Greene, Highland, Hocking, Muskingum, Perry, Pike, Ross, Scioto, or Washington.	150511 150512 150513 150514 150515 150516 150517 150518

(B) The Rural Ohio Hospital Tax Pilot Program Fund (Fund 150519  
5CM1) is created. Investment earnings of the Rural Ohio Hospital 150520  
Tax Pilot Program Fund shall be credited to the fund. 150521

(C) The Medicaid Director may create a Rural Ohio Hospital 150522  
Tax Pilot Program for directed payments to rural Ohio hospitals, 150523  
and their related health systems, that meet the following 150524  
criteria: 150525

(1) The hospital is a rural hospital or a critical access 150526  
hospital. 150527

(2) The hospital is enrolled as a provider in the Medicaid 150528  
program. 150529

(D) The Rural Ohio Hospital Tax Pilot Program established 150530  
pursuant to this section shall comply with the requirements of 150531  
42 C.F.R. 438.6(c), including all of the following: 150532

(1) The program shall be approved by the United States 150533  
Centers for Medicare and Medicaid Services, and the Medicaid 150534  
Director shall seek approval for the program in accordance with 150535  
section 5162.07 of the Revised Code. 150536

(2) Directed payments under the program shall not exceed 150537  
the average commercial rate under a preprint as approved by the 150538  
United States Centers for Medicare and Medicaid Services. 150539

(3) The program shall be subject to an evaluation plan, in 150540  
accordance with 42 C.F.R. 438.6(c)(2)(ii)(D). 150541

(E) Hospital providers participating in the Rural Ohio 150542  
Hospital Tax Pilot Program shall do all of the following: 150543

(1) Enter into one or more contracts related to the 150544  
program as necessary, as determined by the Department of 150545  
Medicaid; 150546

(2) Comply with average commercial rate reporting 150547  
requirements established by the Department, related to the 150548  
requirements set forth in 42 C.F.R. 438.6(c) (2) (iii); 150549

(3) Comply with the Department's quality measure set, 150550  
including the metrics and targets set by the Department to 150551  
advance the goals and objectives in the Department's quality 150552  
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 150553  
C.F.R. 438.340; 150554

(4) Cooperate with any evaluation or reporting 150555  
requirements established by the Department related to the 150556  
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 150557

(F) Any hospital provider contracts required under 150558  
division (E) (1) of this section shall be executed not later than 150559  
the first day of October preceding the first fiscal year of a 150560  
biennium. A contract required under this section may be entered 150561  
into in accordance with section 5162.32 of the Revised Code. 150562

(G) All funds supporting the Rural Ohio Tax Pilot Program 150563  
shall comply with the requirements specified in 42 C.F.R. Part 150564  
433. No hospital provider may participate in the Rural Ohio 150565  
Hospital Tax Pilot Program unless sufficient tax funds are 150566  
assessed, collected, obligated, and appropriated. 150567

(H) The Director may terminate or decline to establish the 150568  
Rural Ohio Hospital Tax Pilot Program if federal or local tax 150569  
funding is not available or sufficient to sustain the program. 150570  
The Department shall not at any time be required to provide 150571  
funding for the Rural Ohio Hospital Tax Pilot Program. The 150572  
requirements of this section apply only as long as the United 150573  
States Centers for Medicare and Medicaid Services determines 150574  
that the assessment imposed under Section 333.300 of this act is 150575

a permissible health care-related tax pursuant to the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). If the Department is informed that the assessment is an impermissible health care related tax, the Department shall promptly refund to each hospital the amount of money currently in the Rural Ohio Hospital Tax Pilot Program Fund (Fund 5CM1) that has been paid by the hospital under Section 333.300 of this act, plus any investment earnings on that amount.

(I) The nonfederal share of the directed payments shall be funded exclusively by a hospital tax assessment pursuant to Section 333.300 of this act and must be remitted to the Department through intergovernmental transfer from a county or multi-county funding district, as specified in that section.

(J) Transfers made for the program shall be deposited into the Rural Ohio Hospital Tax Pilot Program Fund (Fund 5CM1). The state share of this program shall be derived from deposits attributable to the intergovernmental transfers received for the Rural Ohio Hospital Tax Pilot Program, and the corresponding federal share in appropriation item 651623, Medicaid Services - Federal, shall be used for the Rural Ohio Hospital Tax Pilot Program.

**Section 333.300. RURAL OHIO HOSPITAL PILOT PROGRAM ASSESSMENTS**

(A) (1) As used in this section, "county" means a county that contains a rural hospital or critical access hospital as defined in Section 333.290 of this act.

(2) For purposes of this section, one or more contiguous counties may create a multi-county funding district. Only counties with two or fewer rural hospitals may participate in a

multi-county funding district. The boundary of any multi-county 150605  
funding district shall be coextensive with the combined 150606  
boundaries of the counties contained in the multi-county funding 150607  
district. 150608

(B) In establishing a multi-county funding district, all 150609  
of the following apply: 150610

(1) A multi-county funding district is a governmental 150611  
entity. 150612

(2) The board of county commissioners of each county 150613  
within the boundaries of a proposed multi-county funding 150614  
district shall pass a resolution or ordinance establishing the 150615  
county's participation in the multi-county funding district and 150616  
appointing one county commissioner to serve on the district's 150617  
governing board. Upon the adoption of a resolution or ordinance 150618  
by each board of county commissioners, the multi-county funding 150619  
district is created. Following the creation of a multi-county 150620  
funding district, each resolution or ordinance required to 150621  
establish the district shall be amended before a new county may 150622  
join the district. 150623

(3) The governing board of a multi-county funding district 150624  
shall be comprised solely of the county commissioners appointed 150625  
by each county within the boundaries of the district. A county 150626  
may replace its appointment to the governing board by resolution 150627  
or ordinance. 150628

(4) The governing board of a multi-county funding district 150629  
shall delegate the operational and administrative burdens of the 150630  
districts to the counties that comprise the district. Within 150631  
sixty days of the establishment of a multi-county funding 150632  
district, the governing board shall designate at least one 150633

county to serve as the operational and administrative lead for 150634  
the district. The governing board may change this designation at 150635  
any time. 150636

(C) A county or multi-county funding district may 150637  
establish a local hospital assessment to provide the nonfederal 150638  
share for Medicaid payments under division (G) of Section 150639  
333.290 of this act. Any local assessment established under this 150640  
section shall comply with all of the requirements applicable to 150641  
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 150642  
C.F.R. 433.68. 150643

(1) Each county or multi-county funding district shall set 150644  
the annual rate of the local hospital assessment. 150645

(2) An assessment established under this section shall 150646  
apply uniformly to all non-public hospitals within the 150647  
jurisdiction of the county or multi-county funding district. A 150648  
county or multi-county funding district may apply the assessment 150649  
to public hospitals. 150650

(3) A county or multi-county funding district shall set 150651  
the rate of the assessment such that, in the aggregate, the 150652  
assessment will generate sufficient revenue to cover both of the 150653  
following: 150654

(a) The nonfederal share of Medicaid payments that benefit 150655  
hospitals in the county or multi-county funding district; 150656

(b) The administrative expenses of the county or multi- 150657  
county funding district in administering the local hospital 150658  
assessment, except that administrative expenses shall not exceed 150659  
one hundred fifty thousand dollars annually. 150660

(4) Implementation of an assessment established under this 150661  
section shall further the state's evolving quality goals, 150662

including improving mental health, substance abuse prevention, 150663  
 and advancing maternal health. 150664

(5) A county or multi-county funding district may impose 150665  
 penalties upon a hospital that is subject to an assessment that 150666  
 fails to pay the assessment in a timely manner. 150667

**Section 333.360.** GROUP VIII TRANSITION PLAN 150668

As used in this section, "expansion eligibility group" has 150669  
 the same meaning as in section 5163.01 of the Revised Code. 150670

If, during fiscal year 2026 or fiscal year 2027, the 150671  
 federal medical assistance percentage for the Medicaid expansion 150672  
 eligibility group is set below ninety percent, and individuals 150673  
 enrolled in Medicaid on the basis of being enrolled in the 150674  
 expansion eligibility group are no longer eligible to be 150675  
 enrolled in the Medicaid program in accordance with section 150676  
 5163.04 of the Revised Code, the Department of Medicaid shall 150677  
 implement a phased transition plan to assist those individuals 150678  
 by redirecting them to private insurance subsidies or charity 150679  
 care programs that provide medical assistance. 150680

**Section 335.10.** 150681

150682

	1	2	3	4	5
A	MED STATE MEDICAL BOARD				
B	Dedicated Purpose Fund Group				
C	5C60	883609	Operating Expenses	\$14,315,005	\$14,891,225
D	Dedicated Purpose Fund Group Total			\$14,315,005	\$14,891,225

E TOTAL ALL BUDGET FUND GROUPS \$14,315,005 \$14,891,225

**Section 337.10.**

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1 2 3 4 5

A MHA DEPARTMENT OF BEHAVIORAL HEALTH

B General Revenue Fund

C GRF 336321 Program Support and Operations \$56,671,000 \$56,671,000

D GRF 336402 Resident Trainees \$380,000 \$380,000

E GRF 336406 Prevention and Wellness \$5,500,000 \$5,500,000

F GRF 336407 Crisis Services and Stablization \$17,000,000 \$22,000,000

G GRF 336412 Hospital Services \$326,500,000 \$335,000,000

H GRF 336415 Mental Health Facilities Lease Rental Bond Payments \$27,500,000 \$24,200,000

I GRF 336421 Continuum of Care Services \$103,830,000 \$103,830,000

J GRF 336422 Criminal Justice Services \$28,500,000 \$28,500,000

K GRF 336425 Specialized Docket Support \$11,282,469 \$11,287,028

L	GRF	336504	Community Innovations	\$8,375,000	\$8,375,000
M	GRF	336510	Residential State Supplement	\$24,000,000	\$24,000,000
N	GRF	336516	Appalachian Children Coalition	\$2,500,000	\$2,500,000
O	GRF	336519	Community Projects	\$3,800,000	\$3,750,000
P	GRF	336522	9-8-8 Suicide Crisis	\$23,000,000	\$20,500,000
Q	GRF	652321	Medicaid Support	\$478,055	\$492,396
R	General Revenue Fund Total			\$639,316,524	\$646,985,424
S	Dedicated Purpose Fund Group				
T	4750	336623	Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
U	4850	336632	Mental Health Operating	\$19,000,000	\$24,200,000
V	5AU0	336615	Behavioral Health Care	\$11,000,000	\$11,000,000
W	5JL0	336629	Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
X	5T90	336641	Problem Gambling Services	\$3,200,000	\$3,200,000
Y	5TZ0	336669	State of Ohio Action Resiliency Network	\$7,500,000	\$0
Z	5VV0	336645	Transcranial Magnetic Stimulation Program	\$5,000,000	\$5,000,000

AA 6320 336616	Community Capital Replacement	\$350,000	\$350,000
AB 6890 336640	Education and Conferences	\$200,000	\$200,000
AC	Dedicated Purpose Fund Group Total	\$79,250,000	\$75,700,000
AD	Internal Service Activity Fund Group		
AE 1490 336609	Hospital Operating Expenses	\$16,000,000	\$16,000,000
AF 1490 336610	Operating Expenses	\$7,350,000	\$7,350,000
AG 1510 336601	Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AH 4P90 336604	Community Mental Health Projects	\$250,000	\$250,000
AI	Internal Service Activity Fund Group Total	\$148,537,150	\$170,103,708
AJ	Federal Fund Group		
AK 3240 336605	Medicaid/Medicare	\$18,000,000	\$18,000,000
AL 3A70 336612	Social Services Block Grant	\$8,500,000	\$8,500,000
AM 3A80 336613	Federal Grants	\$8,600,000	\$8,600,000
AN 3A90 336614	Mental Health Block Grant	\$52,000,000	\$46,000,000
AO 3B10 652636	Community Medicaid Legacy Support	\$1,600,000	\$1,600,000

AP 3G40 336618	Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AQ 3H80 336606	Demonstration Grants	\$16,000,000	\$16,000,000
AR 3HB1 336644	State Opioid Response	\$170,000,000	\$170,000,000
AS 3N80 336639	Administrative Reimbursement	\$1,000,000	\$1,000,000
AT	Federal Fund Group Total	\$362,700,000	\$355,700,000
AU	TOTAL ALL BUDGET FUND GROUPS	\$1,229,803,674	\$1,248,489,132

**Section 337.20. STATE BLOCK GRANTS** 150685

(A) As used in this section: 150686

(1) "Drug used in withdrawal management or detoxification" 150687  
means a drug approved by the United States Food and Drug 150688  
Administration for use in, or a drug in standard use for, 150689  
mitigating alcohol or opioid withdrawal symptoms or assisting 150690  
with detoxification. 150691

(2) "Jail" has the same meaning as in section 2929.01 of 150692  
the Revised Code. 150693

(3) "Medication-assisted treatment" has the same meaning 150694  
as in section 340.01 of the Revised Code. 150695

(4) "Medication-assisted treatment drug court program" 150696  
means a session of any of the following that holds initial or 150697  
final certification from the Supreme Court of Ohio as a 150698  
specialized docket program for drugs and that uses medication- 150699  
assisted treatment as part of its specialized docket program: a 150700  
common pleas court, municipal court, or county court, or a 150701

division of any of those courts. 150702

(5) "Alcohol and drug addiction services," "mental health 150703  
services," "recovery housing residence," and "recovery supports" 150704  
have the same meanings as in section 5119.01 of the Revised 150705  
Code. 150706

(B) In fiscal years 2026 and 2027, the Department of 150707  
Behavioral Health may allocate General Revenue Funds described 150708  
in this section, as well as any other General Revenue Funds and 150709  
Dedicated Purpose Funds determined by the Department, to boards 150710  
of alcohol, drug addiction, and mental health services through 150711  
state block grants. These state block grants shall serve to 150712  
provide flexibility within established allowable uses for the 150713  
boards to disburse funds to behavioral health providers to 150714  
provide harm reduction, prevention, substance use disorder 150715  
treatment, mental health treatment, recovery supports, and 150716  
crisis services in local communities. The Director of Behavioral 150717  
Health shall adopt guidelines on the eligible uses of these 150718  
block grants. 150719

(C) The Director of Behavioral Health shall create a 150720  
uniform reporting structure related to the expenditures, uses, 150721  
and outcomes of the state block grants described in this 150722  
section, including how expenditures, uses, and outcomes relate 150723  
to the community addiction and mental health plans that boards 150724  
of alcohol, drug addiction, and mental health services are 150725  
required to submit to the Department in accordance with section 150726  
340.03 of the Revised Code. The reporting structure shall ensure 150727  
that thorough and accurate data is reported with a focus on 150728  
transparency, accountability, process improvement, outcomes, and 150729  
return on investment. Data points to be collected include, but 150730  
are not limited to: 150731

(1) The type of service provided and number of individuals served;	150732 150733
(2) The amount spent for each state block grant broken down by primary, secondary, tertiary, and targeted expenditures;	150734 150735
(3) Data regarding provider determination and monitoring activities;	150736 150737
(4) Key performance indicators and outcomes achieved.	150738
This data shall be made available in accordance with state of Ohio data governance best practices and federal and state security and privacy laws, regulations, and standards.	150739 150740 150741
(D) The Department of Behavioral Health shall disburse the state block grant funds to boards of alcohol, drug addiction, and mental health services in accordance with distribution methodologies determined by the Director of Behavioral Health. In determining the methodologies, the Director shall consider, at a minimum, all of the following factors: population indicators, poverty rates, health workforce shortage statistics, relevant emerging behavioral health trends, and the amounts of fiscal year 2025 awards made to each board of alcohol, drug addiction, and mental health services for related programs that are eligible uses of the state block grant funds.	150742 150743 150744 150745 150746 150747 150748 150749 150750 150751 150752
(E) A portion of the foregoing appropriation item 336406, Prevention and Wellness, shall be used to create a Prevention State Block Grant that boards of alcohol, drug addiction, and mental health services shall use to fund the provision of evidence-based or evidence-informed early intervention, suicide prevention, and other prevention services.	150753 150754 150755 150756 150757 150758
The Director of Behavioral Health shall establish allowable uses for the Prevention State Block Grant that	150759 150760

include, but are not limited to, all of the following:	150761
(1) Prevention across the lifespan;	150762
(2) Suicide prevention across the lifespan;	150763
(3) Early intervention;	150764
(4) Cross-system collaborative effort to address prevention needs in the community.	150765 150766
(F) A portion of the foregoing appropriation item 336407, Crisis Services and Stabilization, shall be used to create a Crisis Services State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund the provision of crisis services and supports.	150767 150768 150769 150770 150771
The Director of Behavioral Health shall establish allowable uses for the Crisis Services State Block Grant that include, but are not limited to, all of the following:	150772 150773 150774
(1) Substance use and mental health crisis stabilization centers;	150775 150776
(2) Crisis stabilization and crisis prevention services and supports;	150777 150778
(3) Cross-systems collaborative efforts to address crisis services needs in the community.	150779 150780
(G) A portion of the foregoing appropriation item 336421, Continuum of Care Services, shall be used to create a Mental Health State Block Grant that shall be used by boards of alcohol, drug addiction, and mental health services to fund the provision of mental health services and recovery supports.	150781 150782 150783 150784 150785
The Director of Behavioral Health shall establish allowable uses for the Mental Health State Block Grant that	150786 150787

include, but are not limited to, all of the following: 150788

(1) Mental health services, including the treatment of 150789  
indigent mentally ill persons subject to court order in 150790  
hospitals or inpatient units licensed by the Department of 150791  
Behavioral Health under section 5119.33 of the Revised Code; 150792

(2) Cross-system collaborative efforts to serve adults 150793  
with serious mental illness who are involved in multiple human 150794  
services or criminal justice systems; 150795

(3) Other initiatives designed to address mental health 150796  
needs. 150797

(H) A portion of the foregoing appropriation item 336421, 150798  
Continuum of Care Services, shall be used to create a Substance 150799  
Use Disorder State Block Grant that shall be used by boards of 150800  
alcohol, drug addiction, and mental health services to fund the 150801  
provision of alcohol and drug addiction services and recovery 150802  
supports. 150803

The Director of Behavioral Health shall establish 150804  
allowable uses for the Substance Use Disorder State Block Grant 150805  
that include, but are not limited to, all of the following: 150806

(1) Initiatives concerning alcohol and drug addiction 150807  
services; 150808

(2) Substance use stabilization centers; 150809

(3) Cross-system collaborative efforts to address 150810  
substance use disorder needs in the community. 150811

(I) A portion of the foregoing appropriation item 336421, 150812  
Continuum of Care Services, shall be used to create a Recovery 150813  
Supports State Block Grant that shall be used by boards of 150814  
alcohol, drug addiction, and mental health services to fund the 150815

provision of recovery supports. 150816

The Director of Behavioral Health shall establish 150817  
allowable uses for the Recovery Supports State Block Grant that 150818  
include, but are not limited to, all of the following: 150819

(1) Subsidized support for psychotropic and substance use 150820  
disorder treatment medication needs of indigent citizens in the 150821  
community to reduce unnecessary hospitalization due to lack of 150822  
medication; 150823

(2) Peer support; 150824

(3) Operational expenses and minor facility improvements 150825  
to class two and class three residential facilities licensed 150826  
under section 5119.34 of the Revised Code and recovery housing 150827  
residences; 150828

(4) Community reintegration supports; 150829

(5) Cross-system collaborative efforts to address recovery 150830  
support needs in the community. 150831

(J) A portion of the foregoing appropriation item 336422, 150832  
Criminal Justice Services, shall be used to create a Criminal 150833  
Justice State Block Grant that shall be used by boards of 150834  
alcohol, drug addiction, and mental health services to fund the 150835  
provision of services and supports to incarcerated individuals 150836  
and individuals being discharged from prisons and jails. 150837

The Director of Behavioral Health shall establish 150838  
allowable uses for the Criminal Justice State Block Grant that 150839  
include, but are not limited to, all of the following: 150840

(1) Medication-assisted treatment and treatment involving 150841  
drugs used in withdrawal management or detoxification; 150842

(2) Community reintegration supports;	150843
(3) Substance use disorder treatment and mental health treatment, including the provision of such treatment as an alternative to incarceration, as well as recovery supports;	150844 150845 150846
(4) Forensic monitoring and tracking of individuals on conditional release;	150847 150848
(5) Forensic and crisis response training;	150849
(6) Projects that assist courts and law enforcement in identifying and developing appropriate alternative services to incarceration for nonviolent offenders with mental illness;	150850 150851 150852
(7) The provision of services to incarcerated individuals in jails with a substance use disorder, severe mental illness, or both, including screening and clinically appropriate treatment;	150853 150854 150855 150856
(8) Linkages to, and the provision of, substance use disorder treatment, mental health treatment, recovery supports, and specialized re-entry services for incarcerated individuals leaving prisons and jails;	150857 150858 150859 150860
(9) The support of specialized dockets, including the expansion of existing medication-assisted treatment drug court programs, the creation of new medication-assisted treatment drug court programs, and assistance with the administrative expenses of participating courts, community addiction services providers, and community mental health services providers;	150861 150862 150863 150864 150865 150866
(10) Cross-system collaborative efforts to address the needs of individuals involved in the criminal justice system.	150867 150868
<b>Section 337.30. PREVENTION AND WELLNESS</b>	150869

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows: 150870  
150871

(A) Up to \$3,000,000 in each fiscal year shall be allocated to boards of alcohol, drug addiction, and mental health services through the Prevention State Block Grant established in division (E) of Section 337.20 of this act. 150872  
150873  
150874  
150875

(B) Up to \$2,500,000 in each fiscal year shall be used to support suicide prevention efforts. 150876  
150877

**Section 337.50. HOSPITAL SERVICES** 150878

The foregoing appropriation item 336412, Hospital Services, may be used for any of the following purposes: 150879  
150880

(A) Supporting all operations related to the hospitals established, controlled, or supervised by the Department of Behavioral Health under Chapter 5119. of the Revised Code; 150881  
150882  
150883

(B) Supporting physical environments that are designed for patients to receive assessment, evaluation, and stabilization interventions within general hospitals; 150884  
150885  
150886

(C) Providing jails and associated health care providers with access to telehealth consultations with psychiatric specialists, such as psychiatrists and psychiatric nurse practitioners. 150887  
150888  
150889  
150890

**Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS** 150891  
150892

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Behavioral Health pursuant to leases and agreements made under section 154.20 of the Revised Code. 150893  
150894  
150895  
150896  
150897

These appropriations are the source of funds pledged for bond 150898  
service charges on obligations issued pursuant to Chapter 154. 150899  
of the Revised Code. 150900

**Section 337.70. CONTINUUM OF CARE SERVICES** 150901

The foregoing appropriation item 336421, Continuum of Care 150902  
Services, shall be used as follows: 150903

(A) Up to \$69,500,000 in each fiscal year shall be 150904  
allocated to boards of alcohol, drug addiction, and mental 150905  
health services through the Mental Health State Block Grant 150906  
established in division (G) of Section 337.20 of this act; 150907

(B) Up to \$9,500,000 in each fiscal year shall be 150908  
allocated to boards of alcohol, drug addiction, and mental 150909  
health services through the Substance Use Disorder State Block 150910  
Grant established in division (H) of Section 337.20 of this act; 150911

(C) Up to \$19,500,000 in each fiscal year shall be 150912  
allocated to boards of alcohol, drug addiction, and mental 150913  
health services through the Recovery Supports State Block Grant 150914  
established in division (I) of Section 337.20 of this act; 150915

(D) Up to \$4,000,000 in each fiscal year shall be used to 150916  
expand statewide access to rapid mobile response and 150917  
stabilization services provided to youth experiencing an 150918  
emotional or behavioral health crisis and their families; 150919

(E) Up to \$455,000 in each fiscal year shall be used to 150920  
implement sections 5119.39 to 5119.397 of the Revised Code; 150921

(F) Up to \$400,000 in each fiscal year shall be used to 150922  
provide funding for community projects across the state that 150923  
focus on support for families, assisting families in avoiding 150924  
crisis, and crisis intervention; 150925

(G) \$225,000 in each fiscal year shall be allocated to 150926  
LifeTown Columbus to provide additional support for facility 150927  
renovations and operations, including professional development, 150928  
curriculum development, education materials, equipment, 150929  
marketing, and recruitment; and 150930

(H) \$250,000 in each fiscal year shall be allocated to 150931  
Flying Horse Farms. 150932

**Section 337.80. CRIMINAL JUSTICE SERVICES** 150933

(A) Of the foregoing appropriation item 336422, Criminal 150934  
Justice Services, up to \$5,115,483 in fiscal year 2026 and 150935  
\$5,077,378 in fiscal year 2027 shall be allocated to boards of 150936  
alcohol, drug addiction, and mental health services through the 150937  
Criminal Justice State Block Grant established in division (J) 150938  
of Section 337.20 of this act. 150939

(B) Of the foregoing appropriation item 336422, Criminal 150940  
Justice Services, up to \$6,500,000 in each fiscal year shall be 150941  
allocated to the Behavioral Health Drug Reimbursement Program 150942  
established in section 5119.19 of the Revised Code. 150943

(C) Of the foregoing appropriation item 336422, Criminal 150944  
Justice Services, \$1,250,000 in each fiscal year shall be used 150945  
to support the Addiction Treatment Program. 150946

(D) The remainder of appropriation item 336422, Criminal 150947  
Justice Services, shall be used for all of the following: 150948

(1) The provision of forensic psychiatric evaluations to 150949  
courts of common pleas; 150950

(2) The completion of evaluations of patients of forensic 150951  
status in facilities operated or designated by the Department of 150952  
Behavioral Health prior to each patient's conditional release to 150953

the community;	150954
(3) Workforce, training, and technological initiatives	150955
that support the items specified in divisions (D)(1) and (2) of	150956
this section;	150957
(4) Support therapeutic communities;	150958
(5) Provide forensic and crisis response training;	150959
(6) Establish and administer outpatient and jail-based	150960
competency restoration services;	150961
(7) Establish and administer pre-trial diversion programs;	150962
(8) Support assisted outpatient treatment programs;	150963
(9) Link and provide behavioral health treatment and	150964
recovery supports, including housing assistance, to incarcerated	150965
individuals with a substance use disorder, severe mental	150966
illness, or both, upon their release from jail or prison;	150967
(10) Support jail-based treatment and symptom management;	150968
(11) Support specialized dockets, including the expansion	150969
of existing medication-assisted treatment drug court programs,	150970
the creation of new medication-assisted treatment drug court	150971
programs, and assistance with the administrative expenses of	150972
participating courts and community addiction services providers	150973
and community mental health services providers;	150974
(12) Establish and administer outpatient competency	150975
restoration services. The services shall be provided by forensic	150976
centers described in section 5119.10 of the Revised Code or, to	150977
the extent a forensic center in a community does not provide	150978
outpatient competency restoration services, a psychiatric	150979
program or facility selected by a board of alcohol, drug	150980

addiction, and mental health services to provide such services. 150981

**Section 337.90. SPECIALIZED DOCKET SUPPORT** 150982

(A) Except as otherwise provided in this section, the 150983  
foregoing appropriation item 336425, Specialized Docket Support, 150984  
shall be used to defray a portion of the annual payroll costs 150985  
associated with the specialized docket of a common pleas court, 150986  
municipal court, county court, juvenile court, or family court 150987  
that meets all of the eligibility requirements in division (B) 150988  
of this section, including a family dependency treatment docket. 150989  
The foregoing appropriation item 336425, Specialized Docket 150990  
Support, may also be used to defray costs associated with 150991  
treatment services and recovery supports for participants. 150992

(B) To be eligible, the specialized docket must have 150993  
received Supreme Court of Ohio initial or final certification 150994  
and include participants with behavioral health needs in its 150995  
target population. 150996

(C) Of the foregoing appropriation item 336425, 150997  
Specialized Docket Support, the Department of Behavioral Health 150998  
shall use up to one per cent of the funds appropriated in each 150999  
fiscal year to pay the cost it incurs in administering the 151000  
duties established in this section. 151001

(D) The Department, in consultation with the Supreme Court 151002  
of Ohio, may adopt funding distribution methodology, guidelines, 151003  
and procedures as necessary to carry out the purposes of this 151004  
section. 151005

**Section 337.100. COMMUNITY INNOVATIONS** 151006

The foregoing appropriation item 336504, Community 151007  
Innovations, may be used by the Department of Behavioral Health 151008  
to make targeted investments in programs, projects, or systems 151009

operated by or under the authority of other state agencies, 151010  
governmental entities, or private not-for-profit agencies that 151011  
impact, or are impacted by, the operations and functions of the 151012  
Department, with the goal of achieving a net reduction in 151013  
expenditure of state general revenue funds and/or improved 151014  
outcomes for Ohio citizens without a net increase in state 151015  
general revenue fund spending. 151016

The Director shall identify and evaluate programs, 151017  
projects, or systems proposed or operated, in whole or in part, 151018  
outside of the authority of the Department, where targeted 151019  
investment of these funds in the program, project, or system is 151020  
expected to decrease demand for the Department or other 151021  
resources funded with state general revenue funds, and/or to 151022  
measurably improve outcomes for Ohio citizens with mental 151023  
illness or with alcohol, drug, or gambling addictions. The 151024  
Director shall have discretion to provide funds from this 151025  
appropriation item to private not-for-profit entities in 151026  
amounts, and subject to conditions, that the Director determines 151027  
most likely to achieve state savings and/or improved outcomes. 151028  
Distribution of funds from this appropriation item shall not be 151029  
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 151030  
Code. 151031

The Department shall enter into an agreement with each 151032  
recipient of community innovation funds, identifying the 151033  
following: allowable expenditure of the funds; other commitment 151034  
of funds or other resources to the program, project, or system; 151035  
expected state savings and/or improved outcomes and proposed 151036  
mechanisms for measurement of such savings or outcomes; and 151037  
required reporting regarding expenditure of funds and savings or 151038  
outcomes achieved. 151039

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in each fiscal year shall be used to support workforce development initiatives.

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,500,000 in each fiscal year shall be used to provide behavioral health access and opportunities.

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in each fiscal year shall be used to support the creation and expansion of programs established by peer-run organizations in this state for the purpose of offering individuals with a mental illness, or a mental illness and co-occurring substance use disorder, opportunities for employment, housing, education, and access to medical and psychiatric services. Programs and facilities shall be operated in accordance with model standards and benchmarks selected by the Department of Behavioral Health.

**Section 337.110. RESIDENTIAL STATE SUPPLEMENT**

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Behavioral Health to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code.

**Section 337.115. APPALACHIAN CHILDREN COALITION**

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in Appalachian Ohio.

**Section 337.117. COMMUNITY PROJECTS**

Of the foregoing appropriation item 336519, Community

Projects, \$700,000 in each fiscal year shall be allocated to the 151068  
Social Advocates for Youth (S.A.Y.) Program at the Bellefaire 151069  
Jewish Children's Bureau. These funds shall be used to support 151070  
the expansion of school-based prevention and crises intervention 151071  
services for youth including community crisis and trauma 151072  
services, school-based counselors, behavioral health-trained 151073  
teachers and intervention specialists, and a dedicated 151074  
researcher to document outcomes. 151075

Of the foregoing appropriation item 336519, Community 151076  
Projects, \$300,000 in each fiscal year shall be used in 151077  
accordance with the section of this act entitled "HIGH-THC 151078  
CANNABIS IMPACT RESEARCH STUDY. 151079

Of the foregoing appropriation item 336519, Community 151080  
Projects, \$2,000,000 in each fiscal year shall be distributed to 151081  
the Values-In-Action Foundation for the Kindland initiative. 151082

Of the foregoing appropriation item 336519, Community 151083  
Projects, \$50,000 in fiscal year 2026 shall be provided to Ohio 151084  
Special Initiatives by Brothers and Sisters, or OHIO SIBS, for 151085  
sustaining programs and to support those with a sibling with a 151086  
developmental disability to empower them to take an active role 151087  
in the life of the developmentally disabled sibling. 151088

Of the foregoing appropriation item 336519, Community 151089  
Projects, \$750,000 in each fiscal year shall be distributed to 151090  
Cornerstone of Hope to launch and expand the Ohio Traumatic Loss 151091  
Response Team. 151092

**Section 337.120. MEDICAID SUPPORT 151093**

The foregoing appropriation item 652321, Medicaid Support, 151094  
shall be used to fund specified Medicaid Services as delegated 151095  
by the state's single agency responsible for the Medicaid 151096

Program.	151097
<b>Section 337.130.</b> 9-8-8 LIFELINE	151098
(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L. No. 116-172, for the purpose of the national suicide prevention and mental health crisis hotline system.	151099 151100 151101 151102 151103 151104 151105
(B) The foregoing appropriation item 336522, 9-8-8 Suicide Crisis, shall be used to support statewide operations and related activities of the 9-8-8 Suicide and Crisis Lifeline and mental health treatment and response.	151106 151107 151108 151109
<b>Section 337.145.</b> BEHAVIORAL HEALTH CARE	151110
Of the foregoing appropriation item 336615, Behavioral Health Care, \$750,000 in fiscal year 2026 shall be distributed to Empowering to Elevate Academy and used to enhance security and improve facilities at the former Mohican Young Star Academy in Ashland County.	151111 151112 151113 151114 151115
<b>Section 337.150.</b> PROBLEM GAMBLING AND CASINO ADDICTION	151116
A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Behavioral Health.	151117 151118 151119 151120 151121
<b>Section 337.155.</b> STATE OF OHIO ACTION RESILIENCY NETWORK	151122
The foregoing appropriation item 336669, State of Ohio Action Resiliency Network, shall be used by the Department of	151123 151124

Behavioral Health for the State of Ohio Action for Resiliency 151125  
Network and a strategic research agenda and capacity needed to 151126  
conduct research, clinical trials, direct care, telehealth, data 151127  
collection, and workforce training pertaining to innovative 151128  
practices in behavioral prevention, harm reduction, treatment, 151129  
and recovery. 151130

**Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 151131**

The foregoing appropriation item 336645, Transcranial 151132  
Magnetic Stimulation Program, shall be used for the 151133  
Electroencephalogram (EEG) Combined Transcranial Magnetic 151134  
Stimulation Program as described in section 5119.20 of the 151135  
Revised Code. 151136

**Section 337.165. STATE OPIOID RESPONSE 151137**

Of the foregoing appropriation item 336644, State Opioid 151138  
Response, \$1,500,000 in each fiscal year shall be distributed to 151139  
Cordata Healthcare Innovations, Inc., for case management 151140  
programming, enhanced assessment, and evaluation of Ohio's law 151141  
enforcement deflection sites and quick response teams. 151142

**Section 337.170. ACCESS SUCCESS II PROGRAM 151143**

To the extent cash is available, the Director of Budget 151144  
and Management may transfer cash from a fund designated by the 151145  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 151146  
1490), used by the Department of Behavioral Health. The 151147  
transferred cash is hereby appropriated. 151148

The Department of Behavioral Health shall use the 151149  
transferred funds to administer the Access Success II Program to 151150  
help non-Medicaid patients in any hospital established, 151151  
controlled, or supervised by the Department under Chapter 5119. 151152  
of the Revised Code to transition from inpatient status to a 151153

community setting.	151154
<b>Section 337.180.</b> CASH TRANSFER FROM THE INDIGENT DRIVERS	151155
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION	151156
FUND	151157
On a schedule determined by the Director of Budget and	151158
Management, the Director of Behavioral Health shall certify to	151159
the Director of Budget and Management the amount of excess	151160
license reinstatement fees that are available pursuant to	151161
division (F) (2) (c) of section 4511.191 of the Revised Code to be	151162
transferred from the Indigent Drivers Alcohol Treatment Fund	151163
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund	151164
4750). Upon certification, the Director of Budget and Management	151165
may transfer cash from the Indigent Drivers Alcohol Treatment	151166
Fund to the Statewide Treatment and Prevention Fund.	151167
<b>Section 337.185.</b> CASH TRANSFER FROM THE 9-8-8 SUICIDE AND	151168
CRISIS RESPONSE FUND TO THE GENERAL REVENUE FUND	151169
On July 1, 2025, or as soon as possible thereafter, the	151170
Director of Budget and Management shall transfer the cash	151171
balance in the 9-8-8 Suicide and Crisis Response Fund (Fund	151172
5AA1) to the General Revenue Fund. Upon completion of the	151173
transfer, Fund 5AA1 is hereby abolished. The Director shall	151174
cancel any existing encumbrances against appropriation item	151175
336661, 9-8-8 Suicide and Crisis Response, and reestablish them	151176
against appropriation item 336522, 9-8-8 Suicide Crisis. The	151177
reestablished encumbrance amounts are hereby appropriated.	151178
<b>Section 337.190.</b> STATEWIDE MOBILE CRISIS SYSTEM	151179
(A) The Department of Behavioral Health, in coordination	151180
with local, state, and federal government entities, shall assist	151181
with the development and implementation of a statewide system of	151182

mobile crisis services for adults and children. 151183

(B) The development of a statewide mobile crisis system is 151184  
contingent on the availability of state and federal funding. 151185  
Should state and federal funding be insufficient for the 151186  
development of a full system or limit the extent to which the 151187  
system can be developed, the Department shall determine whether 151188  
and to what extent pilot projects or other initiatives for the 151189  
provision of mobile crisis services could be implemented. 151190

**Section 337.200. COMMUNITY BEHAVIORAL HEALTH CLINICS** 151191

The ability of the Department of Behavioral Health to 151192  
establish a process and standards for the state certification of 151193  
certified community behavioral health clinics under section 151194  
5119.211 of the Revised Code is contingent on the availability 151195  
of state and federal funding. Should state or federal funding be 151196  
insufficient for the state certification of certified community 151197  
behavioral health clinics, the Department shall determine 151198  
whether and to what extent pilot projects or other initiatives 151199  
to support an integrated care approach for the provision of 151200  
substance use disorder treatment and mental health treatment 151201  
could be implemented. 151202

**Section 339.10.** 151203

1 2 3 4 5

A MIH COMMISSION ON MINORITY HEALTH

B General Revenue Fund

C GRF 149321 Operating Expenses \$844,088 \$855,455

D GRF 149501 Demonstration Grants \$1,352,000 \$1,352,000

E	GRF	149502	Lupus Program	\$118,000	\$118,000
F	GRF	149503	Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total			\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group				
I	4C20	149601	Minority Health Conference	\$35,000	\$35,000
J	Dedicated Purpose Fund Group Total			\$35,000	\$35,000
K	Federal Fund Group				
L	3J90	149405	Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total			\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS			\$8,319,577	\$8,334,944

**Section 341.10.**

151205

151206

	1	2	3	4	5
A	CRB MOTOR VEHICLE REPAIR BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	865601	Operating Expenses	\$781,067	\$821,804
D	Dedicated Purpose Fund Group Total			\$781,067	\$821,804
E	TOTAL ALL BUDGET FUND GROUPS			\$781,067	\$821,804

**Section 343.10.**

151207

151208

	1	2	3	4	5
A			DNR DEPARTMENT OF NATURAL RESOURCES		
B	General Revenue Fund				
C	GRF	725401	Division of Wildlife - Operating Subsidy	\$1,700,000	\$1,700,000
D	GRF	725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$57,500,000	\$76,500,000
E	GRF	725456	Canal Lands	\$118,000	\$118,000
F	GRF	725459	Buckeye State Tree Nursery	\$1,134,650	\$1,134,650
G	GRF	725460	LWCF Recreation Lands	\$262,646	\$266,995
H	GRF	725505	Healthy Lake Erie Program	\$450,000	\$0
I	GRF	725507	Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF	725903	Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000
K	GRF	727321	Division of Forestry	\$10,000,000	\$10,000,000
L	GRF	729321	Office of Information Technology	\$526,055	\$526,337

M	GRF	730321	Parks and Recreation	\$27,500,000	\$47,500,000
N	GRF	736321	Division of Engineering	\$2,431,760	\$2,476,358
O	GRF	737321	Division of Water Resources	\$2,402,230	\$2,403,759
P	GRF	738321	Office of Real Estate and Land Management	\$1,038,539	\$1,060,089
Q	GRF	741321	Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
R			General Revenue Fund Total	\$127,690,238	\$166,488,727
S			Dedicated Purpose Fund Group		
T	2270	725406	Parks Projects Personnel	\$4,831,529	\$4,976,475
U	4300	725671	Canal Lands	\$479,012	\$479,012
V	4S90	725622	NatureWorks Personnel	\$317,806	\$327,341
W	4U60	725668	Scenic Rivers Protection	\$58,860	\$58,860
X	5090	725602	State Forest	\$10,852,951	\$11,010,594
Y	5110	725646	Ohio Geological Mapping	\$6,123,647	\$6,323,883
Z	5120	725605	State Parks Operations	\$43,122,931	\$43,358,465
AA	5140	725606	Lake Erie Shoreline	\$1,694,771	\$1,732,863
AB	5160	725620	Water Management	\$3,256,522	\$3,562,000

AC 5180	725643	Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AD 5180	725677	Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AE 5210	725627	Off-Road Vehicle Trails	\$1,781,723	\$286,068
AF 5220	725656	Natural Areas and Preserves	\$585,191	\$600,500
AG 5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AH 5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AI 5BJ1	7256A6	Parks and Recreation	\$27,500,000	\$7,500,000
AJ 5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AK 5ELO	725612	Wildlife Law Enforcement	\$11,826	\$11,826
AL 5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AM 5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AN 5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AO 5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331
AP 6150	725661	Dam Safety	\$5,673,950	\$6,473,950
AQ 6970	725670	Submerged Lands	\$667,210	\$679,080

AR 6H20	725681	H2Ohio	\$21,200,000	\$21,200,000
AS 7015	740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AT 7086	725414	Waterways Improvement	\$5,782,184	\$5,880,807
AU 7086	739401	Watercraft Operations	\$28,432,898	\$28,922,532
AV 8150	725636	Cooperative Management Projects	\$625,271	\$625,271
AW 8160	725649	Wetlands Habitat	\$659,691	\$659,691
AX 8170	725655	Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AY 8180	725629	Cooperative Fisheries Research	\$1,500,000	\$1,500,000
AZ 8190	725685	Ohio River Management	\$43,786	\$43,786
BA 81B0	725688	Wildlife Habitats	\$1,359,102	\$1,359,102
BB	Dedicated Purpose Fund Group Total		\$347,123,408	\$329,034,421
BC	Internal Service Activity Fund Group			
BD 1550	725601	Departmental Projects	\$1,566,470	\$1,586,980
BE 1570	725651	Program Support	\$26,713,040	\$27,292,005
BF 5100	725631	Maintenance - State-owned Residences	\$43,713	\$43,713

BG Internal Service Activity Fund Group	\$28,323,223	\$28,922,698
Total		
BH Capital Projects Fund Group		
BI 7061 725405 Clean Ohio Trail	\$267,307	\$273,030
Operating		
BJ Capital Projects Fund Group Total	\$267,307	\$273,030
BK Fiduciary Fund Group		
BL 5ZT0 7256A2 State Park Lodges	\$11,950,641	\$11,950,641
Maintenance and Repair		
BM Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
BN Holding Account Fund Group		
BO R017 725659 Performance Cash Bond	\$450,999	\$450,999
Refunds		
BP R043 725624 Forestry	\$2,104,919	\$2,104,919
BQ Holding Account Fund Group Total	\$2,555,918	\$2,555,918
BR Federal Fund Group		
BS 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
BT 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535
BU 3B40 725641 Federal Flood Pass-Thru	\$106,648	\$106,648
BV 3B50 725645 Federal Abandoned Mine	\$69,114,806	\$69,268,735

		Lands		
BW	3B60	725653	Federal Land and Water Conservation Grants	\$10,800,000      \$25,800,000
BX	3B70	725654	Reclamation - Regulatory	\$1,311,309      \$1,340,625
BY	3IR0	7256A5	Long Term Abandoned Mine Land Reclamation	\$100,000      \$100,000
BZ	3P10	725632	Geological Survey - Federal	\$805,102      \$786,700
CA	3P20	725642	Oil and Gas - Federal	\$20,109,957      \$20,115,008
CB	3P20	725698	Oil And Gas - Federal Orphan Well Plug	\$22,363,120      \$22,363,120
CC	3P30	725650	Coastal Management - Federal	\$3,953,487      \$4,013,587
CD	3P40	725660	Federal - Soil and Water Resources	\$416,420      \$422,292
CE	3R50	725673	Acid Mine Drainage Abatement/Treatment	\$860,489      \$860,489
CF	3Z50	725657	Federal Recreation and Trails	\$1,122,594      \$1,127,603
CG	Federal Fund Group Total			\$131,790,446      \$147,040,531
CH	TOTAL ALL BUDGET FUND GROUPS			\$649,701,181      \$686,265,966

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2025, through June 30, 2027, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, and animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July

1, 2025, through June 30, 2027, on obligations issued under 151239  
sections 151.01 and 151.05 of the Revised Code. 151240

PARKS AND RECREATION 151241

The Director of Natural Resources shall consult with the 151242  
Loramie Watershed Association to identify portions of Lake 151243  
Loramie that are negatively affected by hard pan sediment and 151244  
hard clay debris. Of the foregoing appropriation item 730321, 151245  
Parks and Recreation, \$250,000 in each fiscal year shall be used 151246  
to contract with a third-party vendor for channel excavation and 151247  
the removal of hard pan sediment and hard clay debris at Lake 151248  
Loramie. 151249

Of the foregoing appropriation item 730321, Parks and 151250  
Recreation, \$172,000 in fiscal year 2026 shall be used for 151251  
channel excavation and removal of sediment at Grand Lake St. 151252  
Marys. 151253

Of the foregoing appropriation item 730321, Parks and 151254  
Recreation, \$250,000 in fiscal year 2026 shall be used to 151255  
support the Indian Lake Watershed Project. 151256

**Section 343.30. WELL LOG FILING FEES** 151257

The Chief of the Division of Water Resources shall deposit 151258  
fees forwarded to the Division pursuant to section 1521.05 of 151259  
the Revised Code into the Water Management Fund (Fund 5160) for 151260  
the purposes described in that section. 151261

PARKS CAPITAL EXPENSES FUND 151262

The Director of Natural Resources shall submit to the 151263  
Director of Budget and Management the estimated design, 151264  
engineering, and planning costs of capital-related work to be 151265  
done by Department of Natural Resources staff for parks projects 151266

within the Ohio Parks and Recreation Improvement Fund (Fund 151267  
7035). If the Director of Budget and Management approves the 151268  
estimated costs, the Director may release appropriations from 151269  
Fund 7035 appropriation item C725E6, Project Planning, for those 151270  
purposes. Upon release of the appropriations, the Department of 151271  
Natural Resources shall pay for these expenses from the Parks 151272  
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 151273  
shall be reimbursed by Fund 7035 using an intrastate transfer 151274  
voucher. 151275

NATUREWORKS CAPITAL EXPENSES FUND 151276

The Department of Natural Resources shall submit to the 151277  
Director of Budget and Management the estimated design, 151278  
planning, and engineering costs of capital-related work to be 151279  
done by Department of Natural Resources staff for each capital 151280  
improvement project within the Ohio Parks and Natural Resources 151281  
Fund (Fund 7031). If the Director of Budget and Management 151282  
approves the estimated costs, the Director may release 151283  
appropriations from Fund 7031 appropriation item C725E5, Project 151284  
Planning, for those purposes. Upon release of the 151285  
appropriations, the Department of Natural Resources shall pay 151286  
for these expenses from the Capital Expenses Fund (Fund 4S90). 151287  
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 151288  
using an intrastate transfer voucher. 151289

PARKS AND RECREATION 151290

The foregoing appropriation item 7256A6, Parks and 151291  
Recreation, shall be used in conjunction with appropriation item 151292  
730321, Parks and Recreation, to support the Division of Parks 151293  
and Watercraft. 151294

PARK MAINTENANCE 151295

The foregoing appropriation item 725514, Park Maintenance, 151296  
shall be used by the Department of Natural Resources to pay the 151297  
costs of projects supported by the State Park Maintenance Fund 151298  
(Fund 5TD0) under section 1501.08 of the Revised Code. 151299

On July 1 of each fiscal year or as soon as possible 151300  
thereafter, the Director of Natural Resources shall certify the 151301  
amount of five percent of the average of the previous five years 151302  
of deposits in the State Park Fund (Fund 5120) to the Director 151303  
of Budget and Management. The Director of Budget and Management 151304  
may transfer up to \$2,200,000 from Fund 5120 to the State Park 151305  
Maintenance Fund (Fund 5TD0). 151306

**Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES** 151307

The foregoing appropriation item 725405, Clean Ohio Trail 151308  
Operating, shall be used by the Department of Natural Resources 151309  
in administering Clean Ohio Trail Fund (Fund 7061) projects 151310  
pursuant to section 1519.05 of the Revised Code. 151311

**Section 343.60. (A) As used in this section:** 151312

(1) "Locally administer" means to supervise the design and 151313  
construction of, and make contracts for the construction, 151314  
reconstruction, improvement, enlargement, alteration, repair, or 151315  
decoration of a capital facility project without the assistance 151316  
of the Ohio Facilities Construction Commission. 151317

(2) "Capital facility project" means any activities, 151318  
projects, or improvements described in division (B) (1) of 151319  
section 1501.011 of the Revised Code. "Capital facility project" 151320  
does not include the construction of a new facility, structure, 151321  
or lodge. 151322

(B) Notwithstanding section 123.21 of the Revised Code or 151323  
any other provision of law to the contrary, for fiscal years 151324

2026 and 2027, the Department of Natural Resources may locally 151325  
administer any capital facility project commenced within those 151326  
fiscal years, regardless of estimated cost. 151327

(C) The Department shall do both of the following 151328  
regarding a capital facility project that is locally 151329  
administered: 151330

(1) Comply with the applicable procedures and guidelines 151331  
established in Chapter 153. of the Revised Code; 151332

(2) Track all project information in the Ohio 151333  
Administrative Knowledge System capital improvements application 151334  
pursuant to Ohio Facilities Construction Commission guidelines 151335  
as though the Department is administering the project pursuant 151336  
to section 123.211 of the Revised Code and all generally 151337  
applicable laws. 151338

(D) Nothing in this section interferes with the powers of 151339  
the Department of Natural Resources authorized in Chapter 1501. 151340  
of the Revised Code. 151341

**Section 345.10.** 151342  
151343

	1	2	3	4	5
A	NUR STATE BOARD OF NURSING				
B	Dedicated Purpose Fund Group				
C	4K90	884609	Operating Expenses	\$13,033,034	\$13,491,425
D	5AC0	884602	Nurse Education Grant Program	\$1,350,000	\$1,350,000



		with Disabilities		
G	GRF	415508 Services for the Deaf	\$527,000	\$527,000
H	GRF	415511 Centers for Independent Living	\$1,500,000	\$1,500,000
I	GRF	415512 Visually Impaired Reading Services	\$50,000	\$50,000
J	GRF	415513 Accessible Ohio	\$1,000,000	\$1,000,000
K	GRF	415515 DeafBlind Fund	\$200,000	\$200,000
L		General Revenue Fund Total	\$44,370,000	\$44,370,000
M		Dedicated Purpose Fund Group		
N	4670	415609 Business Enterprise Operating Expenses	\$913,127	\$918,806
O	4680	415618 Third Party Services Funding	\$3,725,233	\$3,725,233
P	4L10	415619 Services for Rehabilitation	\$2,000,000	\$2,000,000
Q		Dedicated Purpose Fund Group Total	\$6,638,360	\$6,644,039
R		Internal Service Activity Fund Group		
S	4W50	415606 Program Management	\$17,083,462	\$17,539,339
T		Internal Service Activity Fund Group Total	\$17,083,462	\$17,539,339

U	Federal Fund Group		
V	3170 415620 Disability Determination	\$88,981,907	\$90,733,204
W	3790 415616 Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000
X	3GH0 415602 Personal Care Assistance	\$3,995,399	\$4,017,337
Y	3GH0 415604 Community Centers for the Deaf	\$772,420	\$772,420
Z	3GH0 415613 Independent Living	\$2,737,411	\$2,737,411
AA	3GH0 415627 Independent Living Projects	\$100,000	\$100,000
AB	3ILO 415629 Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000
AC	3L40 415615 Federal-Supported Employment	\$1,200,000	\$1,200,000
AD	3L40 415617 Independent Living Older Blind	\$2,567,746	\$2,908,622
AE	Federal Fund Group Total	\$272,654,883	\$279,868,994
AF	TOTAL ALL BUDGET FUND GROUPS	\$340,746,705	\$348,422,372

**Section 353.20. INDEPENDENT LIVING** 151348

The foregoing appropriation item 415402, Independent 151349  
 Living Council, shall be provided to the Ohio Statewide 151350  
 Independent Living Council to support its operations under the 151351

State Plan for Independent Living.	151352
Of the foregoing appropriation item 415511, Centers for Independent Living, the amount needed in each fiscal year for state matching funds for the Federal Independent Living Grant shall be provided to support the state independent living programs and centers under Title VII of the federal "Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended by the Rehabilitation Act Amendments of 1992 and known as the federal Independent Living Services and Centers for Independent Living.	151353 151354 151355 151356 151357 151358 151359 151360 151361
Of the foregoing appropriation item 415511, Centers for Independent Living, up to \$1,355,608 in each fiscal year may be used as state matching funds to provide vocational rehabilitation services to Ohioans with disabilities.	151362 151363 151364 151365
Of the foregoing appropriation item 415511, Centers for Independent Living, \$74,124 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.	151366 151367 151368 151369
The foregoing appropriation item 415613, Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan for Independent Living.	151370 151371 151372 151373
ASSISTIVE TECHNOLOGY	151374
The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the state of Ohio.	151375 151376 151377 151378
BRAIN INJURY	151379

Of the foregoing appropriation item 415431, Brain Injury, 151380  
\$450,000 in each fiscal year shall be provided to The Ohio State 151381  
University College of Medicine to support the Brain Injury 151382  
Program established under section 3335.60 of the Revised Code. 151383

The remainder of appropriation item 415431, Brain Injury, 151384  
shall be provided to the Brain Injury Association of Ohio for 151385  
direct services and supports for brain injury survivors and 151386  
caregivers. 151387

SERVICES FOR INDIVIDUALS WITH DISABILITIES 151388

Of the foregoing appropriation item 415506, Services for 151389  
Individuals with Disabilities, up to \$1,000,000 in each fiscal 151390  
year shall be used by the Opportunities for Ohioans with 151391  
Disabilities Agency, in collaboration with the Department of 151392  
Education and Workforce, to build capacity to deliver a regional 151393  
system of training, support, coordination, and direct service 151394  
for secondary transition services for students with disabilities 151395  
beginning at fourteen years of age. These special education 151396  
enhancements shall support all students with disabilities, 151397  
regardless of partner agency eligibility requirements, to 151398  
provide stand-alone direct secondary transition services by 151399  
school districts. Secondary transition services shall include, 151400  
but not be limited to, job exploration counseling, work-based 151401  
learning experiences, counseling on opportunities for enrollment 151402  
in comprehensive transition or post-secondary educational 151403  
programs at institutions of higher education, workplace 151404  
readiness training to develop occupational skills, social skills 151405  
and independent living skills, and instruction in self-advocacy. 151406  
Regional training shall support the expansion of transition to 151407  
work endorsement opportunities for middle school and secondary 151408  
level special education intervention specialists in order to 151409

develop the necessary skills and competencies to meet the 151410  
secondary transition needs of students with disabilities 151411  
beginning at fourteen years of age. 151412

SERVICES FOR THE DEAF 151413

The foregoing appropriation item 415508, Services for the 151414  
Deaf, shall be used to support community centers for the deaf. 151415

VISUALLY IMPAIRED READING SERVICES 151416

The foregoing appropriation item 415512, Visually Impaired 151417  
Reading Services, shall be used to support VOICEcorps Reading 151418  
Services to provide reading services for blind individuals. 151419

DEAFBLIND FUND 151420

The foregoing appropriation item 415515, DeafBlind Fund, 151421  
shall be distributed to the Columbus Speech and Hearing Center 151422  
for the recruitment and training of support service providers 151423  
and to connect support service providers with DeafBlind 151424  
individuals. 151425

SIGHT CENTERS 151426

Of the foregoing appropriation item 415617, Independent 151427  
Living Older Blind, \$30,000 in each fiscal year shall be used to 151428  
contract in equal amounts with the Cleveland Sight Center, the 151429  
Cincinnati Association for the Blind and Visually Impaired, and 151430  
the Sight Center of Northwest Ohio to provide outreach to the 151431  
community of individuals with blindness or low vision. 151432

**Section 361.10.** 151433

151434

1 2 3 4 5

B	General Revenue Fund		
C	GRF 090524 Police and Fire	\$300	\$300
	Disability Pension Fund		
D	GRF 090534 Police and Fire Ad Hoc	\$14,000	\$14,000
	Cost of Living		
E	GRF 090554 Police and Fire Survivor	\$138,000	\$138,000
	Benefits		
F	GRF 090575 Police and Fire Death	\$40,000,000	\$40,000,000
	Benefits		
G	General Revenue Fund Total	\$40,152,300	\$40,152,300
H	TOTAL ALL BUDGET FUND GROUPS	\$40,152,300	\$40,152,300

**Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND** 151435

The foregoing appropriation item 090575, Police and Fire 151436  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 151437  
 State at the beginning of each quarter of each fiscal year to 151438  
 the Board of Trustees of the Ohio Police and Fire Pension Fund, 151439  
 which serves as trustees of the Ohio Public Safety Officers 151440  
 Death Benefit Fund pursuant to section 742.62 of the Revised 151441  
 Code. The Treasurer of State shall certify such amounts 151442  
 quarterly to the Director of Budget and Management. By the 151443  
 twentieth day of June of each fiscal year, the Board of Trustees 151444  
 shall certify to the Treasurer of State the amount disbursed in 151445  
 the current fiscal year to make the payments required by 151446  
 sections 124.824 and 742.63 of the Revised Code and shall return 151447  
 to the Treasurer of State moneys received from this 151448  
 appropriation item but not disbursed. 151449

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2026 or 2027, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

**Section 363.10.**

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A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				
B	Dedicated Purpose Fund Group				
C	6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total			\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS			\$1,778,594	\$1,910,092

**Section 367.10.**

151480  
151481

	1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY				
B	Dedicated Purpose Fund Group				
C	4A50	887605	Drug Law Enforcement	\$50,000	\$50,000
D	4K90	658605	OARRS Integration - State	\$207,657	\$208,860
E	4K90	887609	Operating Expenses	\$13,773,784	\$14,491,459
F	5SG0	887612	Drug Database	\$2,826,000	\$2,865,000
G	Dedicated Purpose Fund Group Total			\$16,857,441	\$17,615,319
H	Federal Fund Group				

I	3HD0 887614 Pharmacy Federal Grants	\$2,094,643	\$2,111,622
J	3HH0 658601 OARRS Integration - Federal	\$642,117	\$645,729
K	Federal Fund Group Total	\$2,736,760	\$2,757,351
L	TOTAL ALL BUDGET FUND GROUPS	\$19,594,201	\$20,372,670

**Section 367.20.** CASH TRANSFER FROM THE MEDICAL MARIJUANA 151482  
CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND 151483

Upon the request of the Executive Director of the State 151484  
Board of Pharmacy, the Director of Budget and Management may 151485  
transfer up to \$2,745,500 in cash in each fiscal year from the 151486  
Medical Marijuana Control Program Fund (Fund 5SY0), used by the 151487  
Department of Commerce, to the Drug Database Fund (Fund 5SG0), 151488  
used by the State Board of Pharmacy. 151489

**Section 369.10.** 151490  
151491

	1	2	3	4	5
A			PSY STATE BOARD OF PSYCHOLOGY		
B			Dedicated Purpose Fund Group		
C	4K90 882609	Operating Expenses	\$975,010	\$1,011,722	
D		Dedicated Purpose Fund Group Total	\$975,010	\$1,011,722	
E		TOTAL ALL BUDGET FUND GROUPS	\$975,010	\$1,011,722	

**Section 371.10.** 151492  
151493

	1	2	3	4	5
A			PUB OHIO PUBLIC DEFENDER COMMISSION		
B			General Revenue Fund		
C	GRF	019401	State Legal Defense Services	\$13,227,100	\$13,467,000
D	GRF	019406	Northwest Regional Hub Support	\$3,350,000	\$3,350,000
E	GRF	019501	County Reimbursement	\$173,719,360	\$178,930,940
F			General Revenue Fund Total	\$190,296,460	\$195,747,940
G			Dedicated Purpose Fund Group		
H	1010	019607	Juvenile Legal Assistance	\$217,456	\$223,980
I	4060	019603	Training and Publications	\$75,000	\$75,000
J	4070	019604	County Representation	\$375,000	\$375,000
K	4080	019605	Client Payments	\$800,000	\$800,000
L	4C70	019601	Multi-County: County Share	\$594,900	\$624,300
M	4N90	019613	Gifts and Grants	\$13,400	\$13,400
N	5740	019606	Civil Legal Aid	\$37,000,000	\$33,000,000
O	5CX0	019617	Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0	019618	Indigent Defense Support	\$22,908,000	\$22,908,000

	- County Share		
Q	5DY0 019619 Indigent Defense Support	\$4,692,000	\$4,692,000
	- State Office		
R	Dedicated Purpose Fund Group Total	\$67,295,756	\$63,331,680
S	Federal Fund Group		
T	3IQ0 019626 Reforming Reentry Program	\$350,000	\$85,321
U	3S80 019608 Federal Representation	\$38,300	\$38,300
V	Federal Fund Group Total	\$388,300	\$123,621
W	TOTAL ALL BUDGET FUND GROUPS	\$257,980,516	\$259,203,241

**Section 371.20. STATE LEGAL DEFENSE SERVICES** 151494

Of the foregoing appropriation item 019401, State Legal 151495  
 Defense Services, up to \$50,000 in each fiscal year shall be 151496  
 used by the Ohio Public Defender to provide legal training 151497  
 programs at no cost for private appointed counsel who represent 151498  
 at least one indigent defendant at no cost and for state and 151499  
 county public defenders and attorneys who contract with the Ohio 151500  
 Public Defender to provide indigent defense services. 151501

**INDIGENT DEFENSE SUPPORT** 151502

The foregoing appropriation item 019501, County 151503  
 Reimbursement, shall be used to reimburse counties for the costs 151504  
 of operating county public defender offices, joint county public 151505  
 defender offices and county appointed counsel systems, the 151506  
 counties' costs and expenses of conducting the defense in 151507  
 capital cases, the counties' costs and expenses of appointed 151508

counsel covered by section 2941.51 of the Revised Code, and the 151509  
costs and expenses of contracting with the state public defender 151510  
or with any nonprofit organization to provide legal 151511  
representation to indigent persons. 151512

FEDERAL REPRESENTATION 151513

The foregoing appropriation item 019608, Federal 151514  
Representation, shall be used to support representation provided 151515  
by the Ohio Public Defender in federal court cases. 151516

COUNTY INDIGENT DEFENSE BUDGETS 151517

Not later than July 31, 2026, each county through its 151518  
county commission shall submit a biannual indigent defense cost 151519  
projection report to the Ohio Public Defender. The report shall 151520  
contain data on the most current projected costs of the indigent 151521  
defense services in the county for the next two upcoming state 151522  
fiscal years at the time of submission. 151523

**Section 371.30.** NORTHWEST REGIONAL HUB 151524

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 151525  
Public Defender shall create the Northwest Regional Hub pilot 151526  
program to provide indigent defense services in the counties 151527  
that elect to join, in lieu of managing those services directly 151528  
and applying for reimbursement. 151529

(B) The following counties may elect to participate in the 151530  
Northwest Regional Hub, and no other counties are permitted to 151531  
participate: 151532

(1) Allen County; 151533

(2) Hardin County; 151534

(3) Putnam County. 151535

(C) On or after the effective date of this section, any county listed in division (B) of this section may elect, by resolution, to become part of the Northwest Regional Hub and thereby transfer administration of the county's indigent defense system to the Ohio Public Defender for the period of the pilot program.

(D) If a county elects to become part of the Northwest Regional Hub and transfer indigent defense services to the Ohio Public Defender pursuant to this section, the Ohio Public Defender shall assume responsibility for representation of indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, to the extent that representation is not provided by outside counsel in accordance with section 120.33 of the Revised Code.

(E) (1) The Ohio Public Defender shall consult with the county commissioners, judiciary, and local attorneys in counties that have opted to participate in the Northwest Regional Hub to determine the number of indigent defense cases the public defender will handle directly.

(2) Except as provided in division (E) (4) of this section, in a county that elects to participate in the Northwest Regional Hub, the Ohio Public Defender shall provide direct representation to indigent defendants in not more than eighty per cent of indigent defense cases.

(3) In cases where the Ohio Public Defender does not provide direct representation, the court shall appoint counsel in accordance with section 120.33 of the Revised Code.

(4) If the Ohio Public Defender, in consultation with the county commissioners, judiciary, and local attorneys, determines

that there is insufficient local counsel available to fill an 151565  
appointment under division (E) (3) of this section, the Ohio 151566  
Public Defender shall provide direct representation in the case. 151567

(F) A county that wishes to withdraw from the Northwest 151568  
Regional Hub and resume responsibility for the delivery of 151569  
indigent defense services shall do all of the following: 151570

(1) Hold a public meeting regarding the withdrawal and 151571  
provide notice to all of the following, seven or more days 151572  
before the meeting: 151573

(a) The local bar association; 151574

(b) Every judge serving in the county; 151575

(c) The county prosecutor; 151576

(d) The county public defender; 151577

(e) Every attorney who is on the court's roster for 151578  
appointment to provide indigent defense in accordance with 151579  
section 120.33 of the Revised Code. 151580

(2) Provide the Ohio Public Defender with a copy of the 151581  
resolution electing to withdraw. 151582

(G) When a county transfers indigent defense services to 151583  
the Ohio Public Defender pursuant to this section, and the 151584  
transferring county operates a county public defender office at 151585  
the time of the transfer, the employees of the transferring 151586  
county public defender may be appointed as employees of the Ohio 151587  
Public Defender as the Ohio Public Defender determines to be 151588  
necessary for successful implementation of this section. 151589

(H) Notwithstanding any provision of law to the contrary, 151590  
the Ohio Public Defender may, in consultation with the Director 151591

of Administrative Services, do either of the following: 151592

(1) Assign any employee of the transferring county to a 151593  
classification that is not subject to Chapter 4117. of the 151594  
Revised Code and do both of the following for such an employee: 151595

(a) Assign the employee to the appropriate compensation, 151596  
classification, step placement, and step advancement; 151597

(b) Determine appropriate service credit for purposes of 151598  
vacation and longevity. 151599

(2) Assign any employee of the transferring county to a 151600  
bargaining unit classification that is subject to Chapter 4117. 151601  
of the Revised Code if the Ohio Public Defender and the 151602  
Department of Administrative Services determine that the 151603  
bargaining unit classification is the proper classification for 151604  
that employee. 151605

(I) Notwithstanding any provision of law to the contrary, 151606  
employees of a transferring county may be eligible for any state 151607  
benefit plan administered by the Department of Administrative 151608  
Services with coverage commencing as determined by the Director 151609  
of Administrative Services. 151610

(J) Actions taken by the Ohio Public Defender and the 151611  
Director of Administrative Services pursuant to this section are 151612  
not subject to appeal to the State Personnel Board of Review. 151613

NORTHWEST REGIONAL HUB SUPPORT 151614

The foregoing appropriation item 019406, Northwest 151615  
Regional Hub Support, shall be used by the Ohio Public Defender 151616  
to pay for all the costs of providing indigent defense services 151617  
in counties that have transferred administration of those 151618  
services pursuant to this section. Expenses may include the cost 151619

of operating public defender offices, reimbursement of expenses 151620  
of court appointed counsel, and other associated costs of 151621  
providing legal representation to indigent persons as covered by 151622  
section 120.04 of the Revised Code. 151623

**Section 373.10.** 151624  
151625

	1	2	3	4	5
A			DPS DEPARTMENT OF PUBLIC SAFETY		
B			General Revenue Fund		
C	GRF	761403	Recovery Ohio Law Enforcement	\$0	\$3,250,000
D	GRF	761411	Ohio Narcotics Intelligence Center	\$0	\$7,050,000
E	GRF	763403	EMA Operating	\$8,931,000	\$9,102,000
F	GRF	763513	Security Grants	\$8,500,000	\$8,500,000
G	GRF	765401	Emergency Medical Services Operating	\$5,497,851	\$5,768,030
H	GRF	767420	Investigative Unit Operating	\$12,554,073	\$10,718,860
I	GRF	768425	Justice Program Services	\$17,995,430	\$18,175,918
J	GRF	768435	Community Police Relations	\$2,445,800	\$2,607,939
K	GRF	769406	Homeland Security -	\$4,946,000	\$5,046,000

Operating

L	GRF	769407	Driver Safety	\$6,425,545	\$6,458,591
M	GRF	769412	Ohio School Safety Center	\$8,963,284	\$9,367,524
N	General Revenue Fund Total			\$76,258,983	\$86,044,862
O	Highway Safety Fund Group				
P	5TM0	762321	Operating Expense - BMV	\$128,500,000	\$129,645,783
Q	5TM0	762637	Local Immobilization Reimbursement	\$87,000	\$90,000
R	5TM0	764321	Operating Expense - Highway Patrol	\$404,019,560	\$416,140,146
S	5TM0	764605	Motor Carrier Enforcement Expenses	\$709,000	\$730,000
T	5TM0	769636	Administrative Expenses - Highway Purposes	\$56,062,283	\$58,959,468
U	8370	764602	Turnpike Policing	\$13,652,000	\$14,117,000
V	83C0	764630	Contraband, Forfeiture, and Other	\$500,000	\$500,000
W	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
X	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703

Y	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
Z	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AA	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AB	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AC	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AD	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AE	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000
AF	Highway Safety Fund Group Total			\$647,222,651	\$664,511,301
AG	Dedicated Purpose Fund Group				
AH	4P60	768601	Justice Program Services	\$95,000	\$100,000
AI	4V30	763662	EMA Service and Reimbursements	\$559,000	\$562,000
AJ	5330	763601	State Disaster Relief	\$1,000,000	\$1,000,000
AK	5390	762614	Motor Vehicle Dealers Board	\$140,000	\$140,000
AL	5AZ1	761680	eWarrant Local Integration	\$1,390,000	\$1,405,000

AM 5B90	766632	Private Investigator and Security Guard Provider	\$2,134,000	\$2,203,000
AN 5BC1	769638	Ohio School Safety and Security Center Training Fees	\$100,000	\$100,000
AO 5BK0	768687	Criminal Justice Services - Operating	\$770,000	\$795,000
AP 5BK0	768689	Family Violence Shelter Programs	\$1,550,000	\$1,550,000
AQ 5ET0	768625	Drug Law Enforcement	\$3,750,000	\$3,750,000
AR 5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$1,400,000	\$1,400,000
AS 5LM0	768698	Criminal Justice Services Law Enforcement Support	\$850,000	\$850,000
AT 5ML0	769635	Infrastructure Protection	\$89,000	\$91,000
AU 5RH0	767697	OIU Special Projects	\$750,000	\$750,000
AV 5TZ0	761682	Recovery Ohio Law Enforcement	\$6,500,000	\$3,250,000
AW 5TZ0	761683	Ohio Narcotics Intelligence Center	\$13,200,000	\$6,750,000
AX 5Y10	764695	State Highway Patrol Continuing Professional Training	\$148,000	\$148,000

AY 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AZ 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
BA 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BB 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BC	Dedicated Purpose Fund Group Total	\$36,316,000	\$26,713,000
BD	Fiduciary Fund Group		
BE 5J90 761678	Federal Salvage/GSA	\$600,000	\$600,000
BF 5V10 762682	License Plate Contributions	\$2,900,000	\$3,000,000
BG	Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BH	Holding Account Fund Group		
BI R024 762619	Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BJ R052 762623	Security Deposits	\$50,000	\$50,000
BK	Holding Account Fund Group Total	\$1,691,000	\$1,691,000
BL	Federal Fund Group		

BM 3370	763515	COVID Relief - Federal	\$150,000,000	\$150,000,000
BN 3370	763609	Federal Disaster Relief	\$73,500,000	\$73,500,000
BO 3FP0	767620	Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BP 3GL0	768619	Justice Assistance Grants	\$10,000,000	\$10,000,000
BQ 3GR0	764693	Highway Patrol Justice Contraband	\$227,000	\$227,000
BR 3GS0	764694	Highway Patrol Treasury Contraband	\$80,000	\$80,000
BS 3GT0	767691	Investigative Unit Federal Equity Share	\$100,000	\$100,000
BT 3GU0	761610	Information and Education Grant	\$435,000	\$435,000
BU 3GU0	764608	Fatality Analysis Report System Grant	\$175,000	\$175,000
BV 3GU0	764610	Highway Safety Programs Grant	\$5,226,000	\$5,333,000
BW 3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
BX 3GU0	769610	Investigations Grants - Food Stamps, Liquor, and Tobacco Laws	\$1,000,000	\$1,000,000

BY 3GU0 769631	Homeland Security Disaster Grants	\$1,500,000	\$1,500,000
BZ 3GV0 761612	Traffic Safety Action Plan Grant	\$31,625,000	\$31,685,000
CA 3L50 768604	Justice Program	\$25,000,000	\$25,000,000
CB	Federal Fund Group Total	\$310,120,000	\$310,627,000
CC	TOTAL ALL BUDGET FUND GROUPS	\$1,075,108,634	\$1,093,187,163

**Section 373.20. RECOVERY OHIO LAW ENFORCEMENT** 151626

The foregoing appropriation item 761682, Recovery Ohio Law Enforcement, shall be used in conjunction with appropriation item 761403, Recovery Ohio Law Enforcement, to support the RecoveryOhio Initiative. 151627  
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Of the foregoing appropriation items 761682, Recovery Ohio Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a total of up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount may also be used to provide funding to local law enforcement agencies, the Commission for task force-related equipment purchases, and for operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program. 151631  
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Of the foregoing appropriation items 761682, Recovery Ohio 151644

Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 151645  
total of up to \$2,500,000 in each fiscal year may be used by the 151646  
Office of Criminal Justice Services for Ohio's narcotics task 151647  
forces in order to build new and strengthen existing 151648  
partnerships with local law enforcement. This earmarked amount 151649  
may also be used to provide funding to local law enforcement 151650  
agencies and for operating expenses of the Office of Criminal 151651  
Justice Services related to the Ohio narcotics task force 151652  
program. 151653

Of the foregoing appropriation items 761682, Recovery Ohio 151654  
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 151655  
total of up to \$600,000 in each fiscal year may be used to 151656  
partner with the Office of Information Technology in the 151657  
Department of Administrative Services to enhance and maintain a 151658  
uniform records management and data intelligence system, and 151659  
provide case management, collaboration, data sharing, and data 151660  
analytics tools for Ohio narcotics task forces and law 151661  
enforcement agencies. 151662

**OHIO NARCOTICS INTELLIGENCE CENTER** 151663

The foregoing appropriation item 761683, Ohio Narcotics 151664  
Intelligence Center, shall be used in conjunction with 151665  
appropriation item 761411, Ohio Narcotics Intelligence Center, 151666  
to support the Ohio Narcotics Intelligence Center. 151667

**Section 373.30. SECURITY GRANTS** 151668

(A) The foregoing appropriation item 763513, Security 151669  
Grants, shall be used to make competitive grants to be used over 151670  
a two-year period of up to \$125,000 to nonprofit organizations, 151671  
houses of worship, chartered nonpublic schools, and licensed 151672  
preschools for all of the following purposes: 151673

- (1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism, including services performed by the Ohio Department of Transportation related to line of sight security needs; 151674  
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- (2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers, and training or recommissioning of retired officers and military service members who are transitioning to a civilian career; 151679  
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- (3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism; 151685  
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- (4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local emergency management agency, or local transportation agency, as applicable; 151689  
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- (5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts; 151695  
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- (6) Continuing coverage of costs that were authorized and paid for by a grant issued previously to the grantee in accordance with this section in previous bienniums under the program. 151699  
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(B) (1) In addition to the purposes listed in division (A) 151703  
of this section, a nonprofit organization that serves a broad 151704  
community or geographic area may apply for and receive grants to 151705  
provide antiterrorism related services for its serviced 151706  
community or area, including providing armed security personnel. 151707  
Prior to receiving a grant under division (B) of this section, 151708  
the nonprofit organization shall provide the Emergency 151709  
Management Agency with any appropriate compliance documentation. 151710  
The Agency shall establish what compliance documentation is 151711  
required prior to issuing grants under this division. 151712

(2) If more than one nonprofit organization is located at 151713  
the same address listed on the application, each nonprofit 151714  
organization may apply for the full amount of a grant issued 151715  
under this section. Each nonprofit organization shall explain in 151716  
its application how it will use the grant money to address a 151717  
different vulnerability than the other applicant nonprofit 151718  
organizations that are located at the same address. 151719

(C) The Emergency Management Agency shall administer and 151720  
award the grants described in division (B) of this section. The 151721  
Agency shall establish procedures and forms by which applicants 151722  
may apply for a grant, a competitive process for ranking 151723  
applicants and awarding the grants, and procedures for 151724  
distributing grants to recipients. The procedures shall require 151725  
each applicant to do all of the following: 151726

(1) Identify and substantiate prior threats or attacks by 151727  
a terrorist organization, network, or cell against the nonprofit 151728  
organization, house of worship, chartered nonpublic school, or 151729  
licensed preschool; 151730

(2) Indicate the symbolic or strategic value of one or 151731  
more sites that renders the site a possible target of terrorism; 151732

(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist; 151733  
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(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts; 151735  
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(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, or a credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts, and a description of how the grant will be used to address the vulnerabilities identified in the assessment. 151738  
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The Agency shall consider all of the above factors in evaluating grant applications. The grantee shall have twenty-four months from the date of the first disbursement to meet program requirements. The Agency shall include information about the grants and the application process on its web site. 151745  
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(D) The Emergency Management Agency may prioritize a portion of funding, but not more than \$1,000,000 in each fiscal year, for innovative community-public safety partnerships addressing counterterrorism prevention, provided the grantee is eligible to receive the grant as a nonprofit organization that is at risk of terror attack. The Emergency Management Agency may use up to \$1,000,000 in each fiscal year for community police partnerships that focus on collaboration, increased efficiencies, or otherwise assisting both a nonprofit organization and one or more law enforcement, emergency management, or homeland security agencies to serve and protect at-risk nonprofit organizations. 151750  
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(E) Any grant submission described in division (I) of 151762  
section 3313.536 of the Revised Code or section 149.433 of the 151763  
Revised Code is not a public record under section 149.43 of the 151764  
Revised Code and is not subject to mandatory release or 151765  
disclosure under that section. 151766

(F) The Emergency Management Agency may use up to two and 151767  
one-half per cent of the total amount appropriated to administer 151768  
the program, a portion of which may be used to pay costs 151769  
incurred by the Department of Public Safety to provide security- 151770  
related or specialized assistance in reviewing vulnerability 151771  
assessments and prioritizing grant applications. 151772

(G) As used in this section: 151773

(1) "Eligible security improvements" means any of the 151774  
following: 151775

(a) Physical security enhancement equipment or inspection 151776  
and screening equipment included on the Authorized Equipment 151777  
List published by the United States Department of Homeland 151778  
Security; 151779

(b) Attendance fees and associated materials, supplies, 151780  
and equipment costs for security-related training courses and 151781  
programs regarding the protection of critical infrastructure and 151782  
key resources, physical and cyber security, target hardening, or 151783  
terrorism awareness or preparedness. Personnel and travel costs 151784  
associated with training shall not be considered an eligible 151785  
expense of the grant; 151786

(c) The purchase, upgrade, or maintenance of high-speed 151787  
internet for those utilizing it for security purposes. 151788

(2) "Nonprofit organization" means a corporation, 151789  
association, group, institution, society, or other organization 151790

that is exempt from federal income taxation under section 501(c) 151791  
(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(c)(3), 151792  
as amended. 151793

(3) "Resource officer" means any law enforcement officer 151794  
of an accredited local law enforcement agency providing special 151795  
duty services in a school setting to create or maintain a safe, 151796  
secure, and orderly environment. A resource officer may include 151797  
a special duty police officer, off-duty police officer, deputy 151798  
sheriff, or other peace officer of the applicable local law 151799  
enforcement agency in which the chartered nonpublic school or 151800  
licensed preschool is located or qualifying personnel of an 151801  
accredited local law enforcement agency for any jurisdiction in 151802  
this state. 151803

(4) "Terrorism" means any act taken by a group or 151804  
individual used to intimidate or coerce a nonprofit 151805  
organization, house of worship, chartered nonpublic school, or 151806  
licensed preschool, its employees, and anyone who is or in the 151807  
future may be associated with it, as well as their families; to 151808  
influence the policy of the nonprofit organization, house of 151809  
worship, chartered nonpublic school, or licensed preschool; and 151810  
to affect the conduct of the nonprofit organization, house of 151811  
worship, chartered nonpublic school, or licensed preschool. 151812

(H) Notwithstanding division (A) of this section, of the 151813  
foregoing appropriation item 763513, Security Grants, \$300,000 151814  
in fiscal year 2026 shall be used to award competitive grants to 151815  
chartered nonpublic schools for school resource officer or 151816  
special duty officer programs. The grant period shall last for 151817  
two years and preference shall be given to those institutions 151818  
that can show a high risk of terror attack. 151819

JUSTICE PROGRAM SERVICES 151820

Of the foregoing appropriation item 768425, Justice 151821  
Program Services, up to \$5,000,000 in each fiscal year shall be 151822  
used by the Office of Criminal Justice Services to administer 151823  
and distribute grants to state and local law enforcement 151824  
agencies to implement or enhance body-worn camera programs. 151825

Of the foregoing appropriation item 768425, Justice 151826  
Program Services, up to \$4,531,000 in each fiscal year shall be 151827  
used by the Office of Criminal Justice Services to support anti- 151828  
human trafficking efforts in the areas of prosecution, victim 151829  
services to specifically include assistance for child victims, 151830  
and prevention and policy to implement the priorities of the 151831  
Governor's Ohio Human Trafficking Task Force. 151832

Of the foregoing appropriation item 768425, Justice 151833  
Program Services, up to \$4,000,000 in each fiscal year shall be 151834  
used by the Office of Criminal Justice Services to administer 151835  
and distribute grants to state and local law enforcement 151836  
agencies to assist local communities in reducing and preventing 151837  
crime through the use of promising or proven crime reduction 151838  
strategies. The use of the grants includes, but is not limited 151839  
to, overtime, equipment, technical assistance, and analytical 151840  
support to implement crime reduction strategies. 151841

Of the foregoing appropriation item 768425, Justice 151842  
Program Services, up to \$1,500,000 in each fiscal year shall be 151843  
used to support state and local law enforcement agencies in the 151844  
recruitment, hiring, and training of qualified individuals to 151845  
serve as peace officers; to support state and local first 151846  
responder agencies in mental, physical, and emotional wellness; 151847  
and to administer and distribute grants to state and local first 151848  
responder agencies to assist in recruitment, retention, and 151849  
wellness of their workforce. Of these funds, \$500,000 in each 151850

fiscal year shall be distributed as follows: 151851

(A) \$150,000 in each fiscal year to First Responders' 151852  
Bridge to pay for their programs supporting first responders 151853  
suffering from Post Traumatic Stress Disorder, depression, 151854  
anxiety, and other mental health conditions; 151855

(B) \$150,000 in each fiscal year to Save A Warrior 151856  
Foundation to pay for their programs supporting first responders 151857  
suffering from Post Traumatic Stress Disorder, depression, 151858  
anxiety, and other mental health conditions; and 151859

(C) \$200,000 in each fiscal year to Tri-State Peer Support 151860  
Team to pay the administrative costs of providing peer support 151861  
and mental health services for first responders and related 151862  
program development. 151863

Of the foregoing appropriation item 768425, Justice 151864  
Program Services, up to \$1,000,000 in each fiscal year shall be 151865  
used by the Office of Criminal Justice Services to distribute 151866  
grants to state and/or local law enforcement to conduct 151867  
investigations on sexual assault kit testing results and related 151868  
expenses. 151869

Of the foregoing appropriation item 768425, Justice 151870  
Program Services, up to \$200,000 in each fiscal year shall be 151871  
used by the Office of Criminal Justice Services to implement 151872  
recommendations of the Governor's Warrant Task Force. 151873

**Section 373.40. MOTOR VEHICLE REGISTRATION** 151874

The Director of Public Safety may deposit revenues to meet 151875  
the cash needs of the Public Safety - Highway Purposes Fund 151876  
(Fund 5TM0) established in section 4501.06 of the Revised Code, 151877  
obtained under section 4503.02 of the Revised Code, less all 151878  
other available cash. Revenue deposited pursuant to this 151879

paragraph shall support in part appropriations for the 151880  
administration and enforcement of laws relative to the operation 151881  
and registration of motor vehicles, for payment of highway 151882  
obligations and other statutory highway purposes. 151883  
Notwithstanding section 4501.03 of the Revised Code, the 151884  
revenues shall be paid into Fund 5TM0 before any revenues 151885  
obtained pursuant to section 4503.02 of the Revised Code are 151886  
paid into any other fund. The deposit of revenues to meet the 151887  
aforementioned cash needs shall be in approximately equal 151888  
amounts on a monthly basis or as otherwise approved by the 151889  
Director of Budget and Management. Prior to July 1 of each 151890  
fiscal year, the Director of Public Safety shall submit a plan 151891  
to the Director of Budget and Management requesting approval of 151892  
the anticipated revenue amounts to be deposited into Fund 5TM0 151893  
pursuant to this paragraph. If during the fiscal year changes to 151894  
the plan as approved by the Director of Budget and Management 151895  
are necessary, the Director of Public Safety shall submit a 151896  
revised plan to the Director of Budget and Management for 151897  
approval prior to any change in the deposit of revenues. 151898

VALIDATION STICKER REQUIREMENTS 151899

Validation stickers are required for the annual 151900  
registration of passenger, commercial, motorcycle, and other 151901  
vehicles and are produced in accordance with section 4503.191 of 151902  
the Revised Code. Notwithstanding section 4503.191 of the 151903  
Revised Code, the Registrar of Motor Vehicles may adopt rules 151904  
authorizing validation stickers to be produced at any location. 151905

OPERATING EXPENSE - HIGHWAY PATROL 151906

Any new revenue derived from an increase of the Highway 151907  
Safety fee as prescribed in section 4503.10 of the Revised Code 151908  
that becomes effective with any application for registration or 151909

registration renewal received on or after January 1, 2026, shall 151910  
be used exclusively for the State Highway Patrol. 151911

**Section 373.50. CASH BALANCE FUND REVIEW** 151912

The Director of Public Safety shall review the cash 151913  
balances for each fund in the State Highway Safety Fund Group, 151914  
and may submit a request in writing to the Director of Budget 151915  
and Management to transfer amounts from any fund in the State 151916  
Highway Safety Fund Group to the credit of the Public Safety - 151917  
Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 151918  
of such a request, and subject to the approval of the 151919  
Controlling Board, the Director of Budget and Management may 151920  
make appropriate transfers as requested by the Director of 151921  
Public Safety or as otherwise determined by the Director of 151922  
Budget and Management. 151923

**CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 151924  
POLICING FUND** 151925

Notwithstanding any other provision of law to the 151926  
contrary, the Director of Budget and Management, upon written 151927  
request of the Director of Public Safety and approval of the 151928  
Controlling Board, may approve the transfer of cash from the 151929  
State Highway Patrol Contraband, Forfeiture, and Other Fund 151930  
(Fund 83C0) to the Security, Investigations and Policing Fund 151931  
(Fund 8400). 151932

**TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 151933  
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND** 151934

On July 1 of each fiscal year, or as soon as possible 151935  
thereafter, the Director of Budget and Management shall transfer 151936  
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 151937  
the Emergency Management Agency Service and Reimbursement Fund 151938

(Fund 4V30). 151939

Of the foregoing appropriation item 763662, EMA Service 151940  
and Reimbursements, \$250,000 in each fiscal year shall be 151941  
distributed to the Ohio Task Force One - Urban Search and Rescue 151942  
Unit to pay for its operating expenses and developing new 151943  
programs. 151944

Of the foregoing appropriation item 763662, EMA Service 151945  
and Reimbursements, \$200,000 in each fiscal year shall be 151946  
distributed to the Ohio Task Force One - Urban Search and Rescue 151947  
Unit, other similar urban search and rescue units around the 151948  
state, and for maintenance of the statewide fire emergency 151949  
response plan by an entity recognized by the Ohio Emergency 151950  
Management Agency. 151951

TRANSFER FROM CONTROLLING BOARD EMERGENCY 151952  
PURPOSES/CONTINGENCIES FUND TO STATE DISASTER RELIEF FUND 151953

On July 1 of each fiscal year, or as soon as possible 151954  
thereafter, the Director of Budget and Management shall transfer 151955  
\$1,000,000 cash from the Controlling Board Emergency 151956  
Purposes/Contingencies Fund (Fund 5KM0) to the State Disaster 151957  
Relief Fund (Fund 5330). 151958

STATE DISASTER RELIEF 151959

The State Disaster Relief Fund (Fund 5330) may accept 151960  
transfers of cash or appropriations from Controlling Board 151961  
appropriation items for the Ohio Emergency Management Agency 151962  
disaster response costs and disaster program management costs, 151963  
and may also be used for the following purposes: 151964

(A) To accept transfers of cash or appropriations from 151965  
Controlling Board appropriation items for Ohio Emergency 151966  
Management Agency recovery and mitigation program match costs to 151967

reimburse eligible local governments and private nonprofit organizations for costs related to disasters;	151968 151969
(B) To accept transfers of cash or appropriations from Controlling Board appropriation items to cover costs incurred and to reimburse government entities for Emergency Management Assistance Compact (EMAC) missions;	151970 151971 151972 151973
(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.	151974 151975 151976 151977 151978
(D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor.	151979 151980 151981 151982 151983 151984 151985
(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.	151986 151987 151988
DRUG LAW ENFORCEMENT FUND	151989
Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2026 and 2027, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.	151990 151991 151992 151993 151994
SARA TITLE III HAZMAT PLANNING	151995

The SARA Title III Hazmat Planning Fund (Fund 6810) is 151996  
entitled to receive grant funds from the Emergency Response 151997  
Commission to implement the Emergency Management Agency's 151998  
responsibilities under Chapter 3750. of the Revised Code. 151999

**Section 373.60. COLLECTIVE BARGAINING INCREASES** 152000

Notwithstanding division (D) of section 127.14 and 152001  
division (B) of section 131.35 of the Revised Code, except for 152002  
the General Revenue Fund, the Controlling Board may, upon the 152003  
request of either the Director of Budget and Management, or the 152004  
Department of Public Safety with the approval of the Director of 152005  
Budget and Management, authorize expenditures in excess of 152006  
appropriations and transfer appropriations, as necessary, for 152007  
any fund used by the Department of Public Safety, to assist in 152008  
paying the costs of increases in employee compensation that have 152009  
occurred pursuant to collective bargaining agreements under 152010  
Chapter 4117. of the Revised Code and, for exempt employees, 152011  
under section 124.152 of the Revised Code. Any money approved 152012  
for expenditure under this paragraph is hereby appropriated. 152013

**Section 375.10.** 152014

152015

	1	2	3	4	5
A	PUC PUBLIC UTILITIES COMMISSION OF OHIO				
B	Dedicated Purpose Fund Group				
C	4A30	870614	Grade Crossing Protection Devices - State	\$1,200,000	\$1,200,000
D	4L80	870617	Pipeline Safety - State	\$350,000	\$360,000

E	5610	870606	Power Siting Board	\$1,100,000	\$1,100,000
F	5F60	870622	Utility and Railroad Regulation	\$45,851,137	\$47,757,281
G	5F60	870624	NARUC/NRRI Subsidy	\$45,340	\$45,340
H	5LT0	870640	Intrastate Registration	\$230,298	\$237,207
I	5LT0	870641	Unified Carrier Registration	\$451,794	\$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202	\$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567	\$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962	\$5,786,733
M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P	Dedicated Purpose Fund Group Total			\$57,635,029	\$59,703,827
Q	Federal Fund Group				
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723



Service

E	General Revenue Fund Total	\$271,500,000	\$279,000,000
F	Capital Projects Fund Group		
G	7038 150321 State Capital Improvements Program - Operating Expenses	\$974,304	\$991,125
H	7056 150403 Clean Ohio Conservation Operating	\$324,768	\$330,375
I	Capital Projects Fund Group Total	\$1,299,072	\$1,321,500
J	TOTAL ALL BUDGET FUND GROUPS	\$272,799,072	\$280,321,500

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 152018  
SERVICE 152019

The foregoing appropriation item 150904, Conservation 152020  
General Obligation Bond Debt Service, shall be used to pay all 152021  
debt service and related financing costs during the period from 152022  
July 1, 2025, through June 30, 2027, on obligations issued under 152023  
sections 151.01 and 151.09 of the Revised Code. 152024

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 152025  
SERVICE 152026

The foregoing appropriation item 150907, Infrastructure 152027  
Improvement General Obligation Bond Debt Service, shall be used 152028  
to pay all debt service and related financing costs during the 152029  
period from July 1, 2025, through June 30, 2027, on obligations 152030  
issued under sections 151.01 and 151.08 of the Revised Code. 152031

CLEAN OHIO CONSERVATION OPERATING	152032
The foregoing appropriation item 150403, Clean Ohio	152033
Conservation Operating, shall be used by the Ohio Public Works	152034
Commission in administering Clean Ohio Conservation Fund (Fund	152035
7056) projects pursuant to sections 164.20 to 164.27 of the	152036
Revised Code.	152037
STATE CAPITAL IMPROVEMENT PROGRAM - OPERATING EXPENSES	152038
The foregoing appropriation item 150321, State Capital	152039
Improvements Program - Operating Expenses, shall be used by the	152040
Ohio Public Works Commission to administer the State Capital	152041
Improvement Program under sections 164.01 to 164.16 of the	152042
Revised Code.	152043
DISTRICT ADMINISTRATION COSTS	152044
The Director of the Public Works Commission is authorized	152045
to create a District Administration Costs Program from proceeds	152046
of the Capital Improvements Fund and Local Transportation	152047
Improvement Program Fund. The program shall be used to provide	152048
for the direct costs of district administration of the nineteen	152049
public works districts. Districts choosing to participate in the	152050
program shall only expend State Capital Improvements Fund moneys	152051
for State Capital Improvements Fund costs and Local	152052
Transportation Improvement Program Fund moneys for Local	152053
Transportation Improvement Program Fund costs. The District	152054
Administration Costs Program account shall not exceed \$1,235,000	152055
per fiscal year. Each public works district may be eligible for	152056
up to \$65,000 per fiscal year from its district allocation as	152057
provided in sections 164.08 and 164.14 of the Revised Code.	152058
The Director, by rule, shall define allowable and non-	152059
allowable costs for the purpose of the District Administration	152060

Costs Program. Non-allowable costs include indirect costs, 152061  
elected official salaries and benefits, and project-specific 152062  
costs. No district public works committee may participate in the 152063  
District Administration Costs Program without the approval of 152064  
those costs by the district public works committee under section 152065  
164.04 of the Revised Code. 152066

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 152067

The Director of the Public Works Commission is authorized 152068  
to create a District Administration Costs Program for districts 152069  
represented by natural resource assistance councils. The program 152070  
shall be funded from proceeds of the Clean Ohio Conservation 152071  
Fund. The program shall be used by natural resource assistance 152072  
councils to provide for administration costs of the nineteen 152073  
natural resource assistance councils for the direct costs of 152074  
council administration. Councils choosing to participate in this 152075  
program may be eligible for up to \$15,000 per fiscal year from 152076  
their district allocation as provided in section 164.27 of the 152077  
Revised Code. 152078

The Director, by rule, shall define allowable and non- 152079  
allowable costs for the purpose of the District Administration 152080  
Costs Program. Non-allowable costs include indirect costs, 152081  
elected official salaries and benefits, and project specific 152082  
costs. 152083

**Section 379.10.** 152084

152085

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A RAC STATE RACING COMMISSION

B Dedicated Purpose Fund Group



B	General Revenue Fund		
C	GRF 235321 Operating Expenses	\$8,750,000	\$9,250,000
D	GRF 235402 Sea Grants	\$308,000	\$308,000
E	GRF 235406 Articulation and Transfer	\$2,269,500	\$2,314,890
F	GRF 235408 Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF 235413 Computer Science	\$4,004,863	\$4,006,508
H	GRF 235414 Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF 235417 Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF 235425 Ohio Work Ready Grant	\$10,000,000	\$10,000,000
K	GRF 235428 Appalachian New Economy Workforce Partnership	\$3,955,000	\$3,955,000
L	GRF 235438 Choose Ohio First Scholarship	\$32,000,000	\$32,000,000
M	GRF 235443 Aspire - State	\$6,322,267	\$0
N	GRF 235444 Ohio Technical Centers	\$22,138,000	\$22,138,000
O	GRF 235474 Area Health Education Centers Program Support	\$899,000	\$899,000
P	GRF 235475 Campus Security Support	\$4,000,000	\$0

		Program		
Q	GRF	235476	Campus Student Safety Grant Program	\$1,000,000 \$1,000,000
R	GRF	235501	State Share of Instruction	\$2,156,383,406 \$2,177,772,240
S	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000 \$30,000,000
T	GRF	235507	OhioLINK	\$6,447,000 \$6,447,000
U	GRF	235508	Air Force Institute of Technology	\$2,000,000 \$2,000,000
V	GRF	235510	Ohio Supercomputer Center	\$5,086,000 \$5,086,000
W	GRF	235511	The Ohio State University Extension Service	\$25,504,000 \$25,504,000
X	GRF	235514	Central State Supplement	\$12,768,910 \$13,151,977
Y	GRF	235515	Case Western Reserve University School of Medicine	\$2,100,000 \$2,100,000
Z	GRF	235519	Family Practice	\$3,098,000 \$3,098,000
AA	GRF	235520	Shawnee State Supplement	\$12,000,000 \$12,000,000
AB	GRF	235525	Geriatric Medicine	\$511,000 \$511,000
AC	GRF	235526	Primary Care Residencies	\$1,468,000 \$1,468,000

AD	GRF	235530	Governor's Merit Scholarship	\$47,000,000	\$56,410,000
AE	GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000
AF	GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AG	GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AH	GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AI	GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AJ	GRF	235540	Ohio University Clinical Teaching	\$2,849,000	\$2,849,000
AK	GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,930,000	\$2,930,000
AL	GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AM	GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000
AN	GRF	235548	Central State Cooperative	\$5,168,000	\$5,168,000

Extension Services

AO	GRF	235552	Capital Component	\$1,236,561	\$1,236,561
AP	GRF	235555	Library Depositories	\$700,000	\$500,000
AQ	GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AR	GRF	235558	Long-term Care Research	\$318,000	\$318,000
AS	GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AT	GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$15,000,000	\$15,000,000
AU	GRF	235572	The Ohio State University Clinic Support	\$750,000	\$750,000
AV	GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000
AW	GRF	235585	Educator Preparation Programs	\$600,000	\$600,000
AX	GRF	235595	Commercial Truck Driver Student Aid Program	\$3,000,000	\$3,000,000
AY	GRF	235599	National Guard Scholarship Program	\$18,399,750	\$18,399,750
AZ	GRF	235909	Higher Education General Obligation Bond Debt	\$250,000,000	\$210,000,000

Service

BA	General Revenue Fund Total	\$3,002,344,191	\$2,975,421,701
BB	Dedicated Purpose Fund Group		
BC	2200 235614 Program Approval and Reauthorization	\$769,126	\$789,679
BD	4560 235603 Sales and Services	\$129,725	\$133,017
BE	4E80 235602 Higher Educational Facility Commission Administration	\$69,839	\$73,807
BF	5AH1 235688 Super RAPIDS	\$10,000,000	\$0
BG	5CJ1 2356A2 Strategic Square Footage Reduction	\$82,650,000	\$0
BH	5D40 235675 Conference/Special Purposes	\$125,000	\$125,000
BI	5FR0 235650 State and Non-Federal Grants and Awards	\$1,405,944	\$1,412,670
BJ	5P30 235663 Variable Savings Plan	\$8,522,034	\$8,522,034
BK	5YD0 235494 Second Chance Grant Program	\$2,000,000	\$2,000,000
BL	5ZD0 235426 Rural Practice Incentive Program	\$1,500,000	\$1,500,000
BM	5ZY0 235592 Grow Your Own Teacher	\$2,500,000	\$2,500,000

Program				
BN	6450 235664	Guaranteed Savings Plan	\$1,110,131	\$1,110,132
BO	6820 235606	Nursing Loan Program	\$1,203,730	\$1,210,344
BP	Dedicated Purpose Fund Group Total		\$111,985,529	\$19,376,683
BQ	Bond Research and Development Fund Group			
BR	7014 235639	Research Incentive Third Frontier - Tax	\$8,000,000	\$8,000,000
BS	Bond Research and Development Fund Group Total		\$8,000,000	\$8,000,000
BT	Federal Fund Group			
BU	3120 235611	Gear-up Grant	\$2,956,000	\$2,956,000
BV	3120 235612	Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
BW	3120 235641	Aspire - Federal	\$18,996,799	\$0
BX	3120 235669	Industry Credential Transfer Assurance Guides Initiative	\$300,000	\$300,000
BY	3BG0 235651	Gear Up Grant Scholarships	\$3,100,000	\$3,100,000
BZ	3N60 235658	John R. Justice Student Loan Repayment Program	\$128,000	\$128,000

CA Federal Fund Group Total	\$26,852,738	\$7,872,525
CB TOTAL ALL BUDGET FUND GROUPS	\$3,149,182,458	\$3,010,670,909

**Section 381.20. OPERATING EXPENSES** 152088

(A) Of the foregoing appropriation item 235321, Operating Expenses, up to \$1,200,000 in each fiscal year shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services. 152089  
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(B) Enhanced security operations and services shall benefit all members of OH-TECH and may include, but shall not be limited to: 152093  
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(1) Establishing an enterprise security operations center; 152096

(2) Configuration management in the area of data loss prevention; 152097  
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(3) Endpoint patch and compliance; 152099

(4) Log aggregation; 152100

(5) Web application firewall; 152101

(6) Vulnerability management across the consortium; 152102

(7) Other critical security enhancement services as determined appropriate by the Chancellor. 152103  
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(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited 152105  
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to, the National Institutes of Health, the National Science	152111
Foundation, and the Department of Defense.	152112
SEA GRANTS	152113
The foregoing appropriation item 235402, Sea Grants, shall	152114
be used to match federal dollars and leverage additional support	152115
by The Ohio State University's Sea Grant program, including	152116
Stone Laboratory, for research, education, and outreach to	152117
enhance the economic value, public utilization, and responsible	152118
management of Lake Erie and Ohio's coastal resources.	152119
<b>Section 381.30. ARTICULATION AND TRANSFER</b>	152120
The foregoing appropriation item 235406, Articulation and	152121
Transfer, shall be used by the Chancellor of Higher Education to	152122
maintain and expand the work of the Articulation and Transfer	152123
Network Advisory Council to develop a system of transfer	152124
policies to ensure that students at state institutions of higher	152125
education can transfer and have coursework apply to their majors	152126
and degrees at any other state institution of higher education	152127
without unnecessary duplication or institutional barriers under	152128
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the	152129
Revised Code.	152130
<b>Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE</b>	152131
COMPACT	152132
The foregoing appropriation item 235408, Midwest Higher	152133
Education Compact, shall be distributed by the Chancellor of	152134
Higher Education under section 3333.40 of the Revised Code.	152135
<b>Section 381.80. COMPUTER SCIENCE</b>	152136
The foregoing appropriation item 235413, Computer Science,	152137
shall be used to administer and award grants under the Teach CS	152138

Grant Program established in section 3333.129 of the Revised Code. 152139  
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**Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION** 152141

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program. 152142  
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**Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS** 152151

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH). 152152  
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Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, continue the support of the statewide eTutoring program, and for any other strategic priorities of the Chancellor. 152159  
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Of the foregoing appropriation item 235417, Technology 152167

Maintenance and Operations, a portion in each fiscal year shall 152168  
be used by the Chancellor to implement a high priority data 152169  
warehouse, advanced analytics, and visualization integration 152170  
services associated with the Higher Education Information (HEI) 152171  
system. The services may be facilitated by OH-TECH. 152172

Of the foregoing appropriation item 235417, Technology 152173  
Maintenance and Operations, \$150,000 in each fiscal year shall 152174  
be used to support Ohio Reach to provide mentoring and support 152175  
services to former foster youth attending college. 152176

**Section 381.160. OHIO WORK READY GRANT** 152177

The foregoing appropriation item 235425, Ohio Work Ready 152178  
Grant, shall be used by the Chancellor of Higher Education to 152179  
establish and operate the Ohio Work Ready Grant Program pursuant 152180  
to section 3333.24 of the Revised Code. 152181

**Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE** 152182  
**PARTNERSHIP** 152183

The foregoing appropriation item 235428, Appalachian New 152184  
Economy Workforce Partnership, shall be distributed to Ohio 152185  
University's Voinovich School to continue a multi-campus and 152186  
multi-agency coordinated effort to link Appalachia to the new 152187  
economy. Ohio University shall use these funds to provide 152188  
leadership in the development and implementation of initiatives 152189  
in the areas of entrepreneurship, management, education, and 152190  
technology. 152191

**Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP** 152192

The foregoing appropriation item 235438, Choose Ohio First 152193  
Scholarship, shall be used to operate the program prescribed in 152194  
sections 3333.60 to 3333.69 of the Revised Code. 152195

**Section 381.200.** ASPIRE 152196

The foregoing appropriation item 235443, Aspire - State, 152197  
shall be used to support the Aspire program. The supported 152198  
programs shall satisfy the state match and maintenance of effort 152199  
requirements for the state-administered grant program in fiscal 152200  
year 2026. The funds may be used to support students that speak 152201  
English as their second language. 152202

**Section 381.210.** OHIO TECHNICAL CENTERS FUNDING 152203

The foregoing appropriation item 235444, Ohio Technical 152204  
Centers, shall be used by the Chancellor of Higher Education to 152205  
support post-secondary adult career-technical education and 152206  
secondary students enrolling in Ohio Technical Center programs 152207  
pursuant to section 3313.901 of the Revised Code. The Chancellor 152208  
shall provide coordination for Ohio Technical Centers through 152209  
program approval processes, data collection of program and 152210  
student outcomes, and subsidy disbursements from the foregoing 152211  
appropriation item 235444, Ohio Technical Centers. 152212

(A) (1) As soon as possible in each fiscal year, in 152213  
accordance with instructions of the Chancellor, each Ohio 152214  
Technical Center shall report its actual data, consistent with 152215  
the definitions in the Higher Education Information (HEI) 152216  
system's files, to the Chancellor. 152217

(a) In defining the number of full-time equivalent 152218  
students for state subsidy purposes, the Chancellor shall 152219  
exclude all students who are not residents of Ohio. 152220

(b) A full-time equivalent student shall be defined as a 152221  
student who completes 450 hours. Those students that complete 152222  
some portion of 450 hours shall be counted as a partial full- 152223  
time equivalent for funding purposes, while students that 152224

complete more than 450 hours shall be counted as proportionally 152225  
greater than one full-time equivalent. 152226

(c) In calculating each Ohio Technical Center's full-time 152227  
equivalent students, the Chancellor shall use a three-year 152228  
average. 152229

(d) Ohio Technical Centers shall operate with, or be an 152230  
active candidate for, accreditation by an accreditor authorized 152231  
by the United States Department of Education to be eligible to 152232  
receive subsidies from the foregoing appropriation item 235444, 152233  
Ohio Technical Centers. 152234

(2) In each fiscal year, 25 per cent of the allocation for 152235  
Ohio Technical Centers shall be distributed based on the 152236  
proportion of each Center's full-time equivalent students to the 152237  
total full-time equivalent students who complete a post- 152238  
secondary technical workforce training program approved by the 152239  
Chancellor with a grade of C or better or a grade of pass if the 152240  
program is evaluated on a pass/fail basis. 152241

(3) In each fiscal year, 20 per cent of the allocation for 152242  
Ohio Technical Centers shall be distributed based on the 152243  
proportion of each Center's full-time equivalent students to the 152244  
total full-time equivalent students who complete 50 per cent of 152245  
a program of study as a measure of student retention. 152246

(4) In each fiscal year, 50 per cent of the allocation for 152247  
Ohio Technical Centers shall be distributed based on the 152248  
proportion of each Center's full-time equivalent students to the 152249  
total full-time equivalent students who have found employment, 152250  
entered military service, or enrolled in additional post- 152251  
secondary education and training in accordance with the 152252  
placement definitions of the Strengthening Career and Technical 152253

Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 152254  
The calculation for eligible full-time equivalent students shall 152255  
be based on the per cent of Perkins placements for students who 152256  
have completed at least 50 per cent of a program of study. 152257

(5) In each fiscal year, five per cent of the allocation 152258  
for Ohio Technical Centers shall be distributed based on the 152259  
proportion of each Center's full-time equivalent students to the 152260  
total full-time equivalent students who have earned a credential 152261  
from an industry-recognized third party. 152262

(B) Of the foregoing appropriation item 235444, Ohio 152263  
Technical Centers, up to 2.38 per cent in each fiscal year may 152264  
be distributed by the Chancellor to the Ohio Central School 152265  
System, up to \$48,000 in each fiscal year may be utilized for 152266  
assistance for Ohio Technical Centers, and up to \$2,000,000 in 152267  
each fiscal year may be distributed by the Chancellor to Ohio 152268  
Technical Centers that provide customized training and business 152269  
consultation services with matching local dollars, with 152270  
preference to industries on the in-demand jobs list created 152271  
under section 6301.11 of the Revised Code, industries in 152272  
regionally emerging fields, or local businesses and industries. 152273  
Each center meeting this requirement shall receive at least 152274  
\$25,000 but not more than a maximum amount determined by the 152275  
Chancellor. 152276

(C) The remainder of the foregoing appropriation item 152277  
235444, Ohio Technical Centers, in each fiscal year shall be 152278  
distributed in accordance with division (A) of this section. 152279

**Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM** 152280  
**SUPPORT** 152281

The foregoing appropriation item 235474, Area Health 152282

Education Centers Program Support, shall be used by the 152283  
Chancellor of Higher Education to support the medical school 152284  
regional area health education centers' educational programs for 152285  
the continued support of medical and other health professions 152286  
education and for support of the Area Health Education Center 152287  
Program. 152288

CAMPUS SECURITY SUPPORT PROGRAM 152289

The foregoing appropriation item 235475, Campus Security 152290  
Support Program, shall be distributed by the Chancellor of 152291  
Higher Education to institutionally sanctioned student 152292  
organizations, located on or off campus, affiliated with 152293  
communities that are at risk for increased threats of violent 152294  
crime, terror attacks, hate crimes, or harassment to enhance 152295  
security measures and increase student safety at institutions of 152296  
higher education throughout the state. A portion of the 152297  
foregoing appropriation item 235475, Campus Security Support 152298  
Program, may be used by the Chancellor to administer the 152299  
program. 152300

CAMPUS STUDENT SAFETY GRANT PROGRAM 152301

The foregoing appropriation item 235476, Campus Student 152302  
Safety Grant Program, shall be used by the Chancellor of Higher 152303  
Education to support the Campus Student Safety Grant Program 152304  
pursuant to section 3333.80 of the Revised Code. 152305

CAMPUS SECURITY SUPPORT AND STUDENT SAFETY GRANT REPORTS 152306

Not later than July 1, 2026, the Chancellor of Higher 152307  
Education shall submit reports regarding the programs funded 152308  
under the foregoing appropriation items 235475, Campus Security 152309  
Support Program, and 235476, Campus Student Safety Grant 152310  
Program, to the chairpersons of the committees of each house 152311

that considers higher education legislation. Each report shall 152312  
include, but not be limited to, information about the number of 152313  
award recipients and how the funds have been spent under each 152314  
program. 152315

**Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS** 152316

The Chancellor of Higher Education shall establish 152317  
procedures to allocate the foregoing appropriation item 235501, 152318  
State Share of Instruction, based on the formulas detailed in 152319  
this section that utilize the enrollment, course completion, 152320  
degree attainment, and student achievement factors reported 152321  
annually by each state institution of higher education 152322  
participating in the Higher Education Information (HEI) system. 152323  
A state institution that does not report data for a full 152324  
academic year for any of the years included in the three-year 152325  
reporting period for a fiscal year's state share of instruction 152326  
allocations shall not receive an allocation for that fiscal year 152327  
unless the Chancellor determines that exceptional circumstances 152328  
warrant the institution receiving a full or partial allocation. 152329

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 152330  
COMPLETIONS 152331

(1) As soon as possible during each fiscal year of the 152332  
biennium ending June 30, 2027, in accordance with instructions 152333  
of the Department of Higher Education, each state institution of 152334  
higher education shall report its actual data, consistent with 152335  
the definitions in the Higher Education Information (HEI) 152336  
system's enrollment files, to the Chancellor. 152337

(2) In defining the number of full-time equivalent 152338  
students for state subsidy instructional cost purposes, the 152339  
Chancellor shall exclude all undergraduate students who are not 152340

residents of Ohio or who do not meet the definition of residency 152341  
for state subsidy and tuition surcharge purposes, except those 152342  
charged in-state fees in accordance with reciprocity agreements 152343  
made under section 3333.17 of the Revised Code or employer 152344  
contracts entered into under section 3333.32 of the Revised 152345  
Code. 152346

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 152347

For purposes of calculating state share of instruction 152348  
allocations, the total instructional costs per full-time 152349  
equivalent student shall be: 152350

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938
D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$12,297	\$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235

J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$12,059	\$12,545
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$17,403	\$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144

U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,736	\$22,612
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in	152352
accordance with division (D)(2) of this section.	152353

Medical I and Medical II models shall be allocated in	152354
accordance with divisions (D)(3) and (D)(4) of this section.	152355

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS	152356
	152357

For the purpose of implementing the recommendations of the	152358
2006 State Share of Instruction Consultation and the Higher	152359
Education Funding Study Council that priority be given to	152360
maintaining state support for science, technology, engineering,	152361
mathematics, medicine, and graduate programs, the costs in	152362

division (B) of this section shall be weighted by the amounts 152363  
 provided below: 152364  
 152365

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	1.0000	1.0000
C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION &	1.0425	1.0425

	SOCIAL SCIENCES 6		
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425
O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY,	1.4380	1.4380

	ENGINEERING, MATHEMATICS, MEDICINE 7		
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361
	(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES		152366 152367
	(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for universities, as established in division (B) (1) (b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.		152368 152369 152370 152371 152372 152373 152374
	The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.		152375 152376 152377 152378 152379 152380 152381
	For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the student-specific cost of earned credits for the degree. Each		152382 152383 152384 152385

institution shall receive its prorated share of degree funding 152386  
for credits earned at that institution. Cost of credits not 152387  
earned at a university main or regional campus shall be credited 152388  
to the degree-granting institution for the first degree earned 152389  
by a student at each degree level. The cost credited to the 152390  
degree-granting institution shall not be eligible for at-risk 152391  
weights and shall be limited to 12.5 per cent of the student- 152392  
specific degree costs. However, the 12.5 per cent limitation 152393  
shall not apply if the student transferred 12 or fewer credits 152394  
into the degree granting institution. 152395

In calculating the subsidy entitlements for degree 152396  
attainment for universities, the Chancellor shall use the 152397  
following count of degrees and degree costs: 152398

(a) The subsidy eligible undergraduate degrees shall be 152399  
defined as follows: 152400

(i) The subsidy eligible degrees conferred to students 152401  
identified as residents of the state of Ohio in any term of 152402  
their studies, as reported through the Higher Education 152403  
Information (HEI) system student enrollment file, shall be 152404  
weighted by a factor of 1. 152405

(ii) The subsidy eligible degrees conferred to students 152406  
identified as out-of-state residents during all terms of their 152407  
studies, as reported through the Higher Education Information 152408  
(HEI) system student enrollment file, who remain in the state of 152409  
Ohio at least one year after graduation, as calculated based on 152410  
the three-year average in-state residency rate using the 152411  
Unemployment Wage data for out-of-state graduates at each 152412  
institution, shall be weighted by a factor of 50 per cent. 152413

(iii) Subsidy eligible associate degrees are defined as 152414

those earned by students attending any state-supported 152415  
university main or regional campus. 152416

(b) In calculating each campus's count of degrees, the 152417  
Chancellor shall use the three-year average associate, 152418  
baccalaureate, master's, and professional degrees awarded for 152419  
the most recent completed three-year period that is practicable 152420  
as agreed to by the Inter-University Council and the Chancellor. 152421

(i) If a student is awarded an associate degree and, 152422  
subsequently, is awarded a baccalaureate degree, the amount 152423  
funded for the baccalaureate degree shall be limited to either 152424  
the difference in cost between the cost of the baccalaureate 152425  
degree and the cost of the associate degree paid previously, or 152426  
if the associate degree has a higher cost than the baccalaureate 152427  
degree, the cost of the credits earned by the student after the 152428  
associate degree was awarded. 152429

(ii) If a student earns an associate degree then, 152430  
subsequently, earns a baccalaureate degree, the associate degree 152431  
granting institution shall only receive the prorated share of 152432  
the baccalaureate degree funding for the credits earned at that 152433  
institution after the associate degree is awarded. 152434

(iii) If a student earns more than one degree at the same 152435  
institution at the same degree level in the same fiscal year, 152436  
the funding for the highest cost degree shall be prorated among 152437  
institutions based on where the credits were earned and 152438  
additional degrees shall be funded at 25 per cent of the cost of 152439  
the degrees. 152440

(c) Associate degrees and baccalaureate degrees earned by 152441  
a student defined as at-risk based on academic under- 152442  
preparation, age, minority status, financial status, or first 152443

generation post-secondary status based on neither parent 152444  
completing any education beyond high school, shall be defined as 152445  
degrees earned by an at-risk student and shall be weighted by 152446  
the following: 152447

A student-specific degree completion weight, where the 152448  
weight is calculated based on the at-risk factors of the 152449  
individual student, determined by calculating the difference 152450  
between the percentage of students with each risk factor who 152451  
earned a degree and the percentage of non-at-risk students who 152452  
earned a degree. 152453

(2) Of the foregoing appropriation item 235501, State 152454  
Share of Instruction, up to 11.78 per cent of the appropriation 152455  
for universities, as established in division (B) (1) (b) of the 152456  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152457  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152458  
reserved for support of doctoral programs to implement the 152459  
funding recommendations made by representatives of the 152460  
universities. The amount so reserved shall be referred to as the 152461  
doctoral set-aside. 152462

In each fiscal year, the doctoral set-aside funding 152463  
allocation shall be allocated to universities as follows: 152464

(a) 25 per cent of the doctoral set-aside shall be 152465  
allocated to universities in proportion to their share of the 152466  
statewide total earnings of each state institution's three-year 152467  
average course completions. The subsidy eligible enrollments by 152468  
model shall equal only those FTE students who successfully 152469  
complete the course as defined and reported through the Higher 152470  
Education Information (HEI) system course enrollment file. 152471  
Course completion earnings shall be determined by multiplying 152472  
the amounts listed above in divisions (B) and (C) of this 152473

section by the subsidy-eligible FTEs for the most recent 152474  
completed three-year period that is practicable as agreed to by 152475  
the Inter-University Council and the Chancellor for all doctoral 152476  
enrollments in graduate-level models. 152477

(b) 50 per cent of the doctoral set-aside shall be 152478  
allocated to universities in proportion to each campus's share 152479  
of the total statewide doctoral degrees, weighted by the cost of 152480  
the doctoral discipline. In calculating each campus's doctoral 152481  
degrees the Chancellor shall use the three-year average doctoral 152482  
degrees awarded for the most recent completed three-year period 152483  
that is practicable as agreed to by the Inter-University Council 152484  
and the Chancellor. 152485

(c) 25 per cent of the doctoral set-aside shall be 152486  
allocated to universities in proportion to their share of 152487  
research grant activity. Funding for this component shall be 152488  
allocated to eligible universities in proportion to their share 152489  
of research grant activity published by the National Science 152490  
Foundation. Grant awards from the Department of Health and Human 152491  
Services shall be weighted at 50 per cent. 152492

(3) Of the foregoing appropriation item 235501, State 152493  
Share of Instruction, 6.41 per cent of the appropriation for 152494  
universities, as established in division (B)(1)(b) of the 152495  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152496  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152497  
reserved for support of Medical II FTEs. The amount so reserved 152498  
shall be referred to as the medical II set-aside. 152499

The medical II set-aside shall be allocated to 152500  
universities in proportion to their share of the statewide total 152501  
of each state institution's three-year average Medical II FTEs 152502  
as calculated in division (A) of this section. 152503

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment. 152504  
152505  
152506

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.69 per cent of the appropriation for universities, as established in division (B) (1) (b) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside. 152507  
152508  
152509  
152510  
152511  
152512  
152513

In each fiscal year, the medical I set-aside shall be allocated to universities as follows: 152514  
152515

(a) 12.34 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of podiatric medicine. 152516  
152517  
152518  
152519  
152520

(b) 87.66 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of dentistry and veterinary medicine. 152521  
152522  
152523  
152524  
152525  
152526

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students: 152527  
152528  
152529

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information 152530  
152531  
152532  
152533

(HEI) system course enrollment file; 152533

(b) Those undergraduate FTE students with successful 152534  
course completions, identified in division (D)(5)(a) of this 152535  
section, that are defined as at-risk based on academic under- 152536  
preparation or financial status shall have their eligible 152537  
completions weighted by the following: 152538

(i) Institution-specific course completion indexes, where 152539  
the indexes are calculated based upon the number of at-risk 152540  
students enrolled during the prior three calendar years; and 152541

(ii) A statewide average at-risk course completion weight 152542  
determined for each subsidy model. The statewide average at-risk 152543  
course completion weight shall be determined by calculating the 152544  
difference between the percentage of traditional students who 152545  
complete a course and the percentage of at-risk students who 152546  
complete the same course. 152547

(c) The course completion earnings shall be determined by 152548  
multiplying the amounts listed above in divisions (B) and (C) of 152549  
this section by the subsidy-eligible FTEs for the most recent 152550  
completed three-year period that is practicable as agreed to by 152551  
the Inter-University Council and the Chancellor for all models 152552  
except Medical I and Medical II. 152553

(d) For universities, the Chancellor shall compute the 152554  
course completion earnings by dividing the appropriation for 152555  
universities, established in division (B)(1)(b) of the section 152556  
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 152557  
YEARS 2026 AND 2027," less the degree attainment funding as 152558  
calculated in division (D)(1) of this section, less the doctoral 152559  
set-aside, less the medical I set-aside, and less the medical II 152560  
set-aside, by the sum of all campuses' instructional costs as 152561

calculated in division (D)(5) of this section. 152562

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 152563  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 152564

(1) Of the foregoing appropriation item 235501, State 152565  
Share of Instruction, 50 per cent of the appropriation for 152566  
state-supported community colleges, state community colleges, 152567  
and technical colleges as established in division (B)(1)(a) of 152568  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152569  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152570  
reserved for course completion FTEs as aggregated by the subsidy 152571  
models defined in division (B) of this section. 152572

The course completion funding shall be allocated to 152573  
campuses in proportion to each campus's share of the total 152574  
sector's course completions, weighted by the instructional cost 152575  
of the subsidy models. 152576

To calculate the subsidy entitlements for course 152577  
completions at community colleges, state community colleges, and 152578  
technical colleges, the Chancellor shall use the following 152579  
calculations: 152580

(a) In calculating each campus's count of FTE course 152581  
completions, the Chancellor shall use a three-year average for 152582  
course completions for the three-year period ending in the prior 152583  
year for students identified as residents of the state of Ohio 152584  
in any term of their studies, as reported through the Higher 152585  
Education Information (HEI) system student enrollment file. 152586

(b) The subsidy eligible enrollments by model shall equal 152587  
only those FTE students who successfully complete the course as 152588  
defined and reported through the Higher Education Information 152589  
(HEI) system course enrollment file. 152590

(c) Those students with successful course completions, 152591  
that are defined as access students based on financial status, 152592  
minority status, age, or academic under-preparation shall have 152593  
their eligible course completions weighted by a statewide access 152594  
weight. The weight given to any student that meets any access 152595  
factor shall be 15 per cent for all course completions. 152596

(d) The model costs as used in the calculation shall be 152597  
augmented by the model weights for science, technology, 152598  
engineering, mathematics, and medicine models as established in 152599  
division (C) of this section. 152600

(2) Of the foregoing appropriation item 235501, State 152601  
Share of Instruction, 25 per cent of the appropriation for 152602  
state-supported community colleges, state community colleges, 152603  
and technical colleges as established in division (B) (1) (a) of 152604  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152605  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152606  
reserved for colleges in proportion to their share of college 152607  
student success factors. 152608

Student success factors shall be awarded at the 152609  
institutional level for each subsidy-eligible student that 152610  
successfully: 152611

(a) Completes a college-level math course within the first 152612  
30 hours of completed coursework. 152613

(b) Completes a college-level English course within the 152614  
first 30 hours of completed coursework. 152615

(c) Completes 12 semester credit hours of college-level 152616  
coursework. 152617

(d) Completes 24 semester credit hours of college-level 152618  
coursework. 152619

(e) Completes 36 semester credit hours of college-level coursework. 152620  
152621

(3) Of the foregoing appropriation item 235501, State 152622  
Share of Instruction, 25 per cent of the appropriation for 152623  
state-supported community colleges, state community colleges, 152624  
and technical colleges as established in division (B) (1) (a) of 152625  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 152626  
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 152627  
reserved for completion milestones. 152628

Completion milestones shall include baccalaureate degrees, 152629  
associate degrees, technical certificates over 30 credit hours 152630  
as designated by the Department of Higher Education, and 152631  
students transferring to any four-year institution with at least 152632  
12 credit hours of college-level coursework earned at that 152633  
community college, state community college, or technical 152634  
college. 152635

The completion milestone funding shall be allocated to 152636  
colleges in proportion to each institution's share of the 152637  
sector's total completion milestones, weighted by the 152638  
instructional cost of the degree, certificate, or transfer 152639  
models. Costs for technical certificates over 30 hours shall be 152640  
weighted at one-half of the associate degree model costs and 152641  
transfers with at least 12 credit hours of college-level 152642  
coursework shall be weighted at one-fourth of the average cost 152643  
for all associate degree model costs. 152644

(4) To calculate the subsidy entitlements for completions 152645  
at community colleges, state community colleges, and technical 152646  
colleges, the Chancellor shall use the following calculations: 152647

(a) In calculating each campus's count of completions, the 152648

Chancellor shall use a three-year average for completion 152649  
milestones awarded to students identified as subsidy eligible in 152650  
any term of their studies, as reported through the Higher 152651  
Education Information (HEI) system student enrollment file. 152652

(b) The subsidy eligible completion milestones by model 152653  
shall equal only those students who successfully complete a 152654  
baccalaureate or an associate degree, or technical certificate 152655  
over 30 credit hours, or transfer to any four-year institution 152656  
with at least 12 credit hours of college-level coursework as 152657  
defined and reported in the Higher Education Information (HEI) 152658  
system. Student completions reported in HEI shall have an 152659  
accompanying course enrollment record in order to be subsidy 152660  
eligible. 152661

(c) Those students with successful completions for 152662  
baccalaureate or associate degrees, technical certificates over 152663  
30 credit hours, or transfer to any four-year institution with 152664  
at least 12 credit hours of college-level coursework, identified 152665  
in division (E) (3) of this section, that are defined as access 152666  
students based on financial status, minority status, age, or 152667  
academic under-preparation shall have their eligible completions 152668  
weighted by a statewide access weight. The weight shall be 25 152669  
per cent for students with one access factor, 66 per cent for 152670  
students with two access factors, 150 per cent for students with 152671  
three access factors, and 200 per cent for students with four 152672  
access factors. 152673

(d) For those students who complete more than one 152674  
completion milestone, funding for each additional degree or 152675  
technical certificate over 30 credit hours designated as such by 152676  
the Department of Higher Education shall be funded at 50 per 152677  
cent of the model costs as defined in division (E) (3) of this 152678

section.	152679
(5) For purposes of the calculations made in division (E)	152680
of this section, the Chancellor shall only include subsidy-	152681
eligible students identified as residents of the state of Ohio	152682
in any term of their studies, as reported through the Higher	152683
Education Information (HEI) system student enrollment file. The	152684
Chancellor shall be prohibited from including nonresident	152685
students as subsidy-eligible except for those students otherwise	152686
identified as subsidy-eligible in division (A) (2) of this	152687
section.	152688
(F) CAPITAL COMPONENT DEDUCTION	152689
After all other adjustments have been made, state share of	152690
instruction earnings shall be reduced for each campus by the	152691
amount, if any, by which debt service charged in H.B. 16 of the	152692
126th General Assembly, H.B. 699 of the 126th General Assembly,	152693
H.B. 496 of the 127th General Assembly, and H.B. 562 of the	152694
127th General Assembly for that campus exceeds that campus's	152695
capital component earnings. The sum of the amounts deducted	152696
shall be transferred to appropriation item 235552, Capital	152697
Component, in each fiscal year.	152698
(G) EXCEPTIONAL CIRCUMSTANCES	152699
Adjustments may be made to the state share of instruction	152700
payments and other subsidies distributed by the Chancellor to	152701
state colleges and universities for exceptional circumstances.	152702
No adjustments for exceptional circumstances may be made without	152703
the recommendation of the Chancellor and the approval of the	152704
Controlling Board.	152705
(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF	152706
INSTRUCTION	152707

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year may be based upon the state share of instruction appropriation estimates made for the various institutions of higher education, and payments during the last six months of the fiscal year may be based on the final data from the Chancellor. If agreed to by the Chancellor and the Inter-University Council, payments to universities in each month of a fiscal year shall be based on final data in the higher education information system for the selected three-year period that is acceptable to both parties.

**Section 381.250.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2026 AND 2027

(A) (1) Of the foregoing appropriation item 235501, State

Share of Instruction, up to \$100,000,000 in each fiscal year 152737  
shall be distributed according to a formula devised by the 152738  
Chancellor of Higher Education based on the following order of 152739  
priority, using data from the United States Census Post- 152740  
Secondary Employment Outcomes project: 152741

(a) Retention-rate outcomes based on factors, including, 152742  
but not limited to, the number of graduates employed by an Ohio- 152743  
based employer and employment outcomes of the graduates of each 152744  
college and university. In counting students under division (A) 152745  
(1) (a) of this section, graduates who are residents of this 152746  
state under rules adopted under section 3333.31 of the Revised 152747  
Code and are employed by an Ohio-based employer shall be 152748  
weighted the highest, followed by graduates who are employed by 152749  
an Ohio-based employer but are not residents of this state; 152750

(b) Employment outcomes of the graduates of each college 152751  
and university. In counting students under division (A) (1) (b) of 152752  
this section, the Chancellor shall use as a factor employment by 152753  
the graduates of each institution, measured at the 2-digit level 152754  
of the Classification of Instructional Programs codes published 152755  
by the National Center for Education Statistics. 152756

(2) Of the foregoing appropriation item 235501, State 152757  
Share of Instruction, up to \$10,000,000 in each fiscal year 152758  
shall be distributed according to a formula devised by the 152759  
Chancellor that provides funding bonuses of \$10,000 per graduate 152760  
for technician-aligned associate degrees, as determined by the 152761  
Governor's Office of Workforce Transformation, that are produced 152762  
above a historical baseline of institutional production, as 152763  
calculated by the Chancellor. In developing a formula under 152764  
division (A) (2) of this section, the Chancellor shall give 152765  
priority to retention-based outcomes, as specified in division 152766

(A) (1) (a) of this section, and count only graduates that are	152767
employed by an Ohio-based employer.	152768
(3) Of the amount set aside in division (A) (1) of this	152769
section for each fiscal year, 76.8 per cent shall be distributed	152770
to state-supported university main and regional campuses and	152771
23.2 per cent shall be distributed to state-supported community	152772
colleges, state community colleges, and technical colleges.	152773
(4) Of the foregoing appropriation item 235501, State	152774
Share of Instruction, \$8,500,000 in each fiscal year shall be	152775
distributed to The Ohio State University to support the Salmon	152776
P. Chase Center for Civics, Culture, and Society established	152777
under section 3335.39 of the Revised Code.	152778
(5) Of the foregoing appropriation item 235501, State	152779
Share of Instruction, \$3,000,000 in each fiscal year shall be	152780
distributed to the University of Toledo to support the Institute	152781
of American Constitutional Thought and Leadership established	152782
under section 3364.07 of the Revised Code.	152783
(6) Of the foregoing appropriation item 235501, State	152784
Share of Instruction, \$2,000,000 in each fiscal year shall be	152785
distributed to Miami University to support the center for	152786
civics, culture, and society established under section 3339.06	152787
of the Revised Code.	152788
(7) Of the foregoing appropriation item 235501, State	152789
Share of Instruction, \$2,000,000 in each fiscal year shall be	152790
distributed to Cleveland State University to support the center	152791
for civics, culture, and society established under section	152792
3344.07 of the Revised Code.	152793
(8) Of the foregoing appropriation item 235501, State	152794
Share of Instruction, \$2,000,000 in each fiscal year shall be	152795

distributed to Wright State University to support the center for 152796  
civics, culture, and workforce development established under 152797  
section 3352.16 of the Revised Code. 152798

(B) (1) The remainder of the foregoing appropriation item 152799  
235501, State Share of Instruction, shall be distributed 152800  
according to the section of this act entitled "STATE SHARE OF 152801  
INSTRUCTION FORMULAS." Of these funds: 152802

(a) 23.2 per cent in each fiscal year shall be distributed 152803  
to state-supported community colleges, state community colleges, 152804  
and technical colleges, except that the amount calculated for 152805  
Eastern Gateway Community College shall be distributed as 152806  
follows: 152807

(i) Up to \$2,900,000 in fiscal year 2026 for final close 152808  
out costs of the college; 152809

(ii) Up to \$2,500,000 in fiscal year 2026 to reimburse the 152810  
Controlling Board Emergency Purposes/Contingencies Fund (Fund 152811  
5KM0); 152812

(iii) The remainder in each fiscal year shall remain in 152813  
the General Revenue Fund; 152814

(b) 76.8 per cent in each fiscal year shall be distributed 152815  
to state-supported university main and regional campuses; 152816

(c) Of the amounts distributed under division (B) (1) (b) of 152817  
this section, \$100,000,000 in fiscal year 2027 shall be 152818  
distributed according to a formula devised by the Chancellor 152819  
based on the per cent share of funds calculated in division (B) 152820  
(1) (b) of this section. No state university shall receive funds 152821  
from the amount set aside in division (B) (1) (c) of this section 152822  
for fiscal year 2027 unless the standing committees of the House 152823  
of Representatives and the Senate that consider higher education 152824

legislation determine that the state university has fully 152825  
complied with sections 3333.045, 3345.029, 3345.0216, 3345.0217, 152826  
3345.382, 3345.451, 3345.453, and 3345.591 of the Revised Code 152827  
for the previous fiscal year. To make this determination, each 152828  
state university shall, not later than March 1, 2026, submit a 152829  
report to the committee chairs, in a form and manner determined 152830  
by the committees, that demonstrates the state university's 152831  
compliance with those sections. Not later than March 31, 2026, 152832  
each committee shall determine whether each state university has 152833  
fully complied with those sections for the previous fiscal year 152834  
and report that determination to the Office of Budget and 152835  
Management. The Controlling Board shall consider the release of 152836  
funds from the amount set aside in division (B)(1)(c) of this 152837  
section for fiscal year 2027 only for compliant universities. 152838  
The release of funds shall be subject to Controlling Board 152839  
approval. Payments for fiscal year 2027 shall be issued to 152840  
compliant universities in monthly payments in the manner 152841  
provided in division (I) of the section of this act entitled 152842  
"STATE SHARE OF INSTRUCTION FORMULAS." For any university 152843  
determined noncompliant, the Chancellor shall reduce payments 152844  
for that university by an amount equal to that university's per 152845  
cent share of the total funds calculated pursuant to division 152846  
(B)(1)(b) of this section. 152847

(2) Any increases in the amount distributed to an 152848  
institution from the funds set aside in division (B) of this 152849  
section that are above the prior year may be used by the 152850  
institution to provide need-based aid and to provide counseling, 152851  
support services, and workforce preparation services to 152852  
students. 152853

**Section 381.260. RESTRICTION ON FEE INCREASES** 152854

(A) In fiscal years 2026 and 2027, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2025-2026 and 2026-2027 academic years, each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than ten dollars per credit hour over what the institution charged for the previous academic year.

(2) The limitations under division (A) (1) of this section do not apply to student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses associated with travel experiences, elective service charges, fines, and voluntary sales transactions.

(B) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(C) Institutions offering an undergraduate tuition 152885  
guarantee pursuant to section 3345.48 of the Revised Code may 152886  
increase instructional and general fees pursuant to that 152887  
section. 152888

**Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES** 152889

(A) Funds appropriated for instructional subsidies at 152890  
colleges and universities may be used to provide such branch or 152891  
other off-campus undergraduate courses of study and such 152892  
master's degree courses of study as may be approved by the 152893  
Chancellor of Higher Education. 152894

(B) In providing instructional and other services to 152895  
students, boards of trustees of state institutions of higher 152896  
education shall supplement state subsidies with income from 152897  
charges to students. Except as otherwise provided in this act, 152898  
each board shall establish the fees to be charged to all 152899  
students, including an instructional fee for educational and 152900  
associated operational support of the institution and a general 152901  
fee for noninstructional services, including locally financed 152902  
student services facilities used for the benefit of enrolled 152903  
students. The instructional fee and the general fee shall 152904  
encompass all charges for services assessed uniformly to all 152905  
enrolled students. Each board may also establish special purpose 152906  
fees, service charges, and fines as required; such special 152907  
purpose fees and service charges shall be for services or 152908  
benefits furnished individual students or specific categories of 152909  
students and shall not be applied uniformly to all enrolled 152910  
students. A tuition surcharge shall be paid by all students who 152911  
are not residents of Ohio. 152912

The board of trustees of a state institution of higher 152913  
education shall not authorize a waiver or nonpayment of 152914

instructional fees or general fees for any particular student or 152915  
any class of students other than waivers specifically authorized 152916  
by law or approved by the Chancellor. This prohibition is not 152917  
intended to limit the authority of boards of trustees to provide 152918  
for payments to students for services rendered the institution, 152919  
nor to prohibit the budgeting of income for staff benefits or 152920  
for student assistance in the form of payment of such 152921  
instructional and general fees. 152922

Each board may authorize a lower differential tuition rate 152923  
of instructional or general fees equal to the default rate 152924  
options provided under the College Credit Plus Program pursuant 152925  
to Chapter 3365. of the Revised Code or equal to rates 152926  
established pursuant to an agreement for an alternative payment 152927  
structure pursuant to section 3365.07 of the Revised Code for 152928  
nonpublic and home schooled students participating in that 152929  
program that are not publicly funded. Each board may establish a 152930  
lower differential tuition rate for in-state undergraduate 152931  
instructional fees or general fees for students enrolled 152932  
exclusively in online courses, as well as a lower differential 152933  
tuition rate for the surcharge for nonresidents enrolled 152934  
exclusively in online courses, provided a surcharge is still 152935  
assessed. 152936

Each board may authorize a lower tuition rate for courses 152937  
taken by high school students that do not qualify for funding 152938  
under the College Credit Plus program under section 3365.07 of 152939  
the Revised Code. These tuition rates must align with the 152940  
institution's tuition rates charged for courses eligible for 152941  
funding under the College Credit Plus Program. 152942

Each state institution of higher education in its 152943  
statement of charges to students shall separately identify the 152944

instructional fee, the general fee, the tuition charge, and the 152945  
tuition surcharge. Fee charges to students for instruction shall 152946  
not be considered to be a price of service but shall be 152947  
considered to be an integral part of the state government 152948  
financing program in support of higher educational opportunity 152949  
for students. 152950

(C) The boards of trustees of state institutions of higher 152951  
education shall ensure that faculty members devote a proper and 152952  
judicious part of their work week to the actual instruction of 152953  
students. Total class credit hours of production per academic 152954  
term per full-time faculty member is expected to meet the 152955  
standards set forth in the budget data submitted by the 152956  
Chancellor. 152957

(D) The authority of government vested by law in the 152958  
boards of trustees of state institutions of higher education 152959  
shall in fact be exercised by those boards. Boards of trustees 152960  
may consult extensively with appropriate student and faculty 152961  
groups. Administrative decisions about the utilization of 152962  
available resources, about organizational structure, about 152963  
disciplinary procedure, about the operation and staffing of all 152964  
auxiliary facilities, and about administrative personnel shall 152965  
be the exclusive prerogative of boards of trustees. Any 152966  
delegation of authority by a board of trustees in other areas of 152967  
responsibility shall be accompanied by appropriate standards of 152968  
guidance concerning expected objectives in the exercise of such 152969  
delegated authority and shall be accompanied by periodic review 152970  
of the exercise of this delegated authority to the end that the 152971  
public interest, in contrast to any institutional or special 152972  
interest, shall be served. 152973

**Section 381.280. WAR ORPHANS AND SEVERELY DISABLED** 152974

VETERANS' CHILDREN SCHOLARSHIPS 152975

The foregoing appropriation item 235504, War Orphans and 152976  
Severely Disabled Veterans' Children Scholarships, shall be used 152977  
to reimburse state institutions of higher education for waivers 152978  
of instructional fees and general fees provided by them, to 152979  
provide grants to institutions that have received a certificate 152980  
of authorization from the Chancellor of Higher Education under 152981  
Chapter 1713. of the Revised Code, in accordance with the 152982  
provisions of section 5910.04 of the Revised Code, and to fund 152983  
additional scholarship benefits provided by section 5910.032 of 152984  
the Revised Code. 152985

During each fiscal year, the Chancellor, as soon as 152986  
possible after cancellation, may certify to the Director of 152987  
Budget and Management the amount of canceled prior-year 152988  
encumbrances in appropriation item 235504, War Orphans and 152989  
Severely Disabled Veterans' Children Scholarships. Upon receipt 152990  
of the certification, the Director of Budget and Management may 152991  
transfer cash, up to the certified amount, from the General 152992  
Revenue Fund to the War Orphans and Severely Disabled Veterans' 152993  
Children Scholarship Reserve Fund (Fund 5PW0). 152994

**Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION** 152995

By the first day of September in each fiscal year, or as 152996  
soon as possible thereafter, the Chancellor of Higher Education 152997  
shall certify to the Director of Budget and Management the 152998  
amount necessary to pay any outstanding prior-year obligations 152999  
to higher education institutions under the State Share of 153000  
Instruction formulas, as determined by the Chancellor. 153001  
Notwithstanding any provisions of law to the contrary, the 153002  
Director of Budget and Management, upon the request of the 153003  
Chancellor, may transfer cash in an amount up to the amounts 153004

certified for State Share of Instruction reconciliation from the 153005  
State Financial Aid Reconciliation Fund (Fund 5Y50) to the 153006  
General Revenue Fund. The amounts certified for State Share of 153007  
Instruction reconciliation are hereby appropriated to 153008  
appropriation item 235505, State Share of Instruction 153009  
Reconciliation. 153010

**Section 381.300. OHIOLINK** 153011

The foregoing appropriation item 235507, OhioLINK, shall 153012  
be used by the Chancellor of Higher Education to support 153013  
OhioLINK, a consortium organized under division (T) of section 153014  
3333.04 of the Revised Code to serve as the state's electronic 153015  
library information and retrieval system, which provides access 153016  
statewide to an extensive set of electronic databases and 153017  
resources, the library holdings of Ohio's public and 153018  
participating private nonprofit colleges and universities, and 153019  
the State Library of Ohio. 153020

**Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY** 153021

(A) Of the foregoing appropriation item 235508, Air Force 153022  
Institute of Technology, \$75,000 in each fiscal year shall be 153023  
allocated to the Aerospace Professional Development Center in 153024  
Dayton for statewide workforce development services in the 153025  
aerospace industry. 153026

(B) The remainder of the foregoing appropriation item 153027  
235508, Air Force Institute of Technology, shall be used to do 153028  
both of the following: 153029

(1) Strengthen the research and educational linkages 153030  
between the Wright Patterson Air Force Base and institutions of 153031  
higher education in Ohio; and 153032

(2) Support the Defense Associated Graduate Student 153033

Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University. 153034  
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**Section 381.320. OHIO SUPERCOMPUTER CENTER** 153038

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate. 153039  
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The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness. 153048  
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**Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION SERVICE** 153053  
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The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. 153055  
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**Section 381.340. CENTRAL STATE SUPPLEMENT** 153060

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher 153061  
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Education to Central State University. Funds shall be used in a 153063  
manner consistent with the goals of increasing enrollment, 153064  
improving course completion, and increasing the number of 153065  
degrees conferred. 153066

**Section 381.350.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 153067  
MEDICINE 153068

The foregoing appropriation item 235515, Case Western 153069  
Reserve University School of Medicine, shall be disbursed to 153070  
Case Western Reserve University through the Chancellor of Higher 153071  
Education in accordance with agreements entered into under 153072  
section 3333.10 of the Revised Code, provided that the state 153073  
support per full-time medical student shall not exceed that 153074  
provided to full-time medical students at state universities. 153075

**Section 381.360.** FAMILY PRACTICE 153076

The foregoing appropriation item 235519, Family Practice, 153077  
shall be distributed in each fiscal year, based on each medical 153078  
school's share of residents placed in a family practice and 153079  
graduates practicing in a family practice. 153080

**Section 381.370.** SHAWNEE STATE SUPPLEMENT 153081

The foregoing appropriation item 235520, Shawnee State 153082  
Supplement, shall be disbursed by the Chancellor of Higher 153083  
Education to Shawnee State University. Funds shall be used in a 153084  
manner consistent with the goals of improving course completion, 153085  
increasing the number of degrees conferred, and furthering the 153086  
university's mission of service to the Appalachian region. 153087

**Section 381.380.** GERIATRIC MEDICINE 153088

The Chancellor of Higher Education shall distribute 153089  
appropriation item 235525, Geriatric Medicine, consistent with 153090

existing criteria and guidelines. 153091

**Section 381.390. PRIMARY CARE RESIDENCIES 153092**

The foregoing appropriation item 235526, Primary Care 153093  
Residencies, shall be distributed in each fiscal year, based on 153094  
each medical school's share of residents placed in a primary 153095  
care field and graduates practicing in a primary care field. 153096

**Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP 153097**

(A) The foregoing appropriation item 235530, Governor's 153098  
Merit Scholarship, shall be used by the Chancellor of Higher 153099  
Education to administer the Governor's Merit Scholarship Program 153100  
and to award merit-based aid to qualifying institutions on 153101  
behalf of eligible students. Funds awarded under this section 153102  
shall be used in a manner consistent with the goal of allowing 153103  
high-achieving high school graduates to remain in Ohio to pursue 153104  
their post-secondary studies and contribute to Ohio's expanding 153105  
economic opportunities. 153106

(B) In awarding funds under this section, and to the 153107  
extent that funds are sufficient to do so, the Chancellor shall 153108  
provide per-student awards as follows: 153109

(1) \$5,000 per academic year to eligible students who 153110  
first received a scholarship for the 2024-2025 academic year; 153111

(2) \$5,000 per academic year to eligible students who 153112  
first receive a scholarship for the 2025-2026 academic year and 153113  
who are determined to be in the top five per cent of their 153114  
public or nonpublic high school graduating class at the end of 153115  
their junior year, as determined by their public or nonpublic 153116  
high school using criteria established by the Chancellor in 153117  
consultation with the Director of Education and Workforce; and 153118

(3) \$5,000 per academic year to eligible students who 153119  
first receive a scholarship for the 2026-2027 academic year and 153120  
who are determined to be in the top two per cent of their public 153121  
or nonpublic high school graduating class at the end of their 153122  
junior year, as determined by their public or nonpublic high 153123  
school using criteria established by the Chancellor in 153124  
consultation with the Director of Education and Workforce. The 153125  
Chancellor shall award a scholarship under this division to at 153126  
least one eligible student per high school. 153127

School districts and nonpublic high schools shall provide 153128  
the information as requested by the Chancellor to determine 153129  
scholarship eligibility. Eligible students shall receive an 153130  
award for up to the equivalent of four academic years of 153131  
instruction at a qualifying institution, contingent on 153132  
satisfactory academic progress. 153133

(C) The Chancellor, in consultation with the Director, 153134  
shall determine eligibility for graduating high school students 153135  
who were home schooled to provide a level of access to the 153136  
program described in this section that is reasonably 153137  
commensurate with the merit-based criteria used to determine 153138  
eligibility for students graduating from a public or nonpublic 153139  
high school. 153140

(D) The Governor's Merit Scholarship shall be used to pay 153141  
eligible expenses, as determined by the Chancellor, included 153142  
within the published cost of attendance at a qualifying 153143  
institution. 153144

(E) A qualifying institution shall not make changes to 153145  
scholarship or financial aid programs offered by that 153146  
institution that have the goal or net effect of shifting the 153147  
cost burden of those programs to the program described in this 153148

section. Institutions of higher education that enroll students 153149  
receiving merit-based financial aid grants under this section 153150  
shall maintain the same level of merit-based financial aid the 153151  
institution provided in the most recent academic year in the 153152  
aggregate to all students or on a per-student basis. 153153

(F) Notwithstanding any provision of law to the contrary, 153154  
the Chancellor may establish guidelines for the purpose of 153155  
implementing this section, except that the Chancellor shall not 153156  
place limits on the number of students receiving an award under 153157  
this section that enroll at a qualifying institution. 153158

(G) As used in this section, "qualifying institution" 153159  
means any of the following: 153160

(1) A state institution of higher education, as defined in 153161  
section 3345.011 of the Revised Code; 153162

(2) A private nonprofit institution of higher education 153163  
holding a certificate of authorization under Chapter 1713. of 153164  
the Revised Code. 153165

**Section 381.420. OHIO STATE AGRICULTURAL RESEARCH** 153166

The foregoing appropriation item 235535, Ohio State 153167  
Agricultural Research, shall be disbursed through the Chancellor 153168  
of Higher Education to The Ohio State University in monthly 153169  
payments, unless otherwise determined by the Director of Budget 153170  
and Management under section 126.09 of the Revised Code. 153171

The Ohio Agricultural Research and Development Center, an 153172  
entity of the College of Food, Agricultural, and Environmental 153173  
Sciences of The Ohio State University, shall further its mission 153174  
of enhancing Ohio's economic development and job creation by 153175  
continuing to internally allocate on a competitive basis 153176  
appropriated funding of programs based on demonstrated 153177

performance. Academic units, faculty, and faculty-driven 153178  
programs shall be evaluated and rewarded consistent with agreed- 153179  
upon performance expectations as called for in the College's 153180  
Expectations and Criteria for Performance Assessment. 153181

**Section 381.430. STATE UNIVERSITY CLINICAL TEACHING** 153182

The foregoing appropriation items 235536, The Ohio State 153183  
University Clinical Teaching; 235537, University of Cincinnati 153184  
Clinical Teaching; 235538, University of Toledo Clinical 153185  
Teaching; 235539, Wright State University Clinical Teaching; 153186  
235540, Ohio University Clinical Teaching; and 235541, Northeast 153187  
Ohio Medical University Clinical Teaching, shall be distributed 153188  
through the Chancellor of Higher Education. 153189

Of the foregoing appropriation item 235539, Wright State 153190  
University Clinical Teaching, \$1,500,000 in each fiscal year 153191  
shall be used to support the Aerospace Medicine and Human 153192  
Performance Center at Wright State University. 153193

**Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND** 153194  
**DEVELOPMENT** 153195

The foregoing appropriation item 235546, Central State 153196  
Agricultural Research and Development, shall be used in 153197  
conjunction with appropriation item 235548, Central State 153198  
Cooperative Extension Services, by Central State University for 153199  
its state match requirement as an 1890 land grant university. 153200

**Section 381.450. CAPITAL COMPONENT** 153201

The foregoing appropriation item 235552, Capital 153202  
Component, shall be used by the Chancellor of Higher Education 153203  
to provide funding for prior commitments made pursuant to the 153204  
state's former capital funding policy for state colleges and 153205  
universities that was originally established in H.B. 748 of the 153206

121st General Assembly.	153207
Appropriations from this item shall be distributed to all	153208
campuses for which the estimated campus debt service	153209
attributable to qualifying capital projects was less than the	153210
campus's formula-determined capital component allocation. Campus	153211
allocations shall be determined by subtracting the estimated	153212
campus debt service attributable to qualifying capital projects	153213
from the campus's formula-determined capital component	153214
allocation. Moneys distributed from this appropriation item	153215
shall be restricted to capital-related purposes.	153216
Any campus for which the estimated campus debt service	153217
attributable to qualifying capital projects is greater than the	153218
campus's formula-determined capital component allocation shall	153219
have the difference subtracted from its State Share of	153220
Instruction allocation in each fiscal year. Appropriation equal	153221
to the sum of all such amounts shall be transferred from	153222
appropriation item 235501, State Share of Instruction, to	153223
appropriation item 235552, Capital Component.	153224
<b>Section 381.460. LIBRARY DEPOSITORIES</b>	153225
The foregoing appropriation item 235555, Library	153226
Depositories, shall be distributed to the state's five regional	153227
depository libraries for the cost-effective storage of and	153228
access to lesser-used materials in university library	153229
collections. The depositories shall be administrated by the	153230
Chancellor of Higher Education, or by OhioLINK at the discretion	153231
of the Chancellor.	153232
<b>Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET)</b>	153233
The foregoing appropriation item 235556, Ohio Academic	153234
Resources Network, shall be used by the Chancellor of Higher	153235

Education to support the operations of the Ohio Academic 153236  
Resources Network, a consortium organized under division (T) of 153237  
section 3333.04 of the Revised Code, which shall include support 153238  
for Ohio's colleges and universities in maintaining and 153239  
enhancing network connections, using new network technologies to 153240  
improve research, education, and economic development programs, 153241  
and sharing information technology services. To the extent 153242  
network capacity is available, OARnet shall support allocating 153243  
bandwidth to eligible programs directly supporting Ohio's 153244  
economic development. 153245

**Section 381.480. LONG-TERM CARE RESEARCH** 153246

The foregoing appropriation item 235558, Long-term Care 153247  
Research, shall be disbursed to Miami University for long-term 153248  
care research. 153249

**Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT** 153250

(A) (1) As used in this section: 153251

(a) "Eligible institution" means any institution described 153252  
in divisions(B) (2) (a) to (c) of section 3333.122 of the Revised 153253  
Code. 153254

(b) The three "sectors" of institutions of higher 153255  
education consist of the following: 153256

(i) State colleges and universities, community colleges, 153257  
state community colleges, university branches, and technical 153258  
colleges; 153259

(ii) Eligible private nonprofit institutions of higher 153260  
education; 153261

(iii) Eligible private for-profit career colleges and 153262  
schools. 153263

(2) (a) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2026 and fiscal year 2027:	153264
(i) \$4,000 per student at a state institution of higher education;	153265
(ii) \$5,000 per student at an eligible nonprofit institution of higher education;	153266
(iii) \$2,000 per student at a private for-profit career college or school.	153267
(b) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.	153268
(3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor of Higher Education shall make awards under that section in fiscal year 2026 and fiscal year 2027 to students with a student aid index, or any federal successor, of three thousand seven hundred fifty or less.	153269
(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C) (1) (a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A) (1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula	153270
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calculated under this division shall be complete and established 153293  
to coincide with the start of each academic year. 153294

(B) Prior to determining the amount of funds available to 153295  
award under this section and section 3333.122 of the Revised 153296  
Code, the Chancellor shall use the foregoing appropriation item 153297  
235563, Ohio College Opportunity Grant, to pay for waivers of 153298  
tuition and student fees for eligible students under the Ohio 153299  
Safety Officer's College Memorial Fund Program under section 153300  
3333.26 of the Revised Code and for grants to qualifying 153301  
institutions on behalf of eligible students under the adoption 153302  
grant program established under section 3333.128 of the Revised 153303  
Code. 153304

In each fiscal year, with the exception of sections 153305  
3333.121 and 3333.124 of the Revised Code and the section of 153306  
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 153307  
Chancellor shall not distribute or obligate or commit to be 153308  
distributed an amount greater than what is appropriated under 153309  
the foregoing appropriation item 235563, Ohio College 153310  
Opportunity Grant. 153311

(C) The Chancellor shall establish, and post on the 153312  
Department of Higher Education's web site, award tables based on 153313  
the amounts specified under division (A) of this section. The 153314  
Chancellor shall notify students and institutions of any 153315  
reductions in awards. 153316

(D) Notwithstanding section 3333.122 of the Revised Code, 153317  
no student shall be eligible to receive an Ohio College 153318  
Opportunity Grant for more than ten semesters, fifteen quarters, 153319  
or the equivalent of five academic years, less the number of 153320  
semesters or quarters in which the student received an Ohio 153321  
Instructional Grant. 153322

(E) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

(F) No eligible institution that enrolls Ohio College Opportunity Grant recipients shall make any change to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to the Ohio College Opportunity Grant program.

Each eligible institution that enrolls Ohio College Opportunity Grant recipients shall provide at least the same level of needs-based financial aid to its students as it provided in the immediately prior academic year in terms of either the aggregate aid to all students or on a per student basis. The Chancellor may grant an eligible institution a temporary waiver from that requirement if the Chancellor determines exceptional circumstances make it necessary. The Chancellor shall determine the terms of the waiver.

**Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT**

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine in order to increase enrollment of Ohio students, with the goal that seventy per cent of the students entering the college in the 2026-2027

academic year be Ohio students. 153353

**Section 381.510.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 153354

The foregoing appropriation item 235572, The Ohio State 153355  
University Clinic Support, shall be distributed through the 153356  
Chancellor of Higher Education to The Ohio State University for 153357  
support of dental and veterinary medicine clinics. 153358

**Section 381.520.** FEDERAL RESEARCH NETWORK 153359

The foregoing appropriation item 235578, Federal Research 153360  
Network, shall be allocated to The Ohio State University to 153361  
collaborate with federal installations in Ohio, state 153362  
institutions of higher education as defined in section 3345.011 153363  
of the Revised Code, private nonprofit institutions of higher 153364  
education holding certificates of authorization under Chapter 153365  
1713. of the Revised Code, and the private sector to align the 153366  
state's research assets with emerging missions and job growth 153367  
opportunities emanating from federal installations, strengthen 153368  
related workforce development and technology commercialization 153369  
programs, and better position the state's university system to 153370  
directly impact new job creation in Ohio. A portion of the 153371  
foregoing appropriation item 235578, Federal Research Network, 153372  
shall be used to support the growth of small business federal 153373  
contractors in the state and to expand the participation of Ohio 153374  
businesses in the federal Small Business Innovation Research 153375  
Program and related federal programs. 153376

**Section 381.525.** EDUCATOR PREPARATION PROGRAMS 153377

The foregoing appropriation item 235585, Educator 153378  
Preparation Programs, shall be used by the Chancellor of Higher 153379  
Education to implement and administer sections 3333.048, 153380  
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 153381

educator preparation programs, such as the Ohio Teacher 153382  
Apprenticeship Program, as determined by the Chancellor. 153383

Notwithstanding any provision of law to the contrary, 153384  
beginning with the first full academic year following the 153385  
adoption of new standards, each educator preparation program at 153386  
an institution of higher education shall include in its 153387  
curriculum standards for social studies that align with the 153388  
standards adopted by the Department of Education and Workforce 153389  
to ensure that educators and other school personnel are 153390  
adequately prepared and trained in social studies. 153391

Within six months of the beginning of the first full 153392  
academic year in which the new standards are used, the 153393  
Chancellor shall complete a review and evaluation process to 153394  
assess the degree to which every educator preparation program at 153395  
an institution of higher education is teaching social studies in 153396  
alignment with the standards. 153397

**Section 381.540.** COMMERCIAL TRUCK DRIVER STUDENT AID 153398  
PROGRAM 153399

The foregoing appropriation item 235595, Commercial Truck 153400  
Driver Student Aid Program, shall be used by the Chancellor of 153401  
Higher Education to administer and provide grants and loans 153402  
under the Commercial Truck Driver Student Aid Program 153403  
established in section 3333.125 of the Revised Code. 153404

**Section 381.560.** NATIONAL GUARD SCHOLARSHIP PROGRAM 153405

The Chancellor of Higher Education shall disburse funds 153406  
from appropriation item 235599, National Guard Scholarship 153407  
Program. During each fiscal year, the Chancellor, as soon as 153408  
possible after cancellation, may certify to the Director of 153409  
Budget and Management the amount of canceled prior-year 153410

encumbrances in appropriation item 235599, National Guard 153411  
Scholarship Program. Upon receipt of the certification, the 153412  
Director of Budget and Management may transfer cash, up to the 153413  
certified amount, from the General Revenue Fund to the National 153414  
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 153415  
foregoing appropriation item 235599, National Guard Scholarship 153416  
Program, may be used to administer the program with the 153417  
concurrence of the Adjutant General. 153418

**Section 381.570. PLEDGE OF FEES** 153419

Any new pledge of fees, or new agreement for adjustment of 153420  
fees, made in the biennium ending June 30, 2027, to secure bonds 153421  
or notes of a state institution of higher education for a 153422  
project for which bonds or notes were not outstanding on the 153423  
effective date of this section, to secure a refund of prior debt 153424  
that is anticipated to increase the total cost of retiring the 153425  
original debt, or to extend the period in which that full debt 153426  
is retired shall be effective only after approval by the 153427  
Chancellor of Higher Education, unless approved in a previous 153428  
biennium. 153429

**Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND** 153430  
**DEBT SERVICE** 153431

The foregoing appropriation item 235909, Higher Education 153432  
General Obligation Bond Debt Service, shall be used to pay all 153433  
debt service and related financing costs during the period from 153434  
July 1, 2025, through June 30, 2027, for obligations issued 153435  
under sections 151.01 and 151.04 of the Revised Code. 153436

**Section 381.590. SALES AND SERVICES** 153437

The Chancellor of Higher Education is authorized to charge 153438  
and accept payment for the provision of goods and services. Such 153439

charges shall be reasonably related to the cost of producing the 153440  
goods and services. Except as otherwise provided by law, no 153441  
charges may be levied for goods or services that are produced as 153442  
part of the routine responsibilities or duties of the 153443  
Chancellor. All revenues received by the Chancellor shall be 153444  
deposited into Fund 4560 and may be used by the Chancellor to 153445  
pay for the costs of producing the goods and services. 153446

**Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 153447**  
ADMINISTRATION 153448

The foregoing appropriation item 235602, Higher 153449  
Educational Facility Commission Administration, shall be used by 153450  
the Chancellor of Higher Education for operating expenses 153451  
related to the Chancellor's support of the activities of the 153452  
Ohio Higher Educational Facility Commission. Upon the request of 153453  
the Chancellor, the Director of Budget and Management may 153454  
transfer cash in an amount up to the amount appropriated from 153455  
the foregoing appropriation item 235602, Higher Educational 153456  
Facility Commission Administration, in each fiscal year from the 153457  
HEFC Operating Expenses Fund (Fund 4610) to the HEFC 153458  
Administration Fund (Fund 4E80). 153459

**Section 381.635. SUPER RAPIDS 153460**

(A) (1) The foregoing appropriation item 235688, Super 153461  
RAPIDS, shall be used by the Governor's Office of Workforce 153462  
Transformation and the Chancellor of Higher Education to support 153463  
collaborative projects among qualifying institutions to 153464  
strengthen education and training opportunities that maximize 153465  
workforce development efforts in defined areas of the state. 153466  
These funds shall be used to support efforts that build 153467  
capacity, remove employment and training barriers for 153468  
prospective and unemployed workers, develop and strengthen 153469

business-led strategies in the impacted industries, and provide 153470  
local guided solutions to employment for communities in economic 153471  
transition. Under the program, the Chancellor shall distribute 153472  
funds to Ohio regions or subsets of regions, as defined by the 153473  
Governor's Office of Workforce Transformation. 153474

(2) Of the foregoing appropriation item 235688, Super 153475  
RAPIDS, a portion in each fiscal year may be used by the 153476  
Governor's Office of Workforce Transformation to meet urgent 153477  
workforce development and job creation needs throughout the 153478  
state. 153479

(B) The Governor's Office of Workforce Transformation 153480  
shall consult with the Department of Development, the 153481  
Chancellor, and other stakeholders as determined to be 153482  
appropriate, when defining regions and awarding funds under this 153483  
section. 153484

(C) The Chancellor and the Governor's Office of Workforce 153485  
Transformation shall develop and use a proposal and review 153486  
process to award funds under the program. In reviewing proposals 153487  
and making awards, priority shall be given to proposals that 153488  
demonstrate all of the following: 153489

(1) Clear compliance with all applicable state and federal 153490  
rules and regulations; 153491

(2) Collaboration between and among state institutions of 153492  
higher education, as defined in section 3345.011 of the Revised 153493  
Code, Ohio Technical Centers, and other education and workforce- 153494  
related entities as determined to be appropriate by the 153495  
Governor's Office of Workforce Transformation and the Department 153496  
of Higher Education; 153497

(3) Evidence of meaningful business support and 153498

engagement;	153499
(4) Identification of targeted occupations and industries supported by data, which sources shall include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;	153500 153501 153502 153503 153504
(5) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region;	153505 153506
(6) Evidence of a strong commitment to invest in one or more of the following areas:	153507 153508
(a) Broadband/5G;	153509
(b) Cybersecurity;	153510
(c) Healthcare;	153511
(d) Transportation;	153512
(e) Advanced manufacturing;	153513
(f) Trades.	153514
(D) As used in this section:	153515
"Qualifying institution" means any of the following:	153516
(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	153517 153518
(2) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;	153519 153520
(3) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.	153521 153522
<b>Section 381.640. STATE FINANCIAL AID RECONCILIATION</b>	153523

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

**Section 381.650. SECOND CHANCE GRANT PROGRAM** 153533

The foregoing appropriation item 235494, Second Chance Grant Program, shall be distributed by the Chancellor of Higher Education to qualifying institutions of higher education and Ohio Technical Centers to provide grants to eligible students under the Second Chance Grant Program established in section 3333.127 of the Revised Code.

**RURAL PRACTICE INCENTIVE PROGRAM** 153540

The foregoing appropriation item 235426, Rural Practice Incentive Program, shall be used to provide loan repayments on behalf of certain attorneys as described in section 3333.131 of the Revised Code.

**Section 381.655. GROW YOUR OWN TEACHER PROGRAM** 153545

The foregoing appropriation item 235592, Grow Your Own Teacher Program, shall be used by the Chancellor of Higher Education to implement and administer the Grow Your Own Teacher Program pursuant to sections 3333.393 and 3333.394 of the Revised Code and the Ohio Teacher Apprenticeship Program.

**Section 381.660. NURSING LOAN PROGRAM** 153551

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

**Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX**

(A) The foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, a portion in each fiscal year shall be used by the Chancellor to support and promote research that is intended to be commercialized. Research funded under division (A) of this section shall include a condition that the discoveries, inventions, or patents developed therein be retained by the researcher, unless all or a portion of the interests therein are specifically granted to the state college or university at which the researcher is employed. In reviewing proposals and making awards under division (A) of this section, the Chancellor may enlist the assistance of the Ohio Technology Transfer Officer's Council.

(B) Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to \$750,000 in each fiscal year may be allocated for spinal cord research, up to \$750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, up to \$300,000 in each fiscal year may be allocated toward the I-Corps@Ohio program, and up to \$200,000 in each fiscal year may be allocated toward the Ohio Innovation Exchange program.

**Section 381.680. VETERANS PREFERENCES**

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

**Section 381.690.** (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

**Section 381.700.** EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical

Teaching, 235538, University of Toledo Clinical Teaching, 153610  
235539, Wright State University Clinical Teaching, 235540, Ohio 153611  
University Clinical Teaching, 235541, Northeast Ohio Medical 153612  
University Clinical Teaching, 235543, Kent State University 153613  
College of Podiatric Medicine Clinic Subsidy, 235558, Long-term 153614  
Care Research, and 235572, The Ohio State University Clinic 153615  
Support, shall report to the Chancellor of Higher Education the 153616  
residency status of graduates from the respective programs 153617  
receiving support from those appropriation items one year and 153618  
five years after graduating. 153619

**Section 381.710.** The Chancellor of Higher Education shall 153620  
support the continued development of the Ohio Innovation 153621  
Exchange for the purpose of showcasing the research expertise of 153622  
Ohio's university and college faculty in a variety of fields, 153623  
including, but not limited to, engineering, biomedicine, and 153624  
information technology, and to identify institutional research 153625  
equipment available in the state. 153626

**Section 381.730.** EASTERN GATEWAY COMMUNITY COLLEGE 153627

The Chancellor of Higher Education, in consultation with 153628  
postsecondary educational institutions and other stakeholders as 153629  
determined to be appropriate, shall monitor and evaluate the 153630  
ongoing availability of postsecondary educational offerings 153631  
within the four-county service district formerly served by 153632  
Eastern Gateway Community College. To the extent practicable, 153633  
the Chancellor shall seek to ensure a strong continuity of 153634  
postsecondary educational access to residents of the region, 153635  
with a particular focus on access to programs aligned with 153636  
regional workforce priorities. If determined to be necessary, 153637  
the Chancellor may seek to achieve favorable outcomes by 153638  
engaging with other postsecondary educational institutions to 153639

encourage uninterrupted access to educational opportunities. 153640  
This may include, but not be limited to, outcomes associated 153641  
with academic program offerings, program-related equipment, or 153642  
physical facilities. 153643

**Section 381.740.** CREDENTIAL AND WORK EXPERIENCE 153644  
CONSIDERATION 153645

Prior to admitting any students applying for enrollment 153646  
after July 1, 2025, each state institution of higher education, 153647  
as defined in section 3345.011 of the Revised Code, shall 153648  
consider an applicant's work experience and credentials earned 153649  
as part of the admissions process. An applicant's work 153650  
experience or credential does not need to align to the program 153651  
or discipline the applicant is seeking to pursue to be 153652  
considered by the state institution as a positive reason to 153653  
accept the applicant as a student at the institution. 153654

At the time of the student's acceptance, an institution 153655  
shall either grant credit for prior learning or experience or 153656  
detail the potential opportunities and required documentation 153657  
needed to grant such credit based on the review of the student's 153658  
specific information provided in the application. 153659

**Section 381.750.** GENERAL EDUCATION REQUIREMENTS 153660

(A) Not later than December 31, 2026, the board of 153661  
trustees of each state institution of higher education, as 153662  
defined in section 3345.011 of the Revised Code, shall formally 153663  
review and evaluate the components of the state institution's 153664  
general education curriculum and adopt a resolution 153665  
acknowledging the board's completion of that review. Each board 153666  
shall submit a copy of its resolution to the Chancellor of 153667  
Higher Education. 153668

(B) Not later than March 31, 2027, the board of trustees 153669  
of each state institution of higher education shall formally 153670  
evaluate the state institution's general education curriculum to 153671  
enhance content that furthers the state's post-secondary 153672  
education attainment and workforce goals. In conducting the 153673  
evaluation, the board shall consider adjusting the general 153674  
education curriculum in the following areas: 153675

(1) Civics, culture, and society, including United States 153676  
and Ohio history, the foundations of American representative 153677  
government, how to disagree in a civil manner, and the 153678  
principles of civil discourse; 153679

(2) Artificial intelligence, STEM, and computational 153680  
thinking; 153681

(3) Entrepreneurship and the principles of innovation; 153682

(4) Workforce readiness, including fundamental skills 153683  
necessary for Ohio's graduates to gain employment in in-demand 153684  
occupations. 153685

(C) Not later than June 30, 2027, the board of trustees of 153686  
each state institution of higher education shall adopt a 153687  
resolution summarizing changes to the state institution's 153688  
general education curriculum resulting from the evaluation 153689  
process and submit a copy of the resolution to the Chancellor. 153690

(D) The Chancellor shall provide a copy of each resolution 153691  
submitted under this section to the Governor, the President of 153692  
the Senate, and the Speaker of the House of Representatives. 153693

(E) Adjustments made to a state institution of higher 153694  
education's general education curriculum pursuant to this 153695  
section are not exempt from the requirements of the Chancellor's 153696  
program approval process. 153697

<b>Section 381.770. DIRECT ADMISSIONS</b>	153698
(A) As used in this section:	153699
(1) "Academic record" includes grade point average, high school and college transcript information, standardized assessment scores, scores on the end-of-course examinations prescribed under section 3301.0712 of the Revised Code, and any other measure of postsecondary readiness determined appropriate by the Chancellor of Higher Education.	153700 153701 153702 153703 153704 153705
(2) "Postsecondary institution" means any of the following:	153706 153707
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	153708 153709
(b) A private nonprofit institution of higher education that holds a certificate of authorization under Chapter 1713. of the Revised Code;	153710 153711 153712
(c) An Ohio technical center, as defined in section 3333.94 of the Revised Code.	153713 153714
(3) "School governing body" means the board of education of a city, local, exempted village, or joint vocational school district, the governing authority of a chartered nonpublic school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a STEM school established under Chapter 3326. of the Revised Code.	153715 153716 153717 153718 153719 153720 153721
(B) The Chancellor of Higher Education, in consultation with the Director of Education and Workforce, shall establish a direct admissions pilot program to notify students enrolled at participating high schools about whether they meet the	153722 153723 153724 153725

admissions criteria for participating postsecondary 153726  
institutions. 153727

Under the pilot program, the Chancellor shall establish a 153728  
process that uses a student's academic record to determine 153729  
whether the student meets the admissions requirements. To the 153730  
extent practicable, and in accordance with applicable law, the 153731  
Chancellor shall use existing primary, secondary, and higher 153732  
education student information systems to automate the process 153733  
and use information held by a participating student's high 153734  
school to minimize the need for the student to provide any 153735  
additional information. 153736

The Chancellor shall endeavor to implement the pilot 153737  
program so that students graduating in the 2026-2027 school year 153738  
may participate in the program. 153739

(C) The Chancellor may do any of the following: 153740

(1) Establish eligibility requirements for students, 153741  
school governing bodies, and postsecondary institutions who 153742  
elect to participate in the pilot program; 153743

(2) Consult with stakeholders and form advisory councils 153744  
as necessary to design and operate the pilot program; 153745

(3) Terminate the pilot program if the Chancellor 153746  
determines its operation is impracticable. 153747

(D) A school governing body or postsecondary institution 153748  
shall apply to participate in the pilot program in a form and 153749  
manner prescribed by the Chancellor. 153750

A participating school governing body may adopt a written 153751  
policy authorizing any high school it operates to participate in 153752  
the pilot program. Not later than ninety days after the adoption 153753

of the policy, the school governing body shall transmit an 153754  
electronic copy of the policy to the Chancellor and the Director 153755  
of Education and Workforce. 153756

A participating school governing body shall develop a 153757  
procedure to determine whether a student who wants to 153758  
participate in the pilot program meets any eligibility 153759  
requirements established under division (C) of this section. 153760

(E) At least once each school year, the Chancellor, in 153761  
consultation with the Director of Education and Workforce, shall 153762  
issue a report on the pilot program. The Chancellor shall set a 153763  
deadline for the report's issuance. The report shall include 153764  
information about the number of students who participate in the 153765  
program. The report also shall evaluate, to the extent 153766  
practicable, the impact of the program on postsecondary outcomes 153767  
for students from populations traditionally underserved in 153768  
higher education. 153769

The Chancellor shall submit the report to the Governor, 153770  
the President of the Senate, the Speaker of the House of 153771  
Representatives, the Director of Education and Workforce, the 153772  
Director of Budget and Management, and the Governor's Office of 153773  
Workforce Transformation. 153774

(F) No student, school governing body, or postsecondary 153775  
institution shall be required to participate in the pilot 153776  
program. 153777

**Section 383.10.** 153778  
153779

1 2 3 4 5

B	General Revenue Fund				
C	GRF	501321	Institutional Operations	\$1,476,713,893	\$1,554,983,411
D	GRF	501405	Reentry, Housing, and Support Services	\$87,700,200	\$90,558,100
E	GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	\$42,000,000	\$60,000,000
F	GRF	501407	Community Nonresidential Programs	\$71,472,947	\$74,153,531
G	GRF	501408	Community Misdemeanor Programs	\$10,101,000	\$10,555,545
H	GRF	501411	Probation Improvement and Incentive Grants	\$5,512,500	\$5,760,562
I	GRF	501501	Community Residential Programs - Community Based Correctional Facilities	\$99,715,600	\$100,161,800
J	GRF	503321	Parole and Community Operations	\$135,000,000	\$135,000,000
K	GRF	504321	Administrative Operations	\$29,927,970	\$31,394,440
L	GRF	505321	Institution Medical Services	\$374,507,269	\$397,184,187
M	GRF	506321	Institution Education	\$51,146,437	\$55,515,093

Services

N	General Revenue Fund Total	\$2,383,797,816	\$2,515,266,669
O	Dedicated Purpose Fund Group		
P	4B00 501601 Sewer Treatment Services	\$600,000	\$600,000
Q	4D40 501603 Prisoner Programs	\$400,000	\$400,000
R	4L40 501604 Transitional Control	\$2,450,000	\$2,450,000
S	4S50 501608 Education Services	\$4,660,000	\$4,660,000
T	5AF0 501609 State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80 501617 Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	5ZQ0 501505 Local Jail Grants	\$75,000,000	\$0
W	Dedicated Purpose Fund Group Total	\$86,270,000	\$11,270,000
X	Internal Service Activity Fund Group		
Y	1480 501602 Institutional Services	\$3,500,000	\$3,500,000
Z	2000 501607 Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830 501605 Leased Property Maintenance and Operating	\$7,500,000	\$7,500,000
AB	5710 501606 Corrections Training Maintenance and Operating	\$940,000	\$940,000



to exceed the authorized reimbursement rate for the same service 153796  
established by the Department of Medicaid under the Medicaid 153797  
Program. 153798

TRANSITIONAL HOUSING FUNDING 153799

Of the foregoing appropriation item 501405, Reentry, 153800  
Housing, and Support Services, priority shall be given to 153801  
residential providers that accept and place individuals released 153802  
from institutions operated by the Department of Rehabilitation 153803  
and Correction to the supervision of the Adult Parole Authority 153804  
who were previously rejected by all other residential providers. 153805

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 153806

The foregoing appropriation item 501406, Adult 153807  
Correctional Facilities Lease Rental Bond Payments, shall be 153808  
used to meet all payments during the period from July 1, 2025, 153809  
through June 30, 2027, by the Department of Rehabilitation and 153810  
Correction pursuant to leases and agreements for facilities made 153811  
under Chapters 152. and 154. of the Revised Code. These 153812  
appropriations are the source of funds pledged for bond service 153813  
charges on related obligations issued under Chapters 152. and 153814  
154. of the Revised Code. 153815

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 153816

The foregoing appropriation item 501411, Probation 153817  
Improvement and Incentive Grants, shall be allocated by the 153818  
Department of Rehabilitation and Correction to municipalities as 153819  
Probation Improvement and Incentive Grants with an emphasis on: 153820  
(1) providing services to those addicted to opiates and other 153821  
illegal substances, and (2) supplementing the programs and 153822  
services funded by grants distributed from the foregoing 153823  
appropriation item 501407, Community Nonresidential Programs. 153824

<b>Section 383.30. LOCAL JAIL GRANTS</b>	153825
The foregoing appropriation item 501505, Local Jail	153826
Grants, shall be used for the construction and renovation of	153827
county jails. The Department of Rehabilitation and Correction	153828
shall designate the projects involving the construction and	153829
renovation of county jails.	153830
The Department of Rehabilitation and Correction may review	153831
and approve the renovation and construction of projects for	153832
which funds are provided. The proceeds of any obligations	153833
authorized under this section shall not be applied to any such	153834
facilities that are not designated and approved by the	153835
Department of Rehabilitation and Correction.	153836
The Department of Rehabilitation and Correction shall	153837
adopt guidelines to accept and review applications and designate	153838
projects. The guidelines shall require the county or counties to	153839
justify the need for the project and to comply with timelines	153840
for the submission of documentation pertaining to the project	153841
and project location.	153842
In reviewing applications and designating projects, the	153843
Department of Rehabilitation and Correction shall prioritize	153844
applications and projects that do all of the following:	153845
(1) Target county jails that the Department of	153846
Rehabilitation and Correction determines to have the greatest	153847
need for construction or renovation work;	153848
(2) Improve substantially the condition, safety, and	153849
operational ability of the jail;	153850
(3) Benefit jails that are, or will be, used by multiple	153851
counties.	153852

The Department of Rehabilitation and Correction shall 153853  
award the funds to selected counties not later than July 1, 153854  
2027. 153855

**Section 387.10.** 153856  
153857

	1	2	3	4	5
A			RDF STATE REVENUE DISTRIBUTIONS		
B			General Revenue Fund		
C	GRF	110403	Personal Property Tax	\$3,770,000	\$3,170,000
			Replacement Phase Out -		
			Local Government		
D	GRF	110908	Property Tax	\$694,064,172	\$709,416,877
			Reimbursement - Local		
			Government		
E	GRF	200417	Personal Property Tax	\$46,478,241	\$42,618,185
			Replacement Phase Out -		
			School District		
F	GRF	200903	Property Tax	\$1,303,717,108	\$1,332,278,846
			Reimbursement - Education		
G			General Revenue Fund Total	\$2,048,029,521	\$2,087,483,908
H			Revenue Distribution Fund Group		
I	5JG0	110633	Gross Casino Revenue	\$168,320,000	\$166,460,000
			Payments - County		
J	5JH0	110634	Gross Casino Revenue	\$112,210,000	\$110,970,000

		Payments - School Districts		
K	5JJ0 110636	Gross Casino Revenue - Host City	\$16,530,000	\$16,400,000
L	7049 336900	Indigent Drivers Alcohol Treatment	\$1,800,000	\$1,800,000
M	7050 762900	International Registration Plan Distribution	\$26,000,000	\$26,000,000
N	7051 762901	Auto Registration Distribution	\$379,000,000	\$391,000,000
O	7065 110965	Public Library Fund	\$490,000,000	\$500,000,000
P	7066 800966	Undivided Liquor Permits	\$14,600,000	\$14,600,000
Q	7069 110969	Local Government Fund	\$530,900,000	\$541,200,000
R	7082 110982	Horse Racing Tax	\$31,200	\$31,200
S	7083 700900	Ohio Fairs Fund	\$471,000	\$471,000
T	7106 110659	Host Community Cannabis Payments	\$20,000,000	\$0
U		Revenue Distribution Fund Group Total	\$1,759,862,200	\$1,768,932,200
V		Fiduciary Fund Group		
W	4P80 001698	Cash Management Improvement Fund	\$1,000,000	\$1,000,000

X	5VR0	110902	Municipal Net Profit Tax	\$241,330,000	\$253,400,000
Y	6080	001699	Investment Earnings	\$1,050,000,000	\$975,000,000
Z	7001	110996	Horse Racing Tax Local Government Payments	\$120,000	\$120,000
AA	7062	110962	Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AB	7063	110963	Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000
AC	7067	110967	School District Income Tax Distribution	\$748,610,000	\$778,170,000
AD	7085	800985	Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AE	7094	110641	Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AF	7095	110995	Municipal Income Tax	\$8,100,000	\$8,100,000
AG	7099	762902	Permissive Tax Distribution - Auto Registration	\$262,000,000	\$270,000,000
AH	Fiduciary Fund Group Total			\$6,056,300,000	\$6,108,740,000
AI	Holding Account Fund Group				
AJ	R045	110617	International Fuel Tax Distribution	\$101,700,000	\$108,200,000

AK Holding Account Fund Group Total	\$101,700,000	\$108,200,000
AL TOTAL ALL BUDGET FUND GROUPS	\$9,965,891,721	\$10,073,356,108

**Section 387.20.** ADDITIONAL APPROPRIATIONS 153858

Appropriation items in Section 387.10 of this act shall be 153859  
used for the purpose of administering and distributing the 153860  
designated revenue distribution funds according to the Revised 153861  
Code. If it is determined that additional appropriations are 153862  
necessary for this purpose in any appropriation items in Section 153863  
387.10 of this act, such amounts are hereby appropriated. 153864

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 153865

The foregoing appropriation items 200417, Personal 153866  
Property Tax Replacement Phase Out-School District, and 110403, 153867  
Personal Property Tax Replacement Phase Out - Local Government, 153868  
shall be used to make reimbursement payments to school districts 153869  
and other local taxing units under sections 5709.92 and 5709.93 153870  
of the Revised Code. If it is determined that additional 153871  
appropriations are needed to make those reimbursement payments 153872  
in full, such amounts are hereby appropriated. 153873

Notwithstanding division (I) of section 5709.92 of the 153874  
Revised Code, any school district that has a nuclear power plant 153875  
located within its territory shall receive no less under this 153876  
section in fiscal year 2027 than paid in fiscal year 2026. 153877

PROPERTY TAX REIMBURSEMENT - EDUCATION 153878

The foregoing appropriation item 200903, Property Tax 153879  
Reimbursement - Education, is appropriated to pay for the 153880  
state's costs incurred because of the homestead exemption, the 153881  
property tax rollback, and payments required under division (C) 153882

of section 5705.2110 of the Revised Code. In cooperation with 153883  
the Department of Taxation, the Department of Education and 153884  
Workforce shall distribute these funds directly to the 153885  
appropriate school districts of the state, notwithstanding 153886  
sections 321.24 and 323.156 of the Revised Code, which provide 153887  
for payment of the homestead exemption and property tax rollback 153888  
by the Tax Commissioner to the appropriate county treasurer and 153889  
the subsequent redistribution of these funds to the appropriate 153890  
local taxing districts by the county auditor. 153891

Upon receipt of these amounts, each school district shall 153892  
distribute the amount among the proper funds as if it had been 153893  
paid as real or tangible personal property taxes. Payments for 153894  
the costs of administration shall continue to be paid to the 153895  
county treasurer and county auditor as provided for in sections 153896  
319.54, 321.26, and 323.156 of the Revised Code. 153897

Any sums, in addition to the amount specifically 153898  
appropriated in appropriation item 200903, Property Tax 153899  
Reimbursement - Education, for the homestead exemption and the 153900  
property tax rollback payments, and payments required under 153901  
division (C) of section 5705.2110 of the Revised Code, which are 153902  
determined to be necessary for these purposes, are hereby 153903  
appropriated. 153904

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 153905

The foregoing appropriation item 110908, Property Tax 153906  
Reimbursement-Local Government, is hereby appropriated to pay 153907  
for the state's costs incurred due to the Homestead Exemption, 153908  
the Manufactured Home Property Tax Rollback, and the Property 153909  
Tax Rollback. The Tax Commissioner shall distribute these funds 153910  
directly to the appropriate local taxing districts, except for 153911  
school districts, notwithstanding the provisions in sections 153912

321.24 and 323.156 of the Revised Code, which provide for 153913  
payment of the Homestead Exemption, the Manufactured Home 153914  
Property Tax Rollback, and Property Tax Rollback by the Tax 153915  
Commissioner to the appropriate county treasurer and the 153916  
subsequent redistribution of these funds to the appropriate 153917  
local taxing districts by the county auditor. 153918

Upon receipt of these amounts, each local taxing district 153919  
shall distribute the amount among the proper funds as if it had 153920  
been paid as real property taxes. Payments for the costs of 153921  
administration shall continue to be paid to the county treasurer 153922  
and county auditor as provided for in sections 319.54, 321.26, 153923  
and 323.156 of the Revised Code. 153924

Any sums, in addition to the amounts specifically 153925  
appropriated in appropriation item 110908, Property Tax 153926  
Allocation - Local Government, for the Homestead Exemption, the 153927  
Manufactured Home Property Tax Rollback, and the Property Tax 153928  
Rollback payments, which are determined to be necessary for 153929  
these purposes, are hereby appropriated. 153930

MUNICIPAL INCOME TAX 153931

The foregoing appropriation item 110995, Municipal Income 153932  
Tax, shall be used to make payments to municipal corporations 153933  
under section 5745.05 of the Revised Code. If it is determined 153934  
that additional appropriations are necessary to make such 153935  
payments, such amounts are hereby appropriated. 153936

MUNICIPAL NET PROFIT TAX 153937

The foregoing appropriation item 110902, Municipal Net 153938  
Profit Tax, shall be used to make payments to municipal 153939  
corporations under section 718.83 of the Revised Code. If it is 153940  
determined that additional amounts are necessary to make such 153941

payments, such amounts are hereby appropriated. 153942

During fiscal year 2026 and fiscal year 2027, if the Tax 153943  
Commissioner determines that there is insufficient cash in the 153944  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 153945  
distribution obligations under section 718.83 of the Revised 153946  
Code, the Tax Commissioner shall certify to the Director of 153947  
Budget and Management the amount of additional cash necessary to 153948  
satisfy those obligations. In addition, the Commissioner shall 153949  
submit a plan to the Director requesting the necessary cash be 153950  
transferred from one or a combination of the following funds: 153951  
the Municipal Income Tax Administrative Fund, the Local Sales 153952  
Tax Administrative Fund, the General School District Income Tax 153953  
Administrative Fund, the Motor Fuel Tax Administrative Fund, the 153954  
Property Tax Administrative Fund, or the General Revenue Fund. 153955  
This plan shall include a proposed repayment schedule to 153956  
reimburse those funds for any cash transferred in accordance 153957  
with this section. After receiving the certification and funding 153958  
plan from the Tax Commissioner and if the Director determines 153959  
that sufficient cash is available, the Director may transfer the 153960  
cash to the Municipal Net Profit Tax Fund in accordance with the 153961  
plan submitted by the Tax Commissioner or as otherwise 153962  
determined by the Director of Budget and Management. The 153963  
Director of Budget and Management may transfer cash from the 153964  
Municipal Net Profit Tax Fund to reimburse the funds from which 153965  
cash was transferred for the purpose outlined in this section. 153966

LOCAL GOVERNMENT FUND 153967

Notwithstanding the requirement in division (A) of section 153968  
131.51 of the Revised Code that the Director of Budget and 153969  
Management credit to the Local Government Fund one and seven- 153970  
tenths per cent of the total tax revenue credited to the General 153971

Revenue Fund during the preceding month, the Director shall 153972  
 instead calculate these amounts during fiscal year 2026 and 153973  
 fiscal year 2027 using one and seventy-five one-hundredths as 153974  
 the percentage. 153975

HOST COMMUNITY CANNABIS PAYMENTS 153976

The foregoing appropriation item 110659, Host Community 153977  
 Cannabis Payments, shall be used to make payments to municipal 153978  
 corporations and townships under division (E) (1) of section 153979  
 3780.22 of the Revised Code. 153980

On July 1, 2025, or as soon as possible thereafter, the 153981  
 Director of Budget and Management shall transfer \$20,000,000 153982  
 cash from the Adult Use Tax Fund (Fund QG18) to the Host 153983  
 Community Cannabis Fund (Fund 7106). 153984

**Section 391.10.** 153985  
 153986

1	2	3	4	5
A		OSB DEAF AND BLIND EDUCATION SERVICES		
B	General Revenue Fund			
C	GRF 226321 Operations		\$32,700,258	\$33,454,668
D	General Revenue Fund Total		\$32,700,258	\$33,454,668
E	Dedicated Purpose Fund Group			
F	4H80 226602 Blind School State Grants		\$350,000	\$350,000
G	4M00 226400 Deaf School Educational		\$250,000	\$250,000
	Program Expenses			

H	4M10	226401	Deaf School State Grants	\$25,000	\$25,000
I	4M50	226601	Blind School Educational Program Expenses	\$330,000	\$340,000
J	5H60	226402	Early Childhood Education	\$65,000	\$65,000
K	5NJ0	226622	Employee Food Service Charges	\$22,467	\$23,141
L	Dedicated Purpose Fund Group Total			\$1,042,467	\$1,053,141
M	Federal Fund Group				
N	3100	226626	Blind School Federal Grants	\$1,099,000	\$1,099,000
O	3110	226403	Deaf School Federal Grants	\$574,000	\$574,000
P	3DT0	226621	Ohio Transition Collaborative	\$230,000	\$230,000
Q	3P50	226643	Medicaid Professional Services Reimbursement	\$459,500	\$459,500
R	Federal Fund Group Total			\$2,362,500	\$2,362,500
S	TOTAL ALL BUDGET FUND GROUPS			\$36,105,225	\$36,870,309

**Section 395.10.**

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A	SOS SECRETARY OF STATE			
B	General Revenue Fund			
C	GRF 050321	Operating Expenses	\$3,505,147	\$3,510,274
D	GRF 050407	Poll Workers Training	\$0	\$500,000
E	GRF 050509	County Voting Systems Lease Rental Payments	\$12,200,000	\$12,200,000
F	General Revenue Fund Total		\$15,705,147	\$16,210,274
G	Dedicated Purpose Fund Group			
H	4120 050609	Notary Commission	\$541,455	\$555,487
I	4S80 050610	Board of Voting Machine Examiners	\$14,400	\$14,400
J	5990 050603	Business Services Operating Expenses	\$28,586,668	\$29,181,310
K	5990 050629	Statewide Voter Registration Database	\$705,000	\$730,000
L	5990 050630	Elections Support Supplement	\$4,458,687	\$4,545,000
M	5990 050631	Precinct Election Officials Training	\$0	\$500,000
N	5990 050636	County Election Officials Training	\$240,000	\$240,000

O	5CS1 050604 Ohio Election Integrity Commission	\$250,000	\$0
P	5SN0 050626 Address Confidentiality	\$375,000	\$400,000
Q	Dedicated Purpose Fund Group Total	\$35,171,210	\$36,166,197
R	Holding Account Fund Group		
S	R002 050606 Corporate/Business Filing Refunds	\$85,000	\$85,000
T	Holding Account Fund Group Total	\$85,000	\$85,000
U	Federal Fund Group		
V	3AS0 050616 Help America Vote Act (HAVA)	\$100,000	\$100,000
W	Federal Fund Group Total	\$100,000	\$100,000
X	TOTAL ALL BUDGET FUND GROUPS	\$51,061,357	\$52,561,471

**Section 395.20. POLL WORKERS TRAINING** 153989

The foregoing appropriation item 050407, Poll Workers  
Training, shall be used to provide funding to county boards of 153990  
elections for precinct election official (PEO) training pursuant 153991  
to section 3501.27 of the Revised Code. 153992  
153993

**COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS** 153994

The foregoing appropriation item 050509, County Voting  
Systems Lease Rental Payments, shall be used to make payments 153995  
during the period from July 1, 2025, through June 30, 2027, 153996  
pursuant to leases and agreements entered into under Section 4 153997  
153998

of S.B. 135 of the 132nd General Assembly with respect to 153999  
financing the costs associated with the acquisition, 154000  
development, installation, and implementation of county voting 154001  
systems. 154002

BOARD OF VOTING SYSTEMS EXAMINERS 154003

The foregoing appropriation item 050610, Board of Voting 154004  
Systems Examiners, shall be used to pay for the services and 154005  
expenses of the members of the Board of Voting Systems 154006  
Examiners, and for other expenses that are authorized to be paid 154007  
from the Board of Voting Systems Examiners Fund (Fund 4S80) 154008  
created in section 3506.05 of the Revised Code. Moneys not used 154009  
shall be returned to the person or entity submitting equipment 154010  
for examination. If it is determined by the Secretary of State 154011  
that additional appropriation amounts are necessary, the 154012  
Secretary of State may request that the Director of Budget and 154013  
Management approve such amounts. Upon approval of the Director 154014  
of Budget and Management, such amounts are hereby appropriated. 154015

BALLOT ADVERTISING COSTS 154016

Notwithstanding division (G) of section 3501.17 of the 154017  
Revised Code, upon requests submitted by the Secretary of State, 154018  
the Controlling Board may approve cash and appropriation 154019  
transfers from the Controlling Board Emergency 154020  
Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot 154021  
Advertising Fund (Fund 5FH0) in order to pay for the cost of 154022  
public notices associated with statewide ballot initiatives. 154023

ABSENT VOTER'S BALLOT APPLICATION MAILING 154024

Notwithstanding division (B) of section 111.31 of the 154025  
Revised Code, upon the request of the Secretary of State, the 154026  
Controlling Board may approve cash and appropriation transfers 154027

from the Controlling Board Emergency Purposes/Contingencies Fund 154028  
(Fund 5KM0) to the Absent Voter's Ballot Application Mailing 154029  
Fund (Fund 5RG0) to be used by the Secretary of State to pay the 154030  
costs of printing and mailing unsolicited applications for 154031  
absent voters' ballots for the general election to be held in 154032  
November 2026. 154033

ADDRESS CONFIDENTIALITY PROGRAM 154034

Upon the request of the Secretary of State, the Director 154035  
of Budget and Management may transfer up to \$400,000 per fiscal 154036  
year in cash from the Business Services Operating Expenses Fund 154037  
(Fund 5990) to the Address Confidentiality Program Fund (Fund 154038  
5SN0). 154039

CORPORATE/BUSINESS FILING REFUNDS 154040

The foregoing appropriation item 050606, 154041  
Corporate/Business Filing Refunds, shall be used to hold 154042  
revenues until they are directed to the appropriate accounts or 154043  
until they are refunded. If it is determined by the Secretary of 154044  
State that additional appropriation amounts are necessary, the 154045  
Secretary of State may request that the Director of Budget and 154046  
Management approve such amounts. Upon approval of the Director 154047  
of Budget and Management, such amounts are hereby appropriated. 154048

HAVA FUNDS 154049

An amount equal to the unexpended, unencumbered portion of 154050  
appropriation item 050616, Help America Vote Act (HAVA), at the 154051  
end of fiscal year 2025 is hereby reappropriated for the same 154052  
purpose in fiscal year 2026. 154053

An amount equal to the unexpended, unencumbered portion of 154054  
appropriation item 050616, Help America Vote Act (HAVA), at the 154055  
end of fiscal year 2026 is hereby reappropriated for the same 154056

purpose in fiscal year 2027. 154057

**Section 395.30. ELECTRONIC POLLBOOKS** 154058

The appropriation item 050638, Electronic Pollbooks, shall 154059  
be used by the Secretary of State to pay eighty-five per cent of 154060  
the calculated allocation cost of acquiring electronic 154061  
pollbooks, as defined in section 3506.05 of the Revised Code, 154062  
and ancillary equipment, for county boards of elections in 154063  
accordance with this section. 154064

An amount equal to the unexpended, unencumbered portion of 154065  
the appropriation item 050638, Electronic Pollbooks, at the end 154066  
of fiscal year 2025 is hereby reappropriated to the Secretary of 154067  
State for the same purpose in fiscal year 2026. 154068

When required, pursuant to state purchasing requirements 154069  
and at the request of the Secretary of State, the Office of 154070  
Procurement Services within the Department of Administrative 154071  
Services shall initiate a competitive solicitation for the 154072  
purpose of identifying and securing contracts with qualified 154073  
vendors that can provide electronic pollbooks, as defined in 154074  
section 3506.05 of the Revised Code, and ancillary equipment. 154075  
The Department shall maintain such contracts for use by county 154076  
boards of elections in accordance with this section. 154077

The Secretary of State shall calculate the portion of 154078  
appropriation item 050638, Electronic Pollbooks, to be allocated 154079  
to each county board of elections in proportion to the number of 154080  
registered voters in each county as recorded in the statewide 154081  
voter registration database as of July 1, 2022. The Secretary of 154082  
State, in conjunction with the Office of Procurement Services 154083  
within the Department of Administrative Services, shall use the 154084  
funding allocated to each county board of elections to reimburse 154085

them for the cost of acquiring electronic pollbooks and 154086  
ancillary equipment as follows: 154087

(A) For electronic pollbooks and ancillary equipment to be 154088  
acquired from vendors identified through competitive 154089  
solicitation by the Office of Procurement Services within the 154090  
Department of Administrative Services after the effective date 154091  
of this section, upon request by a county board of elections, 154092  
the Secretary of State shall provide a list of the vendors and 154093  
electronic pollbooks certified in accordance with section 154094  
3506.05 of the Revised Code. The board of elections shall select 154095  
electronic pollbooks from this list, notify the Secretary of 154096  
State of its selection, and shall acquire the selected 154097  
electronic pollbooks and any other necessary equipment. The 154098  
board of elections shall enter into a memorandum of 154099  
understanding with the applicable board of county commissioners 154100  
and the Secretary of State concerning those acquisitions. The 154101  
Secretary of State shall reimburse the board of elections for 154102  
the lesser amount of either eighty-five per cent of the cost of 154103  
those acquisitions, or the amount of the allocation as 154104  
determined by the Secretary of State under this section. 154105

(B) If, between December 31, 2019 and July 1, 2023, a 154106  
board of elections acquired electronic pollbooks or ancillary 154107  
equipment and is otherwise in compliance with all applicable 154108  
directives and statutes, the Secretary of State shall reimburse 154109  
the board of elections for the lesser amount of either eighty- 154110  
five per cent of the cost of that acquisition, or the amount of 154111  
the allocation as determined by the Secretary of State under 154112  
this section. Reimbursement shall be paid to the county board of 154113  
elections. 154114

**Section 397.10.** 154115

154116

1	2	3	4	5
A		SEN THE OHIO SENATE		
B	General Revenue Fund			
C	GRF 020321	Operating Expenses	\$23,000,000	\$23,000,000
D	General Revenue Fund Total		\$23,000,000	\$23,000,000
E	Internal Service Activity Fund Group			
F	1020 020602	Senate Reimbursement	\$425,800	\$425,800
G	4090 020601	Miscellaneous Sales	\$34,497	\$34,497
H	Internal Service Activity Fund Group		\$460,297	\$460,297
	Total			
I	TOTAL ALL BUDGET FUND GROUPS		\$23,460,297	\$23,460,297

**Section 397.20. OPERATING EXPENSES** 154117

On July 1, 2025, or as soon as possible thereafter, the 154118  
 Clerk of the Senate may certify to the Director of Budget and 154119  
 Management an amount up to the unexpended, unencumbered balance 154120  
 of the foregoing appropriation item 020321, Operating Expenses, 154121  
 at the end of fiscal year 2025 to be reappropriated to fiscal 154122  
 year 2026. The amount certified is hereby reappropriated to the 154123  
 same appropriation item for fiscal year 2026. 154124

On July 1, 2026, or as soon as possible thereafter, the 154125  
 Clerk of the Senate may certify to the Director of Budget and 154126  
 Management an amount up to the unexpended, unencumbered balance 154127



A	CSF COMMISSIONERS OF THE SINKING FUND			
B	Debt Service Fund Group			
C	7070 155905	Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000
D	7072 155902	Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000
E	7073 155903	Natural Resources Bond Retirement Fund	\$14,300,000	\$14,300,000
F	7074 155904	Conservation Projects Bond Retirement Fund	\$46,500,000	\$39,000,000
G	7076 155906	Coal Research and Development Bond Retirement Fund	\$4,050,000	\$2,525,000
H	7077 155907	State Capital Improvement Bond Retirement Fund	\$225,000,000	\$240,000,000
I	7078 155908	Common Schools Bond Retirement Fund	\$255,000,000	\$230,000,000
J	7079 155909	Higher Education Bond Retirement Fund	\$250,000,000	\$210,000,000
K	7080 155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement	\$975,000	\$0

Fund

L	Debt Service Fund Group Total	\$959,325,000	\$912,325,000
M	TOTAL ALL BUDGET FUND GROUPS	\$959,325,000	\$912,325,000

**Section 401.20.** ADDITIONAL APPROPRIATIONS 154136

Appropriation items in this section are for the purpose of 154137  
 paying debt service and financing costs during the period from 154138  
 July 1, 2025, through June 30, 2027, on bonds or notes of the 154139  
 state issued under the Ohio Constitution, Revised Code, and acts 154140  
 of the General Assembly. If it is determined that additional 154141  
 amounts are necessary for this purpose, such amounts are hereby 154142  
 appropriated. 154143

**Section 404.10.** 154144

154145

1 2 3 4 5

A SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD

B Dedicated Purpose Fund Group

C 4K90 123609 Operating Expenses \$649,200 \$665,400

D Dedicated Purpose Fund Group Total \$649,200 \$665,400

E TOTAL ALL BUDGET FUND GROUPS \$649,200 \$665,400

**Section 407.10.** 154146

154147

1 2 3 4 5

A BTA BOARD OF TAX APPEALS

B	General Revenue Fund		
C	GRF 116321 Operating Expenses	\$2,110,000	\$2,160,000
D	General Revenue Fund Total	\$2,110,000	\$2,160,000
E	TOTAL ALL BUDGET FUND GROUPS	\$2,110,000	\$2,160,000

**Section 409.10.**

154148

154149

	1	2	3	4	5
A	TAX DEPARTMENT OF TAXATION				
B	General Revenue Fund				
C	GRF	110321	Operating Expenses	\$63,000,000	\$67,000,000
D	GRF	110404	Tobacco Settlement Enforcement	\$163,000	\$166,271
E	General Revenue Fund Total			\$63,163,000	\$67,166,271
F	Dedicated Purpose Fund Group				
G	2280	110628	CAT Administration	\$13,368,132	\$13,072,718
H	4350	110607	Local Tax Administration	\$38,632,001	\$39,008,489
I	4360	110608	Motor Vehicle Audit Administration	\$1,282,300	\$1,282,300
J	4380	110609	School District Income Tax Administration	\$9,651,710	\$9,732,886

K	4C60	110616	International Registration Plan Administration	\$697,635	\$706,187
L	4R60	110610	Tire Tax Administration	\$138,123	\$138,123
M	5BP0	110639	Wireless 9-1-1 Administration	\$251,418	\$251,418
N	5JM0	110637	Casino Tax Administration	\$101,000	\$101,000
O	5N50	110605	Municipal Income Tax Administration	\$115,848	\$115,848
P	5N60	110618	Kilowatt Hour Tax Administration	\$63,415	\$63,415
Q	5NY0	110643	Petroleum Activity Tax Administration	\$1,114,260	\$1,114,260
R	5V70	110622	Motor Fuel Tax Administration	\$6,713,625	\$6,871,008
S	5V80	110623	Property Tax Administration	\$5,477,332	\$5,509,569
T	5YQ0	110651	Sports Gaming Tax Administration Operating Expenses	\$5,000	\$5,000
U	5ZA0	110650	Ohio Tax System Operating Expenses	\$7,000,000	\$8,000,000
V	6390	110614	Cigarette Tax Enforcement	\$1,087,029	\$1,114,117

W	6880	110615	Local Excise Tax Administration	\$391,778	\$392,536
X	Dedicated Purpose Fund Group Total			\$86,090,606	\$87,478,874
Y	Fiduciary Fund Group				
Z	4250	110635	Tax Refunds	\$3,082,044,000	\$3,082,044,000
AA	5CZ0	110631	Vendor's License Application	\$575,000	\$575,000
AB	Fiduciary Fund Group Total			\$3,082,619,000	\$3,082,619,000
AC	Holding Account Fund Group				
AD	R010	110611	Tax Distributions	\$25,000	\$25,000
AE	R011	110612	Miscellaneous Tax Receipts	\$500	\$500
AF	Holding Account Fund Group Total			\$25,500	\$25,500
AG	TOTAL ALL BUDGET FUND GROUPS			\$3,231,898,106	\$3,237,289,645

**Section 409.20. TAX REFUNDS** 154150

The foregoing appropriation item 110635, Tax Refunds, 154151  
shall be used to pay refunds under section 5703.052 of the 154152  
Revised Code. If it is determined that additional appropriations 154153  
are necessary for this purpose, such amounts are hereby 154154  
appropriated. 154155

**VENDOR'S LICENSE PAYMENTS** 154156

The foregoing appropriation item 110631, Vendor's License 154157

Application, shall be used to make payments to county auditors 154158  
under section 5739.17 of the Revised Code. If it is determined 154159  
that additional appropriations are necessary to make such 154160  
payments, such amounts are hereby appropriated. 154161

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 154162

The foregoing appropriation item 110616, International 154163  
Registration Plan Administration, shall be used under section 154164  
5703.12 of the Revised Code for audits of persons with vehicles 154165  
registered under the International Registration Plan. 154166

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 154167

Of the foregoing appropriation item 110607, Local Tax 154168  
Administration, the Tax Commissioner may disburse funds, if 154169  
available, for the purposes of paying travel expenses incurred 154170  
by members of Ohio's delegation to the Streamlined Sales Tax 154171  
Project, as appointed under section 5740.02 of the Revised Code. 154172  
Any travel expense reimbursement paid for by the Department of 154173  
Taxation shall be done in accordance with applicable state laws 154174  
and guidelines. 154175

TOBACCO SETTLEMENT ENFORCEMENT 154176

The foregoing appropriation item 110404, Tobacco 154177  
Settlement Enforcement, shall be used by the Tax Commissioner to 154178  
pay costs incurred in the enforcement of divisions (F) and (G) 154179  
of section 5743.03 of the Revised Code. 154180

OHIO TAX SYSTEM SUPPORT FUND 154181

The foregoing appropriation item 110650, Ohio Tax System 154182  
Operating Expenses, shall be used to pay costs incurred in the 154183  
maintenance and support of the department's Ohio Tax System. The 154184  
Tax Commissioner shall submit a plan to the Director of Budget 154185

and Management requesting the necessary cash be transferred to 154186  
the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby 154187  
created in the state treasury. Cash shall be transferred from 154188  
any fund used by the Department of Taxation that is otherwise 154189  
allowable under state or federal law, except the General Revenue 154190  
Fund. This plan shall include a schedule of cash transfers. 154191  
After receiving the funding plan from the Tax Commissioner and 154192  
if the Director determines that sufficient cash is available, 154193  
the Director may transfer the cash to the Ohio Tax System 154194  
Support Fund with the plan submitted by the Tax Commissioner or 154195  
as otherwise determined by the Director of Budget and 154196  
Management. The transfers of cash to the Ohio Tax System Support 154197  
Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 154198  
biennium. 154199

MISCELLANEOUS TAX RECEIPTS 154200

The foregoing appropriation item 110612, Miscellaneous Tax 154201  
Receipts, shall be used to hold miscellaneous tax payments 154202  
received by the Tax Commissioner until the appropriate account 154203  
or fund is identified and the money can be transferred for the 154204  
identified purpose. If the Director of Budget and Management 154205  
determines that additional amounts are necessary for this 154206  
purpose, such amounts are hereby appropriated. 154207

**Section 411.10.** 154208

1	2	3	4	5	
A					DOT DEPARTMENT OF TRANSPORTATION
B					General Revenue Fund
C	GRF	772456	Unmanned Aerial Systems	\$500,000	\$500,000

		Center		
D	GRF	775470	Public Transportation - State	\$37,014,636      \$37,014,636
E	GRF	776400	Rail Development One-Time Grants	\$750,000              \$0
F	GRF	776465	Rail Development	\$3,000,000          \$3,000,000
G	GRF	777471	Airport Improvements - State	\$10,000,000        \$10,000,000
H			General Revenue Fund Total	\$51,264,636        \$50,514,636
I			Dedicated Purpose Fund Group	
J	5QT0	776670	Ohio Maritime Assistance Program	\$5,000,000          \$5,000,000
K	5XI0	772504	Ohio Highway Transportation Safety	\$6,000,000              \$0
L			Dedicated Purpose Fund Group Total	\$11,000,000        \$5,000,000
M			TOTAL ALL BUDGET FUND GROUPS	\$62,264,636        \$55,514,636

**Section 411.15.** RAIL DEVELOPMENT ONE-TIME GRANTS 154210

The foregoing appropriation item 776400, Rail Development 154211  
One-Time Grants, shall be distributed to the lead Ohio 154212  
partnering agency preparing the Step 2-Service Development Plan 154213  
supporting Ohio's portion of the Midwest Connect rail line for 154214  
the completion of that plan and associated activities. 154215



C	GRF	090321	Operating Expenses	\$5,432,000	\$5,432,000
D			General Revenue Fund Total	\$5,432,000	\$5,432,000
E			Dedicated Purpose Fund Group		
F	4E90	090603	Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90	090639	STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90	090614	Political Subdivision Obligation	\$38,332	\$39,460
I	5770	090605	Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BD1	090576	County Recorder Electronic Record Supplement	\$1,750,000	\$0
K	5BE1	090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
L	5C50	090602	County Treasurer Education	\$250,000	\$250,000
M	6050	090609	Treasurer of State Administrative Fund	\$1,820,361	\$1,827,252
N			Dedicated Purpose Fund Group Total	\$21,028,428	\$19,769,026
O			Fiduciary Fund Group		

P	4250 090635 Tax Refunds	\$12,000,000	\$12,000,000
Q	Fiduciary Fund Group Total	\$12,000,000	\$12,000,000
R	TOTAL ALL BUDGET FUND GROUPS	\$38,460,428	\$37,201,026

**Section 413.20.** COUNTY RECORDER ELECTRONIC RECORD 154240  
MODERNIZATION PROGRAM 154241

An amount equal to the unexpended, unencumbered balance of 154242  
appropriation item 090409, County Recorder Electronic 154243  
Modernization Program, at the end of fiscal year 2025 is hereby 154244  
reappropriated to the same appropriation item for the same 154245  
purpose in fiscal year 2026. 154246

TAX REFUNDS 154247

The foregoing appropriation item 090635, Tax Refunds, 154248  
shall be used to pay refunds under section 5703.052 of the 154249  
Revised Code. If the Director of Budget and Management 154250  
determines that additional amounts are necessary for this 154251  
purpose, such amounts are hereby appropriated. 154252

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 154253  
PAYMENTS 154254

The foregoing appropriation item 090406, Treasury 154255  
Management System Lease Rental Payments, shall be used to make 154256  
payments during the period from July 1, 2025, through June 30, 154257  
2027, pursuant to leases and agreements entered into under 154258  
Section 701.20 of H.B. 497 of the 130th General Assembly and 154259  
other prior acts of the General Assembly with respect to 154260  
financing the costs associated with the acquisition, 154261  
development, implementation, and integration of the Treasury 154262  
Management System. 154263

<b>Section 413.40.</b> STABLE MAINTENANCE FEE SUBSIDY	154264
The foregoing appropriation item 090639, STABLE	154265
Maintenance Fee Subsidy, shall be used to subsidize costs of	154266
monthly fees incurred by STABLE account holders for eligible	154267
individuals with disabilities.	154268
<b>Section 413.50.</b> COUNTY RECORDER ELECTRONIC RECORD	154269
MODERNIZATION FUND	154270
The County Recorder Electronic Modernization Fund (Fund	154271
5BD1) is created in the state treasury. Money in the fund shall	154272
be used to distribute funds to reimburse counties under the	154273
County Recorder Electronic Record Modernization Program, for use	154274
by county recorder's offices to implement the requirements set	154275
forth in divisions (E) and (F) of section 317.13 of the Revised	154276
Code. The Treasurer of State shall reimburse counties on a	154277
rolling basis until the appropriation is expended. Counties that	154278
met the requirements set forth in divisions (E) and (F) of	154279
section 317.13 of the Revised Code on October 24, 2024, are	154280
ineligible for funds under the Program. To be eligible for	154281
reimbursement under the Program, an expense must be incurred on	154282
or after October 24, 2024; expenses incurred before that date	154283
are not eligible for reimbursement. A county that receives funds	154284
under the Program shall credit those funds to the Recorder's	154285
Technology Fund at least to the extent necessary to reimburse	154286
the fund for money the county recorder spent to implement the	154287
requirements set forth in divisions (E) and (F) of section	154288
317.13 of the Revised Code.	154289
On July 1, 2025, or as soon as possible thereafter, the	154290
Treasurer of State shall transfer the cash balance including	154291
accrued interest and investment earnings from the Torrens Law	154292
Assurance Fund in the custody of the Treasurer of State, to the	154293

County Recorder Electronic Modernization Fund (Fund 5BD1). Upon	154294
completion of the transfer and on the effective date of its	154295
repeal by this act, the Torrens Law Assurance Fund is hereby	154296
abolished.	154297

**Section 414.10.**

154298  
 154299

1	2	3	4	5
A		VTO VETERANS' ORGANIZATIONS		
B	General Revenue Fund			
C	GRF	743501 American Ex-Prisoners of War	\$45,000	\$45,000
D	GRF	746501 Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF	747501 Korean War Veterans	\$85,000	\$85,000
F	GRF	748501 Jewish War Veterans	\$62,000	\$62,000
G	GRF	749501 Catholic War Veterans	\$85,000	\$85,000
H	GRF	750501 Military Order of the Purple Heart	\$85,000	\$85,000
I	GRF	751501 Vietnam Veterans of America	\$310,000	\$310,000
J	GRF	752501 American Legion of Ohio	\$450,000	\$450,000
K	GRF	753501 AMVETS	\$450,000	\$450,000

L	GRF	754501	Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501	Marine Corps League	\$214,000	\$214,000
N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P	General Revenue Fund Total			\$2,788,000	\$2,788,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$2,788,000	\$2,788,000

**Section 415.10.**

154300

154301

	1	2	3	4	5
A	DVS DEPARTMENT OF VETERANS SERVICES				
B	General Revenue Fund				
C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,077,924	\$5,178,649
F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation	\$975,000	\$0

General Obligation Bond  
 Debt Service

H	General Revenue Fund Total	\$59,643,989	\$59,814,297
I	Dedicated Purpose Fund Group		
J	4840 900603 Veterans' Homes Services	\$680,004	\$700,000
K	4E20 900602 Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0 900643 Military Injury Relief Program	\$97,000	\$97,000
M	5YP0 900650 Sports Gaming - Veterans	\$75,000	\$75,000
N	Dedicated Purpose Fund Group Total	\$14,852,004	\$14,872,000
O	Federal Fund Group		
P	3680 900614 Veterans Training	\$980,404	\$1,021,705
Q	3BX0 900609 Medicare Services	\$1,000,000	\$2,059,273
R	3L20 900601 Veterans' Homes Operations - Federal	\$31,500,000	\$31,500,000
S	Federal Fund Group Total	\$33,480,404	\$34,580,978
T	TOTAL ALL BUDGET FUND GROUPS	\$107,976,397	\$109,267,275

**Section 415.20.** VETERANS ORGANIZATIONS' RENT 154302

The foregoing appropriation item 900408, Department of 154303  
 Veterans Services, shall be used to pay veterans organizations' 154304  
 rent in buildings managed by the Department of Administrative 154305

Services.					154306
	VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				154307
	The foregoing appropriation item 900901, Veterans				154308
	Compensation General Obligation Bond Debt Service, shall be used				154309
	to pay all debt service and related financing costs during the				154310
	period from July 1, 2025, through June 30, 2027, on obligations				154311
	issued under Section 2r of Article VIII, Ohio Constitution.				154312
	VETERANS HOME MODERNIZATION				154313
	An amount equal to the unexpended and unencumbered				154314
	portions of appropriation item 900411, Veterans Homes				154315
	Modernization, under the Veterans Homes Modernization Fund (Fund				154316
	5Z00) plus an amount equal to cash previously expended but				154317
	returned to the fund at the end of fiscal year 2025 are hereby				154318
	reappropriated for the same purpose in fiscal year 2026.				154319
	An amount equal to the unexpended and unencumbered				154320
	portions of appropriation item 900411, Veterans Homes				154321
	Modernization, under the Veterans Homes Modernization Fund (Fund				154322
	5Z00) plus an amount equal to cash previously expended but				154323
	returned to the fund at the end of fiscal year 2026 are hereby				154324
	reappropriated for the same purpose in fiscal year 2027.				154325
	<b>Section 417.10.</b>				154326
					154327
	1	2	3	4	5
A		DVM STATE VETERINARY MEDICAL LICENSING BOARD			
B	Dedicated Purpose Fund Group				
C	4K90	888609	Operating Expenses	\$532,551	\$554,811



B	General Revenue Fund				
C	GRF	470401	RECLAIM Ohio	\$207,000,000	\$218,000,000
D	GRF	470412	Juvenile Correctional Facilities Lease Rental Bond Payments	\$17,500,000	\$17,500,000
E	GRF	470510	Youth Services	\$16,702,000	\$16,702,000
F	GRF	472321	Parole Operations	\$11,547,202	\$11,926,365
G	GRF	477321	Administrative Operations	\$17,177,391	\$18,017,753
H	General Revenue Fund Total			\$269,926,593	\$282,146,118
I	Dedicated Purpose Fund Group				
J	1470	470612	Vocational Education	\$1,436,125	\$1,494,968
K	1750	470613	Education Services	\$4,140,884	\$4,317,416
L	4790	470609	Employee Food Service	\$30,300	\$30,300
M	4A20	470602	Child Support	\$95,000	\$95,000
N	4G60	470605	Juvenile Special Revenue - Non-Federal	\$115,000	\$115,000
O	5BN0	470629	E-Rate Program	\$71,000	\$71,000
P	Dedicated Purpose Fund Group Total			\$5,888,309	\$6,123,684
Q	Federal Fund Group				

R	3210	470601	Education	\$1,899,343	\$1,956,154
S	3210	470603	Juvenile Justice Prevention	\$2,473,806	\$2,481,942
T	3210	470606	Nutrition	\$1,551,000	\$1,551,000
U	3210	470614	Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50	470604	Juvenile Justice/Delinquency Prevention	\$1,657,737	\$1,731,824
W	Federal Fund Group Total			\$9,103,662	\$9,250,163
X	TOTAL ALL BUDGET FUND GROUPS			\$284,918,564	\$297,519,965

**Section 421.20. COMMUNITY PROGRAMS** 154332

For purposes of implementing juvenile sentencing reforms, 154333  
and notwithstanding any provision of law to the contrary, the 154334  
Department of Youth Services may use up to \$1,375,000 of the 154335  
unexpended, unencumbered balance of the portion of appropriation 154336  
item 470401, RECLAIM Ohio, that is allocated to juvenile 154337  
correctional facilities in each fiscal year to expand Targeted 154338  
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 154339  
other evidence-based community programs. 154340

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 154341  
PAYMENTS 154342

The foregoing appropriation item 470412, Juvenile 154343  
Correctional Facilities Lease Rental Bond Payments, shall be 154344  
used to meet all payments during the period from July 1, 2025, 154345  
through June 30, 2027, by the Department of Youth Services under 154346

the leases and agreements for facilities made under Chapters 154347  
 152. and 154. of the Revised Code. These appropriations are the 154348  
 source of funds pledged for bond service charges on related 154349  
 obligations issued under Chapters 152. and 154. of the Revised 154350  
 Code. 154351

EDUCATION SERVICES 154352

The foregoing appropriation item 470613, Education 154353  
 Services, shall be used to fund the operating expenses of 154354  
 providing educational services to youth supervised by the 154355  
 Department of Youth Services. Operating expenses include, but 154356  
 are not limited to, teachers' salaries, maintenance costs, and 154357  
 educational equipment. 154358

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 154359

In collaboration with the county family and children first 154360  
 council, the juvenile court of that county that receives 154361  
 allocations from one or both of the foregoing appropriation 154362  
 items 470401, RECLAIM Ohio, and 470510, Youth Services, may 154363  
 transfer portions of those allocations to a flexible funding 154364  
 pool as authorized by the section of this act titled "FAMILY AND 154365  
 CHILDREN FIRST FLEXIBLE FUNDING POOL." 154366

**Section 423.10.** 154367

1 2 3 4 5

A KID DEPARTMENT OF CHILDREN AND YOUTH

B General Revenue Fund

C GRF 650400 Medicaid Program Support \$1,393,000 \$1,393,000

- State

D	GRF	830321	Children and Youth Program Management	\$55,000,000	\$55,500,000
E	GRF	830400	Child Care State/Maintenance of Effort	\$93,636,000	\$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	\$500,000	\$500,000
G	GRF	830403	Help Me Grow	\$60,000,000	\$63,000,000
H	GRF	830404	Infant Vitality	\$18,000,000	\$18,000,000
I	GRF	830405	Part C Early Intervention	\$30,000,000	\$32,000,000
J	GRF	830406	Strong Families Strong Communities	\$2,500,000	\$2,500,000
K	GRF	830407	Early Childhood Education	\$130,319,450	\$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	\$6,052,091	\$6,150,959
M	GRF	830410	Family and Children First	\$2,706,000	\$2,706,000
N	GRF	830411	Imagination Library	\$8,250,000	\$8,250,000
O	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
P	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000
Q	GRF	830418	Child Care Provider Recruitment	\$1,750,000	\$1,000,000

R	GRF	830419	Children's Crisis Care	\$1,350,000	\$1,350,000
S	GRF	830420	Community Projects and Assistance	\$2,500,000	\$2,500,000
T	GRF	830421	Responsible Fatherhood Initiative Grant Program	\$5,000,000	\$15,000,000
U	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
V	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
W	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
X	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
Y	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,000,000	\$4,000,000
Z	GRF	830506	Family and Children Services	\$264,059,990	\$272,197,490
AA	General Revenue Fund Total			\$898,293,531	\$921,281,066
AB	Dedicated Purpose Fund Group				
AC	1980	830600	Children's Trust Fund	\$5,770,407	\$5,800,246
AD	2320	830613	Family and Children First	\$2,485,214	\$2,514,051
AE	4E70	830615	Family and Children Services Collections	\$650,000	\$650,000

AF 4F10 830607	Family and Children Activities	\$655,000	\$655,000
AG 5BN1 830618	Child Welfare Training Support	\$7,387,465	\$7,387,465
AH 5B01 830620	Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
AI 5BP1 830621	Agency Oversight and Support	\$9,000,000	\$9,000,000
AJ 5CN0 830617	Choose Life	\$80,000	\$80,000
AK 5U60 830619	Family and Children Support	\$400,000	\$400,000
AL	Dedicated Purpose Fund Group Total	\$46,428,086	\$36,486,762
AM	Federal Fund Group		
AN 3201 830608	Maternal and Child Health Block Grant	\$5,000,000	\$5,000,000
AO 3270 830601	Child Welfare	\$31,024,665	\$31,147,396
AP 3980 830612	Adoption Program	\$215,000,000	\$215,000,000
AQ 3A91 830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AR 3C50 830610	Preschool Special Education	\$16,026,864	\$16,026,864
AS 3D30 830602	Children's Trust Fund	\$7,030,643	\$7,048,243

AT 3F02 650600 Medicaid Program Support	\$1,393,000	\$1,393,000
- Federal		
AU 3H70 830604 Child Care	\$646,049,427	\$591,221,224
AV 3IT0 830609 Community Social Service Programs	\$22,803,908	\$22,803,908
AW 3IU0 830623 Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AX 3N00 830603 Foster Care Program	\$337,778,385	\$338,091,973
AY 3V62 830605 TANF Block Grant	\$327,850,000	\$327,850,000
AZ Federal Fund Group Total	\$1,663,655,784	\$1,609,281,500
BA TOTAL ALL BUDGET FUND GROUPS	\$2,608,377,401	\$2,567,049,328

**Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE** 154369

Of the foregoing appropriation item 830402, Maternal and Infant Housing Assistance, up to \$500,000 in each fiscal year shall be used to support stable housing initiatives for pregnant mothers and their families to improve maternal and infant health outcomes. 154370  
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**Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS** 154375

Of the foregoing appropriation item, 830404, Infant Vitality, up to \$5,000,000 in each fiscal year shall be used to support programming by community and local faith-based service providers that invests in maternal health programs, provides services and support to pregnant mothers, and improves both maternal and infant health outcomes. 154376  
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The remainder of appropriation item 830404, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, group prenatal care, preconception education, continuous support for women during pregnancy and childbirth, patient navigators, community health workers, early childhood home visiting, safe birth spacing, gestational diabetes, smoking cessation tailored for pregnant women, breastfeeding, care coordination, and progesterone.

**Section 423.40. PART C EARLY INTERVENTION** 154398

Of the foregoing appropriation item 830405, Part C Early Intervention, up to \$7,000,000 in fiscal year 2026 and up to \$9,000,000 in fiscal year 2027 may be used by the Department of Children and Youth to subgrant or contract with county boards of developmental disabilities for the provision of early intervention evaluations, assessments, and service coordination. County boards of developmental disabilities that accept these funds shall maintain the level of local funding for early intervention at the same funding level as the prior fiscal year.

Of the foregoing appropriation item 830405, Part C Early Intervention, \$1,000,000 in total in each fiscal year shall be used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight

Center of Northwest Ohio to provide early intervention special 154412  
instruction services and family support to children under the 154413  
age of three with blindness or low vision. 154414

**Section 423.50. CHILDREN'S MENTAL HEALTH** 154415

Of the foregoing appropriation item 830406, Strong 154416  
Families Strong Communities, up to \$2,000,000 in each fiscal 154417  
year shall be used to provide funding for community projects 154418  
across the state that focus on support for families, assisting 154419  
families in avoiding crisis, and crisis intervention. 154420

Of the foregoing appropriation item 830406, Strong 154421  
Families Strong Communities, \$500,000 in each fiscal year shall 154422  
be provided to Riveon Mental Health and Recovery to support 154423  
primary care integration. 154424

The foregoing appropriation item 830505, Infant and Early 154425  
Childhood Mental Health, shall be used to promote identification 154426  
and intervention for early childhood mental health and to 154427  
enhance healthy social emotional development in order to reduce 154428  
preschool expulsions and promote kindergarten readiness. Funds 154429  
shall be used by the Department of Children and Youth, in 154430  
coordination with Department of Behavioral Health, to support 154431  
infant and early childhood mental health credentialed 154432  
professionals and consultation services, as well as 154433  
administration, workforce development for the program, and 154434  
program evaluation. 154435

**Section 423.70. EARLY CHILDHOOD EDUCATION** 154436

The foregoing appropriation item 830407, Early Childhood 154437  
Education, shall be used to pay the costs of the Early Childhood 154438  
Education Grant Program to provide quality preschool instruction 154439  
to improve kindergarten readiness. The Department shall 154440

distribute such funds directly to qualifying providers as 154441  
specified in section 5104.53 of the Revised Code. 154442

**Section 423.80. EARLY CARE AND EDUCATION LEARNING 154443**  
STANDARDS 154444

The foregoing appropriation item 830409, Early Care and 154445  
Education Learning Standards, shall be used to support the 154446  
state's early learning assessment work, the assessments required 154447  
under section 3301.0715 of the Revised Code, and the 154448  
implementation of curricula, assessments, and learning 154449  
activities that are aligned with the science of reading and the 154450  
early learning and development standards. 154451

**Section 423.90. PARENTING AND PREGNANCY PROGRAM 154452**

The foregoing appropriation item 830415, Parenting and 154453  
Pregnancy Program, shall be used, in accordance with section 154454  
5180.71 of the Revised Code, to support the Ohio Parenting and 154455  
Pregnancy Program. 154456

An amount equal to the unexpended, unencumbered balance of 154457  
appropriation item 830415, Parenting and Pregnancy Program, at 154458  
the end of fiscal year 2026 is hereby reappropriated to the same 154459  
appropriation item for the same purpose in fiscal year 2027. 154460

**Section 423.100. ADOPTION GRANT PROGRAM 154461**

The foregoing appropriation item 830416, Adoption Grant 154462  
Program, shall be used to administer grants to adoptive parents 154463  
through the Adoption Grant Program, in accordance with sections 154464  
5180.451 and 5180.452 of the Revised Code. 154465

**Section 423.103. CHILD CARE PROVIDER RECRUITMENT 154466**

The foregoing appropriation item 830418, Child Care 154467  
Provider Recruitment, shall be used for the Child Care Provider 154468

Recruitment and Mentorship Grant Program established in Section 154469  
751.30 of this act. 154470

**Section 423.106.** DIAGNOSTIC ULTRASOUND MACHINE PROGRAM 154471

The Director of Children and Youth shall create a grant 154472  
program through which entities may apply to receive diagnostic 154473  
ultrasound machines purchased in accordance with this section. 154474  
The Director shall establish the grant application and 154475  
administration process. To be eligible to receive a diagnostic 154476  
ultrasound machine through the grant program, all of the 154477  
following must apply to an entity: 154478

(A) The entity must meet all conditions set forth in 154479  
division (B) of section 5180.71 of the Revised Code, including 154480  
that the entity does not charge a fee for diagnostic ultrasound 154481  
services provided to pregnant women and women who suspect they 154482  
may be pregnant and does not promote abortion, perform abortion- 154483  
related medical procedures, or make referrals for abortions. 154484

(B) The entity is physically located in Ohio. 154485

(C) The entity is not a hospital, federally qualified 154486  
health center, or ambulatory surgical facility. 154487

The foregoing appropriation item 830420, Community 154488  
Projects and Assistance, shall be used by the Director of 154489  
Children and Youth to competitively bid for the purchase of new 154490  
three-dimensional diagnostic ultrasound machines. 154491

**Section 423.108.** RESPONSIBLE FATHERHOOD INITIATIVE GRANTS 154492

The foregoing appropriation item 830421, Responsible 154493  
Fatherhood Initiative Grants, shall be used to award grants 154494  
under the Responsible Fatherhood Initiative Grant Program, in 154495  
accordance with section 5180.706 of the Revised Code. Of this 154496

amount, not more than two per cent in each fiscal year shall be 154497  
used for administrative purposes. 154498

On June 30 of each fiscal year, the Department of Children 154499  
and Youth shall encumber an amount equal to any unexpended funds 154500  
in appropriation item 830421, Responsible Fatherhood Initiative 154501  
Grants. Funds encumbered shall be used for the same purposes in 154502  
the following fiscal year. 154503

**Section 423.110. COURT APPOINTED SPECIAL ADVOCATES 154504**

Of the foregoing appropriation item 830502, Court 154505  
Appointed Special Advocates, up to \$333,333 in each fiscal year 154506  
shall be used to support administrative costs associated with 154507  
existing court-appointed special advocate programs. 154508

Of the foregoing appropriation item 830502, Court 154509  
Appointed Special Advocates, up to \$666,667 in each fiscal year 154510  
shall be used to establish court-appointed special advocate 154511  
programs in areas of the state that are not served by an 154512  
existing program and to support existing programs. 154513

**Section 423.120. FAMILY AND CHILDREN SERVICES AND 154514**  
**ACTIVITIES 154515**

Of the foregoing appropriation item 830506, Family and 154516  
Children Services, up to \$25,000,000 in each fiscal year shall 154517  
be provided to assist with the expense of providing services to 154518  
youth requiring support from multiple systems. These funds may 154519  
be used for youth currently in the custody of a public children 154520  
services agency or to prevent children from entering into the 154521  
custody of a public children services agency by custody 154522  
relinquishment or another mechanism. The Director of Children 154523  
and Youth shall adopt rules in accordance with section 111.15 of 154524  
the Revised Code to administer the funding. 154525

Of the foregoing appropriation item 830506, Family and Children Services, up to \$7,500,000 in each fiscal year may be used to incentivize best practices. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item, 830506, Family and Children Services, up to \$162,750,000 in fiscal year 2026 and up to \$170,887,500 in fiscal year 2027 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5180.41 of the Revised Code.

If the funds available for distribution under section 5180.41 of the Revised Code in fiscal year 2026 and fiscal year 2027 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5180.411 of the Revised Code.

The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

Of the foregoing appropriation item 830506, Family and

Children Services, up to \$35,309,990 in each fiscal year shall 154556  
be used to support activities associated with the delivery of 154557  
children services activities, including recruiting and retaining 154558  
foster parents, identifying and supporting kinship providers, 154559  
family preservation, prevention, direct services, and best 154560  
practices. 154561

Of the foregoing appropriation item 830506, Family and 154562  
Children Services, up to \$17,000,000 in each fiscal year shall 154563  
be used for federal match requirements for Title IV-B and Title 154564  
IV-E of the "Social Security Act," 42 U.S.C. 601-687 funding. 154565

Of the foregoing appropriation item 830506, Family and 154566  
Children Services, up to \$3,000,000 in each fiscal year shall be 154567  
provided to the Ohio Network of Children's Advocacy Centers to 154568  
administer and distribute grants to Child Advocacy Centers to 154569  
coordinate statewide access to investigation, prosecution, and 154570  
treatment of child sexual abuse, while helping children heal. 154571

The foregoing appropriation item 830607, Family and 154572  
Children Activities, shall be used to expend miscellaneous 154573  
foundation funds and grants to support family and children 154574  
services activities. 154575

**Section 423.130. KINSHIP CARE NAVIGATOR PROGRAM** 154576

Of the foregoing appropriation item 830506, Family and 154577  
Children Services, up to \$8,500,000 in each fiscal year shall be 154578  
used to support the Kinship Care Navigator Program, and may be 154579  
used to match eligible federal Title IV-E of the "Social 154580  
Security Act," 42 U.S.C. 601-687 funds. 154581

**Section 423.140. WENDY'S WONDERFUL KIDS** 154582

Of the foregoing appropriation items 830506, Family and 154583  
Children Services, 830601, Child Welfare, and 830612, Adoption 154584

Program, a total of up to \$10,000,000 in each fiscal year may be 154585  
used to provide funds to the Dave Thomas Foundation for Adoption 154586  
to implement statewide the Wendy's Wonderful Kids program of 154587  
professional recruiters who use a child-focused model to find 154588  
permanent homes for children in Ohio foster care. 154589

**Section 423.150. FAMILY AND CHILDREN FIRST FLEXIBLE 154590**  
FUNDING POOL 154591

A county family and children first council may establish 154592  
and operate a flexible funding pool in order to assure access to 154593  
needed services by families, children, and older adults in need 154594  
of protective services. The operation of the flexible funding 154595  
pools is subject to the following restrictions: 154596

(A) The county council shall establish and operate the 154597  
flexible funding pool in accordance with formal guidance issued 154598  
by the Family and Children First Cabinet Council; 154599

(B) The county council shall produce an annual report on 154600  
its use of the pooled funds. The annual report shall conform to 154601  
a format prescribed in the formal guidance issued by the Family 154602  
and Children First Cabinet Council; 154603

(C) Unless otherwise restricted, funds transferred to the 154604  
flexible funding pool may include state general revenues 154605  
allocated to local entities to support the provision of services 154606  
to families and children; 154607

(D) The amounts transferred to the flexible funding pool 154608  
shall be limited to amounts that can be redirected without 154609  
impairing the achievement of the objectives for which the 154610  
initial allocation is designated; and 154611

(E) Each amount transferred to the flexible funding pool 154612  
from a specific allocation shall be approved for transfer by the 154613

director of the local agency that was the original recipient of 154614  
the allocation. 154615

In collaboration with the county family and children first 154616  
council, a county department of job and family services or 154617  
public children services agency that receives an allocation from 154618  
the Department of Children and Youth, in consultation and 154619  
coordination with the Department of Job and Family Services, 154620  
from the foregoing appropriation item 830506, Family and 154621  
Children Services, or 830502, Court Appointed Special Advocates, 154622  
may transfer a portion of either or both allocations to a 154623  
flexible funding pool as authorized by this section. 154624

**Section 423.160. CHILDRENS CRISIS CARE** 154625

The foregoing appropriation item 830419, Childrens Crisis 154626  
Care, shall be allocated by the Department of Children and Youth 154627  
in each fiscal year to children's crisis care facilities as 154628  
defined in section 5103.13 of the Revised Code. The Director of 154629  
Children and Youth shall calculate funds semi-annually and 154630  
allocate funds quarterly based on the total number of days of 154631  
care for each child residing in the facility, which is 154632  
determined by calculating the total days each child resides at 154633  
the crisis care facility, including the date of admission, but 154634  
not the day of discharge. A children's crisis care facility may 154635  
decline to receive funds provided under this section. A 154636  
children's crisis care facility that accepts funds provided 154637  
under this section shall use the funds in accordance with 154638  
section 5103.13 of the Revised Code and any rules adopted under 154639  
that section. 154640

**Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT** 154641

Of the foregoing appropriation item 830608, Maternal and 154642

Child Health Block Grant, up to \$5,000,000 in each fiscal year 154643  
shall be used to implement Title V Maternal and Child Health 154644  
Services Block Grant activities in the prenatal, maternal, 154645  
perinatal, and infant domains. 154646

**Section 423.180. MENTAL HEALTH BLOCK GRANT** 154647

The foregoing appropriation item 830622, Mental Health 154648  
Block Grant, shall be used for infant and early childhood mental 154649  
health activities. 154650

**Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM** 154651

(A) Of the foregoing appropriation item, 830604, Child 154652  
Care, a portion in each fiscal year, along with \$50,000,000 in 154653  
each fiscal year in appropriation item 830605, TANF Block Grant, 154654  
shall be used by the Department of Children and Youth to 154655  
establish and administer the Child Care Choice Voucher Program. 154656  
Subject to available funds, the program shall provide support, 154657  
in the form of vouchers, to families to assist them with child 154658  
care costs. To be eligible to participate in the program, a 154659  
family must meet all of the following conditions: 154660

(1) The caretaker parent is employed or participating in a 154661  
program of education or training for an amount of time 154662  
reasonably related to the time that the parent's children are 154663  
receiving child care. 154664

(2) The family does not meet the income conditions for 154665  
initial eligibility under the Publicly Funded Child Care Program 154666  
administered by the Department as described in section 5104.30 154667  
of the Revised Code, but the maximum amount of the family's 154668  
income does not exceed two hundred percent of the federal 154669  
poverty line. 154670

(3) The family meets any other condition established by 154671

the Department. 154672

(B) In providing vouchers under this section, both of the 154673  
following apply: 154674

(1) The program shall utilize, not later than November 1, 154675  
2026, the publicly funded child care payment rates established 154676  
in section 5104.30 of the Revised Code, except that such payment 154677  
rates shall not be enhanced payment rates as described in 154678  
division (E) (2) (c) of that section. 154679

(2) If a participating family uses its voucher at a type A 154680  
family child care home or licensed type B family child care 154681  
home, the program shall not require the family child care home 154682  
to be rated through the Step Up to Quality Program administered 154683  
by the Department as described in section 5104.29 of the Revised 154684  
Code. 154685

**Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS** 154686

A portion of the foregoing appropriation item 830609, 154687  
Community Social Service Programs, may be used by the Early 154688  
Intervention Services Advisory Council for the following 154689  
purposes: 154690

(A) In addition to other necessary and allowed uses of 154691  
funds and in accordance with 20 U.S.C. 1441(d), the Early 154692  
Intervention Services Advisory Council established pursuant to 154693  
section 5123.0422 of the Revised Code, may, in its discretion, 154694  
use budgeted funds to do all of the following: 154695

(1) Conduct forums and hearings; 154696

(2) Reimburse council members for reasonable and necessary 154697  
expenses, including child care expenses for parent 154698  
representatives, for attending council meetings and performing 154699

council duties;	154700
(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;	154701 154702 154703
(4) Hire staff;	154704
(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.	154705 154706 154707
(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement.	154708 154709 154710
<b>Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS</b>	154711
Of the foregoing appropriation item 830623, Federal Children and Youth Grants, up to \$195,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes for children who are in child welfare custody as a result of abuse, neglect, or dependency.	154712 154713 154714 154715 154716 154717 154718
<b>Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT</b>	154719 154720
Of the foregoing appropriation item 830605, TANF Block Grant, up to \$5,000,000 in each fiscal year shall be used for the Kinship Permanency Incentive Program established under section 5180.52 of the Revised Code to promote a permanent commitment by kinship caregivers through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes.	154721 154722 154723 154724 154725 154726 154727



A	NAI NEW AFRICAN IMMIGRANTS COMMISSION		
B	General Revenue Fund		
C	GRF 061501 Operating Expenses	\$250,000	\$250,000
D	General Revenue Fund Total	\$250,000	\$250,000
E	TOTAL ALL BUDGET FUND GROUPS	\$250,000	\$250,000

**Section 503.10. PERSONAL SERVICE EXPENSES** 154754

Unless otherwise prohibited by law, any appropriation from 154755  
which personal service expenses are paid shall bear the 154756  
employer's share of public employees' retirement, workers' 154757  
compensation, disabled workers' relief, and insurance programs; 154758  
the costs of centralized financial services, centralized payroll 154759  
processing, and related reports and services; centralized human 154760  
resources services, including affirmative action and equal 154761  
employment opportunity programs; the Office of Collective 154762  
Bargaining; centralized information technology management 154763  
services; administering the enterprise resource planning system; 154764  
and administering the state employee merit system as required by 154765  
section 124.07 of the Revised Code. These costs shall be 154766  
determined in conformity with the appropriate sections of law 154767  
and paid in accordance with procedures specified by the Office 154768  
of Budget and Management. Expenditures from appropriation item 154769  
070601, Public Audit Expense - Intra-State, may be exempted from 154770  
the requirements of this section. 154771

**Section 503.15. APPROPRIATIONS FOR EMPLOYEE COMPENSATION** 154772  
**CHANGES** 154773

Notwithstanding any provision of law to the contrary, 154774

beginning with the pay period that includes July 1, 2025, each 154775  
state appointing authority is authorized to make expenditures 154776  
from current state operating appropriations contained in this 154777  
act or any other act necessary to provide for the changes to 154778  
compensation provisions pursuant to approved collective 154779  
bargaining agreements between employee organizations and State 154780  
of Ohio public employers and pursuant to provisions of law, as 154781  
amended by this act, for employees exempt from collective 154782  
bargaining to allow parity for those employees. 154783

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 154784  
**AGAINST THE STATE** 154785

Except as otherwise provided in this section, an 154786  
appropriation in this act may be used for the purpose of 154787  
satisfying judgments, settlements, or administrative awards 154788  
ordered or approved by the Court of Claims or by any other court 154789  
of competent jurisdiction in connection with civil actions 154790  
against the state. This authorization does not apply to 154791  
appropriations to be applied to or used for payment of 154792  
guarantees by or on behalf of the state, or for payments under 154793  
lease agreements relating to, or debt service on, bonds, notes, 154794  
or other obligations of the state. Notwithstanding any other 154795  
statute to the contrary, this authorization includes 154796  
appropriations from funds into which proceeds of direct 154797  
obligations of the state are deposited only to the extent that 154798  
the judgment, settlement, or administrative award is for, or 154799  
represents, capital costs for which the appropriation may 154800  
otherwise be used and is consistent with the purpose for which 154801  
any related obligations were issued or entered into. Nothing 154802  
contained in this section is intended to subject the state to 154803  
suit in any forum in which it is not otherwise subject to suit, 154804  
and is not intended to waive or compromise any defense or right 154805

available to the state in any suit against it. 154806

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 154807

This section specifies an additional and supplemental 154808  
procedure to provide for payments of judgments and settlements 154809  
if the Director of Budget and Management determines, pursuant to 154810  
division (C) (4) of section 2743.19 of the Revised Code, that 154811  
sufficient unencumbered moneys do not exist in the fund to 154812  
support a particular appropriation to pay the amount of a final 154813  
judgment rendered against the state or a state agency, including 154814  
the settlement of a claim approved by a court, in an action upon 154815  
and arising out of a contractual obligation for the construction 154816  
or improvement of a capital facility if the costs under the 154817  
contract were payable in whole or in part from a state capital 154818  
projects appropriation. In such a case, the Director may either 154819  
proceed pursuant to division (C) (4) of section 2743.19 of the 154820  
Revised Code or apply to the Controlling Board to increase an 154821  
appropriation or create an appropriation out of any unencumbered 154822  
moneys in the state treasury to the credit of the capital 154823  
projects fund from which the initial state appropriation was 154824  
made. The amount of an increase in appropriation or new 154825  
appropriation approved by the Controlling Board is hereby 154826  
appropriated from the applicable capital projects fund and made 154827  
available for the payment of the judgment or settlement. 154828

If the Director does not make the application authorized 154829  
by this section or the Controlling Board disapproves the 154830  
application, and the Director does not make application under 154831  
division (C) (4) of section 2743.19 of the Revised Code, the 154832  
Director shall for the purpose of making that payment make a 154833  
request to the General Assembly as provided for in division (C) 154834  
(5) of that section. 154835

**Section 503.40.** RE-ISSUANCE OF VOIDED WARRANTS 154836

In order to provide funds for the reissuance of voided 154837  
warrants under section 126.37 of the Revised Code, there is 154838  
hereby appropriated, out of moneys in the state treasury from 154839  
the fund credited as provided in section 126.37 of the Revised 154840  
Code, that amount sufficient to pay such warrants when approved 154841  
by the Office of Budget and Management. 154842

**Section 503.50.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 154843  
BALANCES OF OPERATING APPROPRIATIONS 154844

(A) Notwithstanding the original year of appropriation or 154845  
encumbrance, the unexpended balance of an operating 154846  
appropriation or reappropriation that a state agency lawfully 154847  
encumbered prior to the close of fiscal year 2025 or fiscal year 154848  
2026 is hereby reappropriated on the first day of July of the 154849  
following fiscal year from the fund from which it was originally 154850  
appropriated or reappropriated for the period of time listed in 154851  
this section and shall remain available only for the purpose of 154852  
discharging the encumbrance: 154853

(1) For an encumbrance for personal services, maintenance, 154854  
equipment, or items for resale not otherwise identified in this 154855  
section, for a period of not more than five months from the end 154856  
of the fiscal year; 154857

(2) For an encumbrance for an item of special order 154858  
manufacture not available on state contract or an item not 154859  
available in the open market, for a period of not more than five 154860  
months from the end of the fiscal year or, with the written 154861  
approval of the Director of Budget and Management, for a period 154862  
of not more than twelve months from the end of the fiscal year; 154863

(3) For an encumbrance for reclamation of land or oil and 154864

gas wells, for a period ending when the encumbered appropriation 154865  
is expended; 154866

(4) For an encumbrance for any other type of expense not 154867  
otherwise identified in division (A) (1), (2), or (3) of this 154868  
section, for such period as the Director approves, provided such 154869  
period does not extend beyond the FY 2026 - FY 2027 biennium. 154870

(B) Any operating appropriations for which unexpended 154871  
balances are reappropriated in fiscal year 2026 or fiscal year 154872  
2027 pursuant to division (A) (2) of this section shall be 154873  
reported to the Controlling Board by the Director of Budget and 154874  
Management by the thirty-first day of December of each year. The 154875  
report shall include the item, the cost of the item, and the 154876  
name of the vendor. The report shall be updated on a quarterly 154877  
basis for encumbrances remaining open. 154878

(C) Upon the expiration of the reappropriation period set 154879  
out in division (A) of this section, a reappropriation made by 154880  
this section lapses and the Director of Budget and Management 154881  
shall cancel the encumbrance of the unexpended reappropriation 154882  
not later than the end of the weekend following the expiration 154883  
of the reappropriation period. 154884

(D) If the Controlling Board approved a purchase, that 154885  
approval remains in effect so long as the appropriation used to 154886  
make that purchase remains encumbered. 154887

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 154888

(A) The Director of Budget and Management may correct 154889  
accounting errors committed by the staff of the Office of Budget 154890  
and Management, such as reestablishing encumbrances or 154891  
appropriations canceled in error, during the cancellation of 154892  
operating encumbrances in November and of non-operating 154893

encumbrances in December. 154894

(B) The Director of Budget and Management may at any time 154895  
correct accounting errors committed by staff or a state agency 154896  
or state institution of higher education, as defined in section 154897  
3345.011 of the Revised Code, such as reestablishing prior year 154898  
non-operating encumbrances canceled or modified in error. The 154899  
reestablished encumbrance amounts are hereby appropriated. 154900

**Section 503.70. TEMPORARY REVENUE HOLDING** 154901

The Director of Budget and Management may create funds in 154902  
the state treasury solely for the purpose of temporarily holding 154903  
revenue required to be credited to a fund in the state treasury, 154904  
whose disposition is not immediately known at the time of 154905  
receipt. Once identified, the Director shall credit the revenue 154906  
to the appropriate fund in the state treasury. 154907

Notwithstanding section 153.63 of the Revised Code or any 154908  
other provision of law to the contrary, upon certification by a 154909  
director or head of a state agency, in lieu of banks, buildings 154910  
and loan associations, or other institutions, the Director of 154911  
Budget and Management may create funds in the state treasury on 154912  
behalf of an agency when the agency is required by law to detain 154913  
funds in escrow. All investment earnings of the fund shall be 154914  
credited to the fund while the detained amounts remain in 154915  
escrow. The Director of Budget and Management may transfer cash 154916  
between funds within the state treasury to satisfy escrow 154917  
requirements. 154918

**Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS** 154919  
**AND RE-ESTABLISHMENT OF ENCUMBRANCES** 154920

Any cash transferred by the Director of Budget and 154921  
Management under section 126.15 of the Revised Code is hereby 154922

appropriated. Any amounts necessary to re-establish 154923  
appropriations or encumbrances under section 126.15 of the 154924  
Revised Code are hereby appropriated. 154925

**Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS** 154926

The Director of Budget and Management may transfer 154927  
appropriations between the Third Frontier Research and 154928  
Development Fund (Fund 7011) and the Third Frontier Research and 154929  
Development Taxable Bond Fund (Fund 7014) as necessary to 154930  
maintain the exclusion from the calculation of gross income for 154931  
federal income taxation purposes under the Internal Revenue Code 154932  
with respect to obligations issued to fund projects appropriated 154933  
from the Third Frontier Research and Development Fund (Fund 154934  
7011). 154935

The Director may also create new appropriation items 154936  
within the Third Frontier Research and Development Taxable Bond 154937  
Fund (Fund 7014) and make transfers of appropriations to them 154938  
for projects originally funded from appropriations made from the 154939  
Third Frontier Research and Development Fund (Fund 7011). 154940

**Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES** 154941

There are hereby appropriated out of any moneys in the 154942  
state treasury to the credit of the General Revenue Fund, which 154943  
are not otherwise appropriated, funds sufficient to make any 154944  
payment required by division (B) (2) of section 5747.03 of the 154945  
Revised Code. 154946

**Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES** 154947  
**APPROVED BY THE CONTROLLING BOARD** 154948

Any money that the Controlling Board approves for 154949  
expenditure or any increase in appropriation that the 154950  
Controlling Board approves under sections 127.14, 131.35, and 154951

131.39 of the Revised Code or any other provision of law is 154952  
hereby appropriated for the period ending June 30, 2027. 154953

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 154954  
RESIDENCE 154955

If the Governor's Residence Fund (Fund 4H20) receives 154956  
payment for use of the residence pursuant to section 107.40 of 154957  
the Revised Code, the amounts so received are hereby 154958  
appropriated to appropriation item 100604, Governor's Residence 154959  
Gift. 154960

**Section 503.140.** FUND INVESTMENT EARNINGS 154961

Not later than July 15, 2025, the Office of Budget and 154962  
Management shall redirect the investment earnings of the 154963  
following funds to the General Revenue Fund from that date 154964  
forward: 154965

(A) The Capitol Square Improvement Fund (Fund 5AN1); 154966

(B) The Health Care/Medicaid Support and Recoveries Fund 154967  
(Fund 5DL0); 154968

(C) The Ohio Workforce Incumbent Job Training Fund (Fund 154969  
5NH0). 154970

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 154971

Certain appropriations are in this act for the purpose of 154972  
paying debt service and financing costs on general obligation 154973  
bonds or notes of the state issued pursuant to the Ohio 154974  
Constitution, Revised Code, and acts of the General Assembly. If 154975  
it is determined that additional appropriations are necessary 154976  
for this purpose, such amounts are hereby appropriated. 154977

**Section 504.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 154978

Certain appropriations are in this act for the purpose of 154979  
making lease rental payments pursuant to leases and agreements 154980  
relating to bonds, notes, or other obligations issued by or on 154981  
behalf of the state pursuant to the Ohio Constitution, Revised 154982  
Code, and acts of the General Assembly. If it is determined that 154983  
additional appropriations are necessary for this purpose, such 154984  
amounts are hereby appropriated. 154985

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND 154986  
OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 154987

The Office of Budget and Management shall process payments 154988  
from general obligation and lease rental payment appropriation 154989  
items during the period from July 1, 2025, through June 30, 154990  
2027, relating to bonds, notes, or other obligations issued by 154991  
or on behalf of the state pursuant to the Ohio Constitution, 154992  
Revised Code, and acts of the General Assembly. Payments shall 154993  
be made upon certification by the Treasurer of State of the 154994  
dates and the amounts due on those dates. 154995

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 154996

If it is determined that a payment is necessary in the 154997  
amount computed at the time to represent the portion of 154998  
investment income to be rebated or amounts in lieu of or in 154999  
addition to any rebate amount to be paid to the federal 155000  
government in order to maintain the exclusion from gross income 155001  
for federal income tax purposes of interest on those state 155002  
obligations under section 148(f) of the Internal Revenue Code, 155003  
such an amount is hereby appropriated from those funds 155004  
designated by or pursuant to the applicable proceedings 155005  
authorizing the issuance of state obligations. 155006

Payments for this purpose shall be approved and vouchered 155007

by the Office of Budget and Management. 155008

**Section 505.20. STATEWIDE INDIRECT COST RECOVERY 155009**

Whenever the Director of Budget and Management determines 155010  
that an appropriation made to a state agency from a fund of the 155011  
state is insufficient to provide for the recovery of statewide 155012  
indirect costs under section 126.12 of the Revised Code, the 155013  
amount required for such purpose is hereby appropriated from the 155014  
available receipts of such fund. 155015

**Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE 155016**  
**INDIRECT COST ALLOCATION PLAN 155017**

The total transfers made from the General Revenue Fund by 155018  
the Director of Budget and Management under this section shall 155019  
not exceed the amounts transferred into the General Revenue Fund 155020  
under section 126.12 of the Revised Code. 155021

The director of an agency may certify to the Director of 155022  
Budget and Management the amount of expenses not allowed to be 155023  
included in the Statewide Indirect Cost Allocation Plan under 155024  
federal regulations, from any fund included in the Statewide 155025  
Indirect Cost Allocation Plan, prepared as required by section 155026  
126.12 of the Revised Code. 155027

Upon determining that no alternative source of funding is 155028  
available to pay for such expenses, the Director of Budget and 155029  
Management may transfer cash from the General Revenue Fund into 155030  
the fund for which the certification is made, up to the amount 155031  
of the certification. The director of the agency receiving such 155032  
funds shall include, as part of the next budget submission 155033  
prepared under section 126.02 of the Revised Code, a request for 155034  
funding for such activities from an alternative source such that 155035  
further federal disallowances would not be required. 155036

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

**Section 505.35. TRANSFERS TO OAKS SUPPORT ORGANIZATION FUND**

Transfers from the General Revenue Fund to the OAKS Support Organization Fund (Fund 5EB0) under division (A) (2) (b) of section 126.12 of the Revised Code shall not exceed \$1,250,000 cash in each fiscal year of the biennium ending June 30, 2027.

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS**

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the

payment of adjustments to the federal government, as determined 155066  
by the plan prepared under division (A) of section 126.12 of the 155067  
Revised Code, may designate such funds as the Director considers 155068  
necessary to retain their own interest earnings. 155069

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 155070

Pursuant to the plan for compliance with the Federal Cash 155071  
Management Improvement Act required by section 131.36 of the 155072  
Revised Code, the Director of Budget and Management may cancel 155073  
and re-establish all or part of encumbrances in like amounts 155074  
within the funds identified by the plan. The amounts necessary 155075  
to re-establish all or part of encumbrances are hereby 155076  
appropriated. 155077

**Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS** 155078

Notwithstanding section 113.09 of the Revised Code, the 155079  
Director of Budget and Management may designate any fund within 155080  
the state treasury that receives federal revenue to be credited 155081  
with investment earnings to comply with federal law. 155082

**Section 505.70. REPAYMENT OF FEDERAL FUNDS** 155083

Any unexpended federal revenue received into the state 155084  
treasury remaining at the end of its applicable period for 155085  
expenditure which must be returned in compliance with federal 155086  
law, is hereby appropriated to the fund in which it was 155087  
received, for that purpose. 155088

**Section 505.75. STATE FISCAL RECOVERY FUND** 155089

An amount equal to the unexpended and unencumbered 155090  
portions of appropriation items under the State Fiscal Recovery 155091  
Fund (Fund 5CV3) plus an amount equal to cash previously 155092  
expended but returned to the fund at the end of fiscal year 2025 155093

are hereby reappropriated for the same purpose in fiscal year 155094  
2026. An amount equal to the unexpended and unencumbered 155095  
portions of appropriation items under Fund 5CV3 plus an amount 155096  
equal to cash previously expended but returned to the fund at 155097  
the end of fiscal year 2026 are hereby reappropriated for the 155098  
same purpose in fiscal year 2027. 155099

The Director of Budget and Management may create new 155100  
appropriation items under Fund 5CV3. In each fiscal year, the 155101  
Director may transfer appropriation among newly created or 155102  
existing appropriation items under Fund 5CV3. The Director shall 155103  
report appropriation transfers made under this section to the 155104  
Controlling Board no later than January 30, 2027. 155105

**Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF 155106**  
FUNDS 155107

Amounts equal to the unexpended portions of appropriation 155108  
items under the following recovery and relief funds, at the end 155109  
of fiscal year 2025 are hereby reappropriated to the same 155110  
appropriation items and shall be used for the same purposes in 155111  
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 155112  
Governor's Emergency Education Relief Fund (Fund 3HQ0), 155113  
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 155114  
Fund (5CV5), ARPA Home and Community Based Services - Federal 155115  
Fund (Fund 3HC8), and ARPA Home and Community Based Services 155116  
Fund (Fund 5HC8). 155117

Amounts equal to the unexpended portions of appropriation 155118  
items under the following recovery and relief funds, at the end 155119  
of fiscal year 2026, are hereby reappropriated to the same 155120  
appropriation items and shall be used for the same purposes in 155121  
fiscal year 2027: ARPA Home and Community Based Services - 155122  
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 155123

Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 155124  
Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 155125  
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 155126  
Services Fund (Fund 5HC8). 155127

**Section 506.10.** ONE TIME STRATEGIC COMMUNITY INVESTMENTS 155128

Notwithstanding Section 200.30 of H.B. 2 of the 135th 155129  
General Assembly, the Office of Budget and Management shall not 155130  
provide a grant from appropriation item 042509, One Time 155131  
Strategic Community Investments, to the Chardon High School 155132  
Athletic Boosters for the Chardon Memorial Stadium Restroom and 155133  
Concession Project. If any amount has been released prior to the 155134  
effective date of this section, Chardon High School Athletic 155135  
Boosters shall promptly return the unexpended portion of that 155136  
amount, as of the effective date of this section, to the state 155137  
treasury to the credit of the One Time Strategic Community 155138  
Investments Fund (Fund 5AY1). The Office of Budget and 155139  
Management shall distribute the amount returned by Chardon High 155140  
School Athletic Boosters, if any, as follows: forty per cent to 155141  
South Ridge Christian Academy for school building and roof 155142  
renovations and sixty per cent to Agricultural Career Education 155143  
Academy for DOPR career-technical program and infrastructure 155144  
projects. This amount is hereby appropriated. 155145

**Section 509.10.** TRANSFERS INTO GENERAL REVENUE FUND 155146

INTEREST EARNED 155147

Notwithstanding any provision of law to the contrary, the 155148  
Director of Budget and Management, through June 30, 2027, may 155149  
transfer interest earned by any state fund to the General 155150  
Revenue Fund. This section does not apply to funds whose source 155151  
of revenue is restricted or protected by the Ohio Constitution, 155152

federal tax law, or the "Cash Management Improvement Act of 155153  
1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as 155154  
amended. 155155

NON-GRF FUNDS 155156

Notwithstanding any provision of law to the contrary, the 155157  
Director of Budget and Management may transfer up to 155158  
\$200,000,000 cash during the biennium ending June 30, 2027, from 155159  
non-General Revenue Funds that are not constitutionally 155160  
restricted to the General Revenue Fund. The Director shall 155161  
report any such transfers to the Controlling Board within thirty 155162  
days of making the transfer. 155163

TANGIBLE PROPERTY TAX REPLACEMENT FUNDS 155164

During the biennium ending June 30, 2027, the Director of 155165  
Budget and Management may transfer cash as necessary from the 155166  
School District Tangible Property Tax Replacement Fund (Fund 155167  
7047) and the Local Government Tangible Property Tax Replacement 155168  
Fund (Fund 7081) to the General Revenue Fund. 155169

ALL OHIO FUTURE FUND 155170

On July 1, 2025, or as soon as possible thereafter, the 155171  
Director of Budget and Management shall transfer \$250,000,000 155172  
cash from the All Ohio Future Fund (Fund 5XM0) to the General 155173  
Revenue Fund. 155174

SUPER RAPIDS FUND 155175

On July 1, 2025, or as soon as possible thereafter, the 155176  
Director of Budget and Management shall transfer up to 155177  
\$10,000,000 cash from the Super RAPIDS Fund (Fund 5AH1) to the 155178  
General Revenue Fund. 155179

ADULT USE TAX FUND 155180

On July 1, 2025, or as soon as possible thereafter, the 155181  
Director of Budget and Management shall transfer the remaining 155182  
cash balance of the Adult Use Tax Fund (Fund QG18) at the end of 155183  
fiscal year 2025 after transferring cash to the Host Community 155184  
Cannabis Fund (Fund 7106) under section 387.20 of this act, from 155185  
Fund QG18 to the General Revenue Fund. 155186

GROW YOUR OWN TEACHER PROGRAM FUND 155187

On July 1, 2025, or as soon as possible thereafter, the 155188  
Director of Budget and Management shall transfer up to 155189  
\$9,000,000 cash from the Grow Your Own Teacher Program Fund 155190  
(Fund 5ZY0) to the General Revenue Fund. 155191

AUDIT SETTLEMENTS AND CONTINGENCY FUND 155192

On July 1, 2025, or as soon as possible thereafter, the 155193  
Director of Budget and Management shall transfer \$4,000,000 cash 155194  
from the Audit Settlements and Contingency Fund (Fund 5BP1) to 155195  
the General Revenue Fund. 155196

PRE-SECURITIZATION TOBACCO PAYMENTS FUND 155197

On July 1, 2025, or as soon as possible thereafter, the 155198  
Director of Budget and Management shall transfer \$20,000,000 155199  
cash from the Pre-Securitization Tobacco Payments Fund (Fund 155200  
5LS0) to the General Revenue Fund. 155201

LITERACY IMPROVEMENT FUND 155202

On July 1, 2025, or as soon as possible thereafter, the 155203  
Director of Budget and Management shall transfer up to 155204  
\$10,000,000 cash from the Literacy Improvement Fund (Fund 5AQ1) 155205  
to the General Revenue Fund. 155206

INFORMATION TECHNOLOGY DEVELOPMENT FUND 155207

On July 1 of each fiscal year, or as soon as possible	155208
thereafter, the Director of Budget and Management shall transfer	155209
\$2,500,000 cash from the Information Technology Development Fund	155210
(Fund 5LJ0) to the General Revenue Fund.	155211
 HUMAN SERVICES PROJECT FUND	155212
 On July 1 of each fiscal year, or as soon as possible	155213
thereafter, the Director of Budget and Management shall transfer	155214
\$5,000,000 cash from the Human Services Projects Fund (Fund	155215
5RY0) to the General Revenue Fund.	155216
 BROADBAND POLE REPLACEMENT FUND	155217
 On July 1, 2025, or as soon as possible thereafter, the	155218
Director of Budget and Management shall transfer \$15,000,000	155219
cash from the Broadband Pole Replacement Fund (Fund 5AI1) to the	155220
General Revenue Fund.	155221
 WORKFORCE DEVELOPMENT PROJECTS FUND	155222
 Notwithstanding section 6301.19 of the Revised Code, on	155223
July 1, 2025, or as soon as possible thereafter, the Director of	155224
Budget and Management shall transfer \$1,000,000 cash from the	155225
Workforce Development Projects Fund (Fund 5RX0) to the General	155226
Revenue Fund.	155227
 RAIL SAFETY CROSSING FUND	155228
 On July 1, 2025, or as soon as possible thereafter, the	155229
Director of Budget and Management shall transfer \$15,000,000	155230
cash from the Rail Safety Crossing Fund (Fund 5ZP0) to the	155231
General Revenue Fund.	155232
 ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND	155233
 Notwithstanding section 5101.073 of the Revised Code, on	155234

July 1 of each fiscal year, or as soon as possible thereafter, 155235  
the Director of Budget and Management shall transfer \$4,000,000 155236  
cash from the ODJFS Audit Settlements and Contingency Fund (Fund 155237  
5DM0) to the General Revenue Fund. 155238

**Section 512.10.** TRANSFERS OUT OF GENERAL REVENUE FUND 155239

STATE MARKETING OFFICE FUND 155240

On July 1, 2025, or as soon as possible thereafter, the 155241  
Director of Budget and Management shall transfer up to 155242  
\$15,000,000 cash from the General Revenue Fund to the State 155243  
Marketing Office Fund (Fund 5MJ0). 155244

FOUNDATION FUNDING - ALL STUDENTS FUND 155245

Notwithstanding any provision of law to the contrary, the 155246  
Director of Budget and Management may transfer up to 155247  
\$600,000,000 cash, in each fiscal year, from the General Revenue 155248  
Fund to the Foundation Funding - All Students Fund (Fund 5VS0). 155249

SECOND CHANCE GRANT PROGRAM FUND 155250

On July 1, 2025, or as soon as possible thereafter, the 155251  
Director of Budget and Management shall transfer up to 155252  
\$4,000,000 cash from the General Revenue Fund to the Second 155253  
Chance Grant Program Fund (Fund 5YD0). 155254

MARCS ADMINISTRATION FUND 155255

On July 1 of each fiscal year, or as soon as possible 155256  
thereafter, the Director of Budget and Management may transfer 155257  
up to \$10,500,000 cash from the General Revenue Fund to the 155258  
MARCS Administration Fund (Fund 5C20). 155259

WILDLIFE FUND 155260

On July 1 of each fiscal year, or as soon as possible 155261

thereafter, the Director of Budget and Management may transfer	155262
\$500,000 cash from the General Revenue Fund to the Wildlife Fund	155263
(Fund 7015).	155264
TRANSCRANIAL MAGNETIC STIMULATION FUND	155265
On July 1 of each fiscal year, or as soon as possible	155266
thereafter, the Director of Budget and Management may transfer	155267
\$5,000,000 cash from the General Revenue Fund to the	155268
Transcranial Magnetic Stimulation Fund (Fund 5VV0).	155269
H2OHIO FUND	155270
On July 1, 2025, or as soon as possible thereafter, the	155271
Director of Budget and Management may transfer \$170,000,000 from	155272
the General Revenue Fund to the H2Ohio Fund (Fund 6H20).	155273
OHIO MARITIME ASSISTANCE PROGRAM	155274
On July 1, 2025, or as soon as possible thereafter, the	155275
Director of Budget and Management shall transfer \$10,000,000	155276
cash from the General Revenue Fund to the Ohio Maritime	155277
Assistance Fund (Fund 5QT0).	155278
RESIDENTIAL DEVELOPMENT REVOLVING LOAN	155279
On July 1, 2025, or as soon as possible thereafter, the	155280
Director of Budget and Management shall transfer \$100,000,000	155281
cash from the General Revenue Fund to the Residential	155282
Development Revolving Loan Fund (Fund 5CT1).	155283
STATEWIDE CHILDREN'S VISION INITIATIVE	155284
On July 1, 2025, or as soon as possible thereafter, the	155285
Director of Budget and Management shall transfer \$5,000,000 cash	155286
from the General Revenue Fund to the Statewide Children's Vision	155287
Initiative Fund (Fund 5AT1).	155288

EDUCATION DEMONSTRATION PROJECTS FUND	155289
On July 1, 2025, or as soon as possible thereafter, the	155290
Director of Budget and Management shall transfer \$50,000,000	155291
cash from the General Revenue Fund to the Education	155292
Demonstration Projects Fund (Fund 5DA1), which is hereby created	155293
in the state treasury.	155294
RURAL PRACTICE INCENTIVE FUND	155295
On July 1, 2025, or as soon as possible thereafter, the	155296
Director of Budget and Management shall transfer \$3,000,000 cash	155297
from the General Revenue Fund to the Rural Practice Incentive	155298
Fund (Fund 5ZD0).	155299
<b>Section 513.10.</b> FISCAL YEARS 2025 AND 2026 GENERAL REVENUE	155300
FUND ENDING BALANCE	155301
Notwithstanding section 131.44 of the Revised Code and	155302
except as provided in section 5163.04 of the Revised Code, the	155303
cash balance of the General Revenue Fund on June 30, 2025, and	155304
on June 30, 2026, shall remain in the General Revenue Fund.	155305
<b>Section 514.10.</b> UTILITY RADIOLOGICAL SAFETY BOARD	155306
ASSESSMENTS	155307
Unless the agency and nuclear electric utility mutually	155308
agree to a higher amount by contract, the maximum amounts that	155309
may be assessed against nuclear electric utilities under	155310
division (B) (2) of section 4937.05 of the Revised Code and	155311
deposited into the specified funds are as follows:	155312
	155313

	1	2	3	4
A	Fund	User	FY 2026	FY 2027

B	Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$136,000	\$142,000
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

**Section 515.40.** EMPLOYEE BENEFITS FUNDS CASH TRANSFERS 155314

Notwithstanding any provision of law to the contrary, upon request of the Director of Administrative Services, the Director of Budget and Management may make temporary cash transfers between the Accrued Leave Liability Fund (Fund 8060), the State Employee Health Benefit Fund (Fund 8080), the Dependent Care Spending Fund (Fund 8090), the Life Insurance Investment Fund (Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and the Health Care Spending Account Fund (Fund 8130) to ensure appropriate and supportable cash flow.

**Section 516.10.** CASH TRANSFERS AND ABOLISHMENT OF FUNDS 155324

(A) On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management may transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was

transferred is hereby abolished.

155331

155332

	1	2	3	4	5
A		Transfer from:		Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund
F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective Bargaining Fund	1250	Human Resources Services Fund
H	MHA	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police	5AZ1	eWarrant Local

			Relations Fund	Integration Fund	
K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund
N	LSC	4100	Sale of Publications Fund	GRF	General Revenue Fund
O	LSC	4F60	Legislative Budget Services Fund	GRF	General Revenue Fund
P	LSC	5EF0	Legislative Agency Telephone Usage Fund	GRF	General Revenue Fund
Q	BOR	5RA0	Workforce and Higher Education Programs Fund	GRF	General Revenue Fund
R	DOH	5UA0	Emergency Preparation and Response Fund	GRF	General Revenue Fund
S	EDU	5VU0	School Bus Purchase Fund	GRF	General Revenue Fund

(B) The following funds are hereby abolished on the  
effective date of their repeal by this act:

155333  
155334



A	Transfer from:			Transfer to:	
B	User	Fund	Fund Name	Fund	Fund Name
	Agency				
C	DEV	5KN0	Local Government Innovation Fund	GRF	General Revenue Fund

**Section 516.30.** CASH TRANSFERS TO PRIORITY PROJECTS FUND 155344

On July 1 of each fiscal year, or as soon as possible 155345  
thereafter, the Director of Budget and Management shall transfer 155346  
cash as indicated in the table below from each of the funds also 155347  
as indicated in the table below to the Priority Projects Fund 155348  
(Fund 5A00). 155349  
155350

	1	2	3
A	<u>Fund</u>	<u>FY 2026</u>	<u>FY 2027</u>
B	State Small Business Credit Initiative Fund (Fund 3FJ0)	\$600,000	\$600,000
C	Business Assistance Fund (Fund 4510)	\$750,000	\$750,000
D	Roadwork Development Fund (Fund 4W00)	\$2,500,000	\$2,500,000
E	Minority Business Enterprise Loan Fund (Fund 4W10)	\$1,000,000	\$1,000,000
F	Rural Industrial Park Loan Fund (Fund 4Z60)	\$5,000,000	\$5,000,000

G	State Fire Marshal Fund (Fund 5460)	\$3,000,000	\$3,000,000
H	Industrial Compliance Operating Fund (Fund 5560)	\$1,500,000	\$1,500,000
I	Securities Investor Education/Enforcement Fund(Fund 5GK0)	\$500,000	\$500,000
J	Capital Access Loan Fund (Fund 5S90)	\$1,000,000	\$1,000,000
K	Innovation Ohio Loan Fund (Fund 7009)	\$3,000,000	\$3,000,000
L	Research and Development Loan Fund (Fund 7010)	\$4,000,000	\$4,000,000
M	Facilities Establishment Fund (Fund 7037)	\$5,000,000	\$5,000,000

<b>Section 518.10.</b>	OHIO STATE SMALL BUSINESS CREDIT	155351
	INITIATIVE VENTURE CAPITAL PROGRAM FUND	155352
	The Ohio State Small Business Credit Initiative Venture	155353
	Capital Program Fund (Fund 3IC0) is hereby created in the state	155354
	treasury. Money in the fund shall be used to pay the expenses of	155355
	the Ohio Department of Development for the Ohio Growth Capital,	155356
	Ohio Early-Stage Focus, Certified Development Financial	155357
	Institution Loan, and Collateral Enhancement programs, including	155358
	administrative expenses. All federal funds received from the	155359
	State Small Business Credit Initiative of the United States	155360
	Department of the Treasury shall be credited to the fund. All	155361
	investment earnings of the fund shall be credited to the fund.	155362

**Section 525.10.** (A) As used in this section, "Ohio Benefits Program" means the integrated enterprise solution administered by the Department of Administrative Services that assists individuals in verifying eligibility for, and applying for, benefits offered through various programs administered by the Department of Job and Family Services and the Department of Medicaid, including the Medicaid program, Supplemental Nutrition Assistance Program, and Temporary Assistance for Needy Families.

(B) Not later than July 1, 2026, the Director of Administrative Services and the Director of Job and Family Services shall develop a detailed organizational plan and enter into a memorandum of understanding to transfer administration of the Ohio Benefits Program from the Department of Administrative Services to the Department of Job and Family Services.

(C) Not later than July 1, 2027, the Director of Administrative Services may transfer the Director's responsibility for administering the Ohio Benefits Program to the Director of Job and Family Services. If the Director of Administrative Services transfers the program, all of the following apply:

(1) All contracts, records, documents, files, equipment, assets, materials, and staff resources that relate to the Ohio Benefits Program shall be transferred to the Director of Job and Family Services.

(2) Any business commenced, but not completed, by July 1, 2027, by the Director of Administrative Services with respect to the Ohio Benefits Program shall be completed by the Director of Job and Family Services in the same manner, and with the same effect, as if completed by the Director of Administrative Services.

(3) No validation, cure, right, privilege, remedy, 155393  
obligation, or liability is lost or impaired by reason of the 155394  
transfer of the Ohio Benefits Program. 155395

(D) If the Director of Administrative Services transfers 155396  
the program, no action or proceeding pending on the date of the 155397  
transfer is affected by the transfer, and any such action or 155398  
proceeding shall be prosecuted or defended in the name of the 155399  
Director of Job and Family Services or Department of Job and 155400  
Family Services. In all such actions or proceedings, the 155401  
Director or Department, on application to the court, shall be 155402  
substituted as a party. 155403

(E) If the Director of Administrative Services transfers 155404  
the program, all rules, orders, and determinations issued with 155405  
respect to the Ohio Benefits Program continue in effect as if 155406  
issued by the Director of Job and Family Services until modified 155407  
or rescinded by the Director. Pursuant to section 103.05 of the 155408  
Revised Code and at the request of the Director of Job and 155409  
Family Services, the Director of the Legislative Service 155410  
Commission may renumber any rules related to the Ohio Benefits 155411  
Program to reflect its transfer. 155412

(F) If the Director of Administrative Services transfers 155413  
the program, the Director of Administrative Services and the 155414  
Director of Job and Family Services, jointly or separately, may 155415  
enter into a contract with a public or private entity for staff 155416  
training and development to facilitate the transfer of the Ohio 155417  
Benefits Program. Division (B) of section 127.16 of the Revised 155418  
Code does not apply to a contract entered into under this 155419  
division. 155420

(G) Subject to the layoff provisions of sections 124.321 155421  
to 124.328 of the Revised Code, if the Director of 155422

Administrative Services transfers the program, all of the 155423  
Director of Administrative Service's employees, as identified by 155424  
the Director, whose primary responsibilities include 155425  
administering the Ohio Benefits Program are transferred to the 155426  
Department of Job and Family Services. Except as provided in 155427  
division (H) of this section, employees transferred under this 155428  
division retain their positions and all of the benefits accruing 155429  
thereto. Any changes to an employee's position or benefits that 155430  
occur after the employee is transferred to the Department under 155431  
this division are subject to Chapter 124. of the Revised Code. 155432  
Any actions taken under this division are not appealable to the 155433  
State Personnel Board of Review. 155434

(H) If the Director of Administrative Services transfers 155435  
the program, the Director of Job and Family Services may do all 155436  
of the following: 155437

(1) Establish, change, or abolish positions within the 155438  
Department of Job and Family Services; 155439

(2) Assign, reassign, classify, reclassify, transfer, 155440  
reduce, promote, or demote employees of the Department who are 155441  
not subject to Chapter 4117. of the Revised Code; 155442

(3) Assign or reassign an exempt employee, as defined in 155443  
section 124.152 of the Revised Code, to a bargaining unit for 155444  
purposes of Chapter 4117. of the Revised Code if the Director 155445  
determines the bargaining unit is the appropriate bargaining 155446  
unit with respect to that exempt employee. 155447

(I) If, in accordance with division (H) of this section, 155448  
the Director of Job and Family Services assigns, reassigns, 155449  
classifies, reclassifies, transfers, reduces, or demotes an 155450  
employee paid in accordance with schedule E-1 of section 124.152 155451

of the Revised Code to a position in a lower classification, 155452  
both of the following apply: 155453

(1) The Director of Job and Family Services, or if the 155454  
employee is transferred outside of the Department of Job and 155455  
Family Services, the Director of Administrative Services, shall 155456  
assign the employee to the appropriate classification and place 155457  
the employee in pay step X. 155458

(2) The employee shall not receive an increase in 155459  
compensation until the maximum rate of pay for that 155460  
classification exceeds the employee's compensation. 155461

(J) If the Director of Administrative Services transfers 155462  
the program, the Director of Job and Family Services, with the 155463  
approval of the Director of Budget and Management, may establish 155464  
a retirement incentive plan for employees transferred to the 155465  
Department of Job and Family Services under division (G) of this 155466  
section. Notwithstanding any provision to the contrary in 155467  
section 145.297 of the Revised Code, if the Director establishes 155468  
such a plan under this division, it shall remain in effect until 155469  
December 31, 2027. 155470

(K) Notwithstanding any provision to the contrary in 155471  
sections 4117.08 and 4117.10 of the Revised Code, the transfer 155472  
of the Ohio Benefits Program and the transfer of employees 155473  
described under division (J) of this section, and the 155474  
reassignment of administering the Ohio Benefits Program, are not 155475  
appropriate subjects for collective bargaining under Chapter 155476  
4117. of the Revised Code. 155477

(L) Notwithstanding any provision of law to the contrary, 155478  
if the Director of Administrative Services transfers the 155479  
program, the Director of Budget and Management shall make budget 155480

and accounting changes to implement the transfer. The Director 155481  
may rename funds, create new funds, transfer funds, consolidate 155482  
funds, or make other administrative changes. If necessary, the 155483  
Director may cancel or establish encumbrances or parts of 155484  
encumbrances in the appropriate funds and appropriation items 155485  
for the same purposes and for payments to the same vendor. Such 155486  
encumbrances are hereby appropriated. If necessary for the 155487  
continued efficient administration of the Ohio Benefits Program, 155488  
the Director may transfer appropriations between the Department 155489  
of Job and Family Services and the Department of Administrative 155490  
Services to continue levels of program services and efficiently 155491  
deliver funding to the program as appropriated under this 155492  
division. Such changes are hereby appropriated. 155493

**Section 525.20. PROGRAM TRANSFERS** 155494

(A) Notwithstanding any provision of law to the contrary, 155495  
before July 1, 2027, the Department of Development shall 155496  
transfer the entirety of its responsibility of managing the 155497  
following programs to the Ohio Department of Job and Family 155498  
Services: 155499

(1) Energy Efficiency and Weatherization Program; 155500

(2) Consumer Education Program; 155501

(3) Community Services Block Grant. 155502

(B) Any business commenced but not completed by July 1, 155503  
2027, within the Department of Development that is planned to be 155504  
transferred pursuant to this section shall be completed by the 155505  
Department of Job and Family Services in the same manner and 155506  
with the same effect as if completed by the Department of 155507  
Development. 155508

(C) By July 1, 2026, the Director of Job and Family 155509

Services and the Director of Development, or their designees, 155510  
shall develop a detailed organizational plan to implement the 155511  
transfer of duties and functions of the programs listed in this 155512  
section from the Department of Development to the Department of 155513  
Job and Family Services. Pursuant to this plan, the directors of 155514  
the respective departments shall enter into a memorandum of 155515  
understanding to implement the transfer of duties and functions 155516  
of the programs listed in this section from the Department of 155517  
Development to the Department of Job and Family Services. 155518

(D) The Director of Job and Family Services and the 155519  
Director of Development may jointly or separately enter into one 155520  
or more contracts with public or private entities for staff 155521  
training and development to facilitate the transfer of duties 155522  
and functions of the programs listed in this section from the 155523  
Department of Development to the Department of Job and Family 155524  
Services. Division (B) of section 127.16 of the Revised Code 155525  
does not apply to contracts entered into under this section. 155526

(E) All Department of Development employees and resources 155527  
identified by the Director of Development to be associated with 155528  
the work of the programs listed in this section are transferred 155529  
to the Department of Job and Family Services on July 1, 2027, or 155530  
an earlier date identified by the respective directors. Subject 155531  
to the layoff provisions of sections 124.321 to 124.381 of the 155532  
Revised Code, employees who are transferred retain their same 155533  
positions and all benefits accruing thereto. Once transferred to 155534  
the Department of Job and Family Services, changes to positions 155535  
or benefits for employees shall be controlled by Chapter 124. of 155536  
the Revised Code, or other applicable Revised Code or 155537  
Administrative Code sections. Actions taken under this section 155538  
are not subject to appeal to the State Personnel Board of 155539  
Review. 155540

(1) Notwithstanding division (E) of this section, the Director of Job and Family Services has the authority to establish, change, and abolish positions for the Department of Job and Family Services, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Job and Family Services who are not subject to Chapter 4117. of the Revised Code.

(2) The authority granted under division (E)(1) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Director of Job and Family Services determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification, the Director of Job and Family Services, or in the case of a position transferred outside of the Department, the Director of Development, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(3) Notwithstanding any provision to the contrary in sections 4117.08 and 4117.10 of the Revised Code, the transfer of programs and employees under this section, and the reassignment of certain functions and duties, are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

(4) The Director of Job and Family Services may, with the approval of the Office of Budget and Management, establish a

retirement incentive plan for eligible employees of those 155571  
agencies who are members of the Public Employee Retirement 155572  
System whose job duties will be transferred to the Department of 155573  
Job and Family Services. Notwithstanding any provision of 155574  
section 145.297 of the Revised Code to the contrary, a 155575  
retirement incentive plan established pursuant to this section 155576  
shall remain in effect until December 31, 2027. 155577

(F) No validation, cure, right, privilege, remedy, 155578  
obligation, or liability is lost or impaired by reason of the 155579  
transfer required by this section but shall be administered by 155580  
the Department of Job and Family Services. No action or 155581  
proceeding pending on the effective date of the transfer of 155582  
duties, functions, and programs to the Department of Job and 155583  
Family Services is affected by the transfer and shall be 155584  
prosecuted or defended in the name of the Department or 155585  
Director, as appropriate. In all such actions for those 155586  
transferred duties, functions, and programs, the Department or 155587  
Director shall be substituted as a party. 155588

(G) Effective July 1, 2027, or on an earlier date 155589  
determined by the directors identified in this division, all 155590  
contracts, records, documents, files, equipment, assets, and 155591  
other materials of the programs and staff resources transferred 155592  
under this section are to be transferred to the Department of 155593  
Job and Family Services. 155594

(H) All rules, orders, and determinations made or 155595  
undertaken related to programs listed in this section shall 155596  
continue in effect as rules, orders, and determinations of the 155597  
Department of Job and Family Services until modified or 155598  
rescinded by the Department of Job and Family Services. If 155599  
necessary to ensure the integrity of the numbering of the 155600

Administrative Code and at the request of the Director of Job and Family Services, the Director of the Legislative Service Commission may renumber the rules related to the programs listed in this section to reflect this transfer.

(I) Notwithstanding any provision of law to the contrary, the Director of Budget and Management shall make budget and accounting changes to implement the transfer of duties, functions, and program of the programs listed in this section to the Department of Job and Family Services as described in this section, including administrative organization, renaming of funds, creation of new funds, transfer of state funds, and consolidation of funds. The Director of Budget and Management may, if necessary, cancel or establish encumbrances or parts of encumbrances in the appropriate funds and appropriation items for the same purposes and for payment to the same vendor. Such encumbrances are hereby appropriated. If necessary for the continued efficient administration of programs listed in this section, the Director of Budget and Management may transfer appropriations between the Department of Job and Family Services and the Department of Development to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein. Such changes are hereby appropriated.

**Section 525.40.** On the effective date of this section, the Ohio Public Employees Deferred Compensation Board is abolished. All records, assets, and liabilities of the Ohio Public Employees Deferred Compensation Board shall be transferred to the Public Employees Retirement Board. The Public Employees Retirement Board is successor to, and assumes the obligations of, the Ohio Public Employees Deferred Compensation Board.

Any business commenced, but not completed by, the Ohio

Public Employees Deferred Compensation Board or the Executive 155631  
Director of that Board on the effective date of this section 155632  
shall be completed by the Public Employees Retirement Board or 155633  
the Executive Director of the Public Employees Retirement System 155634  
in the same manner, and with the same effect, as if completed by 155635  
the Ohio Public Employees Deferred Compensation Board or the 155636  
Executive Director of that Board. No validation, cure, right, 155637  
privilege, remedy, obligation, or liability is lost or impaired 155638  
by reason of the transfer required by this section. 155639

All employees of the Ohio Public Employees Deferred 155640  
Compensation Board are transferred to the Public Employees 155641  
Retirement System and retain their positions and all of the 155642  
benefits accruing thereto. 155643

No action or proceeding pending on the effective date of 155644  
this section is affected by the transfer, and any such action or 155645  
proceeding shall be prosecuted or defended in the name of the 155646  
Public Employees Retirement Board or the Executive Director of 155647  
the Public Employees Retirement System. In all such actions and 155648  
proceedings, the Public Employees Retirement Board or the 155649  
Executive Director of the Public Employees Retirement System, on 155650  
application to the court, shall be substituted as a party. 155651

**Section 525.50.** (A) Notwithstanding any contrary provision 155652  
of sections 109.02, 145.054, 145.055, 145.99, 742.043, 742.044, 155653  
742.99, 3307.073, 3307.074, 3307.99, 3309.073, 3309.074, 155654  
3309.99, 3501.05, 3513.10, 3517.01, 3517.08, 3517.081, 3517.10, 155655  
3517.102, 3517.105, 3517.106, 3517.107, 3517.109, 3517.1011, 155656  
3517.1012, 3517.11, 3517.121, 3517.13, 3517.152, 3517.153, 155657  
3517.154, 3517.155, 3517.157, 3517.20, 3517.21, 3517.22, 155658  
3517.23, 3517.992, 3517.993, 3599.03, 3921.22, 4123.442, 155659  
4503.03, 5505.045, 5505.046, and 5505.99 of the Revised Code as 155660

amended by this act, sections 3517.152 (3517.14), 3517.153 155661  
(3517.15), 3517.154 (3517.16), 3517.155 (3517.17), 3517.157 155662  
(3517.18), 3517.992 (3517.99), and 3517.993 (3517.171) of the 155663  
Revised Code as renumbered by this act, or new section 3517.991 155664  
and section 111.29 of the Revised Code as enacted by this act, 155665  
and notwithstanding the repeal of sections 3517.14, 3517.151, 155666  
3517.156, 3517.99, and 3517.991 of the Revised Code by this act, 155667  
the provisions of those sections that were in effect immediately 155668  
before the effective date of this section continue to apply to 155669  
the Ohio Elections Commission until the Commission is abolished 155670  
on January 1, 2026. The Commission shall continue to hear and 155671  
issue decisions concerning complaints filed with the Commission 155672  
before January 1, 2026, in accordance with those provisions. 155673

(B) (1) The Ohio Elections Commission is abolished on 155674  
January 1, 2026. 155675

(2) On January 1, 2026, any complaint pending before the 155676  
Ohio Elections Commission, is transferred to the secretary of 155677  
state for disposition in accordance with sections 155678  
3517.154(3517.16), 3517.155(3517.17), 3517.157(3517.18), and 155679  
3517.993(3517.171) of the Revised Code, as amended and 155680  
renumbered by this act. The Commission shall provide all records 155681  
regarding the complaint to the secretary of state. 155682

(3) All other records of the Ohio Elections Commission and 155683  
all of its other assets and liabilities shall be transferred to 155684  
the Ohio Election Integrity Commission. The Ohio Election 155685  
Integrity Commission is successor to, and assumes the 155686  
obligations of, the Ohio Elections Commission. 155687

(C) Except for the disposition of a complaint pending 155688  
before the Ohio Elections Commission, any business commenced but 155689  
not completed by the Ohio Elections Commission or its Executive 155690

Director on January 1, 2026, shall be completed by the Ohio 155691  
Election Integrity Commission in the same manner, and with the 155692  
same effect, as if completed by the Ohio Elections Commission or 155693  
by its Executive Director. No validation, cure, right, 155694  
privilege, remedy, obligation, or liability is lost or impaired 155695  
by reason of the transfer required by this section. 155696

(D) Subject to the lay-off provisions of sections 124.321 155697  
to 124.328 of the Revised Code, all of the Ohio Elections 155698  
Commission's employees are transferred to the Secretary of State 155699  
and retain their positions and all of the benefits accruing 155700  
thereto. 155701

(E) On January 1, 2026, or as soon as possible thereafter, 155702  
the Director of Budget and Management shall transfer the cash 155703  
balance of the Ohio Elections Commission Fund (Fund 4P20) to the 155704  
Ohio Election Integrity Commission Fund (Fund 5CS1). Upon 155705  
completion of the transfer, Fund 4P20 is abolished. The Director 155706  
shall cancel any existing encumbrances against appropriation 155707  
item 051601, Operating Support, and reestablish them against 155708  
appropriation item 050604, Ohio Election Integrity Commission. 155709  
The reestablished encumbrance amounts are hereby appropriated. 155710

(F) Whenever the Ohio Elections Commission or its 155711  
Executive Director is referred to in any law, contract, or other 155712  
document, the reference shall be deemed to refer to the Ohio 155713  
Election Integrity Commission. 155714

(G) Except for the disposition of a complaint pending 155715  
before the Ohio Elections Commission, no action or proceeding 155716  
pending on January 1, 2026, is affected by the transfer, and any 155717  
such action or proceeding shall be prosecuted or defended in the 155718  
name of the Ohio Election Integrity Commission. In all such 155719  
actions and proceedings, the Ohio Election Integrity Commission, 155720

on application to the court, shall be substituted as a party. 155721

**Section 525.60.** (A) Not later than July 1, 2026, the 155722  
administration of the Aspire Program shall transfer from the 155723  
Department of Higher Education to the Department of Education 155724  
and Workforce. Not later than July 1, 2026, the Director of 155725  
Education and Workforce and the Chancellor of Higher Education 155726  
shall identify the duties, functions, and staff resources within 155727  
the Department of Higher Education that pertain to the Aspire 155728  
Program. The Director and Chancellor may enter into a memorandum 155729  
of understanding to implement the transfer of those duties, 155730  
functions, and staff resources and the transfer of any 155731  
responsibilities required to obtain federal grant funds to 155732  
support the Aspire Program. Whenever the Chancellor of Higher 155733  
Education or the Department of Higher Education is referred to 155734  
in any law, contract, or other document pertaining to the Aspire 155735  
Program, including contracts sourced by the Director of 155736  
Administrative Services or the Department of Administrative 155737  
Services, the reference shall be deemed to refer to the Director 155738  
of Education and Workforce or the Department of Education and 155739  
Workforce, whichever is appropriate. 155740

(B) (1) All employees whose primary responsibilities 155741  
include administering the Aspire Program and staff resources 155742  
used to administer the program shall be transferred to the 155743  
Department of Education and Workforce, as determined by the 155744  
Director of Education and Workforce. Subject to the lay-off 155745  
provisions of sections 124.321 to 124.328 of the Revised Code, 155746  
employees who are transferred shall be assigned job 155747  
classifications in accordance with division (B) (2) or (3) of 155748  
this section. Once transferred to the Department of Education 155749  
and Workforce, changes to positions or benefits for employees 155750  
not subject to Chapter 4117. of the Revised Code are subject to 155751

Chapter 124. of the Revised Code. Employees transferred under 155752  
this division retain all of their accrued benefits. 155753

(2) Notwithstanding division (B)(1) of this section, the 155754  
Director of Education and Workforce may establish, change, and 155755  
abolish positions whose primary responsibilities include 155756  
administering the Aspire Program and may assign, reassign, 155757  
classify, reclassify, transfer, reduce, promote, or demote all 155758  
such employees of the Department of Education and Workforce who 155759  
are not subject to Chapter 4117. of the Revised Code. 155760

(3) The Director of Education and Workforce may assign or 155761  
reassign an exempt employee, as defined in section 124.152 of 155762  
the Revised Code, to a bargaining unit for purposes of Chapter 155763  
4117. of the Revised Code if the Director determines the 155764  
bargaining unit is the appropriate bargaining unit for that 155765  
employee. If an employee in the E-1 pay range is assigned, 155766  
reassigned, classified, reclassified, transferred, reduced, or 155767  
demoted to a position in a lower classification, the Director of 155768  
Education and Workforce, or if the employee is transferred 155769  
outside of the Department of Education and Workforce, the 155770  
Director of Administrative Services, shall assign the employee 155771  
to the appropriate classification and place the employee in pay 155772  
step X. The employee shall not receive any increase in 155773  
compensation until the maximum rate of pay for that 155774  
classification exceeds the employee's compensation. 155775

(4) Actions taken under divisions (B)(1) to (3) of this 155776  
section are not subject to appeal to the State Personnel Board 155777  
of Review. 155778

(C) No validation, cure, right, privilege, remedy, 155779  
obligation, or liability is lost or impaired by reason of the 155780  
transfer under this section, but instead shall be administered 155781

by the Department of Education and Workforce. No action or 155782  
proceeding pending on the effective date of the transfer is 155783  
affected by the transfer, and any such action or proceeding 155784  
shall be prosecuted or defended in the name of the Department of 155785  
Education and Workforce or the Director of Education and 155786  
Workforce. In all such actions and proceedings, the Department 155787  
or Director, on application to the court, shall be substituted 155788  
as a party. 155789

(D) Not later than July 1, 2026, all records, data, 155790  
documents, files, materials, and staff resources pertaining to 155791  
the Aspire Program are transferred to the Department of 155792  
Education and Workforce. 155793

(E) All rules, orders, and determinations issued with 155794  
respect to the Aspire Program continue in effect as if issued by 155795  
the Director of Education and Workforce until modified or 155796  
rescinded by the Director. 155797

(F) Pursuant to section 126.15 of the Revised Code, the 155798  
Director of Budget and Management shall make budget and 155799  
accounting changes to implement the transfer. The Director may 155800  
rename funds, create new funds, transfer funds, consolidate 155801  
funds, or make other administrative changes. The Director may, 155802  
if necessary, cancel or establish encumbrances or parts of 155803  
encumbrances in fiscal year 2027 in the appropriate funds and 155804  
appropriation items for the same purposes and for payment to the 155805  
same vendors. Such encumbrances are hereby appropriated. If 155806  
necessary for the continued efficient administration of the 155807  
Aspire Program, the Director may transfer appropriations between 155808  
the Department of Higher Education and the Department of 155809  
Education and Workforce to continue levels of program services 155810  
and efficiently deliver funding to the program as appropriated 155811

under this division. 155812

**Section 610.10.** That Sections 125.10 (as amended by H.B. 155813  
33 of the 135th General Assembly) and 125.11 (as amended by H.B. 155814  
33 of the 135th General Assembly) of H.B. 59 of the 130th 155815  
General Assembly are hereby repealed. 155816

**Section 610.20.** That Section 755.60 of H.B. 54 of the 155817  
136th General Assembly be amended to read as follows: 155818

**Sec. 755.60.** (A) The Department of Transportation and the 155819  
Ohio Turnpike and Infrastructure Commission shall work together 155820  
to create a joint plan regarding the feasibility of connecting 155821  
U.S. Route 23 to Interstate Route 71 ~~by doing through~~ one of the 155822  
following options: 155823

(1) Expanding State Route 229 in northern Delaware County; 155824

(2) Expanding another similar state route or other highway 155825  
in northern Delaware County; 155826

(3) Creating a new freeway between U.S. Route 23 and 155827  
Interstate Route 71 in northern Delaware County; 155828

(4) Creating a toll road between U.S. Route 23 and 155829  
Interstate Route 71 in northern Delaware County; 155830

(5) Creating a new freeway, which may be a toll road, in 155831  
the region between State Route 529 and Waldo, Ohio heading 155832  
eastward toward Interstate Route 71 north of Marengo, Ohio in 155833  
Marion County and Morrow County; 155834

(6) Any other alignment considered appropriate by the 155835  
Department and the Commission. 155836

(B) ~~As part of the plan, related to the options specified~~ 155837  
~~in divisions (A) (3) and (4) of this section, the~~ Not later than 155838

~~October 1, 2025, the Department and Commission shall prepare a preliminary engineering submit an interim report that determines the most feasible routes for the new freeway or toll road. As part of the report, the Department and Commission shall determine five potential alignments for the freeway or toll road and specify which alignment is the preferred route includes both of the following:~~ 155839  
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(1) An identification and evaluation of conceptual corridor alternatives related to the options and alignments specified in division (A) of this section; 155846  
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(2) A preliminary assessment of the toll feasibility, including whether the Commission's statutory authority is sufficient to make the project a turnpike project. 155849  
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~~(C) The plan shall be completed not later than three months after the effective date of this section.~~ 155852  
155853

~~(D) As part of the plan, the Department and the Commission shall determine whether construction~~ Not later than October 1, 2026, the Department and Commission shall submit a final joint plan that includes all of the following: 155854  
155855  
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155857

(1) Identification of a preferred route connecting U.S. Route 23 to Interstate Route 71; 155858  
155859

(2) Completion of preliminary engineering assessments, including the preliminary design of the preferred route specified in division (C) (1) of this section, the cost estimates of construction, and the right-of-way and environmental impacts; 155860  
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(3) A recommendation regarding whether implementation would be best conducted by the Department or the Commission. If ~~construction~~ implementation is best conducted by the Commission, the plan also shall include an evaluation of whether the 155864  
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Commission's statutory authority is sufficient to make the 155868  
project a turnpike project. 155869

~~(E)~~(D) The Department and Commission shall submit ~~their~~ 155870  
both the interim report and the final joint plan specified under 155871  
divisions (B) and (C) of this section to the President of the 155872  
Senate, the Speaker of the House of Representatives, the 155873  
Minority Leaders of both the Senate and the House of 155874  
Representatives, and the chairpersons of the respective 155875  
committees of the House of Representatives and Senate 155876  
responsible for transportation related matters. 155877

**Section 610.21.** That existing Section 755.60 of H.B. 54 of 155878  
the 136th General Assembly is hereby repealed. 155879

**Section 620.10.** That Section 265.550 of H.B. 33 of the 155880  
135th General Assembly (as amended by H.B. 250 of the 135th 155881  
General Assembly) be amended to read as follows: 155882

**Sec. 265.550.** PUPIL TRANSPORTATION PILOT ~~PROGRAM~~PROGRAMS 155883

(A) The Department of Education and Workforce shall 155884  
establish two pilot programs under which two educational service 155885  
centers shall provide transportation to students in lieu of the 155886  
students receiving transportation from their resident school 155887  
district. Not later than October 15, 2023, the Department shall 155888  
select both of the following to participate in a pilot program 155889  
under this section: 155890

(1) One service center that is in a county located in 155891  
central Ohio with a population of 1,323,807, according to the 155892  
2020 United States census; 155893

(2) One service center that is in a county located in 155894  
southwest Ohio with a population of 537,309, according to the 155895  
2020 United States census. 155896

(B) (1) The service center selected under division (A) (1) 155897  
of this section shall identify students who are struggling with 155898  
transportation issues, as determined by their resident school 155899  
district, and are served by the service center, community 155900  
schools, or chartered nonpublic schools that enroll students 155901  
from the district or districts for whom the service center will 155902  
provide transportation during the 2024-2025 school year. 155903

(2) The service center selected under division (A) (2) of 155904  
this section shall provide transportation during the 2024-2025\_ 155905  
and 2025-2026-school-year-years to any student whom the district 155906  
and the educational service center determine is struggling with 155907  
transportation issues that meets either of the following 155908  
criteria: 155909

(a) The student attends a school different from the one to 155910  
which the student would be assigned in the student's resident 155911  
school district. 155912

(b) The student is a child with a disability for whom the 155913  
student's resident school district is required to provide 155914  
transportation as a related service. 155915

(3) In addition to providing transportation to and from a 155916  
student's place of residence, the service center selected under 155917  
division (A) (2) of this section also may provide transportation 155918  
to and from a student's place of employment. 155919

(4) Both service centers shall report to the Department, 155920  
in the manner prescribed by the Department, students who are 155921  
transported by the service center. 155922

(C) No community school or chartered nonpublic school 155923  
shall be required to participate in either pilot program. 155924

~~(D) Each~~ (D) Each participating educational service center 155925

shall do all of the following for ~~the 2024-2025~~ each applicable school year: 155926  
155927

(1) Arrange for the use of a sufficient number of school buses or other approved vehicles designed to transport not more than nine passengers, not including the driver, and bus drivers or other individuals authorized to transport students in other approved vehicles, to transport students from participating schools who qualify for transportation under section 3327.01 of the Revised Code and the school district's transportation policy. However, nothing shall preclude the service center from providing transportation to other students enrolled in the schools. 155928  
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(2) Collaborate with participating schools to designate daily start and end times for ~~the 2024-2025~~ each applicable school year that will enable timely and efficient transportation of the schools' students; 155938  
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(3) On behalf of participating schools, notify the school district ~~that these~~ of the students that they will not require transportation for the ~~2024-2025~~ applicable school year. 155942  
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(E)(1) Except as described in division (E)(2) of this section, the Department shall deduct from the school district's transportation payment under section 3317.0212 of the Revised Code and pay to the educational service center the statewide average cost per student for the qualifying ridership, under section 3317.0212 of the Revised Code, for each student transported by the service center in compliance with this section. 155945  
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(2) In the case of a student described in division (C)(1) of section 3317.024 of the Revised Code, the service center 155953  
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shall not receive a payment under division (E) (1) of this 155955  
section. Instead, the department shall make a payment to the 155956  
service center for such student in the manner prescribed under 155957  
division (C) of section 3317.024 of the Revised Code. 155958

(F) The educational service centers and the school 155959  
districts shall not be subject to section 3327.021 of the 155960  
Revised Code during ~~the 2024-2025~~ each school year in which the 155961  
pilot program they participate in operates with regard to 155962  
students enrolled in participating schools. Notwithstanding 155963  
section 3314.46 of the Revised Code, the service centers may 155964  
provide transportation to any participating community school 155965  
they sponsor. 155966

(G) The educational service centers shall comply with all 155967  
transportation requirements for students with disabilities as 155968  
specified in the individualized education programs developed for 155969  
the students pursuant to Chapter 3323. of the Revised Code 155970

(H) The Department shall evaluate ~~each~~ the pilot program 155971  
in which the service center selected under division (A) (1) of 155972  
this section participates and issue a report of its findings not 155973  
later than September 15, 2025. The Department shall evaluate the 155974  
pilot program in which the service center selected under 155975  
division (A) (2) of this section participates and issue a report 155976  
of its findings not later than September 15, 2026. The 155977  
educational service centers and participating schools shall 155978  
submit data and other information to the Department, in a manner 155979  
determined by the Department, for the purpose of conducting the 155980  
evaluation. 155981

**Section 620.11.** That existing Section 265.550 of H.B. 33 155982  
of the 135th General Assembly (as amended by H.B. 250 of the 155983  
135th General Assembly) is hereby repealed. 155984

**Section 620.20.** That Sections 200.30 (as amended by H.B. 155985  
54 of the 136th General Assembly), 207.37, 221.15 (as amended by 155986  
S.B. 54 of the 135th General Assembly), 243.10 (as amended by 155987  
H.B. 54 of the 136th General Assembly), 363.10, 371.20 (as 155988  
amended by S.B. 54 of the 135th General Assembly), and 373.15 155989  
(as amended by S.B. 54 of the 135th General Assembly) of H.B. 2 155990  
of the 135th General Assembly be amended to read as follows: 155991

**Sec. 200.30.** ONE TIME STRATEGIC COMMUNITY INVESTMENTS 155992

On June 28, 2024, or as soon as possible thereafter, the 155993  
Director of Budget and Management shall transfer \$17,800,000 155994  
cash from the General Revenue Fund to the One Time Strategic 155995  
Community Investments Fund (Fund 5AY1). 155996

The foregoing appropriation item 042509, One Time 155997  
Strategic Community Investments, shall be used by the Office of 155998  
Budget and Management to provide grants for the projects listed 155999  
in this section in the amounts listed. Prior to disbursing a 156000  
grant to a recipient, the Office of Budget and Management shall 156001  
enter into a grant agreement with the recipient. As part of the 156002  
grant agreement, the recipient shall agree to complete a final 156003  
report, in a form and manner to be prescribed by the Office of 156004  
Budget and Management, detailing how the recipient used the 156005  
grant and submit the report to the Office of Budget and 156006  
Management. 156007

An amount equal to the unexpended, unencumbered balance of 156008  
the foregoing appropriation item 042509, One Time Strategic 156009  
Community Investments, at the end of fiscal year 2025 is hereby 156010  
reappropriated for the same purpose in fiscal year 2026. 156011  
156012

A	Project	Amount
B	Adams County Fairgrounds Improvements	\$400,000
C	Adams County Welcome Center	\$350,000
D	Adams County Community Foundation	\$200,000
E	West Union Wastewater Plant Improvements	\$200,000
F	Lima Veterans Memorial Hall Improvements	\$10,000,000
G	Allen County Airport Fuel Farm	\$1,000,000
H	Rhodes State Advanced Manufacturing Equipment and Lab	\$440,000
I	Allen County Child Support Enforcement Agency Facility	\$375,000
J	Heir Force Community School Land Acquisition	\$250,000
K	Temple Christian School Building Expansion	\$250,000
L	Boys and Girls Club of Lima	\$100,000
M	Ashland County Fair	\$1,100,000
N	Cinnamon Lake Sewer District Lift Station	\$1,000,000
O	Charles Mill Marina Houseboat and Path Renovation	\$910,000
P	Hugo Young Theatre	\$248,554

Q	Davy McClure Outdoor Education Shelter	\$200,000
R	Ashland County Fire Training Facility	\$200,000
S	Hickory Street Sanitary Sewer Lift Station	\$76,000
T	Rowsburg Community Center	\$30,000
U	Hayesville Pedestrian Walkway	\$25,000
V	SPIRE Institute	\$1,000,000
W	Ashtabula Juvenile Court Improvements	\$800,000
X	Boys and Girls Club of Ashtabula	\$132,274
Y	Country Neighbor Program	\$101,600
Z	VFW Roof Repairs Geneva Post 6846	\$99,037
AA	Ashtabula Arts Center Restroom Project	\$45,000
AB	Athens Regional Training Center	\$2,500,000
AC	The Appalachian Center for Economic Networks Food Sector Accelerator Project	\$700,000
AD	Nelsonville-York Elementary School (NYES) Playground Renovation	\$250,000
AE	York Township VFD Project	\$250,000
AF	City of Nelsonville Dog Park	\$139,731
AG	Boys and Girls Club of Athens	\$100,000

AH	Buchtel Village Park Project	\$100,000
AI	Edna Brooks Domestic Violence Shelter	\$36,800
AJ	Village of Waynesfield Veteran's Park Enhancement	\$352,950
AK	Saint Mary's Reservoir Mill	\$250,000
AL	New Bremen Public Library Renovation	\$200,000
AM	YMCA Auglaize-Mercer Recreation Complex	\$200,000
AN	Barton VFD Station	\$1,000,000
AO	Belmont Volunteer Fire Department New Station	\$1,000,000
AP	The Sargus Center Revitalization and Sustainability Initiative	\$500,000
AQ	Mead Township Hall and Garage Project	\$300,000
AR	VFW Roof Repairs Powhatan Point Post 5565	\$24,900
AS	Future Plans Sanctuary	\$3,000,000
AT	Brown County Junior Fair Covered Horse Arena	\$400,000
AU	Water Infrastructure Bramel Mobile Home Park	\$400,000
AV	Millikin Interchange Improvements	\$8,500,000
AW	Madison Township Firehouse Improvements	\$1,750,000
AX	BCRTA Outdoor Workforce Training	\$1,000,000

AY	Riversedge Amphitheater Expansion	\$1,000,000
AZ	Shuler Benninghofen Mixed-Use Project	\$1,000,000
BA	VOA MetroPark Museum Grand Entrance	\$1,000,000
BB	Oxford Student Safety Project	\$800,000
BC	Liberty Playground Replacement Project	\$500,000
BD	Madison Township Park Revitalization	\$500,000
BE	Welding Lab Program Expansion in Fairfield Township	\$450,000
BF	Monroe Plaza South Project	\$400,000
BG	Hamilton YWCA Domestic Violence Project	\$400,000
BH	World Class Clubs: Repairing Community Gymnasium	\$225,000
BI	Boys and Girls Club of West Chester/Liberty	\$218,796
BJ	VFW Roof Repairs West Chester Post 7696	\$15,560
BK	Carroll County Annex Building Rehab	\$500,000
BL	Seven Ranges Scout Reservation Facility Upgrades	\$500,000
BM	Dellroy Village Storm Drain and Street Repair	\$250,000
BN	Carroll County Agricultural Service Center	\$200,000

BO	Minerva Downtown Revitalization Project	\$200,000
BP	Dellroy Village Offices/Garage Renovations	\$195,250
BQ	Champaign Aviation Museum Improvements	\$20,000
BR	Champion City Sports and Wellness Center	\$4,000,000
BS	A.B. Graham Memorial	\$750,000
BT	Champion Center Arena Improvements	\$250,000
BU	Goshen Fire Department Station 18 Rebuild	\$2,500,000
BV	Felicity Veterans Village Housing Project	\$1,000,000
BW	Milford Five Points Landing	\$400,000
BX	Union Township Community Splash Pad	\$268,125
BY	Nisbet Park Amphitheater	\$250,000
BZ	Moscow Ohio River Stabilization, Phase III	\$240,000
CA	Williamsburg Township Emergency Services Upgrades	\$150,000
CB	Owensville Historical Society Museum	\$132,000
CC	Williamsburg Community Park Trail Extension	\$86,770
CD	VFW Roof Repairs Loveland Post 5354	\$28,505
CE	VFW Roof Repairs New Richmond Post 6770	\$20,894
CF	Boys and Girls Club of Clermont	\$18,921

CG	Wilmington Runway Reopening and Improvements	\$3,500,000
CH	Doan-Walnut-Short Street Water Main	\$500,000
CI	Columbiana County Annex/Drug Task Force Building	\$2,900,000
CJ	Utica Shale Academy Improvements	\$2,500,000
CK	East Palestine Village Safety Complex	\$1,000,000
CL	Hanover Township Fire and Emergency Medical Services Expansion Initiative	\$250,000
CM	Lepper Restoration Project	\$175,000
CN	City of Coshocton Fire Training Tower	\$1,000,000
CO	Coshocton Skip's Landing and Downtown Revitalization	\$750,000
CP	City of Coshocton Roscoe Cemetery Improvements	\$460,000
CQ	City of Coshocton Pickleball Court Upgrades	\$300,000
CR	City of Coshocton Water Plant Electrical Upgrades	\$300,000
CS	City of Coshocton Town Hall Roof Project	\$240,000
CT	City of Coshocton Emergency Generator Project	\$200,000
CU	Coshocton County Library Masonry Project	\$48,000

CV	Maplecrest Community Center	\$500,000
CW	The Galion Depot Canopy Restoration Project	\$200,000
CX	The New Washington Veteran's Memorial Park Project	\$34,460
CY	Cuyahoga County Northcoast Connector	\$20,000,000
CZ	Bedrock Riverfront Development	\$8,000,000
DA	Rock and Roll Hall of Fame Museum Expansion and Renovation Project	\$7,000,000
DB	Cleveland Port Bulk Terminal Modernization	\$5,000,000
DC	West Side Market in Cleveland	\$2,400,000
DD	Cahoon Park	\$2,000,000
DE	Cleveland Zoo Primate Forest	\$2,000,000
DF	Irishtown Bend Park	\$2,000,000
DG	Valor Acres Brecksville Veterans Affairs Hospital Site Redevelopment	\$2,000,000
DH	Blue Abyss	\$1,800,000
DI	Two Foundation Building Purchase and Renovation	\$1,625,000
DJ	Park Synagogue	\$1,500,000
DK	The Music Settlement - Gries House	\$1,500,000

Redevelopment		
DL	Brook Park Community Center Restoration	\$1,000,000
DM	Cleveland Women's Soccer Stadium	\$1,000,000
DN	Electric Building Renovation	\$1,000,000
DO	Independence Selig Drive Emergency Access	\$1,000,000
DP	Shaker Heights Doan Brook Park	\$1,000,000
DQ	YMCA of Greater Cleveland - New Facility Construction	\$1,000,000
DR	Argonaut Project - Advancing Aviation and Maritime Pipeline	\$800,000
DS	Birthing Beautiful Communities Birth Center	\$800,000
DT	Connecting the Circle	\$800,000
DU	Glenville YMCA	\$800,000
DV	Saint Edwards High School Sustainable Urban Agriculture	\$800,000
DW	Cleveland Public Square Improvements	\$750,000
DX	University Heights Municipal Sewer Project	\$700,000
DY	University Hospitals Breast Center - Parma	\$700,000
DZ	Cleveland Habitat Building Project	\$507,500

EA	Cleveland Airport NEOFIX	\$500,000
EB	Euclid Public Library Green Branch Improvements	\$500,000
EC	Hospice of the Western Reserve Center for Community Engagement and Hospice Care	\$500,000
ED	JumpStart Northern Ohio Operations	\$500,000
EE	Ohio Aerospace Institute Sensitive Information Research Facility	\$500,000
EF	Rocky River Fire Station Improvements	\$500,000
EG	Saint Casimir Parish Improvements	\$500,000
EH	Seven Hills Fire Department	\$500,000
EI	Vocational Guidance Services Renovation Cleveland Facility	\$500,000
EJ	YWCA of Greater Cleveland	\$500,000
EK	Boys and Girls Club of Broadway in Cuyahoga County	\$485,005
EL	Maltz Museum of Jewish Heritage	\$480,000
EM	Richmond Heights Salt Bin	\$450,000
EN	Magnolia Clubhouse	\$400,000
EO	Middleburg Heights Central Park Phase 1	\$400,000

EP	Cleveland Institute of Art - Interactive Media Lab	\$365,000
EQ	Greenstone Lifeline Connection Improvements	\$327,867
ER	Chagrin Valley Volunteer Fire Station	\$300,000
ES	Berea City Hall and Police Station Upgrades	\$250,000
ET	Jenning's Center for Older Adults	\$250,000
EU	Journey Center for Safety and Healing/Domestic Violence Shelter	\$200,000
EV	Lyndhurst Community Center Audio Visual Project	\$200,000
EW	MetroHealth Emergency Department Refresh	\$200,000
EX	Northeast Ohio Music Arts Development Hub	\$200,000
EY	Olmsted Falls Visibility Project	\$200,000
EZ	Camp Cheerful Reimagined	\$175,000
FA	VFW Roof Repairs Solon Post 1863	\$88,787
FB	VFW Roof Repairs Parma Post 1974	\$28,633
FC	VFW Roof Repairs Cleveland Post 2533	\$17,208
FD	Western Ohio Regional Fire Training Facility	\$750,000
FE	Eldora Speedway Public Safety Upgrades	\$400,000

FF	Historic Bear's Mill Infrastructure Restoration	\$275,000
FG	The Darke County Fish and Game Association	\$120,000
FH	Ney/Washington Township Fire Department Building	\$300,000
FI	Veterans Memorial Park at Latty's Grove Rehabilitation Project	\$200,000
FJ	Little Brown Jug Grandstand Renovation	\$2,500,000
FK	Sunbury Ohio-to-Erie Trail Expansion	\$1,250,000
FL	Boardman Arts Park Improvements Whimsy Venue	\$1,000,000
FM	Stockhands Horses for Healing, Capital Improvement Project	\$908,000
FN	Dempsey Wildlife and Education Renovation	\$600,000
FO	Delaware County Bicentennial Barn Renovation	\$500,000
FP	Powell Adventure Park Expansion	\$480,000
FQ	"Smuirfield" Golf Project	\$225,000
FR	Ohio Fallen Heroes Memorial	\$70,000
FS	VFW Roof Repairs Sunbury Post 8736	\$58,440
FT	Worenstaff Memorial Public Library Renovation	\$34,000
FU	The Landing in Erie County	\$3,000,000

FV	Battery Park Coastal Improvements	\$1,000,000
FW	NW Ohio Water Quality Improvements/Cold Creek Foundation	\$800,000
FX	Camp Timberlane Infrastructure Improvements	\$600,000
FY	Kelley's Island East Lakeshore Shoreline Protection	\$400,000
FZ	Erie County Fairgrounds Infrastructure Improvements	\$250,000
GA	Erie County Jail Surveillance Upgrades	\$200,000
GB	Huron Boat Basin and Amphitheater Capital Improvement Project	\$200,000
GC	Sawmill Creek Wastewater Treatment Plant Expansion	\$200,000
GD	Violet Township Event Center	\$2,100,000
GE	Gateway Mixed Use District	\$2,000,000
GF	Government Services Building Acquisition and Renovation	\$2,000,000
GG	Wendel Pool Dehumidification System Replacement	\$550,000
GH	Walnut Township Flood Mitigation	\$500,000
GI	Pickerington Covered Bridge Rehabilitation	\$350,000

GJ	Pickerington Connects	\$234,410
GK	Elmwood Playground	\$225,000
GL	Expanding Horizons - Meals on Wheels Senior Services Center	\$200,000
GM	Historic Lancaster Bell and Clock Tower	\$150,000
GN	Sycamore Creek Park Pond Restoration	\$125,000
GO	Wagnalls Memorial Window Project	\$50,000
GP	American Legion Post 283 Improvements	\$20,000
GQ	Rushville Union Lions Club Accessible Parking	\$5,500
GR	Jeffersonville Rattlesnake Water System Improvements	\$1,000,000
GS	Wayne Township Firehouse Community Shelter	\$175,000
GT	The Ohio Center for Advanced Technologies	\$20,000,000
GU	Columbus Symphony Orchestra - Music for All	\$18,500,000
GV	Downtown Columbus Capital Line	\$10,000,000
GW	Heritage Trail Expansion	\$8,000,000
GX	John Glenn International Airport Improvements	\$7,500,000
GY	OP Chaney Grain Elevator Restoration	\$2,800,000
GZ	Downtown Security Command Center	\$1,500,000

HA	Unverferth House Revitalization and Expansion Campaign	\$1,500,000
HB	Historic Dublin Riverfront Revitalization	\$1,230,000
HC	Heartland Music Incubator	\$1,000,000
HD	Norwich Township Fire Department Station 84	\$1,000,000
HE	Westland Mall Renovations	\$1,000,000
HF	Hilliard First Responders Park	\$800,500
HG	Green Lawn Cemetery Chapel	\$750,000
HH	Heinzerling Facility Improvements	\$750,000
HI	Whitehall Police Department Emergency Facility	\$605,220
HJ	Knoll View Place	\$600,000
HK	Tolles Cybersecurity Lab Renovation	\$600,000
HL	Edison Welding Institute Renovations	\$500,000
HM	Elevate Northland	\$500,000
HN	LifeTown Kindness Center	\$500,000
HO	National Center for Urban Solutions Facility	\$500,000
HP	Scioto Rise Place	\$500,000
HQ	Dublin Brand Road Pedestrian Tunnel Flood	\$468,000

Mitigation		
HR	OZEM Gardner House Rehabilitation	\$375,000
HS	Somali Community Link Center	\$350,000
HT	The Refuge	\$250,000
HU	Grandview Heights Fire EMS Police Facility	\$200,000
HV	Grandview Heights McKinley Field Park	\$200,000
HW	Tawnya Salyer Memorial Statue	\$200,000
HX	Columbus Urban League Career Connect Hub	\$150,000
HY	Boys and Girls Club of J. Ashburn	\$138,585
HZ	VFW Roof Repairs Reynoldsburg Post 9473	\$32,695
IA	Building the Future of 4-H Camp Palmer	\$1,825,000
IB	Community Event and Recreational Facility Renovation in Wauseon	\$500,000
IC	Fulton County Fairgrounds Arts and Craft Building	\$80,000
ID	Gallia County Council on Aging New Facility	\$2,500,000
IE	Reservoir Enhancement Project	\$2,250,000
IF	Gallia County Sheriff Office Renovation	\$225,000
IG	Hambden Fire Station Project	\$2,000,000

IH	Montville Fire Station Construction	\$1,250,000
II	Chardon Fire Department Equipment Project	\$1,000,000
IJ	Burton Berkshire Local Schools Career Pathways Program	\$915,037
IK	Geauga County Fair	\$500,000
IL	Russell Township Community Building	\$370,905
IM	Chester Township Police Department Building Renovation	\$348,875
IN	Chardon Memorial Stadium Restroom and Concession Project	\$250,000
IO	Geauga County Safety Center Parking Lot	\$250,000
IP	Salt Dome Structural Repairs	\$155,000
IQ	St. Mary School Playground Enhancements	\$4,000
IR	Cedarville Opera House	\$12,000,000
IS	Clifton Union School Improvements	\$3,900,000
IT	Future Development of Wright-Patterson	\$3,500,000
IU	Clifton Opera House	\$1,900,000
IV	Skyway SCIF Center	\$1,000,000
IW	Spring House Park: Phase One	\$1,000,000

IX	WSU: Archive Facility Upgrades	\$500,000
IY	OhioMeansJobs Greene County Improving Accessibility Project	\$175,000
IZ	Ohio Veterans' Children's Home Expansion and Upgrade, Phase 1	\$150,000
JA	Cambridge YMCA	\$3,000,000
JB	Route 40 East Sewer Extension	\$1,000,000
JC	Cambridge Fire Department Renovations	\$560,000
JD	Old Washington Community VFD Station	\$250,000
JE	Hamilton County Convention Center District Development	\$46,000,000
JF	University of Cincinnati Health	\$16,750,000
JG	Xavier University College of Osteopathic Medicine	\$9,750,000
JH	Riverbend 2.0	\$8,000,000
JI	Blue Line Foundation HQ and Regional Training Center	\$1,000,000
JJ	605 Plum Convention Center Garage Renovation	\$945,771
JK	Boys and Girls Club of Taft	\$300,978
JL	Boys and Girls Club of East Hamilton	\$194,722

JM	Boys and Girls Club of Sheakley	\$58,529
JN	Findlay YMCA	\$1,250,000
JO	Hancock County Fair	\$500,000
JP	Hancock County Park District	\$250,000
JQ	Owens State Community College CDL Facilities	\$250,000
JR	Ada War Memorial Park	\$500,000
JS	Hardin County Fair	\$500,000
JT	Kenton Fire Department	\$500,000
JU	Ohio Northern University HealthWise Mobile Health Clinic	\$500,000
JV	Pump House Funding - Rodney Hensel	\$200,000
JW	Hardin County Veterans Memorial Park District	\$50,000
JX	Alger Baseball Field	\$40,000
JY	Harrison County Fairground Replacement and Enhancement	\$720,000
JZ	Regional Safety Center at Tappan Lake	\$650,000
KA	Jewett Fire and Emergency Equipment Storage Building	\$325,000
KB	Village of Bowerston VFD	\$205,000

KC	Village of Bowerston Maintenance Building	\$100,000
KD	Napoleon Public Library Improvements	\$1,000,000
KE	The Henry County Community Event Center Office Addition	\$1,000,000
KF	Corn City Regional Fire District New Fire Station	\$500,000
KG	Napoleon Water Tower Upgrades	\$135,000
KH	Core Networking Equipment at The Center for Child and Family Advocacy (CCFA) in Henry County	\$72,000
KI	Malinta Community Historical Society Site Project	\$45,000
KJ	Highland County Engineer Truck Barn	\$1,000,000
KK	Camp Wyandot Historic Camper Cabin Project	\$50,000
KL	Union Furnace / Starr Township Improvements	\$35,000
KM	Agricultural Society Millersburg Expo	\$750,000
KN	Safe Harbor Ohio	\$500,000
KO	Winesburg Park Improvements	\$250,000
KP	West Holmes Local Schools Robotics Program	\$22,000
KQ	Norwalk Theater Restoration	\$2,000,000

KR	Norwalk Public Library Rehab	\$400,000
KS	Feichtner Memorial Building Improvements	\$250,000
KT	Huron County Transfer Station Scale Replacement	\$202,000
KU	Jackson County Memorial Building Renovation	\$2,500,000
KV	City of Jackson Park and Trail Revitalization	\$1,000,000
KW	Jackson County Courthouse Building and Grounds Renovation	\$600,000
KX	Blamer Park Renovation	\$392,038
KY	Wellston Food Pantry Turn-Key Renovation	\$200,000
KZ	Wellston Fire Department Training Academy	\$175,000
LA	Jefferson County Agricultural Society Small Animal Barn	\$35,000
LB	Mount Vernon Police Station	\$2,000,000
LC	Fredericktown Water Infrastructure Improvements	\$750,000
LD	Family Fun Grounds in Knox County	\$125,000
LE	Willoughby Osborne Park Shoreline Protection	\$2,000,000
LF	Uptown Mentor Revitalization	\$1,500,000
LG	ISTEM Painesville Township Haden Facility and	\$1,000,000

Crowns Project		
LH	Mentor Fire Station	\$1,000,000
LI	University Hospitals TriPoint Breast Center - Painesville	\$938,750
LJ	Concord Township Waterline Extension Project	\$500,000
LK	Lake Erie College Center for Health Sciences	\$500,000
LL	Lake Metro Parks Lakefront Trail	\$500,000
LM	Kirtland Public Library Roof Project	\$340,625
LN	Mentor on the Lake - Lake Overlook	\$300,000
LO	Rabbit Run Theater Improvements	\$100,000
LP	VFW Roof Repairs Mentor Post 9295	\$35,478
LQ	Resources for Restoring Lives and Providing Safety and Security	\$15,328
LR	Wayne National Forest Welcome Center	\$5,000,000
LS	Coal Grove Village Riverfront Park	\$1,250,000
LT	Lawrence County School Communications	\$750,000
LU	Necco Center Improvements	\$375,000
LV	Boys and Girls Club of Portsmouth	\$100,000
LW	Buckeye Lake North Shore Park and Pier	\$8,500,000

LX	Memorial Health Systems Education and Event Center	\$3,000,000
LY	Johnstown - Mink Street Water Infrastructure	\$500,000
LZ	Newark Towne Center Project	\$1,854,000
MA	Buckeye Valley Family YMCA Pataskala Childcare Center	\$200,000
MB	Mary Ann Township Fire Department	\$66,000
MC	Hanover Hains Hill Drive Drainage Improvements	\$52,000
MD	Junior Achievement - Regional Satellite Learning Center	\$50,000
ME	Boys and Girls Club of Newark	\$46,195
MF	Indian Lake Advocacy Group	\$5,000,000
MG	Logan County Sewer District Flat Branch Upgrades	\$1,500,000
MH	Bellefontaine Calvary Christian School	\$250,000
MI	Indian Lake Pickleball	\$150,000
MJ	Lorain County Community College Desich Entrepreneurship Center 3rd Floor Microelectronics Training Hub	\$2,500,000
MK	Lorain County Fairs	\$2,500,000

ML	Boys and Girls Club of Elyria South	\$1,000,000
MM	Lorain County PACE Site Modifications	\$1,000,000
MN	The Nord Center Capital Improvement Project	\$1,000,000
MO	French Creek Sports Complex	\$925,000
MP	Lorain County <del>Administrative Building</del> <u>Justice Center</u>	\$750,000
MQ	North Ridgeville Cypress Avenue Project	\$700,000
MR	Sheffield Lake Field House Rec Complex	\$600,000
MS	Black River Landing Amphitheater	\$500,000
MT	Haven Center Emergency Shelter / Neighborhood Alliance	\$500,000
MU	Vocational Guidance Services (VGS) Project - Lorain	\$500,000
MV	Lorain County Health and Dental Facility	\$375,000
MW	Elyria Public Library West River Branch	\$300,000
MX	Lorain Hispanic Veterans Memorial	\$300,000
MY	Lorain County Kennel Project	\$250,000
MZ	El Centro Facility Improvements	\$200,000
NA	Good Knights Bed Building Center	\$150,000

NB	Sheffield Village Colorado Avenue Side Path	\$150,000
NC	Carlisle Township Hall Project	\$100,000
ND	VFW Roof Repairs Wellington Post 6941	\$12,276
NE	Lucas County Seawall and River Edge Reconstruction Project	\$3,000,000
NF	Toledo Innovation Center	\$3,000,000
NG	Inclusive Multigenerational Community and Recreation Center (IMCRC)	\$2,900,000
NH	Virginia Stranahan Trail and Senior Affordable Housing/Senior Center Development	\$2,700,000
NI	Eugene F. Kranz Toledo Express Airport Terminal Renovation Project	\$2,000,000
NJ	Toledo YWCA Domestic Shelter Project	\$2,000,000
NK	Toledo Zoo Reptile House	\$1,740,000
NL	Toledo Fire and Rescue Department Facility Repairs	\$1,600,000
NM	Ottawa Park Revitalization Phase 1	\$950,000
NN	Imagination Station; Toledo Science Center World of Discovery Exhibit	\$750,000
NO	Homer Hanham Boys and Girls Club Renovation	\$650,000
NP	Toledo Seagate Food Bank	\$650,000

NQ	Pre-Medical and Health Science Academy at Mercy College	\$500,000
NR	Toledo School for the Performing Arts Replacement Windows	\$500,000
NS	Sylvania Township Safety Training and Grounds Improvement	\$485,000
NT	Toledo Safe Haven Ronald McDonald Facility	\$300,000
NU	Whitney Manor	\$300,000
NV	Toledo Hensville Entertainment District	\$250,000
NW	Ottawa Hills Walk Path Project	\$175,000
NX	Glass City Mural Wall Lighting (Toledo)	\$100,000
NY	Lucas County Sheriff Substation Renovation	\$100,000
NZ	Toledo Broadway Commercial Redevelopment Project	\$100,000
OA	Madison County Airport Improvements	\$35,938
OB	Animal Charity of Ohio Infrastructure Expansion	\$1,500,000
OC	Community Learning Center	\$1,000,000
OD	West Branch Regional Community Education and Wellness Training Center in Mahoning County	\$875,000
OE	Mahoning Valley Historical Society Expansion	\$750,000

and Improvement

OF	Campbell Access and Safety Project	\$660,000
OG	Mahoning County Veterans Center	\$650,000
OH	Salem Airpark Improvements	\$600,000
OI	Youngstown Area Jewish Federation Building Expansion	\$501,389
OJ	Mahoning Valley Regional Multi-Jurisdictional Infrastructure Initiative	\$450,000
OK	Boys and Girls Club of Youngstown	\$300,000
OL	Youngstown Playhouse Roof	\$238,000
OM	<del>Sheridan Road Multi-Use Trail</del> <u>Village of Poland</u>	\$185,000
ON	Boys and Girls Club of Oak Hill	\$159,131
OO	City of Struthers Mauthe Park Splash Pad	\$103,150
OP	Rich Center for Autism Building for Tomorrow Phase 2	\$100,000
OQ	OCCHA Renovado Capital Campaign	\$93,500
OR	Canfield Police Department Drone Program	\$60,000
OS	War Vet Museum Facility and Program Improvement Project	\$60,000

OT	Austintown 9-11 Memorial Park	\$50,000
OU	VFW Roof Repairs Ellsworth Post 9571	\$14,480
OV	Marion Harding Performing Arts Center	\$500,000
OW	Marion Soldiers and Sailors Memorial Chapel	\$450,000
OX	George W. King Mansion - Etowah	\$300,000
OY	Boys and Girls Club of Oak Street	\$277,170
OZ	Terradise Nature Center Interpretive Center	\$200,000
PA	Women's History Resource Center Phase II	\$185,000
PB	City of Wadsworth Brickyard Athletic Complex and Fixler Reservation	\$2,500,000
PC	Lake Medina	\$1,500,000
PD	Akron Childrens Medina Health Center	\$1,400,000
PE	Medina County Career Center Modular Fire Training Tower	\$1,000,000
PF	Oenslager Nature Center	\$500,000
PG	City of Medina Multi-Use Uptown Loop Phase 1	\$396,000
PH	Medina County Radio System - Seville Tower	\$450,000
PI	Medina County Sheriff Office Jail Safety Enhancement	\$200,000

PJ	Equine Assisted Mental Health Community Campus	\$200,000
PK	Majestic Equine Connections	\$200,000
PL	Main Street Medina Facade Improvement	\$150,000
PM	Medina County Achievement Center Renovation and Innovative Vocational Training Building	\$100,000
PN	Serenite Restaurant and Culinary Institute Roof/Gutter Repair	\$65,000
PO	Main Street Medina South Town Gateway	\$62,000
PP	VFW Roof Repairs Medina Post 5137	\$60,898
PQ	Homer Township Tornado Siren Project	\$36,834
PR	Chippewa Lake Area Emergency Siren	\$35,000
PS	Ohio University Airport Improvements	\$2,500,000
PT	Meigs County Transportation Hub	\$1,500,000
PU	Racine Entertainment District	\$1,500,000
PV	1872 Hall Complex	\$250,000
PW	Meigs County Fair	\$250,000
PX	Fort Recovery Water Tower	\$600,000
PY	Troy Great Miami River Recreation Connectivity Project	\$2,000,000

PZ	Troy-Miami County Public Library Improvements	\$500,000
QA	Bethel Township VFD Improvements	\$400,000
QB	Graysville and Community VFD Improvements	\$250,000
QC	Bethel Community Center Improvements	\$183,000
QD	Woodsfield Government and Community Center	\$100,000
QE	Midway Community and Senior Citizens	\$70,000
QF	Laings Community Center	\$23,000
QG	VFW Roof Repairs Sardis Post 9930	\$19,836
QH	Miami Chapel Inspire Zone Youth Workforce Development Center - Boys & Girls Club	\$3,000,000
QI	Dayton Aviation Heritage Site (Wright Factory)	\$2,000,000
QJ	Dayton International Airport Concourse B	\$2,000,000
QK	Future Development of Wright-Patterson	\$1,500,000
QL	Healthy Family Market / Dayton Children's Pediatric Center	\$1,500,000
QM	Tri-Cities North Regional Wastewater Authority	\$1,500,000
QN	Kettering Business Park	\$1,250,000
QO	West Carrollton River District and Whitewater	\$500,000

	Park	
QP	Countryside Park Revitalization	\$1,000,000
QQ	Ronald McDonald House of Dayton	\$1,000,000
QR	Schuster Center	\$1,000,000
QS	Union Ring Road Completion Project - Phase II	\$1,000,000
QT	Uptown Centerville Connectivity and Development Improvements	\$1,000,000
QU	Harrison Township Police Headquarters Renovation	\$950,000
QV	Saint Vincent de Paul Community Donation Intake Facility	\$800,000
QW	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$500,000
QX	Homefull Housing, Food and Jobs Center	\$750,000
QY	Jefferson Township Community Improvements	\$600,000
QZ	BOLT Innovation Center	\$500,000
RA	Centerville Schools Safety Access	\$500,000
RB	Dayton Dream Center Transitional Housing	\$500,000
RC	East End Whole Family Services Hub Facility Expansion and Renovation in Dayton	\$500,000

RD	Union Ring Road Completion Project - Phase III	\$500,000
RE	Robinette Park	\$400,000
RF	Homefull's Healthy Start Child Care & Early Learning Center West Dayton	\$350,000
RG	Dayton Airshow	\$300,000
RH	Germantown Covered Bridge	\$275,000
RI	Dayton Clothes that Work! Facility Improvements	\$250,000
RJ	Flyghtwood Sports Life and Leadership Campus	\$250,000
RK	Grant Park Accessibility Improvements	\$250,000
RL	K-12 Gallery and TEJAS Acquisition Project	\$250,000
RM	Miami Township Public Works	\$250,000
RN	Old North Dayton Park Expansion Project	\$250,000
RO	Catholic Social Services Supervised Visitation Center	\$200,000
RP	Dayton Alvis, Inc.	\$195,149
RQ	Boys and Girls Club of Dayton	\$154,851
RR	Preservation of Dayton Woman's Club Historic Mansion	\$100,000

**Sub. H. B. No. 96**  
**As Reported by the Senate Finance Committee**

**Page 5556**

RS	West Memory Gardens Flood Mitigation Project	\$75,000
RT	German Township Channel Maintenance	\$60,000
RU	Miamisburg Historical Society Improvements	\$40,000
RV	Pennsville Volunteer Fire Department - New Building Construction	\$1,500,000
RW	Historic Preservation, Job Creation, and Healthcare Expansion at the Stanbery Building (McConnelsville)	\$500,000
RX	Malta/McConnelsville Equipment Project	\$325,000
RY	Chesterhill VFD Station	\$250,000
RZ	Morgan County Emergency Communications Center	\$250,000
SA	Morgan County Fair	\$250,000
SB	Reinersville Volunteer Fire Department	\$50,000
SC	Flying Horse Farms Renovation and Updates to Facilities	\$350,000
SD	Morrow County Engineers Facility	\$250,000
SE	Morrow County Health Department Renovations	\$250,000
SF	Water Filter Installation for Legacy Phosphorus Fields	\$500,000
SG	The Wilds Giraffe Barn and Innovative Guest Lodging	\$2,500,000

SH	Avondale Youth Center HVAC Upgrade	\$450,000
SI	The Tribe Athletic Complex Track	\$1,000,000
SJ	Ottawa County Workforce Hub and Center for Career Advancement	\$1,250,000
SK	Skills Academy in Ottawa County	\$250,000
SL	Ottawa County Fairgrounds Upgrades	\$200,000
SM	Put-In-Bay Downtown Promenade Renovation	\$200,000
SN	Genoa Civic Theatre Improvements	\$100,000
SO	Paulding County Agricultural Society Racetrack Lighting Improvement	\$41,000
SP	Antwerp Rotary Basketball Court	\$40,000
SQ	Perry County Community Access and Workforce Training	\$500,000
SR	Reading Township Volunteer Fire Department	\$1,250,000
SS	Thornville AMVETS 51	\$80,000
ST	South Bloomfield Corridor Improvements	\$1,500,000
SU	Ohio Christian University for Science	\$500,000
SV	Pickaway County Library	\$250,000
SW	Memorial Hall Window Replacement Project	\$200,000

SX	Pike Emergency Operations Backup Power Project	\$750,000
SY	Ravenna Health Center	\$1,500,000
SZ	Serenity House Residential Facility	\$700,000
TA	Happy Trails Farm Animal Sanctuary Welcome Center	\$500,000
TB	Kent Safety Town	\$250,000
TC	Shalersville Park	\$225,000
TD	Freedom Township Historical Society Historical Museum	\$105,000
TE	Buchert Park Improvements	\$51,000
TF	Portage County Children's Advantage HVAC	\$40,000
TG	Windham Historical Society	\$27,950
TH	Preble County Fairgrounds Stall Barns	\$700,000
TI	Preble Gratis Well Reconstruction	\$50,000
TJ	Fort Jennings Park Pedestrian Bridge and Park Improvements	\$350,000
TK	The Ottoville Park Community Wellness and Recreation Enhancement Project	\$213,000
TL	Womens Policy and Resource Center	\$100,000

TM	Buckeye Park Improvements	\$40,000
TN	Mansfield Christian School Improvements	\$1,500,000
TO	Avita Comprehensive Cancer Center	\$1,150,000
TP	Plymouth Fire Department Building Replacement	\$600,000
TQ	Mansfield Theater "Road to 100" Renovation	\$500,000
TR	YMCA-North Central Ohio Sports Complex	\$500,000
TS	Main Street Plaza Improvement Project	\$250,000
TT	Richland County Agricultural Society	\$100,000
TU	VFW Roof Repairs Mansfield Post 3494	\$27,964
TV	Ohio Genealogical Society Archives Security	\$10,000
TW	Hopewell Regional Visitor Center	\$5,000,000
TX	Union Township Fire Department Project	\$175,000
TY	Fremont Downtown Revitalization	\$1,350,000
TZ	Hayes Presidential Library Improvements	\$300,000
UA	Fremont Water Access Emergency Response	\$150,000
UB	Shawnee State University College of Health and Human Services	\$5,000,000
UC	Appalachian Youth Behavioral Health Services Expansion	\$2,000,000

UD	Scioto County Safety Operations Center	\$696,000
UE	Scioto County Fairgrounds	\$600,000
UF	Green Township Garage	\$500,000
UG	Installer Technician Registered Apprenticeship in Scioto County	\$323,150
UH	Portsmouth Courtroom Renovations	\$240,000
UI	Bloom-Vernon Local Schools Lighting	\$51,600
UJ	Seneca County Agricultural Center	\$370,000
UK	Fostoria Learning Center Security	\$352,000
UL	Seneca County Museum Interior Revitalization	\$190,000
UM	Bettsville Emergency Medical Services Renovation	\$150,000
UN	Attica-Venice Township Joint Cemetery Mausoleum	\$93,742
UO	Court Street Streetscape Project	\$50,000
UP	Ritz Theatre Marquee Renovation	\$30,000
UQ	Fort Loramie Industrial Park	\$724,000
UR	Midwest Regional ESC Resilient Heights Improvements	\$600,000
US	Shelby County Community Workforce Training	\$500,000

	Center	
UT	Boys and Girls Club of Massillon	\$193,904
UU	VFW Roof Repairs Louisville Post 7490	\$42,970
UV	Hall of Fame Village	\$9,763,126
UW	Pro Football Hall of Fame Modernization	\$7,000,000
UX	Stark County Juvenile Detention System Demolition	\$64,200
UY	Cascade Plaza	\$5,000,000
UZ	New Franklin Sewer Project	\$3,800,000
VA	Akron-Canton Airport West Side Development for Aeronautic Activity	\$3,200,000
VB	Cuyahoga Falls Regional Fire Training Complex	\$3,000,000
VC	Akron Art Museum - Center for Digital Discovery	\$2,000,000
VD	Akron Zoo Veterinary Hospital	\$1,750,000
VE	Akron Community Health Center Addiction One Campus Expansion	\$1,250,000
VF	Barberton City Hall and Justice Center	\$1,000,000
VG	Summit County Mobile Medical Project	\$1,000,000
VH	Boston Heights Safety Center	\$986,831

VI	Middle School Trades Education Center in Summit County	\$750,000
VJ	Hudson Inclusive Playground	\$680,000
VK	Summit County Fairgrounds New Agriculture Center	\$600,000
VL	Macedonia Service Center	\$500,000
VM	Child Guidance and Family Solutions - Multi-Campus	\$450,000
VN	Boys and Girls Club - Steve Wise	\$440,913
VO	Akron Urban League Building Improvements	\$400,000
VP	Legacy Building Project Improvements	\$400,000
VQ	Bath North Fork Preserve Improvements	\$170,000
VR	Copley Road Trail East	\$150,000
VS	G.A.R. Hall Rehabilitation	\$150,000
VT	Stark State Oil and Natural Gas Job Training Equipment	\$100,000
VU	Stow First Responders Memorial	\$95,863
VV	Special Education Cornerstone Community School	\$76,393
VW	Boston Township Hall ADA Upgrades	\$50,000

VX	Cortland Safety Service Complex / Training Facility	\$2,150,000
VY	West Warren Industrial Park Traffic and Fire Suppression Improvements	\$1,500,000
VZ	Holy Trinity Orthodox Christian Academy and Preschool	\$1,000,000
WA	Eastwood Field Renovations	\$500,000
WB	Trumbull County Fairgrounds Grandstand Renovation	\$500,000
WC	Cortland's Outdoor Education & Event Space	\$350,000
WD	Bloomfield Regional Emergency Medical Services Renovation Project	\$345,000
WE	Mosquito Lake State Park Water Improvements	\$330,350
WF	Camp Sugarbush Infrastructure Improvements	\$300,000
WG	John F. Kennedy Renovation Project	\$300,000
WH	Hubbard Outpost Sanitary Sewer Project	\$175,000
WI	Liberty Township Fencing Project	\$100,000
WJ	Victory Christian School Renovation	\$100,000
WK	Tuscarawas County Facilities Investments in Health, Safety, and Election Security	\$2,500,000
WL	Tuscarawas County Engineer Building	\$1,350,000

WM	Cleveland Clinic Union Hospital Cancer Center	\$1,000,000
WN	Fire, EMT, Law Enforcement Burn Building	\$500,000
WO	Norma Johnson Center Improvements (Red Barn and Brandywine)	\$250,000
WP	Dover Public Library Roof Replacement Project	\$85,731
WQ	Transportation Research Center, Inc. Impact Lab Upgrades	\$24,000,000
WR	Richwood Pickleball	\$218,000
WS	Leesburg Township Walking Trail and Playground Project	\$162,545
WT	The Village of Richwood Fairgrounds	\$49,849
WU	Northwest State Community College Van Wert Campus Renovation	\$1,000,000
WV	Van Wert Regional Airport Runway Project	\$600,000
WW	VFW Roof Repairs Van Wert Post 5803	\$41,754
WX	Middle Point Memorial Park	\$25,000
WY	Moser Park Concession Stand Replacement	\$19,860
WZ	Wilkesville Township Outdoor Warning Siren	\$35,000
XA	Cincinnati Open Tennis Tournament	\$27,500,000
XB	Warren County Ion Exchange Project	\$200,000

XC	Waynesville and Maineville Girl Scout Camp Improvements	\$200,000
XD	VFW Roof Repairs Mason Post 9622	\$9,969
XE	Mid Ohio Valley Aquatic Center	\$750,000
XF	Decatur Township Building Construction	\$350,000
XG	Boys and Girls Club of Marietta	\$213,909
XH	Marietta Saint Mary of the Assumption Roof Project	\$150,000
XI	Betsy Mills Drainage Project	\$79,000
XJ	Marietta College Womens Softball Complex	\$50,000
XK	VFW Roof Repairs New Matamoras Post 6387	\$13,740
XL	Shreve Wastewater Treatment Plant System Improvements	\$1,750,000
XM	Wooster Community Hospital Improvements	\$1,000,000
XN	Wayne County Agricultural Society, Inc.	\$415,000
XO	Wayne County Airport Hangar Construction Project	\$350,000
XP	Wayne County Emergency Vehicle Drivers Training Course	\$300,000
XQ	Boys and Girls Club of Orrville	\$280,318

XR	Boys and Girls Club of Edgewood	\$186,771
XS	Foodsphere Commercial Kitchen/Food Marketplace	\$100,000
XT	Edgerton Community Center	\$425,000
XU	Installation of Elevator to North Annex Building in Williams County	\$187,076
XV	Wabash Cannonball Trail: Design Engineering	\$153,500
XW	Wood County Engineer Garage and Maintenance Facility (Bowling Green)	\$1,000,000
XX	Wood County Educational Service Center	\$750,000
XY	Positive Community Connections Center Project (Bowling Green)	\$600,000
XZ	Wood County Committee on Aging	\$500,000
YA	City of Perrysburg	\$200,000
YB	North Baltimore Public Library Emergency Repairs	\$100,000
YC	Wood County Public Library Heating Project	\$100,000
YD	Upper Sandusky Midway Industrial Park	\$400,000
YE	VFW Roof Repairs Carey Post 3759	\$20,712

**Sec. 207.37.**

156013

156014

1	2	3
A	YSU YOUNGSTOWN STATE UNIVERSITY	
B	Higher Education Improvement Fund (Fund 7034)	
C	<u>C34500 Basic Renovations</u>	<u>\$700,000</u>
D	C34565 IT Infrastructure Upgrades	\$952,498
E	C34586 Kilcawley Center Renovations	\$9,753,000
F	<del>C34591 Penguin City Brewing Company Upgrade Project</del>	<del>\$700,000</del>
G	C34592 Rich Center for Autism Building for Tomorrow	\$450,000
H	C34593 YNG Aviation Education Center	\$350,000
I	C34594 Regional Workforce Training and Community Wellness Center	\$250,000
J	C34595 Eastern Ohio Biztown Financial Literacy & Entrepreneurship Center	\$250,000
K	Higher Education Improvement Fund (Fund 7034) Total	\$12,705,498
L	TOTAL ALL FUNDS	\$12,705,498

**Sec. 221.15. COMMUNITY SUPPORT** 156015

The foregoing appropriation item C58050, Community 156016  
 Support, shall be used to support the projects listed in this 156017  
 section. 156018  
 156019

A	Cleveland Christian Home - Child Wellness Campus	\$1,500,000
B	Boys & Girls Club of Greater Cincinnati	\$1,400,000
C	Lindner Center	\$1,000,000
D	The Buckeye Ranch	\$1,000,000
E	Bellefaire Child and Youth Services Center	\$750,000
F	LADD Forever Home	\$720,000
G	Best Point West Cincinnati Early Childhood and Mental Health Center Construction	\$650,000
H	St. Vincent de Paul Child and Family Advocacy Center	\$600,000
I	Clark County Family Justice Center	\$500,000
J	Horses on the Hill	\$500,000
K	Netcare Facility Improvements	\$500,000
L	New Main Office for Community Counseling Center of Ashtabula County	\$500,000
M	Ravenwood Health Renovation	\$500,000
N	Toledo YWCA Domestic Shelter Project	\$500,000
O	Tri-County Response Center Project	\$500,000
P	Vista Village	\$500,000
Q	The Crossroads Center New Recovery Treatment Center	\$430,000

R	Applewood Centers Inc.	\$425,000
S	Harcum House	\$400,000
T	Maryhaven Residential Treatment Facility Improvements	\$400,000
U	May Dugan Center Renovation	\$400,000
V	YWCA of Greater Cincinnati Domestic Violence Shelter	\$400,000
W	Integrated Community Solutions Community Center	\$350,000
X	Shelby Health & Wellness Renovation Project	\$350,000
Y	Journey Center for Safety and Healing	\$300,000
Z	Alliance Area Domestic Violence Shelter	\$250,000
AA	Alliance YWCA Headquarters Improvements	\$250,000
AB	Ashtabula County Transitional Housing for Homeless Youth	\$250,000
AC	CommQuest Reception Project	\$250,000
AD	Lower Lights Christian Health Center	\$250,000
AE	Paint Creek Youth Center - Multipurpose Community Building	\$250,000
AF	St. Vincent Behavioral Health Project	\$250,000
AG	The Refuge - New Building	\$250,000
AH	Tobacco Treatment Center of Ohio	\$250,000

AI	Wayfinders Ohio Emergency Homeless Shelter	\$250,000
AJ	Addiction Services Council Facility Expansion	\$230,000
AK	Richland County Shelter Renovation Project	\$217,235
AL	Cincinnati Children's Hospital Youth Mental Health Facility	\$210,000
AM	Child Guidance & Family Solutions (CGFS) - Akron Project	\$200,000
AN	Child Guidance & Family Solutions (CGFS) - Stow Buildout	\$200,000
AO	Hancock County ADAMH Board	\$200,000
AP	Sanctuary Night - Expanding to Meet the Need	\$200,000
AQ	Canton Domestic Violence Shelter	\$175,000
AR	OhioGuidestone Youth and Family Resiliency Center	\$150,000
AS	Lorain County Safe Harbor	\$115,000
AT	Foundations Community Childcare, Inc. (FCC)	\$101,129
AU	Shelby Mercy Mission House Renovations	\$101,000
AV	Beyond the Walls	\$100,000
AW	Blue Line Foundation HQ & Regional Training Center	\$100,000
AX	Haven Home Renovations	\$100,000

AY	Livingston Avenue Community New Direction Project	\$100,000
AZ	Mansfield Domestic Violence Shelter Child Advocacy Center Renovation	\$100,000
BA	The Cocoon Project for Survivors of Domestic and Sexual Violence	\$100,000
BB	Toledo Lutheran Social Services Expansion Project	\$100,000
BC	Muskingum Behavioral Health Improvements	\$57,000
BD	Veterans Resource Center Project	\$50,000

<u>The Department of Behavioral Health shall distribute the</u>	156020
<u>foregoing earmark to Vista Village notwithstanding sections</u>	156021
<u>153.06 and 153.07 of the Revised Code.</u>	156022

<b>Sec. 243.10.</b>	156023
	156024

1	2	3
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A	PWC PUBLIC WORKS COMMISSION	
B	State Capital Improvements Fund (Fund 7038)	
C	C15000 Local Public Infrastructure	\$415,000,000
D	State Capital Improvements Fund (Fund 7038) Total	\$415,000,000
E	State Capital Improvements Revolving Loan Fund (Fund 7040)	
F	C15030 Revolving Loan	\$100,000,000
G	State Capital Improvements Revolving Loan Fund (Fund	\$100,000,000

7040) Total	
H Clean Ohio Conservation Fund (Fund 7056)	
I C15060 Clean Ohio Conservation	\$75,300,000
J Clean Ohio Conservation Fund (Fund 7056) Total	\$75,300,000
K TOTAL ALL FUNDS	\$590,300,000

LOCAL PUBLIC INFRASTRUCTURE 156025

Capital appropriations in H.B. 2 of the 135th General 156026  
Assembly made from the State Capital Improvements Fund (Fund 156027  
7038) shall be used in accordance with sections 164.01 to 164.12 156028  
of the Revised Code. The Director of the Public Works Commission 156029  
may certify to the Director of Budget and Management that a need 156030  
exists to appropriate investment earnings to be used in 156031  
accordance with sections 164.01 to 164.12 of the Revised Code. 156032  
If the Director of Budget and Management determines pursuant to 156033  
division (D) of section 164.08 and section 164.12 of the Revised 156034  
Code that investment earnings are available to support 156035  
additional appropriations, such amounts are hereby appropriated. 156036

If the Public Works Commission receives refunds due to 156037  
project overpayments that are discovered during a post-project 156038  
audit, the Director of the Public Works Commission may certify 156039  
to the Director of Budget and Management that refunds have been 156040  
received. In certifying the refunds, the Director of the Public 156041  
Works Commission shall provide the Director of Budget and 156042  
Management information on the project refunds. The certification 156043  
shall detail by project the source and amount of project 156044  
overpayments received and include any supporting documentation 156045  
required or requested by the Director of Budget and Management. 156046

Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15000, Local Public Infrastructure/State CIP.

Of the foregoing appropriation item C15000, Local Public Infrastructure, \$15,000,000 under the Emergency Program shall be used to provide grants to communities to assist with road-slip emergency projects on nonstate roads or locally maintained routes and portions of interstates.

STATE CAPITAL IMPROVEMENT PROGRAM - SMALL GOVERNMENTS

Up to \$10,000,000 in fiscal year 2026 shall be used for State Capital Improvement Program (SCIP) projects, in accordance with section 164.08(B)(1) of the Revised Code, in townships with populations of less than five thousand persons within their unincorporated areas.

REVOLVING LOAN

Capital appropriations in H.B. 2 of the 135th General Assembly made from the State Capital Improvements Revolving Loan Fund (Fund 7040) shall be used in accordance with sections 164.01 to 164.12 of the Revised Code.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification

shall detail by project the source and amount of project 156076  
 overpayments received and include any supporting documentation 156077  
 required or requested by the Director of Budget and Management. 156078  
 Upon receipt of the certification, the Director of Budget and 156079  
 Management shall determine if the project refunds are necessary 156080  
 to support existing appropriations. If the project refunds are 156081  
 available to support additional appropriations, these amounts 156082  
 are hereby appropriated to appropriation item C15030, Revolving 156083  
 Loan. 156084

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 156085

Capital appropriations in H.B. 2 of the 135th General 156086  
 Assembly made from the Clean Ohio Conservation Fund (Fund 7056) 156087  
 shall be used in accordance with sections 164.20 to 164.27 of 156088  
 the Revised Code. 156089

Any amount in grant repayments received by the Public 156090  
 Works Commission and deposited into the Clean Ohio Conservation 156091  
 Fund pursuant to section 164.261 of the Revised Code is hereby 156092  
 appropriated through the foregoing appropriation item C15060, 156093  
 Clean Ohio Conservation. 156094

**Sec. 363.10.** 156095

	1	2	3
A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
B			Reappropriations
C	Building Improvement Fund (Fund 5KZ0)		
D	C10035	Building Improvement	\$210,942

E	TOTAL Building Improvement Fund	\$210,942
F	Administrative Building Taxable Bond Fund (Fund 7016)	
G	C10041 MARCS - Taxable	\$5,045,730
H	C10044 Lorain County MARCS Tower/Sheffield Lake	\$250,000
I	C10052 Symmes Valley Tower Project in Lawrence County	\$1,000
J	C10055 Highland County MARCS Tower	\$1,000
K	TOTAL Administrative Building Taxable Bond Fund	\$5,297,730
L	Administrative Building Fund (Fund 7026)	
M	C10000 Governor's Residence	\$2,536,996
N	C10010 Office Services Building Renovations	\$64,539
O	C10015 SOCC Renovations	\$622,172
P	C10019 25 S. Front Street Renovations	\$11,801
Q	C10020 North High Building Complex Renovations	\$400,000
R	C10021 Office Space Planning	\$5,000,000
S	C10034 Aronoff Center Systems Replacements and Upgrades	\$1,150,000
T	C10038 Riffe Renovations	\$710,702

U	C10042	IT Projects	\$4,000,000
V	C10051	Fleet Sustainability	\$250,000
W	TOTAL Administrative Building Fund		\$14,746,210
X	Capital IT Projects Fund (Fund 7091)		
Y	C10054	Statewide IT Projects	\$10,000,000
Z	TOTAL Capital IT Projects Fund		\$10,000,000
AA	TOTAL ALL FUNDS		\$30,254,882

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS	156097
SYSTEM	156098
<del>(A) There is hereby continued a Multi-Agency Radio-</del>	156099
<del>Communications System (MARCS) Steering Committee consisting of-</del>	156100
<del>the following members:</del>	156101
<del>(1) The directors, or designees thereof, of Administrative</del>	156102
<del>Services, Public Safety, Natural Resources, Transportation,</del>	156103
<del>Rehabilitation and Correction, and Budget and Management, and</del>	156104
<del>the State Fire Marshal or the State Fire Marshal's designee,</del>	156105
<del>(2) The following members appointed by the Governor:</del>	156106
<del>(a) One representative of the Ohio Chapter of the</del>	156107
<del>Association of Public Safety Communications Officials or its</del>	156108
<del>successor organization;</del>	156109
<del>(b) One representative of the Buckeye State Sheriff's</del>	156110
<del>Association or its successor organization;</del>	156111
<del>(c) One representative of the Ohio Association of Chiefs</del>	156112
<del>of Police or its successor organization;</del>	156113

~~(d) One representative of the Ohio Fire Chiefs' Association or its successor organization.~~ 156114  
156115

~~(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party;~~ 156116  
156117  
156118

~~(4) Two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party.~~ 156119  
156120  
156121

~~(B) The Director of Administrative Services or the Director's designee shall chair the Committee.~~ 156122  
156123

~~(C) The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.~~ 156124  
156125  
156126  
156127  
156128  
156129  
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156131

~~(D) The Committee shall establish a subcommittee to represent MARCS users on the local government level. The chairperson of the subcommittee shall serve as a member of the MARCS Steering Committee.~~ 156132  
156133  
156134  
156135

~~(E) The foregoing appropriation item C10041, MARCS - Taxable, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, computer and telecommunications equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers. The Director of~~ 156136  
156137  
156138  
156139  
156140  
156141  
156142

Administrative Services shall, ~~with the concurrence of the MARCS Steering Committee,~~ determine the specific use of funds. 156143  
156144  
Expenditures from this appropriation shall not be subject to 156145  
Chapters 123. and 153. of the Revised Code. 156146

MEDINA COUNTY RADIO SYSTEM-SEVILLE TOWER 156147

The amount reappropriated for the foregoing appropriation 156148  
item C10057, Medina County Radio System-Seville Tower, is the 156149  
unencumbered balance as of June 30, 2024, in appropriation items 156150  
C230FM, Cultural and Sports Facilities Projects, earmarked for 156151  
Westfield Center Community Center ADA Improvement Project and 156152  
the Medina County and Brunswick Historical Societies 156153  
Project/Wadsworth Historical Society, and C58001, Community 156154  
Assistance Projects, earmarked for Westfield Center 156155  
Improvements. 156156

BUILDING IMPROVEMENT 156157

The amount reappropriated for the foregoing appropriation 156158  
item C10035, Building Improvement, is the unencumbered balance 156159  
as of June 30, 2024, in appropriation item C10035, Building 156160  
Improvement, plus up to \$293,343. Prior to the expenditure of 156161  
this additional appropriation, the Department of Administrative 156162  
Services shall certify to the Director of Budget and Management 156163  
canceled encumbrances up to \$293,343 from appropriation item 156164  
C10035, Building Improvement. 156165

MARCS - TAXABLE 156166

The amount reappropriated for the foregoing appropriation 156167  
item C10041, MARCS - Taxable, is the unencumbered balance as of 156168  
June 30, 2024, in appropriation item C10041, MARCS - Taxable, 156169  
plus up to \$45,731. Prior to the expenditure of this additional 156170  
appropriation, the Department of Administrative Services shall 156171

certify to the Director of Budget and Management canceled 156172  
encumbrances up to \$45,731 from appropriation item C10041, MARCS 156173  
- Taxable. 156174

LORAIN COUNTY MARCS TOWER/SHEFFIELD LAKE 156175

The amount reappropriated for the foregoing appropriation 156176  
item C10044, Lorain County MARCS Tower/Sheffield Lake, is the 156177  
unencumbered balance as of June 30, 2024, in appropriation item 156178  
C10044, Lorain County MARCS Tower/Sheffield Lake, plus the 156179  
unencumbered balance as of June 30, 2024, in appropriation item 156180  
C10048, Williams County MARCS Tower. 156181

OFFICE SERVICES BUILDING RENOVATIONS 156182

The amount reappropriated for the foregoing appropriation 156183  
item C10010, Office Services Building Renovations, is the 156184  
unencumbered balance as of June 30, 2024, in appropriation item 156185  
C10010, Office Services Building Renovations, plus up to 156186  
\$64,539. Prior to the expenditure of this additional 156187  
appropriation, the Department of Administrative Services shall 156188  
certify to the Director of Budget and Management canceled 156189  
encumbrances up to \$64,539 from appropriation item C10010, 156190  
Office Services Building Renovations. 156191

SOCC RENOVATIONS 156192

The amount reappropriated for the foregoing appropriation 156193  
item C10015, SOCC Renovations, is the unencumbered balance as of 156194  
June 30, 2024, in appropriation item C10015, SOCC Renovations, 156195  
plus up to \$873,760. Prior to the expenditure of this additional 156196  
appropriation, the Department of Administrative Services shall 156197  
certify to the Director of Budget and Management canceled 156198  
encumbrances up to \$873,760 from appropriation item C10015, SOCC 156199  
Renovations. 156200

25 S. FRONT STREET RENOVATIONS	156201
The amount reappropriated for the foregoing appropriation	156202
item C10019, 25 S. Front Street Renovations, is the unencumbered	156203
balance as of June 30, 2024, in appropriation item C10019, 25 S.	156204
Front Street Renovations, plus up to \$28,717. Prior to the	156205
expenditure of this additional appropriation, the Department of	156206
Administrative Services shall certify to the Director of Budget	156207
and Management canceled encumbrances up to \$28,717 from	156208
appropriation item C10019, 25 S. Front Street Renovations.	156209
ARONOFF CENTER SYSTEMS REPLACEMENTS AND UPGRADES	156210
The amount reappropriated for the foregoing appropriation	156211
item C10034, Aronoff Center Systems Replacements and Upgrades,	156212
is the unencumbered balance as of June 30, 2024, in	156213
appropriation item C10034, Aronoff Center Systems Replacements	156214
and Upgrades, plus up to \$385,580. Prior to the expenditure of	156215
this additional appropriation, the Department of Administrative	156216
Services shall certify to the Director of Budget and Management	156217
canceled encumbrances up to \$385,580 from appropriation item	156218
C10034, Aronoff Center Systems Replacements and Upgrades.	156219
RIFFE RENOVATIONS	156220
The amount reappropriated for the foregoing appropriation	156221
item C10038, Riffe Renovations, is the unencumbered balance as	156222
of June 30, 2024, in appropriation item C10038, Riffe	156223
Renovations, plus up to \$11,514. Prior to the expenditure of	156224
this additional appropriation, the Department of Administrative	156225
Services shall certify to the Director of Budget and Management	156226
canceled encumbrances up to \$11,514 from appropriation item	156227
C10038, Riffe Renovations.	156228
<b>Sec. 371.20. COMMUNITY SUPPORT</b>	156229

The foregoing appropriation item C58050, Community Support, shall be equal to the amount of all projects specified in this section, unless the amounts are released prior to June 30, 2024, plus any unexpended amounts in appropriation item C58001, Community Assistance Projects, for projects that are not specified in this section, if the Director of Budget and Management determines that such amounts are needed to complete the projects for which they were appropriated.

The amount reappropriated for the foregoing appropriation item C58050, Community Support, is the unencumbered balance as of June 30, 2024, in appropriation item C58050, Community Support, plus the unencumbered balance as of June 30, 2024, in appropriation items C25537, YMCA Dayton - Huber Heights Campus, minus \$250,000, C58033, Transforming Vital Services, C58044, Women Community Reentry Project, and C58046, Seek Inc., plus a portion of the unencumbered balance as of June 30, 2024, in appropriation item C58001, Community Assistance Projects, needed to complete the projects specified in this section.

The amount reappropriated for the foregoing appropriation item C58050, Community Support, earmarked for Dayton Boys and Girls Club (Miami Chapel Inspire Zone), is the unencumbered balance as of June 30, 2024, in appropriation item C37755, Comprehensive Outpatient Program Expansion (COPE).

The amount reappropriated for the foregoing appropriation item C58050, Community Support, earmarked for Faith Mission Life Safety and Critical Improvements, is the unencumbered balance as of June 30, 2024, in appropriation items C315HS, Charitable Pharmacy and Market, C315IT, Culture Markets, C315JC, Negev Foundation - Smart Water Stations, C58001, Community Assistance Projects, earmarked for Save a Warrior Project and YWCA Family

Center - Columbus, and C725E2, Local Parks, Recreation, and	156260
Conservation Projects, earmarked for Harrisburg Baseball	156261
Complex.	156262
	156263

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A	Project List	
B	Gracehaven-Multipurpose Building	\$2,500,000
C	Dayton Boys and Girls Club (Miami Chapel Inspire Zone)	\$1,000,000
D	Cuyahoga County Mental Health Diversion Center	\$1,700,000
E	Bellefaire Jewish Children's Bureau Child and Youth Service Center	\$1,000,000
F	Greater Dayton Regional Hospital Association	\$800,000
G	Cleveland Clinic Akron General	\$700,000
H	Cleveland Christian Home	\$700,000
I	Providence House East Side Campus Community Hub	\$700,000
J	Faith Mission Life Safety and Critical Improvements	\$560,000
K	Neighborhood Alliance YMCA Renovation	\$500,000
L	<del>Unison Health Poe Road Crisis Residential</del>	\$500,000

	<u>Center</u> <u>Whitney Manor</u>	
M	Lorain County Health and Dentistry	\$500,000
N	Tri-County Board of Recovery and Mental Health Services	\$450,000
O	Medina County Emergency Housing Shelter	\$450,000
P	Providence House	\$400,000
Q	Ashtabula City - Samaritan House	\$400,000
R	May Dugan Building Renovation and Expansion	\$350,000
S	Western Reserve Area on Aging	\$300,000
T	Alvis House	\$300,000
U	Tiffin Community Kitchen	\$300,000
V	House of Hope-Friends of the Homeless	\$300,000
W	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$250,000
X	Adams County	\$250,000
Y	Cedar Hills Transformation Camp	\$250,000
Z	YWCA Greater Cincinnati Domestic Violence Shelter East	\$250,000
AA	Sisters of Charity Health System and	\$250,000

	Sisters of Charity Foundation of Cleveland	
AB	Center for Addiction Treatment Recovery House	\$250,000
AC	TCH Outpatient Community Behavioral Health (Best Point) Building	\$250,000
AD	Toledo YWCA Domestic Violence Shelter	\$250,000
AE	CHC Addiction Services	\$250,000
AF	West Dayton Community Services Center (Easter Seals Miami Valley)	\$200,000
AG	CommQuest Recovery Campus Improvements	\$200,000
AH	Star House	\$200,000
AI	Union Miles Development Corp (Walt Collins Veterans Housing Facility)	\$200,000
AJ	Washington County Boys and Girls Club	\$175,000
AK	City of Franklin	\$150,000
AL	Y-Haven YMCA of Greater Cleveland	\$150,000
AM	Pathways for Women	\$150,000
AN	Square One Meigs	\$150,000
AO	Maryhaven	\$125,000
AP	Uptown Smiles Clinical Renovations	\$125,000

AQ	Forbes House Domestic Violence Project	\$120,000
AR	Henry County	\$110,000
AS	Seven Hills Trauma Recovery Center	\$105,000
AT	CommQuest	\$100,000
AU	Comprehensive Health Care at the Centers, Gordon Square	\$100,000
AV	Y-Haven YWCA of Greater Cleveland	\$100,000
AW	Women's Resource Center of Hancock County	\$100,000
AX	YMCA Competitive Sports Training Facility	\$75,000
AY	Grace House Akron, Inc.	\$50,000
AZ	Cadence Care Network Family and Community Resource Center	\$50,000
BA	Cornerstone of Hope	\$50,000
BB	Harbor Crisis Stabilization Unit	\$50,000
BC	Homesafe - Ashtabula	\$40,000
BD	The Commons at Springfield	\$25,000
BE	Women's Recovery Center	\$13,000

**Sec. 373.15.** The foregoing appropriation item C725E2, 156264  
Local Parks, Recreation, and Conservation Projects, shall be 156265  
equal to the amount of all unreleased local parks projects and 156266

allowable administrative costs specified in this section, unless 156267  
amounts are released prior to June 30, 2024. 156268

Of the foregoing appropriation item C725E2, Local Parks, 156269  
Recreation, and Conservation Projects, an amount equal to two 156270  
per cent of the projects listed may be used by the Department of 156271  
Natural Resources for the administration of local projects. 156272

The amount reappropriated for the foregoing appropriation 156273  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156274  
earmarked for Mandel Jewish Community Center Preston's H.O.P.E. 156275  
Playground, is the unencumbered balance as of June 30, 2024, in 156276  
appropriation item C26086, Mandel Jewish Community Center. 156277

The amount reappropriated for the foregoing appropriation 156278  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156279  
earmarked for Geller Park Pickleball Court Complex, is the 156280  
unencumbered balance as of June 30, 2024, in appropriation item 156281  
C315GR, Heath Port Authority Primary Standards Lab, minus 156282  
\$41,000. 156283

The amount reappropriated for the foregoing appropriation 156284  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156285  
earmarked for Lake Erie Council - Boys Scouts of America 156286  
Beaumont Scout Camp, is the unencumbered balance as of June 30, 156287  
2024, in appropriation item C38335, Lake Erie Council - Boys 156288  
Scouts of America Beaumont Scout Camp. 156289

The amount reappropriated for the foregoing appropriation 156290  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156291  
earmarked for Lima Simmons Field Sports Complex, is the 156292  
unencumbered balance as of June 30, 2024, in appropriation item 156293  
C38124, Allen County Airport Communications. 156294

The amount reappropriated for the foregoing appropriation 156295

item C725E2, Local Parks, Recreation, and Conservation Projects, 156296  
earmarked for Beverly Island Park Bridge and Mid-Ohio Aquatic 156297  
Center, is the unencumbered balance as of June 30, 2024, in 156298  
appropriation item C230FM, Cultural and Sports Facilities 156299  
Projects, earmarked for the Carnes Center. 156300

The amount reappropriated for the foregoing appropriation 156301  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156302  
earmarked for Rootstown TWP Community Park Improvements Project, 156303  
is the unencumbered balance as of June 30, 2024, in 156304  
appropriation item C23062, Village of Edinburg Veterans 156305  
Memorial. 156306

The amount reappropriated for the foregoing appropriation 156307  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156308  
earmarked for Lagore Memorial Dog Park at Caesar Creek, is the 156309  
unencumbered balance as of June 30, 2024, in appropriation item 156310  
C230FM, Cultural and Sports Facilities Projects, earmarked for 156311  
Warren County Community Services. 156312

The amount reappropriated for the foregoing appropriation 156313  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156314  
earmarked for Versailles Heritage Park, is the unencumbered 156315  
balance as of June 30, 2024, in appropriation item C230J7, 156316  
Cardinal Center. 156317

The amount reappropriated for the foregoing appropriation 156318  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156319  
earmarked for GRIT Chesapeake Community Center, is the 156320  
unencumbered balance as of June 30, 2024, in appropriation item 156321  
C32231, GRIT Chesapeake Community Center. 156322

The amount reappropriated for the foregoing appropriation 156323  
item C725E2, Local Parks, Recreation, and Conservation Projects, 156324

earmarked for Vienna Air Heritage Park, is the unencumbered 156325  
balance as of June 30, 2024, in appropriation item C34567, 156326  
Western Reserve Port Authority. 156327  
156328

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A	Project List	
B	Downtown Cleveland Lakefront Access Project	\$5,000,000
C	Mentor Erosion Mitigation	\$3,000,000
D	Heritage Trail Extension	\$2,500,000
E	Cleveland Tower City and Bedrock Development Activities	\$2,000,000
F	Smale Riverfront Park	\$1,700,000
G	Cincinnati Findlay Community and Recreation Center	\$1,200,000
H	Gateway to Freedom Park	\$1,200,000
I	Akron Area YMCA Camp Y-Noah Capital Improvement	\$1,000,000
J	South Point Community Pool	\$1,000,000
K	Cincinnati Zoo and Botanical Garden Pedestrian Bridge	\$900,000
L	The Wilds RV Park and Campground	\$900,000
M	Conneaut Marina Improvement	\$850,000

N	Irishtown Bend and Canal Basin Park	\$850,000
O	Auglaize Mercer Recreational Complex	\$750,000
P	Copley Ridgewood Trail	\$750,000
Q	Delhi Towne Square	\$750,000
R	Environmental Education Pavilion at Forest Lawn Stormwater Park	\$750,000
S	Glen Helen Nature Preserve Accessibility Improvements	\$750,000
T	Sandusky Bay Pathway/Landing Park	\$750,000
U	<del>Seranton Trail Project</del> <u>Detroit Shoreway Project</u>	\$750,000
V	GRIT Chesapeake Community Center	\$750,000
W	Dublin Bridge Park and Greenways Project	\$650,000
X	Kurt Tunnell Memorial Trail	\$500,000
Y	Massillon Park Splash Pad	\$500,000
Z	North Ridgeville Mills Creek	\$500,000
AA	Oak Harbor Waterfront	\$500,000
AB	Sidney Feeder Canal Bike Trail	\$500,000
AC	The Foundry	\$500,000
AD	Geneva Township Park - Old Lake Road Shoreline	\$450,000

Restoration		
AE	Hamilton-Clover Groff Trail Project	\$450,000
AF	McCord Park Renovations	\$450,000
AG	Mentor Marsh Observation Tower	\$450,000
AH	Wadsworth Memorial Park Improvements	\$420,000
AI	Mosquito Creek Lake Park Improvements	\$404,000
AJ	Buckeye Lake Feeder Channel Restoration	\$400,000
AK	Chagrin Meadows Preserve	\$400,000
AL	Kelleys Island East Lakeshore Shoreline Protection	\$400,000
AM	Lake Metroparks Lake Erie Shoreline Trail and Revetment Wall	\$400,000
AN	McDonald Commons Renovation and Construction	\$400,000
AO	Solon to Chagrin Falls Multi- Purpose Trail	\$400,000
AP	Lake Erie Council - Boys Scouts of America Beaumont Scout Camp	\$350,000
AQ	Dover Riverfront <del>Trail Connector</del> <u>Park Improvements</u>	\$350,000
AR	Alum Creek Pedestrian/Bike Bridge - Bexley	\$350,000
AS	Boeckling Building Pier	\$350,000

AT	Elyria Intergenerational Community Center	\$350,000
AU	Fairport Harbor Marina Boat Launch	\$350,000
AV	Gateway Regional Sports Complex	\$350,000
AW	Wauseon Community Social and Recreational Center	\$350,000
AX	Sheffield Village French Creek Project	\$325,000
AY	Lima Simmons Field Sports Complex	\$300,000
AZ	Camp Joy	\$300,000
BA	Canal Fulton Community Park	\$300,000
BB	Chagrin River Trail	\$300,000
BC	Creston Community Park Renovations	\$300,000
BD	Glenford Earthworks Phase III	\$300,000
BE	Kalida St. Michael Holy Name Ballpark	\$300,000
BF	Magic Mile Trail	\$300,000
BG	Massillon Park Splash Pad	\$300,000
BH	Mayerson JCC Expansion	\$300,000
BI	Niles Bike Path Bridge Improvements	\$300,000
BJ	North Canton Price Park Recreation and Accessibility Improvements	\$300,000
BK	Plain Township Diamond Park Historic Barn	\$300,000

BL	Portage Lakes Drive Community Park	\$300,000
BM	Reservoir Connector Trail Phase 2	\$300,000
BN	Solon-Chagrin Falls Multi-purpose Trail	\$300,000
BO	Wadsworth City Park	\$300,000
BP	Grailville Park Improvements	\$260,000
BQ	Cave Lake Center for Community Leadership	\$250,000
BR	Coke Oven Community Civic Center Park	\$250,000
BS	Rotary Lodge at River Cliff Park Renovation	\$250,000
BT	Covington - Schoolhouse Park	\$250,000
BU	Heights to Hudson Trail	\$250,000
BV	J. Babe Stern Ball Field	\$250,000
BW	Johnstown Splash Pad	\$250,000
BX	Lockington Trail Bridge	\$250,000
BY	SPIRE Institute and Academy	\$250,000
BZ	Timken Gatehouse Renovation	\$250,000
CA	West Carrollton Whitewater Park	\$250,000
CB	Wooster Barnes Preserve	\$250,000
CC	Beverly Island Park Bridge	\$250,000

CD	Mid-Ohio Aquatic Center	\$250,000
CE	Vienna Air Heritage Park	\$250,000
CF	Valleyview Park	\$240,000
CG	Cave Lake Dam	\$225,000
CH	Dan Beard Scout Camp Flooding and Erosion Mitigation	\$223,000
CI	Chillicothe Paint Creek Recreational Trail	\$215,000
CJ	Lawrence County Union Rome Trails and Walkways	\$214,000
CK	Mandel Jewish Community Center Preston's H.O.P.E Playground	\$210,000
CL	Geller Park Pickleball Court Complex	\$210,000
CM	Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$200,000
CN	Camp Oty'Okwa Capital Improvements	\$200,000
CO	Center Gateway Improvement Project - Rocky River	\$200,000
CP	Centerville Benham's Grove	\$200,000
CQ	City of Monroe Lookout Point	\$200,000
CR	Franklin Furnace Park	\$200,000
CS	Great Miami River Trail - Middletown to Monroe Segment Construction Project	\$200,000

CT	Home Road Trail Extension	\$200,000
CU	Lorain County Metro Park Connector	\$200,000
CV	Mayerson JCC Improvements	\$200,000
CW	Mount Aloysius Community Recreational Center	\$200,000
CX	Munson Springs Nature Preserve and Historical Site	\$200,000
CY	Portage Bike and Hike Trail - Mill Race Segment	\$200,000
CZ	Shared Use Path Connector (Goosepond Road-Licking Health Department)	\$200,000
DA	Sheffield Village Trails	\$200,000
DB	Union and Rome Township Trails Project	\$200,000
DC	Shawnee West Buckeye Trail	\$195,000
DD	Jim Terrell Park Canoe/Kayak Launch	\$190,000
DE	Darke County Art Trail	\$180,000
DF	Bryn Du Barn	\$175,000
DG	Norton Bicentennial Park	\$175,000
DH	Antrim Community Center	\$150,000
DI	Brown County Board of Developmental Disabilities Resource and Community Center	\$150,000

DJ	Buckeye Lake Boat Ramps and Pier Enabling Project	\$150,000
DK	Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$150,000
DL	Forest Park Central Park Improvements	\$150,000
DM	Lancaster All Accessible Sports Complex and Park	\$150,000
DN	Mansfield B&O Trail Connector	\$150,000
DO	Mansfield Central Park	\$150,000
DP	Medina County Rocky River Trail West Branch	\$150,000
DQ	Mill Creek Valley Conservancy District Corridor Revitalization	\$150,000
DR	Mount Gilead Park Site Preparations	\$150,000
DS	North Kingsville Village - Community Park	\$150,000
DT	North Olmsted Community Park Improvements	\$150,000
DU	Pickerington Soccer Association Facility Improvements	\$150,000
DV	Restore Rockefeller	\$150,000
DW	Rio Grande Reservoir and Park Improvements	\$150,000
DX	Swanton Railroad Park	\$150,000
DY	Wellsville Marina Dredging	\$150,000

DZ	West Union SR 41 Shared Use Path Phase II	\$140,000
EA	Bellefontaine Blue Jacket Park	\$135,000
EB	Wadsworth Durling Park Improvements	\$135,000
EC	Carey Splash Pad	\$125,000
ED	Fairlawn Gully Water Quality Basins	\$125,000
EE	Flight Line: East Dayton Rails-to-Trails	\$125,000
EF	Friedt Park	\$125,000
EG	Old Murray City School Building Demolition	\$125,000
EH	Willard Park Improvements	\$110,000
EI	Lodi's Richman Field Splash Pad	\$105,000
EJ	Avon Lake Weiss Field Park Pavilion Replacement Project	\$100,000
EK	Brunswick Hills Township Park	\$100,000
EL	Sylvania Plummer Pool	\$100,000
EM	Cobblestone Park - Medina	\$100,000
EN	Columbia Township Wooster Pike Bike Trail	\$100,000
EO	Fairfax Ziegler Park Improvements	\$100,000
EP	Holden Arboretum All-Season Trails	\$100,000
EQ	Mansfield Sterkel Park	\$100,000

ER	Mecca Township Recreation Center	\$100,000
ES	Miracle Field Complex	\$100,000
ET	Mitchell Park Trail Connector	\$100,000
EU	Ottawa Memorial Pool Splash Pad	\$100,000
EV	Outdoor Theater and Performing Arts Community Park - Hillsboro	\$100,000
EW	Pickleball Courts at Patricia Allyn Park	\$100,000
EX	Plain City Heritage Trail	\$100,000
EY	The Pony Wagon Trail	\$100,000
EZ	The Wilds Shade and Shelter Improvements	\$100,000
FA	Veterans Memorial at Rose Run Park	\$100,000
FB	Village of Bellville Historic Bandstand Renovations	\$100,000
FC	Weatherstone Park - Wadsworth	\$100,000
FD	Whitehall Community Park Revitalization	\$100,000
FE	Acres of Adventure Learning Center	\$90,000
FF	Byesville Patriot Park	\$90,000
FG	Lagore Memorial Dog Park at Caesar Creek	\$75,000
FH	4-H Camp Piedmont Upgrades	\$75,000

FI	Brook Park Central Park	\$75,000
FJ	Buckeye Lake Crystal Lagoon	\$75,000
FK	Fairborn Memorial Park	\$75,000
FL	Geneva-on-the-Lake Shoreline Protection Project	\$75,000
FM	Independence Pool Facility Improvements	\$75,000
FN	Leipsic Buckeye Park	\$75,000
FO	Little Miami River Access and Park Development	\$75,000
FP	McConnelsville Community Recreational Building	\$75,000
FQ	Middleport-Pomeroy Walking Path Project Phase IV	\$75,000
FR	Mt. Sterling Mason Park	\$75,000
FS	New Concord Swimming Pool	\$75,000
FT	Outdoor Sports Court Revitalization - Springdale	\$75,000
FU	Sharon Nature Preserve Trails Phase I	\$75,000
FV	Summit Lake Vision Plan	\$75,000
FW	Hiestand Woods Park and Preserve	\$75,000
FX	Versailles Heritage Park	\$75,000
FY	Wadsworth Safety Town Park	\$75,000
FZ	Western Reserve Greenway Bike Trail	\$75,000

GA	Voice of America MetroPark Tylersville Road Entrance	\$70,000
GB	Ellsworth Hills Learning Lab	\$65,000
GC	Buckeye Trail East Fork Wildlife Area	\$57,000
GD	Avon Lake Veterans Park Gazebo	\$50,000
GE	Bellaire Walking Trail	\$50,000
GF	Big Walnut Trail Extension and Park	\$50,000
GG	Big Walnut Trail SE Columbus - Eastland Area	\$50,000
GH	Brunswick Lake ADA Canoe/Kayak Launch	\$50,000
GI	Buckeye Lake Crystal Lagoon and Public Park	\$50,000
GJ	Caldwell Race Track Upgrades	\$50,000
GK	Camp Sherman Park	\$50,000
GL	Center Ice Foundation	\$50,000
GM	Cleveland Botanical Garden Public Accessible Garden Path	\$50,000
GN	Drews Trak Memorial Pump Track Expansion	\$50,000
GO	Greenwich Reservoir Park	\$50,000
GP	Harmar Pedestrian Bridge Restoration Projects	\$50,000
GQ	Jeromesville Square Park	\$50,000

GR	Keener Park Renovations/Pickleball Courts	\$50,000
GS	Kelley Nature Preserve Boat Ramp	\$50,000
GT	Levitt Pavilion Dayton	\$50,000
GU	Madison Village Dana's Park	\$50,000
GV	Madison Village Wetland Trail	\$50,000
GW	Milford Center Rail Depot	\$50,000
GX	Millersport Lions Park	\$50,000
GY	P&G MLB Cincinnati Reds Youth Academy	\$50,000
GZ	Pomeroy Multimodal Path	\$50,000
HA	Prairie Trail/Stitt Park Improvements	\$50,000
HB	Richmond Heights Community Park Gazebo	\$50,000
HC	Salt Fork State Park	\$50,000
HD	Shade Community Center Upgrades	\$50,000
HE	Village of Bloomdale Reservoir Project	\$50,000
HF	West Union Pedestrian Bike Path	\$50,000
HG	Bruce L. Chapin Bridge- Northcoast Inland Trail	\$45,000
HH	Selby Building Revitalization	\$45,000
HI	Village of Dunkirk Splash Pad and Storage Building	\$45,000

HJ	Burr Oak State Park	\$44,000
HK	Chippewa Falls Rail Trail Parking Lot	\$40,000
HL	Chippewa Park Shelter House	\$40,000
HM	Monroe Community Park Activity Center	\$40,000
HN	Nimisila Park Excavating	\$40,000
HO	Rittman Splash Pad	\$40,000
HP	Waverly Canal Park	\$40,000
HQ	Rootstown TWP Community Park Improvements	\$35,000
HR	Jeromesville Community Garden	\$35,000
HS	Village of Highland Hills Gazebo	\$35,000
HT	Monroeville Clark Park - North Coast Inland Trail Connection	\$33,000
HU	Camp McKinley Improvements	\$30,000
HV	Keener Park Sledding Hill	\$30,000
HW	Perry Township Community Recreation Center	\$30,000
HX	Village of Weston Community Splash Pad	\$30,000
HY	Aurora Kayak Launch Platform	\$26,000
HZ	Blue Heron Park Trail Phase II	\$25,000
IA	Charlement Reservation Stable	\$25,000

IB	East Liverpool Park Improvements	\$25,000
IC	Gloria Glens Southwest Park Grading	\$25,000
ID	YMCA Auglaize-Mercer Recreation Complex	\$25,000
IE	Rayland Friendship Park Restroom Project	\$25,000
IF	Willshire Ballpark Enhancements	\$25,000
IG	Oakwood Community Park	\$22,610
IH	Blue Heron Park Flood Mitigation	\$20,000
II	Clifton to Yellow Springs Bike Trail	\$20,000
IJ	Hardin County Veterans Memorial Park	\$20,000
IK	Moser Park Concession Stand Replacement	\$20,000
IL	Zuck Riparian Preserve Trail	\$18,000
IM	Wakeman Trail Connector	\$17,000
IN	Sardinia Veteran's Community Park Revitalization	\$15,000
IO	Seville Memorial Park Public Restroom Facilities	\$15,000
IP	Kokosing Gap Trail	\$14,000
IQ	Village of Albany Bike Paths	\$10,000
IR	Paulding County Trails Project	\$7,500
IS	Buckeye Trail Boesel Easement Bridge	\$2,800

**Section 620.21.** That existing Sections 200.30 (as amended 156329  
by H.B. 54 of the 136th General Assembly), 207.37, 221.15 (as 156330  
amended by S.B. 54 of the 135th General Assembly), 243.10 (as 156331  
amended by H.B. 54 of the 136th General Assembly), 363.10, 156332  
371.20 (as amended by S.B. 54 of the 135th General Assembly), 156333  
and 373.15 (as amended by S.B. 54 of the 135th General Assembly) 156334  
of H.B. 2 of the 135th General Assembly are hereby repealed. 156335

**Section 620.30.** That Sections 335.20 and 757.60 of H.B. 33 156336  
of the 135th General Assembly are hereby repealed. 156337

**Section 620.40.** That Section 14 of H.B. 238 of the 135th 156338  
General Assembly be amended to read as follows: 156339

**Sec. 14.** ~~(A)~~ (A) (1) The Ohio Medical Quality Foundation, 156340  
described in section 3701.89 of the Revised Code, is retained 156341  
under division (E) of section 101.83 of the Revised Code and 156342  
expires as a statutory entity at the end of December 31, 2025. 156343

~~(B)~~ (2) It is the intent of the General Assembly, through 156344  
the repeal by ~~this act~~ H.B. 238 of the 135th General Assembly of 156345  
section 3701.89 of the Revised Code, to abolish the Ohio Medical 156346  
Quality Foundation as a statutory entity on January 1, 2026. 156347

~~(C)~~ (3) As soon as practicable ~~after the effective date of~~ 156348  
~~this section but not later than April 1, 2025~~, the Foundation, 156349  
through its corporate trustee, shall transfer all of its 156350  
remaining unencumbered funds, to the extent possible under law 156351  
and contract, to the Medical Quality Assurance Fund established 156352  
under section 113.78 of the Revised Code. 156353

~~(D)~~ (4) As soon as practicable after the transfer described 156354  
in division ~~(C)~~ (A) (3) of this section, the trustees of the 156355  
Foundation shall prepare a written report identifying the 156356  
following: 156357

~~(1)~~(a) Any encumbered funds unable to be transferred to the Medical Quality Assurance Fund, including the amounts still to be distributed pursuant to contracts in effect at the time of the report's preparation;

~~(2)~~(b) The duration of any contracts in effect at the time of the report's preparation;

~~(3)~~(c) The dates on which any remaining funds will be considered unencumbered.

The trustees shall submit the report to the Treasurer of State, Governor, Senate President, and Speaker of the House of Representatives.

~~(E) Following the repeal of section 3701.89 of the Revised Code on January 1, 2026, the Treasurer of State shall assume the contractual duties of the Foundation, its trustees, and its corporate trustee, as identified under any contracts in effect on that date. If any payments owed by the Foundation remain in arrears on or after January 1, 2026, the Treasurer of State may make the payments on behalf of the Foundation.~~

(5) For the purposes specified in this division divisions (A) (1) to (4) of this section and any others that the Treasurer of State considers necessary in winding down the affairs of the Foundation, the Treasurer of State shall be given access to the Foundation's records.

(B) (1) Not later than thirty days after the Treasurer of State receives notice under section 4731.226 of the Revised Code that the foundation described in that section has been created, the Treasurer of State shall transfer all unencumbered money remaining in the Medical Quality Assurance Fund to the monitoring organization under contract with the State Medical

<u>Board pursuant to section 4731.25 of the Revised Code.</u>	156387
<u>(2) Not later than thirty days after the monitoring</u>	156388
<u>organization receives the money transferred under division (B)</u>	156389
<u>(1) of this section, the monitoring organization shall submit</u>	156390
<u>the money to the foundation's governing board described in</u>	156391
<u>section 4731.226 of the Revised Code.</u>	156392
<u>(3) On January 1, 2026, or the thirtieth day after the</u>	156393
<u>foundation's governing board receives the money submitted</u>	156394
<u>division (B) (2) of this section, whichever is later, the</u>	156395
<u>governing board shall complete its initial disbursement of funds</u>	156396
<u>in accordance with section 4731.226 of the Revised Code.</u>	156397
<b>Section 620.41.</b> That existing Section 14 of H.B. 238 of	156398
the 135th General Assembly is hereby repealed.	156399
<b>Section 630.10.</b> That Section 6 of H.B. 150 of the 134th	156400
General Assembly is hereby repealed.	156401
<b>Section 630.20.</b> That Section 5 of S.B. 202 of the 134th	156402
General Assembly is hereby repealed.	156403
<b>Section 630.30.</b> That Section 5 of H.B. 554 of the 134th	156404
General Assembly (as amended by H.B. 101 of the 135th General	156405
Assembly) be amended to read as follows:	156406
<b>Sec. 5.</b> (A) This section applies to a community school	156407
described in Section 16 of H.B. 583 of the 134th General	156408
Assembly and to any other community school that is operated by a	156409
management company that operates a community school subject to	156410
that section.	156411
(B) Notwithstanding division (H) of section 3314.08 of the	156412
Revised Code, a community school established under Chapter 3314.	156413
of the Revised Code and to which this section applies may report	156414

to the Department of Education and Workforce the number of 156415  
students enrolled in the community school on a full-time 156416  
equivalent basis for the 2022-2023, 2023-2024, ~~and 2024-2025,~~ 156417  
and 2025-2026 school years using the lesser of the following: 156418

(1) The maximum full-time equivalency for the portion of 156419  
the school year for which the student is enrolled in the school; 156420

(2) The sum of one-sixth of the full-time equivalency 156421  
based on attendance for the portion of the school year for which 156422  
the student is enrolled in the school and one-sixth the full- 156423  
time equivalency based on each credit of instruction earned 156424  
during the enrollment period, not to exceed five credits. 156425

(C) (1) The Department of Education and Workforce shall 156426  
complete a review of each community school that reports the 156427  
full-time equivalency of students under division (B) of this 156428  
section in accordance with division (K) of section 3314.08 of 156429  
the Revised Code. 156430

(2) If the Department determines a school has been 156431  
overpaid based on a review completed under division (C) (1) of 156432  
this section, it shall require a repayment of the overpaid funds 156433  
and may require the school to establish a plan to improve the 156434  
reporting of enrollment. 156435

(D) Notwithstanding any provision to the contrary in the 156436  
Revised Code or the Administrative Code, for purposes of 156437  
reporting attendance and meeting minimum school year 156438  
requirements under sections 3313.48 and 3314.03 of the Revised 156439  
Code, a community school to which this section applies may 156440  
report attendance to the Department of Education and Workforce 156441  
consistent with the attendance policy approved by the governing 156442  
authority of the school. 156443

**Section 630.31.** That existing Section 5 of H.B. 554 of the 156444  
134th General Assembly (as amended by H.B. 101 of the 135th 156445  
General Assembly) is hereby repealed. 156446

**Section 701.30.** (A) As used in this section, "exempt 156447  
employee" has the same meaning as in section 124.152 of the 156448  
Revised Code, as amended by this act. 156449

(B) Effective July 1, 2025, any exempt employee paid in 156450  
accordance with section 124.152 of the Revised Code who is being 156451  
paid a salary or wage at step 6 of pay range 17 of the version 156452  
of pay schedule E-1 that was in effect before the effective date 156453  
of this section is eligible to move to step 7 of pay range 17 in 156454  
the pay schedule, provided the exempt employee did not advance a 156455  
step within the twelve-month period immediately preceding the 156456  
date on which the pay schedule takes effect. A step increase 156457  
pursuant to this division applies to the first day of the pay 156458  
period immediately following the pay period that includes July 156459  
1, 2025. 156460

(C) An exempt employee paid in accordance with section 156461  
124.152 of the Revised Code who is being paid a salary or wage 156462  
at step 6 of pay range 17 of the version of pay schedule E-1 156463  
that was in effect before the effective date of this section who 156464  
is ineligible under division (B) of this section to move up to 156465  
step 7 of pay range 17 in the pay schedule is eligible for 156466  
advancement in accordance with division (G) of section 124.15 of 156467  
the Revised Code. 156468

**Section 701.60.** When calculating the state appropriation 156469  
limitation for fiscal year 2028, the Governor shall determine 156470  
the limitation taking into account the amendments to or 156471  
enactments of sections 107.032 to 107.034 of the Revised Code 156472  
contained in Section 101.01 of this act. 156473

**Section 701.70.** All public officers whose compensation 156474  
cannot be changed during the officer's term under Ohio 156475  
Constitution, Article II, Section 20, shall continue receiving 156476  
for the remainder of the officer's term the amount the official 156477  
is entitled to under section 325.18, 505.24, or 507.09 of the 156478  
Revised Code before the effective date of the amendments to 156479  
those sections made by this act until the officer begins a new 156480  
term and may constitutionally receive the changed compensation 156481  
amount. 156482

**Section 701.90.** The Auditor of State shall conduct a 156483  
performance audit of the Public Utilities Commission of Ohio, 156484  
which shall include a review of the Ohio Power Siting Board, in 156485  
accordance with sections 117.46 to 117.463 of the Revised Code. 156486  
The Auditor of State shall release the audit not later than May 156487  
1, 2027. 156488

**Section 701.100.** The Rare Disease Advisory Council shall 156489  
prepare and submit a final report to the General Assembly, in 156490  
accordance with division (B) of section 101.68 of the Revised 156491  
Code, not later than December 31, 2025. 156492

**Section 701.110.** (A) Each agency to which section 121.93 156493  
of the Revised Code applies shall review its operations to 156494  
identify principles of law or policy that have not been stated 156495  
in a rule and that the agency is relying upon in conducting 156496  
adjudications or other determinations of rights and liabilities 156497  
or in issuing writings and other materials, such as 156498  
instructions, directives, policy statements, guidelines, 156499  
handbooks, manuals, advisories, notices, circulars, 156500  
advertisements, forms, letters, and opinions. An agency is not 156501  
required to identify principles of law or policy relied upon in 156502  
issuing internal management rules as defined in section 111.15 156503

of the Revised Code. 156504

Not later than November 30, 2025, each agency to which 156505  
section 121.93 of the Revised Code applies shall electronically 156506  
transmit a report to the Joint Committee on Agency Rule Review 156507  
containing all of the following: 156508

(1) A statement that the agency has completed the review 156509  
required by this section; 156510

(2) The principles of law or policies identified under 156511  
this division; 156512

(3) The agency's considerations regarding the identified 156513  
principles of law or policies under division (B) of this 156514  
section; 156515

(4) Any principles of law or policies for which the agency 156516  
determines rulemaking is indicated or for which the agency has 156517  
commenced the rule-making process under division (B) of this 156518  
section. 156519

(B) The Joint Committee on Agency Rule Review shall make 156520  
the reports available on its web site. 156521

(C) Each agency to which section 121.93 of the Revised 156522  
Code applies shall determine whether a principle of law or 156523  
policy identified in a review required under this section has a 156524  
general and uniform operation and establishes a legal regulation 156525  
or standard that would not exist in its absence. If the 156526  
principle of law or policy has these characteristics, the agency 156527  
shall evaluate the principle or policy using the standards in 156528  
division (B) of section 121.93 of the Revised Code, as amended 156529  
by this act, to determine whether the principle of law or policy 156530  
should be supplanted by its restatement in a rule. If the agency 156531  
determines, in light of the standards, that rulemaking is 156532

indicated, the agency shall commence the rule-making process in 156533  
accordance with divisions (C) and (D) of section 121.93 of the 156534  
Revised Code, as amended by this act. 156535

**Section 701.120.** (A) As used in this section, "state 156536  
agency" and "regulatory restriction" have the same meaning as in 156537  
section 121.95 of the Revised Code, as amended by this act. 156538

(B) Not later than November 30, 2025, a state agency shall 156539  
prepare a report reviewing every rule the agency has amended or 156540  
rescinded for the purpose of eliminating or reducing regulatory 156541  
restrictions in accordance with sections 121.95, 121.951, 156542  
121.952, and 121.953 of the Revised Code. In the report, the 156543  
state agency shall identify both of the following: 156544

(1) The number of regulatory restrictions the agency 156545  
actually eliminated or reduced; 156546

(2) The number of times the agency did both of the 156547  
following: 156548

(a) Removed or replaced "shall," "must," "require," "shall 156549  
not," "may not," "prohibit," or similar words in a portion of a 156550  
rule without eliminating or reducing regulatory restrictions; 156551

(b) Reported a removal or replacement described in 156552  
division (B) (2) (a) of this section as eliminating or reducing a 156553  
regulatory restriction in an historical report and revised 156554  
inventory required under section 121.951 of the Revised Code. 156555

(C) A state agency shall transmit the report required 156556  
under division (B) of this section electronically to the joint 156557  
committee on agency rule review. The joint committee shall 156558  
review the report and shall transmit it electronically to the 156559  
Speaker of the House of Representatives and the President of the 156560  
Senate. 156561

**Section 709.10.** Of the two additional members appointed to 156562  
the Ohio Grape Industries Committee under section 924.51 of the 156563  
Revised Code as amended by this act, the initial term of office 156564  
of one member shall be for a term of one year and the initial 156565  
term of office of one member shall be for a term of two years. 156566  
Thereafter, terms of those members shall be for three years as 156567  
provided in that section. 156568

**Section 719.10.** A clerk of a municipal court whose 156569  
compensation will change under the amendments to section 1901.31 156570  
of the Revised Code made by this act shall continue, until the 156571  
clerk begins a new term on or after the effective date of those 156572  
amendments, receiving the compensation the clerk is receiving 156573  
before the effective date of those amendments. 156574

**Section 731.10.** A county prevention specialist who is 156575  
serving an existing term on a child abuse and child neglect 156576  
regional prevention council in accordance with section 3109.172 156577  
of the Revised Code as of the effective date of this section may 156578  
complete the council member's term of office. 156579

**Section 733.20.** (A) Notwithstanding the repeal and 156580  
reenactment by this act of sections 3313.902, 3314.38, and 156581  
3345.86 of the Revised Code and the repeal by this act of 156582  
sections 3317.23, 3317.231, and 3317.24 of the Revised Code 156583  
effective July 1, 2026, any individual enrolled in a program 156584  
established under one of those sections may do either of the 156585  
following: 156586

(1) Complete the program in accordance with the applicable 156587  
section, as it existed prior to the section's repeal or repeal 156588  
and reenactment by this act, provided the individual completes 156589  
the program not later than June 30, 2027; 156590

(2) Complete a program described in section 3313.902, 156591  
3314.38, or 3345.86 of the Revised Code in accordance with the 156592  
applicable section, as enacted by this act. 156593

(B) The Department of Education and Workforce shall pay an 156594  
eligible institution or eligible provider as required by the 156595  
section under which the individual completes the program. 156596

**Section 733.30.** Notwithstanding anything to the contrary 156597  
in division (D) of section 3301.079 and section 3301.0715 of the 156598  
Revised Code, as amended by this act, for the 2025-2026 school 156599  
year, school districts, community schools established under 156600  
Chapter 3314., and STEM schools established under Chapter 3326. 156601  
of the Revised Code shall administer each diagnostic assessment 156602  
in accordance with those sections as they existed prior to the 156603  
effective date of their amendment by this act. 156604

**Section 733.40.** Notwithstanding anything to the contrary 156605  
in Revised Code, nothing prohibits any other community college, 156606  
as defined in section 3333.168 of the Revised Code, from serving 156607  
the counties previously served by Eastern Gateway Community 156608  
College under section 3354.24 of the Revised Code. 156609

Nothing in this section exempts a community college from 156610  
academic program approval by the Chancellor of Higher Education 156611  
under section 3333.04 of the Revised Code or from seeking 156612  
approval under rules adopted by the Chancellor. 156613

**Section 733.60.** The Department of Education and Workforce 156614  
shall establish and administer a community school transportation 156615  
pilot program for the 2025-2026 and 2026-2027 school years. 156616  
Under the pilot program, the Department shall assist community 156617  
schools established under Chapter 3314. of the Revised Code in 156618  
providing transportation services to their students in those 156619

school years. 156620

**Section 733.70.** (A) The Department of Education and 156621  
Workforce shall evaluate each sponsor of a community school 156622  
pursuant to section 3314.016 of the Revised Code for the 2025- 156623  
2026 school year. Each sponsor's rating for that school year 156624  
shall determine the sponsor's evaluation cycle under division 156625  
(B) (6) (b) of that section. 156626

(B) As the Office of Ohio School Sponsorship established 156627  
under section 3314.029 of the Revised Code assumes sponsorship 156628  
of Alternative Education Academy, also known as OHDELA, pursuant 156629  
to a settlement agreement with the community school effective 156630  
July 1, 2025, the Department shall not include the school when 156631  
calculating the academic component of the Office's sponsor 156632  
evaluation for the 2025-2026 and 2026-2027 school years. If the 156633  
Office continues to sponsor the school after the 2026-2027 156634  
school year, the Department shall include the school when 156635  
calculating the academic component of the Office's evaluation. 156636

**Section 733.80.** (A) The Director of Education and 156637  
Workforce shall establish a workgroup on student transportation. 156638  
The workgroup shall consist of members selected by the Director 156639  
and shall include representatives from each of the following: 156640

(1) The chairpersons of the standing committees of the 156641  
House of Representatives and the Senate that consider primary 156642  
and secondary education legislation; 156643

(2) The ranking members of the standing committees of the 156644  
House of Representatives and the Senate that consider primary 156645  
and secondary education legislation; 156646

(3) School districts, including districts from rural, 156647  
small town, suburban, and urban typologies; 156648

(4) Career-technical education centers;	156649
(5) Educational service centers;	156650
(6) Community schools established under Chapter 3314. of the Revised Code;	156651 156652
(7) Chartered nonpublic schools;	156653
(8) The Ohio Association for Pupil Transportation.	156654
(B) The workgroup shall do both of the following:	156655
(1) Monitor and review the student transportation system during the 2025-2026 school year and develop recommendations for changes to better meet the transportation needs of Ohio students;	156656 156657 156658 156659
(2) Conduct a study of and develop recommendations regarding the feasibility of each school district board of education providing transportation to students enrolled in a community school or nonpublic school on days that the community school or nonpublic school is open for operation with students in attendance but the school district is not open for operation with students in attendance on that day.	156660 156661 156662 156663 156664 156665 156666
(C) Not later than June 30, 2026, the workgroup shall submit to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, a report on its findings and recommendations. Upon submission of the report, the workgroup shall cease to exist.	156667 156668 156669 156670 156671
<b>Section 735.10.</b> This act first applies to the nomination of candidates for the office of member of the State Board of Education and the office of member of a board of education, and the election of those nominees at the following general election, beginning with the next primary election held in an	156672 156673 156674 156675 156676

even-numbered year that is held at least one hundred twenty days 156677  
after the effective date of this section. 156678

**Section 737.10.** (A) The Director of Environmental 156679  
Protection shall conduct a review to assess the motor vehicle 156680  
inspection and maintenance program that is implemented in 156681  
accordance with section 3704.14 of the Revised Code. The 156682  
Director shall include all of the following in the review: 156683

(1) A determination of the necessity of the program; 156684

(2) An evaluation of whether each county that is subject 156685  
to the program during the prior calendar year has achieved, and 156686  
has the ability to maintain, compliance with federal ozone 156687  
standards without implementation of the program in that county. 156688  
The evaluation shall include the most recent air quality 156689  
monitoring data and predictive modeling of future compliance. 156690

(3) An analysis of whether a revision to Ohio's state 156691  
implementation plan could be submitted to the United States 156692  
Environmental Protection Agency to discontinue the program while 156693  
maintaining compliance with national ambient air quality 156694  
standards. If the Director's analysis finds that compliance may 156695  
be achieved without participation in the program, the Director 156696  
shall formally submit a request to the United States 156697  
Environmental Protection Agency for reconsideration of the 156698  
program's implementation in affected regions. 156699

(4) After proper monitoring, an analysis of weather 156700  
patterns over northeast Ohio and the entire great lakes region 156701  
with respect to how those patterns impact ozone levels, air 156702  
circulation, and overall emissions. The analysis shall include a 156703  
review of temperature inversions, seasonal variations, and other 156704  
meteorological factors that could contribute to emissions 156705

buildup or dispersion. The analysis also shall evaluate current 156706  
ozone levels and how such weather patterns affect compliance 156707  
status with the national ambient air quality standards. 156708

(5) Any potential alternative measures for maintaining air 156709  
quality if the program is altered or discontinued. 156710

(B) Not later than eighteen months after the effective 156711  
date of this section, the Director shall compile the findings of 156712  
the review into a report. The Director shall submit the report 156713  
to the General Assembly and make the report available to the 156714  
public on the Environmental Protection Agency's web site. 156715

**Section 737.30.** Not later than ninety days after the 156716  
effective date of this section, the Director of Health shall 156717  
adopt rules in accordance with Chapter 119. of the Revised Code 156718  
to implement division (A) (22) of section 3718.02 of the Revised 156719  
Code. 156720

**Section 739.10.** AMBULANCE REIMBURSEMENT UNDER HEALTH 156721  
BENEFIT PLANS 156722

The amendment by this act of section 3902.51 of the 156723  
Revised Code applies to health benefit plans that are issued, 156724  
renewed, or modified in this state on or after the effective 156725  
date of this section. 156726

**Section 741.10.** (A) As used in this section, 156727  
"contributions," "contributory employer," "payments in lieu of 156728  
contributions," and "wages" have the same meanings as in section 156729  
4141.01 of the Revised Code. 156730

(B) Except as provided in division (E) of this section, 156731  
the Director of Job and Family Services shall, in accordance 156732  
with division (C) of this section, collect a technology and 156733  
customer service fee from all contributory employers and all 156734

nonprofit organizations, or groups of such organizations, that 156735  
elect to become liable for payments in lieu of contributions 156736  
under section 4141.241 of the Revised Code. 156737

(C) (1) The Director shall collect a technology and 156738  
customer service fee of not more than fifteen-hundredths of one 156739  
per cent of wages per employee subject to this chapter from each 156740  
contributory employer. The Director shall collect any fee due 156741  
under this section from a contributory employer at the same time 156742  
and in the same manner as contributions due under section 156743  
4141.25 of the Revised Code. 156744

(2) At the time a nonprofit organization, or group of such 156745  
organizations, that elects to become liable for payments in lieu 156746  
of contributions files or renews a surety bond with the Director 156747  
in accordance with division (C) of section 4141.241 of the 156748  
Revised Code, the Director shall collect a technology and 156749  
customer service fee of not more than thirteen dollars and fifty 156750  
cents from the organization or group of organizations. 156751

(D) Technology and customer service fees collected under 156752  
this section shall be paid into the Unemployment Compensation 156753  
Special Administrative Fund established in section 4141.11 of 156754  
the Revised Code. 156755

(E) The technology and customer service fee required under 156756  
this section applies only to the period beginning December 31, 156757  
2025, and ending December 31, 2027. 156758

**Section 745.10.** (A) As used in this section: 156759

(1) "Classic motor vehicle" has the same meaning as in 156760  
section 4517.021 of the Revised Code. 156761

(2) "Auctioned at no reserve" means an auction format in 156762  
which the seller or an agent of the seller does not reserve the 156763

right to any of the following:	156764
(a) Establishing a stated minimum bid;	156765
(b) Rejecting or accepting any or all bids;	156766
(c) Withdrawing the vehicle at any time prior to the completion of the auction by the auctioneer.	156767 156768
(3) "Auction firm" and "auction services" have the same meanings as in section 4707.01 of the Revised Code.	156769 156770
(B) Beginning on the effective date of this section through August 1, 2026, a person auctioning classic motor vehicles is exempt from the vehicle auction-related requirements and prohibitions of Chapter 4517. of the Revised Code, provided all of the following apply:	156771 156772 156773 156774 156775
(1) All of the vehicles that will be auctioned are classic motor vehicles;	156776 156777
(2) One or more of the vehicles will be auctioned on behalf of a nonprofit organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code and that is located in Ohio;	156778 156779 156780 156781
(3) Not less than three-fourths of the vehicles will be auctioned at no reserve;	156782 156783
(4) The auction will last not more than three days;	156784
(5) The auction will be held at an exposition center in the largest city by population in Ohio, according to the most recent federal decennial census;	156785 156786 156787
(6) The person requests and receives permission for the auction from the Registrar of Motor Vehicles in accordance with division (C) of this section.	156788 156789 156790

(C) (1) Not less than thirty days prior to the proposed date of the auction, the person intending to host an auction in accordance with division (B) of this section shall file an application requesting approval for the auction with the Registrar that contains all of the following:

- (a) The person's name and business address;
- (b) The location of the auction;
- (c) Evidence, sufficient to satisfy the Registrar, that the person does not exclusively sell motor vehicles;
- (d) Any necessary, reasonable, and relevant information that the Registrar may require to verify compliance with this section.

(2) The application shall be signed and sworn to by the applicant.

(D) The person hosting an auction in accordance with division (B) of this section shall do all of the following:

- (1) Auction any classic motor vehicle to the general public for the legal owner of the vehicle, of which ownership must be evidenced at the time of the auction by a valid certificate of title issued pursuant to Chapter 4505. of the Revised Code;
- (2) Keep a record of the following information for each classic motor vehicle offered for sale at the auction, in a manner prescribed by the Registrar:
  - (a) The certificate of title number, county, and state of registration;
  - (b) The year, make, model, and vehicle identification

number;	156818
(c) The name and address of the person offering the vehicle for sale;	156819 156820
(d) The name and address of any vehicle purchaser;	156821
(e) The date the vehicle is offered for sale;	156822
(f) Any purchase price;	156823
(g) The odometer reading at the time of the auction and an odometer statement from the person offering the vehicle for sale at auction that complies with 49 U.S.C. 32705.	156824 156825 156826
(3) Allow reasonable inspection by the Registrar of the person's records relating to each classic motor vehicle auctioned.	156827 156828 156829
(E) Any person who auctions classic motor vehicles under this section shall use the auction services of an auction firm to conduct the auction.	156830 156831 156832
(F) The Registrar may refuse permission to hold an auction if the Registrar finds that the parameters of the auction do not comply with division (B) of this section or that the applicant made a false statement of a material fact in the application filed under division (C) of this section.	156833 156834 156835 156836 156837
(G) The Registrar shall not authorize a person licensed under section 4707.072 of the Revised Code to offer auction services or act as an auctioneer in regard to an auction of classic motor vehicles pursuant to this section.	156838 156839 156840 156841
<b>Section 751.30.</b> (A) (1) The Child Care Provider Recruitment and Mentorship Grant Program is created in the Department of Children and Youth. Under the program, the Department shall	156842 156843 156844

award grants to eligible organizations for the following 156845  
purposes: 156846

(a) To increase, through recruitment efforts, Ohio's 156847  
supply of licensed child care providers, including at least one 156848  
hundred twenty new family child care homes, especially in areas 156849  
or communities of the state most in need of such care; 156850

(b) To assist entities and individuals recruited under the 156851  
program in establishing and operating child care businesses and 156852  
adopting business practices to best serve the needs of Ohio's 156853  
families. 156854

(2) The Department shall operate the program described in 156855  
division (A)(1) of this section until July 1, 2027. 156856

(3) Each grant recipient shall do all of the following 156857  
over the course of the recipient's grant period: 156858

(a) With the assistance of the Department and relevant 156859  
stakeholders, identify and recruit entities and individuals 156860  
interested in operating family child care homes, in particular, 156861  
in areas and communities with limited access to such homes; 156862

(b) Partner with prospective child care providers to 156863  
assist them in developing and implementing child care business 156864  
models; 156865

(c) Assist prospective child care providers in obtaining 156866  
licensure under Chapter 5104. of the Revised Code; 156867

(d) Mentor licensed child care providers in such topics as 156868  
operating, maintaining, and expanding child care businesses. 156869

(B) An organization seeking a program grant shall apply to 156870  
the Department in the manner prescribed by the Department. To be 156871  
eligible for a program grant, an applicant shall demonstrate 156872

that it is able to do all of the following: 156873

(1) In collaboration with the Department and relevant stakeholders, plan, staff, and hold events, either in-person or virtually, to identify and recruit prospective child care providers; 156874  
156875  
156876  
156877

(2) Develop informational materials to assist licensed child care providers with marketing, advertising, and outreach; 156878  
156879

(3) Establish a software platform, with a customizable dashboard, that may be accessed by licensed child care providers to assist them with tasks such as marketing their businesses, enrolling children, communicating with families, billing for services, and reporting expenses; 156880  
156881  
156882  
156883  
156884

(4) Offer and provide coaching and training to child care staff employed by licensed child care providers, which may include in-person, group training sessions, on-site coaching visits, community forums, and other events; 156885  
156886  
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(5) Perform any other activity the Department considers relevant. 156889  
156890

The Department shall review each application it receives under this section. After receiving an application it considers complete, the Department shall determine whether the applicant meets the eligibility conditions described in this division. If the eligibility conditions are met, and subject to available funds, the Department shall award a grant to the recipient. Each grant shall expire at the close of fiscal year 2027. 156891  
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(C) The Department shall require each grant recipient, as a condition of continued funding, to submit to the Department on a periodic basis reports describing the recipient's progress in partnering with, assisting, and mentoring prospective and 156898  
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156901

licensed child care providers, in particular the number and 156902  
content of trainings offered by the recipient, the types of 156903  
software or web site platforms the recipient makes available to 156904  
child care providers, and any other information the Department 156905  
considers necessary. The reports shall be completed and 156906  
submitted in the manner and at the intervals prescribed by the 156907  
Department. 156908

**Section 751.70.** Not later than December 31, 2027, the 156909  
Auditor of State shall conduct a performance and fiscal audit of 156910  
the Department of Medicaid's next generation system. The Auditor 156911  
of State shall submit a copy of the audit report to the 156912  
Executive Director of the Joint Medicaid Oversight Committee. 156913

In conducting the audit under this section, the Auditor of 156914  
State may examine any of the following components of the system: 156915

- (A) The Provider Network Management; 156916
- (B) The Ohio Medicaid Enterprise System; 156917
- (C) The Ohio Resilience Through Integrated Systems and 156918  
Excellence (OhioRISE) Program; 156919
- (D) The Electronic Data Interchange; 156920
- (E) The Medicaid state pharmacy benefit manager that was 156921  
selected in accordance with section 5167.24 of the Revised Code; 156922
- (F) Centralized Provider Credentialing; 156923
- (G) Prior authorization requirements; 156924
- (H) Issues with late payments to Medicaid providers; 156925
- (I) Any other aspects of the system that the Auditor of 156926  
State considers relevant. 156927

**Section 751.80.** PRIVATE INSURANCE OUTREACH PROGRAM 156928

During Fiscal Year 2027, the Department of Medicaid shall 156929  
create and administer an outreach program to provide 156930  
information, awareness, and assistance to Medicaid recipients to 156931  
help them transition from Medicaid to private insurance. 156932

**Section 751.90.** HIGH-THC CANNABIS IMPACT RESEARCH STUDY 156933

(A) As used in this section, "cannabis" and "THC" have the 156934  
same meanings as in section 3780.01 of the Revised Code. 156935

(B) The Department of Behavioral Health, in collaboration 156936  
with the Department of Commerce, shall conduct a study in 156937  
partnership with a qualified Ohio public university, public 156938  
safety agency, or research consortium selected by the Department 156939  
of Behavioral Health to assess the potential health risks and 156940  
benefits of cannabis and hemp-derived product use and to review 156941  
state-level program evaluations from other states and peer- 156942  
reviewed research regarding the following: 156943

(1) Physical, behavioral, cognitive, and 156944  
neurodevelopmental effects of chronic or early use of high- 156945  
potency THC cannabis products, particularly among individuals 156946  
under the age of twenty-five; 156947

(2) Cannabis-induced psychosis and schizophrenia; 156948

(3) Cannabis hyperemesis syndrome; 156949

(4) The relationship between cannabis use and depression, 156950  
anxiety, suicidal ideation, completed suicides, and cannabis use 156951  
disorder; 156952

(5) The relationship between cannabis use and cognitive 156953  
and neurodevelopmental impairments such as decline in memory and 156954  
executive functioning; 156955

(6) Disproportionate impacts of cannabis use on vulnerable 156956

populations, including youth, pregnant women, unborn children, 156957  
and individuals with a history of trauma or mental illness; 156958

(7) The relationship between cannabis use and IQ loss; 156959

(8) Recommended guidelines for potency and usage. 156960

(C) The Department of Behavioral Health shall submit two 156961  
reports to the Governor and the General Assembly in accordance 156962  
with section 101.68 of the Revised Code and shall publish a copy 156963  
of each report on the Department's web site. The initial report 156964  
shall be submitted by June 30, 2026, and the final report shall 156965  
be submitted by June 30, 2027. Each report shall include the 156966  
following: 156967

(1) A comparative analysis of THC regulations, potency 156968  
limits, and health outcomes from other states' cannabis 156969  
programs; 156970

(2) A synthesis of peer-reviewed research and reputable 156971  
state program data; 156972

(3) Recommendations for cannabis regulation, prevention 156973  
education, public education campaigns, and outreach efforts for 156974  
stakeholders such as the General Assembly, state agencies, 156975  
employers, educators, and the general public. 156976

(D) The Department of Behavioral Health shall seek the 156977  
input of the following as necessary to complete the report 156978  
required by division (C) of this section: 156979

(1) The Department of Health; 156980

(2) RecoveryOhio; 156981

(3) The Bureau of Workers' Compensation; 156982

(4) The Department of Public Safety; 156983

(5) The Attorney General;	156984
(6) The State Medical Board;	156985
(7) The Ohio High Intensity Drug Trafficking Area;	156986
(8) Prevention consultants certified by the Chemical Dependency Professionals Board;	156987 156988
(9) Children's hospitals.	156989
<b>Section 751.100. PLACEMENT OF CHILDREN IN GROUP HOMES</b>	156990
(A) As used in this section, "group home" has the same meaning as "group home for children" in section 5103.05 of the Revised Code.	156991 156992 156993
(B) The operator of a group home shall not displace a child who is placed in the group home as of the effective date of this section in order to comply with the ratio requirements established in rules adopted under division (B) (3) of section 5103.0520 of the Revised Code. The operator shall not accept the placement of additional children until the group home has complied with the ratio requirements.	156994 156995 156996 156997 156998 156999 157000
<b>Section 751.111. MONITORING OF FEDERAL MEDICAID CHANGES</b>	157001
(A) The Department of Medicaid shall monitor and track legislative enactments from the 119th Congress, including any federal policy changes related to the Medicaid program. As part of this monitoring and tracking, the Department shall identify state flexibilities, authorities, and requirements relating to program integrity, eligibility, accountability, and efficiency in the Medicaid program, including all of the following:	157002 157003 157004 157005 157006 157007 157008
(1) Changes related to presumptive eligibility determinations made by hospitals;	157009 157010

(2) The establishment of work requirements as a condition 157011  
of continued participation in the Medicaid program; 157012

(3) The establishment of new responsibilities on Medicaid 157013  
enrollees as a condition of continued participation in the 157014  
Medicaid program, such as cost sharing requirements or program 157015  
premiums. 157016

(B) If the Department identifies federal legislative or 157017  
policy changes, the Department shall conduct a feasibility study 157018  
regarding implementation of those changes. The study shall 157019  
evaluate the administrative costs related to implementing 157020  
changes, the level of effort and staffing resources needed to 157021  
implement and operate the changes, the necessary timeframe for 157022  
implementing the changes, and the estimated savings and costs 157023  
for implementing the changes. 157024

(C) The Department shall prepare and submit a report to 157025  
the Joint Medicaid Oversight Committee related to its findings 157026  
and recommendations that result from any feasibility study 157027  
conducted under this section. 157028

**Section 751.120.** The Department of Medicaid shall conduct 157029  
a request for information to study the feasibility of requiring 157030  
Medicaid managed care organizations to conduct internal data 157031  
cross checks. 157032

**Section 751.130.** (A) It is the intent of this state and 157033  
the General Assembly to create a sustainable developmental 157034  
disabilities service system grounded in quality, efficiency, and 157035  
accountability that ensures access to high-quality supports for 157036  
individuals with developmental disabilities now and in the 157037  
future. 157038

(B) The General Assembly shall establish a Legislative 157039

Committee on the Sustainability of the Developmental 157040  
Disabilities Service System, comprised of legislators and 157041  
supported by state agencies, individuals with developmental 157042  
disabilities, families of individuals with developmental 157043  
disabilities, service providers, and other stakeholders. The 157044  
committee shall develop a System Efficiency and Sustainability 157045  
Plan to guide the modernization and long-term viability of 157046  
Ohio's developmental disability service system. The plan shall 157047  
do the following: 157048

(1) Evaluate the current system structure, financing 157049  
mechanisms, and service delivery models to identify reforms that 157050  
improve efficiency, equity, and alignment with statewide goals; 157051

(2) Assess the adequacy, composition, and distribution of 157052  
the provider network, including analysis of provider capacity, 157053  
provider type, service deserts, and unmet needs across 157054  
populations and regions; 157055

(3) Examine the continuum of care to determine whether the 157056  
current system supports the full range of needs, including 157057  
access to specialized services and supports for individuals with 157058  
complex medical, behavioral, or forensic profiles; 157059

(4) Review case management and coordination practices and 157060  
explore the feasibility of alternative payment structures, such 157061  
as per member per month or value based, that reward quality, 157062  
outcomes, and system stewardship; 157063

(5) Identify and recommend strategies to reduce 157064  
fragmentation and streamline funding, with the goal of improving 157065  
coordination and reducing administrative burden; 157066

(6) Analyze the impact of unfunded mandates, compliance 157067  
costs, and regulatory complexity on providers and the 157068

sustainability of service delivery;	157069
(7) Develop a rate methodology that reflects the actual	157070
costs of service provision, including costs associated with	157071
compliance, training, quality expectations, and the unique needs	157072
of specific populations;	157073
(8) Promote innovation and cost-effective practices,	157074
including the use of technology such as telehealth, remote	157075
supports, and electronic health records, to enhance outcomes and	157076
reduce reliance on high-cost services;	157077
(9) Develop statewide quality and system performance	157078
measures that promote person-centered outcomes, accountability,	157079
and continuous improvement.	157080
(C) The Committee shall be composed of the following four	157081
members, appointed as follows:	157082
(a) One member of the House of Representatives appointed	157083
by the Speaker of the House of Representatives;	157084
(b) One member of the House of Representatives appointed	157085
by the Minority Leader of the House of Representatives;	157086
(c) One member of the Senate appointed by the President of	157087
the Senate;	157088
(d) One member of the Senate appointed by the Minority	157089
Leader of the Senate.	157090
(D) The Committee shall collaborate with the following	157091
stakeholders to create the System Efficiency and Sustainability	157092
Plan:	157093
(1) The Department of Medicaid;	157094
(2) The Department of Youth Services;	157095

(3) The Department of Health;	157096
(4) County boards of developmental disabilities;	157097
(5) The Ohio Provider Resource Association;	157098
(6) The Ohio Health Care Association;	157099
(7) The Ohio Association of County Boards of Developmental Disabilities;	157100 157101
(8) Individuals with developmental disabilities;	157102
(9) Family members of individuals with developmental disabilities;	157103 157104
(10) Independent providers of services to individuals with developmental disabilities;	157105 157106
(11) Agency providers of services to individuals with developmental disabilities;	157107 157108
(12) Advocacy and self-advocacy organizations;	157109
(13) Any other stakeholders identified by the Department of Developmental Disabilities.	157110 157111
(E) By June 30, 2026, the Committee shall submit the final System Efficiency and Sustainability Plan to the Joint Medicaid Oversight Committee and the General Assembly in accordance with section 101.68 of the Revised Code.	157112 157113 157114 157115
(F) The Committee ceases to exist on the submission of the report described in division (B) of this section.	157116 157117
<b>Section 751.140.</b> (A) (1) The Department of Job and Family Services shall conduct an analysis of the public assistance programs it administers, including the funding for those programs, to identify opportunities to do all of the following:	157118 157119 157120 157121

(a) Prioritize employment as the primary way to satisfy 157122  
work requirements in public assistance programs and make 157123  
training and education opportunities secondary objectives; 157124

(b) Help public assistance recipients obtain meaningful 157125  
employment; 157126

(c) Meet local workforce needs. 157127

(2) As part of its analysis, the Department may consider 157128  
state and federal regulations that conflict with the 157129  
Department's ability to successfully fulfill the requirements of 157130  
this section. 157131

(B) After conducting the analysis described in division 157132  
(A) of this section, the Department shall develop a strategic 157133  
plan to increase the number of individuals receiving public 157134  
assistance benefits that are employed. The plan may include 157135  
funding recommendations, including the reallocation of resources 157136  
related to work supports, work stabilization services, and 157137  
infrastructure for individualized case management in all 157138  
counties. 157139

(C) Not later than July 1, 2026, the Department shall 157140  
prepare and submit a report to the General Assembly in 157141  
accordance with section 101.68 of the Revised Code regarding the 157142  
analysis conducted and strategic plan established under this 157143  
section. 157144

**Section 757.10.** The amendment by this act of section 157145  
5747.05 of the Revised Code is intended to clarify the meaning 157146  
of that section as it existed before the effective date of this 157147  
section and is not intended to change the meaning in any way. 157148

**Section 757.20.** The amendment by this act of section 157149  
5747.40 of the Revised Code is intended to clarify the meaning 157150

of that section as it existed prior to the effective date of 157151  
 this section. It is not intended to change the meaning of 157152  
 section 5747.40 of the Revised Code in any way. 157153

**Section 757.40. BUSINESS INCENTIVE TAX CREDITS** 157154

In order to facilitate an understanding of business 157155  
 incentive tax credits, as defined in section 107.036 of the 157156  
 Revised Code, the following table provides an estimate of the 157157  
 amount of credits that may be authorized in each fiscal year of 157158  
 the 2026-2027 biennium, an estimate of the credits expected to 157159  
 be claimed in each fiscal year of that biennium, and an estimate 157160  
 of the amount of credits authorized that will remain outstanding 157161  
 at the end of that biennium. In totality, this table provides an 157162  
 estimate of the state revenue forgone due to business incentive 157163  
 tax credits in the 2026-2027 biennium and future bienniums. 157164  
 157165

	1	2	3	4	5	6
A	Biennial Business Incentive Tax Credit Estimates					
	(All Figures in Thousands of Dollars)					
B		Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Out- standing Credits		
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000
E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000

F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000
G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

**Section 757.60.** The amendment by this act of division (I) 157166  
of section 5747.08 of the Revised Code and section 5747.39 of 157167  
the Revised Code is intended to clarify the meaning of those 157168  
sections as they existed before the effective date of this 157169  
section and is not intended to change their meaning in any way. 157170

**Section 757.90.** (A) (1) The amendment by this act of 157171  
division (A) of section 5715.19 of the Revised Code is intended 157172  
to be a remedial measure and applies to original complaints 157173  
filed on or after the effective date of this section. 157174

(2) The amendment by this act of division (B) of section 157175

5715.19 of the Revised Code is intended to be a remedial measure and applies to tax year 2022 and after.

(3) The amendment or enactment by this act of division (I) of section 5715.19 of the Revised Code applies to agreements entered into on or after the effective date of this section.

(4) The enactment by this act of division (K) of section 5715.19 of the Revised Code applies to original complaints filed on or after the effective date of this section.

(B) The amendment by this act of section 5717.01 of the Revised Code is intended to be a remedial measure and applies to any appeal taken from a decision of a board of revision rendered on or after July 21, 2022, except that the amendment of that section prohibiting an appeal by a third party complainant, as defined in section 5715.19 of the Revised Code, applies to any appeal taken from a board of revision decision rendered on or after the effective date of this section.

**Section 757.110.** Notwithstanding section 5705.316 of the Revised Code, each county budget commission or, if applicable, joint budget commission, shall convene not later than October 31, 2025, to proceed as described in that section. At that meeting, the commission shall review the certification required for fiscal year 2025 under section 5705.36 of the Revised Code for each city, local, or exempted village school district in the county. If the carry-over balance in a district's general operating budget exceeds fifty per cent of the district's general fund expenditures made in that fiscal year, the commission shall reduce the rate of, or the annual amount of money to be raised by, any or all of the current expense taxes levied by the district for tax year 2025 to the extent described in section 5705.316 of the Revised Code. A board may, by

resolution certified to the commission on or before October 1, 157206  
2025, designate an amount of the district's carry-over balance 157207  
as reserved for current or future permanent improvements 157208  
expenditures, and the commission shall not consider the 157209  
designated amount as described in that section. If such funds 157210  
are not expended as designated within those three years, the 157211  
commission shall consider them as a part of the carry-over 157212  
balance in all subsequent years. 157213

This section does not apply to an island school district 157214  
or a joint state school district. 157215

**Section 757.120.** (A) The Tax Commissioner shall not make 157216  
adjustments in 2025 or 2026 to the income amounts in divisions 157217  
(A) (2) and (3) of section 5747.02 of the Revised Code, as 157218  
otherwise required by division (A) (5) of that section, or make 157219  
adjustments in 2025 or 2026 to the personal exemption amounts 157220  
prescribed in division (A) of section 5747.025 of the Revised 157221  
Code, as otherwise required by divisions (B) and (C) of that 157222  
section. 157223

(B) Notwithstanding any rule adopted pursuant to section 157224  
5747.06 of the Revised Code, the Tax Commissioner shall adjust 157225  
the income tax withholding rate tables published pursuant to 157226  
those rules to reflect all amendments to the income tax rates 157227  
prescribed in section 5747.02 of the Revised Code, as amended by 157228  
this act, such that not more than one hundred million dollars in 157229  
General Revenue Fund revenue is forgone in fiscal year 2026 and 157230  
not more than two hundred fifteen million dollars in General 157231  
Revenue Fund revenue is forgone in fiscal year 2027 as the 157232  
result of such adjustments. 157233

**Section 757.130.** The amendment by this act of sections 157234  
323.152 and 4503.065 of the Revised Code applies, in the case of 157235

property on the real property tax list, to tax year 2025 and, in 157236  
the case of property on the manufactured home tax list, to tax 157237  
year 2026. 157238

The Tax Commissioner shall not make adjustments for tax 157239  
year 2025 or 2026 to the income threshold and reduction amounts 157240  
described in divisions (A) (1) (b) (iii), (A) (1) (c) (i), (A) (2), and 157241  
(A) (3) of section 323.152 of the Revised Code, as otherwise 157242  
required by division (A) (1) (d) of that section, or make 157243  
adjustments for tax year 2026 or 2027 to the income threshold 157244  
and reduction amounts described in divisions (A) (2) (a) (iii), (A) 157245  
(2) (c) (iii), (A) (2) (b) (i), (A) (2) (d) (i), (B) (1), (B) (2), (C) (1), 157246  
and (C) (2) of section 4503.065 of the Revised Code, as otherwise 157247  
required by division (A) (2) (e) of that section. 157248

**Section 757.140.** The owner of a tax credit certificate 157249  
issued under section 122.852 of the Revised Code, as it existed 157250  
prior to that section's repeal by this act, may claim the credit 157251  
in the manner prescribed in that section and sections 5726.59, 157252  
5747.67, and 5751.55 of the Revised Code, as those sections 157253  
existed prior to their repeal by this act. 157254

**Section 757.150.** (A) For the first year in which the 157255  
property tax relief screening system established under section 157256  
5703.83 of the Revised Code is operational, notwithstanding 157257  
division (C) (3) of section 323.153 or division (B) (2) of section 157258  
4503.066 of the Revised Code, no charges, penalties, or interest 157259  
shall be imposed against a parcel of real property or a 157260  
manufactured or mobile home based on a determination under the 157261  
property tax relief screening system that the parcel or home 157262  
received one or more reductions for which the parcel or home was 157263  
not eligible, except if the county auditor determines that the 157264  
parcel or home's reduction was procured through fraud, a false 157265

statement, or a knowing omission as described in divisions (D), 157266  
(E), or (F) of section 323.153 or divisions (C), (D), or (E) of 157267  
section 4503.066 of the Revised Code. The county auditor and 157268  
county treasurer shall disqualify such ineligible parcels and 157269  
homes from receiving the reduction or reductions beginning with 157270  
the tax year in which the county auditor makes a final 157271  
determination that the parcel or home is not eligible for such 157272  
reduction or reductions. 157273

(B) A county treasurer shall ensure that any tax bill 157274  
issued under section 323.13 or 4503.06 of the Revised Code in 157275  
that year for a parcel receiving the reduction in taxes 157276  
authorized under division (A) or (B) of section 323.152 or 157277  
section 4503.065 of the Revised Code, as applicable to the 157278  
parcel, clearly informs the owner of the eligibility 157279  
requirements for that applicable reduction and notifies the 157280  
owner of the one-year amnesty for self-reporting improper 157281  
receipt of the reduction provided under division (A) of this 157282  
section. 157283

**Section 759.10.** The Director of Veterans Services shall 157284  
investigate potential sites for the construction of a state 157285  
veterans home in or near the Columbus metropolitan area and 157286  
issue a report on the Director's findings to the General 157287  
Assembly in accordance with section 101.68 of the Revised Code 157288  
and to the Governor no later than September 30, 2026. 157289

The report shall include an evaluation of all relevant 157290  
grant approval criteria for priority-one grant funding under the 157291  
State Veterans Home Construction Grant Program operated by the 157292  
United States Department of Veterans Affairs and authorized 157293  
under 38 U.S.C. 8131 to 8137 and regulated under 38 C.F.R. part 157294  
59. The report also shall include an estimate of the state's 157295

share of facility construction and land acquisition costs under	157296
the grant program for each site.	157297
<b>Section 801.10.</b> Section 4141.29 of the Revised Code, as	157298
amended by this act, applies to valid applications for	157299
determination of benefit rights filed on or after the effective	157300
date of this section.	157301
<b>Section 801.20.</b> (A) The amendment by this act of division	157302
(A) (18) of section 5747.01 of the Revised Code is intended to	157303
clarify the meaning of that division as it existed before the	157304
effective date of this section and is not intended to change its	157305
meaning in any way.	157306
(B) The amendment by this act of division (S) (14) of	157307
section 5747.01 of the Revised Code applies to taxable years	157308
beginning on and after January 1, 2025.	157309
(C) The amendment by this act of divisions (A) (21) and	157310
(31) of section 5747.01 of the Revised Code applies to taxable	157311
years ending on or after the effective date of this section.	157312
<b>Section 801.40.</b> The amendment by this act of section	157313
5747.09 and division (C) of section 5747.43 of the Revised Code	157314
applies to taxable years beginning on or after January 1, 2025.	157315
<b>Section 801.60.</b> The repeal and reenactment by this act of	157316
section 3780.22 of the Revised Code applies on and after July 1,	157317
2025.	157318
<b>Section 801.70.</b> The amendment by this act of sections	157319
5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised	157320
Code involving notice to the tax commissioner applies to	157321
resolutions adopted under sections 5748.02, 5748.021, 5748.08,	157322
and 5748.09 and petitions filed under section 5748.04 of the	157323
Revised Code on or after the effective date of those amendments.	157324

**Section 801.90.** The amendment by this act of division (B) 157325  
of section 5747.43 of the Revised Code applies to taxable years 157326  
beginning on or after January 1, 2026. 157327

**Section 801.100.** The amendment by this act of sections 157328  
5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 157329  
5748.081, and 5748.09 of the Revised Code involving eliminating 157330  
school district income taxes on estates applies to any school 157331  
district income tax, as defined in section 5748.01 of the 157332  
Revised Code, in effect, levied, or renewed on or after January 157333  
1, 2026. The amendments do not invalidate or modify any portions 157334  
of a properly enacted tax in effect on that date, other than 157335  
those applicable to estates. For any school district income tax 157336  
in effect on that date, the school district is not required to 157337  
adopt a new resolution or obtain voter approval for the tax in 157338  
order to effectuate those amendments. 157339

**Section 801.120.** The amendment by this act of every 157340  
portion except the changes to the withholding rate under 157341  
sections 5747.062, 5747.063, and 5747.064 and sections 718.031, 157342  
3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 3770.10, 157343  
3770.25, and 3775.16 of the Revised Code and the enactment by 157344  
this act of sections 3770.074 and 3770.075 of the Revised Code 157345  
apply to amounts deducted and withheld on or after January 1, 157346  
2026. 157347

**Section 801.130.** The amendment by this act of section 157348  
5747.071 of the Revised Code applies to withholding requests 157349  
made under that section on or after January 1, 2027. 157350

**Section 801.150.** The enactment by this act of section 157351  
5747.073 of the Revised Code applies to income tax withholding 157352  
returns, reports, or payments filed or remitted on or after 157353  
January 1, 2026. 157354

**Section 801.160.** The amendment by this act of section 157355  
5739.07 of the Revised Code applies to refunds made pursuant to 157356  
applications that are filed on or after the effective date of 157357  
this section. 157358

**Section 801.170.** The amendment by this act of section 157359  
5739.132 of the Revised Code applies to refunds allowed on and 157360  
after the effective date of that amendment. 157361

**Section 801.180.** The amendment by this act of section 157362  
5747.38 of the Revised Code applies to taxable years ending on 157363  
or after January 1, 2025. 157364

**Section 801.190.** The amendment by this act of section 157365  
718.01 of the Revised Code applies to taxable years ending on or 157366  
after the effective date of this section. 157367

**Section 801.210.** The amendment by this act of division (A) 157368  
(1) of section 5749.02 of the Revised Code applies to calendar 157369  
quarters ending on or after the effective date of this section. 157370

**Section 801.220.** The amendment by this act of section 157371  
3735.67 of the Revised Code applies to all agreements entered 157372  
into under section 3735.671 of the Revised Code on or after 157373  
January 1, 2025. The amendment by this act of section 3735.671 157374  
of the Revised Code applies to agreements entered into under 157375  
that section before, on, or after the effective date of this 157376  
section. 157377

**Section 801.240.** The amendment by this act of division (B) 157378  
(1) of section 5739.12 of the Revised Code applies to returns 157379  
required to be filed on and after January 1, 2026. 157380

**Section 801.250.** (A) The amendment by this act of division 157381  
(EE) of section 5747.01 of the Revised Code applies to taxable 157382  
years beginning on and after January 1, 2026. 157383

(B) The amendment by this act of division (E) (7) of 157384  
section 5751.01 of the Revised Code applies to tax periods 157385  
beginning on and after January 1, 2026. 157386

**Section 801.260.** The amendment by this act of section 157387  
5739.02 of the Revised Code, except division (B) (13) of that 157388  
section, applies on and after January 1, 2026. 157389

**Section 801.270.** The amendment by this act of division (B) 157390  
(8) of section 5739.01 of the Revised Code applies on and after 157391  
January 1, 2026. 157392

**Section 801.280.** The amendment by this act of division (E) 157393  
(1) of section 319.301 of the Revised Code applies to tax years 157394  
beginning on or after the effective date of this section. 157395

**Section 801.290.** The amendment by this act of section 157396  
5713.34 of the Revised Code applies to the conversion of land 157397  
devoted exclusively to agricultural use, as defined in section 157398  
5713.30 of the Revised Code, occurring on or after the effective 157399  
date of this section. 157400

**Section 801.300.** The amendment by this act of sections 157401  
133.18, 3318.06, 3318.061, 3318.062, 3318.063, 3318.36, 3318.45, 157402  
5705.194, 5705.21, 5705.215, 5705.2111, and 5705.2113 of the 157403  
Revised Code requiring two-thirds of a school board or other 157404  
governing body to approve the submission of a tax levy to voters 157405  
applies to elections held on or after the one hundredth day 157406  
after the effective date of this section. 157407

**Section 801.310.** (A) Except as otherwise provided in 157408  
Sections 801.70, 801.100, and 801.300 of this act, the amendment 157409  
by this act of sections 133.18, 306.32, 306.322, 345.01, 345.03, 157410  
345.04, 505.37, 505.48, 505.481, 511.28, 511.34, 513.18, 157411  
755.181, 1545.041, 1545.21, 1711.30, 3311.50, 3318.01, 3318.06, 157412

3318.061, 3318.062, 3318.063, 3318.361, 3318.45, 3381.03, 157413  
4582.024, 4582.26, 5705.01, 5705.03, 5705.17, 5705.21, 5705.212, 157414  
5705.213, 5705.215, 5705.217, 5705.218, 5705.219, 5705.2111, 157415  
5705.2114, 5705.233, 5705.25, 5705.251, 5705.261, 5705.55, 157416  
5748.01, 5748.02, 5748.03, 5748.08, and 5748.09 of the Revised 157417  
Code applies to elections held on or after January 1, 2026, 157418  
except as otherwise provided in those amendments. 157419

(B) As used in this division, "former section 5705.192 of 157420  
the Revised Code" means section 5705.192 of the Revised Code as 157421  
it existed before the effective date of its repeal by this act. 157422

If a taxing authority, as defined in former section 157423  
5705.192 of the Revised Code, acts under that section prior to 157424  
its repeal by this act to replace an existing levy and submit 157425  
the question to electors at an election held before January 1, 157426  
2026, then a board of elections shall proceed to submit that 157427  
question in accordance with that former section, notwithstanding 157428  
the effective date of its repeal by this act. No replacement of 157429  
a tax proposed under former section 5705.192 of the Revised Code 157430  
shall be submitted to electors at an election held on or after 157431  
January 1, 2026. 157432

**Section 801.320.** The amendment or enactment by this act of 157433  
sections 307.696, 307.697, 4301.421, 5743.024, 5743.323, 157434  
5743.511, 5743.621, and 5743.631 of the Revised Code applies to 157435  
any proceedings commenced after the effective date of this 157436  
section, and, so far as their provisions support the actions 157437  
taken, also apply to proceedings that on that effective date are 157438  
pending, in progress, or completed, notwithstanding the 157439  
applicable law previously in effect or any provision to the 157440  
contrary in a prior resolution, ordinance, order, advertisement, 157441  
notice, or other proceeding. Any proceedings pending or in 157442

progress on that effective date of that amendment or enactment 157443  
shall be deemed to have been taken in conformity with the 157444  
amendment or enactment. 157445

**Section 801.330.** The amendment by this act of division (A) 157446  
(43) of section 5747.01 of the Revised Code is remedial in 157447  
nature and applies to taxable years beginning on or after 157448  
January 1, 2024, including any petition for reassessment or 157449  
appeal thereof pending on or after the effective date of this 157450  
section. A taxpayer who previously added amounts under division 157451  
(A) (43) of section 5747.01 of the Revised Code, as that division 157452  
existed before the effective date of this section, may file an 157453  
amended return to revise the addition consistent with the 157454  
amendment by this act. Such amended returns must be filed within 157455  
one year after the effective date of this section. 157456

**Section 801.340.** The amendment by this act of sections 157457  
718.05 and 718.85 of the Revised Code applies to returns 157458  
required to be filed on or after January 1, 2026. 157459

**Section 801.350.** The amendment by this act of division (L) 157460  
of section 5739.01 of the Revised Code applies beginning the 157461  
first day of the first month after the effective date of this 157462  
section. 157463

**Section 805.10. SEVERABILITY** 157464

The items of law contained in this act, and their 157465  
applications, are severable. If any item of law contained in 157466  
this act, or if any application of any item of law contained in 157467  
this act, is held invalid, the invalidity does not affect other 157468  
items of law contained in this act and their applications that 157469  
can be given effect without the invalid item of law or 157470  
application. 157471

<b>Section 810.10.</b> NO EFFECT AFTER END OF BIENNIUM	157472
An item of law, other than an amending, enacting, or	157473
repealing clause, that composes the whole or part of an	157474
uncodified section contained in this act has no effect after	157475
June 30, 2027, unless its context clearly indicates otherwise.	157476
<b>Section 820.10.</b> Sections of this act prefixed with numbers	157477
in the 200s, 300s, 400s, and 500s of this act are exempt from	157478
the referendum under Ohio Constitution, Article II, Section 1d,	157479
and therefore take immediate effect when this act becomes law.	157480
<b>Section 820.20.</b> The amendment, enactment, or repeal by	157481
this act of the sections listed below is exempt from the	157482
referendum under Ohio Constitution, Article II, section 1d and	157483
section 1.471 of the Revised Code and therefore takes effect	157484
immediately when this act becomes law or, if a later effective	157485
date is specified below, on that date.	157486
Sections 131.51, 3302.03, 3310.41, 3319.51, 3780.02,	157487
3780.03, 3780.10, 3780.18, 3780.19, 3780.22, 3780.23, 3780.26,	157488
3780.30, 4743.05, 4927.01, 4927.22, 5119.211, 5124.15, 5709.93,	157489
and 5751.02 of the Revised Code.	157490
<b>Section 820.30.</b> SUBJECT TO REFERENDUM	157491
Except as otherwise provided in this act, the amendment,	157492
enactment, or repeal by this act of a section is subject to the	157493
referendum under Ohio Constitution, Article II, section 1c and	157494
therefore takes effect on the ninety-first day after this act is	157495
filed with the Secretary of State or, if a later effective date	157496
is specified below, on that date.	157497
<b>Section 820.60.</b> Sections 3312.01, 3312.02, 3312.03,	157498
3312.04, 3312.05, 3312.06, 3312.07, 3312.08, 3312.09, 3312.10,	157499
and 3312.13 of the Revised Code as amended, enacted, reenacted,	157500

and repealed by this act take effect on July 1, 2026. 157501

**Section 820.70.** Section 1547.54 of the Revised Code, as 157502  
amended by this act, takes effect January 1, 2027. 157503

**Section 820.80.** Section 127.13 of the Revised Code as 157504  
amended by this act take effect on January 1, 2026. 157505

**Section 820.90.** Section 2303.201 of the Revised Code as 157506  
amended by this act takes effect six months after the effective 157507  
date of this section. 157508

**Section 820.100.** Sections 3305.05 and 3305.053 of the 157509  
Revised Code, as amended by this act, take effect one year after 157510  
the effective date of this section. 157511

**Section 820.110.** Sections 107.032 to 107.034 of the 157512  
Revised Code, as amended or enacted by Section 101.01 of this 157513  
act, take effect July 1, 2026. 157514

**Section 820.120.** The enactment by this act of sections 157515  
3313.902, 3314.38, and 3345.86 of the Revised Code takes effect 157516  
July 1, 2026. 157517

**Section 830.10.** The General Assembly, applying the 157518  
principle stated in division (B) of section 1.52 of the Revised 157519  
Code that amendments are to be harmonized if reasonably capable 157520  
of simultaneous operation, finds that the following sections, 157521  
presented in this act as composites of the sections as amended 157522  
by the acts indicated, are the resulting versions of the 157523  
sections in effect prior to the effective date of the sections 157524  
as presented in this act: 157525

Section 123.28 of the Revised Code as amended by both H.B. 157526  
64 and H.B. 141 of the 131st General Assembly. 157527

Section 149.43 of the Revised Code as amended by H.B. 265, 157528

H.B. 315, S.B. 29, and S.B. 109, all of the 135th General Assembly.	157529 157530
Section 173.38 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.	157531 157532
Section 173.381 of the Revised Code as amended by both H.B. 110 and S.B. 217 of the 134th General Assembly.	157533 157534
Section 323.152 of the Revised Code as amended by both H.B. 33 and S.B. 43 of the 135th General Assembly.	157535 157536
Section 505.37 of the Revised Code as amended by both H.B. 315 and H.B. 496 of the 135th General Assembly.	157537 157538
Section 1901.31 of the Revised Code as amended by both H.B. 33 and S.B. 21 of the 135th General Assembly.	157539 157540
Section 2925.14 of the Revised Code as amended by both H.B. 29 and S.B. 95 of the 135th General Assembly.	157541 157542
Section 2929.12 of the Revised Code as amended by both H.B. 234 and H.B. 531 of the 135th General Assembly.	157543 157544
Section 2929.15 of the Revised Code as amended by H.B. 110, H.B. 281, and S.B. 288, all of the 134th General Assembly.	157545 157546
Section 3302.03 of the Revised Code as amended by both S.B. 104 and S.B. 168 of the 135th General Assembly.	157547 157548
Section 3314.03 of the Revised Code as amended by H.B. 8, H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, all of the 135th General Assembly.	157549 157550 157551
Section 3326.11 of the Revised Code as amended by H.B. 8, H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234, all of the 135th General Assembly.	157552 157553 157554
Section 3328.24 of the Revised Code as amended by both	157555

S.B. 208 and S.B. 234 of the 135th General Assembly.	157556
Section 3517.11 of the Revised Code as amended by both H.B. 166 and S.B. 107 of the 133rd General Assembly.	157557 157558
Section 3701.79 of the Revised Code as amended by both H.B. 281 and S.B. 157 of the 134th General Assembly.	157559 157560
Section 4141.29 of the Revised Code as amended by both H.B. 49 and H.B. 158 of the 132nd General Assembly.	157561 157562
Section 4501.21 of the Revised Code as amended by both H.B. 315 and S.B. 163 of the 135th General Assembly.	157563 157564
Section 4503.065 of the Revised Code as amended by both H.B. 33 and S.B. 43 of the 135th General Assembly.	157565 157566
Section 4511.213 of the Revised Code as amended by both H.B. 95 and S.B. 127 of the 132nd General Assembly.	157567 157568
Section 4517.01 of the Revised Code as amended by both H.B. 33 and H.B. 195 of the 135th General Assembly.	157569 157570
Section 4725.48 of the Revised Code as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	157571 157572
Section 4731.22 of the Revised Code as amended by both S.B. 95 and S.B. 109 of the 135th General Assembly.	157573 157574
Section 4751.20 of the Revised Code as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.	157575 157576
Section 4758.46 of the Revised Code as amended by both H.B. 113 and H.B. 230 of the 131st General Assembly.	157577 157578
Section 5101.35 of the Revised Code as amended by both H.B. 33 and S.B. 21 of the 135th General Assembly.	157579 157580
Section 5117.07 of the Revised Code as amended by both	157581

H.B. 283 and S.B. 3 of the 123rd General Assembly.	157582
Section 5122.03 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly.	157583 157584
Section 5122.15 of the Revised Code as amended by both H.B. 7 and H.B. 281 of the 134th General Assembly.	157585 157586
Section 5123.169 of the Revised Code as amended by H.B. 263 of the 133rd General Assembly and S.B. 3 of the 134th General Assembly.	157587 157588 157589
Section 5123.41 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	157590 157591
Section 5123.42 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	157592 157593
Section 5739.01 of the Revised Code as amended by both H.B. 315 and S.B. 196 of the 135th General Assembly.	157594 157595
Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.	157596 157597
Section 5747.01 of the Revised Code as amended by both H.B. 101 and S.B. 154 of the 135th General Assembly.	157598 157599
Section 6111.04 of the Revised Code as amended by both H.B. 49 and S.B. 2 of the 132nd General Assembly.	157600 157601